

# OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 7 May 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.

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

THE HONOURABLE MARGARET NG

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

THE HONOURABLE JAMES TO KUN-SUN

THE HONOURABLE CHEUNG MAN-KWONG

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

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

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

THE HONOURABLE MRS SOPHIE LEUNG LAU YAU-FUN, 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.

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

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

THE HONOURABLE LI KWOK-YING, M.H., J.P.

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

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

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

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

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

THE HONOURABLE LEUNG KWOK-HUNG

DR THE HONOURABLE KWOK KA-KI

DR THE HONOURABLE FERNANDO CHEUNG CHIU-HUNG

THE HONOURABLE 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

**MEMBERS ABSENT:**

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

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

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

**PUBLIC OFFICERS ATTENDING:**

THE HONOURABLE FREDERICK MA SI-HANG, J.P.  
SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT

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

THE HONOURABLE TSANG TAK-SING, J.P.  
SECRETARY FOR HOME AFFAIRS

THE HONOURABLE MATTHEW CHEUNG KIN-CHUNG, G.B.S., J.P.  
SECRETARY FOR LABOUR AND WELFARE

PROF THE HONOURABLE K C CHAN, S.B.S., J.P.  
SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY

THE HONOURABLE MRS CARRIE LAM CHENG YUET-NGOR, J.P.  
SECRETARY FOR DEVELOPMENT

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

**CLERKS IN ATTENDANCE:**

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

MRS JUSTINA LAM CHENG BO-LING, ASSISTANT SECRETARY  
GENERAL

MS PAULINE NG MAN-WAH, ASSISTANT SECRETARY GENERAL

**PRESIDENT** (in Cantonese): Clerk, please ring the bell to summon Members.

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

**PRESIDENT** (in Cantonese): A quorum is now present. The meeting starts now.

### **TABLING OF PAPERS**

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

Subsidiary Legislation/Instruments	<i>L.N. No.</i>
Fugitive Offenders (Ireland) Order .....	96/2008
Fugitive Offenders (Piracy and Armed Robbery Against Ships) Order .....	97/2008
Colouring Matter in Food (Amendment) Regulation 2008.....	98/2008
Merchant Shipping (Prevention and Control of Pollution) (Charges for Discharge of Polluting Waste) (Amendment) Regulation 2008 .....	99/2008
Noise Control (General) (Amendment) Regulation 2008.....	100/2008
Noise Control (Air Compressors) (Amendment) Regulation 2008.....	101/2008
Noise Control (Hand Held Percussive Breakers) (Amendment) Regulation 2008 .....	102/2008

Pensions Ordinance (Established Offices) (Amendment) Order 2008 .....	103/2008
Pension Benefits Ordinance (Established Offices) (Amendment) (No. 2) Order 2008 .....	104/2008
Foreign Lawyers Practice (Amendment) Rules 2007 (Commencement) Notice.....	105/2008

### Other Papers

- No. 92 — Audited Statement of Accounts together with the Director of Audit's Report of the Early Retirement Ex-gratia Payment Fund for Aided Primary School Teachers for the year ended 31 August 2007
- No. 93 — Audited Statement of Accounts together with the Director of Audit's Report of the Early Retirement Ex-gratia Payment Fund for Aided Secondary School Teachers for the year ended 31 August 2007

### ORAL ANSWERS TO QUESTIONS

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

#### Measures to Assist Low-income People

1. **MISS CHAN YUEN-HAN** (in Cantonese): *President, it has been reported that inflation has been very serious in recent months and lots of things are getting more and more expensive, with the rise in food prices being the most acute. Many grass-roots people are forced to buy less food or buy food products of poorer quality so as to cut their expenses on food. Such a situation has even affected the quality of meal services provided by social welfare organizations. Moreover, lunches and fruits supplied to students have also been affected. Some lunch suppliers for schools have indicated that they will*

*increase lunch prices in the next school year. In this connection, will the Government inform this Council whether it will:*

- (a) make reference to the practice of Singapore, the United States and other countries and issue food coupons to low-income people;*
- (b) subsidize the lunch expenses of poor students; and*
- (c) formulate measures and provide subvention to encourage non-governmental organizations to set up "community food banks" in various districts to provide emergency assistance on basic food to low-income people and families not on Comprehensive Social Security Assistance (CSSA)?*

**SECRETARY FOR LABOUR AND WELFARE** (in Cantonese): Madam President, the Government has all along cared for the needs of the disadvantaged and low-income group and tried to provide them with appropriate support. A series of initiatives has been included in this year's Budget to alleviate the pressure arising from inflation on the grass-root level. For instance, a subsidy of \$1,800 will be provided for each residential electricity account, rates for the whole year will be waived and one month's rent for lower income families living in the rental units of the Housing Authority and the Housing Society (HS) (including tenants of Elderly Person's Flat in the Group B estates of the HS) will be paid by the Government.

In addition, CSSA recipients will be given one additional month of standard rate payments and Disability Allowance recipients will be given one additional month of allowance. Each Old Age Allowance recipient will be given a one-off grant of \$3,000. We will adjust the CSSA standard payment rates ahead of the normal schedule in accordance with the existing mechanism around the middle of this year. Upon approval from the Finance Committee of the Legislative Council, we will implement the aforementioned proposals as soon as possible.

My replies to Miss CHAN Yuen-han's questions are set out below:

- (a) In our view, the provision of one additional month of CSSA standard rate payments and the adjustment to CSSA standard

payment rates ahead of the normal schedule would be more direct and provide social security recipients (including low-income CSSA households) with the flexibility in purchasing goods and services required.

- (b) The principle of according priority treatment to the needs of our children has been well embedded in the CSSA Scheme. Under the CSSA Scheme, able-bodied children are provided with higher standard rates (from \$1,330 to \$2,010 per month) than other able-bodied adults (from \$1,200 to \$1,675 per month). They are also provided with a range of special grants to meet their school-related expenses. CSSA children who are full-time students and have to take lunch away from home are entitled to an additional monthly meal allowance of \$200 to meet the additional expenses. The allowance concerned will be adjusted in accordance with the Social Security Assistance Index of Prices. In addition, we will adjust the allowance ahead of the normal schedule in accordance with the existing mechanism around the middle of this year.
- (c) At present, there are non-governmental and local organizations in the community providing temporary in-kind food assistance to assist individuals and families in need. Their target clients include street sleepers, individuals/families who are of low income or in poverty, single parent families, new arrivals, and individuals/families in need of emergency relief due to unexpected incidents. The relevant organizations which offer food assistance usually operate their services without government subvention.

The Social Welfare Department (SWD) will give its support when these organizations apply for premises managed by the Housing Department (HD) at concessionary rents for the provision of relevant services. Relevant organizations may also apply to the SWD for rent and rate subsidy for the provision of relevant services provided they meet the eligibility criteria and pass the financial and service assessment. Among the service units of the SWD, 20 (including 14 Integrated Family Service Centres) have established a partnership network with the Food Bank operated by St. James' Settlement, and they have helped expand the food distribution network for those in need. The SWD will consider further expanding the existing network if necessary.

The SWD will refer those community members and business organizations offering to make donations to the relevant Food Bank(s).

Besides, individuals or families in need may, at any time, seek assistance from the Integrated Family Service Centre under the SWD/non-governmental organizations (NGOs) or the Medical Social Service Unit. The social workers will, according to the merits and need of individual cases, render appropriate assistance to the individuals or families concerned such as applying for charitable trust fund to relieve their temporary financial hardship.

Lastly, people who cannot support themselves financially (including low-income groups) may apply for the CSSA to meet their basic daily needs. Through cash allowance, the CSSA safety net allows the recipients to flexibly use the CSSA payment to meet their basic living expenses.

**MISS CHAN YUEN-HAN** (in Cantonese): *President, the Secretary has dodged the problem that the public, the grassroots in particular, are now facing hardship because of high prices. He has not faced the problem squarely, nor has he provided a solution. In his reply to all my questions, he does not see that these problems have to be solved today, not in the future. He has only stated the existing system of the Government. I told the Secretary earlier when he entered the Chamber that he talked gibberish .....*

**PRESIDENT** (in Cantonese): Please state your supplementary question.

**MISS CHAN YUEN-HAN** (in Cantonese): *President, in the face of the problems on food, the Singapore Government plans to set aside HK\$23 million to subsidize all the poor people, and through the supermarkets under the trade unions, they distribute food .....*

**PRESIDENT** (in Cantonese): Please come to your supplementary question direct.

**MISS CHAN YUEN-HAN** (in Cantonese): *President, I would like to talk about the neighbouring places .....*

**PRESIDENT** (in Cantonese): This is not the time for you to express your opinions. If you wish to express your views, you may propose a Members' Motion for debate. A number of Members are still waiting for their turn to ask questions. I hope you will ask your supplementary question direct.

**MISS CHAN YUEN-HAN** (in Cantonese): *Yes, President, I understand.*

*Since the Secretary has not answered my question, I thus cite the experience of other places to share with my colleagues, so as to see how the others solve the prevailing problem of inflation. The approach adopted by Singapore is an example, but our Government refuses to follow suit. President, I will now come to my supplementary question.*

*I think in view of the present situation, the Government .....* I will cite part (c) of the Secretary's main reply as an example, which is related to food coupon. The Secretary said that St James' Settlement was adopting such practice, and that the Government would assist the organization by all means in carrying out the arrangement. Since St James' Settlement only provides service in one district, I asked the Secretary whether food banks could be set up in the 18 districts, and he said no. However, he dared not give a negative reply to me and he thus said he would consider expanding the service of St James' Settlement as far as possible .....

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

**MISS CHAN YUEN-HAN** (in Cantonese): *President, my supplementary question is that since St James' Settlement only provides service to one district, so the network covers only one district at most. How about the other 17 districts? How will assistance be provided to other people in poverty? When there is a shortage of food, how will the Government solve the problem? Indeed, many food dealers are willing to provide the food required, but service can only be provided with the provision of venues by the Government. Is the*

*Government talking sense at all? My question to the Secretary is: Is he willing to set up food banks in the other 17 districts?*

**SECRETARY FOR LABOUR AND WELFARE** (in Cantonese): Madam President, first, I have to stress that the Government attaches great importance to the impact on the grassroots brought about by the current price surge. Therefore, a two-pronged approach is now adopted. On the one hand, existing CSSA recipients have already been put under certain protection. As CSSA payments are paid in cash, CSSA recipients may use it flexibly on food, daily necessities, and so on. On the other hand, for low-income people who are not on CSSA, which is also of major concern to Miss CHAN, how will we help this group of people? Actually, here, I have to thank Dr David LI who is the Chairman of the Executive Committee of St James' Settlement. Last week, I had the opportunity to discuss the issue with him, and he expressed his willingness to make greater efforts in this area through the organization.

The second point raised by Miss CHAN is the arrangement for other districts in the territory, apart from the one covered by St James' Settlement. Indeed, St James' Settlement is providing territory-wide service, while the other 15 organizations are working in different districts. (Appendix 1) On Monday, I visited St James' Settlement and also the Kwun Tong Methodist Social Service at Tsui Ping Estate. Moreover, the Sheng Kung Hui is serving Tung Chung in the New Territories. Various organizations are providing services at different places throughout a number of districts. The Government is now planning to expand this network further. Besides, St James' Settlement is willing to further consider the possibilities of providing services to more districts. For instance, as the organization has two centres in Sham Shui Po, (Appendix 1) will a further increase be possible? The Government plans to consolidate this network in different districts with a view to enhancing the service. So, we do understand the concern of Miss CHAN.

As far as I understand it, food banks now in operation have indeed received a lot of food, thanks to the donation of food and daily necessities by many kind-hearted people. But the question is how the food and daily necessities can be delivered to the people in need effectively and appropriately. The assistance of a large number of volunteers is needed to achieve this purpose. Therefore, the consideration of the entire plan is how work on all fronts can get started together. At present, 20 service units, including 14 Integrated Family

Service Centres, of the SWD have established links with St James' Settlement. Moreover, we hope that other organizations can put in more efforts in all the districts in the territory. We do have plans in this respect. Miss CHAN, we wish to further consolidate the services in this respect and make them more pertinent.

**MS LI FUNG-YING** (in Cantonese): *President, I also think that the Secretary's reply failed to answer the question. For instance, in part (b) of the main question, it asked clearly whether the Government would subsidize the lunch expenses of poor students. I think the Secretary has not answered this part of the question at all. He only stated the assistance provided to children under the existing CSSA scheme. I hope the Secretary will progress with time. Will food subsidies be provided to poor student in particular?*

**SECRETARY FOR LABOUR AND WELFARE** (in Cantonese): Madam President, I have already explained it clearly in the main reply. Ms LI, if children of families on CSSA have to take lunch away from home, they will now receive an additional allowance of \$200. The expenses for food have already been covered under the CSSA scheme, but since some children are attending whole-day schools, an additional allowance of \$200 will be provided to the families concerned and so, this issue has already been addressed. As for other issues, such as the assistance for other children not on CSSA, as mentioned by the Member earlier, under the existing scheme, the Student Financial Assistance Agency will provide subsidies to kindergarten students not on CSSA.

**MR LAU CHIN-SHEK** (in Cantonese): *President, the Government also admits that low-income people will be affected by the high food prices. In part (c) of the main reply, it is mentioned that some organizations are providing food assistance to these people, and the Government said that these organizations do not need to operate on government subvention in general. May I ask the Government whether it will take proactive action to assist these organizations?*

**SECRETARY FOR LABOUR AND WELFARE** (in Cantonese): I would like to thank Mr LAU for his question.

At present, we wish to step up co-operation in this respect, because insofar as resources are concerned, as I said earlier, these organizations do not face any problem in food supply. I visited these organizations on Monday. Take St James' Settlement as an example. It has a very big warehouse in Kwun Tong where all the food is kept, but the problem is how the food can be delivered to the frontline effectively. Besides, some resources, such as vegetables, are wasted at wholesale markets. In the course of delivery, how can volunteers provide co-ordinated logistic support? Indeed, it is mainly a problem of goods flow, and I will discuss this further with the relevant organizations.

The relevant organizations may apply to the SWD for rent allowance, and the HD may even provide the venues. (Appendix 1) We will surely lend strong support to them. In this connection, we have to synchronize our work and complement each other in the delivery of service. At present, we are currently a partner of these organizations, and we will work in concert with St James' Settlement and other organizations. At the district level, if any member of the public in need approach us for assistance at our office, we will help refer their cases to the relevant organization.

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

**MR LAU CHIN-SHEK** (in Cantonese): *President, will the Secretary please answer whether the Government will provide subsidies to these organizations?*

**SECRETARY FOR LABOUR AND WELFARE** (in Cantonese): Madam President, as I said earlier, we support these organizations to apply for subsidies in respect of rents, Government rents, rates, and so on. Subsidies are provided in these aspects. I have already explained this point in the main reply.

**MR CHAN KAM-LAM** (in Cantonese): *President, I think the concept of "food banks" is very good, and I hope the Government can promote it on various fronts. Of course, the establishment of just one or two food banks in each of the districts in Hong Kong is definitely insufficient, for we have to find ways to deliver the food stored in the food banks to the needy practically. I would like to*

*know this: Will the Government inform this Council whether it is the case that only welfare organizations can apply for the operation of these food banks? For applications from social enterprises which are non-welfare organizations, will they receive the same concession from the Government?*

**SECRETARY FOR LABOUR AND WELFARE** (in Cantonese): Madam President, I would be grateful to any community organizations offering this service. Actually, a lot of organizations now engaging in this aspect of work have a charity background and they are social service organizations, for they have experience on this front. If any warm-hearted person would like to make donations, we are more than willing to act as the "middleman" or make referrals to help accomplish this good deed. We will definitely undertake the role of a "middleman" in promoting this food donation movement, or giving food to the needy. We are only too willing to put in more efforts in this respect.

**MR WONG KWOK-HING** (in Cantonese): *President, the disparity between the rich and the poor is getting more serious. The current situation is "wine and meat behind the red door smelled foul, while on the road there were frozen dead bones", as food is extremely expensive, but on the other hand, much food is wasted. Nowadays, buffet is very popular among many people of Hong Kong and visitors, and a lot of leftover food will be thrown away. May I ask the Secretary whether the Government will conduct a survey and compile statistics on the amount of food being thrown away? Will the food intended to be thrown away be given to the poor in need of food?*

**PRESIDENT** (in Cantonese): Mr WONG Kwok-hing, you have asked a very good supplementary question, but I do not see how it is related to the main question. Can you explain to me the relationship between the two?

**MR WONG KWOK-HING** (in Cantonese): *President, in part (c) of the main reply, the Secretary mentioned food banks. As the elaboration of the concept of food banks will involve ..... Though the food in food banks is not cooked food, but to elaborate this concept of food banks further, cooked food may also be included. So, will this kind of food be collected and provided to the poor who are in need of staple food and other types of food?*

**PRESIDENT** (in Cantonese): Are you saying that cooked food which has not been consumed can be distributed through food banks?

**MR WONG KWOK-HING** (in Cantonese): *Yes, President.*

**PRESIDENT** (in Cantonese): *In this way, the two questions are related. Please be seated. Secretary, please reply the question.*

**SECRETARY FOR LABOUR AND WELFARE** (in Cantonese): Madam President, this problem is also of great concern to me. Actually, during my visit to the relevant organizations on Monday, I did look into this issue with the person-in-charge in detail. The People's Food Bank of St James' Settlement did do this in the past by making arrangements with hotels which would provide it with cooked food. However, at that time, they noticed that food safety posed a major problem. Food hygiene is very important. The food has to be collected within a short time to ensure its freshness. It is a problem if the food is left unattended for a long time. Moreover, we often do not know to whom the food was served during the buffet, and such food as sashimi cannot be collected. There is an interesting phenomenon, that is, most of the food collected was dessert. Dessert can hardly stave off hunger, and so, other food has to be provided together. According to some analyses, this approach is hardly practicable from the safety angle. On the other hand, the distribution of canned food, rice, milk powder, noodles, instant noodles, and so on, is safer and more practical as there is no time constraint. I am now examining and considering this issue with the relevant parties to see how certain difficulties can be overcome. We are all willing to examine the issue further, and have noted the proposal of Members on ways to utilize food served by food establishments or during buffet while ensuring food safety. We will address this issue.

**MR WONG KWOK-HING** (in Cantonese): *President, the Secretary has not answered whether he will consider conducting a survey. I asked him clearly earlier whether a survey would be conducted and the statistics collected be used for the allocation of food. However, the Secretary only gave a reply on food safety.*

**PRESIDENT** (in Cantonese): Mr WONG Kwok-hing, I only allowed you to ask whether food banks can be used to distribute food, but not the former part of your question. So, I will not ask the Secretary to reply any further. Owing to the time limit of oral questions, I would like to allow one more Member to ask a supplementary question.

**MR JAMES TO** (in Cantonese): *President, the Government said that certain subsidies had already been provided to the relevant organizations. However, it then said that there was no subsidy. It is really confusing. The Secretary said that subsidies were provided, and then he said that no subsidy would be required, but after that, he said that subsidies were provided. We all know that a packet of rice which cost some \$35 earlier is now sold at more than \$48. We can see that the increase is substantial. Regarding the food provided to the grassroots by organizations or canteens, or places serving meals to them, irrespective of whether or not subsidies are provided in any aspect, may I ask the Government whether it has received any complaints or information indicating that the quality of food is deteriorating? The problem we notice at present is that the lack of or low level of government subsidies in this respect is aggravating the hardship of these people, or has resulted in the lowering of the quality of food they received. May I ask whether the Government knows the situation and what it will do to improve it?*

**SECRETARY FOR LABOUR AND WELFARE** (in Cantonese): Madam President, if I have not misunderstood the supplementary question of Mr TO, he is referring to a recent report of the media on the quality and quantity of meals delivered to the elderly by the SWD, is he not? Is he referring to these services, for we are talking about that kind of service? I would like to clarify this, Madam President.

**MR JAMES TO** (in Cantonese): *President, these services are definitely part of it.*

**SECRETARY FOR LABOUR AND WELFARE** (in Cantonese): Yes, we have worked on this. Actually, we have also noticed this problem. The Panel on Welfare Services of the Legislative Council will discuss this issue in depth

tomorrow. We have already written to those organizations, for this issue is also of great concern to us. Owing to the high prices, the portions of meat and even rice served in meals delivered to the elderly or persons with disabilities may be reduced, and their nutrient intake may be affected. We are very concerned about this and we will attach importance to the issue. For this reason, we have written to the relevant organizations to remind them two points. First, they should allocate their resources as flexibly as possible, and may even use their reserve to maintain food quality in the interim. The terms of the contract signed with these organizations will be adjusted by the SWD every year (Appendix 1) according to the inflation rate. Second, if they really have difficulties and if they have neither resources nor reserve, the SWD is willing to discuss with them and find a solution to the problem, so as to ensure that the nutrition of the elderly or the disadvantaged groups will not be affected. We attach great importance to this issue.

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

**MR JAMES TO** (in Cantonese): *No, it has not been answered, for I asked the Secretary to provide a solution. Is he saying that the solution is for the SWD to discuss with them and see how the problem can be solved?*

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

**SECRETARY FOR LABOUR AND WELFARE** (in Cantonese): Madam President, I have stated clearly the solution. First, we will encourage and allow them to use their reserve to tackle this imminent crisis, so as to ensure that the quality and portion of the meals served will not be affected. Second, we will ask them to redeploy their funding flexibly, for this funding is put under the category of "other charges" (Appendix 1) while some is put under "staff remuneration". We now allow them to redeploy their resources flexibly to address the prevailing inflation problem.

If any organization really encounters difficulties, it may discuss with the SWD to work out a solution to the problem. This is the message that we wish to convey to them.

**PRESIDENT** (in Cantonese): We have spent more than 21 minutes on this question. This is a very important issue. All the people of Hong Kong, the grassroots in particular, are concerned about inflation and therefore, I believe Members will continue to follow up this issue via other channels.

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

### **Staff Salary Structures of Non-governmental Welfare Organizations Subvented Under Lump Sum Grant Subvention System**

2. **DR FERNANDO CHEUNG** (in Cantonese): *President, the Lump Sum Grant (LSG) subvention system has been implemented since January 2001. The staff salary structures of non-governmental welfare organizations subvented under LSG subvention system (subvented NGOs) have been delinked from those of the civil service. It has been reported that despite the continuous downward adjustments in the overall remuneration of the staff in subvented NGOs in the past few years, the salaries of senior staff in some NGOs have risen instead. In this connection, will the Government inform this Council:*

- (a) *of the 10 subvented NGOs which had been allocated the highest amounts of subventions each year between 2001 and 2008, and whether it knows the respective annual salaries of the five staff members of each NGO who had the highest annual salaries in the relevant year;*
- (b) *whether it has monitored the use of subventions by subvented NGOs, in particular, the expenditure on staff remuneration; if it has, of the details of such monitoring work, including the means to prevent subvented NGOs from adopting a salary structure which rewards the upper-ranked staff generously but gives the lower-ranked staff a niggardly pay; and*
- (c) *whether the Social Welfare Department (SWD) will make public the salary structures adopted by subvented NGOs; if not, of the reasons for that?*

**SECRETARY FOR LABOUR AND WELFARE** (in Cantonese): Madam President, the LSG subvention system was introduced in 2001 and has since largely replaced the conventional social welfare subvention system which was then considered inflexible, overly complex and bureaucratic, and involving excessive administrative procedures. At present, 162 out of 173 subvented non-governmental organizations (NGOs) have joined the LSG subvention mode on a voluntary basis, and this testifies to its wide acceptance by NGOs.

Under the LSG subvention system, the Government no longer imposes rigid requirements on NGOs' staff establishment, salary structures and individual items of expenditure. Hence, NGOs are given greater autonomy, and can more flexibly deploy the lump sum resources and re-engineer their services to meet the changing needs of society. NGOs' boards of directors or management committees are free to formulate their own policies on human resources management according to their individual circumstances, flexibly use their resources on staff remuneration and adjust salary levels in accordance with their policies and the prevailing conditions of the labour market.

The NGOs subvented by the SWD can also expand their welfare services on a self-financing or fee-charging basis. In fact, the scope of service of many NGOs is not limited to the provision of government-subvented welfare services. Some of their staff members, particularly those at the management level, may be responsible for a number of service areas according to actual needs, and their remuneration may come from different sources and is not limited to SWD's subvention. Members may wish to note this point when considering the remuneration of staff members, in particular those of senior ranks in subvented NGOs.

My replies to the questions raised by the Honourable Dr Fernando CHEUNG are set out below:

(a) and (c)

The top 10 NGOs that received the highest amount of annual subvention under the LSG subvention system from the SWD between 2001-2002 and 2007-2008 are set out at Annex for Members' reference. Under the LSG subvention system, the SWD does not have information on the annual salaries of individual staff members or the pay structures of these NGOs.

- (b) Under the Funding and Service Agreement (FSA), NGOs subvented by the SWD are required to submit Annual Financial Reports, audit reports prepared by external auditors and audited Annual Financial Statements of the organizations. The audits must comply with the Practice Note published by Hong Kong Institute of Certified Public Accountants, and cover the NGOs' financial and accounting records as well as the adequacy and effectiveness of internal control. The NGOs are also required to submit Management Letters issued by external auditors in the course of auditing their annual financial statements. The SWD will scrutinize the Annual Financial Reports, Annual Financial Statements and Management Letters submitted by NGOs.

The NGOs subvented by the SWD must ensure that the subvention can only be used to provide specified subvented services. Pursuant to the accounting requirements imposed by the SWD on the subvented NGOs, each NGO has to maintain its basic accounting books and records. The Finance Branch of the SWD will conduct on-site subvention inspection of the subvented NGOs regularly so as to ensure that these NGOs provide the specified subvented services in compliance with the terms and conditions of the LSG Manual and FSA.

In handling complaints about subvention, the SWD will, depending on individual circumstances, visit the service units concerned for on-site assessment.

Subvented NGOs must take speedy action to rectify anomalies of practice, if any, identified during SWD's audits. The SWD can withhold or terminate the LSG subvention if a subvented NGO fails to exercise reasonable and prudent financial management; fails to comply with the LSG rules; and/or cannot provide the specified subvented services in accordance with the terms and conditions of the FSAs, and is unable to work out improvement measures and complete the relevant action plans within a specified period of time.

The 10 NGOs allocated the highest amount of subventions by SWD from 2001-2002 to 2007-2008

1. Tung Wah Group of Hospitals
2. Caritas — Hong Kong
3. Hong Kong Sheng Kung Hui Welfare Council
4. Po Leung Kuk
5. The Salvation Army
6. Yan Chai Hospital
7. The Society of Homes for the Handicapped
8. Hong Kong Christian Service
9. The Boys' & Girls' Clubs Association of Hong Kong
10. Hong Kong Society for the Aged (2001-2002)
11. The Spastics Association of Hong Kong (from 2002-2003 to 2007-2008) which has recently changed its name to SAHK

**DR FERNANDO CHEUNG** (in Cantonese): *President, the Secretary said in the main reply that the authorities would scrutinize NGOs' accounting record, financial reports, and would conduct audits and so on, but the authorities did not have information on the staff salary structures of these NGOs. President, listed companies are required to make public the directors' fees, and we all know that the monthly salary of the Secretary is over \$200,000. Why can the remuneration of executive officers and the overall staff salary structure of these publicly-funded organizations be kept undisclosed?*

**SECRETARY FOR LABOUR AND WELFARE** (in Cantonese): Madam President, as I have already explained clearly in the main reply, this is precisely to tie in with the spirit of LSG subvention system. Instead of the service input, we have adopted the service output as the yardstick. Dr CHEUNG should know that before this system was implemented in 2001, the application procedure was extremely complex; everything had to be submitted to the SWD. It is precisely because of cumbersome procedures and red tape that we decided to adopt a more versatile and flexible approach. After providing the NGOs with the LSG, it will be up to the NGOs to determine their own salary structures and wage levels, and they are given full autonomy in this regard.

In this process, we will only monitor the service performance of NGOs. Members can see that 16 service quality indicators have been clearly set out and NGOs have to submit to the SWD a self-assessed discrepancy report on a half-yearly basis, which allows us to examine if there is any disparity between their services and the indicators and whether anything would need to be done. NGOs are regulated and monitored through their performance, while NGOs are given the flexibility in service input as well as the overall work flow, in order to tie in with the overall spirit of LSG to ensure versatility, flexibility and more room for innovation and creativity. NGOs may even introduce certain new services on a self-financing or fee-charging basis. They have been given the room to keep abreast of the pace of the social development of Hong Kong.

**DR FERNANDO CHEUNG** (in Cantonese): *The Secretary has not answered my supplementary question. I have asked why NGOs could keep the information undisclosed. It has nothing to do with versatility, autonomy and flexibility, and NGOs can have adequate versatility and flexibility. But President, why is the relevant information kept undisclosed?*

**SECRETARY FOR LABOUR AND WELFARE** (in Cantonese): Madam President, I have already explained clearly just now that since we are procuring the service now, and what we have to look at is the ultimate service provided by NGOs, and this is the most important thing. If the service standards can be met, we consider that we should not over-regulate the minutiae of their operation and instead, we should give them the flexibility. This is my answer.

**MR LEE CHEUK-YAN** (in Cantonese): *May I ask the Secretary to clarify a sentence in part (b) of the main reply, that is, "the NGOs subvented by the SWD must ensure that the subvention can only be used to provide specified subvented services", which seems to be untrue. I would like the Secretary to clarify this because there is a reserve system now, whereby NGOs may set aside 25% of the subventions as a reserve fund, which will not be used to provide subvented services, and nobody knows how it will be spent. Consequently, NGOs seem to have become profit-making organizations, as there are incentives for implementing wage cuts, recruiting contract staff, and "fattening the top at the expense of the bottom", which have caused chaos in human resources in these welfare organizations, and shattered the confidence of many social workers in their future prospects. All these are attributable to the stipulation that NGOs are allowed to keep 25% of the subventions for their own use.*

*It is learned that the amount of reserve is as high as \$1.8 billion, and I do not know whether the Secretary has the latest figure, but can the Secretary clarify that this sentence in the main reply is inaccurate and untrue, because NGOs may make use of the reserve for any purpose as they like and so, the subvention is not necessarily used for the provision of subvented services.*

**SECRETARY FOR LABOUR AND WELFARE** (in Cantonese): Madam President, I wish to clarify that the reserve should be used within the scope of FSA and cannot be used arbitrarily in other areas. The purpose of this approach is to give NGOs the flexibility within the spirit of the LSG framework. Besides, NGOs are not allowed to keep the reserve without providing services; they can only put the remaining fund, if any, under its reserve after the services have met the required standards. Moreover, NGOs are not allowed to use the reserve arbitrarily, as it will be used to pay for future salary increments to snapshot staff, and this is the purpose of the reserve.

**MR LEE CHEUK-YAN** (in Cantonese): *President, the Secretary has not answered my supplementary question. He said that the reserve would be used on snapshot staff, but I take exception to that, because the reserve can be used for other purposes as there will be no more snapshot staff in future, but if there is money left, how would it be spent?*

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

**SECRETARY FOR LABOUR AND WELFARE** (in Cantonese): I have nothing to add. I wish to emphasize once again that that it will be used within the FSA framework, and this is very clear.

**MISS CHAN YUEN-HAN** (in Cantonese): *The subventions are allocated by the Government to non-profit-making organizations. The LSG scheme has been implemented for some time, but we have frequently received complains in relation to the circumstances similar to what the two colleagues have said today, but the Government simply ignores them. However, as there is now the problem of unity and trust in the NGOs, I think it is very easy as everyone can disclose such information now, and after all, the subventions are public money.*

*As the Secretary is the manager of these NGOs — I would consider him the managing director — how can he restore order in the midst of a rising culture of mistrust, mutual suspicion and distrust? He should not say that he would ignore it; I think he should be accountable to the recipients of the services. That is, when a certain atmosphere emerges within these NGOs, I think it will affect the service recipients to some extent. I think the Secretary should answer my supplementary question, that is, how could these NGOs be reconsolidated? This is something the Government should take notice of.*

**SECRETARY FOR LABOUR AND WELFARE** (in Cantonese): Miss CHAN Yuen-han's supplementary question precisely touches on the problems that the social welfare sector has been facing in the past few years. Since the LSG system has been in operation for a while, is it time for a review now? Because of this, Members may recall that an Independent Review Committee (IRC) has been set up in January this year to conduct a comprehensive review on this system. I must admit that there may be room for improvement to the entire operation. Should this be an area which warrants review? The IRC has fully commenced its work and has contacted more than 60 NGOs. It convened last week (29 April) a forum which was participated by representatives of labour unions, employers, management, board of directors and the SWD (I also participated in the forum), in order to invite opinions from all sides, and to

explore the way forward and identify the areas requiring improvement. We are willing to conduct studies and hopefully the IRC will come up with some concrete comments by the end of the year for us to take serious consideration.

**MR JAMES TO** (in Cantonese): *President, just now the Secretary seems to have dismissed the problem of "fattening the top at the expense of the bottom" by saying that we are just procuring the services.*

*Does the Secretary admit that staff morale is also an important factor in the provision of social services? If the approach of "fattening the top at the expense of the bottom" is resulted from LSG, which has led to the lower-ranked staff being niggardly paid ..... Take meal delivery service as an example, and of course they will deliver the meal, but the warmth accompanied by a smiling face during the meal delivery ..... the authorities may focus on the temperature and quality of the meal, but if the morale and mentality of the staff are affected due to the approach of "fattening the top at the expense of the bottom", the service quality will certainly be affected. Will the Secretary consider the issue from this perspective? Although he said that we are just procuring the services, the approach of "fattening the top at the expense of the bottom" will certainly bring about an impact on the service.*

**SECRETARY FOR LABOUR AND WELFARE** (in Cantonese): Madam President, Mr TO said that NGOs were "fattening the top at the expense of the bottom", but we are unable to prove whether or not there is such a case. Nevertheless, I will not rule out the possibility that labour relations may not be handled satisfactorily in one or two NGOs.

I agree that the morale of front-line social workers is of utmost importance, and for this reason, I have been paying attention to the morale of the entire social work sector and the interactive relation under the LSG scheme since I took office in July last year. We have done much work and provided additional allocations to NGOs. It can be noted that in the Budget released in April this year, we have injected an additional baseline expenditure of \$200 million, that is, we have increased \$200 million in the recurrent expenditure.

Moreover, we announced four relief measures on New Year's Eve (30 December) last year, one of which was to allocate a one-off grant of \$200 million from the Lotteries Fund to enhance the service quality of NGOs, so as to provide more support to their front-line staff. We will make greater efforts in respect of the management, as corporate governance is of utmost importance. So, Mr TO, we will address squarely the problem at several levels, but is "fattening the top at the expense of the bottom" a common phenomenon? We really consider that opinions differ on this point as it can hardly be substantiated. We have to strike a balance. On the one hand, we have to give NGOs the room and flexibility in governance, and on the other, we have to ensure that the service quality is up to a certain standard.

Nevertheless, we understand that staff morale is also very important and for this reason, I hope the IRC will put forth concrete proposals and draw on collective wisdom, so that the entire scheme can be improved and the mechanism can be refined.

**MR JAMES TO** (in Cantonese): *President, the Secretary has not answered my question. If the authorities do not have the slightest idea of the remunerations of the top management of NGOs, how can they assess whether NGOs have "fattened the top at the expense of the bottom"? It may deny .....*

**PRESIDENT** (in Cantonese): This is not part of the supplementary question that you raised just now.

(Mr James TO nodded)

**PRESIDENT** (in Cantonese): We will proceed to the third question now.

### **Use of Public Facilities on Private Land by Public**

3. **MR JAMES TO** (in Cantonese): *President, regarding members of the public using facilities and open space managed by land owners for public use (public facilities) on private land, will the Government inform this Council whether:*

- (a) *there are differences on use restrictions between public facilities on private land and those on Government land; if there are, of the differences;*
- (b) *members of the public may apply for conducting activities or hanging banners in public facilities on private land; if they may, of the procedure, conditions and restrictions of application; if they may not, the reasons for that; and*
- (c) *any mechanism is in place to handle complaints lodged by members of the public about not being allowed to use public facilities on private land; if so, of the details; if not, whether such a mechanism will be set up?*

**SECRETARY FOR DEVELOPMENT** (in Cantonese): Madam President, at the Legislative Council meeting today, a total of three Members have raised questions on the provision of public facilities within private developments. This shows the concern of the community over this issue.

As pointed out in the paper provided by this Bureau to the Development Panel of the Legislative Council last month, the provision of public facilities within private development may arise under the land sale conditions or planning conditions, and be subsequently translated into the lease conditions, or in accordance with the Buildings Ordinance, requiring owners to dedicate certain floor spaces for public use within their private land, which is subsequently subject to Deeds of Dedication. Under these two circumstances, the Government and the owners of the respective properties are parties to a contract, and both parties should abide by the spirit of the contracts and the relevant provisions in the contracts. Generally speaking, owners should design and build the relevant public facilities in accordance with the requirements in the contracts. If these public facilities are not handed over to the relevant government department upon completion, the relevant contractual documents will require owners to bear the management and maintenance responsibilities and open these facilities for public use. Hence, arrangements for public facilities within private developments are not the same in nature as those for public facilities managed by government departments.

My reply to the three-part question raised by Mr James TO regarding public facilities managed by private owners on their private land is as follows:

- (a) There is obvious difference between these public facilities managed by private owners within their private developments and those facilities on Government land that are managed by government departments. Using open space as examples, public open space under the Leisure and Cultural Services Department are governed by the Pleasure Grounds Regulations, which are subsidiary legislation under the Public Health and Municipal Services Ordinance (Cap. 132), with each pleasure ground subject to these Regulations, following its gazettal. Users must abide by the Pleasure Grounds Regulations and all instructions from the officers managing such facilities. As for public open space within private developments for public use, the management and use of such facilities would depend on the relevant contractual documents I mentioned just now, that is, land lease conditions or the provisions in the Deeds of Dedication. In general, lease conditions would briefly stipulate that "a grantee shall at his/her own expense provide open space and be responsible for its subsequent maintenance, and allow members of the public to use these facilities freely for lawful purposes, without payment of any nature". If private owners prescribe conditions on the use of such facilities on their own initiatives, those conditions could not be in breach of the contractual provisions.
- (b) For public facilities on private land for public use, owners can decide on their own whether or not to permit individual organization or person to organize activities or display banners. However, this should not be in breach with the contractual provisions in the leases or the Deeds of Dedication. Generally speaking, users are not allowed to organize activities which are unlawful or are in breach of the contractual provisions, in such land or facilities for public use. Also, they should not obstruct others from enjoying the use of such facilities appropriately. Furthermore, unless otherwise specified in the leases or the Deeds of Dedication, these facilities should only be used according to its originally designated uses, such as public passage or open space, which are most common. Generally speaking, the display or hoisting of publicity material on footbridges is not allowed under the contractual provisions.

- (c) The contractual provisions stipulate that the public facilities should be open for public use, but owners can decide on their own whether or not to allow certain activities or behaviours of individual organizations or persons on their private land. What is important is that the decisions of the owners should not be in breach of the contractual conditions. If applicant organizations or persons have doubts on the interpretation of contractual provisions or consider that the owners' decisions of not approving their applications are in breach of the provisions in the leases or Deeds of Dedication, they can approach the Lands Department or the Buildings Department to make enquiries or file complaints.

**MR JAMES TO** (in Cantonese): *President, what we are most worried about is that public open space managed by private owners will become the so-called second-class public facilities, but I do not know whether this will be the case. May I ask the Government, given that the contractual provisions we now rely on are so simple, whether the Government thinks that, as a party to the contract, it should be able to propose to the other party some guidelines which it thinks fit on the use of such open space, or can it even make reference to guidelines on the use of government facilities, so that the arrangement for open space managed by the Government and that by the owners can be made as similar as possible and open space managed by owners will not be subject to excessive restrictions, because the owners are required to carry out maintenance work at their own expense and the use of the open space is often restricted, thus barring the public from doing anything there and turning such space into second-class public open space?*

**SECRETARY FOR DEVELOPMENT** (in Cantonese): I am not of the view that facilities within private developments on private lands for public use are second-class facilities. But as I have said in the main reply, the two types of open space are different in nature. This is a fact. Hence, as Mr James TO has said, we have to respect the contractual provisions. The Government, as a party to the contract, can put forth suggestions through the Lands Department. This is what we have done.

At the end of March, we issued letters to developers or Owners' Corporations of all the known developments to make some suggestions to them. For example, the opening time should be clearly displayed and the area of the

public open space should be specified in a conspicuous place. We have already done this work, but we must obtain the consent of the other contracting party (that is, the developer or owner). In particular, we are now processing numerous types of public facilities within private developments, and some of these public facilities are still in the hands of a single developer and the management may have to complement the management of the existing shopping mall, while some have already been sold to small property owners. I believe Mr TO is also aware that small property owners are now very concerned about this issue. Thus, in the final analysis, everything must be abided by contractual provisions and with the consent of the two contracting parties. We will, as Mr TO has said, improve the situation so that the public can use these public facilities more conveniently.

**MR JAMES TO** (in Cantonese): *President, she has not answered whether she, as a party to the contract, will propose some guidelines within her authority?*

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

**SECRETARY FOR DEVELOPMENT** (in Cantonese): Let me just make a brief supplement. We have already made some suggestions. Regarding the Member's views and recommendations, that is, whether we can come up with more systematic and standardized guidelines, we will actively consider this.

**MS MARGARET NG** (in Cantonese): *President, these Deeds of Dedication are concluded in accordance with the requirement of the Buildings Ordinance. The Building (Planning) Regulations, in particular regulations 21 and 22, require an owner to dedicate part of his/her land for public use as a condition to increase the plot ratio. As such, may I ask the Secretary to clarify whether the rights that the public can enjoy under these provisions should be interpreted within the framework of the Ordinance? Regarding the rights of the public relating to the use of pedestrian passage, should the pedestrian passage that the Secretary has mentioned a number of times be the same as the pedestrian passage as referred to in regulations 21 and 22? In other words, the rights of the public over both types of pedestrian passages should be the same; and it should not be the case that the public can enjoy a certain right in respect of pedestrian passages*

*regulated by Deeds of Dedication, while they can enjoy completely different rights in respect of pedestrian passages under the Ordinance?*

**SECRETARY FOR DEVELOPMENT** (in Cantonese): Ms NG's understanding is correct. She is referring to a type of privately-owned land dedicated for public use which is under another list of the Buildings Department. These lands are also regulated by Deeds of Dedication. Basically, unless otherwise specified in the Deed of Dedication ..... I believe Members are aware of a number of cases in which the Deeds of Dedication stipulated other provisions. For instance, other than using as pedestrian passage, the space concerned is also allowed for exhibition use. Otherwise, when such land dedicated for public use is used as pedestrian passage, it will be used in the same way as the general pedestrian passages.

However, a problem has recently arisen. That is, with regard to the interpretation of pedestrian passage, is it truly confined to the purpose of walking (that is, it is strictly used only for walking back and forth on it)? Or, whether some relatively normal and reasonable activities are also allowed there? In this connection, we are currently seeking legal advice from the Department of Justice.

**PRESIDENT** (in Cantonese): Ms NG, has your supplementary question not been answered?

**MS MARGARET NG** (in Cantonese): *No, President. The Secretary has expounded on pedestrian passage, but my supplementary question is that references to pedestrian passage are found in both the Ordinance and the Deeds of Dedication ..... let us not consider what other stipulations are made ..... All in all, the same term should have the same interpretation and it should not have some other meaning under the Deeds of Dedication. This should be the way it is. Can the Secretary clarify this point?*

**SECRETARY FOR DEVELOPMENT** (in Cantonese): Madam President, I thought I already clarified this, and the situation is like what I have said. However, regarding this point, I really cannot make a generalized statement because in each case there is a Deed of Dedication, and the Deed of Dedication may sometimes contain specific provisions.

**MR SIN CHUNG-KAI** (in Cantonese): *President, I do not quite understand it myself. In fact, I have surfed the Lands Department's webpages, in which references are made to the pink ..... that is, it shows on the map all the places containing public space. I then tried to make an application for holding voter registration activities in these places since the Government also encourages voter registration. The management company concerned replied that the property was under its management and ownership and thus it would not entertain ..... President, sorry, the reply is in English. I will now read it out: "We will not entertain such requests from individuals, functional constituencies or political parties. Thus, we regret that we cannot accept your application."*

*President, in fact, I wish to sort out one point. Does the ownership of public space belong to the developer? The management company concerned added that free passage and access in that place must be ensured and thus no activity was allowed to be held there. However, President, we have been organizing voter registration activities everywhere. Different political parties have done the same. The activity only requires two small desks and two people standing there, and very often loudhailers can be used. Everybody has been organizing these activities in public places, but we cannot do so in those places. If prior permission has not been granted by the developer concerned, we will be expelled when we arrived there. But when we seek permission from it beforehand, it will reject our application. Then what is the difference between such public space and that managed by the Government?*

**PRESIDENT** (in Cantonese): Mr SIN Chung-kai, as you will ask the fifth question later, would it be better for you to seek a reply then, rather than seeking a reply now?

**MR SIN CHUNG-KAI** (in Cantonese): *President, the Secretary has spoken a lot on pedestrian passage in part (b) of the main reply. May I seek clarification about pedestrian passage? What is the difference between pedestrian passages in public space managed and owned by private developers and those managed by the Government?*

**PRESIDENT** (in Cantonese): Secretary, this supplementary question sounds familiar, but would you please try to reply it?

**SECRETARY FOR DEVELOPMENT** (in Cantonese): Yes. Perhaps let me clarify some facts first. Mr SIN Chung-kai asked us about the ownership of the public space in the list that we published. In fact, we have indicated the ownership in detail in the appendix under the list. Among the 31 public space under private management, a certain number of them are still listed under Government land. This is specified in the list.

As I have said in the main reply, individuals and organizations can make an application to the management company of the private land concerned. As to whether the application is entertained, it is subject to the requirement and views of the private owner. However, if the applicant organization holds that its application is rejected because it is in conflict with the Deed of Dedication or land lease, it is welcome to approach us to make enquiries or file complaints.

**MR SIN CHUNG-KAI** (in Cantonese): *I wish to seek clarification from the Secretary about her reply just now. She said that the ownership of some public space still belongs to the Government. Then, how can the public know which ones belong to the Government?*

**PRESIDENT** (in Cantonese): This is not part of your supplementary question just now. The Secretary can provide information to the Member after the meeting.

**MR ALBERT HO** (in Cantonese): *The issue of our concern today is whether public space can genuinely be used by the public.*

*We can see from the main reply that it is fully at the owners' discretion as to whether or not the public are allowed to use the public space for hanging banners or conducting activities. It is emphasized in the main reply that the owners can make a decision on their own. May I ask why the decision regarding the use of public space has to be completely handed over to the management company if the place is public space? If we are dissatisfied with the decision, we can, according to part (c) of the main reply, file complaints to the authorities. If the reason used by the management company has unreasonably rejected the application for conducting an activity by some organizations, does the Secretary think that the management company has breached the provisions of the Deed of Dedication or the land lease?*

**PRESIDENT** (in Cantonese): Mr Albert HO, your supplementary question is rather long and it is also a hypothetical question, is it not?

**MR ALBERT HO** (in Cantonese): *No. I would like her to clarify this.*

**PRESIDENT** (in Cantonese): Are you asking her to clarify the facts?

**MR ALBERT HO** (in Cantonese): *No. I would like the Secretary to clarify a concept. She said that the management companies can decide on their own. In other words, the decision is at the sole discretion of the management companies. The Government said that we can make an appeal against any act in breach of the Deed of Dedication. May I ask if the management company exercises its decision-making power to veto all applications, whether such act has breached the Deed of Dedication? This is the concept I wish the Secretary to clarify. That is to say, is it useful to make an appeal? Is it useful to file complaints to the Government? I believe the Secretary should understand my supplementary question.*

**PRESIDENT** (in Cantonese): I understand, so does the Secretary. But according to the Rules of Procedure, Members cannot put hypothetical questions. I need to think about whether your supplementary question is hypothetical. As I am not quite sure, the benefit of doubt goes to you. Secretary for Development, your reply please.

**SECRETARY FOR DEVELOPMENT** (in Cantonese): With regard to Mr HO's question, we are talking about organizations or individuals wishing to conduct activities or hang banners in places or pedestrian passages originally designated as public open space, and the use of which will not obstruct others from using such places. In such circumstances, they will have to apply to the private owner (that is, the property owner). If the private owner decided on its own to reject or not to accept your application, your ground of appeal will have to prove that your activity or the banner to be hung is in line with the purpose of

public use as stipulated in the Deed of Dedication, and we will certainly follow up and process the case.

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

**MR CHAN KAM-LAM** (in Cantonese): *President, the situation mentioned in this question is truly a dilemma, because the public are, on the one hand, concerned about whether public facilities are unlawfully taken over by some private owners, and on the other, whether the owners have prescribed overly stringent conditions on the use of such public facilities, thus making it impossible for the public to use them. I wish to know whether the Government will consider requesting these private owners to make public the criteria that they have formulated on the use of their facilities? Since it is impossible for the applicant organizations to look up the land lease or Deed of Dedication before making an application, does the Government have a mechanism to request owners of this type of public facilities to make public the usage criteria for public information?*

**SECRETARY FOR DEVELOPMENT** (in Cantonese): According to our understanding, very few of such public space or pedestrian passages on private lands under private management would welcome application for use by the public because the original purpose of the land lease is to provide public space at pedestrian passages. However, Mr CHAN's view is very good because we also noticed recently some examples where the public passages are indeed very spacious. If all the other uses, except public passageway, are banned, that may not be the best in terms of economic benefits and public interest. For instance, activities relating to public culture and exhibitions can be conducted there. I will thus explore these possibilities in the process of the review. If the Government, as a party to the contract, agrees that certain public passages can be used for activities which are non-profit-making in nature and in public interest, I will certainly request the private owners to announce this in a highly transparent manner to the interested applicants.

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

## Community Garden Programme

4. **MR LAU WONG-FAT** (in Cantonese): *Madam President, the Leisure and Cultural Services Department is now implementing the Community Garden Programme (CGP). Moreover, the Government is gradually drawing up Greening Master Plans (GMPs) for various districts in Hong Kong, and the public are welcome to participate in community greening. In this connection, will the Government inform this Council:*

- (a) *whether it will consider supporting the implementation of the measures proposed in GMPs by means of CGP, that is, motivating the public to grow in community gardens specified tree saplings and flower seedlings which will be used for implementing GMPs; if it will, of the details; if it will not, the reasons for that;*
- (b) *of the respective areas of the existing community gardens and the respective numbers of members of the public who participated in CGP in 2007-2008 in various districts, broken down by District Council district; and*
- (c) *whether the Government will consider setting up temporary community gardens on "Government, Institution or Community" sites of undetermined use?*

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): President, my reply to Mr LAU's question is as follows:

- (a) In order to encourage the public to participate in greening activities at community level, the Leisure and Cultural Services Department launched the CGP in 2004. CGP enables participants to enjoy the fun of gardening activities in garden plots in their neighbourhoods, so as to arouse their awareness in greening.

CGP is implemented by organizing gardening courses. The public can join the courses as individuals or groups. Each course lasts for four months. Each participant is allocated a garden plot and can learn gardening skills with four relatives or friends under the guidance of an instructor. Participants are free to plant any

flowers, vegetables or fruits and reap the yields for their own consumption.

GMPs seek to define the overall greening framework and establish a greening theme of an area by considering the character and needs of that area. The implementation of GMP requires massive planting of trees, shrubs and seasonal flowers while most participants of CGP choose to plant vegetables or fruits and share the yields with their relatives and friends. As only a small portion of CGP participants choose to plant flowers and the productivity is minimal, the yields of CGP are not adequate to support the implementation of GMPs.

- (b) The area of community gardens in each of the 18 districts is about 1 000 sq m, making a total of about 19 000 sq m in the territory. In 2007-2008, 7 800 members of the public participated in CGP. Since its launch in 2004, 20 000 people have participated in the Programme.
- (c) The Government has all along been proactive in promoting greening activities and it will continue to consider setting up temporary community gardens on suitable "Government, Institution or Community" sites which do not have a firm development plan.

**MR LAU WONG-FAT** (in Cantonese): *Madam President, apart from the abovementioned government sites, has the Government considered formulating measures to encourage owners of private properties and private lands to undertake greening work within the boundary of their properties or lands so as to support the implementation of GMP?*

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): The Housing Department of the Government has formulated policies and measures to encourage public participation in this greening programme.

**MR DANIEL LAM** (in Cantonese): *In part (a) of the main reply, the Secretary said that GMPs seek to define the overall greening framework and establish a*

*greening theme of an area. Can the Secretary inform this Council what these greening themes are and what details are included?*

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): President, the GMPs seek to establish a greening theme of different areas on the basis of their characters. For instance, the theme of Tsim Sha Tsui is "Jade Necklace", which has linked up major greening zones, including the Kowloon Park, ex-Marine Police Headquarters, the sitting-out area along the Cultural Centre, the Middle Road Children's Playground, Tsim Sha Tsui East Promenade and the Centenary Garden at Tsim Sha Tsui East, to create a beautiful and relaxing environment for pedestrians and tourists.

Another example is the Central, the theme of which is "Heart of Gold" in order to tally with the role of Central as the financial centre of Hong Kong. In this area, plants blooming flowers and foliages in gold, yellow, orange and red are grown, complemented by trees with large crown to provide sunshades to pedestrians. A theme of Rainbow with bands of vibrant colours is proposed for districts such as Sheung Wan, Wan Chai and Causeway Bay along the northern coast of Hong Kong Island. These areas have evolved through a series of strip-like development, each with unique characteristics.

There are three themes for Mong Kok and Yau Ma Tei: first, with Coastal Scenery as the theme, coupled with the waterfront character of West Kowloon, a waterfront recreation zone is created for the local residents; second, with Green Kaleidoscope as the theme of the central core area, the inherent characteristics of the existing attractions such as Tin Hau Temple, Jade Market, Flower Market, and so on, are enhanced; and third, with Parkland as the theme, a series of high quality linked open spaces, including King's Park, MTR Hung Hom Station, and so on, is depicted.

**MR DANIEL LAM** (in Cantonese): *As my constituency is the Islands District, can the Secretary tell us the theme of the district?*

**PRESIDENT** (in Cantonese): You should have asked about the Islands District right at the beginning. This is not part of the supplementary question that you asked just now.

**MRS SOPHIE LEUNG** (in Cantonese): *President, in the reply just now, the Secretary mentioned the various characters of the 18 districts. May I ask whether this will be the premise of implementing greening work by the 18 districts on their own? Sorry, my supplementary question is: As the Secretary mentioned that the 18 districts have their different characters, will this be the premise of making the 18 District Councils (DCs) or districts implement greening work on their own in the future?*

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): *President, we will encourage various DCs to study how to beautify the environment of their own district, which, of course, includes the characteristics of greening work.*

**MR ALBERT CHAN** (in Cantonese): *President, in the last paragraph of part (a) of the main reply, the Secretary said that the yields of CGP are not adequate to support the implementation of GMPs. This is in fact a "chicken and egg" issue. As the size of garden plots is too small and it is necessary to adopt security measures to watch over, lest the yields will be stolen, participants are reluctant to grow edible produce for fear that their yields will be stolen.*

*However, if the size of garden plots is large enough and sufficient resources are provided for monitoring, many people will be interested. In view of the success of CGP, will the Secretary consider, when making territory-wide town planning, identifying a large piece of land in a suitable location of each district for the development of CGP and deploy sufficient manpower for monitoring, so as to ensure that CGP is welcome by the public and the yields will not be stolen?*

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): *President, the main purpose of CGP is to enhance the public's awareness in greening and foster their interest in gardening at the community level.*

*Hong Kong is after all a rather modernized city. It is not quite feasible for us to push ahead comprehensively a programme for growing fruits and vegetables in the urban area. The GMP is designed and considered for the purpose of beautifying the city environment as a whole.*

**MR ALBERT CHAN** (in Cantonese): *No, this should not be the case. President, it is because in the Secretary's reply ..... first, my introduction just now is based on his main reply that the yields are not adequate to provide support, but the reply given by the Secretary just now is entirely contradictory in logic .....*

**PRESIDENT** (in Cantonese): Mr Albert CHAN, you should know that expression of opinions is not allowed during Question Time.

**MR ALBERT CHAN** (in Cantonese): *President, I understand, I only wish to point out that the Secretary's earlier reply is contradictory to what he just said.*

**MR JAMES TIEN** (in Cantonese): *President, in part (b) of the main reply, the Secretary said that the area of community gardens in each of the 18 districts is about 1 000 sq m, making a total of about 19 000 sq m in the territory.*

*Of course, I understand that it is more difficult to identify suitable land in Yau Tsim Mong. But take the North District as an example, given the vast expanse of the district, there must be a lot of suitable land. Can the community gardens be expanded in the North District, Tseng Kwan O or other places to several thousand sq m or even 10 000 sq m? Will the Government consider doing so?*

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): President, this can certainly be considered. As the size of some districts is larger, the size of community gardens can be further expanded.

**MISS CHOY SO-YUK** (in Cantonese): *President, among the flower seedlings, tree saplings and flowerbeds adopted in GMP, what is the percentage of local species and what is the percentage of foreign species procured outside Hong Kong? Do the authorities have any plan to increase the percentage of locally-grown tree saplings and flowerbeds?*

**PRESIDENT** (in Cantonese): Miss CHOY So-yuk, the main question is mainly about CGP, but your supplementary question is almost equivalent to asking how

many of the plants in the territory are locally-grown tree saplings. Can you think about how to link them up?

**MISS CHOY SO-YUK** (in Cantonese): *President, the main question is about whether the seedlings grown under CGP will be used for the purpose of GMP. My supplementary question is: How many of the tree saplings used under GMP are locally-grown species? As the Secretary said in the main reply that most of the plants from CGP are fruits and vegetables, I therefore asked what plan there is to increase the percentage of local tree saplings. In other words, the authorities can grow tree saplings, instead of fruits and vegetables, on garden plots.*

**PRESIDENT** (in Cantonese): Miss CHOY So-yuk, please sit down first. According to my understanding, your question is: As the Government has to implement GMP on the one hand and now there is CGP on the other, what percentage of local tree saplings is planted under the programme, as the tree saplings will be conducive to the implementation of GMP in the future? Is this what you intend to ask?

**MISS CHOY SO-YUK** (in Cantonese): *I know he said that there is none, but in fact .....*

**PRESIDENT** (in Cantonese): Are you asking the Secretary to provide incentives? Are you asking the Secretary whether this should be encouraged?

**MISS CHOY SO-YUK** (in Cantonese): *Do the authorities have any plan to give encouragement and what plan is there to achieve such a purpose? If this measure is not adopted, what other ways are there to achieve this objective?*

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): President, the CGP aims at fostering the people's interest in gardening. The general public will grow flowers, vegetables or fruits, not tree saplings as required for greening purposes. Most of the tree saplings used for greening purposes under GMP mainly come from the Mainland.

**MISS CHOY SO-YUK** (in Cantonese): *President, my question is: Does the Government have any plan to use more tree saplings grown locally? If so, the expanded part of the community gardens can be used for growing tree saplings required locally.*

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): *President, local tree saplings and tree saplings from South China are in fact of the same species. In terms of the cost, it is more cost-effective to use tree saplings from the Mainland.*

**PRESIDENT** (in Cantonese): *We now proceed to the fifth oral question.*

### **Management of Public Facilities on Private Land**

5. **MR SIN CHUNG KAI** (in Cantonese): *President, regarding facilities such as pedestrian passages, footbridges and open spaces managed by the land owners for public use (public facilities) on private land, will the Government inform this Council:*

- (a) *whether the Government has issued guidelines to private land owners on the management of public facilities, requiring them to put up legible notices at prominent places to inform the public of the exact boundaries, opening hours, enquiry telephone numbers, and so on, of these public facilities; if it has, of the details of the guidelines; if not, whether it will issue such guidelines;*
- (b) *whether it allows private land owners to let public facilities; if so, whether it has issued guidelines to them on the letting arrangements, prescribing such matters as permissible charge levels and whether applications from non-profit-making organizations should be given priority, and so on; if it has not, whether it will issue such guidelines; and*
- (c) *how the Government handles the letting of public facilities by private land owners at a charge the level of which exceeds that considered reasonable by the Government?*

**SECRETARY FOR DEVELOPMENT** (in Cantonese): Madam President, my reply to the three-part question is as follows:

- (a) Public facilities provided within private developments are subject to the provisions in the leases and the Deeds of Dedication. Generally speaking, these provisions placed emphasis on the two parties to the contract, in terms of the rights and obligations in respect of construction, use, management and maintenance of such facilities.

To facilitate members of the public to use these public facilities within private developments, the Development Bureau has earlier on taken forward a number of measures, including the publication of detailed information related to these public facilities on the websites of the relevant government departments. Currently, the information already published includes the Buildings Department's list of 79 private developments with public passage dedicated for public use under the Deeds of Dedication and the Lands Department (LandsD)'s list on 152 private developments completed in or after 1997 with public facilities for public use.

The two departments have also issued letters to the owners of the abovementioned private developments, advising the putting up of notices in prominent places, indicating those public facilities which are open for public use, as well as indicating clearly their locations and uses, opening hours, the organizations or persons responsible for management and maintenance of these facilities and their contact telephone numbers.

The abovementioned advice to owners matches broadly with what the Honourable SIN Chung-kai has asked, and the Development Bureau will actively consider the appropriateness or otherwise of turning such advice into standard guidelines, to serve as reference for the owners of existing private developments and future developments.

- (b) In general, under the provisions of the leases or the Deeds of Dedication, owners are required to allow members of the public to use these public facilities for lawful purposes without payment of

any nature upon completion of these facilities. Hence, owners are not allowed to let out such facilities for profits or obstruct others from using these facilities. There are a few exceptions though, such as providing fee-paying public carparks under the leases, temporary exhibition and display that are allowed under the Deeds of Dedication, or a short term waiver has been obtained from LandsD, upon payment of the relevant fees to the Government, for certain uses other than the originally designated uses. Details of such private developments have already been clearly set out in the published information on the websites for perusal by the public.

- (c) If owners act in breach of the provisions in the leases or the Deeds of Dedication, the Government will take appropriate action having regard to the actual circumstances of each case, including legal action.

**MR SIN CHUNG-KAI** (in Cantonese): *President, in fact I have difficulties in finding out in whom the ownership is vested from the information on the websites. I hope the Secretary can improve the information published on the websites. However, my supplementary question is on part (c) of the main reply, that is, the Secretary's comment that the Government will take practical actions when there is a breach of the provisions in the Deeds of Dedication.*

*My specific question is: If a member of the public lodges a complaint against a certain owner for breaching the Deeds of Dedication, such as claiming that he owns the place, while according to the information released by the Government, that place is owned by the Government, then obviously a breach has occurred because he claims that he owns the place while according to the information of the LandsD, the place is actually owned by the Government, and when a breach has occurred, which department will receive such complaints? Is it the LandsD? As we do not have any channel for lodging or handling complaints, will the Government openly invite complaints from the public? Will the Secretary clarify this?*

**SECRETARY FOR DEVELOPMENT** (in Cantonese): Maybe I have to talk to Mr SIN after the meeting. Actually, the information published on the websites can fully address the supplementary question raised by Mr SIN. In particular,

the information on the 31 public spaces of public concern is provided with detailed illustrations. It is also stated in the remarks whether the titles of such open spaces are owned by the Government or private developers. We have already made it clear in the maps. Besides, the contact telephone numbers of the relevant District Lands Offices are also provided to the right of each item, and enquiries are welcome. In fact, since the publication of the list on 28 March, we have received more than 100 enquires and more than ten complaints, but there is not any serious breach as that mentioned by Mr SIN. It is a very serious breach of the lease for a private land owner to claim a Government land to be his. We will deal with this very seriously.

**DR YEUNG SUM** (in Cantonese): *Madam President, in response to Mr SIN's question of how the authorities handle the letting of public facilities by land owners at a charge the level of which exceeds that considered reasonable by the Government, the Secretary said that legal actions will be taken. Madam President, may I ask the Secretary whether any legal actions have actually been taken so far? Will she disclose such information to the public?*

**SECRETARY FOR DEVELOPMENT** (in Cantonese): First of all, as I have said just now, these public facilities are generally not to be let out for profit. Therefore, there is no question of charges except for the few exceptions, including public carparks. Regarding the case of the Times Square, since actions are being taken by the Department of Justice, I hope Honourable Members can forgive me for not being able to disclose detailed information here.

**MS MARGARET NG** (in Cantonese): *President, I would also like to raise a supplementary question on the rights enforceable in public passages. The Government has the responsibility to clarify the rights enforceable by the public in the so-called public passages, or it will be unfair to the land owner and the public. Therefore, will the Secretary clarify whether the public has the right to conduct activities such as handing out flyers in public passages on Government land in addition to using such passages as access roads? If it has, whether the public generally has the right to conduct the same activities in public passages provided on private land under the Deeds of Dedication in addition to the right to using such passages as access roads?*

**SECRETARY FOR DEVELOPMENT** (in Cantonese): Madam President, regarding this supplementary question raised by Ms NG, for public passages, whether they be public passages on Government land and managed by the Government or provided within private developments under the Deeds of Dedication, whatever activities conducted by the public there must be law-abiding. The most important thing is that they must not go against the law.

For example, fund-raising activities conducted in such public passages by citizens, members of the public or organizations are not subject to regulation on the basis of whether or not such acts are allowed in public passages. Instead, they are subject to other legislation of Hong Kong which governs fund-raising activities conducted in public places. Another example is the so-called public entertainment or even broadcasting activities, the conduct of which requires that permits be obtained from the Food and Environmental Hygiene Department. When police officers are required to take enforcement actions under the Police Force Ordinance, they also have to do so in accordance with the laws of Hong Kong.

As for the latter part of Ms NG's question, I have in fact mentioned in my reply to the supplementary questions raised by Members in relation to the third oral question that if we simply adopt a narrow interpretation of confining the use of public passages to access roads only, some relatively normal activities which are in the public interest might be throttled. In this connection, we are seeking advice from the Department of Justice to see if some clarification can be provided for reference by private developers or the management organizations.

**MS MARGARET NG** (in Cantonese): *Will the Secretary provide a clear reply to the question of whether whatever rights enforceable in public passages on Government land will be equally enforceable in public passages provided under the Deeds of Dedication? If the public is allowed to conduct some normal activities in the public interest in public passages on Government land in addition to using such passages as access roads, then it follows that the public can also enforce the same right in public passages on private land provided under the Deeds of Dedication in addition to using such passages as access roads. Will the Secretary simply clarify it in this way? It is because the more she clarifies, the more confused we are.*

**SECRETARY FOR DEVELOPMENT** (in Cantonese): In fact, I have already given a simple answer. I agree that, for these so-called public passages, besides allowing the public to use them as access roads, it is not clear as to what other normal activities can be included in the scope of their interpretation. However, the fact that the meaning is unclear does not mean that all activities are allowed. As a lot of legislation is in place in Hong Kong, we have to act in accordance with such legislation.

Regarding Ms NG's request for the authorities to give a categorical answer here as to whether or not all public passages on private land provided under the Deeds of Dedication are exactly the same as public passages on Government land, I cannot provide any answer to this question. As I have mentioned in my reply to the supplementary questions raised by Members in relation to the third oral question, the performance of any act must abide by the provisions in the deeds. The provisions in some deeds are very specific. For example, in the case of the Times Square, the relevant provisions in the Deeds of Dedication have specifically set out the rights and obligations of both parties in detail.

**MS MARGARET NG** (in Cantonese): *President, I am not sure whether the Secretary understands my supplementary question. When I raised my question, I mentioned that the Government has entered into the Deeds of Dedication with private property owners according to the law as a condition for increasing the plot ratio. Since the owners are required under the Deeds of Dedication to dedicate certain land as passages for public use, the Government has the right and obligation to ensure that the public can enjoy the same right. How can the Secretary say that the scope of this right can be narrowed under the Deeds of Dedication? If the scope is narrowed, the public will not be able to enjoy any right. This would constitute ultra vires on the part of the authorities, as they have entered into a Deed of Dedication with another party without adequate legal authority.*

**PRESIDENT** (in Cantonese): Ms Margaret NG, this is your opinion. I cannot regard this as a supplementary question. All the comments you have made just now are opinions.

**MS MARGARET NG** (in Cantonese): *Of course I respect your ruling, but I also hope that the Secretary can catch the background behind the question.*

**MR ABRAHAM SHEK** (in Cantonese): *President, concerning the public spaces on private land, may I ask the Secretary whether the Government has estimated the amount required to provide such public spaces for public use if such spaces are not provided by private developers?*

**PRESIDENT** (in Cantonese): Mr Abraham SHEK, this does not seem to have much relevance to the management of public facilities on private land.

**MR ABRAHAM SHEK** (in Cantonese): *President, they are related in the sense that the Government provides public spaces through private land and let private land owners manage such spaces. If these facilities are not available, the Government has to provide them by itself. In such case, how much does the Government have to spend? These private developers have in fact indirectly done a lot of good deeds for the Government and the society. Without these private developers, how much public money does the Government have to spend for such purposes?*

**PRESIDENT** (in Cantonese): I understand, Mr Abraham SHEK, that a lot of people may also be interested in the issue raised in your supplementary question. However, it does not have much relevance to the main question which is relatively narrow in scope. Therefore, I cannot allow you to raise this supplementary question. Nevertheless, you can raise this question in the form of a main question in the future.

**MR LEUNG KWOK-HUNG** (in Cantonese): *Cats certainly eat fish. Therefore, the money spent by developers has nothing to do with this main question. I would like to pursue with the Secretary the supplementary question raised by Ms Margaret NG.*

*Her supplementary question is actually very simple, that is, the Government has, by way of certain agreements, given the owners certain rights to manage certain public passages. Does the Secretary think that under the agreement with the authorities, those owners have the right to prohibit Hong Kong people from enjoying the right of expression under the Basic Law? This is the crux of the matter. Does the Secretary consider this to be the case?*

**PRESIDENT** (in Cantonese): Mr LEUNG Kwok-hung, I do not quite understand the second half of your supplementary question. Public passage is one thing, so why is it related to the right of expression?

**MR LEUNG KWOK-HUNG** (in Cantonese): *President, I have learnt this from the Court. The judge said that "horse roads"<sup>1</sup> are not for horses to walk on, and people can stage demonstrations on them. This is what I have learnt. Therefore, what we often refer to as passages will not be used as such at all time. If people wish to hold a demonstration, we cannot deny their right to demonstration and assembly there on the ground that it is a "horse road". This is in fact a very well-known law case.*

**PRESIDENT** (in Cantonese): But this is not a court of law.

**MR LEUNG KWOK-HUNG** (in Cantonese): *Now the developer of the Times Square is saying that it is a passage, therefore ..... the point of contention is that since the Government requires the developer to manage the passage, it is unacceptable to disallow members of the public to use it as an access road, but the developer can charge a rent for it. Regarding this issue, after such an extended debate just now, Secretary Mrs LAM only has to make one remark and that would be enough. The present situation is that — she has in fact said it, but she has not answered the supplementary question raised by Ms Margaret NG — no matter what agreement the Government has entered into with the other parties, while you said that it is a public passage, but handing out flyers, holding demonstrations, playing music and so on cannot be barred in public passages because ..... the supplementary question I have raised just now is whether the rights such as the right to play music ..... in fact it is the right of expression and the right to demonstration provided for under the Basic Law will be denied because of the contract which the Government has entered into with the owners? My supplementary question is very clear.*

**PRESIDENT** (in Cantonese): To me, it is not very clear. Maybe I am not as clever as you are. Mr LEUNG Kwok-hung, your supplementary question has

<sup>1</sup> The literal translation of the Chinese word for "roads".

to be related to the main question raised by Mr SIN Chung-kai. Therefore, if you wish to further pursue Ms Margaret NG's earlier .....

**MR LEUNG KWOK-HUNG** (in Cantonese): *It is related to part (c). The Secretary said that "If owners act in breach of the provisions in the leases or the Deeds of Dedication, the Government will take appropriate action having regard to the actual circumstances of each case, including legal action." It is because the Times Square .....*

**PRESIDENT** (in Cantonese): Which part (c) are you referring to?

**MR LEUNG KWOK-HUNG** (in Cantonese): *It is part (c) of the Secretary's main reply: " If owners act in breach of the provisions in the leases or the Deeds of Dedication, the Government will take appropriate action having regard to the actual circumstances of each case, including legal action." I have a sound basis for it. The Times Square has been repeatedly criticized for not allowing members of the public to do this and that, but it is legal for it to charge rents. This statement has been published in newspapers. It would be inconceivable for the Secretary, as an accountable Bureau Director, to have missed it. Therefore, there is actually a sound basis for my supplementary question, and their statement itself has already suggested that their act is unlawful.*

**PRESIDENT** (in Cantonese): Are you requesting the Secretary to comment on a press report during this Question Time? You may refer to the Rules of Procedure. Under the Rules of Procedures, Members should not ask this type of questions.

**MR LEUNG KWOK-HUNG** (in Cantonese): *I was just citing an example. I would like to .....*

**PRESIDENT** (in Cantonese): I do not understand your supplementary question, Mr LEUNG Kwok-hung.

**MR LEUNG KWOK-HUNG** (in Cantonese): *President, I have put my question. My supplementary question is in fact very clear, that is, whether the Deeds of Dedication which the Government has entered into with the owners can override the right of expression under the Basic Law. It is as simple as that. President, you can make a ruling now, it does not bother me.*

**PRESIDENT** (in Cantonese): I think I have to make a ruling because the scope of your supplementary question is too broad.

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

**PRESIDENT** (in Cantonese): Perhaps you may raise another main question, as I have suggested Mr Abraham SHEK to do just now.

**MR LEUNG KWOK-HUNG** (in Cantonese): *Fine, thank you for your ruling. It is good enough as long as the Government understands.*

**PRESIDENT** (in Cantonese): We have spent more than 18 minutes on this question. I can only allow the last supplementary question from Members.

**MR ALBERT CHAN** (in Cantonese): *President, regarding the agreement between the Government and the developers and issues relating to such land, particularly the issue of the public's right to use the spaces, they cannot be addressed simply under the deed or the policy of the Government.*

*Regarding many issues, the Government may have to consider adopting the approach similar to that of the Building Management Ordinance and specify the scope of regulation and some penalty provisions by way of legislation, and also protect the public's right to using such facilities under the law. Will the Government consider ..... As in the case years ago when the Government was unable to protect the interest of many small property owners under the deed signed between the owners and the developers, especially when the right to*

*management was involved, the Building Management Ordinance (Cap. 344) was therefore enacted.*

*Will the Government adopt the same way of thinking and consider introducing legislation to ensure the protection of public rights?*

**SECRETARY FOR DEVELOPMENT** (in Cantonese): First of all, I hope Mr CHAN can understand that regarding matters relating to such land, it has been the Government's position that when it has come to the stage of signing the land lease, the Government will enter into a contract with a grantee in the capacity of a land owner. Therefore, we will not deviate from this broad principle. The ultimate concern of Mr CHAN, which is also the concern of many members of the public, is whether the public facilities within these private developments are available for public use. This is exactly the subject we are actively studying. As for the outcome of the study and the practices adopted, they may not be as serious as what Mr CHAN has envisaged. For example, over the past years, we have provided a lot of public facilities, such as transport interchanges, residential care homes for the elderly and youth centres, under such private developments and no problem has ever occurred. It is because there is the procedure of transfer, that is, these facilities are transferred to government departments after completion and become government facilities. Therefore, it is more appropriate to consider the issue in a more practical way.

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

### **Utilization of Wards and Beds in Public Hospitals**

6. **MR JAMES TIEN** (in Cantonese): *Madam President, there have been comments that the services provided by Tseung Kwan O Hospital (TKOH) have long been inadequate to meet the demands of members of the public and the wards in the hospital are often full. TKOH is planning to apply for funding for an expansion project. However, it has been reported recently that a number of the wards in TKOH have actually been left vacant for a long period of time, with some of them not being in use for as long as nine years. Some of such wards have even been used for storing sundries only. In this connection, will the Government inform this Council if it knows:*

- (a) *the details concerning the wards in TKOH which have been left vacant for a long period of time, and the reasons why they have been left vacant;*
- (b) *whether TKOH has drawn up measures to ensure the efficient utilization of resources, so as to avoid the situation that while some of its services have long been inadequate to meet the demands of members of the public, some of its wards are persistently under-utilized; and*
- (c) *whether currently there are similar cases in other public hospitals in which wards and hospital beds have been left vacant for a long period of time; if there are such cases, of the numbers of such wards and beds and their respective vacant periods, and the improvement measures the authorities have put in place?*

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

- (a) In the past, it usually takes 10 years or longer before a hospital could be commissioned after the planning and construction stage. Wards and beds of hospital will be opened for use in phases according to service needs. The hospital will also from time to time adjust the number and use of wards and beds according to actual situation.

TKOH was planned to provide a total of 458 in-patient beds. Among which 377 have already been opened in phases to meet service demand since the end of 1999, providing in-patient services for various specialties such as medicine, surgery, gynaecology, paediatrics and orthopaedics and traumatology. In the past three years, the average bed occupancy rate of the TKOH was 83% which was comparable to that of other public acute hospitals.

The remaining 81 beds of the TKOH which have not yet been made available for in-patient services are mainly from the obstetrics ward, special care baby unit, paediatrics ward and special class ward. For obstetric services, statistics for the past five years show that the number of newborns in Tseung Kwan O and Sai Kung districts

remained stable at about 2 500 on average in each of the five years, with about 1 700 and 800 of them born in public and private hospitals respectively. Currently, the obstetric services provided by the United Christian Hospital are able to cater for the demand for such services in the whole Kowloon East (KE) Cluster.

Against the above background, in order to utilize resources efficiently, the TKOH has made use of the wards originally intended for obstetrics and paediatrics services to provide a range of clinical support services, including medical in-patient services, paediatric milk formulation, nasopharyngeal tests, training for nurses as well as temporary beds when necessary (for example, during renovation or decanting of hospital wards). In addition, one of the TKOH's wards has been converted to serve as an infection control ward with negative pressure for emergency use in the event of a major outbreak of influenza and idiopathic infectious diseases. As for the special class ward and the special care baby unit of the TKOH, they have been temporarily used for administrative office and storage respectively given the change in service demand and that obstetric services are not yet warranted for the time being.

- (b) At present, the Hospital Authority (HA) monitors and reviews the utilization of clinical services regularly through various internal review mechanisms, such as the quarterly meetings with hospital clusters and the progress reports on annual plan submitted by hospital clusters to the HA Head Office. Through these arrangements, the clusters can develop their service rationalization programmes and plan for changes in the number of beds in the light of changing service demand, so as to ensure optimum utilization of resources and improve service to meet public needs. The HA will closely monitor the utilization of obstetric services in the KE Cluster through the above arrangements, so as to assess the need to launch obstetric services in the TKOH.
- (c) At present, some of the infirmary beds in the Chesire Home, Shatin (SCH) and in the Tai Po Hospital (TPH) are vacant and are being used for storage temporarily. There are 50 vacant beds in the SCH and the HA plans to reopen these beds by phases in 2008-2009 and 2009-2010. On the other hand, there are 34 vacant beds in the TPH. The TPH plans to renovate the ward this year for the

provision of rehabilitation services to tie in with the development of orthopaedics and medical in-patient services at the TPH these two years.

**MR JAMES TIEN** (in Cantonese): *Madam President, since it takes 10 years before a hospital can be commissioned after the planning stage, I certainly think that, there are perhaps some mistakes in the projections. However, in the case of the TKOH, it was commissioned in 1999 and has been in service for almost eight years, yet there are still 81 vacant beds. In view of this, I think the mistake is far too serious. The last paragraph of the main reply states several hospitals in which there are vacant beds and it so happens that they are all in New Territories East. For example, there are 50 in Sha Tin and 34 in Tai Po, so the Government really has to ask the Audit Commission to look into this. Secretary, originally, my main question is about the expansion project. If 81 beds in the TKOH are still being used for other purposes and some are even being used for administrative and storage purposes, in that event, is there really a plan for the expansion project, or is it in fact unnecessary to carry out further expansion?*

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): *Madam President, we can see that particularly in the KE Cluster, Tseung Kwan O has become a new town and its population is increasing and it will also age gradually. At present, people aged 65 or above account for about 9% of the population in Tseung Kwan O and Sai Kung, compared to the overall average of 12% to 13% in the other districts of Hong Kong. In the next five to 10 years, the population in Tseung Kwan O will age further, therefore, it will be all the more necessary to increase the provision of health care services. We believe that at present, it is necessary to plan for an expansion and gradually make available the existing space in the TKOH. Moreover, many aspects of the expansion project also target services in this regard, in particular, day services and services for elderly people. In addition, if the number of pregnant women in the district increases, we will also consider launching the obstetric service. For this reason, we believe that it is necessary to carry out planning in this regard.*

**DR JOSEPH LEE** (in Cantonese): *President, the Secretary mentioned in paragraph (c) of the main reply that there were some vacant beds in the SCH and*

*the TPH and that there were plans to reopen those beds. In addition, in paragraph (a) of the main reply, it is said that in fact, several dozen beds in the TKOH are also being left vacant and used temporarily for storage, but it is not mentioned as to when those beds will be utilized again. Is there a problem in the utilization of resources? Mr James TIEN said just now that the TKOH may be expanded and in his reply, the Secretary also said that the population would age and would be in need of more services. However, why did he not tell us specifically when those beds being used for storage or left vacant now would be reused again and how they would be used? We know that at present, the TKOH, be it the Medicine or Surgery department, is often full. Why are those beds not reopened now? There are also such plans for other hospitals, so why is there not any plan for this hospital?*

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): Madam President, we will request the HA to give a more detailed account of the development in this regard. According to the information already submitted to us by the HA, the occupancy rate of the hospital in question is about 80%, which means that at present, there are still vacant beds and wards. For this reason, we think that we have to gain an accurate understanding of its future development. However, we can see that in the entire district, in particular, in the KE Cluster, many patients are seeking treatment outside their district. As we all know, since patients can make their own choice and due to the waiting time, they may choose to make use of the services in other clusters, such as the Kowloon East, Kowloon Central or Kowloon West clusters. We hope that the service capability of the district can be enhanced, so that services can be provided more efficiently. For this reason, we believe that there is still the need to expand.

**MR ANDREW LEUNG** (in Cantonese): *The Secretary said in his reply that leaving 81 beds vacant was intended to utilize resources efficiently. On this point, I am completely puzzled. However, ever since the Chief Executive encouraged the public to have three children and in particular, given the recent trend of pregnant women from the Mainland coming to Hong Kong to give birth to children, obstetric and gynaecological beds are, in fact, inadequate. May I ask the Secretary whether it was due to low demand or inadequate resources for recruiting sufficient doctors and health care workers that those 81 beds are not utilized?*

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): Madam President, regarding obstetric service in particular, the problem is certainly due to the low demand for this service in the district. Just now, I said that there were 2 500 pregnant women but only several hundred of them chose to give birth to their children in that district, and among the 1 700 pregnant women, about half of them chose to use the services of the Kowloon Central or Kowloon West clusters. For this reason, at present, the UCH can provide sufficient service to pregnant women. The Member asked if the obstetric beds are fully occupied. As far as I know, this is indeed the case in private hospitals but in public hospitals, ever since we introduced a new policy in February 2007, this problem has already been sorted out and it is now possible for public hospitals to continuously provide adequate service.

**PRESIDENT** (in Cantonese): Mrs Selina CHOW.

(Mr Andrew LEUNG stood up)

**PRESIDENT** (in Cantonese): Mrs Selina CHOW, please wait a minute. Mr LEUNG, has your supplementary not been answered?

**MR ANDREW LEUNG** (in Cantonese): *President, the Secretary did not reply as to whether this was due to inadequate manpower or inadequate resources.*

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): Madam President, with regard to obstetric service in particular, at present, we do not see any shortage of manpower. Of course, in 2006, we were concerned about this problem. However, as the number of pregnant women has remained stable, this problem is not too serious.

**MRS SELINA CHOW** (in Cantonese): *President, after hearing the responses given by the Secretary just now, I just do not know what to say. The Secretary has suddenly provided a lot of figures relating to that district. As we all know, in the past few years, since the number of pregnant women coming from other places to Hong Kong for delivery was very large, the number of obstetric beds in*

*many hospitals was inadequate. However, the Secretary suddenly quoted the figures for that district alone. Of course, we all know that even the Chief Executive said that the birth rate of young couples in Hong Kong was very low, so how can the Secretary just take into account these two figures?*

*In the main reply, the Secretary said that the beds originally intended for obstetric and paediatric services — in fact, a market exists for those services and yet, the beds are not used for those purposes, but for a range of clinical support services, including medical in-patient services, paediatric milk formulation, nasopharyngeal tests, training for nurses, and so on. President, building a hospital is very expensive. May I ask the Secretary whether, originally when building the hospital, it was already anticipated that the beds would be used for those purposes, or is it because it was not possible to admit enough obstetric patients that other ways were found to utilize them? If the latter is the case, how can one still request to have the hospital expanded? Is this not a great waste of our public funds? This is because money is not spent on the appropriate areas. May I ask the Secretary if it was your original intention to use those beds for such purposes? Now that the beds are being used for those purposes instead of their original purposes, why do you still tell us that there is a need for expansion?*

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): Madam President, those vacant beds mentioned in the main reply were originally intended for obstetric service. In the 1980s, about 70 000 to 80 000 babies were born in Hong Kong each year. However, in the late 1990s and from 2000 onwards, the local birth rate decreased to about 40 000 to 50 000 newborns each year and this is the reason for not expanding the obstetric service further. It was not until mainland pregnant women started to come to Hong Kong for delivery in 2005-2006 that the number of newborns increased to about 60 000. At present, the figure has remained at this level. Nevertheless, this is still falling short of the figure of 70 000 to 80 000 used in our planning. We can also see that of course, hospitals will utilize vacant spaces as far as possible to provide other services and they can also be used to support other services. However, I can also see that the future population of Hong Kong will increase gradually and with economic stability, more people will give birth to children and they also hope that our obstetric service can be strengthened gradually. Therefore, we must make preparations in this area properly. However, at present, the medicine, surgery, general health care and rehabilitation services are most important in that

district. Therefore, we believe that at present, quite a number of patients are using the services of other districts and this is particularly the case in Kowloon East. We hope that more services can be provided in that district, so that not too many patients have to use the services of other districts.

**MRS SELINA CHOW** (in Cantonese): *The Secretary has not answered my question. Those beds were originally intended for obstetric service. Subsequently, we learnt that many pregnant mainland women had come to Hong Kong for delivery and as a result, our hospitals were full. Why are those beds not put to uses as originally planned now?*

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): I have already explained to the Legislative Council on several occasions that the provision of obstetric service of a larger scale would require an admission of 3 000 or more pregnant women each year. At present, the number of pregnant women in Tseung Kwan O and Sai Kung has not reached such a level. For this reason, the bulk of this service has to be handled by other clusters.

**MR ANDREW CHENG** (in Cantonese): *President, just now, when the Secretary replied to the supplementary put by Mrs Selina CHOW, he said that the people in the district concerned hoped that more resources could be committed to rehabilitation services. President, I wish to tell the Secretary and I believe the Secretary also understands that in January and September 2007, the authorities reduced the number of beds for convalescent patients in the TKOH by 38 and in September in the same year, they also reduced the number of female surgical beds by 16 and the total reduction was 54 beds. On the one hand, over 50 convalescent and female surgical beds in the TKOH were dispensed with, and on the other, 81 beds in that hospital are left unutilized. The Government says that resources have to be used efficiently. On this issue, I think the TKOH is facing a keen demand in these areas. After the number of beds was reduced, members of the District Council have expressed great discontent and made strong demands, and as the Secretary also believes that resources should be committed to rehabilitation, why were those vacant beds not utilized by turning them into convalescent beds back in those years, so that resources could be utilized efficiently? Why did the Secretary not deal with the problem, as a result of which those beds have been left vacant for such a long time?*

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): I have answered this question in the Legislative Council before. It is the HA that decides the positioning and the services provided by the hospitals in the KE Cluster. Concerning Tseung Kwan O, the HA has mainly arranged for the Haven of Hope Hospital to handle some of the convalescent patients. For this reason, the rehabilitation service of the Haven of Hope Hospital has been strengthened by setting up a rehabilitation centre to deal with this need. The TKOH is an acute hospital and should focus on handling acute cases and day-care services. This is the planning of the HA.

**MR LEUNG KWOK-HUNG** (in Cantonese): *President, having heard the reply of the Secretary, I also wish to tell him some facts. I have an assistant whose wife was about to deliver. She had to go to the Pamela Youde Nethersole Eastern Hospital in Chai Wan for delivery not because there were not sufficient beds. I agree that it is not the case that there are insufficient beds in the UCH. There are enough beds, however, the facilities are old and backward. In fact, most of the pregnant women in Tseung Kwan O borrow other people's addresses when they register in order to go elsewhere for delivery. In fact, one cannot say that the situation described by the Secretary is wrong because in terms of quantity, the relevant service is adequate in meeting demand. However, in terms of quality, it is shunned by pregnant women. The Secretary said that the Government's policy was to provide district-based services and create a centre. The Secretary has said many times that there must be enough patients in order to develop a centre. I understand this rationale. However, has it ever occurred to the Secretary that residents in Tseung Kwan O have become the guinea pigs of the Secretary's experiment? May I ask the Secretary if he will use the existing vacant beds to enable pregnant women in Tseung Kwan O to give birth to babies in the district, or as he said earlier, the beds can be used for such purposes as health care or paediatric service, so that residents in Tseung Kwan O can make use of such services within the district and a centre as described by the Secretary can be created gradually? This is because what the Secretary is talking about is services for human beings, not guinea pigs.*

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): Madam President, I do not quite understand the supplementary put by Mr LEUNG. In particular, I said just now that if the number could not reach a certain level, it would be difficult to create an obstetric centre with high standards. I also agree that patients can have choices. If they do not like a certain cluster, they can go to

other clusters to use the services there and the HA also allows them to do so. There is no need for them to change their residential addresses. We will respect the choices of the public as far as possible. Regarding what types of beds or services Mr LEUNG wants us to provide, I cannot quite get it, so could he explain that again?

**MR LEUNG KWOK-HUNG** (in Cantonese): *In fact, I can explain this easily. People in Tseung Kwan O have to go to Chai Wan for delivery because according to the reply of the Secretary, the plan is to combine the TKOH and the UCH into a centre but all the obstetric facilities of the UCH are ageing. If your good self can turn the TKOH, which has advanced and clean obstetric facilities, into a centre, people in Kowloon East will go to the TKOH for delivery and they will not have to go to Chai Wan. Why was the number of obstetric beds reduced despite the large number of vacant beds and as a result, the TKOH cannot be turned into a modern and reliable centre? This is illogical. The original idea of the Government was wrong in thinking that the UCH could be turned into a centre but at present, the public (that is, the users) no longer use the service of that hospital. This is where the problem lies. Does the Secretary intend to turn the TKOH into another centre?*

**PRESIDENT** (in Cantonese): Secretary, your reply please.

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): Madam President, as far as I know, the obstetric service of the UCH is on a par with other public hospitals in terms of its professional standard or facilities. The UCH also has a neonatal intensive care unit. As regards whether it is necessary to provide obstetric service in the TKOH, this can be decided only after looking at the relevant figures and other analyses.

In addition, should the obstetric department be relocated to the TKOH and should the one in the UCH be cancelled? I think this is not a very good idea.

**PRESIDENT** (in Cantonese): The last supplementary.

**MR LAU KONG-WAH** (in Cantonese): *The Secretary said just now that over a thousand pregnant women in Tseung Kwan O chose to go to hospitals in other districts for delivery. In fact, it was not correct to say so because they did not have any choice. What choices did they have? There is no maternity ward in the TKOH, so they must go to other hospitals for delivery. Therefore, what Mr LEUNG Kwok-hung said just now was really the heartfelt voices of the public. Tseung Kwan O is a young community with 2 500 newborns. That is quite a high figure. It is inhumane if pregnant women have to go to Chai Wan, Yau Ma Tei or Sha Tin for delivery. Therefore, may I ask the Secretary again if he can take into account this figure of 2 500 babies as well as the future population growth and plan for diversion accordingly? For example, at present, there are many pregnant mainland women in the Prince of Wales Hospital and it is desirable to divert them to the TKOH. Is the Secretary willing to consider this issue further?*

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): Madam President, first, let me say that under the strategy and planning of the HA, certain essential services are available in each cluster and obstetric service is provided in the KE Cluster. At present, the obstetric service is available in the UCH and our main consideration is whether or not the number of deliveries each year is high enough to justify having two centres to handle them. Of course, we have to see what the trend is before a decision can be made in this regard. We will leave it for the HA to consider how those facilities should be used.

**MR LAU KONG-WAH** (in Cantonese): *The reply given by the Secretary is rather vague. Will he consider re-examining the relevant figures, with a view to considering the provision of additional obstetric service?*

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): Madam President, of course, we will make decisions having regard to the annual figures and examine if there is any need to introduce additional service in this regard and establish another obstetric centre.

**PRESIDENT** (in Cantonese): Oral question time now ends.

**WRITTEN ANSWERS TO QUESTIONS****Sewage Treatment Facilities and Water Quality of Rivers and Streams in Tuen Mun and Yuen Long**

7. **MR ALBERT HO** (in Chinese): *President, regarding sewage treatment and water quality of rivers and streams in Tuen Mun District and Yuen Long District, will the Government inform this Council:*

- (a) *of the current levels and daily handling capacity of the sewage treatment facilities in the above two districts (broken down by district and facility), where the treated sewage is discharged, and whether the facilities concerned can treat all the sewage generated daily in those two districts; if not, of the current daily quantity of sewage in the two districts which is untreated and directly discharged into rivers, streams and Hong Kong waters;*
- (b) *in the past three years, whether the Government had carried out regular inspections targeted at illegal connection of sewers for discharging sewage in Tuen Mun District and Yuen Long District; if so, of the number of sewers which have been proved to be illegally connected but have not yet been removed so far; among them, the number of those which are illegally connected to the Tuen Mun River, and whether the Government has any plan to remove all such sewers;*
- (c) *in the past three years, of the overall compliance with the Water Quality Objectives of the rivers and streams in Tuen Mun District and Yuen Long District, as well as the levels of heavy metals and Escherichia coli (E coli) in such rivers and streams; and*
- (d) *of the current locations where water samples are taken for monitoring the water quality of the Tuen Mun River; the quality of the water samples taken at these locations in the past three years and, among such water samples, whether any of them were of "Bad" and "Very Bad" quality; if so, whether the Government has studied*

*the reasons for the bad quality of water at those locations; if it has, the outcome of the study?*

**SECRETARY FOR THE ENVIRONMENT** (in Chinese): President,

- (a) The Yuen Long area is divided into two sewage catchments and served by two regional sewage treatment works, namely, the Yuen Long Sewage Treatment Works (YLSTW) and the San Wai Sewage Treatment Works (SWSTW). The treated effluent from these two plants is discharged to Shan Pui River in inner Deep Bay and to Urmston Road, Castle Peak respectively. The capacities of these two plants with planned upgrades as necessary will be sufficient to handle the sewage generated in the catchments within the planning horizon. Relevant details concerning the two treatment works are as follows:

<i>Sewage Treatment Works</i>	<i>Major areas at present</i>	<i>Treatment Level</i>	<i>Design Capacity (m<sup>3</sup>/d)</i>
YLSTW	Yuen Long Industrial Estate	Secondary*	70 000
SWSTW	Tin Shui Wai and Yuen Long Town Centre	Preliminary**	164 000

\* We plan to provide further disinfection treatment to the effluent of YLSTW.

\*\* We plan to upgrade the treatment level of SWSTW from preliminary to Chemically Enhanced Primary Treatment and disinfection with further expansion of capacity to 246 000 m<sup>3</sup>/d.

Notwithstanding the above, around 3 600 kg of organic load (in terms of five-day Biochemical Oxygen Demand (BOD<sub>5</sub>)) is still discharged to rivers in Yuen Long every day. Currently, we plan to provide by 2014 four regional trunk sewerage networks as well as village sewerage for 44 villages in the Yuen Long area. This will help reduce the polluting load.

At present sewage from the Tuen Mun catchment is conveyed via the existing public sewerage network to the Pillar Point Sewage Treatment Works (PPSTW) for preliminary treatment. The treated effluent is disposed of to the Northwest Waters through a submarine outfall located to the south of the River Trade Terminal. The design capacity of PPSTW is 235 000 m<sup>3</sup>/day. The treatment level of the PPSTW will also be upgraded from preliminary treatment to chemically enhanced primary treatment in the near future with a marginal increase in capacity. The planned upgrade will be sufficient to handle the additional sewage flow from the catchment within the planning horizon. The existing untreated pollution load discharged to rivers in the Tuen Mun area is estimated to be about 800 kg of BOD5 per day. We plan to provide sewers to unsewered areas, including villages, in Tuen Mun for the collection of sewage.

- (b) Environmental Protection Department (EPD) has from time to time conducted investigations of buildings and shops in Tuen Mun and Yuen Long to identify expedient connections. Upon confirming the sources of the expedient connections, we would request the owners/occupiers of the concerned premises to rectify the problems as quickly as possible. At the present moment, we are closely monitoring the progress of 40 outstanding cases in Yuen Long.

At present, investigations have not revealed obvious expedient connections to the Tuen Mun River. However, there are unsewered villages in the upstream area. Sewage produced from these villages is not treated properly and thus indirectly affects the water quality of the river. The Government is planning to provide sewers to these villages in order to improve the water quality of the river in the upstream section.

- (c) The Water Quality Objective compliance rates and levels of heavy metals and E coli of the rivers in Tuen Mun and Yuen Long Districts from 2005 to 2007 are summarized in Annex 1.

- (d) The locations of the six water quality monitoring stations monitored by EPD along the Tuen Mun River are shown in Annex 2. Two stations (TN1, TN2) are in the upstream section, three (TN3, TN4, TN5) are in the midstream section, and one (TN6) is in the downstream section. The Water Quality Index gradings of the six monitoring stations for 2005, 2006 and 2007 are as follows:

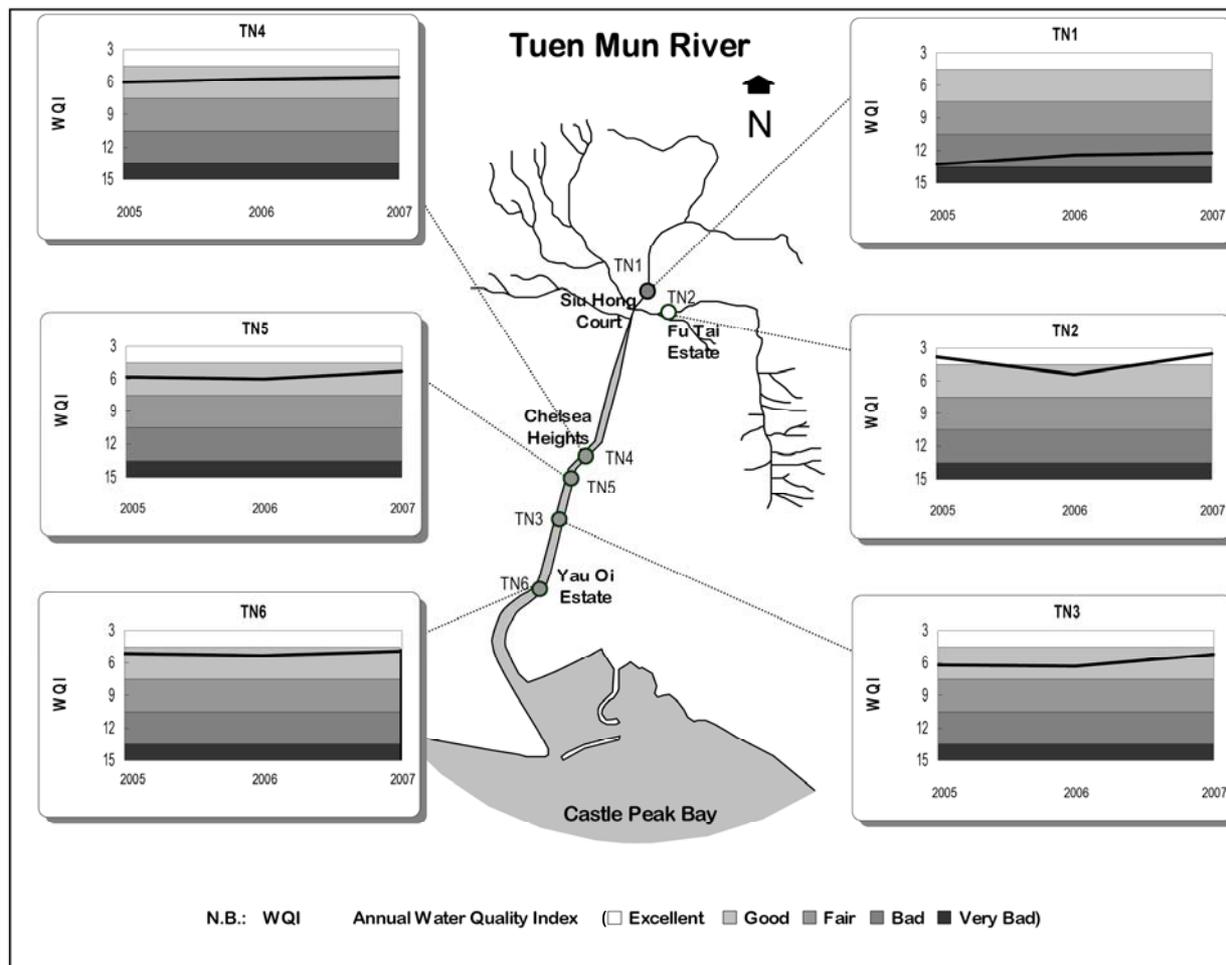
TN1	Bad (2005, 2006, 2007)
TN2	Excellent (2005, 2007); Good (2006)
TN3, TN4, TN5 and TN6	Good (2005, 2006, 2007)

The "Bad" grading of TN1 in the upstream section was largely due to pollution from unsewered villages. Two dry weather flow interceptors have been installed at locations near Siu Hong Court and Tuen Mun San Hui to curb the impact of village sewage on the Tuen Mun River. This has improved greatly the water quality downstream of TN1.

#### Annex 1: Water quality of major water courses in Tuen Mun and Yuen Long areas from 2005 to 2007

Water Course	Tuen Mun River			Yuen Long Creek			Kam Tin River			Tin Shui Wai Nullah			Fairview Park Nullah		
	2005	2006	2007	2005	2006	2007	2005	2006	2007	2005	2006	2007	2005	2006	2007
WQO compliance rate	83%	85%	91%	37%	33%	35%	46%	39%	41%	85%	76%	75%	43%	45%	47%
Cadmium ( $\mu\text{g}/\text{litre}$ )	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1
Chromium ( $\mu\text{g}/\text{litre}$ )	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Copper ( $\mu\text{g}/\text{litre}$ )	4	4	3	14	16	11	10	12	5	4	4	4	5	4	3
Lead ( $\mu\text{g}/\text{litre}$ )	2	2	1	5	4	3	2	3	2	3	4	3	3	3	2
Zinc ( $\mu\text{g}/\text{litre}$ )	20	22	13	73	84	49	65	65	35	48	40	25	30	20	30
E coli (cfu/100 ml)	13 000	27 000	9 500	480 000	1 000 000	460 000	330 000	440 000	190 000	61 000	81 000	13 000	62 000	41 000	44 000

## Annex 2: Water Quality Index of Tuen Mun River from 2005 to 2007



## Management of Public Open Space in Private Developments

8. **MS AUDREY EU** (in Chinese): *President, recently, quite a number of members of the public are concerned about their rights to use the public facilities in private developments and restrictions on such use. In this connection, will the Government inform this Council:*

- (a) *whether the Government will consider reviewing the current version of the Hong Kong Planning Standards and Guidelines (HKPSG) to set out the basic standards for private developers on the opening of the above public facilities for public use (for example, such facilities must be open 24 hours a day, types of public activities allowed in such facilities and other restrictions on public use of such facilities, and so on);*

- (b) *given that after the release by the Government earlier on of a list of private developments completed after 1997 which were required to provide public facilities, the Secretary for Development has undertaken to continue to compile the relevant information for the period before 1997 and upload such information onto the Government websites in batches upon completion of work, of the latest work progress; and state, according to the information already processed, the number of private developments completed before 1997 in which the developers were required by the Government to provide public facilities under their land leases, as well as the following details of such developments and facilities:*

<i>Address</i>	<i>Area</i>	<i>Nature and use of public facility</i>	<i>Year of approval</i>

*; and*

- (c) *given that the "deeds of dedication" provide for dedication of areas in private developments for public passage, and the Buildings Department (BD) had, in its inspections made in 2006 and 2007 of such dedicated areas, identified cases of unauthorized structures causing obstruction to public passage, whether the Government has initiated any prosecution in respect of such cases; if it has, of the details; if not, the reasons for that?*

**SECRETARY FOR DEVELOPMENT** (in Chinese): President, my reply to the three-part question is as follows:

- (a) The purpose of the HKPSG is to provide basic guidelines to ensure that, during the planning process, there is a fair basis for the Government to reserve adequate land to facilitate social and economic development and provide appropriate public facilities to meet the needs of the public. These standards and guidelines can help determine the total area of land required for the various types

of land uses and their territorial distribution; provide the locational criteria for individual land uses and facilities; and formulate a land use budget and serve as assessment criteria for land uses of various districts.

Using open space as an example, the planning principles, hierarchy of classification, standards for provision and calculation for meeting such standards, zoning, locational criteria and design guidelines have been set out in detail in Chapter 4 of the HKPSG. It is worth mentioning that there is no distinction between public and private open space in the standards for open space in the HKPSG. Also, the HKPSG has not provided specific guidelines for public facilities provided by private developers.

The standards and guidelines for general public facilities have been covered in the HKPSG. The purpose of the HKPSG is to reserve land for planning public facilities. Operational details, such as opening hours, restriction of use and activities allowed in the area, and so on, are not suitable for inclusion in the HKPSG. Furthermore, the uses and operation of these facilities vary according to different circumstances and it is not possible to generalize them into a single standard to cover all scenarios.

- (b) On 28 March 2008, the Lands Department (LandsD) published a list on the provision of public facilities and/or open space required under leases for public use in private developments completed in or after 1997 on its website. The LandsD is also preparing a similar list for private developments completed before 1997 and we will announce it when ready. As the number of private developments involved is large, publishing the lists in phases is a more pragmatic approach. We expect that the second phase of the list can be published on the LandsD's website in the latter part of this year.
- (c) In 2006 and 2007, during inspections by the BD in respect of public facilities required under deeds of dedication for public passage in private developments, four cases involving unauthorized structures

obstructing public passage have been found. The parties concerned have been immediately reminded by the BD to remove the obstructions to ensure that the public passage is accessible. As the parties concerned have removed the obstructions voluntarily and maintain an unobstructed public passage upon receipt of the BD's notification, there is no need for the BD to take further action, including prosecution action.

### Services of Public Light Buses

9. **MR FRED LI** (in Chinese): *President, regarding services of public light buses (PLBs) in Hong Kong, will the Government inform this Council:*

- (a) *of the respective current numbers of green minibus (GMB) routes providing cross-harbour services (between Hong Kong Island and Kowloon, and between Hong Kong Island and the New Territories) and their details (please set them out according to the table below);*

Route	To and from	Operating hours	Number of vehicles			Fares and sectional fares (if applicable)
			Liquefied petroleum gas (LPG) PLBs	Non-LPG PLBs	Total	

- (b) *of the respective current numbers of GMB routes offering fare concessions (for example, discounts for the elderly or students) and their details; and whether it will, when renewing the licences for operating GMB routes in future, consider requesting the operators concerned to offer fare concessions to the elderly; if it will, of the details; if not, the reasons for that; and*
- (c) *whether it will consider relaxing completely or partly the existing restrictions on the gross vehicle weight and passenger seating*

*capacity of PLBs, so that the PLB trade can have more vehicle models to choose; if it will, of the details; if not, the reasons for that?*

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

- (a) At present, there are a total of four GMB routes providing cross-harbour services in Hong Kong. Details are at Annex.
- (b) A total of 52 GMB routes are now offering fare concessions to senior citizens with amounts of reduction ranging from \$0.3 to \$12.5 (a discount of 10% to 56%) and seven GMB routes offering fare concessions to students with amounts of reduction ranging from \$0.5 to \$2.3 (a discount of 17% to 39%).

The Government has all along been encouraging operators to offer fare concessions to passengers having regard to their operating and financial situations as well as community needs. As an incentive to operators, applicants undertaking to offer fare concessions will be given extra marks during the selection of operators for new GMB routes.

- (c) Under the principle of optimizing the use of limited road space, the basic function of PLBs in the public transport system is to provide services for areas where the patronage does not support high capacity carriers. At present, a PLB can carry up to 16 passengers. It is stipulated in the Road Traffic (Construction and Maintenance of Vehicles) Regulations that the maximum gross vehicle weight of a light bus is 5.5 tonnes. The gross weights of PLB vehicle models currently available in the market do not exceed 5 tonnes. Taking into account the development of the public transport network at present and in the coming years, we expect the demand for PLB services will remain stable in the future. Therefore, at present we have no plans to change the permitted seating capacity of PLBs and to relax the existing restriction on the vehicle weight of PLBs.

## Annex

## Details of GMB Cross-harbour Services in Hong Kong

Route	Origin and Destination	Operating Hours	Number of Vehicles			Full and Section Fares
			LPG PLBs	Non-LPG PLBs	Total	
Hong Kong Island Route No. 61	Siu Sai Wan (Island Resort) to Mong Kok East Station	From Siu Sai Wan (Island Resort): 11 pm to 5 am  From Mong Kok East Station: 12 midnight to 5 am	4	0	4	Full Fare \$18.00  Section Fare Shau Kei Wan to Mong Kok East Station: \$13.00 Lam Tin (Lei Yue Mun Road) to Mong Kok East Station: \$6.00 Kowloon City to Siu Sai Wan (Island Resort): \$13.00 North Point to Siu Sai Wan (Island Resort): \$6.00
New Territories Route No. 18	Hang Hau (North) to North Point	From Hang Hau (North): 5.40 am to 11.50 pm  From North Point: 5.50 am to 11.50 pm	0	12	12	Full Fare \$12.00  Section Fare Lam Tin (Lei Yue Mun Road) to North Point: \$8.60 Sai Wan Ho to North Point: \$2.90 Lam Tin (Lei Yue Mun Road) to Hang Hau (North): \$4.50 Tseung Kwan O to Hang Hau (North): \$3.00
New Territories Route No. 19S	Hang Hau (North) to Causeway Bay (Circular route)	From Hang Hau (North): 12 midnight to 5.30 am	0	12	12	Full Fare \$17.20  Section Fare North Point to Causeway Bay: \$3.50 Lam Tin (Lei Yue Mun Road) to Hang Hau (North): \$7.00 Tseung Kwan O to Hang Hau (North): \$6.00
New Territories Route No. 49S	Tuen Mun (Siu Hong Court) to Wan Chai	From Tuen Mun (Siu Hong Court)/Wan Chai: 12.01 am to 6 am	11	0	11	Full Fare \$20.00  (No section fare is offered)

**Promoting Fuwa - Mascots of Beijing Olympics**

10. **MISS CHOY SO-YUK** (in Chinese): *President, regarding Fuwa, mascots of the Games of the XXIX Olympiad (the Olympic Games) to be held in Beijing in 2008, will the Government inform this Council:*

- (a) *whether it has any plan to promote the upcoming Olympic Games by using Fuwa; if it has, of the details; if not, the reasons for that;*
- (b) *whether it knows if there is any publicity campaign in the community to promote Fuwa;*
- (c) *whether it has any plan to assess the level of awareness of Fuwa by members of the public in Hong Kong; if it has, of the details; if not, the reasons for that; and*
- (d) *given that some members of the public have relayed to me that Fuwa are far less seen in Hong Kong than in Qingdao, another co-host city of the Olympic Games, whether it has assessed if this situation reflects that the Olympic publicity campaigns in Hong Kong are not as good as those in mainland cities in terms of quality, number and impact; if it has, of the assessment outcome?*

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

- (a) The Administration has been using Fuwa to promote the Olympic Games, with Fuwa being featured as a promotional element in the city dress up programme, and the promotional and celebration activities for the Olympic Games. The Administration will continue to use Fuwa on such occasions and for such promotional materials as deemed appropriate, having regard to the guidelines issued by the Beijing Organizing Committee for the Games of the XXIX Olympiad (BOCOG).

Since October 2007, the Home Affairs Bureau has been co-operating with the marketing partners of the Olympic Games, that is, Olympic Games sponsors, to erect buntings, banners and posters based on the Olympic themes including those of Fuwa at

prominent locations including major thoroughfares, venues, footbridges, and the external walls of some government buildings.

The Administration has also displayed the Fuwa models or Fuwa-themed posters in various activities. For instance, five 12-foot Fuwa models were displayed at the community celebration programme held at the Sha Tin Racecourse on 2 May 2008. Certain community programmes organized or co-organized by government departments, such as the Mid-Autumn Festival lantern carnivals, Lunar New Year fairs, and the Hong Kong Flower Show, have also included the display of Fuwa or adopted Fuwa as a promotional element. The Leisure and Cultural Services Department also promotes Fuwa at its venues.

As far as the district-based promotion is concerned, the Home Affairs Department facilitates the incorporation of the Fuwa designs in the lighting display and other city dress up initiatives for the promotion of the Olympic Games. Fuwa-themed buntings are also available at the district offices for loan by the district organizations. In addition, the roving exhibitions staged by the Home Affairs Bureau in different districts/schools for the promotion of the Olympic Games also include exhibition panels on Fuwa.

- (b) Non-governmental organizations such as educational institutes, district organizations, charitable organizations, and so on, have been organizing different forms of activities in promoting the Olympic Games. Some of these organizations make use of images including those of Fuwa for the purpose of promotion.
- (c) Fuwa is one of the promotional elements adopted by the Administration in the implementation of publicity and promotional programmes which tie in with the Olympic Games and the Equestrian Events to be staged in Hong Kong. The Administration attaches importance to the overall impact of the publicity and promotional programme and does not have any plan to assess the level of awareness of Fuwa by members of the public.
- (d) Fuwa is one of the promotional elements adopted by the Administration in the implementation of publicity and promotional

programmes for the Olympic Games. Apart from Fuwa, the Administration also adopts for the city dress up initiatives other promotional elements, such as the artistic images proposed by the BOCOG and the images of equestrian athletes, with a view to reflecting the characteristics of the Olympic Games and showcasing Hong Kong's status as the co-host city for the Equestrian Events. The Administration has drawn reference to the experience of Qingdao in promoting the Olympic Games, but has not conducted any assessment on the use of Fuwa in Hong Kong and Qingdao. We will use Fuwa at different times and to different extent according to the needs of the publicity programmes for the Olympic Games.

Apart from the city dress up initiatives, Hong Kong as an Olympic co-host city also undertakes publicity and promotional programmes for the Olympic Games, which consist of territory-wide carnivals (that is, Torch Relays and Live Sites), community participation programmes (including educational, sports, youth activities, and so on), publicity programmes conducted locally, in the Mainland and overseas, and Olympic legacy projects. The Administration believes that these activities will help arouse the public interest in the Olympic Games and the Olympic Movement, more deeply engender the Olympic Spirit amongst the public, and enhance public understanding of the country.

### **Using Low-platform Buses to Provide Bus Service**

11. **MR ALBERT CHAN** (in Chinese): *President, in May 2006, I raised a question in this Council regarding the issue that most of the bus trips to and from Tin Shui Wai were not serviced by wheelchair-accessible buses with low platforms. It is learnt that currently most of these trips are still not serviced by low-platform buses, and wheelchair users often have to wait for more than 30 minutes for such buses. In this connection, will the Government inform this Council:*

- (a) *of the respective numbers of low-platform buses added to the fleets of various franchised bus companies since May 2006 and the respective rates of increase;*

- (b) *of the daily number of trips run by low-platform buses to and from Tin Shui Wai at present, and the percentage of such trips in the total number of relevant bus trips; how such figures compare with those in May 2006; and*
- (c) *whether it will reconsider including a clause in the future franchise agreements with the franchised bus companies, requiring them to retrofit in all in-service non-low-platform buses facilities which facilitate boarding and alighting of wheel-chaired passengers; if it will, of the details; if not, the reasons for that?*

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

- (a) The total number of wheelchair accessible low-floor buses of the franchised bus companies has increased by 9.4% from 2 544 in end-April 2006 to 2 783 in end-March 2008. The change in the number of low-floor buses of the franchised bus companies is outlined at the Annex.
- (b) In end-April 2006, the total number of trips operated by low-floor buses to and from Tin Shui Wai was 2 319 per day, accounting for 70% of the daily total number of trips of the relevant bus routes. At present, the total number of trips operated by low-floor buses serving Tin Shui Wai is 2 384 per day, representing 72% of the daily total number of trips of the bus routes concerned.
- (c) All franchised bus companies, except New Lantao Bus Company (1973) Limited (NLB), have agreed and implemented since 2001 that all new buses purchased as additional or replacement vehicles would be wheelchair accessible. Due to constraints of the terrain of the roads covered by most of the routes of NLB, it is not suitable for wheelchair accessible low-floor buses to run on these roads. The company, however, has purchased wheelchair accessible low-floor buses for deployment on routes where the terrain permits. Under these arrangements, the franchised bus companies' fleets will gradually have more buses which are suitable for the use by wheelchair users.

## Number of Low-floor Buses of Franchised Bus Companies

<i>Franchised bus companies</i>	<i>Number of low-floor buses (total number of buses)</i>		<i>Increase</i>
	<i>April 2006</i>	<i>March 2008</i>	
Kowloon Motor Bus Co. (1933) Ltd.	1 738 (4 042)	1 883 (4 015)	8.3%
Citybus Ltd. (Hong Kong Island and cross-harbour routes) (CTB(F1))	43 <sup>Note 1</sup> (744)	54 <sup>Note 1</sup> (753)	25.6%
Citybus Ltd. (Airport and North Lantau bus routes)	76 (166)	125 (171)	64.5%
New World First Bus Services Ltd.	531 (693)	541 (694)	1.9%
Long Win Bus Co. Ltd.	139 (147)	154 (157)	10.8%
New Lantao Bus Co. (1973) Ltd.	17 (83)	26 (97)	52.9%
Total	2 544 (5 875)	2 783 (5 887)	9.4%

Note 1: The majority of CTB(F1)'s buses were purchased before 1997 when low-floor buses were not available in the market. At present, CTB(F1) will acquire wheelchair accessible models when purchasing new buses.

### Prohibition of Smoking in Covered Walkways

12. **DR DAVID LI:** *President, I have observed that "no smoking" signs are posted along a privately-managed elevated outdoor covered walkway in Central District, which is open for use by the public, while the connecting public elevated outdoor covered walkway does not have such signs posted. In this connection, will the Government inform this Council:*

- (a) *of the existing statutory provisions under which the owner concerned is authorized to post the above "no smoking" signs, and whether statutory prohibition against smoking is enforceable along the privately-managed walkway concerned; and*
- (b) *whether it has assessed if the relevant statutory provisions allow public elevated outdoor covered walkways to be declared no smoking areas; if the assessment outcome indicates that they are allowed to be so declared, whether the Government will make such declarations; if the assessment outcome indicates that the prohibition is neither enforceable nor applicable to all elevated outdoor covered walkways, whether the Government will consider amending the relevant ordinance(s) to effect such a prohibition?*

**SECRETARY FOR FOOD AND HEALTH:** President, my reply to the question raised by Dr the Honourable David LI is as follows:

- (a) Under section 3(1) and Part 1 of Schedule 2 to the Smoking (Public Health) Ordinance (Cap. 371), an indoor area in a workplace or public place is a designated no-smoking area. The term "indoor" under the Smoking (Public Health) Ordinance is defined to mean:
  - (i) having a ceiling or roof, or a cover that functions (whether temporarily or permanently) as a ceiling or roof; and
  - (ii) enclosed (whether temporarily or permanently) at least up to 50% of the total area on all sides, except for any window or door, or any closeable opening that functions as a window or door.

The smoking ban is equally applicable to such areas whether within privately-owned or government-owned premises. Although there is no legal requirement that managers of statutory no-smoking areas place no-smoking signs therein, managers of premises are free to place "no-smoking" signs in premises under their management. Managers of private premises that are not statutory no-smoking areas may also designate some areas as no-smoking to provide a better environment to all users. We also encourage these premise

managers to display no-smoking signs in designated no-smoking areas.

As an example, the footbridge connecting Chater House and Jardine House, as well as the one connecting Prince Building and Landmark are both indoors according to the definition above. It should be noted that within a designated no-smoking area where smoking is prohibited, the smoking ban is enforceable regardless of whether a no-smoking sign is displayed. If managers have doubts over whether an area is subject to the statutory smoking ban under the Smoking (Public Health) Ordinance, they could seek assistance from the Tobacco Control Office (TCO) of the Department of Health.

- (b) The smoking ban was extended to cover a vast expanse of venues since 1 January 2007. Implementation of the smoking ban in all designated no-smoking areas has so far been generally smooth and successful. Since 1 January 2007, the TCO has issued two summonses in relation to smoking offences on indoor footbridges while on the whole, the TCO has issued a total of 5 494 summonses to smoking offenders. The success is attributable to the public support for the new law, including smokers and non-smokers. This is an achievement which has been made after years of social discourse and public education. The present coverage of designated no-smoking areas has gained wide support from the public as well as Legislative Council Members after detailed and thorough discussions.

As the amendments to the Smoking (Public Health) Ordinance have only come into force for slightly over a year, we consider it prudent to assess the need and merits of further expanding the scope of no-smoking areas after a more comprehensive assessment of the full effect of the smoking ban. In the meantime, the Administration is working with the Legislative Council on fixed penalty against breaches of the Ordinance. When this new measure takes effect, there will be a stronger deterrent effect of the smoking ban. We will also continue to strengthen our tobacco control regime through a wide range of complementary measures including law enforcement, publicity, education and encouragement to cease smoking.

**Provision of Male and Female Lavatories in Public Places**

13. **MS EMILY LAU** (in Chinese): *President, in January last year, the Government advised this Council that in response to public concern about inadequate provision of sanitary fitments in female lavatories in shopping arcades, cinemas and places of public entertainment, the Government planned to amend the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations (Cap. 123 sub. leg. I) in the 2007-2008 Legislative Session. As an interim measure before amending the Regulations, the Buildings Department (BD) issued the non-mandatory Practice Note for Authorized Persons and Registered Structural Engineers (Practice Note) in May 2005 to revise the ratio for assessing the number of male to female in these premises from 1:1 to 1:1.25 and the standard for the provision of sanitary fitments for male and female. In this connection, will the executive authorities inform this Council:*

- (a) *given that in reply to a question raised by a Member of this Council in January 2007, the authorities advised that 11 building works projects of private shopping arcades, cinemas and places of public entertainment had adopted the new guidelines for the provision of sanitary fitments in female lavatories, and BD would assess the effectiveness of the guidelines upon the completion of these projects, of the number of such projects completed at present and the progress of the assessment work concerned;*
- (b) *of the reasons why the authorities did not include the proposed amendments to the above Regulations in the Buildings (Amendment) Bill 2007; and*
- (c) *of the policies and measures in place to complement the implementation of the male to female ratio recommended by the Practice Note?*

**SECRETARY FOR DEVELOPMENT** (in Chinese): *President, my reply to the three-part question is as follows:*

- (a) Since the promulgation of the new Practice Note by the BD in May 2005, up to December 2007, 32 building projects of private shopping arcades, cinemas and places of public entertainment have

adopted the new guidelines on the provision of female sanitary facilities and six of them have already been completed.

In an earlier consultation on the relevant provision standards and from the views collected subsequently, it has been revealed that the revised ratio leading to an increase in female sanitary facilities is generally welcomed by the public. In fact, many stakeholders hoped that the concerned standard could be further enhanced so as to increase the female sanitary facilities in the public places concerned. After examining the views and reviewing in detail, the consultant commissioned by the BD recommended that, taking the Practice Note as basis, the sanitary facilities for female in private shopping arcades, cinemas and places of public entertainment should be further increased. The BD is consulting the industry on the recommendations in order to decide the way forward.

- (b) The BD has commissioned the consultant to review the existing provision of sanitary facilities in buildings and the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations. The scope of the consultancy study not only involves the increase in sanitary facilities for female in private shopping arcades, cinemas and places of public entertainment, but also covers a comprehensive review of the existing design and technical standards of plumbing, drainage works, sanitary fitments, and so on, to meet the needs of modern society and the advances in construction technology. The BD is consulting the industry on the package of proposed amendments to the above Regulations and will commence the preparatory work for the amendment.
- (c) The new Practice Note promulgated by the BD in May 2005 recommends that the male-to-female ratio in private shopping arcades, cinemas and places of public entertainment should be raised from 1:1 to 1:1.25. As mentioned in part (b) above, the BD will incorporate the proposed requirements and standards into the amendment regulations.

Since the promulgation of the new Practice Note by the BD in May 2005, to facilitate users of various government facilities and create a pioneering effect, the Administration has adopted the new standards

on the provision of female sanitary facilities in new buildings. The Architectural Services Department has issued internal guidelines, stipulating that all works projects under its purview should comply with the requirements of the new Practice Note to increase the number of sanitary fitments for female. The Hong Kong Housing Authority has also formulated internal design guidelines, requiring that sanitary fitments as recommended in the Practice Note should be provided in newly built public lavatories in public places, including shopping arcades.

### Consumption of Fresh Water

14. **MR LAU KONG-WAH** (in Chinese): *President, regarding the consumption of fresh water in Hong Kong, will the Government inform this Council:*

- (a) *of the quantities of fresh water consumed as well as the amounts of water and sewage charges paid by domestic households and commercial premises respectively in each of the past five years;*
- (b) *whether it has assessed if the quantities of water consumed by domestic and commercial premises have shown an upward trend in recent years, and how the increase in water consumption compares with the growth in the numbers of domestic and commercial premises; and*
- (c) *of the expenditure on promoting water conservation in the past three years, and how the figure compares with that in the three years preceding that period; and whether it has reviewed if the promotion work in this respect are inadequate?*

**SECRETARY FOR DEVELOPMENT** (in Chinese): President, to treasure our scarce water resources, we have been actively pursuing water conservation through various publicity campaigns including Announcements of Public Interest on television and radio, as well as promotional messages printed on water bills. Furthermore, we have put forward a comprehensive strategy for total water

management, which includes enhancing promotion on water conservation to ensure adequate fresh water supply for our community in the long term.

My reply to the three parts of the question is as follows:

- (a) The quantities of fresh water consumption as well as the amounts of water and sewage charges paid by domestic households and industrial and commercial premises respectively for the past five years are as follows:

Table 1

Quantities of Fresh Water Consumption

<i>Year</i>	<i>By Domestic Households (in Million Cubic Metres)</i>	<i>By Industrial and Commercial Premises (in Million Cubic Metres)</i>
2002-2003	310	199
2003-2004	325	194
2004-2005	324	203
2005-2006	321	200
2006-2007	322	196

Table 2

Water and Sewage Charges

<i>Year</i>	<i>Domestic Households</i>		<i>Industrial and Commercial Premises</i>	
	<i>Water Charges (\$ Million)</i>	<i>Sewage Charges (\$ Million)</i>	<i>Water Charges (\$ Million)</i>	<i>Sewage Charges (including Trade Effluent Surcharge) (\$ Million)</i>
2002-2003	617 <sup>(Note 1)</sup>	92 <sup>(Note 1)</sup>	753 <sup>(Note 1)</sup>	342 <sup>(Note 1)</sup>
2003-2004	1,143 <sup>(Note 1)</sup>	199 <sup>(Note 1)</sup>	800 <sup>(Note 1)</sup>	355 <sup>(Note 1)</sup>
2004-2005	1,418	266	929	413
2005-2006	1,386	264	919	412
2006-2007	1,382	271	896	407

Note 1: The revenues from water and sewage charges in 2002-2003 and 2003-2004 were lower than those for other years because of concessions in water and sewage charges in these two years.

- (b) The numbers of domestic accounts as well as industrial and commercial accounts for the past five years are as follows:

<i>Year</i>	<i>Domestic Accounts</i> <i>(x 1 000)</i>	<i>Industrial and Commercial Accounts</i> <i>(x 1 000)</i>
2002-2003	2 280	233
2003-2004	2 326	233
2004-2005	2 356	233
2005-2006	2 374	231
2006-2007	2 406	233

As shown by the above figures, the number of domestic accounts was increased by 5.5% over the past five years from 2.28 million in 2002-2003 to 2 406 000 in 2006-2007. Over the same period, the quantity of fresh water consumption by domestic households was increased by 3.9% from 310 million cubic metres to 322 million cubic metres, as indicated in Table 1 in part (a) above. In comparison, the increase in the quantity of water consumption by domestic households was slightly lower than the increase in the number of domestic accounts, but the difference was small. On the other hand, there was not much change in the number of industrial and commercial accounts and the corresponding quantity of water consumption over the past five years.

- (c) The average annual expenditure in promoting water conservation over the past three years was about \$1.3 million, which indicated an increase when compared with the annual average of about \$800,000 in the three years preceding that period. We will regularly review our publicity work for promoting water conservation and will enhance public education on the need to conserve water in the proposed comprehensive strategy for total water management.

### **Viability of Ferry Service Between Central and Tsim Sha Tsui**

15. **MR FREDERICK FUNG** (in Chinese): *President, the operation of the ferry route between Central and Tsim Sha Tsui was relocated from the old Central Star Ferry Pier to Central Pier No. 7 (Pier No. 7) in November 2006.*

*The operator of this ferry route, the "Star" Ferry Company, Limited (Star Ferry), has indicated on many occasions that a drop in the number of passengers, due to the more remote location of the new pier, has put it under pressure to increase fares for this route. In this connection, will the Government inform this Council:*

- (a) whether it knows the number of passengers and amount of fare income of the ferry route since the pier relocation, and how the figures compare with those before the pier relocation; how the relative ratio of ferry passengers boarding the upper deck and lower deck respectively has changed since the opening of the elevated walkway linking the new pier and the General Post Office, and of the impact of the change on the income;*
- (b) whether it will adopt the following measures to increase the number of passengers for the ferry route: in the short term, building more public transport routes passing the new pier and making optimal use of the areas around the pier, and in the long term, building additional link roads and installing more travelators connecting areas at some distance from the waterfront in the new Central Harbourfront, so as to attract and facilitate the use of ferry services by the public, alleviate the pressure on the existing road harbour crossings, and save this ferry service, which has tourism and conservation value, from being eventually phased out by the more convenient road transport modes; and*
- (c) of the criteria it will adopt for assessing and approving the fare increase application for the ferry route, and whether it will consult this Council before making a final decision in this regard?*

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

- (a) The operation of the franchised ferry service plying between Central and Tsim Sha Tsui (the Route) operated by Star Ferry was relocated to Pier No. 7 in November 2006. According to Star Ferry's figures, the patronage of the Route has decreased by about 18% since the pier relocation, with a drop in the fare revenue as well.

Before the pier relocation, the patronage boarding the upper and the lower decks accounted for about 55% and 45% of the total patronage respectively. Immediately following the relocation, about 60% of the total patronage boarded the lower deck. However, following the opening of the Man Yiu Street footbridge, which connects the upper deck of Pier No. 7, in June 2007, the patronage ratio between the upper and the lower decks has almost returned to the pre-relocation level (that is, 52% and 48% respectively). Despite slight increase in the fare revenue of the Route consequently, its total patronage has remained stable and Star Ferry's record shows that the route is still operating at a loss.

- (b) To improve the operating conditions of ferry services, the Government has all along been allowing ferry operators to generate non-fare box revenue by publishing advertisements as well as subletting premises at piers for commercial and retail activities to cross-subsidize ferry operation. At present, Star Ferry has already sublet most of the shop area at Pier No. 7 for commercial and retail uses.

As regards transport co-ordination, a total of 25 bus routes and seven green minibus routes are currently plying through the Central Piers area to provide ferry passengers with feeder services to different districts. Among these, the Transport Department (TD) deliberately relocated the terminus of three bus routes (that is, route nos. 15<sup>1</sup>, 15C and 629) to the bus stop outside the Central Piers and added en-route stops of four bus routes (that is, route nos. 2, 12, 511 and M722) there, when the Pier No. 7 was opened for use, to facilitate Star Ferry's passengers to take bus services to areas such as Admiralty, Wan Chai and the Peak. Furthermore, there are taxi stands and pick up/drop off facilities for general vehicles outside the Central Piers.

As regards building more pedestrian linking facilities at the Central harbourfront, the Administration completed the construction of the Man Yiu Street footbridge in June 2007 for public access to Pier No. 7. In the long run, three five-metre wide at-grade pedestrian

<sup>1</sup> Bus route no. 15 plies between the Central Piers/Exchange Square and the Peak. The route terminates at the Exchange Square before 10 am and at the Central Piers after 10 am daily.

crossings will be constructed along Road P2 (that is, in the vicinity of the General Post Office, City Hall and Central Barracks) together with the Central Reclamation Phase III and expected for completion in end 2009. The Planning Department will also study the provision of a multi-level pedestrian network with new at-grade crossings, elevated footbridges, landscaped decks and underground connection, and so on, under the Urban Design Study for the New Central Harbourfront which is currently in progress. Some of the facilities will connect with piers along the Central harbourfront to facilitate pedestrians' use of the ferry services at the piers.

- (c) The TD has received from the Star Ferry fare adjustment application for its two franchised ferry services (Tsim Sha Tsui — Central and Tsim Sha Tsui — Wan Chai). In processing fare increase applications for all ferry services, the Government will carefully consider all relevant factors including the financial situation of the ferry operator, its forecast on operating costs, its past service performance, public acceptability of the proposed fare increase, as well as any other revenue-generating and cost-saving measures taken by the ferry operator. The Government will consult the Transport Advisory Committee and the Legislative Council Panel on Transport on the fare increase application from the Star Ferry for its franchised services before submitting the application to the Chief Executive in Council for decision.

### **Counterfeit Hong Kong \$10 Coins**

16. **MR LAU WONG-FAT** (in Chinese): *President, it has been reported that due to the very large amount of counterfeit Hong Kong \$10 coins in circulation at present, it is difficult for people to differentiate such counterfeit coins from the genuine ones, and as a result, quite a number of Hong Kong people travelling on the Mainland or in Macao often encounter shops, food premises and transport operators refusing to accept Hong Kong \$10 coins. In this connection, will the Government inform this Council:*

- (a) *of the respective quantities of \$10 coins issued and counterfeit \$10 coins received by banks or seized by law enforcement agencies in*

*each of the past three years, and the major differences between such counterfeit coins and the genuine ones; and*

- (b) *whether it will stop issuing \$10 coins and replace such coins entirely by \$10 banknotes; if it will, of the details?*

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Chinese): President, our responses to the questions raised by Mr LAU Wong-fat are as follows:

- (a) The numbers of \$10 coins issued and \$10 counterfeit coins collected by the Administration from 2005 to 2008 (as at end March) on a yearly basis are set out below:

<i>Year</i>	2005	2006	2007	2008 <i>(as at end March)</i>
<i>Item</i>				
Number of \$10 coins issued (million pieces)	105.056 [-0.6]	105.956 [+0.9]	108.356 [+2.4]	108.556 [N/A]
Number of \$10 counterfeit coins collected (pieces)	147 169 [-134 215]	92 998 [-54 171]	72 550 [-20 448]	15 748 [N/A]

Note: Figures in [ ] represent the difference between the relevant year and the preceding year.

According to information provided by the Security Bureau and the police, \$10 counterfeit coins are generally rougher in finishing than authentic coins, with blurred fonts and pattern on the surface. Moreover, they usually weigh differently from and are made of different metals when compared with authentic coins.

- (b) Having regard to the fact that the general public has certain demand for using \$10 coins as a means of exchange in day-to-day retail transactions, the Hong Kong Monetary Authority (HKMA) has no plan to stop issuing \$10 coins. The HKMA will continue to keep a close watch on the market situation with a view to ensuring that the currencies issued are in tune with the demand of the society.

**Departure of Civil Servants**

17. **MR LAU KONG-WAH** (in Chinese): *President, on the departure of civil servants, will the Government inform this Council:*

- (a) *of a breakdown by rank of the departed civil servants in the past three years;*
- (b) *whether it has assessed if the departure is serious and examined the causes; and*
- (c) *whether it knows the types of employment mainly taken up by civil servants after leaving the Civil Service?*

**SECRETARY FOR THE CIVIL SERVICE** (in Chinese): President,

- (a) We do not keep statistics on wastage in the Civil Service by ranks. We are therefore unable to provide the requested information. However, we do compile wastage statistics by salary groups. The number of civil servants who left the service in each of the past three years by salary groups is set out at the Annex.
- (b) The number of departures from the Civil Service in each of the past three years, at 2.6%, 2.6% and 3.1% of the strength of the Civil Service in the relevant year, is unexceptional. As shown in the Annex, most of the civil servants who left the service in the past three years did so upon retirement; and only a small number did so upon resignation, completion of agreement, termination of service, and so on. Again, the position is within the norm.

Although bureaux and departments endeavour to understand from those civil servants resigning from the service the reasons for their decision, many of the concerned civil servants are not forthcoming. Based on our experience, we consider the more common causes for

civil servants to resign from the service include: availability of alternative employment with better pay and/or prospects, preference for private sector pursuits to public service, realization that the work they have to perform as civil servants is not quite what they have in mind, and pursuit of further studies.

- (c) We do not seek or have comprehensive information on the nature of work taken up by civil servants after departure from the service. The limited information we have on this front is derived from the implementation of the policy on post-service outside work.

Under this policy, directorate civil servants who wish to take up outside work (the principal part of which is carried out in Hong Kong) during their final leave period and/or within one to three years (depending on the rank, reason of leaving the service and length of service when leaving the Government) after leaving the Government have to apply for prior permission. In 2007, 55 such applications from 37 directorate civil servants were approved. These approved applications were for work related to education, management, works, finance, accounting, medical and security.

Under the policy on post-service outside work, non-directorate civil servants (other than those remunerated on the Model Scale 1 Pay Scale) who wish to take up outside work during their final leave period and/or two years after retirement have to apply for prior permission. In 2007, 589 such applications from 493 non-directorate civil servants were approved. These approved applications were for work related to education, security, management, medical, finance, accounting and works.

As civil servants remunerated on the Model Scale 1 Pay Scale are given blanket permission to take up post-service outside work, we do not have any information on the nature of work taken up by these civil servants upon leaving the service.

## Number of Civil Servants Leaving the Government in 2005 to 2007

Civil Servants <sup>(1)</sup> by Salary Groups	2005				2006				2007			
	Retirement	Resignation	Others <sup>(2)</sup>	Total	Retirement	Resignation	Others <sup>(2)</sup>	Total	Retirement	Resignation	Others <sup>(2)</sup>	Total
Officers at DPS <sup>(3)</sup>	82	4	18	104	76	8	11	95	72	7	18	97
Officers at MPS 45-49 <sup>(4)</sup>	128	10	43	181	104	20	17	141	106	15	11	132
Officers at MPS 34-44 <sup>(5)</sup>	378	42	90	510	324	53	61	438	359	58	57	474
Officers at MPS 26-33 <sup>(6)</sup>	557	68	61	686	344	74	49	467	367	90	60	517
Officers at MPS 10-25 <sup>(7)</sup>	1 468	191	379	2 038	1 552	242	336	2 130	1 952	339	357	2 648
Officers at MPS 0-9 <sup>(8)</sup>	627	11	35	673	766	14	36	816	864	14	41	919
Total	3 240	326	626	4 192	3 166	411	510	4 087	3 720	523	544	4 787

## Notes:

- (1) Excluding Judges and Judicial Officers, ICAC officers and locally engaged staff working in Hong Kong Economic and Trade Offices.
- (2) Including completion of agreement, termination of service, dismissal, resolution of agreement by mutual consent, and so on.
- (3) Covering officers at Directorate Pay Scale, or equivalent.
- (4) Covering senior management/senior professional officers with maximum salary points at Master Pay Scale 45-49, or equivalent, for example, Chief Executive Officer, Senior Treasury Accountant, Senior Engineer, and so on.
- (5) Covering middle management/professional officers with maximum salary points at Master Pay Scale 34-44, or equivalent, for example, Senior Executive Officer, Treasury Accountant, Engineer, and so on.
- (6) Covering junior management with maximum salary points at Master Pay Scale 26-33, or equivalent, for example, Executive Officer 1, Accounting Officer 1, Assistant Engineer, and so on.
- (7) Covering junior staff with maximum salary points at Master Pay Scale 10-25, or equivalent, including Rank and File, Clerical Officer, Assistant Clerical Officer, Personal Secretary, Typist, and so on.
- (8) Covering other staff with maximum salary points at Master Pay Scale 0-9, or equivalent, including Office Assistant, Artisan, Motor Driver, officers at Model Scale 1 Pay Scale, and so on.

**Provision of Lifeguard Services at Public Swimming Pools and Beaches**

18. **MR FREDERICK FUNG** (in Chinese): *President, regarding the provision of lifeguard services at public swimming pools and beaches under the management of the Leisure and Cultural Services Department (LCSD), will the Government inform this Council:*

- (a) *of the respective numbers of rescue cases (where rescue operation was required), fatal cases and give-a-hand cases (where no rescue operation was required) which happened at public swimming pools and beaches during service hours in each of the past three years;*
- (b) *of the details of the cases in the past five years in which individual swimming pools/the entire swimming complexes and beaches were closed because some lifeguards took unscheduled leave, including the dates, duration and areas of closure, as well as the estimated number of swimmers affected and the number of affected organizations which had booked swimming lanes or pools;*
- (c) *of the progress in the recruitment of lifeguards by LCSD in recent months, including a breakdown by the mode of appointment (that is, permanent establishment and various contract terms) of the recruitment targets, the number of lifeguards recruited so far, the average years of experience among those recruited, the ratio of male to female and the percentage of those who have worked at public swimming pools or beaches before; whether LCSD will consider further raising the pay levels of lifeguards to bring them back to the pre-1998 levels; and*
- (d) *given that it has been reported that the existing establishment of lifeguards is below the international standard, and public swimming pools will be opened to the public free of charge between July and September this year, how LCSD ensures that there will be adequate number of on-duty lifeguards at all public swimming pools and beaches even if some lifeguards take unscheduled leave, and whether LCSD will consider recruiting more lifeguards (instead of deploying honorary lifeguards who are inexperienced) to stand in for the lifeguards who take leave?*

**SECRETARY FOR HOME AFFAIRS** (in Chinese): President, my reply to the four parts of the question is as follows:

- (a) The total number of rescue cases, fatal cases, give-a-hand cases and accident cases (such as injuries on land) is 8 682 in the past three years. The details are as follows:

	2005	2006	2007
1. Rescue Cases			
(i) Swimming Pools	111	121	123
(ii) Beaches	181	142	128
Total:	292	263	251
2. Fatal Cases			
(i) Swimming Pools	2	1	0
(ii) Beaches	1	5	1
Total:	3	6	1
3. Give-a-hand Cases			
(i) Swimming Pools	1 532	1 389	1 488
(ii) Beaches	808	627	599
Total:	2 340	2 016	2 087
4. Accident Cases			
(i) Swimming Pools	326	352	329
(ii) Beaches	130	139	147
Total:	456	491	476

- (b) The details of the cases in the past five years in which swimming facilities were closed temporarily because of unscheduled leave taken by lifeguards are provided in the following tables. The lifeguards took unscheduled leave mainly because they were not feeling well.

	2003	2004	2005	2006	2007
1. The number of times part of the facilities were closed temporarily or the size of the swimming zones of beaches were reduced temporarily					
(i) Swimming Pools	307	404	469	336	294
(ii) Beaches	0	0	1	1	7
Total:	307	404	470	337	301

	2003	2004	2005	2006	2007
2. The number of times swimming facilities were affected					
(i) Swimming Pools					
- Diving Pools	157	220	257	215	167
- Leisure Pools	98	149	178	96	107
- Teaching Pools	98	86	107	46	42
- Training Pools	32	12	33	12	9
- Children's Pools	16	14	26	7	10
- Main/Secondary Pools	0	2	3	1	2
Total:	401	483	604	377	337
(ii) Beaches					
- Size of the swimming zones was reduced	0	0	1	1	7
Total:	0	0	1	1	7
3. The number of hours part of the facilities were closed temporarily					
(i) Swimming Pools					
Total number of hours for the whole year:	2 292	2 453	2 704	1 922	1 561
(ii) Beaches					
Total number of hours for the whole year:	0	0	9	9	63
4. Estimated number of affected swimmers					
(i) Swimming Pools	9 000	9 700	14 400	7 500	6 900
(ii) Beaches	Not applicable	Not applicable	Not affected	Not affected	Not affected
5. Total number of affected pool lanes which had been booked:	0	0	0	4	20
6. Total number of affected organizations which had booked the swimming pools:	0	11	9	1	6

\* Note: The above figures do not include those related to the temporary closure of swimming pool and beach facilities as a result of the industrial actions taken by lifeguards in 2004 and 2005.

- (c) The LCSD started a recruitment exercise for lifeguards to be appointed on civil service terms in early January this year. It is expected that more than 290 persons will be recruited. The recruitment exercise is still in progress. Moreover, about 900 "seasonal lifeguards" will be recruited for the swimming season in 2008. Out of the about 590 seasonal lifeguards presently appointed on contract terms, around 75% of them had been appointed before in last year's recruitment exercise while 80% of them had worked at public swimming pools or beaches under the Department. The ratio of male to female among these lifeguards is roughly 9:1.

The pay scale of lifeguards appointed on civil service terms will be handled in accordance with the Pay Adjustment Mechanism for the Civil Service. As for lifeguards appointed on non-civil service contract terms, the LCSD will conduct a review regularly just as in the past by taking into account relevant factors such as the salary movements in the lifeguard market, the financial position and manpower requirement of the Department, and so on, to decide whether the pay scale should be adjusted and determine the range of adjustment.

- (d) Despite the fact that individual swimming pool management organizations overseas may have set their staffing standard for lifeguards, there is not a unified international staffing standard for lifeguards because of the variations among swimming pool facilities and the modes of use all over the world. The LCSD's staffing standard was set in 2004 after a working group composed of members including the representatives from the Hong Kong Life Saving Society and the Department's staff had carried out site inspections of the venue facilities and listened to the views of staff. On top of this, a review of the staffing arrangements for swimming pools and beaches is also conducted by the LCSD every year to meet operational needs.

The number of users of swimming pools is expected to be higher than normal between July and September this year when public

swimming pools will be open to the public free of charge. The LCSD has already planned to recruit additional lifeguards for that period so as to strengthen the life saving service at swimming pools. Moreover, arrangements will also be made just as in the past for inviting honorary lifeguards from the Hong Kong Life Saving Society to be on duty at swimming pools.

### **Franchised Bus Services**

19. **MR MARTIN LEE** (in Chinese): *President, regarding franchised bus services in Hong Kong, will the Government inform this Council:*

- (a) *of the respective numbers of new and old buses proposed by various franchised bus companies to be purchased and disposed of respectively under the Forward Planning Programmes (FPPs), which were submitted to the Commissioner for Transport in the past three years, together with a breakdown of such numbers by year and by franchised bus company, and whether the Government has any policy to limit the total number of franchised buses as well as the numbers of old buses being replaced by new buses and disposed of respectively every year; if it has, of the details and the objectives of adopting such a policy; and*
- (b) *whether currently there is any policy to limit the number of franchised buses operating in some of the districts with heavy traffic (including Yau Tsim Mong District, Central and Western District, Wan Chai District and Eastern District); if so, of the number of franchised buses permitted to operate in each of these districts?*

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

- (a) *The numbers of buses to be purchased by franchised bus companies as approved by the Transport Department (TD) under the FPPs and*

the number of old buses reduced in these companies for the past three years are at the Annex.

The Government has not set limits on the total number of franchised buses as well as the numbers of buses being replaced by new buses and old buses to be scrapped respectively every year. Franchised bus companies are required to submit annually to the TD their FPPs for the next five years, which include proposed programmes for retiring old buses and purchasing new ones. Upon receipt of such proposals, the TD will discuss with these companies to determine the numbers of buses to be purchased and retired yearly, taking into account factors such as passenger demand as well as improvements to roadside air quality, bus safety, the public transport network, and so on.

- (b) In order to regulate as appropriate the vehicular flow in busy districts, the TD will refrain as far as possible from approving the operation of new bus routes plying through such districts. For instance, the TD would arrange new bus routes to operate via non-busy districts or introduce new shuttle bus routes by which bus passengers can interchange with the existing bus services to and from the busy districts. In case of genuine need for increasing the number or frequency of route operating in busy districts, bus companies will have to make corresponding reduction in the frequency of other existing routes passing through such districts where possible.

Meanwhile, the TD has been working with bus companies in studying and promoting the rationalization of bus service network through measures including cancellation, merging and truncation of bus routes and adjustments in bus frequency with a view to reducing the frequency of bus services on roads, particularly the busy corridors. Under this strategy, the number of daily bus trips running in busy districts such as Central, Wan Chai and Yau Tsim Mong has been reduced by about 3 300 in the period from 2003 to 2007.

## Annex

Breakdowns of the numbers of buses to be purchased by franchised bus companies as approved by the TD under the FPPs and the numbers of old buses reduced in these companies for the past three years

(A) Breakdown of the numbers of buses to be purchased by franchised bus companies as approved by the TD under the FPPs for the past three years

<i>Franchised Bus Company</i>	<i>2005 or 2005/2006<sup>1</sup></i>	<i>2006 or 2006/2007</i>	<i>2007 or 2007/2008</i>	<i>Total</i>
The Kowloon Motor Bus Company (1933) Limited	100	35	39	174
Citybus Limited (Franchise for Hong Kong Island and Cross-harbour Routes)	0	10	18	28
Citybus Limited (Franchise for North Lantau and Chek Lap Kok Airport Routes)	14	4	0	18
New World First Bus Services Limited	0	18	20	38
Long Win Bus Company Limited	5	10	7	22
New Lantao Bus Company (1973) Limited	13	0	31	44
Total	132	77	115	324

Note 1: The respective periods covered by the FPPs coincide with the financial years of respective franchised bus companies and that the financial years of some companies commence in mid-year.

(B) Breakdown of the numbers of old buses reduced in the franchised bus companies for the past three years

<i>Franchised Bus Company</i>	<i>2005 or 2005/2006<sup>1</sup></i>	<i>2006 or 2006/2007</i>	<i>2007 or 2007/2008</i>	<i>Total</i>
The Kowloon Motor Bus Company (1933) Limited	168	117	29	314

<i>Franchised Bus Company</i>	<i>2005 or 2005/2006<sup>1</sup></i>	<i>2006 or 2006/2007</i>	<i>2007 or 2007/2008</i>	<i>Total</i>
Citybus Limited (Franchise for Hong Kong Island and Cross-harbour Routes)	32	5	2	39
Citybus Limited (Franchise for North Lantau and Chek Lap Kok Airport Routes)	12	6	0	18
New World First Bus Services Limited	17	5	0	22
Long Win Bus Company Limited	0	0	2	2
New Lantao Bus Company (1973) Limited	16	0	10	26
<b>Total</b>	<b>245</b>	<b>133</b>	<b>43</b>	<b>421</b>

Note 1: The respective periods covered by the FPPs coincide with the financial years of respective franchised bus companies and that the financial years of some companies commence in mid-year.

### **Hiring Consultants for Introduction of Competition Law**

20. **MR SIN CHUNG-KAI** (in Chinese): *President, in June last year, the Government announced that it had appointed Arculli Fong & Ng and another law firm, Gilbert + Tobin, as consultants to provide expert services in relation to the introduction of a competition law. The estimated budget for the consultancy services in the last and current financial years exceeds \$16 million in total. In this connection, will the Government inform this Council:*

- (a) *whether the providers of the aforesaid consultancy services were selected through a tender process; if so, of the commencement and completion dates of the process as well as the total number of bids received by the Government;*
- (b) *if no tender exercise had been conducted, of the procedure adopted by the Government for identifying providers of the consultancy services; and*
- (c) *whether it can set out in detail the specific work covered in the consultancy services?*

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

- (a) The consultancy for the provision of expert services in relation to the introduction of a competition law was subject to tender in accordance with the Government Procurement Regulations and Tendering Process. The tender process commenced in late March 2007 and was completed in June 2007. We received 22 tenders for the consultancy work.
- (b) As noted above, the standard tendering procedures were followed.
- (c) The main tasks of the consultancy are as follows:
  - (i) advise with detailed justifications on a model for a cross-sector competition law that would best suit Hong Kong's needs, with reference to the regulatory frameworks in other jurisdictions including but not limited to Australia, Canada, the European Union, Singapore, the United Kingdom and the United States;
  - (ii) review statutes and case law, both local and overseas, and advise on the implications of different approaches to formulating a competition regulatory framework for Hong Kong;
  - (iii) provide all necessary professional support and advice on matters arising in connection with the law drafting process and the legislative process;
  - (iv) prepare a set of draft guidelines for the implementation of the proposed cross-sector competition law; and
  - (v) produce reports and proposals for submission to the Government, and attend meetings as necessary or as required under the consultancy study.

**BILLS****First Reading of Bills**

**PRESIDENT** (in Cantonese): Bills: First Reading.

**DUTIABLE COMMODITIES (AMENDMENT) BILL 2008****DUTIABLE COMMODITIES (AMENDMENT) (NO. 2) BILL 2008****REVENUE BILL 2008**

**CLERK** (in Cantonese): Dutiable Commodities (Amendment) Bill 2008  
Dutiable Commodities (Amendment) (No. 2) Bill 2008  
Revenue Bill 2008.

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

(While the Clerk was reading out the titles of the three Bills for First Reading, Mr LEUNG Kwok-hung crossed the Chamber and tried to talk with other Members)

**PRESIDENT** (in Cantonese): Mr LEUNG Kwok-hung, please return to your own seat or leave the Chamber.

**Second Reading of Bills**

**PRESIDENT** (in Cantonese): Bills: Second Reading.

**DUTIABLE COMMODITIES (AMENDMENT) BILL 2008**

**SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT** (in Cantonese): Madam President, I move the Second Reading of the Dutiable

Commodities (Amendment) Bill 2008 to implement the reduction of duties on alcoholic beverages such as wine as announced in the 2008-2009 Budget.

The proposal concerned in the Budget is to reduce the duties on wine to zero so as to capitalize on the growing wine market in the region, especially the Mainland, and further develop the related business for greater employment opportunities.

The object of the Bill is to amend the Dutiable Commodities Ordinance (Cap. 109) to:

- (i) reduce the *ad valorem* duty for wine from 40% to 0%, and that for non-wine alcoholic beverages with an alcoholic strength of not more than 30% (mainly beer) from 20% to 0%; and
- (ii) provide for temporary retention of administrative arrangements (including licensing/permit arrangements) needed to keep track of the movement of these goods for duty collection purposes, with minor modifications.

The temporary retention of administrative arrangements is to give due respect to the view of the Legislative Council on this issue. Under section 7 of the Public Revenue Protection Ordinance (Cap. 120), the original duty rates will have to be reinstated retrospectively from the budget day should the Legislative Council choose not to approve the proposed duty reductions. Under such a scenario, the administrative arrangements for temporary retention would provide a trail for recovering any duty that becomes payable.

However, we have removed the administrative arrangements for small commercial shipments or goods for personal use. There are two reasons for this:

- (i) the amount of duty involved in such goods is in general small in amount and the administrative costs needed to recover any duty that becomes payable would be disproportionate to the likely amount of duty to be collected; and
- (ii) to minimize the delay that may be caused to in bound passengers carrying small amounts of alcoholic liquors.

If the Legislative Council passes the relevant proposal to reduce wine duty, the above transitional administrative arrangements will no longer be necessary and we will introduce Committee stage amendments to remove them.

The reduction in wine duty has proved to be beneficial to consumers. According to a survey on the prices of the most popular brands of wine in Hong Kong, the average retail prices for these wines have dropped by about 20%. In addition, after the reduction in duty rates up to mid-April, wine imports have risen by about 78% compared to the same period last year and in terms of the value of these imports, the increase is more than double that of last year. Also, many large auction houses have already held wine auctions in Hong Kong and some are planning to hold their first-time ever auctions here. Some companies have expanded their wine-related business in Hong Kong, including wine display and storage, and some companies have announced their plan to do so. The market initially reacts favourably to the reduction in duty rates.

In order to fully capitalize on the opportunities brought about by zero wine duty and to enhance Hong Kong's competitiveness in attracting wine trade and wine distribution business, we are keeping in close touch with those in the trade to try to know their needs with respect to storage facilities, manpower training and opening up the mainland market, and so on. This will help us in considering taking matching business-facilitation measures to provide support.

In addition, we will strengthen co-ordination efforts in publicity in different areas and promote economic activities that have a synergy effect on the wine trade. This includes tourism, catering and hospitality services, and so on. In the coming months, there will be two large-scale wine fairs to be held here and it is estimated that many business visitors will come here. The Hong Kong Tourism Board will seize the opportunity to promote our tourism products and offer these visitors other matching services.

The above proposals on reduction in wine duty and the temporary retention of administrative arrangements have come into immediate effect on the delivery of the budget speech on 27 February pursuant to the Public Revenue Protection Order 2008. The Protection Order gives legal effect to these proposals up to a period of four months. We hope Members can expedite the deliberations on the Bill and its passage so that the proposals to reduce wine duty can be implemented and the relevant administrative arrangements removed early.

I so submit. Thank you, Madam President.

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the Dutiable Commodities (Amendment) Bill 2008 be read the Second time.

According to the Rules of Procedure, this debate is adjourned and the Bill is referred to the House Committee.

### **DUTIABLE COMMODITIES (AMENDMENT) (NO. 2) BILL 2008**

**SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT** (in Cantonese): Madam President, I move the Second Reading of the Dutiable Commodities (Amendment) (No. 2) Bill 2008 (the "second Bill"), to complement the Dutiable Commodities (Amendment) Bill 2008 (the "first Bill"), which has just been read the Second time, in order to implement the second part of the proposal in relation to wine and alcoholic liquors in the 2008-2009 Budget, that is, to repeal the licensing and permit arrangements required for the purpose of duty collection.

The second Bill seeks to amend the Dutiable Commodities Ordinance and other relevant legislation so as to indefinitely suspend the relevant licensing and permit arrangements which have been temporarily retained unless duty on wine and liquors will be reinstated in the future.

Discounting the amendments in the first Bill, in order to protect government revenue, traders are required to apply for licenses for the importation, exportation, storage and manufacturing of the abovementioned alcoholic liquors. Besides, they have to apply for permits for the movement of such liquors within the territory of Hong Kong.

After the passage of the legislative amendments, wine traders will not have to apply for licences or permits for the importation or exportation, manufacturing, storage or movement of such goods. The Hong Kong Customs and Excise Department will not need to assess the value of alcoholic liquors for taxation purpose. The proposed removal of such administrative arrangements will not only further reduce the operating costs of the wine industry but also shorten the time needed for importation and exportation of these goods, thus facilitating the trade of wine and the business of the wine industry.

We propose to retain the relevant provisions in the Dutiable Commodities Ordinance so that the relevant duties can remain to be a source of revenue for the Government in future.

The second Bill involves the consequential amendments to the Legislative Council Ordinance (Cap. 542). It is provided in the Ordinance that the import and export functional constituency of the Legislative Council is composed of, among others, companies licensed under the Dutiable Commodities Ordinance for the import or export of dutiable commodities.

Upon removal of the relevant licensing requirement, importers and exporters of liquors will lose their eligibility to vote or register as electors in this functional constituency when their present annual licences expire. To maintain the existing electorate basis of the Import and Export Functional Constituency, the Constitutional and Mainland Affairs Bureau proposes to grandfather those who hold valid licences for importing or exporting liquors immediately before the second Bill takes effect, so that their eligibility as electors in the Import and Export Functional Constituency will remain unchanged.

We table the first and second Bills to the Legislative Council at the same time so that once the proposal to lower the duties is passed by the Legislative Council, the relevant administrative arrangements can be removed immediately.

I so submit. Thank you, Madam President.

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the Dutiable Commodities (Amendment) (No. 2) Bill 2008 be read the Second time.

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

## **REVENUE BILL 2008**

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): Madam President, I move that the Revenue Bill 2008 be read the Second time.

The purposes of the Bill are to amend the Hotel Accommodation Tax Ordinance (Cap. 348) and the Inland Revenue Ordinance (Cap. 112) to give effect to some of the concessionary revenue measures announced in the 2008-2009 Budget.

Owing to robust performance of the economy and sound financial situation of the Government, the Financial Secretary in this year's Budget has proposed a number of concessionary revenue measures to share with the public the fruits of economic prosperity. First, the Bill seeks to amend the Hotel Accommodation Tax Ordinance to implement the proposal to waive the hotel accommodation tax. We believe that the proposal will help promote inbound tourism and enhance the competitiveness of our hotel industry. It is estimated that public revenue will be reduced by about \$470 million each year.

The Bill seeks to amend the Inland Revenue Ordinance to implement other relevant revenue proposals announced in the Budget. The first proposal is to reduce the standard rate and the corporate tax rate from 16% to 15% and from 17.5% to 16.5% respectively. The proposal concerned will cause a reduction in revenue to the amount of about \$5.36 billion each year.

The second and third proposals in the Bill are to increase the basic allowance and single parent allowance from \$100,000 to \$108,000 and married person's allowance from \$200,000 to \$216,000 for the salaries tax. It also proposes that each tax band be widened from \$35,000 to \$40,000. These proposals are an adequate response to calls from the community for personal allowances for salaries tax to revert to their 2002-2003 levels and for tax bands to be further widened. It is anticipated that an annual amount of about \$2.31 billion in revenue will be reduced.

The fourth proposal in the Bill is to increase the deduction ceiling for approved charitable donations under profits tax, salaries tax and tax under personal assessment from 25% to 35% of assessed profits/income. The proposal aims at encouraging more generous donations to approved charitable bodies. It is expected to lead to a reduction in revenue to the amount of about \$80 million a year.

The fifth proposal in the Bill is to introduce a 100% profits tax deduction for capital expenditure on environmentally-friendly machinery and equipment in

the first year of purchase. For environmentally-friendly installations mainly ancillary to buildings, the Bill proposes that the depreciation period be shortened from the usual 25 years to five years. We hope that these proposed measures will encourage businesses to use more environmentally-friendly equipment.

The sixth proposal made in the Bill is to introduce a one-off reduction of salaries tax, tax under personal assessment, profits tax and property tax for 2007-2008 by 75%, subject to a ceiling of \$25,000 for each case. The reduction will be reflected in the taxpayer's final tax payable for 2007-2008. This one-off measure is expected to result in a reduction in revenue for 2008-2009 by an amount of \$14.81 billion.

All in all, these proposed measures are made in response to community aspirations and to leave wealth with the people and share the fruits of economic prosperity with them where the financial conditions of the Government permit.

Madam President, I so submit. Thank you.

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the Revenue Bill 2008 be read the Second time.

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

## **MOTIONS**

**PRESIDENT** (in Cantonese): Motions. Proposed resolution under the Pharmacy and Poisons Ordinance on approving the Pharmacy and Poisons (Amendment) (No. 2) Regulation 2008 and Poisons List (Amendment) (No. 2) 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 maintains a Poisons List under the Poisons List Regulations and several Schedules under the Pharmacy and Poisons Regulations. Pharmaceutical products listed under 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 purchased. The sale of some other pharmaceutical products must be authorized by prescription from a registered medical practitioner, dentist or veterinary surgeon.

Arising from an application for registration of a pharmaceutical product, the Pharmacy and Poisons Board proposes to add raltegravir and its salts to Part I of the Poisons List and the First and Third Schedules to the Pharmacy and Poisons Regulations. Pharmaceutical products containing this substance must then be sold in pharmacies under the supervision of registered pharmacists and in their presence, with the support of prescriptions.

We propose that these Amendment Regulations take immediate effect upon gazettal on 9 May 2008 to allow early control and sale of the relevant medicine.

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 of the pharmacy and medical professions as well as the academia. The Board considers the proposed

amendments necessary in view of the potency, toxicity and potential side effects of the medicine concerned.

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

**The Secretary for Food and Health moved the following motion:**

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

- (a) the Pharmacy and Poisons (Amendment) (No. 2) Regulation 2008; and
- (b) the Poisons List (Amendment) (No. 2) Regulation 2008."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the motion moved by the Secretary for Food and Health 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 Members who are present. I declare the motion passed.

**MEMBERS' MOTIONS**

**PRESIDENT** (in Cantonese): Members' motions. Proposed resolution under the Interpretation and General Clauses Ordinance to extend the period for amending the Food and Drugs (Composition and Labelling) (Amendment: Requirements for Nutrition Labelling and Nutrition Claim) Regulation 2008.

**PRESIDENT** (in Cantonese): I now call upon Mr Bernard CHAN to speak and move his motion.

**PROPOSED RESOLUTION UNDER THE INTERPRETATION AND GENERAL CLAUSES ORDINANCE**

**MR BERNARD CHAN:** Madam President, in my capacity as the Chairman of the Subcommittee on Food and Drugs (Composition and Labelling) (Amendment: Requirements for Nutrition Labelling and Nutrition Claim) Regulation 2008, I move the motion standing in my name on the Agenda.

To give the Subcommittee sufficient time to scrutinize the amendment regulation, which seeks to introduce a mandatory nutrition labelling scheme for three packaged food in Hong Kong, members agree that I should move a motion to extend the scrutiny period to the Council meeting on 28 May 2008.

With these remarks, I urge Members to support the motion.

**Mr Bernard CHAN moved the following motion:**

"RESOLVED that in relation to the Food and Drugs (Composition and Labelling) (Amendment: Requirements for Nutrition Labelling and Nutrition Claim) Regulation 2008, published in the Gazette as Legal Notice No. 69 of 2008 and laid on the table of the Legislative Council on 9 April 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 28 May 2008."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the motion moved by Mr Bernard CHAN 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 with no legislative effect.

**PRESIDENT** (in Cantonese): First motion: Strengthening the Prevention of Communicable Diseases for Children and the Elderly.

I now call upon Mr Andrew CHENG to speak and move his motion.

**STRENGTHENING THE PREVENTION OF COMMUNICABLE DISEASES FOR CHILDREN AND THE ELDERLY**

**MR ANDREW CHENG** (in Cantonese): Madam President, I move that the motion, as printed on the Agenda, be passed.

Madam President, this year is the fifth anniversary of the SARS outbreak in Hong Kong. Five years ago, Hong Kong experienced an unprecedented epidemic in modern history. In a short span of two months, 299 valuable lives were lost. To date, many people still shudder at the mention of the SARS epidemic. To many people, the threats to the life and health of their family members, the slump in all businesses and the livelihood problems then are still vivid before their eyes.

Before the SARS outbreak, we thought that epidemic is something in the past and that what would threaten our health were only lifestyle-related diseases such as high blood pressure, heart disease and diabetes. The SARS outbreak has made us aware that the spread of epidemic is not something that only happened in the last generation. No matter how prosperous and flourishing our city looks on the surface, it remains very vulnerable when facing of communicable diseases.

The SARS outbreak is not a standalone incident. The threat posed by communicable diseases will go on. And the situation will become increasingly difficult. This is echoed in a recent statement made by Dr Margaret CHAN, the Director-General of the World Health Organization (WHO) who said to the effect that in the unique environment of the 20th century, along with the increasing speed and scale of population flow, new infectious diseases have posed a growing threat to humans, while global climate change has had significant consequences in the field of health safety, and we have every reason to take health issues as a national and international safety concern.

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

Deputy President, the fight against communicable diseases can be seen as a war. What is more, our enemy is a wide variety of strange and ever-mutating viruses. There was an influenza outbreak in Hong Kong early this year. And one trouble follows another. The hand-foot-mouth disease has recently broken out. At present, the major concern of the world is the arrival of an influenza pandemic. As new strains of virus emerge, an influenza pandemic will strike suddenly and spread rapidly in a short time. Moreover, an increasingly globalized world will worsen the situation. According to the prediction of the Centre for Disease Control and Prevention of the United States, the occurrence of a new influenza pandemic today will claim the lives of 2 million to 7 million

people. Mr YUEN Kwok-yung, Head of Department of Microbiology of the University of Hong Kong said months ago that regions such as Guangdong, Hong Kong and the Southeast Asia will continue to be troubled by the avian influenza in the next 10 years, and suggested that the exchanges between the governments of Hong Kong and the Mainland should be strengthened in respect of epidemic prevention.

Deputy President, communicable diseases have posed a great challenge to Hong Kong, with the Mainland as the deciding factor. The SARS outbreak is a good example. Two new cases of hand-foot-mouth disease in children were reported in Hong Kong yesterday, in which both patients visited the Mainland not long ago.

Research findings have shown that 35% of virus infection cases in humans are transmitted from animals. In the Mainland, the farming of a wide range of economic animals from all over the world, the increasing number of such animals due to market demand, and the difficulty in controlling the farming conditions due to varied levels of development in different places have created a favourable environment for the reproduction of various pathogens. At the same time, the large and dense population of the Mainland has increased the chance of human-to-human transmission. The increasingly close contacts, as well as the continuous flow of people and freight between Hong Kong and the Mainland have made the prevention of the spread of communicable diseases between the two places very difficult. Under these circumstances, the exchange of information between the two places is crucial.

Although the Government has repeatedly claimed that an effective notification system of communicable diseases has been established between Hong Kong and the Mainland, the recent situation of notification of communicable diseases by the mainland authorities has indeed aroused concern. According to an article previously published in *Lancet*, the world's leading medical journal, by a researcher of the Chinese Centre for Disease Control and Prevention, a man in Jiangsu, Nanjing was infected with H5N1 avian influenza and transmitted the disease to his father and this was the first case of human-to-human transmission of avian influenza in the Mainland. Investigations and tests found that the man was infected with the virus in a poultry market, but his father did not have any direct contacts with birds. The only chance of infection was his visits to the hospital to take care of his son. The State's Ministry of Health subsequently denied this report, saying that the claim of human-to-human transmission lacked conclusive proof.

The latest incident is the spread of the enterovirus EV71 in Fuyang, Anhui since March. The rapid spread of the epidemic has caused a number of deaths in children. However, the local government has all along denied the epidemic until an announcement was made in April. The epidemic has so far broken out in various mainland provinces, including Hong Kong's neighbours such as Shenzhen and Guangzhou. According to media reports, the majority of a dozen or so Hong Kong children suffering from the disease visited the Mainland not long ago. Does the Government have enough confidence in relying on the information released by the mainland authorities regarding communicable diseases? Perhaps consideration should be given to setting up more offices in the Mainland to collect the latest information and ensure timely notification to the SAR Government.

An unsound notification system means that the wall defending Hong Kong against the attack of pathogens from neighbouring regions is not strong enough. Therefore, we have all the more reason to strengthen the resistance of our community against diseases. However, the cramped living environment, poor air quality and central air-conditioning systems which have become increasingly popular in Hong Kong have resulted in easy transmission of diseases (particularly respiratory diseases). Given such inherent weaknesses, it is essential to raise public awareness of hygiene for the prevention of epidemic. During the SARS outbreak, the public formed hygienic habits such as washing hands frequently, wearing masks when having a cold and disinfecting by adding one part of bleach to 99 parts of water. It is a pity that these hygienic measures have seemed to be long slackened, and we have even seen a gradual recurrence of people spitting on the ground.

The SARS experiences have taught Hong Kong people to attach importance to and have fears for communicable diseases. Therefore, during the influenza outbreak this year, the accident and emergency departments in hospitals were "overflowing" with patients and parents, regardless of whether they were more vulnerable to communicable diseases in such an environment. However, the general public has made no improvements in health education, knowledge of diseases and drugs, as well as the ability of self-care, which have all lagged far behind of many advanced countries.

Primary health care services such as health promotion and disease prevention are huge projects. In European and American countries, resources have been allocated to vigorously promote the building of a healthy city. However, this has long received little attention in Hong Kong. Over the years, it has mainly relied on a small number of staff and outdated publicity materials of

the Department of Health to carry out some window-dressing work mechanically. Even when primary services have been mentioned in the recent health care reform document, emphasis has only been placed on family doctors, and no concrete proposals have been made on the publicity of health education.

Therefore, Deputy President, it seems that immunization is the last remaining effective measure. However, the practice of the Government in this area has caused concern, and it seems that the Government has been very mean. Take influenza as an example. Studies of the School of Public Health of the University of Hong Kong have found that 933 elderly people aged over 65 died of influenza each year from 1996 to 1999, and this group of people has the highest risk of influenza-induced death. The WHO has long reminded countries that elderly people should be given priority in influenza vaccination. And the Scientific Committee on Vaccine Preventable Diseases has also advised that elderly people aged 65 or above should receive influenza vaccination.

However, at present, the Government has only provided vaccination for around 180 000 elderly people. We have repeatedly requested the expansion of the coverage of vaccination to all elderly people. With around 860 000 elderly people aged over 65 in Hong Kong, and as every dose of influenza vaccine costs the Government around \$36 on average, the spending required is only \$23.91 million — it is \$23.91 million — but the Government has all along refused to do so. Despite such a favourable financial position, the Government has caused 800 000-plus elderly people aged over 65 to be exposed to the risk of influenza just for saving \$23.91 million. I think this is an unshirkable duty of the Government.

In October last year, Secretary Dr York CHOW said this in his reply in the Motion of Thanks on the policy address: "Members have requested that all elderly people be offered free influenza vaccination across the board regardless of their circumstances or the grounds. We believe this is not the most effective way of using public resources and the Government will not support doing so." Other immunization programmes such as the Childhood Immunization Programme have all along provided free vaccination for everyone in the same group across the board. Why has this high-risk group of the elderly been denied of free vaccination across the board? In fact, this is the most effective way of utilizing public resources. Several thousands of elderly people have been admitted to public hospitals each year due to influenza-related complications. Is this not penny wise and pound foolish in the utilization of

public resources? It seems that the medical expenses so incurred are far more than the \$23.91 million required for preventive purposes. It is hoped that reconsideration will be given to the provision of free immunization against influenza for the elderly.

Deputy President, regarding another group (that is, infants), similarly, the Scientific Committee on Vaccine Preventable Diseases has advised that infants aged from six to 23 months should receive influenza vaccination. However, the Government has only provided free vaccination for 2 600 infants from families receiving CSSA. If the Government provides free vaccination for all infants aged from six to 23 months, with a total of 96 807 new borns from June 2006 to December 2007, an additional amount of only around \$3.4 million will be required. Deputy President, it is \$3.4 million. If this spending of only \$3.4 million can protect infants aged from six to 23 months, a group vulnerable to future influenza outbreaks, from infection by the ever-changing influenza viruses, I think there is simply no reason for the Government to refuse.

Deputy President, there have been several cases of influenza outbreak in schools this year. Secretary Dr CHOW agreed to look into the provision of free vaccination for all school children aged below 12 at a cost of around \$100 million. The Democratic Party definitely strongly supports this proposal, only that we are dissatisfied with the usual sluggishness of the Department of Health which has caused delays in implementing the proposal. We hope that the provision of free influenza vaccination for all school children aged below 12 will be implemented by all means as soon as possible. However, if the Government can provide free vaccination for all school children aged below 12, why are infants and elderly people, the two high-risk groups suggested by the Scientific Committee on Vaccine Preventable Diseases, not given the same treatment?

Deputy President, lastly, I wish to talk about the pneumococcal vaccination against diseases which have recently raised much concern. Pharmaceutical companies and non-government organizations have recently urged the Government to include a number of vaccines such as the pneumococcal vaccine in the Childhood Immunization Programme. The Democratic Party understands that the inclusion of new vaccines in the Childhood Immunization Programme very much depends on scientific judgment. As a responsible political party, the Democratic Party subscribes to the view that in order to prevent scientific judgment from being influenced by political and commercial decisions, it should be left to the Scientific Committee on Vaccine Preventable

Diseases to judge in accordance with scientific research and other professional information whether this proposal is reasonable and whether these vaccines should be included in the Childhood Immunization Programme. However, it is a great pity that studies by university commissioned by the Government have yet to be completed even after much delay, resulting in the Committee not being able to finish the review of the Programme. The Democratic Party hopes that the Government will complete the review expeditiously to decide whether new vaccines should be included and to give an account to the public and the Legislative Council.

Deputy President, as far as I understand it, the study on the Childhood Immunization Programme should be completed by the first quarter of this year. However, Deputy President, it is now May, and June is around the corner, meaning that the second quarter is soon over. Talking about communicable diseases that worry us, many age groups (including infants and the elderly) are facing all sorts of unprecedented and incomprehensible issues of communicable diseases which are of concern to the community. We hope that the Administration will, in accordance with the many new guidelines of the WHO, examine whether it is necessary to conduct studies on and review our Childhood Immunization Programme, which has remained unchanged for more than two decades, as well as to include new vaccines in it. This is a task that can brook no delay. It is not our wish to see that after the addition of the hepatitis B vaccine in 1986 and last updating of the polio and whooping cough vaccines in 2007, no further updates have been made.

Therefore, Deputy President, regarding the motion today, we also support the two amendments. And we hope that the Bureau will neither be so "mean" as to set eyes only on saving those tens of million dollars nor using the study as an excuse for stalling. Instead, new vaccines should be immediately introduced to the vaccination programme so that our new generation can grow up healthily and the elderly will have a healthy retirement life.

Deputy President, with these remarks, I beg to move.

**Mr Andrew CHENG moved the following motion: (Translation)**

"That, as influenza has been prevalent recently and there is also a possibility that a number of communicable diseases may break out in Hong Kong, and given that children and the elderly are high-risk groups whose health may be more seriously affected by these communicable diseases, this Council urges the Government to strengthen the prevention

and control of communicable diseases, expand the coverage of immunisation against such diseases, including providing free influenza vaccination for all elderly people, as well as reviewing the Childhood Immunisation Programme and studying the introduction of new vaccines in the light of the development of communicable diseases and vaccines, so as to reduce the risk of the public being infected with communicable diseases."

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

**DEPUTY PRESIDENT** (in Cantonese): Two Members will move amendments to this motion. The motion and the two amendments will now be debated together in a joint debate.

I now call upon Mr LI Kwok-ying to speak first, to be followed by Dr Joseph LEE; but no amendments are to be moved at this stage.

**MR LI KWOK-YING** (in Cantonese): Deputy President, after experiencing avian influenza and SARS, Hong Kong has raised the awareness of the surveillance and control of communicable diseases, as well as improved the operational efficiency. However, the recent influenza outbreak has exposed certain flaws in the epidemic prevention system of Hong Kong. Perhaps some may think that as influenza is very common in Hong Kong, with two peak infection seasons every year, the public should be very familiar with influenza. And, as the number of infection cases has been more or less the same as that in the past, we need not be over-worried about it. However, in our view, the number of the people infected in this influenza outbreak has remained high. More importantly, there have been successive cases of children hospitalized for suspected infection of influenza or other respiratory tract diseases, and cases of deaths have even been reported. Moreover, the serious cross-infection in kindergartens and primary schools, together with the confusion about the Government's decision in class suspension arrangements, have caused panic among parents and aroused criticisms in the community. This is why there has been such widespread concern.

Deputy President, in fact, the most important strategy for the prevention and control of communicable diseases is three-fold, namely, prevention, surveillance, and prompt intervention. In the area of prevention, the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) agrees on the practices of the Government of promoting education of personal hygiene and drawing up guidelines of epidemic prevention for various organizations in the community such as kindergartens, residential care homes for the elderly and public transport providers, so as to reduce the transmission of communicable diseases by improving the environmental hygiene of premises. However, such measures may not be comprehensive enough to effectively enhance the resistance of individuals against communicable diseases. Moreover, the involvement of a large number of organizations has made surveillance difficult. The DAB considers that through the vaccination policy, particularly the provision of vaccination for high-risk groups such as children and elderly people, first, personal immunity will be strengthened, and second, when there are enough people receiving vaccination in the community, a herd immunity effect will be created, thus considerably reducing the infection rate of the community as a whole.

The DAB agrees that the current Childhood Immunization Programme, the coverage of which has remained unchanged for two decades, has lagged seriously behind and failed to catch up with the international technological development of vaccination, as well as the aspiration of the public. Take the pneumococcal vaccine as an example. The DAB suggested as early as two years ago the inclusion of this vaccine in the Programme because children aged below five are the high-risk group of this fatal disease, and there are cases in which children died of infection by this virus each year in Hong Kong. The safety and effectiveness of this vaccine have currently been recognized by many western countries, where children have long received this vaccine across the board. We have pointed out more than once in this Council that the Scientific Committee on Vaccine Preventable Diseases under the Centre for Health Protection published its report in October last year and supported the inclusion of the pneumococcal vaccine in the Programme. However, the Government has so far made no response, which is indeed quite disappointing. The Secretary agreed earlier to look into the possibility of the provision of influenza vaccination for small children and school children. The DAB hopes that the Government will not drag its feet on the issue. It should make a decision early so that the measure can be implemented in preparation for the next influenza peak season.

Apart from the vaccination programme, the present hygienic guidelines and facility requirements for various organizations should also be reviewed, particularly as the expert group set up to investigate the three child fatality cases suspected to be caused by influenza unanimously considered that drinking water fountains commonly found in schools and other premises are a high-risk vehicle of virus transmission. Therefore, apart from the initiative of updating the cleaning guidelines earlier, consideration should be given to replacing this type of drinking water fountains at all government venues. Moreover, regarding premises such as schools and residential care homes for the elderly, the persons-in-charge should be reminded to improve the facilities. Consideration should even be given to providing them with appropriate subsidies, in order to give them more incentives to improve epidemic prevention facilities. Regarding public environmental hygiene, mosquitoes, flies and rodents are vehicles of communicable diseases, and particularly, mosquitoes and rodents can bring fatal diseases. Therefore, it is necessary for the Government to strengthen its anti-mosquito and anti-rodent efforts.

In the area of surveillance, 30 statutory notifiable communicable diseases have been stipulated in the Quarantine and Prevention of Disease Ordinance. At present, the Centre for Health Protection has set up the sentinel surveillance system for influenza, whereby surveillance points are set up in the public health care sector, and also at private medical practitioners, residential care homes for the elderly, kindergartens and Chinese medicine clinics to collect and monitor changes in cases of influenza. However, primary school campuses, the hardest-hit in this influenza epidemic, have been left outside the scope of the sentinel surveillance system. Only when the epidemic turned serious did the Centre for Health Protection ask schools to submit the number of infection cases, revealing a gap between the surveillance system and the epidemic development in the community. As the data that the executive authorities relied on and the actual situation experienced by the public were probably different, it invariably gives the impression that when it comes to communicable diseases, the Government is always calm whereas the public are always in panic.

Moreover, the EV71 enterovirus has been spreading in the neighbouring regions of Hong Kong — and one to two cases have recently been found in Hong Kong — as the peak period of infection in Hong Kong is from May to July, this is precisely the crucial moment for closer surveillance. Therefore, it is necessary for the Government to get hold of more data for the assessment of epidemic development. However, the current sentinel surveillance system only has the participation of 40-plus private medical practitioners and so, surveillance

points at the primary health care level are inadequate. In addition, some premises such as primary school campuses have been left outside the scope of surveillance. As a result, it is definitely unfavourable for the development of long-term surveillance of communicable diseases. The DAB hopes that the Government can review the current sentinel surveillance network and expand its coverage, so that more different diseases will be kept under surveillance for the public health authorities to make more effective assessments.

Deputy President, prompt intervention is most important in handling the outbreak of communicable diseases. After the experiences in handling the avian influenza and the SARS outbreak, some improvements have been made in our system such as the establishment of the Centre for Health Protection and the drawing up of a contingency plan for influenza pandemic. We also believe that the ability of the Government in handling large-scale epidemic is better than before. However, the implementation of any contingency measures depends on the judgment of the responsible officials. Of course, in making decisions, it is necessary to rely on the surveillance data. However, at the same time, the Government also has to properly manage public sentiments to respond to public aspirations and public opinions promptly. These are tests of the officials' ability in handling epidemic. The entire arrangement of class suspension in this influenza outbreak was apparently quite confusing. Many details and guidelines were not provided in time and as a result, schools and parents just did not know what to do. The Government also failed to give timely response to the public sentiments swayed by the development of the epidemic. And the release of information by officials was unsatisfactory. All these have cast doubts on the ability of the Government in handling epidemic. The DAB hopes that the Government will thoroughly examine the contingency plan to allow various stakeholders in the community to participate in the detailed design of the contingency plan and on the premise of avoiding public panic, provide data on infection and contingency measures in more detail to properly meet the aspirations of the public.

Deputy President, I so submit.

**DR JOSEPH LEE** (in Cantonese): Deputy President, I believe this motion today is very timely because we all know that there have recently been different degrees and types of outbreak of communicable diseases in residential care

homes for the elderly and schools. For instance, as mentioned by colleagues earlier, there have been the spread of enterovirus and the outbreak of influenza in schools and homes for the elderly.

We can notice a common feature of these two places, that is, they are particularly crowded with a large number of people gathering there. And the people stay there for a long time of at least more than six to eight hours. It is thus clear that these places are high-risk areas. Of course, some colleagues have pointed out that in order to boost their immunity, vaccination is one of the options. However, I wish to look at the issue from the perspective of communicable diseases today and focus on how the Government can draw up effective measures to help residential care homes for the elderly and schools in the community, with a view to reducing the risk of the outbreak of communicable diseases at these places.

In retrospect, as mentioned by two colleagues earlier, it seems that there are inadequacies in the work of the Government in respect of vaccination. For instance, not many changes have been introduced to the vaccination programme for children over the past 20 years or so. The programme has remained virtually the same from our childhood to adulthood, and our next generation is still being given the same types of vaccines. But are they effective? Many things have actually changed. However, the Government has not progressed with time whether in resources or measures, resulting in the failure to turn them into effective measures. This is quite a pity.

Another issue concerns the elderly. Although elderly people are now given influenza vaccines during the influenza peak season, only elderly people aged over 70 will be provided with free vaccination. The chance is slim for elders aged over 65 to have free anti-flu vaccines, thus increasing the risk of these elders contracting influenza in the community or homes for the elderly. Certainly, I hope the Government (since not many resources will be involved, as mentioned by Mr Andrew CHENG earlier) will allocate additional resources to protect them against influenza.

However, I wish to look at the issue from another perspective. Relying on the provision of influenza shots for the elderly and the improvement of the vaccination programme for children alone may not necessarily be the solution to the whole problem. The point is how we can handle the situation, and only this will provide the effective solution. I think Secretary Dr York CHOW should understand this. As a doctor, he should know how to intercept the infection

chain. The infection chain is very important in a community, particularly in densely-populated areas. In such high-risk areas, vaccination alone can only provide some passive protection for individuals. It is actually most important for the Government to strengthen its public health care efforts at the community level.

The Secretary, in his discussion on health care financing reform, mentioned the issue of primary health care. How to step up efforts in this area is a very important issue. We can see that schools are currently not doing enough in taking precautions against disease transmission. Regarding hygienic measures, apart from urging the public to wash hands frequently and wear masks during the SARS outbreak, there is little awareness of infection control and prevention in schools. It is clear that in order to intercept the infection chain, apart from laying stress on personal health, we have to know the modes of transmission and intercept accordingly. For instance, in the case of enterovirus infection, the modes of transmission are fecal-oral transmission, droplet transmission and contact transmission. However, the awareness of schools in this area has been quite weak.

In this regard, I propose that co-operation with the Department of Health should be strengthened. Additional resources should be allocated to the Department to implement the one-school-one-nurse proposal, so that nurses will visit schools on a regular basis to promote ways to intercept the infection chain, such as in the case of fecal-oral transmission mentioned earlier, washing hands frequently is necessary; in the case of droplet transmission, wearing masks is necessary. Besides, isolation can prevent transmission and directly intercept the infection chain. More efforts should be made for school children. Of course, these nurses are helpful to the community too. Particularly in schools, this can strengthen the awareness of personal health protection and disease prevention, and not many resources will be involved. However, it seems that the Government has ignored this area of work, leaving schools to remain as a high-risk area. Of course, in the event of an outbreak of communicable diseases, class suspension and isolation will be announced by the Government in haste, but these are just passive means. In my view, it is most important to basically implement the above measures.

Regarding elderly homes, we can see that infection control in elderly homes, particularly those privately-owned, leaves a lot to be desired. I raised a question before to ask the Government what it did in this regard. The Government replied that staff was sent to elderly homes or residential care homes

for the elderly to provide training on infection control, as well as to train Infection Control Officers to step up efforts in infection control. However, they are usually non-professionals. Although they have received some basic training, they may not be equipped with the know-how to perform this duty.

Therefore, I think efforts can also be strengthened in the residential care homes for the elderly. The mandatory creation of the post of Infection Control Officer in each registered residential care home for the elderly should be stipulated. And the post must be held by nurses or relevant personnel instead of laymen because the former have a stronger awareness which enables them to monitor the situation in elderly homes and help the elderly. Apart from teaching the elderly the knowledge of personal health and hygiene, they can draw up different guidelines and measures in the light of different modes of transmissions to protect the elderly from exposing to excessive high-risk conditions of infection. I believe it is a good deed if the Government can allocate additional resources in this area.

Moreover, the surveillance in residential care homes for the elderly and schools is equally important. We cannot solve the problem by merely talking about one-school-one-nurse and the creation of the post of Infection Control Officer. A more effective way is for the Government to take up the responsibility to ensure that these infection control measures are strictly enforced in high-risk places such as residential care homes for the elderly and schools in the community to intercept the infection chain.

Lastly, if different measures can be adopted, together with the strengthening and improvement of the vaccination programme or the provision of vaccination for elderly people, a more effective result will be achieved. I believe the support of the various measures mentioned above will facilitate a better infection control in residential care homes for the elderly and schools, thus reducing the risk of these places. Thank you, Deputy President.

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): Deputy President, in human history, communicable diseases have always played a crucial role in personal safety and survival of human beings. Today in the 21st century, communicable diseases have remained a significant issue. And we have to keep facing the risks brought by emerging and recurring communicable diseases. The Centre for Health Protection setting up under the Department of Health in

2004 has made every effort to protect the health of the public following the three strategic directions of real-time surveillance, rapid intervention and responsive risk communication. I will now first give an account of the basic principles upheld by the Government regarding the prevention and control of communicable diseases. And I will give a reply after Members have expressed their views.

To effectively prevent communicable diseases, it is most essential and important for the public to maintain personal and environmental hygiene, as well as a balanced diet, proper exercises and a healthy lifestyle to boost individual immunity. Therefore, we have always attached great importance to the promotion of territory-wide educational activities. Through various channels such as television, radio, Internet, outreach activities and talks, the public have been provided with timely information on health risks and related guidelines to raise their health awareness, in order to promote their choice of a healthy lifestyle.

Apart from the development of proper public awareness of hygiene, the Department of Health, as the public hygiene authority of Hong Kong, has endeavoured to ensure that a sound system is in place to monitor communicable diseases, that relevant preventive and control measures are implemented, and that related information is conveyed to the public.

At present, the Centre for Health Protection under the Department of Health has performed duties in the surveillance of communicable diseases using a multi-pronged approach to systematically collect, analyze, interpret and distribute public health data on communicable diseases, in order to ensure an effective understanding of the latest development of communicable diseases.

The Centre for Health Protection will take prompt measures in the light of the actual situation to stop the spread of communicable diseases. After receiving reports of communicable disease outbreak in schools, kindergartens, child care centres, residential care homes for the elderly and hostels for the disabled, the Centre will take follow-up actions at the earliest opportunity to conduct on-site epidemiological investigations on a need basis. It will also advise the responsible personnel on hygiene issues and instruct them to carry out necessary cleaning and disinfection procedures.

In addition, for preventive purposes, contingency plans have been drawn up and regular drills conducted for various major communicable diseases such as

an influenza pandemic, in order to step up the contingency preparations at various levels.

In recent years, tourism activities between Hong Kong and the other parts of the world have continued to increase, and there is also an increasing flow of people and goods with the Mainland and other neighbouring regions. In the area of the prevention and control of communicable diseases, we cannot just act for our own interest. Instead, there is a growing need to establish a closer tie with the Mainland and other regions. The Co-operation Agreement on Response Mechanisms for Public Health Emergencies was signed among the State's Ministry of Health, Hong Kong and Macao in October 2005 to further strengthen the collaboration of the three places in reporting and emergency response, as well as to ensure the co-ordination and support among the three parties in manpower, technology and resources. We have also actively participated in the exercises and drills on influenza pandemic organized by the Asia-Pacific Economic Co-operation. Moreover, close links have also been maintained with international organizations (including the World Health Organization) to ensure our access to the latest information of communicable diseases.

I understand that there has been great concern about vaccination recently. I wish to first talk about the principles of vaccination.

Vaccination is one of the precautions against communicable diseases. Vaccines can provide immunity, thus reducing the chance of infection by communicable diseases. However, vaccination has its advantages and disadvantages. As vaccines are protein foreign to human bodies, vaccination may cause side effects or entail risks of certain adverse effects. As far as we know, under some circumstances, side effects and even complications are developed after receiving vaccination. Therefore, before the Government decides whether to advise the public to take a particular vaccine, careful and thorough consideration must be made, with the back up of thorough scientific justifications and analysis.

The Scientific Committee on Vaccine Preventable Diseases under the Centre for Health Protection has based on scientific evidences to closely follow the scientific research findings of vaccines, the immune efficacy and cost-effectiveness, the epidemiological trend of the global and local vaccine preventable diseases, the latest stance of the World Health Organization on immunization and the experiences of other public health authorities before putting forward vaccination proposals to the Department of Health. In assessing the introduction of new vaccines or the expansion of the existing

vaccination programme, other than referring to the proposals of the Committee, consideration must also be given to other factors, including the safety, efficacy, side effects and cost-effectiveness of the vaccine; the supply of the vaccine, the administrative arrangements for vaccination; public acceptability of the vaccine; the right of choice of the public, and other precautionary measures besides vaccination. In devising the public health policy on vaccination, it is necessary for the Administration to base on reliable scientific evidences and data, and convey a correct message to the public.

Deputy President, I so submit. And I will give a reply after listening to Members' views on the motion and the amendments. Thank you, Deputy President.

**MR WONG KWOK-HING** (in Cantonese): Deputy President, I have recently received complaints lodged by a group of recovered SARS patients. They have, for a long time, suffered from the sequelae of the disease. Although many of them have recovered, the after-effects of the disease have robbed them of their working ability, thus making it necessary for them to rely on long-term financial assistance. Their assistance under the Trust Fund for SARS of the Social Welfare Department (SWD) has expired or will soon expire. However, as the Hospital Authority has failed to seriously process the health review of the applicants, stalled on the handling of the notices of review reports, and rashly proved the patients' recovery to the SWD without a thorough understanding of their conditions, their financial assistance has been terminated by the SWD. These recovered patients not only have to suffer from mental and physical traumas, but also have to face the problem of livelihood of themselves and their families.

Our battle against SARS has taught us a bitter lesson. The repercussions are not over yet. Apart from the great sufferings of the SARS patients and their families, the Government's reputation has also suffered because of its slow response, unsatisfactory contingent measures and methods of treatment. We have learnt a painful lesson from this epidemic, which has taught us never to follow the same disastrous course. Therefore, in the face of sudden emergence of diseases in future, we must take every precaution to get ourselves prepared.

Deputy President, we have to bear in mind that the weather is getting hotter due to global warming, bringing considerable changes to the transmission

modes of diseases in the world, which has increased the chance and the span of the spread of diseases. Experts have advised that diseases which used to plague only the tropical zone have spread to the sub-tropical zone, and those found in the sub-tropical zone have spread to the frigid zone.

Therefore, communicable diseases more commonly found in the tropical zone in the past, such as malaria and dengue fever, have an increasing number of infected patients in the sub-tropical Hong Kong. The global rise in temperature has accelerated the breeding of mosquitoes, thus increasing the chance of the transmission of these mosquito-transmitted diseases. Moreover, viruses transmitted only between animals in the past now have a greater chance of passing onto humans again due to global warming. SARS and avian influenza are the most typical examples.

In the face of these new challenges posed by the transmission of virus, we do not see that the Government has learnt from the experiences of the SARS outbreak and taken preventive measures. Proposals of the introduction of additional vaccines have been repeatedly discussed in the Legislative Council. But the Government has kept stalling and refusing to provide additional vaccines for children, such as the pneumococcal, chickenpox and influenza vaccines.

Take the influenza vaccine as an example. The public have to go to clinics to receive the vaccine at their own expense. As a result, people with money can have the protection while those without money cannot. At present, the Government has only provided influenza vaccine for children aged from six to 24 months from families receiving CSSA. However, children and elderly people from less well-off families may not be eligible for CSSA but they are unable to afford the vaccine. Does it mean that they should be deprived of protection?

Deputy President, the peak of influenza season has persisted for a longer time this year. This, together with the large number of people being infected, has raised grave concern in the community. Many doctors have stressed to the public through television and magazines the importance of receiving influenza vaccine, because it can reduce cross infection by human-to-human transmission. And even when people are infected, the virus will not undergo the blending process due to cross infection by human-to-human transmission which can lead to the emergence of new virus strains. If a new virus emerged because the poor cannot afford the vaccine, is it not the whole community of Hong Kong who will

be suffering in the end? And the Government will have to bear a heavy responsibility.

In fact, we have only requested the Government to provide vaccination for elderly people and school children with weaker resistance, not for all the people in Hong Kong. Why is the Government still evasive and dragging its feet? Why have the authorities not shown determination to implement measures for precautionary purposes? Although the Secretary said earlier that influenza vaccination might cause side effects, and it might not necessarily produce a "uniform" preventive effect, which is undoubtedly true, we have to ask: Why has the Government provided vaccination for children from families receiving CSSA and elderly people? Is it unnecessary to take account of the side effects of influenza vaccines for these social groups? Therefore, what he has said is not consistent in logic.

Deputy President, no one wishes to see another outbreak similar to SARS. Therefore, the Government should not tighten the purse strings in the implementation of precautionary measures. We have to bear in mind that after the SARS outbreak, it is necessary for the Government to continuously provide various assistances, as well as compensations for patients and their families who have suffered great pains. Instead of using money in this way, it is better to properly take precautions first, so that every member of all the families in Hong Kong can be safe and sound, and lead a healthy and happy life. In this way, the governance of the Government will win more praises, which is much better than being subject to constant criticisms.

Thank you, Deputy President.

**MRS SOPHIE LEUNG** (in Cantonese): Deputy President, it seems that the spread of communicable diseases has been particularly rampant this year. First, there was influenza which started more than a month ago, with continuous occasional outbreaks even up till now. Then there was the early arrival of the hand-foot-mouth disease outbreak last month. The latest situation is that over 10 000 people were infected in the Mainland alone. As the Chinese saying goes, "Prevention is better than cure." Therefore, the Liberal Party absolutely supports the proposal in the motion to strengthen the prevention efforts for children and the elderly, the two high-risk groups with weaker resistance to diseases. In fact, we think that consideration should also be given to providing assistance for the chronically-ill.

During the influenza outbreak more than a month ago, several children died of suspected influenza complications. And there were large-scale outbreaks in a number of education institutions. Moreover, a rare announcement was made by the authorities to start the Easter holidays of primary schools earlier to avoid the spread of the epidemic to the community level. If we look at the issue from a broader and a more macroscopic point of view, from the SARS outbreak in 2003, the threat of bird flu (or avian influenza), to the current epidemic that made international news headlines, is Hong Kong really a city of epidemics; or a city of global epidemic outbreak? I think careful thoughts should really be given to this issue.

Therefore, regarding the subject of our discussion today, I think we should not just look at it from the prevention of communicable diseases. Instead, I hope the Secretary will look at it from a more macroscopic point of view. It is apparent that the Influenza Vaccination Programme implemented by the Department of Health in November each year has failed to achieve any preventive effect this year. If we pay more attention to the details of the Programme, quite a number of loopholes can be spotted. First, only less than a quarter of elderly people, as well as only 2 600 children aged from six to 23 months from families receiving CSSA can receive free vaccination. Then how about the rest of the people? Should the Government keep silent and let them seek protection by themselves? Or is the Government worried that it has to pay for the costs once it says something? I think the Government should look at the issue from a macroscopic point of view.

First, I wish to talk about children. Let us take a look at the other regions. In the United States and Canada, influenza vaccine has long been included in the immunization programme for children in general. And in Britain and South Korea, children in the high-risk group are also provided with the vaccine. By comparison, although the SAR Government has agreed to consider the provision of vaccination for all primary school children and children aged below 12 before the arrival of another influenza peak season in winter this year, it is still considering the effectiveness of the vaccine in the prevention of influenza and the funding required.

However, quite a number of doctors have pointed out that the provision of influenza vaccination for children will reduce 50% of the number of fatality and hospitalization cases due to influenza and its complications. Moreover, a "community firewall" effect will be created to stop the spread of influenza. In

fact, Dr York CHOW, the Secretary for Food and Health, has estimated that the costs involved will be \$100 million. Considering the very healthy financial position of the Government at present, I believe this amount can be easily covered. The only point is that careful consideration should be given to its implementation. Why has the Government remained hesitant?

Deputy President, in our view, there is also room for review regarding the Childhood Immunization Programme targeted at other communicable diseases. As mentioned by our colleagues, it has been 20 years since the last addition of new vaccines to the Programme by the Department of Health. However, in the United States, there has been so far an addition of seven vaccines since 1990. In neighbouring Macao, a decision was made last year to add the chickenpox and the haemophilus influenza type B infection vaccines in the vaccination programme. No wonder some doctors have ridiculed that the vaccination policy of Hong Kong has remained at the level of the Third World.

I am aware that the Government commissioned earlier a university to study the inclusion of the pneumococcal vaccine, hepatitis A vaccine, chickenpox vaccine and haemophilus influenza type B vaccine in the Programme. The Liberal Party hopes that the authorities will consider on the basis of "proven medical justifications" the effectiveness, safety and cost-effectiveness of the vaccines in the prevention of these diseases, and include these vaccines in the Programme as soon as possible without any further delay.

Regarding the elderly, the World Health Organization has recommended that all elderly people should be included as the targets for influenza vaccination. However, in Hong Kong, only two categories of elderly people have been covered, namely the chronically-ill seeking treatment at public out-patient clinics and elderly CSSA recipients. As a result, almost 460 000 out of the 880 000 elderly people aged 65 and over have to count on themselves.

In fact, many elderly people only have a meagre income. Or to put it in an unpleasant way, they have saved, in their view, a small amount of "coffin money" for their spending in their remaining years. Although an influenza shot costs only some \$100, according to their principle of "saving in every way they can", they would rather try their luck than paying for the vaccine. I think their mentality should also be taken into account.

Therefore, the Liberal Party urges for the immediate expansion of the free Influenza Vaccination Programme to all elderly people. Even the Programme is expanded to cover all elderly people aged 65 and over, according to our calculation, the additional expenses incurred each year will only be some \$26 million. However, this can, in return, provide protection to the health of the elderly, which cannot be measured by money. And public health care expenses arising from their infection by the disease will also be reduced.

Moreover, the Liberal Party proposes the provision of full subsidies for people eligible for vaccination under the Programme to receive vaccination at their neighbouring private clinics. On the one hand, this will be convenient to the public; on the other hand, this will ease the pressure of public clinics and hospitals.

Lastly, I wish to particularly point out that the hand-foot-mouth disease has now wreaked havoc in our neighbouring regions. And as summer is around the corner, communicable diseases such as cholera and encephalitis will be at their peak. Therefore, the Liberal Party agrees to the proposals in the amendment to strengthen the infection control measures in kindergartens, schools, residential care homes for the elderly and public facilities with high pedestrian flow, in order to improve environmental hygiene and enhance the awareness of personal hygiene.

Deputy President, I so submit.

**DR YEUNG SUM** (in Cantonese): Deputy President, Hong Kong was under the threats of influenza early this year, and there have been cases of Enterovirus 71 (EV71) infection recently. Just at the beginning of the influenza peak season of May to August, the Centre for Health Protection has already received 12 cases of EV71 infection so far. However, over the past few years, there were only a dozen or so similar cases each year.

There has been widespread public concern not only about the number of local cases, but also the rapid spread of the epidemic in the Mainland in recent days. Almost 6 000 people have been infected so far with 26 deaths among children. Child fatality cases were also found in our neighbouring Guangdong Province. And several thousand cases have been found in Singapore and Taiwan. Given frequent mutation of the enterovirus, this year's outbreak has arrived earlier than the past years and the media reported that in the cases found

in Anhui months ago, even patients in serious conditions did not have the typical symptom of skin rash. The fatality rate of this disease has always been low but a number of lives were lost within a short time, and this has aroused concern about whether the enterovirus has mutated into a powerful killer disease. In addition, the deliberate cover up of the epidemic by the local government in Anhui earlier has made it impossible for us to have any confidence in the notification system.

As there is no vaccine for EV71 infection, and it is not easy to teach children knowledge of hygiene, schools, kindergartens and parents can only step up cleaning efforts as far as possible. But more importantly, it is essential for the authorities to strengthen communication with the Mainland to understand through various channels whether the enterovirus found in Hong Kong is of the same strain as the one causing deaths in the Mainland. And the situation of different mainland provinces and cities must be fully released to allow Hong Kong people to maintain strict vigilance when they visit the Mainland.

Although there is no vaccine for EV71 infection, the spread of another communicable disease, namely, influenza, can be suppressed by vaccination. Overseas studies have shown that the provision of influenza vaccination for children aged from one to 15 each year can reduce 77% to 91% of the number of influenza A cases. And a so-called "herd immunity effect" can be created, which means that other than those who have been vaccinated, other people in the community who have not been vaccinated will also be protected against the attack of the disease.

Deputy President, I wish to stress that "herd immunity" is of great importance, which concerns the benefit of society as a whole as well as public interest. Only through the provision of free vaccination by the Government can this effect be achieved. At present, the Government's Influenza Vaccination Programme has only covered some of the people who are vulnerable to influenza complications such as the elderly in residential care homes and the chronically-ill. For some people with high risks of infection, such as elderly people aged 65 and over, as well as infants aged from six to 23 months, as recommended by the Scientific Committee on Vaccine Preventable Diseases as target vaccination groups, the Government has not provided them with free vaccination across the board. Of course, the types of vaccine to be provided can be decided by this Committee based on scientific tests.

Professor YUEN Kwok-yung, Head of Department of Microbiology of the University of Hong Kong, said earlier that as school children always gathered in schools and it was difficult for them to acquire knowledge of hygiene at their age, schools had therefore turned into a core of influenza transmission. Hong Kong might consider learning from the experience of Japan by providing all school children with influenza vaccine. Eventually, not only the fatality rate of school children would be reduced, the rate of influenza-induced complications of other age groups would also drop. The authorities stated earlier that they were studying the provision of influenza vaccination for all school children aged below 12. I very much hope that this measure will be implemented before the arrival of the next influenza peak season.

It is necessary to look after the health of children, and it is all the more necessary for elderly people to be cared for in the community. Government figures have shown that among the 2 000 to 3 000 people diagnosed with influenza and admitted to hospitals under the Hospital Authority (HA) each year, elderly people aged 65 and over have represented the highest rate of admission. The Democratic Party has repeatedly urged the Government to provide free vaccination for all elderly people. But the Government has limited the coverage to the less well-off, such as the CSSA recipients. We all know that elderly people have made up of the majority of the less well-off population, and it is not easy for some poor elderly people to receive CSSA when they are living with their children. But they definitely cannot afford to pay for the influenza vaccine out of their own pockets. Some surveys have estimated that the rate of vaccination of elderly people aged 65 and over in Hong Kong has been only around 40%, which is far lower than the 65% in the United States and the 70% in Australia. It is thus clear that this high risk group of the elderly has not been fully protected.

Although the Government has provided free vaccination for elderly people in residential care homes, the risk of their contracting the disease will only be reduced by around 60% after vaccination. This is why occasional influenza outbreaks have still occurred in residential care homes. Our concern is that as the drop-out rate of visiting medical officers rises, the number of elderly people receiving treatment from visiting medical officers is expected to drop almost 30% in the coming year. Residential care homes for the elderly are the high-risk zone of influenza infection. Once elderly people are infected, they have to queue up for medical treatment at the accident and emergency department, thus making it easy for influenza to spread in the community. And

it is also easy for elderly people to be infected by other diseases in the accident and emergency department, thus creating a greater demand for the service and manpower of the HA.

Deputy President, the authorities should provide the necessary support to enhance the outreach medical services for residential care homes for the elderly and achieve the target of "one doctor for each residential care home", so as to provide elderly people in residential care homes with more convenient medical services, while reducing the possibility of the spread of influenza in the community.

With these remarks, I support the original motion and the amendments.

**MS AUDREY EU** (in Cantonese): Deputy President, there is a wide variety of communicable diseases and they change rapidly. Therefore, the Government should deal with communicable diseases promptly and decisively, ensuring transparency in the mechanism and progressing with time in the preventive measures. The Government should never cope with the changing situation by remaining unchanged. Otherwise, there will only be unnecessary panic.

Hong Kong has recently reached the peak of the influenza season. When I heard Mr WONG Kwok-hing speak earlier, I knew that the same thing happened to us. Deputy President, from my coarse voice, you should know that I have influenza. Kindergarten classes were suspended earlier amidst fears over the spread of influenza. The recent enterovirus invasion has often reminded us of our helplessness and panic during the SARS outbreak, and prompted us to think about whether our efforts in epidemic prevention are adequate.

I raised an oral question to the Secretary in the Legislative Council in January this year, urging the Government to expand the Childhood Immunization Programme and consider adding the pneumococcal vaccine into the Programme. The Secretary replied then that a decision would not be made after careful consideration of the cost-effectiveness of the vaccine. I was very surprised then because when human life should be a matter of paramount importance. Many expert studies have stated that the vaccine has provided very effective protection against the epidemic, especially when the vaccine is given to high-risk groups such as children and the elderly at an early stage. Although people with disabilities are not mentioned in the motion today, I hope they will also be covered because they have a higher risk of infection than ordinary people. If

they can receive effective vaccination, a herd immunity effect will be created, thus reducing the risk of their family members and other unvaccinated people contracting communicable diseases.

In fact, it is impossible that the Government is not aware of such information because the Scientific Committee on Vaccine Preventable Diseases under the Department of Health has regularly put forward proposals each year, advising the Government on the types of vaccines to be provided and the high-risk groups which warrant attention. And the Department of Health has also published and distributed pamphlets to urge parents to consider arranging by themselves for their children to receive the recommended vaccines. For instance, given the recent onslaught of influenza, the influenza vaccine has all along been put on the list of vaccines at the public's own expense. It is thus clear that the Government is not unaware of the trend of the development of communicable diseases. However, even the Government has a thorough understanding of it, its response is always slow, resulting in the failure of such information on communicable diseases being reflected in the Childhood Immunization Programme. Yet, the Government has nevertheless promoted the provision of vaccination for children by parents themselves.

The point is: Is it effective to suggest parents to arrange for vaccination on their own initiative? A survey conducted by the concern group on childhood vaccination in March has found that of the 624 respondent families, 33% claimed that their family members were infected with influenza or other communicable diseases in the past three months, but only 46% of the respondents had brought their children to receive influenza shots. This shows that if vaccination is not be provided free by the Government, parents may think that it is not essential, and they may not sense the urgency of vaccination. Moreover, as there is a wide variety of vaccines, parents may not grasp the latest trend of communicable diseases to make a most suitable judgment.

Although a first-round update of the vaccination programme was conducted by the Department of Health in February 2007, many types of diseases have yet been covered. The Government's attitude has started to soften in view of the recent influenza outbreak, stating that consideration will be given to the provision of influenza vaccines for children. As the saying goes, "Prevention is better than cure". The Government has always given us the impression that "it will only make a move after being given a kick", which has indeed made the public very anxious and disappointed. In particular, complications can develop any time subsequent to infection by communicable

diseases, which may lead to serious consequences and even life-threatening conditions.

Taking an overview of the Government's past efforts in the Childhood Immunization Programme, Deputy President, I must say that I am indeed worried that the over-40-year-old Programme, targeting at nine communicable diseases such as tuberculosis and polio, has not been updated in line with the global trend of communicable diseases. For instance, diphtheria has vanished from Hong Kong for 24 years, and polio has been stamped out in the West Pacific Region for seven years with only a slight change last year. In the final analysis, a highly transparent mechanism which is updated regularly must be put in place for the vaccination programme to catch up with the world trends.

Apart from vaccination, the most fundamental way to guard against communicable diseases is maintaining good hygiene. It is essential for schools to place emphasis on the development of an awareness of hygiene and healthy living habits among school children, which is the most fundamental way to fight against communicable diseases in the long run. Prof YUEN Kwok-yung has pointed out that it is possible for facilities in schools, such as drinking fountains, to be contaminated by oral or nasal discharge and resulting in cross-infection. He has proposed the use of cups to get water from drinking fountains, which means that a change in our living habit is necessary.

In fact, Hong Kong is a small place with a dense population. It is essential for us to pay attention to personal hygiene in our daily life. The example of drinking fountains is a warning to the Government, schools and parents that they must continuously acquire the latest knowledge of hygiene. Moreover, additional manpower should be allocated by the Government to keep facilities such as indoor playgrounds and ball ponds clean as a precautionary measure to reduce the risk of communicable disease infection.

With these remarks, Deputy President, I support the original motion and the amendments.

**PROF PATRICK LAU** (in Cantonese): Deputy President, to parents, their greatest concern is certainly the health of their children. Whenever their young children fall sick, they are certainly very worried and anxious.

It is really miserable when children fall sick. On the one hand, their resistance is not strong and therefore they are vulnerable to diseases; on the other hand, they do not know how to tell their parents which part of their body is making them uncomfortable. The worst is that as pointed out in some recent reports, if young children are infected by the influenza virus and other bacteria at the same time, very serious complications such as meningitis and pleural effusion will be easily developed.

As the saying goes, "Prevention is better than cure". Therefore, I agree that the Government should make good use of resources and adopt the proposal of the World Health Organization to review as soon as possible the Childhood Immunization Programme, with a view to providing free influenza vaccine for children aged below 12. In the meantime, vaccines against pneumococcal disease, meningitis and hepatitis A should be introduced to the Programme as soon as possible, so as to reduce the risk of children contracting the more serious diseases.

Deputy President, I very much agree with those showing concern for childhood vaccination on their proposal of expeditiously upgrading the so-called four-in-one combined vaccine (that is, diphtheria, tetanus, whooping cough and polio) currently provided by the Department of Health for new born babies to a five-in-one combined vaccine that includes haemophilus influenza B vaccine, or even a six-in-one combined vaccine that includes hepatitis B vaccine. This can reduce the pain suffered by infants from separate injections, as well as relief parents' frustration in rushing around private hospitals or clinics to look for various combined vaccines for their new born babies. And most importantly, this can reduce the wastage of community resources. As the Government has failed to provide a comprehensive vaccination programme, parents are forced to bring their babies to private medical practitioners for other vaccines, which is not cost-effective. Therefore, I think the Government should immediately release the report of the study on the cost-effectiveness of including the pneumococcal vaccine, chickenpox vaccine, hepatitis A vaccine and haemophilus influenza B vaccine in the Childhood Immunization Programme, and formulate a new vaccination policy as soon as possible.

Moreover, I think stepping up health education is the best long-term strategy for building a physically and mentally healthy society. The Government should enhance the public's basic knowledge of drugs and hygiene, as well as impart to children from early childhood through schools knowledge of disease prevention, medical science, first-aid and balanced diet.

Deputy President, the improvement of the Childhood Immunization Programme will bring an extra effect which is known to few people. I was once an adjudicator of the Immigration Tribunal, which deals with matters concerning children such as whether they were born and raised in Hong Kong. I learnt that vaccination records can help establish the identity of young children, as it can be used as a proof that they were born in Hong Kong. We all know that many people claim that their children were born in Hong Kong but that may not be true. Therefore, the staff of the Immigration Department will ask whether their children were vaccinated. So, this has turned out to be playing such a vital role in this respect. Therefore, I hope in the review of the Childhood Immunization Programme, appropriate adjustments will be introduced to the system to facilitate the enforcement of the relevant policy.

I so submit. Thank you, Deputy President.

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

**MR LEUNG YIU-CHUNG** (in Cantonese): Deputy President, when we were small, we seldom heard of influenza outbreak, but we heard of cholera, polio and diphtheria more often. Afterwards, as the then Government provided vaccination for the public, cases of infection gradually subsided. As a result, these diseases seemed to be farther and farther away from us. I think this is quite a good measure.

We have recently been seen continuous influenza outbreaks in schools. This has happened not only among children, but also elders in the residential care homes for the elderly, which has aroused concern. If the situation is not dealt with promptly, such outbreaks will continue to expand in scale and coverage, resulting in the continued spread of virus. Our utmost concern is — though no such phenomenon has been detected so far — the mutation of virus. If virus mutates, and if there is no preventive medication, the situation will get out of hand. Therefore, if the disease can be suppressed at an early stage, the after-effects will be fewer. When we notice that the situation is deteriorating and arousing concern, the Government should not again give us the impression of reacting slowly. Instead, the proper way is for the Government to act proactively and promptly to identify ways to suppress the outbreak.

At present, we often see that when several children were infected in schools, the Government would instruct that classes be suspended as soon as possible and cleaning be carried out. These are not improper measures, Deputy President, but it is a pity that they are carried out only after the outbreak, not before the outbreak. They are only "remedial" but not preventive measures.

(THE PRESIDENT resumed the Chair)

I think all the major proposals put forward by Mr Andrew CHENG today are preventive in nature. If we do not step up vigilance today and instead, focus only on remedial measures, I think things will not be improved much. In fact, we can see from some cases that school children had died of these diseases. I think this is not what we wish to see. Therefore, the motion today is very good, for it urges not only our community but also our Government to speed up and step up work, particularly work that is preventive in nature.

Moreover, a number of colleagues pointed out earlier that efforts in publicity and education must be strengthened. I believe no one will object to such efforts. The most important thing is how publicity and education should be conducted. It is a great pity that the methods and contents of the publicity and education work of the Department of Health have failed to catch up with the trend. And such efforts have also failed to reach schools extensively. For instance, I seldom see staff of the Department of Health visit the school in which I am now teaching to explain these issues. Even if there are such briefings, only some slides are routinely shown to a group of students in the hall, and no detailed explanation is given to enable students to understand the actual situation.

Therefore, I hope to remind the Government today that when we talk about placing emphasis on environmental hygiene and making publicity and education efforts, it is most important to review the methods and contents of such efforts. Otherwise, they will just speak in abstract terms that community publicity and education work has been done. Even though such work has been carried out, how about its effectiveness? This is the most important point.

Therefore, President, I only wish to bring up two points regarding the motion today. First, the Government must step up vigilance and implement

preventive measures, focusing particularly on those issues raised by Mr Andrew CHENG which warrant our attention. Other than providing vaccination for the elderly, the types of vaccines for children should also be reviewed in the light of the situation in the community. Second, in carrying out publicity and education work, review must be conducted to see if our past efforts in these areas are outdated or inappropriate, and whether or not there is a need for updating and reconsideration, and this is of utmost importance.

President, I so submit.

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

**MISS CHAN YUEN-HAN** (in Cantonese): Regarding this motion today, I believe our colleagues and many people in this city will feel very much the same as we do in our proposals or requests. Because when we mention communicable diseases, I believe the SARS outbreak in Hong Kong in 2003 has still remained vividly clear before our eyes. What makes communicable diseases horrible is often their explosive nature and invisible killing power. When the spread of communicable diseases is detected, the epidemic usually has already broken out. As it is necessary to trace the source and control the infection at the same time, actions must be taken quickly and decisively, and the situation simply cannot afford a moment's hesitation. However, no matter how good it is handled, what can be done is only to limit the number of infected cases as far as possible. Many people may have fallen victims to the disease at the source of the outbreak, and some may have even lost their lives. Therefore, I think the best policy is the implementation of effective preventive measures to suppress any chance of an outbreak of communicable disease.

In November last year and January this year, I raised questions regarding the pneumococcal vaccine and vaccination for children. However, the replies given by the Government were disappointing — cost-effectiveness was placed before human life. My impression then was: Was it too mean?

In fact, over the past half year or so, a number of Members of this Council also raised concern about vaccination for children. Madam President, the Childhood Immunization Programme of Hong Kong was launched in the 1960s, currently targeting at only nine types of childhood communicable diseases,

including tuberculosis, polio, hepatitis B, diphtheria, whooping cough, tetanus, measles, mumps and rubella. However, the Programme is so outdated that people are left speechless. Apart from incorporating the hepatitis B vaccine into the Programme in 1986, as well as replacing the original "oral polio vaccine" and "whole-cell whooping cough vaccine" by the combined vaccine of "diphtheria, tetanus, acellular whooping cough and inactivated polio" in February 2007, there has been no other updates. In other words, new vaccine was last added to the Programme 22 years ago. One may well imagine how out-of-date the Programme is. Along with continuous development in science, medical science has kept progressing. While new diseases constantly emerge, new vaccines are constantly developed successfully. However, the Administration has not progressed with times, adding no new vaccines to the Programme in the past 20 years, which is rather ridiculous.

There was a wave of panic in March caused by a minor outbreak of influenza with suspected child fatality cases. Subsequently, the Government sought to provide remedies in haste, saying that consideration would be given to the provision of free influenza vaccines for around 1 million children aged below 12 in Hong Kong in winter this year. However, it still gives the public the impression that the Government is slow in response, making only remedial efforts afterwards.

Apart from children, the elderly also deserve our concern because their resistance are also weaker, thus making them a high-risk group. As residential care homes for the elderly are more vulnerable to influenza outbreak, the Government has acted as usual and adopted only stop-gap measures by providing free influenza vaccines for elderly people living in residential care homes. Other than those living in residential care homes, only elderly people receiving CSSA and those who are chronically ill can receive free influenza vaccines. Madam President, there are over 800 000 elderly people in Hong Kong. But only a quarter of them are covered under the vaccination programme. What kind of preventive effort is this? In fact, four categories of people are at high risk, namely, children aged below 12, the elderly, people with low immunity such as the chronically-ill, as well as children, elderly people and patients who need special care. It is the responsibility of the Government to provide these people with influenza vaccines to avoid a large-scale influenza outbreak.

The authorities have always claimed that since health care spending has been ever increasing, consideration must be given to health care financing.

However, we in the Federation of Trade Unions have repeatedly stressed that one of the effective means to reduce health care spending is the provision of effective primary health care and disease prevention services, so as to lower the demand of the public on health care services. As the saying goes, "Prevention is better than cure." Admittedly, the additional provision of various vaccines free of charge for the public will increase spending in the short run. However, in the long run, the additional spending and pressure arising from the demand for public health care services in the case of a communicable disease outbreak will be eased. If the Government only talks about health care financing and knows only to ask for money from the public, but not making an effort to provide primary health care and disease prevention services, it is very difficult for the Government to account for itself to the public.

Madam President, in this regard, I wish to cite an example. The Government has provided protection for all new born babies against hepatitis B for the benefit of their health in future. This is why it is unnecessary for children born after the 1980s to worry about the risk of hepatitis B infection in future.

In fact, in many places and countries in the Southeast Asia, including Hong Kong, a rather unfavourable situation has arisen from hepatitis B, which means that among the existing hepatitis B carriers in Hong Kong, quite a large number of them may develop liver complications in future. If they seek treatment in public hospitals, frankly speaking, a very huge spending will be incurred. If every child can receive preventive vaccination today, we will be free of the worries about hepatitis B infection by them in future.

Madam President, with the globalization of the world's economies, the mobility of people has turned frequent. Therefore, it is very difficult to prevent these epidemics. The better the front-line efforts, the less worries we have. Therefore, in my view, as the Secretary has always said that additional resources would be required in this area, I have to ask: What has the Government done in the areas of primary prevention and health care? If efforts have to be made in these areas, how much do we need to pay? Only after the Secretary has worked out all these answers should he talk with me about health care financing.

Madam President, I so submit. Thank you.

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

**DR FERNANDO CHEUNG** (in Cantonese): President, I speak in support of Mr Andrew CHENG's motion.

It is common knowledge that prevention is better than cure. However, when considering the adoption of preventive measures, such as prevention of communicable diseases by immunization efforts or protecting some disadvantaged groups against diseases by vaccination, cost-effectiveness is always a priority factor. Sometimes we do find the word "cost-effectiveness" quite unacceptable because life is priceless. Moreover, some disadvantaged groups are practically unable to afford such preventive measures. When it is utterly impossible for them to have any options in this regard, I think this will be an unshirkable responsibility of the Government.

Regarding immunization against influenza, the Government has currently provided such services for elderly people and people with disabilities living in residential care homes or hostels. Some work has also been carried out for school children. However, disabled children currently using day-care services or attending special schools but not living in the hostels may not necessarily receive such immunization services. In fact, people with disabilities are generally weaker and vulnerable to infection. Therefore, I think the coverage of immunization against influenza should be expanded to all people with disabilities and elderly people, whether they are living in institutions or receiving day care services, to allow them to receive proper care and attention.

Moreover, we have always neglected one group of people, that is, people who take care of the elderly and people with disabilities. They include front-line workers of institutions and schools, as well as family members of elderly people and the disabled. Of course, we understand that public resources are limited and therefore priority should be set. However, I think these carers should also be given certain priority. Of course, professionals working in institutions may not need financial assistance, and the Government may charge them a modest fee for vaccination. However, to many front-line workers, the provision of the immunization service and free influenza vaccine is of considerable importance. If immunization can be provided in this area, and if effective prevention is achieved for the elderly, the disabled, carers and people

with daily contacts with them, perhaps the public health care expenses can be reduced, and many unnecessary occurrences of communicable diseases can be avoided.

Regarding the Childhood Immunization Programme, as mentioned by a number of colleagues, the Programme has remained unchanged for over 20 years. It seems that consideration has not been given to many new communicable diseases and new technology over the past 20 years or so. Therefore, I very much agree with Mr Andrew CHENG on the need of an immediate review. President, I think the process of review should be open and transparent, and should not be conducted by the Hospital Authority or the Bureau unilaterally. In fact, voices from outside the Government, such as those of patient groups and people affected by such programmes, should also be incorporated. Only with publicized information and public participation can the Programme be made more comprehensive. Therefore, apart from the elderly and children mentioned in Mr Andrew CHENG's motion, I hope that consideration will really be given to meeting the same need of people with disabilities.

President, I so submit.

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

(No Member indicated a wish to speak)

**PRESIDENT** (in Cantonese): If not, Mr Andrew CHENG, you may now speak on the two amendments, and you have five minutes.

**MR ANDREW CHENG** (in Cantonese): Madam President, the Democratic Party is in support of the two amendments, because Mr LI Kwok-ying has expounded on the focus of my original motion, which is providing free influenza vaccination to all "elderly people and children", by adding "review the existing infection control measures in kindergartens, schools, residential care homes for the elderly, medical institutions .....". He has also mentioned work in improving environmental hygiene such as strengthening anti-rodent and anti-mosquito efforts.

Madam President, I would like to speak a few words on that. Recently, the problem of rats has appeared in many districts and some members of District Councils have to go to the Mainland to look for some rodent control experts to tackle the problem. On the problem of rats, many experts say that the subterranean world of rodents is really terrifying, especially in some places in Hong Kong with a large number of eating establishments and people. Therefore, I hope that the Secretary can understand that the problem mentioned by Mr LI Kwok-ying in his amendment may justify additional resources from the Government to equip the staff of the Food and Environmental Hygiene Department with sufficient relevant knowledge to address the problem. This is because our anti-rodent technology and level seem to be lagging behind the Mainland and many other places.

Madam President, apart from what our Honourable colleagues have mentioned and what they have included to expand and affirm my original motion, I hope the Secretary can understand that since the Government is offering free vaccination to the elderly and children recipients of CSSA, I wish to spend some time to conclusively voice my views on the motion and amendments because of a remark made by the Secretary earlier. I agree completely with some Honourable colleagues earlier that there is no reason for us not to treat everyone as equal, and we should not allow the so-called resource allocation factor to decide whether or not we will offer free vaccination to the elderly and children. If that is a factor for consideration, then the Government would not have offered free vaccination to the elderly on CSSA, nor would it have encouraged parents to bring their children for vaccination. If the Secretary still thinks that there are a lot of factors that need to be considered, such as the safety of the vaccines, or their efficacy and supply, or if other alternatives and preventive methods are available (these have been mentioned at length by the Secretary earlier), the Government would very likely say that careful considerations have to be made even on the question of offering vaccination to the elderly and children on CSSA.

Madam President, I am therefore worried that the so-called factors that the Government wishes to take into consideration are actually the cause for this stagnation and lack of progress in the immunization programme in Hong Kong over the past 20 years or so. This is the result of too much red tape and too many considerations made. Madam President, I think Members all hold more or less the same view on this issue. Therefore, I hope that the Government will not let itself come under the sway of some paradoxical considerations and allow

itself which is affluent and abundant in resources to undertake preventive work for communicable diseases close to Third World standards. This is unfortunate. We have had some very painful experiences like the outbreak of SARS and avian flu. These are experiences unique to the SAR Government and which are not found necessarily in other cities and communities. We should make good use of these experiences and our resources and take concrete steps to carry out our preventive work and vaccination programme targeting influenza, consolidate the health care developments in our society so that our next generation and the elderly, even when they are in retirement, can benefit in their health. This is the reason why I move the motion today and it is also my understanding of the two amendments. I hope the society in general can really work hard towards better quality in this respect. Thank you, Madam President.

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): Madam President, I would like to thank Members for their valuable opinions on the original motion and the amendments. I will focus my response on the key issues raised by Members.

As I said in my speech at the beginning of the debate, to effectively prevent communicable diseases, other than vaccination, the support of other precautionary measures is also essential for achieving satisfactory results.

After acquiring immunity by vaccination, the risk of contracting communicable diseases will be reduced. In Hong Kong, the incidence rate of communicable diseases such as measles, rubella and diphtheria has considerably dropped due to vaccination. Vaccination can even eradicate diseases. Smallpox is a good example. Moreover, since the launch of the Global Polio Eradication Initiative by the World Health Organization (WHO) in 1988, polio infection has been reduced by 99%. And the disease has even been stamped out in America, Europe and the Western Pacific Region (including Hong Kong).

Although vaccination has lots of advantages, experts have pointed out at the same time that vaccines are not 100% effective, and all vaccines have side effects which vary in terms of the incidence rate and the degree of seriousness. For instance, the majority of the people who received the Bacille Calmette-Guérin (BCG) vaccine (that is, 90% to 95%) have local reactions such as swelling and soreness at the injection site, whereas 5% to 15% of the people who received the combined vaccine of measles, mumps and rubella have the

reaction of a fever. And these are just minor side effects. However, there are more serious but rare side effects. In particular, there is a one to two in a million chance of having the Guillain-Barre Syndrome through influenza vaccination. It is a disease, affecting the nervous system with major symptoms of various degrees of lower-limb weakness and stinging pain, and sometimes spreading to the upper body and arms. Although the majority of the patients are able to recover from the illness, some will suffer from permanent damages to the nerves. Although side effects of such a magnitude are rare, it is an important factor that we have to take into account when implementing vaccination programme for the general public.

Regarding immunization for children, the WHO has currently advised member states to adopt the Expanded Programme on Immunization which targets at six high-risk communicable diseases including tuberculosis, polio, diphtheria, whooping cough, tetanus and measles. The WHO has also advised at the same time that member states should decide according to local epidemiological profiles on the introduction of other communicable disease vaccines to the immunization programme for children. In other words, the type and number of diseases covered by the programme may vary in different places, which also implies that the inclusion of a greater number of diseases may not necessarily be better. At present, tuberculosis, polio, hepatitis B, diphtheria, whooping cough, tetanus, measles, mumps and rubella are covered in the Childhood Immunization Programme of the Department of Health. The Childhood Immunization Programme of Hong Kong is similar to those of the neighbouring regions such as Japan, South Korea and Singapore.

The immunization coverage rate of the Childhood Immunization Programme of Hong Kong has all along been very high. And the number of reported cases of these diseases has recorded a considerable drop after their inclusion in the Programme. Among these diseases, no large-scale outbreaks of hepatitis B, whooping cough, tetanus, measles, mumps and rubella have occurred in Hong Kong in recent years. Moreover, no new cases of diphtheria and polio have been reported since 1982 and 1999 respectively. And the number of serious tuberculosis cases such as disseminated tuberculosis has also dropped considerably.

The Childhood Immunization Programme of Hong Kong has been updated continuously to keep abreast of the international practices. The Programme was updated in February 2007. At that time, the Department of Health

accepted the recommendation made by the Scientific Committee on Vaccine Preventable Diseases to introduce the combined vaccine of diphtheria, tetanus, acellular whooping cough and inactivated polio to replace the oral polio vaccine and the whole-cell whooping cough vaccine. The Committee will continue to pay close attention to the latest international situation and consistently review the local Childhood Immunization Programme.

A university of Hong Kong was commissioned earlier to study the cost-effectiveness of the inclusion of several new vaccines or combined vaccine (including the pneumococcal vaccine, chickenpox vaccine, hepatitis A vaccine and haemophilus influenza B vaccine) in the local Childhood Immunization Programme. The report of the study will be completed in a short time. After examining the results, the Committee will present its views on vaccination to the Centre for Health Protection. Active consideration will be given to the recommendations of the Committee. A decision will be made after assessing various factors, including the epidemiologic situation; the burden on health care arising from diseases; the safety, efficacy, side effects, cost-effectiveness and supply of vaccines; public acceptability of the vaccines; the availability of other precautionary measures and the administrative arrangement for vaccination.

Regarding the prevention of influenza, similarly, our Influenza Vaccination Programme is drawn up each year in accordance with the recommendations made by the Committee. By making reference to the findings of the latest scientific research and the recommendations made by the WHO, as well as considering the local situation each year, the Committee will give advice on which high-risk groups should be vaccinated against influenza. In 2007-2008, the Committee has advised that eight target groups should be vaccinated against influenza, including the elderly living in residential care homes, long-stay residents of residential institutions for the disabled, elderly people aged 65 or above, the chronically-ill, health care workers, poultry workers, infants aged from six to 23 months and pregnant women. This has shown that once these people are infected with influenza, they are more vulnerable to the development of complications, which will put their lives at risk.

Other than the recommendations made by the Committee, consideration will also be given to other factors, including the health risk of an individual after infection of influenza, the control and preventive measures of residential institutions for influenza outbreaks, and the affordability of people receiving vaccination. And free vaccination will be provided for some of the people in

the high-risk groups. Under the present Influenza Vaccination Programme of the Government, free influenza vaccination has been provided for elderly people and people with disabilities living in residential institutions, elderly people and children with chronic illness attending follow-up appointments in public clinics, elderly people and pregnant women receiving CSSA, infants aged from six to 23 months from families receiving CSSA, health care workers and poultry workers.

Regarding the Influenza Vaccination Programme of the Government in 2008-2009, the Committee will conduct an analysis in the near future and put forward its recommendations to the Government. In assessing whether to expand the existing Influenza Vaccination Programme, consideration will be given to the scientific justifications and recommendations made by the Committee, as well as other usual factors. Take the United States as an example. The expert group under the Centre for Disease Control and Prevention of the United States recommended in February 2008 that all persons aged from six months to 18 years should receive influenza vaccination. As the implementation of a vaccination programme for such a large target group takes time, the expert group has estimated that the full implementation of this recommendation will not take place until 2009-2010. In Hong Kong, we plan to decide before the summer holidays whether all the school children in Hong Kong will receive influenza vaccination.

The prevention and control of communicable diseases for the elderly and children has been raised in both amendments proposed by Mr LI Kowk-ying and Dr Joseph LEE. To strengthen the surveillance of communicable disease infection among the elderly and young children, the Centre for Health Protection has set up a sentinel network in 43 child care centres and 57 residential care homes for the elderly to regularly collect relevant data, in order to analyze the situation of communicable diseases among these two groups to facilitate the implementation of appropriate and effective measures.

Moreover, a reporting system of communicable disease outbreaks has been set up in the community to facilitate timely intervention in incidents of outbreaks. After receiving the report of communicable disease outbreaks in schools, kindergartens, child care centres, residential care homes for the elderly and homes for the disabled, the Centre for Health Protection will follow up at the earliest time possible to conduct epidemiological investigations and give advices on hygiene matters to relevant personnel to stop the continuous spread of the communicable disease.

Regarding the precautionary measures in residential institutions, the visiting health teams of the Elderly Health Services will visit residential care homes for the elderly on a regular basis to assess the infection control measures of the institutions, as well as to provide the staff of the institutions with on-the-job training and guidance on infection control, knowledge of communicable diseases and skills of infection control relevant to the situation. Moreover, the Elderly Health Services and the Centre for Health Protection have also organized refresher courses each year to consolidate the skill and knowledge of infection control of the Infection Control Officers working in residential care homes for the elderly.

The amendment of Mr LI Kwok-ying has proposed the improvement of environmental hygiene and the stepping up of education efforts. Regarding environmental hygiene, pest control is a key area of work in the prevention of communicable diseases. The Food and Environmental Hygiene Department (FEHD), as in the past, will continue to organize territory-wide anti-rodent and anti-mosquito campaigns this year to protect environmental hygiene. The anti-mosquito campaign this year will be conducted in three stages. Apart from the routine anti-mosquito efforts, that is, eliminating all identified mosquito breeding spots, the FEHD will also take actions to clear potential mosquito breeding spots. Special attention will be paid to the surrounding areas of residential buildings, such as schools, construction sites, hospitals, public and private cargo handling areas along the waterfront, boundary control points, typhoon shelters and piers.

The anti-rodent campaign this year will also be conducted in two stages. Given the recent grave concern about rodent infestation, the FEHD has specially advanced the launch of the enhancement phase of the anti-rodent campaign originally scheduled in July and August to May, with the aim of improving the effectiveness by extending the anti-rodent campaign to over 12 weeks. Other than the original target of markets, the FEHD will also extend the scope of the campaign to hawker bazaars, fixed pitch hawker stalls, food premises and associated rear lanes, cargo handling areas and other rodent problematic spots in the districts.

Public support is most crucial to the success of our pest control efforts. Only with the close collaboration between the Government and the public in persistently maintaining environmental hygiene by, for instance, the removal of rubbish and stagnant water and the implementation of effective pest control measures, can long-term success be achieved.

An effective risk notification mechanism can also enhance public understanding of the epidemic of communicable diseases and hence allay unnecessary concern. Therefore, surveillance data and health risk information have been released through various channels for the reference of the public and relevant sectors. Efforts in this area have included the publication of the bi-weekly Communicable Diseases Watch on the website of the Centre for Health Protection to provide health care professionals with up-to-date news of communicable diseases and their development trend; the weekly release of the sentinel surveillance findings on the website; and when surveillance reports indicate that actions are necessary, letters will be sent to health care professionals and operators of community institutions such as schools and residential care homes for the elderly to advise them on precautionary measures; and press conferences will be held, press releases issued and Announcement of Public Interest broadcasted for public information. To further facilitate access to surveillance data and risk information by users, the Centre for Health Protection will upgrade the design of its website this year. Moreover, the Centre for Health Protection will produce a new series of Announcement of Public Interest to promote key issues of communicable diseases, such as the appropriate use of antibiotics, to enhance people's awareness of public hygiene.

To satisfy the requirements of the WHO International Health Regulations 2005 to prevent the spread of diseases by strengthening public health monitoring and control measures targeting cross-border transport carriers and at immigration check points, a new Prevention and Control of Disease Bill was tabled to the Legislative Council on 19 December 2007 to increase the number of statutory notifiable diseases from 32 to 45, targeting at communicable diseases which may likely threaten Hong Kong in future. The Bill is now under the scrutiny of the Bills Committee.

To further enhance the timeliness, accuracy and convenience of data reception of the sentinel surveillance network, the Centre for Health Protection has established an electronic platform for participating child care centres of the sentinel surveillance network. The system has functioned satisfactorily. The Centre for Health Protection is now planning to extend the electronic platform to other surveillance points of the network. Moreover, to tie in with international development, the Centre for Health Protection is now planning to incorporate more information and communication technologies to process surveillance data more effectively and perform accurate analysis.

To fend off the threats posed by communicable diseases, a multi-pronged approach must be adopted to strengthen relevant measures in prevention and control. The Government will continue to co-operate with relevant parties to review and enhance the quality of services, while implementing proactive measures to meet the challenges in future.

Thank you, Madam President.

**PRESIDENT** (in Cantonese): I now call upon Mr LI Kwok-ying to move his amendment to the motion.

**MR LI KWOK-YING** (in Cantonese): President, I move that Mr Andrew CHENG's motion be amended.

**Mr LI Kwok-ying moved the following amendment: (Translation)**

"To delete "as influenza has been prevalent recently and there is" after "That," and substitute with "in the face of continuous threat of influenza and"; to delete "," after "strengthen the prevention and control of communicable diseases" and substitute with ";"; to add "and children" after "all elderly people"; and to add "; review the existing infection control measures in kindergartens, schools, residential care homes for the elderly, medical institutions and public facilities with high pedestrian flow and allocate more resources for these institutions to improve the prevention and control of communicable diseases; improve environmental hygiene, including strengthening anti-rodent and anti-mosquito efforts; and step up education to enhance the awareness of personal hygiene" after "diseases and vaccines"."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr LI Kwok-ying to Mr Andrew CHENG's motion, be passed.

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

(Members raised their hands)

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

(No hands raised)

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

**PRESIDENT** (in Cantonese): Members have been informed that Dr Joseph LEE will withdraw his amendment if Mr LI Kwok-ying's amendment is passed. As this is the case now, Dr Joseph LEE has therefore withdrawn his amendment.

**PRESIDENT** (in Cantonese): Mr Andrew CHENG, you may now reply and you have 16 seconds.

**MR ANDREW CHENG** (in Cantonese): Madam President, within these 16 seconds, I would only hope to remind the Secretary that our motion and amendments will certainly be passed. We have not said that the more vaccines covered under the immunization programme, the better it is. We only hope that some vaccines that are in keeping with the development of the times can be added to this antiquated programme.

Thank you, Madam President.

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That the motion moved by Mr Andrew CHENG, as amended by Mr LI Kwok-ying, 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: Implementing co-location of immigration and customs facilities.

I now call upon Mr WONG Ting-kwong to speak and move his motion.

### **IMPLEMENTING CO-LOCATION OF IMMIGRATION AND CUSTOMS FACILITIES**

**MR WONG TING-KWONG** (in Cantonese): Madam President, I move that the motion, as printed on the Agenda, be passed.

Madam President, the co-location of immigration and customs facilities, which is developed under the "one country, two systems" principle, is a new arrangement to further give effect to such principle in respect of immigration matters at the boundary control points, with a view to strengthening the new mindset of integration between Hong Kong and the Mainland and setting a right development direction. The Shenzhen Western Corridor (SWC), which was commissioned in July last year, became the first cross-boundary co-location facility. Statistics showed that following the opening of the Shenzhen Bay Port (SBP), which connects the SWC, a total passenger traffic of nearly 1.3 million and a vehicular traffic of nearly 80 000 have been registered at Shenzhen Bay Control Point. Positive feedback has been received from visitors using the facilities at the SBP, and no complaint has been received so far. SWC's experience has proved the success of the co-location arrangement, which is a good start to the convenience of people, and should be expeditiously extended to other boundary control points. Also, it is all the more necessary for the co-location arrangement to be implemented in Hong Kong.

The construction option of the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL) was finally released by the Government of the Hong Kong Special Administrative Region (SAR) at the end of last month. The word "finally" was used because the preparatory work of this cross-boundary railway actually commenced as early as in 2000,

and while construction works of the mainland section started three years ago, the design of the Hong Kong section took us eight years to complete. This reflected the astonishingly "low" efficiency of the SAR Government. Regarding the implementation of the co-location arrangement at the Hong Kong section, Secretary Eva CHENG remarked that the proposal was under consideration. However, since the co-location arrangement is proved to be feasible and essential, the Government should implement it expeditiously, rather than going slow.

Furthermore, there is no room for delay on the part of Hong Kong in the construction of a strategic cross-boundary railway network. Since the XRL is an integral part of our nation's express railway network, connection with it is tantamount to linking up with all the railways and cities in the country. Originally, Hong Kong could have taken advantage of its position as the terminus of the XRL to enhance the competitiveness of the local logistics industry, but while the mainland section is expected to commence operation in 2010, the Hong Kong section will only be completed in 2014 the earliest. This means that the mainland section would enjoy a "first mover" advantage and upon the commissioning of the Hong Kong section four years later, the mainland cities may have secured a far more favourable position.

Time never waits and opportunity disappears in the blink of an eye. Hong Kong has already lost one battle in terms of timing, and must regain its advantageous position through strategic planning. Implementing the co-location of immigration and customs facilities at the Hong Kong section of the XRL will enable immigration and customs clearance of passengers and goods as required in Hong Kong and the Mainland to be completed within the Joint Inspection Building located on the Hong Kong side. This will greatly shorten the waiting time for clearance which will provide convenience to the people, promote economic and trading activities, provide smooth linkages to different transportation networks, and develop Hong Kong into a passenger hub at the southern gate of China. In this view, the implementation of the co-location of immigration and customs facilities in Hong Kong has more profound and far-reaching significance in realizing seamless connection of the railway networks of the two places.

In fact, the key for Hong Kong to emerge as a railway hub of southern China through the construction of the XRL also lies in the implementation of the co-location arrangement in Hong Kong. Given China's vast expanse of land with a large number of cities and boundary control points, the implementation of co-location arrangement in mainland cities would require considerable resources

as immigration and customs officers from Hong Kong will have to be deployed at each boundary control point. On the contrary, if co-location arrangement is implemented in Hong Kong, all we need to do is to designate a mainland port area in Hong Kong where mainland immigration and customs officials would be deployed. By so doing, the objective of providing a direct access from Hong Kong to all mainland cities can be achieved. It is therefore a more practicable option.

Similarly, in order to emerge as an aviation hub, two requirements must be met. One is the availability of a highly efficient airport, and the other is an aviation network which links up all places in the world. Although the Hong Kong International Airport has long been recognized as a highly efficient airport, it has no particular edge over its major competitors, such as Singapore's Changi Airport, Thailand's Bangkok International Airport and South Korea's Incheon Airport, in terms of scale of operation, facilities and service standards. As such, the development of an aviation network has become the key to success.

At present, Hong Kong has an extensive aviation network covering international routes only, and the Mainland still sees Hong Kong as an international airport. So, all Hong Kong flights must go through customs and immigration clearance procedures in the Mainland as required of international flights. The Hong Kong Airport has an absolute advantage over its competitors in other regions as it can leverage on the Mainland. We should therefore tap on such an advantage and implement the co-location of immigration and customs facilities in our airport, so that travellers can complete the necessary customs clearance procedures of the two sides at the Hong Kong International Airport in one go, after which they may board the plane in the same way as they take a domestic flight and then fly directly to other places of the country. In that case, our network will not only cover destinations with immigration and customs clearance facilities, thus enabling the Hong Kong Airport to become a hub of travellers to and from the Mainland.

Once the co-location arrangement is implemented at the Hong Kong Airport, passenger and cargo flights en route to the Mainland will enjoy easier and smoother customs clearance than their international counterparts. Not only can this save time and administrative costs, the efficiency of the logistics industry will also be enhanced. Only in this way can we attract passenger and cargo flights from the rest of the world to enter the Mainland by flying en route the Hong Kong Airport but not the neighbouring airports. Only in this way can Hong Kong outperform its competitors and emerge as the aviation hub of the region.

Similar arrangements have actually been put in place in some overseas countries. Seven Canadian airports in Vancouver, Toronto, Ottawa, and so on, as well as Ireland's Shannon Airport and Dublin Airport, Bahamas' Nassau Airport and the Grand Bahama International Airport have adopted the United States' border preclearance procedures. Travellers are not required to undergo further inspections on arrival in the United States provided that they have completed the necessary local exit clearance and border preclearance procedures before boarding.

Given that arrangement similar to the co-location of immigration and customs facilities can be implemented in different countries like the United States, Canada and Ireland, and that such arrangement has operated effectively for more than three decades, I do not see why it cannot be expeditiously implemented at the Hong Kong Airport under the principle of "one country, two systems" when Hong Kong is part of the territory of China.

Getting started is always the hardest part. This is so especially when the co-location arrangement concerns the exercise of administrative power and jurisdiction. It is even more complicated when different governing authorities are involved. Nonetheless, the implementation of such an arrangement in Hong Kong will not only facilitate the clearance of passengers and goods, but will also greatly enhance Hong Kong's competitiveness. No matter how thorny the problem is, it still worths further consideration by officials of the Central Authorities and the SAR Government.

I am confident that these problems will be resolved eventually, just that I am concerned about how much time it will take. The co-location arrangement adopted at the SWC is mainland-based, and at that time, consideration had been made to extend Hong Kong's jurisdiction to the Mainland and this had aroused great public concern. The co-location arrangement at the XRL and the Hong Kong Airport under our discussion now is Hong Kong-based, that is, the Joint Inspection Building will be located in Hong Kong. This will involve the exercise of mainland statutes and powers pertaining to border and customs clearances within the territory of Hong Kong. It can be imagined that this will be even more sensitive and controversial, and a longer legislative process may therefore be expected. In view of this, the decision to implement the co-location arrangement in Hong Kong should be made as early as possible, so

that the necessary preparatory work can expeditiously commence and sound plans can be formulated to sort out administrative and legal issues.

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

**Mr WONG Ting-kwong moved the following motion: (Translation)**

"That this Council urges the SAR Government to step up its cooperation with the Mainland and expeditiously implement the "co-location of immigration and customs facilities" for clearance at the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link and the Hong Kong International Airport, so as to enhance the efficiency of passenger and freight transport to and from the Mainland, consolidate the position of Hong Kong as a regional aviation and transportation hub and strengthen the competitiveness of Hong Kong."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the motion moved by Mr WONG Ting-kwong be passed.

**PRESIDENT** (in Cantonese): Mr Jeffrey LAM will move an amendment to this motion. The motion and the amendment will now be debated together in a joint debate.

I now call upon Mr Jeffrey LAM to speak and move his amendment to the motion.

**MR JEFFREY LAM** (in Cantonese): Madam President, I move that Mr WONG Ting-kwong's motion be amended.

Madam President, while the whole city welcomed with great enthusiasm the successful torch relay of the Beijing Olympic 2008 in Hong Kong last Friday, we were also very glad to have the opportunity to hail it when the Olympic flame, carried by our President, passed through the carpark of the Legislative Council Building. What is most exciting and honourable to us is that Hong Kong was chosen to be the first stop on Chinese soil after the Olympic flame was carried through 19 cities around the world. This proves that Hong Kong can

serve as a bridge connecting the Mainland with the rest of the world. People around the world look to Hong Kong as the first stop in the Mainland and so, there have been more frequent exchanges between Hong Kong and the Mainland, and also more and more new boundary control points. Convenient customs clearance is therefore very important. Hence, an important direction for enhancing efficiency will be the implementation of the co-location of immigration and customs facilities at boundary control points.

Guangdong and Hong Kong are interdependent and have a mutually beneficial relationship. So, we must strive to achieve higher economic efficiency on the premise that "one plus one is bigger than two", and create an economic sphere and a living area within one-hour access. To enhance competitiveness, both passenger and cargo flows must be enhanced.

Last year was the 10th anniversary of the reunification of Hong Kong with the Motherland, which also saw the commissioning of the Shenzhen Bay Port (SBP). The commissioning of this new boundary control point marks not only the birth of a convenient express westbound crossing, but also the first boundary control point where the co-location of immigration and customs facilities is implemented for passengers to complete the customs clearance procedures of the different authorities of the two places in the same place with a distance of only dozens of metres in between. When compared with some existing control points where passengers are required to walk up and down, or get on and off a vehicle, a lot of time has been saved.

Not only the efficiency of customs clearance can be enhanced, the co-location arrangement can also enhance both passenger and cargo flows. My reason for proposing this motion today is that, in my opinion, the Government should extend this customs clearance approach to other existing control points and new control points under planning, with a view to consolidating Hong Kong's position as a regional aviation hub.

Madam President, such cross-border co-location arrangement is actually implemented in many places around the world. For instance, there is this arrangement between the United States and Canada, as well as a number of European boundary control points. So, we can see that this is convenient to the people and businesses. Certainly, I understand that this co-location arrangement involves complicated constitutional, legal and technical issues of the two places, but I believe they can be resolved and fruitful results can be achieved through better understanding and communication, and on the basis of co-operation and mutual trust. Under the principle of "one country, two

systems", the proposed extension of the co-location arrangement should not be mission impossible. I therefore suggest that a joint working group should be expeditiously set up to conduct a comprehensive study on the problems arising from the implementation of the co-location arrangement, and formulate long-term implementation plans.

Madam President, as the co-location arrangement has proved to be effective at the land crossing of the SBP, it can therefore be extended to the Hong Kong International Airport, as well as the rail link under planning between the airports of Hong Kong and Shenzhen, and also cross-boundary heliports. In so doing, the Shenzhen-Hong Kong economic hinterland will be further enlarged, which will in turn expand Hong Kong's economic domain.

As the proposed Shenzhen-Hong Kong airport rail link will greatly reduce the distance between the two airports, so given that the Shenzhen Airport has more routes and flights to other secondary cities in the Mainland than Hong Kong, it would be a more efficient option for travellers arriving in Hong Kong to travel on rail to the Shenzhen Airport for a flight to other cities. This will build up a super aviation network connecting the Mainland.

At present, the Central Government is encouraging enterprises in the Pearl River Delta (PRD) Region to expedite the process of industrial upgrading and relocation, and has recommended a number of provinces for relocation purposes, including Jiangxi, Hubei, Hunan, Anhui, Henan, and so on. It is expected that more and more Hong Kong businessmen will invest and set up factories in these regions in the future. If co-location arrangement can be implemented at the Hong Kong Airport, travellers arriving in Shenzhen can take another flight to other cities and reach the destination as quickly as ever. Convenient transportation helps reduce the operating costs, therefore enabling us to become a more desirable choice for investment.

In order to reach the destination "as quickly as ever", more and more investors look to helicopters as a means of transport plying between Hong Kong and Guangdong. But given that only two helicopter routes are currently available between Hong Kong and the PRD (with Guangzhou and Shenzhen as destinations), places having frequent exchanges with Hong Kong, the mountainous regions that are actively developed by Hong Kong businessmen, and the eastern and western regions cannot operate any route to Hong Kong in the absence of international aviation customs clearance facilities. In view of the fact that there are some 58 000 Hong Kong-owned or controlled factories in the

PRD and some 2 000 Chinese entities operating in Hong Kong, coupled with the large number of foreign companies that have set up their international headquarters in Hong Kong to prepare for their development in the mainland market, there is readily an enormous demand for expedient and reliable customs clearance procedures and transportation services.

So, if co-location arrangement can be put in place in Hong Kong's cross-boundary heliports, the Central Government can then be urged to approve the increase of helicopter service plying Hong Kong and the PRD so as to enable businessmen to enjoy more expedient and convenient flights to different destinations. I hope that when proposals of building cross-boundary heliports at the north-eastern corner of the Hong Kong Convention and Exhibition Centre and Kai Tak are examined, such facilities would be included as essential facilities.

Similar to the Shenzhen-Hong Kong rail link, space should be reserved for the co-location facilities in planning the Hong Kong-Zhuhai-Macao Bridge, the Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL) and the Liantang/Heung Yuen Wai Boundary Control Point, which are among the 10 infrastructure projects proposed by the Chief Executive.

The Chief Executive-in-Council has just endorsed the construction of the Hong Kong section of the XRL, the terminus of which will be located at West Kowloon. Space has been reserved for the provision of co-location facilities at this station where there will be 14 platforms. The number of platforms far exceeds that of the existing Hung Hom Terminus. This is mainly because the number of trains and routes plying Hong Kong and Guangzhou are expected to grow rapidly, so space has been reserved for the purpose in the design.

In my opinion, given that it is the long-term target of the XRL to link up with such highly accessible railway networks as the Beijing-Guangzhou Passenger Line and the Hangzhou-Fuzhou-Shenzhen Passenger Line, customs clearance procedures must be simplified so that travellers can complete the necessary clearance procedures of the two sides at the West Kowloon Terminus of the XRL, and then proceed to another platform for an interchange to other places of the country. This will prevent travellers from missing the trains and hence causing delays to their journeys for having to wait in long queues for customs clearance.

Nonetheless, I notice that the fifth land boundary control points under planning, that is, the Liantang/Heung Yuen Wai Boundary Control Point, will

adopt the separate location of customs clearance facilities due to a lack of land at Liantang, Shenzhen to accommodate a joint inspection building. If this is only a matter of the availability of land, I believe with the objective of enhancing efficiency, it is understandable for both sides to make room for such facilities at the expense of other facilities.

As the saying goes, the early bird catches the worm. I hope that while SBP is the first place where the co-location arrangement is implemented, other boundary control points will soon follow suit to strengthen our position as the southern gate of the Mainland. Not only will our door be always open, this will also ensure smooth passenger and cargo flows, as well as economic prosperity.

Madam President, I so submit.

**Mr Jeffrey LAM moved the following amendment: (Translation)**

"To add ", as exchanges between Hong Kong and the Mainland have become more frequent and the number of cross-boundary control points has also increased," after "That"; to add "and as far as possible" after "expeditiously"; to add "the various existing and new cross-boundary control points, including" after "clearance at"; to delete "and" after "the Guangzhou-Shenzhen-Hong Kong Express Rail Link" and substitute with ","; and to add "the rail link between the Hong Kong International Airport and the Shenzhen Airport as well as cross-boundary heliports," after "the Hong Kong International Airport, "."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That Mr Jeffrey LAM's amendment to Mr WONG Ting-kwong's motion be passed.

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): Madam President, I am very grateful to Mr WONG Ting-kwong for proposing his motion on expeditiously implementing co-location of immigration and customs facilities for clearance at the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link and the Hong Kong International Airport. I am also very grateful to Mr Jeffrey LAM for his amendment, which proposes to implement the co-location arrangement expeditiously and as far as possible at various existing and new cross-boundary

control points, including the rail link between the airports of Hong Kong and Shenzhen as well as the cross-boundary heliports.

The co-location of immigration and customs clearance at the Shenzhen Bay Port, that is, the provision of cross-boundary facilities on the mainland side, whereby Hong Kong and the Mainland can conduct their respective immigration and customs clearance procedures according to their own laws, can tackle the land use problem at the Shenzhen Bay highway on the one hand and add to the convenience of travellers on the other. The policy is certainly "people-oriented". I believe that Mr WONG Ting-kwong's motion and Mr Jeffrey LAM's amendment today are both intended to provide efficient and convenient boundary crossings for the people and goods moving between Hong Kong and its neighbouring areas through the co-location arrangement, so as to facilitate Hong Kong's integration with the Mainland and consolidate its position as a transportation and logistics centre. As a matter of fact, this objective was already stated very clearly by the Chief Executive at the very beginning of his policy address last year. We, therefore, support the ideas proposed in the motion. All along, we have been implementing many different measures to enhance the efficiency and services of the various boundary crossings. As for the adoption of the co-location arrangement at the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link and the Hong Kong International Airport, I must point out that since this will involve many complex issues, further detailed studies must first be conducted.

Madam President, we are generally in support of the motion, and we shall give our detailed reply later on.

Thank you.

**DR RAYMOND HO** (in Cantonese): Madam President, cross-boundary exchanges between Hong Kong and the Mainland, whether in terms of passenger or cargo flow, are continuously increasing. To cope with the relevant needs, the SAR Government and the mainland authorities concerned, especially the Guangdong Provincial Government, have enhanced their co-operation in cross-boundary transport and co-ordination of the boundary control points. Compared with last year, more efforts have been made in this regard. While the Hong Kong-Shenzhen Western Corridor was successfully commissioned last year, the governments of Guangdong, Hong Kong and Macao have also reached

an agreement on the financing proposal of the Hong Kong-Zhuhai-Macao Bridge project early this year. Not long ago, the SAR Government has also confirmed the construction of the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL). Just as what I have all along insisted, the Government has adopted the Dedicated Corridor Option for the Hong Kong section, rather than linking up the express rail connecting cities to cities (which runs at a speed of 250 km/h to 350 km/h) with the West Rail (which runs in the city at 80 km/h). On the other hand, the feasibility study on the rail link between the Hong Kong International Airport and the Shenzhen Airport is also underway. These cross-boundary transport infrastructures will further promote exchanges between Hong Kong and the Mainland, and further consolidate Hong Kong's position as a regional aviation hub.

However, under the existing arrangement of separate location of customs clearance facilities adopted in many Hong Kong and mainland boundary control points, travellers are required to go through customs clearance procedures of the two sides both before and after their entry. This will greatly increase the time of their journey and cause a lot of troubles, and may even discourage those foreign businessmen or travellers who wish to travel between the two places within a short time. For this reason, during the discussion on the Hong Kong-Zhuhai-Macao Bridge project, I have time and again requested the SAR Government to pursue with Guangdong and Macao for the adoption of a clearance system of all three authorities in one place. Regrettably, despite that my proposal is reasonable, the three governments eventually decided not to adopt this arrangement.

I understand that the co-location arrangement may involve complicated constitutional and legal issues, but such technical issues could be resolved through agreement, whereby the parties concerned will act according to their respective legislative procedures. In fact, Shenzhen Bay Port of the Hong Kong-Shenzhen Western Corridor has implemented the co-location of immigration and customs facilities, and this may serve as an important practical reference for the future implementation of similar arrangement at other boundary control points. It should be noted that the co-location arrangement is no novelty at all in other places. For example, entry control facilities of the United States can be found in the airports or highways of some Canadian cities to provide the necessary exit clearance services. Travellers will then be saved from the need to go through any further inspections on arriving the United States. Should similar arrangement be adopted at the Hong Kong International Airport, or

railways or highways connecting Hong Kong and the Mainland, travellers heading mainland destinations would be able to enjoy great convenience.

Madam President, apart from enhancing the customs clearance efficiency for passengers and cargo, the co-location arrangement can further promote closer economic co-operation and integration between Hong Kong and the Mainland, thus facilitating the long-term development of Hong Kong. The SAR Government should step up co-operation with the Mainland and strive to extend the co-location arrangement to the major boundary control points of the two places. I believe with the help of our highly efficient Secretary for Transport, this can be put into practice very soon. I so submit. Thank you, Madam President.

**MR WONG YUNG-KAN** (in Cantonese): Madam President, I believe China is the only country in the world where one can find the construction of a joint inspection building within the boundary of one place to accommodate the border control and inspection departments of two places to conduct checks on travellers, transport and cargoes going through the control points in their respective port areas in accordance with their respective regulations and systems. This is the co-location arrangement implemented at control points between the SAR and mainland cities, and this arrangement has been successfully implemented at Shenzhen Bay Port (SBP).

The co-location of immigration and customs facilities is not only a major breakthrough in the mode of co-operation between the control points in Hong Kong and Shenzhen, but also an inevitable product under "one country, two systems". Although the link between Hong Kong and the Mainland has become increasingly close since the reunification, the strict enforcement of two sets of border control measures has impeded the smooth flow of passengers, vehicles and cargoes as is expected within the territory of the same country. The co-location arrangement has precisely presented us with a new mindset and a way out and once again demonstrated the principle and flexibility of "one country, two systems". With the constant growth of cross-boundary infrastructure on the two sides, the SAR Government should follow the relevant clearance and management approach for similar projects in future, such as the Guangzhou-Shenzhen-Hong Kong Express Rail Link to be constructed shortly and road links between the two airports in Hong Kong and Shenzhen.

The construction of the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link is expected to commence

next year and due for completion in 2015 at the soonest. Its terminus, to be situated in the West Kowloon District, will provide direct access to such places as Guangzhou, Wuhan, Quanzhou, Sichuan, Chongqing, Jiangxi, and so on. The Rail Link will not only create a living area within one-hour access from Hong Kong to Guangzhou, but also connect all the cities within a radius of 1 000 km of the "Nine plus Two" economic zone, thereby creating an economic sphere within three-hour access. By that time, it might be more efficient to travel to places within a distance of 1 000 km by train than by plane. While a train journey takes only two to three hours, air passengers must arrive at the airport at least one hour before to complete such formalities as immigration clearance, security checks, and so on, and then go through the same formalities on arrival. The actual time required is very long. I believe more time can be saved if the co-location arrangement can be implemented on the Hong Kong side for clearance.

Despite being an international aviation hub, Hong Kong is by no means an aviation hub in the Mainland. Hong Kong must see the Mainland's large population and extensive markets as its hinterland before its status as an international aviation hub can achieve greater development. As such, linking the Hong Kong International Airport with the Shenzhen Airport would be the same as linking Hong Kong's international aviation networks with the Mainland's aviation networks. This will greatly enhance the territory's economic vitality and capacity. The Hong Kong International Airport should create a win-win situation by fully utilizing this advantage and assisting the Mainland in forging ties with the international markets. The best mode of co-operation is to apply the concept of the co-location arrangement to collaboration between the airports of the two places, whereby flights flying into the Mainland via Hong Kong will be treated as domestic flights on the Mainland after completing the clearance formalities of the two places at the Hong Kong International Airport. This is like treating the Hong Kong International Airport as one of the domestic airports on the Mainland. Then, Hong Kong will truly become an international airport for access by overseas countries to various mainland cities. All this is what we seek to achieve.

Mr Jeffrey LAM's amendment proposes to implement the co-location arrangement for clearance at various existing and new cross-boundary control points, including the rail link between the Hong Kong International Airport and the Shenzhen Airport as well as cross-boundary heliports. With the same objective as that of the original motion, the amendment hopes that Hong Kong and the Mainland can capitalize on the concept of co-location of immigration and

customs facilities. Therefore, the Democratic Alliance for the Betterment and Progress of Hong Kong will also support the amendment.

Madam President, the SBP, where the co-location arrangement is being implemented, is situated within the boundary of the Mainland. However, the control point mentioned in the motion proposed by Mr WONG Ting-kwong today is located in Hong Kong. In other words, the Mainland's administrative powers and jurisdictions will have to be extended to within Hong Kong's boundary, which is the other way round, and some people may probably think that careful consideration should be given. However, I believe only technical problems may arise judging from this successful case in which not a single complaint expressing dissatisfaction with the arrangement has been lodged since the implementation of the co-location arrangement at the SBP.

Up till now, Hong Kong still compares favourably with the Mainland in terms of overall financial conditions. Relatively speaking, we still have an edge in fighting for the construction of the control point for joint clearance on the Hong Kong side, only that more discussions or disputes might be involved, and the drafting of legislation might be more complicated. Furthermore, there is a need to study the various arrangements to be made for mainland officials in Hong Kong. It is indeed imperative for early preparations to be made, in order to avoid hasty introduction of legislation to this Council at the eleventh hour. Should we fail to "gain an upper hand" early and remain indecisive because of unnecessary concerns, the Mainland will vigorously fight for the construction of the control point for joint clearance on the Mainland when the gap between its economic performance and ours gets closer, regardless of whether or not we wish to see the construction of the control point for joint clearance on the Hong Kong side.

Madam President, when I led a delegation of the agriculture and fisheries industry to visit Beijing just 10 days ago, I went through two most internationally-renowned airports in Hong Kong and Beijing. As the two airports are excessively large (*The buzzer sounded*) .....

Madam President, I so submit.

**MR ANDREW LEUNG** (in Cantonese): Madam President, the call for implementing co-location of immigration and customs facilities is nothing new in

this Council. Over the past several years, I have constantly called on the Government to expeditiously implement, under the major principle of "one country, two systems", the co-location arrangement at the control points of the Mainland and Hong Kong to facilitate passenger and cargo flows between the two places and enhance Hong Kong's attractiveness as China's southern gate. The Guangzhou-Shenzhen-Hong Kong Express Rail Link and the Hong Kong-Zhuhai-Macao Bridge, our recent subjects of discussion, are even a giant step in further strengthening exchanges between China and Hong Kong in the future. Hence, I am very pleased with the motion proposed by Mr WONG Ting-kiung today which allows Honourable Members as well as Hong Kong society to discuss this question again and give the Administration one more chance to listen to the pressing demand of Hong Kong society in this respect.

In April last year, the Federation of Hong Kong Industries (FHKI) published a detailed study report, entitled *Made in PRD — Challenges and Opportunities for HK Industry*, putting forth a number of policy proposals to the Governments of Hong Kong and China. Three of the proposals are closely related to the topic of our debate today. They include:

- (a) co-ordinating Hong Kong's infrastructure development with Guangdong Province, especially in the interface between transport and aviation networks;
- (b) making joint efforts in raising cross-border transport efficiency to help maintain the existing volume of passenger and goods flows, and to further attract more traffic into the Greater Pearl River Delta; and
- (c) facilitating the flow of people and goods across the Hong Kong-Shenzhen border by investing in the software and hardware arrangements at border and checkpoint facilities.

These three proposals share the same objective of making cross-boundary traffic smoother. To achieve this, streamlining clearance and inspection procedures will be a major step. For this reason, the industrial sector has been requesting the Governments of Hong Kong and China to implement the co-location arrangement to facilitate passenger and cargo flows at the busiest control points.

On the anniversary of the reunification last year, the Shenzhen Bay Port (SBP) took the first step towards the co-location arrangement by allowing law enforcement officers from Hong Kong to enforce law at the SBP, which is situated within the mainland boundary, to handle immigration matters. However, if we take a closer look at it, we will find that immigration and customs facilities are not really co-located at the SBP because the customs clearance counters of Guangdong and Hong Kong are not situated close to each other, and there is still some distance between the two customs authorities. This means that people from the two places who take public transport have to walk some distance after completing customs clearance on one side in order to go through customs clearance on the other side. Insofar as the logistics industry is concerned, this means that goods vehicle drivers are even required to get off their vehicles at one control point for inspection and customs clearance, return to their vehicles for a short drive to another control point, and then get off their vehicles again for inspection again, thus posing an obstacle to the smooth flows of passengers and cargoes across the boundary.

The SAR Government is planning a new port and major cross-boundary transport infrastructure, including the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link, the Hong Kong-Zhuhai-Macao Bridge and the Liantang boundary control point, for which the FHKI has long requested. In planning these major projects, it is most important for the Government to embrace the major element of co-locating immigration and customs facilities on the premise of further upgrading the passenger and cargo flows between the two places.

Madam President, the cross-boundary transport networks between the two places are not confined to land crossings only. Air transport is also a very important transport network in Hong Kong. In this connection, the FHKI and I proposed years ago that measures be implemented at the Hong Kong International Airport to facilitate the flows of travellers and cargoes between Hong Kong and China, allowing the Hong Kong International Airport and some of the airports on the Mainland to adopt the policy of requiring arrival clearance but not departure clearance, thus easing the workload of the customs authorities of the two places in handling passenger clearance across the boundary, and attracting more foreign investors to travel to and from the Mainland through the Hong Kong International Airport while facilitating businessmen travelling frequently between Hong Kong and China. This will provide a major impetus to the logistics industries of Hong Kong as well as China in matching the

development of express rail links on the Mainland while attracting passengers and cargoes of second- and third-ring cities to go through customs clearance in Hong Kong, thereby shortening the overall time required for clearance. Infinite business opportunities can be explored by capitalizing on this advantage.

Lastly, I would like to say a few quick words on the cross-boundary helicopter service mentioned in Mr Jeffrey LAM's amendment and proposed by the FHKI.

In February 2005, the Hong Kong Guangdong Co-operation Co-ordination Unit under the Constitutional Affairs Bureau indicated that it was discussing with Guangdong Province the feasibility of operating helicopter service between Hong Kong and the Pearl River Delta. Today, three years afterwards, the Government has finally made some progress in this area as it has plan to build a commercial heliport in the urban area for use by cross-boundary helicopter service. I hope the Government will bear in mind that the co-location arrangement can provide greater convenience for Hong Kong businessmen and foreign investors to travel between Guangdong Province and Hong Kong when developing airports, opening new routes, as well as providing helicopter service between Hong Kong and the eastern and western parts of Guangdong.

Madam President, I so submit.

**MS MIRIAM LAU** (in Cantonese): Madam President, with frequent passenger and cargo flows between Hong Kong and China, the public have been greatly inconvenienced as long queues are bound to be found at various boundary control points (especially land boundary control points) before and after holidays. Furthermore, the land control points for cargoes at Lok Ma Chau, Man Kam To and Sha Tau Kok are constantly in a state of saturation.

With the formal commissioning of the Hong Kong-Shenzhen Western Corridor on 1 July last year, the co-location of immigration and customs facilities was implemented for the first time, bringing travellers great convenience in going through customs clearance. Although Mr Andrew LEUNG pointed out earlier than travellers still had to walk some distance from checkpoint to another, this is already a great improvement from the troubles and fuss that travellers must endure in the past when they had to get on and off their vehicles or interchange to another vehicle with their luggage when crossing the

boundary at the Huanggang crossing. At the same time, with the implementation of the co-location arrangement at the Hong Kong-Shenzhen Western Corridor, a mechanism has been set up at the checkpoints of Hong Kong and Guangdong Province which allows sharing of clearance information, joint analysis of images for inspection, mutual recognition of results, and so on, thereby greatly enhancing efficiency in cargo inspection.

Although the utilization rate of the Shenzhen Bay Port (SBP) has not reached the expected target due to such factors as inadequate supporting facilities, coupled with the fact that the co-location arrangement is after all a brand new attempt involving some complex legal concepts of Hong Kong and China, further promotion should be carried out, since the first step has already been successfully made.

As pointed out by Chief Secretary for Administration Henry TANG in an interview by a newspaper in March this year, Hong Kong and Guangdong Province are capable of producing a substantial synergy effect. It is therefore necessary to further reduce obstacles in terms of infrastructure, passenger and cargo flows, and so on, provide more new control points and adopt the co-location arrangement by all means when new crossings are designed. The Liberal Party greatly supports this idea.

Of course, the co-location arrangement inevitably involves complicated constitutional and legal issues. The implementation of the co-location arrangement at SBP is made possible after the Standing Committee of the National People's Congress conferred powers on the SAR under Article 20 of the Basic Law for enforcement and jurisdiction under Hong Kong law in the Hong Kong port area situated at the SBP. However, if the co-location arrangement is to be implemented within the boundary of Hong Kong (such as West Kowloon station and Heung Yuen Wai), permission will have to be given to mainland law enforcement officers responsible for boundary control to enforce mainland law within the boundary of the SAR. The legal and political issues involved will only be even more complicated and sensitive. Therefore, I very much agree with the earlier remarks made by Mr WONG Ting-kwong that the relevant issues must be studied expeditiously in the hope that they can be resolved at an early stage.

However, arrangements similar to the co-location arrangement are not unusual in foreign countries. For instance, immigration control is not required

among Schengen countries. A traveller who has entered any Schengen country for the first time can freely travel to and from any other Schengen countries without being subject to immigration clearance when travelling between the countries. The United States, for instance, has also set up immigration checkpoints outside its territory in such places as Toronto, Ireland, the Bahamas, and so on. As regards cargo transport, the clearance formalities for Poland and Germany, for instance, can be completed in the same customs declaration building. When goods vehicle drivers enter the surveillance zone of the control point, they can present one cargo permit jointly produced by the two countries for clearance. While the co-location arrangement can be implemented between these countries, it goes without saying that such an arrangement is possible between two regions of the same country. Provided that Hong Kong and China are willing to strengthen communication and co-operation on the basis of mutual trust, I believe it is not difficult for this objective to be achieved.

Of course, in order to effectively divert the passenger and cargo flows between Hong Kong and China, there is still a need for us to build new control points for clearance. As pointed out earlier by Executive Vice Mayor of Shenzhen People's Municipal Government, LIU Yingli, the cargo flow of eastern Shenzhen, which accounts for 25% of the total cargo flow, is expected to rise by 2.5 times by 2030, with the passenger flow rising by three times as well. Therefore, it is necessary for new control points to be built to divert passenger and cargo flows.

The Liberal Party has all along been very supportive of the plan to expeditiously proceed with the construction of the Liantang/Heung Yuen Wai boundary control point to divert the pressure on Man Kam To and Sha Tau Kok. We are very pleased to learn that the Hong Kong-Shenzhen Joint Task Force on Boundary District Development already convened its first meeting in March this year and reached a preliminary agreement on the development of the new Liantang/Heung Yuen Wai boundary control point. Apart from hoping that the relevant works can commence expeditiously, we also hope that Hong Kong and Shenzhen can actively promote the co-location arrangement. They should not give up easily because of limited space available near the new control point on the Mainland.

On the whole, we support the implementation of the policy of co-location of immigration and customs facilities for clearance upon the completion of any

new control points in Guangdong Province and Hong Kong in future, so that smooth and unobstructed passenger and cargo flows can take forward the development of the two places and hence create a win-win situation.

Madam President, I so submit.

**MS MARGARET NG** (in Cantonese): President, it is definitely everybody's wish for communication between Hong Kong and the Mainland to be enhanced to facilitate exchanges. However, the relevant policies must be formulated in accordance with the Basic Law. Mr WONG Ting-kwong made it very clear in his earlier speech on the co-location of immigration and customs facilities that the arrangement would be implemented in Hong Kong and mainland laws would be enforced by mainland officers assigned to Hong Kong. However, under the principle of "one country, two systems", mainland laws cannot be enforced in Hong Kong. Article 18 of the Basic Law reads, "The laws in force in the Hong Kong Special Administrative Region shall be this Law, the laws previously in force in Hong Kong as provided in Article 8 of this Law, and the laws enacted by the legislature of the region." If a law enacted in Hong Kong contravenes Article 18 or allows mainland laws to be enforced in Hong Kong, I think the law is not only unconstitutional but also invalid. The boundary of the HKSAR, which is determined by the National People's Congress, delineates the boundary within which Hong Kong laws, not mainland laws, are enforced.

President, regarding the wish expressed by a number of Honourable Members for the co-location arrangement to be implemented at the Hong Kong-Shenzhen Western Corridor (the HK-SWC), many complicated problems are involved. However, Members should understand that, according to the arrangement adopted by the HK-SWC, Hong Kong laws are enforced at the Hong Kong control point on the Mainland. When the relevant bill was introduced for passage, I already indicated in my speech that this arrangement was very problematic. In particular, for the purpose of implementing the co-location arrangement, the Hong Kong side is merely responsible for handling the clearance procedures, and there is no reason to enforce all Hong Kong laws in the area where the co-location arrangement is implemented. If the situation is the other way round in future, which means that all mainland laws can be enforced at Hong Kong control points, the contravention of the Basic Law will be even more serious. Regarding the HK-SWC, I have raised a constitutional issue and that is, Hong Kong laws can only be enforced within the boundary of

Hong Kong, and while this Council can exercise its legislative power to pass laws, such laws are enforceable only in the HKSAR. However, we were told at that time by the department concerned that this was based on Article 20 of the Basic Law which provides that "The Hong Kong Special Administrative Region may enjoy other powers granted to it by the National People's Congress, the Standing Committee of the National People's Congress or the Central People's Government." In other words, our powers are expanded under this "other powers" provision. As a result, the scope of enforcement of Hong Kong laws is expanded, and our legislative power is also expanded. President, I was very sceptical of such an explanation at that time. If on the contrary, the scope of the implementation of "one country, two systems" in the HKSAR is narrowed and mainland laws are applicable to the HKSAR by invoking certain provisions in the Basic Law, what constitutional basis is there for doing so?

We were told by the department concerned that co-location arrangements were very common at the boundaries of overseas countries. We had discussed this issue at that time and found that, first of all, the situation here is different as the two places across the boundary are not sovereign states, while in our case, both places are governed by the Basic Law. The Basic Law does not allow the enforcement of mainland laws in Hong Kong. This is the first point. Second, the co-location arrangement practised by overseas countries is extremely clear in the sense that foreign officials can only enforce laws as required for and for the purpose of conducting clearance procedures outside their own countries. They are not allowed to deal with other matters. Anyhow, "one country, two systems" is unique in the sense that it is not found in other parts of the world. Today, if we forget the principle of "one country, two systems" and implement the co-location arrangement in Hong Kong which allows the enforcement of mainland laws in Hong Kong, for convenience sake and for pecuniary benefits, will other mainland law enforcement officers be allowed to enforce mainland laws in other parts of Hong Kong for convenience sake as well? When the "one country, two systems" principle in the Basic Law is nibbled away and swallowed as such, how much of it will be left?

President, I am terribly shocked by the earlier remarks made by the Government's representative, the Secretary for Transport and Housing, because the Government simply could not wait to declare blatantly that it would support Mr WONG Ting-kwong's motion on implementing the co-location arrangement in Hong Kong. The Government should know that there are bound to be constitutional barriers. It should examine these issues and then tell us why we

are allowed by the Constitution to do so, or other solutions are available if we are not allowed by the Constitution to do so. If other solutions are available, the Government should let us know in advance. Will the Government be putting the cart before the horse if it proceeds to do so without considering this? Is the Government turning a blind eye to the powers that it does not have and also its original constitutional duty? Is such a government being responsible? President, each one of us would declare our support for the Basic Law as we sworn in as Member of this Council, and this is the most fundamental principle of the Basic Law. President, I so submit.

**MR JAMES TO** (in Cantonese): President, I had made a lot of efforts for the implementation of the co-location arrangement at the Shenzhen Western Corridor and I had discussed many legal and technical issues in detail with the Government. Discounting the number of public meetings, I remember we have held at least 10 hours of meetings in this Chamber in the course of preliminary discussions.

Why do I have to talk about the past? It is because detailed considerations are essential as this really involves the enforcement of two sets of laws. I would like to discuss a few points concerning this motion. From the legal perspective, the implementation of the co-location arrangement in Hong Kong will undermine the "one system" of Hong Kong to some extent, not physically but in respect of jurisdiction. How come? Viewing from a broader perspective, if foreign countries are not given proper explanations, they may have an impression that the scope of "one country, two systems" has been narrowed. Why? Because the scope of our autonomy and jurisdiction will become narrower, though the part being narrowed may not be too big. Why has it become narrower? From a legal perspective, why is mainland law applied to a certain place in Hong Kong? This issue deserves careful consideration.

For sure, whether or not this can be done is another point. As the scope of our jurisdiction is specified under the Basic Law, do we have to amend the Basic Law for the purpose accordingly? The point at issue in the past discussion was whether Hong Kong has the power to make extra-territorial laws. According to the SAR Government, the Central Government has made a new law empowering Hong Kong to have extra-territorial jurisdiction according to a resolution made by the National People's Congress. Hong Kong can therefore make legislation on this basis.

Yet, the situation is different this time around. We have to designate a place in Hong Kong, regardless of its size, where Hong Kong laws will not apply. I am sure that the Mainland does not want to see its jurisdiction overlapping ours in Hong Kong. As it was the first to propose the idea, it will certainly ask for sole jurisdiction for mutual convenience. That seems to be fair, right?

Then, a particular place in Hong Kong, which may be the airport or somewhere in West Kowloon, will only apply the mainland law. Does it mean that the Basic Law should be amended? How? Having set this precedent, what conditions or assurances can this arrangement provide to set the mind of everyone in the world (including Hong Kong people) at ease and convince them that "one country, two systems" will not be undermined? As Ms Margaret NG has said, we may have made the arrangement to facilitate customs clearance but are there other alternatives? Is it the best arrangement made after adequately balancing various interests?

Thirdly, I have thought about a more practical scenario. Let us assume that the place is the airport. The arrangements at the airport are different from those at land crossings. Imagine, for instance, that we have such an arrangement in place and people can enter the mainland territory after undergoing customs inspection by mainland customs officers at a certain place at the airport. If a person is found by the mainland authorities rather than the authorities in Hong Kong to be holding a fake passport, he will be arrested in accordance with the mainland law. In that case, how should he be arrested? How should he be sent to the Mainland after being arrested?

How should we deal with the enforcement problems? For example, as the customs counters of the two governments are close to each other, if the person, when tangling with the officers, suddenly throws his fake passport towards the Hong Kong side, is it that the Hong Kong side can just pick up the fake passport and return to him and do nothing else? How can the passport be handed over to the mainland court as exhibit? We would not have such queries if there is another customs inspection process at the Beijing airport after passengers have undergone customs inspection in Hong Kong. This is a fairly complicated question. The arrangements at land crossings are slightly better. This is a scenario that I have considered: There will not be any problem if a person is arrested at the Shenzhen Bay Port and then transferred to the Hong Kong side on land. What if it happens in an aerial environment? How can we establish the scope for enforcement and sole jurisdiction of the Mainland in an aerial environment, allowing direct transfer from Hong Kong to China? It is not that simple.

Fourthly, as some Members have just mentioned, it will be even better because both sides can share the intelligence, blacklists, and information on the need to conduct inspection on certain freight cargoes and so, efforts can be saved. But, they have to be more careful for this is an issue of international concern. As the two places have different systems, the sharing of all information between the two places will have an impact on Hong Kong, as there will be doubts about whether Hong Kong would share sensitive information with foreign countries. Will foreign countries trust Hong Kong anymore? The issue is really complicated. Foreign countries are still mistrustful of the Mainland. This is a fact that we must take into account.

Let us not talk about these complicated scenarios. Foreign consulates have grave concerns about the purchase of guns in Hong Kong. They will ask: Are the guns used to equip the forces for suppression of peaceful demonstration? Will these guns be transported to the Mainland? Since this is all stipulated by the European Union, the consulates would be blamed if they do not do so. Even the purchase of a single gun is a very serious matter, what is going to happen if the entire database will be shared with the Mainland (which is a very sensitive issue)?

Fifthly, to be frank, as I have mentioned before, I am really suspicious about whether the Central Authorities are willing to carry out customs inspection in Hong Kong. As all of us can imagine, if a person who passed customs inspection will be regarded as being given approval for entry, people could perform dodgy or criminal acts on the plane which can affect national interests. Is it willing to carry out customs inspection in a place outside its territory and in circumstances which are not entirely under its control? Furthermore, in the process, the jurisdiction of foreign countries may be involved because some flights may display the national flags of foreign countries. I very much doubt if the Central Authorities are willing to do so. These are my views for the Government's reference.

**MR LI KWOK-YING** (in Cantonese): Madam President, in the past, individual countries or cities elbowed their way in the market on their own by simply counting on their own strengths. Following changes in the global economic development today, it is very difficult for a country or city to stand out in a fiercely competitive and rapidly changing market. Reciprocal multilateral co-operations or arrangements among countries or cities have gradually become popular. Such co-operation or arrangements promote trade and traffic among

these countries and enhance their overall competitiveness. Located in the coastal region of South China and with the Mainland as our hinterland, Hong Kong should be able to stand out among Asian cities. However, the further enhancement of traffic and exchanges between China and Hong Kong has been impeded by inconvenient customs clearance arrangements. The co-location arrangement for immigration and customs clearance can precisely step up China-Hong Kong co-operation and is conducive to our development as a regional aviation and transportation hub.

In fact, the co-location arrangement has been implemented locally and in foreign countries and regions for some time and so, we should not be unfamiliar with the concepts of its operation. First, concerning China and Hong Kong, the co-location arrangement has been implemented at the Shenzhen Bay Port (SBP) of the Hong Kong-Shenzhen Western Corridor since last year. The SBP is the first port on the Mainland adopting the co-location arrangement and also the largest land boundary crossing in China and the world. Since the commissioning of the SBP, people and vehicles travelling between Shenzhen and Hong Kong only need to have their documents checked and go through customs clearance procedures at the Joint Inspection Building in Shenzhen.

The operation of the SBP has been satisfactory since the implementation of the co-location arrangement. Statistics reveal that the border control point at SBP has handled a total of almost 1.3 million people and 80 000 vehicles since its commissioning last July. The exchange of unified cargo manifest data and mutual recognition of inspection results by the customs authorities of Shenzhen and Hong Kong enable the two places to co-operate in various aspects such as sharing customs clearance information and taking joint actions to combat cross-boundary smuggling.

Evidently, the co-location arrangement can effectively enhance the efficiency of customs clearance and provide greater opportunities for co-operation between the governments and various authorities of the two places, serving as an example and providing insights for further co-operation between the two places. Apart from the SBP, some overseas countries have long implemented similar arrangements. Taking Canada as an example, the airports in Toronto and Vancouver have US immigration control facilities, such as customs and immigration control and quarantine facilities, where passengers arriving in the US territory do not need to undergo further inspections, just like domestic flight passengers.

Given these precedents showing that the implementation of the co-location arrangement can successfully be implemented in the SBP and foreign countries, and also boost customs clearance efficiency and provide more opportunities for co-operation, should the authorities strive for the extension of the co-location arrangement to other cross-boundary infrastructure projects involving the two places? These include the Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL) to be constructed and the planned rail link between the Hong Kong and Shenzhen airports.

Certainly, the implementation of the co-location arrangement will involve many complicated constitutional and legal issues. For instance, regarding the implementation of the co-location arrangement for XRL, the co-location of customs and immigration facilities in Hong Kong will give rise to problems concerning the enforcement of law and the exercise of power by the Mainland in relation to border control, customs clearance and inspections in Hong Kong. This has unavoidably aroused concern from some people. More time may need to be taken for in-depth discussions and studies in pursuit of a consensus in the community.

Let us take the Shenzhen port as an example. Although the co-location arrangement has been successfully implemented, I still recall that the initial development process was very strenuous. The whole process from holding public discussions, officially including this project in the agenda of government co-operation to the implementation of the arrangement last year, has taken more than six years. During that period, the project had once been delayed for various reasons.

It is precisely for this reason that the authorities should draw on the experience of the SBP and put in place the co-location arrangement for the planned cross-boundary infrastructure projects as soon as practicable. Recently, the SAR Government has finally decided to fund the construction of the Hong Kong section of XRL after a few years of discussions. The project is expected to commence next year and complete in 2015 for commissioning. Moreover, the first phase project of the express rail network in China will also be completed in 2013, and the construction of the mainland section of XRL has commenced at the end of 2005 for completion in 2010 the latest. We must be clear about one point: an important strategy for the development of our country in recent years is the construction of express rail links between major cities. Nevertheless, the Hong Kong section can link up with the national express rail network only a few years later than other provinces and cities. As we can

imagine, the later it is constructed, the later the co-location arrangement will be in place. That means that the pace of our integration with the Mainland will definitely be slowed down, bringing about severe economic losses and putting Hong Kong under the threats of marginalization.

Madam President, the integration between the SAR and the Mainland has been an irresistible development since the reunification. In respect of our future development, if Hong Kong wants to maintain its advantageous position of being the southern gateway to China, it needs to make corresponding arrangements in terms of infrastructure and software. The successful implementation and extension of the co-location arrangement will contribute to promoting co-operation between China and Hong Kong, speeding up the integration between the SAR and the Pearl River Delta Region, and maintaining our status as a regional aviation and transportation hub.

Madam President, I so submit.

**MR CHAN KAM-LAM** (in Cantonese): President, the promulgation of the National 11th Five-Year Plan signifies the intensification of economic exchanges between Hong Kong and the Mainland. The demands generated by such frequent activities have prompted the development of quite a number of transport infrastructure projects involving economic and trade activities. It brooks no delay to further extend the co-location arrangement which can facilitate the flows of cargoes and people to two important passenger and cargo transport facilities, that is, the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL) and the Hong Kong International Airport (HKIA).

At present, people travelling between China and Hong Kong have to undergo customs inspection and clearance on both sides separately. Although the two places are close to each other with only the Shenzhen River in between, people have to undergo immigration clearance at two totally independent control points in Hong Kong and the Mainland respectively. Passengers who have passed inspection on one side are required to undergo inspection at another control point located nearby to complete the whole immigration clearance process.

Undergoing customs inspection and clearance on both sides separately is time-consuming and inefficient; I believe a lot of passengers have the experience of getting on and off vehicles carrying their personal belongings so as to

complete the duplicating procedures. It is even more inconvenient to people with mobility difficulties such as the elderly, the disabled and expectant mothers. Owing to the need to undergo duplicating customs clearance procedures, the flow of cargoes takes longer and there are often long queues of goods vehicles, especially after typhoons or long vacations when the customs clearance procedures will cause even greater distress to the drivers of goods vehicles.

In pursuit of further economic development, Hong Kong has to consider integration with the peripheral regions to form a cross-boundary economic area, capitalizing on the advantages of the greater economic sphere and establishing a complementary relationship with each other. The XRL is an important means of land transport for the outward development of Hong Kong in the economic sphere. The HKIA is our only air cargo centre handling an enormous amount of air cargoes from the Mainland. If we further delay the implementation of the co-location arrangement at these two major transport infrastructures, we will not be able to meet the actual demands of the cross-boundary economic sphere in future, and the consequential economic losses are beyond our estimation.

For Hong Kong to become a hub of express rail networks in the Pan-Pearl River Delta Region, we have to put in place the co-location arrangement to allow the direct access by passengers or cargoes to various cities in the region within tens of minutes or an hour or two. This will create extensive economic benefits for the development of business and trade as well as the logistics and tourism industries. Similarly, we have to implement the co-location arrangement at the HKIA if Hong Kong wishes to become an aviation hub in China.

Moreover, if the customs and immigration clearance procedures of the two places can be completed in one go before passengers get on the vehicles in Hong Kong or after passengers from the Mainland have got off the vehicles upon arrival in Hong Kong, the duplicating hardware facilities and administrative procedures at the control points would be unnecessary. From the angle of the whole country, the co-location arrangement can save the costs of constructing duplicating inspection buildings and vacate precious land in the border area for the construction of other facilities.

In addition, the implementation of the co-location arrangement symbolizes the linking up of the whole country. Undergoing customs inspection and clearance on both sides separately at two control points which are strictly

independent of each other is a measure left over from history. Today, the two places have integrated with each other and, with the co-location arrangement in place, two separate control points will not be necessary. The officials at the border checkpoints of the two places can perform duties in the same inspection building in accordance with their respective laws and regulations. This precisely symbolizes the integration between the two places and the meaning of "one country, two systems". Actually, the idea of co-location arrangement has often been proposed after the reunification and some people queried at that time whether "one country, two systems" would hence be narrowed. Nevertheless, State President HU Jintao's officiating on 1 July last year at the commissioning ceremony of the Hong Kong-Shenzhen Western Corridor, which is the first to implement the co-location arrangement, has fully demonstrated the significance of the co-location arrangement in linking up the country.

To provide convenience to passengers and facilitate cargo flow, apart from making the co-location arrangement, the DAB considers that in addition to the Lok Ma Chau Control Point, the Man Kam To Control Point should also operate round the clock. As round-the-clock services are provided at the Lo Wu Control Point during special festivals such as the long vacations of the Lunar New Year or the Mid-autumn Festival, can other control points also operate round the clock during festivals in Hong Kong? People in the two places will then be able to celebrate festivals joyously. The implementation of these measures in tandem with the co-location arrangement will further promote the economic development of the two places.

The Shenzhen Bay Port at the Hong Kong-Shenzhen Western Corridor has taken the lead to implement the co-location arrangement and its experience will become an important reference for other control points in future. Although there are already some transport infrastructures linking up the two places and promoting economic exchanges, these infrastructures have to be complemented by sound customs clearance systems in order to give play to the advantages of these transport infrastructures. The implementation of the co-location arrangement at the Hong Kong section of XRL and HKIA as soon as possible will have prominent strategic significance. We hope that the SAR Government will speed up its work in this connection and take complementary measures to facilitate economic development.

Thank you, President.

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

**MR RONNY TONG** (in Cantonese): President, I often have the impression that Hong Kong people attach much importance to economic benefits to the extent that they may even have overlooked some core values that we have all along respected. The same applies to the Government, to many people in Hong Kong and also to Members of this Council.

President, Members who have spoken today have mainly stressed the benefits to be generated economically and the convenience to be provided. But no Member other than Ms Margaret NG has referred to the constitutional meaning of the co-location arrangement or the impairment to the "one country, two systems" principle.

President, Ms Margaret NG has referred to Article 18 of the Basic Law. I do not have to repeat what she has said but there are actually other provisions of the Basic Law that we need to pay attention to insofar as this issue is concerned. For example, Article 114 of the Basic Law specifies that the Hong Kong Special Administrative Region shall maintain the status of a free port and shall not impose any tariff unless otherwise prescribed by law. Article 116 provides that the Hong Kong Special Administrative Region shall be a separate customs territory, and the last paragraph of this article specifies that export quotas, tariff preferences and other similar arrangements, which are obtained or made by the Hong Kong Special Administrative Region or which were obtained or made and remain valid, shall be enjoyed exclusively by the Region.

President, these constitutional provisions require compliance not only by the SAR, but also the whole country. The Bureau has not given us any explanation about how these provisions should be construed and whether the proposed co-location arrangement will impair the spirit of these provisions. Leaving aside the constitutional issues, President, border control points are the important indicators of the delineation between different regions of governance. We have to understand the very substantial difference between simplifying immigration clearance procedures and whittling away the "two systems". In fact, the existing immigration clearance procedures are already very simple and easy; I wonder if the abolition of separate border control at the two places will certainly shorten the distance between the two sides or will it only provide convenience to the immigration clearance procedures.

President, regardless of whether we are asking mainland border control officers to enforce Hong Kong's immigration legislation or customs duty arrangement, or Hong Kong border control officers to enforce mainland immigration legislation or customs duty arrangement, it will be detrimental to the independence of the two systems either way. Are the resultant economic benefits or convenience to immigration clearance worth the while? I believe this is a question of social value.

I would have nothing to say if it is considered worthwhile to give up the difference entrenched in the "one country, two systems" principle as stated in the Basic Law in order to make it convenient for many Hong Kong people to go north for money making or pleasure seeking. However, I think we have to put some opinions right. For instance, Ms Miriam LAU from the Liberal Party has just mentioned that many places in the European Union (EU) have similar co-location arrangements. On the surface, this is certainly correct, President, but have we considered whether or not there is a world of difference between the EU political and constitutional systems and our "one country, two systems" arrangement?

As we can see, the EU countries obviously do not make distinction between two systems. The countries are very similar in terms of legal systems, the rule of law, human rights and democratic political systems. President, I am not saying that the mainland system is far behind the times than ours, and I am not in a position to comment. However, even Comrade DENG Xiaoping had a deep understanding of the very obvious distinction between the two systems. Now that it is specified in the Basic Law that in Hong Kong, there should not be attempts to gradually intrude on and erode "one country, two systems" for 50 years at least, I believe we should, while having regard to the territorial limits — as I have just said, if we would whittle away the obvious distinction under "one country, two systems", should we think twice about the damages to be done constitutionally, practically and conceptually?

President, I do not oppose the integration of the SAR with our country in compliance with the Basic Law or the spirit of "one country, two systems" but we must consider these proposals very prudently if we respect our constitution and the spirit of "one country, two systems".

Thank you, President.

**MR ALBERT CHAN** (in Cantonese): President, on the question of implementing the co-location of immigration and customs facilities and the clearance arrangement, I think the Government is affected by two constraints, one is a rigid bureaucratic mentality and the other is the British-Hong Kong colonial mindset. These two constraints have caused many unnecessary hurdles and regulations in the implementation of the co-location arrangement, and the planning and design of many clearance facilities are also not user-friendly at all.

I recall several years ago when the Government made a proposal to the Legislative Council to develop Huanggang. At that time I was the first one to voice my opposition to the plan in the Panel on Transport. The reason I gave then was that when a boundary control point was to be designed, consideration had to be made such that the people could ride on a bus, minibus or taxi to the control point freely, instead of just having to go to a station of the East Rail and take the train to Lok Ma Chau. The explanation given by the Government at that time was that it was a policy of the Security Bureau — that happened a few years ago — and that was because the Security Bureau had a policy that forbade all vehicles to go to these control points directly.

Afterwards, I pursued the question and I found out that the security policy was formulated during the 1960s and no change was made even in 2000 after the reunification. The abovementioned question was raised in a meeting of the Panel and in the end the Panel did oppose the funding application. It was after the Government had revised the design of the Lok Ma Chau Spur Line that the motion was passed. Then it was out of sheer reluctance that the Government added some parking spaces and roads at the Lok Ma Chau railway station to enable direct access by minibuses and taxis. Such facilities have been completed recently.

Owing to problems left over from past history, in terms of policy implementation, there is a failure to catch up with the needs of the times in the designs and developments carried out by the Government and among the departments and bureaux. We have pointed out many times in the Panel that the design of say, Lo Wu is such that no vehicles are directly accessible to it. The people have to go to Sheung Shui or Fan Ling and ride on a train before they can go to Shenzhen via Lo Wu. This is the same kind of rigid and bureaucratic mentality which would rather practise policies left over from the British-Hong Kong colonial times than to make changes and offer more convenience to the public.

To implement co-location of immigration and customs clearance, there is actually a very simple principle to it. It is like the "small government, big market" principle which the Government is always talking about. In offering any kind of service, such as the co-location of immigration and customs clearance, the Government has to conduct some security checks as required by certain provisions in the law. This refers to checks for the purpose of taxation or immigration clearance, but this service is given to hundreds of thousand citizens every day for their convenience. When we see that as many as some one hundred thousand to two hundred thousand people go past our borders every day, especially during the holidays, we can see that convenience for the people is indeed an overriding factor to consider.

We can see what it is like now to clear the immigration and customs. The case is different from one place to another. Some Members have just mentioned places in Europe, North America or other places. When we clear the immigration and customs there, it is never like going from Hong Kong to a mainland port where the passengers have to get on and get off from the vehicle several times. Sometimes the people must get on and then get off from a vehicle with their luggage. They have to do this once, twice, and even three or four times before the clearance formalities are completed. This is extremely inconvenient to the users. And such inconvenience is caused by this fossilized bureaucratic mentality, plus the evils left over from the colonial era. The result is that there is excessive demarcation between Hong Kong and Chinese territories and a total failure to consider the needs of the public in clearance.

We can see that crossing the borders is becoming more and more of a daily routine. Many people who live in Tin Shui Wai would go to Shenzhen to buy rice. They would go to the Mainland two or three times a week to buy rice or food, for the reason that prices there are 20% to 30% cheaper than those in Hong Kong. When they have made a shopping trip, they can have enough food to last for two or three days. And many people who make such trips do not stay overnight on the Mainland. Therefore, crossing the borders is no longer like making a sightseeing tour once or twice a year or an official visit made by the top officials once or twice a year. For top officials, they do not even have to clear the immigration and customs and they can get straight through the border control points in their vehicle. We must consider the fact that these clearance arrangements are part of the daily life of the people and so the design of such clearance facilities, including the location, as well as the design of the

formalities, must be premised on the principle of providing convenience to the people.

If the Government is still looking at this problem from a conventional perspective, and if it is to approach this problem from a very inflexible way of thinking and a rigid administrative and bureaucratic mentality, plus an obdurate legal viewpoint, it will only make the people curse the Government every time they go through customs clearance.

So I hope that the Government can be sensitive to the fact that our society is changing, the daily life of the people is changing and the nature of the boundary control points is changing as well. Now we are talking about the merging and integration of the Greater Pearl River Delta and boundary control points may even have to be pushed farther back to second- and third-tier places. I really hope that the Government can do what it is always saying, that it can keep up with the times and consider the needs of the people and improve the co-location of immigration and customs facilities so that the ordinary folks can go through immigration and customs clearance with greater ease and convenience.

Thank you, President.

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

(No Member indicated a wish to speak)

**PRESIDENT** (in Cantonese): If not, I now call upon Mr WONG Ting-kwong to speak on Mr Jeffrey LAM's amendment. The speaking time limit is five minutes.

**MR WONG TING-KWONG** (in Cantonese): President, the amendment proposed by Mr Jeffrey LAM to my motion is consistent with my original motion as it seeks mainly to enrich my motion by including two additional items, namely a rail link between airports and cross-boundary heliports, on the basis of my original motion. Hence, I also support Mr Jeffrey LAM's amendment.

The Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link and the Hong Kong International Airport are two valuable assets of the territory. The co-location of immigration and customs facilities, if implemented, will set an important example. As pointed out in my earlier speech, given a good start, we can have more and greater room for development, including the rail link between the airports of Hong Kong and Shenzhen as well as cross-boundary heliports, as proposed in the amendment. With the implementation of "one country, two systems", cross-boundary facilities can all the more exploit their strengths and manifest the "people-oriented" spirit for the benefit of the people of Hong Kong. Thank you, President.

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): Madam President, I wish to thank Members for putting forward so much constructive advice on upgrading the efficiency of passenger and cargo transport between Hong Kong and the Mainland and on consolidating our position as a regional aviation and transportation hub.

The sustained and steady economic growth of the Mainland has brought about large numbers of business opportunities for Hong Kong's aviation, freight transport and logistics industries. However, with the rapid development of the ports in Southern China and the further liberalization of the Mainland's aviation services, Hong Kong has also been faced with very keen competition. Facing the opportunities and challenges as mentioned above, we have made many different efforts to provide infrastructure facilities and an environment conducive to the development of our logistics and transportation industries, with a view to maintaining Hong Kong's position as a hub in the region.

Quite a number of the 10 major infrastructure projects mentioned by the Chief Executive's in his policy address last October are cross-boundary projects, such as the Guangzhou-Shenzhen-Hong Kong Express Rail Link, the Hong Kong-Zhuhai-Macao Bridge and Hong Kong-Shenzhen Airport Co-operation. All such projects can help promote closer co-operation between Hong Kong and the Mainland. With respect to the Guangzhou-Shenzhen-Hong Kong Express Rail Link, we already announced last month that the MTR Corporation Limited would be invited to proceed with the planning and design of the project. The design of the rail link is expected to be completed within this year, and construction works will commence at the end of next year.

In response to Mr WONG Ting-kwong's remarks just now, I would like to say that we will certainly not go slow. Rather, we will proceed at full speed. One section of the Beijing-Guangzhou Passenger Line, that is, the Guangzhou-Wuhan section will indeed be completed around 2010, but the construction of the entire Hangzhou-Fuzhou-Shenzhen Passenger Line and the Beijing-Guangzhou Passenger Line will proceed at the same speed as ours, with completion expected around 2015.

Regarding the Guangzhou-Zhuhai-Macao Bridge, we have given a detailed account to the Panel on Transport, and we will shortly submit an application for funding to the Public Works Subcommittee and the Finance Committee to conduct the pre-construction work related to the Bridge. With respect to Hong Kong-Shenzhen airport co-operation, the Task Force on Airport Co-operation between Hong Kong and Shenzhen has agreed to strive to complete the preliminary study on a rail link between the two airports within this year. Besides, Shenzhen and Hong Kong are both working actively to take forward the preliminary planning study on the Liantang/Heung Yuen Wai control point.

Over the past few years, we have completed a number of cross-boundary infrastructure projects. The new boundary bridges at Lo Ma Chau and Sha Tau Kok Control Points were completed in 2005, adding significantly to the total capacities of the boundary bridges at the Control Points and making the vehicle traffic there much smoother. The Shenzhen Bay Bridge and the Sheung Shui to Lok Ma Chau Spur Line both inaugurated in 2007, providing a new vehicle boundary crossing and a new railway boundary crossing. The effects on easing the congestion at other control points have started to be felt.

Besides large-scale cross-boundary infrastructure projects and the creation of new control points, we have also implemented a number of other measures to facilitate cross-boundary land cargo transportation. Over the past few years, the Mainland and Hong Kong have been striving to improve cross-boundary land cargo transportation. Customs clearance hours have been lengthened, and more vehicle lanes and entry and exit points have been added to boundary control points. The relaxation of the "four-up-four-down" and "one-truck-one-driver" requirements for cross-boundary trucks was already confirmed by the Hong Kong/Guangdong Co-operation Joint Conference in 2005. At present, Hong Kong control points linking to the Mainland provide 24-hour clearance service. And, within one hour, 89% of northbound trucks and 90% of the southbound trucks can complete all clearance procedures. What is more, the "On-Board

Trucker Information System" (OBTIS) has also been launched on a pilot basis. By means of a global positioning system and the radio-frequency identification technology, the OBTIS can improve the deployment and management of truck fleets and enhance the links of the different segments in the logistics chain.

The "co-location of immigration and customs facilities" implemented at the Shenzhen Bay Port (SBP) can be described as an innovative experiment which can greatly facilitate cross-boundary cargo transportation between the two places. Its implementation at other control points is therefore worth our consideration.

From the strategic perspective, the implementation of the co-location arrangement at other control points has its merit. For instance, if co-location of clearance can be provided at the West Kowloon terminus of the Guangzhou-Shenzhen Express Rail Link, then whether or not any boundary clearance facilities are provided at mainland stations, passengers taking the express rail link will still be able to go directly to all cities, large and small, along the passenger lines of the country. Passengers boarding the rail link in Hong Kong will be able to access all such cities directly, as long as rail stations are provided there. Passengers can board and alight at all stations directly, thus saving all the time otherwise required for clearance in the Mainland. This simple and efficient arrangement can greatly increase the number of cities covered by through-train services and expand the radius of Hong Kong economic activities. In this way, Hong Kong can forge closer ties with a greater number of mainland cities, thus helping to consolidate its position as a commercial base of the Pan-Pearl River Delta and the gateway to the Mainland.

Besides, if the co-location arrangement can be provided at the Hong Kong International Airport, the clearance procedures required for passengers and cargoes moving into and out of the Mainland can all be completed in the airport. Such passengers and cargoes will no longer have to undergo any further boundary clearance. In theory, the co-location of boundary control facilities may enable the Hong Kong International Airport to expand its network to all mainland airports, including those which are not equipped with any boundary clearance facilities. This will have a very positive effect on helping airlines to open up new markets in the Mainland. In very much the same way, the adoption of the co-location arrangement at the cross-boundary heliports will similarly enable passengers to enjoy greater convenience, which is conducive to the development of cross-boundary helicopter services.

In regard to the Hong Kong-Shenzhen airport rail link, I must point out that it is not quite the same as other boundary control points, in the sense that it may likely have to serve the transit passengers of both airports and passengers travelling between the two cities at the same time. That is why it is necessary to give special thoughts to the clearance arrangements there, so as to cater for the needs of both types of passengers.

When considering the suitability of the SBP model for other control points, we must note that the immigration and customs facilities are co-located in the Mainland in the case of SBP. For the implementation of the co-location arrangement at Shenzhen Bay, the Special Administrative Region of Hong Kong (SAR) is authorized by the Standing Committee of the National People's Congress (NPCSC) to exercise jurisdiction over the Hong Kong Port Area at the SBP according to the laws of the SAR. On 25 April 2007, the Shenzhen Bay Port Hong Kong Port Area Ordinance was enacted by the Legislative Council. Under this ordinance, there is established in the Shenzhen Bay Port a Hong Kong Port Area, where the laws of Hong Kong shall be enforced. The area of the Hong Kong Port Area includes the Hong Kong Clearance Area at SBP and the bridge surface of the Shenzhen section of the Shenzhen Bay Bridge. The NPCSC's authorization and the enactment of local legislation as mentioned above provide the legal basis for the implementation of the co-location arrangement.

However, is the arrangement in the SBP suitable for other boundary control points? Not necessarily, because from the transportation and economic points of view, if the Guangzhou-Shenzhen-Hong Kong Express Rail Link is to serve as the southern gateway to railway networks in the Mainland, or if we are to consolidate the position of the Hong Kong International Airport as an international or regional aviation hub and a major gateway to the Mainland, the boundary control facilities should ideally be co-located on the Hong Kong side. This may well involve the complex issue of allowing mainland law enforcement personnel to enforce the laws of the Mainland in Hong Kong. If the co-location arrangement is to be implemented in this manner, I must emphasize, we must ensure that the arrangements concerned will not contravene the relevant provisions of the Basic Law.

In response to Ms Margaret NG's concern — She is not in the Chamber now — She said that she was a bit surprised and wondered why we had so quickly agreed to support the idea in principle. Mr James TO, who is also not present in the Chamber now, talked about a series of possible scenarios and

asked us how we would handle them. Madam President, I wish to emphasize the point that we will never compromise "one country, two systems" for any sake of convenience, expediency and even economic benefits. It is basically impossible to undermine "one country, two systems" because of its constitutional status. We will explore the issue in a very responsible manner, and we have always been well aware of the complexity of the issue.

For this reason, at the time when we announced the construction of the Guangzhou-Shenzhen-Hong Kong Express Rail Link, we also announced that the Transport and Housing Bureau would establish a task force to conduct in-depth studies on the legal and practical issues relating to implementing the co-location arrangement, with members drawn from the Department of Justice, the Security Bureau, the Constitutional and Mainland Affairs Bureau and the Highways Department. The findings of the studies will provide very useful reference to other control points, which is why colleagues from the Department of Justice and the Security Bureau are all here to listen to Members' advice today.

What I wish to say is that the implementation of co-location of immigration and customs facilities in West Kowloon will be the objective of our work. But since there are so many questions yet to be answered, we will explore the issue in a highly responsible manner.

Madam President, all boundary control points are unique in themselves. When considering whether it is necessary or appropriate to implement the co-location arrangement for any one of them, a whole series of factors must be taken into account. For example, in the case of the Liantang/Heung Yuen Wai control point currently being explored, both sides now intend to consider the separate-location model as the direction of further studies. With the "people-based" principle as our major concern, our aim is to make sure that the detailed layout and design of the boundary control point can facilitate the clearance and inspection arrangements of both sides as much as possible. For example, we will see to it that the immigration clearance facilities of both sides can be located next to each other in an integrated immigration clearance building as far as possible, so as to shorten the walking distances for travellers.

Another example concerns the cross-boundary heliports that I mentioned just now. Owing to space constraint in the existing arrival and departure halls of the Hong Kong-Macao Ferry Terminal, it is doubtful as to whether it is possible to spare any more room for implementing the co-location arrangement.

There is the suggestion that land should be reserved in the Kai Tak Development for the construction of another cross-boundary heliport. Regarding the second heliport to be constructed on a reserved lot in the Kai Tak Development, the Government's plan is that passengers using this heliport should share the immigration clearance facilities in the cruise terminal nearby. And, at this stage, the Government does not have any plan to implement the co-location arrangement in the cruise terminal. As the patronage of cross-boundary helicopter services is comparatively low, a sole reliance on heliport users cannot possibly meet the operating costs required.

The co-location arrangement can no doubt provide greater convenience to travellers. But whether or not the Guangzhou-Shenzhen-Hong Kong Express Rail Link can really serve as a gateway to the Mainland will also depend on many other factors, such as the quality and reliability of service. All these are the issues we must tackle. Besides, while we explore the feasibility of the co-location arrangement, we will make reservation for both separate-location and co-location models in the design of the Guangzhou-Shenzhen-Hong Kong Express Rail Link. Sufficient room will be reserved for separate location of boundary control facilities at the stations along the mainland section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link, including Futian, Longhua, Humen and Shibi.

As for the airport, the Airport Authority has launched a series of measures to facilitate passenger transport, and active attempts are being made to expand ties with the Pearl River Delta Region. Regarding the provision of feeder transport service for air passengers, the Airport Authority will continue to develop more feeder ferry points, so that more ferry services feeding to the international flights at the Hong Kong International Airport can be provided to a greater number of air passengers. The Airport Authority is also seeking to provide advance check-in and baggage consignment services at more ferry points and land boundary crossings, so as to make transit arrangements more convenient. Such services are already provided at the piers of Shekou, Fuyong and Macao. At the same time, the Airport Authority is also undertaking the expansion of the transit lounges at the airport, with a view to providing more transit counters and security inspection points to reduce the transit passengers' waiting time.

The Hong Kong Government and the Shenzhen Government have also established a task force on enhancing the co-operation of the airports in the two

places. Studies are being conducted on, among other things, the feasibility and economic benefits of linking the two airports by railways. The aim is to maximize the complementary role played by the aviation network of each airport, so that both of them can become a major gateway of China to other parts of the world. Both governments have agreed to do their best to complete the preliminary study on the proposed rail link between the two airports within this year. The topics to be covered include the positioning and technical feasibility of the proposed rail link, a service demand analysis for the two control points and an examination of related economic and financial benefits.

As for the proposal of implementing the co-location arrangement at other existing boundary control points, we do not rule out the possibility of exploring and following up the idea in the long run if there are practical needs from the transportation and economic perspectives.

Madam President, Members have put forward a wide range of views in the debate today. Their input will help the Government formulate and implement the measures required and enhance the competitiveness of Hong Kong's transportation and logistics industries. Once again, I wish to thank those Members who have spoken. And, we will continue to actively explore this topic within the framework of "one country, two systems".

Thank you, Madam President.

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That the amendment, moved by Mr Jeffrey LAM to Mr WONG Ting-kwong's motion, be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

Mr Ronny TONG rose to claim a division.

**PRESIDENT** (in Cantonese): Mr Ronny TONG has claimed a division. The division bell will ring for three minutes, after which the division will begin.

**PRESIDENT** (in Cantonese): Will Members please proceed to vote.

**PRESIDENT** (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr Howard YOUNG, Mr LAU Wong-fat, Ms Miriam LAU, Mr Tomothy FOK, Mr Abraham SHEK, Ms LI Fung-ying, Dr Joseph LEE, Mr Daniel LAM, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong and Prof Patrick LAU voted for the amendment.

Mr CHEUNG Man-kwong, Dr KWOK Ka-ki and Dr Fernando CHEUNG abstained.

Geographical Constituencies:

Mr James TIEN, Mrs Selina CHOW, Miss CHAN Yuen-han, Mr CHAN Kam-lam, Mr Jasper TSANG, Mr LAU Kong-wah, Miss CHOY So-yuk and Mr LI Kwok-ying voted for the amendment.

Mr Albert HO, Mr LEE Cheuk-yan, Mr Martin LEE, Mr Fred LI, Mr James TO, Ms Emily LAU, Mr Albert CHAN, Mr Frederick FUNG, Ms Audrey EU and Mr Ronny TONG abstained.

THE PRESIDENT, Mrs Rita FAN, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 19 were present, 16 were in favour of the amendment and three abstained; while among the Members returned by geographical constituencies through direct elections, 19 were present, eight were in favour of the amendment and 10 abstained. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the amendment was negated.

**PRESIDENT** (in Cantonese): Mr WONG Ting-kwong, you may now reply and you have four minutes 21 seconds.

**MR WONG TING-KWONG** (in Cantonese): President, I am very grateful for Secretary Eva CHENG's reply. She has been very positive and proactive, and is also mindful of the issues relating to "one country, two systems" in the Basic Law. I would also like to thank 11 colleagues in this Council for expressing a lot of valuable opinions.

I would like to emphasize once again, as has been agreed by a number of Members in their speeches delivered earlier, that both the Guangzhou-Shenzhen-Hong Kong Express Rail Link and the Hong Kong International Airport are important transport infrastructure of the territory. The effects of implementing the co-location of immigration and customs facilities at these boundary control points in upgrading Hong Kong as a logistics hub therefore cannot be underestimated. According to a consultancy commissioned by the SAR Government, even with the implementation of measures to improve our container freight transport services, the significance of Hong Kong ports in South China will fall, with the share of freight volume in the region probably dropping substantially from 45% in 2006 to 15% in 2030. Therefore, I must appeal once again to the SAR Government to make early preparations for the implementation of the co-location arrangement. The Guangzhou-Shenzhen-Hong Kong Express Rail Link cannot be constructed overnight. The Government should learn from the experience of the Shenzhen Bay Port. Issues pertaining to judicial and administrative jurisdictions as well as other supportive measures can actually be studied concurrently, and it is unnecessary to wait until the last moment and make legislative proposals to this Council hastily. The proposal of implementing the co-location arrangement at the Hong Kong International Airport was vigourously advocated by the

Democratic Alliance for the Betterment and Progress of Hong Kong as early as 2006, and was successively raised during the visit to Beijing and meetings with Donald TSANG. In recent years, the airports of our neighbouring countries have also been watching the mainland markets closely and actively exploring new routes to and from the Mainland with a view to striving to be an all-round aviation hub in the region. This is why our airport should act promptly by fully exploiting its advantages under "one country, two systems" and implement the co-location arrangement expeditiously, with a view to upgrading its competitive edge and gaining a more favourable foothold.

Besides, Ms Margaret NG and Mr Ronny TONG have mentioned some concepts relating to "one country, two systems" and the Basic Law. In my opinion, all matters pertaining to administrative management and governance must keep abreast of the times under the people-oriented principle. The Basic Law should be respected. However, the principle of the Basic Law is not to hinder exchanges between the SAR and our compatriots on the Mainland. On the contrary, the Basic Law aims to further promote integration between Hong Kong compatriots and mainland compatriots and also between the economy of Hong Kong and the mainland economy as well as their further development. Thank you, President.

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That the motion moved by Mr WONG Ting-kwong be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

Mr Ronny TONG rose to claim a division.

**PRESIDENT** (in Cantonese): Mr Ronny TONG has claimed a division. The division bell will ring for three minutes, after which the division will begin.

**PRESIDENT** (in Cantonese): Will Members please proceed to vote.

**PRESIDENT** (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr Howard YOUNG, Mr LAU Wong-fat, Ms Miriam LAU, Mr Timothy FOK, Mr Abraham SHEK, Ms LI Fung-ying, Dr Joseph LEE, Mr Daniel LAM, Mr Jeffrey LAM, Mr Andrew LEUNG, Dr KWOK Ka-ki, Mr WONG Ting-kwong, Mr CHIM Pui-chung and Prof Patrick LAU voted for the motion.

Mr CHEUNG Man-kwong and Dr Fernando CHEUNG abstained.

Geographical Constituencies:

Mr James TIEN, Mrs Selina CHOW, Miss CHAN Yuen-han, Mr CHAN Kam-lam, Mr Jasper TSANG, Mr LAU Kong-wah, Miss CHOY So-yuk, Mr Albert CHAN and Mr LI Kwok-ying voted for the motion.

Mr Albert HO, Mr LEE Cheuk-yan, Mr Martin LEE, Mr Fred LI, Mr James TO, Ms Emily LAU, Mr Frederick FUNG, Ms Audrey EU, Mr Alan LEONG and Mr Ronny TONG abstained.

THE PRESIDENT, Mrs Rita FAN, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 20 were present, 18 were in favour of the motion and two abstained; while among the Members returned by geographical constituencies through direct elections, 20 were present, nine were in favour of the motion and

10 abstained. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the motion was negatived.

### **NEXT MEETING**

**PRESIDENT** (in Cantonese): I now adjourn the Council until 11.00 am on Wednesday, 14 May 2008.

*Adjourned accordingly at one minute to Five o'clock.*



**Appendix 1****REQUEST FOR POST-MEETING AMENDMENTS**

**The Secretary for Labour and Welfare requested the following post-meeting amendments**

**Line 2 to 3, second paragraph, page 14 of the Confirmed version**

To amend "..... while the other 15 organizations are working in different districts." as "..... while the other 10 organizations are working in different districts." (Translation)

(Please refer to line 3 to 4, third paragraph, page 6992 of this Translated version)

**Line 6 to 7, second paragraph, page 14 of the Confirmed version**

To amend "For instance, as the organization has two centres in Sham Shui Po ....." as "For instance, as the organization has now established a partnership network with two centres in Sham Shui Po ....." (Translation)

(Please refer to line 10 to 11, third paragraph, page 6992 of this Translated version)

**Line 1, third paragraph, page 15 of the Confirmed version**

To amend "....., and the HD may even provide the venues." as "....., and the HD may consider providing venues at concessionary rental rates." (Translation)

(Please refer to line 1 to 2, second paragraph, page 6994 of this Translated version)

**REQUEST FOR POST-MEETING AMENDMENTS — *Continued*****Line 6 to 7, sixth paragraph, page 17 of the Confirmed version**

To amend "..... The terms of the contract signed with these organizations will be adjusted by the SWD every year ....." as "..... The amount of funding for these organizations will be adjusted by the SWD every year ....."  
(Translation)

(Please refer to line 8 to 9, first paragraph, page 6998 of this Translated version)

**Line 3 to 4, fourth paragraph, page 18 of the Confirmed version**

To amend "....., we will ask them to redeploy their funding flexibly, for this funding is put under the category of "other charges" ....." as "....., we will ask them to redeploy their funding flexibly, for the subsidies are put under the category of "other charges" ....." (Translation)

(Please refer to line 4 to 6, fifth paragraph, page 6998 of this Translated version)