

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 12 March 2008

The Council met at Eleven o'clock

MEMBERS PRESENT:

THE PRESIDENT

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

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

THE HONOURABLE ALBERT HO CHUN-YAN

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

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

THE HONOURABLE MARGARET NG

THE HONOURABLE JAMES TO KUN-SUN

THE HONOURABLE CHEUNG MAN-KWONG

THE HONOURABLE CHAN YUEN-HAN, S.B.S., J.P.

THE HONOURABLE BERNARD CHAN, G.B.S., J.P.

THE HONOURABLE LEUNG YIU-CHUNG

THE HONOURABLE SIN CHUNG-KAI, S.B.S., J.P.

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

THE HONOURABLE WONG YUNG-KAN, S.B.S., J.P.

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

DR THE HONOURABLE YEUNG SUM, J.P.

THE HONOURABLE LAU CHIN-SHEK, J.P.

THE HONOURABLE LAU KONG-WAH, J.P.

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

THE HONOURABLE MIRIAM LAU KIN-YEE, G.B.S., J.P.

THE HONOURABLE EMILY LAU WAI-HING, J.P.

THE HONOURABLE CHOY SO-YUK, J.P.

THE HONOURABLE ANDREW CHENG KAR-FOO

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

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

THE HONOURABLE TOMMY CHEUNG YU-YAN, S.B.S., 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

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

THE HONOURABLE DANIEL LAM WAI-KEUNG, 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 WONG TING-KWONG, B.B.S.

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

THE HONOURABLE CHIM PUI-CHUNG

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

THE HONOURABLE ALBERT JINGHAN CHENG, J.P.

THE HONOURABLE KWONG CHI-KIN

THE HONOURABLE TAM HEUNG-MAN

THE HONOURABLE MRS ANSON CHAN, G.B.M., J.P.

MEMBERS ABSENT:

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

THE HONOURABLE MRS SELINA CHOW LIANG SHUK-YEE, G.B.S., J.P.

THE HONOURABLE CHAN KAM-LAM, S.B.S., J.P.

THE HONOURABLE MRS SOPHIE LEUNG LAU YAU-FUN, G.B.S., J.P.

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

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

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

THE HONOURABLE LI KWOK-YING, M.H., 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 CHEUNG HOK-MING, S.B.S., J.P.

PUBLIC OFFICERS ATTENDING:

THE HONOURABLE HENRY TANG YING-YEN, G.B.S., J.P.
THE CHIEF SECRETARY FOR ADMINISTRATION

THE HONOURABLE MICHAEL SUEN MING-YEUNG, G.B.S., J.P.
SECRETARY FOR EDUCATION

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

THE HONOURABLE DENISE YUE CHUNG-YEE, G.B.S., J.P.
SECRETARY FOR THE CIVIL SERVICE

THE HONOURABLE EVA CHENG, J.P.
SECRETARY FOR TRANSPORT AND HOUSING

CLERKS IN ATTENDANCE:

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

MS PAULINE NG MAN-WAH, ASSISTANT SECRETARY GENERAL

MRS VIVIAN KAM NG LAI-MAN, ASSISTANT SECRETARY GENERAL

MRS JUSTINA LAM CHENG BO-LING, ASSISTANT SECRETARY
GENERAL

TABLING OF PAPERS

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

Subsidiary Legislation/Instruments	<i>L.N. No.</i>
Interpretation and General Clauses Ordinance (Amendment of Schedule 6) Order 2008.....	49/2008
Drug Addiction Treatment Centre (Lai King Correctional Institution) Order	50/2008
Prisons (Amendment) Order 2008.....	51/2008
Rehabilitation Centres (Appointment) (Amendment) Order 2008	52/2008
Training Centre (Consolidation) (Amendment) Declaration 2008	53/2008

Other Papers

No. 77 — Employees Retraining Board
Annual Report 2006-2007

No. 78 — Report of changes to the approved Estimates of Expenditure approved during the third quarter of 2007-2008 (Public Finance Ordinance : Section 8)

No. 79 — The Lord Wilson Heritage Trust
Annual Report 2006-2007

Report of the Bills Committee on The English Schools Foundation (Amendment) Bill 2007

ORAL ANSWERS TO QUESTIONS

PRESIDENT (in Cantonese): Questions. First Question.

Overtime Allowance for Staff of Government Departments and Subvented Organizations

1. **MR MARTIN LEE** (in Cantonese): *Madam President, will the Government inform this Council:*

- (a) of the expenditure of each government department on overtime allowance (OTA) in the past five years;*
- (b) in the past five years, whether it had uncovered any cases of misuse of OTA, and how it ensures that various government departments and subvented organizations make good use of the allowance; and*
- (c) whether the authorities will consider establishing a mechanism for returning the balance of the annual allocation for OTA to the Treasury?*

SECRETARY FOR THE CIVIL SERVICE (in Cantonese): President, the administration and control of overtime (OT) work undertaken by civil servants in government bureaux and departments (hereafter referred to as departments) are governed by the relevant Civil Service Regulations, Civil Service Bureau circulars or circular memoranda. Heads of Department (HoDs) have a responsibility to determine the staff complement required to deliver departmental services efficiently and effectively. OT work may be undertaken only when it is strictly unavoidable. It is an HoD's duty to ensure that OT work is kept to the absolute minimum compatible with operational requirements, and that it is strictly controlled and properly supervised.

With regard to the subvented sector, the determination of remuneration and whether to provide OTA to staff working in subvented bodies are essentially matters between the subvented bodies as employers and their staff as employees. As in the case of other elements in the remuneration package, it would be up to individual subvented bodies to agree with their staff whether the OT work should be compensated and if so by what means. The Government has not mandated subvented bodies to follow the civil service practice in the administration and control of OT work undertaken by their own staff. That said, Controlling Officers (COs) are accountable for the proper use of public funds under their control, including the subventions allocated to their subvented bodies. Having regard to the diversified nature of the subvented bodies, COs have the discretion

to decide what financial control and monitoring system should be put in place to oversee the spending of public money by subvented bodies. While such monitoring systems may vary between subvented bodies in terms of design and substance, the focus nowadays has been moving away from control of itemized expenditure to an outcome-based approach. This is to preserve maximum operational and funding flexibility for the subvented bodies while ensuring that public funds have been properly spent by them for the intended purposes. Under the present subvention policy, most subvented bodies are allowed to accumulate in their reserve up to a specified limit any provisions which remain unspent at the end of a financial year.

My replies to the specific questions with regard to government departments are as follows:

- (a) The expenditure of individual departments on OTA, and Disciplined Services Overtime Allowance (DSOA) for civil servants from 2003-2004 to 2007-2008 are tabulated in the Annex.
- (b) As reported by departments, only a handful of cases of misuse of OTA were uncovered from 2003-2004 to 2007-2008.

To ensure sound administration and control of OT work undertaken by civil servants and proper use of the relevant allowances, we have promulgated the following general rules on OT management:

- (i) OT work may only be undertaken when it is strictly unavoidable, that is, the duties to be performed at the time are essential, the duties must be performed at that time and cannot be deferred, and that the duties concerned cannot be performed by another officer at the time who will not be required to perform OT;
- (ii) Apart from exceptional circumstances which are unforeseen, OT must be authorized in advance by an HoD or an officer who is ineligible for OTA/DSOA and who has been nominated for this purpose by an HoD personally;
- (iii) To avoid habitual OT or accumulation of large amount of uncompensated OT hours by individual officers, HoDs should set a ceiling for the OT hours which an officer may undertake

in a month and the maximum amount of uncompensated OT hours accumulated by an officer at any one time. The general guidelines are that each officer should not work more than 60 hours of OT per month and the accumulated uncompensated OT hours for each officer should not exceed 180 hours;

- (iv) Cases where an officer is required to undertake OT work beyond the stated ceilings should be justified on exceptional or emergency grounds, these cases are subject to approval by an officer at directorate level;
- (v) OT work should normally be compensated by time off in lieu on a one-for-one basis subject to exigencies of service. Where the granting of time-off is, or is likely to be, impracticable within one month of the date on which the OT is worked, OTA and DSOA may be paid to eligible officers respectively;
- (vi) HoDs should put in place suitable control measures. These include the use of standard application form for OT work recording the purpose and location of the OT work, the numbers and ranks of staff involved, the estimated number of OT hours required; proper records showing the location and OT work actually performed on each occasion, and the times at which an officer commences and ceases to work OT; and the records of spot checks by supervisors, and so on;
- (vii) It is an HoD's duty to ensure that adequate procedures are in place in administering OT and authorizing claims for compensation of the OT performed; and
- (viii) HoDs should review the departmental OT situation at least annually and take rectification measures where necessary.

Within the above framework of OT management, departments have been working towards removing unnecessary OT work, better planning of unavoidable OT work as far as possible, granting proper recompense to officers who worked OT and ensuring that

OTA/DSOA are disbursed according to established rules and regulations.

- (c) Under the existing financial arrangement, any unspent provisions under the approved Estimates, including those reserved for OTA or DSOA, will return to the Centre at the close of the financial year.

Annex

Expenditure of Government Bureaux and Departments on OTA and DSOA
for Civil Servants in the Past Five Years

	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008 (Projected expenditure)
	Amount (\$)	Amount (\$)	Amount (\$)	Amount (\$)	Amount (\$)
<i>Government Bureaux</i>					
Chief Executive's Office	2,043,063.16	1,925,682.53	1,517,061.90	1,742,812.36	1,779,900
Civil Service Bureau	187,013.86	251,176.04	270,578.78	396,162.12	351,100
Commerce and Economic Development Bureau (Commerce, Industry and Tourism Branch) (Note 1)	266,599.99	328,659.75	333,068.75	306,914.60	465,400
Commerce and Economic Development Bureau (Communications and Technology Branch)	198,568.64	179,408.60	178,217.30	170,488.28	180,700
Constitutional and Mainland Affairs Bureau	213,103.11	278,617.18	316,121.57	290,588.48	319,700
Development Bureau (Planning and Lands Branch) (Note 2)	338,094.75	374,839.56	392,151.45	304,747.09	314,300
Development Bureau (Works Branch) (Note 3)	391,240.85	383,937.26	398,574.11	336,297.78	195,000
Economic Development and Labour Bureau (Obsolete)	394,658.21	355,802.63	365,773.87	276,135.31	67,773.01
Education Bureau	3,731,510.42	1,174,749.27	935,889.58	1,271,152.48	1,524,400
Environment Bureau					59,300
Food and Health Bureau (Food Branch)					78,400

	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008 (Projected expenditure)
	Amount (\$)	Amount (\$)	Amount (\$)	Amount (\$)	Amount (\$)
Food and Health Bureau (Health Branch) (Note 4)					338,100
Financial Services and the Treasury Bureau (Financial Services Branch)	171,151.89	208,345.96	216,593.62	213,039.55	238,200
Financial Services and the Treasury Bureau (Treasury Branch)	273,497.68	280,423.22	291,849.75	229,551.21	214,000
Health, Welfare and Food Bureau (Obsolete)	457,413.48	370,592.27	279,271.93	375,263.73	
Home Affairs Bureau	580,005.66	592,149.61	530,931.42	406,825.16	411,900
Labour and Welfare Bureau	163,500				
Offices of the Chief Secretary for Administration and Financial Secretary	2,341,286.55	2,309,260.57	2,285,960.01	1,953,288.30	1,961,500
Security Bureau	349,329.78	312,812.07	415,784.95	318,990.53	319,500
Transport and Housing Bureau (Transport Branch) (Note 5)	145,788.17	198,010.95	124,059.81	107,407.06	173,800
<i>Government Departments</i>					
Agriculture, Fisheries and Conservation Department	4,366,620.93	3,811,575.10	5,723,060.61	4,497,630.54	5,621,400
Architectural Services Department	5,212,385.15	4,365,282.35	3,949,261.88	2,588,074.61	2,270,600
Audit Commission	36,389.97	47,724.25	79,276.59	54,905.78	40,500
Auxiliary Medical Service	25,543.86	21,794.97	1,801.40		
Buildings Department	203,618.88	133,547.08	190,581.46	114,777.53	88,600
Census and Statistics Department	2,845,572.26	781,896.34	741,833.34	1,149,205.37	977,500
Civil Aid Service	152,892.36	107,989.97	82,771.69	93,243.11	41,500
Civil Aviation Department	410,605.40	328,328.54	318,072.62	344,729.80	452,300
Civil Engineering and Development Department		1,633,184.31	2,438,198.29	3,922,267.46	3,917,300
Civil Engineering Department (Obsolete)	3,297,906.06	434,806.73			

	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008 (Projected expenditure)
	Amount (\$)	Amount (\$)	Amount (\$)	Amount (\$)	Amount (\$)
Civil Service Training and Development Institute (Obsolete)	102,846.96				
Companies Registry	229,815.18	326,828.51	522,947.59	423,129.69	482,900
Correctional Services Department	984,740.10	1,150,679.49	714,519.49	1,637,028.79	914,600
Customs and Excise Department	36,262,257.95	37,274,590.50	32,433,161.53	35,090,760.16	33,274,500
Department of Health	8,788,144.83	5,089,008.46	5,266,998.46	5,419,105.33	5,440,200
Department of Justice	723,458.31	697,490.69	633,224.30	611,752.32	651,000
Drainage Services Department	20,523,863.72	20,280,160.17	21,976,092.76	20,157,058.58	19,711,600
Electrical and Mechanical Services Department	109,906,891.05	104,014,839.91	109,954,786.82	108,860,368.92	112,887,900
Environmental Protection Department	8,573,689.01	6,274,551.07	7,495,077.89	7,409,888.53	8,162,500
Fire Services Department	6,181,597.30	937,255.46	1,478,162.14	4,358,901.49	4,101,000
Food and Environmental Hygiene Department	13,858,349.87	12,131,367.38	12,259,190.36	11,592,422.56	5,306,100
Government Flying Service	3,620.31	1,966.02	33,313.92	2,192.49	1,100
Government Laboratory	1,633.98	5,515.55	6,120.56	1,631.62	2,800
Government Land Transport Agency (Obsolete)	729,642.25				
Government Logistics Department	2,467,552.74	5,134,449.40	3,520,198.81	4,040,947.90	4,233,100
Government Property Agency	92,956.46	63,852.85	74,600.87	62,862.33	50,000
Government Supplies Department (Obsolete)	31,597.54				
Highways Department	11,087,478.78	9,249,454.00	8,670,504.02	6,582,244.09	5,507,200
Home Affairs Department	3,226,574.32	2,618,540.46	2,620,041.42	2,003,202.88	2,083,000
Hong Kong Observatory	56,574.06	56,816.20	60,913.49	68,301.03	56,000
Hong Kong Police Force	88,856,167.51	87,390,382.23	123,527,001.53	85,735,923.02	76,809,300

	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008 (Projected expenditure)
	Amount (\$)	Amount (\$)	Amount (\$)	Amount (\$)	Amount (\$)
Housing Department	14,329,942.83	12,854,357.71	14,218,957.51	18,077,679.69	19,304,000
Immigration Department	22,228,084.87	21,894,066.62	20,856,209.47	23,608,945.91	27,568,900
Independent Commission Against Corruption	14,493,397.78	18,042,630.13	12,687,103.26	12,875,899.40	12,885,600
Independent Police Complaints Council	39,865.87	35,059.36	36,139.45	141,313.91	46,800
Information Services Department	816,813.68	666,579.31	657,864.28	723,278.21	499,600
Inland Revenue Department	5,738,730.54	5,381,952.57	4,415,229.90	3,147,976.90	3,521,700
Innovation and Technology Commission	62,101.47	62,188.56	64,947.16	60,958.80	69,200
Intellectual Property Department	110,919.56	175,206.45	160,251.58	118,037.65	211,200
Invest Hong Kong	92,817.41	84,153.09	100,013.72	80,373.57	86,300
Joint Secretariat For Advisory Bodies on Civil Service and Judicial Salaries and Conditions Of Service	52,799.73	41,027.35	10,741.44	1,631.63	1,700
Judiciary	1,303,226.24	1,183,406.32	1,133,958.15	1,168,981.51	1,203,500
Labour Department	596,568.43	564,972.19	648,659.10	645,864.42	555,800
Lands Department	1,413,053.92	1,273,755.54	1,184,434.21	1,316,380.65	1,333,800
Land Registry	31,360.63	2,442,738.49	7,195,518.87	1,275,145.80	9,112,600
Legal Aid Department	319,810.81	339,519.54	290,994.34	288,418.90	196,000
Leisure and Cultural Services Department	20,761,413.21	18,037,007.74	21,533,775.50	18,845,911.41	23,134,400
Marine Department	9,414,951.39	5,841,468.45	4,512,175.93	4,094,126.02	3,429,000
Office of the Government Chief Information Officer	309,172.24	154,108.88	127,584.09	123,882.21	145,700
Office of the Telecommunications Authority	290,053.48	292,174.82	592,137.02	448,109.12	242,400
Official Languages Agency (Obsolete)	30,645.40				
Official Receiver's Office	97,108.71	121,243.84	62,660.06	51,611.93	81,200
Planning Department	205,313.86	178,774.34	148,605.42	217,940.46	231,400
Post Office	149,477,896.44	129,250,427.53	133,370,663.85	154,589,553.07	197,597,700
Printing Department (Obsolete)	1,400,550.16				

	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008 (Projected expenditure)
	Amount (\$)	Amount (\$)	Amount (\$)	Amount (\$)	Amount (\$)
Public Service Commission	96,940.00	93,940.00	100,355.40	95,097.60	97,600
Radio Television Hong Kong	1,302,387.44	1,093,542.16	930,162.14	821,962.33	608,900
Rating and Valuation Department	373,111.61	475,079.26	275,732.59	246,371.13	150,500
Registration and Electoral Office	244,908.99	262,515.66	85,818.29	135,284.38	186,800
Secretariat, Commissioner on Interception of Communications and Surveillance				35,126.00	85,400
Social Welfare Department	615,130.68	468,210.91	409,482.58	545,405.48	822,000
Student Financial Assistance Agency	256,774.73	251,647.61	210,620.39	166,145.95	187,200
Television and Entertainment Licensing Authority	24,658.65	16,180.78	12,509.05	8,067.44	9,800
Territory Development Department (Obsolete)	150,211.80	45,734.07			
Trade and Industry Department	846,119.40	380,850.75	654,810.61	221,414.15	255,900
Transport Department	1,083,406.13	1,030,397.62	1,355,842.45	1,988,439.28	3,021,200
Treasury	1,166,637.01	475,449.99	588,762.96	1,257,566.43	682,900
University Grants Committee	177,139.23	127,992.28	105,069.95	157,672.33	133,000
Water Supplies Department	55,334,563.11	56,259,744.40	56,659,952.65	54,962,387.33	44,427,600
<i>Total</i>	<i>646,611,900.74</i>	<i>593,786,449.78</i>	<i>639,021,346.01</i>	<i>618,065,180.97</i>	<i>654,368,273.01</i>

Notes:

- Subsequent to the re-organization of bureaux with effect from 1 July 2007, Commerce and Economic Development Bureau (Commerce, Industry and Tourism Branch) has taken up the portfolios of the then Economic Development and Labour Bureau in respect of tourism.
- The figures include the OT expenditure incurred by the Works Branch of the then Environment, Transport and Works Bureau prior to the re-organization in July 2007.
- The figures include the OT expenditure incurred by the Planning and Lands Branch of the then Housing, Planning and Lands Bureau prior to the re-organization in July 2007.
- The figure includes the OT expenditure incurred by the Health and Welfare Branch of the then Health, Welfare and Food Bureau from 1 April 2007 to 30 June 2007.
- The figures include the OT expenditure incurred by the Transport Branch of the then Environment, Transport and Works Bureau prior to the re-organization in July 2007.

MR MARTIN LEE (in Cantonese): *Madam President, based on such a detailed reply as one given by the Secretary, there should already be a good monitoring mechanism in the Government and the expenditure on OTA would not be too much. However, the press has recently directed queries at three departments in particular because their expenditure in this area is stunning. The Immigration Department is the department which has a relatively smaller amount of expenditure in this respect with an amount of some \$20 million and the projected expenditure for this year is \$27 million. The next department with such a serious situation is the Water Supplies Department and the average expenditure over the past five years was over \$55 million. The most serious is the Post Office with a projected expenditure of \$197 million for the current year. This is almost \$200 million and it is really a huge sum. Since the Government has such a tight control in this respect, why do such shortcomings appear? Does this reflect the criticism made by the press that the COs of the departments concerned do not care at all and even go to such an extreme as to encourage the staff to make use of this disbursement as much as possible?*

SECRETARY FOR THE CIVIL SERVICE (in Cantonese): President, the three departments which Mr LEE has just mentioned do have their own special features. Some of the work done by the Immigration Department and the Post Office is seasonal. In the case of the Immigration Department, we know that before and after the "golden week" holidays on the Mainland, it is the peak time for mainland visitor arrival and departure. In addition, the long holidays in Hong Kong are a peak time for the return and departure of Hong Kong residents as well. As the workload is subject to seasonal changes, therefore, it would not be appropriate to deploy civil servants on any long-term appointment to assume such duties.

There is a similar seasonal fluctuation in the work of the Post Office. Whenever it comes to festivals like Christmas, or when listed companies issue their annual reports, or during election time, the workload of the Post Office will surge drastically. As such work does not appear at all times during the year, it would also not be proper for us to increase the manpower establishment to cope with such work prompted by seasonal changes.

As for the Water Supplies Department, I think Members will understand that service is often delivered during contingencies such as in the case of a burst pipe or any urgent request for repair and maintenance of the supply of potable

water. Often our colleagues from the Water Supplies Department will provide services round the clock. Events like machine failure, emergency water mains repair and so on cannot be predicted in advance, so we consider that these emergency services should not be provided through an increase in the long-term establishment. Therefore, the greater expenditure in OTA in these three departments is due to the rather special circumstances which I have described above.

MR KWONG CHI-KIN (in Cantonese): *President, I wish to follow up the supplementary question raised by Mr Martin LEE just now. From the annex we can see that the expenditure on OTA of two departments is more than \$100 million. One of them is the Electrical and Mechanical Services Department, but as it has a trading fund, so I do not want to discuss it specifically. Another is the Post Office which Mr Martin LEE has mentioned earlier. From the figures for a number of years as supplied by the Government, it can be seen that rise in the OTA is incredible and it is more than \$100 million a year. Last year it was some \$150 million and it is estimated that it would be some \$197 million this year. The Secretary has just said that there is a seasonal factor in the workload. I would think that this cannot be offered as an explanation, for the reason that no OTA in any big company would incur such a huge sum of money as this. Would the Secretary think that there is something wrong with the management? Would consideration be made to convert the non-civil service contract workers in the Post Office into permanent staff? This is obviously due to the fact that there is insufficient manpower in the establishment that accounts for such a large number of OT work. Will the Government conduct a review of this policy, that is, hire more permanent staff?*

SECRETARY FOR THE CIVIL SERVICE (in Cantonese): *President, I am grateful to Mr KWONG for raising this question.*

First, I wish to make a clarification and that is: the hiring of non-civil service contract staff and the OTA for civil servants are two different matters. With respect to the Post Office, I have pointed out when I replied to the supplementary question raised by Mr Martin LEE that some of the work of the Post Office would fluctuate according to the seasons. I also understand that the management of the Post Office is also very concerned about the expenditure on OT work incurred every year. In a bid to check and contain the growth in

OTA, the management has always been studying how the workflow can be streamlined, for example, by the use of more advanced mail-sorting machines, thereby reducing the need for manual work, hence also the need for civil servants to do OT work. I am sure the Post Office will continue to look into how the work procedures can be streamlined and how more advanced machines can be used to replace manual work.

MR KWONG CHI-KIN (in Cantonese): *The Secretary has not answered my question. My question is whether a review will be conducted of the establishment and if it is found that manpower is not sufficient, then more permanent staff should be hired.*

SECRETARY FOR THE CIVIL SERVICE (in Cantonese): President, under our existing mechanism, the HoDs will conduct an annual review of the manpower needs in their respective departments. After a review is conducted by the HoDs, if it is thought that the establishment is excessive, suggestion will be made to reduce the establishment. If it is found that the establishment is not sufficient, the internal mechanism will be resorted to and application will be made to the SAR Government to increase posts in the civil service establishment. So at least one manpower needs assessment will be conducted by every department every year.

MR VINCENT FANG (in Cantonese): *President, the Secretary in her reply states that the work in some departments is seasonal and if there is such a need for it, would the Secretary consider contracting out some work of certain departments or increasing the number of temporary staff?*

SECRETARY FOR THE CIVIL SERVICE (in Cantonese): President, I am grateful to Mr FANG for raising this question.

The major policy of the Government is to practise "a small government and a big market". Therefore, our policy is that whenever a department thinks it fit and proper, it would contract out certain services and leave the service delivery to contractors, instead of through government employees. This major policy is now being taken up by every department. In the course of putting this

policy into practice, we have to take into account certain fine details such as in terms of policy, we may have to decide whether or not services are to be delivered by contracting services out. However, if we do that, would there be manpower surplus among the civil servants for the time being as a result? If so, we may have to do some fine-tuning with respect to time in order that there would not be any redundancy in the civil service establishment because of the contracting out of services. As our guiding principle is to abide by the "small government, big market" principle, so whenever contracting out services is possible, and provided that other considerations can be met, we will contract out services.

As for hiring short-term staff to assist in our seasonal work, we are using this practice. That is why we have a non-civil service contract staff scheme. The scheme allows departments to consider hiring non-civil service staff with a fixed period of employment besides resorting to OT work to cope with a sudden surge in seasonal work.

MISS TAM HEUNG-MAN (in Cantonese): *As I can see from the annex, for many departments such as the Customs and Excise Department, the Government Logistics Department, the Housing Department and so on, if their expenditure on OTA in 2005-2006 and 2006-2007 is compared, that for 2006-2007 is greater. Is this due to the introduction of the five-day working week, that is, the switch from five and a half days to five days, hence causing an increase in working hours?*

SECRETARY FOR THE CIVIL SERVICE (in Cantonese): President, I would like to thank Miss TAM for bringing up this question.

We observe two basic principles when we practise the five-day working week and they are: no additional manpower resources should be involved and no reduction in the prescribed number of working hours of the serving staff should be allowed. So if there are fluctuations in the OTA from year to year, they are not caused by our adoption of the five-day working week mode.

PRESIDENT (in Cantonese): We have spent more than 17 minutes on this question. Now the last supplementary question.

MR JAMES TIEN (in Cantonese): *President, during the Arts Festival held recently, I could often see many cars with AM licence plates outside the entrance to the Cultural Centre waiting to pick up public officers. My question is: of the around \$600 million OTA expenditure spent every year, does the Government calculate the amount paid to drivers, and whether or not the relevant spending should be counted as OTA when public officers attend Arts Festival performances in their official capacity or just out of their personal interest?*

SECRETARY FOR THE CIVIL SERVICE (in Cantonese): President, I think I can look the matter up with the Treasury. But I do not think we can break up from such figures the OTA paid by the Government to a certain rank such as drivers for a particular year. As far as I know, the design of the computer programmes used by the Treasury cannot accommodate such calculation needs. Having said that, I will confirm with the Treasury later to see if my understanding is correct or not. If it turns out that I am wrong and such expenses can be calculated, then, President, I will give a written reply to the Member. (Appendix I) But if our computers cannot make such calculations, then I am sorry, we cannot provide any information on that.

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

MR JAMES TIEN (in Cantonese): *President, for public officers to attend Arts Festival events, some of the events may be of an official or a formal nature. When they attend such functions, can their drivers apply for OTA?*

PRESIDENT (in Cantonese): This is indeed part of the original supplementary question.

SECRETARY FOR THE CIVIL SERVICE (in Cantonese): Sorry, I have missed that point in my reply.

Under the terms and conditions of appointment for directors of bureaux, each director of bureau is permitted to use government vehicles 24 hours a day,

irrespective of official or private business. So if a certain director of bureau wants chauffeur service, his or her chauffeur will of course have to work. Even if the director of bureau attends a private reception in the evening, the chauffeur may apply for OTA.

As for all other civil servants, including civil servants of the highest rank, that is, the permanent secretaries, they may only use government vehicles on official business. If a civil servant, for example, a permanent secretary, is to attend a concert or reception on official business (Appendix 1), he or she may ride in a government vehicle. And the chauffeur who drives that government vehicle may apply for OTA. Oftentimes such things happen because the civil servant thinks certain functions are necessary in forging or maintaining ties with the stakeholders and so he or she accepts the invitation of such stakeholders and attend a reception. In such circumstances, the civil servant may use a government vehicle.

PRESIDENT (in Cantonese): Second question.

Structural Safety Guarantee for Tenants Purchase Scheme Flats

2. **MR WONG KWOK-HING** (in Cantonese): *President, I earlier received complaints from flat owners of the Hong Kong Housing Authority's (HA) Tenants Purchase Scheme (TPS) that the seven-year Structural Safety Guarantee (SSG) provided by the HA for their flats will expire soon, but the buildings in their estates still have problems of exposed reinforcement steel and leaking drainage pipes. In this connection, will the Government inform this Council:*

- (a) *whether the HA, as the principal owner of TPS estates, will, before the SSG period expires, take the initiative in inspecting the buildings concerned and carrying out repairs for those with such a need; if it will not, of the reasons for that;*
- (b) *given that the Housing Department has indicated to me that the HA representatives sitting on the management committees (MCs) of the owners' corporations (OCs) of TPS estates "will, as far as possible, encourage the owners to place the overall interests of the estates concerned above all else, so as to protect the interests of all*

owners", of the specific role played by such representatives (whether it includes proposing, on behalf of tenants and other OC members who are not members of MCs, at meetings of OCs that structural maintenance works be conducted for the buildings concerned as well as closely monitoring the quality and effectiveness of the relevant repair works); and

- (c) *in the past 10 years, of the items in respect of which major or estate-wide maintenance works for TPS estates had been conducted by the HA within the above SSG period, the number of households which benefited from such works and the criteria for deciding to conduct such works?*

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): The HA has provided a seven-year SSG for all estates sold under the TPS. During the guarantee period, the HA is responsible for all structural repair and maintenance works relating to structural components such as columns, beams, walls and floor slabs, including repair works for spalling and cracking, in order to ensure the overall structural integrity of the buildings. During the guarantee period, TPS owners are responsible for non-structural repair works in their estates. When the HA sold the TPS flats, it made a one-off contribution equivalent to \$14,000 per residential unit to a Maintenance Fund for each TPS estate to meet the expenses of post-sale maintenance works such as those in common areas including corridors, roofs and external walls of buildings, and replacement of water pipes, and so on.

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

- (a) Prior to the sale of all TPS estates, the HA carried out comprehensive investigation and completed all necessary structural and non-structural repair works including repairs for concrete spalling, water seepage through windows and escalators. The HA also invited residents to report the defects inside their flats in order to arrange appropriate repairs before the sale. As a result, all TPS estates were sold in good condition. Generally speaking, there would be no need for large-scale structural repair works in these estates in the short term.

As in the case of private properties, TPS estates are managed by OCs which hire management companies to deal with daily estate management. Whether structural investigation is required for individual estates is for the OCs to decide taking into account the actual need. The management companies have the responsibility to monitor the overall conditions of the buildings (especially the common areas), report to the OCs in a timely manner and recommend necessary structural investigation and maintenance. Through the work of the OCs and regular meetings of their MCs, the HA and the other owners jointly supervise and monitor the work of the management companies and assess the need for structural investigation and repair works where necessary, in order to ensure that the overall conditions of the buildings are satisfactory.

In addition, as a major owner in the TPS estates, the HA monitors the conditions of the unsold flats and common areas of the buildings through proactive investigation under the Total Maintenance Scheme, reports from tenants on defects identified inside their flats and normal inspections, and takes appropriate follow-up actions. If other owners have identified any problems suspected to be related to building structure during the seven-year SSG period, they may inform the Housing Department through the management companies for follow-up and maintenance. Through participation in regular meetings of the OCs and their MCs, the representatives of the HA will also remind the owners to report relevant repair items before the expiry of the SSG period.

- (b) As owner of the unsold flats, the HA appoints representatives to serve as members of the MCs of the OCs. The representatives of the HA attend meetings of the MCs and general meetings, participate in estate management work together with other owners including conducting necessary maintenance works and monitoring the quality and effectiveness of maintenance works contractors, and exercise their voting rights when necessary, for example, when appointing contractors in some important works projects. The representatives of the HA participate in the OCs' work with the overall interests of the estate as their overriding consideration, and provide advice to the OCs by drawing on the HA's experience in

estate management. The HA also listens to the views of the tenants on estate management and reflects them to the OCs as appropriate, and encourages the OCs and the management companies to maintain communication with the tenants.

- (c) Under the criteria as stated above, the HA is responsible for all structural repair and maintenance works relating to structural components during the SSG period. As at January 2008, the HA has completed about 6 500 maintenance works items inside the flats and in the common areas of the estates under the seven-year SSG, most of which were repairs for spalling and wall cracking. As the HA has conducted comprehensive structural investigation and maintenance before the sale of the TPS estates, the estates are in good condition and there was no need for any major estate-wide maintenance works in any of the TPS estates in the past decade.

MR WONG KWOK-HING (in Cantonese): *In the main reply, the Secretary clearly stated in the first place that "during the guarantee period, the HA is responsible for all (structural repair and maintenance works) relating to structural components such as columns, beams, walls and floor slabs". But the problem is: Is this really true? I would like to cite an example. The Tsing Yi Estate's guarantee period will expire in 20 days — here I would like to show some photos — some owners have complained about exposed reinforcement steel in floor slabs and beams, some of which will even collapse soon. Despite these problems, the Housing Department has not carried out any maintenance works in the seven-year period. In fact, I have received complaints from more than 230 owners. I have written to the Department informing them that maintenance works have yet to be done despite the expiry of the guarantee period in 20 days. May I, on behalf of the owners, ask the Government whether there is a conspiracy that the Housing Department, which should be responsible for the structural repairs, is trying to shift the burden of repairs and the enormous maintenance expenses onto the small owners by dragging its feet until the expiry of these 20 days? Would the Secretary explain whether the department is dragging its feet until the expiry of the guarantee period? Will it take up the full responsibility as the Secretary said just now? What has been done by the Government?*

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): We will certainly not adopt such an irresponsible attitude. Even though the Housing Department carries out the repair works in response to small owners' requests raised within the seven-year guarantee period under the TPS after the period has expired, I think there is nothing wrong with it. But I would like to point out that apart from the residents, the management companies also play an important role in advising the OCs and their MCs before the expiry of the period. Besides, we can also see that many OCs, 16 of them so far, have hired consultancies to conduct investigation before the expiry of the period. Knowing that some OCs have prepared to do so before the expiry of the guarantee period, I have also encouraged each of them to fully play their role. So, my answer to Mr WONG Kwok-hing's question is: If these structural problems are raised within seven years, we will certainly be responsible for follow-up action.

MR WONG KWOK-HING (in Cantonese): *President, the Secretary has dodged my supplementary question*

PRESIDENT (in Cantonese): Which part of your supplementary question has not been answered? Please repeat that part of your question only.

MR WONG KWOK-HING (in Cantonese): *Yes, thank you, President. The Secretary has not answered why structural repair works have not been carried out in Tsing Yi Estate, the example I just cited, during the SSG period, which have been supported by photos.*

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): During the guarantee period, certain channels have been provided to residents who can, through the OCs

We have, in fact, established a practical procedure by which they can fill in a form and the case will then be followed up by the Housing Department. Regarding this case, I will go back to discuss with my colleagues and see if the residents concerned have lodged applications. As I said just now, we will certainly continue to follow up the case even though the seven-year guarantee period has expired provided that they have lodged the application within the seven-year guarantee period.

MR ALAN LEONG (in Cantonese): *I am afraid that the Secretary has to follow up the case in Tsui Ping Estate in Kwun Tong as well. In a number of cases I have dealt with recently, the Government, meaning the Housing Department, has only adopted some stopgap rather than radical methods to handle the problem during the seven-year guarantee period. Now, as the guarantee period will soon expire by the end of the year, may I ask the Secretary whether the adoption of stopgap measures to deal with the TPS owners' complaints within the seven-year guarantee period is a policy?*

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): It is difficult for me to answer such a general supplementary question, which claims that none of our measures is radical in nature. I believe colleagues in the Housing Department will consider the structural problems in each case and will certainly have other discussions such as whether non-structural problems are involved. This is also a possibility. It has actually set out clearly in the Deed of Mutual Covenant the responsible items of the Maintenance Fund. In the case of structural problems, my colleagues will send professional experts to conduct investigation before deciding on what appropriate measures would be taken. Of course, if structural problems are involved, we will not just adopt stopgap measures. However, if Mr LEONG has received some actual cases, we are most willing to follow up.

MR TOMMY CHEUNG (in Cantonese): *I would like to ask the Secretary a question about leaking drainage pipes which has also been mentioned in the main question but the Secretary's reply only focuses on structural problems. If the leak occurs in drainage pipes on the external wall and can be observed, it is certainly very easy to do repair works. If the leak or the burst occurs in drainage pipes on the internal wall, will these be the responsibility of the HA within the seven-year period? If the flat causing problems cannot be identified, who should pay the repair expenses? Can the Secretary answer this supplementary question?*

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): In the sales brochure and Schedule 5 of the Deed of Mutual Covenant, it has clearly stipulated that one of the responsible items of the Maintenance Fund is the

repairs and replacement of underground drainage pipes. So, regarding the works mentioned by Mr Tommy CHEUNG just now, it should be an item under the responsibility of the Maintenance Fund rather than a structural works project under the SSG we have discussed.

MR WONG YUNG-KAN (in Cantonese): *My present office is in a TPS estate. The Housing Department has carried out pre-sale repair works. The condition of the main drainage pipes cannot be observed externally. Generally speaking, each pipe is connected to three levels of a building. If something goes wrong at the uppermost level, water leakage will also occur at the three levels underneath. If this happens and the Government has not carried out maintenance works before, will the Government conduct an investigation anew and carry out repair works, including the repairs of soil pipes, after the Housing Department has received the owners' report?*

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): We are willing to follow up if there is a specific case. But in principle, comprehensive investigation was conducted before the sale of the estate, and problems, if any, were dealt with at the time. In addition, there is a seven-year guarantee fund to take care of structural problems during the guarantee period. Regarding the seepage of sewage mentioned just now, it is provided in the Deed of Mutual Covenant that it is a responsible item of the Maintenance Fund. If there is any actual case, I believe it can only be categorized after investigation. The most important point is whether it occurs within the seven-year guarantee period. If the answer is yes, I will request my colleagues to follow up.

MR WONG YUNG-KAN (in Cantonese): *For our estate, the seven-year period has almost expired or will soon expire. If the problem occurs due to the unsatisfactory maintenance works by the Government in the past, can the fund be made use of? Now it is said that the fund cannot be utilized and the matter*

PRESIDENT (in Cantonese): Mr WONG Yung-kan, the point you raise now has not been clearly included in your earlier supplementary question. I suggest that you pass the case to the Secretary after the meeting. I am sure she will follow it up.

MR FREDERICK FUNG (in Cantonese): *In part (b) of the main reply, it is mentioned that the HA attends meetings of the MCs in the capacity of owner. Of course, the HA has the voting right. And its vote represents 30% to 45% of the total shares, particularly at the owners' general meetings. Thus, the vote of the HA carries a lot of weight, which can determine the outcome of a voting. May I ask what criteria are adopted by the HA's representatives in the direction of voting? There is a conflict of interest in the voting itself because the Government has to pay the bill for the requests of the residents. Since the HA is holding more than 30% of the shares, the Government has to pay more money. Under such circumstances, will this affect the HA's voting direction? I mean when the residents agree, the HA will oppose and vice versa. What voting criteria are adopted by the HA?*

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): I do not agree that there is a conflict of interest in our participation. On the contrary, our colleagues will draw on their experience and expertise in estate management in a professional manner to help the MCs with their management duties. Mr FUNG has put it right. Our vote is decisive. So, we allow other members of the MCs to make decisions on day-to-day management as far as possible and only assume our role as the major owner on important matters such as the appointment of contractors in works projects, the adjustment of management fees and the election of MC members. However, the major principle is that the overall interests of the estate are our overriding consideration, which is also our voting criterion.

MR FREDERICK FUNG (in Cantonese): *The Secretary has not answered in detail the criteria of voting. The major principle concerns interests. But what about the details of the criteria?*

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

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): As I said just now, we will surely cast our votes on a number of major issues. Very

often, we would rather allow the MCs to discuss and come to conclusion on their own. Otherwise, it will be difficult for the MCs to take up their roles. In fact, they do need a process to grow. So, apart from major issues, the major principle I quoted earlier certainly applies.

PRESIDENT (in Cantonese): This Council has spent more than 18 minutes on this question. Last supplementary question.

MS AUDREY EU (in Cantonese): *President, it is mentioned in part (a) of the main reply that "prior to the sale of all TPS estates, the HA carried out comprehensive investigation". So, "generally speaking, there would be no need for large-scale structural repair works in these estates in the short term." However, in the first paragraph of Mr WONG Kwok-hing's main question, it is mentioned that the seven-year SSG will expire soon, but the buildings in these estates still have problems of exposed reinforcement steel and leaking drainage pipes. These are obviously structural problems.*

Before coming to this meeting, I also saw residents of the two estates mentioned by Mr Alan LEONG and Mr WONG Kwok-hing holding many photos. Mr WONG Kwok-hing also showed us earlier photos of obvious structural problems. So, I would like to ask the Secretary: First, is Mr WONG Kwok-hing's remark in the first paragraph of the main question true, meaning these estates still have structural problems? Does the Secretary agree that there are such problems? Second, if the Secretary agrees, can she explain why? If all works are finished prior to the sale of these estates, generally there should not be any of these problems. Why are there such problems now? Is it because the authorities have only carried out stopgap maintenance works as suggested by Mr Alan LEONG, resulting in the existing unsolved structural problems? Third, can the Government tell us how many estates have such problems? In other words, how many estates are still facing the problem of having unfinished structural maintenance works despite the expiry of the guarantee period?

PRESIDENT (in Cantonese): Ms Audrey EU, you have linked up everything with structural problems in a very skilful way. You have in fact asked three

supplementary questions and the Secretary will take a lot of time to answer them. I will call upon the Secretary to answer them but she may provide written replies if she does not have the relevant information now.

MS AUDREY EU (in Cantonese): *Yes, certainly. Thank you, President.*

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): I believe it is very difficult to draw any conclusion on an individual case now. Our major premise is that we are very willing to follow the cases up should they be brought to our attention. Up till now, we have received a total of 8 000-odd applications. As I said in the main reply, about 6 500 cases have been dealt with while another 500-odd cases are still in progress. We are very willing to see whether we can follow the relevant cases up. However, the most important thing is that we have to examine whether these cases fall within the category of structural works in the guarantee period. Regarding the definition of a structural problem, it has already been clearly provided in the sales brochure. Regarding the Maintenance Fund, we have injected \$14,000 per residential unit to meet the expenses of major maintenance works and daily non-structural works in the next 10 years. For instance, assistance may be obtained from the Maintenance Fund for non-structural works clearly stated in the Deed of Mutual Covenant such as water seepage from ceilings and windows, whitewashing, cracks in wall tiles and floor tiles. At any rate, each case has its unique features and conclusion can only be drawn after investigation.

MS AUDREY EU (in Cantonese): *President, the Secretary has not answered my question. As she said in the first place that all work had been done prior to the sale of the flats, generally speaking, there would be no need for any large-scale structural repair works in the short term. However, it is obvious that there is the need. Even if some of the remaining 500-odd cases do not involve structural repairs, some of them do. So, can she tell us why such a situation has occurred even though generally it should not?*

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): I think the 6 500-odd completed maintenance works items are neither estate-wide problems nor large-scale structural maintenance works. Instead, they are repair

works for spalling and wall cracking only. So, even though investigation and thorough works were carried out seven years ago, it is not surprising that such cases still occur. As I said just now, if there are specific cases, we will take appropriate follow-up actions after investigation.

PRESIDENT (in Cantonese): Third question.

Working Group on Mental Health Services

3. **DR KWOK KA-KI** (in Cantonese): *Madam President, the former Secretary for Health, Welfare and Food informed this Council that the Working Group on Mental Health Services (Working Group) chaired by him had been formed in August 2006 to comprehensively review the existing mental health policy and services, and to formulate the direction for future development of the services. In this connection, will the Government inform this Council:*

- (a) *of the total number of meetings held by the Working Group since its formation and the attendance rates of its members;*
- (b) *whether the Working Group has met with those stakeholders who are related to mental health services or visited the relevant service providers to find out their views on mental health policy and the actual situation of the services concerned; and*
- (c) *what mental health policy and specific recommendations have been put forward by the Working Group after working for more than a year, as well as of the resources required and the timetable for the implementation of such policy and recommendations?*

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

(a) to (c)

The Government's Health, Welfare and Food Bureau set up the Working Group in mid-2006. The Working Group was chaired by me and comprised professionals of medical treatment and

rehabilitation services of mental health, academics of psychiatry and representatives of the Hospital Authority (HA) and the Social Welfare Department (SWD). The first meeting of the Working Group was convened in August 2006 and was attended by all but one members of the Working Group. After the first meeting, I have met with representatives of the Hong Kong College of Psychiatrists and relevant non-governmental organizations to gauge the views of the profession on the development of mental health services.

The main objective of the Working Group is to assist the Government to review the mental health services in Hong Kong and map out the future direction of service in the long term. Since mental illness is a complex health problem and that the mental health services cover both health care and rehabilitation services, I will work closely with the Secretary for Labour and Welfare. The long-term development for mental health services — sorry, Madam President — will be examined and planned under the overall framework of health care reform.

In the short and medium term, we will allocate additional resources and launch new measures on prevention, medical treatment and rehabilitation services, to further improve our mental health services and facilitate early recovery of mental patients and their reintegration into society.

From 2001-2002 to 2006-2007, the Government has provided a total of \$209 million additional funding to the HA and \$39.4 million to the SWD to support a number of new initiatives to improve medical treatment and rehabilitation services for mental health. We have also strengthened education and promotion on mental health, as well as early identification of persons with signs of mental health problems in schools, families and in the community through a number of community-based outreach programmes, with a view to providing early counselling and treatment services.

As regards medical services, the international trend on treatment of mental illness is to shift the focus gradually from in-patient care to community and ambulatory services, and to strengthen the

professional training on primary care and community care to enable psychiatric health care specialists to maintain close collaboration with primary care providers and social services organizations so as to effectively provide integrated and multi-disciplinary services for patients. In the light of this trend, the HA has been reviewing its psychiatric in-patient services in recent years and has stepped up the effort in developing more comprehensive community psychiatric services to progressively allow more suitable mental patients to receive treatment in the community, thereby enhancing their prospect of reintegration into the community after rehabilitation. The HA has also in recent years enhanced its psychiatric outreach services, day hospital services and its psychiatric specialist out-patient services. In addition, the HA has employed more psychiatrists and psychiatric nurses to strengthen the support for psychiatric services, and increased the use of new drugs to improve treatment.

As for rehabilitation services and community support, a number of services launched by the Government in recent years have achieved positive results. For instance, the Community Rehabilitation Day Services provides outreaching occupational therapy for ex-mentally ill persons so as to give them continuous care and support in the community. The "Extending Care Patients Intensive Treatment, Early Diversion and Rehabilitation Stepping Stone" scheme introduced in 2001 has successfully facilitated over 600 long-stay mental patients to return to the community. The "Community Mental Health Link" and "Community Mental Health Care" schemes provide continuous care and support for ex-mentally ill persons and their families/carers, and help the discharged ex-mentally ill persons resolve their adjustment problems. For early identification of elders, children and adolescents who are in need of mental health services, we have launched in the community the "Child and Adolescent Mental Health Community Support Project", "Elderly Suicide Prevention Programme" and "Early Assessment and Detection of Young Persons with Psychosis". The SWD has collaborated with the HA to launch the "Community Mental Health Intervention Project" in October 2007 to provide in-depth outreaching intervention social work services, appropriate counselling service and mental health assessment to those in the

community who may have early signs of mental health problem, or are suspected to have mental health problems.

We will continue to implement new initiatives to strengthen mental health services in 2008-2009. The HA has planned to launch a number of pilot projects, including the provision of round-the-clock community support services for frequently readmitted mental patients so as to reduce their unnecessary admissions and in-patient bed-days; enhancement of psychiatric services in Accident and Emergency Departments to help handle patients with acute condition; and extension of the psychogeriatric outreach services currently provided to subvented residential care homes for the elderly to cover private elderly homes. The HA will also strengthen the services of its Substance Abuse Clinic for drug addicts with mental health problems. To cater for the need of individual district, the SWD will set up an integrated community support centre in Tin Shui Wai to provide one-stop community support services for ex-mentally ill persons and those suspected to have mental problems.

DR KWOK KA-KI (in Cantonese): *Madam President, according to estimation made by psychiatrists, over 700 000 people in Hong Kong suffer from mental illnesses and among them 200 000 people are of a severe condition. The amount of money devoted to mental health now only accounts for 0.24% of the GDP, but the corresponding figures of our neighbouring regions range from 0.75% to 1%. Whenever we touch on this issue, we are ashamed because less than 40% of our patients can take new drugs. When I realize that a psychiatrist has only seven minutes to see a patient and that patients are not prescribed with new drugs, we really want the Secretary to do something.*

In the main reply the Secretary said that, in the one and a half year since then, the Working Group has only convened one meeting. Other than meeting colleagues of the Hong Kong College of Psychiatrists in the beginning, the Secretary has not met with them again. Moreover, more than a year has passed, but there are not yet any recommendations and policy made. May the Secretary tell us when he will convene the second meeting? When will he put forward a set of formal mental health policy to the people of Hong Kong? Several hundred thousands of people are waiting for him to take action.

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Madam President, tomorrow I will announce the framework of Hong Kong's health care reform which will also cover other relevant services. We hold that the set of mental health policy has to be developed from a set of sound health care policy. Thus, we have to discuss the key issue before discussing other so-called purpose-oriented issues. Having gauged the problems in the past few year, we rolled out a series of measures to strengthen services at the community level and the HA also put in place more services on the preventive front.

Dr KWOK Ka-ki mentioned just now the resources for psychiatric services, I need to point out that, of the resources the Government provides for health care purpose, over 8% is for psychiatric services. This is not a small percentage and is similar to that of many other countries. Especially considering the prevailing situation of Hong Kong, resources for the public sector only account for about 2.7% of the GDP. This is thus not a small percentage as compared with many other similar countries. I also note that our psychiatric services are diversified both in the community and at hospital, and patients are provided with continuous care even on the front of rehabilitation. Certainly though, there is room for improvement for any service. I thus hold that we have to proceed steadily, progressively and hit right on where our present service needs are.

DR KWOK KA-KI (in Cantonese): *The Secretary may be too obsessed with his health care financing and has not truly answered my supplementary question. My supplementary question is simple: When will the second meeting on the review of mental health policy be convened and when will the policy be formulated? I understand that mental health and health care financing are both matters of concern to the people of Hong Kong, but can he explain further the part on mental health?*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Madam President, we plan to convene the second meeting in the next three months. As the issue of mental illness now comes under the charge of two bureaux, Mr Matthew CHEUNG, Secretary for Labour and Welfare and I will chair the meeting together.

DR KWOK KA-KI (in Cantonese): *The second part of my supplementary question is when the new policy can be formulated.*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Madam President, I have already covered it in the main reply. We have to review the current problems first. As to the policy, it has to be formulated against the problems. We thus hold that it is too early to talk about the timetable now.

DR FERNANDO CHEUNG (in Cantonese): *President, the Secretary said in the main reply that the Working Group was charged with an important duty, which was to review for the Government the mental health services in Hong Kong and map out the future direction of service in the long term. But in the past year, the Working Group convened only one meeting, and it only plans to convene its second meeting in the next three months. The Working Group is charged with such an important duty and the policy area under discussion is a matter of great concern to us, and indeed this policy area has been flawed with problems. President, you probably will not forget a murder case happened recently in an aged home. The elderly concerned had been diagnosed with the need to seek psychiatric therapy but his medical appointment has been delayed time and again and this ultimately led to the tragedy. President, this is a matter of life and death.*

May I ask the Secretary what exactly our present mental health policy is, and how the review the Secretary mentioned will be conducted? When will its long-term development plan be rolled out? Although the Secretary said just now that there is no timetable and it is not appropriate to have one, there at least has to be a plan or a roadmap. There is not even a representative of the users in the Working Group. How will the authorities proceed? This is such a pressing issue, but to our surprise he said there was no planning and he only convened one meeting in a year. President, may I ask him what his specific planning for formulating this policy is?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Madam President, I have already stated in my main reply that we will base our decision on the current problems in society. We will gauge the views of various sectors and we have met with relevant non-governmental organizations. We have to get hold of more data and take into account some projections of the future.

Regarding mental illness, it is not as simple as providing the service. Prevention is equally important. As I have said just now, regarding care for mental patients in Hong Kong, primary health care services are the most insufficient. We thus have to examine the entire primary health care reform so as to render early identification of patients possible. I can say that the biggest problem at hand is that many mental patients do not seek help from psychiatric health care specialists until their condition has reached a severe stage. If the community and the primary care doctors can identify and intervene early enough, we can get hold of and handle the problem better.

Hence, in this regard, the key is the main purpose of the policy is to develop it in the direction of the community and at the primary level. Furthermore, we have to work on the next step, that is, strengthening medical care at the community level. In the past, patients would often be quickly admitted to psychiatric hospitals; but we hold that this is not the most healthy and appropriate approach. Thus, in the past few years, we have already, first, let patients receive ambulatory treatment in the community; second, adjusted the purpose of in-patient care from isolating the patient from the community to treating his/her illness; and third, included new drugs and put in more resources for certain mental illnesses so that appropriate drugs can be prescribed to patients. These efforts will bring considerable benefit to the mental patients in Hong Kong.

As I have said just now, we will continue to examine issues relating to other services and support, the bottle-neck issue and social acceptance of integration of these patients into the community. I thus have said just now that this is a very complex issue, but we will address this issue in the best and soonest way we can. It is hoped that this goal can be reached within this term of office of the government.

DR FERNANDO CHEUNG (in Cantonese): *According to the Secretary's reply, he seems to have the whole policy already in mind and has spelled out some substance of the policy. However, what I wish to ask him just now is whether he can put forward a specific plan telling us how he will review and formulate the long-term mental health policy. I wish that he can put forth a specific plan, but he told us the substance of the policy instead. He has not answered my supplementary question.*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Madam President, the plan I mentioned just now is to convene the meeting and then organize different policy studies in collaboration with other relevant stakeholders; examine how we can translate the ideas I mentioned just now into specific actions and look into resources distribution and service arrangement.

MR LEUNG KWOK-HUNG (in Cantonese): *President, the Secretary is like the scholar described in the saying that "the scholar, who wrote a three-page-long voucher for buying a donkey, has not mentioned the word donkey". We have asked so many questions, but he has been beating about the bush. According to his reply, mental illness is a complex issue which has to be reviewed. Our question is indeed very simple: How can these mental patients and people who may be affected by them be protected? May I ask the Secretary through the President whether he will scrap the drug formulary? In other words, will they be allowed to take new drugs? Moreover, will he strengthen early counselling? Has he estimated the cost needed? Will he ask the Government to make provision for this? Has he made estimation about this?*

PRESIDENT (in Cantonese): Secretary, Mr LEUNG Kwok-hung has asked three supplementary questions. You can choose to answer all of them, or just part of them.

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Madam President, I believe Mr LEUNG Kwok-hung wishes to know more about the mental health issue. I can answer the questions one by one. First of all, in the past couple of years, we have provided additional resources every year to the HA for procuring new drugs. The price of new drugs has coincidentally dropped in these few years. The current status is that as long as the patient needs to take a particular drug and the doctor can make a clinical judgment, the patient will be prescribed with the new drug.

Secondly, the drug formulary is a separate issue. The doctor may consider some drugs in the drug formulary not imperious to the patient concerned. The patient may want to take them just because he/she knows they are new drugs but the doctor's judgment is that these drugs will not necessarily

bring much additional benefit to the patient. We hold that if these new drugs are clinically proven to be better than the old ones, we also wish to include them in the formulary; if not, I am afraid we have to uphold the present principle of the drug formulary.

Thirdly, regarding the provision of early counselling, as I have mentioned just now, early identification of patients is necessary before early counselling can be offered. If we cannot identify them in the first place, we cannot provide counselling to them. Hence, be it in the past or present, the purpose of the additional resources is to identify as early as possible those suffering from mental illnesses among certain types of patients, especially the adolescents, or among the primary medical care receivers and refer them to seek medical help as soon as possible. Mental patients very often are reluctant to see a doctor; we thus have to intervene at the earliest point and address this issue as far as possible.

MR LEUNG KWOK-HUNG (in Cantonese): *I asked him whether he has estimated the cost and whether he plans to ask for government provision, because today the budget is already I think he not only*

PRESIDENT (in Cantonese): Has you asked your supplementary question? I wish to let one more Member ask question after the Secretary's reply.

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

PRESIDENT (in Cantonese): Please sit down when you have finished asking the question.

MR LEUNG KWOK-HUNG (in Cantonese): *It is certainly neither fish nor fowl.*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): I have explained just now that I have increased the resources in the past few years. If my

memory does not fail me, the additional funding reached almost \$30 million. The HA is now using the funding. As to the additional resources we are going to provide them this year, they can make flexible use of part of it for the purpose of drugs or the provision of services. It would be better if Mr LEUNG can ask me this question again at the meetings of the Finance Committee.

PRESIDENT (in Cantonese): We have spent more than 21 minutes on this question. Last supplementary question now.

MS EMILY LAU (in Cantonese): *President, the Secretary described mental illness as a complex health issue. The Working Group was established in mid-2006 and convened its first and only meeting in August of that year. President, the Secretary has done a lot of work after that, covering medical services, rehabilitation services, community support services and so on. May I ask the Secretary whether all the work he has done in these few years comes from the recommendations made in that meeting? If so, President, that is very efficient indeed because they came up with so many recommendations in a two-hour meeting. Or, whether the real case is that the Working Group did not make any recommendations, but just that the Secretary himself knows exactly what should be done? If so, is the convening of the meetings a waste of time and resources?*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Madam President, Miss LAU is correct. In the first meeting, I discussed the issue with all the professionals present and they made the recommendations I have said just now, which I hold that they are the right way forward. I thus can frankly say that the meeting with the professionals allows us to better understand our service needs. After that, we also discussed the issue with relevant non-governmental organizations and patient groups to understand their needs. I thus can say that we have made reference to views given by members at the meeting in providing the services in these few years. Certainly though, it takes time to finalize the specific policy and proposal, and that is why I said just now that we need some time to formulate a more detailed proposal. Nevertheless, I believe Members would not wish to see us take action only after the proposal is finalized; thus, in these few years, we have provided additional resources at various levels and made new arrangements for our services.

PRESIDENT (in Cantonese): Fourth question.

Number of Places for Publicly-funded First-degree Programmes

4. **DR YEUNG SUM** (in Cantonese): *Madam President, since the 1994-1995 academic year, the number of places for publicly-funded first-year first-degree (FYFD) programmes has been maintained at 14 500. In this connection, will the Government inform this Council:*

- (a) *whether it knows the respective percentages of the people in Singapore, Shanghai, the United States, Australia and the United Kingdom who are attending universities and are at the appropriate age for that;*
- (b) *as I have learnt that the percentage of the people in Hong Kong attending universities at the appropriate age for that has all along been lower than those of the neighbouring countries, whether the Government has assessed if the insufficient places for attending universities will lead to an outflow of talents, thereby affecting Hong Kong's pace of development into a knowledge-based economy; and*
- (c) *as the unemployment rate of degree holders in the fourth quarter of last year was only 1.9%, reflecting a keen demand for these talents in the current market, whether the Government will gradually expand the number of places for publicly-funded FYFD programmes; if it will, of the details and implementation schedule of the expansion plan; if it will not, the specific difficulties for that?*

SECRETARY FOR EDUCATION (in Cantonese): President, my reply to part (a) of the main question is as follows:

According to information provided by the Ministry of Education of Singapore, the university cohort participation rate¹ of the relevant age cohort admitted to the three publicly-funded universities in Singapore in 2007 is about

¹ The university cohort participation rate refers to the percentage of Singaporean and permanent resident students per Primary One cohort who are admitted to university each year.

23.5%. Separately, according to information published by the Organization for Economic Cooperation and Development (OECD), the respective net entry rates² of Australia, the United Kingdom and the United States in 2005 were 82%, 51% and 64% respectively. We do not have relevant information in respect of Shanghai. However, according to the Ministry of Education of the People's Republic of China, the gross enrolment ratio³ in the Mainland in 2007 stood at 23%.

My integrated reply to parts (b) and (c) of the main reply is as follows:

Different places adopt different methodologies when calculating the participation rate in respect of tertiary education. There are also disparities with regard to factors such as economic conditions, education system, historical background, population structure, culture, manpower requirements and developmental needs. Conclusions made solely on the basis of the tertiary education participation rates in different places which use different calculation methodologies will thus fail to provide a fair picture.

In determining the approved student number targets for publicly-funded places in the University Grants Committee (UGC)-funded sector, the Administration will take into account various educational, social and economic considerations. These include, among others, the projected student population of the relevant age cohort, the quality of student intakes, the development of the publicly-funded and self-financing post-secondary sectors, the Government's fiscal position, as well as the manpower requirements and economic development trends of Hong Kong.

While the number of publicly-funded FYFD places has remained unchanged since the 1994-1995 academic year, there were developments on other fronts which have led to increases in the tertiary education opportunities for the relevant age cohort. For instance, the UGC-funded institutions have provided articulation opportunities for students having sub-degree or other relevant qualifications through the provision of publicly-funded senior year places. In this regard, the UGC-funded institutions will provide a total of 2 894

² The net entry rate represents the proportion of people of a synthetic age-cohort who enter the tertiary level of education, irrespective of changes in the population size and differences between OECD countries in the typical starting age of tertiary education.

³ The gross enrolment ratio = [total number of students pursuing tertiary education in a particular academic year/population of the 18 to 22 age cohort of a particular year] x 100%

publicly-funded Year Two and Year Three undergraduate places in the 2008-2009 academic year. Furthermore, the Administration has facilitated the development of self-financed post-secondary education sector in Hong Kong, including private universities. At present, the self-financed post-secondary education institutions provide a total of some 2 500 FYFD places and 1 600 top-up degree places. Apart from the above programmes, over 21 000 students are studying at non-local undergraduate programmes.

In addition, recent years have seen a rapid growth of our self-financing sub-degree sector. The number of programmes has increased from 20 in 2000 to over 270 nowadays, with the annual student intake increasing from 2 600 to over 20 000 students. As a result, over 60% of our young people of the relevant age cohort now enjoy access to tertiary education.

While being mindful of the quantity of student places available, we are also concerned about the quality of programmes offered. As a matter of fact, the provision of 14 500 publicly-funded FYFD places already cater, to a large extent, for the needs of those local students whose Hong Kong Advanced Level Examination results meet the minimum entry requirements for university admission.

The Administration will keep in view the development of our higher education sector, including the number of publicly-funded FYFD places, to ensure that it can meet the education needs of our students as well as the manpower requirements of Hong Kong. We will also examine ways to better support the further development of the self-financing sector so as to provide more higher education opportunities with quality to our students.

DR YEUNG SUM (in Cantonese): *Madam President, Members can see from the information provided to us that insofar as the gross enrolment ratio is concerned, basically, compared with other countries and even when compared with the rate of 23% in respect of higher education on the Mainland, the figure for Hong Kong is lagging far behind. It is often said in Hong Kong that it is necessary to develop towards a knowledge-based economy and in line with the international community. However, in the World Competitiveness Yearbook 2006 published by the International Institute for Management Development, it is pointed out that our proportion of people who have tertiary education standard in our labour force is lower than those in other major economies. Insofar as the proportion of*

people aged between 25 and 34 years who have attained tertiary education standard in the population is concerned, Hong Kong ranks only fourteenth and fifth in the world and in Asia respectively. We rank only the fifth in Asia.

As Hong Kong is a place that does not live up to its names of being an international city and a knowledge-based economy, should the Government not summon up its resolve to propose a timetable on reviewing the number of publicly-funded FYFD places?

SECRETARY FOR EDUCATION (in Cantonese): President, as we all know and as I said in the main reply, different places adopt different methodologies when calculating the participation rate in tertiary education. We obtained our information from various kinds of documents and the information was provided by the parties concerned. Regarding their calculation methodologies, there are clear explanations in the footnotes of the main reply. Since the calculation methodologies adopted by various places are different in many ways, if we want to make a comparison, the conclusions made will surely fail to provide a fair picture.

In view of this, even though I may appear long-winded, I still pointed out in the main reply that apart from the existing public-funded FYFD places, there were also other first-year places. Therefore, if we compare with overseas countries they did not make a distinction between whether the places were subsidized or not and the places were just those available. Therefore, there is sufficient information to show that the number of degree places offered by us is in fact more than the 14 500 places that we are now talking about if the undergraduate places in our private university and non-local undergraduate places are included. If all of them are added together, the number of places will be far greater than 14 500 places and it is over 30 000 in total.

In addition, we have also sub-degree and other kinds of places. In other countries, if no such distinction is made, such places are also included. If we include the more than 20 000 people involved, just as I said in the main reply, the current participation rate of young people in tertiary education is about 6% of the relevant age cohort and this rate is very high. However, I do not wish to cause any confusion, so I stated clearly how this figure of 6% was derived (Appendix 2), how many were undergraduate university places and how many were associate degree places and I differentiated them clearly.

At present, apart from subsidizing FYFD places, we are also concerned about issues relating to associate degrees. We have also increased the number of Year Two and Year Three undergraduate places for qualified associate degree graduates. In this regard, about 3 000 places are now available for them to pursue further studies.

Therefore, if all these places are added together, we believe they are enough to meet current demand. In future, we will monitor the situation closely and will conduct further reviews if necessary.

DR YEUNG SUM (in Cantonese): *Madam President, my supplementary is very straightforward, that is, will the Secretary propose a timetable on a review of the number of publicly-funded FYFD places?*

SECRETARY FOR EDUCATION (in Cantonese): I have already made it very clear. For now, we do not have a timetable. However, it does not mean that we have not considered this matter. For example, Members all know that we are now conducting a review of matters relating to the associate degree. We have to examine the effectiveness of the review, the inadequacies and how services in this area can be strengthened. I hope that the review can be completed in one or two months' time and the result will then be made public.

We have to follow steps and procedures when going about our task. When handling the tasks that have to be done, we have to deal with various factors separately, then put them together properly before reviewing the overall situation. We do not have any timetable for the time being.

MR JASPER TSANG (in Cantonese): *President, the second last paragraph of the main reply says that while being mindful of the quantity of student places available, the Government is also concerned about the quality of programmes offered. The Secretary also said that the provision of 14 500 publicly-funded FYFD places already catered, to a large extent, for the needs of those local students whose Hong Kong Advanced Level Examination results meet the minimum entry requirements for university admission. This sounded as if further expansion of degree programmes will lead to a drop in quality. This is what this paragraph says.*

However, prior to that paragraph, the Secretary also said that the Government has facilitated the development of the self-financed post-secondary education sector in Hong Kong, including private universities. In that case, what is the role played by private universities? Will the Government be less concerned about the quality of private universities because students meeting the entry requirements for university admission have been enrolled into subsidized undergraduate programmes? If that is the case, how will the Government facilitate the development of private universities?

SECRETARY FOR EDUCATION (in Cantonese): My comment is based purely on the existing examination results and the number of students who submitted applications. As we all know, at present, about 27 000 candidates sit for university entrance examinations each year and about 17 000 of them meet the entry requirements for university admission. Of these 17 000 candidates, over 14 000 of them are enrolled in undergraduate programmes and other degree programmes are also available. This is why we said there are now enough places to accommodate these students.

However, this does not mean that other students in particular, after the introduction of the new "3-3-4" academic system in future, the structure will be different and so will the number of candidates be. We have no idea as yet of how many students will sit for the Senior Secondary Three examination and how many students will obtain results that meet the entry requirements. However, the number will of course increase because the number of candidates sitting for the examination will increase.

Looking ahead, we think that apart from this area, it is also necessary to rely on other ways to increase the number of university places. For this reason, if there are private universities we now encourage the establishment of private universities and this kind of university has already been established. We hope that opportunities in quality tertiary education can be provided in this area to enable students to pursue further studies.

MR CHEUNG MAN-KWONG (in Cantonese): *President, we are talking about subsidized undergraduate places today. Since 1998, the Government has limited the number of subsidized Year One places to 14 500 each year and this has not changed for 20 years. Although the Secretary said in today's main reply*

that there were now over 20 000 associate degree graduates each year, there are only some 1 000 Year Two subsidized articulation places in undergraduate programmes, so even outstanding associate degree graduates find it very difficult to be enrolled into these subsidized degree programmes. However, separately, the Government has thrown the doors wide open to allow university degree holders with two years of working experience to apply to work in Hong Kong through the Admission of Talents Scheme. The problem is that on the one hand, the Government has suppressed the growth of the number of local subsidized undergraduate places; on the other, it has greatly relaxed the requirements to enable more overseas and mainland students to come to Hong Kong to join the competition. Is such a practice not tantamount to limiting and undermining the competitiveness of young people in Hong Kong and is this unfair to young people in Hong Kong?

SECRETARY FOR EDUCATION (in Cantonese): The two issues are in fact related but different.

In allowing non-local students to come to Hong Kong, we have in mind the macro economic and manpower development and we want to attract overseas talent. As Members all know, the problem facing Hong Kong now is the small student population, so we have to prepare for rainy days by considering how overseas students can be attracted to study in Hong Kong. In these circumstances, we have to look at how these two aspects can be integrated to bring about the best overall interests for Hong Kong.

In fact, apart from the more obvious benefits brought by non-local students, such as creating a multi-lingual culture and setting to help local students broaden their horizons, and enhancing the understanding of and tolerance for different cultures by local students, non-local students also bring with them new ways of thinking and new viewpoints, which can foster the creativity of local students and stimulate positive competition.

For this reason, in the long term, apart from expanding the pool of talent in Hong Kong and raising the quality of our population, attracting outstanding non-local students to Hong Kong can also help enhance our competitiveness and support our economic development. In this regard, it is necessary for us to consider other measures that can help Hong Kong enhance its competitiveness. Therefore, the two aspects are complementary.

MR CHEUNG MAN-KWONG (in Cantonese): *The Secretary did not reply to the crux of my supplementary. Although he did a good job in reading out the reply, the crux of my supplementary is: on the one hand, the Government has suppressed the growth of the number of local subsidized places; on the other, it has relaxed the requirements to increase the opportunity of overseas and mainland degree holders for coming to Hong Kong, moreover, the requirements have been substantially relaxed. Will this practice be unfair to young people in Hong Kong? I am not criticizing whether those people are good or not because they are of course good people.*

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

SECRETARY FOR EDUCATION (in Cantonese): I do not have much to add and only want to make things clearer.

In fact, apart from these places, we also have non-local undergraduate programmes. Members must not forget that over 20 000 students are taking such programmes and of course, there are also other pathways such as the associate degree programmes.

PRESIDENT (in Cantonese): We have spent more than 17 minutes on this question. This is the last supplementary.

MR FRED LI (in Cantonese): *President, the figure of 18% of young people of the relevant age cohort studying in subsidized degree programmes was set in 1989 and that was some 19 or 20 years ago. After the passage of such a long time, when was the most recent review conducted? What were the results of the review? Secretary, we wish very much to know such details.*

SECRETARY FOR EDUCATION (in Cantonese): As I said just now, we have not conducted any formal review because we have kept things unchanged. However, I also said in the main reply that in the course of so many years, we have also taken other measures because we have now increased tertiary education opportunities for students of the relevant age cohort.

We did so by means of the support of different policies and the implementation of various pathways. Compared with 18 or 19 years ago, the opportunities for young people nowadays to receive tertiary education have tripled. Apart from FYFD places, if we take into account the various kinds of places available, the number in fact stands at more than 40 000. Therefore, the situation has vastly improved when compared with that more than a decade ago.

As regards further reviews, as I said in reply just now, we do not have any plan for the time being. However, after we have completed other tasks, we will take a look at the whole picture again.

PRESIDENT (in Cantonese): Fifth question.

Hiring Consulting Firm for Work Relating to Public Consultation on Health Care Reforms

5. **MR ALBERT HO** (in Cantonese): *Madam President, the Stores and Procurement Regulations (the Regulations) 280 stipulates that for procuring consultancy and other services with a value above \$50,000 but not exceeding \$1,300,000, departments must obtain written quotations from not less than five contractors. It has been reported that with only one written quotation received from a firm, the Government has recently appointed the firm to provide consultancy services for the work relating to public consultation on health care reforms. The value of the contract is \$1,200,000, and the firm was set up by the Press Secretary of the last Chief Secretary for Administration. In this connection, will the Government inform this Council:*

- (a) *among the consultancy service procurement activities conducted by the Government in the past, whether cases to which the justifications for inviting a written quotation from only one contractor in the above incident likewise apply were rare;*
- (b) *of the number of occasions in the past three years on which the Government, with less than five written quotations received, appointed contractors to provide consultancy services with a contract value over \$50,000 but not exceeding \$1,300,000, together*

with the policy area(s) and contract value involved, as well as the justifications for awarding the contract without obtaining five written quotations in each case; and

- (c) *whether it has reviewed if the appointment of the consulting firm with only one written quotation received is in compliance with the principle of fairness, and if it will give members of the public the impression that the Government practises cronyism and transfers interests to former principal officials or their subordinates; if a review has been conducted, of the results?*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Madam President, first of all, I would like to clearly explain what the Regulations 280 entails and how the Food and Health Bureau has fully complied with the regulation in the process of appointing a consulting firm to help arrange for public communication and publicity in connection with the public consultation on health care reform.

The Financial Services and the Treasury Bureau pointed out that according to the Regulations 280, bureaux and departments should invite written quotations from not less than five contractors for procuring services with a value exceeding \$50,000 but not exceeding \$1.3 million. If bureaux and departments find that due to limited supply in the market or other full justifications, it is not possible to invite the minimum number of quotations required or an invitation of less than the minimum number of quotations required has to be made, prior approval must be sought from an authorized officer before inviting quotations. After obtaining the quotation(s), approval from another authorized officer is needed for the acceptance of an offer. This requirement aims to ensure that the officer who selects contractors and/or approves the invitation of quotations from contractors is not the officer authorizing the acceptance of the offer for that procurement.

Health care reform is a complicated issue with far-reaching implications. Members of the public must have a thorough understanding of the subject matter before the community could proceed to rational discussions with a view of reaching consensuses. The appointment of a consulting firm could help the Government plan its works on public communication and publicity for the public consultation exercise. It could deepen people's understanding of the subject matter, encourage them to engage in rational discussions and provide positive effects to build community consensus.

Given that this exercise is a complicated one, a consulting firm had to first understand the strategies and details of the public consultation on health care reform before it could submit a proposal and a quotation. Meanwhile, we must ensure that the details of the public consultation were kept confidential before publication and the consultancy service had to be commenced and completed within a very short period of time. Under these considerations and constraints, we decided to invite and appoint a service supplier to provide consulting service by way of inviting a single quotation. This had been approved by an authorized officer.

Prior to the appointment of the consulting firm, the Food and Health Bureau gave a briefing to the firm on the content of the consultation document and the rationale behind in December 2007. The Bureau also indicated its requirements and required the firm to submit a proposal shortly. Later that month, we received a proposal submitted by the consulting firm. After considering the proposal, another authorized officer of the Bureau considered that the consulting firm's proposal and quoted price met the Bureau's requirements. Hence, approval was given in January this year for the proposal to be accepted and for the consulting firm to be appointed as the service provider.

My reply to the question raised by Mr Albert HO is as follows:

(a) and (b)

Under the existing procurement procedures, Controlling Officers can, in accordance with the Regulations, decide on their own to appoint a consulting firm for consultancy services with a value not exceeding \$1.3 million and make a record of the relevant purchasing information. According to the Financial Services and the Treasury Bureau, they do not have readily available information on the number of occasions and details relating to the appointment of consulting firms by Controlling Officers on their own.

(c) In the procurement of consultancy services, the most important considerations are the capability, service quality and experience, and so on, of the prospective service suppliers regardless of how many service suppliers are to be invited to provide quotations.

After receiving quotations and proposals from service suppliers, we will examine the content of their proposals and the quoted prices to see if they meet the requirements for the service. The same set of criteria was applied in the appointment of the consulting firm to help with the public communication and publicity work for the consultation on health care reform. The appointment is therefore in compliance with the principle of fairness and does not involve any cronyism or any transfer of interests as Mr Albert HO alleged.

MR ALBERT HO (in Cantonese): *From the Secretary's refusal to collect information from different departments on the occurrence of similar incidents, it can be seen that no further information would be provided. In other words, the failure to act in full compliance with the Regulations in this incident, where quotation of only one contractor has been invited, is deemed an exceptional case. The Secretary explained that given the complicated and sensitive issues involved and numerous long-term strategic considerations, coupled with the need for confidentiality, it is therefore not appropriate to invite quotations from too many contractors who may not necessarily meet the requirements of the Government.*

May I ask what criteria has the Government based on to invite quotations from contractors? Will these criteria only boil down to the invitation of people or even former senior officials whom the Government trusts and is familiar with simply because of their good understanding of government policies, thus enabling the Government to selectively invite tender from a particular firm in respect of a certain policy or issue as though there is no system at all?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Madam President, as far as I know, government departments are very experienced in this respect. And, it can be seen that the Government knows exactly the type of firm available for selection when a particular kind of service is to be procured. In this light, the Government will choose according to the track record, performance and experience of a firm, rather than indiscriminately picking a firm that has no relevant track record.

According to my knowledge of the procurement procedures, it is most important to require our staff to comply with the mechanism and criteria of

procurement, and advise the staff concerned that the procurement exercise should be handled by two officers separately: one for quotation and the other for final approval. This not only fully complies with the Regulations 280, but can also ensure that consulting firms will not be employed on personal grounds.

MR ALBERT HO (in Cantonese): *The Secretary has not answered one point in the supplementary question just raised by me. Will people whom the Government trusts and is familiar with (former senior officials in most cases) automatically become suitable candidates for the provision of quotations if such criteria are adopted?*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Madam President, I believe background is certainly a consideration in the search for different service suppliers. As far as I know, this is the first time that this firm is employed to provide service for us.

MR BERNARD CHAN (in Cantonese): *President, Mr Albert HO's question is actually a very timely one as the Health Care Reform Consultation Document will come to light tomorrow. While this is a very good question, I do not wish to see that it will shift our focus to the appointment of consulting firms tomorrow as there is a more important issue.*

President, in the third paragraph of the main reply, the Secretary mentioned that the health care reform was a complicated issue with far-reaching implication, which warrants the appointment of consultants. The Secretary, however, has not mentioned if the value of the contract is really \$1.2 million despite Mr Albert HO's request for clarification of the amount. May I ask how long the consultancy contract actually lasts? Since the Secretary said earlier that this was a complicated issue with far-reaching implication, will this consultancy project last well beyond the following few months, but up to six months? How long does it actually last?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Madam President, I do not have the details of the contract in hand. However, the most important consideration is that the firm employed to do the job is required to provide

additional professional assistance to facilitate the promotion of our services. As Members are aware, not only until November did we learn that the service concerned would be introduced in the first quarter. For this reason, we had to expeditiously proceed with the necessary work within this period of time, which mainly includes the promotion and collection of information both before and in the aftermath of the introduction of the service concerned. As far as I know, this is a flexible task which may conclude until the consultation period ends.

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

MR BERNARD CHAN (in Cantonese): *President, is the Secretary aware of the duration of the contract? Maybe*

PRESIDENT (in Cantonese): I shall call upon the Secretary to give you a more concrete answer about the duration of the contract.

MR BERNARD CHAN (in Cantonese): *Perhaps the Secretary can reply in writing.*

PRESIDENT (in Cantonese): Are you asking the Secretary to provide a written reply?

MR BERNARD CHAN (in Cantonese): *Yes.*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Madam President, I believe the duration of the consultation period will be announced tomorrow. As for the timing, again the details will be provided tomorrow.

MRS ANSON CHAN (in Cantonese): *May I ask the Secretary which public officer is authorized to approve the single quotation? Furthermore, as advised*

by the Secretary in the main reply, prior to the appointment of the consulting firm, the Bureau has given it a briefing on the content of the consultation document and the rationale behind, and indicated to it the Government's requirements, including the submission of a proposal shortly, to see if it can meet the requirements. Under what justification has the authorized officer decided that no other consulting firms meet the requirements of the Government when they were denied an equal opportunity?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Madam President, while I consider it inappropriate to disclose on this occasion the names of the civil service colleagues authorized to do the job in my bureau, I can confirm that the decision to employ a consulting firm by way of a single quotation and approval of its proposal and quotation were separately made by two authorized officers in the bureau. Both of them are senior executives and their ranks also comply with the Regulations. As for the method that has been used to determine the firm to be employed, just as I said earlier, consideration will be given to the track record of different firms and their experience in launching large-scale government publicity campaigns. Hence, I believe they should be well-versed in this area.

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

MRS ANSON CHAN (in Cantonese): *The Secretary has not answered my supplementary question. Given that the Government has to explain to a consulting firm the content of the consultation document and the rationale behind, and examine if the requirements of the Government can be met, I wish to know why consulting firms of different nature and sizes were not given an equal opportunity so that the best suitable firm could be selected.*

PRESIDENT (in Cantonese): Mrs Anson CHAN, the question raised by you just now is different from your earlier supplementary question. Your earlier supplementary question asked how the authorized officers came to the decision

that this kind of consulting firm was not available in the market, right? Has the Secretary not answered this part?

MRS ANSON CHAN (in Cantonese): *No. President, the question raised by me just now is actually the same. I said given that the Government had to go through the process of explaining to the firm concerned the content of the consultation document and setting out its requirements to see if the firm fitted, so I asked on what justification the decision was made when other firms were denied an equal opportunity.*

PRESIDENT (in Cantonese): Secretary, please answer this part of the question.

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Madam President, regarding the Member's question on why a single firm was approached, I have explained that in order to secure confidential quotations within a short period of time, we can only approach the firms one by one. In case any firm is considered unsuitable, we will turn to another one and there is no specific firm in our mind at all. If the quotation or proposal of a firm is considered unacceptable after a briefing to it, we will approach another firm instead. Just as I said earlier, if we invite too many firms in the course, what is most worrying to us is the substantial sensitive information involved in the exercise will be prone to be used by some firms for promotion or publication purpose. For this reason, we consider the current approach best suits our requirement.

MR ABRAHAM SHEK (in Cantonese): *President, may I ask the Secretary the value of the contract? In response to the supplementary question raised by Mr Bernard CHAN earlier, the Secretary said that he had no idea of the duration of the contract, so may I ask the value of the contract? Furthermore, has he considered other lower or higher quotations in order to uphold the principle of openness, fairness and justice?*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Madam President, I believe I have already said earlier that we know the duration of the contract, but

I will only wait until tomorrow to inform Members of the durations of the consultation period and the contract.

However, I can tell you that the value of the contract is \$1.27 million. As to whether comparison should be made to other quotations, just as I have explained, single procurement was adopted for the sake of confidentiality.

MR ABRAHAM SHEK (in Cantonese): *President, I ask how the Secretary knows that the value of the contract is appropriate. President, the contract is worth \$1.27 million. He claimed confidentiality should be kept. Is it necessary to keep confidentiality for \$1.27 million? He must explain to us if this is appropriate as public money is involved, President.*

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

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Maybe I should add briefly. We will consider the track record and degree of participation of the firm in the light of the required service, like publicity, with a view to meeting our needs. Our staff are very experienced in this regard, and consider that the cost is not only reasonable, it is even lower than the market price.

MR LAU KONG-WAH (in Cantonese): *President, I wish to follow up the supplementary question raised by Mrs Anson CHAN earlier, in which the Secretary replied that the firms should be approached one by one. However, it seems that briefing was only given to that firm in December. May I ask the Secretary to elucidate if he just bumped into the right firm at the first instance, or were there attempts to approach other firms one by one? I wish that he can elucidate this point. If he just bumped into this firm at the first instance, why would there be such a coincidence?*

PRESIDENT (in Cantonese): Please sit down after you raised your question. Secretary, please answer.

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Madam President, it was the first time we approached that firm, and its proposal and quotation met our requirements.

MR LAU KONG-WAH (in Cantonese): *President, he has clarified that only one firm was approached and no attempt was made to approach other firms, right?*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Madam President, what I meant just now is that there was no need for us to look for another firm.

PRESIDENT (in Cantonese): This Council has spent 19 minutes on this question. Last supplementary question now.

MR CHEUNG MAN-KWONG (in Cantonese): *President, the Secretary's reply indicated that confidentiality is the reason why the Government adopted single quotation in the appointment of the consulting firm. Since many government policies are kept confidential prior to introduction, may I ask the Government if the policy of single quotation for the sake of confidentiality will turn out to be a loophole for underhand deals that only "benefit friends"? Is it true that organizations preordained by the Government to be capable of keeping secrets will have business all year round and monopolize all confidential projects of the Government? Has such an approach been approved by the Independent Commission Against Corruption? Will the Government review the system of single quotation for the sake of confidentiality to see if it violates the principle of justice and fairness?*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Madam President, as far as I know, this is a long-established system which has been operating effectively. What is more, the whole process can be audited. As to whether there is a need for a review, certainly after listening to Members' views, we will relay them to the Secretary for Financial Services and the Treasury for consideration.

PRESIDENT (in Cantonese): Last oral question.

Travel Subsidy for Students

6. **MR LAU KONG-WAH** (in Cantonese): *At present, students pursuing full-time studies from primary education up to first degree are, subject to passing a means test, provided with travel subsidy under the Student Travel Subsidy Scheme (STSS), if they live beyond 10 minutes' walking distance from their schools and need to travel to school by public transport. In this connection, will the Government inform this Council:*

- (a) *whether it has compared the cost-effectiveness of STSS with that of the pre-1988 Student Travel Card Scheme;*
- (b) *given that the current STSS subsidy is calculated on the basis of the average public transport fare for home-school travel, whether it will review if STSS should also cover the public transport expenses of students during Sundays and public holidays; and*
- (c) *given that the major public transport operators currently offer half-fare concessions to children aged below 12 only, whether it plans to provide half-rate travel subsidy for full-time students aged 12 or above; if not, of the reasons for that?*

SECRETARY FOR EDUCATION (in Cantonese): President,

- (a) It is the Government's student finance policy that no student is deprived of education for lack of means. At present, a number of student financial assistance schemes (including the STSS) administered by the Student Financial Assistance Agency are means-tested to safeguard the proper use of public money and to ensure that financial assistance is provided to students with genuine financial hardship.

STSS provides financial assistance to needy local students pursuing full-time studies at primary, secondary and degree levels to subsidize their expenses on home-school travels. An applicant

who passes the means test, resides beyond 10 minutes' walking distance from school and travels to school by public transport may receive a full or half-rate travel subsidy for home-school travels, depending on his/her family's actual financial situation. The full-rate subsidy is equivalent to the average fare on public transport for home-school travels during school term time, while the half-rate subsidy is half of the average fare. The Scheme allows students to flexibly choose the mode of public transport and is able to render appropriate assistance to families with genuine financial hardship, effectively alleviating their burden in paying for home-school travels.

The Student Travel Scheme (commonly known as the Student Travel Card Scheme), which was replaced by the STSS in 1988, provided half-fare concessions to all full-time students aged between 12 and 25 travelling on prescribed modes of transport.

In its report issued in 1985, the then Audit Department pointed out certain shortcomings of the Student Travel Card Scheme, including the considerable administrative work involved, tendency on the part of students to travel on public transport for purposes not related to their studies by design of the scheme, possibly leading directly to overpayment by the Government to transport operators, and so on. In addition, we consider that the scheme could not provide full-rate assistance to the most needy students, but diverted part of the public money for subsidizing home-school travel of students without any financial difficulty.

The current STSS is means-tested. It provides half- or full-rate subsidies to students with regard to their family financial situations, and is simpler to administer. It is therefore more targeted at meeting the needs of students with financial hardship, and is more cost-effective.

- (b) As regards the scope of assistance, STSS aims at subsidizing home-school travels of students. We have no plan to cover the expenses on public transport incurred by students during Sundays and public holidays.

- (c) The current STSS has been operating smoothly since 1988. Over the years, various improvements have been made (for example, by providing full-rate subsidy to the most needy students, and removing the age ceiling for subsidy), to ensure that students with financial hardship would receive appropriate assistance and public money be put to proper use. We have no intention to change the current mode of subsidy premised on a means test, and have no plan to restore the less cost-effective Student Travel Card Scheme.

MR LAU KONG-WAH (in Cantonese): *President, the Student Travel Card Scheme is a very fond collective memory for Hong Kong.*

The Government has advised that it has introduced changes to the Scheme in response to the report issued in 1985. But in fact, 23 years have passed from 1985 to 2008. The education policy of Hong Kong has also changed tremendously. May I ask the Secretary whether there is any contradiction between the Government policies of encouraging student participation in extra-curricular activities and general education activities on the one hand and refusing to provide subsidy on the other? If so, whether the Secretary has to seriously consider how current efforts in promoting general education and extra-curricular activities can be complemented?

SECRETARY FOR EDUCATION (in Cantonese): In fact, there is no question of contradiction because the STSS is primarily means-tested to provide half or full rate subsidies to students with financial difficulties. Therefore, the objective in this regard has been achieved.

As for Mr LAU's question about extra-curricular activities, in fact they are not within the scope of the STSS. But it does not mean that we have not provided subsidy for extra-curricular activities. I agree that we are encouraging schools to organize extra-curricular activities such as museum visits and so on, but we do have other channels to provide subsidy. Schools which would like to provide needy students with travel subsidy for excursions can invoke the Life-wide Learning Fund of the Hong Kong Jockey Club (HKJC). This Fund provides subsidy to students receiving the Comprehensive Social Security Assistance (CSSA) or the full-rate assistance from the STSS to cover their

transport expenses incurred in the participation of activities. For junior primary students, the annual subsidy is \$80 each, for senior primary students, it is \$160, for junior secondary students, it is \$240 and for senior secondary students, it is \$420. In 2007-2008, the Fund has disbursed about \$50 million to various schools. Therefore, we have established a channel for such a purpose. However, it is a separate scheme, and these two schemes should not be confused.

MR ANDREW CHENG (in Cantonese): *President, I hope the Secretary will understand that the availability of student travel concession is an excellent indicator of social advancement.*

Right from the start, the Secretary has been presenting in his reply the idea that the cost-effectiveness of the previous Student Travel Card Scheme is lower than that of the current scheme. I would like to advise the Secretary that the report released in 1985 pointed out that the administrative procedure at that time was very complicated. However, 23 years have passed. The Secretary has to appreciate that students have to lodge their applications for the Life-wide Learning Fund of the HKJC he mentioned just now, and students or parents are also required to lodge their applications for the current STSS. No wonder teachers have to cope with such a heavy administrative workload.

President, nowadays everyone has an Octopus Card. If we can provide the Octopus Card numbers to the relevant organizations or the affiliates of the Octopus Holdings Limited, children or students holding Octopus Cards can enjoy half-fare travel on any mode of transport. It is as simple as that. Therefore, "complicated administrative procedure" is not a justification at all. I hope the Secretary can understand that if this is his justification, he has to further convince us. The so-called problem of "complicated administrative procedure" occurred in 1985 will not happen in present-day Hong Kong any more. The relevant procedure can be simple and straightforward. Besides, providing students with half-fare travel concession is an indication of advancement.

SECRETARY FOR EDUCATION (in Cantonese): Honourable Members, I have made myself very clear in the main reply that the current administrative procedure is relatively simple. Apart from the means test I mentioned just now, we also have to consider the fact that the previous Student Travel Card Scheme

provided concession to all students regardless of whether they had such needs. Have we put the money to good use? Should we reserve such money for students in need of subsidy? We have to differentiate students who need the subsidy from those who do not. We have to differentiate them because administrative costs are involved. There are several components in the administrative costs I mentioned. This was in fact one of our key considerations at that time. Although more than twenty years have passed, we do not have to reconsider this with the passage of time. Because students with needs are students with needs. As for students without such needs, we think that it is more meaningful to provide the money to those students with the needs. Therefore, we will uphold our principle and idea in this respect.

MR LEE CHEUK-YAN (in Cantonese): *President, just now we have mentioned extra-curricular activities. I think the Secretary is being redundant to mention that subsidy is provided under a separate scheme. In fact, things can be made simpler. As applicants have to go through a means test, all the students in need will be covered. But the Secretary has still introduced a separate scheme and claimed that subsidy can be provided under that scheme. It is better to simplify this by including the subsidy for extra-curricular activities and the holidays in the original subsidy scheme. It is because nowadays students participate in many extra-curricular activities, many of which may not be arranged by the school. Parents may also arrange a lot of activities for their children.*

In fact, when the Secretary can achieve this at a stroke, why does he introduce so many schemes and make things so complicated? Will the Secretary undertake to conduct a review in this respect? I believe that providing an additional holiday allowance can alleviate the burden of those who have gone through the means test and proven to have such needs without costing a large amount of money.

SECRETARY FOR EDUCATION (in Cantonese): President, the report released in 1985 pointed out that as it was not specified whether the subsidy under the Student Travel Card Scheme was for home-school travels or otherwise, some students took a large number of unnecessary rides on different modes of transport.

In fact, under the current mechanism, we have considered the fact that students have to take two transport rides every day. That is to say, as primary students go to school five days a week, they have to take 10 transport rides per week. On top of that, we have also provided the fare of two additional transport rides for extra-curricular activities to cater for their learning needs. For university students, we will provide them with the fare of four additional transport rides for extra-curricular activities, which comes to 14 transport rides altogether. This is the calculation adopted. Therefore, an appropriate limited number of transport rides have already been covered. To expand this scope infinitely and allowing students to enjoy the concession for an unlimited number of rides will not only defeat our purpose but also unnecessarily increase our expenses in this regard.

MR LEE CHEUK-YAN (in Cantonese): *President, I have not suggested an unlimited number of transport rides, and the Secretary has not answered my question of whether a review will be conducted. In fact, I have just been talking about the situation on holidays. The authorities can impose some restrictions on it. Will the Secretary conduct any review?*

SECRETARY FOR EDUCATION (in Cantonese): *President, as extra-curricular activities are already covered, we will not conduct any review.*

MR LEUNG KWOK-HUNG (in Cantonese): *President, it would be so good if the Secretary were the Financial Secretary. He said that he would give the money to the most needy. It follows that he would give the money to the poor but not the rich.*

However, I wish to ask the Secretary via the President: As Mr Andrew CHENG has mentioned just now that the procedure will be very simple with the use of the Octopus Card, will the Secretary restore the previous Student Travel Card Scheme once and for all? I heard the Secretary reply that the respective numbers of transport rides students have to take per week have been carefully worked out. But it appears to me that this is not the case because education is not just attending school. It is also a matter of exposure.

If the Secretary adopts this approach, I believe many students will be able to receive genuine support. They can participate in more extra-curricular activities, do revisions at school, talk to friends or go out with parents. I notice that a lot of parent-child activities also involve MTR rides. I hope that the Secretary can answer whether he will do so, if he will, whether he has estimated the amount of additional public expenditure to be incurred.

SECRETARY FOR EDUCATION (in Cantonese): I am going to reply briefly. We will not consider restoring the Student Travel Card mechanism. As to whether we can make use of new technology in the future, use the Octopus Card and so on, I have to consider these issues together with my colleagues when I get back. However, this is not directly relevant to this reply. If we are to make any improvement in the future, perhaps it will be some technical enhancement. However, as far as operation and concept are concerned, we do not intend to turn to the previous idea of Student Travel Card.

MR LEUNG KWOK-HUNG (in Cantonese): *The Secretary has not answered whether estimation has been made regarding the amount of additional public expenditure. If no estimation has been made, how can he come up with the conclusion that there is bound to be a tremendous increase in public expenditure which will prevent the Government from achieving the optimum effect?*

PRESIDENT (in Cantonese): Secretary, do you have any additional comments?

SECRETARY FOR EDUCATION (in Cantonese): I think this is just very simple. If the number of subsidized transport rides available to students is more than two rides for primary students and four rides for university students as I have mentioned just now, public expenditure will definitely increase.

MR WONG KWOK-HING (in Cantonese): *President, at present, public transport operators only provide half-fare concession to children under the age of 12. May I ask the Government how this criterion is determined? In fact,*

children above the age of 12 are also not engaged in any job. Neither do they have any income. Why has the Government not reviewed this criterion? I would like the Secretary to explain how the age threshold of 12 is determined. Can consideration be given to adjusting the age threshold upward so that all those who are yet adult identity card holders can also enjoy half-fare concession?

SECRETARY FOR EDUCATION (in Cantonese): I would like to clarify that the provision of half-fare concession is not a matter for the decision of the Government. This concession is provided on a voluntary basis by transport operators. Also, it cannot be assumed that half-fare concession is provided by all transport operators. To my knowledge, it is only provided by a few organizations, such as a few scheduled bus routes and one bus company As for the details, I do not have the information at hand. But I have the impression that only a few companies do so, while the majority of them do not. It seems that the MTR Corporation provides half-fare concession as well, but this is beyond my policy area. If the Transport Department keeps such information, maybe I can obtain the information from it and then provide Members with a written reply.

MR WONG KWOK-HING (in Cantonese): *President, what I have asked is whether the Secretary will conduct a review on this issue. I hope the Secretary can answer this point.*

PRESIDENT (in Cantonese): Secretary, you have to make it clearer.

SECRETARY FOR EDUCATION (in Cantonese): I have just said that this is not a concession provided by the Government, so it is not something for the Government to review. Hopefully, operators can consider on their own initiatives whether a review is needed when they know of our discussion after this meeting.

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

DR KWOK KA-KI (in Cantonese): *Madam President, I am really very disappointed that the Secretary even does not know which organizations do not provide travel subsidy for students below the age of 12. This also shows that in fact senior officials do not quite understand people's livelihood.*

An Honourable colleague mentioned collective memory just now. I also used to have the Student Travel Card. The Secretary has to understand that the Student Travel Card was very helpful to a lot of low-income earners and families. May I ask the Secretary, before deciding whether or not to conduct a review, whether he has assessed if the miserly approach of providing the fare for two or four additional transport rides per week is contrary to the objective of encouraging student participation in regular extra-curricular activities so that they can receive education of higher quality? If so, why does the Education Bureau not conduct any review?

SECRETARY FOR EDUCATION (in Cantonese): The subject of our discussion today is on students pursuing full-time studies from primary education up to first degree who need to travel to school by transport as a result of the distance between their place of residence and the school. The topic of our discussion is "travelling to school". So my answer is on this topic.

As for purposes other than travelling to school, I have already explained that apart from the STSS which caters for students' need of travelling to school, there is in fact another scheme offered by the HKJC which caters for their other needs. Of course, there are Members who would like to combine these two schemes, but please appreciate that two objectives are involved, and also two organizations are involved, one being the Government and the other being the HKJC. Therefore, there will be practical difficulties in implementation.

PRESIDENT (in Cantonese): Oral questions end here.

WRITTEN ANSWERS TO QUESTIONS

Protection for Women Not in Employment

7. **MRS ANSON CHAN** (in Chinese): *President, at present, the retirement protection afforded by the Mandatory Provident Fund Scheme does not cover*

women not in employment. Yet, these women often play a vital role in the family, such as taking care of elderly or disabled family members, thereby alleviating the burden on the society. In this connection, will the Government inform this Council whether:

- (a) *it has formulated any specific plan or policy to provide livelihood protection for women at old age who are not in employment; if it has not, of the reasons for that; and*
- (b) *it has conducted any study (including making reference to overseas practices) on introducing a "carers' allowance"; whether it will consider granting such allowance to women not in employment who are carers in recognition of their contributions to the society; if it will not, of the justifications and relevant factors of consideration?*

SECRETARY FOR LABOUR AND WELFARE (in Chinese): President,

- (a) Under the current social security and welfare system, the Government has been providing different forms of livelihood protection and support for elderly women who did not engage in employment. At present, elders in financial difficulties, regardless of gender, can apply for financial assistance under the Comprehensive Social Security Assistance (CSSA) Scheme. There are also other forms of financial assistance such as the Old Age Allowance (OAA) and the Disability Allowance (DA) to help Hong Kong residents meet their special needs arising from old age or disability. Elders aged 70 or above are not subject to a means test when they apply for the OAA. The DA is open to applicants of all ages and entirely non-means-tested. Moreover, the Government provides a wide range of subsidized services for those in need (including women not in employment) such as public housing, medical services, education and social welfare services.

As at end January 2008, there were some 500 000 CSSA recipients, over 470 000 OAA recipients and 120 000 DA recipients. Of these, women accounted for 52.4%, 55.3% and 52.2% respectively. There were around 200 000 CSSA old age recipients, and 52.4% of them were women.

Apart from providing support through the social security system, the Government has all along attached importance to meeting the service needs of women from different backgrounds and has been reviewing and re-engineering its services with a view to enhancing their efficiency and effectiveness. For instance, the Government provides diversified services to women of different backgrounds through the Integrated Family Service Centres and elderly centres in the districts.

- (b) The Government has been promoting mutual family support and highly appreciates the contribution made by women not in employment who take care of the elderly, children or disabled members in their families.

To alleviate the burden of family carers, the Government has been providing them with a wide range of support services. For example, in the Budget just released, the Financial Secretary announced that the Government would provide \$45 million over the next three years to strengthen day foster care services and promote various types of child care services that offer greater flexibility. The Capacity Building Mileage Programme initiated by the Women's Commission also offers courses related to child development and care, elderly health and care, home safety, and so on, to enhance the capability of women who are also family carers. On support for the carers of persons with disabilities, the Social Welfare Department has provided various community support services for persons with disabilities and their family members/carers to strengthen the caring capacity of the family members/carers and relieve their stress, thereby enhancing the life quality of all the parties concerned. Besides, any person who is certified to be severely disabled by the Director of Health or the Chief Executive of the Hospital Authority and is in need of constant attendance from others in his/her daily life will be entitled to the Higher Disability Allowance (except those who are receiving institutionalized services).

For women who take care of elders at home, the Government provides a range of services to facilitate elders to age in the community and to relieve carers' pressure. These services include day care services and home-based services for elders in need. In terms of day care services, Day Care Centres for the Elderly

provide elders with personal care, nursing care, rehabilitation exercises, meals, recreational activities, transport service, and so on. For home-based services, depending on the elder's condition, the scope of services may include personal care, nursing care, domestic cleaning, rehabilitation exercises, meal delivery, home environmental risk assessment, homemaking, and so on. In addition, elderly centres throughout the territory provide support to carers by offering information, training and counselling services, helping them with the formation of mutual assistance groups, setting up resource corners, and giving demonstration and loan of rehabilitation equipment. All subvented and contract residential care homes for the elderly and Day Care Centres also provide relief to carers through their residential/day respite services.

To further enhance the ability of family members in taking care of elders, the Government launched the District-based Trial Scheme on Carer Training (the Scheme) in October 2007. Under the Scheme, 11 District Elderly Community Centres (DECCs) in three districts were each provided with seed money of \$50,000 to organize carer training programmes for the neighbourhood (including women who are not in employment) in collaboration with community organizations. The DECCs would also organize "carer" services by arranging trainees to temporarily stand in for the carers of elders.

In the past 10 years, the expenditure on CSSA and Social Security Allowance has increased sharply from \$13.9 billion in 1997-1998 to the revised estimate of \$24 billion in 2007-2008, representing an increase of 72.9%. In order to maintain a simple tax system and to direct limited public resources to those most in need, we must be prudent in considering any suggestion on introducing new allowance under the existing social security system. We need to ensure the sustainable development of the social security system which is non-contributory and funded entirely by general revenue. We should also consider the implications of the challenge of a rapidly ageing population on various expenditure items of the Government.

Provision of Shops and Facilities in Public Housing Estates

8. **MR LEUNG KWOK-HUNG** (in Chinese): *President, under section 4(1) of the Housing Ordinance (Cap. 283), the Hong Kong Housing Authority (HA)*

has the responsibility to secure the provision of housing and such amenities ancillary thereto as the HA thinks fit for public housing residents. Since the HA had divested its retail and car-parking facilities and sold them to The Link Management Limited (The Link) in 2005, some members of the public have relayed to me that they are unable to buy domestic items such as large plastic buckets and iron chains, because there are no groceries in their housing estates. They have also complained that there are fewer and fewer banks as well as cultural and recreational facilities in their housing estates. In this connection, will the Government inform this Council:

- (a) since the listing of The Link Real Estate Investment Trust (The Link REIT), among the post offices, public libraries, social services agencies, recreational facilities and government agencies located in the shopping arcades which were originally under the HA but are now managed by The Link, how many of them had moved away, of the reasons for their removal, as well as the names and districts of the shopping arcades involved; whether the authorities have arranged in situ re-provisioning of such facilities and agencies; if so, of the relevant details;*
- (b) whether it knows, since the listing of The Link REIT, how many banks, groceries and Chinese restaurants which were located in the shopping arcades under The Link had closed down; and*
- (c) focusing on the above situation, whether the authorities have any plan to, under the circumstances that The Link has not provided in the shopping arcades under its management the recreational facilities, retail services and other services required by the residents, provide such facilities and services in the public housing estates concerned; if not, whether they have any plan to buy back the relevant shopping arcades to provide anew the services and facilities concerned, so as to comply with the above requirement under the Housing Ordinance?*

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, upon the public listing of The Link REIT on 25 November 2005, it has become a private entity, whose business strategies and day-to-day operations are entirely independent of the Government and the HA. So long as The Link REIT's operations comply with the relevant legislation, conditions of the government leases, and terms of the covenants and agreements between The Link REIT and

the HA, the Government and the HA cannot interfere with The Link REIT's daily management and business strategies.

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

- (a) According to the information provided by the Government Property Agency and the HA, 29 government offices have moved out of the properties under The Link REIT since its public listing in November 2005. The details are at the Annex.

We do not have the information of individual social service organizations moving in and out of the shopping centres under The Link REIT. However, under a covenant made between The Link REIT and the HA, The Link REIT shall, after its public listing, continue to let a certain amount of floor area in prescribed shopping centres at concessionary rental to non-profit-making organizations operating social welfare or educational facilities.

- (b) The detailed business operations of individual commercial tenants in the shopping centres under The Link REIT and the contractual arrangements between them and The Link REIT are matters of general commercial operation. The Government and the HA does not need to know the information in this respect.
- (c) At the time of its public listing, The Link REIT specified in its Offering Circular that it would maintain a portfolio of retail properties of a convenient nature, primarily serving the basic consumer needs of the residents of the adjacent public housing estates and other visitors. In fact, as The Link REIT's shopping centres are in close proximity of residential buildings of public housing estates, the residents of the estates are the main target clientele of The Link REIT. From the business and market points of view, The Link REIT has to adopt a business strategy that suits the needs and affordability of the residents living in the vicinity.

Under section 4(1) of the Housing Ordinance, the HA shall exercise its powers and discharge its duties under the Housing Ordinance "so as to secure the provision of housing and such amenities ancillary there to as [the HA] thinks fit". The Court of Final Appeal ruled in July 2005 that to secure the provision of the retail and car-parking facilities does not mean that the HA must itself be the direct

provider. These facilities would have been secured by the HA so long as they are available, even though they are provided by a third party other than the HA. The retail and car-parking facilities under The Link REIT are subject to the restrictions of the relevant land leases and must continue to be used for retail and car-parking purposes. The Government has no plan to buy back any assets already divested to The Link REIT.

Regarding recreational facilities, the HA has all along been providing suitable facilities in all public housing estates. When examining the need for addition or up-grading of recreational facilities through the Estate Improvement Programme, it takes into account residents' views and the demographic characteristics of the estates concerned, with a view to providing a better living environment for residents.

Annex

Cases of Government Offices Moving out of Properties under The Link REIT

<i>Facility and address</i>	<i>Removal Date</i>	<i>Reason for Moving</i>	<i>Details of relocation of the services in the same district</i>
Reception Counter of the HA Exhibition Centre Shop 317A, 3/F, Homantin Plaza, 80 Fat Kwong Street, Ho Man Tin	24 November 2007	Re-planning due to expiry of tenancy agreement	Moved to the HA Headquarters Block 3 in the same building
Management Office of the HA Headquarter Blocks 3 and 4 Shop 317B, 3/F, Homantin Plaza, 80 Fat Kwong Street, Ho Man Tin	24 November 2007	Re-planning due to expiry of tenancy agreement	Moved to the HA Headquarters Block 3 in the same building
Kai Tin Estate Property Services Management Office 4/F, Kai Tin Shopping Centre, Kai Tin Estate, Lam Tin	15 December 2006	Lease of The Link REIT's property is no longer necessary as suitable HA premises have been identified to continue the provision of services	Moved to Podium Floor, Wing C, On Kin House, On Tin Estate, Lam Tin
Kwong Tin Estate Property Services Management Office Shop 213, Kwong Tin Shopping Centre, Kwong Tin Estate, Lam Tin	15 July 2006	Lease of The Link REIT's property is no longer necessary as suitable HA premises have been identified to continue the provision of services	Moved to G/F, Kwong Ching House, Kwong Tin Estate, Lam Tin
Lok Fu Estate Office No. 1, G/F, Lok Fu Shopping Centre, Lok Fu Estate, Lok Fu	15 April 2006	Lease of The Link REIT's property is no longer necessary as suitable HA premises have been identified to continue the provision of services	Moved to Podium Level 1, HKHA Customer Service Centre, 3 Wang Tau Hom South Road, Wang Tau Hom, Kowloon

<i>Facility and address</i>	<i>Removal Date</i>	<i>Reason for Moving</i>	<i>Details of relocation of the services in the same district</i>
Ngau Chi Wan District Maintenance Office Unit 102-107, Tsui Tsz House, Tsui Ping (North) Estate, Kwun Tong	15 March 2007	Lease of The Link REIT's property is no longer necessary as suitable HA premises have been identified to continue the provision of services	Moved to G/F, Wing C, Tak Shui House, Tak Tin Estate, Lam Tin
Tin Ma Court Management Office Shop F10, 1/F, Tin Ma Commercial Centre, Tin Ma Court, Wong Tai Sin	15 June 2006	Lease of The Link REIT's property is no longer necessary as suitable HA premises have been identified to continue the provision of services	Moved to G/F, Podium, Chun Sing House, Tin Ma Court, Wong Tai Sin
Kwai Tsing, Tsuen Wan and Islands Regional Management Office G/F to 3/F, Carpark Building, Shing Hei House, Kwai Shing (East) Estate, Kwai Chung	15 November 2006	Lease of The Link REIT's property is no longer necessary as suitable HA premises have been identified to continue the provision of services	Moved to Level 3, Wing B, HKHA Customer Service Centre, 3 Wang Tau Hom South Road, Wang Tau Hom, Kowloon (relocated to another district after re-planning)
Cheung Hang Estate Property Services Management Office Room LG 109A and LG 201, Cheung Hang Shopping Centre, Cheung Hang Estate, Tsing Yi	15 November 2006	Lease of The Link REIT's property is no longer necessary as suitable HA premises have been identified to continue the provision of services	Moved to Unit 1-8, G/F, Hang Lai House, Cheung Hang Estate, Tsing Yi
Fortune Estate Property Services Management Office 1/F, Fortune Shopping Centre, Fortune Estate, Sham Shui Po	15 April 2006	Lease of The Link REIT's property is no longer necessary as suitable HA premises have been identified to continue the provision of services	Moved to G/F, Fook Yuet House, Fortune Estate, Sham Shui Po
Oi Man Estate Office 1/F, Oi Man Commercial Complex, Oi Man Estate, Ho Man Tin	15 October 2006	Lease of The Link REIT's property is no longer necessary as suitable HA premises have been identified to continue the provision of services	Moved to Units 407-415, 4/F, Kar Man House, Oi Man Estate, Ho Man Tin
Kowloon West and Hong Kong Regional Management Office 1/F - 3/F, Oi Man Commercial Complex, Oi Man Estate, Ho Man Tin	15 November 2006	Lease of The Link REIT's property is no longer necessary as suitable HA premises have been identified to continue the provision of services	Moved to Level 4, Wing A, HKHA Customer Service Centre, 3 Wang Tau Hom South Road, Wang Tau Hom, Kowloon
Fung Wah Estate Property Services Management Office G/F, Hiu Fung House, Fung Wah Estate, Chai Wan	15 May 2007	Lease of The Link REIT's property is no longer necessary as suitable HA premises have been identified to continue the provision of services	Moved to Unit 701-710, On Hing House, Hing Wah (II) Estate, Chai Wan
Yue On Court Management Office G/F, Multi-storey Carpark, Yue On Court, Ap Lei Chau	15 May 2006	Lease of The Link REIT's property is no longer necessary as suitable HA premises have been identified to continue the provision of services	Moved to G/F, Choi On House, Yue On Court, Ap Lei Chau

<i>Facility and address</i>	<i>Removal Date</i>	<i>Reason for Moving</i>	<i>Details of relocation of the services in the same district</i>
Shan King Estate Property Services Management Office G/F - 3/F, Shan King Commercial Centre, Shan King Estate, Tuen Mun	15 January 2006	Lease of The Link REIT's property is no longer necessary as suitable HA premises have been identified to continue the provision of services	Moved to Unit C203, Podium Level, King Wah House, Shan King Estate, Tuen Mun
Tuen Mun and Yuen Long Regional Management Office and Property Services Administration Unit G/F and 2/F, Shek Wai Kok Shopping Centre, Shek Wai Kok Estate, Tsuen Wan	15 November 2006	Lease of The Link REIT's property is no longer necessary as suitable HA premises have been identified to continue the provision of services	Moved to Level 3, Wing A, HKHA Customer Service Centre, 3 Wang Tau Hom South Road, Wang Tau Hom, Kowloon (relocated to another district after re-planning)
Tin Chak Estate Property Services Management Office Unit No. 313, Tin Chak Shopping Centre, Tin Chak Estate, Tin Shui Wai	15 July 2006	Lease of The Link REIT's property is no longer necessary as suitable HA premises have been identified to continue the provision of services	Moved to Unit 601, 6/F, Ancillary Facilities Block, Tin Chak Estate, Tin Shui Wai
Tin Tsz Estate Property Services Management Office Unit No. 111, Tin Tsz Commercial Centre, Tin Tsz Estate, Tin Shui Wai	15 January 2006	Lease of The Link REIT's property is no longer necessary as suitable HA premises have been identified to continue the provision of services	Moved to G/F Wing C, Tsz Yan House, Tin Tsz Estate, Tin Shui Wai
On Ting Estate Office Mezz Floor, Carpark Building, On Ting Estate, Tuen Mun	15 February 2007	Lease of The Link REIT's property is no longer necessary as suitable HA premises have been identified to continue the provision of services	Moved to Units 403-411, 4/F, Ting Cheung House, On Ting Estate, Tuen Mun
Tuen Mun District Tenancy Management Office (1) Shop 201 and 202, Leung King Shopping Centre, Leung King Estate, Tuen Mun	24 November 2007	Lease of The Link REIT's property is no longer necessary as suitable HA premises have been identified to continue the provision of services	Moved to Unit 2, G/F, Wing A, King Mei House, Shan King Estate, Tuen Mun
Po Tin Estate Property Services Management Office Unit No. 302, Po Tin Shopping Centre, Po Tin Estate, Tuen Mun	24 February 2008	Lease of The Link REIT's property is no longer necessary as suitable HA premises have been identified to continue the provision of services	Moved to G/F, Block 6, Po Tin Estate, Tuen Mun
Tai Po, North, Sha Tin and Sai Kung Regional Management Office 3/F, Chun Shek Shopping Centre, Chun Shek Estate, Sha Tin	15 October 2006	Lease of The Link REIT's property is no longer necessary as suitable HA premises have been identified to continue the provision of services	Moved to Level 4, Wing A, HKHA Customer Service Centre, 3 Wang Tau Hom South Road, Wang Tau Hom, Kowloon (relocated to another district after re-planning)
Kam Ying Court Management Office G/F and 1/F, 9 Kam Ying Road, Kam Ying Court, Ma On Shan	15 October 2006	Lease of The Link REIT's property is no longer necessary as suitable HA premises have been identified to continue the provision of services	Moved to G/F, Block A, Kam Ying Court, Ma On Shan

<i>Facility and address</i>	<i>Removal Date</i>	<i>Reason for Moving</i>	<i>Details of relocation of the services in the same district</i>
Tin Yiu Estate Property Services Management Office Shop 106, 1/F, Tin Yiu Shopping Centre, Tin Shui Wai	15 July 2006	Lease of The Link REIT's property is no longer necessary as suitable HA premises have been identified to continue the provision of services	Moved to G/F, Yiu Fung House, Tin Yiu (II) Estate, Tin Shui Wai
Hing Tung Estate Property Services Management Office Shop 203, Hing Tung Shopping Centre, Hing Tung Estate, Shau Kei Wan	28 February 2007	Lease of The Link REIT's property is no longer necessary as suitable HA premises have been identified to continue the provision of services	Moved to G/F, Hing Hong House, Hing Tung Estate, Shau Kei Wan
Ka Fuk Estate Property Services Management Office Shop 108, Ka Fuk Shopping Centre, Ka Fuk Estate, Fan Ling	24 November 2007	Lease of The Link REIT's property is no longer necessary as suitable HA premises have been identified to continue the provision of services	Moved to G/F, Wing C, Fuk On House, Ka Fuk Estate, Fan Ling
Shun Lee Estate Public Library Units F1 and F2, Podium Floor of Lee Foo House, Shun Lee Estate, Kwun Tong	28 December 2007	As originally planned, the Leisure and Cultural Services Department relocated the library previously of only 136 sq m to another venue of 628 sq m in the same district so as to house more library materials and provide more facilities for the use of the public	Moved to 3/F, Shun Lee Tsuen Sports Centre, Shun Lee Tsuen Road, Kwun Tong
Neighbourhood Police Office Unit No. 43, G/F, Lei Chak House, Ap Lei Chau Estate, Ap Lei Chau	18 October 2007	The unit was used as the office for two officers of the Police Community Relations Office of the Western Police District. The police closed down the office to improve operational efficiency.	The two officers from the Office have been deployed back to work at the Western Police Station.
Kwai Tsing District Office (Kwai Chung (North East) Sub-office) Shops 227 and 228, Shek Lei Shopping Centre, Shek Lei (II) Estate, Kwai Chung	31 March 2006	For rent and expenditure saving	Moved to 5/F, Kwai Hing Government Offices Building 166-174, Hing Fong Road, Kwai Chung

Note : The Butterfly Post Office was relocated from its temporary office at Unit 118, G/F, Tip Ling House, Butterfly Estate, to the permanent office at Unit 121 and 122, Tip Sum House in the same estate on 15 January 2006 to continue to provide counter services to the public. Both are properties of The Link REIT.

Application for Medical Fee Waivers by Elderly

9. **DR JOSEPH LEE** (in Chinese): *President, regarding the application for medical fee waivers by the elderly not receiving Comprehensive Social Security Assistance (CSSA), will the Government inform this Council:*

- (a) *of the current application procedure for medical fee waivers, the medical care items for which the fees may be waived and the annual administration costs involved in processing such applications;*
- (b) *of the number of elderly persons who were granted non-one-off medical fee waivers over the past three years, and its percentage among all successful applications in the period concerned;*
- (c) *whether it has taken the initiative to promote the medical fee waiver system to the elderly; and*
- (d) *whether it will consider streamlining the application procedure for medical fee waivers for the elderly and relaxing the relevant assessment criteria so as to benefit more elderly persons, as well as increasing the number of medical care items for which the fees are waived for the elderly and extending the valid period for each approved application; if not, of the reasons for that?*

SECRETARY FOR FOOD AND HEALTH (in Chinese): President, the public health care services in Hong Kong are heavily subsidized by the Government and the fees are affordable by the general public. To ensure that no one will be denied adequate medical care due to lack of means, we have put in place a mechanism of medical fee waivers to provide assistance to needy patients.

- (a) At present, patients receiving CSSA can be exempted from payment of fees for public health care services upon production of a valid medical fee waiver issued specially to CSSA recipients. Non-CSSA recipients who cannot afford medical fees because of financial difficulties can apply for a fee waiver at the Medical Social Service Unit of public hospitals and clinics, or approach the Integrated Family Service Centres (IFSCs) under the Social Welfare Department (SWD) to make a waiver application to the social workers. There are two main types of medical fee waivers. One is a one-off medical fee waiver and the other is a period medical fee waiver for multiple uses within a specified period. Medical social workers/social workers would issue patients with a one-off waiver or a period waiver, depending on the actual medical needs of the patients.

Under the existing guidelines, only one-off waivers will be issued to patients for hospitalization or for unscheduled attendances at general out-patient clinics. Patients who have been confirmed by medical social workers/social workers to have the need for frequent follow-up medical treatment within a period of time can be issued with period waivers. Medical items for which fees may be waived cover accident and emergency service, specialist out-patient service, day hospital service, community care, general out-patient service (non-episodic cases), as well as injection and dressing.

In 2006-2007, the total number of successful applications for medical fee waivers was around 87 200. Most of the medical fee waivers applications are handled by Assistant Social Work Officers, with the assistance from General Services Assistants. Since processing medical fee waivers applications is only one of the duties of Assistant Social Work Officers, and it is difficult to fully distinguish this duty from other medical social services work, it is not possible to calculate the annual administration costs involved in processing such applications alone.

- (b) The number of elders who were granted period medical fee waivers in the past three years, and its percentage among all successful applications in the period concerned are set out at Annex 1.
- (c) Information on the eligibility and methods for application for medical fee waivers has been uploaded onto the website of the Hospital Authority (HA) and posted at the social worker offices, shroff offices, general out-patient clinics and specialist out-patient clinics in hospitals as well as the SWD's IFSCs for easy reference by patients in need. The HA has also published in newspapers the methods for application for medical fee waivers and a series of measures that make the existing medical fee waiver mechanism more accessible to the elders. In addition, the HA holds meetings with mutual help groups for patients on a regular basis. In the course of discussion on medical services, the HA often encourages patients with financial difficulties to approach medical social workers for assessment of their needs for medical fee waivers.
- (d) Under the current medical fee waiver mechanism, all elders receiving CSSA are exempted from payment of medical fees in

public hospitals and clinics without having to make any application. Elders who are not CSSA recipients can also apply for a fee waiver if they meet the criteria laid down by the HA. The HA and SWD have in the past implemented measures to make the medical fee waiver mechanism more accessible to elderly patients so as to alleviate the burden of medical expenses on them. For example, a higher asset limit of \$150,000 per person is set for the elders (as compared to \$30,000 per person for people below 65). Medical Social Workers may also exercise discretion to take into account specific needs of the elders when assessing their medical fee waiver applications. The HA has extended the maximum validity period of period waivers granted to chronically ill or elderly patients who require frequent use of medical services from six months to 12 months. Since December 2005, the coverage of period waivers granted to chronically ill or elderly patients has been extended to include pre-scheduled appointments at general out-patient clinics.

To further enhance the accessibility of medical fee waivers to needy elderly patients, the HA and SWD are planning to extend the coverage of period waivers to include general out-patient services without pre-scheduled appointment. The new arrangement is planned to be implemented at the end of March 2008.

Annex 1

The number of elders who were granted period medical fee waivers in the past three years and its percentage among all successful applications in the period concerned

<i>Year</i>	<i>Total number of patients granted period medical fee waivers (a)</i>	<i>Number of elders granted period medical fee waivers (b)</i>	<i>Percentage of number of elders granted period medical fee waivers (b) ÷ (a) x 100%</i>
2004-2005	19 395	6 796	35.0%
2005-2006	18 837	6 739	35.8%
2006-2007	14 273	5 167	36.2%

Remarks:

The HA has made no change to the criteria for considering waiver application in the past three years.

Crimes Involving Use of Chloroform

10. **MR CHEUNG HOK-MING** (in Chinese): *President, it has been reported that occasionally there are crimes in which criminals use trichloromethane (chloroform) to knock victims out to rob them. Victims become unconscious after they inhaled a small amount of chloroform, and those who inhaled an excessive amount may even die. This chemical can be bought easily from general chemical supplies stores. In this connection, will the Government inform this Council:*

- (a) *in the past three years, of the number of crimes in which criminals used chloroform, other drugs or chemicals which can induce unconsciousness to knock victims out, and among them, the number of fatal cases;*
- (b) *whether it will study imposing restrictions on the channels for and methods of buying chloroform, and requiring that approval must be obtained for its purchase; if not, of the reasons for that; and*
- (c) *how many kinds of drugs or chemicals, other than chloroform, are currently available in the market, which can induce unconsciousness upon inhalation and can be bought easily by the public without any restriction?*

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

- (a) In the past three years, there were in total 26 cases (2005: six cases; 2006: 13 cases; 2007: seven cases) of crimes in which criminals used chloroform, other drugs or chemicals which can induce unconsciousness to knock victims out. Death was caused in one of these cases.
- (b) Currently, the manufacture, storage, wholesale and retail of chloroform in Hong Kong are subject to statutory control under the Dangerous Goods Ordinance (Cap. 295) and the Pharmacy and Poisons Ordinance (Cap. 138).

Chloroform is classified as Category 4 dangerous goods under the Dangerous Goods Ordinance, and hence its manufacture and storage

are subject to the control of that Ordinance. Any person who stores over 100 litres of chloroform without first having obtained a licence issued by the Director of Fire Services commits an offence and is liable to a maximum penalty of a fine of \$25,000 and imprisonment for six months.

In addition, chloroform is a Part I First Schedule poison under the Pharmacy and Poisons Ordinance. On the wholesale level, chloroform can only be sold by persons holding a wholesale poisons licence and its sale has to be confined to medical practitioners, hospitals, authorized sellers of poisons (that is, pharmacies) and any other persons or establishments (such as factories, laboratories, and so on) requiring chloroform for use in their trade or business. These purchasers need to furnish the wholesalers with proof as to the purpose of their purchase of chloroform. The holder of a wholesale poisons licence has to record in his poisons book the particulars of the sale, including the name of the purchaser, the quantity of purchase, as well as the remaining quantity of chloroform after the transaction. Pharmacist inspectors of the Department of Health (DH) will from time to time inspect the poisons books of the licence holders and verify the remaining quantity of chloroform kept by them.

On the retail level, the Pharmacy and Poisons Ordinance stipulates that chloroform can only be sold in pharmacies in the presence and under the supervision of a registered pharmacist. On each occasion when chloroform is sold in pharmacies, the pharmacist must make a record of the name, address and Hong Kong Identity Card number of the purchaser as well as the quantity of purchase. Both the purchaser and the seller have to affix their signatures to the poisons book. According to records of the DH, pharmacies in Hong Kong do not offer chloroform for sale.

Any person in contravention of the Pharmacy and Poisons Ordinance is liable on conviction to a maximum penalty of a fine of \$100,000 and imprisonment for two years.

The operation of pharmaceutical product importers, exporters, manufacturers, wholesalers, pharmacies, medicine companies, Chinese and Western medicine clinics and other suspicious places is monitored by the DH through regular and surprise inspections.

The purpose of such inspections is to ensure that the relevant parties comply with the various requirements under the Pharmacy and Poisons Ordinance. More frequent visits are conducted at those with a poor record of compliance or under complaint.

- (c) Apart from chloroform, other drugs which may induce unconsciousness are classified as Part I Third Schedule poisons under the Pharmacy and Poisons Ordinance, and can only be sold on prescription by medical practitioners, dentists or veterinary surgeons at pharmacies in the presence and under the supervision of a registered pharmacist. Apart from drugs, most chemicals poisonous to human beings (including several chemicals that are known capable of inducing unconsciousness) are classified as Category 4 dangerous goods under the Dangerous Goods Ordinance and are therefore subject to the control of that Ordinance.

Maintenance of Register of Old and Valuable Trees

11. **MISS CHOY SO-YUK** (in Chinese): *President, it has been reported that since its promulgation in 2004, the Register of Old and Valuable Trees (the Register) has been criticized for lack of transparency, and that even if the names of certain old trees have been removed from the Register, the Leisure and Cultural Services Department (LCSD) will only delete their numbers from the Register, without disclosing the detailed reasons for their removal. It has also been reported that the LCSD has recently indicated that so far, there are altogether eight old trees which have their names removed from the Register. In this connection, will the Government inform this Council:*

- (a) *of the information on the above eight old trees, including the location, species, age, size, and so on, of each of them;*
- (b) *of the detailed reasons for removing the names of these old trees from the Register, and whether any human negligence in their caring is involved; if so, whether any person or organization has been penalized as a result; if any person or organization has been penalized, of the details; and*
- (c) *how many old and valuable trees have been added to the above Register since its promulgation?*

SECRETARY FOR DEVELOPMENT (in Chinese): President,

- (a) Since the promulgation of the Register in 2004, eight trees of various species, including Chinese Banyan, Coral Tree, Norfolk Island Pine and Pink and White Shower, in Central and Western District, South District and Yau Tsim Mong District have been removed from the Register. Please refer to the Annex for information on the locations and species of the eight trees. These trees measure 12 m to 30 m in height with a diameter at breast height (DBH) of 480 mm to 1 700 mm. Their estimated ages range from 50 years to 100 years.
- (b) There are over 500 old and valuable trees on the Register. The departments concerned conduct regular checks on each of them every year to enable early detection of any abnormalities in their growth and to give them immediate treatment as appropriate.

Trees are living things and each of them has its own characteristics. They may be attacked and damaged by pest or knocked down by natural disasters such as typhoons. Some trees therefore may not survive for a variety of reasons in spite of all the care they have received from the responsible departments. The removal of the eight trees mentioned above from the Register had nothing to do with human negligence in their caring.

With a view to enhancing the transparency of the Register, nowadays the LCSD will set out the information on trees being added or removed when updating the Register and keep the relevant District Councils informed of the changes. Information on the Register is available at the LCSD website: <<http://www.lcsd.gov.hk>>.

- (c) Since its promulgation in 2004, we have had eight new additions onto the Register with one from each of East District, Yau Tsim Mong District, Yuen Long District and Sha Tin District and two from each of Kwun Tong District and Wan Chai District. The species include India-rubber Tree, Chinese Banyan, Weeping Fig and *Ficus annulata*.

Information on Removed Old Trees

	<i>Registration No.</i>	<i>Location</i>	<i>Species</i>
1	LCSD S/11	Shouson Hill Road No. 45	Norfolk Island Pine
2	LCSD CW/87	Central Government Offices Compound, West Block near Lower Albert Road	Chinese Banyan
3	LCSD CW/54	Hong Kong Zoological and Botanical Gardens, at the edge of a path near Albany Road	Coral Tree
4	LCSD CW/120	Chater Garden	Pink and White Shower
5	LCSD S/5	Aberdeen Main Road at the junction with Ap Lei Chau Bridge Road	Chinese Banyan
6	LCSD CW/84	Central Government Offices Compound, Middle Block near Lower Albert Road	Chinese Banyan
7	LCSD CW/97	Battery Path near Court of Final Appeal	Chinese Banyan
8	LCSD YTM/9	Nathan Road near No. 111-181, Park Lane Shopper's Boulevard	Chinese Banyan

Number of Places for First-degree Programmes

12. **MR JAMES TO** (in Chinese): *President, regarding the number of places for first-degree programmes, will the Government inform this Council:*

- (a) *of a breakdown, by year of study, of*
- (i) *the number of places for publicly-funded first-degree programmes over the past five years,*
 - (ii) *the number of students currently attending non-local first-degree programmes, and*
 - (iii) *the number of adult students aged above 23 and currently attending first-degree programmes;*

- (b) *of the year-end population belonging to the age group between 17 and 20 in each of the past five years; whether it has estimated the number and percentage of people in that age group who will be holding first degree or higher academic qualifications in the coming 10 years; and*
- (c) *of the number and percentage of holders of first degree or higher academic qualifications who were in the age group between 17 and 20 at the time and in the subsequent five years when the authorities announced in October 1989 the decision to significantly increase the number of places for first-year first-degree (FYFD) programmes to 18% of the relevant age group by the 1994-1995 academic year (that is, those people who are now in the age group between 30 and 38); whether it has assessed if these people are less employable than those who are younger but have more opportunities to receive higher education, and whether the Government will increase the number of places for first-degree programmes for adults aged 23 or above?*

SECRETARY FOR EDUCATION (in Chinese): President,

- (a) (i) The number of University Grants Committee (UGC)-funded undergraduate places (in full-time equivalent term) in each of the five academic years from 2003-2004 to 2007-2008 is tabulated below:

	2003- 2004	2004- 2005	2005- 2006	2006- 2007	2007- 2008
FYFD places	14 500	14 500	14 500	14 500	14 500
Total undergraduate places	47 157	47 235	48 203	48 831	49 073

- (ii) According to information provided by the relevant course operators, 21 145 students took up studies in non-local degree courses in 2006. Breakdown by year of study is not available.
- (iii) According to information provided by the UGC-funded institutions, 8 203 students who were aged 23 or above took

up studies in the UGC-funded undergraduate programmes in the 2007-2008 academic year. Breakdown by year of study is not available.

- (b) According to information provided by the Census and Statistics Department, the year-end population of the 17 to 20 age cohort in the past five years is as follows:

<i>Year</i>	<i>No. of persons</i>
2003	351 900
2004	346 900
2005	352 600
2006	354 200
2007	359 500 (provisional figure)

We have not estimated the number and percentage of people in the above age cohort who will be holding first degree or higher academic qualifications in the coming 10 years. At present, the Government provides 14 500 publicly-funded FYFD places at the UGC-funded institutions. Apart from these publicly-funded FYFD places, students interested in pursuing studies at the undergraduate level may enrol in publicly-funded senior year undergraduate places, self-financing undergraduate and top-up degree programmes, as well as non-local undergraduate programmes. Students may also choose to receive tertiary education abroad.

- (c) According to the General Household Survey conducted by the Census and Statistics Department in the fourth quarter of 2007, the number of persons in the 30 to 38 age cohort (excluding inmates of institutions, persons living on board vessels and foreign domestic helpers) with educational attainment at degree or above level stood at 269 000, representing 28.9% of the population in that age cohort.

In general, employment rate is affected by factors such as our demographic changes, the social and economic situation, as well as the manpower demand in different sectors. Accordingly, direct comparison of the employability of persons according to their age groups or educational attainment may not represent the appropriate approach.

The eight UGC-funded institutions are autonomous statutory bodies governed by their own statutes. They enjoy institutional autonomy regarding their internal management, including student admission policies. In general, applications for admission into the UGC-funded programmes will be considered by the institutions on the basis of merits. The institutions will examine applications for admission into undergraduate programmes having regard to the academic results and non-academic performances of individual candidates (including those aged 23 or above). Furthermore, as explained in (b) above, students may gain access to tertiary education through the some 2 500 FYFD and 1 600 top-up degree places offered by self-financed post-secondary education institutions, non-local undergraduate programmes offered by the relevant course providers as well as programmes offered by institutions outside Hong Kong.

Public Policy Research Funding Scheme

13. **DR DAVID LI:** *President, recently, it has been reported that the Government has allocated \$60 million to the Public Policy Research Funding (PPRF) Scheme since 2005, and will spend an additional amount of \$80 million over the next four years to boost public policy research. In this connection, will the Government inform this Council:*

- (a) of the objective criteria used by the authorities in awarding a grant for a research project under the PPRF Scheme;*
- (b) whether there is an approved list of eligible researchers or think-tanks for the PPRF Scheme; if so, of the procedures for being placed on that list;*
- (c) whether there is any control on subcontracting work in respect of the projects funded by the PPRF Scheme; if so, of the nature of such control; and*
- (d) of the names of the researchers and think-tanks that had completed projects funded by the PPRF Scheme, together with the number of projects completed by each of them and the total amount of funds allocated to them?*

CHIEF SECRETARY FOR ADMINISTRATION: President,

- (a) The PPRF Scheme was launched by the Government in 2005 with a view to promoting public policy research in higher education institutions. The PPRF Scheme is administered by the Research Grants Council (RGC) under the University Grants Committee (UGC). The following criteria are used in awarding a grant under the PPRF Scheme:
- (i) academic quality;
 - (ii) relevance to the public policy development of Hong Kong;
 - (iii) institutional commitment;
 - (iv) contribution to academic/professional development in public policy;
 - (v) potential for social, cultural or economic application; and
 - (vi) availability of, and potential for, non-RGC funding.
- (b) Only academics in the UGC-funded higher education institutions (currently the City University of Hong Kong, the Hong Kong Baptist University, Lingnan University, The Chinese University of Hong Kong, The Hong Kong Institute of Education, The Hong Kong Polytechnic University, The Hong Kong University of Science and Technology, the University of Hong Kong) are eligible to apply for funding under the PPRF Scheme.
- (c) The disbursement guidelines of the RGC require that research grants awarded by it should primarily be used in undertaking research work in Hong Kong, and any outsourcing amounting to the sub-contracting of research work is strictly prohibited. Nevertheless, it would be legitimate for Principal Investigators (PIs) to use the grant for data collection outside Hong Kong if this is a necessary and justified part of the research, and the RGC would consider such requests on a case-by-case basis, having regard to the merits and justifications provided by the PIs concerned.

- (d) Since the commencement of the first batch of the PPRF projects on 1 April 2006, a total of 61 projects involving a sum of \$33.6 million have been approved. The majority of these projects last for two years or more (that is, 43 or 70%). As at 29 February 2008, two projects under the PPRF Scheme have been completed and submitted their completion reports. Details are as follows:

<i>Project Title</i>	<i>PI</i>	<i>Fund awarded</i>
Horizontal equity in health care utilization in Hong Kong	Dr Gabriel M LEUNG (the University of Hong Kong)	\$387,000
Innovative planning tools for urban renewal in Hong Kong	Dr LI Ling-hin (the University of Hong Kong)	\$206,000
Total:		\$593,000

Twenty and 23 projects are expected to complete and submit their completion reports within the rest of 2008 and by 2009 respectively.

Handling by Police of Cases Involving Ethnic Minorities

14. **MS EMILY LAU** (in Chinese): *President, on 12 February this year, I, together with a number of representatives from human rights and minority interests concern groups, had a meeting with the senior management of the police to reflect the problems encountered by the ethnic minorities in their contacts with the police. In this connection, will the executive authorities inform this Council:*

- (a) *given that the police advised at the above meeting that 73 measures had been implemented since 2006 to assist the ethnic minorities, whether the authorities can set out the details and implementation date of each of these measures, and when the effectiveness of these measures will be assessed;*
- (b) *in the past three years, of the respective numbers of cases involving the ethnic minorities assisting the police in investigations or seeking help from the police in which interpreters proficient in Cantonese and Japanese, Cantonese and Urdu, Cantonese and Hindi, Cantonese and Tagalog, Cantonese and Indonesian, Cantonese and Nepali, English and Japanese, English and Urdu, English and Hindi, English and Tagalog, English and Indonesian, and English*

and Nepali were required to help the ethnic minorities concerned to communicate with police officers, and the number of such cases in which the police did not provide the interpretation service required;

- (c) whether measures are in place to ensure that interpreters can arrive within 30 minutes to provide interpretation service; and whether they have drawn up guidelines and provided training to the interpreters to ensure that the interpretation service provided by them is accurate, free of personal opinions and unbiased;*
- (d) whether the police will, after taking statements at police stations from the ethnic minorities who assist the police in investigations or seek help from the police, take the initiative to provide them with copies of such statements written in their native languages or English; if so, of the implementation date of such a measure; if not, the reasons for that; and*
- (e) whether measures are in place to ensure that front-line police officers' ability to investigate cases involving ethnic minorities or to assist them will not be affected by the fact that the officers are illiterate in languages other than Chinese; if not, of the reasons for that?*

SECRETARY FOR SECURITY (in Chinese): President,

- (a) The "Working Group to Address the Concerns of Ethnic Minorities" of the police is responsible for co-ordinating and bringing together efforts of the Force in enhancing communication and liaison with the ethnic minorities.

Over the years, having regard to the specific circumstances of individual districts, the Police Districts have implemented a total of 73 measures at the district level to enhance communication and liaison with the ethnic minorities, and through this to engage the ethnic minority communities to participate in the fight against crime. Although the measures implemented in different districts vary, they can broadly be categorized into three main areas:

- (i) to work together with non-governmental organizations and other government departments in establishing liaison

networks with the ethnic minority communities; and to enhance communication and close liaison with the ethnic minority bodies through meetings and experience-sharing with district organizations and livelihood bodies of different ethnic minorities (27 measures in total);

- (ii) to organize different types of activities for ethnic minority communities, including visits to police facilities; and organization of short-term courses, talks, promotional activities, and so on. These activities aim to facilitate the ethnic minorities' understanding of the community they live in, enhance their understanding of the work and law-enforcement functions of the police, and encourage them to participate in fight crime initiatives (28 measures in total); and
- (iii) to maintain close liaison with schools with ethnic minority students, and invite the ethnic minority students to join the Junior Police Call, with a view to facilitating their integration into the community and enhancing their understanding of the work of the Police Force (18 measures in total).

Apart from the district-based measures mentioned above, the police have also implemented the following measures at the central level to address the needs of the ethnic minorities:

- (i) two commonly used forms and documents (namely the "Notice of Rights to Persons Detained in Custody by the Police" and the "Personal Information Collection Statement") have been translated into nine languages (that is, Tagalog, Vietnamese, Thai, Indonesian, Hindi, Mongolian, Nepali, Tamil and Urdu) for use in all police stations;
- (ii) the police are making arrangements to form a specialized cadre responsible for ethnic minorities affairs, so as to enhance the capability of those Police Districts with a larger ethnic minorities population in dealing with matters related to ethnic minorities. Members of the cadre will be representatives from the Districts concerned. Through experience-sharing and training, their understanding of the cultures of different ethnic groups will be enhanced.

Members of the cadre will also become the designated officers in their respective Police Districts responsible for ethnic minority affairs. This will ensure that ethnic minority affairs in the Districts concerned could be handled more effectively in future; and

- (iii) Police Districts are encouraged to recruit ethnic minorities as volunteers, for example, to assist at the Police Information Booths in major crowd management operations of the police, so as to enhance the communication and co-ordination between the police and different ethnic minorities.

The Force's "Working Group to Address the Concerns of Ethnic Minorities" meets regularly to review the progress and effectiveness of the initiatives, and to continue to formulate feasible measures to further assist the ethnic minorities as necessary.

- (b) According to the statistics provided by the police, from 2005 to 2007, the numbers of cases involving ethnic minorities assisting the police in investigations or seeking help from the police in which the assistance of interpreters proficient in Japanese, Urdu, Hindi, Tagalog, Indonesian or Nepali were required are as follows:

<i>Language</i>	<i>Number of cases</i>
Japanese	473
Urdu	1 385
Hindi	500
Tagalog	2 891
Indonesian	3 505
Nepali	2 590

Statistics are kept based on the languages spoken by the ethnic minorities concerned. We do not have further breakdowns as to whether the recipients of the interpretation service on the other side speak English or Cantonese. The police provided the interpretation services required in all of the above cases.

- (c) The police provide the necessary interpretation services to the ethnic minorities through different means. In general, when it is necessary to provide interpretation service (including interpretation service on the six languages mentioned in part (b) of the question) to

a member of the ethnic minorities, the police will invite part-time foreign language interpreters registered with the Court Language Section of the Judiciary Administration to assist. These interpreters are generally required to attain the required qualification and level of language skill before they can be registered with the Judiciary.

When a police officer on duty needs interpretation service in dealing with ethnic minorities, he will immediately inform the respective Regional Command and Control Centre. The Centre will immediately contact the part-time interpreters to arrange for attendance at the scene as soon as possible to provide interpretation service. Since the time required by the interpreters to arrive at the scene depends on various circumstantial factors, the police have not set any time limit for the interpreters to arrive at the scene.

- (d) To ensure the validity of any statement recorded, all interviews with ethnic minorities by police officers must be conducted in the mother tongue of the interviewees unless the interviewees prefer to use another language. The statement must also be recorded in the mother language of the interviewees. Where a statement is recorded in a language other than English, the police will provide a copy of the English translation of the statement to the interviewee on request.

Regarding the provision of copies of the statement taken to the interviewees, where the statement taken is a caution statement, the police will provide a copy of the statement of their own accord; where the statement is not a caution statement, the police will provide a copy if requested by the individual concerned.

- (e) The Force makes appropriate arrangement in staff deployment in accordance with the language proficiency of the police officers concerned. Officers who are more conversant in English will be deployed to posts which require a better command of the language (for example, duties in the Report Rooms). When a front-line officer encounters difficulty in communicating with an individual who does not speak Chinese, he will seek assistance from the console or his supervisor, as appropriate. The Force will send an interpreter or an officer who is conversant in the language to the scene to assist in the handling of the case.

Moreover, as mentioned in my answer to part (a) of the question, the police have translated two commonly used forms and documents into a number of languages for use in all police stations. Based on their specific circumstances, individual Police Districts may also provide to ethnic minorities translation of other information or forms in other languages. The Force is now examining the possibility of providing standardized translation of more forms for use in all Police Districts.

The Force will continue to facilitate exchanges between police officers and ethnic minority communities at district level (including making arrangement for police officers to participate in their activities and to learn their languages) so as to further enhance the mutual understanding and communication between the police and the ethnic minorities.

Control of Obscene and Indecent Articles Ordinance

15. **MR SIN CHUNG-KAI** (in Chinese): *President, the Government has indicated that it will review the Control of Obscene and Indecent Articles Ordinance (Cap. 390) this year and consult the public in this regard. On the other hand, concerning the recent incidents of indecent photos on the Internet purported to be of artistes, there have been comments calling for the Government to draw up, during the interim period before the above review is completed or the Ordinance is amended, guidelines and codes on the handling of obscene articles for the information technology sector. In this connection, will the Government inform this Council whether it will draw up such guidelines and codes during the above interim period; if it will, of the legal effect of such guidelines and codes, and how it ensures that the drawing up of such guidelines and codes prior to the above public consultation exercise will not infringe public rights?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Chinese): President, the Government is conducting a comprehensive review of the provisions in the Control of Obscene and Indecent Articles Ordinance (Cap. 390), and plans to consult the public in the second half of 2008 on ways to amend the Ordinance in order to keep pace with the development of our society.

The Government has no plans to draw up any guidelines or codes that has legal effect under the Ordinance before the review is completed or the Ordinance is amended. However, to help equip the public with some general knowledge

about the proper use of the Internet, for instance, good online practices and related legislations, we have published a set of guidelines on "Acceptable Use of Internet" on the Government's InfoSec website <www.infosec.gov.hk>. The guidelines, which are meant to provide reference for the public, are not legally binding. In the light of the recent public concern over the dissemination of information on the Internet, the Government is considering with the information technology sector how to update the guidelines, for example, to include some relevant cases in our daily lives and frequently asked questions, so as to provide the industry and the public with more information about computer or cyber crimes.

Arrangements for and Promotion of Marathon

16. **MR FREDERICK FUNG** (in Chinese): *President, it has been reported that as many as 42 000 people participated in this year's Standard Chartered Hong Kong Marathon, indicating that this activity has gradually become a major local and even international sports event and that the passion of the people of Hong Kong for long-distance running is increasing. Moreover, the Hong Kong Amateur Athletic Association (HKAAA), the event organizer, implemented a number of improvement measures for this year's event, including advancing the race day, arranging different routes for different races, arranging for the routes to pass through busy areas so as to allow members of the public to line both sides as spectators, changing the finishing point of the event, arranging live television coverage of the event so as to enhance the atmosphere of competition, and so on. Regarding the arrangements for and the promotion of marathon, will the Government inform this Council:*

- (a) *whether it knows the preliminary results of the review conducted by the HKAAA on the various arrangements for this year's marathon, including the improvement measures which should continue to be adopted for next year's event and the areas in need of improvements, the negative impact of the event on individual districts (for example, the noise problem of some parts of North Point), and if the time for the closure of Island Eastern Corridor should be adjusted so that the starting time for the 10-km race can be deferred, thereby alleviating the impact of the event on nearby residents;*
- (b) *given the increasing popularity of marathon running, whether it will consider formulating the following policies and measures to promote long-distance running, so as to encourage members of the public to*

do more exercise and adopt a healthy life style: including systematic jogging training in the physical education (PE) curricula for primary and secondary schools, giving support in the planning of sports facilities, providing more jogging tracks in various communities, resurfacing the existing jogging tracks with vibration-absorbing materials, assisting the relevant sports organizations in organizing training courses to promote correct knowledge of long-distance running, and supporting the organization of more long-distance running or marathon races; and

- (c) *whether it will promote marathon races as major tourism events to attract more runners from other places, in order to build an image for Hong Kong as a vibrant city?*

SECRETARY FOR HOME AFFAIRS (in Chinese): President,

- (a) The HKAAA met with the relevant government departments and organizations on 27 February 2008 to review the various arrangements for this year's Hong Kong Marathon.

They noted that the new arrangements, which included the use of the Island Eastern Corridor as the course for the 10-km Challenge to segregate it from the course for the Half Marathon Race and Full Marathon Race, and shifting the Finish Area of the races from the Golden Bauhinia Square in Wan Chai (the Finish Area for previous events) to Victoria Park in Causeway Bay, were well received by many participants. At the meeting, relevant government departments and organizations considered that the arrangements for this year's event were appropriate, and in view of the effectiveness of the new arrangements, recommended the HKAAA to consider continuing with the abovementioned arrangements in the future.

As regards the time for the races, the HKAAA will consider the possible noise impact, road closure and the traffic conditions, and accordingly defer the starting time of the 10-km Challenge accordingly. It will discuss the matter with the government departments concerned before making a decision.

- (b) To develop a strong sporting culture is an objective of sport development in Hong Kong. In this connection, the

Administration has taken various measures to encourage members of the public to participate in sports activities.

Athletics has been a core learning activity under the PE Curriculum for schools, and structured jogging training has also been a well-developed and sustained activity in primary and secondary schools for many years. During PE lessons and co-curricular activities, teachers introduce to students the skills and knowledge of distance running, and make arrangements for students to participate in endurance runs for the purpose of physical fitness test. Besides, most schools in Hong Kong organize other jogging-related activities annually, such as distance-running competitions, round-the-campus runs and cross-country races, and include competition events for distance running in their annual athletic meets.

Regarding the promotion of distance running, the Leisure and Cultural Services Department (LCSD), through the Sports Subvention Scheme, provides funding support to the HKAAA and relevant sports organizations every year for organizing various types of athletic activities and structured athletic training courses, including those on distance running, for public participation. Through the "M" Mark System and Support Packages, the Administration encourages and assists local sports organizations to stage major international sports events, including those of distance running, in Hong Kong. Moreover, the LCSD provides venues for the HKAAA to organize marathon training courses, which help enhance participants' knowledge and safety awareness of distance running by the HKAAA.

At the community level, we understand that jogging is becoming increasingly popular among members of the public and will provide suitable recreation and sports facilities correspondingly. When planning for recreation and sports facilities, the LCSD will incorporate jogging tracks into the project scope, where appropriate, having regard to factors such as the environment of the sites and the views of District Councils. The LCSD will also consider using vibration-absorbing materials when resurfacing existing jogging tracks in parks.

- (c) The Hong Kong Tourism Board (HKTB) has been working closely with the HKAAA, the organizer of the Standard Chartered Hong

Kong Marathon, to promote the event to the tourist industry and overseas. Promotional activities include:

- (i) introducing "Hong Kong Marathon" tour packages in markets with a strong interest in marathon, such as Japan, to boost enrolment;
- (ii) collaborating with the media in other markets, such as the United States, the United Kingdom and Canada, and inviting them to come to Hong Kong to cover the event; and
- (iii) disseminating information on the Hong Kong Marathon through the HKTB's official website and other promotional channels.

In addition, at the HKTB's suggestion, the HKAAA has adopted the following measures to enhance the attractiveness of the event to overseas visitors:

- (i) accepting overseas visitors' enrolment upon their arrival even after the closing date (About 250 visitors were enrolled in this year's event upon their arrival in Hong Kong); and
- (ii) staging a two-day Hong Kong Marathon Expo one week in advance of the event to enrich the marathon elements. This has been arranged since 2002.

Every year, the HKTB joins hands with the HKAAA, the event sponsors, and the local and overseas media to launch various promotional activities to attract overseas tourists to participate in the Hong Kong Marathon. Statistics have shown an increase in the number of overseas participants from 294 in 2001 to 1 762 in 2008. The HKTB will continue to spare no effort in promoting this major international sports event with a view to enhancing its attractiveness.

Cultural Heritage of New Territories Villages

17. **MR CHEUNG HOK-MING** (in Chinese): *President, some people in the New Territories have relayed to me that New Territories villages, with their long history, are a rich source of historical buildings of heritage value and traditional*

folk culture (for example, Qilin dance, Hakka folk songs, marriage ceremonies, Shengong opera, and so on), which are valuable tangible and intangible cultural heritage. They have also pointed out that although the Government has established three thematic museums focusing on the presentation of traditional New Territories culture, intangible culture cannot be preserved simply by exhibiting the hardware, as it has to be inherited and passed on from one generation to another. In this connection, will the Government inform this Council:

- (a) whether currently there is any policy on the conservation of historical buildings in villages, if there is, of the details, and the respective expenditures incurred in the past three years on conserving historical buildings in villages and in urban areas; if there is no relevant policy, whether it will study the formulation of such a policy; and*
- (b) whether it will consider injecting appropriate resources into the conservation of the intangible culture of villages, and co-operating with Heung Yee Kuk and various Rural Committees in the New Territories in formulating measures for assisting in preserving the intangible culture of villages?*

SECRETARY FOR DEVELOPMENT (in Chinese): President,

- (a) The Government is committed to preserving built heritage in Hong Kong, including those historic buildings in villages in the New Territories. The Antiquities and Monuments Office (AMO) under the Leisure and Cultural Services Department (LCSD) is responsible for the recording, research and conservation in this regard. Out of the historic buildings declared as monuments under the Antiquities and Monuments Ordinance, 36 are located in the New Territories. They are properly maintained and open to the public. Moreover, the Government has established two heritage trails respectively in Ping Shan and Lung Yeuk Tau to introduce the historic buildings of the areas in a systematic way. The Government has also converted the old Ping Shan Police Station into the Ping Shan Tang Clan Gallery cum Heritage Trail Visitors Centre to showcase the history of the Tang Clan and points of interest along the Heritage Trail there. The annual operating expenditure of the Visitors Centre is about \$3 million.

The expenditure of the AMO in restoration and maintenance of historic buildings over the past three years is shown below:

<i>Financial Year</i>	<i>\$('000)</i>	
	<i>Historic buildings in urban area</i>	<i>Historic buildings in the New Territories</i>
2005-2006	1,238	4,452
2006-2007	699	6,480
2007-2008 (as at 29 February 2008)	1,192	2,690

Furthermore, the Government will expand the coverage of the financial assistance scheme for repairs and restoration from the current coverage of privately-owned declared monuments or deemed monuments to privately-owned graded historic buildings.

- (b) The Secretary for Home Affairs is responsible for the policy on intangible cultural heritage. The Home Affairs Bureau attaches great importance to the preservation of intangible cultural heritage including in the New Territories. Public museums under the LCSD such as the Hong Kong Museum of History and the Hong Kong Heritage Museum are dedicated to the documentation of the traditional rituals and customs of local villages as well as collection and exhibition of New Territories relics. With the enforcement of the United Nations Educational, Scientific and Cultural Organization Convention for the Safeguarding of the Intangible Cultural Heritage (the Convention) in April 2006, an Intangible Heritage Unit was set up under the Hong Kong Heritage Museum in the same year to undertake the necessary work in compliance with the Convention. The Government is now planning to commission a territory-wide survey on the intangible cultural heritage of Hong Kong with a view to compiling a comprehensive inventory. A task force comprising local experts and representatives from the community will be set up to advise the Government on the territory-wide survey. We will maintain liaison with the Heung Yee Kuk and rural committees to facilitate the conduct of the survey. Upon drawing up the inventory, the Government will examine the overall policy related to intangible cultural heritage and consider allocating resources to enhance the safeguarding, education, inheritance and promotion of intangible cultural heritage in Hong Kong including that in the rural areas.

Established in December 1992, the Lord Wilson Heritage Trust aims to preserve and conserve the human heritage of Hong Kong by organizing activities and providing funding support to assist organizations and individuals to undertake heritage-related activities and research projects. The Trust invites applications for grants annually, and the majority of the funding applications are submitted by individuals, non-governmental organizations and tertiary institutes. The projects approved can be mainly divided into three categories — education and publicity; restoration and conservation; and research and study. Grants amounting to \$3.52 million and \$2.03 million have been awarded for 13 and 15 applications respectively in 2006 and 2007.

Mitigation of Traffic Noise

18. **MR JAMES TO** (in Chinese): *President, regarding the mitigation of traffic noise, will the Government inform this Council:*

- (a) *given that at the meeting of the Panel on Environmental Affairs in July 2006, an official of the Highways Department (HyD) said that the HyD had engaged the City University of Hong Kong (CityU) to conduct studies on the current practice/specification on road joints, of the progress of such studies;*
- (b) *given that an official of the Environmental Protection Department said at the above meeting that the Administration would continue to identify road sections suitable for application of traffic management schemes without affecting the transport trades and transferring the noise problem to other areas, of the progress of such efforts and the implementation dates of the traffic management schemes concerned; and*
- (c) *given that the works to resurface 72 road sections with low-noise road surfacing materials had commenced in 2002 and the Administration is implementing a trial scheme to study the use of new and more effective low-noise road surfacing materials for resurfacing another 26 road sections, of the progress of such works and the trial scheme?*

SECRETARY FOR THE ENVIRONMENT (in Chinese): President,

- (a) The HyD had engaged the CityU to conduct a study on the noise problem arising from vehicles passing road joints. The study was completed in late 2006 and its findings reveal that the noise generated at road joints is affected by five factors, namely rugged road surface, joint width, joint position, joint materials and vehicle types.

To mitigate the noise problem arising from road joints, the Government has engaged the CityU to conduct further study on noise abatement in collaboration with joint suppliers. During the study, low-noise joints will be installed and tested on existing bridges. Tests on these low-noise joints will commence in mid-2008 and are expected to complete in mid-2009.

- (b) Traffic management schemes aim at reducing road traffic noise by banning certain vehicles, such as heavy vehicles, from entering certain districts or road sections round the clock or at night. The successful implementation of such traffic control schemes depends on the availability of alternative routes. We also need to ensure that the noise problem will not be shifted to residents near the alternative routes. In addition, the measures should be acceptable to road users and the transport trades. Owing to these constraints, it is not easy for us to identify suitable road sections for implementing traffic management schemes.

Apart from Texaco Road Flyover, we are still exploring the feasibility of implementing traffic management schemes at other road sections. If potentially suitable road sections are identified, we will conduct detailed studies with relevant departments and consult local residents, affected individuals and organizations, District Council members, and so on, to help decide on whether or how to implement the schemes.

- (c) As at February 2008, among the 72 local road sections identified for resurfacing with low-noise road surfacing materials, 36 have been resurfaced and the resurfacing works for 12 are being arranged. The resurfacing works are expected to complete by the end of 2010. The technical feasibility studies on another 14 road sections are being carried out and are expected to complete before 2009. The

work schedules of the remaining 10 road sections have yet to be finalized due to the need to tie in with other road, railway and drainage projects.

In view of the enhanced durability of low-noise materials in recent years and having regard to the relevant experience gained from the surfacing works, the Government decided in mid-2006 to extend the trial scheme of resurfacing with low-noise materials by including 26 additional local road sections into the new phase of the scheme. The technical feasibility studies commenced in September 2007 and are expected to complete by the end of this year. If the findings show that the resurfacing works are technically feasible, we will arrange for the resurfacing of these road sections with low-noise materials as soon as possible, subject to the availability of resources.

Retirement and Promotion Arrangements for Academic Staff of University of Hong Kong

19. **DR KWOK KA-KI** (in Chinese): *President, it has been reported that since 2001, the Li Ka Shing Faculty of Medicine (the Faculty of Medicine) of the University of Hong Kong (HKU) has renewed its contract with a professor aged over 60 more than once for a total duration of eight years for him to take up the post of Professor in the Department of Surgery, and his current contract will expire next year when he turns 69 years of age. Regarding the retirement and promotion of academic staff in the HKU, will the Government inform this Council whether it knows:*

- (a) *the normal retirement age for academic staff of the HKU;*
- (b) *the respective current numbers of academic staff in various departments of the HKU who are beyond the above age of retirement but are still retained, the number of times their contracts had been renewed since they reached the retirement age, and the reasons for each of the renewals of their contracts;*
- (c) *whether the Faculty of Medicine of the HKU had conducted any open recruitment for the vacancy of the post of Professor in the Department of Surgery, so as to enable younger and qualified academic staff in the Faculty to apply for the post and have the opportunity for promotion; if it had not, the reasons for that;*

- (d) *whether the HKU has assessed if currently there are any suitable academic staff in the Faculty of Medicine for taking up senior posts (including Professors, Chair Professors and Head of Department of Surgery) in the Faculty; if the assessment outcome indicates that there are suitable candidates, why it continues to employ the above professor who is beyond the retirement age; if there is no suitable candidate, whether the HKU will review whether or not it is necessary to employ additional suitable academic staff; and*
- (e) *whether comprehensive succession arrangements are in place in the Faculty of Medicine of the HKU to provide promotion opportunities for younger academic staff; if so, why it continues to employ the above professor instead of considering the promotion of the relevant candidate for succession; if not, whether the HKU will review the staff succession mechanism of the Faculty of Medicine?*

SECRETARY FOR EDUCATION (in Chinese): President, the eight institutions funded by the University Grants Committee (UGC), including the HKU, are autonomous statutory bodies governed by their respective ordinances. They enjoy autonomy in the management of their internal affairs, including human resources policies. On the specific issues raised, the information provided by the HKU to the UGC Secretariat is set out in the ensuing paragraphs:

- (a) Staff members of the HKU are normally required to retire on the date of 30 June which follows his/her 60th birthday.
- (b) The number of staff members in various departments of the HKU who are beyond the age of 60 is tabulated below:

<i>Faculties</i>	<i>Academic Staff</i>	<i>Non-Academic Staff</i>
Architecture	2	-
Arts	2	-
Business and Economics	-	-
Dentistry	1	-
Education	2	-
Engineering	6	-
Law	2	-

<i>Faculties</i>	<i>Academic Staff</i>	<i>Non-Academic Staff</i>
Medicine	6	5
Science	-	1
Social Sciences	3	4
Centres/Halls	-	3
Registry	-	2
Finance and Enterprises Office	-	1
Estates Office	-	1
Safety Office	-	1
Total Staff:	24	18

The number of times an extension of service has been granted to serving academic and non-academic staff members whose age is beyond 60 is tabulated below:

<i>Number of times an extension is granted</i>	<i>Academic Staff</i>	<i>Non-Academic Staff</i>
One	13	10
Two	7	6
Three	2	2
Four	2	-
Total Staff:	24	18

Note :

- (1) The normal period of each extension of contract for academic staff is two years.
- (2) The normal period of each extension of contract for non-academic staff is one year.

According to the HKU, the overriding consideration in respect of extension of service for a staff member whose age is beyond 60 under exceptional circumstances is whether it is in the University's best interest to retain the staff member's services. The University has established specific committees to consider applications for extension of service beyond retirement. The committees will take into account the performance and contribution of the staff member concerned. Extension would only be granted where it can be demonstrated that it is in the University's best interest to retain the services of a particular staff member; and funds are available to support the continued appointment.

(c) and (d)

Each faculty has established a specific committee that considers, among other things, applications from senior staff for extension of service beyond the normal retirement age. Each application is carefully considered by the relevant committee. If an application for service extension is not approved or the incumbent does not want to stay on, the HKU will open up the post for open recruitment.

Furthermore, the HKU has advised that Department Headship is not a post. It is an "official capacity" performed in addition to all the duties inherent in the substantive academic appointment as Chair Professor, Professor, and so on. There are established University procedures for the appointment of Department Heads, which include consultation with Department staff, recommendation by the relevant Faculty, and consideration and approval by the Vice-Chancellor.

(e) According to the HKU, in considering applications of senior staff for extension of service beyond the normal retirement age by the relevant committee, information on succession planning is taken into account. Under the University's human resources structure, Faculty Deans are charged with the responsibility to oversee the human resources management of the Faculty, including succession planning.

Structural Safety of Elevated Roads

20. **MS EMILY LAU** (in Chinese): *President, regarding the maintenance and repairs of elevated roads, will the executive authorities inform this Council:*

- (a) *of the current number of elevated roads completed more than 35 years ago; the respective average daily numbers of vehicles using them and the respective percentages of those which are private cars;*
- (b) *whether inspections into the wear and tear situation of the piles of the elevated roads mentioned in (a) have been conducted, and how repairs are carried out when wear and tear is detected;*

- (c) *whether regular assessments of the structural safety of the piles of elevated roads have been made; if so, of the details; if not, the reasons for that; and*
- (d) *whether proposed substitute routes have been drawn up for individual elevated roads to meet the traffic demands during the reconstruction of such elevated roads which are beyond repair?*

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President,

- (a) Elevated road bridges broadly refer to road bridges spanning other roads, railways, fairways, footpaths and cycle tracks. Currently, there are 41 elevated road bridges in Hong Kong completed more than 35 years ago, of which 39 are located in urban areas and two in the New Territories. The Transport Department conducts surveys annually on road traffic flow on a sampling basis according to statistical requirements. Since one of the purposes of the surveys is to assess whether the design capacity of the roads can cater for the actual aggregate vehicular flow, usually only the aggregate vehicular flow on roads is computed but not the respective percentages of various categories of vehicles. Existing information and traffic flow of elevated road bridges completed more than 35 years ago are tabulated in the Annex.
- (b) Regardless of the year of completion of an elevated road bridge, the Highways Department (HyD) will carry out an inspection biannually. Engineering personnel will conduct checks and identify problems, such as the presence of cracks or spalled concrete, on the structural surface of different parts of the elevated road bridge including its columns and decks. Repair works will be arranged as required. To fix cracks, synthetic resin will be injected into the cracks to prevent the entry of air and water and thus subsequent oxidation with reinforcement. As for concrete spalling, after removing loose concrete, anti-corrosion primer will be applied on exposed reinforcement and spalled areas will be repaired with epoxy resin or polyester resin. In case of more severe defects, further in-depth inspections will be conducted and appropriate strengthening works will be carried out if necessary.

As for the piles which are buried underground and cannot be inspected directly, the engineering personnel will look for abnormalities in the overall structure of the elevated road bridges during inspections, such as abnormal settlement of the bridge decks. Upon identification of such structural abnormalities, further in-depth investigation would have to be conducted. Foundation strengthening works will be carried out if structural problems of the piles are confirmed. During regular inspection and maintenance of elevated road bridges in the past, no signs of pile abnormalities have been detected by the engineering personnel.

- (c) Regardless of the year of completion of an elevated road bridge, the HyD will conduct more detailed inspection biennially. Apart from the items for checking set out in (b), in-depth tests, such as those on concrete carbonation levels and chloride content, will be carried out as required. The engineering personnel will assess the structural safety of elevated road bridges based on observations during on-site inspections and results of the above tests.
- (d) With appropriate maintenance and repair, these elevated road bridges are kept in good conditions. If reconstruction of an elevated road bridge is required in the future, temporary traffic arrangement, including the setting of diversion routes, will be prepared in advance to cater for the traffic demand during construction stage.

Annex

Traffic Flow on Elevated Road Bridges Completed for 35 Years or Over

<i>Serial No.</i>	<i>Location of Elevated Road Bridges</i>	<i>District</i>	<i>Year of Completion</i>	<i>Average Daily Traffic Flow in 2006* (Vehicle No.)</i>
1	Tsing Fung Street Flyover	Eastern District	1972	10 670
2	Arsenal Street Flyover	Wan Chai	1970	27 470
3	Fleming Road Flyover	Wan Chai	1970	19 330
4	Wan Chai Interchange	Wan Chai	1972	21 040
5	Flyover from Gloucester Road to Cross Harbour Tunnel	Wan Chai	1972	-
6	Marsh Road Flyover	Wan Chai	1972	15 050

<i>Serial No.</i>	<i>Location of Elevated Road Bridges</i>	<i>District</i>	<i>Year of Completion</i>	<i>Average Daily Traffic Flow in 2006* (Vehicle No.)</i>
7	Plunkett's Road across Peak Road	Central and Western District	1958	-
8	Conduit Road near Castle Road	Central and Western District	1963	-
9	Magazine Gap Road crossing over Peak Tramway	Central and Western District	1963	-
10	Upper Albert Road across Albany Road	Central and Western District	1962	27 600
11	Cotton Tree Drive near Admiralty	Central and Western District	1967	45 740
12	Cotton Tree Drive Flyover	Central and Western District	1968	48 090
13	Flyover from Upper Albert Road to Kennedy Road Interchange	Central and Western District	1972	-
14	Flyover from Pok Fu Lam Road to Bonham Road	Central and Western District	1973	-
15	May Road between Brewin Path and Tregunter Path	Central and Western District	1973	-
16	Hatton Road Bridge over Po Shan Road	Central and Western District	1942	-
17	Repulse Bay Road across South Bay Road	Southern District	1966	-
18	Repulse Bay Road across Beach Road	Southern District	1969	22 230
19	Tai Tam Reservoir Road across Wong Nai Chung Gap Road	Southern District	1964	-
20	Flyover connecting Hong Chong Road and Prince Margaret Road	Yau Tsim Mong	1972	47 900
21	Slip Road from Hong Chong Road to Chatham Road North	Yau Tsim Mong	1972	-
22	Flyover connecting Chatham Road South and Gascoigne Road	Yau Tsim Mong	1969	-
23	Lai Chi Kok Bridge	Sham Shui Po	1968	102 530
24	Ching Cheung Road near Butterfly Valley Road	Sham Shui Po	1966	62 060
25	Cheung Sha Wan Road across Castle Peak Road and Kwai Chung Road	Sham Shui Po	1970	-

<i>Serial No.</i>	<i>Location of Elevated Road Bridges</i>	<i>District</i>	<i>Year of Completion</i>	<i>Average Daily Traffic Flow in 2006* (Vehicle No.)</i>
26	Flyover at Prince Edward Road East to Sun Po Kong	Wong Tai Sin	1971	35 370
27	Choi Hung Road to Prince Edward Road East	Wong Tai Sin	1971	133 800
28	Cornwall Street extension over railway	Kowloon City	1973	20 490
29	Lion Rock Tunnel Kowloon exit across Lung Cheung Road	Kowloon City	1973	70 430
30	Lion Rock Tunnel Kowloon exit to Lung Cheung Road	Kowloon City	1973	-
31	Flyover connecting Prince Edward Road East and Prince Edward Road West and Boundary Street	Kowloon City	1972	80 760
32	Flyover connecting Prince Edward Road East and Argyle Street	Kowloon City	1972	29 650
33	Flyover connecting Prince Edward Road East and Ma Tau Chung Road	Kowloon City	1972	48 680
34	Pui Ching Road over Princess Margaret Road	Kowloon City	1970	25 340
35	Ho Man Tin Hill Road over railway	Kowloon City	1972	6 190
36	Chatham Road North over railway	Kowloon City	1972	127 300
37	Flyover connecting Gillies Avenue South and MTR Hung Hom Station	Kowloon City	1973	18 269
38	Fat Kwong Street Flyover over Chatham Road North	Kowloon City	1964	22 400
39	Flyover over railway between Princess Margaret Road and Wylie Road	Kowloon City	1961	-
40	Tsing Yi South Bridge	Kwai Tsing	1973	43 440
41	Choy Yee Bridge over Tuen Mun Nullah near Kin Shing Lane	Tuen Mun	1971	-

* Transport Department conduct surveys annually on road traffic flow on a sampling basis according to statistical requirements.

MOTIONS

PRESIDENT (in Cantonese): Motions. Proposed resolution under the Interpretation and General Clauses Ordinance to amend the Accreditation of Academic and Vocational Qualifications (Appeal) Rules.

I now call upon the Secretary for Education to speak and move his motion.

PROPOSED RESOLUTION UNDER THE INTERPRETATION AND GENERAL CLAUSES ORDINANCE

SECRETARY FOR EDUCATION (in Cantonese): President, I move the motion as printed on the Agenda to amend the Accreditation of Academic and Vocational Qualifications (Appeal) Rules (the Appeal Rules).

In May 2007, the Legislative Council passed the Accreditation of Academic and Vocational Qualifications Bill, which provides the necessary legislative framework for the implementation of the Qualifications Framework. Under the Ordinance, an education and training provider or an assessment agency may appeal against a decision on the outcome of an accreditation test or a decision on the entry of a qualification into the Qualifications Register. The Ordinance also provides for the establishment of a Rules Committee which makes rules governing the application and handling procedures of appeals.

The Appeal Rules were tabled at the Legislative Council by the Rules Committee on 20 February 2008. After examining the Appeal Rules, the legal adviser of the Legislative Council has suggested amending the drafting of several provisions in order to enhance the consistency of the wording with that of the principal Ordinance and other existing legislations. The Rules Committee has considered the legal adviser's proposals and supported the amendments.

First of all, in order to enable the public to have a better understanding of the scope of the Appeal Rules, we propose to include in section 2 of the Rules the definition of "appeal" and "appellant" provided for in section 9 of the principal Ordinance.

Also, in the Chinese text of section 3(b) of the Appeal Rules, we propose to translate the term, "fully and fairly" as "全面而中肯地" to tally with the wording adopted in other existing legislations.

We also suggest amending section 4(1) in terms similar to section 5. The presiding officer may, on application, allow a longer period for the appellant to lodge the required documents.

To tally with the wording used in section 14(1)(b) and (c) of the principal Ordinance, section 11 of the Appeal Rules will be amended to the effect that any document, statement, notice or article required to be served or lodged for the purposes of an appeal may be served or lodged in person or by post.

President, as the above technical amendments aim at enhancing the clarity of the Appeal Rules, I hope that Members would support the motion.

The Secretary for Education moved the following motion:

"RESOLVED that the Accreditation of Academic and Vocational Qualifications (Appeal) Rules, published in the Gazette as Legal Notice No. 25 of 2008 and laid on the table of the Legislative Council on 20 February 2008, be amended –

(a) in section 2, by adding –

"'appeal' (上訴) means an appeal under section 11 of the Ordinance;

"'appellant' (上訴人) means an operator, assessment agency or granting body lodging a notice of appeal under section 11 of the Ordinance;"

(b) in section 3(3)(b), in the Chinese text, by repealing "充分而不偏不倚" and substituting "全面而中肯";

(c) in section 4(1), by repealing "may specify" and substituting "may on application allow";

(d) in section 11, by repealing "notice or thing required to be served or lodged under these Rules" and substituting "statement, notice or article required to be served or lodged for the purposes of an appeal". "

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

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

(No Member indicated a wish to speak)

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

(Members raised their hands)

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

(No hands raised)

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

PRESIDENT (in Cantonese): Proposed resolution under the Pharmacy and Poisons Ordinance to approve the Pharmacy and Poisons (Amendment) Regulation 2008 and the Poisons List (Amendment) Regulation 2008.

I now call upon the Secretary for Food and Health to speak and move his motion.

PROPOSED RESOLUTION UNDER THE PHARMACY AND POISONS ORDINANCE

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Madam President, I move that the motion under my name, as printed on the Agenda, be passed.

Currently, we regulate the sale and supply of pharmaceutical products through a registration and monitoring system set up in accordance with the Pharmacy and Poisons Ordinance (the Ordinance). The Ordinance maintains a Poisons List under the Poisons List Regulations and several Schedules under the Pharmacy and Poisons Regulations. Pharmaceutical products put on different parts of the Poisons List and different Schedules are subject to different levels of control in regard to the conditions of sale and keeping of records.

For the protection of public health, some pharmaceutical products can only be sold in pharmacies under the supervision of registered pharmacists and in their presence. For certain pharmaceutical products, proper records of the particulars of the sale must be kept, including the date of sale, the name and address of the purchaser, the name and quantity of the medicine and the purpose for which it is required. The sale of some pharmaceutical products must be authorized by prescription from a registered medical practitioner, dentist or veterinary surgeon.

Arising from four applications for registration of pharmaceutical products, the Pharmacy and Poisons Board proposes to add four substances to Part I of the Poisons List and the First and Third Schedules to the Pharmacy and Poisons Regulations. Pharmaceutical products containing any of these substances must then be sold in pharmacies under the supervision of registered pharmacists and in their presence, with the support of prescriptions.

In addition, the Pharmacy and Poisons Board proposes to relax the control of cetirizine. At present, cetirizine is classified in Part I of the Poisons List, and can only be sold in pharmacies in the presence and under the supervision of a registered pharmacist. Cetirizine is an antihistamine drug used for the relief of nasal and skin allergies. As nasal and skin allergies are transient and can be self-diagnosed by patients, we propose reclassifying cetirizine as Part II poisons, so that it can be sold by pharmacies as well as medicine companies, and its sale would not be required to be conducted in the presence and under the supervision of registered pharmacists.

We propose that these amendment regulations take immediate effect upon gazettal on 14 March 2008 to allow early control and sale of the relevant medicines.

The two Amendment Regulations are made by the Pharmacy and Poisons Board, which is a statutory authority established under the Ordinance to regulate pharmaceutical products. The Board comprises members engaged in the pharmacy, medical and academic professions. The Board considers the proposed amendments necessary in view of the potency, toxicity and potential side effects of the medicines concerned.

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

The Secretary for Food and Health moved the following motion:

"RESOLVED that the following Regulations, made by the Pharmacy and Poisons Board on 15 February 2008, be approved –

- (a) the Pharmacy and Poisons (Amendment) Regulation 2008;
and
- (b) the Poisons List (Amendment) Regulation 2008."

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

(No Member indicated a wish to speak)

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

(Members raised their hands)

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

(No hands raised)

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

PRESIDENT (in Cantonese): Proposed resolution under the Magistrates Ordinance.

I now call upon the Secretary for Transport and Housing to speak and move her motion.

PROPOSED RESOLUTION UNDER THE MAGISTRATES ORDINANCE

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Madam President, I move that the motion, as printed on the Agenda, be passed.

The Tsing Sha Control Area Ordinance and the relevant subsidiary legislation have been made and passed, and will come into operation on 21 March 2008. The section of Route 8 between Sha Tin and Cheung Sha Wan within the Tsing Sha Control Area will also be open to traffic on the same day.

Section 18E of the Magistrates Ordinance (Cap. 227) stipulates that the defendant may, in the case of an offence specified in the Third Schedule to that Ordinance, plead guilty by letter addressed to the magistrate, and thereupon the magistrate may proceed to hear the case in the absence of the defendant or adjourn the hearing. The Third Schedule to the Ordinance sets out offences of the relevant legislation to which the defendant may plead guilty by letter, and such legislation includes the governing legislation for various tunnels and the Tsing Ma Control Area. In order to achieve consistency with the legislation for tunnels and the control area, and to save time and resources for the magistrates and the defendant, we propose that, upon the commissioning of the Tsing Sha Control Area, offences of the relevant legislation for Tsing Sha Control Area, including the Tsing Sha Control Area (General) Regulation and the Tsing Sha Control Area (Tolls, Fees and Charges) Regulation, be added to the Third Schedule to the Magistrates Ordinance.

Madam President, this is a simple, technical amendment aiming to achieve consistency between the relevant legislation for Tsing Sha Control Area and that for other tunnels and control area. The Judiciary has also agreed to making this amendment. I hope Members would support the motion.

Thank you.

The Secretary for Transport and Housing moved the following motion:

"RESOLVED that, with effect from 21 March 2008, the Third Schedule to the Magistrates Ordinance (Cap. 227) be amended by adding –

"18. Tsing Sha Control Area

- (1) Any offence against the Tsing Sha Control Area (General) Regulation (L. N. 222 of 2007).
- (2) Any offence against the Tsing Sha Control Area (Tolls, Fees and Charges) Regulation (L. N. 237 of 2007).". "

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

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

(No Member indicated a wish to speak)

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

(Members raised their hands)

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

(No hands raised)

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

MEMBERS' BILLS**Second Reading of Members' Bills****Resumption of Second Reading Debate on Members' Bills**

PRESIDENT (in Cantonese): Member's Bill. We now resume the Second Reading debate on the English Schools Foundation (Amendment) Bill 2007.

THE ENGLISH SCHOOLS FOUNDATION (AMENDMENT) BILL 2007**Resumption of debate on Second Reading which was moved on 30 May 2007**

PRESIDENT (in Cantonese): Dr YEUNG Sum, Chairman of the Bills Committee on the above Bill, will now address the Council on the Committee's Report.

DR YEUNG SUM (in Cantonese): Madam President, this time, the English Schools Foundation (Amendment) Bill 2007 (the Bill) is submitted by the English Schools Foundation (ESF) via Mr Abraham SHEK. The Bills Committee has conducted a number of meetings, and quite a number of them have been held with representatives from ESF schools and even parent representatives. Basically, our view in the course of these meetings is rather consistent, that is, we will support the amendments proposed by Mr Tommy CHEUNG.

Concerning Dr Fernando CHEUNG's amendment, some members particularly hope that the object of attaching importance and adopting non-discrimination to students with special educational needs (SEN students) can be stated unequivocally in the Bill. After discussion, some members have held their own opinions on Dr Fernando CHEUNG's amendment. However, members have generally agreed that the two seats held by Members of the Legislative Council on the ESF School Council should be removed.

At the same time, the Bills Committee has accepted Mr Tommy CHEUNG's proposal to let one of those two seats be taken up by a parent representative of SEN students. But how will this representative be selected? After discussions on various aspects, members have agreed that the representative will be elected by all the students' parents while the candidates

must be parents of SEN students. We can achieve positive discrimination by allowing the parent of SEN students to become a member of the School Council on the one hand and let parents elect their representative by "one person, one vote" on the other. I thus consider this a very good arrangement. Our colleagues have given their unanimous support to the amendment proposed by Mr Tommy CHEUNG.

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

With regard to the aforesaid amendment of Dr Fernando CHEUNG, primarily, the school authority does not wish to state categorically in the Bill the non-discrimination of SEN students for litigation concerns. We fully understand its position. On the whole, Deputy President, we are glad that with the endeavour of our colleagues, the collaboration of the school authority and the full co-operation of parents, the Second Reading of the Bill can be smoothly resumed today. Also, I would like to thank Mr Abraham SHEK for proposing the Bill on behalf of the school authority.

Deputy President, I would like to express some views briefly on behalf of the Democratic Party. Basically, I am very glad that at the resumption of the Second Reading of the Bill, we have the opportunity to propose an amendment which is the result of the concerted efforts of different parties to enable parents of SEN students to be elected to the School Council. I think this is an exceptional precedent in the education sector of Hong Kong. I also hope that to the entire education sector, it is as many international schools have not followed the example of the ESF schools to let parents of SEN students be elected as a member of the School Council. This is really an unprecedented move. I hope that other schools, including international schools, will strive to follow suit.

On the amendment of Dr Fernando CHEUNG, I understand that the school authority does not wish to state in the Bill its commitment to taking special care of SEN students out of litigation concerns. However, it is the tradition of ESF schools to give special attention to these minority students. It has all along been the culture of ESF schools to attach great importance to the educational needs of SEN students. Dr Fernando CHEUNG only intends to state it more clearly in the Bill. The Democratic Party will support the amendments proposed by Mr Tommy CHEUNG.

Deputy President, I would like to conclude again that the present amendment establishes a precedent for the attachment of greater importance to SEN students in the education sector and the participation of parents. I also hope that our whole community, including the education sector, international schools in particular, will attach importance to the offering of equal opportunities to all students regardless of their varied needs.

Thank you, Deputy President.

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

MR TOMMY CHEUNG (in Cantonese): Deputy President, I would like to thank Mr Abraham SHEK for submitting a Members' Bill — the English Schools Foundation (Amendment) Bill 2007 (the Bill) — to the Legislative Council on behalf of the English Schools Foundation (ESF). I absolutely agree with the spirit of the Bill to restructure the governing framework of the ESF with a view to solving the problems of lax control and inadequate accountability beset with the ESF in the past.

At present, the highest governing body of the ESF has a large membership of up to 132 members, and effective governance can hardly be achieved. I have been a member of the ESF representing the Legislative Council for the past eight years. According to my experience during this period, I can in no way identify the governing role I may perform among these hundred-odd members. Worse still, the meetings of the ESF are usually held on Wednesday, clashing with the meetings of the Legislative Council, so more often than not, I cannot attend their meetings. When I cannot even attend their meetings, in what way can I help?

On the other hand, I am a member of the governing body of another school, which is composed of a dozen members only. The situation is very different. In comparison with the ESF which has a membership of more than 100 members, the latter can achieve a much higher governance effectiveness, showing a sea of difference. Therefore, I support the proposal stated in the Bill to replace the ESF with the Board of Governors (the Board), which will reduce substantially the membership and enhance the governance effectiveness.

Actually, during the scrutiny of the Bill, the Bills Committee's discussions have focused on two main areas. First, it is on the composition of the Board. Second, it is about the inclusion of "non-discrimination against students with special educational needs (SEN students)" as the object of the ESF.

Concerning the membership of the Board, I hold a different view from the school authority. In fact, I have proposed the removal of the two seats held by Members of the Legislative Council at the very early stage of the consultation. However, the ESF, particularly the parents, consider that the two seats for Members nominated by the Legislative Council should be retained. Since I consider that such an arrangement is inconsistent with the practice of other publicly-funded schools, I see no reason why a special arrangement should be made for the ESF. If such seats are only retained on the grounds of maintaining the previous practice of the ESF, I do not understand why we should keep this practice left over from history.

Regarding another differing view, since a certain percentage of ESF students require special educational needs, I think a parent representative of SEN students should be added to the Board to ensure that voices of these students will be heard by the governing body. However, the school authority insists that the views of different parents are well represented by the six parent representatives now sitting on the Board, and the addition of a parent representative of SEN students may create divisions and is thus undesirable.

Therefore, later, I will propose amendments in respect of the two points mentioned above, and will state my arguments in more detail at that time.

Originally, I intended to propose another amendment. Apart from adding a parent representative of SEN students to the Board upon the removal of the seats held by Members of Legislative Council, I proposed to add a government representative to fill one of the two seats used to be nominated by the Legislative Council.

However, finally, I decide to respect the views of the Government, for the Government states that it has not appointed any representatives to the governing bodies of other schools, except government schools, and considers the ESF should receive the same treatment. Since my proposal to remove the seats for Members of the Legislative Council is based on the same principle, I decide to withdraw my proposal for the addition of a government representative after deliberations.

However, this raises concern of the school authority that the removal of Members of the Legislative Council and the addition of a parent representative, coupled with that no government representative is appointed for replacement, will seriously upset the balance of the membership of the Board. The school authority worries that parents and teachers will often stand on the same side and affect the implementation of school policies. The ESF thus requests the addition of an external member on the Board.

I do not understand this point. First, Members of the Legislative Council have never acted like a rubber-stamp. And we have never taken account of the interests of the school management only. Therefore, I see no point why the absence of representation of Members of the Legislative Council on the Board will upset the balance of its membership. Second, according to my experience, teachers and parents often hold different views on issues related to school administration and management, and thus a biased situation seems unlikely to arise. Third, the new Board will include 20 external members, which will be adequate to maintain the balance.

Fortunately, in the face of the opposition of the Bills Committee, the ESF has eventually withdrawn its proposal to add one external member.

I would like to point out that the Bills Committee has held a total of six meetings since its first meeting on 29 June 2007, which means we have spent more than eight months on the scrutiny of the Bill. We have not been lazy, President, we have been working hard. However, meetings sometimes had to be postponed to cope with the school holidays of the ESF. And sometimes the information required was not promptly submitted. In fact, it should not take more than eight months to scrutinize such a very simple Bill.

Actually, we all hope that the Bill can be passed as soon as possible so that the governance problems of the ESF can be solved. But we cannot act perfunctorily, particularly on issues related to the strengthening of the acceptability of the representative and the election mechanism — I am referring to the mechanism for the election of the parent representative of SEN students. It reflects that we have taken the Bill very seriously.

The inclusion of a "parent representative of SEN students" in a school governing body is an unprecedented move in the history of Hong Kong.

Certainly, when I propose the ESF to make such a "zero breakthrough", I have actually taken into account the special situation of the ESF's continuous commitment to special education.

In any case, by means of my amendment, the commitment of the ESF to SEN students will be continued and put into practice. But above all, it will set a good example to other schools in Hong Kong and promote the spirit of integration.

Generally speaking, I am very glad that my amendments are supported by colleagues from all political parties and groupings today. Also, I hope the amendments I proposed will be passed smoothly one by one today. Thank you.

DR FERNANDO CHEUNG (in Cantonese): Deputy President, first of all, I have to thank Mr Abraham SHEK for proposing such an important Bill. It is because following the publication of the Director of Audit Report, this Bill can further take forward the improvement to the governance of the English Schools Foundation (ESF), enhance the administrative capability of the schools as a whole and improve the internal scrutiny as well as the check and balance of ESF so as to enhance the operation of its schools, in particular the provision of education opportunities primarily through the medium of the English language for the development of the students. Thanks to Dr YEUNG Sum, Chairman of the Bills Committee, for taking us through such meaningful discussions. Also, thanks to Mr Tommy CHEUNG for proposing amendments, with which we very much agree, especially the addition of a parent of students with special educational needs (SEN students) to the Board. Although it is a nominal addition of only one member, which is a very small proportion compared with the total of 26 members, it is already a zero breakthrough. This is also an unprecedented commitment which is not present in other educational institutions. I very much hope that all these amendments can be passed.

Deputy President, I strongly agree with the general objective behind this Bill, that is, to improve the governance of ESF. I believe that this is a recommendation made in response to the problems occurred in ESF in the past as well as the report published following the investigation by the Audit Commission. This is a very proactive move. The ESF management is also

very positive in that it will adopt a very good governance attitude to improve its overall governance structure in future.

There are several parts in the Bill, one of which involves the objects of ESF. Besides the composition of the Board, the Nominating Committee and School Councils, the objects of ESF are also worth examining.

In this connection, Deputy President, I have proposed an amendment. As pointed out by Chairman of the Bills Committee, Dr YEUNG Sum, my amendment is controversial to a certain extent. This amendment is just very simple. Among the objects of ESF, there is an item stipulating that the school sponsoring bodies of ESF should offer to students, without regard to religion or race, a modern liberal education through the medium of the English language. I just want to add the element of providing education to students without regard to race, religion or disability. Theoretically speaking, this amendment should not arouse any controversy because nowadays disability is no longer an impediment for people pursuing education or students, nor will it be a factor or obstacle barring their opportunity to receiving proper education.

Regarding existing schools which provide education through the medium of the English language, there are currently dozens of such schools in Hong Kong. According to information, there are presently about 48 international primary schools and 25 international secondary schools. However, only a few international schools explicitly state that they will admit SEN students. ESF schools can be regarded as the only ones to do so. Of course, ESF is a school sponsoring body, and it is of considerable scale as well — it is even regarded as the most large-scale school sponsoring body of international schools in Southeast Asia. Only ESF indicates that it is ready to admit SEN students. Not only that, it has also established a special education school known as Sarah Roe School or 善樂學校 in Chinese, which is tasked to admit students with a relatively high degree of disability.

Deputy President, incidentally, I would like to declare that my daughter is also suffering from a serious disability. I have considered applying for her to be enrolled in this school. However, as it is the only one of this kind in Hong Kong and it is quite far away, she did not enrol in it in the end. My other two children are also students of ESF schools. One of them has already graduated from an ESF secondary school while the other one is still studying at an ESF school. As a parent, I strongly support ESF and I appreciate their commitment

to SEN students. However, I think that just showing our appreciation to ESF is not enough. I hope that ESF can serve as a model, an example, so that other international schools in Hong Kong will also admit SEN students.

At present, apart from ESF, only the Korean International School has launched a special project — Springboard to enrol a small number of SEN students every year. Besides, there is also another one known as the Hong Kong Academy, which is also ready to admit these students. But the number of students to be admitted is not specified. Other international schools basically do not admit SEN students.

Therefore, I consider it very important to categorically stipulate in the Bill that ESF, being the most large-scale international school sponsoring body in Southeast Asia, is ready to admit these students. Of course, in proposing this point, I have also faced some objection. Some of the considerations are that litigation will easily arise if this is explicitly stated in the objects and the existing facilities, teaching methods, curriculum and so on of ESF may not be able to cater for the needs of all SEN students. The addition of the relevant provision will create a financial burden which is unaffordable to ESF and may attract much litigation, thereby putting ESF in a highly unfavourable position.

In the process of this argument, we have also considered the views of the legal advisor. The legal advisor of the Legislative Council has pointed out that basically, the introduction of my amendment to the part of the Bill on objects will not amount to any specific statutory requirement on the part of ESF because the objects are about the general direction instead of the detailed requirements. For example, there will not be any statutory requirement on the facilities required of each school or the compulsory approval for all enrolment applications made by SEN students and so on.

However, ESF was still very concerned. Therefore, after consultation and consideration of legal opinions, I have further revised my amendment to give it greater clarity. My amendment is to add in the objects the sentence "and with the aim of non-discrimination against students with special educational needs". It is then very clear. The amendment is not just made to the provisions in the part on objects and powers but also stated clearly in the content. My amendment is related to the general aim of education provision of the sponsoring body instead of stating the detailed legal responsibilities of ESF regarding student intake, facilities or teaching. I have thought that this should be able to address

the relevant concern. Unfortunately, however, ESF has not yet been able to agree with this point, and some of my colleagues have also shared the opinion of ESF, worrying that litigation will arise.

Deputy President, the Disability Discrimination Ordinance is already in place. The SAR Government has clearly stated that it will not discriminate against SEN students. However, the existing facilities, teaching method and curriculum of many schools are in fact unable to meet the needs of the diversity of SEN students. So the existence of legislation does not entail that all schools are required to meet the needs of all the people. As the spirit of non-discrimination is already stated in law, there seems to be some inconsistency here. With the present amendment, I hope that the pledge and commitment of ESF to non-discrimination against SEN students can be clearly stated in the part on objects. As a model, ESF does not necessarily have to bear the entire financial burden indefinitely or undertake all initiatives, nor does it mean that ESF will be subject to litigation when it is unable to meet the needs of the minority SEN students. I believe this will not happen. In reality, no one is able to take legal action at will against the Government or an individual school under the Disability Discrimination Ordinance.

Therefore, Deputy President, I hope that Honourable colleagues can support my amendment. To put it more vulgarly, this amendment is like "mother is female", which explicitly states that we should not discriminate against SEN students. This amendment is as simple as that. I hope Honourable Members can support this amendment. I also hope that after this amendment is passed, ESF can become a model for international schools. Thank you, Deputy President.

MR JASPER TSANG (in Cantonese): Deputy President, the Chinese translation for the name of the present English Schools Foundation (ESF) is 英基學校協會. Deputy President, this name itself has explained plenty of things. English Schools Foundation is not an abbreviation. What is ESF? It does not seem to carry any specific meaning. However, if we look up the Chinese name of ESF in the first three decades after its establishment in 1967, we will find that it was not known as 英基學校協會 at that time. Instead, its Chinese name was 英童學校基金會 (English Schools Foundation). It is clear enough. Apparently, the word "English" in its name does not merely refer to the language, that is, it does not mean that these schools adopted the English language as the medium of

instruction. Rather, it means the provision of education to English children, that is, the children of the British people in Hong Kong. This foundation was established for the British people in Hong Kong by the then Government. Subsequent to the establishment of the Foundation, the curriculum adopted by the schools set up under this Foundation was the British national curriculum — National Curriculum of England and Wales. These schools have been enjoying a very special status in Hong Kong.

My first close contact with ESF schools, that is, the time when I had a relatively in-depth contact with the schools was in mid-1980s, which is more than two decades ago. I was visiting an ESF school then. The school principal showed me around the school zoo — it was a zoo. He said that the zoo was set up with the funds raised by the students' parents at a bazaar. These parents had spent half a day there, and all they did was simply to give out some hand-knitted wool garments and hand-made crafts.

Then I talked to the teachers — please do not forget that it was in the mid-1980s. There were no Y2K schools then. I entered the staff common room. It was a very bright and spacious place with a couch as well as a coffee maker (perhaps not yet in the same model as that of ours in the Legislative Council) — the teachers were chatting with a cup of coffee in their hand. The setting was completely different from that of the ordinary secondary schools in Hong Kong at that time. I was once a teacher and I have been in the staff rooms of various secondary schools. Therefore, I know that the staff common rooms at that time were totally different.

Then, I took a look at the students' extra-curricular activities, most of which were also offered by other schools. However, one of the activities was yachting. That was how the school was like. Of course, the school was very resourceful and the teachers had good qualifications as well. I had invited some of the teachers to talk to the students at my school. Ms Emily LAU and I were also invited to speak at their morning assembly and take part in a debate. I believe Ms LAU must also be very impressed with it.

On the eve of the reunification, Deputy President, I joined a very special working group and had the opportunity to exchange views with different types of school sponsoring bodies. I met with the representatives of ESF twice. As the reunification was drawing near, they were very concerned about this issue. They were concerned whether there would be any prospect and future for their

schools after the reunification; especially after the establishment of the Special Administrative Region (SAR), whether the SAR Government would continue to support these ESF schools; and whether these schools would be able to continue with their operation. The responsible personnel who attended these consultative meetings I was at categorically advised that these ESF schools were definitely a very valuable asset to the education in Hong Kong. So, there was no reason not to support their continuous operation. Besides, since the mid-1990s, we found that the demand for international school education in Hong Kong had been increasing both in intensity and quantity. For international schools with such a high standard and long history as ESF schools, there was definitely prospect for development.

However, with the change of time and circumstances, I am afraid that ESF schools also had to follow closely with and adapt to the changes in the times. It had to make changes in its objects, target group, curriculum and social involvement. I reckon this was why 英童學校基金會 was renamed 英基學校協會. It is because when I looked up the documents of this Council at the initial period after the reunification, I found that it was still referred to as 英童學校基金會.

During my contact with the individual schools, I could feel the enthusiasm for education of the teachers and the administrative personnel. The school I mentioned just now was the first school to organize the summer bridge programme in Hong Kong. The idea of the programme is to provide an English-speaking environment in the summer holidays to children who do not have the chance to be exposed to English teaching — most of these children are from the middle and lower strata families. I run a school before and my school was among the first beneficiaries. At that time, we participated in that programme and found that a few junior secondary students (my school was a Chinese secondary school) had become more confident and capable of speaking English just after spending a short summer holiday there. The programme was really effective. Besides, one of its features was that after the programme, these children would serve as little teachers in the subsequent year and the year that followed so that they could teach the other children what they had learnt. This is an excellent idea. That school was more resourceful than the average schools and it could achieve more than the other schools did.

However, after the reunification, even though this type of schools had been enjoying a special status under the British rule, our society in general could

not take this as a matter of course, especially when some people found that these schools were provided with more resources. For example, they receive more government subsidies than ordinary international schools even up till now. Someone may disagree and point out that there are presently direct subsidy schools (DSSs) which also charge tuition fees and receive government subsidies at the same time. Sorry, unlike DSSs, these schools are not subject to any restraints. All of us know that the tuition fees charged by DSSs cannot exceed $2\frac{1}{3}$ times of the X amount determined by the Government. If DSSs charge excessive tuition fees, the Government will not provide them with any subsidy. However, ESF schools are not subject to this restraint. As they continue to exist in such a special manner, the community certainly has the grounds and the power to impose special requirements on them. Therefore, a few years ago when governance problems emerged, including the coming to light of the financial management problems, there has been great concern in the community. The schools have experienced even greater pressure for improvement, reform and modernization.

Deputy President, in fact the present Bill aims at improving the governance of ESF, which includes providing for a framework to streamline the governance structure, enhance its transparency and strengthen its accountability. One of the most important issues is to improve and spell out the composition, operation as well as the powers and duties of the Board of Governors (the Board). I consider that the Bill has achieved such an effect. During the discussion, however, we have found that one of the outstanding achievements of ESF schools — as mentioned by Dr Fernando CHEUNG and other Members just now — is to cater for the needs of students with special educational needs (SEN students). Their fruitful efforts have appealed to many parents of SEN students who have thus sent their children there. When the number of these cases increases, some parents will inevitably think that the schools have not made enough efforts and hope that improvements can be made. Some parents may even think that the last principal has done a better job while the incumbent principal does not appear to have attached much importance to these opinions. I believe Honourable colleagues in this Council have also received similar opinions from these parents.

During the deliberation of this Bill, Members have, without being aware of it, put the emphasis on SEN students when discussing the operation and management of ESF. That is why some issues, which I was not prepared to argue when I initially took part in the scrutiny of this Bill, have been brought up.

Some of these issues are in fact very profound. For example, we have proposed that there should be some representatives of parents of SEN students in the Board, while ESF schools, that is, representatives of the sponsoring body, have queried why only these parents are represented. Their query is not unfounded. For instance, one of the objects of the schools is to provide education without regard to race and religion. Hence, should parents of different races and religions be represented in the management? It is because the care provided is different.

Dr CHEUNG has also mentioned that inadequate thoughts have been given to the school attire used by children with a certain religious belief. Can some of the matters be taken care of in a more comprehensive manner if parents of these races and religions are represented in the Board? This is only one of the points. Should parents from different backgrounds be represented in the management? This is in fact an issue worth exploring. However, I am glad that we have eventually come up with a solution which is acceptable to all parties, that is, to designate one seat for parent representative of SEN students on condition that the parent representative is elected by all parents of students. I think this can balance the views of all parties.

Deputy President, last of all, I would like to say that, from the experience I have acquired from engaging in education over time, I think schools should give emphasis on developing their professional autonomy and enthusiasm in education. I do not think that laying down a rigid framework can ensure the quality and purposes of education. In particular, the purposes of education, the vision and mission of the schools should not be laid down as statutory provisions. If we have to draw a conclusion on the blunders of the past decade of education reform, one of them is that whenever we want to achieve a certain purpose or whenever the education authorities introduce a new measure, we are concerned whether or not teachers would comply with it. Therefore, whenever a new measure is introduced, the education authorities will make every effort to gain assurance and take control in order to avoid mistakes, thereby infuriating the teachers. It has also suppressed and eroded their professional autonomy in the classroom and in school.

As ESF schools have proved to have done a great job in this respect — Dr Fernando CHEUNG has been emphasizing the modelling effect — if the ESF schools have to be the model on catering for the needs of SEN students, what can they rely on? They will rely not on legislation but on practice, their reputation

built among parents and their observable efforts. I believe we have to respect the sponsoring body in this regard, and we have to respect the opinions of the principals, teachers and the administrative personnel of ESF schools and provide them with more room for development. Thank you.

DR KWOK KA-KI (in Cantonese): Deputy President, Mr Jasper TSANG is a teacher indeed. That is why he did so well in his explication. He has expressed his previous expectations and personal opinions on the English Schools Foundation (ESF). What we actually have to consider now is the previous and present role of ESF.

Everyone knows that prior to the reunification, ESF was a special educational institution which delivered colonial education in the most conventional manner. Its schools were also the designated schools for the children of various employees deployed to Hong Kong by the then British Government. However, since 1997, I believe no one will disagree that ESF schools are an indispensable component in the education system of Hong Kong. A number of friends and acquaintances of mine have also sent their children to ESF schools.

Regarding the shift to the "3+3 structure" at present, in fact, those who have children studying in international schools will know that the "3+3 structure" is basically modelled on the existing structure of international schools with the expansion to other levels of education — secondary school. If what we regard as quality education could not be achieved through this, I believe the authorities would not have implemented the education reform towards this direction, neither can we find a lot of friends competing for ESF school places for their children.

However, it is an indisputable fact that up till now, ESF has been a specially protected species, as Mr TSANG has put it. The provision it receives, its system and a lot of its complementary facilities are totally different from those of the other schools and secondary schools. Very often, its schools have a good environment, a spacious campus, teachers with reasonable qualifications, and a relatively large amount of provision. In fact, we think this is not a problem because those who enjoy these resources are mostly children of Hong Kong citizens. Even for children of expatriates residing in Hong Kong, we should also encourage them to utilize these resources. In fact, quite a lot of business

associations have complained not just once to the education authorities in Hong Kong that there are not enough places in the international schools in Hong Kong for their children. This will affect their decision to invest and establish regional headquarters in Hong Kong. This is one of their major considerations.

Today, what seems to have attracted the most divergent views or to be more controversial is the amendment proposed by Dr Fernando CHEUNG. That is, whether ESF should specify special educational needs (SEN) in the provisions and objects governing its schools. In fact, I would like to express my great shock and mild disappointment at the strong objection by such a large number of practitioners, staff and members of the Board of Governors (the Board).

I totally agree that it is no easy feat to provide quality education, to perform a special task well and to inherit the past traditions and introduce new approaches for the future. It calls for unsurpassing courage, vision and conviction. All along, ESF has never been forced to offer special education, never ever. I believe that it might have come up with such an idea upon realizing, through some of its students' siblings, the practical need for special education which other schools are unable to offer. Throughout the years, it has remained a worthy example for schools in Hong Kong.

Two or three weeks ago, I attended a birthday party held at my daughter's school, the South Island School. It was the first time I went to the South Island School. When I walked past the school notice board, I could clearly see that it offers special education. Unlike many schools which tend to hide this from the others lest they will be labelled, it has adopted a very open approach. It has not attempted to hide at all. On the contrary, it has made it very clear that the school — the South Island School regards this as an important component and its students can receive some special assistance. In fact, is this not what we need?

Looking back at many of our schools at present, from my contact with a lot of parents, in particular parents of children with SEN, I find that they are in fact isolated and helpless under the existing education system. The so-called "integrated education" is what is known as a myth in English. In Hong Kong, "integrated education" has never been a success. Many schools, though claiming to provide "integrated education", will meet with the parents whenever they find students showing problems. Usually, the principals will sincerely advise the parents by saying that, "in fact, we very much like to help your child.

But we do not have enough resources. You probably know that we just have a few social workers and we do not have any resident psychologist. In fact, you should find a place for your child in some better-equipped schools." They are actually trying to persuade the parents that their children should not continue to study in that school. In other words, they are asking the students to leave.

The majority of SEN students will not be able to stay in those schools. In the end, their parents could only go through disappointment one after another with their children. They will knock on the door of different schools. If they are not received, they will go to another one, and again they may not be received. Of course, you may ask what relevance this system has with ESF. This has nothing to do with ESF. ESF is doing an excellent job. It is a model. Let it offer special education if it likes; if it does not, just let it be. Even without dictated instructions, ESF can still perform so well. Your "voicing out" will not make it perform better, will it? It is presumably so.

However, we have to consider that when we have this opportunity to examine in this meeting the management structure of ESF, its mission and role in the future education system in Hong Kong, should we step back and approach this issue from a broader perspective? If there is currently not any educational institution in Hong Kong which can lay down in its objects its determination to offer education to students with learning disabilities and different needs, why do we not allow it to make a change? This is history, and history is made by people.

I do not consider and will not expect that after ESF has laid down these objects, the situation will be like pressing a button and the special education it offers will automatically achieve satisfactory results. It is because it depends on whether we, and also the principals, management and the numerous teachers at that time are ready to do so. Otherwise, the problem will not be solved. The most important thing is to lay down clearly the objectives that need to be achieved.

Perhaps because I have the opportunity to come into contact with more fellow psychiatrists, I learn that they are very disappointed that as much as 10% of the Hong Kong students have different degrees of learning disabilities, from the mildest ADD, that is attention deficiency disorder, to the toughest problem of autistic — it is 10%. With more than 1 million children of the relevant age cohort at present, there are as much as 10% of these students in Hong Kong. However, is there anyone to care for their needs all along? There is not.

These children will easily be labelled as "lazy", "inattentive" and "hopeless". Very often, teachers will also tell the parents, "Please ask him to do better." I reckon every one of you knows (unfortunately, a lot of people still do not) that these children do not mean to behave like this. They are suffering from somatic diseases. They are born with these problems, just as a lot of us suffer from congenital diseases. With suitable medication, these diseases can be cured, and the condition of these children can be improved.

I know that quite a number of these children have consulted psychiatrists. They are lucky to have the chance to receive treatment. After taking medication, they can also obtain adequate counselling from the resident school social worker. They will thus have considerable improvement. These children are very lucky. They are indeed the fortunate few. Yet more of these children will be regarded as the so-called school failure, that is, people who fail at school. They fail not only at school but also in life. Neither will they receive much help in various matters in the future. As a result, catastrophic incidents will occur one after another.

Will the entire situation be changed by amending the Ordinance through the addition of some objects? Of course it will not. However, as Members responsible for law making, do we not have the breadth of mind to encompass this conviction and this change? I believe that when people look back at the scrutinization process of this Ordinance at the Legislative Council meeting on 12 March 2008 in future, they may want to know the thinking adopted by Members in considering this Bill. Have they considered that in Hong Kong, this constitutes discrimination against people with special needs, not to mention offering help to them? Among these people, the majority of them often suffer from blatant or passive discrimination. Being indifferent to their needs is in fact discrimination. Why have we tolerated this for so long?

I think there is a question which warrants or requires reconsideration. When we have the opportunity to establish a regulation framework for a new school, what should we do? This time, ESF is a very special case because it has the need to change, and we have the responsibility to monitor it because it has in fact used a large amount of public funds, that is, the money of taxpayers. Everyone knows that there is no free lunch. If ESF schools were private schools, such as the Korean International School, the Hong Kong Academy and so on, there would be no need for discussion here. If they did not receive public funding, then just let them enjoy autonomy. Of course, some schools

can still operate well even without using public funds. To these schools, we express our appreciation. However, as ESF schools operate on public funds, and there are more than 10% of students with different degrees of learning disabilities awaiting the care of the community, are we being responsible to say that "it is fine, it does not matter, it is not necessary to specify them, or it will work automatically"?

Have we ever considered the needs of these parents? How they hope that the aim of this Ordinance can be officially stipulated in the objects of at least one educational institution. I think that for tens of thousands of families which are suffering from these agonies in Hong Kong, allowing for this change is an encouragement to them. I believe that more schools will like to do so in the future. Even if this aim is not stipulated in their objects, school councils and principals will consider whether they should review the objects of each and every sponsoring body and consider whether importance should be attached to such different needs. Should the education authorities in Hong Kong also examine whether the existing education policy fails to help them?

Honourable Members may regard everything as trivial, but for us and many of those who have been petitioning throughout the years for a bit of care and concern for them in the mainstream education policy, such a minor change is already a great leap forward. Why can we not even stand such a minor improvement?

Just then, Dr Fernando CHEUNG mentioned — he is well-intended — he has consulted some legal advisors and confirmed that this change will not impose any unnecessary legal restriction on the education authorities, nor will it subject the authorities to litigation. Well, how many parents in Hong Kong will really institute litigation against the school? Most of them will not have such energy. They will be contended if only they can find a school in which their children can receive adequate care and concern so that they can finish their studies and lead a normal school life.

(THE PRESIDENT resumed the Chair)

Does our society need to give it a thought now? Hong Kong claims itself to be an affluent world-class city. We always say "NYLONKONG" — New York, London and Hong Kong. In the mind of our officials, we are always of

high quality and our economy is always prosperous. However, for the issue which involves many students with learning disabilities and SEN, they only know of one approach — to bury all the problems underneath the rug. Throughout the years, the most remarkable gadget of our education authorities is to bury all the problems underneath the rug. Do Honourable Members not see that? When have Honourable Members ever seen children with learning disabilities come forward? It is because some parents want to keep them from the others. They think what they are experiencing is already very distressing, and they do not want their children to be labelled. They do not have the courage to come forward and tell the others that, "I have a child who has some problems." Of course, there are a number of people with the courage like the Honourable Fernando CHEUNG. I also have a friend like him. They have the courage to come forward and say, "That is right. My child has this problem. He is suffering from learning disability, he is mentally retarded, but he is still someone whom we should respect, a student whom we should respect. He needs to receive proper and respectful treatment from the community."

As we are scrutinizing this Bill in this Chamber today, we have to consider how we should respond to these long-standing small wishes of these families, parents and children, which warrant our respect, that is, to lay down in the objects of a publicly-funded educational institution this minimum requirement so that when people, the education authorities and education practitioners see this in the future, they can reflect on whether more efforts should be made.

I so submit. Thank you, Madam President.

MS AUDREY EU (in Cantonese): President, just now many Honourable colleagues have pointed out that this Bill has been carefully scrutinized by the Legislative Council for eight months. I want to add that the incubation of the relevant Bill is in fact much longer than eight months. I know that after the release of the Audit Report, the relevant parties of ESF have been very concerned. They have engaged Prof Felice LIEH MAK as Chairman and have conducted a lot of public consultations. They have conducted many consultations within the schools and outside the schools. Even long before this Bill was introduced into the Legislative Council, the management of ESF, including Prof Felice LIEH MAK, has discussed with me. They have asked whether I could express my views and opinions to them in advance regarding the introduction of this Bill into the Legislative Council. Besides, parent

representatives of ESF schools have also solicited my opinions. I believe they must have approached other Members of the Legislative Council as well.

President, why do I have to give an account of this background? I want to make it clear that thorough consideration had already been given during the incubation of the Bill. I believe both Members of the Legislative Council and other sectors of the society are also very grateful to ESF schools for having made careful consideration and conducted numerous consultations before proposing this reform. Therefore, it is indeed not easy for this Bill to be introduced into the Legislative Council and have eventually arrived at such a great deal of consensus. President, personally I am glad that this Bill can finally be introduced into the Legislative Council for Second Reading and Third Reading today. I am thankful to the Chairman, Dr YEUNG Sum, and Mr Abraham SHEK for proposing this Bill. I am also thankful to the school authority for making so much effort before and during the process.

President, in his speech delivered just now, Mr Jasper TSANG has brought up the history of the schools. In fact, Hong Kong people have all along been led to think that these schools enjoy a special status and seem to offer preferential treatment to children of the British nationals because of the historical factor of colonialism. However, with the change of the times, ESF has in fact gone through tremendous change. The parents of the students of ESF I met at that time were all Hong Kong people. ESF schools have become very popular among middle-class parents. Therefore, do not ever think that ESF schools will only take care of British children like they did in the past. In fact, they have become an important pillar in the education of our society. Recently, I have been dealing with some issues on Discovery Bay. Many residents and parents have raised a lot of questions on the admission of students by ESF schools at Discovery Bay. It shows that parents in Hong Kong have great expectation of ESF schools.

The education provided by ESF is not only for its own students. As Mr Jasper TSANG has mentioned just now, students in his school have participated in the activities of the so-called summer bridge programme. I myself have taken part in the activities of the programme. They are very effective, and I find that they are very popular among students. English teaching is done through activities and games. All the teachers and teacher aides are teenage students who speak fluent English. In fact, they can think of a lot of creative approaches to enhance the participation of students who are a bit shy or find it

difficult to use English. They will assign a lot of interesting homework, such as making a model of a tooth. That is, students have to go home and make a model of some teeth with play dough. When they come back the following day, they have to describe in English the process of making the model. It is an activity-based English learning approach. From this, we can see that its students are not the only ones to benefit.

President, I very much agree with a point made by Mr Jasper TSANG, that is, the effective operation of a school hinges on the availability of adequate autonomy and the enthusiasm of the school itself. Therefore, President, generally speaking, if a school does not specify in legislation its object and power, I believe Members of the Legislative Council will not demand that a required object be stipulated in legislation. However, ESF is a relatively special case in that the original section 4(2) has already provided for its object and power. President, as the provision is just very short, I would like to read it aloud. The section reads "to own, manage, administer and operate within Hong Kong schools offering, without regard to race or religion, a modern liberal education through the medium of the English language to boys and girls who are able to benefit from such an education". In other words, it has already stated that its object and power are to provide such an education, "without regard to race or religion", to boys and girls in Hong Kong.

When Dr Fernando CHEUNG noticed the object and power provided for in the original Ordinance, he would naturally ask why the element of special educational needs (SEN) has not been included. Therefore, his initial proposal was to give a brief account of this in the relevant reference, which would become: these schools will offer education without regard to race, religion and SEN. Those three elements were referred to in parallel. However, the management of ESF was so concerned that they sought legal advice. They were concerned that the addition of this object would render ESF vulnerable to litigation. In fact, our legal advisor has explained that legislation prohibiting discrimination against disability is already in place. Therefore, regardless of whether or not this item is included, ESF has to fulfil the statutory duty concerning non-discrimination against disability. The inclusion of such an item does not create any additional duty.

In light of their concern, Dr Fernando CHEUNG has finally proposed the current amendment for discussion. In fact, he has adopted another approach by separating SEN from the object of offering education without regard to race or

religion. Under the existing Ordinance, offering education without regard to race or religion is the object and power of ESF. However, Dr Fernando CHEUNG has used a different word "aim" in relation to special education. Therefore, the whole sentence reads "schools without regard to race or religion and with the aim of non-discrimination against students with special educational needs". President, the word "aim" has a weaker binding effect than the word "object". In English, 宗旨 is object while 目標 is aim. President, I want to make it clear that the so-called "aim" is different from "standard" in general. It is because whenever there is any standard, we have to meet it. Once a minimum standard is set, we have to comply with it. As for aim, President, it is like archery. You may not hit the target, but you will aim at it. We need to set long-term aims in life. However, ESF is still concerned about it. President, as a seasoned legal practitioner, I fully understand that it is common to have concern about possible litigation.

However, President, I want to clarify two points. First, Honourable Members have to be a bit confident about the society of Hong Kong. There are certainly some very unreasonable people in Hong Kong who will institute litigation and series of legal actions for peculiar reasons, regardless of whether or not the requirement is laid down in the Ordinance. President, you have been prosecuted before. You also understand that sometimes we have to trust the system. The system is that if something peculiar or unreasonable happens, the Judge will pass a judgment based on reasonable criteria or principles. He will rationalize the matter. It is not acceptable to say that we refrain from making any effort because there are unreasonable and frivolous people in the world. This is not acceptable. After all, the right things have to be done. Honourable Members have to be confident about the society as a whole. ESF is worried that if something is added to the Ordinance, litigation will arise and the Judge will go so far in passing his judgment that they will subsequently have to bear a heavy burden on resources, a burden which is unreasonable and disproportionate. President, this worry is unjustified. We should not stop and bar people from doing the right thing because of this unjustified worry. This is the first point I want to make.

President, the second point I want to make is that nowadays, comparing race, religion and special education, as far as education is concerned, I would say that the problem related to special education is more serious and of greater significance and the needs in this respect are greater, compared with race and religion. It is because we can find that there are comparatively fewer cases in

which people who want to receive education suffer from discrimination on the ground of religion and race. The needs for special education are greater. This is not merely a question of disability because very often those who need special education are people who are very brilliant but require some special care in education. It is also part of SEN.

Dr Fernando CHEUNG has mentioned the case of his daughter when he delivered his speech just now. I would like all Honourable Members of the Legislative Council to think about it. Apart from Dr Fernando CHEUNG, I am sure you have a friend whose child has SEN. This is very common. Take myself as an example, besides Dr Fernando CHEUNG, I can think of a number of such friends. Therefore, President, there is really such a need. On the contrary, it is more difficult to think of a friend who faces difficulties in education on the ground of religion or race — except in using English and Chinese, which is a separate issue. The difficulties may arise from the need for acquiring language skills instead of from race itself. President, I think we really have to consider the issue of special education. At present, we hope that the school can move towards an important aim, that is, to take care of SEN students.

President, I have come across a motto, which means that something that is within the reach of our hand is no heaven at all. What does it mean? It means we have to set higher aims in life. When our aim is something readily achievable, we will not make progress. If we keep saying that we just perform tasks which are easily accomplishable but not those which are not, then we are being perfunctory. President, I think that if those engaged in the provision of education fail to set higher aims, serious problems will arise. In this way, how can we educate the next generation? Therefore, we should always have great aspirations and set higher aims in life. This has nothing to do with resources, just utilize the resources available. But we always have to put in more efforts and strive for progress. I think this spirit is vital. I believe it is in such spirit and with such an ideal that Dr Fernando CHEUNG proposed this amendment. He also believes that among various schools, ESF schools can best attain this ideal in education or comply with this spirit. Another reason why he has proposed this amendment is that the original Ordinance has already laid down the object. When we study the Ordinance, it is obvious that special education, which is something that ESF is so good at, is not mentioned. I very much hope that ESF can uphold the same spirit and keep up with its effort. As a lawmaker, I find that this is indeed the educational ideal and aim for the community of Hong Kong to strive for.

Therefore, I very much hope that various Members will reflect on this issue later on. Do not care too much about the frivolous people. They may institute litigation whether or not this item is added. Dr Fernando CHEUNG mentioned just now that to put it more vulgarly, his amendment is like "mother is female". I want to revise his comment. This is not so much a vulgar saying but more of colloquial language instead. If we can state in one sentence the commonly agreed educational aim, I hope that the wording proposed by Dr Fernando CHEUNG, that is, "and with the aim of non-discrimination against students with special educational needs", can be added to the relevant Ordinance. This is an aim agreed by every one of us, as Members of the Legislative Council. Thank you, President.

MISS TAM HEUNG-MAN (in Cantonese): Madam President, in November 2004, the Director of Audit issued the Audit Report, criticizing the management mechanism and the mode of operation of the English Schools Foundation (ESF) for causing substantial wastage of public money and recommending a series of improvement measures. The progress achieved by the ESF in its governance standard over the past few years deserves recognition from society.

The English Schools Foundation (Amendment) Bill 2007 (the Bill) under debate today is proposed specifically for the enhancement of the governance of the ESF. In principle, the Bill does not involve many contentious issues. And I believe the Bill will be passed. Therefore, today, I would like to express my wish to enhance the governance of statutory organizations by introducing amendments to laws, as the spirit and standard of corporate management have all along been a concern of the accountancy, and my views on the Committee stage amendment proposed by Dr Fernando CHEUNG to the Bill.

The English Schools Foundation Ordinance (the Ordinance) is in fact the articles of association of the ESF, which lays down a framework for the composition, power and duties, structure and mode of operation of the ESF. To enhance the standard of governance, suitable amendments should be made to the articles of association. As such, the amendments to the Ordinance proposed today represent an important step in enhancing the standard of governance of the ESF. It is my aspiration that upon the passage of the Bill today, ESF schools will leave the public with a better impression and parents will feel more confident about sending their children to ESF schools.

Actually, in the past few years, the ESF was not the only statutory body criticized by the Audit Commission or the media for having problems in corporate governance. The Equal Opportunities Commission and the Hong Kong Tourism Board are typical examples. I hope that statutory bodies in Hong Kong can act with foresight by reviewing their structure, articles of association and mode of operation, so that they can meet the present social requirements on the standard of corporate governance.

If all statutory bodies can promptly review their own corporate governance, public money will be safeguarded and the public acceptability of these organizations will be ensured. If all statutory bodies are willing to take the initiative to introduce relevant amendments to the laws, I believe colleagues of the Legislative Council will not mind spending more time scrutinizing these bills which are conducive to the enhancement of corporate governance.

Madam President, I will now speak on the Committee stage amendment proposed by Dr Fernando CHEUNG. The focus of the amendment is to include the object of "non-discrimination against students with special educational needs (SEN students)" in the articles of association of the ESF. Actually, as Dr CHEUNG often says, this is only a humble request. Why do some Members or ESF schools oppose this amendment by all means? Are they having a skeleton in the closet?

The present-day society attaches importance to equality and righteousness, which have already become the core values of Hong Kong. As an important statutory school sponsoring body, why can the ESF not embody these core values in its articles of association? Does the ESF consider SEN students a burden?

If ESF schools really think so, I will ask: Do ESF schools sincerely and wholeheartedly wish to provide universal education without discrimination? Indeed, even if Dr Fernando CHEUNG's amendment is passed, it does not necessarily mean that ESF schools will have to undertake a lot of additional work. So there is no reason to be so resistant. On the contrary, if the amendment is passed, it will convey a clear message that ESF schools attach importance to righteousness and equality. It will do all good and no harm to the image of the schools. I hope ESF schools will grasp this opportunity and support Dr Fernando CHEUNG's amendment.

Though I am not quite optimistic that Dr Fernando CHEUNG's amendment will be passed, and that moral support is of great importance, I think the vote in our hands is also of vital importance. I hope ESF schools and the Government will prove by action to the Legislative Council and the public that ESF schools do not discriminate against any students and will create a perfect learning environment for all students. I so submit. Thank you, Madam President.

PROF PATRICK LAU (in Cantonese): President, I would also like to talk about my relationship with schools of the English Schools Foundation (ESF). I have done a lot of work for ESF schools. The West Island School is designed by me, President. Therefore, I totally understand how the education vision can be fully expressed through architecture and how the architecture of a school can tie in with its education vision. This is very important.

In early 1990 Mr Jasper TSANG pointed out earlier that the education vision and the curriculum of a school have an important bearing on its governance. Indeed, the design of a school is even more important, President. In those days, the education of the United Kingdom underwent some major changes. The secondary school system of the United Kingdom, which had adopted the relatively conventional British style, gradually moved towards the more open American style. As a result, the entire curriculum, as we called so, was changed radically. At that time, I was lucky enough to have the opportunity to design schools for the ESF, which enabled me to gain a thorough understanding of the vision of its entire curriculum.

Certainly, nowadays, we talk a lot about integrated education and the provision of education. Indeed, I strongly support the vision proposed by Dr Fernando CHEUNG on special education. However, we must understand how special education can be promoted and put into practice. President, I also had the opportunity to design certain facilities, curriculums, classrooms, and so on, dedicated for special education in the past. The difficulty lies in the strong need of special education to teach students by different approaches, where different designs have to be employed to demonstrate such approaches. I hope Members understand that in Hong Kong, our effort in this respect is inadequate. Dr Fernando CHEUNG is right to say that we must devote more effort to examine how we can urge the Government to look into these problems.

Concerning special education, I have to cite a simple example. Coincidentally, Dr Fernando CHEUNG, Mr Jasper TSANG and I did come from the same school, the St Paul's College — not the St Paul's Co-educational College, the two are different. What does pale in comparison? *(Laughter)* Certainly, the school is the one with the longest history in Hong Kong. To adopt integrated education is the vision of St Paul's College. The school has admitted many blind students. It is likely that Dr Fernando CHEUNG does have classmates who are blind. However, Members must understand that these students are not enrolled in St Paul's College when they are small. They have to adapt to the mode of education in a special environment, that is, the Ebenezer School for the Visually Impaired. They receive training at that school before studying in St Paul's College. President, I think Members must understand that if the aim to cater for special education needs is to be included, it is necessary to consider the whole vision in a holistic manner. Indeed, it is not something an ordinary integrated secondary school can achieve.

Do Members understand what special education is? According to my understanding, the classrooms I designed are all designated for accommodating a small number of students, the smallest number of small-class teaching. The Legislative Council advocates the implementation of small-class teaching. The Chief Executive has taken our views and decided to cut down the class size of ordinary schools. However, in the context of special education, a class size of 20 is not small-class teaching, for each class can at most accommodate a few students only, and 10 students may already be too many. Therefore, in designing special schools, we are able to understand first-hand the special factors involved. We all know that the condition of students with learning difficulties varies. As I said earlier, they may have disabilities; some of them may be deaf, dumb or blind, while others may have mental problems. Their condition may be vastly different. Therefore, we must take account of their needs when drawing up the design. The curriculum and the design of the school must complement each other. I do not think that ESF schools can achieve this target.

In fact, we can say that this is our aspiration. I also have an aspiration. I very much agree with Dr Fernando CHEUNG that we should identify ways to improve special schools. I hope Members will carry out discussion on special schools and urge the Government to put in more efforts in providing quality special schools. However, if this is included in the aim of ESF schools, I think

there will be practical difficulties and it may not necessarily be achieved. For special education is indeed a different kind of education, unlike the curriculum of ESF schools now under discussion.

Thank you, President.

PRESIDENT (in Cantonese): Dr Fernando CHEUNG, I notice that you have pressed the "Request-to-speak" button. Do you have a point of order to make?

DR FERNANDO CHEUNG (in Cantonese): President, just now, a number of Members mentioned some points which I wish to elaborate and clarify.

PRESIDENT (in Cantonese): Dr Fernando CHEUNG, I have to explain the Rules of Procedure to you. At the resumption of the Second Reading debate on a bill, a Member can only speak once. If you think that your speech is misunderstood by other Members, you have to raise your hand after that Member finishes speaking to indicate your wish to seek elucidation of the part that has been misunderstood. The Member just finished speaking is Prof Patrick LAU. If you think that Prof Patrick LAU has misunderstood a certain part of your speech, you can explain that part, but you may not speak on other issues.

You wish to clarify a certain part of your speech that has been misunderstood by Prof Patrick LAU. Am I right?

DR FERNANDO CHEUNG (in Cantonese): Yes, you are right.

PRESIDENT (in Cantonese): You may speak.

DR FERNANDO CHEUNG (in Cantonese): Prof Patrick LAU mentioned earlier that in order to cater for students with special educational needs, ESF schools have to adopt special design for both hardware and software

PRESIDENT (in Cantonese): Dr Fernando CHEUNG, you may not debate with Prof Patrick LAU on the content of his speech. If Prof Patrick LAU mentioned the content of your speech when he spoke earlier and that he misunderstood your meaning, you may explain your meaning clearly again. However, you may not comment on his speech.

DR FERNANDO CHEUNG (in Cantonese): I understand. As he expressed in his speech his concern about my amendment proposing to state the object explicitly, it would be impracticable for ESF schools because there was the need to

PRESIDENT (in Cantonese): Dr Fernando CHEUNG, I have to explain the Rules of Procedure to you again. Since we are now at the resumption of the Second Reading debate of the Bill, you can only speak once. However, later, you will have the opportunity to move your own amendment and by then, you may give your responses to speeches made by all Members on your amendment.

DR FERNANDO CHEUNG (in Cantonese): Thank you, President, I will wait until then and speak.

MR RONNY TONG (in Cantonese): President, initially I did not intend to speak, but as various Honourable colleagues have referred to so many theories in relation to the amendment proposed by Dr Fernando CHEUNG, I will also stick to my old way of insisting on airing my opinions.

President, the aim of Dr Fernando CHEUNG's amendment is to oppose discrimination against students with special educational needs (SEN students). In fact, this idea is totally in line with existing legislation. President, we have a piece of legislation known as the Disability Discrimination Ordinance, which adopts a very broad definition for a person with a disability. President, you and I are also persons with a disability because all those who are born with minor defects, such as short-sightedness or any other weaknesses, are persons with a disability. That is to say, it is already provided under existing legislation that no school should discriminate against SEN students. Originally, I thought that this amendment would not be controversial. President, after learning the attitude adopted by the school authority as relayed by various Honourable

colleagues, particularly Dr YEUNG Sum, I think I have to raise some stance and attitude for discussion.

One of the major reasons for the school authority to oppose this amendment is that it is afraid that much litigation may arise. President, I do not understand why this thinking is especially popular in Hong Kong. At our meeting held at 8.30 this morning to scrutinize the Race Discrimination Bill, the Government raised the same point. The Government advised that if the scope of the Race Discrimination Bill was expanded to cover its policy implementation and the exercise of its duties and functions, much litigation may arise. How can this be the case? President, this thinking contains a serious fallacy both in logic and in attitude. That is why I think it is necessary to rectify it. The idea and stance behind this thinking is that if these acts are subject to legal regulation, breaches and litigation will arise. As the Government does not want to be involved in any lawsuit, it is better not to enact any legislation. President, this is totally contrary to logic. In fact, such an attitude and stance suggest two things which I find unacceptable: First, I will not abide by the law; and second, if no legislation is enacted, I will keep on acting like this, even though this is very improper.

President, a very simple stance in line with the core value of Hong Kong is that we should refrain from performing any improper act, even in the absence of legal regulation. This is true to both the ordinary people and the Government, and even more so to teachers.

President, the second point is that Mr Jasper TSANG (he seems to have left the Chamber) has spent 10 minutes just now to give a cumbersome elaboration on the background of ESF schools. After listening for 10 minutes, I still could not get what he intended to suggest and what relevance it had to the subject of discussion today. However, people who have listened to the speech delivered by Mr Jasper TSANG in the Chamber might have a wrong impression, which I think is not intended by Mr TSANG, that ESF schools are a special kind of schools or even schools which enjoy special privileges. President, we do not want to see any government with special privileges, and we even do not want to see any school enjoying special privileges above the law. If legislation prohibiting all schools from discriminating against the disabled with special needs is already in place, all schools should comply with it. Why is it a problem for Members to say that as we have proposed this object, we should clearly state that this aim of education provision is proper and in compliance with the law?

President, I speak because I am indeed very disappointed after listening to the series of discussion. If teachers do not establish clear and precise social values for the next generation, and Honourable colleagues of the Legislative Council even approve of such an attitude, what hope is there for our next generation and our future?

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 Mr Abraham SHEK to reply.

MR ABRAHAM SHEK: Madam President, I am impressed by the eloquence, knowledge and logic of the Honourable TSANG Yok-sing in his speech on the English Schools Foundation (the Foundation) and its history. And I am humbled by the sincerity of Fernando CHEUNG's good intention for the students with special educational needs (SEN students), for without your input and your efforts, this present Bill is not what it is being tabled today. You have done a lot of good work, but I cannot agree with your amendments. Also, I am thankful to Tommy CHEUNG for his pragmatic ability in bringing about a solution to a difficult issue, and then in having it agreed by all parties. Lastly, I would like to thank the able Dr YEUNG Sum for conducting the meetings in the most efficient manner, and for bringing about a consensus. Madam President, I would like to thank also the other members of the Bills Committee for their efforts in scrutinizing The English Schools Foundation (Amendment) Bill 2007 (the Bill).

As Members have already known, the Bill seeks to amend The English Schools Foundation Ordinance (the Ordinance) to make sweeping changes to the governing structure of the Foundation and the administration of its schools, as recommended by this Council's Public Accounts Committee (PAC). Regarding the issue of SEN education, that is not really the purpose of the Bill.

In the course of its deliberations, the Bills Committee received representations, in person and in writing, from all the stakeholders in the

Foundation. It became apparent to the members of the Bills Committee that the proposals contained in the Bill were, on the whole, warmly welcomed by the Foundation community.

The one issue on which there has not been full agreement, and which has occupied the majority of the Bills Committee's time, has been that of SEN students.

All sides recognize and acknowledge:

- the very real problems faced by parents of the SEN students, on the one hand, and
- the positive steps already taken by the Foundation in addressing the needs of SEN students (in which field it is the leader in Hong Kong), on the other hand. So, the Honourable Ronny, you do not need to worry, they have done a lot to help the SEN students in the schools of the Foundation. There also remain differences as to the manner and extent to which SEN issues should be reflected in legislative form in this Ordinance.

For its part, the Foundation has, after some hesitation and persuasion by the members of the Bills Committee, agreed to amendments to the composition of the Board of Governors which will allow one position of the Board to be held by a parent of a SEN student, to be elected by the whole of the parent body as stipulated by Mr TSANG Yok-sing. A Committee stage amendment to this effect will be moved by the Honourable Tommy CHEUNG.

There remains an amendment to be moved by Dr the Honourable Fernando CHEUNG, which is a hot topic in this debate just now. Dr CHEUNG's amendment seeks to entrench in the objects of the Foundation the specific aim of "non-discrimination against students with special educational needs".

This proposal is opposed by the Foundation and some members of the Bills Committee:

- firstly, on principle, as being selective and unnecessarily heavy-handed, especially given the Foundation's acknowledged record of good work to date in the area of SEN; and

- secondly, as exposing the Foundation to uncertain financial obligations and the real possibility of legal challenge. To the barristers, legal challenge is a day-to-day occurrence, but to the non-legal sector, this is really something very frightening.

I do not support this proposal, and I will explain my reasons to Members in further detail when the amendment is moved in due course.

Apart from this one issue, there has been agreement on all other aspects of the Bill. To give effect to this general agreement, a small number of Committee stage amendments to the Bill will be moved, namely:

- in addition to his amendment providing for a parent of a SEN student to be a member of the Board of Governors, the Honourable Tommy CHEUNG will also propose removing the two Members of this Council as members of the Board; and
- I will move some amendments of a minor and technical nature, which I will explain to Members when the time comes.

Madam President, the proposals contained in the Bill, as to be amended by agreement after some seven months of discussion by the Bills Committee, will streamline the governance structure of the Foundation, will introduce greater transparency and accountability, and will provide for more comprehensive participation in the affairs of the Foundation by all interested parties.

The proposals which Members will be asked to approve take full account of the views of all stakeholders in the Foundation, and also of the recommendations contained in the reports of the Director of Audit and the PAC of this Council which were the initiating force behind the present exercise.

As a member of a School Council of a school of the Foundation, which is the South Island School, I know how significant the changes being proposed are to the Foundation. I have been following closely the sometimes rocky progress of these measures over the past three years, and I believe that the Chairman and Chief Executive of the Foundation are to be commended for the vigour, commitment and sense of fairness with which they have pursued their task.

Finally, as the Member responsible for introducing the Bill, I would like to thank members of the Bills Committee and those in the PAC for their efforts, and

the Foundation for the support it has given to the Bills Committee in its deliberations.

I urge all Members to support the Bill.

Thank you, Madam President.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the English Schools Foundation (Amendment) Bill 2007 be read the second time. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

PRESIDENT (in Cantonese): I think the question is agreed by a majority 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.

CLERK (in Cantonese): The English Schools Foundation (Amendment) Bill 2007.

Council went into Committee.

Committee Stage

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

THE ENGLISH SCHOOLS FOUNDATION (AMENDMENT) BILL 2007

CHAIRMAN (in Cantonese): I now propose the question to you and that is: That the following clauses stand part of the English Schools Foundation (Amendment) Bill 2007.

CLERK (in Cantonese): Clauses 1, 2, 3, 5, 9 to 16, 18 and 19.

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

(No Member indicated a wish to speak)

CHAIRMAN (in Cantonese): I now put the question to you and that is: That the clauses stand part of the Bill. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

CHAIRMAN (in Cantonese): I think the question is agreed by a majority 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.

CLERK (in Cantonese): Clauses 4, 8 and 17.

MR TOMMY CHEUNG (in Cantonese): Chairman, I move the amendments to clauses 4, 8 and 17.

Chairman, Members have mentioned their relationship with the English Schools Foundation (ESF) earlier, so I may as well talk about my relationship with the ESF. I learnt about the ESF first in 1978 when my son enrolled at the ESF primary school in Quarry Bay. Later, my two daughters and my son studied in the ESF primary school at Perth Street, they then studied in Sha Tin College in Sha Tin and King George V School. Therefore, I have been a parent of the ESF in the past decade or two. In 2000, I think it should be 2001, I was

elected by Members of the Legislative Council to sit on the ESF School Council as a representative of the Legislative Council.

Chairman, my amendments cover two points. First, I disagree with the proposal of the school authority to retain two seats for external members nominated by Members of the Legislative Council on the Board of Governors (the Board). I have already mentioned this point earlier, so I will not discuss this issue in detail again.

I would just like to point out one thing. I quite understand the worry of ESF parents that the removal of the two seats for Members of the Legislative Council from the Board may undermine the power in monitoring the school authority. However, I think parents can rest assured that even in the absence of representatives from the Legislative Council on the Board, the ESF, being a publicly-funded school sponsoring body, will still be kept under proper supervision. For instance, in 2004, an audit on the ESF was conducted by the Director of Audit, and in 2005, studies on the ESF were carried out by the Public Accounts Committee. The monitoring mechanism has been kick-started and in full operation.

Moreover, in future, ESF teachers and staff, students and parents may still seek assistance from Members of the Legislative Council on ESF matters where necessary. At the Bills Committee, colleagues also supported this point.

Regarding the other amendment I propose, it seeks to add one seat for parents of students with special educational needs (SEN students) to the Board, who will be elected by parents of all ESF students.

A student is considered to have special educational needs if he or she obviously has greater learning difficulty or disability that prevent him or her from making use of educational facilities generally provided in schools for students of his or her age. This definition is based on the one used by the Education Bureau in the past Legislative Council papers, which is also a definition commonly used in the international community.

The main reason I propose this amendment is that besides the ESF is now running a special school, the Jockey Club Sarah Roe School, around 10% of students studying in the other ESF schools also have various degrees of special educational needs, which is not a small percentage. More often than not, the need of these students differs from that of other students of their age. In the

past, I noticed that parents of these students often came into conflicts with the school authority over the needs of their children. Communication between both sides was beset with a lot of problems. I thus consider it necessary to add a parent representative of SEN students to the Board, for this will establish a good and standing communication channel for them, and ensure that policies and measures adopted by the schools will take into account the interests of SEN students. I believe this amendment will help promote the integration culture of the ESF.

To avoid creating divisions among parents, I consider it necessary to prevent certain parents from having the special privilege of holding an extra vote. A number of colleagues of the Legislative Council have also reflected this opinion to me. For this reason, I propose the addition of a seat for the parent of SEN students, who should be elected by all parents. In other words, all ESF parents, in addition to the right to elect the six parent representatives originally on the Board, will have the right to elect a parent of SEN students to the Board.

At the Bills Committee, many colleagues and I expressed concern over the formation of the election mechanism for electing a parent representative of SEN students to sit on the Board. We worried that if the school authority adopted a lenient approach in screening SEN students and expanded the scope infinitely, parents of students with learning difficulties caused by short-term emotional problems would also be eligible to stand for election. In that case, it would absolutely be inconsistent with the original intention of my amendment, and the interests of students with genuine special educational needs would not be taken care of.

To remove the doubts of members of the Bills Committee, the ESF, at the Bills Committee, undertook to set up a mechanism to handle issues related to the assessment and election of parent representatives. The mechanism will include a six-level scale for the assessment of SEN students, and only parents of students at level two or above will be eligible to stand for election. Moreover, the school authority will keep in contact with parents of SEN students to discuss the six-level scale assessment mechanism.

I am glad to receive from the Secretariat yesterday the final draft of the English Schools Foundation (General) Regulation submitted by the ESF on 10 March. Though it comes really late, it proves to this Council the undertaking of the ESF.

I notice that in Schedule 1 to the Regulation, issues like the election method of parent representatives, including the parent representative of SEN students, have been provided for. It states that only parents of students being assessed with disabilities at level two or above according to the ESF identification process of disabled students will be eligible to run in the election of the parent representative of SEN students.

Regarding certain details therein, I have to ask the legal adviser to give them careful examination. However, here, I have to make it clear in advance that the ESF must follow the undertaking it made at the Bills Committee faithfully in formulating the subsidiary legislation. In any case, we will keep a close watch on the situation. I believe Mr Abraham SHEK will follow up the case meticulously.

Finally, with my amendment of "two removal and one addition", the number of members of the ESF Board will be 26, instead of 27 as originally proposed. In other words, the Board will be composed of 25 members with voting right and one member with no right to vote, that is, the Chief Executive Officer. I hope Members will support my amendments. Thank you.

Proposed amendments

Clause 4 (see Annex I)

Clause 8 (see Annex I)

Clause 17 (see Annex I)

CHAIRMAN (in Cantonese): Members may now debate the original provisions and the amendments jointly.

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

DR YEUNG SUM (in Cantonese): Madam Chairman, I speak in support of Mr Tommy CHEUNG's amendments.

Indeed, the present Bill on the composition of the School Council of the English Schools Foundation (ESF) aims to streamline its structure. At present, other institutions in general are going through the process of streamlining their structure, and thus the ESF is no exception. Particularly when the operation of the School Council of the ESF was once criticized by the Audit Commission, these amendments are thus rather timely.

However, in the original Ordinance, the composition of the School Council must, for historical reasons, include two Members of the Legislative Council. Actually, in ordinary secondary schools, with the exception of government schools (Appendix 3), if not for historical reasons, it is seldom and even rare to have Members of the Legislative Council sat on school councils. Therefore, Mr Tommy CHEUNG's present amendment proposing the removal of these two nominated representatives is necessary.

However, will the removal of these two representatives make way for parents of students with special educational needs (SEN students) to be elected to the School Council? Certainly, some of our colleagues may query why parents of SEN students should be given special privilege. However, Madam Chairman, I wish to point out that this amendment is not a preferential treatment. For we discover in real life that, more often than not, SEN students are really unfairly treated or even discriminated. But ESF schools are successful schools, for in their tradition, much importance is attached to the education of SEN students. Among all the other schools and international schools, the ESF is a rare exception that pursues this good path. However, if, by means of "positive discrimination" and an election process, parents of SEN students are allowed to be elected as a member of the School Council, so that their views can be further reflected, I believe this tradition of the ESF will be further consolidated and recognized. This arrangement may also attach due importance to the interests of these students in the minority. I believe this will be good for the operation of the school as a whole. Moreover, for SEN students, this may allow them to receive special treatment and even give them an equal opportunity. I think the education sector at large should promote this spirit in particular. I thus give my sincere support to Mr Tommy CHEUNG's amendments.

However, in the course of discussion, we have considered how they should be identified. And how they should be elected. Should parents of SEN students alone be given the right to vote? If so, would other parents consider that they would be deprived of an additional vote? Eventually, we decided

that all parents should have a vote, and "one person, one vote" too, but only parents of SEN students would be eligible to stand as candidates. Now, the school authority tells us that the degree of disabilities of students will be classified professionally, and that only parents of students with disabilities at level two or above are eligible to stand as candidates. So, the problem is solved. There will be a parent representative of SEN students as well as ordinary parent representatives.

I am honoured to have the opportunity to be the Chairman of the Bills Committee this time. I am very glad because during the discussion of this issue, Members have shown their reasonableness and pragmatism, and certain principles have been brought to the fore. This spirit is rarely present in the discussion of other bills. Thank you, Madam Chairman.

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

DR FERNANDO CHEUNG (in Cantonese): I speak in support of Mr Tommy CHEUNG's amendments. I agree that the two standing seats for Members of the Legislative Council in ESF schools do not seem to be necessary, and that upon the removal of these two seats from the Board of Governors (the Board), a parent representative of students with special educational needs (SEN students) will be added to the Board. This is of great importance.

Indeed, at present, apart from the Jockey Club Sarah Roe School, in which all students are SEN students, the other secondary schools and primary schools of the ESF in general have 10% of SEN students in their student population. That is to say, there are quite a number of these students. If a parent representative of these students is to sit on the Board, I think it will serve as a special token of the undertaking to cater for their needs.

I hope that in drafting the subsidiary legislation, particularly on the selection of the parent representative of SEN students, the ESF will by all means keep an open mind, listen to different views and keep in contact with parents in the course of consultation. According to my understanding, no organization under the existing structure can fully represent the parents of SEN students. Moreover, representatives of the Parent-Teacher Association may not necessarily be able to adequately reflect the views of these students or their

parents. I thus hope that the ESF will conduct wider consultation in this respect, so that the final arrangement will not only be proper but will also be acceptable to different parties and without bias. Here I give my support to this amendment. Thank you.

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

(No Member indicated a wish to speak)

CHAIRMAN (in Cantonese): Mr Abraham SHEK, do you wish to speak?

MR ABRAHAM SHEK: Madam Chairman, I support the Committee stage amendments moved by the Honourable Tommy CHEUNG which will make changes to the membership of the Board of Governors of the Foundation. In particular, I support the addition of a parent of a SEN student as an additional parent member of the Board. This change will create a channel of communication between the parents of SEN students and the governing body of the Foundation.

I believe this amendment gives appropriate and sufficient recognition to the problem faced by the parents of SEN students, and is a win-win outcome for both the parents of SEN students and the Foundation. I would like to thank in particular the parents of students of KGV who have been instrumental in pushing us to come to this position.

Madam Chairman, the parents of SEN students will also have the confidence that their concerns are being fully presented and considered at the highest level within the Foundation.

Secondly, the Foundation will have a sounding board for the development of its policy on SEN students and the channel through which to convey its message to parents of SEN students.

Madam Chairman, this is a progressive step in Hong Kong in special needs education, and I think the Foundation is to be commended for agreeing to it, and hope that the other schools' councils could also adopt the same.

I urge Members to support the amendments.

CHAIRMAN (in Cantonese): Mr Tommy CHEUNG, do you wish to speak again?

MR TOMMY CHEUNG (in Cantonese): Chairman, finally, I would like to give my thanks to my colleagues for supporting me. Moreover, I would like to point out that the contribution of ESF schools to SEN students is recognized by all our colleagues, and this is in no way an expression of dissatisfaction to them.

I would also like to take this opportunity to thank my colleagues for electing me to sit on the Board of Governors as their representative in the past eight years. Above all, I have to thank Members for supporting this amendment to terminate my appointment. Thank you. *(Laughter)*

CHAIRMAN (in Cantonese): I now put the question to you and that is: That the amendments moved by Mr Tommy CHEUNG be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

CHAIRMAN (in Cantonese): I think the question is agreed by a majority 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 amendments passed.

CHAIRMAN (in Cantonese): Since Mr Tommy CHEUNG's amendment to clause 4 has included Dr Fernando CHEUNG's amendment thereto and Mr Tommy CHEUNG's amendment has been passed, Dr Fernando CHEUNG does not need to move his amendment to clause 4 later.

MR ABRAHAM SHEK: Madam Chairman, I move the amendment to clause 4 of the Bill standing in my name.

At the time this Bill was gazetted, the Permanent Secretary with responsibility for the Ordinance was known as the Permanent Secretary for Education and Manpower. That Permanent Secretary is now known as the Permanent Secretary for Education. This amendment makes the necessary change to the definition of "Permanent Secretary" in proposed section 2(1) of the Ordinance.

Madam Chairman, I move the two amendments to clause 8 of the Bill standing in my name:

- (a) The first amendment is to proposed section 6(3) of the Ordinance which, as it stands, makes a member of the Nominating Committee ineligible to be a member of the Board of Governors under any of the categories of membership provided for in proposed section 6(1) of the Ordinance. It is considered that this restriction is too broad, and that while members of the Nominating Committee should be ineligible for membership of the Board as a member nominated by the Nominating Committee, there should be no restriction on their being members of the Board under any other category of membership. The first amendment provides accordingly.
- (b) The second amendment seeks to update a reference in the Ordinance to the year of enactment of the Bill as an Ordinance.

Madam Chairman, I move the amendment to clause 17 of the Bill standing in my name. This amendment seeks to update several references in the proposed Schedule to the Ordinance to the year of enactment of the Bill as an Ordinance.

Proposed amendments

Clause 4 (see Annex I)

Clause 8 (see Annex I)

Clause 17 (see Annex I)

CHAIRMAN (in Cantonese): Members may now debate the original provisions and the amendments jointly.

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

(No Member indicated a wish to speak)

CHAIRMAN (in Cantonese): If no Member wishes to speak, I now put the question to you and that is: That the amendments moved by Mr Abraham SHEK be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

CHAIRMAN (in Cantonese): I think the question is agreed by a majority 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 amendments passed.

CLERK (in Cantonese): Clauses 4, 8 and 17 as amended.

CHAIRMAN (in Cantonese): I now put the question to you and that is: That clauses 4, 8 and 17 as amended stand part of the Bill. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

CHAIRMAN (in Cantonese): I think the question is agreed by a majority 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.

CLERK (in Cantonese): Clause 6.

MR ABRAHAM SHEK: Madam Chairman, I move the amendment to clause 6 of the Bill standing in my name.

This amendment seeks to give the Foundation a formal Chinese name — 英基學校協會 — in addition to the English name already provided for.

Proposed amendment

Clause 6 (see Annex I)

CHAIRMAN (in Cantonese): Members may now debate the original provision and the amendment jointly.

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

(No Member indicated a wish to speak)

CHAIRMAN (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr Abraham SHEK be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

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

CLERK (in Cantonese): Clause 6 as amended.

CHAIRMAN (in Cantonese): I now put the question to you and that is: That clause 6 as amended stands part of the Bill. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

CHAIRMAN (in Cantonese): I think the question is agreed by a majority 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.

CLERK (in Cantonese): Clause 7.

DR FERNANDO CHEUNG (in Cantonese): Chairman, I move the amendment to clause 7. My amendment is very simple, which mainly seeks to add "with the aim of non-discrimination against students with special educational needs (SEN students)" to the part concerning objects and powers.

I believe this simple amendment is not controversial by itself, and I am very grateful that just now a number of Members have spoken in support of it. A few Members, however, expressed some concerns. They did not oppose to the meaning of this amendment as I believe no one will oppose the idea of non-discrimination against SEN students. And yet, they did not consider it necessary to set it out in the legislation.

I have heard Mr Jasper TSANG point out earlier that it is necessary to leave some room to the school sponsoring bodies for pursuing their mission with passion, and not to subject them to regulation by law. I have also noticed that

Prof Patrick LAU is concerned about the desirability of the design of the hardware or software in practice, and whether or not ESF schools can accomplish the mission with the inclusion of this amendment into the provision.

Mr Jasper TSANG has been concerned if it is superfluous to provide this in the legislation. Furthermore, given that it is a school sponsoring body, we should leave the mission to it. Chairman, I certainly agree with the views of Mr Jasper TSANG, and would like to state clearly that my amendment is actually a recognition of the commitment and service of ESF schools to SEN students. My amendment is neither a reprimand nor an obligation of ESF, but to sing praises and reinforce the work of ESF. It is hoped that ESF will be made a role model.

Just as Dr KWOK Ka-ki said, I wish that the objects of all schools, if possible, will include this phrase or carry this meaning, under which students with different special needs would be looked after. Nonetheless, not all schools, international schools in particular, offer us such an opportunity. Due to some special historical reasons, ESF schools do use public funds. Discussion of the issue in this Council today gives us an opportunity to let it stand out as a role model.

The most important point is that, I know ESF has all along made affirmative and positive responses to SEN students by implementing different initiatives and giving special support. For instance, learning support centres are established to enable these students to learn and have lessons, and some sessions are allocated for these students to learn with other students in the same classroom for integration purpose. This is tailored-made for the needs of different students. Certainly, not all schools can accommodate different SEN students as their hardware and software may not possibly cope with such needs. Yet, it does not matter as it will strive to do its best.

However, Chairman, "our 10 fingers vary in length". Just as Ms Audrey EU said, we met with parents of ESF schools, especially a group of parents of SEN students when preparing for this motion, who expressed dissatisfaction with one of the ESF schools — the King George V School — concerning the arrangements of the learning support centre.

From my experience in handling these cases, such dissatisfaction has made me think that it is essential to move this amendment today. If this can be clearly

specified in the legislation, ESF, all its teachers and staff, parents and students will know exactly that one of ESF's objects — or aims, in my own wording — is to look after SEN students without discrimination.

There is one thing I can share with Members here about the handling of these complaints, which I have found pretty odd. When this group of parents indicated their concern that certain special arrangements might not provide sufficient care to the students, the school then stopped them from entering the school campus to collect their children after school. The subject under discussion is SEN students, some of whom require physical assistance and support of other people.

Despite of the fact that these students, in general, can study in a mainstream learning environment, but in response to the complaint by some parents, the school has, as against the established practice, prohibited the entry of parents into the school campus to collect their children. I have been very surprised as it is impossible that the parents' entry into the school campus is not welcomed. Parents of SEN students are, on the contrary, most welcomed by schools for providing additional manpower support. Parent-volunteers are welcomed by many special schools, let alone mainstream schools where SEN students are also studying.

With our intervention and having not just a couple of interviews, the problem on the surface was eventually resolved in the first place, by permitting the entry of parents into the school campus to collect their children. This example is not used to highlight the wrongdoings of ESF, but to raise the question of whether the approach of individual school towards SEN students sometimes has deviation in the absence of a specific aim. I am a bit concerned about this.

If we leave all the room to the school sponsoring bodies, they may accomplish their aim when they have the passion. What if the passion fades or the attitude towards SEN students changes with a new principal or chairman and hence the order of priority? Will this alter the commitment of the schools in this regard? This is our concern. So, I consider my amendment justified and essential. After all, it does not contradict with the objects and missions of the school, and setting things out clearly will only help.

Furthermore, as regards Prof Patrick LAU's concern about the design of hardware or software, what I wished to clarify earlier is The example of

Prof Patrick LAU is actually cited to invalidate our points. St Paul's College did admit students who were blind or visually-impaired, most of whom would switch to mainstream schools after they attained a certain level at the Ebenezer School, say, on completion of primary schooling or Secondary Three. In fact, at present, ESF also has similar arrangements as its Sarah Roe School looks after some seriously impaired students. I have known some parents whose children also studied in the Sarah Roe School before switching to ESF's mainstream schools. Similar arrangements have actually been in place.

Students who need special care and specially designed environment find it impossible to study in mainstream schools as their curriculum and teaching method are completely different. Hence, they may first study in the Sarah Roe School before switching to ESF's mainstream schools once they are assessed to be capable of studying there. These mainstream schools will provide them with special support, for instance, the provision of learning support centres. At present, special arrangements in respect of facilities, props and teaching tools, if necessary, can also be provided by ESF. So, I think there is no need for Prof Patrick LAU to worry. At present, about 10% of ESF students are assessed to be SEN students. They are now studying at mainstream schools but not that special school, the Sarah Roe School.

On the whole, we consider that ESF is heading in the right direction, which deserves our encouragement and commendation. Should we grasp this opportunity, which is said to be an opportunity that must not be missed, I believe ESF would not rashly or indiscriminately introduce legislative amendments to this Council again. While we can set this out clearly in the ordinance today Given the unique historical background of ESF and its outstanding performance in looking after SEN students, we should make specific provision in its objects and powers having regard to the possible financial or legal consequences, by formally laying down the aim of non-discrimination against SEN students. I consider this an appropriate move.

I also hope that Members will render their support because this will have a demonstration effect. If we succeed in doing this, it is hoped that other international schools will be aware of the need to follow suit. If the amendment fails to get passed today, Chairman, I am worried that this might give rise to some counter-effects. Despite that there are now about 40-odd international primary schools and 20-odd international secondary schools in Hong Kong, the majority of which have not made any commitment to SEN students. Should this

amendment fail to get passed, these schools will probably maintain this kind of attitude.

Chairman, we must not forget that these international schools are not non-publicly-funded. Very often, government land would be granted to them for the building of school campus at a nominal cost, or funding would be provided in the course of construction. In return, these international schools should be responsible and committed to all Hong Kong people, including SEN students. So, they should take up the responsibility. Hence, the amendment raised by me today has a demonstration effect and is historically important.

If this simple amendment requiring ESF to clearly specify in its objects the aim of non-discrimination against SEN students fails to obtain the approval of the Legislative Council, I will be very regretful and worried that this will convey a wrong message to the other international schools. I hope that the Honourable colleagues will think twice before they vote today. This is not a demanding request, but one that complies with the spirit of the existing legislation, the mission of ESF and the aspirations of the general public.

I hope that Members will support my amendment. Thank you, Chairman.

Proposed amendment

Clause 7 (see Annex I)

CHAIRMAN (in Cantonese): Members may now debate the original provision and the amendment jointly.

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

DR YEUNG SUM (in Cantonese): Madam Chairman, I speak in support of Dr Fernando CHEUNG's amendment.

As the Chairman of the Bills Committee, I have asked ESF's representatives time and again whether they opposed to the aim of non-discrimination against students with special educational needs (SEN

students) in terms of policy principle. They said that there was no problem with the aim, the administration and the initiatives, but feared that the inclusion of such a provision in the Ordinance might carry some legal implications and hence give rise to litigation. In fact, with the assistance of the legal adviser of the Legislative Council, Dr Fernando CHEUNG's amendment is no longer written as an object, but an aim. Madam Chairman, we do not intend to achieve this aim at once or with immediate effect. Even our Basic Law states that universal suffrage is our ultimate aim, though it has yet to be implemented to date. After all, this is the aim and direction that we are heading for, which need not be accomplished immediately. There was no universal suffrage in 2007, and probably not in 2012, right? The basic direction is there, so why is it impossible to write it down? This direction merely displays the determination, attitude and track of development, and is not intended to be accomplished at once or with immediate effect.

In fact, ESF runs very good schools. Let me repeat, I am not dissatisfied with it. Rather, I respect it very much. Since it has traditionally shown great care for this group of students, I think that clearly setting out the policy direction in the object is just one step forward. It does not mean to raise the concern of the schools about increasing litigation, resulting in their difficult operation. I am not quite worried in this regard. Perhaps the approach adopted by the school authority is too conservative.

Let me stress again, the school authority has stated repeatedly that its policies and objects are basically more or less the same as those proposed by Dr Fernando CHEUNG. I believe the major difference lies in whether it is necessary to set it out in the Ordinance. I think this is where the major problem is. I want to stress again that it is also my wish to have other international schools modelling on ESF to attach importance to SEN students in terms of their policies. I believe the efforts that we made this time would not be wasted. Thank you, Madam Chairman.

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

MR TOMMY CHEUNG (in Cantonese): I appreciate Dr Fernando CHEUNG's proposal to add "and with the aim of non-discrimination against students with special educational needs (SEN students)" after the objects of ESF. In fact, Dr Fernando CHEUNG had revised the wordings of his amendment in response to

Members' concern at the Bills Committee, stressing that "non-discrimination against SEN students" was just an aim. However, I have been concerned about the opinion of the legal adviser to ESF, who pointed out that the passage of Dr Fernando CHEUNG's amendment would carry statutory obligations that might even override the existing Disability Discrimination Ordinance (DDO), which would in turn make ESF vulnerable to judicial review and unexpected financial pressure.

While the issue of legal interpretation would eventually be settled in court, I worry that Dr Fernando CHEUNG's amendment might give the parents some reasonable expectations and give rise to unnecessary litigation. The last thing that I wish to see is the school authority being put at such risk because of our amendment.

I agree that the rights of SEN students must be protected, but it is not necessary to resort to enacting legislation all the time. If this will give rise to unbearable litigation and pressure, we have to think twice.

Parents of SEN students can actually put their minds at ease. In Hong Kong, section 24 of the DDO (Cap. 487) prohibits discrimination against people with disabilities, which all educational institutions must comply with. This ensures that their children will not be unfairly treated. What is more, just now colleagues have endorsed my amendment to include a parent representative of SEN students in the Board of Governors of ESF to specifically safeguard their rights. Members should note that no school in Hong Kong has any parent representative of SEN students in their governing bodies. My amendment is indeed a breakthrough. By making a commitment with concrete actions, the school authority can fully demonstrate its willingness to continue protecting the rights of SEN students, which is much better than simply stating the aim. Therefore, the Liberal Party and I consider that we cannot support Dr Fernando CHEUNG's amendment.

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

(No Member indicated a wish to speak)

MR ABRAHAM SHEK: Madam Chairman, I wish to speak against the Committee stage amendment moved by Dr the Honourable Fernando CHEUNG.

Like many other ordinary citizens, we believe we need no legislation to tell us how to do good and kind work, for goodness comes from within, that is, from our hearts. In this particular case, the schools of the Foundation have been doing their part in looking after SEN students and we very well know that they have done a great job.

The Foundation has an unparalleled record in Hong Kong in the provision of quality education to SEN students. It is the acknowledged leader in this field. Its Mission Statement specifically recognizes SEN students as members of the student body of its schools. Furthermore, the Foundation has agreed to an amendment to this Bill which will mean having a parent of SEN students as a member of its Board of Governors. So, I think the Foundation could fairly be described as a "SEN-friendly" organization.

But the present proposed amendment is a step too far, and is one the full implications of which are not clear.

While the plight of SEN students is well enough known, the issues involved are extremely complex and resource intensive.

These issues were considered by this Council when the Disability Discrimination Ordinance (DDO) was enacted. As Members will know, the DDO makes unlawful the discrimination by schools against persons with a disability (and this would include SEN students), except where the provision of facilities and services to the students would impose unjustifiable hardship on the school. This means that SEN students currently enjoy a significant measure of protection against discrimination under our laws.

The proposed amendment seeks to move beyond that protection by introducing a concept of "non-discrimination" which is independent of the definition of "discrimination" in the DDO, and that makes no reference to an exception for unjustifiable hardship. So, it is a different standard and also an uncertain one.

It is my view that before we break any new ground in the area of SEN, the issues should be considered at a policy level, in relation to schools in Hong Kong in general. Your intention is good. We should not be imposing new obligations on schools on an ad hoc basis, on an occasion such as the passage of this Bill, the purpose of which is to streamline the governance of the Foundation.

Madam Chairman, one of the rationales given for the amendment now being proposed, as explained during the Bills Committee meetings, is to accord recognition of and appreciation for the work already done by the Foundation in the area of SEN.

However, the amendment as framed would have an effect of a different order altogether. It would render the Foundation liable to judicial review on SEN matters, and may have considerable financial implications for the Foundation and its fee-paying parents. It would in fact be tantamount to punishing the Foundation for the good work it has done to date.

Madam Chairman, Members will have noted that the objects section of the Ordinance already makes reference to race and religion, and Members may wonder why discrimination against SEN students should not be dealt with in parallel with these. I can assure Members that the case of SEN students is quite different from those other cases, in that the race or religion of a student makes no difference to the provision of education to the student once admitted to a school, and so there are no ongoing resource implications to be considered.

In conclusion, Madam Chairman, the Foundation's record on SEN speaks for itself. It has further shown its commitment to advancing the SEN cause by agreeing to the amendment proposed by the Honourable Tommy CHEUNG. I am sure that no one here today has any doubt that the Foundation will continue to set the lead in this field and provide an example to other schools in Hong Kong.

The proposed amendment, on the other hand, would hold the Foundation to a higher standard than everyone else, with the added burden of the uncertainty to which I have already referred.

I urge Members to give the Foundation the recognition and appreciation it deserves by voting against this amendment.

CHAIRMAN (in Cantonese): Dr Fernando CHEUNG, do you wish to speak again?

(Dr Fernando CHEUNG shook his head to indicate that he did not wish to speak again)

CHAIRMAN (in Cantonese): I now put the question to you and that is: That the amendment moved by Dr Fernando CHEUNG be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(Members raised their hands)

Mr Abraham SHEK rose to claim a division.

CHAIRMAN (in Cantonese): Mr Abraham SHEK has claimed a division. The division bell will ring for three minutes, after which the division will begin.

CHAIRMAN (in Cantonese): Will Members please proceed to vote.

CHAIRMAN (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Ms Margaret NG, Mr SIN Chung-kai, Dr KWOK Ka-ki, Dr Fernando CHEUNG and Miss TAM Heung-man voted for the amendment.

Mr Bernard CHAN, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Ms Miriam LAU, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Dr Joseph LEE, Mr Daniel LAM, Mr WONG Ting-kwong and Prof Patrick LAU voted against the amendment.

Mr WONG Kwok-hing and Mr KWONG Chi-kin abstained.

Geographical Constituencies:

Mr Albert HO, Mr LEE Cheuk-yan, Mr Fred LI, Mr LEUNG Yiu-chung, Dr YEUNG Sum, Ms Emily LAU, Mr Frederick FUNG, Ms Audrey EU, Mr Alan LEONG and Mr Ronny TONG voted for the amendment.

Mr James TIEN, Mr Jasper TSANG and Miss CHOY So-yuk voted against the amendment.

Mrs Anson CHAN abstained.

THE CHAIRMAN, Mrs Rita FAN, did not cast any vote.

THE CHAIRMAN announced that among the Members returned by functional constituencies, 19 were present, five were in favour of the amendment, 12 against it and two abstained; while among the Members returned by geographical constituencies through direct elections, 15 were present, 10 were in favour of the amendment, three against it and one abstained. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the amendment was negatived.

CHAIRMAN (in Cantonese): I now put the question to you and that is: That clause 7 stands part of the Bill. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

CHAIRMAN (in Cantonese): I think the question is agreed by a majority 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.

CLERK (in Cantonese): New clause 9A Manager and Supervisor
of the Schools.

MR ABRAHAM SHEK: Madam Chairman, I move that the new clause 9A be read the Second time.

New clause 9A seeks:

- to make a minor change to the wording of the section heading to section 19 of the Ordinance as renumbered; and
- to amend the reference to the term "Permanent Secretary for Education" in that section, consequent upon the inclusion of a definition of the term "Permanent Secretary" in section 2(1) of the Ordinance.

CHAIRMAN (in Cantonese): I now propose the question to you and that is: That new clause 9A be read the Second time.

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

(No Member indicated a wish to speak)

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

(Members raised their hands)

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

(No hands raised)

CHAIRMAN (in Cantonese): I think the question is agreed by a majority 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.

CLERK (in Cantonese): New clause 9A.

MR ABRAHAM SHEK: Chairman, I move that new clause 9A be added to the Bill.

Proposed addition

New Clause 9A (see Annex I)

CHAIRMAN (in Cantonese): I now propose the question to you and that is: That new clause 9A be added to the Bill.

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

(Members raised their hands)

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

(No hands raised)

CHAIRMAN (in Cantonese): I think the question is agreed by a majority 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.

CHAIRMAN (in Cantonese): Council now resumes.

Council then resumed.

Third Reading of Members' Bills

PRESIDENT (in Cantonese): Members' Bill: Third reading.

THE ENGLISH SCHOOLS FOUNDATION (AMENDMENT) BILL 2007

MR ABRAHAM SHEK: President, the

English Schools Foundation (Amendment) Bill 2007

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

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the English Schools Foundation (Amendment) Bill 2007 be read the Third time and do pass.

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

(Members raised their hands)

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

(No hands raised)

PRESIDENT (in Cantonese): I think the question is agreed by a majority 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.

CLERK (in Cantonese): The English Schools Foundation (Amendment) Bill 2007.

MEMBERS' MOTIONS

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

First motion: Extension of the period for amending the Antiquities and Monuments (Withdrawal of Declaration of Proposed Monument) (No. 128 Pok Fu Lam Road) Notice.

I now call upon Ms Audrey EU to speak and move her motion.

PROPOSED RESOLUTION UNDER THE INTERPRETATION AND GENERAL CLAUSES ORDINANCE

MS AUDREY EU (in Cantonese): President, I move the motion standing in my name.

In the meeting of the House Committee on 15 February 2008, Members resolved that a subcommittee be formed to study the Antiquities and Monuments (Withdrawal of Declaration of Proposed Monument) (No. 128 Pok Fu Lam Road) Notice.

The Subcommittee convened its first meeting on 29 February 2008. In view of the need to listen to views of the organizations and clarify a number of issues, Members convened the second meeting at 8.30 am today. In order to render more time for the Subcommittee to scrutinize the Notice, I, in my capacity as Chairman of the Subcommittee, now move a motion to extend the scrutiny period of the Notice to 9 April 2008.

President, the content of the motion is contained in the Agenda. I urge Members to support the motion.

Ms Audrey EU moved the following motion: (Translation)

"RESOLVED that in relation to the Antiquities and Monuments (Withdrawal of Declaration of Proposed Monument) (No. 128 Pok

Fu Lam Road) Notice, published in the Gazette as Legal Notice No. 21 of 2008 and laid on the table of the Legislative Council on 20 February 2008, the period for amending subsidiary legislation referred to in section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) be extended under section 34(4) of that Ordinance to the meeting of 9 April 2008."

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

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

(No Member indicated a wish to speak)

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

(Members raised their hands)

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

(No hands raised)

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

PRESIDENT (in Cantonese): Second motion: Extension of the period for amending the Rating (Exemption) Order 2008 and the Trade Descriptions (Definition of Diamond) Regulation.

I now call upon Ms Miriam LAU to speak and move her motion.

PROPOSED RESOLUTION UNDER THE INTERPRETATION AND GENERAL CLAUSES ORDINANCE

MS MIRIAM LAU (in Cantonese): Madam President, in the meeting of the House Committee on 7 March 2008, Members resolved that a subcommittee be formed to scrutinize the Rating (Exemption) Order 2008. Moreover, the Administration also notified Members that it would move amendments to the Trade Descriptions (Definition of Diamond) Regulation.

In order to render sufficient time for the Subcommittee to scrutinize the Order and for the Administration to prepare for the amendments, Members endorsed that I, in my capacity as Chairman of the House Committee, move a motion to extend the scrutiny period of the two pieces of subsidiary legislation to 23 April 2008.

Madam President, the content of the motion is contained in the Agenda. I urge Members to support the motion.

Ms Miriam LAU moved the following motion: (Translation)

"RESOLVED THAT in relation to the —

- (a) Rating (Exemption) Order 2008, published in the Gazette as Legal Notice No. 34 of 2008; and
- (b) Trade Descriptions (Definition of Diamond) Regulation, published in the Gazette as Legal Notice No. 43 of 2008,

and laid on the table of the Legislative Council on 5 March 2008, the period for amending subsidiary legislation referred to in section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) be extended under section 34(4) of that Ordinance to the meeting of 23 April 2008."

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

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

(No Member indicated a wish to speak)

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

(Members raised their hands)

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

(No hands raised)

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

PRESIDENT (in Cantonese): Two motions without legislative effect.

First motion: Improving the public hospital services in Kowloon East.

I now invite Mr Alan LEONG to speak and move his motion.

IMPROVING THE PUBLIC HOSPITAL SERVICES IN KOWLOON EAST

MR ALAN LEONG (in Cantonese): President, I now move that the motion as printed on the Agenda be passed.

President, we have always trusted the health care system in Hong Kong, not only because there are health care personnel full of love and dedication but also because they are committed to maintaining the fairness of the health care system so that regardless of the poor and the rich, they can all get the most proper medical treatment in the hospitals.

The Kowloon East Hospital Cluster covers the Kwun Tong and Tseung Kwan O districts. Recently, I paid a visit to the United Christian Hospital, the leading hospital in the Kowloon East Hospital Cluster. I learned of a real-life story from the mouth of a doctor. In the afternoon of 22 January this year, a seriously wounded woman was sent to the United Christian Hospital and after receiving emergency treatment and diagnosis, the doctor was of the view that a thoracic surgery had to be performed on her immediately. Unfortunately, the United Christian Hospital did not have a trauma centre and the attending doctor called the Queen Elizabeth Hospital which is in the Kowloon Central Hospital Cluster. However, no matter how hard the doctor had tried to persuade, the other hospital did not think that there was a need to admit the patient immediately. And as doctors are kind-hearted, this attending doctor was compelled by the emergency of the case and called an ambulance to send the wounded woman to the Queen Elizabeth Hospital and she was treated as a new patient. The police vehicle was called to escort the ambulance and asked to prepare the way. When the patient arrived at the Queen Elizabeth Hospital, despite the fact that she was in so much pain and suffering, she had to be questioned and diagnosed by the doctors there again. It was only after much time spent that the patient could undergo an operation. Luckily and thank God, she survived.

President, just imagine if a patient in the same condition has sustained injuries in Kowloon Central, the patient can be sent directly to the Queen Elizabeth Hospital and soon the patient can undergo an operation. This is the case of two patients in an identical condition but it is only because the place where the accident has taken place is different that they get a very different kind of treatment. One can get medical treatment in no time while the other has to go through all kinds of detours before getting any treatment. I think this is not fair at all.

President, or in the case where a patient in Tseung Kwan O has to undergo a cardiac catheterization operation because of a heart problem, after visiting the Tseung Kwan O Hospital, he would usually be referred to the United Christian Hospital which is the leading hospital of the Kowloon East Hospital Cluster. However, the United Christian Hospital is currently in short of both manpower and hospital beds and thus the referral is not accepted. The Tseung Kwan O Hospital can do nothing but refer the patient for treatment at the Queen Elizabeth Hospital.

President, in fact and as we know, there are many elderly people and low-income families in Kowloon East. According to the statistics of the Hong Kong Council of Social Service, Kwun Tong is the district in Hong Kong with most poor households, which amount to 55 000 households or 28.5% of the total households in the district. Its proportion of low-income households ranks number two in Hong Kong. It is apparent that there is a huge demand in the Kowloon East community for affordable health care services. This especially applies to those services for the elderly in need of care and attention, such as the neurosurgery department for those who have suffered from a stroke, the oncology department for treatment of cancer, and also the orthopaedics department, the cardiology department and rehabilitation services.

The Government is always talking about implanting a sense of worthiness and security in the elderly, but many specialist departments closely related to the health of the elderly are not found at all in Kowloon East. These are, for example, the neurosurgery department which treats strokes, the oncology department for cancer and so on. Patients suffering from a stroke often have brain haemorrhage, but the United Christian Hospital does not have any neurosurgeons. When these cases emerge, the patients must be referred to the Queen Elizabeth Hospital. The long journey to the hospital will increase the risks in the patients.

President, actually, apart from strokes, cataract is also a very common disease found in the aged. But the waiting time for cataract extraction in the Kowloon East Hospital Cluster is very long and patients will have to wait for at least three and a half years before they get any treatment. It is heard that patients recently joining the queue have to wait for six years. To ask a cataract patient who cannot afford treatment in the private hospitals to wait for three and a half years is tantamount to asking him to wait until he goes blind. The result is that some residents of Kowloon East have to take the initiative to go to another district for treatment and some even have to use a false address. But this is unfair to residents served by other hospital clusters. The authorities are still saying that the hospital cluster system is fair and excellent. If this is really the case, then how can the above situation be tolerated?

President, I witnessed with my very eyes in the United Christian Hospital that there were beds with patients placed even along the corridors on the out-patient floor. The orthopaedic doctors have to examine patients every day in public places, that is, in the corridor, where the public come and go. For the orthopaedic department, the present number of cases it handles each year is

already double that of the original estimate. Due to insufficient space, the some 200 rehabilitation beds of the United Christian Hospital have to be relocated to the Kowloon Hospital. Apart from the long journey which families have to endure every time when they go to the Kowloon Hospital to visit the patients, some non-governmental organizations which provide assistance and support to hospitalized patients also experience much inconvenience because of the fact that the homes of the patients are found in a different hospital cluster than the hospital they are admitted.

Residents of Kowloon East cannot help but ask if the hospital cluster system is fair to them. In 2001, the Hospital Authority (HA) grouped its hospitals into seven clusters according to the districts. Each cluster is formed by a number of hospitals with accident and emergency departments, and convalescent and rehabilitation hospitals. The HA matches different hospitals and comes up with the best grouping according to the established roles and services provided by various hospitals, the pattern of service demand in the district and the demographic composition there. It is hoped that comprehensive and sound medical services are provided in each of the hospital clusters to cope with health care needs in the community. However, for residents of Kowloon East, this so-called self-sufficient cluster system has completely failed them.

President, according to information from the HA, in 2006, the waiting time of the some 5 000 surgery out-patient cases and the 2 000 medicine out-patient cases in the United Christian Hospital was as long as one to two years, which ranked number one among all the public hospitals in Hong Kong. The United Christian Hospital has long reached a breaking point. And misfortune comes on the heels of one another. There is a total detachment of the resources allocated to the Kowloon East Hospital Cluster by the HA from the needs of the residents there and the demographic structure. It can even be said to be mean and far from being generous.

President, we can take a look at this chart. It shows that the population of Kowloon East is about 950 000, whereas the population of Kowloon Central nearby is only 500 000. If we look at the numbers of patients and beds, in Kowloon East with a population of 950 000, there are only 2.11 hospital beds per 1 000 persons. But in Kowloon Central which has only about half of the population of Kowloon East, there are about six hospital beds for every 1 000 people. In other words, the population there is half of Kowloon East but the hospital beds are three times as much. Seen in funding terms, the situation is

the same. The purple colour in the chart shows the population. Over the past three years — these three colours show the past three years, that is, 2004-2005, 2005-2006 and 2006-2007 — Kowloon East has always got the least funding. It can be seen how unfair this cluster system is to Kowloon East.

President, as I have stressed in the wording of the motion, the problem now is definitely not a scramble for resources among various clusters but that the officials must deploy resources appropriately to correct the unfairness experienced by residents of Kowloon East under the existing system. I recall Chief Executive TSANG has made a pledge during his election campaign to increase expenditure in public health from 15% to 17% of the recurrent public expenditure. In the Budget delivered at the end of last month, we can see again that \$100 billion of surplus was recorded in the public coffers. I cannot imagine what pretext the Government can put up to refuse to respond immediately to the demand of residents in Kowloon East.

The original aim of the cluster system is to provide community-based, sound and comprehensive health care services. But in the Kowloon East Hospital Cluster, we do not have any traumatology department, we do not have any neurosurgery department, we do not have any oncology department and we do not have any thoracic surgery department. All these patients can only be sent to hospitals in other clusters for treatment. As a matter of fact, the leading hospital in each of the other six hospital clusters is classified as a Schedule 1 hospital which provides a greater variety of services. It is only the United Christian Hospital that is classified as a Schedule 2 hospital with fewer services but nevertheless it has to assume the role of a leading hospital. At a time when the fiscal surplus is overflowing, does the Kowloon East Hospital Cluster have to continue to be relegated to a second-class hospital cluster?

President, on 5 December last year, the Secretary Dr York CHOW said in this Council when responding to my oral question that the reason why there was no neurosurgery department at the United Christian Hospital was because there were only some 500 referrals a year and that was not the figure expected of a high-quality specialist unit. As for oncology, as the oncology department at the Queen Elizabeth Hospital was of a larger scale, patients might seek medical consultation there themselves. As regards resource allocation, the Kowloon East Hospital Cluster just had to continue to make do and compromise.

Actually, this is just a chicken-and-egg question. President, this is only an explanation that is trying to justify itself. Since the United Christian

Hospital does not have such services, the residents have to come round the problem and go to seek treatment in other districts. This is only natural. Compared to this kind of reply which is grossly out of touch with reality, 238 front-line doctors out of the total 300 in the United Christian Hospital wrote in July last year to Mr SULLIVAN, Executive Director of the HA to demand that attention be paid by the management to the resource issue. The United Christian Hospital comes up with a proposal that has both heart and practicability. It is suggested that four old blocks in the hospital be pulled down, which include the staff common room, doctors' offices, staff clinic, hospital library and medical records centre. In their place two new blocks will be put up, housing a day surgery centre, a day care centre, and rehabilitation wards. Specialist out-patient services are also to be expanded.

Rebuilding the hospital blocks is only the first step to be taken to improve on hospital services in Kowloon East. It demonstrates the professional attitude of loving care of the health care personnel. It is only when officials in charge of policy-making hold the same patient-oriented mentality that problems can really be solved. Of course, we must attend to the most pressing needs first. So, Secretary Dr York CHOW must consider the interests of residents in Kwun Tong and Tseung Kwan O and accord priority to the reconstruction plan of the United Christian Hospital and strive for its early commencement and completion.

President, the present situation in the Kowloon East Hospital Cluster runs counter to the logic and philosophy of setting up these hospital clusters. At this moment when the Government is having a huge surplus, it is perfectly capable of acting according to the population and community structure of the Kowloon East Hospital Cluster and improving its funding ratio and service quality while maintaining the funding for other hospital clusters. In this way, the health care problems in the district can be ultimately solved. On a macro level, the authorities should focus on the long-term demand of health care services in various districts, rethink and review the effectiveness of the hospital cluster mechanism.

With these remarks, President, I propose the motion.

Mr Alan LEONG moved the following motion: (Translation)

"That, as the current funding provision for the Kowloon East Hospital Cluster is far more insufficient than other clusters and lags far behind the

needs of the population and the communities of Kwun Tong and Tseung Kwan O, resulting in the Kowloon East Hospital Cluster failing to provide comprehensive health care services, which is not only contrary to the vision of "meeting community demands and expectations" but also exerts tremendous pressure on the frontline health care personnel and impedes their provision of most suitable services for the residents within the districts, this Council strongly urges the Administration to:

- (a) taking the opportunity of the present huge surplus and not affecting the services of other hospital clusters, allocate more resources, according to the population and community structure of the Kowloon East Hospital Cluster, to expeditiously improve the public hospital services in Kwun Tong and Tseung Kwan O, and solve the problem of residents in the two districts having to seek medical treatments in other clusters, and in particular, the implementation of the United Christian Hospital's reconstruction plan must be expedited; and
- (b) focusing on the long-term demand of health care services in various districts, study and review the mechanism of hospital cluster planning as well as the logic of operation of hospital services."

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

PRESIDENT (in Cantonese): There are eight Members who will move their respective amendments to the motion. There is another Member who will move an amendment to an amendment. The pile of papers before me has all the amendments and their combinations printed and there are a total of 383 items. As this pile of papers is too thick and it has more than 900 pages, no photocopies have been made for Members. However, two sets of the relevant papers are placed in the ante-chamber for Members' perusal. After we have held a joint debate on the motion and all the amendments and as we proceed to vote, if Members want to know which amendment or combination will be put to vote, they can ask me to read it out so that Members may know clearly what is being put to vote.

I now invite Dr KWOK Ka-ki to speak, to be followed by Mr Fred LI, Mr Albert HO, Mr Ronny TONG, Mr James TO, Dr Joseph LEE, Mr LAU Kong-wah, Mr Frederick FUNG and Mr Tommy CHEUNG. However, Members may not move their amendments at this stage.

DR KWOK KA-KI (in Cantonese): Madam President, the motion debate today has broken the record since the first term of the Legislative Council in 1998 for being the motion with the most amendments. Altogether there are nine Honourable colleagues who have proposed their amendments and that is more than the number of amendments for the motion of thanks on the policy address in October last year. I believe this shows that Members of this Council wish to voice their opinions on the hospital cluster system of the Hospital Authority (HA), in particular the hardships experienced by the Kowloon East Hospital Cluster.

First of all, I wish to thank Mr Alan LEONG. There is a tacit understanding here among Honourable colleagues. As we have to draw to take turns to propose a motion, Members including Mr Fred LI have to make way for this topic about Kowloon East to enable discussion to be made on it before the final passage of this year's Budget. Why? The simplest reason is that in the hospitals in Kowloon East, irrespective of health care personnel or patients who receive the services, all of them are suffering.

We all know that with respect to figures provided by the Census and Statistics Department, Kowloon East is the place with the greatest number of elderly people. We have also seen just now that the cluster is located in an area with the second greatest number of poor people and with the second lowest income in Hong Kong. Confucius says, the problem is not with scarcity but with uneven distribution. We have been long aware of the need to address problems there, but the worst thing is that from what we now see in the public health care services there, that is, services provided by the HA, the problem is that there are scarcity as well as uneven distribution. The latest figure for the general hospital beds for every 1 000 persons in Hong Kong is 2.86. But the figure for Kowloon East is 2.11. The figure for doctors in the public hospitals per 1 000 persons is 0.68. But it is just 0.59 for Kowloon East. As compared to luckier hospital clusters such as Kowloon Central and Island West, the disparity is more than double. In Island West, that is, where many of our top

officials live, the number of general beds for every 1 000 persons is 5.73, which is more than double that of the figure for Kowloon East. And the number of doctors is likewise more than that of Kowloon East and it is 1.143 for every 1 000 persons, which is also close to double.

I have no idea whether or not today's motion debate would affect the district people choose to live. However, one gets very worried after hearing these figures. For residents of Kowloon East, the per capita health care expenses they get are \$2,827 and this is a more than 20% drop from the overall \$3,115. But for those lucky ones, like those who live in Island West, it is \$5,988 and for those who live in Kowloon Central, it is \$7,336. The figures are more than double than that for residents of Kowloon East.

So there are times when we do not see the point of having this hospital cluster system. In 2001 when the hospital cluster system was introduced, we had hopes that the system would lead to a more rational allocation of health care resources and that the system would be run according to the demographic structure and based on the needs of the patrons, that is, the general public. But irrespective of the old or new chief executive of the HA or the old or new board of the HA, after all these years, the problems only go from bad to worse and there are no signs of any improvement made whatsoever.

Actually, the Government may like to see such a state of affairs. Just take a look at the Budget. The ones who get the largest share are of course the business tycoons. We all know that the richest will be allocated the most and even for the red wine they drink, they do not have to pay any wine duty. However, for the disadvantaged, sorry, they are given something just for once. Taxes may always be cut, but the extra payments in the "fruit grant" or the CSSA, they are given for once and no more. Such practices do reflect the mindset of the present Government and that is, it is going against the normal order of things when it comes to those districts that are badly in need of health care services.

Every member of the health care personnel serving in the Kowloon East hospitals, that is, these 300 doctors, they have lofty ideals. They do not mind working in the United Christian Hospital or the Tseung Kwan O Hospital — hospitals that have been neglected all along. They are doing this for the sake of the patients. And they are doing this with dedication and commitment. But

what kind of reward do they get in the end? Even if there is, Madam President, it is the patients, not these doctors who will get it. The fact that these health care workers are fighting so hard for more resources is not because they want to be each given a room for their own use. Madam President, they are asking for rooms for use by patients, medicine and equipment for use by patients. There is no personal gain whatsoever on the part of the doctors. On top of that, the authorities say that these health care workers are to have their library and offices torn down for use by patients first before anything can be considered for these health care workers. Madam President, I think you can also see the point that health care workers are prepared to sacrifice the space which they can use for the sake of the benefits of the patients.

Now this Budget which claims that something has to be done to cope with the over \$100 billion surplus only increases a meagre \$780 million for health care services. For some hospital clusters like Kowloon East which are placed in a disadvantageous position, no proper attention is put on them from the Government. I have got a case and that is about an old person from Wo Lok Estate in Kowloon East. He is unfortunately suffering from cancer. He lives right next to the United Christian Hospital where he has had an operation. But when he has to undertake follow-up treatment for cancer, he cannot get it from the United Christian Hospital next doors. So he has to travel a long distance to another hospital. Such an arrangement should not pose any problem to a young person, but for someone who is more than 70 years old, it would be a great trouble every time he goes for treatment. Family members have to get a day's leave to bring him there and they have to wait very long in the hospital. Why does the Government have to do that?

When someone suffering from a trauma or stroke goes to seek treatment at the United Christian Hospital, he will find that the doctor there will say to him, "Sorry, there is no neurosurgery service here." But the doctor will make arrangements for him to go to the hospital nearby and will say to him, "Do not worry. You can go there on a vehicle." And the doctor will immediately call an ambulance for him. If that patient is a member of our family or a member of the Secretary's family, would the same thing happen to him? However, residents of Kowloon East have to resign themselves to fate for this is the best way out. The problem will go in no time if you resign to fate. You will know for sure that no such service is provided there. No, not at all. It is the same with the thoracic surgery service. We can even see some patients with an emergency condition which requires immediate thoracic surgery to let out the

blood in their pericardial membrane subject to three hours' wait before they can be transferred to another hospital. If the patient is our family member, do we want to let him suffer like this? However, for some patients, they really have to resign themselves to fate. If they live in Kowloon Central, in less than 1.5 km away, they will be attended to by two teams of experienced neurosurgeons with excellent equipment. So you have to choose the right place to fall ill, for once you have picked the right place, you can get better medical treatment. Why does this happen in the hospital cluster system?

One month ago, we asked the HA personnel to come here to answer our questions on resources in the clusters. The then chief executive of the HA said that there was already a committee on the review of the hospital clusters. But that committee was headed by the former director of the clusters. We were shocked when we heard that. We wanted to know if anything had gone wrong. In this society of Hong Kong, even when resources are not enough, we would still want to allocate resources in a rational manner. The HA has failed to do so. And no assistance has been extended to it from the Government. Of course, even as we have such hopes, it does not mean that other clusters with more resources should have their "flesh slashed". Actually, clusters like Kowloon Central and Island West are the goals we strive for. We have never suggested that their resources should be cut. Unfortunately, the Government has not changed its way of doing things.

At this stage, that is, at a time when they cannot cherish any hope, the health care personnel and the patients in Kowloon East, that is, those in the hospitals in Kwun Tong and Tseung Kwan O, they will have to bear the pain and the suffering. We do not know how many more medical incidents will have to occur, or how many patients will have to lose their lives for want of medical care, or how many health care workers will have to toil even harder, before the Government feels a need to undertake a review of the hospital cluster system. That there is uneven distribution of resources under this cluster system not only spells suffering for Kowloon East — I am running out of time — the situation is also very bad in many other clusters like Island West, Island East and New Territories West. But as a start, it is our hope and wish that funding from the Government can be made to the Kowloon East Hospital Cluster which is so badly in need of resources to enable it to have more resource provision and to commence its rebuilding programme.

Thank you, Madam President. I so submit.

MR FRED LI (in Cantonese): Madam President, at the beginning of the formation of the hospital cluster system by the Hospital Authority (HA), the population in Tseung Kwan O and Sai Kung is rather small. With the rapid development of Tseung Kwan O, the population of Sai Kung and Tseung Kwan O increased from less than 200 000 in 1996 to more than 400 000 in 2006. The demand for health care services has also increased greatly. The 2 235 beds in the hospital cluster there, encompassing the three hospitals of the Haven of Hope Hospital, the Tseung Kwan O Hospital and the United Christian Hospital, cannot hope at all to serve the close to one million residents in the district.

With the extreme shortage of resources in the cluster, what the Kowloon East Hospital Cluster lacks are not only health care personnel and hospital beds but the entire specialist division. An example is the lack of a neurosurgery department even in the United Christian Hospital, the leading hospital in the Kowloon East Hospital Cluster. The situation is very bad in the specialist out-patient department and there are problems like patients having no privacy and the long waiting time for new cases. All these have been mentioned by Mr Alan LEONG earlier. These are also hard facts. On the question of cataract, Kwun Tong is the district with the largest number of old people among the 18 districts of the territory. And the proportion of old people there is much more than the district with the second largest number of old people. The difference is by a wide margin of more than 10%. Hence the cataract problem is very serious. According to what the chief of the United Christian Hospital says, to avoid getting complaints from patients, they do not take in new cases any more. Our office has also got complaints against the United Christian Hospital from patients who say that the waiting time is too long and they have to wait until 2009 or 2010 for a follow-up consultation. This makes me very sad.

I wish to raise a point about the oncology department in particular. Among the seven hospital clusters, only Kowloon East does not have a centre for cancer. Cancer patients have to be streamed to different hospitals, such as the Pamela Youde Nethersole Eastern Hospital in the Island East Cluster, or the Queen Elizabeth Hospital in the Kowloon Central Cluster, or even the Prince of Wales Hospital in the New Territories East Cluster. It adds to the suffering of cancer patients if they have to travel a long way to undergo chemotherapy.

The Kowloon Central Hospital Cluster which is next to the Kowloon East Hospital Cluster serves a population of about 500 000. If a comparison is made of the two clusters, as Mr LEONG has said earlier, the amount of resources

which Kowloon East obtained in 2006-2007 was \$2.7 billion and that was \$1 billion less than the \$3.7 billion which Kowloon Central got. But the population of Kowloon East was far greater than that of Kowloon Central. As regards the proportion of hospital beds against the population, I would not want to repeat what has already been said.

Why is it that two neighbouring clusters can have such a vast difference in the delivery of health care services? Is it due to blunders in planning the clusters from the very first beginning? Is it because of provincialism among the clusters so that the needs of the residents in the districts or the planning in service delivery are not used as the justification for dividing up the clusters?

The problem here is different from newly-developed areas like Tin Shui Wai and Tung Chung. Their problem is with the absence of resources. And for our case, we do have the resources. But even if there are resources, they are not well put. Improvement of services in Tin Shui Wai would have to start right from scratch by planning to build a new hospital. A hospital and clinics have to be built there. For residents of Kowloon East, they have to face a severe shortage of health care services and all the problems brought along by the ineffective operation and cluster division of the hospital cluster system.

On the overall health care facilities in the two hospital clusters of Kowloon Central and Kowloon East, if there can be mutual support or better planning in cluster division, at least the needs for health care services of residents in the Kowloon East Cluster can be eased. However, given the cluster system, every cluster has its own territory and the boundaries are distinct and water-tight. The situation will worsen in the face of the shortage of health care and manpower resources in the public sector.

The cluster system operates in such a manner as when the HA is to allocate resources, the cake is sliced to distribute to various clusters on a district basis. And each cluster is to consider factors like the size of the population and its structure, and the amount of resources required to maintain existing services. Then the clusters will talk with the HA head office to decide on a one-off funding provision for the whole year. Then the slice of the cake is shared among different hospitals in the cluster. Matters like patient referrals, sharing of equipment, manpower deployment and mutual complement and assistance between hospitals can at most be confined to hospitals within the same cluster. At a time when manpower and beds in a cluster are not abundant, and if that

cluster is asked to take patients who cannot be taken care of by another cluster, this is actually like asking a poor person to treat others with free lunch and to share with others a meal that is not enough even for himself. This will definitely add to the difficulties. Of course, the ones who suffer most are the patients, the public and the front-line health care workers.

Unless and until the system of "money is to follow the patients" is introduced in the HA, that is, additional resources are provided to a cluster after it has taken patients from another cluster, otherwise, the boundaries dividing the clusters will become a chasm so wide that it cannot be crossed. Mutual support will become impossible. Then the issue of how clusters should be divided up to ensure each cluster will be given enough resources and specialist services so that it is self-sufficient and does not have to ask for help from other clusters deserves a comprehensive review and examination.

On 31 January, Mr Alan LEONG, Miss CHAN Yuen-han, Dr KWOK Ka-ki and I attended a meeting of the doctors' association of the United Christian Hospital. Quite a large number of doctors came to the meeting, no matter how busy they were and some even gave up their meal break. They did not hesitate to speak and voice their grievances. Secretary, please note that there is a structural problem here. You busy yourself in health care financing matters, but the hospital cluster system is also a grave concern in health care.

When the HA was formed, the move was to incorporate government hospitals and subvented hospitals into the HA and turn them into public hospitals. But there is actually a big difference between these two types of hospitals. Subsidies for former government hospitals, their manpower and health care facilities are not bad at all. But for the subvented hospitals, such as the Nethersole Hospital, the Caritas Hospital, or the United Christian Hospital in Kwun Tong and the Haven of Hope Hospital in Tseung Kwan O, these hospitals are set up by religious bodies or charitable organizations, they have a rather low starting point. Therefore, if hospitals are given the same amount of subsidy across the board, then no matter how great the increase may be, they will not be able to meet the standards required. This is a structural problem. When YEOH Eng-kiong was the Secretary, he promised to undertake a full-scale study of the problem. But as the doctors in the United Christian Hospital said, the matter seemed to have vanished into thin air after the matter was pursued on a number of occasions. And it was not talked about any more now. I hope the Secretary can look into this again and see the gravity of this structural problem.

If this structural problem is not addressed, it will be pointless when subsidies are increased by a tiny fraction. This is because from the outset, resources are not sufficient and the situation is far from being healthy.

Now the HA has 41 public hospitals and institutions scattered among the seven clusters. There are some places located in Kowloon East in name, but in reality they do not fall into the constituency for Kowloon East. Mr LEONG and I represent the Kowloon East constituency which includes Kwun Tong and Wong Tai Sin. But Wong Tai Sin does not belong to the Kowloon East Cluster which includes Sai Kung, Tseung Kwan O and Kwun Tong. So at times this is a great trouble when it comes to the question of our representing the residents. I do not represent residents of the Tseung Kwan O area, but I live in Tseung Kwan O and I am a patron of the health care services there. Anyway, I hope that I will not have to use these public hospitals as much as possible, for I know that health is of paramount importance.

As I have just said, provincialism does exist. One of the focuses in my amendment is to highlight the issue of a cancer centre. This is because out of the one million residents in the area, there are bound to be many unfortunate people who suffer from cancer. Although they can undergo surgery in the United Christian Hospital, the follow-up treatment and chemotherapy will have to be carried out in other hospitals. This kind of administrative inconvenience is adding to the pain and suffering of these patients, besides adding to the administrative workload of the hospitals. All this kind of man-made inconvenience can be avoided. So we have suggested that a full-scale review should be made of the existing hospital cluster system and this should involve people from all walks of life, including patients' groups, front-line doctors and so on. I hope that the Government will respect this Council which is a representative of public opinion and attend to the problems brought up by many Honourable colleagues of this Council and undertake a full-scale review of this cluster system, and I stress, an independent committee should be set up to comprehensively review the effectiveness of the cluster system.

Madam President, I so submit.

MR ALBERT HO (in Cantonese): Madam President, the Panel on Health Services has discussed the question of insufficient resources and uneven distribution in the Kowloon East Hospital Cluster. And doctors attending the

meeting were most upset about the presence of provincialism in the clusters. The debate held in this Council today should never be an extension of provincialism into regionalism in that Members returned by different geographical constituencies through direct elections and functional constituencies will fight for more resources for their respective districts and sectors. This is not our intention at all.

Madam President, there are eight amendments and one amendment to amendment today, in which many proposals are made on the types of additional services in Kowloon East. Since the Government has recorded a surplus this year, it would be a good idea to make use of this opportunity to demand an increase in resources and more one-off expenditure be made such as on purchasing new health care equipment. However, setting up new specialist departments and demanding that new health care teams be added will increase the annual recurrent expenses in future. Do we have enough justification to show that these are feasible proposals to use resources in a fair manner?

On the question of insufficient health care resources in Kowloon East, besides adding new services to the cluster, can something be done to adjust resource allocation in the clusters, even to the extent of re-demarcating the cluster boundaries so that the Kowloon Central Cluster which has more abundant resources can shoulder the responsibility of taking care of the health care needs of residents in Kwun Tong and such like areas? Of course, for some residents of Kowloon East, it is their dearest wish to get health care services from the nearest location. And it is most desirable for residents of Tseung Kwan O to get all sorts of specialist services from the Tseung Kwan O Hospital. The question is that we must have unlimited resources, but obviously this is not the case now.

The situation now is that there is a structural problem of insufficient resources in the entire public health care system. It is beyond doubt that no matter if it is in the Legislative Council constituencies, or in the cluster, or even at the so-called most well-equipped Queen Mary Hospital on the Hong Kong Island, they are all facing the problem of insufficient resources. Doctors, nurses and general staff are all stretched to breaking point.

The most important function of the Legislative Council is not for Members to seek only the greatest immediate gains for their own voters. Representatives from various sectors and districts debate here today — we have to stress again

that — we aim at putting forward some long-term and feasible proposals at a macro level. When we present the aspirations of the district to which we belong, we hope to achieve a consultation effect so that districts and people most in need of care can be identified and that priorities can be accorded to input resources in a rational manner. Moreover, the kinds of services in short supply can also be identified to ensure the improvement of service quality to the public through a better co-ordination among various hospitals even in the face of overall shortage of resources.

There are in fact some very pressing demands in New Territories West. Let me now talk about the situation in New Territories West on behalf of the residents there. It is only fair and it is also a consensus reached in society to demand that priority should be given to add more resources to improve health care services in New Territories West. If residents of Kowloon East find it very inconvenient when they have to travel to another cluster and use the health care services in Kowloon Central, then more hardship is experienced by residents of New Territories West in places such as Tung Chung and Tin Shui Wai to use services in the cluster. When doctors from the Kowloon East Cluster pour out their grievances and get worried because residents in the district do not get the quality in health care services that they deserve, there is still 0.59 doctor per 1 000 people. But there is only 0.52 doctor for every 1 000 people in New Territories West. For hospital beds, there are still 2.11 beds per 1 000 people in Kowloon East, but there are only 1.63 beds in New Territories West. What is more, New Territories West covers a large area and transportation is not convenient. It is very inconvenient for residents to use the health care services in the hospitals. Since the area is remote, there is no cluster nearby which can lend a helping hand. Public health care services in the New Territories West Cluster are worse off than other clusters in many specialist departments. An example is in child and adolescent medicine, for the year 2006-2007, the mean waiting time for such specialist out-patient service in all the clusters is five weeks, but in New Territories West, it is as long as 25 weeks.

Tin Shui Wai and Tung Chung are communities that are most neglected. Since 1997, residents of Tung Chung have moved to the Lantau Island as pioneers. But it is only in 2012 at the earliest that Lantau Island will have a hospital. During this 15-year period in between, should it be so unfortunate that residents in Tung Chung have fallen ill, then they will have to spend a long time and travel to the Princess Margaret Hospital for treatment.

Now there are close to 280 000 people living in Tin Shui Wai. Based on the fact that there are about 70 public general out-patient clinics in a population of 6.92 million people in Hong Kong, there is a general out-patient clinic for every 100 000 people on average. But there is only one primary health clinic in Tin Shui Wai. For the general out-patient clinic in Tin Shui Wai north, it will only be commissioned five years from now at the soonest. The Pok Oi Hospital decided on a reconstruction programme in 1998, and the project was only completed after about 10 years. It is surprising that after the reconstruction, the hospital does not have enough resources to launch full-scale services. So residents of Tin Shui Wai have to travel a long distance for treatment in the Tuen Mun Hospital. The result is that the Tuen Mun Hospital is crammed with patients and the waiting time at the accident and emergency department and the specialist out-patient service is extended to a very long time.

The fact that health care services in New Territories West are insufficient and the service quality is bad affects not only residents of the area. The lesson we learned from SARS is that the physical health and the life and property of the people in the entire territory are closely linked.

Ever since the incident of a girl died from influenza, the number of patients waiting at the accident and emergency department in the Tuen Mun Hospital has increased drastically to some 700 a day now. From this it can be seen that services in the New Territories West Cluster are far from adequate and there is not enough capacity to handle infectious diseases. For one thing, the consultation time in the out-patient department is only some three to five minutes and there is no time at all to get an in-depth understanding of the disease and its latent risks. The other thing is that since the waiting time is so long, the accident and emergency department is packed with people and they even have to wait at the dispensary for three hours. In the end, the Tuen Mun Hospital has to use wooden boards for triage purposes and patients with a fever are separated from other patients. This is how the recent case is handled.

(THE PRESIDENT'S DEPUTY, MR FRED LI, took the Chair)

If the problem of seriously inadequate health care services in New Territories West is allowed to continue, the residents have to wait for a long time for service, and as a large crowd gathers, it is likely to have cross infection.

Once an infectious disease breaks out, those affected will be the people of the entire territory.

Deputy President, I hope that Honourable colleagues, the Secretary for Food and Health and his officials as well as the management of the HA will agree with what I have said. They should consider the interests of all the people of Hong Kong and accord priority to allocating resources to improve the health care services in New Territories West and other clusters.

I so submit.

MR RONNY TONG (in Cantonese): Deputy President, first of all, I wish to thank Mr Alan LEONG of our party for proposing the motion today. Although in terms of the wording, the topic today seems to be only about residents of Kowloon East, this is actually not the case. Deputy President, this is because for the Kowloon East Hospital Cluster, nearly half of its service targets are living in the Tseung Kwan O area. So Kowloon East is only a name for the eastern part of Kowloon and it does not refer to the Kowloon East constituency. Therefore, as a representative of New Territories East, especially a Member of the Legislative Council serving the Tseung Kwan O area, I think for me to propose an amendment to this motion and to speak on it is far from being minding some business that is not my own.

Actually, residents living in the Kowloon East Hospital Cluster, especially those in Tseung Kwan O who are faced with the serious shortage of health care services, they are very much worried. Ever since I have assumed office, there have been many people who come to me and air their concern about this. I have also met with the Secretary and related to him the gravity of the problem. However, the problem remains unsolved all through these four years. As a Member of this Council for that district, I am very much ashamed. I wish to ask the SAR authorities whether or not they have heard the grievances of the Tseung Kwan O residents aired throughout these many years. Are they worried that should a major incident of catastrophic dimensions break out in Tseung Kwan O, will the health care facilities in Tseung Kwan O be able to cope and protect the health of the people there?

The problems in health care that the residents of Tseung Kwan O are facing are not only scarcity but also unevenness in distribution. We can first take a look at the division of labour among the three hospitals in the cluster.

The United Christian Hospital is a large accident and emergency hospital in the Kowloon East Hospital Cluster. It provides tertiary services for the cluster. The Haven of Hope Hospital is a convalescent hospital mostly concerned about rehabilitation and recuperation. And the hospital which provides health care services for the residents of Tseung Kwan O is chiefly the Tseung Kwan O Hospital.

Let us now take a look at some basic figures. At present, there are 980 000 people living within the Kowloon East Hospital Cluster. In Tseung Kwan O area alone, the number is some 400 000, or close to half of the total service target population. However, there are only slightly more than 2 000 general hospital beds in the whole of the Kowloon East Hospital Cluster. The number of professional health care personnel is only 2 447 people. The hospital bed ratio is 2.15 and it is the lowest besides the New Territories West Cluster. Figures for the Tseung Kwan O district alone are even more terrifying, for there are only 425 beds in the Tseung Kwan O Hospital, not counting the 75 beds which the Government wants to slash this year. So the hospital beds ratio against the population in Tseung Kwan O may be as low as 1.06. That is to say, there is only one bed for every 1 000 people. This ratio is still lagging far behind the New Territories West Cluster which has the lowest ratio. During the recent peak period for influenza, the hospitalization rate for the Tseung Kwan O Hospital is as high as 120%. Although with the triage measures adopted by the Hospital, the hospitalization rate is now reduced, there is tremendous pressure on the Hospital.

Deputy President, the health care services that should be provided by phase I of the Tseung Kwan O Hospital have not materialized because of the lack of resources. These include three accident and emergency wards, one daytime psychiatric hospital, one daytime geriatric hospital, a labour ward and an intensive care unit for newborn babies. We can well imagine how the residents of Tseung Kwan O are neglected by the Government and the Hospital Authority (HA).

What I feel deeply ashamed of is the equipment at the Tseung Kwan O Hospital. Before I prepared for the motion debate today, thanks to Mr Alan LEONG for arranging a visit for me to the Tseung Kwan O Hospital, I was able to learn about the actual situation there. The management of the Hospital told me the most serious problems they were facing now. The lack of general beds was of secondary importance. The most serious problem of the entire Tseung

Kwan O area was insufficient beds in the intensive care unit. Only eight beds were available there. For patients with a serious condition who need special care, an intensive care unit bed is like an oasis in the desert, which is absolutely indispensable. Besides, they had grave concerns about the shortage of equipment and manpower. They told me especially that as the Hospital was not a general hospital, it was not equipped with resources that are in much demand but expensive, such as the renal dialyser, cardiology equipment, cardiologists, magnetic resonance imaging equipment, as well as a labour ward in the obstetrics and gynaecology department. This posed not just much inconvenience but also grave concern for patients of chronic illness and pregnant women in the area.

Despite the shortage of resources, the authority of the Tseung Kwan O Hospital is still committed to improving triage at the Hospital in order to shorten the waiting time of patients. I must express my appreciation for their success in this respect. With the efforts made by the new management of the Hospital, the average waiting time of patients is now reduced to three hours. They hope to reduce the mean waiting time to one hour. Although the waiting time remains very long, compared with other hospitals, there is already much improvement. This is the result of the hard work of the management and the staff of the Hospital. However, what is most frustrating is that due to the shortage of resources and manpower, the staffs have to find their own ways of getting around the problem. Deputy President, there are even reports that the Tseung Kwan O Hospital opts for turning away patients because of the shortage of hospital beds. Residents in Tseung Kwan O know very well this practice of turning away patients of the accident and emergency department of the Tseung Kwan O Hospital. Therefore, most of the residents there do not seek treatment at the Tseung Kwan O Hospital, which enables the Hospital to reduce the number of patients admitted and ease the demand for hospital beds and the pressure to increase the number of beds. Deputy President, I must state here that all the above are views of residents in Tseung Kwan O and those living outside it. This also thanks to blown-up reports by some media on certain individual cases. During the visit to the Tseung Kwan O Hospital, I also tried to understand the situation from the doctors. They were very upset and disappointed. Speaking from their stand, they have put in the best of their efforts. But due to various unfortunate events and the lack of resources, they are under tremendous pressure. To the residents there, this is also grossly unfair.

Deputy President, it goes without saying that the hospital authority has asked the HA many times to increase manpower and allocate additional resources

to cope with the demand. But on every occasion, the HA has used the pretext that the existing manpower and resources are sufficient to cope with the demand to turn down the request. The good intention of the staff has been met with frigid denial. And this has dealt an incredible blow to staff morale. Deputy President, when I visited the Tseung Kwan O Hospital, I had a very strong impression of that as well. In our view, if this is allowed to go on, the service quality of the Tseung Kwan O Hospital will definitely see a decline and an extremely negative impact will be created.

Deputy President, the only news which is somewhat encouraging is that last month the Government set aside \$1.7 billion for the expansion project of the Tseung Kwan O Hospital and an increase in its number of beds to some 600. I can only say that this is a right move. However, in face of the increasing demand of Tseung Kwan O, this can only be said to be a drop in the ocean. Also, the items in the expansion project only serve to reflect the views and demands of the Tseung Kwan O district on the Tseung Kwan O Hospital, such as the newly-added endoscope service and magnetic resonance imaging examination and a mere increase in hospital beds to about 600. Despite it is a correct and much needed response, that does not mean what the Government has done has already met all the needs of the Tseung Kwan O residents, as well as the needs of health care services in the Kowloon East Hospital Cluster.

We know that the Government has put forward a strategy which is community-based and preventive in nature. One of the most important links in this strategy is to take into account the situation in individual community such as its population structure, location and population projections and so on, as a starting point for planning in health care facilities and services. Unfortunately, what we can see in the Kowloon East Cluster is planning that attempts to put out the fire, so to speak. How can the services delivered dovetail the needs of the residents there?

Deputy President, Tseung Kwan O is a very young community. It has been developed for less than 20 years. Demand for health care services of the residents there has been on the increase. Deputy President, during the summer vacation in 2006, my office conducted a large-scale opinion poll on the services delivered by the Tseung Kwan O Hospital. Findings have shown that the specialist departments mentioned in our amendments, such as obstetrics and gynaecology, psychiatry, otorhinolaryngology, neonatology, and ophthalmology are in ardent demand. Although there are day surgery facilities for

otorhinolaryngology, much of the consultation work cannot take place in the Tseung Kwan O Hospital. Deputy President, the current services provided by the Tseung Kwan O Hospital in this respect are entirely inadequate. We hope that the SAR Government can face up to these demands and widen the scope and contents of the expansion project for the Tseung Kwan O Hospital. The ultimate solution is to turn the Tseung Kwan O Hospital into a general hospital so that its services and facilities can meet the needs of the district.

MR JAMES TO (in Cantonese): Deputy President, this motion under discussion today originally focuses on the problems of the Kowloon East Hospital Cluster. However, before the introduction of the health care financing reform, the annual funding allocated by the Government to the Hospital Authority (HA) should continue to be perceived as one whole cake. Many people think that this cake is simply not big enough. And, since more resources for one hospital cluster will mean less for others, any discussions on the services in the Kowloon East Hospital Cluster will inevitably involve other hospital clusters.

As a Member representing the Kowloon West Constituency of the Legislative Council, I wish to discuss the issue in greater detail, in the hope of providing Members with a fuller picture.

Actually, the Kowloon West Constituency of the Legislative Council is not the same as the Kowloon West Hospital Cluster of the HA. The districts of Yau Ma Tei, Tsim Sha Tsui and Kowloon City in the Kowloon West Constituency actually fall within the Kowloon Central Hospital Cluster of the HA. And, Mong Kok and Sham Shui Po, on the other hand, belong to the Kowloon West Hospital Cluster.

When discussing the inadequacy of resources in the Kowloon East Hospital Cluster, Members will inevitably compare the various districts in terms of their doctors to patients ratio, hospital beds ratio and annual funding. They all think that it is necessary to conduct a more detailed analysis. At first glance, resources for the Kowloon Central Cluster are more adequate, and the situation in the Kowloon West Cluster is less satisfactory, roughly the same as that in the Kowloon East Cluster, with only 0.59 doctor for every 1 000 people, which is just slightly better than the ratio of 0.52 doctor per 1 000 people in the New Territories West Cluster. But if we are to ascertain clearly whether the planning for hospital clusters is sound enough and whether there are enough

doctors and resources in the hospital clusters within the Kowloon West Constituency to provide sufficient services to local residents, we will need to gain a more in-depth understanding of the demographic conditions and the operation of the hospital clusters within the constituency.

While the Kowloon East Cluster comprises only three hospitals, the Kowloon West Cluster is made up of seven ones. Wong Tai Sin, Mong Kok, Sham Shui Po, Kwai Chung, Tsing Yi, Tsuen Wan and Tung Chung, with a total population of roughly 1.9 million, are all served by the Kowloon West Cluster. This is about twice the population size served by the Kowloon East Cluster. Mong Kok and Tsuen Wan are both served by the same hospital cluster, but an elderly person living in Mong Kok having to attend a medical consultation at Yan Chai Hospital will face greater inconvenience than a Kowloon East resident who needs to receive cross-cluster services at the Eye Hospital. For this reason, it is not quite so desirable to assess whether the Kowloon West Cluster can provide reasonable services to residents purely on the basis of overall statistics.

As we all know, the Kowloon West Constituency of the Legislative Council is home to large numbers of ethnic South Asians. More than 7 000 out of the 20 000 ethnic Indians in Hong Kong live in Yau Tsim Mong, Sham Shui Po and Kowloon City. And, of the 16 000 ethnic Nepalese, 7 600 live in Kowloon West. Besides, many of the 11 000 ethnic Pakistanis in Hong Kong also live in Kowloon West. In Kowloon West, there are already 18 000 ethnic Indian, Nepalese and Pakistani residents, and this is about 37% of all these ethnic minorities in Hong Kong. And, this is not to speak of the many ethnic minority children who need to travel from the New Territories to Kowloon West for school.

Many ethnic minority people do not know Cantonese and even English. To them, language barrier in the course of seeking medical consultation is highly frustrating. Many ethnic South Asians work in construction sites, and due to language barrier, they have higher risks of sustaining occupational injuries. If they encounter any accidents, they may sometimes fail to tell their problems to medical personnel even when they are rushed to accidents and emergency departments. This is actually very dangerous. And, their inability to communicate with medical personnel will also pose problems to their follow-up consultations. In one of the cases I have handled, as a result of this problem, a hand of the ethnic minority person concerned could not function normally again after a very long time. Doctors are so busy that they do not have any time to

deal with the language barrier problem, so they may simply prescribe some pain-killer for them. And, it is not uncommon to hear of cases where anti-depressant medicine is taken as pain-killer.

In view of the communication problem faced by ethnic minority persons, it is necessary to provide interpreting service in those Kowloon West Cluster hospitals located in places where many of them live, such as the Kwong Wah Hospital. In the Budget this year, the Government undertakes to provide ethnic minority persons using medical and other services with interpreting service at four support centres on a pilot basis. Details concerning the operation of these support centres are not yet known. But it must be noted that since there is an acute shortage of manpower in public health care institutions and doctors only have several minutes for one consultation, many doctors may not even have the time to ask for interpreting service over the phone. Therefore, the provision of in-house interpreters is a more practicable alternative. And, it must be pointed out that this problem is not restricted to Kowloon West. The Nepalese living in Yuen Long and the Pakistanis living in Kwai Tsing are similarly in need of interpreting service.

Another demographic feature of Kowloon West is its higher proportion of elderly persons and low-income earners when compared with other areas. According to the findings of the 2006 Population By-census, low-income households account for as high as 25.8%, or one quarter, of all households in Sham Shui Po. The health conditions of low-income households are generally poorer, and since they do not have the means to seek private health care services, they must rely on the public health care system.

(THE PRESIDENT resumed the Chair)

Besides, in the case of Sham Shui Po, those aged 65 or above account for 16.7% of the district's total population, a percentage which is far higher than the average of 12% in the whole of Hong Kong. In Wong Tai Sin, which is also served by the Kowloon West Cluster, the elderly population even accounts for 17.8% of the total population. Since the per-capita public health care cost in the case of the elderly is six times that of other people and the proportion of elderly persons in the areas served by the Kowloon West Cluster is comparatively high, its demand for hospital beds, health care personnel and overall funding is correspondingly greater.

I have just cited some examples, in the hope of illustrating the point that when assessing whether resources are allocated appropriately to the various hospital clusters, we must also pay heed to demographic features as a consideration of resource allocation, in addition to simply looking at the ratio of resources to the total population served by a particular hospital cluster.

President, with these remarks, I furnish the above information, so that Members can have a fuller picture of the issue.

MR JOSEPH LEE (in Cantonese): Madam President, as you pointed out just now, the paper that sets out all the combination of amendments to Mr Alan LEONG's motion on improving the public hospital services in Kowloon East comprises as many as some 900 pages. Dr KWOK Ka-ki has also pointed out that this seems to have broken the record since 1998. This can show the legislature's great concern about the health care services in Hong Kong.

The Secretary may of course reply later that the consultation document on health care reform will be released tomorrow, and that it may be of some help. But I believe that Mr Alan LEONG's motion today is not only about the uneven distribution of resources to the Kowloon East Cluster. Rather, it is also about the Hospital Authority's overall mechanism for delineating hospital clusters, the operation and services of hospitals and even the manpower planning for front-line health care personnel. Naturally, apart from being concerned about the abovementioned issues, I will also pay special attention to the impacts of our ageing population on the future demand for health care services and other problems relating to health care personnel and planning. For this reason, I have put forward an amendment, in the hope that the Hospital Authority (HA) and the Secretary can formulate a good plan on meeting the new challenges in the future.

Under the existing framework, the HA allocates different amounts of resources to different hospital clusters for the provision of public health care services. The rationale behind this framework is basically sound. But as we can observe, when it comes to the actual distribution of resources to the various hospital clusters, as rightly pointed out by several Members, there is a very odd phenomenon, the phenomenon of more resources for some and less for others.

Mr Fred LI has pointed out that according to the statistics of different reports, the number of elderly persons aged 65 or above in Kwun Tong is the greatest among all the 18 districts. But this cluster seems to have received the least resources from the HA. From the relevant records, we can notice that in 2006-2007, there were only 2 235 hospital beds in Kowloon East, and in 2004-2005, there were 2 165 ones. There was no doubt an increase in the number of hospital beds. But the interesting thing is that in 2006-2007, the funding stood only at \$269.6 million, while the funding in 2004-2005 was greater, amounting to more than \$280 million. Why was there such an interesting phenomenon? Why were there more hospital beds on the one hand but less funding on the other? Given such a situation, could manpower cope? Consequently, as already pointed out by Members, an elderly person who unfortunately has a stroke or suffers from cancer can only receive the first part of treatment at a hospital in Kowloon East. Afterwards, he must be transferred to another hospital cluster for the second part of treatment. Is such an arrangement satisfactory?

Let us now look at the sector I represent and see how many nurses there are. All along, the number of nurses in Kowloon East has been the smallest among all hospital clusters, standing at some 1 900 only. This of course has something to do with the ratio of hospital beds to nurses. But can we also say that the comparatively small number of nurses is actually the result of resource distribution? Most importantly, can such an unfair distribution of resources really cope with community needs? We must note that under the existing mechanism for distributing resources to hospital clusters, the HA will base its decisions on the structural characteristics, demographic features and common types of diseases relating to individual communities. Why is the present situation in Kowloon East like this? In the course of resource distribution, can the HA adopt the macro-perspective by looking at the various hospital clusters as a whole, rather than focusing on the Kowloon East Cluster alone, so that resource distribution can really be based on the demographic features and structural characteristics of local communities, thus leading to service improvement for the districts? It is apparently open to doubt. Precisely for this reason, I hope that the Government can address the problem squarely.

Moreover, what we can observe now is not just restricted to Kowloon East. As mentioned by Mr Alan LEONG, I was at the canteen of the United Christian Hospital at seven o'clock this morning. I was not there to have

breakfast. Rather, I wanted to meet with the nurses there, those who were off from the night shift and those who were to do the day shift after breakfast. I did not meet with many of them, just around 20 or 30. The first question I asked them was: what is the situation in the wards, the wards of the Kowloon Hospital the United Christian Hospital? I also asked them where they worked. Hearing these questions, they immediately smiled at me. I was puzzled. In the past three weeks, I visited many different hospitals, and on every occasion, I sat in the hospital canteen at half past seven, waiting for chances to talk with nurses. As soon as they saw me, they would start chiding. It was fortunate that they did not use any abusive language. But I was not the target of their chiding. Rather, they simply complained that there was not enough manpower, that they were having a very hard time, and that night shifts were much too frequent.

But back in the United Christian Hospital, the nurses just smiled at me. Some 10 years ago, I also worked in this hospital for a certain period of time, so I know the very interesting culture there — resignation to harsh treatment. They just smiled at me, saying that things were like this and they could do nothing, though they were certainly very tired and exhausted. Is this a desirable phenomenon? As responsible health care personnel, they are naturally very professional, and however hard they must work during their night shifts, they will still do their very best in their day shifts.

The Association of Hong Kong Nursing Staff has recently conducted a survey. According to the findings on manpower ratios, at present, each nurse in a public hospital acute ward must look after 10 to 14 patients outside peak periods. This is much higher than the internationally accepted standard of one nurse looking after four to six patients. There is one hospital which I visited only last week. Since it is now the flu peak Well, nurses are also mortals, and they too may fall ill. The nurses at the hospital told me that in the morning, one nurse must attend to 22 patients. I immediately looked around, and I saw that there were about 60 beds in the ward. One nurse must look after 22 patients, but only three nurses were on duty at the time. How could there be enough manpower to look after the patients there? This example tells the simple truth that there is actually an acute shortage of nursing staff in the present public health care system.

I have just mentioned that in Kowloon East, although the nurses I saw during breakfast time all smiled, theirs was just a helpless smile. They had no

alternative but to continue working all the same, attending to and looking after patients all the same. But I have one worry. Will the spring coil snap if it is stretched continuously? And, what are we supposed to do in that case? The flu peak has already arrived, so hospitals should be well-prepared. I think not only the Kowloon East Cluster but also the New Territories West Cluster, that is, the cluster that falls within Mr Albert HO's constituency, must be busy making preparations. But since manpower is so tight and the distribution of resources so uneven, will the rubber band snap? The snapping of the rubber band in one hospital cluster may create a chain effect, leading to problems in other hospital clusters. I therefore hope that the Secretary can explore the formulation of appropriate long-term manpower indicators and planning for health care personnel.

The nurses' helpless smile I heard or saw at the United Christian Hospital aside, the Association of Hong Kong Nursing Staff has also conducted a survey which has found that if we use a scale of zero to 10 to gauge the pressure felt by nursing staff in acute hospitals, with zero denoting the lowest pressure and 10 the highest, the average rating is eight. In other words, they are under heavy pressure. The pressure felt by those working in geriatrics departments is even as high as nine. When it comes to job satisfaction, if zero stands for the lowest and 10 the highest, the average is just three. Interestingly, the average for nurses working in geriatrics ward is just two, which is lower than the average. Are the nurses responding to the survey happy in their job? Their helpless smile is one answer, but when they are requested to rate their happiness with an ascending scale ranging from zero to 10, the rating is generally three only.

That being the case, we are truly very worried. Given the very acute shortage of front-line health care personnel now, what assistance will the HA or the Secretary offer? Surely, the Secretary will explain later on that the HA has put in place a whole series of measures to retain manpower. I hope that stronger efforts can be made in this regard as early as possible. We do not know whether there will be any positive results, but we do hope that there will not be any shortage of health care personnel in the long run.

I hope that the Secretary can formulate a long-term manpower plan for nursing staff, instead of rashly reopening any nursing schools and admitting large numbers of students, only to leave them idle three or five years later. This will pose a great problem and result in the wastage of public resources.

As for health care services for the elderly, since elderly persons aged 65 or above are most numerous in Kwun Tong, is it necessary to better allocate the resources? As pointed out by some Members just now, elderly health care services are not as satisfactory as other types of health care services. The United Christian Hospital hopes to establish an ambulatory day care centre which also provides elderly health care services. I hope that the Secretary can provide the required funding and manpower for this centre as soon as possible — I think the future Members of the Legislative Council will not oppose this idea either. As for out-patient geriatrics services, there is a waiting queue every day. I believe that when Mr LEONG visited the United Christian Hospital last time, he also met with Dr LEUNG, a consultant geriatrician of the hospital. I do not know whether there was any helpless smile on his face. I always like to call him "Brother Fuk". Every time he sees me, he invariably looks very miserable. Why? He has been working in the geriatrics department of the hospital for many years, but the situation has never improved. Patients must continue to wait a long time, and there continue to be no improvement. As the United Christian Hospital is such an example, we hope that similar ones will not be found in other hospital clusters. I hope the Secretary can urge the HA to make more effective use of resources in the course of resource distribution. I believe that simply by increasing funding, there may not necessarily be any good results. But I hope that with a little push from the Secretary, the distribution of resources among hospital clusters may turn more satisfactory.

Lastly, I hope that this motion today on improving the hospital services in Kowloon East can induce the authorities to focus their concern on the resource distribution and manpower planning for health care services among various hospital clusters in Hong Kong. Lastly, we must remember that all hospital clusters must cater for the needs of the elderly. The elderly are one valuable asset of ours. We hope that our health care services can provide them with good care.

Madam President, I so submit.

MR LAU KONG-WAH (in Cantonese): President, since there is a lack of obstetric services in Tseung Kwan O, I paid an inspection visit to the United Christian Hospital sometime ago together with Sai Kung District Council members of the DAB. The United Christian Hospital is the leading hospital of

the Kowloon East Cluster, serving the residents in Kwun Tong and Tseung Kwan O, which is also part of Sai Kung District.

I find the visit that day very unforgettable. To begin with, as in other hospitals, the Accident and Emergency Department there was crowded with waiting patients. I understand that the usage of the hospital's accident and emergency services has all along been very high, and patients must wait a very long time. One of the reasons is the ever-changing demographic structure of Kowloon East, which renders the already tight supply of accident and emergency services even more unable to cope with demand. The hospital must deploy health care personnel from other departments to render assistance, with the result that the service quality of other departments is greatly affected.

Besides, I also understand that the United Christian Hospital was originally designed to provide obstetric and gynaecological services to 3 000 pregnant women a year. But since the hospital is the only hospital in the Kowloon East Cluster that provides in-patient obstetric services, it must serve all the pregnant women in Kwun Tong and Tseung Kwan O. Consequently, it is now stretched far beyond its designed capacity, having to cope with 5 000 pregnant women a year.

A young couple living in Tseung Kwan O once approached my office in the district on this issue. They said that a pregnant woman who was about to deliver would normally be examined by medical personnel at regular intervals following her admission to hospital. But the wife in this case complained that save for the examination she received at the time of admission, there was no more examination for a very long time afterwards even she was in a lot of pain in the hospital bed. And, when at long last some medical personnel came along to give her another examination, they found that it was already the time for actual delivery. Several nurses therefore sent her to the delivery room with split-second rapidity. Less than half an hour later, the baby was born. The wife almost had to deliver the baby in the labour ward.

Both the mother and the baby in this case were all right, but the mother still told of a more frightening scene in the delivery room. There, all the medical personnel were in a great bustle, for every one of them must simultaneously attend to two or three puerperants. The couple remarked that following this experience, they had lost all confidence in the obstetric and gynaecological services of public hospitals. Over-crowdedness and the

shortage of medical personnel have even forced some pregnant women to seek cross-cluster services at the Kwong Wah Hospital and the Prince of Wales of Hospital in Sha Tin.

I have received other complaints, also from pregnant women living in Tseung Kwan O. Owing to the full booking of obstetric services at the United Christian Hospital, many of them are forced to seek cross-cluster services, and in some cases, they must even turn to the Prince of Wales Hospital in Sha Tin. For an antenatal check-up, a woman with a baby bump must travel all the way from Tseung Kwan O to Sha Tin. She must first take the MTR and then interchange to the former KCR. Upon arrival at Tai Wai, she must switch to the former Ma On Shan Rail. She must interchange three times during the entire journey. And, in the hospital, she must still wait an hour. Such quality of services really makes the life of pregnant women very difficult.

President, the two examples I have cited are probably just the tip of the iceberg. The United Christian Hospital came into operation as early as 1973. After the passage of more than 30 years, many facilities in the hospital are already unable to cope with current needs. The inadequate capacity of its main block has limited its scope to expand services and fight for resources. We therefore think that the United Christian Hospital is really in urgent need of expansion and redevelopment. What is more, the inability of the Tseung Kwan O Hospital to become a fully-fledged hospital is also one of the major problems. If the authorities can launch the extension project of the Tseung Kwan O Hospital as early as possible, it will be able to share the burden of the United Christian Hospital. More importantly, it will then be possible to provide the public with health care services that are more effective and personalized.

The system of hospital clusters put in place by the Hospital Authority (HA) in 2000 is basically meant to consolidate the scopes of services and modes of utilization relating to the health care institutions inside individual hospital clusters, so that due attention can be paid to the demographic features of individual hospital clusters for the delivery of comprehensive health care services more suited to the needs of the public. Sadly, after years of operation, defects have started to surface one by one. To begin with, the distribution of resources among different hospital clusters is uneven. Second, the distribution of resources inside individual hospital clusters is top-heavy. All this is compounded by the demographic changes in the areas served by the various hospital clusters. In brief, the present situation is very critical.

Concerning the public hospital services in Kowloon East, I have sorted out several illogical features, and I hope that the Secretary can say something on them when he speaks later.

The first illogical feature is uneven resource distribution. As also mentioned by many Members, the Kowloon East Cluster serves nearly 1 million people living in Kwun Tong and Tseung Kwan O, or one-seventh of Hong Kong's total population. But Kowloon East is surprisingly a hospital cluster under the HA that suffers most from "triple scarcity" — scarcity of resources, scarcity of hospital beds and scarcity of health care personnel. In contrast, the funding received by the Hong Kong West Cluster, which serves only 500 000 residents, is \$500 million more than that received by the Kowloon East Cluster. In the Hong Kong West Cluster, there are 900 hospital beds and 400 health care personnel. Such serious disparity in resource distribution among hospital clusters is unfair, both to the general public and health care personnel.

The second illogical feature is the unreasonable need for seeking cross-cluster medical treatment. According to the figures provided by the HA, in 2006, 33% of the residents in Kwun Tong and Tseung Kwan O had to seek cross-cluster medical treatment. In other words, one in three of the patients must seek cross-cluster medical treatment. And, more than 10% of the residents in these two districts had to turn to the hospital clusters on Hong Kong Island and in the New Territories. It takes a very long time for such service quality to come about, but the authorities have turned a blind eye to it. What difficulties exactly do they face? From all this, one can observe that the need to improve and expand the health care services in the Kowloon East Cluster is extremely urgent.

The third illogical feature is the imbalance of services among different areas. Kwun Tong and Tseung Kwan O are two communities with vastly different demographic structures. The median age of Kwun Tong residents is the fifth highest in the whole of Hong Kong, and the proportion of residents aged 65 or above in this district is the third highest. But in terms of median age, Tseung Kwan O is a community which ranks the second lowest in the whole of Hong Kong. The median age of the population there is just 36. In theory, the demand for obstetric services in Tseung Kwan O should be far greater than that in Kwun Tong. But the United Christian Hospital is the only hospital with obstetric beds in the Kowloon East Cluster. In the Tseung Kwan O Hospital, not even a single formal obstetric bed is provided. Pregnant women in Tseung

Kwan O, even when they are in labour, are forced to go to Kwun Tong or even turn to other hospital clusters for obstetric services. This shows that the authorities have failed to update the latest demographic changes in the areas and make corresponding assessments. For this reason, the DAB has been fighting for the provision of in-patient obstetric services in Tseung Kwan O, so as to save pregnant women the trouble of having to travel long distances.

President, lastly, I wish to explain that the aim of my amendment today is to request the Government to pay more attention to the inadequacy of services in the Kowloon East Cluster. I also wish to point out in particular that the Sai Kung District Council already held a very detailed discussion on the extension project of the Tseung Kwan O Hospital. The DAB urges the Government to submit an appropriation request related to this project to the Legislative Council for scrutiny before the close of the current legislative session, that is, within the coming few months. That way, Members of the current term can also make some contributions. We also hope that the problem of inadequate obstetric and gynaecological services in the Kowloon East Cluster can truly be solved even before the completion of the extension project. The Government has already reserved land for the construction of a regional hospital in the South East Kowloon development plan. We hope that the project can be launched as soon as possible.

Thank you, President.

MR FREDERICK FUNG (in Cantonese): President, currently, the 42 public hospitals managed by the HA are geographically grouped under seven clusters. Among them, the Kowloon East Hospital Cluster (KE Cluster) covers three hospitals, namely the United Christian Hospital, the Tseung Kwan O Hospital and the Haven of Hope Hospital. With an estimated population of around 960 000, the KE Cluster ranks fourth among the seven clusters. However, the funding allocation received by the KE Cluster over the years is only around \$2.7 billion, which is the smallest among the seven clusters. Furthermore, a variety of services, including major trauma, burn, neurosurgery, organ transplant, neonatal surgery, oncology and infectious disease, are unavailable in the KE Cluster, why?

According to the reply given by the Government in response to a question raised by Mr Alan LEONG in December last year, basic health care services are

already available in the KE Cluster. At the same time, patients can, through the cross-cluster referral mechanism, utilize the services not provided in their own cluster. Furthermore, traditionally and customarily, certain patients, such as oncology patients, would prefer seeking treatment at other hospitals in other clusters.

Such an explanation by the Administration is not convincing at all. If residents can only acquire essential services through the cross-cluster mechanism, what is the point of having hospital clusters? What is more, if oncology services are available in Kowloon East, why would patients have to travel a long distance to other districts for seeking treatment? This is simply an issue of "whether chicken or egg comes first". President, such a far-fetched response by the authorities can absolutely not reflect that it is unequivocally justified in distributing and planning resources for various clusters. There is enormous room for manipulation at the back.

President, I would like to emphasize that the distribution of resources among different clusters will directly affect the chances of local residents enjoying hospital services and health care quality, including the number of hospital beds, whether patients can receive the most advanced treatment, their chances of using state-of-the-art medical equipment, the number of health care personnel, and so on. Why would the authorities treat different clusters differently in such a biased manner? Will residents of Kowloon East be treated unfairly as a result? What is more, an imbalance in the allocation of resources will lead to a plight faced by clusters with less adequate resources in which the resources received are not proportional to the workload. As a result, the health care personnel will face greater pressure, which will deal a blow to staff morale. In the end, service quality will be affected. I believe it is easier for medical blunders to occur under such circumstances or against such a background.

In the final analysis, in planning the provision of services by various clusters, the Hospital Authority must establish a set of comprehensive criteria in accordance with such factors as the size of the population, the demographic structure, the distribution of different age groups, the data on diseases and endemic diseases in various districts, and the needs of the public, and so on.

President, let me take the KE Cluster as an example. There is a relatively large concentration of low-income earners and elderly people in Kowloon East.

If the delineation is made according to District Councils, in 2006, the number of low-income households in Kwun Tong was around 55 295 with a population of approximately 142 000, and the number of elderly people was as high as 39 700. Judging from these absolute numerical values, the two figures are extremely large and are the highest of all the districts in the territory. It is evident that the demand of Kowloon East residents for affordable public hospital services is keen. Furthermore, as proposed in my amendment today, there is a need for the elderly health care services to be increased and upgraded, taking into account the gravity of the ageing population problem in the district. Therefore, it is inexcusable for the KE Cluster to be provided with the least funding, thereby leading to a situation in which the provision of services is not focused on the demographic features.

President, with regard to the provision of elderly health care services, besides increasing resources for geriatric departments in conventional hospitals, the Hong Kong Association for Democracy and People's Livelihood (ADPL) has always emphasized that the provision of such services must be in line with the concept of providing "community-based" and "one-stop" services. In other words, the elderly can, in their own communities, effectively get in touch with various channels of services, which means that there is collaboration and liaison between elderly health care services and social services. Hospitals should work with voluntary agencies providing elderly services to strengthen out-reaching and visit services to ensure that the elderly can directly receive suitable and timely health care services in their communities.

Furthermore, the rights of the elderly to choose different treatment methods should be respected. A number of surveys conducted by the ADPL in the past have revealed that elderly people are inclined to opt for seeking treatment from Chinese medicine practitioners. However, only two Chinese medicine clinics are currently available in the KE Cluster. They are the Haven of Hope Christian Service and Hong Kong Baptist University Chinese Medicine Clinic cum Clinical Research Centre and the United Christian Chinese Medicine Service cum The Chinese University of Hong Kong Chinese Medicine Clinical Training and Research Centre in Ngau Tau Kok. These two Chinese medicine clinics are obviously inadequate in coping with the needs of the elderly in the district. For this reason, the ADPL proposes that more district Chinese medicine clinics be set up to truly put the "community-based" concept into practice. And consideration should be given to introduce Chinese medicine services in the Tseung Kwan O Hospital and the United Christian Hospital to

facilitate the elderly in seeking treatment while promoting the future development of Chinese medicine by such means as providing clinical opportunities, verification for combined Western and Chinese medicine treatment, studies on the efficacy of Chinese medicine, and so on, for the purpose of truly developing evidence-based Chinese medicine treatment.

President, I so submit.

MR TOMMY CHEUNG (in Cantonese): Madam President, the Hospital Authority (HA) launched the hospital cluster management structure in 2002 with the aim of enabling the public to enjoy more comprehensive health care services. It is a pity that this good intention has not been worked out after so many years.

This can be illustrated, for example, by the recent influenza outbreak in Hong Kong. At that time, hospitals in various districts were soon stretched to capacity. Before the activation of the emergency response system at the weekend, an average of 600 patients per day sought treatment at the Tuen Mun Hospital, where a small girl died of influenza. The waiting time of non-urgent cases was as long as five to six hours. After waiting a whole day, a patient might not necessarily be able to see a doctor. Admission to the medical ward of the hospital even exceeded its capacity by as much as 50%. The hallways were once full of temporary hospital beds, and the situation was totally beyond the capacity of the hospital. The situation was slightly relieved only after the activation of the emergency response system.

This recent onslaught of influenza in Hong Kong aptly showed that the authorities were not well-prepared for the worst-case scenario. As a result, the various hospital clusters in the territory were stretched beyond capacity. The New Territories West Hospital Cluster, one of the seven hospital clusters which receives the least resources, was worst-hit by the outbreak. My amendment to one of the amendments aims, among other things, to pinpoint this very problem.

According to statistics, the New Territories West Cluster mainly serves the more than 1 million residents in Tuen Mun, Yuen Long and Tin Shui Wai. But when it comes to ratios relating to hospital beds and doctors, the ranking of this hospital cluster is the lowest. There are just 1.54 hospital beds for every 1 000 people, and this is only one quarter of the hospital beds in the Kowloon Central Cluster. And, for every 1 000 residents, there is only 0.54 doctor.

Members are probably aware that there is actually a greater number of low-income households in New Territories West. In Yuen Long, for example, of all the 520 000 households, 134 000 are low-income families. This is therefore one of the most impoverished areas in Hong Kong. In Tuen Mun, there are also 106 000 low-income households. When compared with other areas inhabited by people with higher incomes, the residents in these two districts are obviously in greater need for public health care services.

In the funding scheme for this financial year, the authorities have already allocated an additional \$140 million to the New Territories West Cluster for recruiting some 400 extra health care personnel to launch the new services provided by the Pok Oi Hospital and the Rehabilitation Block of the Tuen Mun Hospital, as well as providing 200 acute hospital beds in the Pok Oi Hospital. But it is a pity that all these measures are just a drop in the bucket, totally unable to meet the needs of the residents in this regard.

In Tin Shui Wai, for instance, there is currently only one government clinic which operates from 9 am to 10 pm, Monday to Friday, and on Saturday mornings. In case of urgent needs, the residents there can only turn to the very crowded accident and emergency departments of the Tuen Mun Hospital or the Pok Oi Hospital, much to their inconvenience.

When we look at the population size, we will note that the population in Tin Shui Wai will increase to 285 000 this year. By 2016, the population will even reach 311 000. According to government planning guidelines, if the population of an area reaches 200 000, the construction of a hospital for it may be considered. However, Secretary for Food and Health Dr York CHOW has only agreed to accord priority to the construction of a 24-hour general out-patient clinic in Area 109 of Tin Shui Wai North. And, even so, the soonest possible date of inauguration will still be as late as 2012. The Liberal Party urges the Government to expedite the construction of the clinic and build a hospital in either Area 112 or Area 115 of Tin Shui Wai, so as to ensure that Tin Shui Wai residents, who are faced with an acute shortage of community facilities, will have to wait almost endlessly.

Madam President, another area which warrants our concern is Tung Chung, which is "sold out" to the Kowloon West Hospital Cluster despite its geographical location in New Territories West. Since there is similarly no hospital in Tung Chung, local residents who need treatment of acute diseases must literally climb the mountains and cross the seas, going all the way from

crossing the Tsing Ma Bridge to climbing the Lai King Hill, spending 30 to 45 minutes on a vehicle trip to get to the Princess Margaret Hospital in Kwai Chung for treatment.

According to figures provided by the HA, in 2006, there were 3 851 ambulance trips. Some 10.5 trips a day on average were from Tung Chung to the accident and emergency departments of hospitals in Kowloon West. In November 2006, a serious accident caused by a reversing vehicle happened in Fu Tung Estate, Tung Chung, in which a woman died of grave injuries. Her husband made a most heartrending accusation, "Had there been a hospital in Tung Chung, my wife would not have died." He rebuked the authorities, saying that if they had not sent her wife to the very faraway Princess Margaret Hospital, his wife would not have died as a result of delayed resuscitation.

As a matter of fact, the Government did once promise to construct a hospital in Tung Chung. It even planned to start the construction works in 2007, with 2010 as the date of completion. And, in June last year, the Government still claimed that a site measuring some 45 000 sq m had been reserved for the hospital, and that it would be constructed in the form of public-private partnership. But then just a month afterwards, it suddenly withdrew the timetable. The project is thus indefinitely delayed.

The Liberal Party is of the view that although there are only 72 000 residents in Tung Chung now and this cannot meet the Government's planning guidelines on hospital construction, the authorities are still duty-bound to construct a hospital there as soon as possible, because the geographical setting of the district is very special and the airport and many major tourism facilities are all located on the Lantau Island.

Madam President, regarding the various additional services I propose in the amendment for the Tseung Kwan O Hospital, Mr Vincent FANG shall elaborate later on at this meeting.

Madam President, I so submit.

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Madam President, at present, the Hospital Authority (HA) provides public health care services on a hospital cluster basis, so that a full range of health care services can be provided

to residents of various districts through the service network of the HA as a whole. I will first introduce the operational concept of the clustering arrangement and the principles and mechanism involved in the distribution of resources among the clusters. After other Members have voiced their views, I will then give a more detailed response.

The HA officially implemented the cluster management structure in mid-2001 to provide services to the Hong Kong community on a cluster-based management approach through seven hospital clusters, namely Hong Kong East, Hong Kong West, Kowloon East, Kowloon Central, Kowloon West, New Territories East and New Territories West.

Under the cluster arrangement, the roles of various hospitals within each cluster are clearly defined to reduce an overlap of services and to enable collaboration and mutual support among hospitals. A cluster can also deploy resources in view of the service utilization of the hospitals and medical units under its management, so as to enhance the efficient utilization of resources, boost the provision of community-based services and ensure that the facilities in various clusters can basically meet the needs of local residents and choices are available to all of them.

Through the cluster system, the HA combines the two tasks of service planning and resource allocation. Hospital clusters will develop their annual plans and service planning and the HA will allocate resources to these hospital clusters according to their planning. When allocating resources to the hospital clusters, the HA does not consider just the population of a region but also many other factors, including: (1) the resources required for the ongoing provision of primary and secondary health care services by various hospital clusters (including accident and emergency services, in-patient general specialist services, out-patient services and community services); (2) the resources required for the centralized provision of tertiary specialist services (including neurosurgery and oncology services) by the collaboration of several clusters, and for the centralized provision of quaternary services through specialized centres (including organ transplant, heart and thoracic surgery, burns treatment) by several hospitals with larger capacity; and (3) the additional funding required by individual clusters due to the costs incurred by new service programmes and facilities, updating facilities, purchasing drugs and staff training. The HA will also take into account the cross-district utilization of hospital services, in particular, the tertiary specialized services and the quaternary specialized service

centres by patients when allocating resources to various hospital clusters. Since the transport network in Hong Kong is well-developed, it is comparatively convenient for members of the public to seek treatment in clusters other than the one they live in.

Madam President, with these remarks, I will listen to other Members' views on the motion and amendments before I respond further. Thank you, Madam President.

MISS CHAN YUEN-HAN (in Cantonese): Madam President, it was the Secretary's turn to speak just now. Originally, I was not very angry. However, after listening to the Secretary's speech, I find that he might actually have no idea of the situation in our districts or have not listened to the voices of some members of the public. If we merely look at the matter from the several levels mentioned by him, there is really no need for us to debate any longer.

The reply given by Shane SOLOMON at the latest meeting held by the Panel of Health Services of the Legislative Council was different. He agreed at the meeting that the criteria established in relation to hospital clusters must take into consideration the ageing population and the conditions of the districts. It is pretty obvious that the Secretary has been very busy lately. Is there a lack of adequate communication between the Secretary and Shane SOLOMON? Concerning the reply given by the Secretary just now, I really have no idea of what he was talking about.

Madam President, our former government officials have all along maintained, and the Government (since Mrs Elizabeth WONG) has always stressed, that no one will be denied medical treatment because of lack of means. Nowadays, with the advance in technology and the rapid progress in medical developments, many diseases not curable in the past can now be treated. Coupled with the ageing population, there has been increasing demand for public health care services. Despite the Government's commitment to increasing resources for public health care services, the demand for resources still outstrips supply. The resources received by a number of hospital clusters remain very limited.

However, the Kowloon East Hospital Cluster (KE Cluster) has all along been faced with the problem of inadequate resources. Several colleagues and I have been invited by the United Christian Hospital to listen to the grievances

expressed by the doctors there. We, the several Members who visited the hospital, were deeply impressed. I am not going to cite any example here. I just hope the Secretary can personally visit the hospital for an inspection. If the Secretary still finds the examples inadequate, I can bring him to the districts to listen to what the elderly, housewives and children will say. Every one of them can surely cite examples of problems caused by inadequate resources received by hospital clusters.

As I pointed out in the previous Legislative Council meeting, it is common in Hong Kong for people to consult doctors only when their breast cancer reaches a serious stage. The situation is the worst in this district. And cancer is not detected until the late stage. As Members are aware, cancer is detected the earlier the better. What exactly goes wrong? Actually, the Government should first probe these problems. Therefore, I do have strong opinions about the remarks made by the Secretary that there is no need to give consideration on a district basis.

Madam President, information reveals that the KE Cluster has a population of 980 000. However, among the seven hospital clusters, the KE Cluster has been allocated with the least resources of only \$2.7 billion and 2 235 hospital beds. On the contrary, the medical resources received by the Kowloon Central Hospital Cluster (KC Cluster), with a population of only around 500 000, amount to \$3.7 billion and 3 565 hospital beds. If it is argued that the KC Cluster should receive more resources as the Queen Elizabeth Hospital, which falls within its ambit, admits referred patients, then we can examine the data of the hospitals under the Hong Kong East Hospital Cluster (HKE Cluster). We can see from the Internet that the HKE Cluster, with a population of 820 000, has been allocated with resources amounting to approximately \$3 billion and 3 015 hospital beds. In comparison, the amount of resources received by the KE Cluster is really relatively small. I am only commenting on the basis of figures. Moreover, the resources received by the KE Cluster are not proportional to its size of population.

This is not made up by me. The figures are published by the Government on the Internet. What criteria are adopted by the authorities to distribute resources to various clusters? Although the authorities have once stated in a Legislative Council meeting that resources are allocated to various clusters according to, or on the basis of, their annual plans, is this sufficient to convince Members that resources are distributed to various clusters and their hospitals on a fair basis? From an objective point of view, the answer is negative.

Actually, a more objective, fairer and more transparent system should be established for resource distribution. I think the Secretary must understand, even Shane SOLOMON has expressed approval to our analysis on the previous occasion, that the demographic structure must be taken into consideration. In addition to the size of population, the Government should also consider its overall make-up. According to the information provided to us by the Government two weeks ago, of the elderly health centres in the 18 districts in the territory, Kwun Tong and Wong Tai Sin, occupying the first and third place respectively, have the highest number of elderly occupants. Kwun Tong also has the highest number of elderly people, which stands at 93 705, in the territory.

In addition to the large concentration of elderly people in Kwun Tong, Tseung Kwan O, a new town in the same cluster, has seen its population growing constantly. A large number of grass-roots people, public housing estates and low-income earners can now be found in the district. In other words, the cluster has an ageing population as well as a young population. The problem is that many residents in the district are grass-roots workers. It is therefore imperative for the Government to analyse these resources. Insofar as this cluster is concerned, it is certainly unnecessary to give too much attention and care to the middle class as they might prefer taking out insurance and seeking treatment in other districts. However, insofar as the grassroots are concerned, as I pointed out earlier, they have to largely rely on public health care services. Hence, how can the Secretary insist that there is no need to take care of this district when public health care services are confronted with the unique situation of this district with such a demographic make-up?

I therefore personally hope that the Government can give consideration to the fact that, as pointed out by me earlier, such services as gynaecology, neurosurgery, cardiology and oncology are not provided in this cluster. As far as we know it, planning was already carried out by the psychiatric department in the United Christian Hospital two decades ago to provide separate medical wards for adults, elderly people and children. The plan was however forced to be revised for lack of resources. Consequently, adults, elderly people and children are now put in the same psychiatric ward. Is this an appropriate arrangement for patients? This is what the doctors concerned in the United Christian Hospital have told us. If the Secretary wants me to cite more examples, then I would ask whether it is possible for patients to recover when patients of different age groups are put in the same ward in the psychiatric department? Frankly

speaking, even doctors or health care workers responsible for managing the entire medical ward would find it quite difficult to perform their tasks.

Confronted with the examples cited by me concerning the severe inadequacy of the resources allocated to the KE Cluster, the Government might probably explain that, as pointed out by the Secretary earlier, patients may seek cross-cluster treatment. However, I wonder if the Secretary is aware that a patient seeking cross-cluster treatment will be treated as a second-class citizen. Madam President, the waiting period of patients from other hospital clusters is longer than that of patients living in the cluster. Furthermore, even if cross-cluster treatment is considered by the Secretary a simple matter, patients have to consider such issues as transport expenses as well. Therefore, the Secretary should not presume that it is just a simple matter. Instead, he should thoroughly examine what happens to the public.

Madam President, I still wish to point out that actually I have once thought of proposing an amendment, though I have not done so in the end. Regarding primary care, an issue I have once raised, the Government has spent much time discussing it, but I still have not seen much effort made by the Government in primary care in Kwun Tong District. I have always believed that, besides providing hospital clusters with more health care resources, the Government should also pay attention to primary care, which is more needed in poverty-stricken areas.

With these remarks, Madam President, I support all the amendments. Thank you.

MR VINCENT FANG (in Cantonese): First of all, Madam President, I must declare interest that I am the Chairman of the Hospital Governing Committee of the Princess Margaret Hospital. Although the funding received by the Kowloon West Hospital Cluster is the highest among the seven hospital clusters, the population of Kowloon West is also the largest in the territory. However, if judged from the ratio of general hospital beds, there is indeed a consideration gap between the 2.69 beds per each 1 000 people in Kowloon West and the 2.15 beds in Kowloon East, the subject for discussion in today's motion debate.

The figures provided by the Hospital Authority (HA) have obviously pointed to the fact that the resources allocated by the Government to Kowloon

East, New Territories East and New Territories West are grossly inadequate. However, this has nothing to do with favouritism. The crux of the problem is that the resources injected by the Government into the HA are practically inadequate, thereby leading to the successive occurrence of a number of medical blunders in recent years. During the peak periods of sudden outbreaks of disease, such as the recent influenza peak, the problem faced by hospitals with relatively poor resources will become even more glaring.

Despite the fact that a huge fiscal surplus was recorded in Hong Kong last year, the funding provided by the Government to the HA had increased by a mere 2.6%. Yet, 438 hospital beds were slashed. I do not understand why the Government was reluctant to increase funding for public health care at a time when its pocket was full. The Liberal Party is very supportive of the Financial Secretary's decision to earmark \$50 billion as an activating fund for health care financing. However, before health care financing is successfully implemented, is the Financial Secretary advising us not to fall ill first or the elderly to spend their extra \$3,000 "fruit grant" on seeking treatment first? This is why the Liberal Party hopes that the HA Cluster Review Panel can expeditiously conduct a review of the health care needs and resources of various hospital clusters and advise the Government accordingly. Although some colleagues have proposed to set up a review committee, we consider it unnecessary to do so, for this would only lead to duplication and redundancy.

In the course of the review, we consider that such factors as the population growth, age cohorts and income levels must be taken into consideration. Let me take Kowloon East as an example. Although its population accounts for a mere 10% at present, according to the projection made by the Planning Department last year, the populations of Sai Kung and Tseung Kwan O will progressively rise by 16.5% from 413 000 in 2007 to 490 000 in 2016. However, the resources of the hospitals within the cluster are lacking far behind. For instance, the average occupation rate of the medical beds in the Tseung Kwan O Hospital was as high as 80% for the previous year. Some doctors have even revealed that the actual occupation rate during the Lunar New Year even reached 120%, and some patients were forced to sleep in corridors. It is even revealed in some reports that some patients who were put under observation in the Accident and Emergency Department without being directly admitted to hospital died because of delayed treatment.

Let me take the gynaecology and obstetric department as an example. The hospital beds provided in the Tseung Kwan O Hospital have failed

completely to meet the demand of the pregnant women in this emerging community. As a result, a number of pregnant women have to go to the United Christian Hospital for delivery. This is not only very inconvenient for women with a baby bump, it is also revealed that the health care services provided is out of step with the development of new communities.

The HA has planned to expand the Tseung Kwan O Hospital by increasing the number of the most basic beds from 178 to 600 and providing Chinese medicine clinic, magnetic resonance imaging service, day psychiatric services, the long-expected obstetric services, and intensive treatment services for new-born babies. This is indeed good news for local residents. However, the expansion works will not be completed until 2013 at the earliest. The Liberal Party hopes that this project can be implemented expeditiously. At the same time, it is hoped that such specialist services as ophthalmology, otorhinolaryngology, psychiatry services, and oncology and neurosurgery services, which are available in all hospital clusters but the KE Cluster, can be provided.

Hospital expansion would only bring additional hardware. After all, health care services must be delivered by man. The HA has proposed gradually reducing the weekly working hours of doctors to 65. However, if manpower cannot be increased accordingly, who will treat the patients? Therefore, I hope the Government can provide the HA with more manpower resources by recruiting more doctors and health care workers and retaining experienced doctors. Otherwise, it is impossible for the existing health care services to be improved.

The ageing population has indeed put public health care services under increasing pressure. The services provided by the public health care system in Hong Kong are among the best in the world. Naturally, the number of patients will keep rising. It will really be like filling a bottomless pit if the Government is to continue to increase funding for this purpose. This is why the Liberal Party has always believed that health care financing is a matter of urgency. Nevertheless, before health care financing can be implemented and its function be achieved, we implore the Government, in view of its existing strong financial position, to provide more resources for improving public health care services. Therefore, the Liberal Party supports the original motion and all the amendments.

I so submit. Thank you, Madam President.

MR LEE CHEUK-YAN (in Cantonese): I have recently gained some experience from my admission to the Princess Margaret Hospital, that is the hospital chaired by Mr Vincent FANG, as stated by the Honourable Member just now. I was arranged to sit in the corridor on the first day of my admission, and there was a bed beside me. On the actual day of my admission to the hospital for a surgery, I also found a canvas bed beside me, as every medical ward was provided with two extra canvas beds. Therefore, I have actually personally witnessed a hospital being flooded with people. During a chat with the doctors there, I was told that the hospital was 134% overloaded.

After listening to today's debate, I find that every district appears to be fighting fiercely against each other. Secretary, it is still not known which district will win. The current situation in every district is miserable. New Territories West can even be described as the most miserable of all. Members should have recently noted the occurrence of unfortunate incidents at the Tuen Mun Hospital in which two children died of illnesses and blood samples were mixed up. The Tuen Mun Hospital has also been badly hit by influenza. We have recently heard some doctors say that some medical wards in the Tuen Mun Hospital were 131% overloaded and, with a 20% wastage of paediatricians, doctors are now requested to work overtime voluntarily. I really find it ironic that, despite the recent announcement by the Secretary or the Hospital Authority (HA) that the working hours of doctors should not exceed 65 hours per week, doctors are now being requested to work overtime voluntarily. It is simply impossible to hold on. It is simply impossible for the entire health care system, which is on the brink of collapse, to cope with the existing demand. I do not know what the Secretary will do.

We have discussed such issues as inadequate resources received by hospital clusters, inadequate health care resources and unfair distribution for years. The ratio between doctors and patients in New Territories West is 0.52, which is half of that on Hong Kong Island. However, there is actually a large concentration of middle class on Hong Kong Island who can go to private hospitals. In comparison, all the residents of the New Territories West are relatively poor and have to rely on public hospitals. Even though their demand for public hospitals is much greater, the ratio between doctors and patients in the district is the lowest. How can this situation be allowed to occur? Secretary, you must admit that you are the culprit responsible for the recent spate of medical blunders and deaths because of your failure to provide the HA with adequate resources to cope with the public demand for health care services. As a result, the entire health care system is collapsing. In the end, patients are

adversely affected while doctors and nurses are exhausted to death. It is simply impossible for them to hold on any longer.

I wonder if the Secretary can indicate in his speech whether he will admit that he himself is the culprit, that he has not injected adequate resources into the HA, that this is one of the Government's erroneous policies, and that it is extremely ridiculous for the Government to govern in this manner. I wonder if the Secretary is contemplating — though I hope not — to blow up the entire public health care system so that members of the public will become more concerned and, in that case, make it easier for the Secretary to implement health care financing. If this is the case, the Secretary is really harbouring unscrupulous intentions. All his considerations are made from the political point of view to derail the health care system so that everyone will be willing to pay. While I hope this is not what is in his mind, but it appears to me that this is the case.

President, with reference to this year's Budget — a debate on the Budget will be conducted shortly — the funding received by the HA has only increased by 2.6%, which lags behind the inflation rate. John TSANG has told us that \$50 billion will be injected for health care financing purposes. I think it is even better for him to allocate \$5 billion, out of the \$50 billion, to the HA so that immediate steps can be taken to improve the entire health care system. This is a better measure as additional doctors can be provided immediately. Of course, some people may argue that it is impossible to train so many doctors. However, Members should note that there has actually been a massive wastage of doctors because they cannot hold on any longer. The wastage is simply caused by the fact the doctors are exhausted to death. So long as the Government is willing to inject funding, the doctors can actually be attracted to return. In doing so, the confidence of members of the public in the health care system can be restored. At the same time, health care services can be improved. Only in doing so will members of the public restore their confidence in the public health care system and put their minds at ease. While more well-off people can rely on private hospitals, poor people are really left with no other options but to turn to public hospitals.

Accident and emergency departments are currently faced with the problem of being flooded with patients. As patients are required to wait for five to six hours, how can they hold on? Therefore, I really consider that the Secretary cannot I predict that the Secretary will definitely say in his response later

that Members should discuss health care financing, for the problem can be tackled easily once health care financing is resolved. However, we do not want to wait any longer, because it might take another four to five years before health care financing can take effect. It is simply impossible for us to hold on any longer. We are not lack of money. The Government has already decided to earmark \$50 billion. With the availability of \$50 billion, why can immediate effort not be made to meet our urgent needs? How many lives will have to be sacrificed before the Government is willing to make more efforts? Is the Government so cold-blooded? I earnestly hope that the Secretary can commit in his response later to truly and promptly injecting adequate health care resources into New Territories West and other districts. Every district actually has its individual need. Thank you, President.

MR SIN CHUNG-KAI (in Cantonese): President, I believe the Secretary is warm-blooded, but all of us are just making assumptions. I know the Government released the Harvard Report in 1999 because it had to explore and hammer out a health care financing proposal at that time. The Harvard Report at the time (that is, 1999) projected that by 2004 the estimate of public health care expenditure would reach \$88.8 billion, but the actual health care expenditure in 2004 turned out to be \$37.8 billion. Has the Harvard Report overestimated the expenditure? I believe there is such a possibility. There is yet another factor, that is, after the outbreak of SARS, the Government has retrenched expenditures, reduced services and increased chargeable items in the past few years, enabling it possible to reduce health care expenditure or slow down its increase.

The Harvard Report also projected that by 2008 the health care expenditure would hit \$150.8 billion, but the actual expenditure in 2008, as I have said just now that the expenditure in 2004 was \$37.18 billion, further shrank to \$32.586 billion. In other words, although the Government has successfully retrenched health care expenditure, the services have been greatly affected. The quality of health care services in many hospital clusters, be it Kowloon East, Kowloon West or New Territories West, has dropped and in turn we all suffer.

According to the Harvard Report, the percentage share of public health care expenditure to the GDP for 2004 was projected to be 3.03%, but the actual figure was 2.88% which is over 1% less than the projected figure. The

expenditure for 2008, as projected by the Harvard Report, should increase from 3.03% in 2004 to 3.27%, but the actual estimate of health care expenditure earmarked in the 2008 Budget is different from the projected figure, which is roughly about 1.89% and is less than the projection.

There is another figure and it is related to what the Chief Executive has said. I remember the Chief Executive mentioned in his policy address in October last year that the proportion of health care expenditure to the total government expenditure would be increased from 15% to 17%. I believe Members will be able to find this if they refer to the policy address. The Financial Secretary John TSANG submitted the Budget two weeks ago. According to one of its appendices, I notice that the expenditure on health care is 14.3%. Unlike the Government's word that the expenditure in this regard would be increased from 15% to 17%, it actually does not see an increase. The policy address states that health care expenditure will be increased, but in the end, it has decreased by 0.7% in proportion.

As a result, all districts are having a hard time and this is natural. Our present standard of health care services may actually be worse than that in 1999. For instance, the users may now have to shoulder a greater portion of the service cost; and owing to the retrenched expenditures in the past few years, the apparatus and equipment of the Government may not be able to catch up with times. All districts are in fact having a hard time. Certainly, the Government will launch its consultation paper next week — pardon, it should be tomorrow — but the problem of Kowloon East may only represent the tip of the iceberg and all districts are actually facing serious problems.

Members have spoken on various aspects just now and I would like to add one point which Mr James TO has also mentioned. I met with a group of South Asians last week. I hope the Government can look into the problems in this regard. Although this appears to be a big issue, it is in fact a tiny one, which is to provide interpretation service to them when they seek medical consultation. Members may well imagine that the South Asians or Nepalese, when seeking treatment, cannot communicate with the health care personnel at all. Treating illnesses in this manner is rather dangerous. As long as a few hospitals have interpreters on duty, this "communication gap" can be bridged and the health care services improved.

Mr James TO proposed just now the provision of such service in a few hospitals in the neighbourhood of the South Asians, Nepalese or Pakistanis. I

hope that before carrying out the major operation of health care reform, the Government can address some minor issues first. The interpreter-on-duty services can at least be introduced during core hours first. If we have to leave everything to the health care reform, I am afraid a lot of time will have to be used but it will still get us nowhere.

I hope the Secretary can follow up this issue. Thank you, President.

MR ALBERT CHAN (in Cantonese): President, the question under debate today is "improving the public hospital services in Kowloon East". Actually, this is only a starting point. I believe not only the hospital services in Kowloon East, but also health care services across the territory have to be improved. As regards the health care services provided in New Territories West, President, there is even a greater need for the Government to pay attention to the overall health care demand and problems there.

Actually, I have been quite sympathetic with Secretary Dr York CHOW over the past several years. President, I have always shown no mercy towards officials. However, the spate of overwhelming problems facing the Secretary over the past several years can definitely not be addressed and handled by a single Policy Bureau. This should be a major task for the entire Government.

Just now, a Member queried whether the Secretary was the culprit. In my opinion, the culprit should be the "big envelope" system. This is because over the years, the system has been adopted by the Government in handling public money or by all government departments in handling their expenditure. As a result, no government departments or Policy Bureaux can make substantial or structural improvement to the services under their ambit due to financial constraints.

Structural reform is vital to improving the existing health care services. However, the Government has chosen to "go over to the smart side" by putting improvement and reform into the trap of health care financing. I consider this a trap, and members of the public must address and respond to this issue carefully. We should refuse to discuss financing. As there is simply no need for discussion, why should financing be discussed? The Government is not currently short of money. The Financial Secretary has just announced that \$50 billion will be put aside for health care financing.

Actually, the entire public health care system is constantly progressing and improving. At present, the Government considers that even the private health care sector is jealous of the public health care sector which has seen its pace of improvement getting faster and faster and its services getting better and better. At present, the quality of public health care services has reached such a high standard that even the business of the private health care sector has been snatched by the public health care sector. Even some tycoons feeling unwell when playing golf are brought to public hospitals, not private ones. When our super stars or movie stars earning tens of millions of dollars a year have any health problems, they will also seek treatment from public hospitals, not private ones. It is not because they are short of money; it is rather because they are more confident of the quality of services provided by public hospitals than in that provided by high-class private hospitals.

As members of the public are confident of the quality of services provided by the public health care sector, people now no longer judge purely from the angle of money. As even the rich will seek treatment from public hospitals, the demand will naturally rise constantly. As a result, when people who cannot afford to seek treatment from private hospitals turn to public hospitals, they will be forced to queue up with those who can afford to seek treatment from private hospitals for medical services.

Therefore, the crux of the problem is how the Government can ensure that the existing public health care services can take care of Hong Kong people. In this connection, resources are a key factor. We do have land. The Government may as well utilize the land to build more hospitals. For instance, lengthy discussions on building hospitals in Tin Shui Wai and Tung Chung have been held. The Government was eventually compelled by us to agree to reserve land in Tung Chung, and a feasibility works study is now in progress. As for Tin Shui Wai, the Government is still in the process of identifying land. However, there is simply plenty of land in Tin Shui Wai. If a hospital is to be built, eight to 10 pieces of land can be made available at any time. Even if a super hospital is to be built, a large site can be made available at any time for this specific purpose.

Therefore, structural reform must be carried out while improving public hospital services. What is more, the provision of financial support is a task of top priority. It will truly be extremely ridiculous if the Government is to wait until health care financing is settled before making these efforts. The

Government would then be taking human lives lightly because an unknown number of people would have already died when a decision is finally made on the financing scheme.

Kowloon East is a stricken area because, according to the information provided by the Government, the situations in Kowloon East and New Territories West are equally miserable in terms of the number of general beds per 1 000 persons on the basis of their population ratio. However, the situation in New Territories West is even worse than that in Kowloon East, as the number of beds per 1 000 persons in Kowloon East stands at 2.11, but the number of beds per 1 000 persons in New Territories West stands at 1.63 only. In terms of the ratios of doctors, the number of doctors per 1 000 persons in Kowloon East stands at 0.59 while the number of doctors per 1 000 persons in New Territories West stands at 0.52 only. The situation in New Territories West is even worse than that in Kowloon East. Therefore, if improvements are to be introduced, the two areas should be accorded equal importance.

President, recently medical blunders have occurred in many places or hospitals have experienced serious problems, thereby causing successive deaths of patients. As a result, front-line health care workers are put under increasing pressure.

President, I would like to take this opportunity to pay tribute to the group of health care workers who are still playing their roles faithfully in their respective posts, because what they have done is no easy task. With regard to the existing public health care services, we have frequently received complaints from the public, saying that they are dissatisfied with this nurse, that doctor or a certain hospital. Many health care workers take care of patients and even seriously-ill patients when finances are tight and time is restricted. Therefore, their insistence on playing their roles faithfully in their respective posts instead of running away is indeed praiseworthy. Furthermore, many of them can continue to deliver quality services.

Hence, I would like to take this opportunity to express my greatest respect to them, and urge the Government not to procrastinate the matter any longer and not to evade the matter by using the financing scheme as a pretext. Instead, it should capitalize upon the existing fiscal surplus to make effective structural improvement and provide more resources for the purpose of improving public health care services and safeguarding the lives of people to ensure that they receive appropriate care when they fall ill. Thank you, President.

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

MR LEUNG KWOK-HUNG (in Cantonese): President, a person's life goes through various stages including birth, ageing, illness and death and these stages spanning from cradle to grave are all related to health care. In fact, the system implemented in Hong Kong is a national health care system and the ideals of this system are very high. However, the Government does not have enough determination to perpetuate this kind of desirable system.

This is an election year and most of the subjects for discussion will have a bearing on local districts because it is necessary to respond to the aspirations of voters in various constituencies. Doing so is correct because if Members cannot serve the public and speak on their behalf, what are they good for? In that case, it would be better if they just go home and sleep.

In fact, the issues relating to the Kowloon East Hospital Cluster raised by Mr Alan LEONG is only the tip of the iceberg, or it is just a rock cast into water creating rolling waves. Secretary, in the TUNG Chee-hwa era, I already thought that it was crazy of you to assume the post of Secretary of this Bureau. I do not mean you are crazy but that the arrangements for the post were crazy. At that time, you were responsible for one third of the money and you had to deal with so many tasks. As a result, you were at a loss as to how you should spend the money. Now, the situation has been rectified and there is a little improvement. However, the Government has made you bear the responsibility, calling it health care financing. But you must know that this is a significant reform.

I know that you are feeling very uneasy now because when I discussed this reform with you, I told you that the approach had to be one backed by the provision of subsidies, that is, no matter how you carry out reform, the concept of national health service involves the provision of subsidies, particularly when nowadays, we know as a matter of common knowledge that health care is very important and it is not simply a matter of giving someone medical treatment when he is ill. Members should consider this: Our Government intends to spend so little money on carrying out reform and adjusting to a reform that turns out something new each and every day and month. Is doing so feasible?

We often say that our expenditure on health care accounts for a large proportion of the Budget and we talk about education and health care all the time.

This is true but please do not forget that our tax regime is also remarkable for favouring the rich. That is to say, insofar as our public revenue is concerned, it is not proportionate to prepare the Budget according to the tax revenue. I have asked our highly educated Secretaries of Departments and Directors of Bureaux about this a number of times. Since they have studied overseas and they have more or less benefited from the reforms of the countries concerned, I asked them if they knew in which country the government could refuse to improve wealth and resource distribution, be it wealth redistribution using public resources or through government taxation, and could still rise to power. I remembered that no Departmental Secretary or Bureau Director has ever given me an answer. In fact, they are the beneficiaries, so why have they not brought something good back to Hong Kong?

Secretary, I know that you are probably "the cleverest housewife who cannot cook without rice", however, our political system is one that makes it impossible for you to do anything, is it not? When standing in the election, the Chief Executive was just bragging and he would not say anything practical. Moreover, you are not a member of his political party and you would not use your knowledge of health care to prepare a health care agenda so that he has to face it. However, he subsequently appointed you as the health care minister on account of your health care agenda. For this reason, you really could not argue with him. Suppose when you talk to Donald TSANG, you can say, "In that case, I will quit. I, York CHOW, am in any case a doctor and a political figure. I still want to take part in the parliamentary election in the next term and it is even possible that I will replace you as the Chief Executive. Therefore, man, do not make me bear the responsibility."

This is how our system is like and no one, from the Chief Executive to the Directors of Bureau, has to assume responsibility. Many Bureau Directors told me that they found themselves in a quandary in their work and man, I would often tell them to resign. This is not being irresponsible; rather, this is being responsible. If your beliefs in governance or if your boss does not allocate funds for you to do your work, you should just resign, then tell the whole society that you do not really want to quit, only that your boss is unwilling to do the work. This is the true spirit of a democratic system. At least, this is the basis.

This is not how it is like now. Our Government is talking about health care financing and it wants to give poor people a hard time. I have said many times that if poor people can get the share they deserve when they receive their

wages, why would there be any need to benefit them when carrying out wealth redistribution? We will first set aside the issue of unreasonable wages. However, at present, the Government is criticized for not providing enough resources and not distributing them evenly. On the financing proposals, poor people do not have the money to seek treatment in the first place, nor do they necessarily have the means to take out insurance policies, mates. The Government told us that \$50 billion would be earmarked, mates, and with your agreement, it would allocate \$50 billion. Is this not just like scam artists? This is what scam artists would say, that it would be beneficial to put one's money there, that if you agree with my suggestion and put the money there, I will then offer my money.

Therefore, the motion moved by Mr Alan LEONG today is a timely one. I think that if the Government talks about financing without a comprehensive set of concepts of health care, this is to take advantage of other people. In particular, when it comes to that "mandatory medical fund", what can housewives without income do? Should their husbands make contributions for them or should their daughters do so for them?

In view of this, I hope that Members can voice their views as much as possible when discussing the report on health care financing, so as to protect the right to health care of the grassroots.

Thank you, President.

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

MS AUDREY EU (in Cantonese): President, originally, the motion moved by Mr Alan LEONG today is only related to Kowloon East. However, it gave rise to eight amendments and one amendment to amendment that came hard on the heels of another. Consequently, apart from Kowloon East, New Territories East and New Territories West are also now included. This reflects the fact that the Hong Kong public generally have great demand for and strong dissatisfaction with the existing health care services.

President, I know that tomorrow, the Secretary will come to the Legislative Council to introduce the consultation document on health care

financing. Not only is this consultation document related to health care financing, it is also related to health care reform or a review of the health care system. For this reason, President, I wish to take this timely opportunity to tell the President as well as other Secretaries that on Monday, that is, just two days ago, we discussed another paper relating to health care services in a meeting of the Legislative Council Panel on Health Services. That was a paper on reform and it was called the Doctor Work Reform Recommendation Report. The reason for preparing this report was that the Hospital Authority (HA) was sued by front-line doctors who claimed that their working hours were too long. For this reason, due to this litigation and the obvious problem of excessively long working hours of doctors, the HA set up a team to examine this problem and released a report with very good publishing quality. However, the title does not say anything about long or short working hours, rather, the title mentions quality service, so the report is entirely about services.

However, it is stated at the very beginning that there is only one aim in the reform, that is, how the working hours of doctors can be reduced from those at present to 65 hours per week. President, I will first set aside the issue of whether working 65 hours per week is reasonable or not. Many people think that this is not reasonable because the duty of doctors is to provide treatment to patients. If the working hours are too long, not only is this unfair to doctors, this is also unfair to patients. I will first set aside the question of whether or not working 65 hours per week is too long. Even if it is really possible for doctors to work 65 hours a week, does it mean that there will be quality service? In the meeting on Monday, all the front-line doctors and relevant groups came here to say to us that this was in fact a self-delusion and could not work out. In fact, with such a heavy workload and such a great demand, even though the authorities concerned said that it was possible to reduce the working hours of doctors, reduce the manpower in night shifts and assign doctors' duties to nurses, and so on, if Dr Joseph LEE had been present, he definitely would have said that the workload of nurses is in fact also very heavy. Therefore, if the working hours are reduced to 65 hours per week like magic, the problem cannot really be solved.

President, why do I raise this point? Because tomorrow, we will examine the document on health care financing. If we refer to the reports on health care reform submitted by the HA to the Legislative Council recently, we can see that often, many issues are perhaps just number games, or the problems are stated to us but the solutions are not always practicable or feasible.

President, I wish to raise two points relating to the motion in particular: first, health care reform is not just about the discussion of superficial problems or the issue of health care financing and the most important thing is to raise service quality and second, I wish to raise the issue of mental health in particular because we also asked an oral question on this issue just now. However, the reply given by the Secretary could not dispel our doubts. This is because the number of psychiatric patients receiving follow-up out-patient service is 138 000 a year and the annual number of new cases stands at 25 000. According to the statistics provided by the HA, the hospitals in clusters under its management handled 35 000 new cases and follow-up cases of mood disorders in 2006-2007, whereas in 2005-2006, 32 000 new cases and old cases of mood disorders were handled. It can thus be seen that the consultation quota, that is, the number of follow-up appointments and new cases, accounts for about 20% of the total, so the relevant service is highly inadequate.

Moreover, from daily press reports, we know that mental illness has become a very serious problem in Hong Kong. In March, it was suspected that a hearing impaired female teacher, LI Ching, could not withstand the prolonged mental pressure she experienced. She left a death note and killed herself by jumping from a building in Oi Man Estate. In February, a 62-year-old woman was found to have suffered from multiple stab wounds and lay dead in her son's flat. Her mentally-ill son was arrested by the police. Another 46-year-old man was found to have fallen from height in Yau Ma Tei and he was also suffering from mental illness. In fact, psychiatric services are on the brink of bursting at the seams and resources in this area should really be increased. According to reports, patients suffering from mood disorders have to wait one year for consultation. However, any delay in treating mood disorders can have dire consequences. Not only will this put patients at risk, the family members or neighbours of these patients will also be affected. Dr NG Siu-sun, a psychologist, said that any delay in treating mood disorders, even if for half a year, could result in serious deterioration of the condition. Moreover, the actual number of patients may be far greater than the known figure. However, the resources committed by the Government to psychiatric services has not been increased but reduced. Each time when the Civic Party met the Financial Secretary, we would raise this issue with him.

President, I hope that today's motion can win Members' support and still more do I hope that the Secretary can make greater efforts by increasing the resources allocated, stepping up efforts in health care reform and enhancing the services provided. Thank you, President.

MR WONG KWOK-HING (in Cantonese): Madam President, since 2002, the Hospital Authority (HA) has adopted the hospital cluster system in managing public hospitals throughout Hong Kong by dividing the entire territory into seven clusters. Among them, there are only three and four hospitals in the Kowloon East Hospital Cluster and the New Territories West Hospital Cluster respectively and they are two of the hospital clusters with the smallest scale. However, this is inversely proportional to the populations in these two areas. According to the 2006 by-census, the total population of Wong Tai Sin, Kwun Tong and Tseung Kwan O, which are located within the Kowloon East Hospital Cluster, was about 1.3 million. As for the New Territories West Hospital Cluster, the total population of Tuen Mun, Yuen Long and the outlying islands combined was over 1.1 million. However, there are only four hospitals in this hospital cluster. Of these places, it can be said that hospital services in the outlying islands are the most inadequate.

Madam President, in newly developed areas such as Tung Chung and Tin Shui Wai, the incomes of some residents are rather low. As a result, they have to rely even more heavily on the public health care system and this imposes a heavier burden on various hospitals in New Territories West. According to the information of the HA, at present, on Island West, the doctor-to-patient ratio is 1.14 to 1 000. However, in New Territories West, there is only 0.52 doctor to every 1 000 patients, so the difference is very great. Apart from health care personnel, the inadequacies of health care system in New Territories West can also be seen in terms of its health care facilities. Of the seven hospital clusters, the resources allocated to the New Territories West Hospital Cluster is only about one third that of the Kowloon Central Hospital Cluster, so this is rather unreasonable. Earlier on, some health care workers said that when the cold spell was assailing Hong Kong, the overall hospital-ward occupancy rate of the Tuen Mun Hospital was as high as 130%. Although it has recently receded to 110%, this is still beyond the capacity of the hospital, so this situation is really a cause for concern.

Madam President, when it comes to health care facilities, one must talk about the health care services on North Lantau Island. There is a world-renowned airport on North Lantau Island and the Tung Chung New Town, with a population of over 80 000 people, is located next to it. However, not even an ordinary hospital can be found there. As we all know, the flights in and out of the Hong Kong International Airport are very frequent and a lot of people arrive at and depart from Hong Kong every day. If they have to use health care

services in Hong Kong, at present, they have to travel long distances before they can receive treatment. The closest location is the Princess Margaret Hospital at Lai King. May I ask how we can have an airport that is not complemented by such basic medical facilities as a hospital?

According to government figures, at present, the average travel time for an ambulance taking a patient to an Accident and Emergency (A&E) Department is 17 minutes in Hong Kong. However, it takes 33 minutes to travel from Tung Chung to the Princess Margaret Hospital and this is twice the average in Hong Kong. Madam President, I call on the Secretary to consider this: In the event that an aviation disaster or serious accident happens at our international airport, it would take more than half an hour to send the patients to the Princess Margaret Hospital. May I ask how possibly can such a situation be tolerated in the long term?

Separately, in the past four years, the number of calls made by residents in Tung Chung for ambulance service to A&E Department has risen to 240%. Among them, 60% were classified as "emergencies" or situations of an even more serious nature, so it can be seen that residents there have a great need for a hospital. However, the Government has remained apathetic. Madam President, it is no exaggeration for me to say "apathetic" because since the development of the Tung Chung New Town from 1997 onwards, over 10 years have passed and the population has been on the increase but the authorities has never carried out any planning on health care services. The choice of site for the North Lantau Hospital and the timetable on construction and implementation have all been changed several times. So far, the progress of constructing the hospital has stuck to the original proposal, that is, the first phase of the North Lantau Hospital will be commissioned between 2011 and 2012. Residents in Tung Chung, various District Councils and groups have expressed their strong demand on expediting the construction and commissioning of the North Lantau Hospital a number of times but so far, the Bureau concerned has never given any active response. Although there is a huge amount of surplus in the coffers, the Government still turns a deaf ear to this demand. After a number of endeavours made by me, members of the District Council and residents there, in August last year, we had success in lobbying the Government to implement a special evening clinic service pilot scheme for half a year. However, the pilot scheme only lasted half a year and the period has expired. In view of this, on 27 January this year, together with District Council members and residents of the district, I met

the Bureau concerned and it agreed to further extend this scheme for another half year. However, what we need is a long-term plan, not a temporary measure.

Madam President, the residents in that district also have four other requests. For example, they request that the daily quota of out-patient clinics be increased because at present, the quota is just 60 persons per day. They also hope that there can be a 24-hour community doctor service. They also badly need specialist out-patient services. Moreover, they also want the Government to open up dental out-patient services and extend the School Dental Care Service to the district to provide services to the district.

Regarding these four requests, so far, the Government has not given them any consideration, nor has it given any reply in detail. These four requests are at least transitional measures. Before the completion of the North Lantau Hospital, the Government should provide these services. Therefore, I wish to take the opportunity today to implore Secretary Dr York CHOW to show compassion to the difficulties and requests of residents in Tung Chung. I hope Secretary Dr York CHOW can allocate additional resources in earnest, so that assistance can at least be provided to them in this regard during the transitional period.

In addition, can the completion of the North Lantau Hospital be brought forward? Can the date of completion be brought forward a little? I hope the authorities will not disappoint residents there.

Madam President, today, I will support the original motion and all the amendments.

PROF PATRICK LAU (in Cantonese): President, recently, there was a spate of deaths suspected to have been caused by influenza and three children have died. Some schools even had to consider bringing forward the Easter holidays because their students had taken sick leave *en masse*. I think the Secretary should also respond as to whether or not primary school students in Hong Kong should have their holidays early, so that students can be segregated from one another and no major problem will occur. Such incidents have aroused widespread concern among the public. If there is a major outbreak similar to the SARS epidemic in the community, will our public health care system be able to cope with an influx of patients into hospitals and at the same time, segregate patients admitted into

hospitals appropriately and effectively, so as to prevent the further spread of viruses?

Public hospitals play quite an important role in preventing a major outbreak of viruses. However, the services of public hospitals are often the subjects of complaints. This is not just the case for the Kowloon East Hospital Cluster but also for other hospital clusters. The public complain that the services are very poor, the doctors complain that the manpower is inadequate, whereas the Government complains that the burden is too heavy. It all boils down to a matter of resources. I know that Secretary Dr York CHOW will give an account of the proposals on health care financing to the public soon. I also hope that an appropriate proposal can be identified as quickly as possible in order to find a long-term solution to the problem of an ageing population exerting pressure on hospital services. However, before the arrangements for health care financing are finalized, it is still necessary to do something. Moreover, it is absolutely necessary to do it as soon as possible and the sooner, the better. The most important thing is how resources can be utilized to enhance hospital services most effectively.

President, my office has also received some complaints against services of public hospitals in Kowloon East and the problems relating to the United Christian Hospital are particularly numerous. Perhaps due to the fact that there are inadequate resources to hire enough manpower, the situation of "nine lids for ten cups" has occurred, as a result, problems keep cropping up. However, hospitals are places that provide professional services to patients. If their family members entrust them to these hospitals, it is incumbent on these hospitals to take care of the patients properly, particularly when lives are at stake and making even one mistake is unacceptable.

That being so, can the problems be solved merely by hiring more people? If you ask me, I believe that increasing manpower cannot get to the core of the problem. This is because without the complementary hardware, even if there are highly-talented people, they will not be able to give full play to their talents. In other words, even if you have a super software but you do not have a computer, what you have got is just useless.

Why do I say so? Because I think that the present problem has to do with the inadequate hardware of these hospitals and the lack of space. Initially, when these hospitals were designed, no in-depth consideration was given to the daily operational needs of hospitals and the internal structure of these hospitals

cannot facilitate the work flow of health care personnel, nor are there facilities to help cope with possible challenges. All these are factors posing obstacles to the enhancement of health care services and are even some of the causes of medical incidents.

President, for this reason, in order to solve the problem at root, it is necessary to seize the opportunity of having a huge amount of surplus to allocate funds immediately for the construction of enough hospital main buildings and introduce people-based planning concepts in building additional independent specialist blocks in various hospital clusters to provide comprehensive health care services to residents in the districts concerned. In addition, when designing hospitals, not only is it necessary to provide sufficient space to meet the actual needs of an ageing population, it is also necessary to give in-depth consideration to facilitating the work of health care personnel, the auxiliary facilities required by various specialist blocks and the close links among them, with a view to speeding up the transfer flow within hospitals and segregating patients and visitors appropriately to reduce the likelihood of cross-infections in hospitals, so as to ease the pressure borne by health care personnel and reduce the chance of making mistakes, so as to raise the quality of hospital services as a whole.

In fact, through well-conceived architectural design, it is possible to utilize resources more effectively and improve the present unsatisfactory standard of hospital services. For example, appropriate arrangements in design can be made so that highly efficient conveyor belts can be installed in the passages linking various buildings and reference can even be made to the Singapore experience by introducing "intelligent robots" to help transfer medical supplies via staff-only passages to enhance the operational efficiency of hospitals and provide higher-quality services to patients.

As the saying goes, "prevention is better than cure". Through complementary architectural design, the exponential spread of viruses can be stemmed and an out-of-control situation can be prevented, so it is necessary to consider this issue at root. In the long run, not only can smoother internal operations enhance efficiency, it will also lead to the better utilization of resources, so that the challenges posed by an ageing population can be met and the quality of services provided by public hospitals can be raised continually.

I so submit. Thank you, President.

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

(No other Member indicated a wish to speak)

PRESIDENT (in Cantonese): If no other Member wishes to speak, Mr Alan LEONG, you may now speak on the amendments. You have up to five minutes to speak.

MR ALAN LEONG (in Cantonese): After I had proposed the motion "Improving the public hospital services in Kowloon East", I learnt that eight Honourable colleagues had proposed amendments and one Member had also proposed an amendment to amendment. I also thought that the number of amendments was quite large but I did not realize that a record had been set. However, I believe that be it the health care personnel in the United Christian Hospital, the Tseung Kwan O Hospital or the Haven of Hope Hospital or people living in Kowloon East, they will all find solace in listening to the debate today. Although the number of amendments is quite large, I do not think any Member believes that there is no need to do anything about the fact that the Kowloon East Hospital Cluster is languishing alone. I believe all of us can really see that residents in Kowloon East are being treated quite unfairly. As long as the Secretary and the Government still adopt the hospital cluster system and mechanism in providing services, it is necessary to deal with such an inequitable situation.

President, these eight amendments and the amendment to amendment can basically be classified into four types. Examples of the first type include the amendments proposed by Mr Fred LI and Mr Frederick FUNG. They call on the Government to allocate more resources to improve the health care services in the Kowloon East Hospital Cluster. In particular, they propose a centre for the elderly and a cancer centre. Of course, I support such a proposal. Examples of the second type include the amendments proposed by Mr Ronny TONG and Mr LAU Kong-wah and they focus on the needs of residents in Tseung Kwan O and their thrust is to call on the Government to allocate more funds for the expansion of the Tseung Kwan O Hospital. Since the Tseung Kwan O Hospital is also a hospital in the Kowloon East Hospital Cluster, I also fully support these amendments focusing on the needs of residents in Tseung Kwan O proposed by them. Examples of the third type are the amendments proposed by Mr Albert

HO, Mr James TO and Mr Tommy CHEUNG, which are related to the New Territories West and Kowloon West hospital clusters, and the specific needs of the population and I also support them. Finally, I also have to thank Dr KWOK Ka-ki and Dr Joseph LEE, who represent the medical sector and the health services sector respectively. They both proposed their amendments from a professional viewpoint and the angle of their sector, so it can be seen that even the sectors consider solving the problems of inadequate and uneven funding for the hospital clusters a very pressing matter.

President, I believed that, having looked at the amendments of these nine Honourable colleagues and listened to the speeches delivered by them, the Secretary also sees that this is not just a problem of the resources for an individual cluster, rather, it seems that some problems have occurred in the entire cluster system. I still remember very well that recently when Mr SOLOMON attended a meeting of the Panel on Health Services, it seemed he also said that the problem of the so-called "factionalism" or the inequities or imbalances under the hospital cluster system was an historical issue and one could sense that he was hinting that he was unable to do anything about this. However, I believe that all the Honourable colleagues who have spoken today and the Hong Kong public will not accept Mr SOLOMON's claim because no matter what the causes of the problems are and no matter if they are historical ones or not, it is a must to solve them. I hope very much that later on, the Secretary can respond in earnest to those real-life cases involving human lives that I cited today. I hope very much that what I will hear will not be bureaucratic talk and that when giving his speech, the Secretary can really feel the woes of residents in the Kowloon East Hospital Cluster.

Of course, I also want to take this opportunity to thank the health care personnel of the Kowloon East Hospital Cluster for supporting this motion proposed by me because had they not told me their personal experience, it would not have been possible for me to cite so many actual cases in today's speech. President, perhaps I will stop here, thank you.

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Madam President, first of all, I am grateful to various Members for expressing their precious views on this subject and it can be seen that most Members are very concerned about the future of our public health care system. I am very gratified with this because this is helpful to my work in the future. This will let me know the

demands of various districts and various hospital clusters, as well as your expectations. I remember that three years ago, when I first joined the Government, I did my utmost to turn the budget of the Hospital Authority (HA) from deficit to one with resources adequate for the purposes at that time. In the past two years, we also increased the resources allocated to the HA continually, so that it can solve various problems, in particular, the litigation between health care personnel and the management. When the Government adjusted pay, we also supported the HA in adjusting the pay for its health care personnel upwards in line with the increase made by the Government. In addition, as Members can see, the Budget this year also allocated additional resources for the HA to carry out development in various aspects, in particular, in the New Territories West Hospital Cluster and the Kowloon East Hospital Cluster. I agree that compared with other clusters, these two clusters lack the resources in some areas. However, we also have to understand how they utilize resources under a clustering arrangement. It is true that the services mentioned by me just now cannot be provided by all clusters because there are limits in the number of services that can be provided. However, I agree that I will continue to monitor the HA in its management of these clusters, the allocation of resources to them and in particular, the conclusions reached by the HA after the review of the clustering arrangement in future.

I agree that we must look at local service demand in various aspects. We hope that all clusters can provide accident and emergency service as far as possible. However, regarding services requiring special technology or expertise, there is no alternative but to provide them in several centres in Hong Kong. As regards services that the public can have options, we also think that at such a small place as Hong Kong, so long as the problems are not acute in nature, the public should be have the freedom to choose. This will also result in the better utilization of the resources of the HA and the creation of an environment of positive competition in future.

Now, I wish to talk about an important issue, that is, a Member queried the adequacy of the Government's commitment in health care, in the hope of advancing a conspiracy theory, saying that we wanted to cause deterioration in various services so as to put forward the health care reform proposals. This is absolutely wrong. Ever since Chief Executive Donald TSANG was running in the election of the Chief Executive, the Government has been committed to increasing its recurrent expenditure on health care services from the present 15% to 17%. We do not have to wait for any discussion on health care financing or

health care reform before doing so. The HA will also do its utmost to implement this plan in the next four years by committing resources to the most important areas with the greatest need, including the service developments of the HA in future. Secondly, Members can also see that a number of new infrastructure projects have been launched in succession and they include those in the districts mentioned by Members just now, for example, Tin Shui Wai and the expansion of the hospital in Tung Chung. We will continue to carry out the planning in this regard according to the pledges made. Therefore, Members do not have to be worried and we will do our utmost to maintain the services of the HA using the existing resources of the Government. However, at the same time, we also hope that Members will discuss the longer-term need in health care reform, including financing needs, at an appropriate time.

Under the existing clustering arrangement, not only does the HA have to take into consideration the resources required for the provision of basic and specialist services but also the expenses needed for the provision of new service projects, manpower training, upgrading of facilities and the purchase of new drugs, and so on, of different clusters. It also has to adjust its funding allocation to allow the establishment of partnership among clusters, so as to ensure that the resources allocated by the HA to various clusters can match the service demand in the districts as far as possible.

As I have mentioned at the beginning of the motion debate, in order to ensure the quality of services and to achieve cost-effectiveness, certain specialist services having a relatively small demand such as organ transplant, burns treatment and thoracic surgery are provided in the form of a service network or a specialist centre set up at certain clusters. As these specialist services usually require complex supporting equipment, advanced technologies and personnel with special qualifications for delivery, it is possible to more effectively upgrade the quality of services and enable optimum utilization of resources by centralizing these specialist services at one or more clusters.

As in the case of the other six hospital clusters, the Kowloon East Hospital Cluster does not solely consider the size of the local population in planning its services. It also takes into account of other factors such as the role of each hospital within the cluster, the service utilization pattern of residents and the demographic profile of patients. The Kowloon East Hospital Cluster now provides basically the same services as those provided by the other hospital clusters. These services cover 24-hour accident and emergency service,

in-patient service, day surgery, specialist out-patient service, general out-patient service, rehabilitation services, community outreach services and clinical ancillary services (such as pathology, radiology and pharmacy). The Kowloon East Hospital Cluster's scope of services covers various specialties of medicine, surgery, obstetrics and gynaecology, paediatrics and adolescent medicine, orthopaedics and traumatology, intensive care unit, ophthalmology, otorhinolaryngology, geriatrics, psychiatry, thoracic medicine and hospice.

As our population grows and ages, we understand that there is a rising service demand for public health care. Same as other clusters, the Kowloon East Hospital Cluster will closely monitor the changes in the service demand of members of the public in the region, so as to draw up service planning accordingly. In fact, in order to cope with the increase in service demand in the Kowloon East Hospital Cluster, the HA has in 2007-2008 provided the Kowloon East Hospital Cluster with an additional allocation of about \$30 million on top of the pre-existing provision for the purpose of implementing new initiatives and measures. These initiatives and measures include, among others, setting up additional day beds at the United Christian Hospital to strengthen day hospital services, enhancing renal dialysis and medical social worker services and measures taken in response to the increase in service demand in obstetric departments and neonatal intensive care units. In 2008-2009, the Government will also allocate additional resources to the HA to implement a number of measures for service enhancement in the Kowloon East Hospital Cluster. These measures include increasing the manpower for the Accident and Emergency Department, enhancing the professional services of the orthopaedics and psychiatric departments, providing treatment for breast cancer and stroke, setting up a day-time integrated one-stop otorhinolaryngology centre, introducing oncology out-patient service and providing a 24-hour pharmacy service.

Some Members mentioned the issue of patients using health care services in other clusters. In fact, instances of patients choosing to use the services in other clusters are quite common and they are not unique to the Kowloon East Hospital Cluster. Patients might choose to use health care services in other clusters for different reasons and considerations and this does not mean that the resources of the cluster in which patients live are inadequate. For example, some patients requiring specific specialist services may consider making use of the referral arrangements of the HA to obtain services from the specialist centres in other clusters and many patients may wish to go back to the same hospital for follow-up consultation by the same team of health care personnel even after they

have moved to other districts. Therefore, the situation of patients using the services in other clusters is particularly pronounced for the various clusters in Kowloon. This is to a great extent attributable to the convenient transport in Hong Kong, which enables patients to use the services of nearby clusters conveniently. According to the figures of the HA, last year, among the cases involving patients living in Kowloon East, about 68% of them used the services provided by their own cluster whereas the remaining 32% used the services provided by other clusters. Of the latter, about 13% used the services provided by the Kowloon Central Hospital Cluster. Similarly, among the cases served by the Kowloon East Hospital Cluster last year, about 17% of them involved residents from other hospital clusters. In view of this, we will make reference to these figures when making future adjustments to the resources we deemed necessary.

In their amendments, Members requested in particular that the authorities strengthen the health care services for the elderly. Elderly people are always one of the major focuses of the services provided by the HA. In 2006, 49% of the total bed days of the HA were used by elderly patients. The Kowloon East Hospital Cluster provides comprehensive health care services to the elderly in the region through out-patient service and in-patient service, the Community Nursing Services (CNS) and Community Geriatric Assessment Teams (CGATs). In order to further enhance support services to elderly discharges and their carers, the Administration has earmarked funding to the HA to implement a trial scheme to provide integrated one-stop discharge support services to elderly discharges. The first pilot project will be launched in Kwun Tong in March 2008. The objectives of the trial scheme are to enhance discharge planning for elderly patients, enhance their quality of life in local communities, and reduce unplanned hospital re-admission rate. The scheme will be implemented by the United Christian Hospital in collaboration with the Yung Fung Shee Geriatric Day Hospital and non-governmental organizations. Integrated support under the scheme will include discharge planning, transitional rehabilitation services, transitional home-based community care services, and carers' training and support. It is estimated that the Kwun Tong project will serve a total of 3 000 high-risk elderly patients each year and provide training for 1 000 carers each year.

Apart from the above initiatives, the HA also has proactive plans to carry out other improvement works on its facilities in the Kowloon East Hospital Cluster. An additional \$62 million was allocated in 2004 for the construction of

additional elevators and other relevant building facilities at the S block of the United Christian Hospital. These projects have been completed in July 2007 and they better facilitate the use of hospital services by patients and their family members.

Moreover, the Kowloon East Hospital Cluster has also received an allocation of \$10 million from the Government for the construction of the Tseung Kwan O Hospital Ambulatory Surgery Centre, which was commissioned at the end of last year. Its scope of services covers surgery, orthopaedics and traumatology, gynaecology, otorhinolaryngology and ophthalmology, and so on. The Ambulatory Surgery Centre provides one-stop service including pre-anaesthetic assessment, post-operative care and discharge patient support. This service delivery model can reduce unnecessary hospitalisation and minimize the length of hospital stay, as well as relieve the pressure on in-patient beds and maximizes resources. The establishment of the Ambulatory Surgery Centre is in line with the development direction of the HA's services, that is, to shift the focus of the treatment from in-patient care to community support and ambulatory services.

Regarding long-term facility planning, the Kowloon East Hospital Cluster has started planning on the expansion project of the Tseung Kwan O Hospital and the redevelopment project of the Haven of Hope Hospital. The planned expansion project of the Tseung Kwan O Hospital mainly involves the construction of a new ambulatory block to accommodate the expanded clinical services and other ancillary facilities; whereas the redevelopment project of the Haven of Hope Hospital mainly involves reprovisioning the existing infirmary wards and setting up the Day Medical and Rehabilitation Centre. The HA will also consider carrying out improvement projects at the United Christian Hospital to expand and integrate the existing hospital services in accordance with the internal mechanism under the HA and the established procedures of the Government.

Some Members also expressed concern about the manpower of the Kowloon East Hospital Cluster in their amendments. In fact, the HA has all along been very concerned about the pressure borne by and the professional development of front-line health care personnel. The HA has implemented a number of measures to improve the working environment and morale of the HA staff. In 2007-2008, the number of doctors, nurses, allied health professionals

and supporting staff in the Kowloon East Hospital Cluster was increased by a total of about 130 persons. I believe that these measures, together with other general measures such as the new career structure for doctors launched in October last year and the adjustment of the starting salary for nurses, allied health personnel and non-health care grade staff implemented by the HA, can improve the working environment for its staff and their morale. The HA will also employ part-time staff and deploy non-health care grade staff to assist health care staff to deal with non-clinical duties in order to alleviate the workload of health care staff. The utilization of various services in the Kowloon East Hospital Cluster will also be continually monitored, at the same time, attention will also be paid to the manpower needs of health care staff and manpower planning will be made accordingly, so as to maintain the quality of health care services.

We have all along been concerned about the health care service demand in various districts, including that in Kowloon East. In the past few years, the HA has already allocated additional resources to the Kowloon East Hospital Cluster in response to the service demand in the region to implement a series of improvement measures and new service programmes. We consider the existing cluster arrangement proven. However, it is also necessary to conduct appropriate reviews so that the HA can allocate resources more appropriately in response to service demand and deploy resources appropriately, so that more appropriate health care services can be provided to residents in the region. We will also continue to monitor the operation of the clusters under the HA, so as to continually enhance the effective utilization of the resources of the entire system.

Here, I have to thank Members again for their record-breaking participation. I hope that Madam President can deal with this thick pile of amendments properly, so that voting can be carried out without confusion. I attach great importance to Members' voting because this will be of great help to my future work. I also have to thank Members for their great support for my work.

Thank you, Madam President.

PRESIDENT (in Cantonese): I now call upon Dr KWOK Ka-ki to move his amendment to the motion.

DR KWOK KA-KI (in Cantonese): President, I move that Mr Alan LEONG's motion be amended.

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

"To delete "as the current" after "That," and substitute with "since the formation of hospital clusters by the Hospital Authority, many clusters are facing the problem of insufficient funding provision for a long time, and the"; to delete "expeditiously improve" after "the Kowloon East Hospital Cluster, to" and substitute with "increase health care manpower, set up specialties which are lacking in the Kowloon East Hospital Cluster, and provide more general and rehabilitation beds in the districts, thereby expeditiously improving"; and to add "expeditiously" after "(b)"."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Dr KWOK Ka-ki to Mr Alan LEONG's motion, be passed.

PRESIDENT (in Cantonese): I now call upon Mr Tommy CHEUNG to move his amendment to Dr KWOK Ka-ki's amendment.

MR TOMMY CHEUNG (in Cantonese): President, I move that Dr KWOK Ka-ki's amendment be amended.

Mr Tommy CHEUNG moved the following amendment to Dr KWOK Ka-ki's amendment: (Translation)

"To add ", particularly the New Territories West Cluster," after "many clusters"; to add "this cluster is allocated the least resources among all of the seven hospital clusters," after "a long time, and"; and to add "should especially implement expeditiously the provision of specialist services, such as obstetrics and gynaecology, ophthalmology and ear, nose and throat, psychiatry, etc, in the Tseung Kwan O Hospital, and additionally provide oncology and neurosurgery services as well as" after "Kowloon East Hospital Cluster, and"."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr Tommy CHEUNG to Dr KWOK Ka-ki's amendment, be passed.

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

(Members raised their hands)

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

(No hands raised)

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

PRESIDENT (in Cantonese): I now put the question to you and that is: That Dr KWOK Ka-ki's amendment, as amended by Mr Tommy CHEUNG, to Mr Alan LEONG's motion be passed.

(Members raised their hands)

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

(No hands raised)

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

PRESIDENT (in Cantonese): Mr Fred LI, as the amendments by Dr KWOK Ka-ki and Mr Tommy CHEUNG have been passed, I have given leave for you to revise the terms of your amendment, as set out in the paper which has been circularized to Members. When you move your revised amendment, you have up to three minutes to explain the revised terms in your amendment, but you may not repeat what you have already covered in your earlier speech. You may now move your revised amendment.

MR FRED LI (in Cantonese): President, basically it is very simple. I urge the Government to set up an independent committee to review the clustering arrangement. This is what I wish to add to the motion in my amendment while the remaining part will be more or less the same. I hope all colleagues can support it.

Mr Fred LI moved the following further amendment to the motion as amended by Dr KWOK Ka-ki and Mr Tommy CHEUNG: (Translation)

"To add "; (c) focusing on the problem that the Kowloon East Hospital Cluster is the only one without a cancer centre among the seven hospital clusters, look for improvement options to ensure that cancer patients in Kowloon East can obtain convenient and appropriate health care services; and (d) set up an independent committee and invite the participation of representatives of frontline staff and patients' groups to comprehensively review the clustering arrangement" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That Mr Fred LI's amendment to Mr Alan LEONG's motion as amended by Dr KWOK Ka-ki and Mr Tommy CHEUNG be passed.

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

(Members raised their hands)

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

(No hands raised)

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

PRESIDENT (in Cantonese): Mr Albert HO, as the amendments by Dr KWOK Ka-ki, Mr Tommy CHEUNG and Mr Fred LI have been passed, I have given leave for you to revise the terms of your amendment, as set out in the paper which has been circularized to Members. When you move your revised amendment, you may explain the revised terms in your amendment. You may now move your revised amendment.

MR ALBERT HO (in Cantonese): Madam President, I move that Mr Alan LEONG's motion be amended. As pointed out by the President, these are merely changes in wordings without any effect to the contents.

Mr Albert HO moved the following further amendment to the motion as amended by Dr KWOK Ka-ki, Mr Tommy CHEUNG and Mr Fred LI:
(Translation)

"To add "; and (e) when taking the opportunity of the present huge surplus and not affecting the services of other hospital clusters to allocate more resources for the Kowloon East Hospital Cluster to expeditiously improve the public hospital services in Kwun Tong and Tseung Kwan O, also allocate additional resources to hospital clusters which are in serious shortage of resources, such as the New Territories West Hospital Cluster which covers Tin Shui Wai, Tung Chung and Tuen Mun, so as to enable them to provide services at standards comparable to those of other clusters" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That Mr Albert HO's amendment to Mr Alan LEONG's motion as amended by Dr KWOK Ka-ki, Mr Tommy CHEUNG and Mr Fred LI be passed.

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

(Members raised their hands)

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

(No hands raised)

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

PRESIDENT (in Cantonese): Mr Ronny TONG, as the amendments by Dr KWOK Ka-ki, Mr Tommy CHEUNG, Mr Fred LI and Mr Albert HO have been passed, I have given leave for you to revise the terms of your amendment. You may now move your revised amendment.

MR RONNY TONG (in Cantonese): President, I move that Mr Alan LEONG's motion as amended by Dr KWOK Ka-ki, Mr Tommy CHEUNG, Mr Fred LI and Mr Albert HO, be further amended by my revised amendment.

Mr Ronny TONG moved the following further amendment to Mr Alan LEONG's motion as amended by Dr KWOK Ka-ki, Mr Tommy CHEUNG, Mr Fred LI and Mr Albert HO: (Translation)

"To add "; and (f) focusing on the needs of residents in Tseung Kwan O, expand and upgrade the Tseung Kwan O Hospital to a general hospital, and increase the health care manpower, particularly to expeditiously provide additional services in neonatology, etc" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That Mr Ronny TONG's amendment to Mr Alan LEONG's motion as amended by Dr KWOK Ka-ki, Mr Tommy CHEUNG, Mr Fred LI and Mr Albert HO be passed.

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

(Members raised their hands)

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

(No hands raised)

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

PRESIDENT (in Cantonese): Mr James TO, as the amendments by Dr KWOK Ka-ki, Mr Tommy CHEUNG, Mr Fred LI, Mr Albert HO and Mr Ronny TONG have been passed, I have given leave for you to revise the terms of your amendment. You may now move your revised amendment.

MR JAMES TO (in Cantonese): President, I move that Mr Alan LEONG's motion as amended by Dr KWOK Ka-ki, Mr Tommy CHEUNG, Mr Fred LI, Mr Albert HO and Mr Ronny TONG, be further amended by my revised amendment.

Mr James TO moved the following further amendment to Mr Alan LEONG's motion as amended by Dr KWOK Ka-ki, Mr Tommy CHEUNG, Mr Fred LI, Mr Albert HO and Mr Ronny TONG: (Translation)

"To add "; and (g) when taking the opportunity of the present huge surplus and not affecting the services of other hospital clusters to allocate more resources for the Kowloon East Hospital Cluster to expeditiously improve the public hospital services in Kwun Tong and Tseung Kwan O, at the same time provide the resources required to address the specific needs of the population in various clusters (such as providing interpretation services at the Kwong Wah Hospital to meet the needs of the many South Asians in the Kowloon West Hospital Cluster, and enhancing the public health care services in districts such as Sham Shui Po where the elderly and low-income populations are relatively high and have to rely on public health care services)" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That Mr James TO's amendment to Mr Alan LEONG's motion as amended by Dr KWOK Ka-ki, Mr Tommy CHEUNG, Mr Fred LI, Mr Albert HO and Mr Ronny TONG be passed.

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

(Members raised their hands)

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

(No hands raised)

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

PRESIDENT (in Cantonese): Dr Joseph LEE, as the amendments by Dr KWOK Ka-ki, Mr Tommy CHEUNG, Mr Fred LI, Mr Albert HO, Mr Ronny TONG and Mr James TO have been passed, I have given leave for you to revise the terms of your amendment. You may now move your revised amendment.

DR JOSEPH LEE (in Cantonese): President, I move that Mr Alan LEONG's motion as amended by Dr KWOK Ka-ki, Mr Tommy CHEUNG, Mr Fred LI, Mr Albert HO, Mr Ronny TONG and Mr James TO, be further amended by my revised amendment.

Dr Joseph LEE moved the following further amendment to Mr Alan LEONG's motion as amended by Dr KWOK Ka-ki, Mr Tommy CHEUNG, Mr Fred LI, Mr Albert HO, Mr Ronny TONG and Mr James TO:
(Translation)

"To add "; and (h) regarding the study and review of the mechanism of hospital cluster planning as well as the logic of operation of hospital services, especially focus on the demand related to elderly health care services, and examine the long-term health care manpower planning, so as to alleviate the pressure faced by frontline health care personnel and enhance the quality of public hospital services" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That Dr Joseph LEE's amendment to Mr Alan LEONG's motion as amended by Dr KWOK Ka-ki, Mr Tommy CHEUNG, Mr Fred LI, Mr Albert HO, Mr Ronny TONG and Mr James TO be passed.

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

(Members raised their hands)

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

(No hands raised)

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

PRESIDENT (in Cantonese): Since Mr LAU Kong-wah has withdrawn his amendment, so there is no need to deal with Mr LAU Kong-wah's amendment.

PRESIDENT (in Cantonese): Mr Frederick FUNG, as the amendments by Dr KWOK Ka-ki, Mr Tommy CHEUNG, Mr Fred LI, Mr Albert HO, Mr Ronny TONG, Mr James TO and Dr Joseph LEE have been passed, I have given leave for you to revise the terms of your amendment. You may now move your revised amendment.

MR FREDERICK FUNG (in Cantonese): President, I move that Mr Alan LEONG's motion as amended by Dr KWOK Ka-ki, Mr Tommy CHEUNG, Mr Fred LI, Mr Albert HO, Mr Ronny TONG, Mr James TO and Dr Joseph LEE, be further amended by my revised amendment.

Mr Frederick FUNG moved the following further amendment to Mr Alan LEONG's motion as amended by Dr KWOK Ka-ki, Mr Tommy CHEUNG, Mr Fred LI, Mr Albert HO, Mr Ronny TONG, Mr James TO and Dr Joseph LEE: (Translation)

"To add "; and (i) taking into account the ageing population situation in the Kowloon East Hospital Cluster, appropriately increase the resources for elderly health care services and additionally provide Chinese medicine services in the public hospitals in Kwun Tong and Tseung Kwan O." immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That Mr Frederick FUNG's amendment to Mr Alan LEONG's motion as amended by Dr KWOK Ka-ki, Mr Tommy CHEUNG, Mr Fred LI, Mr Albert HO, Mr Ronny TONG, Mr James TO and Dr Joseph LEE be passed.

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

(Members raised their hands)

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

(No hands raised)

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

PRESIDENT (in Cantonese): Mr Alan LEONG, you may now reply and you have one minute 13 seconds.

MR ALAN LEONG (in Cantonese): President, the Secretary needs not worry for the President as we can properly deal with all the amendments in a systematic way.

President, first of all, I am very grateful to the 18 Members who have spoken for none of them proposed any deletion or revision to the phrase "and in particular, the implementation of the United Christian Hospital's reconstruction plan must be expedited" in my original motion, which is for the interest of the United Christian Hospital.

I hope that the Secretary would also see that, while a review of the hospital cluster system is desirable and essential, the reconstruction plan is an even more pressing task. So, I hope that the Secretary will expeditiously — preferably by the end of this year — endorse the demolition of the four office buildings of the United Christian Hospital — a sacrifice that the doctors are willing to make — by deploying resources through the Government's resource allocation mechanism for the construction of new medical buildings, preferably to be accomplished within this year. Thank you, Honourable Members.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Mr Alan LEONG, as amended by Dr KWOK Ka-ki, Mr Tommy CHEUNG, Mr Fred LI, Mr Albert HO, Mr Ronny TONG, Mr James TO, Dr Joseph LEE and 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)

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

PRESIDENT (in Cantonese): Second motion: Enhancing sex education.

I now call upon Mr SIN Chung-kai to speak and move his motion.

ENHANCING SEX EDUCATION

MR SIN CHUNG-KAI (in Cantonese): President, I move that the motion, as printed on the Agenda, be passed.

Today, we shall for the first time conduct a motion debate on a sex-related subject in the Legislative Council. I move this motion because sex education in Hong Kong has lagged behind for many years, and it is necessary for us to review the situation all over again.

First of all, let me present some figures. According to a survey conducted by the Family Planning Association in 2006, among 4 400 respondents studying in Form Three to Form Seven, male students who had sex experience had risen from 8.7% before 1996 to 13.2%, an increase of more than 52%. For female students, the figure had also risen from 5.2% five years ago to 8.2%, an increase of 58%. On the other hand, 6.8% of male students and 4.7% of female students had their first sexual intercourse taken place before the age of 15. Regardless of the genders of students, the percentages had doubled over a period of 10 years. In a similar survey conducted in 1996, the percentages of male and female students in this regard were 3.2% and 2.3% respectively.

In another survey jointly conducted by *Student Press*, the student journal of The Chinese University of Hong Kong and the Society for the Study of Sexualities and Sex, it was found that over half, or more than 60%, of tertiary students who had sex experience did not always use condoms in each sexual intercourse. Some students interviewed might use other contraceptive methods. However, such methods could not prevent the contraction of diseases such as AIDS and hepatitis B, which can be transmitted through the exchange of body fluids.

(THE PRESIDENT'S DEPUTY, MR FRED LI, took the Chair)

What is the message conveyed to us by the findings of these two surveys? It reflects that although youngsters nowadays have become increasingly open in their sex concepts, they suffer from a serious deficiency of sex knowledge; in particular, they have very little awareness of safe sex. Even for tertiary students who are already adults, they are still very deficient in safe sex awareness, and they may even have confusion about condoms and safe sex.

Why does such a situation occur? In fact, there are many channels from which the youngsters can have access to sex information nowadays. But the amount of sex information they can get is very little. We use the term "many" because it is by no means difficult for us to find sex-related information on the Internet. For example, if we make a search on the Internet by using the words "free porn", we can get as many as 250 million links. Another example is a new uploading platform on the Internet called "Xtube". We have all heard about YouTube, but this one is called Xtube. It is operated in the same way as YouTube, that is, Internet surfers can freely upload/browse video clips. The only difference lies in the fact that all the video contents on Xtube are sex video clips. We can thus see that there are many channels on the Internet from which we can get sex-related information. However, the problem is: Information provided by websites is usually extremely biased.

Then, I believe you all know why I said that the amount of sex information was very little. There are very limited ways youngsters can get comprehensive sex knowledge. There are not many sex education programmes in schools, and parents seldom explain and discuss sex knowledge with their children. As a result, the amount of comprehensive sex information they can get is indeed very little.

With regard to sex education programmes in Hong Kong, I can use this expression to describe them: "Things happen only once in a decade". The authorities introduced the Guidelines on Sex Education in Schools (Guidelines) in 1986. In 1997, that is, 10 years later, it was revised. However, the Guidelines are recommendations for reference only and not compulsory for schools to follow. Therefore, there are no specific sex education programmes in Hong Kong. It is very much in line with the Buddhist teaching, "The sensory world of sex is equivalent to emptiness, whereas 'having' is tantamount to 'not having'." Instead, the authorities have adopted an approach called "infiltration teaching approach". Putting it into practice, it means the incorporation of sex education issues into other subjects, such as moral and civic education, and so on. In answering a question raised by Mrs Sophie LEUNG in 2006, the authorities pointed out that schools had covered sex education programmes in moral and civic education, and schools could implement sex education through various modes of activities such as seminars and exhibitions.

However, in fact, how is sex education implemented in schools? Let me cite two rather special examples. A certain school tore away the pages on

contraception from the integrated science textbooks before distributing them to students. In another case, when a secondary school teacher delivered the topic of "reproduction" in a biology lesson, he skipped the part of human demonstration in the process of playing a short film produced overseas on the subject. Both examples seem incredibly extreme, but they at the same time reflect that the implementation of sex education is not so satisfactory as mentioned by the authorities. What is wrong with the implementation of sex education in schools? This is attributable to the lack of talents, teaching materials and lessons. If we just rely on the initiatives of individual schools and teachers in promoting sex education programmes, its effectiveness will have to depend on the concern of individual schools on sex education, thus there could be substantial discrepancies among different schools.

The Guidelines covers a wide range of topics, but it just provides the framework of the programmes. The authorities have not provided corresponding teaching materials according to the different learning stages. Although there is a sex education data base in the Hong Kong Education City, the online resources have not catered to the different needs of students of different age groups on different areas of sex knowledge. Therefore, the responsibility of producing teaching materials still falls on the shoulders of teachers. However, the teacher charged with the responsibility of co-ordinating the teaching of moral and civic education is usually teaching some other academic subjects as well. As the teacher is not only responsible for co-ordinating the teaching of civic education, he also needs to take care of the teaching progress of other subjects. In addition, in view of the authorities' adoption of the "infiltration approach", if sex education topics are avoided by teachers of all the various subjects, then the task of implementing sex education will always be passed around, and consequently, a major issue will be played down to become a minor issue, and a minor issue will then be played down to become "no issue" at all.

Even if the teachers are willing, they may not have the capabilities to do it. Why do I say so? It is because the teachers may not have adequate training. When teachers receive relevant professional training in teaching, sex education is just an optional subject which is not compulsory for all teachers. So, they may not have adequate skills and experience in handling sex education-related programmes or subject matters, not to mention the production of teaching materials.

In addition, schools do not have dedicated lessons for implementing sex education. At present, sex education is only conducted in class teachers' lessons, morning assemblies or extra-curricular activities sessions. Sometimes, schools may hold talks on sex education. But such talks will only be held once a year. A certain school even banned a specialist guest speaker invited to the talk from using expressions such as "sex acts", "to sleep with", and so on. So, sex education can only be implemented in an intermittent manner in schools. Why can the authorities not refer to the experience of France by introducing designated sex education lessons? With effect from 2001, each primary and secondary school in France must designate at least three lessons to the implementation of sex education, and many overseas observers agree that the guideline for the purpose of requiring every school to provide sex education is very satisfactory.

As we look at the cases of other European countries, youngsters start receiving sex education since the age of 11. The programmes focus on developing the decision-making abilities of youngsters, such as making girls understand the consequences of unmarried pregnancy, thus learning to turn down the sex requests of their respective partners; and teaching youngsters how to handle violent sex, and so on. Among these countries, the Netherlands has seen the most effective promotion of sex education through long-term persistent efforts. The average age of having first sex among youngsters is 17 years old, and the unmarried pregnancy rate is just 7.1%, which is far below the corresponding figures of other European countries. This reflects that if sex education programmes are implemented successfully, youngsters would be able to understand what constitutes responsible behaviours, and realize that they should respect themselves and others.

In view of the above, we propose that the authorities should provide schools with adequate manpower and resource support, and a teacher should be assigned in each school with dedicated responsibilities in sex education programmes. In order to achieve this objective, we must first include sex education into programmes with relevance to youngsters such as those in the Institute of Education and the Department of Social Work in various universities, so that future teachers and social workers can have adequate pre-vocational training in this regard, and only in this way can they be equipped with the relevant skills and knowledge to handle sex-related issues, thereby capable of assisting youngsters to solve the problems concerning their curiosity and doubts about sex. Besides, the authorities should allocate additional resources to

introduce the element of sex education to the professional development and training of teachers, and finance teachers' participation in other professional training related to sex education.

Apart from failing to get adequate sex knowledge in schools, youngsters also have very little chance of learning from their parents and discussing with them the subject of sex. This may be attributable to the fact that sex is after all a sensitive subject in a Chinese society, so parents usually find it hard to break the ice on this subject. In a questionnaire survey conducted by the Department of Applied Social Studies, the City University of Hong Kong, the findings reveal that most parents interviewed would avoid discussing sex issues with their children due to embarrassment or lack of time or skills. But, in the meantime, they could not accept any irregular behaviour on the part of their children, and felt worried in this regard. On the other hand, many parents also said that they were very busy at work or had no time at all, so they would shift the burden of sex education to teachers, school social workers and counsellors, and for this reason, they had overlooked the role they should play in the provision of sex education in the family.

As a matter of fact, parents should start communicating with their children since their childhood. Since parents have the responsibility of teaching their children "the facts of life", this should naturally include inculcating their children with sex knowledge. Apart from satisfying their curiosity, they should also make their children realize what responsible behaviour is and learn to respect themselves as well as others. Of course, we should not only call on parents to provide sex education to their children. Instead, they should also provide suitable support to their children according to their needs. Society as a whole should provide greater support for sex education in family. So, the authorities should allocate additional resources to enable schools to hold talks or workshops on sex education for parents through parents-teachers associations. This would assist parents to overcome the psychological barrier caused by their embarrassment, learn the skills of conducting dialogues with their children and enhance their abilities in handling sex-related problems. Only if they are so assisted can they have sufficient confidence to discuss subjects on sex and love with their children.

Deputy President, we can see that sex information, just like bacteria, exists everywhere. The younger generation can easily be influenced by biased sex information. Consequently, while knowing only the methods of having sex

and pursuing the sensory pleasure of sex, they know nothing about the correct values of "sex" and "love", not to mention the ability of judging what should be done and what should not be done, or what kind of behaviour would bring about adverse effects on others. In this connection, we think that it has become imperative for us to enhance sex education. It is like giving youngsters vaccinations in order to boost their immunity against biased sex information.

Apart from these, Deputy President, I have also mentioned in the motion that in view of the impact brought about by Internet information on children and youngsters, the Government should allocate additional resources to facilitate parents and youth groups to promote moral education and respect for privacy.

Deputy President, I am the one who have initiated the drafting of ICT Users' Code of Ethics. Why do I propose this motion debate? We all understand it is because the incident of pornographic photos of artistes on the Internet had dealt a blow on the education sector, and had led to many problems. For example, how we should make use of information technology, and whether we should circulate the pornographic photos, and so on. We have put forward — it is in small print, but Deputy President, I hope you can still read it — the "ICT Users' Code of Ethics". Of course, this incident has triggered many problems, including whether the pornographic photos should be circulated; how we should protect our privacy, and so on. Actually there are many aspects to the problem caused by this incident. So we must tackle the problem from different aspects, and sex education is definitely one of the elements.

Frankly speaking, why do we need to bring up this subject now? Because we feel that the Hong Kong Government has been a late-starter in this regard during the past 20 years. Many overseas countries, such as the United States, have already made sex education a compulsory subject. I hope the Secretary can study the issue later on to see whether there is a genuine need of reviewing our curriculum, to make sex education a compulsory subject in the curriculum.

Mr SIN Chung-kai moved the following motion: (Translation)

"That, as the recent circulation of pornographic photos purporting to be artistes on the Internet has aroused public concern and wide media coverage, some members of the education sector and parents worry that the incident may adversely affect the values and personal conduct of

children and youngsters; in this connection, this Council urges the Government to:

- (a) pay proper attention to the impact of Internet information on children and youngsters, and allocate additional resources to facilitate parents and educational and youth groups to promote moral education, respect for privacy and sex education; and
- (b) review the contents of sex education programmes in schools so as to enable children and youngsters to acquire correct knowledge and concepts about sex at a suitable time."

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

SECRETARY FOR EDUCATION (in Cantonese): Deputy President, the recent circulation of indecent photos on the Internet has aroused extensive media coverage and great public concern. The Education Bureau fully understands and is concerned about the worries of the people who fear that the incident might have a negative impact on the values and personal integrity of children and youngsters.

In the face of swift advancement in information technology and sweeping social changes, youngsters really have to face many challenges. The Education Bureau has all along striven for the promotion of holistic education, with a view to assisting students to establish positive values and attitudes, so that they can uphold and make the right value judgments when confronted with issues of personal growth and social issues, thus facilitating them to emerge as a new healthy and responsible generation.

With regard to the structure of the course, we encourage schools to make use of the growth experience of students as well as the relevant life events as the learning platform for conducting sex education. Such a mode covers knowledge, critical thinking and the nurturing of positive values and attitudes, and is beneficial to the whole-person development of students. Through discussion and self-reflection, students can deepen their understanding of the

relevant subjects, thereby enhancing their abilities in coping with problems and developing positive attitudes.

All along, we have been providing schools with teaching and learning resources to support them in conducting the relevant courses. We encourage schools and parents to take advantage of social issues in selecting appropriate current affairs and daily life subjects as the learning materials for developing the positive values of students. In view of the recent "indecent photos incident", the Education Bureau has specifically launched some online teaching and learning resources entitled "Prudent thinking, prudent words and prudent acts — the incident of indecent photos on the Internet". It is hoped that schools can make use of the incident to conduct sex education, assist students to think from multi perspectives and learn to make positive value judgment. Parents may also take this opportunity to share and discuss the incident with their children, thus enabling the children to learn positive values such as how to recognize and uphold respect for others, and assume responsibility for what they have done and shoulder the consequences.

In order to conduct sex education properly, teacher's training is also very important. The Education Bureau often conduct training programmes to strengthen teachers' understanding of sex education issues about which the public is concerned and enable them to master the methods and techniques in conducting sex education in schools. Besides, there are resident social workers in primary and secondary schools or student counselling staff members who have received professional training in counselling. With their professional expertise and capabilities, they can assist and teach students how to cope with problems related to sex and Internet integrity.

Later on, after listening to Members' opinions, I shall introduce the work of the Government in the implementation of sex education in detail and how the Government works in co-ordination with non-governmental organizations. However, I wish to point out that, in order to assist the youngsters to grow healthily, in addition to the work done by the Government and the school, family also plays a very important role. We encourage parents to take better care of their children, and adopt an open attitude to explore sex-related subject matters with their children, so as to assist them to build up correct sex concepts and adopt a responsible attitude.

Deputy President, I so submit.

MR VINCENT FANG (in Cantonese): Deputy President, at the beginning of this year, the incident of the swift online circulation of indecent photos of artistes occurred. The adverse impact of the incident keeps spreading and growing, involving subject matters in such scopes as law, moral ethics, online safety, protection of privacy, gender relationship and idol culture and so on, all of which have far-reaching repercussions on the younger generation.

Today's discussion subject can be divided into two parts: First, how we should pay proper attention to the impact of Internet information on children and youngsters; secondly, in view of this incident, how we should review sex education programmes in schools. The Liberal Party is of the view that, it is most important for us to identify ways of turning this negative incident into a positive one, so that, through this incident, we can promote a proper understanding of moral education and sex knowledge among the youngsters.

In properly facing the issue of the utilization of Internet information, we find that, in addition to highlighting the fact that the present legislation for Internet regulation lags behind the current development, the incident has also raised the issue that the cyber world has been developing very rapidly and drastically and that it is also an area in which it is by no means easy to distinguish between right and wrong and there is no watchdog for it. Therefore, the Liberal Party thinks that, no matter how difficult it is to review the relevant legislation, the task must be conducted expeditiously.

The Liberal Party has been more concerned about how we can promote moral education among the youngsters to make them respect for privacy. In a survey that had interviewed 2 800 primary and secondary students aged 18 or below, it was found that only 31 respondents said that they had not heard about the pornographic photo incident, and that they had not viewed the relevant photos. On the other hand, some mass media had compiled these photos and had them published as a booklet which had been snapped up in the market. However, its contents had been categorized neither as indecent nor obscene. In other words, these magazines are weeklies targeted at the general readership that includes both children and the elderly. For youngsters who are not intellectually mature and do not have a thorough understanding of sex knowledge, the impact on them is too immense to be assessed.

According to certain reports, not only have some parents fallen short of stopping their children from viewing such photos, but they have even asked the

latter to download the photos for them. Besides, there are also youngsters treating such photos as laser prism cards. This reflects that they absolutely do not respect the privacy of others and display distorted value judgments.

While this incident is not yet over, another replica issue occurred in the University of Hong Kong. A student from the Mainland lost a USB drive in the campus. Someone picked it up and released some love-making video clips in it on the Intranet of a hostel. Even university students who have received higher education do not have any basic knowledge of and respect for privacy and morality. This indecent photo incident has conveyed a message: A serious crisis in social morality has already emerged. Therefore, the Liberal Party supports the motion, that is, we request the authorities to allocate additional resources to facilitate parents and educational and youth groups to promote moral education and respect for privacy. The authorities must step up publicity to teach youngsters to cherish the information freedom brought about by the cyber world, make good use of this platform to exchange useful information for improving cultured style and promoting creativity, so as not to be polluted by undesirable information.

With regard to the review of sex education programmes in schools, it is reported that the Chief Executive and the top echelon of the Government are very concerned about this incident and have decided to introduce certain special measures to implement moral education in classrooms for youngsters. Such measures will have the full support of the Liberal Party.

However, the Guidelines on Sex Education in Schools currently used by schools in Hong Kong has not been revised during the past 11 years. Besides, it is just a document with principles that portrays the teaching concepts and curriculum themes. In the face of early maturity of youngsters and flourishing information in this day and age, coupled with the fact that they can easily receive plausible sex knowledge from various channels, their curiosity towards sex could easily be triggered. We must expeditiously teach them correct sex knowledge and provide them with counselling.

As a matter of fact, Mrs Sophie LEUNG of the Liberal Party had urged the Government to revise the Guidelines on Sex Education in Schools as early as 2006 in this Council. However, the then Secretary for Education and Manpower stressed that the authorities intended to develop "holistic education",

so schools were only recommended to incorporate sex education into various cross-curriculum programmes. As a result, up till now, the sex education programme in our primary and secondary schools does not have any specific direction, nor is it compulsory, and worst of all, there is not even any specified teaching materials available. In the face of this sudden outbreak of the incident of indecent photos of artistes, it comes as no surprise that teachers should feel at a loss of what to do. In fact, many teachers have complained that if sex education is taught in an in-depth manner, it would cause misunderstanding among parents; if sex education is taught at a very superficial level, it would serve no useful purpose and appear too dodgy and secretive. So, this is really a dilemma.

Therefore, the Liberal Party thinks that the Government must review whether its current "piecemeal" mode of sex education is appropriate, and it must conduct studies to see if it is necessary to make sex education one of the compulsory subjects in schools. Besides, the Government should allocate additional resources to introduce a sex education specialty in the Institute of Education, so as to provide teachers with appropriate training. Only in this way can they be equipped with adequate knowledge to teach students.

Deputy President, I so submit.

MISS CHOY SO-YUK (in Cantonese): Deputy President, with extensive media coverage and the widespread "friendship" claim among online surfers, the incident of nude photos of artistes that occurred earlier on the Internet has evolved into a very hot issue. The photos are so widely circulated that even junior primary students have access to them. This has aroused great concern in society, making the people worry that sex concepts of youngsters would be seriously affected and distorted.

This incident has clearly demonstrated that in our modern information society, the Internet is all too powerful. If we wish to prevent our children and youngsters from being corrupted by harmful information, we cannot only rely on conventional methods to stop them by every possible means from coming into contact with such information. This is because nowadays, the youngsters of this e-generation have already relied on the Internet as the major source of

information in exploring "sex". So, there is no way for us to prevent such situations. On the other hand, the most urgent task before us is to assist the younger generation to acquire healthy and correct sex concepts. Only in this way can they gain the real immunity against undesirable information. As in the case of the prevention of diseases, the best approach is not to sterilize the environment thoroughly, but to boost the people's own immunity.

Unfortunately, in the face of the increasingly open sex concepts of the youngsters, the schools have apparently been unable to keep themselves abreast of the times in the promotion of sex education. A survey conducted by the Hong Kong Family Planning Association last year found that over 10% of students studying in Form Three to Form Seven had sex experience, which was nearly double the corresponding figure of five years ago. In the meantime, some veteran sex education workers say that even when sex education seminars are conducted in schools, some schools have made a list of "forbidden words". Some simple expressions such as "sex acts" or "to sleep with" are not allowed to be used. This reflects that there are still lots of hurdles in the promotion of sex education.

Deputy President, this nude photo incident has become the focus of media attention for a long time, and it indeed creates a very good opportunity for the community to discuss in a focused manner and reflect on issues of various levels, thereby elevating the overall standard. And of course, sex education must be the highlight issue among all the significant issues. Unfortunately, the Education Bureau has failed to grasp this golden opportunity. Although it has timely launched a special webpage and provided online teaching materials for the reference of teachers, the contents are just some newspaper clippings and guidelines for students' discussions. The presentation is rather boring, monotonous and by no means creative. Like other sex education teaching materials, I believe the webpage would not be able to arouse the interests of students in discussing the issue. It is doubtful whether the original purpose of launching this webpage can be served.

To be fair, the effort of the authorities should definitely be acknowledged, and the direction is also correct. But the problem lies in the communication skills adopted. It is because "how to teach" is usually more important than "what to teach". This is especially true when we are dealing with a new generation of youngsters who watch YouTube — and also Xtube, as mentioned

earlier by Mr SIN Chung-kai — more often than television, and who communicate with others through Facebook more than meeting friends face-to-face. In order to foster effective learning, teaching must tailor to the characteristics of students.

Deputy President, perhaps we may draw reference from the experience of Taiwan, which is also a Chinese conservative society. The Bureau of Health Promotion, Department of Health, Executive Yuan, Taiwan has recently launched a series of sex education programmes entitled "Unmask the obscene fantasy, be the master of your own sexuality". In the teaching materials for Primary Five and Six students, full frontal nude cartoon figures, intimate acts between husbands and wives and even the birth process of babies are featured for the first time. There are neither euphemistic expressions nor taboos, and is rather avant-garde. Although there are divergent reactions in society, it is still a bold attempt to grasp the mindset of the youngsters, and it is something that deserves our close attention.

While being slightly conservative, the SAR Government can at least allocate additional resources to actively pinpoint the different learning phases through the adoption of the language of youngsters and even the loose online language, by designing various multi-media teaching materials, such as friendship and role play online games, cartoon video clips and multi-media creative works. In the teaching process, it is not preferable to directly convey established moral values or standards to students. Instead, we should stimulate students to reflect upon the proper way of conducting themselves in working with others, thereby enhancing the effectiveness of sex education.

Even if the most attractive teaching materials are available, it would be futile if students do not have the opportunity of accessing them. At present, the Education Bureau has provided primary and secondary schools with guidelines on sex education programmes, so as to assist schools in implementing sex education. However, regarding whether sex education is implemented or the actual contents of such programmes, they are entirely at the discretion of individual schools. This reflects that the implementation of sex education is still staying at the "part-time" stage, and all sex education teachers would only devote some of the time in lessons to this subject, and as such, they do not have adequate training. We may imagine how effective sex education is implemented when it is something "teachers may opt to teach or opt not to teach".

For this reason, we would like to urge the Government to review the present mode of teaching of sex education and actively consider the inclusion of sex education into the formal curriculum of primary and secondary education, so as to convey correct sex and health knowledge to children and youngsters. In this way, we can enable them, in the process of growing up, to better understand how they should deal with the opposite gender, so that they can adopt a correct attitude with regard to sex, respect the bodies of others and protect themselves against sex abuse. Deputy President, I so submit.

MISS TAM HEUNG-MAN (in Cantonese): Deputy President, today's subject for discussion is "Enhancing sex education". However, first of all, I would like to ask the Government: Nowadays, should we actually be discussing enhancing sex education or whether we must make sex education move forward, just in the same way as the forward progress of our era?

I also wish to ask Honourable colleagues who are present today: Do you still remember the sex education you had learned when you were students? How did the sex education then differ from that learned by your own children today?

The time has changed. Allow me to use an elderly's expression to describe the social trend nowadays, "Oh, what a wicked world it has become now!" The incident of pornographic photos of artistes has created "a tide of obscenity" with an impact as vigorous as the recent outbreak of influenza. It has become so widespread that every household seems to have access to such photos. Recently, another incident happened in which some sex video clips involving university students were uploaded to the Internet. All these incidents show that releasing sex photos or video clips to the Internet has been considered a casual and ordinary practice. This has definitely rung a warning bell and we must be concerned about the sex knowledge and concepts of the youngsters. I would like to take this opportunity to thank Mr SIN Chung-kai for moving this motion today.

If this "tide of obscenity" is allowed to grow in the community, the ones who will ultimately be victimized are none other than our next generation. I worry that, in the long run, the sex relations of youngsters will become messy. Therefore, it is very important to enhance sex education. The only problem is how to "enhance" it.

Why did I ask Honourable colleagues earlier how different the sex education they had learned in their school days was when compared with that learned by their own children today? It is because sex education in schools has not undergone any major changes during all these years. In fact, it can be said that sex education has gone out of touch with the current circumstances. It is an undeniable fact that many youngsters are now absorbing "sex knowledge" from other channels such as movies and the Internet. What has gone wrong? Is it because the contents of sex education in schools are too rigid and outdated, or is it because the contents are absolutely not close to the lives of the youngsters?

First of all, I must stress that I do not support casual or easy sex among youngsters and even adults. I support the enhancement of sex education with the original intention of hoping that the youngsters can acquire correct sex concepts. When they have to make a decision, they can make a rational analysis, and are fully aware of what they are doing as well as the responsibility they have to shoulder.

I think we should approach the issue of sex education on different levels. On the one hand, we must establish proper channels for the youngsters to access sex knowledge. On the other hand, we must inculcate students with correct sex concepts. Besides, we must educate the youngsters, especially the girls, that they must protect themselves.

Let us first discuss the channels. Be they at home or in schools, it is by no means easy for youngsters to identify in a frank and open manner the proper channels of understanding sex. It is because when parents and teachers are confronted with such questions, they will inevitably come up with strong reactions. Eventually, they dare not ask such questions. Consequently, they may really hold back from asking questions and end up having no or very little knowledge on sex when they grow up. Alternatively, some of them may ask such questions in private and learn about sex through improper channels. Both examples may bring about worrying results.

In my opinion, the Government should include sex education in the curriculums of General Studies in primary education and Liberal Studies in junior and senior secondary education, so as to provide each student with a proper channel of absorbing sex knowledge in different stages. In this way, students will have the chance to know, ask and discuss such issues since they are

very young. Parents and teachers may also assist them and guide them to ways of understanding correct sex concepts. I think schools should cope with this development in terms of curriculums and resources, whereas the Government should also urge the Institute of Education to introduce sex education programmes for the purpose of training would-be teachers to educate the younger generation that they should have correct sex concepts.

In terms of the contents of the programmes, I think they should be more open and liberal-mindset because sex is no longer a forbidden zone of discussion. It is also unnecessary for youngsters to think that sex is something mysterious. In this way, we would be able to reduce the chance for them to access obscenities out of curiosity. We do not fear that youngsters may ask questions, but we do fear that they may identify the wrong channels for asking questions or ask the wrong persons, thus forming incorrect concepts and commit wrong-doings. Therefore, it is very important to provide youngsters with proper channels for understanding sex. The Government may start working in this area and identify more proper channels, so that for youngsters interested in finding out more about sex, they can be provided with a platform of asking questions.

Besides, as a woman, I hope girls can take good care of their own bodies and protect themselves. Deputy President, ultimately, there is no way for us to avoid the issue of sex in society. So, we should reform sex education thoroughly and adopt a more open and liberal attitude in enabling the younger generation to understand sex. I so submit. Thank you, Deputy President.

MR WONG TING-KWONG (in Cantonese): Deputy President, pornographic photos purporting to be artistes have been circulated recently on the Internet. Members of the public have discussed the incident from many different perspectives during the past month or so, such as online behaviour, protection of privacy, the roles of mass media in the incident and the images of artistes, and so on. Among the various perspectives, I think the one that is most worthy of following up and has a bearing on the policies should be sex education.

At present, sex education is implemented by a cross-curriculum mode in schools, and is not conducted independently as a separate subject. By cross-curriculum mode, it means infiltrating sex education contents into various subjects or other activities in schools. For example, sex issues can be brought

up for discussion in a seminar. Generally speaking, during the five or seven years of school life of a secondary student, he will have the chance to learn about a person's growth during the puberty period and he will be taught about knowledge such as the structures of human reproductive organs, the conception process of life and contraception knowledge in science lessons in his junior secondary school years. In the senior secondary school years, he will receive counselling in dating and friendship which involve certain discussion on love and sex. Perhaps there may be some other special seminars, such as those on family responsibilities, and so on. Therefore, if someone says that there is a serious lack of sex education in Hong Kong now, it seems not completely true.

Whenever there are reports on underage sex among teenagers leading to unmarried pregnancies, or abandoned newborns, or even the killing of some newborns, we cannot help asking whether sex education in schools has been able to catch up the needs of our time, and whether sex education can pinpoint the problems faced by society right now, so as to prevent the recurrences of such tragedies.

How sex education can be implemented properly is not only a problem faced by Hong Kong, but also by many other countries in the world. Everyone agrees that the United States is an extremely open society. Some of the youngsters start having sex at an early age. As early as 1960, "unguided sex education" was introduced in the United States. As a result, many students had sex at an early age when no guidance was available, and many unmarried girls became pregnant, and the abortion rate maintained at a high level. In order to reverse this social trend, the United States changed its policy by promoting chastity education and teaching students to say no to pre-marital sex, so as to develop a mature and responsible sex attitude. The Congress of the United States passed a funding request in 2005 to finance the implementation of the abstinence-only-until-marriage education. About 35% of education districts in the entire United States conducted "abstinence-only programme" and distributed "abstinence-only cards" to students. Many public schools in the United States prohibited students from having access to sex knowledge in classes and school libraries, and they would also inspect publications produced by students as well as textbooks to see if they had touched upon sex issues. We do not agree with such a practice adopted by the United States, which had gone from one extreme to another. They have gone too far in implementing the abstinence-only-until-marriage education, and the over-suppression of any

discussion on sex will instead arouse students' curiosity about sex, and will make students even more interested in having sex secretly.

The British Government has similarly explored how sex education should be implemented. Although lots of resources have already been injected into sex education, the British National Foundation for Educational Research pointed out in its report that not only did conventional sex education programmes fail to provide students with good guidance, they instead stimulated students' curiosity about sex. So, for this reason, the British Government commissioned a university to devise a new sex education programme. The focus of the new programme shifted from advising students to avoid having sex in the past to directing them to adopt a positive and correct attitude towards sex. Studies have found that the new programme is more capable of developing a mature attitude among girls towards sex. We can thus see that it is necessary for schools to implement suitable and "closely relevant" sex education with due regard to the actual circumstances in society.

The Education Bureau in Hong Kong has drawn up guidelines on sex education programmes for primary and secondary schools, so as to assist schools in implementing sex education. However, with regard to the way of implementing sex education by schools as well as the contents to be taught, they are all at the discretion of individual schools. There is also no formal training for teachers in this regard. Let us take the present incident of pornographic photos purporting to be artistes as an example. The authorities has only devised some special guidelines and teaching materials for guiding students to contemplate the relevant issues. At present, the Education Bureau has set up websites to provide teachers with support in such scopes as moral education, sex education and Internet information. Teachers are encouraged to make use of such materials and information in conducting lessons in schools.

The DAB is of the opinion that the Government should consider reviewing the current teaching mode and contents of sex education. With regard to whether it is necessary to incorporate sex education into the formal curriculums of primary and secondary schools, the issue should be open to public discussion. In the aspect of resources, the Government should allocate additional resources to pinpoint the needs of the different learning stages of students in a proactive manner: For the stage of senior primary school as well as junior and senior secondary school, different sex education teaching materials should be designed, such as diversified and inspirational games, animations, amusement rides and

multi-media teaching materials, for inculcating students with correct sex concepts, learning the skills of getting on with the opposite gender, adopting correct attitudes towards sex acts, learning to respect the bodies of others and protecting themselves against sex abuses, and so on.

Deputy President, I so submit.

MR ALBERT HO (in Cantonese): Deputy President, I shall focus my speech today on the ethics and morality issues as seen in the recent incident of the circulation of pornographic photos of artistes.

This is an important issue because, as far as sex education is concerned, we cannot just stress on the dry facts such as the dissemination of biological or physiological knowledge. We should also develop individuals' capabilities in making rational analysis, observation and judgment when they are confronted with sex morality issues.

Some may argue that it is a waste of time to discuss sex morality because it would just lead to arguments, but it would never lead to any conclusion. Of course, this is true to a certain extent because people will have all kinds of opinions but never any conclusion in a free and open society if a discussion is conducted on where a demarcation line should be drawn as far as a person's sex freedom is concerned. For example, should a person be engaged in any pre-marital sex or extramarital sex? Is such behaviour immoral? Or should commercial sex — this refers to the work of sex workers — be banned? Some may even mention that if people with different sex inclination are protected by law, will it ruin the family system or family ethics? All these issues will trigger very heated discussions and even debates.

People in society should welcome such debates. We should adopt a serious, frank, respectful and tolerant attitude in understanding and debating such issues. In fact, in future when we formulate social policies, we shall face many such issues, such as should sex workers be regulated? Another example is, when we scrutinize the Domestic Violence Ordinance, regarding people with different sex inclination, that is, people of the same sex who are cohabiting, will they or should they be regarded as family members from a legal point of view? Therefore, such issues will be debated in society for an extended period of time.

However, on the other hand, some consensuses have been reached in society on this incident. First, morality and law are two different issues. Even if we find certain persons' behaviour very immoral, we should not abuse the legal procedures to penalize people whom we may find immoral. In my opinion, the police had gone too far in handling the case of CHUNG Yik-tin just because they found him immoral. Even the judge might also have such an impression and inclination and considered that this person's behaviour should be reprimanded. Therefore, the authorities might have adopted biased attitudes and approaches in handling the case, thus leading to his unreasonable two-week detention. In my opinion, in a free society which is governed by the rule of law, the line dividing morality and law should be clearly defined.

Secondly, I think no one would dispute this point, that is, we should absolutely not infringe upon the privacy of others, such as stealing private photos from the computers of others, and even uploading them to the Internet for circulation. I think anyone who distributes such photos has done something morally improper. Therefore, I think the issue of how Internet information should be utilized is a very solemn subject. Mr SIN Chung-kai has just put forward some viewpoints to which I agree.

This incident has triggered certain controversies. First, some people have been very active in collecting, viewing and even storing such pornographic photos after the occurrence of the incident. What should we think about such behaviour? In fact, there is a certain viewpoint in society, to which I agree. I believe quite a lot of people would also share this viewpoint, which is, such behaviour is tantamount to peeping. The private photos of certain persons, which could include some portraying their sex lives, have been stolen or even circulated without their knowledge or consent. People portrayed in such photos are the victims. So if we view such photos without their consent, we are, to a certain extent, satisfying our own curiosity and enjoying our pleasure at the expense of the victims. This is the first point.

The second point is, the newspapers had devoted extensive coverage to feature reports on the incident. Although, on the surface, they adopted a critical attitude in denouncing such behaviour as immoral, in fact, they featured massive or even all such photos on the front pages or prominent positions of their respective newspapers. As a matter of fact, I find such behaviour very hypocritical. Although such photos had been blurred to some extent, the newspapers had brought these secretly-circulated photos to society in general,

spreading them from Internet communities to the general public, to students and to children of all the families. We may say that such photos can penetrate to all levels and reach everyone. In my opinion, certain newspapers are actually exploiting this incident for the purpose of making money without any regard for the feelings of the victims. I think such behaviour should be criticized or even condemned by us.

The third point is, among victim artistes in this incident, two of them had separately made apologies to the public. They considered that, being celebrities in society or idols of youngsters, they did have the responsibility of acting as role models. They apologized because they felt that they had disappointed many people. Of course, we can see that many people have accepted their apologies or have expressed sympathy for them. But surprisingly, there were still quite some people complaining about the attendance of such artistes at certain fund-raising banquets. Do they understand that the victims themselves also deserve our sympathy? On the other hand, for those who have viewed such photos on the Internet as well as newspapers that have disseminated the photos, has it ever occurred to them that they should also apologize to these victims? In this connection, I agree with Mr HUI Po-keung, a lecturer of Lingnan University, in saying that Internet surfers should apologize to the victims.

MR WONG KWOK-HING (in Cantonese): Deputy President, the Internet has been developing by leaps and bounds in recent years, thus accelerating the speed of information flow. No matter people are working, studying or having fun, the Internet has become an integral part of their activities. This is a sufficient proof that the cyber world, albeit virtual, has actually become part of our life. However, the legislation and education in Hong Kong have not fully taken into account the changes brought about by the development of the Internet. The recent incident of pornographic photos purporting to be artistes has particularly demonstrated the gravity of the problem.

According to a survey conducted after the incident concerning the pornographic photos purporting to be artistes, almost 30% of youngsters indicated that they would upload pornographic materials on to the Internet despite their knowledge that this was illegal. Meanwhile, more than 50% of adults between 18 and 39 years of age have seen the unmasked nude photos of artistes. It can thus be estimated that more than 2.4 million people in Hong Kong have seen the original photos. Worse still, 30% of secondary and

primary school students have seen the untreated photos. After the incident, the Government and schools hastily responded to it. However, since the police are not familiar with the standards and regulations governing the Internet, their numerous prosecution actions are in vain. Schools, which have all along adopted "sexual abstinence" as the criterion of sex education, are unable to turn the tide despite their vigorous efforts in doing so in the face of the inexhaustible lure of the Internet. The incident has reflected that the approach of the Government and schools, which try to prevent youngsters from getting in touch with pornographic materials prematurely by relying on the old classification standard, is outdated and backward. Moreover, the sole emphasis of sexual abstinence as the criterion of sex education is also a departure from the everyday life of the youngsters.

Deputy President, apart from revealing the backwardness of our society's moral standards and authority, the recent incident has also proclaimed to the Government, teachers and parents that youngsters have a different set of values which is intact on its own. Under such a set of values, they do not emphasize self-restraint any more. Rather, they will satisfy their curiosity regardless of the consequences and may even think that they can shed their responsibility if their acts are done in anonymity. In order to trace the source of such a set of values, should our society as a whole do some comprehensive, in-depth and thorough soul-searching, apart from blaming the lure of the Internet? In particular, acts and attitudes of double standards can be found everywhere in our society nowadays.

(THE PRESIDENT resumed the Chair)

Madam President, let us try to imagine the circumstances of the youngsters. While sexual abstinence is what they are taught by their teachers, common magazines and certain newspapers in the community are full of obscene photos and reports. Adults, while making vigorous efforts in preventing youngsters from getting in touch with pornographic materials, are more zealous for such materials than youngsters. It has been reported that some parents have asked their children to help them download the indecent photos. Meanwhile, the latest pornographic photos have been published on the front page of some mainstream newspapers every day. When double-standard behaviour prevails, how can youngsters find a role model?

Madam President, as youngsters of the new generation have got a grip on the computer and Internet since they are small, they are not only keen on activities such as releasing, sending and downloading information, they are even aware of the circumstances surrounding the incident concerning the pornographic photos purporting to be artistes much earlier than many adults. Their immature moral concepts and values such as the right to privacy, gender relationship, respect for the others and personal integrity are severely distorted further by technology, and this is detrimental to their growth. To date, thanks to digital technology, people can record what they have seen and heard at any time and any place, which can then be transmitted to the entire community through the network. With the help of the media, pornographic materials can be downloaded easily and such photos can even be downloaded to mobile phones for viewing whenever they like.

Thus, the old-style sex education for youngsters, which emphasizes suppression and instils into youngsters the concept of sexual abstinence in a compelling manner with frequent cautions that they should not be allowed to get in touch with pornographic materials, seems to be outdated and obsolete. Thanks to new technology, we can no longer effectively monitor or prevent youngsters from getting in touch with erotic information. This is a reality.

Both the education sector and parents are worried that the incident may have adverse impact on the values and personal integrity of children and youngsters. In fact, the incident has, on the contrary, revealed to us that the world of the youngsters is beyond our imagination. Now is the time for us to face the reality. We have to reformulate the direction of sex education for our youngsters.

Madam President, because of the above reasons, I support Mr SIN Chung-kai's motion on "Enhancing sex education" which urges the Government to pay proper attention to the impact of Internet information on children and youngsters, and allocate additional resources to facilitate parents and educational and youth groups to promote moral education, respect for privacy and sex education, and review the contents of sex education programmes in schools so as to enable children and youngsters to acquire correct knowledge and concepts about sex at a suitable time. Thank you, Madam President.

MR CHEUNG MAN-KWONG (in Cantonese): President, when underage boys and girls have committed an act of transgression, when the sex column of a

student press has got into trouble, and when obscene photos of artistes have been exposed, people will invariably think of the inadequacy of sex education although no one will face squarely to it. Sex education implemented by the Government over the past 10 years is a complete failure. It has no idea about the effectiveness of the guidelines on sex education and pays no heed to how sex education is implemented by schools. As a result, sex education has lagged behind the times and merely served as a specimen for decorative purpose.

The incident concerning the circulation of obscene photos of artistes on the Internet has taken up the headlines of newspapers for so many days that it has become the hottest issue in the city. It has also plunged the entertainment circle into panic and aroused a controversy over legislation, law enforcement, morality and privacy. Mr SIN Chung-kai's motion, which urges the Government to review the sex education programmes in schools, merits our reflection.

The Guidelines on Sex Education in Schools (Guidelines) formulated by the Hong Kong Curriculum Development Council in 1997 has not been revised ever since. Meanwhile, sex education in Hong Kong is marking time. The contents of the Guidelines are mostly theoretical, lagging far behind the dramatic changes in the age of network and ignoring the values of respect for privacy. In fact, to search for sex knowledge in bookshops or on the Internet is an easy task to youngsters. However, schools are obviously an important venue for instilling safe and responsible sex concepts into youngsters in response to their precocity and the Education Bureau is duty bound in this aspect.

However, apart from issuing the Guidelines, what else has the Education Bureau done in promoting sex education? In response, the Education Bureau has given us the reply: As the Guidelines are only for the reference of schools in implementing sex education, they should not be strictly enforced. Sex education, which should be compulsory and not be evaded by students and parents, has now become dispensable or optional. Such an indifferent attitude should not be the right approach in implementing sex education.

Regarding the effectiveness of the Guidelines or the implementation of sex education in schools, the Education Bureau, in its reply to a question raised by the Legislative Council, said, "Through school visits and contacts with teachers in professional training activities, we have learnt that schools can make use of different kinds of activities to provide sex education." Thus, "we believe that sex education has been generally and properly implemented in schools." Here,

Honourable Members, the Bureau just "believes" so and such an opinion is not based on any survey. Why is the effectiveness of sex education not proved by a formal observation in class or a survey by the Education Bureau? Rather, it is only guesswork from oblique reference through activities and contacts. Such an answer has also exposed whether the Education Bureau has done its job or not.

The former Advisory Inspectorate Division of the Education Department conducted three surveys in 1986, 1990 and 1994 respectively in secondary schools in order to look into the implementation of sex education in schools. The Curriculum Development Institute also conducted a study on secondary school students' sex knowledge and their attitudes towards sex and sex education in 1994. However, such performance assessments have all vanished since 1997 and the co-operation between the Education Bureau and other government departments and organizations has also come to an end. It is only when the community and the Legislative Council have expressed concerns over sex education that the Education Bureau acts like a person embracing Buddha's feet at the eleventh hour, going through all the past and present education programmes and support services offered by various departments and service providers.

In the Guidelines formulated a decade ago, the Government has set out the general targets of sex education as follows: "To enable students to gain knowledge in sexuality in their growth and develop interpersonal responsibility A sex programme, therefore, helps students to acquire accurate and comprehensive knowledge about sexuality and the consequences of sexual activity; to explore their attitudes towards sex, marriage and the family; and to establish a consistent system of positive values and responsible behaviour."

President, sex education is of paramount importance to the growth of youngsters. It is also closely related to network ethics and the right to privacy. However, having adopted the policy of "non-interventionism", the Government has not provided any support to schools and does not have any idea of the effectiveness of the Guidelines. The evasive attitude of some individual teachers is also a factor. Eventually, sex education has been left in a state of neglect and it has been handled in different ways by different schools or even completely ignored. Training in sex education for teachers is very limited, not to mention that no teacher will take the initiative to participate in such training. Sex education, usually a trivial subject in schools, will only turn into a big issue

when something has gone wrong. It has failed to live up to the expectations of society and lagged behind the changes of the times. It has also been completely divorced from the cyber world and the privacy rights and responsibilities.

The findings of a survey by The Chinese University of Hong Kong conducted early this year revealed that sex education in schools was regarded as a failure when 47.05 out of 100 was awarded by interviewees on average. Prof Steven NGAI, who was responsible for the survey, said that sex education in Hong Kong was very backward when compared with other developed regions. In France, for instance, schools are compelled to offer 20 to 40 hours of sex education programmes while training institutes in sex education have been set up in the Netherlands where teachers in sex education have to acquire a certificate. On the contrary, the Guidelines in Hong Kong have remained unchanged for a decade.

President, sex education does not only refer to knowledge about sex organs or sex behaviour. Rather, it is about the values of sex in the changing times. Sex education should be implemented in the early years of students. Under the subtle influence of an open and sincere communication, students should be taught to protect their bodies and learn to refuse and say "no", apart from an awareness of respecting others' privacy. In a recent murder case of passion, the murderer chopped off the head of his lover out of anger after being rejected. The theft and mass transmission of an erotic video clip in the University of Hong Kong showed that even university students are immoral in respect of privacy. All these are examples of failure in sex education. How can the education authorities allow the Guidelines to remain unchanged for a decade? How can the sex education in Hong Kong not urgently catch up with the others?

With these remarks, President, I support the motion.

MR LEE WING-TAT (in Cantonese): President, I was a biology teacher more than 20 years ago. I remember that I had to teach the topic of reproduction. Most of the female teachers at that time were reluctant to teach this topic although no matter boys or girls, all students had to acquire knowledge about the genital organs of both sexes. Many female teachers found it embarrassing to teach this topic. I, of course, did have taught this topic and advised students how to face these issues in a correct manner.

Recently, I attended a seminar in which I met an experienced secondary school teacher who had engaged in teaching for as many as 30 years. I asked him how these problems were handled by school teachers in recent years and was told that, according to his observation, there was not much difference. Most of the teachers, no matter male or female, would adopt an evasive or reluctant attitude whenever sex-related issues were involved. Let us give this a thought: When everyone should have a correct understanding of their bodies, sexuality and gender relations, how can students handle these issues properly if even the front-line teachers also feel embarrassing to discuss them?

Regarding the recent Internet photo incident, as we can observe in many discussions, the incident has been treated as a topic for daily chitchats among the media and the general public instead of an opportunity for serious discussions on sexuality and gender relations. Many adults are keen on viewing these photos and even ask their friends how to download them. But they do not have the time to consider how to face their own children at home. Will they share their views or hold a discussion when they view such photos on the Internet? In fact, regarding this incident, I think what is the most unfortunate is not whether there are any possible victims. Rather, it is our society missing the chance to hold serious discussions on sexuality and gender relations. The Government is no wiser. It has only issued a statement of reprimand. But what has it done? It has actually done nothing. In my opinion, many people in all walks of our society still wish to totally evade the issues of sexuality and gender relations by means of prohibition. We are in fact well aware that this is bound to fail.

If we prohibit youngsters from getting in touch with sex or browsing sex-related information and photos, this is a world beyond our imagination. The Internet cannot be limited by boundary and youngsters in this generation have too many channels to get in touch with these issues. Our subject for discussion should be how to enable everyone to discuss sex and gender relations in a serious, healthy and open manner, instead of adopting an evasive approach each time.

In dealing with these issues, we certainly know that people of different roles will have different difficulties and I sympathize with parents most. After the occurrence of this incident, I occasionally listened to the radio and learnt that some parents were aware that their children, some were as young as 12 or 13 years old, viewed such photos on the Internet. But they did not know how to

discuss these issues with their children. These parents then sought help from the radio. But no one could tell them what to do. Even the Education Bureau and public figures were unable to tell parents in what way these issues can be discussed with their early teenage children in a serious manner. What will the Education Bureau do? It may update the guidelines or compile some teaching materials or information for some people. But it seems that these measures will not help people at different posts, such as teachers, social workers and parents, to handle the difficult problems when facing such tremendous social responsibilities.

In fact, as we all know, the world today is very different from that three or four decades ago. Many of the moral concepts in the past have also changed. Cohabitation was criticized by many parents three or four decades ago. But it is accepted by parents nowadays. In the past, when homosexuality was discussed, some people might think that it was dirty and unacceptable. But now we all know that it is a kind of sexual behaviour between two adults in mutual respect, which is broadly accepted by our community.

What should we do now? In fact, the change of teaching materials and the enhancement of sex education knowledge are not enough. The most important thing is to see whether the community has reached a stage where sex can be discussed in a sincere, open and healthy manner. And this incident will not be treated merely as a chance of commenting other people's bodies or female figure in daily private chats. Of course, we can provide well-designed courses to provide teachers with knowledge in this aspect or enhance education in this aspect by injecting more resources. But I think these are not enough. Every adult, particularly government officials, social leaders, media chiefs, social workers and teachers should adopt an open and correct attitude towards sex and gender relations. These issues should no longer be regarded as social taboos, thus enabling us to have open discussions in a healthy manner. Only when such a stage is reached can we provide other support, including support to teachers, social workers and parents. And only in this way can optimal effect be achieved in our society. Thank you, President.

DR KWOK KA-KI (in Cantonese): Madam President, first of all, I am grateful to Mr SIN Chung-kai for proposing the motion. Mr SIN Chung-kai and I have known each other for more than 20 years and grown up in the same environment.

We had our sex education from some forbidden books in our student days which, as we all know, contained some pornographic contents. Or, we bought some evening newspapers for the specific purpose of reading their pornographic columns. However, it is a pity that the situation is the same after 30 years.

In the past few decades, the human society has been facing the problems of how sex knowledge should be imparted and how a correct attitude towards sex can be established. In Hong Kong society today, we can see that most of the children, students and even their parents have passed on sex knowledge through distorted, improper and mistaken concepts. While the magazine *Sisters* was very popular among women, men — I do not know whether the Secretary has read the *Blue Book* or any other books of similar nature — considered what Madam NANGONG described in these books was sex knowledge. In fact, today's situation has not changed much although there is an additional channel called the Internet. As a result, people continuously click on the Web and will somehow find some photos and stories they wish to see.

Recently a spate of unhappy incidents have occurred. Apart from the fresh and spicy sex video clip involving students of the University of Hong Kong and the obscene photos of artistes earlier on, there was a murder case occurred in Shek Lei Estate two weeks ago where a man chopped off his girlfriend's head after she split up with him. Besides, a few months ago, a young man climbed down with a rope from the upper floor of a building to his ex-girlfriend's home trying to harm her, rape her or even attempt to murder her. He was found dead on an outlying island afterwards. I guess he committed suicide there. Recently, the body of a newborn baby was found in Central. In fact, such incidents occur from time to time. We guess it is because some underaged and unmarried mothers do not want to keep their babies alive.

These incidents seem to be unrelated to the issue we discuss today, but in fact they are closely related. Just now I paid special attention to the first part of the Secretary's speech although I was not in the Chamber at that time. I paid particular attention to his speech following Mr SIN's. Some colleagues in the Legislative Council think that the Secretary has spoken in a cool-headed manner — if he is not cold-blooded. He is totally divorced from the issue. In his speech, the present sex education seems to be something very far away. It is something unrelated to us, as he said just now, it is the parents' responsibility. How can it be related to us?

Let me cite the findings of a survey. Recently, a teacher-related organization has consulted teachers on this incident. While 80% of the teachers opined that these photos of artistes could be referred to as materials for moral education, 95% of them thought that they would face difficulty in teaching students such a subject. Worse still, 40% of them thought that it would instead arouse students' curiosity if they were the ones who brought up the subject. They therefore thought it was not such a good idea. This is exactly where the problem lies. In other words, most of the teachers and even the parents have no idea of how to provide sex education even though they have been living for so many decades. Although this is a process experienced by all adults and these procedures are involved in producing our children, we are at our wits' end imparting such knowledge.

Mr LEE Wing-tat just said that he taught sex education in his biology class. It was a standard arrangement at that time. When we received sex education 30 years ago, it was taught by biology teachers. The teachers prepared some pictures of organs and the lesson was regarded as sex education. I was told that the situation was the same when I asked some children about their sex education class recently. They also told me that the teachers blushed when teaching the lesson. And then, when students asked questions, they were told that their questions would not be answered. And that was the end of the lesson.

In my opinion, if the Education Bureau, when facing such a problem, does not handle it, and nothing has come up after the matter was discussed in 1994, as Mr CHEUNG Man-kwong said, and nothing has come up after a set of so-called guidelines was mentioned in 1997, how can sex education be conducted in an effective way when there is no framework and no support? It is in fact impossible and just a fruitless approach.

Many of our colleagues in the medical profession, including Dr NG Man-lun — we all know that he has been working alone over the past few decades as no one recognizes his work — think that work in this aspect can be expanded and it should be carried out with determination as it is only the concern of a small group of people. A few years ago, even the organization of some activities by sex education research groups encountered a lot of difficulties. They were queried what exactly sex education was when they tried to seek support. At that time, the issue was also discussed by a District Council and queries were raised about whether subsidies should be provided for sex education. At that time, the response of the meeting was quite negative.

If the Secretary considers that sex education should fall within the education policy and the implementation by such an approach are enough, I have nothing to say, apart from an expression of disappointment and regret. The Secretary has children of his own and his grandchildren in future may also be students in Hong Kong. They will face these problems when they grow up. Unless the Secretary does not mind that they continue to acquire the so-called sex knowledge through viewing pornographic photos on the Internet, photos purporting to be artistes, letters to Madam NANGONG, Category III movies and obscene photos, it equals to imply that just a little progress has been made in this respect in Hong Kong over the past 30 years. Training in sex education and studies on the curriculum in Hong Kong are still in a primitive stage. There is neither a framework nor effort being made.

Just now, the Secretary has given us a long speech. However, I really have not heard any practical proposals. And I have not heard how he will get the job done. We have heard a lot about missions and targets. However, when so many photos have been released and a spate of incidents have occurred recently, I believe we should, if we still have a role to play, consider how sex education can really be implemented with the support of the Government so that youngsters of the next generation will no longer acquire sex knowledge through improper channels.

I so submit. Thank you, Madam President.

MS AUDREY EU (in Cantonese): President, Members may notice that no amendment has been moved to Mr SIN Chung-kai's original motion today. He voiced the concern aroused by the pornographic photos purporting to be artistes. The subject can be very controversial, but he has chosen to look at it from a less controversial perspective, which is, we should pay proper attention to the problems caused by the incident and review the contents of sex education programmes in schools.

President, Members may hold that the substance of the original motion has hit the nail on the head. In particular many Members have pointed out when they spoke that our sex education has hardly made any progress in the past 30 years or so and it cannot keep abreast of the times. President, I have no objection to this and have nothing to supplement either, but I hold that it is worth

pointing out a few points on the related issues to the original motion. I especially wish to say a few words to the Secretary for Education Michael SUEN. I have all the sympathy for him sitting here today because many have blamed this on education, saying that it is related to teachers and students. In fact, this is the same as when the incident of pornographic photos purporting to be artistes happened, everyone put the blame on the media for failing to do a good job and on the police for not handling the matter properly, and now they say we should do better in education.

I cannot agree more that many parties have failed to do a good job, but I wish to add that, President, everyone should actively be held responsible for the incident. Education, in any discipline, will not take effect if it only relies on what is written in textbooks or taught by teachers. President, we have to act as role models ourselves and put words into actions instead of just saying empty words. If all parents — I should not say all, sorry, President, I do not mean that — if many parents, as described by Mr Vincent FANG earlier, on the one hand ask their children to download the photos from the Internet for them to see, but on the other, teach their children not to see the photos because they are too young; or if we all buy a certain newspaper and then reprove it as hypocritical; or if we all read certain weekly magazines but not allowing our children to read them, I hold that the effectiveness is President, these parents think that their children should learn proper sex education taught by teachers at school, while they themselves can do anything because they are over 18 years old. With such a mentality, I could hardly see how effective it will be. President, the first point I wish to add is that each and every one of us should reflect upon this issue. Have we, to a certain extent, played a part in encouraging this trend?

President, the second point I wish to add is that regarding this incident, we should not only learn a lesson in terms of sex education but also in terms of many other fronts. Mr Albert HO mentioned just now when he spoke the case of CHUNG Yik-tin. Certainly, in terms of the rule of law, I believe the magistrate concerned, the police and the Secretary for Security can learn many lessons from it, but, President, I wish to bring up another lesson. Many people sympathize with the artistes involved in the incident, but I hold that we should also note one point — President, which is also what we often overlook — that is, while people may be fond of and idolize an artiste, they are in fact largely attracted by his/her commercial image. When they discover that it is all but pretence, the backlash will be very strong.

I wish to deliver this message especially to the Secretary and the Government because the Government is fond of commissioning artistes to play a part in the Announcement of Public Interest (API) and this is likely to provoke a backlash. For example, if the Government invites an artiste chaste in image to help promote the message against pre-marital sex, but then it is discovered that the true behaviour of the artiste is quite the contrary, President, I think this will bring about a backlash and this is also a lesson to learn from. The Government has to think thoroughly before commissioning artistes commercially packaged as a certain image. Does the Government really have to rely on the image of artistes to promote messages the Government considers positive? If it is discovered afterwards that the real behaviour of the artiste is the opposite of what he/she has promoted, it will have a negative impact on the API.

President, the third point I would like to add is that sex education is not education about sex alone. It is actually part of moral education and includes also — as many colleagues have mentioned — privacy and respect for the individual. In fact, it is related to the overall personal values and social trend. President, I hold that the Government is duty bound to carry out a review on this matter and it should do more than just teaching moral concepts in textbooks. Many people often have a backlash against the Government when discussing the incident of pornographic photos purporting to be artistes. They think that in the entire incident, people with power, money and influence were treated differently, making them think that this is an unfair society. When people have this impression, it will not be convincing if the Government ask them — the underage students in particular — not to follow suit but to follow what the Government says.

What I want to say is, the Government has to take the lead in adopting a fair and impartial approach, so that the public can see that the Government is fair and impartial. This will facilitate the promotion of moral education, fairness and personal values because the issues under discussion now cannot be settled by law, but by people being sincere, totally convinced and self-disciplined.

The actions of the Government often give the public an impression that it is acting unfairly. The impression the Government often gives the public is that the rich, or those who are familiar with, have the same views as or maintain dialogue with the Government can enjoy a better treatment. This is in fact related to the friend-or-foe dichotomy, the appointment system and the policy or practice of selective law enforcement.

President, regarding the whole issue, I hold that it is worth everyone to do some soul-searching, in particular the Government. Moreover, this concerns not only sex education, but also the overall social trend and whether the Government has led the community to adopt a set of values which everyone regards as fair.

Thank you, President.

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

MR LEUNG KWOK-HUNG (in Cantonese): President, I believe if the incident of obscene photos purporting to be artistes did not happen, no Member will propose a motion on sex education.

In fact, the controversy over the obscene photos purporting to be artistes contains at least several factors. The first factor is the effect of commercialization, including the commercialization of sex subjects. This may not necessarily involve obscenity as we commonly or legally call it. It is a matter of ideology.

The second factor concerns the viewpoint on peeking. In fact, the entire issue is about the viewpoint on peeking having overridden the viewpoint on obscenity. I also viewed one of the photos because I needed to host an Internet radio programme and I did not know what had happened at that time, so someone showed me a downloaded photo. In fact, these so-called obscene photos are widespread on the Internet and around town. Although the access of these photos is not effortless, it is certainly not difficult for youngsters or adults to find them. The question is, the general public feel ashamed and dirty towards sex or the human body. Actually, the body itself should not make people feel ashamed or dirty. As the saying goes, "Good looks do not bewitch one; one bewitches oneself". It depends on how you look at and treat the body, or how a person makes use of his/her body.

In this commercial society, we can find sex symbol — which not always refers to sex organs, but it brings about sensual flirtation — being used as a sale tactic everywhere: Buying a mobile phone is related to sex, and drinking Remy

Martin wine is also related to sex. This is where the problem lies. The problem is that the desire or satisfaction of human beings, which is innate to us all, has been commonly portrayed as the symbol of power or the only source of happiness.

When we read forbidden books in ancient times, such as *Jin Ping Mei*, many people only pick the relevant paragraphs to read. In fact, *Jin Ping Mei* also depicts many other subjects. For instance, it has detailed description of the social life of the Ming Dynasty, which can stand as a book in itself. Why were there so many obscene books in recent history? Because these books had been printed in bulk to make money, or other formats such as pictures had been used to make a profit. All in all, sex has been used as a means to arouse human desire or arouse fantasy originated from human desire. This is indeed a black hole which every one of us possesses.

How to eliminate it — listen carefully, I did not say "suppress" it because it cannot be suppressed — how to eliminate it then? This is another issue and I will elaborate on it later. The idolization of celebrities and peeking at their trivial incidents have become the subjects of most magazines and they can promote sales. Pornographic magazines work by exposing the human body, or giving a distorted sexual concept to the beautiful or otherwise human body. Otherwise, what is the point of reading them? We often find nude figures displayed in artworks, right? What is the difference? This is where the problem lies.

People in ancient times used sex to make money and most of them used their body to make money, did they not? In other words, prostitution is actually having sexual intercourse. Members have to understand that sexual intercourse is subject to the limit of the body because sex capacity is exhaustible and thus it cannot be consumed non-stop. However, the capitalistic regime in modern times wants to transcend the limit of sex capacity and physical energy and continuously produce products which arouse fantasy or cause abnormality — certainly though, abnormality and normality are just relative to each other. However, these sex products have resorted to every possible way to maximize stimulation of our senses. Ultimately, we all will be victimized. These products include those which are produced in bulk to provoke our sexual instinct to produce sensual stimulation. These are the chief culprits. The media which

disclose others' privacy are also the chief culprits. Hence, when we say that we have to promote sex education, what is the intention of it then? I am against solemnly using a textbook to deliver sex education, or explain what religion is or what not religion is, or justify the need to believe or not to believe in a religion.

I hold that sex is innate. Only until very recent times that people start to take sex as a subject for analysis. It has been only 100-odd years since sex was introduced in analysis to examine the psychological impacts on the human behaviour of society, that is, if we take Sigmund FREUD as the starting point. In fact, we are not mature enough to handle these problems.

Therefore, I think it is very simple. If we want to lessen people's fantasy towards sex, love is the only answer. Our society lacks love education and education of embracing other values. Sex is actually a desire and love certainly can conquer sex as long as we have love and care in our heart. Only by so doing can we suppress our desire. Obviously, the education of love is not taught through biology, right? Thus, I hope the Secretary will truly promote civic responsibility, democratic politics and the heart to pursue justice. These should be the means to suppress the use of sex for sensual stimulation.

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

(No Member indicated a wish to speak)

SECRETARY FOR EDUCATION (in Cantonese): President, first of all, I wish to thank Members heartily for providing me with valuable opinions and suggestions. When I delivered my opening speech, I have briefly outlined the Government's philosophy and policy directions in this regard. Below I wish to present the work and significant future developments of the Education Bureau in this aspect, and I shall respond to certain viewpoints put forward by Members.

In the curriculum reform introduced in 2001, moral and civic education had been listed as one of the four key tasks, with special emphasis placed on developing the positive values and attitudes of students, including "respect for others", "sense of responsibility" and "sense of commitment", and so on, with a view to promoting the holistic development of students. We hope that students

can develop such positive values and attitudes, so that they can learn how they should face pornographic materials and learn to respect the privacy of others and adopt a responsible attitude in exploring and handling sex-related issues such as love, pre-marital sex and unmarried pregnancies.

Subjects such as elements of sex education, understanding the impact brought about by Internet information, establishing good virtues and respecting privacy have already been incorporated in the major learning areas and the curriculums of the various academic subjects in primary and secondary school education. Such academic subjects include the General Studies in primary school education; Computer Literacy, Computer and Information Technology, Science, Biology, Integrated Humanities, Ethics and Religious Studies in secondary school education; even in Domestic Science, certain relevant issues are also covered. The contents of the relevant curriculums include knowledge of personal growth and challenges faced in different stages of growth, such as how to cope with dates and love, how to cope with sex impulse, considerations involved in pre-marital sex, contraception and responsibility of parenthood, and so on. In addition, the curriculum contents also include how to make good use of information technology and the impact of information technology on society. The curriculum contents of counselling include understanding and facing changes in the adolescent period and handling adverse impact brought about by peer groups.

In the new senior secondary curriculum to be implemented in 2009, our core subjects include Liberal Studies, and elective subjects include Health Management and Social Concern and Information and Communication Technology, both of which will cover sex education, making good use of the Internet and respect for privacy. Through discussion and reflection, students can strengthen their relevant knowledge, upgrade their skills and develop positive values, and when confronted with sex-related issues, they should be able to consider all possible consequences, thus making responsible decisions.

Later this year, we shall launch the second five-year plan of the moral and civic education curriculum framework. Apart from continuing developing significant values of students such as "respect for others", "being responsible" and "sense of commitment", we shall introduce attitudes in dealing with others such as "integrity" and "care and love" as values for priority promotion, thus further promoting the holistic development of students. Meanwhile, in view of

the development needs of youngsters nowadays and social changes, we will keep ourselves abreast of the development of the time by providing more subject matters from daily life incidents. We suggest that teachers may discuss with students the issues of making friends on the Internet and the impact of pornographic materials on youngsters in suitable learning stages. Teachers should also analyse subject matters such as pornographic materials conveyed by mass media and teach youngsters ways of protecting themselves, so that the latter would know how to avoid being hurt.

Some Members criticize the existing curriculum, saying that the contents of sex education are too conservative and outdated. I must point out that, in the existing curriculum as well as the new senior secondary curriculum to be implemented in 2009, the part of sex education covers both the physiological and psychological levels as well as some controversial "sex" subject matters, such as how to distinguish between true love and obsession, the feelings towards sex and methods of handling them, pre-marital sex and extramarital sex, and so on. Apart from the level of knowledge, the programme also stresses on developing critical thinking, positive values and responsible attitude of students.

We plan to review and update the curriculum of General Studies in primary school education some time later. Sex education will be included into the subject with a view to keeping us abreast of the changes of the time, guiding youngsters and coping with their development needs and meeting the aspirations of members of the public. In order to dovetail with the second five-year plan of moral and civic education which will be launched later, the Education Bureau will develop some topics related to some daily life incidents that would have even closer relevance to the needs of youngsters nowadays. In addition, in view of the increasingly early maturity of youngsters, we suggest that schools can bring forward the discussion of relevant issues. For example, the daily life incident of "Closely guarding the defence line and asking others not to touch me" should be discussed in the junior primary stage; the topics of "My lover", "Be discerning in making friends on the Internet" should be discussed in the senior primary stage. In the junior secondary stage, the subject on how to face one's sexual impulse will be incorporated and an example such as "The 14-year-old father regrets now" will be used. In the senior secondary stage, we have "Is sex equivalent to love?" and "My good friend has become an unmarried mother", and so on. These issues will bring up all sorts of situations they may face in their lives.

A Member suggests that more practical elements should be incorporated in the curriculum of sex education, such as how unmarried pregnancies can be avoided, and so on. In fact, in the existing curriculum, contraception-related contents have already been included in different subjects. For example, various kinds of contraceptive methods and their working principles are taught in the Science subject between Form One and Form Three. In the curriculum of Domestic Science in Form Four to Form Five, the need for family planning and contraceptive methods, and so on, are discussed. Let us take the Science subject as an example. We also suggest that teachers should make use of sex education-related incidents in the daily life to discuss relevant issues with students, such as the attitudes of love, ways of handling sex impulses of both genders before marriage, the consequences of getting involved in pre-marital sex and the need for contraception, and so on. These will help students establish positive attitudes and values.

Besides, we shall commission the Hong Kong Family Planning Association (HKFPA) to provide teachers with a 10-hour sex education training programme, which will cover the relevant contents and will assist teachers in mastering the way of teaching students the correct knowledge and skills of using contraceptive methods.

In supporting the teaching and learning in schools, we have set up a "sex education" website, network ethics educational teaching resources and other specific webpages for the reference of teachers. The contents of such webpages will be updated from time to time. Besides, the Education Bureau will hand out an annual moral and civic education subsidy to primary and secondary schools for the purchase of resources and teaching materials for moral and civic education including sex education and for the reimbursement of expenses arising from related teaching and learning activities. Schools may also make use of such subsidies and join hands with relevant organizations and professionals in implementing sex education, thus enabling them to make use of the resources and subsidies of other relevant subjects in a more flexible manner in the provision of academic activities related to sex education.

Later, in order to dovetail with the second five-year plan of moral and civic education, we will provide more teaching resources for developing positive values. And we will develop more daily life issues that are more relevant to youngsters nowadays with reference to the different development stages and growth needs of students, such as "Be discerning in making friends on the

Internet" and "Is sex equivalent to love?", and so on, for the reference of teachers. Besides, we will also provide more resources for various related learning areas and subjects for the reference and the use of teachers.

In the professional training of teachers, the Education Bureau has regularly conducted professional training programmes, seminars and workshops for teachers. The contents of such activities cover intellectual property, the acts of piracy on the Internet, analysis on the impact of Internet information on youngsters, contents of pornographic articles and sex knowledge, the impact of pornographic articles on youngsters, assistance to youngsters in the face of pornographic materials and pre-marital sex, unmarried pregnancies and early identification of school children who had been sexually abused and the provision of assistance to them, and so on. The purpose is to enhance teachers' knowledge on the relevant issues and assist them in mastering the relevant teaching skills and methods. Between 2005 and January 2008, almost 2 000 teachers participated in the relevant professional training. In future, we shall keep a close watch on the development in society and the needs of students, and organize more teacher professional training activities on related issues.

We will also actively assist various government departments such as the Department of Health, the Social Welfare Department and the Radio Television Hong Kong, and so on, as well as other non-governmental organizations (NGOs), such as the HKFPA, the Breakthrough Limited, the Yang Memorial Methodist Social Service and the Christian Family Service Centre, to jointly provide support to schools for the promotion of educational work on relevant issues. In the meantime, when these organizations are providing their own services, the Education Bureau will also give them support and advice. Allow me to take this opportunity to introduce to you several such projects.

We have commissioned the HKFPA to provide teachers with a 10-hour systematic sex education training programme. Besides, the HKFPA has also conducted sex education activities, such as seminars, workshops and sex education weeks and so on, for kindergartens, primary and secondary schools and tertiary educational institutes. Between 2005 and 2007, as many as 170 000 students from kindergartens, primary and secondary schools and tertiary educational institutes participated in such activities.

Besides, the Hong Kong Jockey Club Charities Trust has joined hands with the Education Bureau and the Social Welfare Department in organizing a project called "P. A. T. H. S. to Adulthood: A Jockey Club Youth Enhancement

Scheme", which devises a learning resource kit for promoting the physical and psychological health, as well as the positive development for junior secondary students of the territory; and sex education is also covered. The project also provides training for teachers and social workers. A total of 230 secondary schools have participated in the project.

The Department of Health launched the Adolescent Health Programme in 2001. The programme is to provide social activities for the promotion of the physical and psychological health of our adolescents. It is an outreaching service for secondary schools implemented by professionals such as doctors, nurses and clinical psychologists. It is intended to develop proper attitudes among youngsters and train their skills in facing challenges arising in the process of growing up, thereby enabling them to strive ahead to embrace a happy and healthy life. In 2006-2007, a total of 350 secondary schools joined this programme.

These collaborative projects make use of the expertise and resources of other government departments and NGOs to assist schools in implementing related education projects by adopting diversified styles, and they receive good response. We shall continue our co-operation with the relevant organizations.

Lastly, I must say that love and support provided by the family are very significant for the healthy growth of youngsters. As such, we encourage and finance schools in setting up parent-teacher associations for enhancing the communication between parents and teachers. Besides, the Education Bureau has also held all kinds of sharing sessions and seminars, such as "New Paradigm in Internet and Media" and "How to make good use of the Internet with the younger generation?" to remind parents of showing greater concern for their children and jointly exploring issues such as sex, use of information technology and respect for privacy, so as to assist them to develop correct concepts and responsible attitudes.

This year, we shall launch the third information technology education strategy, in which we plan to earmark \$5 million for upgrading parents' information technology proficiency and assisting them to give their children advice in using information technology at home. Measures in these areas shall be focused on two levels: First, we shall work with information technology companies, schools and the Committee on Home-School Co-operation in assisting teachers and parents to make use of the built-in parent supervision function in the operating system of computers. Secondly, we shall work with voluntary organizations to boost parents' understanding of information

technology knowledge, including the role played by information technology in bringing about new learning environments, the provision of high-quality open source codes, so as to enable parents to use information technology legally and understand the risks involved when students are making use of information technology in learning without suitable parent guidance. Besides, we shall provide special courses for parents who do not have any knowledge of information technology. We may make use of resources prepared by voluntary organizations as well as their professional knowledge to help parents who need such services.

Finally, I would like to thank Members and the public once again for showing concern for the school education in Hong Kong. The Education Bureau will continue to, through school curriculums, various learning activities, life experiences and student counselling services, and so on, assist students to develop positive values and attitudes and build up healthy life styles, and to be able to make correct value judgments in facing and handling daily life and social problems. Besides, we shall continue working with various organizations to step up the provision of support to schools, continue carrying out educational work that is related to the deepening of the relevant scopes of schools. We shall continue to exchange viewpoints with teachers through activities such as school visits, inspections and professional teachers' training, so as to review the effectiveness in the implementation of sex education

President, I so submit. Thank you.

PRESIDENT (in Cantonese): Mr SIN Chung-kai, you may now reply and you have 55 seconds.

MR SIN CHUNG-KAI (in Cantonese): Madam President, Secretary SUEN has used 17 minutes to harp on the same old tune. This is his old tune of sex education. Incorporating sex education into various school subjects is dodging. He is dodging the issue of delivering sex education through a designated teaching post and a designated school subject. This is like the parable of the three Buddhist monks, in which all of them, counting on each other to take water from the river, have no water to drink in the end.

Our foremost purpose of this motion debate today is to propose delivering sex education through a designated teaching post and a designated school subject, incorporating it into the school curriculum and teacher training. Madam

President, may I ask Secretary SUEN, in his 17-minute speech just now, whether he has indicated which unit or institution will be responsible for explaining LGBT? What is LGBT? It is no surprise that Secretary SUEN and I do not have any idea because both of us have not received any formal sex education lessons.

However, I wish to spell out my question clearly to Secretary SUEN. That is, will he seriously consider this issue after this motion debate? Having answered my question does not mean that he has addressed the issue. What he has said just now is not about delivering sex education through a designated teaching post and a designated school subject (*The buzzer sounded*) What we expect is to deliver it through a designated teaching post and a designated school subject.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Mr SIN Chung-kai be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

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

NEXT MEETING

PRESIDENT (in Cantonese): I now adjourn the Council until 11.00 am on Wednesday, 9 April 2008.

Adjourned accordingly at ten minutes to Nine o'clock.

Annex I

THE ENGLISH SCHOOLS FOUNDATION (AMENDMENT) BILL 2007

COMMITTEE STAGE

Amendments to be moved by
the Honourable Tommy CHEUNG Yu-yan SBS, J.P.

<u>Clause</u>	<u>Amendment Proposed</u>
4(1)	<p>(a) In the proposed definition of "parent member", by deleting "6(1)(c)" and substituting "6(1)(b), (c)".</p> <p>(b) By adding -</p> <p>"students with special educational needs" (有特殊教育需要的學生) means students -</p> <p>(a) with a significantly greater difficulty in learning than the majority of students of the same age; or</p> <p>(b) with a disability which hinders them from making use of educational facilities of a kind provided in schools of the Foundation for students of the same age;".</p>

8 By deleting the proposed section 6(1) and substituting -

"(1) The Board of Governors shall comprise the following members -

- (a) 3 persons elected by the Chairmen of the School Councils from among their own number;
- (b) 6 persons elected by the parents of students of schools of the Foundation that provide primary or secondary education from among their own number;
- (c) one person elected by the parents of students of schools of the Foundation that provide primary or secondary education from among the parents of students with special educational needs of schools of the Foundation;
- (d) one person elected by the Committee of Parents from

among the members of that
Committee;

- (e) one person elected by the
Principals of the schools of
the Foundation from among
their own number;
- (f) 2 persons, one of whom is a
teacher of primary level
students and the other of
secondary level students,
elected by the Committee of
Teaching Staff from among the
members of that Committee;
- (g) one person elected by the
Committee of Support Staff
from among the members of
that Committee;
- (h) 10 persons who are not
eligible for election under
any other paragraph of this
subsection, nominated by the
Nominating Committee; and
- (i) the Chief Executive Officer,
ex officio."

17 In the proposed Schedule, in section 2, in column 3 of item 4 of the table, by deleting "(b)" and substituting "(a)".

THE ENGLISH SCHOOLS FOUNDATION (AMENDMENT) BILL 2007

COMMITTEE STAGE

Amendments to be moved by
the Honourable Abraham SHEK Lai-him, SBS, J.P.

<u>Clause</u>	<u>Amendment Proposed</u>
4(1)	In the proposed definition of "Permanent Secretary", by deleting "and Manpower".
6	By deleting subclause (3) and substituting - "(3) Section 3(1) is amended by adding "in English and "英基學校協會" in Chinese" before the full stop."
8	(a) In the proposed section 6(3), by deleting everything after "nomination" and substituting "as a member of the Board under subsection (1)(h)". (b) In the proposed section 6(4)(b), by deleting "2007" where it twice appears and substituting "2008".

New By adding -

**"9A. Manager and supervisor
of the Schools**

Section 19 as renumbered is amended -

- (a) in the heading, by repealing
"the Schools" and
substituting "schools of the
Foundation";
- (b) in subsection (1), by
repealing "for Education".

17 In the proposed Schedule -

- (a) in section 1 -
 - (i) by deleting the definition of
"amendment Ordinance of 2007"
and substituting -
"amendment Ordinance of
2008" (《2008年修訂條例》)
means The English
Schools Foundation
(Amendment) Ordinance
2008 (of 2008);";
 - (ii) in the definition of
"repealed Regulations", by
deleting "2007" and

substituting "2008";

- (b) in sections 2, 3, 4, 6, 7, 8, 9 and 10,
by deleting "2007" wherever it appears
and substituting "2008".

THE ENGLISH SCHOOLS FOUNDATION (AMENDMENT) BILL 2007

COMMITTEE STAGE

Amendments to be moved by
Dr. the Honourable Fernando CHEUNG Chiu-hung

<u>Clause</u>	<u>Amendment Proposed</u>
4(1) [NOT PROCEEDED] [WITH]	By adding - “students with special educational needs” (有特殊 教育需要的學生) means students - (a) with a significantly greater difficulty in learning than the majority of students of the same age; or (b) with a disability which hinders them from making use of educational facilities of a kind provided in schools of the Foundation for students of the same age;”.
7 [NEGATIVED]	In the proposed section 4(1)(a), by adding “and with the aim of non-discrimination against students with special educational needs” after “religion”.

Appendix 1**REQUEST FOR POST-MEETING AMENDMENTS**

The Secretary for the Civil Service requested the following post-meeting amendment

Line 1 to 3, fifth paragraph, page 23 of the Confirmed version

To amend "..... including civil servants of the highest rank, that is, the permanent secretaries, they may only use government vehicles on official business. If a civil servant, for example, a permanent secretary, is to attend a concert or reception on official business" as "..... including senior civil servants, as a general rule, they may use government vehicles on official business. So if a colleague in the Civil Service who is to attend a concert or reception on official business" (Translation)

(Please refer to line 1 to 4, second paragraph, page 5253 of this Translated version)

Appendix 2**REQUEST FOR POST-MEETING AMENDMENTS**

The Secretary for Education requested the following post-meeting amendment

Line 3 to 5, fifth paragraph, page 39 of the Confirmed version

To amend "..... is about 6% of the relevant age cohort and this rate is very high. However, I do not wish to cause any confusion, so I stated clearly how this figure of 6% was derived" as "..... is about 6% of the relevant age cohort and this rate is very high. However, I do not wish to cause any confusion, so I stated clearly how this figure of 60% was derived" (Translation)

(Please refer to line 4 to 6, last paragraph, page 5276 of this Translated version)

Appendix 3**REQUEST FOR POST-MEETING AMENDMENTS**

Dr YEUNG Sum requested the following post-meeting amendment

Line 2 to 3, second last paragraph, page 122 of the Confirmed version

To amend "..... in ordinary secondary schools, with the exception of government schools, if not for historical reasons, it is seldom and even rare to have Members of the Legislative Council" as "..... in ordinary secondary schools, if not for historical reasons, it is seldom and even rare to have Members of the Legislative Council" (Translation)

(Please refer to line 3 to 5, second paragraph, page 5388 of this Translated version)

Appendix I

WRITTEN ANSWER

Written answer by the Secretary for the Civil Service to Mr James TIEN's supplementary question to Question 1

As regards information on the overtime allowance (OTA) paid to members of the Motor Driver and Chauffeur grades in the past few years, the relevant information is set out below for Members' information:

<i>Year</i>	<i>OTA Expenditure (\$)</i>	
	<i>Motor Driver</i>	<i>Chauffeur</i>
2003-2004	22,649,518.90	5,461,959.36
2004-2005	20,965,107.94	5,329,839.62
2005-2006	20,571,046.14	5,403,578.55
2006-2007	20,127,522.02	5,286,863.74
2007-2008 (Projected expenditure)	19,542,000	5,310,500