

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 14 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 TAM YIU-CHUNG, 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 CHEUNG HOK-MING, S.B.S., J.P.

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

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

THE HONOURABLE CHIM PUI-CHUNG

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

THE HONOURABLE ALBERT JINGHAN CHENG, J.P.

THE HONOURABLE KWONG CHI-KIN

THE HONOURABLE TAM HEUNG-MAN

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

PUBLIC OFFICERS ATTENDING:

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

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

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

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

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

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

CLERKS IN ATTENDANCE:

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

MRS VIVIAN KAM NG LAI-MAN, ASSISTANT SECRETARY GENERAL

MRS JUSTINA LAM CHENG BO-LING, ASSISTANT SECRETARY
GENERAL

TABLING OF PAPERS

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

Subsidiary Legislation/Instruments	<i>L.N. No.</i>
Sewage Services (Trade Effluent Surcharge) (Amendment) Regulation 2008	106/2008
The English Schools Foundation (General) Regulation	107/2008
Telecommunications (Determining Spectrum Utilization Fees by Auction) Regulation	108/2008
Telecommunications (Designation of Frequency Bands subject to Payment of Spectrum Utilization Fee) (Amendment) Order 2008	109/2008
Child Abduction and Custody (Parties to Convention) (Amendment) Order 2008	110/2008
 Other Paper	
No. 94 - Kowloon-Canton Railway Corporation Annual Report 2007	

OBITUARY TRIBUTE

PRESIDENT (in Cantonese): Honourable Members, a massive earthquake happened in Sichuan Province the day before yesterday, causing tens of thousand of casualties and innumerable victims. Members of the Legislative Council would wish to extend our heartfelt condolences to the families of all the victims and those who were killed.

Will all Members please now rise and observe one minute of silence for the victims.

(All Members and government officials stood up and observed silence)

ORAL ANSWERS TO QUESTIONS

PRESIDENT (in Cantonese): Questions.

(Mr LEUNG Kwok-hung stood up)

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, do you have a point of order?

MR LEUNG KWOK-HUNG (in Cantonese): I very much thank you

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, you may not speak now. Please sit down.

MR LEUNG KWOK-HUNG (in Cantonese): Because I have written a letter to

PRESIDENT (in Cantonese): You must not talk about such matters at this solemn moment of observing silence. As for your request, I have acted on it fully. You may sit down.

MR LEUNG KWOK-HUNG (in Cantonese): No, I have a request and I hope that you can convey it to

PRESIDENT (in Cantonese): Please sit down. As I have told you, I have acted on your request already. Please sit down. You should not violate the rules of this Council. Sit down.

MR LEUNG KWOK-HUNG (in Cantonese): No, President, since you have said that, I must make myself clear. I wrote to you hoping that you can convey my request to the Government for flying the flag at half mast for three days.

PRESIDENT (in Cantonese): As I have told you, I have done it for you. Sit down.

MR LEUNG KWOK-HUNG (in Cantonese): Thank you.

PRESIDENT (in Cantonese): Sit down, please.

(Ignoring the President's order, Mr LEUNG Kwok-hung was still standing up)

MR LEUNG KWOK-HUNG (in Cantonese): I do not know whether or not you have done that.

PRESIDENT (in Cantonese): You should not abuse your right to speak as a Member in the Chamber. You should ask me about this outside the Chamber. You should not speak as you like in the Chamber, having no regard to the rules or the Agenda. It is not right for you to act in this way. I am telling you now that I hope you will not do this again in the future. You should have confidence in the President and your colleagues or Members.

MR LEUNG KWOK-HUNG (in Cantonese): No, President

PRESIDENT (in Cantonese): No more of this. Sit down.

MR LEUNG KWOK-HUNG (in Cantonese): No, because

PRESIDENT (in Cantonese): If you speak any further, I will have to ask you to leave the Chamber.

MR LEUNG KWOK-HUNG (in Cantonese): No, because

PRESIDENT (in Cantonese): You need not explain. Sit down.

(Mr LEUNG Kwok-hung was still standing up)

MR LEUNG KWOK-HUNG (in Cantonese): This is a clarification. Because you have not rung me up after I wrote to you. How can I know what decision you have made?

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, since you do not comply with my ruling, and I have also given you a warning but you have still taken no notice of it, you cannot remain in this Chamber today. Please withdraw from the Chamber.

MR LEUNG KWOK-HUNG (in Cantonese): No, President, "justice lies in the people's heart", and I do not like to argue with others. If you use your authority to drive me away, I will leave immediately. I am an elected Member. I cannot be expelled casually.

(After clearing the papers on the table, Mr LEUNG Kwok-hung left the Chamber)

PRESIDENT (in Cantonese): First question.

Remuneration of Government Employees

1. **PROF PATRICK LAU** (in Cantonese): *Quite a number of professionals from the construction industry have relayed to me that the Government's existing staff appointment policy has many problems (such as applying different modes of appointment and offering different remunerations to employees undertaking comparable duties and responsibilities, and offering the minimum starting-point of the relevant ranks to newly-appointed civil servants regardless of their work experience, and so on). In this connection, will the Government inform this Council:*

- (a) *of the current numbers of staff of the ranks of Architect, Building Surveyor, Maintenance Surveyor, Estate Surveyor, Quantity Surveyor, Land Surveyor, Town Planner and Landscape Architect in various government departments, broken down in table form by government department, rank, post-qualification experience (that is, three years or below, four to six years, seven to nine years and 10 years or above) and mode of appointment (that is, being appointed on pensionable terms, contract terms, non-civil service contract (NCSC) terms, non-civil service temporary contract terms and indirect employment through outsourcing), as well as the amounts of pay at the minimum and maximum salary points of such ranks under different modes of appointment;*
- (b) *why the authorities, in converting some serving non-civil service staff to civil servants, ignore their current salaries and relevant work experience, and only offer them the minimum starting-point of the ranks concerned, and how the authorities resolve the above problems with the appointment policy and ensure that the departments concerned can recruit sufficient professional staff who are professionally qualified and possess the work experience, so as to safeguard the quality of the future 10 major infrastructure projects and maintain staff morale; and*
- (c) *given that the Government has resumed the recruitment of civil servants, whether the authorities will reconsider converting serving non-civil service staff with the relevant experience to civil servants by "through train"; if not, what other arrangements the authorities have put in place?*

SECRETARY FOR THE CIVIL SERVICE (in Cantonese): Madam President, on part (a) of the question, the total number of civil servants in the Architect, Building Surveyor, Maintenance Surveyor, Estate Surveyor, Quantity Surveyor, Land Surveyor, Town Planner and Landscape Architect grades in various government departments as well as those serving as NCSC staff in these professions is around 1 600. Besides, for staff in these professions but are employed by the companies responsible for specific outsourced public works projects, since they are managed by the companies concerned, we do not have information on the total number of staff and other relevant details.

The Administration is also requested in part (a) of the question to provide detailed information about the staff employed under different modes of appointment as mentioned above. In view of timing and resources constraints, we have set out in Annex I and Annex II respectively information on the civil servants and NCSC staff which is available in hand.

I would like to take the opportunity to explain to Members that during the recruitment process of civil servants and NCSC staff, any person with the specified professional qualifications may apply for the posts, and the recruiting departments will select candidates on the basis of their overall performance. The Civil Service Bureau does not collect statistics on the post-qualification experience of candidates after they have been appointed. As such, we are unable to provide the requested information in this respect.

Turning to part (b) of the question, the NCSC Staff Scheme, introduced in 1999, provides bureaux and departments with a flexible means to employ staff to complement the civil service for meeting service needs which are time-limited, short-term, subject to market fluctuations, or which require staff on a part-time basis, or where the mode of delivery of the service is under review or likely to be changed (for example, providing services through outsourcing). In short, unlike civil servants, NCSC staff are not part of the permanent civil service establishment. As such, the entry requirements and selection process for NCSC positions may be different from those of civil service posts. As the respective purposes and circumstances for employing civil servants and NCSC staff are different, they have distinct employment packages and pay adjustment mechanisms.

It is our policy that all new civil service appointees, irrespective of whether they belong to professional or non-professional grades, should receive salary at the starting pay point of his/her rank. This is in accord with the principle of prudent use of public funds. Also, the starting pay point of the civil service jobs is clearly known to candidates applying for these posts. The appointment authority may grant incremental credit for recognized experience to new appointees in a recruitment exercise only if the following two criteria are met in that particular exercise — that is, where there are recruitment difficulties and it is considered that the new appointee, irrespective of whether or not he/she was a former NCSC staff, possesses experience that is particularly relevant to operational requirement. This policy and related arrangements have been implemented in various open recruitment exercises. So far the grades

concerned have not encountered any difficulties in recruiting the required number and calibre of professionals into the Civil Service to implement major infrastructural projects and other government works projects.

As regards part (c) of the question, it is our established policy to fill civil service vacancies through an open, fair and competitive recruitment process under which qualified candidates are selected on the basis of merits. Therefore, it would not be appropriate to adopt a "through train arrangement" whereby serving NCSC staff would be automatically transferred to the Civil Service. Such an arrangement would also be unfair to those persons who wish to join the Civil Service but are currently not working in the Government as NCSC staff, as they would be deprived of the opportunity to compete for civil service openings. Having said that, we welcome serving NCSC staff interested to join the Civil Service to take part in the open recruitment for those posts where they can meet the basic entry requirements. With the experience they have accumulated in the Government, we therefore believe that they should have a competitive edge.

Moreover, in accordance with our established appointment policy, new appointees to the Civil Service normally have to go through a probation period of three years. The appointment authority may, having regard to the circumstances of individual cases, reduce up to half the required probation period for new appointees who have served in the Government with duties similar or comparable to those of the civil service ranks concerned, including those who have served as NCSC staff.

Annex I

Civil servants employed by government bureaux/departments in ranks related to architecture, surveying, landscape architecture and planning

<i>Department</i>	<i>Grade¹</i>	<i>Rank</i>	<i>No. of civil servants appointed on permanent terms²</i>	<i>No. of civil servants appointed on other terms³</i>	<i>Civil service pay — Master Pay Scale</i>
Agriculture, Fisheries and Conservation Department	Land Surveyor	Assistant Land Surveyor	0	0	Point 18 – 27 (\$22,910 – \$34,895)
		Land Surveyor	1	0	Point 30 – 44 (\$40,055 – \$73,070)
		Senior Land Surveyor	0	0	Point 45 – 49 (\$75,715 – \$87,225)

<i>Department</i>	<i>Grade¹</i>	<i>Rank</i>	<i>No. of civil servants appointed on permanent terms²</i>	<i>No. of civil servants appointed on other terms³</i>	<i>Civil service pay — Master Pay Scale</i>	
Architectural Services Department	Architect	Assistant Architect	0	0	Point 19 – 27 (\$24,050 – \$34,895)	
		Architect	60	6	Point 32 – 44 (\$43,905 – \$73,070)	
		Senior Architect	28	0	Point 45 – 49 (\$75,715 – \$87,225)	
	Maintenance Surveyor	Assistant Maintenance Surveyor	0	0	Point 18 – 27 (\$22,910 – \$34,895)	
		Maintenance Surveyor	38	10	Point 30 – 44 (\$40,055 – \$73,070)	
		Senior Maintenance Surveyor	16	0	Point 45 – 49 (\$75,715 – \$87,225)	
	Quantity Surveyor	Assistant Quantity Surveyor	0	0	Point 19 – 27 (\$24,050 – \$34,895)	
		Quantity Surveyor	46	0	Point 31 – 44 (\$41,935 – \$73,070)	
		Senior Quantity Surveyor	18	0	Point 45 – 49 (\$75,715 – \$87,225)	
	Landscape Architect	Assistant Landscape Architect	0	0	Point 18 – 27 (\$22,910 – \$34,895)	
		Landscape Architect	6	3	Point 30 – 44 (\$40,055 – \$73,070)	
		Senior Landscape Architect	4	0	Point 45 – 49 (\$75,715 – \$87,225)	
	Buildings Department	Building Surveyor	Assistant Building Surveyor	0	0	Point 18 – 27 (\$22,910 – \$34,895)
			Building Surveyor	117	1	Point 30 – 44 (\$40,055 – \$73,070)
			Senior Building Surveyor	38	0	Point 45 – 49 (\$75,715 – \$87,225)
Civil Aviation Department	Architect	Assistant Architect	0	0	Point 19 – 27 (\$24,050 – \$34,895)	
		Architect	0	0	Point 32 – 44 (\$43,905 – \$73,070)	
		Senior Architect	1	0	Point 45 – 49 (\$75,715 – \$87,225)	
Commerce and Economic Development Bureau	Town Planner	Assistant Town Planner	0	0	Point 18 – 27 (\$22,910 – \$34,895)	
		Town Planner	1	0	Point 31 – 44 (\$41,935 – \$73,070)	
		Senior Town Planner	1	0	Point 45 – 49 (\$75,715 – \$87,225)	

<i>Department</i>	<i>Grade¹</i>	<i>Rank</i>	<i>No. of civil servants appointed on permanent terms²</i>	<i>No. of civil servants appointed on other terms³</i>	<i>Civil service pay — Master Pay Scale</i>	
Civil Engineering and Development Department	Architect	Assistant Architect	0	0	Point 19 – 27 (\$24,050 – \$34,895)	
		Architect	1	0	Point 32 – 44 (\$43,905 – \$73,070)	
		Senior Architect	0	0	Point 45 – 49 (\$75,715 – \$87,225)	
	Land Surveyor	Assistant Land Surveyor	1	0	Point 18 – 27 (\$22,910 – \$34,895)	
		Land Surveyor	6	0	Point 30 – 44 (\$40,055 – \$73,070)	
		Senior Land Surveyor	2	0	Point 45 – 49 (\$75,715 – \$87,225)	
	Town Planner	Assistant Town Planner	0	0	Point 18 – 27 (\$22,910 – \$34,895)	
		Town Planner	0	0	Point 31 – 44 (\$41,935 – \$73,070)	
		Senior Town Planner	1	0	Point 45 – 49 (\$75,715 – \$87,225)	
	Landscape Architect	Assistant Landscape Architect	0	0	Point 18 – 27 (\$22,910 – \$34,895)	
		Landscape Architect	8	0	Point 30 – 44 (\$40,055 – \$73,070)	
		Senior Landscape Architect	3	0	Point 45 – 49 (\$75,715 – \$87,225)	
	Development Bureau	Architect	Assistant Architect	0	0	Point 19 – 27 (\$24,050 – \$34,895)
			Architect	0	0	Point 32 – 44 (\$43,905 – \$73,070)
			Senior Architect	2	0	Point 45 – 49 (\$75,715 – \$87,225)
Estate Surveyor		Assistant Estate Surveyor	0	0	Point 18 – 27 (\$22,910 – \$34,895)	
		Estate Surveyor	0	0	Point 30 – 44 (\$40,055 – \$73,070)	
		Senior Estate Surveyor	2	0	Point 45 – 49 (\$75,715 – \$87,225)	
Town Planner		Assistant Town Planner	0	0	Point 18 – 27 (\$22,910 – \$34,895)	
		Town Planner	0	0	Point 31 – 44 (\$41,935 – \$73,070)	
		Senior Town Planner	3	0	Point 45 – 49 (\$75,715 – \$87,225)	

<i>Department</i>	<i>Grade¹</i>	<i>Rank</i>	<i>No. of civil servants appointed on permanent terms²</i>	<i>No. of civil servants appointed on other terms³</i>	<i>Civil service pay — Master Pay Scale</i>
Drainage Service Department	Land Surveyor	Assistant Land Surveyor	0	0	Point 18 – 27 (\$22,910 – \$34,895)
		Land Surveyor	1	0	Point 30 – 44 (\$40,055 – \$73,070)
		Senior Land Surveyor	1	0	Point 45 – 49 (\$75,715 – \$87,225)
	Quantity Surveyor	Assistant Quantity Surveyor	0	0	Point 19 – 27 (\$24,050 – \$34,895)
		Quantity Surveyor	1	0	Point 31 – 44 (\$41,935 – \$73,070)
		Senior Quantity Surveyor	0	0	Point 45 – 49 (\$75,715 – \$87,225)
	Landscape Architect	Assistant Landscape Architect	0	0	Point 18 – 27 (\$22,910 – \$34,895)
		Landscape Architect	0	1	Point 30 – 44 (\$40,055 – \$73,070)
		Senior Landscape Architect	0	0	Point 45 – 49 (\$75,715 – \$87,225)
	Education Bureau	Architect	Assistant Architect	0	0
Architect			1	0	Point 32 – 44 (\$43,905 – \$73,070)
Senior Architect			0	0	Point 45 – 49 (\$75,715 – \$87,225)
Maintenance Surveyor		Assistant Maintenance Surveyor	0	0	Point 18 – 27 (\$22,910 – \$34,895)
		Maintenance Surveyor	1	0	Point 30 – 44 (\$40,055 – \$73,070)
		Senior Maintenance Surveyor	1	0	Point 45 – 49 (\$75,715 – \$87,225)
Environment Bureau	Town Planner	Assistant Town Planner	0	0	Point 18 – 27 (\$22,910 – \$34,895)
		Town Planner	1	0	Point 31 – 44 (\$41,935 – \$73,070)
		Senior Town Planner	1	0	Point 45 – 49 (\$75,715 – \$87,225)

<i>Department</i>	<i>Grade¹</i>	<i>Rank</i>	<i>No. of civil servants appointed on permanent terms²</i>	<i>No. of civil servants appointed on other terms³</i>	<i>Civil service pay — Master Pay Scale</i>	
Government Property Agency	Architect	Assistant Architect	0	0	Point 19 – 27 (\$24,050 – \$34,895)	
		Architect	1	0	Point 32 – 44 (\$43,905 – \$73,070)	
		Senior Architect	1	0	Point 45 – 49 (\$75,715 – \$87,225)	
		Maintenance Surveyor	0	0	Point 18 – 27 (\$22,910 – \$34,895)	
	Maintenance Surveyor	Maintenance Surveyor	2	0	Point 30 – 44 (\$40,055 – \$73,070)	
		Senior Maintenance Surveyor	1	0	Point 45 – 49 (\$75,715 – \$87,225)	
		Estate Surveyor	0	0	Point 18 – 27 (\$22,910 – \$34,895)	
	Estate Surveyor	Estate Surveyor	6	0	Point 30 – 44 (\$40,055 – \$73,070)	
		Senior Estate Surveyor	2	0	Point 45 – 49 (\$75,715 – \$87,225)	
		Home Affairs Department	Architect	Assistant Architect	0	0
	Architect			1	0	Point 32 – 44 (\$43,905 – \$73,070)
Senior Architect	0			0	Point 45 – 49 (\$75,715 – \$87,225)	
Building Surveyor	Assistant Building Surveyor		0	0	Point 18 – 27 (\$22,910 – \$34,895)	
	Building Surveyor		6	0	Point 30 – 44 (\$40,055 – \$73,070)	
	Senior Building Surveyor		2	0	Point 45 – 49 (\$75,715 – \$87,225)	

<i>Department</i>	<i>Grade¹</i>	<i>Rank</i>	<i>No. of civil servants appointed on permanent terms²</i>	<i>No. of civil servants appointed on other terms³</i>	<i>Civil service pay — Master Pay Scale</i>
Housing Department	Architect	Assistant Architect	0	0	Point 19 – 27 (\$24,050 – \$34,895)
		Architect	81	0	Point 32 – 44 (\$43,905 – \$73,070)
		Senior Architect	28	0	Point 45 – 49 (\$75,715 – \$87,225)
	Building Surveyor	Assistant Building Surveyor	0	0	Point 18 – 27 (\$22,910 – \$34,895)
		Building Surveyor	0	0	Point 30 – 44 (\$40,055 – \$73,070)
		Senior Building Surveyor	2	0	Point 45 – 49 (\$75,715 – \$87,225)
	Maintenance Surveyor	Assistant Maintenance Surveyor	0	0	Point 18 – 27 (\$22,910 – \$34,895)
		Maintenance Surveyor	47	0	Point 30 – 44 (\$40,055 – \$73,070)
		Senior Maintenance Surveyor	20	0	Point 45 – 49 (\$75,715 – \$87,225)
	Estate Surveyor	Assistant Estate Surveyor	1	0	Point 18 – 27 (\$22,910 – \$34,895)
		Estate Surveyor	48	0	Point 30 – 44 (\$40,055 – \$73,070)
		Senior Estate Surveyor	10	0	Point 45 – 49 (\$75,715 – \$87,225)
	Quantity Surveyor	Assistant Quantity Surveyor	0	0	Point 19 – 27 (\$24,050 – \$34,895)
		Quantity Surveyor	44	0	Point 31 – 44 (\$41,935 – \$73,070)
		Senior Quantity Surveyor	11	0	Point 45 – 49 (\$75,715 – \$87,225)
	Land Surveyor	Assistant Land Surveyor	0	0	Point 18 – 27 (\$22,910 – \$34,895)
		Land Surveyor	4	0	Point 30 – 44 (\$40,055 – \$73,070)
		Senior Land Surveyor	1	0	Point 45 – 49 (\$75,715 – \$87,225)
	Planning Officer	Assistant Planning Officer	0	0	Point 18 – 27 (\$22,910 – \$34,895)
		Planning Officer	15	0	Point 31 – 44 (\$41,935 – \$73,070)
		Senior Planning Officer	7	0	Point 45 – 49 (\$75,715 – \$87,225)
	Landscape Architect	Assistant Landscape Architect	0	0	Point 18 – 27 (\$22,910 – \$34,895)
		Landscape Architect	9	0	Point 30 – 44 (\$40,055 – \$73,070)
Senior Landscape Architect		2	0	Point 45 – 49 (\$75,715 – \$87,225)	

<i>Department</i>	<i>Grade¹</i>	<i>Rank</i>	<i>No. of civil servants appointed on permanent terms²</i>	<i>No. of civil servants appointed on other terms³</i>	<i>Civil service pay — Master Pay Scale</i>	
Highways Department	Land Surveyor	Assistant Land Surveyor	0	0	Point 18 –27 (\$22,910 –\$34,895)	
		Land Surveyor	8	0	Point 30 – 44 (\$40,055 – \$73,070)	
		Senior Land Surveyor	2	0	Point 45 – 49 (\$75,715 – \$87,225)	
	Quantity Surveyor	Assistant Quantity Surveyor	0	0	Point 19 – 27 (\$24,050 – \$34,895)	
		Quantity Surveyor	4	0	Point 31 – 44 (\$41,935 – \$73,070)	
		Senior Quantity Surveyor	1	0	Point 45 – 49 (\$75,715 – \$87,225)	
	Landscape Architect	Assistant Landscape Architect	0	1	Point 18 –27 (\$22,910 – \$34,895)	
		Landscape Architect	6	4	Point 30 – 44 (\$40,055 – \$73,070)	
		Senior Landscape Architect	2	1	Point 45 – 49 (\$75,715 – \$87,225)	
	Lands Department	Building Surveyor	Assistant Building Surveyor	0	0	Point 18 –27 (\$22,910 – \$34,895)
			Building Surveyor	1	0	Point 30 – 44 (\$40,055 – \$73,070)
			Senior Building Surveyor	2	0	Point 45 – 49 (\$75,715 – \$87,225)
Estate Surveyor		Assistant Estate Surveyor	0	0	Point 18 –27 (\$22,910 – \$34,895)	
		Estate Surveyor	97	0	Point 30 – 44 (\$40,055 – \$73,070)	
		Senior Estate Surveyor	53	0	Point 45 – 49 (\$75,715 – \$87,225)	
Land Surveyor		Assistant Land Surveyor	0	0	Point 18 –27 (\$22,910 – \$34,895)	
		Land Surveyor	29	0	Point 30 – 44 (\$40,055 – \$73,070)	
		Senior Land Surveyor	20	1	Point 45 – 49 (\$75,715 – \$87,225)	
Marine Department		Land Surveyor	Assistant Land Surveyor	0	0	Point 18 – 27 (\$22,910 – \$34,895)
	Land Surveyor		2	0	Point 30 – 44 (\$40,055 – \$73,070)	
	Senior Land Surveyor		0	0	Point 45 – 49 (\$75,715 – \$87,225)	

<i>Department</i>	<i>Grade¹</i>	<i>Rank</i>	<i>No. of civil servants appointed on permanent terms²</i>	<i>No. of civil servants appointed on other terms³</i>	<i>Civil service pay — Master Pay Scale</i>
Planning Department	Town Planner	Assistant Town Planner	0	0	Point 18 – 27 (\$22,910 – \$34,895)
		Town Planner	121	9	Point 31 – 44 (\$41,935 – \$73,070)
		Senior Town Planner	59	0	Point 45 – 49 (\$75,715 – \$87,225)
	Landscape Architect	Assistant Landscape Architect	0	0	Point 18 – 27 (\$22,910 – \$34,895)
		Landscape Architect	4	0	Point 30 – 44 (\$40,055 – \$73,070)
		Senior Landscape Architect	1	0	Point 45 – 49 (\$75,715 – \$87,225)
Post Office	Maintenance Surveyor	Assistant Maintenance Surveyor	0	0	Point 18 – 27 (\$22,910 – \$34,895)
		Maintenance Surveyor	0	0	Point 30 – 44 (\$40,055 – \$73,070)
		Senior Maintenance Surveyor	1	0	Point 45 – 49 (\$75,715 – \$87,225)
Social Welfare Department	Architect	Assistant Architect	0	0	Point 19 – 27 (\$24,050 – \$34,895)
		Architect	3	0	Point 32 – 44 (\$43,905 – \$73,070)
		Senior Architect	1	0	Point 45 – 49 (\$75,715 – \$87,225)
	Building Surveyor	Assistant Building Surveyor	0	0	Point 18 – 27 (\$22,910 – \$34,895)
		Building Surveyor	2	0	Point 30 – 44 (\$40,055 – \$73,070)
		Senior Building Surveyor	0	0	Point 45 – 49 (\$75,715 – \$87,225)
	Quantity Surveyor	Assistant Quantity Surveyor	0	0	Point 19 – 27 (\$24,050 – \$34,895)
		Quantity Surveyor	2	0	Point 31 – 44 (\$41,935 – \$73,070)
		Senior Quantity Surveyor	0	0	Point 45 – 49 (\$75,715 – \$87,225)
Transport and Housing Bureau	Town Planner	Assistant Town Planner	0	0	Point 18 – 27 (\$22,910 – \$34,895)
		Town Planner	0	0	Point 31 – 44 (\$41,935 – \$73,070)
		Senior Town Planner	2	0	Point 45 – 49 (\$75,715 – \$87,225)

<i>Department</i>	<i>Grade¹</i>	<i>Rank</i>	<i>No. of civil servants appointed on permanent terms²</i>	<i>No. of civil servants appointed on other terms³</i>	<i>Civil service pay — Master Pay Scale</i>
Water Supplies Department	Quantity Surveyor	Assistant	0	0	Point 19 – 27 (\$24,050 – \$34,895)
		Quantity Surveyor	1	0	Point 31 – 44 (\$41,935 – \$73,070)
		Senior Quantity Surveyor	1	0	Point 45 – 49 (\$75,715 – \$87,225)
	Land Surveyor	Assistant Land Surveyor	0	0	Point 18 – 27 (\$22,910 – \$34,895)
		Land Surveyor	1	0	Point 30 – 44 (\$40,055 – \$73,070)
		Senior Land Surveyor	0	0	Point 45 – 49 (\$75,715 – \$87,225)

Note:

- 1 This table shows the number of non-directorate officers in respective grades and their pay (as at 31 March 2008).
- 2 Including pensionable officers and those who are covered by Civil Service Provident Fund Scheme.
- 3 Including officers on probationary and agreement terms.

Annex II

NCSC staff employed by bureaux/departments in fields related to architecture, surveying, landscape architecture and planning

<i>Bureau/Department</i>	<i>Profession</i>	<i>Job titles of NCSC staff¹</i>	<i>Number (As at 31 March 2008)</i>
Agriculture, Fisheries and Conservation Department	Land Surveying	Contract Assistant Land Surveyor	1
Architectural Services Department	Architectural	Contract Architect	10
	Maintenance Surveying	Contract Assistant Maintenance Surveyor	1
		Contract Maintenance Surveyor	2
	Landscaping	Contract Landscape Architect	1
	Quantity Surveying	Contract Quantity Surveyor	14

<i>Bureau/Department</i>	<i>Profession</i>	<i>Job titles of NCSC staff¹</i>	<i>Number (As at 31 March 2008)</i>
Buildings Department	Building Surveying	Building Safety Officer	194
		Building Surveyor (Contract)	84
Civil Engineering and Development Department	Architectural	Contract Architect	2
Education Bureau	Architectural	Project Officer (School Building)	4
	Estate Surveying	Project Officer (School Building)	1
Electrical and Mechanical Services Department	Architectural	Architect	2
Fire Services Department	Land Surveying	Contract Geographic Information System Manager	1
Home Affairs Department	Architectural	Contract Architect	3
Highways Department	Landscaping	Contract Assistant Landscape Architect	1
Lands Department	Estate Surveying	Estate Manager	1
		Project Surveyor	23
		Project Surveyor (Railway Development)	6
	Land Surveying	Contract Assistant Land Surveyor	7
		Contract Assistant Project Surveyor (Land)	1
		Project Surveyor (Land)	9
Leisure and Cultural Services Department	Architectural	Project Manager (Building Conservation)	1
	Estate Surveying	Project Manager (Development)	1
	Maintenance Surveying	Senior Project Manager (Building Conservation)	1
Planning Department	Landscaping	Contract Assistant Landscape Architect	1
		Town planning	Planning Assistant

<i>Profession</i>	<i>Pay range of NCSC staff²</i> <i>(As at 31 March 2008)</i> \$
Architectural, landscaping and town planning	17,920 - 54,205
Building Surveying	16,892 - 31,799
Estate and land surveying	17,915 - 41,810
Maintenance Surveying	18,820 - 54,090
Quantity Surveying	40,010 - 54,205

- 1 This column contains the information on "full-time" staff employed under the NCSC Staff Scheme. "Full-time" means the employment is on a "continuous contract" under the definition of the Employment Ordinance. According to the Ordinance, an employee who works continuously for the same employer for four weeks or more, with at least 18 hours in each week, is regarded as working under a continuous contract. Besides, as NCSC staff are employed outside the civil service establishment, they do not belong to any grades. The information so provided is based on the relevance of the duties of the NCSC staff to the professional fields.
- 2 In view of the small number of NCSC professional staff employed in individual bureaux/departments, to maintain the confidentiality on personal remuneration data, we provide information on pay ranges according to profession.

PROF PATRICK LAU (in Cantonese): *The Secretary said in the sixth paragraph of the main reply that when NCSC staff were converted to the Civil Service, the required probation period might be reduced up to half. I am glad to learn about that. However, when NCSC staff apply for joining the civil service establishment, their pay might be reduced. In this regard, will the authorities inform us that upon joining the Civil Service, will their contracts be terminated or not renewed?*

SECRETARY FOR THE CIVIL SERVICE (in Cantonese): Madam President, if I have not mistaken the meaning of the supplementary question of Prof LAU, he was asking how the contract of a NCSC staff would be dealt with once he was successfully appointed as a civil servant through open recruitment. The contract will be terminated after consultation between the new appointee and the department which appointed him as a civil servant, because he cannot hold two contracts after he is appointed as a civil servant. Therefore, on the day when he is employed as a civil servant, his non-civil service employment contract will be terminated.

PROF PATRICK LAU (in Cantonese): *When NCSC staff take up civil service posts, they may receive a lower salary. May I ask the Secretary this: Had they not joined the civil service or made such application, will their existing contracts have the two problems that I have mentioned just now, that is, will their contracts be terminated or will their employment be terminated?*

PRESIDENT (in Cantonese): You actually wish to ask about what transfer arrangement will be made when a serving contract staff is converted to a civil servant?

PROF PATRICK LAU (in Cantonese): *Yes, if he does not wish to be converted.*

SECRETARY FOR THE CIVIL SERVICE (in Cantonese): Madam President, I wish to thank Prof LAU for clarifying his supplementary question.

When a government department conducts an open recruitment exercise, serving NCSC staff shall have the full autonomy to decide whether or not to participate in the open recruitment exercise of civil servants. If the civil service openings in the open recruitment exercise are to replace the posts of serving NCSC staff, when the openings are filled, generally speaking, the contracts of the NCSC staff will also expire. Since their posts have been replaced by civil service posts, the contracts of the relevant NCSC staff will not be renewed.

After conducting a review, we consider that some NCSC posts should be replaced by civil service posts. When making arrangements for replacement, we will ensure that the timing of the recruitment and appointment of civil servants tallies with the contract expiry dates of the serving NCSC staff, which means that we will not advance the expiry date of the employment contract of NCSC staff, just that the contract of the NCSC staff will not be renewed when the relevant posts are substituted by civil servants upon the expiry of their contracts. This is what I wish to explain.

MR KWONG CHI-KIN (in Cantonese): *President, just now the Secretary has given a clear explanation that normally, when a post originally taken up by a NCSC staff is to be converted to a civil service post, the relevant working experience of the serving NCSC staff (that is, his professional grade experience gained as a NCSC staff) will not be counted, unless there are recruitment difficulties. This will give rise to the situation mentioned by Prof LAU just now, that is, when the posts of NCSC staff are converted to civil service posts, the NCSC staff may have their pay reduced before they can convert to the Civil Service. Apparently, such an unfair employment policy will create an impact on the morale of these professional grade staff during the conversion process.*

May I ask the Secretary, how can the morale of these professional grade staff be maintained when they have to accept salary cut as a result of the conversion?

SECRETARY FOR THE CIVIL SERVICE (in Cantonese): Madam President, I wish to thank Mr KWONG for his supplementary question.

At present, it can be said that the Government has two groups of staff who are very different, one of which is comprised of NCSC staff, whereas the other is comprised of civil servants. Two groups of staff are employed based on different considerations. We employ civil servants because there is a need for them to undertake certain long-term tasks which are best carried out by civil servants. As for the NCSC staff, I have made it clear in the main reply under what circumstances we will employ NCSC staff. In fact, if the relevant tasks are not permanent in nature, we will employ NCSC staff. Due to their very different nature, we have therefore designed completely different pay structures and entry requirements for them. I have many opportunities to explain and emphasize to Members that they should not compare the entry requirements and salaries of NCSC staff with those of civil servants, as the two are totally different and such comparison is inappropriate.

Just now Mr KWONG has mentioned that for a NCSC staff whose current salary is \$20,000, if he is successfully recruited as a civil servant through the open recruitment exercise and the starting point of the civil service post is perhaps just \$18,000, his salary would be reduced by \$2,000 as a result of his

conversion to the Civil Service. In fact, in the recruitment exercise, anyone who is interested in joining the Civil Service knows very well about this.

Certainly, everyone has to decide by himself whether he wishes to be continuously employed on NCSC terms. If he decides to stay, he has to face the possibility that once the task is completed, his post is likely to be cancelled. Once his post is cancelled, he will not be able to continue to be employed under NCSC terms.

Furthermore, NCSC staff will not be provided with any promotion prospect, and they will be provided with very few opportunities for training. Their benefits packages and salary arrangements are not the same as those of the civil servants. Therefore, I believe that if serving NCSC staff are interested in participating in the recruitment of civil servants and joining the Civil Service, they must take all these relevant factors into consideration carefully.

MR KWONG CHI-KIN (in Cantonese): *President, the Secretary did not answer my supplementary question. I did not ask her about the system, and I know it only too well. Nor did I ask her about the choice and considerations of individual colleagues. I asked her about morale. The morale of a staff will be affected if he has to take up his original job at a lower salary. I would like the Secretary to respond to this.*

SECRETARY FOR THE CIVIL SERVICE (in Cantonese): Madam President, I can only try to answer Mr KWONG's supplementary question based on my observation. Since the resumption of open recruitment of civil servants, as at the end of February this year, more than 40 open recruitment exercises were conducted for the purpose of recruiting people to fill certain vacancies in the Civil Service. To a certain extent, the duties of these vacancies are comparable to those of the jobs currently taken up by serving NCSC staff.

I can share with Members that we have not encountered any difficulties in these 40-odd open recruitment exercises. According to my observation, many NCSC staff have participated in these 40-odd open recruitment exercises. In other words, a lot of NCSC staff still wish to join the Civil Service after they

have taken into consideration all the factors I have said just now. Since it is up to them in making a choice and they know the situation very well, I believe that when a former NCSC staff is successfully recruited as a civil servant, his morale will not be affected too much.

DR RAYMOND HO (in Cantonese): *At present, the Government will launch 10 major infrastructure projects, and the Secretary should understand that these infrastructure projects require mainly five types of professionals, that is, engineers, architects, planners, landscape architects and surveyors, but in the Government's open recruitment exercises, each applicant is required to sign and state whether or not he is still willing to join the Government if his working and professional experiences will not be fully counted. If a person is applying for a civil service post, he will certainly agree to sign the written consent because he has no choice. I think this is not so fair.*

In particular, the Secretary said in the fifth paragraph of the main reply that the Administration had not encountered any difficulties in recruitment, and she also said that no difficulties had been encountered in those 40-odd recruitment exercises. It was because at the time of application, everybody wanted to get the job, so there was no problem even they were required to sign a written consent. Why does the Government have to adopt this unfair approach of disregarding the experience of these professionals, despite that every aspect of such experience is very important?

SECRETARY FOR THE CIVIL SERVICE (in Cantonese): Madam President, I would like to thank Dr HO for his supplementary question. Policy-wise, we will set the entry requirements for each civil service grade. In general, these are also the requirements on academic or professional qualifications. For a small number of grades, we will also lay down the requirements on minimum working experience. Therefore, if the entry requirements of a certain grade do not include the requirement on minimum working experience, in other words, the head of this grade is of the view that there is no need for the post to be taken up by a person with past working experience.

If the head of the grade considers that working experience is necessary, he will include the required working experience in the entry requirements. If

working experience is included in the entry requirements, working experience will be factored into the calculation of the whole remuneration package of the grade. Therefore, if the entry requirements of some of the posts have not stipulated the possession of the necessary working experience, we believe that under the guiding principle of prudent use of public funds, unless the two criteria that I have mentioned in the main reply are met, incremental credit for working experience should not be granted.

DR RAYMOND HO (in Cantonese): *President, the Secretary has not answered my supplementary question. I have made it very clear that the working and professional experiences of professionals are of utmost importance, but now she adopts this approach to require them to sign written*

PRESIDENT (in Cantonese): Which part of your supplementary question has not been answered? Please make it clear.

DR RAYMOND HO (in Cantonese): *The Secretary has not answered why this unreasonable approach is adopted. Why is it that the professional experience of those professionals are not approximately taken into account and their years of service not been counted in the recruitment exercises? Why has this unfair approach been adopted, that is, why is the normal modus operandi not adopted? I think this is unreasonable. Why have the authorities not adopted a reasonable approach? The Secretary has not explained that.*

PRESIDENT (in Cantonese): You may sit down. Secretary, your answer please.

SECRETARY FOR THE CIVIL SERVICE (in Cantonese): Madam President, perhaps let me reiterate what I have just said in my reply.

We have quite a number of professional grades. If the head of the professional grade concerned considers that working experience is necessary, then working experience will certainly be included in the entry requirements of the professional grade concerned. If it is stipulated in the entry requirements,

the specific minimum professional working experience will be taken into account in determining the overall remuneration of the professional grade concerned. If the minimum professional working experience is not stipulated in the entry requirements of a professional grade, in other words, the head of the professional grade considers that persons without professional working experience can also take up the posts. In consideration of this, we hold that additional public funds should not be used for granting incremental credit for job-related experience.

PRESIDENT (in Cantonese): Second question.

Frontier Closed Area

2. **MR CHEUNG HOK-MING** (in Cantonese): *Madam President, the Government has decided to reduce the coverage of the Frontier Closed Area (FCA) substantially from about 2 800 to about 800 hectares. However, the land to be released as a result of the measure will not include the Sha Tau Kok (STK) town because the authorities consider it necessary to maintain the FCA restrictions at the town. In this connection, will the Government inform this Council:*

- (a) *whether it will further release land from the FCA, particularly that of the STK area; if it will not, of the reasons for that;*
- (b) *how it will revitalize the STK town, which is still within the FCA, in order to invigorate the economy of the locality; and*
- (c) *whether it has plans to promote the inclusion of STK in ecotourism routes; if it has, of the details, if not, the reasons for that?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, the FCA has been an important security measure in maintaining the integrity of the boundary between Hong Kong and the Mainland and in combating cross-boundary illegal activities. Since the reunification, the law enforcement agencies of Hong Kong and Shenzhen have strengthened co-operation and effectively combated cross-boundary crimes. Therefore, from the security

point of view, the coverage of the FCA could be reduced. In September 2006, we announced the proposal to reduce the land coverage of the existing FCA from about 2 800 hectares to about 800 hectares. Following extensive public consultation, we have accepted comments from various parties and decided to further reduce the coverage of the FCA, releasing the Lok Ma Chau Loop, Hoo Hok Wai, and two patches of land northwest of Lin Ma Hang Village and north of Pak Fu Shan respectively from the FCA. The revised land coverage of the FCA will be substantially reduced to about 800 hectares (Appendix 1), and is expected to take effect between the end of 2010 and the end of 2012 in phases.

We need to retain the STK town within the FCA, primarily because of the unique physical setting of Chung Ying Street. Chung Ying Street is a narrow street. There is no physical barrier to delineate the boundary between Hong Kong and the Mainland, nor are there any proper boundary control facilities. In addition, smuggling and illegal immigration activities conducted via Chung Ying Street persist. Given these security considerations and physical constraints, we cannot completely excise STK from the FCA. We shall, nevertheless, move the southern boundary of the FCA at STK northward to the entrance of STK town.

We would like to clarify that retaining the STK town within the FCA would not hinder the development of the area. The Planning Department has already drawn up a layout plan to provide development guidelines for the area. The local community may make reference to the layout plan in taking forward any commercial activities. The planning authorities will keep the layout plan under review to keep in step with the changing development situation.

Meanwhile, we shall actively consider opening up the STK town on a limited basis so as to encourage tourism development in the area. Indeed, we have been in discussion with the STK residents on various options with a view to opening up the STK pier as soon as possible, so as to facilitate tourists' access to the islands in northeastern New Territories and promote the development of ecotourism. On the premise that boundary security would not be compromised, we consider that a certain number of organized tour groups may be permitted to use the STK pier during weekends and public holidays. However, due to the unique physical setting of Chung Ying Street, in opening up STK town for tourism development, we have to ensure that the associated security measures will be acceptable to the local residents and can facilitate the police in maintaining effective boundary management.

Although we have not yet reached a consensus with the local representatives on the area to be opened up and the associated security measures, we shall continue with our consultation with a view to drawing up an arrangement acceptable to all parties concerned as soon as possible.

MR CHEUNG HOK-MING (in Cantonese): *Madam President, in part (b) of the main reply, the Secretary pointed out that there are three reasons for retaining the STK town within the FCA: firstly, Chung Ying Street is a narrow street; secondly, there is no physical barrier for delineation, and thirdly, there is no proper boundary control facility. May I ask the Secretary if the Government has any plan for improvement given the above three considerations? If so, when will there be improvement? If not, what is the reason for that?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, apart from the reasons stated by Mr CHEUNG Hok-ming just now, perhaps I should give one more reason. Just as I have said earlier on, it is precisely because of the three reasons stated by Mr CHEUNG Hok-ming that illegal immigration and smuggling activities in Chung Ying Street persist, which, we think, is a major security problem which warrants concern. We are all aware of the historical background of Chung Ying Street, where local or indigenous residents are allowed to move around freely in Chung Ying Street without having to go through checking at any legitimate control point. Should we have any plan to make changes to the rights or convenience long enjoyed by the indigenous residents (Ms LI Fung-ying should know this very well as she is an indigenous resident of Sha Tau Kok (*laughter*)), the local residents must be consulted. In fact, consultation has been conducted. Both local and indigenous residents consider the present arrangement pretty convenient and hold that a control point should not be set up to require them to go through the relevant procedures. So, it involves a number of considerations.

Meanwhile, we have no plan to construct a control point, for this will mean a complete closure of the area, in which case the indigenous residents cannot move around freely as they are doing now. The result of the consultation shows that the development of such a control facility was considered very inconvenient by the local residents, indigenous residents and many non-indigenous residents living there, who can shop at Chung Ying Street.

What is the dilemma that we are facing? Firstly, the local residents requested that the area be opened up for development without compromising the free movement of the indigenous residents. However, given that people living elsewhere may also go there after it is opened up, the police will find it very difficult to maintain the integrity of the boundary.

MRS SOPHIE LEUNG (in Cantonese): *President, in part (a) of the main reply, the Secretary pointed out that since the reunification, the law enforcement agencies of Hong Kong and Shenzhen have strengthened co-operation and effectively combated cross-boundary crimes, thus providing the condition for reducing the coverage of the FCA. It has been 10 years since the reunification and co-operation is expected to increase in the days to come. Will such co-operation enable us to further reduce the coverage of the remaining FCA in the future? Furthermore, will the authorities review the policy on reducing the FCA on an ongoing basis?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, insofar as the integrity of the boundary and the need to further reduce the coverage of the FCA are concerned, review has been frequently conducted. The land coverage has actually been reduced by 2 400 hectares, from 2 800 hectares to 400 hectares, with a huge area of land being excised from the FCA. Just as I have pointed out in my main reply, this is mainly attributable to the enhanced co-operation with the Mainland in such respects as exchange of intelligence and the crack down on smuggling and illegal immigration activities, which has reduced the risks in the FCA. Why do we still need to retain Chung Ying Street at STK within the FCA? Because of the absence of a security barrier, which allows the free movement of the residents. Secondly, we consider that the smuggling or other cross-boundary illegal activities are rather prevalent there. We therefore consider it undesirable to have the whole STK town excised from the FCA for the time being. Certainly, we will not rule out the possibility of further reviewing the room for further reduction of its land coverage should there be any changes in future circumstances.

MR WONG YUNG-KAN (in Cantonese): *President, the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) has since 2002 proposed*

the development of ecotourism in STK or the partial opening of it. The Secretary, however, has turned down our proposal time and again on security grounds. I wish to ask if the Government has assessed whether the economic efficiency resulting from a complete or partial opening up of the area can make up for the loss due to the smuggling activities.

SECRETARY FOR SECURITY (in Cantonese): Madam President, I can say very honestly that no such review has been conducted. Yet, I can tell Members that STK and other frontier areas in the New Territories are being reviewed by our development and planning authorities to examine the long-term development of the villages and towns there, and commercial activities are certainly included. On completion of the relevant report, a detailed assessment of the economic efficiency may be available. As Mr WONG Yung-kan said earlier, shall we bear the security risks involved if the area is virtually a "gold mine"? I will have to look into it and I cannot give a reply right now.

MR WONG YUNG-KAN (in Cantonese): *President, I wish to*

PRESIDENT (in Cantonese): Mr WONG Yung-kan, has your supplementary question not been answered?

MR WONG YUNG-KAN (in Cantonese): *No, it has not been answered. I wish to ask*

PRESIDENT (in Cantonese): The Secretary has already said that he cannot answer your supplementary question right now. What else do you wish to ask?

MR WONG YUNG-KAN (in Cantonese): *Reply has been given on one part but not the other part* He has not replied the part concerning the opening up of the area. *May I ask when we will be informed of the timetable of the review?*

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

MR TAM YIU-CHUNG (in Cantonese): *President, regarding the readiness to open up the STK pier, the Secretary said that it would be opened up "as soon as possible". May I ask what is meant by "as soon as possible"? Also, the phrase "a certain number" was used. Why should there be such a limit? Are tour groups only allowed during weekends and public holidays? Regarding the applications concerned, should information be provided by the applicants individually or on a collective basis? What are the operational details?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, in fact, we have yet to examine such details as whether the applications are to be examined individually or collectively in respect of the whole tour. While some STK residents welcomed the proposal when it was raised, some did not. Some residents opposed the proposal as they considered it inadequate to merely open up the pier but not the STK town altogether. Therefore, comprehensive consultation has to be conducted.

Given that the STK residents have not come to any unanimous view on the proposed opening up to date, we do not wish to take it forward hastily before a consensus is reached. For this reason, we will continue to liaise with the different parties of STK through the District Officer (North) in the hope of starting off with partial opening as soon as possible to facilitate ecotourism activities during weekends and public holidays. If the proposed opening up is proved successful, I will not rule out the possibility of opening up the area to the public for ecotourism on Sundays as well. Nonetheless, I do hope that STK residents can come to a unanimous view on this issue.

MR DANIEL LAM (in Cantonese): *President, I would like to first thank the Secretary for taking on board the views of Heung Yee Kuk New Territories, as many of our views on reducing the coverage of the FCA have been adopted by the authorities, hence enabling the coverage of the FCA to be reduced from 2 800 hectares to 800 hectares. May I ask the Secretary if it is still appropriate to maintain the FCA in view of the fact that after reunification, Hong Kong and*

Shenzhen are alike in our status as an economic zone and a special administrative region of the country, and that law and order in FCA has significantly improved? Will the FCA be removed completely in the end?

SECRETARY FOR SECURITY (in Cantonese): Madam President, just as what I have said in response to Mrs Sophie LEUNG's question, 2 400 out of 2 800 hectares of land has already been released in our attempt to reduce the coverage of the FCA. In fact, our future FCA will only be a narrow crossing along the boundary for police patrol. Only a couple of areas, such as STK, are retained for some special reasons.

As to the question of whether the entire boundary can be completely removed in the future, it is definitely possible. Yet, I am not in a position to say if it will be eliminated 50 years after the implementation of the "one country, two systems" policy. It is precisely the implementation of "one country, two systems" under the Basic Law that has held Hong Kong responsible for its immigration matters, and necessitated the retention of the boundaries. Otherwise, it will be "one country, one system" instead. For this reason, I consider it necessary to retain a small area near the boundary as closed area for police patrol. I consider this arrangement necessary.

MS LI FUNG-YING (in Cantonese): *President, the Secretary's remark that STK has no physical barrier does not sound accurate to me. President, I would like to invite you, if you have time, to make a visit to STK and you will see that it has actually been fenced in like a bird cage. In order to combat illegal immigration and smuggling activities, the police should step up its effort rather than continuing to retain land as closed areas. This is merely "trimming the toes to fit the shoes". I wish to ask the Secretary if other boundary control points or customs clearance points are free from smuggling and illegal immigration activities, and such activities are only found in STK.*

SECRETARY FOR SECURITY (in Cantonese): Madam President, in my main reply, I did not refer to STK as having no physical barrier. Rather, I was referring to Chung Ying Street. I said that it is very narrow with no physical barrier. I believe Ms LI Fung-ying would agree with this. Indigenous

residents are free to go in and out of Chung Ying Street. If we are to exercise any control there, I do not think that the indigenous residents would agree.

Earlier on, Ms LI Fung-ying asked if other boundary control points are completely free from illegal immigration or smuggling activities. Of course, the answer is no. Why is there a need to fence the area in the future if there is entirely no such activities? This is necessary precisely because there is still such a possibility. As to why STK has to be retained, it is mainly because not even boundary fence is put up there, and cross-boundary crimes such as smuggling and illegal immigration activities are more prevalent here than other control points.

DR KWOK KA-KI (in Cantonese): *President, in the Secretary's reply, it is clearly stated that Chung Ying Street of STK was the place that could not be opened up. Can the Secretary tell us the population involved? Furthermore, what improvement measures can be implemented to set up a formal custom clearance at Chung Ying Street? By so doing, there will not be any problem in opening up STK.*

SECRETARY FOR SECURITY (in Cantonese): I do not have any information about the population there right now. I think that every person living in the STK town will be affected, not only those living in Chung Ying Street. This is because anyone living in STK, though not a resident at Chung Ying Street, may also go there. Even the non-indigenous residents of STK, who may go there for shopping as long as they live in STK. I will have to check if we have the relevant population figures, and if so, I will give a reply to Dr KWOK Ka-ki in writing. (Appendix I)

If we are to establish a formal boundary control point there, we would have to seal off Chung Ying Street, and everyone who goes in or out of the area must go through the control point. I think discussions should be held with the local residents. Just as I have said earlier on, there is strong opposition from the local residents even to the proposal of providing certain facilities as a barrier for the pier to be opened for the promotion of ecotourism. While they agree to the proposed development, they oppose any facilities that may cause inconvenience to them. Despite that the facilities concerned will not prejudice

their free movement at Chung Ying Street, they still opposed the development of certain facilities to set up a barrier. As a result, there is currently no plan to seal off the entire Chung Ying Street for the construction of a control point.

PRESIDENT (in Cantonese): We have spent more than 19 minutes on this question. We now proceed to the third question.

Government Taking Lead in Enhancing Recognition for Associate Degree Qualification

3. **MR CHEUNG MAN-KWONG** (in Cantonese): *President, the Report of the Phase Two Review of the Post Secondary Education Sector recommended that "the Government should continue to take the lead in enhancing recognition for Associate Degree (AD) qualification". In this connection, will the Government inform this Council:*

- (a) *among the people employed in various government departments over the past three years, of the number and percentage of those whose highest qualifications were sub-degree (including AD and Higher Diploma (HD)) qualifications, together with a breakdown by details of their employment, including the employing departments, positions held, entry requirements, starting salaries and modes of appointment (for example, on contract or permanent terms);*
- (b) *of the respective numbers of such employees with AD and HD qualifications; and*
- (c) *whether it has assessed why some government departments have employed fewer AD graduates; if it has, of the assessment results; if not, the reasons for that; and of the other measures to enhance recognition for AD qualification?*

SECRETARY FOR THE CIVIL SERVICE (in Cantonese): Madam President, during the past three years (that is, from the year 2005-2006 to the year 2007-2008), government departments and grades have conducted a total of more than 280 recruitment exercises. In addition, Hong Kong Police Force and the Fire Services Department accept applications all year round. In these past three

years, more than 8 000 civil service new recruits have been appointed. The Civil Service Bureau has not kept statistics on new appointees on the basis of their academic or other qualifications.

In addition, subject to meeting the relevant regulations and if necessary, departments have the discretion in the recruitment of non-civil service contract (NCSC) staff. Recruiting departments also do not keep statistics on newly recruited NCSC staff on the basis of their academic or other qualifications. As recruitment of NCSC staff is managed by departments individually, the Civil Service Bureau does not have the statistics on NCSC staff recruited in the past three years.

Due to the above factors, it will be time-consuming and will require much manpower to conduct a survey on the number of AD and HD holders appointed by the Government as civil servants and NCSC staff in the past three years. We are therefore not able to provide the statistics required. We are also not able to assess the employment situation of AD graduates by individual departments.

The civil service appointment policy is to select civil service or NCSC staff to fill vacancies through an open, fair and competitive process. Any person who meets the basic entry requirements of the post concerned may apply for appointment. The recruiting departments would then select suitable candidates through a competitive selection process on the basis of the candidates' ability, experience, performance in written examinations and/or interviews and so on. Hence, there are many factors leading to a candidate's failure in being appointed by government departments.

As for civil service appointment, AD qualification is accepted as broadly equivalent to HD qualification. At present, 13 grades which set HD as entry qualification requirement also accept AD qualification. In addition, AD graduates may also apply for government posts requiring academic qualifications below sub-degree level, such as two passes at Advanced Level in Hong Kong Advanced Level Examination (HKALE) plus three credits in Hong Kong Certificate of Education Examination (HKCEE) (2"A"3"O") or School Certificate levels. AD graduates will also be accepted for application for posts requiring a diploma/higher certificate/certificate in a specialized field if the AD qualification is in the same or relevant field. In sum, there are more than 70 other grades which also accept applications from AD graduates. Besides, AD holders appointed to disciplined services officer ranks with multiple entry points are remunerated at entry points higher than those for matriculation or below.

As recommended by the "Report on Phase 2 Review of the Post-secondary Education Sector", the Government will continue to take the lead in enhancing recognition for AD qualification. We will articulate to the public that AD qualification is accepted as broadly equivalent to HD, and AD graduates may apply for government posts requiring academic qualifications at or below HD level. In addition, we will work with bureaux/departments to explore if more posts or grades may accept AD qualifications as entry requirement so as to enhance the job opportunities for AD holders.

According to the Education Bureau, there are about 26 professional bodies recognizing sub-degree qualification, such as financial services, logistics and information technology professional bodies and so on. The Education Bureau will continue to intensify publicity efforts in conjunction with the post-secondary institutions, and through benchmarking AD qualification against the Qualification Framework (that is, Level Four which is between matriculation at Level Three and bachelor degree at Level Five), to enhance the recognition of AD qualification. The Education Bureau will also encourage institutions to engage in dialogues with professional bodies, employers' federations and the business sector in the curriculum development and internship arrangements so as to enhance employers' understanding and recognition of the AD qualification. In addition, the Education Bureau will also conduct regular employer opinion surveys and tracking surveys to examine the progression pathways of AD holders and to gauge the opinions of employers on their performance.

MR CHEUNG MAN-KWONG (in Cantonese): *President, the Government has given a reply in an irresponsible manner, without answering the relevant part of the question or providing the number of AD holders employed in various government departments. This is unbelievable as the statistics given by the Government three years ago showed that only 1 206 sub-degree holders were employed in various government departments. I hope Members would listen carefully; these sub-degree holders include many HD graduates who are not AD holders. But even such rough statistics have suddenly disappeared three years later. Why can statistics be compiled in the past but not today? Is it that difficult for the Government to conduct a survey on the number of AD holders among the 8 000 newly-appointed civil servants? Has the Government decided not to compile such statistics because it knows only too well that an excessively*

low number of AD holders have been appointed, or even wants to conceal this fact, so as to escape criticism? Is the Government following an ostrich policy which runs counter to the policy of enhancing recognition for AD qualification?

SECRETARY FOR THE CIVIL SERVICE (in Cantonese): Madam President, I would like to thank Mr CHEUNG for his supplementary question.

The Education Bureau (the then Education and Manpower Bureau) particularly conducted a survey in 2006 and the result indicated that around 1 206 sub-degree graduates were employed by the Government at that time. Madam President, the survey was conducted by the then Education and Manpower Bureau particularly in light of the fact that AD had been introduced to the SAR for five years, in order to understand the situation relating to the appointment of AD graduates by the Government. In fact, for many years, the Government (including the Civil Service Bureau) has not set up any standing mechanism for the collection of information on the highest qualifications of newly-appointed civil servants. We do not collect such information on an ongoing basis.

The time when this oral question was raised did not allow the Civil Service Bureau to conduct a special survey. As for my main reply, I hope Members will understand that the Civil Service Bureau collects a lot of information from some 70 to 80 departments and a careful choice of information to be collected is essential. In the categories of information that we are currently collecting and collating, we have not asked the departments to provide information on the highest qualifications of civil servants upon their appointment; nor have we asked them to provide information on NCSC staff. If we have to collect such information, especially if an ongoing or standing mechanism is required, many departments have to be notified because much time and manpower has to be spent on collecting relevant information. As I have stated in my main reply, we do not have a standing mechanism in place for the collection of information in this connection.

MR CHEUNG MAN-KWONG (in Cantonese): *President, in the past, the Government would compile the relevant statistics in reply to Members' questions.*

My supplementary question is why the relevant statistics could be compiled in response to Members' questions in the past but the same cannot be done this time. I would like the Government to give a reply as to why it could provide a reply to Members' questions in the past but it cannot do so now.

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

SECRETARY FOR THE CIVIL SERVICE (in Cantonese): Madam President, given limited time and the current manpower situation, I cannot, within two weeks, ask all departments to provide all the information requested in part (a) of the main question. I cannot provide this Council, Mr CHEUNG in particular, with the information requested, taking into consideration such factors as time and manpower.

DR YEUNG SUM (in Cantonese): *Madam President, let us take the special survey conducted by the Bureau in 2005 as an example. The Government did employ 1 206 sub-degree holders in 2005 but they were mainly graduates with HD professional qualification, not AD qualification. Therefore, I expect a more explicit answer from the Secretary because Members know pretty well that it is a matter of our grave concern. The Government has often stressed that the AD qualification is an independent and valuable qualification. What is its value when not even the Government will employ AD holders? When is the Government going to grant AD the proper status as an independent qualification for AD holders to apply for civil service posts, rather than misleading the public under the pretext of HD?*

SECRETARY FOR THE CIVIL SERVICE (in Cantonese): Madam President, I would like to thank Dr YEUNG for his question.

At present, there are 13 Qualification Groups comprising around 400 civil service grades (Appendix 2), and HD and AD holders come under Group 3. Group 3 comprises many grades; I do not remember off hand the exact number of such grades but I believe there are more than 20, or maybe more.

We do not want to classify too meticulously the entry qualifications of more than 400 civil service grades because that would be very complicated to the

management of a civil service establishment of 160 000. So, there are 13 Qualification Groups comprising 400 grades (Appendix 2). For instance, one of the Groups is Bachelor Degree but the Group has not been further classified into Bachelor Degree, Master Degree or Doctor Degree, and HD and AD holders come under Qualification Group 3. Our intention not to classify too meticulously the qualifications of civil servants underlies the management of the entire Civil Service at present.

In my opinion, however, the focus of Dr YEUNG's question is that the Government should make greater efforts to give the community, especially the Government as an employer itself and the employers in the business sector, a clear idea of the level attained by sub-degree graduates as well as the jobs they are capable of taking up.

I think this is the most important point which warrants our concern. I have stated in the last two paragraphs of my main reply that the Civil Service Bureau will make continuous efforts in this respect. We will also work hand in hand with the Education Bureau. The main task of the Education Bureau is to explore with 13 institutions offering sub-degree courses ways to attain consistent quality of sub-degree courses so as to avoid excessive variations. If the quality of sub-degree courses will be as consistent as that of university degrees, this will certainly lead to greater recognition by private employers.

Also, I hope that the Government as an employer and the employers in the business sector will give these institutions more advice regarding the elements to be included in the sub-degree programme curriculum. With these elements included, students who have undergone training can more competently meet the job requirements in taking up government or private sector jobs in the future. If employers have a higher level of satisfaction with the employees, it will benefit many generations of AD graduates to come. We are going to make greater efforts in this regard.

MISS TAM HEUNG-MAN (in Cantonese): *President, despite the Government's failure to provide the relevant information, I realize after asking my friends in the accounting sector that most of them prefer employing HD graduates rather than AD holders, and in other words, many employers have employed HD graduates. What do they think of AD holders? They do not have confidence in them. In that case, I would like to ask if government officers in charge of recruitment also share this view and prefer employing HD graduates. If so, can the Government tell us in its reply the measures to be taken to change the way of thinking of these officers?*

SECRETARY FOR THE CIVIL SERVICE (in Cantonese): Madam President, I would like to thank Miss TAM for her supplementary question. As far as I know, the minimum entry requirement of 13 grades is set at HD or sub-degree level at present. The heads of these 13 departments or grades have not looked at AD graduates through "tainted glasses". If the AD or HD qualification is set as the entry requirement, they will conduct open and fair civil service recruitment according to this principle and they will not discriminate against sub-degree graduates or be prejudiced towards HD graduates. I can tell Miss TAM that they definitely will not do so.

Besides, Miss TAM may not fully believe the words of the Secretary for the Civil Service but the Public Service Commission is an independent statutory body overseeing the open recruitment of civil servants. The Commission will supervise all procedures for civil service appointments, including written tests and interviews to be conducted when necessary, to ensure fairness. Members may recall that the Public Service Commission published just two weeks ago its Annual Report 2007. Members can see from the Report that the Public Service Commission criticized certain practices adopted by the Government in managing the Civil Service but I believe they cannot see any criticism made by the Public Service Commission against the Government for looking at AD graduates with "tainted glasses" in the course of civil service appointments.

PRESIDENT (in Cantonese): Miss TAM, has your supplementary question not been answered?

MISS TAM HEUNG-MAN (in Cantonese): *No. I have much confidence in the Secretary, but as for front-line officers responsible for recruitment*

PRESIDENT (in Cantonese): You only need to repeat the part of your supplementary question that has not been answered.

MISS TAM HEUNG-MAN (in Cantonese): *The question I just raised is about people having little confidence in AD holders. Insofar as confidence is concerned, what are the measures to be taken by the Secretary to improve the situation? She has not answered this part of my question.*

SECRETARY FOR THE CIVIL SERVICE (in Cantonese): Madam President, the reply I have just given is concerns only civil service recruitment. In terms of recruitment in the private sector, I heard from some employers during our casual conversations that when comparing AD and HD courses, the existing AD courses may appear to be too academic. They opine that HD courses are more in contents while AD courses contain more academic elements. This is precisely the point I made when I answered Dr YEUNG's supplementary question a while ago. If institutions offering AD courses can enhance communications and exchanges with employers including those in the private sector and the Government, and discuss the contents to be included in AD courses, the future graduates will give their prospective employers greater confidence. I believe it will be helpful for institutions to enhance exchanges and communications with employers, employers' associations, individual employers and the Government in this respect.

PRESIDENT (in Cantonese): Fourth question.

Measures to Alleviate Poverty

4. **MR FREDERICK FUNG** (in Cantonese): *President, as there have been comments that low-income families are more seriously affected by the continuously escalating inflation, will the Government inform this Council:*

- (a) *whether it has assessed changes in the consumption pattern of poor families in the state of escalating inflation in the past 12 months;*
- (b) *given that an inflation rate as high as 5.3% was recorded for March this year, which was higher than the Government's forecast of 4.5% made at the time the current year's Budget was published, of the new measures the Government has put in place to further alleviate the pressure of inflation on poor families, and whether it will further waive public housing rents and provide more allowances and support to recipients of Comprehensive Social Security Assistance (CSSA); and*
- (c) *given that the Labour and Welfare Bureau had indicated earlier that the latest information on the poverty indicators for 2007 were*

expected to be available by mid-2008, of the latest progress of such work and the specific date in this year for the publication of such indicators, and whether it will reconsider re-establishing the Commission on Poverty (CoP) as soon as possible, so as to study the needs of poor families in a systematic manner, as well as set targets on eradicating poverty with time limits and formulate appropriate policies to alleviate poverty?

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

- (a) The Census and Statistics Department conducts Household Expenditure Survey (HES) once every five years to collect up-to-date information on the expenditure patterns of households (including low-income households) in Hong Kong for updating the expenditure weights used for compiling the Consumer Price Index (CPI). The latest round of the HES was conducted in 2004-2005. Planning work for the new round of survey to be conducted in 2009-2010 has started.

Although the consumption patterns of households do undergo gradual changes in response to various factors such as changes in income, price level and other socio-economic factors, changes in expenditure patterns accumulated in a period of less than five years should not be large enough to warrant a new HES to be conducted. In fact, the practice of conducting the HES at a five-year interval conforms to international practice and is considered adequate for maintaining the accuracy of the CPI.

- (b) Inflation is a global phenomenon and Hong Kong cannot be spared from its influence. In the first quarter of 2008, Hong Kong's overall consumer price inflation averaged 4.6%, which is higher than the 2.0% of the same period in 2007. Hong Kong's economy experienced a robust growth in the past four years with an average growth rate of 7.2%, while the unemployment rate has dropped to the lowest level in the recent 10 years. With increased household income for most families, buoyant investment and consumer confidence, as well as higher wages and rentals, inflationary pressure is rising gradually.

Nevertheless, the recent acceleration in inflation is mainly driven by the upsurge in global food prices. High energy and commodity prices in the international markets against the backdrop of a weakening US dollar also contribute to high inflation. It is expected that global food supply and demand will remain tight for some time and that the situation will only be eased until later this year or early next year.

The Government fully understands that the continuous rise in inflation (especially the increase in food prices) will add to the pressure faced by the vulnerable groups and low-income earners. Therefore, besides providing long-term social support in social security, medical and health services as well as education, and so on, the Government has introduced a range of measures for the grassroots in order to relieve the inflationary pressure facing them.

These measures include rates exemption for the whole year; a \$1,800 electricity charge subsidy for each residential account; and payment of one month's rent for lower income families living in the rental units of the Hong Kong Housing Authority and the Hong Kong Housing Society (HS) (including tenants of the Elderly Persons' Flats in HS Group B estates).

In addition, Disability Allowance recipients will be given one additional month of allowance; CSSA recipients will be given one additional month of standard rate payments; and each Old Age Allowance recipient will be given a one-off grant of \$3,000. Upon approval by the Finance Committee of the Legislative Council, we will release the relevant allowance/CSSA standard rate payment as soon as possible.

All along, the Administration adjusts the CSSA standard payment rates according to the movement of the Social Security Assistance Index of Prices (SSAIP) annually in order to maintain the purchasing power of the payments. 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. We will also continue to monitor closely the SSAIP movements in order to preserve the purchasing power of CSSA payments.

The Government will also strengthen communication with the Mainland and other food supplier regions, continue to maintain Hong Kong as a highly open economy and adhere to the principle of free trade on food import with a view to securing a stable food supply in Hong Kong.

- (c) The former CoP submitted a report in June 2007 to the Administration on the direction for future poverty alleviation work. With the conclusion of the work of the CoP, the Chief Executive announced the establishment of an inter-bureau/department Task Force on Poverty (Task Force). The Task Force is headed by me, with senior officials from relevant bureaux/departments as members. Through the efforts of different bureaux/departments, the Task Force will maintain liaison with the relevant stakeholders.

Since the former CoP had put forward a series of recommendations on poverty alleviation, monitoring the progress in implementing these recommendations is one of the priorities of the Task Force. Besides, the Task Force will also co-ordinate the Government's efforts in tackling poverty-related issues which have cross-policy implications and enhance the understanding of poverty. We do not consider it necessary to re-establish the CoP.

The work on updating the poverty indicators is in progress. We expect that the updated poverty indicators for the year 2007 will be available within the next two months.

MR FREDERICK FUNG (in Cantonese): *President, given that the measures proposed in the Budget were based on an inflation rate of 4.5%, which should actually be 5.3%, I asked in part (b) of the main question whether the Government had further put in place new measures, that is, any other new measures in addition to the proposals made by the Financial Secretary in the Budget. However, the Secretary has merely repeated the words of the Financial Secretary without answering whether the Government has further come up with new measures. I hope the Secretary can give us a clear answer later as to whether the Government has or has not come up with new measures.*

President, what I actually wish to raise in my supplementary question concerns part (c) of the main reply. With the abolition of the former CoP in July last year, a Task Force has now been set up. Will the Task Force follow up all of the 50-odd recommendations made by the former CoP? Will regular reports be compiled in the course of the follow-up work? Will these reports specify clearly the completed tasks, tasks in progress and tasks which have not yet started and when these tasks will be performed?

PRESIDENT (in Cantonese): Secretary, please answer the part concerning the Task Force which is chaired by you. As for the other parts of the question asked by the Member, you may decide on your own whether or not to answer them because each Member can only raise one question in his or her supplementary question.

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Madam President, the Task Force will follow up the 53 recommendations made by the CoP. In our opinion, 19 of the recommendations should have priority for implementation, and some of them, such as the widely-known cross-district travel allowance, review by the Employees Retraining Board (ERB) and the Child Development Fund, are already in progress. Apart from implementing these recommendations, we consider that some recommendations, such as services for the elderly, the provision of places for the elderly, and so on, require further studies. A lot of work will be carried out continuously.

As for the timetable, our work progress will tally with the publication of the poverty indicators, which will be announced in two months. We will then give an account of our work progress to Members as well.

MR FRED LI (in Cantonese): *President, the Secretary has merely repeated the measures proposed in the Budget published in February this year. Actually, it will take half a year for all these measures to be implemented. I believe inflation will further rise in the interim and, as pointed out by the Secretary, it will take some time for the problems with food to be dealt with.*

The grass-roots people have reflected to Members that they are living in dire straits. May I ask the Secretary — actually the question I wished to raise is the same as the supplementary question raised by Mr FUNG earlier — whether other measures are put in place to ease the people's hardship, in addition to the proposals made in the Budget?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Madam President, the Financial Secretary has given a full account of the Government's poverty alleviation strategies in the Budget, particularly regarding ways to address inflation and share the economic benefits with the people. Many of the proposals will be implemented successively. For instance, the proposal of giving CSSA recipients one additional month of CSSA allowance is expected to be implemented in the middle of this year. Once the Finance Committee gives its approval (hopefully within this week), the allowance will be issued expeditiously.

It is also hoped that the one-off grant of \$3,000 can be issued to each Old Age Allowance recipient in the middle of this year. As for CSSA recipients, the mid-term review will be conducted ahead of the normal schedule in a bid to ease the inflationary pressure faced by them. All these measures will definitely be implemented. However, I think we ought to adopt a pragmatic approach at this stage by properly completing these tasks first. For the time being, the Government has no plan to take further measures.

MS EMILY LAU (in Cantonese): *President, the inflation problem, particularly the rise in food prices, has led to endless grievances among the people. President, in addition to his remark in the main reply that there is an "upsurge in global food prices", the Secretary has also expected that global food supply will remain tight for some time and that the situation will only be eased until late this year or next year. President, the Secretary has further said that the Government will strengthen communication with suppliers in the Mainland and other places to examine whether or not they can increase their food supply to Hong Kong. I greatly support this move as competition can bring prices down.*

However, while the Secretary has said a lot in this respect, with what places and with whom has the Secretary communicated? What kinds of food can be supplied to Hong Kong in greater quantity to give the public a feeling that

food prices have gone down or is the Secretary merely attempting to make a few remarks to quieten us? What the public would like to see is actually an increase in food supply. Will the Secretary inform this Council what kinds of food will be supplied to Hong Kong in greater quantity, where they will come from and when their supply will be increased?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Madam President, we will communicate primarily with our suppliers, that is, major supplying countries, or simply the Mainland. As for rice, the Government has also communicated with Thailand in the hope of maintaining a stable supply by all means and ensuring that rice prices are maintained appropriately without sharp rises. The Government will continue to work hard to ensure best results in this respect.

MS EMILY LAU (in Cantonese): *President, is this all that the Secretary can say? I thought many more items would be covered, but the Secretary has merely talked about rice. Come on, Secretary. There are so many places supplying such a great variety of food to us. However, I can do nothing if this is really the case, but the public will be greatly disappointed.*

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

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Madam President, many of our foodstuffs are from the Mainland. As I pointed out just now, the Mainland is a major supplier as well as one of our counterparts. Although we communicate mainly with the Mainland, we do communicate with other places as well. I have cited Thailand as an example earlier.

MISS CHAN YUEN-HAN (in Cantonese): *Secretary, I have listened to your reply very attentively, but I am very disappointed because I also put a similar question to you last week. I really am very disappointed.*

Many people are now watching live television broadcast. Inflation is fiercer than a tiger. Some colleagues pointed out earlier the grass-roots people

were living in dire straits. Actually, we note that the Government has responded very swiftly to the disaster in Sichuan and provided support. Clearly enough, I am saying this in order to make a comparison. I think the Government should deal with the poverty problem in Hong Kong with the same attitude, especially when the people are under the impact of a surge in fresh food prices. I do have some opinions on the earlier replies given by the Secretary to the supplementary questions raised by several colleagues.

President, I would like to raise a question concerning part (c) of the main reply. According to the Secretary, priority will be given to dealing with 19 of the 50-plus recommendations made by the former CoP. Why does the Secretary consider it unnecessary to deal with the remaining recommendations promptly? Is it because the Secretary is very busy and there is a lack of manpower to deal with the rest of the recommendations, or are they considered unimportant as this is the way it should be for the poor people in Hong Kong? Is this what the Secretary thinks? Or are there other reasons?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Madam President, the Government has attached great importance to the entire poverty alleviation issue, and it is a key area of our work. Of the 50-plus recommendations mentioned by Miss CHAN just now, 19 are considered to require expeditious implementation and given priority, since priorities must be set in handling everything.

As for the remaining recommendations, some of them are already in progress. For instance, we will continue with the ongoing training efforts. Some proposals, however, have to be further studied. For instance, preliminary work has been carried out by the Elderly Commission for the well-being of the elderly, and services for the elderly. Time is required to carry out all this work. Of the 19 recommendations, we consider it necessary to give priority to such proposals as transport allowance, a full planning and review of training and the Child Development Fund, which will benefit the youth, the middle-aged and the elderly. We will therefore focus our attention in implementing these proposals first. This is purely related to the priorities of work. Miss CHAN, it is not true that we consider anything unimportant. The 53 recommendations will be followed up in phases. As some of them require

further study, we will work with our economic consultants to further study the relevant indicators and conduct analyses, as one of the proposals made by the former CoP is to understand the poverty problem. Since a lot of the work involves studies and research, it cannot be completed promptly. Instead, time is required for observation and data collection.

MISS CHAN YUEN-HAN (in Cantonese): *President, the Secretary's reply gives me the feeling that he has not answered my supplementary question, for he has merely spelt out a general direction. However, he has only implemented 19 out of the 50-plus proposals. Do all the remaining proposals involve research work? I do not think so. Therefore, I feel that*

PRESIDENT (in Cantonese): Then you should ask the Secretary whether or not that is the case? Your view is just your personal view, not part of your supplementary question. Would you please raise your supplementary question direct because the Question Time is used for raising questions, not for expressing opinions.

MISS CHAN YUEN-HAN (in Cantonese): *President, I have raised my question, but he has not answered it.*

PRESIDENT (in Cantonese): You said that he had not answered your question, so are you asking him to give additional information?

MISS CHAN YUEN-HAN (in Cantonese): *Yes.*

PRESIDENT (in Cantonese): Then please sit down first

MISS CHAN YUEN-HAN (in Cantonese): *Will he please give a more specific answer.*

PRESIDENT (in Cantonese): A number of Members are still waiting to raise their supplementary questions.

MISS CHAN YUEN-HAN (in Cantonese): *I know.*

PRESIDENT (in Cantonese): You may sit down. Secretary, do you still have anything to add?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Madam President, I made it very clear just now that all of the 19 proposals to be accorded priority are concrete proposals which can give members of the public instant benefits, and they are also new measures. The Child Development Fund is the simplest example. Funding has been approved by the Finance Committee, and the relevant work has already fully commenced. The second proposal concerns the strategic review of the ERB, which must be carried out in a comprehensive manner. We are working on it in full swing; the review has already been completed, and the views collected are now being analysed.

In addition, regarding the transport allowance for residents in remote districts, with which Members are familiar, we have taken a step forward by further relaxing the eligibility criteria in response to the aspirations of the residents of the four districts and District Council members. Some of these proposals, such as those concerning the well-being of the elderly, services for the aged and the provision of elderly home places, as mentioned by me earlier, are longer-term in nature. The relevant work has already commenced.

Therefore, Madam President, we will work step by step and take forward our work on all fronts in accordance with the timetable and roadmap.

MR RONNY TONG (in Cantonese): *President, the question I wish to raise also concerns inflation. President, all the measures mentioned by the Secretary just now are one-off in nature. But on the contrary, reducing tax rates for the middle-class people or high-income earners is a long-term measure.*

President, according to our understanding, an across-the-board tax reduction will actually stimulate inflation and in turn stimulate consumer

spending. However, the assistance offered to the poor is only one-off in nature. Does the Secretary think that the Government's present efforts are running in the opposite direction from the objective of assisting low-income earners in coping with inflation?

PRESIDENT (in Cantonese): Secretary, if you think that some other colleagues of yours are in a better position to answer the question, you may refer this supplementary question to them. However, you may answer the question if you think you can answer it by yourself.

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Yes, Madam President, perhaps let me try to answer Mr TONG's supplementary question.

Actually, the Government's current measures are quite comprehensive. Many people have the misunderstanding that the Budget merely emphasizes long-term tax reduction measures to benefit the middle class, but they have forgotten the fact that the Government has taken the initiative to approach the three "have-nots", that is, people who do not receive CSSA payments, who do not own properties and who do not have to pay tax, this time around. Here are the most prominent examples: First, the Government will provide a \$1,800 electricity charge subsidy, and second, for people earning a monthly salary of below \$10,000, a sum of money will be injected into their Mandatory Provident Fund accounts. As Members are all aware, the Financial Secretary has finally introduced further relaxation measures to benefit an additional group of hundreds of thousand people. Both measures can truly offer assistance to the grassroots.

As for the people within the CSSA net, a review will be conducted ahead of the original schedule. In other words, the CSSA rates will be adjusted in the middle of this year. All these measures, coupled with the rent waiver, have actually eased the inflationary pressure faced by the grassroots.

MR RONNY TONG (in Cantonese): *President, my supplementary question is very simple. How can one-off exemptions or concessions help low-income earners cope with inflation? The Secretary is actually capable of answering this supplementary question. Why are the giveaways or concessions provided on a one-off basis?*

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Madam President, I have to make a clarification. Some of the measures are not one-off in nature. For instance, after CSSA rates are adjusted, the CSSA recipients will receive their payment at the new rates in future. It does not mean that the CSSA rates are adjusted merely for this year, but not next year. This is because CSSA rates will rise according to prices to ensure that the purchasing power of CSSA payments will not be compromised and the purchasing power of the recipients is preserved. This measure is specially designed for CSSA recipients.

As regards other groups of people, such as low-income earners, if we are to offer them assistance in the long run, job opportunities must be created to upgrade their work ability. Therefore, measures have been introduced in respect of training and retraining. We are now even studying the introduction of a minimum wage. As Members are aware, we will conduct an in-depth study into this topic.

In the long run, the measures mentioned above will offer a certain degree of assistance to the grassroots.

PRESIDENT (in Cantonese): This Council has spent more than 19 minutes on this question. Although some Members are still waiting for their turn to raise their supplementary questions, they may follow up this issue through other channels. The fifth question.

Outlying Island Ferry Services

5. **MR ALAN LEONG** (in Cantonese): *President, the Government's recent re-tender of the operating rights of four existing outlying island ferry routes has aroused grave concern among outlying island residents and the community. Quite a number of members of the public consider that there are quite a number of loopholes in the Government's planning on outlying island ferry services, resulting in the existing problems such as high fares, poor service quality and so on. In this connection, will the Government inform this Council:*

- (a) *given that there have been comments that setting the validity period for the current outlying island ferry service licences at three years has resulted in ferry service operators not willing to put in resources for long-term investments to enhance service quality, and has indirectly prompted the operators to drastically increase the fares to achieve the return set out in their contracts, whether the Government will reconsider extending the validity period of such licences; if it will, of the details; if not, the reasons for that;*
- (b) *given that the enterprises currently holding franchises of other public transport services in Hong Kong have been granted rights and interests in respect of development of land or properties to maintain their income and stabilize the fares of the transport services concerned, whether the Government will consider adopting similar arrangements for outlying island ferry services; if it will, of the details; if not, the reasons for that; and*
- (c) *whether the Government will consider adopting the mode of operation in which services are purchased from operators of outlying island ferry services, so that outlying island ferry fares can be set at a reasonable level affordable to passengers; if it will, of the details; if not, the reasons for that?*

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Madam President,

- (a) In relation to part (a) of the question, the present situation that most of the outlying island ferry services are facing is not merely an issue relating to the operating period. Basically, most of the outlying islands have a relatively small population which limits the patronage. The soaring fuel price has made it even more difficult to maintain the existing service level. Therefore, although the current licences have not set any pre-determined return, the pressure for substantial fare increases does exist. To solve this problem, the first thing is to provide viable financial incentives, enabling operators to make longer-term investment plans, so as to maintain stable services in a longer operating period.

- (b) For part (b) of the question, first of all, I would like to clarify that not all franchised public transport operators other than that of ferry services are granted rights and interests in respect of development of land or properties. In the area of franchised bus services, normally bus companies acquire land for depot construction in two ways: either by purchasing land at their own cost from the market or through public auction; or by leasing land from the Government under short term tenancy at market rate. Therefore, bus companies have not been granted rights and interests in respect of development of land or properties under the service franchises.

As for railway services, development projects involve huge capital expenditure. While there will be patronage demand and economic benefits for a railway project, and the operating revenue would be able to cover the operating expenses, the railway project however will still not be financially viable without provision of the funding gap in the construction cost even after the railway corporation has invested in the project. The Government will consider on a case-by-case basis whether and how a railway project should be implemented. Granting property rights to railway companies is only one of the approaches that may be adopted and the objective is to make the railway project, which requires huge investment, financially viable. As regards ferry services, the Government has, in terms of hardware, provided the operators with piers and taken responsibility for the maintenance work. If the proposal of adding one floor to Central Piers No. 4, 5 and 6 is implemented, the Government will also bear the construction costs for the relevant works. In considering how to offer assistance to different modes of public transport services, the Government has to take into account the actual circumstances and needs in adopting appropriate measures.

- (c) As for part (c) of the question, under the Government's public transport policy, public transport services should be operated by the private sector through the market mechanism for better cost effectiveness and higher operating efficiency. It is inappropriate to use public fund to subsidize public transport services lightly as this would result in the operators losing their incentive to maintain the financial viability of the services and eventually affect the service quality and efficiency. Purchasing services from ferry operators is

equivalent to subsidizing their daily operation with public fund and is not in line with the existing transport policy.

In fact, in order to help the ferry service operators reduce their operating costs and increase their non-fare box revenue, the Government has implemented a series of measures including taking over pier maintenance responsibility, waiving fuel duty, reimbursing pier rentals and exempting the vessel licence fees for ferry services under the Elderly Concessionary Fares Scheme, and allowing the operators to sub-let premises at piers for commercial and retail activities. The ferry operators are required to cross-subsidize the operation of ferry services with their non-fare box revenue to alleviate the pressure of fare increase.

To further help ferry operators enhance their ability to generate non-fare box revenue, the Government implemented more measures in mid last year. These measures include obtaining the Town Planning Board (TPB)'s approval to relax land uses at Central Piers No. 4, 5 and 6 so that the operators can sub-let the upper deck of these piers for commercial activities such as restaurants, fast food shops, retail shops and service trades, streamlining the procedures for approving applications for sub-letting premises at the piers, and retrofitting the piers with fire prevention facilities. Moreover, the Government has decided to waive the vessel-related fees of the "Central-Mui Wo", "Central-Peng Chau", "Central-Yung Shue Wan" and "Central-Sok Kwu Wan" routes during the three-year term of the new licences with effect from 1 July 2008, with a view to helping reduce the operating costs of these ferry services as far as possible. We will continue to provide operators of outlying island ferry services with appropriate assistance in the light of actual circumstances.

MR ALAN LEONG (in Cantonese): *Part (a) of the Secretary's main reply seems to show that the Administration recognizes the need of the operators to make longer-term planning, but in the same reply the Secretary seems to say that she has not considered extending the three-year licence period and she will provide other financial incentives. May I ask the Secretary whether it is the case that she will not consider extending the three-year validity period? Is my understanding correct? And what are the other financial incentives in lieu of a longer validity period?*

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Madam President, actually, I have mentioned in the main reply that we need to create the conditions. One area of work for which preparation has been made is the proposal to add one floor to Central Piers No. 4, 5 and 6 and beautify the piers at prime locations of the waterfront, so as to provide ferry operators with an additional floor for commercial or retail activities to earn more non-fare box revenue. This project is currently under consultation in the Urban Design Study for the New Central Harbourfront. We hold that this is an essential development which can create the conditions for a longer licence period in future.

MR LAU CHIN-SHEK (in Cantonese): *The ferry is the only mode of transport indispensable to outlying island residents. They have no choice. To them, fare increase will not only intensify inflation, but also rub salt into the wound and add to their already heavy burden. The Government indicated in part (c) of the main reply that it will not use public fund to subsidize public transport services lightly. To me, however, the Government should do so in order to offer the right solution to the problem. May I ask the Government, after exhausting the various measures mentioned in part (c), whether it will seriously consider using public fund to subsidize public transport services, including ferry services?*

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Madam President, we understand that outlying island ferry services are very important to the residents. Some ferry routes are even their only outbound transport option. We wish as much as the residents do that the services are safe and efficient and the fares can remain at a reasonable level.

As Mr LAU said just now, we have already exhausted all the means to offer assistance. In fact, we have implemented a series of vital supportive measures. These include taking up the responsibility of pier maintenance, which involves an annual expenditure of almost \$30 million, and waiving fuel duty which also costs tens of million of dollars less in revenue. We also seek to offer assistance on other fronts as far as possible. However, we are of the view that using public fund to directly subsidize public transport services will result in operators losing the impetus to tap new resources and cut expenditure in the long run.

As I have explained just now, our approach is to create the conditions. Approval has been granted by the TPB for the upper deck of the piers to be sub-letted for retail or other purposes to generate rental earnings. The Urban Design Study for the New Central Harbourfront that I mentioned earlier is now under consultation. Not only does the proposal concerned seek to beautify the piers, but also to construct an upper deck for the piers. In fact, this can create synergy in the region by increasing the pedestrian flow. The existing environment is not very desirable, but it can be beautified to attract more outlying island visitors. It is also a good choice of rest area in Central. We wish to create a more favourable economic environment and conditions for the outlying island ferry services.

MR LAU CHIN-SHEK (in Cantonese): *The Secretary was just repeating his reply earlier. I only wish to ask her this: Since she has implemented all these measures but they have failed to work and the fares remain so high, will she consider directly subsidizing public transport services?*

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Madam President, as I have said, this is not our existing transport policy.

MR LAU WONG-FAT (in Cantonese): *Madam President, the operating rights of existing outlying island ferry routes do not generate attractive returns. Will the Government inform this Council if the re-tender of operating rights fails to reach an acceptable level — or even no tender is received — what contingency measures does the Administration have to ensure that the ferry services for outlying island residents are of a reasonable standard?*

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Madam President, we are now in the middle of a re-tender exercise. Thus, we will not speculate on the result at this stage. What I can say is, we have received tenders for each ferry route. We certainly have contingency measures, but we are now vetting the tenders received and we will focus on this task now.

MS MIRIAM LAU (in Cantonese): *Madam President, ferry services have never been granted subsidy in terms of land development rights. To cope with the*

increasing cost and stabilize the fares, ferry operators have been actively exploring ways to increase their non-fare box revenue. It is also pointed out in the Secretary's reply today that ferry operators need to use non-fare box revenue to alleviate the pressure of fare increase. However, quite a number of ferry operators have complained that the Government is very slow in vetting and approving the applications concerned. Their applications have to go through many departments and cross many hurdles, and it is often the case that the transport departments are supportive of their applications, but other departments adopt an unco-operative or even negative attitude. I happen to read on the newspaper a few days ago that a ferry operator complained that its application last year was not yet approved. My supplementary question is simple. May I ask the Secretary what solution she has to tackle the co-ordination problem within the Government, so that we can work in concert to assist ferry operators to use non-fare box revenue to overcome their financial difficulties?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Madam President, in fact, the Government Property Agency (GPA) now takes up the co-ordinating role. It is charged with the duties of co-ordinating, vetting and approving all applications relating to sub-letting premises at licensed ferry piers. It also works in conjunction with relevant departments. Actually, we have reviewed the guideline on processing applications for sub-letting premises at the piers last year. Now, if the applicants have submitted the information required — I wish to emphasize that the applicants themselves are duty-bound to submit the information required. They cannot, on the one hand, wish to make an application but fail to submit complete information, and on the other, claim that the Government has spent a lot of time on processing their applications. This is not fair. For the relatively simple applications, the processing time has been shortened to less than one month. As for the more complicated applications, for example, an application involving structural alteration of the pier, the processing time will be shortened to about less than three months. Certainly, the departments also need to process the applications discreetly because some of the applications may involve the safety of specifications, and so on. We are concerned about the situation and we will effectively implement the existing new guideline in conjunction with the GPA.

MR ANDREW CHENG (in Cantonese): *President, the Secretary indicated in part (c) of the main reply that it is inappropriate to use public fund to subsidize public transport services lightly. But our colleagues have mentioned a number*

of times that the Government would inject \$100 billion lightly for railway transport, such as the Ma On Shan Rail in the past, or the Shatin to Central Link, the South Hong Kong Island Line or even the Regional Express Line in future. May I ask the Secretary whether she considers the ferry service policy too conservative and obsolete? In order to provide better ferry services, is it necessary for the Government to inject capital into ferry services apart from pier construction projects and then grant service concession, with a view to providing stable ferry services at a lower fare level?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Madam President, I have explained that ferry services and railway services are different. When we build a railway, we certainly need to plough in a large sum of capital. This is a major capital investment. In other words, even if railway companies have injected the money that they can inject, there will still be a funding gap. However, the Government has not subsidized the daily operating expenditure of the railway corporation. In the same vein, we think that this principle can be applied to ferry operators.

Member asked just now whether we are too conservative. In fact, let us look at the series of our supportive measures for ferry operators. For example, the maintenance work that I mentioned earlier is now taken up by the Government. There are also many concessionary measures such as waiving the fuel duty, and assisting them in making an application, which has already been approved by the TPB, in order to tap new sources of non-fare box revenue at the upper deck. We hope to assist ferry operators to improve their business environment by all means. We will go on with these measures and identify other areas in which we can provide assistance. On the whole, we are of the view that the three-year validity period for the licences is appropriate.

MR ANDREW CHENG (in Cantonese): *President, she has not given me an answer as to whether she will consider changing the present mode of operation and adopting the policy of granting service concession. She has not answered this point.*

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Madam President, the approach of service concession will delink the financial viability of

the service and the fare levels. We have not considered this option. The service under our discussion now is operated by a private corporation which sets the fare level by considering such factors as the fares, patronage, and so on. We hold that the present mode is more appropriate.

MR WONG KWOK-HING (in Cantonese): *According to the Secretary's main reply, the Administration will construct an additional floor at Central Piers No. 4, 5 and 6, which will allow the successful tenderer to use the non-fare box revenue to cross-subsidize the fares. The construction, however, will take several years to complete. May I ask the Secretary through the President whether she means that in the coming three years the successful tenderer will have to run the ferry service on a construction site? And how can this generate additional revenue? If the ferry operator cannot increase its revenue, it will have to substantially increase the fares. Is the Government going to put outlying island residents in such an unreasonable situation? Does the Government have to discriminate against outlying island residents as such?*

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Madam President, we certainly wish that we can expeditiously complete the consultation process and proceed to the construction stage. However, we appreciate Member's worry. Regarding how to minimize the nuisance caused when the works start, we will tackle it through planning as far as possible. I wish to emphasize that we strive to assist outlying island ferry operators through different measures, with a view to stabilizing the fares as far as feasible. As I have stated just now, we have already adopted many supportive measures, and I am sure about this.

MR WONG KWOK-HING (in Cantonese): *President, the Secretary has precisely failed to answer my question as to how the successful tenderer can operate its ferry services on a construction site and increase its non-fare box revenue. She has not answered the point about operation on the construction site. She also has not answered the point about whether it is right to make the residents pay high fares.*

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

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Madam President, I have already replied the question. We will certainly ensure that the works will have minimum impact on the daily operation of the ferry services. In fact, by the time when the consultation is completed and works start, it may already be the end of the three-year period. This is because consultation is still in process, and after which the project still needs to be approved by the TPB and go through the designing and funding process. I have already stated just now that the Government, as the owner of the piers, will shoulder the construction cost. In this connection, I believe that time-wise, there is a process to go through.

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

MRS SELINA CHOW (in Cantonese): *The Secretary mentioned in part (a) of the main reply a fundamental question, that is, outlying islands have a relatively small population which limits the patronage. The solution to this problem is to tap new sources of revenue and cut spending. Economically speaking, tapping new sources of revenue is an important solution. I hold that it requires a planning on various fronts to increase the pedestrian flow, rather than relying on the Transport and Housing Bureau alone to address the issue. May the Secretary inform this Council whether she will do this in conjunction with other Policy Bureaux? If she will, how and when she will do it?*

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Madam President, I believe one feasible way to increase the pedestrian flow is to improve the facilities on outlying islands and promote tourism, and one of the important projects is the Facelift of Mui Wo which is still at the planning and consultation stage. We wish to kick start the project at the soonest time before 2009 and estimate that the project will cost some \$260 million. The project will be taken up by the Civil Engineering and Development Department.

Promoting outlying island tourism is certainly very important. For instance, the Tourism Commission is actively promoting scenic spots and cultural activities. The Hong Kong Tourism Board also introduces to tourists

quality guided tours to outlying islands. In fact, we also introduce a lot of related information to tourists, such as information on Lamma Island which is a very popular outlying island. This is a very good book and I recommend it to Members. It promotes the outlying islands to tourists by introducing to them how to make better use of the resources of outlying islands.

PRESIDENT (in Cantonese): There are in fact several Members wishing to put supplementary questions in respect of this question. Given the time constraint, will Members please follow up the issue through other channels.

PRESIDENT (in Cantonese): Last oral question.

Operation of Ngong Ping 360

6. **MR JEFFREY LAM** (in Cantonese): *President, since its re-opening at the end of last year, there have been several incidents of the service of the Ngong Ping 360 cable car system being suspended. In one of the more serious incidents which occurred on the 11th of last month, 150 passengers were stranded in the cabins for nearly one and a half hours. In this connection, will the Government inform this Council:*

- (a) *of the reasons for the repeated incidents of service suspension after the re-opening of the cable car system, and whether mechanical wear and tear and maintenance problems were involved;*
- (b) *whether Ngong Ping 360 Limited (the Company) has fully implemented the measures for improving the operational safety of the cable car system recommended by the Expert Panel in its report on the cabin dislodgement incident; if not, of the details and reasons for that; and*
- (c) *of the average daily number of passengers since the re-opening of the cable car system, and how this figure compares with that for the period between its commissioning in September 2006 and the service suspension in June last year?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): Since resumption of service on 31 December 2007, the Ngong Ping cable car has been operating smoothly in general, with an average reliability rate of 99%. Moreover, the Company has also stepped up its publicity and promotion efforts, including organizing special activities during the Chinese New Year, Easter holidays, Buddha's Birthday and so on. Within this short period of time, the number of visitors has resumed to the level before re-opening. That said, the Government is very concerned about the recent service suspension incidents, and has written to the Company urging it to strengthen the operation, maintenance and management of the cable car system in order to improve its service. My reply to Mr Jeffrey LAM's question is as follows:

- (a) Between March and April this year, there were three service suspensions lasting 30 minutes or more, which affected the reliability of the cable car service. After investigation, the Electrical and Mechanical Services Department (EMSD) considered that the incidents were not caused by mechanical wear and tear. The Company had also followed the maintenance manual provided by the manufacturer and trade practices adopted in other countries. The service suspensions were caused by improper belt tension, which led to dislodgement of driving belts from their normal positions. The resulting incorrect separation between the cabins inside the station activated the monitoring system and halted the operation of the cable car system. The incidents, which occurred at Ngong Ping Terminal and Nei Lak Shan Angle Station respectively, involved non-linear belt and pulley assemblies of different configuration.

The EMSD will continue to closely monitor the situation. The Company has already implemented improvement measures including installation of additional tensioners for all non-linear belt and pulley assemblies at Ngong Ping Terminal and Nei Lak Shan Angle Station to maintain belt tension. Installation works for Ngong Ping Terminal were completed in end April. The works for Nei Lak Shan Angle Station would be completed in May.

The EMSD is of the view that although the incidents have affected the reliability of the cable car service, the system itself is safe. During the incident, the monitoring system had worked perfectly

well by immediately halting the cable car operation upon detection of abnormal separation between the cabins inside the station.

- (b) Before the Ngong Ping cable car was re-opened to the public in end 2007, the Company had complied with all the prerequisite requirements in relation to the operational safety of the cable car system as recommended in the Expert Panel's report on the cabin dislodgement incident that took place in June 2007. The EMSD was satisfied with the improvement measures implemented by the Company before approving the resumption of the cable car service.

The improvement measures implemented by the Company before the re-opening of the cable car service included enhancing the training for operators and maintenance staff, establishing clear and systematic operation and maintenance procedures and guidelines, keeping adequate stock for all spare parts and materials, maintaining operation records, implementing regular preventive maintenance, introducing ISO 9001 quality management system, increasing the number of operation and maintenance staff and so on.

The experts concluded that the design of the Ngong Ping cable car system complied with prevailing international standards and practices. The EMSD will continue to closely monitor the operation of the cable car system and ensure that the Company will continuously and effectively implement all improvement measures.

- (c) Since resumption of its services on 31 December 2007, the Ngong Ping cable car system received over 600 000 visitors in the first four months, with an average daily patronage of over 5 000, similar to that in the same period last year. The Company will continue to stage more promotion and publicity events, and will work closely with the Hong Kong Tourism Board (HKTB) and the travel trade to step up its overseas promotion, with a view to attracting more visitors and making Ngong Ping 360 a must-visit tourist attraction.

MR JEFFREY LAM (in Cantonese): *President, in his reply the Secretary seemed to have glossed over the seriousness of the service suspension incidents. The service suspension incident on 11 April has left passengers stranded in midair for one and a half hours. In his reply to part (a) of the main question,*

the Secretary stated that the incidents of service suspension have affected the reliability of the cable car system, but the system itself is safe. But I think if the reliability of the system is questionable, this will affect its safety. I thus hold that

PRESIDENT (in Cantonese): Mr Jeffrey LAM, please ask your supplementary question directly.

MR JEFFREY LAM (in Cantonese): *Alright. May I ask the Secretary why the structural problem was discovered only after the incidents happened? Other than installing belt tensioners, what other measures are there to prevent these incidents, be they major or minor, from happening frequently?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): As I have said in the main reply, the Government is gravely concerned about the incidents of service suspension of the cable car system. The Company and the EMSD all wish that the Ngong Ping 360 cable car system has zero-defect, but the point is, we need to understand that a cable car system is indeed very complicated. The Ngong Ping 360 cable car system has 1 344 sets of belt and pulley assemblies. In the few months since resuming operation, each cabin has run for over 150 000 times. That said, I believe the Company will endeavour to perfect the operation of the system, including its work in respect of maintenance and staff training. The EMSD will also continue to maintain close liaison with the Company to monitor the operation of the system, with a view to achieving a zero-defect operation.

MR BERNARD CHAN (in Cantonese): *The Secretary mentioned in part (c) of the main reply that the Company will work in conjunction with the HKTB and the travel trade to promote the Ngong Ping cable car system in Hong Kong. May I ask, after the several accidents and the extensive media coverage, what difficulties the travel trade has encountered in promoting overseas this tourist attraction? Is the place an attractive tourist spot to the tourists?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): As I pointed out in the main reply, the patronage of the Ngong Ping

360 cable car system in the first four months since its service resumption is similar to that of last year during its initial operation. In other words, despite the cabin dislodgement incident in June 2007 and the service suspension incidents, tourists' confidence seems to remain unaffected and the Ngong Ping cable car system manages to attract many overseas and local tourists to enjoy Ngong Ping's beautiful scenery by riding in the cable car. I again call on Members who have not tried the Ngong Ping cable car to do so. This is truly worth a try.

To my understanding, the HKTB has some misgivings in the beginning when they conducted their overseas promotion after the re-opening of the Ngong Ping cable car service, because they were not quite sure of the situation. After a few months of operation, despite the fact that there were still a few incidents of service suspension, overseas tourists generally find it a very attractive tourist spot.

MR HOWARD YOUNG (in Cantonese): *Madam President, I remember that before the cabin dislodgement incident, the EMSD had already conducted over 100 regular inspections and issued 40-odd advisory notices. May I ask whether the EMSD has continued to conduct any random inspection since the service resumption, and whether it has issued any advisory or warning notices?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): I can assure Mr YOUNG that since the re-opening of the cable car system on 31 December 2007, the EMSD has continued to closely monitor the operation of the system. As far as I know, the EMSD conducts at least two on-site inspections a week and maintains close liaison with the Company. As for the exact numbers, I can provide supplementary information in writing later. (Appendix II)

Nevertheless, I am certain that colleagues of the EMSD and the Company have maintained close contacts and will regularly monitor the operation of the system.

MR ANDREW CHENG (in Cantonese): *The Secretary mentioned in part (b) of the main reply that before the cable car system was re-opened to the public in end 2007, the Company had complied with the prerequisite requirements concerning*

operational safety as recommended in the Expert Panel's report. Regarding the recent incidents of service breakdown, the Secretary said that they are unrelated to the safety of the system and they only affect its reliability. However, the Secretary said that the cable car system is very complicated, and the reliability of the system will affect tourists' confidence. May I ask the Secretary, considering that the previous Expert Panel's report might not have put forth recommendations on system reliability, whether the Secretary will engage different experts to review and inspect on a regular basis the reliability and safety of the system, so as to enhance the Ngong Ping 360 cable car service?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): Mr CHENG is correct in saying that we will always need to enhance the reliability of the cable car system, and we will not just sit by after the recommendations in the Expert Panel's report are implemented. In fact, we have made ongoing efforts to improve the operation of the Ngong Ping cable car system. For instance, in response to the incident that Mr Jeffrey LAM mentioned just now in which passengers were stranded in midair in April, we have redeployed the more experienced maintenance staff from Tung Chung Station to Nei Lak Shan Angle Station. If Members have taken the cable car before, they will know that Nei Lak Shan is very far away from Tung Chung Station, and one has to pass through many small trails before arriving there. Why were the passengers stranded for such a long time in that incident? Because the experienced staff had to spend a lot of time going from Tung Chung to Nei Lak Shan. Thus, after that incident, the Company has redeployed some experienced staff to man the Nei Lak Shan Angle Station. We certainly do not wish to see these incidents happen again, but even if they happen, the staff will be able to handle the problem promptly.

Moreover, as I said in the main reply, they will install additional tensioners to maintain proper belt tension. The installation works will be completed in May, that is, in about two weeks' time. We will certainly inspect on a regular basis the non-linear belt and pulley assemblies in the cable car system. As I said just now, the cause of the incidents involved these non-linear belt and pulley assemblies. They will certainly continue to monitor this and step up day-to-day security work, staff straining and so on. My answer to Mr CHENG's supplementary question is that, in a nutshell, the improvement works of the Ngong Ping 360 cable car system will be ongoing, with a view to achieving zero-defect.

MR ANDREW CHENG (in Cantonese): *President, the Secretary has not replied whether experts will be commissioned because the expert commissioned last time only examined the safety issue, and accidents or service breakdown still took place after the report was completed. The purpose of commissioning experts on a regular basis is not only for internal inspection, but also for reviewing, investigating and providing recommendations on the safety and reliability of the system.*

PRESIDENT (in Cantonese): Are you asking whether the Secretary will do so?

MR ANDREW CHENG (in Cantonese): *Yes.*

PRESIDENT (in Cantonese): Secretary, please reply.

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): According to the information obtained from the Company, this is what the Company will do. The Company will commission an independent expert on cable car to conduct a comprehensive review of the cable car system, so as to ensure the stability and reliability of the system. Work is already in progress.

MRS SELINA CHOW (in Cantonese): *President, let me recall each of these undesirable incidents. The Secretary stated just now that there were three incidents of service suspension lasting 30 minutes or more, but he did not specify that one of them lasted for one and a half hours. May I ask the Secretary whether the investigation had looked into whether there was a need for the service suspension to last that long? Was the Company, by halting the operation for a long time before restarting the system, over cautious, resulting in passengers being stranded in the cabins in midair? Is there any measure to shorten as far as possible the time that passengers are left waiting in midair?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): I believe that should such an incident happen, the Company's staff

will take actions at the first instance. As I explained just now in response to the situation that Mr Jeffrey LAM mentioned where passengers were stranded in midair for an hour or so, the long service suspension was necessary because a crew had to be redeployed from Tung Chung to Nei Lak Shan, which is a very long distance. This was not due to other reasons. My understanding is that the maintenance crew had to go uphill to repair the belts and resume their normal operation before the cabins could enter the station. This is also out of safety reason as they could not allow the cable cars to operate as usual if the belts had come off or loosened.

For safety reason, they must tackle the mechanical problem before letting the passengers disembark. This is thus a matter of safety. The Company's staff had spared no efforts in fixing the problem and had taken the matter very seriously to ensure the safe return of the passengers to the station in the shortest time possible.

MRS SELINA CHOW (in Cantonese): *President, the Secretary did not get the crux of my supplementary question. I was not talking about the previous problems. My point is that we need to look ahead, that is, whether in future we can shorten the time as far as possible during which passengers are stranded in midair? Has the Government considered this issue when it commissioned the experts? That is, on the pretext of not affecting passenger safety, has it considered shortening as far as possible the time of service suspension?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): I explained just now that a crew of experienced staff is now deployed to station at Nei Lak Shan Angle Station. We certainly do not wish to see such an incident happen again in future, but should it happen, the time of service suspension will be shortened. The operation can be adjusted manually. As far as I understand it, the Company will also deploy more manpower to handle this task. Should a problem arise, maintenance staff will be redeployed immediately to tackle the problem, with a view to minimizing the time that passengers are stranded in the cabins in case such an incident happens. In this connection, I can assure Mrs Selina CHOW that the Company's staff will do their utmost to tackle the problem.

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

MR HOWARD YOUNG (in Cantonese): *President, the Secretary mentioned in part (c) of the main reply that in the first four months since its service resumption, the Company's average daily patronage reached 5 000, which was similar to that in the same period last year. May I ask the Secretary whether this figure is close to its full capacity, which will pose a risk to the reliability of the system?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): In my understanding, it will not, because the figure has not yet reached the point of saturation.

PRESIDENT (in Cantonese): Oral question ends here.

WRITTEN ANSWERS TO QUESTIONS

Voter Registration

7. **MR LAU CHIN-SHEK** (in Chinese): *President, in its paper presented to this Council's Panel on Constitutional Affairs in March this year on the voter registration campaign for the 2008 Legislative Council election, the Government stated that according to the last final register published in September last year, there were 3.3 million registered electors for geographical constituencies, representing 71% of the estimated total number of eligible electors. In this connection, will the Government inform this Council:*

- (a) *of the respective percentages of people of various age groups who have registered as the above electors as at September last year, broken down by the age groups of registered electors for Legislative Council constituencies posted on the government websites;*
- (b) *whether the authorities have assessed which age groups and social strata the more than 1 million eligible electors, who have not yet registered as at September last year, mainly belong to, as well as the characteristics of their social status; and*

- (c) *apart from the strategies and activities mentioned in the above paper, whether the authorities have concrete strategies to boost the registration rate of eligible electors significantly?*

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Chinese): President,

- (a) The distribution of registered electors in the 2007 Final Register of Electors and the respective registration rates by age groups are at the Annex.
- (b) Based on information about Hong Kong's overall population and the number of Hong Kong permanent residents provided by the Census and Statistics Department and the Immigration Department respectively, the Registration and Electoral Office (REO) estimated that for 2007, there were about 4.6 million persons in Hong Kong eligible for registration as electors for the geographical constituencies (that is, permanent residents of Hong Kong aged over 18). As there are about 3.3 million registered electors, the estimated number of eligible electors who have not yet registered is about 1.3 million. Their distribution by age groups is at the Annex. We do not have detailed figures in respect of the social strata or the characteristics of their social status of these 1.3 million persons.
- (c) As set out in the paper provided by the Administration to the Legislative Council Panel on Constitutional Affairs, the Voter Registration Drive runs from early April to 16 May 2008. During the period, the Administration is undertaking a series of publicity events and activities to encourage potential electors for registration, and to remind registered electors who have changed their registration particulars to update their records with the REO. These events and activities include broadcasting announcements of public interest (APIs) on television and radio; displaying banners, buntings and posters; placing advertisements in MTR stations, bus, tram and taxi bodies; setting up voter registration counters in locations with high pedestrian flow; and conducting visits to residential developments newly completed in recent years.

In addition, the REO has put in place the following activities to encourage young people to register as voters:

- setting up registration counters in Registration of Persons Offices of the Immigration Department to invite youngsters reaching 18 who apply for adult Identity Cards to register;
- distributing and collecting registration forms to/from secondary schools and higher education institutions;
- continuing to run the School Visit Programme in the 2007-2008 school year, so as to promote voter registration to secondary school students of senior forms ; and
- setting up roving registration counters in higher education institutions, to facilitate eligible students to register.

In addition to the items mentioned in the Panel paper, the Administration has also produced souvenirs and arranged segments in popular radio programmes (including those targeting young audiences), so as to encourage through a multi-pronged approach more eligible persons to register as voters.

Annex

2007 Final Register of Electors — Age Distribution of Electors

<i>Age Group</i>	<i>Estimated Potential Electors (a)</i>	<i>Registered Electors (b)</i>	<i>Estimated Non-registered electors (c) = (a) - (b)</i>	<i>Registration Rate (%) (d) = (b)/(a) x 100%</i>
18 - 20	241 900	70 480	171 420	29.14
21 - 25	396 400	193 927	202 473	48.92
26 - 30	369 700	246 542	123 158	66.69
31 - 35	372 600	276 937	95 663	74.33
36 - 40	387 500	283 827	103 673	73.25
41 - 45	502 300	384 115	118 185	76.47
46 - 50	540 800	439 726	101 074	81.31
51 - 55	444 600	367 123	77 477	82.57
56 - 60	365 300	296 873	68 427	81.27
61 - 65	212 800	174 197	38 603	81.86
66 - 70	227 000	162 442	64 558	71.56
71 or above	561 500	399 637	161 863	71.17
Total	4 622 400 (around 4.6 M)	3 295 826 (around 3.3 M)	1 326 574 (around 1.3 M)	71.30 (around 71%)

Default Cases of Non-means Tested Loan Schemes

8. **MR ALBERT HO** (in Chinese): *President, regarding the default cases of the three non-means tested loan schemes applicable respectively to different types of post-secondary students, will the Government inform this Council:*

- (a) *given that as at January 31 this year, there were 6 677 default cases of the Non-means Tested Loan Scheme applicable to students not covered by the Tertiary Student Finance Scheme — Publicly-funded Programmes (TSFS) and the Financial Assistance Scheme for Post-secondary Students, of a breakdown of such cases by the types of the programmes (publicly-funded degree programmes, self-financing degree programmes and sub-degree programmes, and so on) the borrowers were taking when they applied for the loans, as well as the respective amounts of money in default;*
- (b) *of the number of cases in which the borrowers failed to make repayment on or before the relevant due dates after they had applied to the Student Financial Assistance Agency (SFAA) for partial repayment of their loans in the past five years and the amount of money involved, as well as a breakdown of such figures by the loan schemes; whether SFAA classifies these cases as default cases; if not, how SFAA classifies them; and*
- (c) *of the reasons why SFAA has set the overdue interest rate for borrowers defaulting on repayments at a level higher than the prevailing interest rate under the various loan schemes (with a difference of 0.951% per annum between the two rates)?*

SECRETARY FOR EDUCATION (in Chinese): *President,*

- (a) *Students of The Open University of Hong Kong, students of the Hong Kong Shue Yan University, students pursuing part-time publicly-funded programmes or self-financing award-bearing programmes offered by publicly-funded institutions (including their school of professional and continuing education), students pursuing programmes offered under the "Project Yi Jin", and persons pursuing continuing and professional education courses offered by registered schools, non-local universities and recognized training bodies may apply for loans to pay for their tuition fees under the*

Non-means Tested Loan Scheme applicable to students not covered by the TSFS and the Financial Assistance Scheme for Post-secondary Students (FASP). In view of the large number of study programmes involved, the SFAA has not maintained statistics on default cases by the types of study programme.

- (b) The SFAA appreciates that individual loan borrowers may encounter difficulties in repaying their loans and has therefore put in place an effective mechanism for handling such problems. If loan borrowers are unable to repay their loans owing to financial hardship, further studies or serious illness, they may apply to the SFAA for assistance with support of documentary proofs. To help loan borrowers tide over their difficulties, the SFAA will, on the basis of individual merits, approve deferment of loan repayment. We encourage loan borrowers with difficulties in repayment to approach the SFAA for assistance.

Statistically, the SFAA classifies loan borrowers who have failed to repay two or more consecutive quarterly instalments as defaulters. This does not include those who have been allowed to defer repayment. If a loan borrower has applied for partial repayment but failed to make the relevant repayment on the due date, the SFAA will take the application as having been withdrawn by the loan borrower, and will request the loan borrower to repay the loan according to the original loan repayment arrangement. Regardless of whether the loan borrower has at times repaid on time, if he subsequently fails to repay two or more consecutive quarterly instalments, he will be classified as a defaulter. The SFAA has not maintained statistics on cases where loan borrowers had applied for partial repayment but failed to make the relevant repayment on or before the due dates.

- (c) At present, loans provided under the various non-means tested loan schemes do not require a means test or support of any collaterals. Interest rate is calculated on a no-gain-no-loss and full-cost-recovery basis. The prevailing interest rate is 4.382% per annum. Upon completion or cessation of their studies, loan borrowers are required to repay the relevant loans and interest in quarterly instalments within 10 years. Loan borrowers are required to pay overdue interest at a rate equal to the average best lending rate of the note-issuing banks if they fail to make their loan repayments on time. The prevailing overdue interest rate is 5.333% per annum.

The overdue interest rate is higher than the interest rate for non-means tested loans. This is to encourage loan borrowers to make loan repayment on time and to prevent abuse of the loan schemes. The arrangement of overdue interest will only affect those borrowers who have breached their undertaking and evade their responsibilities in loan repayment. It will not affect the borrowers who repay their loans on time, or who have genuine difficulties in loan repayment but have approached the SFAA for assistance.

Applications for Deferring Repayment of Student Loans

9. **DR YEUNG SUM** (in Chinese): *President, regarding the Tertiary Student Finance Scheme — Publicly-funded Programmes (TSFS), the Financial Assistance Scheme for Post-secondary Students (FASP), the Non-means Tested Loan Scheme applicable to full-time students eligible for TSFS, the Non-means Tested Loan Scheme applicable to full-time students eligible for FASP, and the Non-means Tested Loan Scheme applicable to students not covered by TSFS and FASP, will the Government inform this Council of:*

- (a) *the respective numbers of loan accounts and repayment accounts in each scheme over the past five years, the total amount involved and the interest payment therein;*
- (b) *the procedure adopted by the Student Financial Assistance Agency (SFAA) for vetting and approving applications for deferring repayment; and*
- (c) *the respective numbers of applications for deferring repayment received by SFAA under each scheme in the past five years on grounds of further studies, financial hardship and serious illness, as well as the respective numbers of applications approved; whether SFAA will approve applications for deferring repayment on other grounds; if so, of a breakdown, by such grounds, of the applications received and approved under each scheme in the past five years?*

SECRETARY FOR EDUCATION (in Chinese): President,

- (a) In the 2003-2004 to 2007-2008 academic years, the number of loan accounts and repayment accounts, the amount of loans involved and

the amount of interest received under the TSFS (Scheme 1), the FASP (Scheme 2), the Non-means Tested Loan Scheme (Scheme 3) applicable to full-time students eligible for TSFS, the Non-means Tested Loan Scheme (Scheme 4) applicable to full-time students eligible for FASP, and the Non-means Tested Loan Scheme (Scheme 5) applicable to students not covered by TSFS and FASP are as follows:

Loan Scheme		Academic Year				
		2003-2004	2004-2005	2005-2006	2006-2007	2007-2008*
Scheme 1 ¹	Number of loan accounts	99 567	91 016	84 489	79 764	72 716
	Outstanding loan principal under loan accounts (\$ million)	2,594.29	2,418.80	2,309.90	2,199.86	2,213.01
	Number of repayment accounts	65 436	64 178	55 269	53 241	52 242
	Outstanding loan principal under repayment accounts (\$ million)	1,306.28	1,237.55	1,172.91	1,146.09	1,364.16
	Interest received (\$ million)	37.39	33.70	31.70	42.78	14.80
Scheme 2	Number of loan accounts	4 554	6 926	9 419	9 308	9 574
	Outstanding loan principal under loan accounts (\$ million)	144.07	229.70	315.49	305.25	308.31
	Number of repayment accounts	608	1 625	3 106	5 091	7 131
	Outstanding loan principal under repayment accounts (\$ million)	17.95	51.70	102.19	164.41	229.96
	Interest received (\$ million)	0.32	0.96	2.01	3.31	2.04
Scheme 3	Number of loan accounts	24 207	26 676	26 939	27 556	28 198
	Outstanding loan principal under loan accounts (\$ million)	1,187.88	1,303.56	1,315.95	1,307.95	1,330.18
	Number of repayment accounts	Not applicable ²	15 431	17 344	19 200	21 583
	Outstanding loan principal under repayment accounts (\$ million)	558.01	692.74	770.94	829.00	954.99
	Interest received (\$ million)	34.14	44.01	70.62	77.86	40.00
Scheme 4	Number of loan accounts	6 941	10 841	14 159	16 707	19 454
	Outstanding loan principal under loan accounts (\$ million)	504.96	784.47	1,041.88	1,264.19	1,468.72
	Number of repayment accounts	Not applicable ²	2 836	4 654	7 151	10 111
	Outstanding loan principal under repayment accounts (\$ million)	77.67	208.57	359.97	543.36	788.40
	Interest received (\$ million)	3.45	9.12	24.94	39.10	24.02
Scheme 5	Number of loan accounts	26 922	39 511	48 839	54 658	59 702
	Outstanding loan principal under loan accounts (\$ million)	993.51	1,458.85	1,785.90	1,984.09	2,142.02
	Number of repayment accounts	Not applicable ²	19 102	29 061	36 071	40 481
	Outstanding loan principal under repayment accounts (\$ million)	328.39	623.29	943.93	1,175.08	1,321.34
	Interest received (\$ million)	13.63	28.38	62.39	78.31	45.42

* As at 31 January 2008

¹ The figures refer to the combined figures under TSFS and the Student Finance Assistance Scheme. Breakdown of the figures under the two schemes is not available.

² The SFAA started to compile statistics on repayment accounts under various non-means tested loan schemes from the 2004-2005 academic year. Statistics before that year are not available.

(b) and (c)

The SFAA appreciates that individual loan borrowers may encounter difficulties in repaying their loans and has therefore put in place an effective mechanism for handling such problems. If loan borrowers are unable to repay their loans owing to financial hardship, further studies or serious illness, they may apply to the SFAA for assistance with support of documentary proofs. To help loan borrowers tide over their difficulties, the SFAA will, on the basis of individual merits, approve deferment of loan repayment.

In the 2003-2004 to 2007-2008 academic years, the number of applications for deferment of loan repayment and cases approved under the various loan schemes are as follows:

<i>Loan Scheme</i>	<i>Academic Year</i>				
	<i>2003-2004</i>	<i>2004-2005</i>	<i>2005-2006</i>	<i>2006-2007</i>	<i>2007-2008*</i>
Scheme 1					
Total number of applications for deferment	4 118	3 803	3 842	3 261	2 129
Financial hardship	1 890	1 701	1 690	1 378	672
Further studies	2 206	2 093	2 150	1 875	1 443
Illness	22	9	2	8	14
Total number of approved cases for deferment	3 321	2 962	3 114	2 624	920
Financial hardship	1 337	1 135	1 186	981	274
Further studies	1 965	1 820	1 926	1 640	643
Illness	19	7	2	3	3
Scheme 2					
Total number of applications for deferment	229	435	598	868	675
Financial hardship	43	77	165	196	136
Further studies	185	356	432	671	539
Illness	1	2	1	1	0
Total number of approved cases for deferment	209	399	537	785	505
Financial hardship	29	49	115	132	45
Further studies	179	349	421	652	460
Illness	1	1	1	1	0
Scheme 3					
Total number of applications for deferment	988	969	1 026	913	558
Financial hardship	494	462	497	459	246
Further studies	490	505	527	453	305
Illness	4	2	2	1	7
Total number of approved cases for deferment	743	735	767	672	251
Financial hardship	317	298	302	294	96
Further studies	422	437	463	378	153
Illness	4	0	2	0	2

Loan Scheme	Academic Year				
	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008*
Scheme 4					
Total number of applications for deferment	433	826	1 215	1 732	1 221
Financial hardship	136	219	434	623	377
Further studies	295	606	781	1 107	842
Illness	2	1	0	2	2
Total number of approved cases for deferment	335	667	876	1 372	420
Financial hardship	96	137	233	414	129
Further studies	238	529	643	956	291
Illness	1	1	0	2	0
Scheme 5					
Total number of applications for deferment	737	1 113	1 674	1 741	1 051
Financial hardship	377	482	745	939	516
Further studies	353	626	928	797	529
Illness	7	5	1	5	6
Total number of approved cases for deferment	490	695	948	1 046	358
Financial hardship	231	242	326	511	199
Further studies	255	448	622	534	157
Illness	4	5	0	1	2

* The number of applications for deferment of loan repayment and cases approved in the 2007-2008 academic year shows the position as at 31 January 2008. The number of approved cases does not reflect the result of applications submitted immediately before this date.

Air Pollution Index and Air Quality Objectives

10. **MR MARTIN LEE** (in Chinese): *President, regarding the Air Pollution Index and Air Quality Objectives (AQOs), will the Government inform this Council:*

- (a) *given that there are currently only 14 air quality monitoring stations in Hong Kong, whether the Environmental Protection Department (EPD) will consider setting up more monitoring stations to better grasp the state of air pollution in various districts; if so, of the details; and*
- (b) *whether it has studied if the concentration of air pollutants in Hong Kong will persistently exceed the prescribed standards should the AQOs adopted in Hong Kong be raised to the relevant standards adopted by the European Union?*

SECRETARY FOR THE ENVIRONMENT (in Chinese): President,

- (a) The current monitoring network, which comprises 14 air quality monitoring stations (AQMS), covers major areas from East to West and from South to North of the territory. In terms of land uses, it also covers different types of development, such as residential areas, mixed residential/commercial areas, mixed residential/commercial/industrial areas, rural areas and busy urban roadside areas. On the whole, the results of the current air quality monitoring network can therefore adequately reflect the lowest to the highest air pollution levels in Hong Kong as well as the air quality in different types of development areas. We have no plan at the moment to make any change to the monitoring network or to increase the number of AQMS.
- (b) At present, the air quality standards of the European Union are not yet fully adopted as statutory standards. Among them, the standard for nitrogen dioxide will become statutory from January 2010, and that for ozone will be adopted as the target level rather than the statutory standard no sooner than January 2010.

The EPD has assessed if the levels of major air pollutants in Hong Kong for the year of 2006 met the European Union air quality standards. The findings indicate that the levels of carbon monoxide, sulphur dioxide and lead met the European Union standards, while those of respirable suspended particulates, nitrogen dioxide and ozone exceeded the European Union standards to different extent.

Moreover, the EPD commenced in June 2007 an 18-month study to comprehensively review the Hong Kong AQOs and the long-term air quality management strategy, with reference to guidelines and standards of the World Health Organization, as well as those being adopted by places such as the European Union and the United States. The study will also recommend new AQOs and the necessary strategy and measures for achieving them.

Departure of Nurses in Hospital Authority

11. **DR JOSEPH LEE** (in Chinese): *President, regarding the problem of departure of nurses in the Hospital Authority (HA) in recent years, will the Government inform this Council whether it knows:*

- (a) *the respective numbers of general nurses and psychiatric nurses in various HA's hospital clusters who departed in the past five years, and the respective numbers of newly employed nurses to fill the vacancies concerned (please provide the figures in the following table);*

<i>Rank</i>	<i>Hong Kong East Cluster</i>	<i>Hong Kong West Cluster</i>	<i>Kowloon Central Cluster</i>	<i>Kowloon East Cluster</i>	<i>Kowloon West Cluster</i>	<i>New Territories East Cluster</i>	<i>New Territories West Cluster</i>
<i>General Manager (Nursing)</i>							
<i>Department Operations Manager</i>							
<i>Senior Nursing Officer</i>							
<i>Ward Manager</i>							
<i>Nursing Officer</i>							
<i>Nurse Specialist</i>							
<i>Advanced Practice Nurse</i>							
<i>Registered Nurse</i>							
<i>Enrolled Nurse</i>							

- (b) *whether HA has filled all of the above vacancies; if not, the reasons for that; and*
- (c) *the measures to be adopted by HA in the next five years for improving the situation of departure of its nurses?*

SECRETARY FOR LABOUR AND WELFARE (in the absence of Secretary for Food and Health) (in Chinese): President,

- (a) The numbers of general nurses and psychiatric nurses in the respective hospital clusters who departed in the past five years are set out in Annex 1. The HA fills the vacancies of nurses at basic ranks mainly through the recruitment of nursing graduates while the vacancies of nurses at other ranks are filled by internal promotion.

The numbers of newly employed nurses in the respective hospital clusters under the HA in the past five years are set out in Annex 2.

- (b) The HA was unable to fill all of the nurse vacancies mainly because the number of nurses that could be recruited each year was affected by the overall number of nursing graduates available and the market demand and supply. Besides, keen competition in the job market has also created recruitment difficulties.
- (c) The HA had in the past taken positive steps to formulate policies for retention of its nurses. For instance, the entry pay for nurses was raised by two points starting from October 2007. Also, as a form of recognition and encouragement of their continued service in the HA, an additional increment was granted to nurses who joined the HA between 2002 and 2005.

The HA will continue to strengthen the measures for retention of its nursing staff through comprehensive strategies. These measures include: (i) providing training for enrolled nurses and registered nurses to increase nursing manpower. For example, the HA has planned to provide training for 480 nurse students and recruit 690 nursing graduates in 2008-2009; (ii) relieving nurses from non-nursing work; (iii) improving the facilities regularly used by nurses so as to reduce their workload; (iv) allowing greater flexibility in the recruitment of nurses such as counting recognized working experience in terms of months, setting up of a pool of manpower for nurses, hiring more part-time nurses, and so on; and (v) implementing of a career development structure for nurses by making available to nurses serving in the HA two avenues for career advancement, one in the clinical stream and the other in management stream, so as to broaden their career prospects. Besides, after consultation with nursing staff, the HA will formulate a series of measures to enhance the implementation of the career development structure for nurses. These measures include providing more career advancement avenues for nurses in the clinical stream, strengthening clinical supervision and enhancing the roles and functions of nurses. The HA will announce the relevant details upon completion of the internal vetting and approving procedures. It will also conduct a review on the effectiveness of these measures and the way forward having regard to the service demand.

Annex 1

Number of nurses (general and psychiatric)
in HA's hospital clusters who departed in the past five years

2003-2004

<i>Rank</i>	<i>Hong Kong East Cluster</i>	<i>Hong Kong West Cluster</i>	<i>Kowloon Central Cluster</i>	<i>Kowloon East Cluster</i>	<i>Kowloon West Cluster</i>	<i>New Territories East Cluster</i>	<i>New Territories West Cluster</i>	<i>Total</i>
General Manager (Nursing)	0	0	0	0	0	0	0	0
Department Operations Manager	3	1	4	1	6	1	4	20
Senior Nursing Officer	0	1	5	1	2	0	2	11
Ward Manager	6	8	5	4	12	8	8	51
Nursing Officer	19	19	21	10	55	11	9	144
Nurse Specialist	1	2	0	0	5	0	2	10
Advanced Practice Nurse	0	0	0	0	0	0	0	0
Registered Nurse	47	65	47	26	100	73	49	407
Enrolled Nurse	30	36	14	10	52	25	31	198
Total	106	132	96	52	232	118	105	841

Note: The above departure numbers included 584 nursing staff who joined the voluntary retirement scheme.
The overall number of nurses in HA that year was 19 308 and the nurse departure rate was 4.4%.

2004-2005

<i>Rank</i>	<i>Hong Kong East Cluster</i>	<i>Hong Kong West Cluster</i>	<i>Kowloon Central Cluster</i>	<i>Kowloon East Cluster</i>	<i>Kowloon West Cluster</i>	<i>New Territories East Cluster</i>	<i>New Territories West Cluster</i>	<i>Total</i>
General Manager (Nursing)	1	0	0	0	0	1	2	4
Department Operations Manager	2	1	2	0	6	3	2	16
Senior Nursing Officer	1	0	4	2	3	1	2	13
Ward Manager	6	9	10	0	11	11	8	55
Nursing Officer	6	27	35	4	26	16	17	131
Nurse Specialist	0	0	0	0	1	0	0	1
Advanced Practice Nurse	0	0	0	0	0	0	2	2
Registered Nurse	27	41	40	29	55	46	38	276
Enrolled Nurse	16	11	27	6	36	20	10	126
Total	59	89	118	41	138	98	81	624

Note: The above departure numbers included 254 nursing staff who joined the voluntary retirement scheme.
The overall number of nurses in HA that year was 19 162 and the nurse departure rate was 3.3%.

2005-2006

<i>Rank</i>	<i>Hong Kong East Cluster</i>	<i>Hong Kong West Cluster</i>	<i>Kowloon Central Cluster</i>	<i>Kowloon East Cluster</i>	<i>Kowloon West Cluster</i>	<i>New Territories East Cluster</i>	<i>New Territories West Cluster</i>	<i>Total</i>
General Manager (Nursing)	1	0	0	0	0	0	0	1
Department Operations Manager	1	2	1	0	3	0	1	8
Senior Nursing Officer	0	0	0	0	0	1	0	1
Ward Manager	0	2	4	0	6	0	1	13
Nursing Officer	1	6	4	6	9	2	1	29
Nurse Specialist	2	0	1	0	1	0	0	4
Advanced Practice Nurse	2	1	0	0	1	0	0	4
Registered Nurse	29	33	40	27	63	53	38	283
Enrolled Nurse	12	6	6	2	9	12	9	56
Total	48	50	56	35	92	68	50	399

Note: The overall number of nurses in HA that year was 19 248 and the nurse departure rate was 2.1%.

2006-2007

<i>Rank</i>	<i>Hong Kong East Cluster</i>	<i>Hong Kong West Cluster</i>	<i>Kowloon Central Cluster</i>	<i>Kowloon East Cluster</i>	<i>Kowloon West Cluster</i>	<i>New Territories East Cluster</i>	<i>New Territories West Cluster</i>	<i>Total</i>
General Manager (Nursing)	0	0	0	0	0	0	0	0
Department Operations Manager	0	1	2	0	2	0	0	5
Senior Nursing Officer	0	0	0	0	1	0	0	1
Ward Manager/ Advanced Practice Nurse (Ward Management)	1	2	4	0	7	1	2	17
Nursing Officer	2	6	6	1	16	3	3	37
Nurse Specialist	1	0	0		1	0	1	3
Advanced Practice Nurse	0	0	0	1	1	0	0	2
Registered Nurse	60	71	41	49	100	75	72	468
Enrolled Nurse	8	10	8	4	17	12	18	77
Total	72	90	61	55	145	91	96	610

Note: The overall number of nurses in HA that year was 19 212 and the nurse departure rate was 3.2%.

2007-2008

<i>Rank</i>	<i>Hong Kong East Cluster</i>	<i>Hong Kong West Cluster</i>	<i>Kowloon Central Cluster</i>	<i>Kowloon East Cluster</i>	<i>Kowloon West Cluster</i>	<i>New Territories East Cluster</i>	<i>New Territories West Cluster</i>	<i>Total</i>
General Manager (Nursing)	0	0	0	0	0	0	0	0
Department Operations Manager	0	1	1	0	4	3	1	10
Senior Nursing Officer	0	0	1	0	2	0	0	3
Ward Manager/ Advanced Practice Nurse (Ward Management)	2	6	5	1	5	2	1	22
Nursing Officer	6	5	6	7	10	7	3	44
Nurse Specialist	0	3	0	1	3	1	2	10
Advanced Practice Nurse	3	0	1	1	4	0	0	9
Registered Nurse	86	88	91	71	142	95	77	650
Enrolled Nurse	12	7	6	10	22	15	18	90
Total	109	110	111	91	192	123	102	838

Note: The overall number of nurses in HA that year was 19 273 and the nurse departure rate was 4.5%.

Annex 2

Numbers of newly employed nurses in HA's hospital clusters in the past five years

	<i>Hong Kong East Cluster</i>	<i>Hong Kong West Cluster</i>	<i>Kowloon Central Cluster</i>	<i>Kowloon East Cluster</i>	<i>Kowloon West Cluster</i>	<i>New Territories East Cluster</i>	<i>New Territories West Cluster</i>	<i>Total</i>
2003-2004	37	66	44	52	106	59	124	488
2004-2005	40	33	44	40	57	56	57	327
2005-2006	70	53	82	59	73	71	76	484
2006-2007	85	46	86	37	104	90	79	527
2007-2008	85	73	73	61	141	119	119	671
Total	317	271	329	249	481	395	455	2 497

Note:

1. The above figures include the newly employed enrolled nurses and registered nurses.
2. The above figures do not include the number of registered nurses promoted from enrolled nurses and the number of nurses deployed to fill the vacancies in other ranks through internal promotion.

Loss of and Damage to Books in Public Libraries

12. **MISS CHOY SO-YUK** (in Chinese): *President, it has been reported that the loss of and damage to books in public libraries have become more serious in the past three years. In this connection, will the Government inform this Council:*

- (a) *of the respective numbers of books purchased and loaned out by each public library in each of the past three years;*
- (b) *by using a table, of the number of books written off by each public library due to damages during the above period, and among such books, the number of new ones which had not yet been made available for public loan, and the respective amounts of public funds involved; and*
- (c) *of the number of cases in which the borrowers were fined for having lost or damaged the books of public libraries, and the respective amounts of fines involved, paid and unpaid, in each year during the above period?*

SECRETARY FOR HOME AFFAIRS (in Chinese): President,

- (a) The numbers of library materials purchased and loaned out by the Hong Kong Public Libraries from 2005 to 2007 are set out in Annex 1. To cater for the borrowing needs of readers, the newly added library materials may be transferred out of their host libraries to other libraries.
- (b) The numbers of library materials lost or damaged by readers and the corresponding amounts of replacement charges settled for each public library during the above period are set out in Annex 2. There is no further classification of cases by the libraries since the vast majority of cases are loss reports. Among the cases in question, there are no cases of new books yet to be put on shelves.
- (c) The numbers of cases in which readers were required to pay for the replacement charges for lost or damaged library materials and the respective amounts of charges involved, paid and unpaid, during the above period are set out in Annex 3.

Annex 1

Number of Library Materials Added and Library Materials Loaned

Library		2005		2006		2007	
		Library Materials Added (Item)	Library Materials Loaned (Item)	Library Materials Added (Item)	Library Materials Loaned (Item)	Library Materials Added (Item)	Library Materials Loaned (Item)
Central Library							
1	Hong Kong Central Library	62 905	3 783 875	63 018	3 667 472	63 027	3 378 799
Major Library							
2	City Hall Public Library	23 519	1 108 375	28 071	1 061 433	32 650	935 763
3	Kowloon Public Library	27 063	818 318	28 352	793 503	29 389	848 007
4	Sha Tin Public Library	32 571	1 901 942	34 785	1 687 110	33 562	1 563 380
5	Tuen Mun Public Library	27 207	1 653 013	29 510	1 610 677	30 774	1 531 333
6	Tsuen Wan Public Library	27 721	1 589 212	31 277	1 583 216	33 513	1 551 561
District Library							
7	Aberdeen Public Library	14 584	709 891	13 387	751 098	15 435	759 175
8	Chai Wan Public Library	14 398	1 083 836	13 057	981 520	14 967	934 526
9	Lockhart Road Public Library	12 316	756 401	13 290	703 150	15 087	522 011
10	North Point Public Library	6 175	358 424	5 855	367 323	6 005	345 395
11	Quarry Bay Public Library	13 144	762 948	12 932	776 755	15 034	740 964
12	Shek Tong Tsui Public Library	13 034	824 865	13 871	787 270	15 533	722 412
13	Fa Yuen Street Public Library	12 763	831 884	12 819	774 247	14 434	593 451
14	Lai Chi Kok Public Library	13 847	873 501	13 649	861 357	16 011	825 538
15	Ngau Chi Wan Public Library	13 398	679 844	14 079	554 634	15 995	572 611
16	Ngau Tau Kok Public Library	12 224	690 238	12 533	660 857	14 457	560 368
17	Po On Road Public Library	10 988	622 703	12 859	707 302	14 349	749 129
18	Sun Po Kong Public Library	12 859	810 318	13 088	728 866	14 184	660 303
19	Sui Wo Street Public Library	13 845	993 849	13 239	1 013 764	14 656	844 794
20	To Kwa Wan Public Library	12 641	758 330	12 955	711 324	14 564	579 414
21	Yau Ma Tei Public Library	12 489	663 474	13 766	647 042	15 833	619 419
22	Cheung Chau Public Library	6 670	227 251	5 787	214 202	6 118	189 918
23	Fanling Public Library	13 894	1 003 791	13 499	959 354	15 518	880 109
24	Ma On Shan Public Library	23 578	1 131 158	15 568	1 326 950	16 459	1 271 956
25	North Kwai Chung Public Library	11 610	577 569	12 261	597 489	13 809	557 180

Library		2005		2006		2007	
		Library Materials Added (Item)	Library Materials Loaned (Item)	Library Materials Added (Item)	Library Materials Loaned (Item)	Library Materials Added (Item)	Library Materials Loaned (Item)
26	South Kwai Chung Public Library	11 591	782 222	11 410	806 715	12 376	799 780
27	Sai Kung Public Library	9 838	515 471	11 391	546 482	14 152	557 163
28	Sheung Shui Public Library	12 610	887 894	13 046	854 334	16 037	782 067
29	Tai Hing Public Library	9 817	468 468	10 656	435 177	11 915	425 909
30	Tseung Kwan O Public Library	17 766	1 503 696	15 261	1 421 768	15 882	1 414 944
31	Tai Po Public Library	20 298	1 723 011	14 778	1 596 230	16 238	1 399 268
32	Tin Shui Wan Public Library	24 707	1 452 383	16 289	1 440 022	15 929	1 195 120
33	Tsing Yi Public Library	14 806	1 029 962	13 864	997 110	15 035	925 475
34	Yuen Long Public Library	13 209	998 107	13 776	928 405	14 417	832 336
Small Library							
35	Ap Lei Chau Public Library	5 773	319 629	5 192	316 157	5 456	282 939
36	Electric Road Public Library	6 182	429 932	5 098	361 052	5 696	365 928
37	Pok Fu Lam Public Library	6 375	310 201	5 328	271 547	5 263	240 090
38	Smithfield Road Public Library	6 042	380 760	4 988	367 946	5 869	346 685
39	Wong Nei Chung Public Library	5 148	190 266	4 936	185 019	6 238	182 164
40	Stanley Public Library (Note 1)	-	-	9 957	92 658	6 422	181 970
41	Yiu Tung Public Library	5 732	360 189	5 115	335 460	5 507	301 731
42	Fu Shan Public Library	6 029	320 670	5 271	298 924	5 900	271 522
43	Hung Hom Public Library	6 975	596 413	6 933	556 261	7 462	514 666
44	Kowloon City Public Library	5 759	170 857	5 237	328 008	6 348	303 399
45	Lok Fu Public Library	6 255	531 714	5 330	474 377	5 785	422 112
46	Lung Hing Public Library	6 401	336 238	4 789	382 880	5 330	372 136
47	Lam Tin Public Library	10 628	356 146	10 849	337 023	5 873	326 128
48	Pak Tin Public Library	5 210	263 236	4 586	265 905	5 142	277 561
49	Lei Yue Mun Public Library	6 450	329 387	5 574	364 651	5 774	339 521
50	Shun Lee Estate Public Library	10 812	332 430	11 654	304 685	8 960	263 203
51	Sau Mau Ping Public Library	6 232	306 974	4 816	281 814	4 961	250 794
52	Tai Kok Tsui Public Library	21 361	240 134	8 394	459 905	7 442	439 740
53	Tsim Sha Tsui Public Library	5 907	219 663	5 444	218 504	6 037	222 556
54	Tsz Wan Shan Public Library	6 345	515 511	5 887	527 947	6 044	479 763
55	Un Chau Street Public Library	6 239	457 103	5 271	444 285	5 532	400 079
56	Butterfly Estate Public Library	5 339	301 548	4 881	285 008	5 104	264 376

Library		2005		2006		2007	
		Library Materials Added (Item)	Library Materials Loaned (Item)	Library Materials Added (Item)	Library Materials Loaned (Item)	Library Materials Added (Item)	Library Materials Loaned (Item)
57	Lek Yuen Public Library	6 210	296 696	5 581	283 922	6 225	277 784
58	Mui Wo Public Library	2 769	55 479	1 952	53 938	2 877	46 344
59	North Lamma Public Library	2 389	20 066	1 707	22 689	2 098	20 571
60	Peng Chau Public Library	2 772	73 492	2 071	65 755	2 733	58 382
61	South Lamma Public Library	1 904	2 510	1 388	2 226	1 627	1 742
62	Sha Tau Kok Public Library	2 732	35 666	1 880	34 530	2 478	32 267
63	Shek Wai Kok Public Library	4 304	144 326	4 297	137 430	4 722	130 777
64	Tin Shui Wai North Public Library (Note 2)	-	-	35 815	29 474	8 965	615 320
65	Tung Chung Public Library	7 197	513 690	5 763	521 432	6 277	490 568
66	Tai O Public Library	2 164	17 512	1 606	15 093	2 320	14 495
Mobile Library							
67	Mobile Library 1	3 888	120 869	2 341	110 762	2 386	94 681
68	Mobile Library 2	4 110	91 247	2 625	93 059	2 657	89 854
69	Mobile Library 3 (Note 3)	8 911	142 930	6 311	146 184	3 714	129 571
70	Mobile Library 10 (Note 3)		41 745		136 558		112 636
71	Mobile Library 4	4 075	94 867	2 568	99 022	2 396	93 002
72	Mobile Library 5	3 575	86 372	2 483	103 748	2 628	96 179
73	Mobile Library 6 (Note 4)	8 393	120 326	3 574	96 954	2 578	93 690
74	Mobile Library 9 (Note 4)		188 638		161 125		139 778
75	Mobile Library 7	4 746	216 011	2 928	186 640	3 282	187 471
76	Mobile Library 8	4 442	220 981	2 730	225 234	2 906	207 877
Renewal Through Telephone or Internet			16 675 665		17 764 670		17 363 098
Total		805 860	61 004 313	797 128	61 304 619	818 358	58 414 728

Note 1: Stanley Public Library was opened on 25 July 2006.

Note 2: Tin Shui Wai North Public Library was opened on 20 December 2006.

Note 3: Mobile Library 10 was operated on 25 August 2005 and shared the same stock with Mobile Library 3.

Note 4: Both Mobile Libraries share the same library stock.

Note 5: The decrease in the number of library materials loaned is due to the increased use of e-resources and the temporary suspension of some of the library services and facilities of renovated libraries during the renovation period.

Annex 2

Number of Lost or Damaged Library Materials and Corresponding Replacement Charges Settled

Library		2005		2006		2007	
		No. (Item)	Replacement Charges (\$)	No. (Item)	Replacement Charges (\$)	No. (Item)	Replacement Charges (\$)
Central Library							
1	Hong Kong Central Library	1 393	102,894.90	1 494	118,536.20	1 635	134,570.30
Major Library							
2	City Hall Public Library	461	37,003.90	442	38,350.70	454	41,804.30
3	Kowloon Public Library	297	24,377.60	265	21,711.70	330	23,631.40
4	Sha Tin Public Library	763	45,909.00	890	64,933.10	901	65,426.50
5	Tuen Mun Public Library	661	39,218.50	865	53,684.20	837	56,572.10
6	Tsuen Wan Public Library	673	40,794.90	853	53,399.90	895	63,715.90
District Library							
7	Aberdeen Public Library	330	19,599.70	402	22,456.50	509	35,232.30
8	Chai Wan Public Library	370	23,292.50	448	27,717.70	481	30,951.20
9	Lockhart Road Public Library	348	23,524.00	436	31,777.80	395	29,065.30
10	North Point Public Library	124	7,783.70	201	11,682.00	200	14,752.40
11	Quarry Bay Public Library	234	16,098.70	346	23,314.40	338	25,016.40
12	Shek Tong Tsui Public Library	291	18,013.10	336	21,202.40	393	24,856.20
13	Fa Yuen Street Public Library	411	26,207.20	569	39,589.20	588	41,035.50
14	Lai Chi Kok Public Library	289	18,225.70	347	21,201.50	386	23,328.60
15	Ngau Chi Wan Public Library	224	16,392.40	214	12,952.00	308	19,742.60
16	Ngau Tau Kok Public Library	272	17,509.00	295	16,825.10	294	18,545.50
17	Po On Road Public Library	262	15,159.30	321	19,891.50	397	27,525.40
18	Sun Po Kong Public Library	303	17,576.20	333	19,734.60	337	22,927.50
19	Sui Wo Street Public Library	407	25,308.90	517	34,905.80	585	39,159.40
20	To Kwa Wan Public Library	253	15,687.80	329	18,584.60	299	18,291.80
21	Yau Ma Tei Public Library	302	19,336.00	377	22,933.90	397	26,344.50
22	Cheung Chau Public Library	82	5,155.40	92	5,358.10	93	5,692.30
23	Fanling Public Library	388	22,543.70	361	21,646.30	319	18,683.90
24	Ma On Shan Public Library	299	19,093.90	440	28,910.60	468	27,551.40
25	North Kwai Chung Public Library	220	12,055.90	299	17,346.00	238	13,868.40
26	South Kwai Chung Public Library	284	16,512.40	360	21,506.90	351	21,693.30
27	Sai Kung Public Library	171	10,074.10	151	8,946.90	151	10,161.80
28	Sheung Shui Public Library	353	20,569.20	445	28,113.60	498	32,015.30
29	Tai Hing Public Library	135	7,565.90	151	8,988.60	146	8,753.60
30	Tseung Kwan O Public Library	545	30,553.00	598	33,634.40	654	41,018.20
31	Tai Po Public Library	610	38,334.10	641	43,784.40	683	45,660.00
32	Tin Shui Wan Public Library	607	35,788.70	562	33,588.10	531	34,287.20
33	Tsing Yi Public Library	354	22,190.40	499	31,516.90	483	30,155.80
34	Yuen Long Public Library	422	24,890.90	488	31,781.30	524	33,600.10
Small Library							
35	Ap Lei Chau Public Library	119	6,331.70	113	6,720.40	122	7,714.40
36	Electric Road Public Library	189	12,628.80	226	14,024.50	277	16,920.00
37	Pok Fu Lam Public Library	88	5,262.00	121	6,958.80	142	8,882.90
38	Smithfield Road Public Library	154	9,201.20	177	10,885.40	189	11,317.30

	Library	2005		2006		2007	
		No. (Item)	Replacement Charges (\$)	No. (Item)	Replacement Charges (\$)	No. (Item)	Replacement Charges (\$)
39	Wong Nei Chung Public Library	70	4,846.80	103	6,928.40	106	7,110.80
40	Stanley Public Library (Note 1)	0	-	39	2,671.30	67	7,952.50
41	Yiu Tung Public Library	132	7,234.90	141	7,205.70	167	9,106.20
42	Fu Shan Public Library	87	4,753.60	60	3,959.40	57	4,490.90
43	Hung Hom Public Library	221	14,267.90	297	18,610.10	289	20,188.60
44	Kowloon City Public Library	39	2,198.70	114	6,445.20	112	6,190.60
45	Lok Fu Public Library	190	10,852.90	171	9,918.50	218	15,132.60
46	Lung Hing Public Library	178	9,722.70	217	13,327.00	237	16,000.30
47	Lam Tin Public Library	102	6,147.30	84	4,427.20	99	7,274.80
48	Pak Tin Public Library	71	3,799.10	119	8,739.70	133	7,899.70
49	Lei Yue Mun Public Library	56	3,341.10	107	5,867.50	108	6,073.10
50	Shun Lee Estate Public Library	110	6,495.30	117	6,993.40	99	6,760.60
51	Sau Mau Ping Public Library	133	7,201.80	103	5,927.70	130	6,121.50
52	Tai Kok Tsui Public Library	113	6,364.90	202	12,976.20	216	16,238.90
53	Tsim Sha Tsui Public Library	90	5,834.60	141	10,393.40	141	11,097.60
54	Tsz Wan Shan Public Library	201	11,032.80	222	12,001.60	228	12,793.70
55	Un Chau Street Public Library	206	11,783.50	238	14,678.00	320	22,404.10
56	Butterfly Estate Public Library	81	4,395.60	110	6,069.40	91	5,257.20
57	Lek Yuen Public Library	99	5,981.00	91	4,524.90	110	6,845.00
58	Mui Wo Public Library	18	1,680.60	33	2,411.20	24	1,206.60
59	North Lamma Public Library	10	429.60	11	676.30	10	521.50
60	Peng Chau Public Library	21	1,111.10	25	1,645.50	32	2,374.30
61	South Lamma Public Library	5	230.20	0	-	1	55.20
62	Sha Tau Kok Public Library	20	884.40	16	768.80	14	723.00
63	Shek Wai Kok Public Library	46	2,223.30	67	3,503.90	36	1,977.00
64	Tin Shui Wai North Public Library (Note 2)	0	-	1	27.00	209	12,483.30
65	Tung Chung Public Library	214	12,032.30	231	12,966.60	238	12,953.10
66	Tai O Public Library	3	117.60	1	85.30	3	125.20
Mobile Library							
67	Mobile Library 1	13	737.40	11	620.60	20	1,050.50
68	Mobile Library 2	15	551.40	15	580.60	20	742.80
69	Mobile Library 3 and 10 (Note 3)	29	1,153.00	48	2,119.90	45	2,123.10
70	Mobile Library 4	22	948.00	28	1,514.90	31	1,960.20
71	Mobile Library 5	17	826.50	15	618.10	16	716.50
72	Mobile Library 6 and 9 (Note 4)	52	2,645.60	66	3,069.80	49	2,619.90
73	Mobile Library 7	44	1,855.00	46	2,630.70	44	2,137.10
74	Mobile Library 8	28	1,219.30	38	2,108.50	51	2,536.80
	Total	16 424	1,023,564.10	19 332	1,246,108.30	20 599	1,391,715.80

Note 1: Stanley Public Library was opened on 25 July 2006.

Note 2: Tin Shui Wai North Public Library was opened on 20 December 2006.

Note 3: Two Mobile Libraries are managed by one office.

Note 4: Two Mobile Libraries are managed by one office.

Number of Lost or Damaged Library Materials
and Amount of Replacement Charges Settled

<i>Year</i>	<i>No. of Lost or Damaged Library Materials (Item)</i>	<i>Amount of Replacement Charges Paid (\$)</i>
2005	16 424	1,023,564.10
2006	19 332	1,246,108.30
2007	20 599	1,391,715.80

Number of Lost or Damaged Library Materials Pending
Settlement of Replacement Charges

<i>Year</i>	<i>No. of Lost or Damaged Library Materials (Item)</i>	<i>Outstanding Charges (\$)</i>
2005	44	3,746.50
2006	37	3,204.60
2007	35	2,879.30

Working Hours of Doctors in Public Hospitals

13. **DR KWOK KA-KI** (in Chinese): *President, it has been learnt that in response to the lawsuit on overtime work filed by doctors in public hospitals, the Hospital Authority (HA) has set up the Steering Committee on Doctor Work Hour (Steering Committee), which has put forward a series of reform recommendations in respect of the working hours of doctors. HA will implement the recommendations in all public hospitals by phases and a number of pilot programmes have been launched in seven hospitals in four hospital clusters (namely, Kowloon West, Hong Kong East, Kowloon East and New Territories East) starting from the end of 2007. In this connection, will the Government inform this Council whether:*

- (a) *it knows the method by which the Steering Committee calculates that the average working hours of doctors should not exceed 65 hours per week;*
- (b) *it knows the progress in implementing the various recommendations put forward by the Steering Committee in different hospital clusters and the difficulties encountered;*

- (c) *it has allocated additional resources to HA to implement such recommendations; and*
- (d) *it knows if HA has assessed the respective amounts of money involved each year in the event that HA has to compensate those doctors who had worked more than 65 hours or 44 hours per week in the past three years; if an assessment has been made, of the outcome?*

SECRETARY FOR LABOUR AND WELFARE (in the absence of Secretary for Food and Health) (in Chinese): President,

- (a) The recommendation that the average weekly work hours of doctors should not exceed 65 hours was made by the Steering Committee after its review on the work hour pattern of doctors in Hong Kong and extensive consultation on the matter. For example, to solicit views and suggestions in respect of the ceiling on average weekly work hours of doctors, the Steering Committee has issued a consultation paper to 4 500 public hospital doctors and conducted rounds of open consultations. Briefings were also arranged for members of the Hong Kong Academy of Medicine and exchanges made with health care professionals, and so on. In making the recommendation that the average weekly work hours of doctors should not exceed 65 hours, the Steering Committee has taken into consideration factors such as overall service demand, patient safety, resources available and manpower supply, and the principle of not interrupting the continuous training of doctors.
- (b) To take forward the reform recommendations made by the Steering Committee, the HA introduced a series of initiatives starting from the end of 2007, which included: (i) setting up Emergency Medicine wards in eight hospitals (Caritas, Princess Margaret, Queen Elizabeth, Pok Oi, Tuen Mun, Prince of Wales, Pamela Youde Nethersole Eastern and Ruttonjee Hospital); (ii) expanding service capacity of the operating theatres in evening sessions to regulate the activities and workload at night-time at four hospitals (Caritas, United Christian, Yan Chai and North District Hospital); (iii) employing and training more Technical Services Assistants (Clinical Assistants) in five hospitals (including Caritas, Alice Ho Miu Ling

Nethersole, Princess Margaret, Pamela Youde Nethersole Eastern and Yan Chai Hospital) to provide 24-hour services on blood taking, electrocardiogram, indwelling venous catheter, and so on, so as to relieve the workload of doctors and nurses; and (iv) continuing to recruit more part-time doctors in various hospitals to help provide out-patient and other clinical services, thereby sharing the workload of front-line doctors. The HA will implement the related initiatives in other hospitals under various hospital clusters according to its Annual Plan for the year and assess their effectiveness.

In the course of implementation of these initiatives, the hospital clusters concerned had to deal with certain issues, including recruitment of staff, co-ordination among departments to adapt to new initiatives and the lead time for training.

- (c) The HA has set aside \$31 million and \$77 million respectively from the recurrent funding from the Government in 2007-2008 and 2008-2009 for implementing a number of pilot programmes relating to doctor work reform. In 2008-2009, 348 posts including the posts for doctors, nurses, allied health professionals and other supporting staff will be created for these pilot programmes. Besides, 47 newly recruited doctors will be deployed to work in specialties that require longer working hours in order to alleviate the workload of front-line health care personnel.
- (d) As the legal proceedings in respect of the working hours of doctors is still in progress and both parties to the litigation have already lodged an appeal to the Court of Final Appeal, it is not appropriate for the HA to comment on this question.

Visa Applications for Entry to the Mainland by Foreign Nationals

14. **DR DAVID LI:** *President, it has recently been reported that no new multiple visas for entry to the Mainland will be issued until October this year, and that applicants are required to provide return travel tickets and hotel vouchers when applying for mainland visas. Some business associations and chambers of commerce in Hong Kong have voiced concern about such changes which also affect mainland visa applications processed locally. In this connection, will the Government inform this Council:*

- (a) *since the introduction of the above changes, whether the Government has taken any action to facilitate business travel to the Mainland by foreign nationals who are Hong Kong permanent residents; if so, of the nature of the action;*
- (b) *whether it has been notified of or taken any action to ascertain whether there has been any change to the policy announced in the 2001 policy address that foreign nationals who are Hong Kong permanent residents may be granted three-year multiple visas to the Mainland;*
- (c) *whether it has been notified of or taken any action to ascertain whether the mainland authorities concerned have suspended the processing of applications made by Hong Kong permanent residents for Asia-Pacific Economic Co-operation (APEC) Business Travel Cards; and*
- (d) *whether it knows if the above changes have any adverse impact on the business of local travel agents who organize short trips from Hong Kong to the Mainland; if there is such an impact, of the details of any action taken by the Government to reduce the impact?*

SECRETARY FOR SECURITY: President,

- (a) The Government understands that Hong Kong permanent residents who are foreign nationals wish to have continued convenience when travelling to and from the Mainland for business activities. The Government has conveyed the views and concerns of the Hong Kong business community on the mainland visa arrangements to the relevant Central Authorities.
- (b) To our understanding, the Central Government welcomes foreigners coming to the Mainland for travel, business and visit. To ensure a safe environment, the Central Government has made appropriate arrangements on visa with regard to the relevant laws and regulations and the practices of hosting countries of previous Olympic Games and other international sporting events. The Central Government has not stopped issuing multiple-journey visas.

Compared to most other countries or regions, application for mainland visa has all along been very convenient. Genuine visitors

to the Mainland and those attending the Olympic Games will not be affected.

Over the years, the Office of the Commissioner of the Ministry of Foreign Affairs (OCMFA) of the People's Republic of China in the Hong Kong Special Administrative Region has been providing efficient visa application service in accordance with the laws to foreigners, including Hong Kong permanent residents who are foreign nationals. The OCMFA will continue to provide visa convenience as always.

- (c) The Hong Kong Special Administrative Region is a participating economy of the APEC Business Travel Card Scheme. Eligible Hong Kong permanent residents may apply to the Immigration Department (ImmD) for APEC Business Travel Cards. China is also a participating economy of the Scheme. The ImmD has not recently received any notice that the Mainland will cease processing of the relevant applications.
- (d) According to some members of the tourism industry, the relevant mainland visa arrangements may affect the foreign visitor's intention to visit the Mainland and make a side trip to Hong Kong during this period. The impact in this regard is more apparent in the South East Asia markets. Besides, some business travellers expressed that the relevant mainland visa arrangements may cause inconvenience. Members of the tourism industry also revealed that they will continue to notify foreign visitors who intend to visit the Mainland to obtain appropriate mainland visas before coming to Hong Kong.

The Government has conveyed the views and concerns of the Hong Kong tourism industry to the relevant Central Authorities, and will continue to inform the tourism industry of the relevant mainland visa arrangements so that travel agents can notify visitors to Hong Kong in a timely manner.

Development of Platform for Geospatial Information

15. **MR SIN CHUNG-KAI** (in Chinese): *President, the Government is developing a common infrastructural platform to enable bureaux and*

departments to upload geospatial information onto GovHK to augment online services and textual information. Moreover, the Government completed an initial study report last year to assess the potential of developing a Spatial Data Infrastructure. In this connection, will the Government inform this Council whether:

- (a) *the aforesaid report has proposed the types of geospatial information that should be made available for public use; if so, of the details;*
- (b) *the report has proposed specific options for integrating various types of information; if so, of the details; if not, whether a further study will be conducted; and*
- (c) *it will consider using the relevant geospatial information and Wi-Fi hotspots provided under GovWiFi at various government properties to introduce electronic guided tour services at libraries and parks, so as to help promote the application of "object positioning technologies"; if it will, of the details; if not, the reasons for that?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Chinese): President, regarding the questions raised by the Honourable SIN Chung-kai, my reply is as follows:

- (a) The Office of the Government Chief Information Officer (OGCIO) conducted a directional study in 2007 to assess the need and potential of developing a Spatial Data Infrastructure (SDI), having regard to the latest international and regional developments in this area. SDI is a collection of technologies, policies and institutional arrangements that facilitates the accessibility and availability of spatial data. The study concluded that a number of government bureaux and departments are developing the building blocks of SDI, and recommended an evolutionary approach be taken for its implementation. Establishing a one-stop portal for delivery of geospatial information to the public is among the programmes being developed.

In collaboration with the Lands Department, the OGCIO plans to provide geospatial information services to the public through GovHK supported by a geospatial information hub. Our plan is to

provide information on walks and trails, mobile network coverage in country parks, location of government offices, schools, libraries, leisure, cultural and sports facilities, hospitals, and so on. The types and availability of information will be reviewed from time to time based on user feedback and in consultation with the information providers.

- (b) We have examined the experience of the Mainland and overseas countries in the development of SDI and noted the development of the Data Alignment Measures Project led by the Development Bureau to facilitate exchanges of spatial data in the planning, lands and public works areas.

The study recommended that the development of SDI should be an evolutionary process riding on the development and experience of the Data Alignment Measures Project and related initiatives. The results of the study will be used to develop initiatives under the 2008 Digital 21 Strategy.

- (c) The Government is already providing audio-guided service to the public at two major museums. With the introduction of the GovWiFi Programme, we will explore the use of the Wi-Fi hotspots and, where applicable, positioning technologies, in government premises for providing electronic guided-tour services. The OGCIO is now liaising with the departments concerned on the feasibility.

High Prices of Goods in Supermarkets

16. **MS EMILY LAU** (in Chinese): *President, the results of a price survey on food released for the first time by the Consumer Council (CC) on 15 April this year have revealed that the prices of food sold at supermarket chains are generally higher than those sold at small grocery stores. CC has indicated that it plans to release information on the prices of goods sold at supermarkets and small grocery stores in certain districts on a bi-weekly basis, and extend the coverage of such surveys to include daily necessities in the future. In this connection, will the Executive Authorities inform this Council whether:*

- (a) *they know the types of businesses and goods to be included in CC's regular price surveys;*

- (b) *they know if CC has sufficient resources for conducting price surveys on a long-term basis; if not, whether the authorities will allocate additional resources to CC for undertaking the work in this regard; if so, of the details; if not, the reasons for that;*
- (c) *any complaints had been received over the past three years from operators of small grocery stores alleging that they were unable to source goods at reasonable prices; if so, of the details of such complaints; and*
- (d) *provisions will be made in the fair competition law being drafted to prevent supermarket chains from further throttling the room for survival of small business operators?*

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

- (a) The survey conducted by the CC covers various types of stores, including large supermarket chains, beauty products outlets, daily necessities outlets, frozen meat shops, groceries, dispensaries and convenience stores. Goods surveyed include more than 10 types of food products and daily necessities.
- (b) Regular and annual price surveys are conducted by the Research Division of the CC. From time to time, the CC will deploy staff from various divisions to conduct price surveys, in order to monitor the price changes in various districts. If additional resources are required for any new tasks, the Government will actively consider allocating additional resources to the CC.
- (c) No such complaints have been received by the CC over the past three years.
- (d) In the Public Consultation Paper on Detailed Proposals for a Competition Law issued recently, the Government proposes introducing a law to prohibit anti-competitive conduct in two broad areas: participation in agreements and concerted practices that have the purpose or effect of substantially lessening competition; and abusing substantial market power. If it has reasonable cause to believe that the supermarkets have suppressed small business

operators by means of anti-competitive conduct, the proposed Competition Commission would have the power to investigate such conduct, make a determination and apply remedies, including the imposition of financial penalties (the maximum penalty is 10% of total turnover during the period when the infringement occurred). In addition, any person who has suffered as a result of anti-competitive conduct could bring proceedings before the Competition Tribunal to seek damages.

Utilization of Indoor Cultural, Recreational and Sports Facilities Under LCSD

17. **MR LAU KONG-WAH** (in Chinese): *President, regarding the utilization of indoor cultural, recreational and sports facilities under the Leisure and Cultural Services Department, will the Government inform this Council:*

- (a) *of the utilization rates of different types of venues at town halls, civic centres and sports complexes in various districts in the past three years;*
- (b) *whether it has identified which districts have a shortfall in cultural, recreational and sports facilities at present, and whether the new facilities required will be provided in such districts in the next two years; if so, of the details; and*
- (c) *given the significant changes in the population structure of certain districts over the past two decades, whether it has assessed if the existing cultural, recreational and sports facilities in various districts can still meet the needs of the people of different age groups, particularly youth and the elderly?*

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

- (a) The average utilization rates of the sports centres under the Leisure and Cultural Services Department (LCSD) over the past three years are 74 % in 2005-2006, 76% in 2006-2007 and 77% in 2007-2008, with the average peak-hour utilization rate reaching 88%.

As for the utilization rates of the city/town halls and civic centres in various districts over the past three years, please refer to Annex 1.

(b) and (c)

The LCSD always keeps a close watch on the public demand for and provision of cultural and recreational facilities in various districts. Prior to the setting up of any new cultural, recreational and sports facilities, consideration is given not only to the utilization rates of similar facilities in the district concerned, but also to a number of factors including the population structure of the district, the recommended standards for provision of recreational facilities on the basis of district population as set out in Hong Kong Planning Standards and Guidelines, the needs raised by the District Council and local residents, and so on. Every effort is made by the department to provide cultural and recreational facilities that best meet the needs of local residents of all ages, including the elderly and youth.

Regarding leisure facilities, the LCSD has 55 new projects and improvement works scheduled to be completed from 2008 to 2011. For details please refer to Annex 2.

Since civic centre facilities involve high project costs and substantial long-term financial commitments, it is imperative for the Government to take into careful consideration in its planning of new facilities various relevant factors including the aspirations of different sectors of the community, provision and utilization of existing facilities, related cultural policies, and so on, to ensure efficient use of resources.

Apart from the West Kowloon Cultural District, additional performing arts venues under planning by the Government include a cross district community cultural centre in Kwun Tong, a Xiqu activity centre to be converted from Yau Ma Tei Theatre, and an annex building to Ko Shan Theatre in Hung Hom. For details please refer to Annex 3. The Government will also keep under review the demand in different districts for performing arts facilities of various scales.

The performing arts facilities of the LCSD are open for use by all sectors of the community and the general public. The department holds regular customer liaison meetings at various venues and conducts public opinion surveys as and when appropriate to ascertain the needs and expectations of venue users, audiences of different types of programmes and members of the public regarding performing arts facilities, programmes and events.

Annex 1

Utilization Rates of the 13 Performing Arts Venues
under the Leisure and Cultural Services Department
from 2005-2006 to 2007-2008

Venue	Major Facility	Utilization Rate*		
		2005-2006	2006-2007	2007-2008
1. Hong Kong Cultural Centre	Concert Hall	100%	100%	100%
	Grand Theatre	100%	100%	100%
	Studio Theatre	100%	100%	100%
2. Hong Kong City Hall	Concert Hall	99%	100%	98%
	Theatre	99%	97%	100%
3. Sheung Wan Civic Centre	Theatre	97%	91%	97%
4. Sai Wan Ho Civic Centre	Theatre	100%	100%	100%
	Cultural Activities Hall	92%	96%	98%
5. Ko Shan Theatre	Theatre	92%	98%	97%
6. Ngau Chi Wan Civic Centre	Theatre	87%	86%	94%
	Cultural Activities Hall	67%	54%	65%
7. Tsuen Wan Town Hall	Auditorium	79%	90%	91%
	Cultural Activities Hall	72%	79%	72%
8. Tuen Mun Town Hall	Auditorium	70%	80%	77%
	Cultural Activities Hall	72%	71%	78%
9. Sha Tin Town Hall	Auditorium	96%	97%	97%
	Cultural Activities Hall	83%	81%	89%
10. Kwai Tsing Theatre	Auditorium	93%	99%	98%
11. Yuen Long Theatre	Auditorium	73%	74%	74%
12. North District Town Hall	Auditorium	61%	59%	59%
13. Tai Po Civic Centre	Auditorium	95%	95%	92%

* Utilization rate based on the number of days used over the total number of days available, excluding maintenance of venue

Annex 2

Leisure Works Projects Planned to be Completed from 2008 to 2011

<i>Item No.</i>	<i>District</i>	<i>Project Title</i>
Projects planned to be completed in 2008		
1	Is	District Open Space in Area 2, Tung Chung
2	YTM	405CR-Open Space at Tai Kok Tsui Temporary Market
3	SSP	Redevelopment of Cheung Sha Wan Road/Cheung Shun Street Playground
4	N	District Open Space in Area 39, Fan Ling/Sheung Shui
5	TW	District Open Space in Area 35, Tsuen Wan — phase 2
6	YL	District Square in Areas 33A and 29, Tin Shui Wai
7	SSP	Sham Shui Po Park — Stage 2
8	TM	Local Open Space in Area 16 (Yau Oi South), Tuen Mun
9	C&W	New Education Centre cum Exhibition Centre at Hong Kong Zoological & Botanical Gardens
10	TW	Local Open Space in Area 50, Sham Tseng , Tsuen Wan
11	SK	District Open Space in Area 40A, Tseung Kwan O
12	YL	District Open Space in Area 107 Tin Shui Wai
13	N	Local Open Space in Area 28, Fan Ling/Sheung Shui
14	TM	Local Open Space in Area 52, Tuen Mun
Projects planned to be completed in 2009		
15	KwT	District Open Space in Shek Yam Estate-phases 1 and 4, Kwai Chung
16	YTM	Improvement to King's Park Hockey Ground
17	Wch	Improvement to Hong Kong Stadium
18	YTM	Improvement to Kowloon Park Swimming Pool
19	YTM	Improvement to Hong Kong Coliseum
20	Wch	Improvement to Queen Elizabeth Stadium
21	S	Recreational Development at North Ap Lei Chau Reclamation
22	SK	Tseung Kwan O Sports Ground
23	SSP	Improvement to Lai Chi Kok Park Sports Centre
24	SSP	Improvement to Shek Kip Mei Park Sports Centre
25	S	Improvement to Stanley Main Beach Water Sports Centre
26	C&W	Improvement to Hong Kong Squash Centre
27	E	Improvement to Siu Sai Wan Sports Ground
28	SK	Improvement to Tseung Kwan O Sports Centre
29	C&W	Improvement to Western Park Sports Centre
30	E	Improvement to Victoria Park Tennis Centre
31	S	Wah Fu Rest Garden
32	Is	Indoor recreation centre, community hall cum library in Area 17 Tung Chung, Lantau
33	KwT	District Open Space in Area 9, Tsing Yi
34	KT	Recreational facilities on Jordan Valley former landfill, Kwun Tong

<i>Item No.</i>	<i>District</i>	<i>Project Title</i>
Projects planned to be completed in 2010		
35	WTS	Ngau Chi Wan Recreation Ground, Wong Tai Sin
36	Is	Swimming Pool Complex in Area 2, Tung Chung, Lantau
37	Is	District Open Space in Area 18, Tung Chung, Lantau
38	ST	Ma On Shan Waterfront Promenade
39	E	Siu Sai Wan Complex (including 1 multi-purpose arena and an indoor heated swimming pool complex)
40	WTS	District Open Space at Po Kong Village Road, Wong Tai Sin
41	E	Aldrich Bay Park
42	KC	Local Open Space at Chung Yee Street, Kowloon City
43	SK	District Open Space in Area 37, Tseung Kwan O
Projects planned to be completed in 2011		
44	N	Sports Centre in Area 28A, Fan Ling/Sheung Shui
45	C&W	Sun Yat Sen Memorial Park and Swimming Pool Complex
46	TP	Development of a Bathing Beach at Lung Mei, Tai Po
47	YTM	Improvement works of Mongkok Stadium
48	YL	Tin Shui Wai Public Library cum Indoor Recreation Centre
49	SK	Tseung Kwan O Complex in Area 44, Tseung Kwan O (including 1 sports centre)
50	N	Local Open Space in Area 25, Fan Ling/Sheung Shui
51	TM	Swimming Pool Complex in Area 1 (San Wai Court), Tuen Mun
52	SSP	Conversion of the Secondary Pool of the Lai Chi Kok Park Swimming Pool into an Indoor Heated Pool
53	E	Quarry Bay Park Phase II (Stages 2 & 3)
54	YL	Public Library and Indoor Recreation Centre in Area 3, Yuen Long
55	N	District Open Space in Areas 47 and 48, Fan Ling/Sheung Shui (Phase 1)

Annex 3

Works Projects of Performing Arts Venues under Planning

<i>Item No.</i>	<i>District</i>	<i>Project Title</i>	<i>Anticipated Completion Date</i>
1	YTM	The Conversion of Yau Ma Tei Theatre and Red Brick Building into Xiqu Activity Centre	Late 2011
2	KC	Construction of an Annex Building for the Ko Shan Theatre	Late 2012
3	KT	Cross District Community Cultural Centre in Kwun Tong	Early 2015

Assistance to Unwed Pregnant Girls and Unwed Mothers who are Underage

18. **MR ALBERT HO** (in Chinese): *President, will the Government inform this Council:*

- (a) *whether it knows, since 1 January 2007, the total number of unwed pregnant girls aged under 18 who eventually terminated their pregnancy or gave birth in hospitals, their average age and, among the babies involved, the number of those who are placed in the custody of the Social Welfare Department or social welfare organizations; and*
- (b) *of the assistance currently provided by the Government to unwed pregnant girls and unwed mothers, who are aged under 18, and whether it will provide additional resources to enhance the support and assistance to them?*

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

- (a) Pursuant to Regulation 4 of the Termination of Pregnancy Regulations, a registered medical practitioner who terminates a pregnancy shall provide a notification with specified information to the Director of Health. According to the provisional figures collected by the Department of Health (DH) through these notifications, there were altogether 326 cases of lawful termination of pregnancy in 2007 regarding teenage girls under 18 who were never married. The average age of girls involved in these cases was about 16. Separately, according to Census and Statistics Department figures derived from the information which the Immigration Department collected on the mothers' marital status for birth registration purpose, there were 137 live births in 2007 given by girls aged under 18 who were without a valid marriage registration at the time. The average age of mothers involved in these cases was about 16. The relevant figures for 2008 are not yet available. On the other hand, the Social Welfare Department (SWD) does not have statistics on whether the mothers of babies placed in the care of the SWD or social welfare organizations are unwed and aged under 18.

- (b) Various government departments, schools and non-governmental organizations (NGOs) are working to help young girls understand and handle pre-marital pregnancy. For instance, the Education Bureau encourages schools to implement preventive and developmental guidance activities to help students cope with their developmental challenges. In the guidelines on "Guidance Work in Secondary Schools", schools are encouraged to organize guidance activities to help secondary school students develop healthy attitudes in areas such as making friends and dating, which include getting prepared for relationship with the opposite sex, marriage and family life.

The Education Bureau also promotes sex education at various key stages of school education. The aim is to help students understand and meet the challenges relating to "sex" in their personal growth, such as physical and psychological changes, sex-related issues during puberty, love, method of contraception, the consequences of sex, teenage pre-marital pregnancy and where to seek help, and so on. Related topics are included in the school curriculum. Through discussion and reflection on these topics, students will learn how to consider and handle issues such as pre-marital sex and teenage pregnancy in a responsible manner.

The Student Health Service under the DH provides sex education to students through distributing pamphlets, as well as organizing workshops and health talks. The content includes body protection, relationship between opposite sexes, the consequences of pre-marital sex and the skills for refusal. The aim is to remind teenagers to avoid pre-marital pregnancies. Students known to have these problems will be counselled and referred to the Hospital Authority or the Hong Kong Family Planning Association for follow-up.

In addition, NGOs are providing the "one school social worker for each secondary school" service to all secondary schools in Hong Kong. The service aims to help students in need to resolve their personal problems. If unwed pregnant students approach school social workers for assistance, the school social workers will provide counselling and, depending on the nature and seriousness of the cases, refer them to relevant agencies/government departments for

appropriate services. The school social workers will also contact other professionals and keep in touch with them so as to closely monitor the situation of the students concerned.

Separately, the Government has implemented the Comprehensive Child Development Service (CCDS) in phases since 2005. Using the Maternal and Child Health Centres (MCHCs) and other service units as the screening platform, the CCDS aims to identify at an early stage at-risk pregnant women (including teenage mothers), mothers with post-natal depression, families with psychosocial needs, as well as pre-primary children with health, developmental and behavioural problems. Women, children and their families in need are referred to appropriate health and welfare service units for follow-up.

As regards resources, a total of \$30 million has been allocated to launch, improve and extend the CCDS. Starting from this year, additional recurrent funding of \$12.7 million and one-off funding of \$1.8 million will also be allocated to strengthen manpower support and improve service facilities.

The CCDS currently covers Sham Shui Po, Tseung Kwan O, Tuen Mun, Yuen Long (including Tin Shui Wai), Tung Chung and Kwun Tong and will be further extended to Tsuen Wan and Kwai Tsing this year.

As to welfare services, the Government attaches importance to the welfare of children and youth. Through the 61 Integrated Family Service Centres (IFSCs) and two Integrated Services Centres run by the SWD and subvented NGOs, the Government provides individuals and families in need, including unwed pregnant women, with a continuum of preventive, supportive and therapeutic welfare services. Services provided to unwed pregnant women by these centres include counselling to help them adapt to changes in roles, financial status and daily life; enhancing their knowledge and skills in baby care; and strengthening their capabilities in handling problems and stress; referral to MCHCs for pre-natal and post-natal services; and, where necessary, referral to pre-natal institutions for care and services, and so on. If the unwed mothers have difficulties taking care of their children, the centres will refer them to receive child care services that suit their needs.

Where the unwed pregnant women eventually decide to give up the custody of their children owing to various reasons, the SWD's Adoption Unit will find suitable and permanent adoptive homes for the children, or help the mothers of the children arrange for adoption by relatives through private arrangements. For some children with special needs, arrangement for overseas adoption will be made if suitable local adoptive homes are not available.

Since 2005-2006, the Government has increased recurrent funding to strengthen the manpower of IFSCs according to district needs. The 2007-2008 revised estimate for IFSCs is \$612.9 million while the 2008-2009 estimate is \$646.5 million. We will continue to monitor the social demand for various services and seek new resources for service enhancement when necessary.

Maintaining Indoor Temperature at 25.5°C

19. **MR CHEUNG HOK-MING** (in Chinese): *President, in October 2004, the former Environment, Transport and Works Bureau issued a circular requesting all bureaux and departments to maintain the indoor temperature of offices at 25.5°C in summer months, unless there are special operational needs. In this connection, will the Government inform this Council:*

- (a) *how the figures on electricity expenditure and consumption after implementing the above measure in Government offices compare with the previous ones;*
- (b) *whether it knows which public organizations have followed the Government's practice, and how the electricity expenditure and consumption levels of these organizations after they have implemented such a measure compare with the previous levels; and*
- (c) *whether it has assessed the effectiveness of the measure in energy conservation; if it has, of the assessment results, if not, the reasons for that?*

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

- (a) The Government issued guidelines in October 2004 to require government departments to set the air-conditioned room temperature

at 25.5°C in summer. Since then, as a number of infrastructural and public facilities have entered into services, and the usage and opening hours of many public facilities have also increased steadily, there has been a slight increase in the total electricity consumption by the Government. Nevertheless, to enable an objective comparison on electricity conservation, it is necessary to adopt the same operational parameters as the basis. According to the information of the Electrical and Mechanical Services Department (EMSD), if we use the operational parameters of 2002-2003 as the comparison basis, the total electricity consumption of the Government has been on a downward trend after the implementation of controlling the air-conditioned room temperature during summer (first implemented in the summer of 2005).

<i>Year</i>	<i>Total electricity consumption</i>	<i>Total normalized electricity consumption (using the operational parameters of 2002-2003 as the comparison basis)</i>
2004-2005	2 380 million kWh	2 190 million kWh
2005-2006	2 420 million kWh	2 150 million kWh
2006-2007	2 510 million kWh	2 120 million kWh

The total electricity expenditure of the Government from 2004-2005 to 2006-2007 is \$2,140 million, \$2,180 million and \$2,260 million respectively.

- (b) The EMSD has been promoting the message of and measures for energy conservation to public and statutory organizations, which include maintaining the air-conditioned room temperature at 25.5°C in summer. Relevant promotional and publicity activities include inviting these organizations to sign the "Energy Conservation Charter — Suitable Room Temperature", distributing mini-thermometers and publicity materials such as "Energy Saving Tips" booklets and posters, and organizing talks on energy efficiency for over 10 public and statutory organizations. Participating organizations responded positively and indicated that they would make reference to the Government's practice, where appropriate, in controlling the air-conditioned room temperature for saving energy. These organizations did not provide information to the EMSD on their electricity consumption and relevant expenditure.

- (c) The electricity consumption of government departments is affected by many factors, such as the number of public facilities and the operational level of various services, the management measures for energy conservation and the use of devices with higher energy efficiency, and so on. The EMSD has not assessed the effectiveness of individual energy conservation measures. Nevertheless, the EMSD has monitored the electricity consumption of major government buildings. Information indicates that since the issue of guidelines on maintaining the air-conditioned room temperature at 25.5°C to government departments in late 2004, the electricity consumption of major government buildings in the summer (that is from April to September) of 2005 has reduced by 2% as compared to the same period in 2004.

Improvement to Roads to Reduce Traffic Accidents

20. **MR FREDERICK FUNG** (in Chinese): *President, at present, many old roads (for example, those in the Mid-levels on Hong Kong Island and the rural areas in the New Territories, and so on) were built according to past design standards, and coupled with geographical constraints, the carriageways and pedestrian ways are winding and narrow, with certain road sections not even been provided with facilities such as pedestrian ways or railings separating pedestrians from carriageways. Some members of the public have pointed out that traffic accidents are prone to occur when using such roads. In this connection, will the Government inform this Council whether it has assessed the above state in the Mid-levels on Hong Kong Island and the rural areas in the New Territories, and so on; if so, of the names of the roads in such a state and the assessment outcome, and whether it has studied the feasibility of improving and widening such roads; if such a study has been conducted, of the outcome; and if it is feasible to improve and widen such roads, whether the authorities have set a timetable for implementing the improvement works; if such a study has not been conducted, the reasons for that?*

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, we have been keeping a close eye on the design and safety conditions of roads in Hong Kong. In conducting reviews on the existing roads, the Transport Department takes into consideration factors such as prevailing design standards, traffic demand, flow data, actual road conditions and environment, and views of the public; and formulate improvement works proposals or appropriate traffic management measures with a view to enhancing road safety. Examples of these

measures include widening carriageways or footpaths, installing pedestrian railings, erecting traffic signs and road markings, adjusting traffic light systems or imposing pick-up and drop-off restrictions. In addition, to better meet the traffic demands of residents in the New Territories, the Home Affairs Department implements the Rural Public Works Programme (RPWP) to improve existing rural roads or provide access roads for vehicles and pedestrians. When planning for these works, the Department will take into consideration factors such as the needs of the local residents, the physical environment and technical feasibility.

In recent years, the Transport Department and Highways Department have put in place a number of improvement works on road sections with sharp bends or which are narrow in the Mid-levels on Hong Kong Island and the New Territories. The major works completed in the past five years are listed in Annex.

As for RPWP, the Home Affairs Department carried out around 100 access road construction and improvement projects in various rural areas in the New Territories over the past five years. These projects include constructing smaller-scale vehicular accesses, upgrading footpaths, repaving dilapidated road surfaces, and so on, to improve rural environment and road safety, and to provide greater convenience to residents.

Annex

**Major Improvement Works on
Road Sections with Sharp Bends or Which Are Narrow
at Mid-levels of Hong Kong Island and New Territories
implemented by Transport Department and
Highways Department in the Past Five Years**

	<i>Road Section</i>	<i>Improvement Works</i>	<i>Year of Completion</i>
Mid-levels, Hong Kong Island	30 locations on road sections including Robinson Road, Conduit Road, Lyttelton Road, Bonham Road, Pok Fu Lam Road, and so on	Addition of pedestrian railings	2004 to 2008
	Robinson Road (near Park Road)	Widening of footpath	2005
	Kennedy Road	Widening of footpath	2006
	Mosque Junction	Provision of footpath	2008
	Pokfield Road (near University Height)	Addition of traffic signs	2008

	<i>Road Section</i>	<i>Improvement Works</i>	<i>Year of Completion</i>
New Territories	Ma Tso Lung Road, Sheung Shui	Widening of road and addition of footpath	2004
	Junction of Fung On Street and Hoi Chu Road, Tuen Mun	Provision of pedestrian railings	2005
	Jockey Club Road junction with Ma Sik Road, Fan Ling	Provision of pedestrian railings	2005
	Ting Kok Road between Tai Po East Fire Station and Shuen Wan, Tai Po	Widening of road	2005
	Sai Sha Road — Sai Keng section, Sai Kung	Provision of pedestrian railings	2005
	Lam Kam Road, Yuen Long	Addition of traffic signs and road markings	2006
	Island House Lane near Island House cycle track, Tai Po	Addition of footpath	2006
	Tuen Kwai Road outside Beneville, Tuen Mun	Provision of pedestrian railings	2006
	Hang Tau Road, Sheung Shui	Widening of road and addition of footpath	2006
	Jockey Club Road junction with Ling Shan Road, Fan Ling	Provision of pedestrian railings	2006
	Sham Tsz Street near Ocean Pointe, Sham Tseng, Tsuen Wan	Provision of pedestrian railings	2006
	Lung Mun Road near Lung Yiu Street, Tuen Mun	Provision of pedestrian railings	2006
	Chau Tau South Road, Yuen Long	Addition of traffic signs and road markings	2007
	Sha Tau Kok Road — Wo Hang section	Provision of pedestrian railings	2007
	Castle Peak Road — Castle Peak Bay outside Bayview Terrace	Provision of pedestrian railings	2007
	Cheung Chau Sports Road	Provision of pedestrian railings	2007
	Sha Tau Kok Road — Lung Yeuk Tau section	Provision of pedestrian railings	2007
	Kwong Fuk Road near Wan Tau Kok Lane, Tai Po	Provision of pedestrian railings	2007
	Kam Tsin Road, Sheung Shui	Road improvement and provision of footpath	2007
	Yuen Ching Road near Yuen Lung Street, Yuen Long	Provision of pedestrian railings	2007
Ho Sheung Heung Road, Sheung Shui	Widening of road bend and addition of barrier fence	2008	
Tsing Lun Road section opposite to Yau Tsz Tin Secondary School, Tuen Mun	Provision of footpath	2008	

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

PRESIDENT (in Cantonese): Bill. We now resume the Second Reading debate on the Munsang College and Heep Yunn School (Change of Corporate Names and General Amendments) Bill 2008.

MUNSANG COLLEGE AND HEEP YUNN SCHOOL (CHANGE OF CORPORATE NAMES AND GENERAL AMENDMENTS) BILL 2008**Resumption of debate on Second Reading which was moved on 16 January 2008**

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): I now put the question to you and that is: That the Munsang College and Heep Yunn School (Change of Corporate Names and General Amendments) Bill 2008 be read the Second time. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

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

CLERK (in Cantonese): The Munsang College and Heep Yunn School (Change of Corporate Names and General Amendments) Bill 2008.

Council went into Committee.

Committee Stage

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

MUNSANG COLLEGE AND HEEP YUNN SCHOOL (CHANGE OF CORPORATE NAMES AND GENERAL AMENDMENTS) BILL 2008

CHAIRMAN (in Cantonese): I now propose the question to you and that is: That the following clauses stand part of the Munsang College and Heep Yunn School (Change of Corporate Names and General Amendments) Bill 2008.

CLERK (in Cantonese): Clauses 1 to 5 and 7 to 25.

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

(No Member indicated a wish to speak)

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

(Members raised their hands)

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

(No hands raised)

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

CLERK (in Cantonese): Clause 6.

SECRETARY FOR EDUCATION (in Cantonese): Chairman, I move the amendment to clause 6, as set out in the paper circularized to Members.

Clause 6 concerns the purposes of the Munsang Education Council. In response to the opinions given by the Legal Services Division of the Legislative Council Secretariat, we propose to change the corresponding Chinese version of "to lead a Christian life" in section 3(b) from "活出基督" to "過基督徒的生活". The relevant amendment is accepted by the Munsang College.

I hope that Members will support and pass this amendment.

Proposed amendment

Clause 6 (see Annex I)

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

(No Member indicated a wish to speak)

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

(Members raised their hands)

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

(No hands raised)

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

CLERK (in Cantonese): Clause 6 as amended.

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

(Members raised their hands)

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

(No hands raised)

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

CHAIRMAN (in Cantonese): Council now resumes.

Council then resumed.

Third Reading of Bills

PRESIDENT (in Cantonese): Third Reading.

MUNSANG COLLEGE AND HEEP YUNN SCHOOL (CHANGE OF CORPORATE NAMES AND GENERAL AMENDMENTS) BILL 2008

SECRETARY FOR EDUCATION (in Cantonese): President, the

Munsang College and Heep Yunn School (Change of Corporate Names and General Amendments) Bill 2008

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

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Munsang College and Heep Yunn School (Change of Corporate Names and General Amendments) Bill 2008 be read the Third time and do pass.

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

(Members raised their hands)

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

(No hands raised)

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

CLERK (in Cantonese): The Munsang College and Heep Yunn School (Change of Corporate Names and General Amendments) Bill 2008.

MEMBERS' BILLS

Second Reading of Members' Bills

Resumption of Second Reading Debate on Members' Bills

PRESIDENT (in Cantonese): Members' Bill. We now resume the Second Reading debate on the Alice Ho Miu Ling Nethersole Charity Foundation Bill.

ALICE HO MIU LING NETHERSOLE CHARITY FOUNDATION BILL

Resumption of debate on Second Reading which was moved on 9 April 2008

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): I now put the question to you and that is: That the Alice Ho Miu Ling Nethersole Charity Foundation Bill be read the Second time. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

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

CLERK (in Cantonese): Alice Ho Miu Ling Nethersole Charity Foundation Bill.

Council went into Committee.

Committee Stage

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

ALICE HO MIU LING NETHERSOLE CHARITY FOUNDATION BILL

CHAIRMAN (in Cantonese): I now propose the question to you and that is: That the following clauses stand part of the Alice Ho Miu Ling Nethersole Charity Foundation Bill.

CLERK (in Cantonese): Clauses 1 to 14.

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

(No Member indicated a wish to speak)

CHAIRMAN (in Cantonese): I now put the question to you and that is: That clauses 1 to 14 stand part of the Bill. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

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

CHAIRMAN (in Cantonese): Council will now resume.

Council then resumed.

Third Reading of Members' Bills

PRESIDENT (in Cantonese): Members' Bills: Third Reading.

ALICE HO MIU LING NETHERSOLE CHARITY FOUNDATION BILL

MRS SELINA CHOW (in Cantonese): President, the

Alice Ho Miu Ling Nethersole Charity Foundation Bill

has passed through Committee stage without amendment. I move that this Bill be read the Third time and do pass.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Alice Ho Miu Ling Nethersole Charity Foundation Bill be read the Third time and do pass.

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

(Members raised their hands)

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

(No hands raised)

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

CLERK (in Cantonese): Alice Ho Miu Ling Nethersole Charity Foundation Bill.

MEMBERS' MOTIONS

PRESIDENT (in Cantonese): Members' motions. Proposed resolution under the Interpretation and General Clauses Ordinance to extend the period for amending the six items of subsidiary legislation made under the Trade Descriptions Ordinance, which were laid on the table of this Council on 23 April 2008.

I now call upon Mr CHAN Kam-lam to speak and move his motion.

PROPOSED RESOLUTION UNDER THE INTERPRETATION AND GENERAL CLAUSES ORDINANCE

MR CHAN KAM-LAM (in Cantonese): President, I move that the motion, as printed on the Agenda, be passed.

President, I move the motion mainly with the objective of extending the effective dates of six items of subsidiary legislation under Article 34(4) of the Interpretation and General Clauses Ordinance. Since the six items of subsidiary legislation may have impacts on the business community or the trade, and have aroused public concern, a subcommittee is formed to study them. We hope to extend the relevant effective dates, so as to allow the public and Legislative Council Members more time to study these items of subsidiary legislation. Thank you, President.

Mr CHAN Kam-lam moved the following motion:

"RESOLVED that in relation to the —

- (a) Trade Descriptions (Provision of Information on Natural Fei Cui) Order, published in the Gazette as Legal Notice No. 79 of 2008;
- (b) Trade Descriptions (Provision of Information on Diamond) Order, published in the Gazette as Legal Notice No. 80 of 2008;
- (c) Trade Descriptions (Provision of Information on Regulated Electronic Products) Order, published in the Gazette as Legal Notice No. 81 of 2008;
- (d) Trade Descriptions (Marking) (Gold and Gold Alloy) (Amendment) Order 2008, published in the Gazette as Legal Notice No. 82 of 2008;
- (e) Trade Descriptions (Marking) (Platinum) (Amendment) Order 2008, published in the Gazette as Legal Notice No. 83 of 2008; and
- (f) Trade Descriptions (Definition of Platinum) (Amendment) Regulation 2008, published in the Gazette as Legal Notice No. 84 of 2008,

and laid on the table of the Legislative Council on 23 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 11 June 2008."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Mr CHAN Kam-lam 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. First motion: Perfecting lawn facilities in parks.

I now call upon Mr Bernard CHAN to speak and move his motion.

PERFECTING LAWN FACILITIES IN PARKS

MR BERNARD CHAN (in Cantonese): President, I move that the motion as printed on the Agenda be passed.

Public open space is a popular talk of the town of late and the topic has triggered a lot of discussions. The motion topic I propose today would focus on

discussing a very important kind of open space and that is the lawn facilities in the parks. I would also like to bring out the issue of a greening policy in Hong Kong through this motion.

Many families love to go to parks for fun during the holidays. Although not every park has got lawns, and even if there are lawns, they are by no means large in size. Children like to play on the grass once they see lawns. It turns out, however, that there are signs put up in many of the parks which say, "keep off the grass". So parents have to run faster than the children to stop them when they are about to dash for the lawns, for if not, the children would be breaking the rules. It turns out that most of the lawns in Hong Kong can only be watched from afar and there can never be a close encounter with them.

I find out when talking with friends that many of them share the same wish and that is, they wish that the children can be permitted to play on the lawns. When I browse the webpages on the Internet, I find that many parents share this wish. It may look simple, but in fact it is not.

Some people may argue that Hong Kong has done a good job in its greening policy. If we take out a map, we can find out that many places are marked in green. There are about 74 100 hectares of woodland, shrubs and grassland. These take up about 67% of the total area. But most of these are found in the land or countryside in the New Territories on higher terrains. And the country parks take up about 40% of the greened areas in Hong Kong. I agree with the view that when compared to cities in other countries, it is more convenient for us to go to the countryside as it is not much more than half an hour's drive away.

I like to ramble in the hills but ever since I have children of my own, I come to know that it is not so easy to bring them to the country parks. Also, as parents we would be more at ease if the young children can play on the smooth surface of the lawns in a park, rather than in the country parks with steep slopes and hills.

It is never easy to find a lawn in the city or near one's workplace or home. It is true that we have the Hong Kong Park, the Victoria Park and the Kowloon Park and so on, but in these parks situated at the heart of our city, not many lawns there are open to the public. What are found in the parks are mostly trees

and potted plants and also the drab and monotonous design of the parks, facilities and concrete surface.

Even if we are so lucky as to be able to find a park with lawns near our home, it does not mean that we can play on the lawns. President, this is because almost every park would have signs to tell us what cannot be done. President, there is a small park in the City Hall just opposite to the Legislative Council with two tiny patches of lawns and they have signs of "keep off the grass" erected there.

According to section 9 of the Pleasure Grounds Regulation, no person shall walk upon any grass where notice to keep off such grass is exhibited. Offenders are liable to a fine at level 1, that is, a maximum of \$2,000 or imprisonment for 14 days.

Earlier on, I made a special trip to many parks in Hong Kong, Kowloon and in the New Territories and I found out that the situation was not too satisfactory and it is not easy to find lawns that are really open to the public.

First, the Hong Kong Park. Although it has got lakes and trees, there are no lawns open to the public. The Victoria Park has got a vast stretch of lawn at its centre, with an area of about 15 000 sq m. But as we know that this is a rare piece of greenery in the city centre, so it has a very high utilization rate. On the Sunday just past, I could see many foreign domestic helpers sitting on the lawn and have picnic. The Kowloon Park has two very small lawns which are open to the public, but some of the staff working there are not too sure about this fact. When I asked them if the park had any lawns open to the public, a staff member told me that there was none while another told me that there was. In the end, we were asked to leave our mobile phone numbers for the purpose of getting a reply from them after they had consulted their superiors. Of the many parks in Hong Kong, the Penfold Park has got the largest and most charming lawns and they are open to the public. It is unfortunate, however, that the lawns are not managed by the Leisure and Cultural Services Department. Another park which is privately managed and with vast stretches of lawn open to the public is the Cyberport Park. On holidays, these two parks would draw in large crowds of people and some people even bring along their dogs and let them run on the turf. I cannot help but ask, could it be that private organizations are more capable and have greater financial resources in planting grass and maintaining lawns than the Hong Kong Government? It is true that the Yuen Long Park

does have a vast span of lawns, but most of them are found on the slopes. I went there last Monday and I could see many people playing on the lawns. However, for the young children, their parents must watch out lest the children trip on the slopes.

Overall, lawns open to the public can only be found in some large municipal parks. In Hong Kong, lawns can be said to be forbidden grounds, for one can see countless signs saying things like "keep off the grass", "no football playing", "no cycling", "no lying on grass", and so on.

Some of my friends from overseas think that these rules are incredible and they think that I must be joking. It is because in foreign countries, one can always see people lying on the lawns in a park or before a city hall or library for a rest, to read a book or to have picnic. This is especially the case in winter, even those who work in an office would like to go to the lawns in a park during their lunch break and spend a warm afternoon in the sun while eating a sandwich.

According to information from a local organization called the Hong Kong Alternatives, the area of municipal parks now available to each person on Hong Kong Island and in downtown Kowloon is among the lowest in the world. In other international cities like the Manhattan district of New York or the inner city of London, the area of municipal parks available to each person on average is at least 10 times higher than that in Hong Kong. Even Singapore has a Botanic Gardens located at the heart of the city, boasting an area of 52 hectares. I have been there many times but I do not find any signs erected there which prohibit people from engaging in any particular activities.

A survey conducted by Green Force in 2006 shows that close to 60% of the young children in Hong Kong have never sat on the grass or lain on it. I think one of the reasons is that the parks do not encourage children to walk on the grass. In fact, children nowadays have little chance of coming into contact with grass, flowers, plants and trees. If they can have the chance of coming into close contact with nature, it can foster a better understanding in them of the environment and they will learn to protect it.

Earlier on, I voiced some similar views in a column in the *South China Morning Post*. Afterwards, many people who read my article sent me e-mails to express their agreement. An expatriate who had lived on Hong Kong Island for more than 30 years wrote to me. He said that he moved into Sai Kung

during the past few years. He planted a small lawn in his garden. A friend of his who was almost 40 years old paid him a visit. He took off his shoes immediately when he saw his lawn and he asked him whether he could walk on it. It turned out that the last time he had a close contact with lawns could be dated back to his university days.

I understand that the rationale behind this setting up of regulations is for the protection of the grass, for fear that the grass will be trodden to death. In a meeting of the Public Works Subcommittee held last month on the master greening plans for Kowloon West and Hong Kong Island, I asked the officials whether it was particularly difficult to plant grass in Hong Kong. The answer I got was no and Hong Kong was well-suited to growing many kinds of grass but the costs of maintaining the lawns might have to go up. This is especially the case when people are allowed to walk on the lawns because the grass is likely to be trodden to death very soon.

President, is it because of the fear for many people using the lawns that they are shut off from the people? Is it not like putting the cart before the horse? Some members of the public are worried that if the lawns are open, those who benefit the most would be the foreign domestic helpers. This view is totally unacceptable to me. On the contrary, this shows Hong Kong's inadequacies. To address the problem, we should build more and bigger public open spaces so that the people, including foreign domestic helpers and tourists may use them.

Digging into the root of the problem, I think there is a need to review our greening policy. Not only do we want a green belt for the visual pleasure and aesthetic enjoyment of the public, but we would also want some green areas made available to everyone. As members have seen from the urban planning for the West Kowloon Cultural District and the New Central Harbourfront, there are many greening designs. But my worries are that greening in the eyes of the designers and the Government is meant for the eyes only and it cannot be used. At the end of the day, there is still a proliferation of these signs of "Noes".

I am not saying that all the parks in Hong Kong should be turned into lawns or that all the lawns should be open to the public, but can we open up some of the lawns in some of the parks? What I mean by opening up does not mean only walking on the grass but to engage in more kinds of activities on them.

However, even healthy pastimes like playing football and flying kites are strictly forbidden at present.

The Government may worry that when people engage in such activities, they may cause an accident to themselves or others out of inadvertence. People may even get injured. But is it not like chopping off a toe to avoid a worm, so to speak? I would think that a positive approach is to educate the people to remind them of safety concerns, step up civic education and teach people to respect others and love public properties.

Considerations can also be made by the Government to allow the people to engage in different activities on the lawns in different parks. This would leave more choices to the people. One of these rules found in the parks is dogs are strictly forbidden. Luckily, after efforts made by animal lovers, dogs are allowed to enter some of the parks. The dogs can run and jump on the grass. But still our children are denied of this dream. When we say that Hong Kong has become an international city and as our quality of living is always on the rise, we should really do something more in this regard.

With these remarks, President, I beg to move.

Mr Bernard CHAN moved the following motion: (Translation)

"That this Council urges that the Government should, in the course of urban planning, including the development of future projects such as the West Kowloon Cultural District and the New Central Harbourfront, study the planting of more lawns in the open spaces planned to be provided, allocate more resources for the maintenance of lawns, make available individual lawns for use by the public and reduce unnecessary regulatory control, so that members of the public, especially small children, can better enjoy these public facilities."

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): Five Members intend to move amendments to this motion. The motion and the five amendments will now be debated together in a joint debate.

I now call upon Mr WONG Kwok-hing to speak first, to be followed by Ms Audrey EU, Mrs Selina CHOW, Mr James TO and Miss CHOY So-yuk, but no amendments are to be moved at this stage.

MR WONG KWOK-HING (in Cantonese): President, I wear a green shirt today especially for this occasion and I have brought along my old pal Grassy to propose this amendment.

President, I grew up in Macao and these little grasses were my dear companions. The happiest time I had was when my dad took me to the Farol da Guia, the lighthouse, during the holidays and played on the lawns below it or when mom let me play in the fields in the Fortaleza do Monte after school. There were lots of games to be played there and it was full of mysteries. We would never get tired of playing there. We could catch small fighting spiders and grasshoppers and there were many dragonflies and damselflies there. We would think of some ways to stick these damselflies. The most interesting thing was that there were some fierce-looking mantises, but they were in fact very scared of humans. At times, we could see frogs hopping in the fields and in our childhood days, these green fields did allow us to take a breath of nature.

In addition, President, if I found that the cat we kept at home had a digestive problem, and upon getting my mom's permission, I would bring the cat to the field and she would find some grass she liked and eat. The she would ruminate and spit it out. Then she was well again. So the green grass has much to do with my growing up and as Mr Bernard CHAN has said, it is hard to find lawns in Hong Kong these days and come into any contact with lawns. This is really a thing to be regretted in the process of urbanization.

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

My pal Grassy who comes to this Chamber today has got something to say to the Deputy President through me. Although the President has just left for a rest, he wants to tell the Deputy President that grasses will breathe and they can adjust the temperatures, making our winter warm and our summer cool. They help us humans resist the heat island effect. They also want to tell the Deputy President that they can become the breeding ground of many little creatures. It

turns out that many small insects and reptiles live among these grasses and their roots as well as right underneath them. They provide good food for the birds and so many birds would fly to the grass fields especially during the evenings and at daybreak. They would flock in to hunt for food. Also, a lot of earthworms live under the soil. So the grass fields support the life of many creatures and they form an interactive chain in nature.

Deputy President, these grass fields are the most amazing sponges in nature. On a rainy day, they would soak the rainwater and on hot days they would release steam. The grass fields are therefore much superior to the lifeless concrete slabs that laced our promenade parks or the drab concrete buildings that sprawled on the surface of our parks. Grass is certainly the best friend of human beings and it is the kind of plant closest to us. We say that it takes ten years to grow a tree and one hundred years to educate a person, but it does not take so long to plant grasses. One needs to have a good amount of knowledge to grow flowers, but it is certainly much easier to grow grasses. Deputy President, these small grasses want to tell us that they are lovely little things.

In addition, the grasses, lawns and green slopes do have many other social functions and uses. Deputy President, please take a look at some photographs I have brought with me. There are some about weddings held on the lawns of the Kowloon Tsai Park. Some are about concerts held on the lawns of Honeymoon Bay in Taiwan. This picture shows some people riding bicycles leisurely along the banks of River Elbe in Dresden, Germany. Secretary, as you can see, these are lawns, not concrete floors. Also, we can see that in the bicycle track in the river bank park in Main Street, Taipei, the place is planted with picotees and the lush greenery is gorgeous. Besides, we can see that the coast of Keelung, Taiwan is planted with picotees and rapeseed flowers and it is most appealing to the eyes. Let us look at this picture, there we can see some people sunbathing on the lawns in Norway. Another example is that the river channels in Taipei County used to be filled with garbage and later the county government used a great amount of resources to clear up the channels. As many as 8.2 million tonnes of garbage are collected. Then lawns are planted throughout the county and a total of 60 hectares of lawns are added. From this picture we can see the beautiful scenery in the brand-new eco-park along the river bank there.

It follows that it is not that grass cannot be grown in Hong Kong or there is no way grass can be grown here. The question is whether or not people want to

do it and whether or not our Government wants to do it. Therefore, I hope very much that the Government can plant more lawns and produce green fields for the people and return to the people those green lawns which are readily available. These lawns should be open to the public when they are not closed for maintenance. This is very important, for some of the lawns can only be watched now but cannot be used. People can only watch them now but they cannot go near them or touch them. Deputy President, there is an important function of lawns and it is that they are as soft as a carpet. It is the most enjoyable moment for a tired person when he can lie on the grass, gaze at the blue sky and be amazed at the fleeting changes of the clouds. I can see the Secretary smile now. I do not know if the Secretary has ever tried to do that. When I was small, after getting tired from playing, I would lie down on the green grass and watch the clouds drifting and changing. I could also see many interesting things as well.

All in all, we cannot do without lawns. It is unfortunate that lawns have become the most expensive natural resource in Hong Kong and the one in shortest supply. There is no reason for this. The Government has always been stressing that there must be improvements to the environment and greening should be promoted. And there are talks about the greening master plans. But why can we not see the total areas of lawns increase every year? Why do we not have any information on the extent of such increase after each certain period of time and also on the related standards? There is absolutely nothing on these at all. Actually, the Government has spent some time studying the problem. Since there is a tramway on the Hong Kong Island and other vehicles are forbidden to use many sections of the tramway, then why can the tramway not be turned into plots of lawns? There are successful examples of that in foreign places. All these can actually be considered.

I mention waterfront promenades in my amendment. This is because the original motion is also mainly about the waterfront. I point out in my amendment that there is a shortage of lawn resources along the Tsing Yi and Tsuen Wan waterfront promenades. The Government said that it would consider building a cycling track from Tsing Yi and Tsuen Wan all the way to Tuen Mun, but has any consideration be made to lawns? It seems that there are no such thoughts in the Government. So I hope that this element of lawns can be added to the planning. It should not be done in a nominal manner but it should represent some concrete steps taken. I hope very much that before the

Secretary leaves this Chamber, he can give us a timetable or a roadmap, telling us when lawn areas can be increased and by how much. This can give the people of Hong Kong a hope and a wish that they can be accessible to more lawns soon.

Deputy President, my pal Grassy reminds me that I have something that I have forgotten to tell the President, though she is not here at present. I tell him that I can ask the Deputy President to relate this to the President. Grassy says that he knows that the Legislative Council will be in recess in less than two months and Mrs FAN is about to retire. So he hopes that after Mrs FAN has retired, she can have more chances to come close to the grasses, touch and feel them, lie on top of them to rest, then she would be healthier and can live a longer life. Thank you.

MS AUDREY EU (in Cantonese): The crucial point in my amendment to Mr Bernard CHAN's original motion today is that in view of the aggravating heat island effect, there should be an increase in greened areas on the ground and the overall greening ratio in urban areas. Deputy President, LAM Chiu-ying, the Director of the Hong Kong Observatory, has said that the latest studies show that if the high emission of green house gases remains unabated, with the rapid urbanization, there may be no more winters in Hong Kong by 2020.

This is a stern warning indeed. It so happens that Mr Bernard CHAN proposes this motion debate which calls for an increase in greened areas, so I propose this amendment and I have added the topic of heat island effect.

There is actually a close connection between greened areas on the ground and the heat island effect. The cause of the heat island effect is that the road surface and buildings in a city are made up of cement and concrete. These materials absorb heat during daytime and release hot air during the night. When added with the heat dissipation installations in the air-conditioning systems, the hot air will blow outwards. Moreover, emissions from cars are large in quantity and so the temperature is higher in the city than the rural areas at the outskirts of the city. If we use isotherms to link up locations with the same temperature, it can be seen easily that the temperature at the outskirts of a city is lower than at the city centre. That temperature which is higher at the city

centre forms an island-like shape and that is how the heat island effect comes to be called.

The heat island effect is also causing the average temperature in Hong Kong to rise faster than other places. In the last century, global temperature rises from 14°C to almost 15°C, or by about 0.6°C. However, the increase in temperature in Hong Kong is even more drastic. Looking back at 1885, the temperature was 21.5°C; in 1995, the average temperature increased to 23.5°C. That is an increase of exactly 2°C. It shows that the increase in average temperature in Hong Kong is faster than the average increase in world temperature.

On a summer day in Hong Kong, if people walk on the street, they will feel the steaming heat and it is like being inside a furnace. This is because Hong Kong has a high urban density, the number of vehicles is large, plus the screen effect and canyon effect caused by high-rise buildings, it is like adding oil to the fire. Miss CHOY So-yuk in her amendment mentions greening on the rooftops of buildings. Although greening on rooftops is important and will help reduce the temperature, this is only addressing the issue indirectly and cannot offer any direct solution to it.

Why do I have to specify greened areas on the ground? This is because I am very worried that the Government will resort to tricks and include the greened rooftops into the calculations in order to make the greening ratio look better, hence sidestepping the crux of the problem.

According to a paper submitted in May last year to this Council by the Civil Engineering and Development Department, the current greening ratio in the urban areas is only 46% while the greening ratio in the New Territories is 74%. In terms of international ranking, it is reported that the average per capita ratio of greened area in Hong Kong is only 2.9 sq m and this is far lower than our neighbours. It is 6 sq m for Singapore, 7 sq m for Tokyo and 10 sq m for Guangzhou and Shanghai. So the present figure of 2.9 sq m for Hong Kong is way behind other places.

Apart from alleviating the heat island effect, greened areas on the ground has got another important function and this is to offer some space for the people who lead a busy life in the city to relax. This is something which greened rooftops may not be able to achieve.

Greened areas can serve as urban lungs, reducing the heat island effect and enabling us to come close to grasses as Mr WONG Kwok-hing has said just now. The lawns that used to be found at the entrance of the Causeway Bay exit of the Victoria Park were paved with concrete a few years ago. Dr CHIM Chi-yung, Chair Professor of the Department of Geography at the University of Hong Kong points out that the move has made surface temperature rise as much as 18°C.

The dense vegetation in the parks can dissipate heat and can ease the heat island effect in the city. However, after rebuilding works done in many parks in Hong Kong, what we can find are just stretches of concrete surfaces and many trees are pressed under bricks and stones. Another thing is that concrete works in Hong Kong absorbs heat more and more.

Compared with overseas countries, the area of parks in Hong Kong is really very small. The Hyde Park in London has an area of 251 hectares. The Central Park in New York covers 341 hectares. In these two cities, every 1 000 persons are entitled to 0.7 hectare of park land. But in Hong Kong, every 1 000 persons have only 0.05 hectare of park land. The ratio is appallingly low.

On the question of open space, the key to the problem is that supply lags far behind the demand. The Leisure and Cultural Services Department has about 1 400 leisure locations, but as we have more than 7 million people and land in the urban areas is scarce and high-priced, open space available for public use is dwindling. As a matter of fact, not much land is still available in the urban areas that can undergo greening or be planted with lawns. The most important thing, after all, is that the Government must increase open space and undertake greening. This will really enable citizens to enjoy public spaces with quality.

Let us look at the Hong Kong Planning Standards and Guidelines. Now each person in Hong Kong is entitled to only 2 sq m of public space and this is a very low standard indeed. Not only is the standard very low, but also the quality of such public space is not always desirable. Recently, many groups and the media have exposed the truths about these pseudo-public spaces of deplorable quality. Apart from the public spaces found in the private sector, we can see that in a commercial and hotel development project in Hanoi Road in Tsim Sha Tsui by the Urban Renewal Authority, after numerous changes made to the blueprint, some of the open space at the ground level is covered by a

flyover, which means that the people will have to rest underneath a flyover. Such kind of public spaces can be said to be of an extremely poor quality.

This is all because of the fact that the Hong Kong Planning Standards and Guidelines issued by the Planning Department are only some guidelines and it does not have any actual effect. Last month the Civic Party published its views to urge the Government to protect the right of the people to use quality public spaces. The Planning Department and the Lands Department should devise a timetable to specify when the public space standards found in the Hong Kong urban planning guidelines can be attained. This is what Mr WONG Kwok-hing meant when he refers to timetable and roadmap earlier. The definition of public space should be narrowed down to exclude pseudo-public spaces and low-quality public spaces. In their place, real public spaces that can meet the standards and fulfil public expectations should be provided.

With respect to managing parks and lawns, the Civic Party supports doing away with regulation that is not necessary. Mr Bernard CHAN has talked at some length on this when he made a speech on the original motion. He talked about, among other things, those "keep off the grass" signs which exist in great numbers. These signs bar the people from enjoying the lawns and reduce their chance of coming into close contact with nature. Mr Bernard CHAN has also mentioned the lush green lawns next to the cenotaph outside the entrance of the Legislative Council Building which forbid walking.

Besides, many fences are erected in the parks of Hong Kong, examples are the playgrounds in Pokfulam and Broadcast Drive which are surrounded by huge fences and iron bars are placed to separate people from plants. I always have a feeling that going to a park here in Hong Kong is like window shopping and what we can do is to gaze at the luxury items on display in a posh shop from a distance while we are not actually buying anything. Lawns should never be used in this way.

With respect to park facilities, the park benches in Hong Kong are pinned down to the ground and they are all facing one direction. Many of these benches have divides and people cannot sit comfortably on them. They cannot unwind their stressed mind and enjoy these public spaces to their heart's content. This is in stark contrast to parks in Europe and many other places. We hope that more can be done by the authorities on the matching facilities so that everyone can have a chance to enjoy nature.

As for the amendments, irrespective of whether they are proposed by the Democratic Party or other Honourable colleagues, they all hope that the Government can relax controls and remove restrictions. The Civic Party supports all these amendments.

Deputy President, I so submit.

MRS SELINA CHOW (in Cantonese): First of all, I wish to thank Mr Bernard CHAN for giving us an opportunity to discuss this topic. Actually, the topic has been under discussion for a very long time but there has not been any formal attempt by this Council to urge the Government to make improvements from the perspective of public policy. Now it is an excellent chance for Members to discuss the problem of lawns from a sentimental perspective.

I think Members can see that lawns are a very important social resource for the community, especially for the children. Many Honourable colleagues have mentioned that Hong Kong is very backward in this respect when compared with many other major cities in the world. Hong Kong claims to be Asia's world city, but we are actually lagging far behind the foreign countries. This is not only in terms of area. The area of Hong Kong is indeed very small. Ms Audrey EU has pointed this out clearly earlier and actually I have got these figures as well. This is a question of proportion. Compared with New York and London, our proportion is actually very low indeed.

The problem is that our policies do leave a lot to be desired. We may have a certain area of land, but we cannot turn it into uses as aspired by the people. This applies to lawns especially. In the district which I represent, that is, the New Territories West, there is an area of 71 hectares of parks, but the area of lawns is so dismally small. It is only with much difficulty that we can find a tiny piece of lawn in the Yuen Long Park but it is sloping, not the kind of vast and flat grassland that children love most and even infants can run about and roll over on. They cannot do these on the lawns there because they are sloping. Even playing football is not possible as they are not flat. So this is really a headache for us.

Some Honourable colleagues have mentioned about it and in the letter written by Mr Bernard CHAN to Members, the problem of signs like "keep off the grass" is mentioned. The law forbids walking on grass and those who do so

will be prosecuted. We can see that many people ignore the warning even though they would risk prosecution and lie on the grass because it is so inviting. Do we really have to do so? I have once asked the authorities indirectly why they care so much about that. The reply is that too many people walking on the grass will kill the young grass. But the authorities should listen to what the people have to say on that or do something to fulfil their wishes. We can change the land use. This can be done everywhere in the world, so why not in Hong Kong? We do not have a problem of the shortage of rainfall and there is rainfall when summer comes. I am sure that we need to explore into many areas related to the issue.

Actually, we have no shortage of funds for greening. It was only on last Friday that this Council approved of a funding request of more than \$100 million to be spent on greening work being carried out in various districts. However, it is not known why the Government is so mean on this issue of lawns. So I hope that the Secretary can change this mentality. We do have a large number of parks and facilities in the parks are much better than before. It is not known why the Government wants to convert turfs into concrete pavements for maintenance convenience because it thinks that there will not be any problems even if people walk on them. But the effect of this is counter-productive and after these concrete paths are built, the small children will stop going there and so the number of users has dropped.

We need to know that problems will arise as we ask for change. The problem of population ageing has made the authorities consider the needs of the elderly when providing open spaces and parks. The needs of the young children are ignored. I think a balance has to be struck between the two. Many young couples are heeding the advice of the Chief Executive on population policy and it seems that many babies are born these days. That is why I think we have to face up to this problem indeed. An example is that when we go to the swimming pool to swim, it may be a great trouble for members of the family because they have to bring a lot of swimming gear. Such a problem does not happen if people go to the lawns. They can go there at any time and they can run about and enjoy themselves. I hope that the Secretary can really give some serious thoughts to this issue.

The amendment I propose is well-intentioned and I hope Mr Bernard CHAN would not mind. On one hand, I wish to say that more efforts should be put in planning for the future. I can see that the original motion of Mr CHAN

only refers to the West Kowloon Cultural District, and no reference is made to large scale new developments in the new towns of the New Territories and in Kai Tak, and so on. I hope that the authorities can give equal attention to these projects. Another point in my amendment is that besides considering the future, we should also consider the existing parks. The Zoological and Botanical Gardens has stayed the same way as it was since I was young — being fenced all over and no entry is allowed. Many places are surrounded by fences. We hope that the relevant regulations can be relaxed and they can be applied to all existing gardens and open spaces. This will enable greater use of the lawns and allow visitors to go in.

In addition, in some older open spaces or vacant lots, if it is possible, concrete grounds should be avoided. We find that there is too much concrete in the parks already. The Government is only considering the maintenance needs. But this is not correct. The Government should approach the problem from the users' point of view and it should think about what they want to see. We all want greenery. We know that many trees are planted and there are also beautiful flowers around. But we do not want a purely decorative kind of greening such that people can only look at it from a distance without actually coming into contact with it. I think this is not the way to give full play to the functions of a park.

I wish to point out that as the Liberal Party proposes this amendment, we have also examined the amendments from other Members such as Mr WONG Kwok-hing, Ms Audrey EU, Mr James TO and Miss CHOY So-yuk. Actually, they all hope that the lawn areas can be increased and the lawns can be better managed. All these deserve our support. Of course, we also agree that more lawns should be planted on the rooftops of buildings. This is because we can see that this has long been done in many overseas cities and it has been done well. In Japan, we can see that that it has done a good job. It is bound to be a good thing if greened areas can be increased, for the people can have more fresh air. On the whole, we hope that the Secretary and the Government can increase the area of lawns and open them to the public. They should act in response to public aspiration and let the public use the lawns. This is the most important thing and such lawns should cover all the existing ones as well as those under planning.

Thank you, Deputy President.

MR JAMES TO (in Cantonese): Deputy President, when we go into a park and see some lush green lawns, our mind would feel refreshed. However, we will also see some "keep off the grass" notices which have just been mentioned. When I was young, I thought these notices were not so easy to understand. In those days, people in my family accepted the norm and they thought that lawns were meant to be looked at and once they were trodden, nothing would be left to look at. When I grew up and could afford traveling abroad, I found that people could lie on the lawns, have picnics and enjoy a close contact with nature. Lawns after all are not just meant to be looked at.

If we take a look at places with lawns in Hong Kong, such as the Hong Kong Park nearby, we can see that many lawns are fenced off. Or if we look at places closer to us, such as the place near the cenotaph next to the Legislative Council Building, there are laws which regulate the lawn there. The place is a solemn place and the lawn there should of course not to be walked on. This sounds sensible. But when I was abroad, I could see that in the lawns of some very solemn places such as in a memorial hall of soldiers killed in action, people were allowed to sit down or walk on the grass. So I thought, there is no reason why people are forbidden to walk on the lawns next to the cenotaph because it is said that an air of solemnity is to abide. It may be that values are different from place to place. But is it because a location is considered solemn that this has to be necessarily so? Of course, if there is any special festival or ceremony, or on some commemorative occasions, it stands to reason that there must not be a scenario of having some people holding a memorial service while some other people are having a picnic. However, does it mean that on normal days the lawn there must not be allowed to be used for other purposes? This is something we ought to rethink about.

Let me give another example. There is a flight of stairs next to the Government Headquarters. Perhaps let me start by talking about something closer. There is a place where the people can take a rest. The place is quiet and charming. But our colleagues from our research department who are responsible for writing scripts always come and ask me why entry into that place is forbidden. There are trees, grasses, desks and benches there but the gate is always locked.

Also, we learn from some reports earlier that there is a lawn next to the side of the pier and facing the International Financial Centre. After making an investigation, we found that the lawn is on Government land but it is stipulated

that the place is not open to the public before 2015 and no passive recreational facilities or benches will be placed there, not even pedestrian-crossing facilities. This is another example of lawns for the eyes only and which cannot be used. In fact, there are far too many examples like these.

There are some areas covered with grass such as in the parks, playgrounds and waterfront promenades that are public lawns managed by the Government. Examples are the Victoria Park, the park at Hiu Kwong Street in Sau Mau Ping, the promenades in Tai Po and West Kowloon and so on. However, the lawns open to the public there are limited and there are almost no passive recreational facilities at all. Even as the central lawns in the Victoria Park are open to the public, there are no passive recreational facilities there. From 2006 the Leisure and Cultural Services Department launched a trial scheme under which some turf-ed areas are open to the public to see what the results are. But as these turf-ed areas are originally meant to be used for ball games, so the opening hours are restricted and other passive recreational facilities cannot be provided.

It is unfortunate that the Government has not only failed to open up lawns in public spaces for use by the public at a suitable proportion, but there are also no integrated measures in place. What is more, "keep off the grass" notices are put up in the lawns so that the people are barred from using the public space. In addition, the Pleasure Grounds Regulation under the Public Health and Municipal Services Ordinance provides that it is against the law for any person to walk, run, stand, sit or lie upon any grass or turf in a pleasure ground. I will not go into the details here. There was a friend of mine who once went to the promenade in Tai Po. He saw a large piece of lawn and his children were thrilled and they ran about, rolled on the grass and took photos. But no sooner than that a member of the management staff shouted at them to stop and they were driven away. Just imagine, the children are denied a chance to come into close contact with the grass. What more can we say when we hear things like people should come into close contact with nature? Shall we just breathe the air but not touch the grass? Is this just an empty slogan but can never be put into practice?

In the chapter on "Recreation, Open Space and Greening" in the Hong Kong Planning Standards and Guidelines published by the Planning Department, it is pointed out that open space "should also be accessible, suitable, functional and usable" so that it is accessible to all segments of the population. The

document also states that in any open space, "adequate lighting should be provided in shaded sitting-out areas together with other necessary street furniture". It can be seen that the mere provision of lawns to the public is not sufficient. The Government must also provide sound matching facilities so that the people can really enjoy these community spaces.

Deputy President, the amendment I propose is especially addressed to the provision of public space in private sector developments. I think this kind of public space should be regarded as the same as the public spaces managed by the Government. However, it is unfortunate that in private developments like The Portofino in Sai Kung and the Symphony Bay in Tai Po, though there is some kind of stipulations in that regard, there is nothing on how to manage these public spaces. The stipulations are listed in some bare and simple terms and conditions found in the deed. In practice this is not sufficient in protecting the right of the public in using such public spaces. There are some reports that watchmen's booths and vehicle gates are installed in the accesses to these public spaces, separating these accesses from entry by the public.

In our opinion, the right of the public to use public spaces found on Government land or private development projects should be completely the same. There should be a similar set of code of practice for the management and use of such public spaces for compliance by management staff and the public. This will also ensure that the public can enjoy such spaces. Public engagement should be enlisted in the drawing up of such a code of practice as this allows public participation in managing such spaces.

When drawing up such a code of practice, there are several major principles that should be considered. First, there must be a greater degree of freedom and openness, that is to say, the public can engage in all kinds of lawful activities on the lawns, such as jogging, football playing for the children, lying down, eating (picnicking) and taking photos. Second, the lawns should be protected. Something comes to my mind and that is, the public should be reminded to keep the lawns clean and there must be no wilful, excessive or unreasonable destruction of the lawns. Third, management must be transparent and notices must be put up in conspicuous places to give details on the boundary of the space, hotlines for inquiries and complaints, times for maintenance and rules to be observed by users. Fourth, there must be a fair mechanism in place for the purpose of allocating suitable timeslots for use by groups to carry out non-profit making leisure and recreational activities.

Therefore, in the motion proposed by Mr Bernard CHAN, I have specifically added "making available an appropriate proportion of lawns in public spaces for use by the public" to the part on public spaces managed by private developers. Also, related passive recreational facilities in the open spaces should be increased so that the people can really enjoy the fun and feel the harmony in nature.

MISS CHOY SO-YUK (in Cantonese): I beg your pardon, Deputy President. I just returned from a fund-raising activity and so, my voice is not too good.

Deputy President, I wonder if Members can still recall when was the last time that they could really walk on a lawn in Hong Kong. In Hong Kong, greened areas actually take up over 60% of the territory. Well, it seems that we should take great pride in this if we look at the figure alone. But when the rural areas and country parks in the New Territories are excluded, the greened areas in the urban districts are actually scarce. It is extremely rare to find in the urban area a small lawn, not to mention a large one. It has actually become a luxury for urban dwellers to feel what it is like to walk on lawns.

We can rarely walk on lawns primarily because of a shortage of lawns. We have discussed with the Government why this is so. The Government said that while the planting of lawns may not be difficult, the cost would be exorbitant, and the main reason for exorbitant cost may be that maintenance would be costly if public access to the lawns is allowed. I understand that apart from the maintenance cost, water consumption is also enormous. I was told by a management company that the maintenance of one single lawn in a housing estate would require the consumption of a huge amount of water. This is why I propose an amendment to suggest that the Government should put in place a rainwater and grey water collection system, with a view to reducing water consumption.

The scarcity of lawns in Hong Kong is a known fact to all. Take the central lawn in Victoria Park as an example. Despite that the lawn occupies an area of 2 hectares, it is open only on Sundays and public holidays. The Tai Po Waterfront Park also has a lawn measuring 450 sq m, but a prior application is required for using it. For instance, the lawn will be open for holding wedding ceremonies.

In fact, as I said earlier, is it that lawns must always be so vulnerable and that the public must be kept off from them? I think it mainly depends on the types of turf and how they are managed and maintained. We can see that in football matches, the lawn is continuously trampled but after proper lawn care and maintenance measures, the conditions of the lawn can return to normal. So, this primarily has to do with the initiatives and policies of the Government.

Deputy President, judging from their contents and directions, the original motion and the amendments today have all highlighted the problems of a shortage of lawns and the lack of public access to the lawns in Hong Kong, over which Members have also expressed concern. Therefore, the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) will support all the amendments. I propose an amendment to add a point or two in the areas that I think further improvement can be made. Firstly, the provision of more space. I propose that that more lawns be planted on the rooftops of buildings. In fact, we have repeatedly reiterated that in the Mainland and overseas countries, efforts have been made continuously and actively to promote greening on rooftops of buildings. Given the scarcity of land in Hong Kong, greening of rooftops must be actively promoted in order to take forward urban greening and abate the heat island effect in the urban area. We hope that the Government will plant more lawns not only in buildings in the open spaces, but also in other government buildings and even on private land or in private buildings, and also provide green rooftops in all schools.

Deputy President, we visited Japan in the year before last and we saw that in Tokyo, Japan, and especially in the Tokyo Metropolitan Government Building and the Tokyo Metropolitan Assembly Building, green shrubs and trees are planted all over the rooftops. Their Government has set a very good example in taking up a leading role.

Apart from increasing the area of lawns as far as possible, we also consider it necessary to include more environmentally-friendly elements on lawns in the open spaces. As I said earlier, water plays a very important part in the maintenance of lawns and as a matter of fact, water constitutes a substantial item of expenditure. In this connection, the DAB proposed that the Government should promote a rainwater and grey water recycling system. We also hope that the Government, in carrying out the Tamar Development Project, can install water tanks to collect rainwater for irrigation use in part of the planting area in the district.

In fact, rainwater and grey water collection system has in recent years become very popular in the Mainland and Japan. Grey water mainly refers to urban or domestic sewage being treated to reach a certain standard of quality for non-potable re-use for certain prescribed purposes. The quality of grey water is actually between that of tap water and that of waste water being discharged into the sewers. Grey water is extensively used in some advanced countries for flushing, irrigation of gardens and farmland, cleaning roads and vehicles, fountains in the urban area, and as supplementary water feeding cooling facilities. Certainly, it is actually better to use grey water for irrigation of lawns, for no fertilizers will be required and apart from the supply of water, nutrition can also be provided.

The use of grey water has the merit of being economical and environmentally friendly. It can be recycled for use after simple processes of precipitation and filtering, and it can reduce the public's reliance on tap water while reducing the volume of sewage discharged. The development of a rainwater and grey water collection system beside the lawns and buildings can directly provide water for irrigation of the lawns, which is in line with the general principles of economizing on water consumption and water recycling.

On the other hand, I also propose in my amendment to use pervious materials for the land formation works of open spaces beside the lawns. Environmentally-friendly pervious materials such as bricks are highly water-permeable, allowing rain water to quickly permeate down below the ground and hence supplying water to the soil of the lawns. Meanwhile, this can prevent water from accumulating in open spaces and hence reduce the inconvenience caused to the public. Moreover, as pervious materials are an absorbent of water and heat, they should be more effective in regulating the micro climate in the urban area and in mitigating the heat island effect in urban districts. In recent years, ecologically and environmentally friendly pervious ground surface has been extensively used in European cities, as pervious, environmentally-friendly materials are used for paving roads in parks and public squares. The gaps in these materials are favourable for the growth of grass which will, in turn, increase the greened area and so, there are good reasons to promote their use. In Germany, a country renowned for their environmental technologies, water accumulation is rarely seen on roads, and their target is to have pervious ground surface on 90% of the roads in all the cities of the country in 2010.

The planting of lawns and shrubs on rooftops requires the support of an effective water sprinkling system. To save electricity consumption, we propose that solar energy facilities be also installed in buildings for irrigation of the rooftop plants. In fact, solar energy system has been installed in buildings in recent years as a measure to save electricity consumption. For instance, photovoltaic panels will be installed in the Tamar Development project, while \$3 million has been invested in Lam Tin Estate under redevelopment by the Housing Department for installing solar energy panels for power generation. But as we have reiterated time and again, we hope that the SAR Government can vigorously take forward the development of renewable energy. In this connection, the Government must not rashly give up any opportunity for introducing solar energy facilities for trivial reasons

Deputy President, as we all know, the planting of lawns in parks aims to provide space for a better living, so that the public can relax and enjoy themselves on the lawns. If lawns are planted for display purposes only and if we restrict their function as such, we are in effect restricting the space for the public to carry out activities in parks and depriving them of their right to enjoy the lawns.

Therefore, I very much thank Mr Bernard CHAN for proposing this motion today. The DAB supports the motion and all the amendments. Thank you.

SECRETARY FOR HOME AFFAIRS (in Cantonese): Deputy President, I wish to thank Mr Bernard CHAN for proposing this motion on "Perfecting lawn facilities in parks" as well as several other Members for proposing their amendments to the motion.

The SAR Government is committed to providing all sorts of leisure and cultural facilities, and open spaces to the public. We also take active steps to carry out greening work in the urban areas. This enables members of the public to enjoy good facilities in the course of their busy life and take part in some recreational activities. Planting more lawns for recreational uses is also receiving public attention. Mr Bernard CHAN has given very strong arguments to illustrate how lawns can be a source of fun for the public. A number of

Members who have spoken have given wonderful speeches well-supported by illustrations. A blade of little grass may be silent, but with the moving speeches made by Members, this blade of grass is taking on a touch of human compassion. I hope to listen to more views from Members before I will speak again at the conclusion of the debate. Thank you, Deputy President.

DR RAYMOND HO (in Cantonese): Deputy President, Hong Kong has always been called a "concrete jungle", which actually carries a tone of mockery. Yet, the name is to a certain extent a reflection of the reality. In the urban districts of Hong Kong, green grass and trees are nowhere to be seen. Lawns can be found only in large parks and it is rare to see a lawn in smaller parks. Even at places where lawns are planted, we can often see such restrictions as fences being put up around the lawns to prohibit entry or stepping, thus depriving the public of the opportunity to enjoy the lawns. This can also be considered a waste of public resources. Indeed, members of the general public seldom have the chance to enjoy themselves on the lawns, and some people may not even be able to distinguish between grass and weeds.

As a result of a shortage of greened areas in the urban districts of Hong Kong, the appearance of the city is dry and monotonous. By comparison, some mainland cities have attached greater importance to greening, thus making their city appearance more distinctive in style. Appearance aside, the shortage of greened areas will have an adverse impact on the temperature in the urban area. Owing to such factors as a high density of buildings and the wall effect, air circulation is extremely poor in the urban area. Coupled with the exhaust emission from vehicles, the temperature has kept on increasing in urban districts. This is why we hope that the bill on the banning of idling vehicles with running engines can be enacted as soon as possible. Plants can primarily be a temperature regulator to a certain extent, just that they cannot give play to this role due to a shortage of greened areas in Hong Kong. I believe Members have had the painful experience of walking on the street in Hong Kong on a sweltering summer day. There is no tree to provide a shelter against the scorching sun, and worse still, one has to take in the heat ascending from the road surface and there is also dust and vehicular exhaust. That is unspeakable distress indeed. I have had this experience personally, because apart from driving to work in the morning and driving home after work, I seldom drive during the day and in addition to putting up with the vehicular exhaust, I also have to bear the pain of walking on the concrete pavement all day long.

In recent years, the SAR Government has been aware of the seriousness of the problem and it has started to conduct studies and launch research programmes and works projects relating to greening. This change can be reflected in the various applications for funding approval submitted to the Public Works Subcommittee chaired by me, especially in respect of projects directly related to greening. Projects relating to community recreational facilities and improvement works have often incorporated the provision of more flower beds where the design allows. When examining these projects, we find that the main design layout generally puts more emphasis on trees and plants, but I wonder if it is because of limited land space that the lawn area tends to be very small.

To enhance greening in Hong Kong, the SAR Government should consider increasing the proportion of lawns while making an effort to plant more trees. The Government should identify sites to provide more lawns and plant grass on them extensively for the public to enjoy a casual stroll and for children to walk or play with their parents on the lawns, rather than prohibiting public entry to the lawn area for management considerations which would turn the lawns into a mere exhibit for display only.

I wish to take this opportunity today to urge the Government to earmark more land for planting lawns for public enjoyment in future works projects. For instance, in the project of the Sun Yat Sen Memorial Park and Swimming Pool Complex in Western District submitted to the Public Works Subcommittee for funding approval at the end of last year, the relevant documents show that there will be a landscaped garden with a large lawn area provided with special features and a statue of Dr Sun Yat Sen to commemorate Dr Sun. I hope that such design concept featuring a vast expanse of lawn can be taken forward and incorporated into other projects, especially those of a larger scale, such as the Tamar Development Project, the West Kowloon Cultural District Development and Kai Tak Development Project, so that we can have many opportunities to see large lawns similar to that in the design of Sun Yat Sen Memorial Park. Certainly, these lawns should not be planted as a decoration only. They should be open for the enjoyment of the public.

I so submit. Thank you, Deputy President.

MR CHEUNG HOK-MING (in Cantonese): Deputy President, let me quote the remarks made by the former Prime Minister of Singapore, GOH Chok-tong, as

published in an academic periodical. He said to the effect that urban greening is a crucial factor contributing to the rapid economic development in Singapore. He particularly pointed out that in a city, green is gold because greening is the only living infrastructure in an urban environment. He said that greening provides support to the sustainable development of a city and is an important resource for tourism, that it benefits both the physical and mental health of the people and enhances the well-being of the next generations, and that it is also conducive to attracting foreign investment and hence creating a favourable environment for investment.

Greening is part and parcel of the promotion of quality living in a city. Although the SAR Government has formulated planning guidelines on greening and standards for urban greening, the urban area of Hong Kong has all along been called a "concrete jungle" and there is a shortage of lawns in the urban districts. It is because the 74 000-odd hectares of woodland, shrubs and grassland in Hong Kong are mostly located in the high terrain of the mountainous countryside in the New Territories, and members of the public must go to the countryside on holiday in order to see luxuriant greenery and woodland. On the other hand, given limited land resources in the urban area and keen demand for land for housing, road network, employment and other development purposes, the shortage of land for development has created a great pressure. This, coupled with the high land costs, has seriously restricted the scope of greening.

The West Kowloon Cultural District (WKCD), the New Central Harbourfront and Kai Tak Development under planning now precisely provide a good opportunity for improving urban greening. The planting of more lawns in the open spaces is also the most effective means to increase the proportion of greening in a city. The planting of lawns has a diversity of merits. It has a positive effect on the people's living at a community level and also the regional temperature and environment.

I have received a leaflet recently which says that the livestock farming industry is a key factor leading to global warming because of the enormous carbon dioxide emission from the livestock on the farms. Let us not discuss whether or not this allegation of the leaflet is true. The fact is that lawns can reduce the carbon dioxide concentration in the air. According to scientific projections, every 1 hectare of lawn can absorb 900 kg of carbon dioxide and release 600 kg of oxygen, while at the same time absorbing a large amount of harmful gas in the air, such as sulphur dioxide and hydrogen fluoride, and also

filtering out dust. Moreover, compared with other materials for paving roads, turf can absorb two thirds of solar heat, which means that they can produce a cooling-off effect and help regulate the climate. Increasing the lawn area in the urban districts can, therefore, abate the heat island effect.

Greening by planting lawns is an epitome of modernization of a city. Many countries have set good examples insofar as lawns are concerned. As far as we know, in Moscow, Russia, the green area per capita is 44 sq m; it is even higher in Sweden as it stands at 80 sq m in Stockholm. However, the standard set by the SAR Government in respect of the provision of open space in local districts and neighbourhood areas is pitifully low, as the area per capita is 1 sq m only. Under an environment of high density development in Hong Kong, even if lawns are planted in all open spaces, it is still unlikely for us to be comparable to other countries in terms of the figure. But I believe with appropriate guidance for planning from the authorities, we can certainly develop an oasis in the urban area and create for Hong Kong an image of a cosmopolitan that is lively and dynamic with a high quality of living. In his policy addresses in 1999 and 2000 the Chief Executive did set the target of making Hong Kong a model of urban greening in Asia.

Lawns are planted for people to carry out activities on them. They will lose their meaning if fences are erected around them or signs such as "keep off the grass" are put up on them. I, therefore, support that lawns not under maintenance care be open for public use and unnecessary control be minimized.

Lastly, Miss CHOY So-yuk's amendment proposes the planting of lawns on rooftops of buildings in the open spaces. This is actually what many countries have been doing, and even the Mainland is actively promoting greening on rooftops. Other places seem to know earlier than Hong Kong that as building density is high and streets are narrow in the developed areas, it is difficult to provide land for greening and so, greening the rooftops of buildings is an option that can reduce the heat island effect.

Many research statistics show that greening on rooftops can alleviate the heat island effect. In summer, the temperature on a green rooftop can be reduced by 3°C to 6°C while the temperature in the surrounding environment can also be lowered by 0.5°C to 4°C. Greening on a large rooftop can economize on the consumption of energy and generate many other benefits for society. Due to the time constraint, I cannot explain them in detail one by one.

To members of the community in Hong Kong, the greening of rooftops may still be a new concept and so, the authorities can take the lead to introduce this new concept in the WKCD, New Central Harbourfront and Kai Tak Development Projects as the first step, with a view to gradually extending it to the community at various levels.

Deputy President, I think members of the public would be extremely happy if they can sit on a lush green lawn enjoying the sun and the scent of grass, or relax on a lawn with their family. I hope that this is not just a wishful thinking, but something that will happen in the near future in Hong Kong. Deputy President, I so submit.

MISS CHAN YUEN-HAN (in Cantonese): More touches of green in a city are very important to people who live amidst the hustle and bustle of a city. I always like to go up the mountains to see the greenery but this is indeed time-costing. So, if we can find in the vicinity of our home — I live in Gloucester Road facing the waterfront and if there could be more greenery, I could have more choices.

When I visit overseas countries, what particularly impresses me is that many activities are conducted on lawns. I remember that once in Chicago, I went to a concert by a symphony orchestra and the venue where the concert was conducted was a large lawn. Deputy President, imagine how enjoyable it is listening to orchestral music on a lawn under the setting sun! However stressed a person may be, he will naturally feel very relaxing in such an environment. Soft breezes mingled with the scent of grass simply make one feel all the more soothing and comfortable.

How about Hong Kong? What is there in Hong Kong, a city renowned as a member of Nylonkong? This morning I talked to Ms LI Fung-ying and asked her if there is any greenery in the vicinity of her home because we would like to do some walking as a kind of physical exercise, and we found that there is not much greenery for us to see. Speaking of greenery, apart from Chicago which I have just mentioned, in New York of Nylonkong, everyone knows that there is the Central Park. Even when land prices were the highest, the Central Park continued to cover a large expanse of land, and in the Park there are many very beautiful lawns and many different structures. With regard to London, I immediately think of the Hyde Park. Even people who do not like debating can sit on the lawn of the Park, which is in any case a very comfortable thing to do.

So, I think when we say that Hong Kong is an international metropolis and when we are renowned as a member of Nylonkong, I would like to ask all the government officials, including the Secretary, whether they have ever thought about what we are lacking. I think lawns are a topic very worthy of extensive discussion.

Deputy President, what is happening in Hong Kong now? Recently, there has been a lot of planning in Wong Tai Sin and Kwun Tong, which are within my constituency. Apart from taking forward the planning of Kai Tak, I have also proposed the improvement of the Morse Parks. I think improvement should be made to the five Morse Parks and that is, Morse Park No. 1, and Morse Parks No. 2 to 5, stretching across an area from Tung Tau in Wong Tai Sin to Wang Tau Hom. When we take a walk there, we will find that all the lawns are plastic or synthetic lawns. Deputy President, this certainly has to do with the culture of management.

Moreover, interestingly enough, once I was in Park No. 2 and I found that the fountain inside the Park was locked. I walked from Parks No. 1 to No. 5 and finally I got to Lok Fu and my feeling at the time was that this really is a park in a colony and that under the colonial rule, it is really the case that everywhere is under strict control by either locking up the place or putting walls around it and surrounding it with wire mesh. Want to come here and sit for a while at night to enjoy the soft breezes? Sorry, no entry is allowed. Sorry, you cannot go in.

Even if I wish to walk on these plastic, synthetic lawns, I am still not allowed to do so. Such being the case, Mr Bernard CHAN, this is really a strange phenomenon in Hong Kong. I found that there is even more to tell about these places which are under the ambit of the Secretary, as people are not even allowed to sit in the parks. To make sure that people do not sit there, no bench is provided in the park, and this is exactly the case of Park No. 4. An elderly once complained about this to me, asking why there is no bench in the Park. The answer we are given is that this is to prevent people from sleeping on the bench, which will make management difficult.

I think the situation in Hong Kong is most abnormal. Speaking of this, I recall that I could lie down anywhere I like on a lawn in universities in London; I could do the same in Hokkaido, Japan. But here, children are not allowed to run about and jump on the lawns; no photography is allowed; no drawing is allowed. In short, there are a host of restrictions and since there are these

restrictions, verbal warning is issued to about 850 citizens a year for breach of the regulations. To a naughty person such as myself, I may go to a lawn and move around on it when I have time and I think I am very likely to become one of those citizens to whom a warning is issued. I think what has been done now is going too far, as even the fountain area is locked up to prohibit public entry. This is indeed going too far.

As I said earlier when I joined my friends in making criticisms, these laws are the legacy of the colonial rule. The relevant ordinance was enacted in 1960. What was the purpose of the colony in imposing control by enacting the ordinance? It was to bar entry by horses, cows and sheep, and this is written in, say, section 13 of the ordinance. The Secretary may refer to the ordinance, and it was intended to prohibit the entry of horses, cows and sheep. But now, what do they take us for?

It is really very good that Mr Bernard CHAN has proposed this motion. The entire colonial culture is restricting our use of space and lawns. Added to this is that the management of some lawns has been outsourced now and as all contractors wish to win the next contract, they have imposed greater control or raised the thresholds for no reason at all. In short, they would impose control on anything that they can think of. Lawns are subject to a lot of control now and so, I think in general, lawns are just beyond our reach, and it is impossible for us to enjoy ourselves on the lawns, or listen to music or eat on them.

Deputy President, the lawns that I have just referred to are those currently under the management of the Secretary. Now, let us look at those lawns to be planted in the future as planned by the Government. The places involved include West Kowloon, Kai Tak, Yue Man Square and the Central Harbourfront. As a lot of planning has been made for my constituency, I am very concerned about this and so, I have studied many different plans in various aspects. I have studied the plan for West Kowloon and in West Kowloon, 23 hectares of land are demarcated as parks, but will there be any lawn? Will these 23 hectares of space be actually located in private buildings?

Deputy President, I am quite a naughty person, and I have pushed the authorities quite hard on this issue (I can see that the Government, in order to get the law passed, has made a three-dimension model of the entire area to show me). But why is there no lawn? Will these 23 hectares of land be demarcated as many separate, fragmented parts to be stuffed here and there in the area? I

really cannot see it. Similarly, in the planning of Southeast Kowloon, I do not see any lawn either. I think we cannot take the Planning Department to task, because they have done something in the outline plan, and they have done something in the outline zoning plan too. They could only do what they have to, but they just could not tell us anything about lawns. This is what I have seen insofar as Southeast Kowloon is concerned, and the case of West Kowloon seems to be just the same. Even for the harbourfront, that is, the entire waterfront in the vicinity of my home, will also be the same. In other words, the authorities can only tell us what we can expect to see in the area, or what we can find there now and what we will find there in future. But is there any lawn? Sorry, no one can tell us.

Deputy President, in a city like Hong Kong where the tempo of life is hectic, the dwellers here do include people like me who have suffered from a serious disease before. I have to say that God has really bestowed on me a recovery and in the process, greenery has been a key to my recuperation. We have the Lantau, and I am very concerned about how San Shek Wan on Lantau will be dealt with. Behind my home is Bowen Road where there is luxuriant greenery that can gradually help stabilize and even improve my health. I think apart from the air and temperature, greenery is also very important to people who live amidst the hustle and bustle of city life.

I hope that the Secretary and his subordinate officials will review afresh all the regulations governing parks in order to ascertain whether these regulations merely facilitate their management to the neglect of the aspirations of the community. The situation has become quite serious now and sometimes, from the various arrangements and practices, we can see that the problems of the Government can be revealed even at certain places under the management of private developers.

Deputy President, we support the original motion as well as Mr WONG Kwok-hing's amendment and we also support all the other amendments because there is indeed a very big problem now. Thank you, Deputy President.

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

MR ABRAHAM SHEK: Thank you, Deputy President.

It is a common practice for cities everywhere in the world to allow people access to public lawns just as to other public facilities. Everywhere people are allowed to lie on the lawn to take a nap, read a book, relax at leisure and enjoy themselves. But in Hong Kong, Hong Kong is different, not that we do not have green spaces. There are many. In every green lawn in the parks, there is also a sign that reads "keep off the grass". If they are not used by people, lawns in public spaces are no more than decorations, as intangible as the lifeless objects presented in museums for appreciation; and the value of public lawns is thus for the eyes only, and not for the enjoyment of the old and the young. The lack of access to public lawns is seen as ridiculous by all, be they locals or visitors. This strange phenomenon has further been entrenched by Cap. 132BC section 9(a) of the Pleasure Grounds Regulation: Protection of grass and flower-beds, which states that — Deputy President, I read — "No person shall, in any pleasure ground, walk, run, stand, sit or lie upon any grass, turf or other place where notice to keep off such grass, turf or other place is exhibited". So, do not go near the grass.

The problem is that there are no clear guidelines to the public when and where this rule would be applied. Just step on it and you will be in trouble. I therefore urge the Administration to increase the transparency and make necessary changes of this bylaw for the sake of the people to enjoy the open air. To revitalize our public lawns, the involvement of people is indispensable after all. Allowing people to access and take part in appropriate activities can enhance the value and make the most of these lawns; people, on the other hand, can benefit physically and mentally from deregulation.

There are worries that allowing people to access lawns in public spaces might spoil the green and cause a nuisance to the environment, causing it to be difficult to manage, for example, people may litter the lawns and leave behind rubbish. Park management can handle this problem by slightly adjusting their policies, such as changing the warning signs, and modifying the duties of the management staff. I believe these alterations are not drastic and the management could adapt to these changes without much difficulty. Moreover, various provisions in the Pleasure Grounds Regulation have already provided the necessary protection against inappropriate conduct in public facilities.

Deputy President, I consent to the original motion and subsequent amendments that urge the Government to study the planting of more lawns in the open spaces of future projects including the West Kowloon Cultural District

(WKCD) and the New Central Harbourfront. People's aspirations for more open green spaces are growing strong. The proposed amendments to the draft South West Kowloon Outline Zoning Plan gazetted on 18 April 2008 proposed the provision of not less than 23 hectares of public open space including 3 hectares of piazza areas and a waterfront promenade of not less than 20 m in width. Members of the WKCD subcommittee are worried that the broadness of the definition of "public open space" might lead to cases where open spaces provided in the WKCD could become people-unfriendly. In this regard, the Administration must ensure that the design is carried out in a way that maximizes the usefulness and integrity of public open spaces. On the other hand, I look forward to the results of the public consultation which ended on last Friday, 9 May. The Administration should study carefully the views of the public, and make further amendments as necessary before the plan is submitted to the Chief Executive for approval.

Concerning the New Central Harbourfront, I am disappointed that the current planning fails to meet people's desire for more open space, particularly green space. I have opposed adding substantial commercial developments to the waterfront because they will aggravate traffic congestion in the area and defeat the objective of creating a world-class waterfront. I believe that the waterfront should be for public enjoyment and be designed for open space, particularly green space.

Secretary for Development and Secretaries sitting here, since you took office last year, you have demonstrated your willingness to listen to the public: You have been trying hard to strike a good balance between development and people's aspirations when creating development policy and cultural policy. I hope you will continue in this vein, and that one day, very soon, we can fully enjoy the beauty and pleasure brought about by the open lawns to our public areas.

Thank you, Deputy President.

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

MR ALAN LEONG (in Cantonese): Deputy President, I am the father of three children and like many parents in Hong Kong, I think it is indeed quite difficult

to find in the territory a lush green lawn for my children to sprint or run on freely without having to worry about their safety. I think this motion proposed by Mr Bernard CHAN today has precisely expressed an aspiration of many parents in Hong Kong. Obviously, Deputy President, I think not only parents, but also many members of the public would wish to have some safe and comfortable space in a green environment for them to take a rest after a day's hard work. So, I think this motion proposed by Mr CHAN today is very appropriate.

Deputy President, nowadays, we tend to put more and more emphasis on the quality of living, and the recent years have also seen more discussion about whether so many wall-like buildings should be developed and whether land should be used in such a way to maximize benefits, resulting in every inch of land being used for property development for the sake of profit and hence turning Hong Kong into a concrete jungle. Therefore, in order to keep abreast of the change in the values and aspirations of Hong Kong people in respect of the quality of living, it is indeed necessary for the SAR Government to quite substantially change their mindset in the planning of this city.

Deputy President, Mr CHAN's motion today particularly made reference to the West Kowloon Cultural District (WKCD) and the New Central Harbourfront. Members who have read the Government's consultation paper on the planning of the New Central Harbourfront Phase III (the area is divided into eight sites) will find a number of photographs in it very appealing. The photographs show a large lawn in sunset with bushes and trees all around it. But let us think about this: Which part of the Central Harbourfront can accommodate such a lawn? I have thought about this again and again and I think the most probable location is the waterfront side of the future Central Government Complex and the Legislative Council Complex. That would be the best location. However, we cannot say for certain as to whether the gate there would be a very tall one and whether there will be dogs guarding the gate, which would make it difficult for public entry. I certainly do not wish to see that, because according to the relevant planning, it would be an open space and if tall gates would be installed and security measures would be implemented there, that does not appear to be in line with the planning. People who understand the procedures of planning will know that the arrangements made on the outline plan are subject to changes and may even be changed completely, and this has happened before, Deputy President. Certainly, we very much hope that the Government can hear our aspirations today. We hope that the beautiful pictures

portraying those appealing scenes in the consultation paper on the Central Harbourfront Phase III project can really come before our eyes in reality.

Mr CHAN's original motion also mentioned the WKCD. Deputy President, I wish to particularly make one point. According to the original plan, the southern part of the WKCD would be demarcated for various purposes, including the development of a park covering an area of 13.79 hectares and an open space of 7.94 hectares. In 2007, it was stated in the consultation paper on the WKCD Development that no less than 23 hectares of the 40 hectares of land would be developed as public open space.

However, I have listened to the concerns expressed by Miss CHAN Yuen-han earlier and in fact, they are precisely my concerns too. I am very worried about how the 23-hectare open space will be provided. We certainly hope that these 23 hectares will be provided in the form of a vast expanse of lawn which is entirely unblocked and unbroken and which offers a panoramic view of the surrounding. But we are worried that the 23 hectares of open space would be partly made up of the outdoor area of the Concert Hall and partly made up of the underground shopping mall, which may really add up to 23 hectares or even more. But Deputy President, these are not the kind of open space that we want. Some time ago, there was heated discussion in the community as to what can be considered as quality public open space. We noticed only at that time that some public open spaces are located on the seventh floor of a building accessible only by elevators and their layout even deters entry by the public because people are afraid that they may be trespassing on a private park. The cases of some open spaces are even worse, as they are surrounded by roads on three sides because they are located in the middle of the passenger drop-off point at a roundabout and yet, they are still considered public open spaces. Such being the case, we are very concerned that the 23-hectare open space in the future WKCD will be separated in parts at different locations with their respective areas adding up to a total of 23 hectares and that they would not be quality public open space. This is not what we would wish to see.

Deputy President, I think there should not be too much controversy on this motion today. We should make more investment on planting quality lawns and providing green open spaces, because they are indeed enjoyable by all disregarding a person's social status and wealth, enabling every Hong Kong people to live more happily and comfortably and hence creating a fairer society. Thank you, Deputy President.

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

MR ALBERT CHAN (in Cantonese): Deputy President, many Members have thanked Mr Bernard CHAN today for proposing a motion on lawns. There is actually nothing wrong with the motion itself. However, an earthquake has just happened in Sichuan and the news reports over the last couple of days were all about the sufferings of our victimized compatriots. Tens of thousand Chinese people died in the earthquake and our state leaders have been doing their utmost to provide relief to the victims, and not even the Olympics has been mentioned by them now. But we in this Chamber are nevertheless discussing the topic of perfecting lawn facilities. This does make people feel a bit uneasy as the mood does not seem to be quite right.

In Hong Kong, millions of people live in poverty and they do not even have enough to eat and yet, we are discussing here how lawns can be perfected for us to lead a happy life. It makes me feel uncomfortable. I hope that Members can care about the poor people in the same manner as they care about lawns. I very much hope that Mr Bernard CHAN, being a Member of the Executive Council, will also be concerned about the sufferings of the grassroots while expressing concern about lawns in Hong Kong, and I am glad to take him there, not to look at the lawns, but to such districts as Tin Shui Wai and Tung Chung to visit those people who are living in plights, so that they will not have to go to Huanggang or Shenzhen in the Mainland to buy groceries. These people are living in hardships due to poverty.

Deputy President, with regard to lawns, I think apart from the problems concerning the lawns, there is also the problem of greening in Hong Kong. In fact, these problems have been discussed for over two decades since the era of the Regional Council (RC). In the 1980s, or the era of the RC, I had for many times criticized the then Regional Services Department and the Government for excessively "concretizing" parks in their planning. Whenever the Government was to develop a park, it always tended to build pavilions inside the park, and when the Chi Lin Nunnery was under construction, I also made the same criticisms. The Chi Lin Nunnery was built at a cost of some \$300 million to \$400 million and yet, it is still heavily loaded with concrete, although Buddhist pines are planted on the man-made concrete hills to beautify the environment. However, the design of parks in Hong Kong is entirely "concretized". It is

most ridiculous that years ago the Government even planned to build a concrete maze in a park but the proposal was, of course, ultimately rejected.

At present, the proportion of greening is very low in parks, and only some 60% of the parks have done better in terms of greening. Some time ago when I followed up the design of the park in the Central to Wanchai Waterfront Development, I again criticized it for lacking greening measures. Deputy President, greening is not just a matter of lawns. As the mainland Government has always said, we must work out not only the two-dimensional area, but also the three-dimensional area. We have time and again called on the Government to provide not only the surface area of the park, but also tell us every year the three-dimensional area to be increased in Hong Kong as well as how it plans to achieve the target, and we have called on the Government to provide us with the overall figures. This is not just the responsibility of the Secretary for Home Affairs. But only one Director of Bureau is in this Chamber now, perhaps because we are only discussing lawns in parks.

We have time and again, and in the Budget debate as well, asked the Government in this Chamber whether trees can be planted in country parks on a full scale as soon as possible. We have for many times cited as an example that if we go to the Mainland via the border control point of Huanggang and then go to Xinjiang or Lanzhou from Shenzhen, we can find trees being planted all over the tops of mountains and even in the more remote drought-affected areas, we can still see trees all over the place as water ducts are built to link up to the mountain tops for watering trees. But in Hong Kong, the tops of many mountains are even more barren than my head, are they not? So, this is not very healthy. This, we know only too well; Mr CHEUNG Hok-ming and I have the same problem.

Deputy President, on the question of greening, I think it is necessary to draw up a number of requirements and this should be policy-led. The Government must stipulate the percentage of the total greened area in each park. I have criticized for many times that parks are currently developed at a cost of \$300 to \$400 per sq ft on average. I also talked to Prof Patrick LAU about why it would cost as much as some \$300 to \$400 per sq ft in developing a park. The cost could be lowered by just planting trees or grass, rather than building so many pavilions, man-made hills, planters, and so on.

With regard to parks in foreign countries, be it the Central Park in the United States, Stanley Park in Canada or Hyde Park in London, we do not see any of them having so many structures similar to those in the parks of Hong Kong. In each town park of Hong Kong there are invariably many roads and man-made hills and rocks but we can never find many trees there. We opposed the development of the Central Government Complex at the Tamar Site in Central, and we proposed that a "city lung" or central park, rather than a Central Government Complex, be developed on the site. Members of the Legislative Council all the more should not support the development of the Legislative Council Complex there, because you are being self-contradictory by talking about greening on the one hand but throwing weight behind the development of the Legislative Council Complex on a prime site. If we are opposed to it, we must be persistent in our opposition and we in the Legislative Council must express our opposition. We should call for the planting of trees at where the Legislative Council Complex will be built and developing a town park there for Hong Kong.

So, in respect of the policy, I hope that the Secretary — Certainly, the Secretary may not be interested in these issues and today, he is here only to give us a reply as part of his routine duties, as this is within the ambit of his Bureau — The Secretary must set out the following: First, the cost per sq ft should be lowered substantially, and I think \$100 per sq ft is already very expensive. Why would it take some \$300 to \$400 per sq ft to carry out greening work? Second, the Government should stipulate that the total greened area in a park must be no less than 80% of the park area, and discussion can continue only when the Government has set out this percentage of greening, rather than focusing only on concretizing the parks. Third, the Government must set out the proportion of greening in the total three-dimensional area in cubic metres for all parks. For example, it should stipulate as an objective that the three-dimensional area of greening should be equivalent to certain times of the total two-dimensional area of a park, and only in this way can improvement be made in respect of greening. I hope that greening can be improved in the parks of Hong Kong but most importantly, as I said at the outset of my speech, I hope that the living of the grassroots can also be improved. Otherwise, if the living of the grassroots is not given as much attention as that given to lawns, that would be a disgrace for Hong Kong people.

PROF PATRICK LAU (in Cantonese): Deputy President, today, different amendments have been proposed by a number of Members to the motion on perfecting lawn facilities in parks, among which are many very good suggestions that are worth our support. However, I think that we should focus on discussing the two main points of Mr Bernard CHAN's original motion, that is, how to open up the lawns for public use and allocate more resources for the maintenance of lawns. Both are of vital importance.

If we ask a group of children to draw a picture of a park, I believe many of their pictures will feature many people doing different activities on a green lawn. Just now, a Member has already said that this is important. While the design of the parks in Hong Kong may not be a very good example, the drawings of the children will still be good examples by highlighting an important basic feature of a park, and that is, the availability of lawn facilities for the enjoyment of the public.

However, we do not know since when our Government has implemented a strange policy about lawn facilities in parks. Despite that considerable lawn facilities are available in many newly-built parks, notices like "keep off the grass" have been erected to keep people away. Weirder still, lawns that are currently available for public use in parks have been surrounded by fences or altered for other uses. Take the Hong Kong Zoological and Botanical Garden with a long history as an example. It used to have a large lawn on which many families had picnics and children did somersaults every weekend. However, it was later turned into a big bird cage.

I think that the purpose of building park facilities is to provide places for the public to mould their temperament, get in touch with Mother Nature and enjoy family life, which is consistent with the objective of improving the people's quality of living as proposed in the Chief Executive's policy address. It would be a pity if the lawns are merely meant for the eyes but not practical use. Given that a green carpet has been included in the design of the proposed Central Government Complex (CGC), this piece of lawn would be a pride of Hong Kong to Mr Bernard CHAN. I do hope that this lawn can truly be put to use. I do not wish to see that the public would be kept away from this green carpet — the lawn — of the CGC (maybe the Legislative Council can have a share of it as well). It is hoped that what Mr CHAN said about the lawn would come true when the policy is put into practice.

The Government has created the new rank of Chief Landscape Architect, who will be tasked to provide greening input in the planning stage. Therefore, I hope that the Government will seriously consider making appropriate lawns available for public use, and subsequently extend such practice to other public and community developments. More should be done in this regard.

Deputy President, good management of lawn facilities will not only enhance the aesthetic appeal of the park environment, but will also enhance the safety level of the recreational facilities. I used to play football, so I also have some relevant experiences. As Members may be aware, no grass is found in the area surrounding the goal on lawns — I wonder if this is why I fell down and got hurt. Very often, lawns would become muddy due to a lack of maintenance, and therefore pose as a safety hazard to football players. This is a matter of maintenance. The whole piece of lawn used to be green, but with repeated hard kicks by numerous players in the goal zone and a lack of maintenance, this problem is thus resulted.

Certainly, I am fully aware of the high cost incurred in maintaining the lawns, which is indeed much higher than the cost of a carpet. Deputy President, I wonder if you are aware of this. In fact, I have undertaken lot of projects and I consider that every school should have a lawn. That is why in designing the Hong Kong International School at Tai Tam Road, I asked the school management to have the valley levelled. As there are many slopes and mountains in Hong Kong, flat land can hardly be found. It is therefore very difficult to plant the kind of lawn mentioned by Mr Bernard CHAN. Yet, money is almighty as we can level the valley and turn it into a lawn. But lawns need rest and cannot be used too often. Who has done the best in maintaining lawns in Hong Kong? Deputy President, I believe you know the answer without having to think about it. It is the Hong Kong Jockey Club (HKJC). Certainly, considerable manpower is required in planting the lawns, but the lawns there still need to rest. The HKJC has done a very good job in maintaining the lawns. As far as I understand it, the HKJC's knowledge of lawns is particularly outstanding in this region and the grass seed is something we should take pride in. Perhaps not many people know that the HKJC is very willing to give out grass seeds if we wish to plant any lawn.

I hope that the Government can make great efforts in respect of the lawn facilities in all parks. It is necessary not only to increase the proportion of lawns, but also provide appropriate support through maintenance, such as

installing sprinkler facilities, increasing manual maintenance and let the lawns rest at an appropriate time.

Finally, I wish to talk about a children's short story called "*The Selfish Giant*" written by a great Irish writer, Oscar WILDE. It is about a giant who refused to let a group of children play in his garden. After a wall was built around the garden, his garden was plunged into perpetual winter. It was only until the wall was pulled down and the garden was re-opened to the children that spring returned. For this reason, in order to uphold the "people-based" principle, I believe our Government will not act like the selfish giant. Furthermore, at a time when abundant resources are available, we should expeditiously consider investing on the maintenance of the lawn facilities for the enjoyment of the members of the public and turn lawns into public facilities. Thank you, Deputy President.

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

MR ALBERT HO (in Cantonese): Deputy President, right at the beginning of the speech made by Mr Albert CHAN earlier, he criticized that today's motion debate involved some class distinction. He said that while a large number of poor people are in need of our care, it seemed that this topic only takes care of the interests of the middle-class who have the luxury of leisure. I think this view is wide of the mark, and I consider it necessary to vindicate Mr Bernard CHAN.

Why did I say so? In fact, lawns are the precious assets of Mother Nature for the common enjoyment of all members of the public. They are as natural as the wind and the moon, readily available for the unlimited enjoyment of everyone. For this reason, what this topic deals with is actually the natural assets enjoyed by people from all walks of life, regardless of their status, race and class. We only request the Government to do its best to return such precious assets to the people, so I do not think that this issue concerns only the middle class as perceived by Mr Albert CHAN. This is not the case. It is precisely our wish to take care of people from all walks of life, enable them to enjoy all the existing lawns in Hong Kong, and even to make them available or release more public spaces, including those beautiful lawns, for the enjoyment of the public.

Deputy President, I went to Nam Sang Wai, Yuen Long two days ago. There is a very large piece of lawn, and as we all know, in front of it lies a famous river with beautiful scenery. On the lawn, I saw many people strolling, relaxing, walking their dogs and taking photographs. People were very relaxed, not feeling the least bit of stress of city life. It would be wonderful if Hong Kong can have more greened area for people to enjoy and relax.

I think that there is too little greened area in Hong Kong. Although it is claimed that 67% of Hong Kong is woodland, scrubland and grassland, most of them are found in the higher terrain of the countryside in the New Territories. Not much greened area can be found in the urban areas. As time passed, Hong Kong has become a notorious concrete jungle. Take the Victoria Park as an example. It is a familiar place of our childhood memories, and I remember that trees could be found everywhere in the 1980s. However, when I went there again 20 years later, most of tree zones had disappeared and were replaced with football pitches or other facilities covered by cement. This is really a great pity. At present, half of the Park measuring 17 hectares has become open spaces covered by cement.

I find that many common areas are subject to certain unreasonable limitations, making it impossible for members of the public to utilize them for reasonable enjoyment. Not long ago, members of the public organized an activity at Times Square. We all know that Times Square is not grassland, but it was subsequently found to be a precious space that can be used by everyone. As such, some people have made use of the activity to express the feeling that they cherish such space. As Members may be aware, this has aroused heated debates. Some queried if it was a misuse of the space to organize that kind of activity there, or whether this would defeat the intended purpose of the designer.

All in all, I think that it would be great if more public open spaces can be provided with lawns and other amenity facilities, like the open space outside the Victoria and Albert Museum, for people to enjoy at will in a relaxed manner under no unreasonable limitations. In that case, the public can truly feel the intimate relations with Mother Nature.

Even for public spaces designated as open spaces, such facilities as parks and lawns, apart from recreational grounds, are also provided. We can see various limitations there, causing a lot of inconvenience to the general public.

Just as a number of Members have said, the facilities are only within our sight but beyond our reach. The Nan Lian Garden of the Chi Lin Nunnery is an example, and people have complained that the control is too harsh. The Garden is designed to be a one-way circular route so that visitors can only move forward after entry. It is impossible for them to go backward even after going to the washroom as they would be stopped at once. This would spoil the fun of the visitors. What is more, visitors are definitely prohibited from walking, running, standing and even lying upon the grass. Speaking of lying upon the grass, I am really surprised to find out that visitors are prohibited from making a certain posture in the Hong Kong Park according to its bylaw, and that is, putting one's legs on the benches. As Members may be aware, the purpose of going to a park is for rest and relaxation. So, can you imagine that putting your legs on a bench will break the rule of a park? Have this kind of management and regulatory control gone too far? Or will this spoil the fun of visitors just as I said earlier on?

Deputy President, I have just mentioned Nam Sang Wai, and I call on Members to pay a visit there when they have time. Perhaps the Secretary should also go there and have a look at the large piece of lawn. Strangely enough, it is not Government land; in other words, it is not managed by the Leisure and Cultural Services Department. Rather, it is designated as a comprehensive development area pending future development, which means that the lawn will disappear very soon. If the Secretary does not pay a visit there quickly, he may not have a chance to see it for himself. That large piece of lawn is in a very good condition, and perhaps it is because it is under no management that the space can be well preserved. Today, will the authorities reconsider (*the buzzer sounded*) increasing this kind of space?

Thank you, Deputy President.

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

(No Member indicated a wish to speak)

DEPUTY PRESIDENT (in Cantonese): Mr Bernard CHAN, you may now speak on the five amendments. You have up to five minutes to speak.

MR BERNARD CHAN (in Cantonese): I have to thank the 12 Members who have spoken today and the five Members who have proposed amendments. This proves that Members are very concerned about this topic. I hope that after listening to what we said, government officials will expeditiously implement the relevant policies.

Deputy President, there is a service reservoir near my home. Recently, I saw a banner in the street hoisted by a District Council member of my district, stating that they have successfully striven for the opening up of the rooftop of the service reservoir for public use. Despite that the rooftop concerned is very small in size, the planting of grass and provision of a number of long benches there have turned it into a park. Owing to its remote location, not many people are aware of it. Even though visitors are not allowed to play football or carry out any other activities in this park, they can at least take a walk there. Though it is not a very desirable facility, it is still not bad. However, according to that District Council member, it took him three years to successfully strive for its opening up. For the past four decades or so, it was not opened to the public. How many more three years can we afford to wait before another tiny place can be turned into a lawn? This is the last thing that I wish to see.

(THE PRESIDENT resumed the Chair)

President, people like me who engage in the fight for lawns are called by many as "lawn fighters". I am, however, very glad to hear that all the six major political parties and groupings in this Council have given unanimous support to this motion, including the amendments and the original motion. Therefore, not only I am a "lawn fighter", I believe the six major political parties and groupings will also admit that they are "lawn fighters" too.

Someone may ask a sarcastic question: Do we need so many lawns for feeding cattle? From the remarks made by a number of Members earlier on, we all understand that the lawns do not serve the single purpose of feeding cattle, but carry some deeper meanings.

Just as Miss CHAN Yuen-han and Mr Alan LEONG said earlier, they found the greening arrangement of the future West Kowloon Cultural District (WKCD) quite worrying. I am, in fact, even more worried. I wonder if Members still remember the series of Announcement of Public Interest (API) to

promote the WKCD in which I had participated. In the API, I stood in a greened area to show my desire for more greened spaces in the WKCD. But is it really possible? What will be the layout and arrangement of the 23-hectare greened area? In fact, I have no idea at all. And yet, I eagerly hope that this 23-hectare greened area will be made available for the enjoyment of the public, just as many Members have said earlier, but not merely for display and appreciation.

Lastly, I am very grateful to Mr Albert HO for vindicating my motion. Certainly, time is beyond our control. There is no way we can foretell the major catastrophes that had happened on our Motherland. I did not raise this topic for discussion to deliberately turn a blind eye to the hardships currently faced by our nation; and I absolutely do not mean to be contemptuous. Nor does it show a lack of understanding of the difficulties and aspirations of the poor in the Hong Kong community. Just as Mr Albert HO said, this topic is for the benefit of not just a small group of people, but all Hong Kong people. It is hoped that Members will support the original motion and all the amendments, and that the Government will provide quality facilities to all members of the public as early as possible. Thank you, President.

SECRETARY FOR HOME AFFAIRS (in Cantonese): Madam President, I am grateful to Members for their valuable advice given on the motion and the amendments. Both my colleagues and I will give serious thoughts to the views expressed and we will work together with Members to foster the right conditions and strive for the provision of more amenity lawns for public enjoyment. Now I would like to respond to some of the views put forward by Members.

The SAR Government is always watchful of the demand for leisure and cultural facilities, as well as open spaces in various districts. In the provision of new facilities such as lawns, we will consider a number of factors such as the age mix of the population in that particular district, the recommended provision of recreational facilities for each district in the Hong Kong Planning Standards and Guidelines, and the aspirations of the District Councils and the public. This is to meet as much as possible the needs of members of the public from different age groups and with different preferences. In the meetings of the related committees in this Council such as the Panel on Home Affairs, the Public Works Subcommittee and the Finance Committee, Members have given us much valuable advice with respect to projects of a larger scale related to leisure and cultural facilities and open spaces.

Currently there are about 1 450 parks, gardens and sitting-out areas located in the 18 districts throughout Hong Kong. Owing to the difference in size and terrain of these venues as well as the disparity in demand from residents of different districts, consideration is given to the provision of different facilities when these venues are designed.

Now the Leisure and Cultural Services Department (LCSD) provides more than 160 000 sq m of amenity lawns in 37 venues throughout the 18 districts for the public to carry out leisure activities. Of these venues, there are 24 lawns each with an area of more than 1 000 sq m and they are located in various districts throughout Hong Kong. These allow the public to take part in various kinds of leisure activities on these lawns.

However, if the area of open spaces is limited, it follows that lawns of a substantial size cannot be provided. Even if the area of open space is large, there are indeed many members of the public expressing a wish that various kinds of active recreational facilities should be provided as much as possible. These facilities include football pitches, basketball courts, tennis courts, and so on. The Hong Kong Planning Standards and Guidelines suggests that no less than 20% of the area in an active open space be used for soft landscaping, half of which for planting large trees; and for passive open space, 85% of the land for soft landscaping, 60% of which for planting large trees. If lawns are to be provided, the land should be flat enough and the actual conditions of the park, its terrain, uses and visual design should be considered before lawns can be used for passive recreation purposes. Therefore, the provision of large amenity lawns is subject to many factors.

As for lawns under regulation, these are mainly lawns for visual value and aesthetic enjoyment. Such lawns are part of the landscape design and they are usually smaller in size and so they can only be used for the above purpose. As a matter of fact, about signs like "keep off the grass", I do not think they can be found easily nowadays and they may just exist in our memory. The LCSD provides lawns of a substantial size to the public for recreation purposes in various districts in Hong Kong, Kowloon and in the New Territories. Members of the public can engage in all sorts of activities freely on these lawns and there are no specific restrictions imposed. They can, for example, fly kites on the lawns in the Tai Po waterfront promenade or play ball games with family members on the big lawns at the Victoria Park.

We are very concerned about the maintenance of the lawns in much the way as Prof Patrick LAU is. Regular maintenance work includes irrigation, pruning, weeding, pest prevention and control, applying fertilizers, dressing the topsoil, harrowing and lawn remedial work. On every weekly maintenance day, workers will add soil to the surface of the lawn to make it even and smooth. They will also loosen the soil and improve its permeability, hence facilitating the growth of grass roots. Prof LAU also mentions the problem of grass seeds. We will select different varieties of grass to suit specific purposes. These varieties are distinguished from each other as the grass seeds for visual appreciation are different from those for sports-related uses; so are those used for summer and for winter.

Miss CHOY So-yuk's suggestions on greening and environmental protection are very much similar to the greening and environmental protection policies we practise. Greened rooftops and vertical greening are policies we adopt. Greened rooftops can enhance the visual value of a city and help reduce the heat island effect in the urban areas. From 2001 the Architectural Services Department has been undertaking a greened rooftops scheme in the newly completed government buildings. To date about 60 of such projects with greening facilities are completed. Also, about 40 other works projects are now in their construction or planning stages. They include schools, office towers, hospitals, community facilities and staff quarters. From mid-2007, 20 existing government buildings have been selected to implement a trial scheme on rooftop refurbishing and greening. We will give serious thoughts to the provision of lawns when carrying out this greening scheme for the rooftops of government buildings.

The Buildings Department is presently undertaking a consultancy study on sustainable building design, and the provision of more greening facilities is one of the topics to be explored.

With respect to Ms Audrey EU's proposal to increase the surface greening area in the process of urban planning, the Government has clearly recommended in chapter 4 of the Hong Kong Planning Standards and Guidelines that the standard provision of open space is a minimum of 20 hectares per 100 000 persons. In planning the districts and large-scale developments, we will act according to this recommendation and earmark suitable land lots, and the agencies responsible for the provision of open spaces such as the LCSD can respond flexibly to the conditions of the district concerned and public demand

before deciding on the type of greening to be undertaken to meet the needs of the public.

Mr James TO suggests making available an appropriate proportion of lawns in public spaces for use by the public and increasing pedestrian walkways to connect lawns and related facilities in the open spaces. The Government has stated in the Hong Kong Planning Standards and Guidelines that land will be reserved for different kinds of planning and public facilities, including open spaces. On the management of open spaces and their conditions of use, these are details and they do vary because they are drawn up by the departments in charge or the developers in question according to the different conditions of the facilities concerned. It would be hard to generalize and group these distinctive details into standards. Hence they are not included in the Hong Kong Planning Standards and Guidelines.

The Hong Kong Planning Standards and Guidelines have stated that the location of open spaces should be easily accessible to service targets and entrance to open space should be easily identifiable and accessible. When these facilities are to be built, the departments concerned should apply these basic principles and take into account the specific conditions of the land concerned before any detailed design is to be undertaken.

When undertaking planning for new projects, the LCSD will choose suitable venues and provide large scale open spaces for the public to engage in recreational activities. In the next few years, we will provide more than 23 000 sq m of lawns for recreational uses in the recreation grounds in six different locations throughout the territory. These venues are in the Sun Yat Sen Memorial Park, the Aldrich Bay Park, Jordan Valley in Kwun Tong, Ngau Chi Wan in Wong Tai Sin, lot 18 in Tung Chung, Lantau and Area 40A in Tseung Kwan O. The lawns with the largest area have a size of 10 000 sq m. When designing these lawns, we will provide suitable connections to pedestrian walkways.

Madam President, we will actively consider the views put forward by Members and to plant lawns for recreational uses in the new towns, the West Kowloon Cultural District, the Kai Tak development project, the new waterfront project in Central as well as other locations. We will consult the District Councils and make the arrangements that best suit public needs.

Madam President, I so submit.

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

MR WONG KWOK-HING (in Cantonese): President, I move that Mr Bernard CHAN's motion be amended.

Mr WONG Kwok-hing moved the following amendment: (Translation)

"To add ", as there is a serious shortage of lawn resources for public use in Hong Kong," after "That"; to add "along the existing waterfront promenades such as the Tsing Yi and Tsuen Wan sections, and" after "the Government should,"; to delete "and" after "the West Kowloon Cultural District" and substitute with ", "; to add "and the waterfront from Tsuen Wan to Tuen Mun in New Territories West" after "the New Central Harbourfront"; to delete "planned to be provided" after "in the open spaces"; to delete "individual" after "make available"; to add "which are not closed for maintenance" before "for use by the public"; and to add "greening" after "these public"."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr WONG Kwok-hing to Mr Bernard CHAN'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): Ms Audrey EU, as Mr WONG Kwok-hing's amendment has been passed, I have given leave for you to revise the terms of your amendment, as set out in the paper which has been circularized to Members. When you move your revised amendment, you have up to three minutes to explain the revised terms in your amendment. You may now move your revised amendment.

MS AUDREY EU (in Cantonese): President, I move that Mr Bernard CHAN's motion as amended by Mr WONG Kwok-hing be further amended by my revised amendment.

President, I do not need to speak for three minutes. I only wish to incorporate the parts as amended by Mr WONG Kwok-hing into the main body of my amendment, and that is, to increase greened areas on the ground and reduce the green island effect. Thank you, President.

Ms Audrey EU moved the following further amendment to Mr Bernard CHAN's motion as amended by Mr WONG Kwok-hing: (Translation)

"To add "; in addition, in view of the aggravating heat island effect, this Council urges that the Government should, in the course of urban planning, increase greened areas on the ground and provide more open spaces throughout the territory and plant more lawns in those open spaces, so that the greening ratio in urban areas can be increased as a whole" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That Ms Audrey EU's amendment to Mr Bernard CHAN's motion as amended by Mr WONG Kwok-hing 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): Mrs Selina CHOW, as the amendments by Mr WONG Kwok-hing and Ms Audrey EU have been passed, I have given leave for you to revise the terms of your amendment. You may now speak on and move your revised amendment.

MRS SELINA CHOW (in Cantonese): President, I move that Mr Bernard CHAN's motion as amended by Mr WONG Kwok-hing and Ms Audrey EU be further amended by my revised amendment.

I believe there is no need for further explanation. Members should all know why I have to revise my amendment, simply to tie in with the amendments by the other two Members.

Mrs Selina CHOW moved the following further amendment to Mr Bernard CHAN's motion as amended by Mr WONG Kwok-hing and Ms Audrey EU: (Translation)

"To add ", as well as extend the criteria of planting more lawns, making lawns available for public use and reducing unnecessary regulatory control to the existing lawns managed by the Government" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That Mrs Selina CHOW's amendment to Mr Bernard CHAN's motion as amended by Mr WONG Kwok-hing and Ms Audrey EU be passed.

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

(Members raised their hands)

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

(No hands raised)

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

PRESIDENT (in Cantonese): Mr James TO, as the amendments by Mr WONG Kwok-hing, Ms Audrey EU and Mrs Selina CHOW have been passed, I have given leave for you to revise the terms of your amendment. You may now move your revised amendment. You may explain the revised terms in your amendment if necessary.

MR JAMES TO (in Cantonese): President, I move that Mr Bernard CHAN's motion as amended by Mr WONG Kwok-hing, Ms Audrey EU and Mrs Selina CHOW be further amended by my revised amendment.

Mr James TO moved the following further amendment to Mr Bernard CHAN's motion as amended by Mr WONG Kwok-hing, Ms Audrey EU and Mrs Selina CHOW: (Translation)

"To add "; and draw up code of practice for management and use of lawns, and increase pedestrian walkways to connect lawns and related facilities in the open spaces, so as to facilitate the access of members of the public to and their enjoyment of these public facilities" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That Mr James TO's amendment to Mr Bernard CHAN's motion as amended by Mr WONG Kwok-hing, Ms Audrey EU and Mrs Selina CHOW 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): Miss CHOY So-yuk, as the amendments by Mr WONG Kwok-hing, Ms Audrey EU, Mrs Selina CHOW and Mr James TO have been passed, I have given leave for you to revise the terms of your amendment, as set out in the paper which has been circularized to Members. You may now move your revised amendment, and you may also explain the revised terms in your amendment.

MISS CHOY SO-YUK (in Cantonese): President, I move that Mr Bernard CHAN's motion as amended by Mr WONG Kwok-hing, Ms Audrey EU, Mrs Selina CHOW and Mr James TO be further amended by my revised amendment.

President, I have nothing to add and I hope that Members will render their support. Thank you.

Miss CHOY So-yuk moved the following further amendment to Mr Bernard CHAN's motion as amended by Mr WONG Kwok-hing, Ms Audrey EU, Mrs Selina CHOW and Mr James TO: (Translation)

"To add ", fully utilizing the function of parks to relieve people's urban stress; in addition, this Council also urges the Government to study the planting of more lawns as far as possible on the rooftops of buildings located in the open spaces and improve their maintenance work, including utilizing as far as possible solar energy facilities and providing additional rainwater and grey water recycling facilities, and as far as possible using pervious materials for the land formation works of open spaces beside the lawns, etc" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That Miss CHOY So-yuk's amendment to Mr Bernard CHAN's motion as amended by Mr WONG Kwok-hing, Ms Audrey EU, Mrs Selina CHOW and Mr James TO be passed.

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

(Members raised their hands)

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

(No hands raised)

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

PRESIDENT (in Cantonese): Mr Bernard CHAN, you may now reply and you have three minutes 16 seconds.

MR BERNARD CHAN (in Cantonese): President, today's motion concerning lawns seems to sound simple. However, it has very far-reaching implications indeed. How can we attract and retain talents when different parts of the world are eagerly competing for absorbing talents? I believe a very crucial factor is the quality of living. While there may not be much difference in the terms and conditions of work offered by the countries or cities where they will work, they are nonetheless very concerned about the living of their children and families in the city where they work. They will consider whether or not the city provides good living environment and quality living.

The West Kowloon Cultural District and the New Central Harbourfront will have plenty of greened areas. Just as I have said earlier, I hope that these greened areas are not simply provided for appreciation, but for our enjoyment as well.

We should not worry too much about the damages or accidents that may be caused by excessive use. The Government should not "trim the toes to fit the shoe" by prohibiting the public from using these greened spaces. Rather, it should positively educate members of the public to be safety-conscious and step up civic education.

President, in the reply given by the Secretary just now, he said that different activities can be conducted in the park, including flying kites. During the long holiday just passed, I had brought my children to three different parks on Hong Kong Island, and in Kowloon and the New Territories over the weekend, but none of them is allowed to fly kites. I guess that the search must go on.

President, I hope that Members will support today's motion. I also hope that the Government can change its old mindset by making more open spaces available for the enjoyment of the public. Thank you, President.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Mr Bernard CHAN, as amended by Mr WONG Kwok-hing, Ms Audrey EU, Mrs Selina CHOW, Mr James TO and Miss CHOY So-yuk 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: Legislating to strengthen the protection for the rights and interests of property buyers.

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

LEGISLATING TO STRENGTHEN THE PROTECTION FOR THE RIGHTS AND INTERESTS OF PROPERTY BUYERS

MR ALBERT CHENG (in Cantonese): I move that the motion on "Legislating to strengthen the protection for the rights and interests of property buyers" as printed on the Agenda, be passed.

As Mr Bernard CHAN has just said, we need a better environment to attract international talents, and while the living environment is very important, consumer interests are even more important. Professionals who have come to Hong Kong from foreign countries may feel cheated when they purchase properties in Hong Kong because they will find that one square foot is actually less than one square foot. I am not going to talk about any high-sounding principles. Every person is a consumer and any property buyer knows upon buying properties that one square foot is actually less than one square foot.

"Long Hair" has been driven out of this Chamber by the President, so I am possessed by "Long Hair" today. I have many props and I have just bought some vegetables from the supermarket. These are "heartless organic vegetables" and I would like to say that property developers are heartless and have no conscience. It is specified that these "heartless organic vegetables" weigh 350 g and I believe the specified weight excludes the weight of the plastic

packaging. Even vegetables have their weight and prices clearly marked. I have also bought some grapes — some have fallen off — and they weigh 0.76 kg; I believe the specified weight does not include the weight of this non-environmental friendly plastic tray and the cling film. Also, I have bought a crab and I am all thumbs now

PRESIDENT (in Cantonese): Mr Albert CHENG, if you make the carpet wet, you have to clean it up.

MR ALBERT CHENG (in Cantonese): Alright, I will clean it up.

PRESIDENT (in Cantonese): It is good that you understand this.

MR ALBERT CHENG (in Cantonese): President, I am only afraid that it may get away for I dare not get it back. (*Laughter*)

There have lately been some disputes in relation to crab-buying. It is suggested that the weight of the straws tying up the crabs should not be counted when calculating the prices of crabs; otherwise, the seller is liable to be prosecuted by the Customs and Excise Department (C&ED). A seller in the market selling products that weigh less than the specified weight is liable to be prosecuted by the C&ED. Even hawkers making trivial profits have to mark clearly the weights and prices of the products they sell.

Furthermore, I have bought a bag of shrimps. The shrimp seller may be arrested by the C&ED if he calculates the weight of the shrimps together with the water. Let me clear away these shrimps first, or else the President will ask me to clean up the place if it becomes wet.

PRESIDENT (in Cantonese): You do not have to clean it up yourself but you have to pay in full the expenses incurred in cleaning it up.

MR ALBERT CHENG (in Cantonese): This is just a trifle. I can save a lot more money when I buy a property if the property developer does not cheat me.

I would also like to talk about buying shoes. I bought this pair of shoes yesterday. I have been wearing size 7.5 shoes all along and that was the size of the shoes I bought. We measure the inside but not the outside of shoes. If we measure the outside of shoes, I may have to buy size 9 instead of size 7.5, for size 7.5 may not fit me well.

Property developers do more than that. They are not measuring the inside or outside of shoes; they even include the shoe boxes when taking the measurement. The so-called "shoe boxes" refer to the club houses and public spaces which actually do not belong to the owners of the residential units.

So, there will be a big problem if the area of the shoe box is included, and I may have to buy shoes of size 20, even bigger than YAO Ming's shoes. I am done with these props now. The argument is very simple, President

PRESIDENT (in Cantonese): What if the Member who sits next to you comes back?

MR ALBERT CHENG (in Cantonese): I have asked him not to come back for the moment. *(Laughter)*

I am not kidding, President. We want to have weights and prices marked clearly when we buy vegetables and fruits from the market, and vendors supplying goods short of the purported weight will be liable for prosecution by the C&ED. Crab sellers cannot count the weight of the straws, and customers may lodge a complaint if a bag of shrimps contains a bit more water. There are many smart consumers including Members who are going to oppose my motion. Will he lodge a complaint if one pound of vegetables he bought turns out to be 10 taels only? He will surely lodge a complaint.

Nevertheless, we will put our life savings into purchasing luxury properties costing more than \$10,000 per sq ft. How can we accept that 1 sq ft turns out to be 7 square inches only? There is also one thing that is outrageous and that is, when the Government calculates the plot ratios, especially those of independent house developments or luxury properties — a house in Sai Kung has

just been sold by auction, and we all know that the transaction price is astronomical — for example, if its plot ratio allows the construction of a house of 2 500 sq ft, a very interesting phenomenon will take place as the developer, upon completion of construction, will sell the house with a saleable area of 2 500 sq ft as one with 4 000 sq ft. What kind of a world do we live in?

I think we should not say this. Simply enough, we should have weights and prices clearly marked, and eight taels make half catty, and we cannot allow developers to inflate saleable areas of properties and blatantly cheat property buyers when putting up residential properties for sale. I do not think anyone should raise opposition to my motion today on legislating to strengthen the protection for the rights and interests of property buyers. Hence, I will put aside some time — I have only spent five minutes and there are 10 minutes of speaking time left — to respond to the comments made by Members and officials who oppose my motion. Thank you, President.

Mr Albert CHENG moved the following motion: (Translation)

"That, the Hong Kong Institute of Surveyors (HKIS) issued a Supplement to the Code of Measuring Practice (the Supplement) on 5 February this year to spell out more clearly the way of measuring the saleable area of properties and require that the saleable area and items of ancillary accommodation, such as bay window, garden, flat roof, etc, should be separately measured and stated, but some estate developers have instantly indicated that they have no intention of complying with the Supplement; in order to prevent the public from being confused by the varying definitions of saleable area and suffered losses when buying properties, this Council calls on the Government to require by way of legislation that when uncompleted and completed flats are offered for sale by developers, the saleable area specified in the sales brochures must be measured in the way prescribed in the Supplement issued by HKIS, and the saleable area so measured be used as the basis for calculating the average price per square foot of the properties, so as to protect the rights and interests of consumers."

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

PRESIDENT (in Cantonese): Two Members intend to 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 LEE Wing-tat to speak first, to be followed by Mr CHAN Kam-lam; but no amendments are to be moved at this stage.

MR LEE WING-TAT (in Cantonese): President, I am grateful to Mr Albert CHENG for proposing this motion for debate.

In fact, this motion debate can proceed very smoothly. Not only is the subject easily comprehensible and can be discussed without difficulty, there is nothing abstruse. While Mr CHENG rarely makes such high-profile moves in this Chamber, I really appreciate what he has done. He is very considerate in that he has bought so many props from the market and the supermarket (you had better go to the market instead of the supermarket next time when you go shopping), to prove that the prices of many products are clearly marked and displayed.

During my office as Chairman of the Panel on Housing over the past two years, discussions have been conducted on the so-called gross floor area (GFA) and saleable area (SA) at a couple of meetings. Even during my meetings with Secretary Eva CHENG and Permanent Secretary Thomas CHAN, this topic was also sometimes brought up for discussion. I have dwelled on this issue so much that my mouth has almost twitched. In my recent meetings with Permanent Secretary Thomas CHAN, the Palazzo incident has been mentioned time and again. He said, "'Ah Tat', I am actually getting pretty tired meeting with you every one month or so." That is precisely what he said. In fact, I feel pretty tired too. We meet each other every one month or so, simply to discuss the same old topic. Indeed, not much progress has been made.

The Government had once intended to put forward, for consultation, a White Bill on introducing legislation to regulate the sale of uncompleted units. That is why a White Bill was introduced as early as in the era of Mr Dominic WONG. However, in the face of strong opposition from property developers, the Government had responded in an extraordinary and unusual way by withdrawing the bill proposed by itself. It can therefore be seen how powerful property developers in Hong Kong are.

President, home purchase is regarded by many Hong Kong people as a very important investment second only to marriage. What is most unreasonable to me is that, while goods for sale in the markets or stores have their prices clearly marked and displayed, for instance, the price per catty is clearly displayed, there are many indirect ways which the local developers can find loopholes in the law to get rid of the troubles.

President, I met with Mr Stewart LEUNG Chi-kin (Uncle Kin) of The Real Estate Developers Association of Hong Kong (REDA) every few months, and he always told me, which is indeed his pet phrase, "'Ah Tat', trust me, we will discipline ourselves." We met just yesterday and I really could not help curling my lip in front of him. All I could say to him was how I could have confidence in him. At present, nearly every one month or so, I will act like an inspector of the REDA. What do I do? I will compare the different sales brochures. I consider my performance pretty good and if I am taking a subject called "A study of sales brochures of uncompleted flats", I think that even if I fail to get an "A" grade (distinction), I should at least obtain a "B+". This is because I would study a large number of sales brochures every one month or so. However, very regrettably, among the many sales brochures that I have studied over the past two years, substandard ones could always be found. Why is that so?

Sales brochures are generally appealing with colourful printing, giving the readers a pleasing and enjoyable feeling. Pictures of good-looking men and women are also commonly found, which have actually taken up a large portion of the brochures, though I have no idea what these pictures have to do with home purchase. Undeniably, the pictures in the brochures are very attractive, showing handsome men and beautiful women, and even the animals are very lovely. However, the most important information that we seek to obtain accounts for a small part of the brochure only.

When we read through the sales brochures, the points that we should take note of, say, the responsibilities of the future owner, are usually set out in extremely small fonts. Perhaps Secretary Eva CHENG may also notice that (I have no intention of bringing up the age issue at this point, but I guess the Secretary could only read them by taking off her glasses. However, she needs not bother if she is wearing contact lens) these contents cannot be clearly read.

During our meeting yesterday, I showed Mr LEUNG the sales brochures of the Palazzo. In fact, I criticized the brochures four weeks ago that firstly, only English but not Chinese version is available; secondly, the font size of most Chinese words are so small that people over 40 could only read them by taking off their glasses. Furthermore, despite that certain lease or Deed of Mutual Covenant has been referred to, the relevant terms are not provided for easy reference. What is more, although it is stated in some brochures (the Secretary should know what I am talking about) that the common areas are shown in red, and even though the sentences are also printed in red, nowhere in the whole brochure can we find any area being shown in red. Sometimes, even readers as meticulous as me would feel puzzled.

I wonder how many more times the Secretary wants me to repeat this before saying that she knows how our suggestions would be considered. In fact, we want more than just making criticisms and we do not consider it too difficult to make recommendations. First of all, the issue pertaining to the definitions of the so-called SA and GFA is actually not difficult to address. The Hong Kong Institute of Surveyors had issued a code of practice many years ago, and the proposed delineation was generally agreed by the relevant professionals. Furthermore, they had been invited to attend a number of meetings of the Legislative Council, and the guidelines proposed by them were endorsed by Members. Nonetheless, the property developers did not consider it necessary to make any amendment. In our opinion, the Government will do a disservice to consumers if it still does not require the developers to adopt a simple, highly transparent and easily comprehensible way of presentation (they must remember that the font size should be big enough for all to read), such that the consumers are well-informed when they buy a flat that is worth up to millions and even tens of million of dollars.

Now, let me explain some simple suggestions of the Democratic Party. Standardizing the definitions is the first point. We have all along used such terms as GFA and SA, so all we need is to have them standardized. Regardless of whether the area is calculated as SA or GFA, a standardized Chinese and English rendition will be helpful. Secondly, the use of a standardized format, which is very simple, should be adopted. Requiring all property developers to set out the necessary information using the same format can avoid disputes. Thirdly, the use of a standardized way of publication. At present, property developers often disseminate information by distributing information leaflets. Sometimes, it is not known if these leaflets are part of the sales brochure. A

standardized way of publication will mean that, only information contained in the sales brochures shall prevail. Fourthly, all information should be printed in large font size so that people in their twenties and even those in their fifties are able to read it without taking off their glasses.

President, I cannot think of another easier way to illustrate this issue. Neither can I figure out why the Government still fails to properly resolve this simple issue after so many years. Are the property developers really so powerful and fierce that minor amendments could be made only after a problem emerged? The recent Palazzo incident is a case in point. We have met with the Secretary and the Permanent Secretary regarding this incident. I have an impression that no one, except the Sino Group, is happy in this case. It seems that even Uncle Kin is not happy for he had even held meetings to deal with the issue — I also learnt that there is strong public dissatisfaction with the marketing approach of the Palazzo, which was alleged to be in apparent violation of the relevant guidelines. I have not read any newspaper that supported their practices.

Regarding the promotion of democracy in Hong Kong, many people have said that debates are necessary, but when it comes to the promotion of justice, not many people said that debates are necessary. Chinese people often say, "Justice is in the hearts of the people". Members may ask the general public if they are aware of the frequent distortions found even in the sales brochures of flats that are worth millions of dollars in respect of the area listed therein. In the sales brochures, the price is sometimes called "a reference price", "a considerate price" and "a sincere price" (there are certainly many other similar terms) with the objective of attracting the potential buyers — the Secretary is also smiling — In fact, such a practice is unacceptable.

I wish to highlight another point. Has this approach breached the Consent Scheme? This is the point about which I am very concerned. Yet, regrettably — I need to complain to the Secretary — I have been looking for the Secretary's colleague (that is, the Director of Lands) for three days. He is the authority of the Consent Scheme, and is authorized to sign the Consent Scheme. I am very eager to know if the Palazzo incident involves any contravention of the requirements in the Consent Scheme. Because it is reported that the developer concerned had spread the news that there would be "intended prices", "reference prices" and "sincere prices" before the flats were put up for sale. As far as I understand it, this is in contravention with the requirements. Should this

contravene the requirements in the Consent Scheme, the Lands Department has the power to give warnings to the developer concerned or even halt the sale of flats.

I wonder if the Director is trying to hide from me, and I am seriously disappointed with this. Over the past three days, I have been calling at around nine o'clock every day but to no avail, then I kept my cell phone on and left a message asking the Director to return call to me at anytime. Sorry, Secretary, the Director has been hiding from me for three days. Why? Do they find themselves undefensible so that they dare not comment if the Palazzo incident has breached the Consent Scheme?

President, the REDA always says that its members are highly disciplined and would follow the guidelines. Yesterday, I asked Mr LEUNG Chi-kin that since everyone is complying with the guidelines, why do we not include the provisions of the guidelines into the Consent Scheme? The difference lies in the fact that REDA's guidelines are merely a "toothless tiger" which only stresses self-discipline without providing for any penalty. Should the guidelines be included into the Consent Scheme, the Government could then have the power to exercise control and give warning, and even halt the sale of flats in serious cases.

Secretary Eva CHENG, do not be a "toothless tiger" anymore. If things go on like this, no one will consider the Government fair.

Thank you, President.

MR CHAN KAM-LAM (in Cantonese): Madam President, buying a home is the most significant investment in life for ordinary people. Buyers of uncompleted flats are different from buyers of second-hand flats. The former can only figure out the outlines of flats on the basis of the nicely printed sales brochures, and the accuracy of information is all the more important to them. However, given different interpretations of floor areas by different developers, and different methods for calculating the average price per sq ft, consumers are basically unaware of what the property prices include. These potential owners simply wish to live and work in contentment and they do not intend to reap colossal profits through property speculation. The Government should identify ways to safeguard consumer interests. The Democratic Alliance for the Betterment and Progress of Hong Kong considers that the Government needs to

standardize the calculation methods adopted by the trade to provide consumers with objective data for them to make informed decisions, in order to truly achieve the objective of protecting consumers.

In my opinion, it is only when both the gross floor area and saleable area are provided, and when they are calculated in a uniform way that the public can be given a clear picture of the size of a flat. People are most concerned about the size of their flats and the area of the bedroom within which they can move around. However, the gross floor area or saleable area currently specified in the sales brochures sometimes fail to give consumers a clear idea of the number of floor tiles needed. A resident has recently reflected to me that he has just bought a "diminished flat" but he is not sure if the information or the saleable area of the flat is not right. He realized after consulting some professionals that his flat comes with a structural wall as big as half a bedroom. To our understanding, this structural wall, which has to do with the structural safety of the whole building, is not built in a common area or shared equally among different units but is mostly concentrated in his property. The measurement therefore really makes him confused and he is at a loss as to what exactly has happened.

Madam President, this precisely explains why he has an impression that his flat has diminished. The consequences of the different methods of measurement adopted in the sector impel us to go for a consistent measurement method. The Hong Kong Institute of Surveyors (HKIS) issued the Code of Measuring Practice (the Code) in 1999 and a Supplement to the Code of Measuring Practice (the Supplement) in February this year to facilitate the adoption of a uniform method for calculating the area of a flat. According to the definitions in the Code, the saleable area of a unit comprises the floor area exclusively allocated to that unit including balconies and other similar features but excluding common areas. Ancillary facilities such as cocklofts, bay windows, courtyards, verandahs, gardens, flat roofs, carparking spaces and club houses should be regarded as ancillary or additional parts to be measured separately. These areas should be separately set out to avoid confusion. On the basis of the relevant definitions, the saleable area shall exclude common areas such as staircases, lift shafts, lobbies and communal toilets.

The Real Estate Developers Association of Hong Kong (REDA) which represents property developers has set up a self-regulation system requiring developers to disclose in sales brochures the typical floor plans, outline zoning

plans, and information on inside decoration and installations. The latest requirement of the REDA is for developers to disclose the saleable areas on the price list, setting out the areas of such facilities as balconies, bay windows and utility platforms.

Although there has been a narrowing gap between the measurements made by the HKIS and the REDA, there is no specific definition on the gross floor area or saleable area, and it is still confusing. What people need most is a consistent measurement method and I believe the method to be ultimately adopted will be acceptable so long as it is devised after detailed discussions by the trade and is easily comprehensible to buyers. As Mr Albert CHENG has just mentioned, he is now wearing shoes of size 7.5 but he may have to wear size 20 if the shoe box will be included. Size 20 will then be taken as his size and Mr Albert CHENG will have to buy shoes of size 20 rather than size 7.5 in the future. Therefore, making the information clear to everybody is most important.

I believe a uniform method of measurement will increase the clarity of the average price per sq ft, because calculating the average price per sq ft mainly serves to calculate the price of a flat. The average price per sq ft currently provided by the developers has all along been measured on the basis of gross floor areas. But the Government has recently taken measures to encourage the introduction of green buildings by developers such as offering nil premiums for precast facades and balconies, but developers have included these into the saleable gross floor area of flats, creating the so-called flats with "inflated" saleable area.

Under the premise of using a uniform method of measurement, the Government and the Consumer Council have to strengthen education for consumers to enhance their knowledge of the calculation of property areas as I have pointed out in my amendment. I understand that the change in the calculation method of the gross floor area and saleable area of a flat will not only affect buildings to be completed but also the conditions of the private residential property market. Nevertheless, we think that the Government should put greater efforts in this regard. Certainly, we cannot legislate hastily and we should first look for a method that is acceptable to all parties and on which a consensus has been reached before exploring the possibility of legislating for the purpose.

I so submit. Thank you, Madam President.

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Madam President, first of all, I would like to thank Mr Albert CHENG for proposing a motion on ways to strengthen the protection for the rights and interests of property buyers, particularly for the efforts he made in bringing with him so many props to illustrate his points, as well as Mr LEE Wing-tat and Mr CHAN Kam-lam for their amendments. I hope that Honourable Members can, through this motion debate today, gain a better understanding of the Government's policy objectives and existing measures for protecting the rights and interests of property buyers, as well as the proposed new measures for further strengthening the protection for property buyers.

As Honourable Members have said, buying properties is a major decision and investment for the public in general. Clear information on the market and transparent sales arrangements can facilitate property buyers to make their purchasing decisions under a fair environment and ensure that developers and estate agents can engage in healthy competition under a fair and open environment.

All along, the Government has striven to safeguard the rights and interests of property buyers through a multipronged approach. At the same time, we are committed to ensuring that the private residential property market enjoys freedom and a regulated business environment. One of the key efforts made is to ensure that the public is provided with the information required, including information on individual developments/units, sales arrangements, the rights and obligations of owners, and so on.

The relevant measures include: (a) stipulating the information required to be provided by the developers in the sales brochures, and regulating the sales arrangements for uncompleted residential properties through the Lands Department's Consent Scheme (the Consent Scheme); (b) working closely with the Real Estate Developers Association of Hong Kong (REDA) to enhance REDA's guidelines on the sale of uncompleted flats as appropriate to keep pace with the changing environment, with a view to enhancing the effectiveness of the self-regulatory regime of developers; (c) stepping up the regulation of the practices of the estate agent trade through the Estate Agents Authority in exercising its power under the Estate Agents Ordinance, and promoting the professionalism of estate agents so as to provide better protection to prospective buyers; and (d) raising the awareness of prospective buyers regarding how to protect their rights when purchasing flats through enhanced consumer education by the Consumer Council.

At present, to comply with the requirements of the Consent Scheme and REDA's guidelines, developers are required to provide information on floor area and public open space/public facilities in the sales brochures. Moreover, developers are required to observe REDA's guidelines in relation to the sales arrangements. However, we are aware of the increasing demand from the public and prospective buyers for greater transparency in the provision of information by developers on property developments and the sales arrangement and particularly, the public's call for a uniform definition and presentation of the saleable area, details on public open space/public facilities, and clear market information.

We consider that there is room for improvement in the existing mechanism in these areas. After listening to the speeches delivered by Members on the relevant motion debate, I will brief Members on the improvement measures, which we have been exploring and discussing, on a standardized definition and format. Should these improvement measures be able to achieve the expected results, including revising the scope of regulation of the Consent Scheme, consumers could receive instant benefits without having to wait for the completion of the tedious legislative procedure. Of course, we will closely monitor the market situation. We do not rule out the need to introduce other administrative or legislative measures if the existing regime fails to perform its role.

Thank you, Madam President.

MR RONNY TONG (in Cantonese): I have just heard Mr CHAN Kam-lam say that legislation must not be enacted in haste, which made me feel very surprised. I thought it would be difficult to strive for dual universal suffrage in this Council but I did not have any idea that striving for regulation of the floor areas specified in the sales brochures of residential properties would also be so difficult that it has taken more than a decade and yet no result has been achieved so far.

President, we have been discussing this issue from the golden age of the property market through the bursting of the bubbles, and all the way to the revival of the market. Our impression is that the Government is bowing to developers for financial benefits. We were told not to touch the sales brochure as the Government told us not to deal a further blow to the dying industry when the property market was bad. As a result, the Sales Descriptions of Uncompleted Residential Properties Bill for the regulation of sales brochures had been withdrawn. Given the revival of our property market in these two years,

the interests of property buyers have aroused concern once again. However, the Government has remained hesitant, upholding free market principles and procrastinating in making the relevant law. In the final analysis, the Government seems to be afraid of property developers and this has done harm to consumers.

President, there has recently been public discussions over the so-called pseudo-public space. I am not sure who has invented the term; actually, the word "pseudo" should be used to describe the Government and developers but not public space. The problem highlights once again the importance of sales brochure regulation. Recently, there has been much controversy over the podium garden of a private residential estate, Metro Harbour View, in Tai Kok Tsui. The garden should originally be an open space accessible by the general public but it is described in the sales brochure that the residents can have exclusive use of a 200 000 sq ft clubhouse and podium garden.

President, as a Chinese saying goes, "worshipping Buddha with offerings of borrowed flowers" but developers are now "cheating Buddha with offerings of stolen flowers", and both parties (the public and consumers (property buyers/owners)) are made losers. President, to safeguard consumer interests, it is essential to enhance transparency so that the public will be able to make comparisons on the basis of more useful information.

Regarding the sales of flats, we should first devise feasible, explicit and objective methods of floor area measurements so that property buyers and developers will have a clear idea of these specifications and conform to a certain standard. All developers will then comply with these standards and adopt a uniform yardstick, so as to facilitate the public's comparison of different floor areas. Lastly, an efficient approach capable of creating a deterrent effect should be adopted to put these standards into practice. These are what the Government should do at once.

Second, how can we make these standards acceptable to developers? According to news reports, before the Government recently announced the standards, it had held meetings with developers in the hope that they would agree to adopt such standards. However, the reaction was indeed outrageous, as the Vice-Chairman of the Real Estate Developers Association of Hong Kong remarked that Hong Kong will be in a mess if we make legislation on everything (*laughter*). I even thought that I had misread this part of the news report, so I will listen very carefully to the remarks to be made by Mr Abraham SHEK because I think he definitely has to comment on this point. Hong Kong will be

in a mess precisely because we do not make legislation, and Hong Kong will not be in a mess if legislation is in place. It is to my surprise that a developer would make such comments.

Yet, the Government is still telling us gravely and solemnly that it will go on persuading developers, and that this will be done faster than the making of legislation. If the Government introduces the bill to this Council on the basis of the results of our debate today, I am sure that it will be passed six months later. Nevertheless, I have no idea why the Government considers that making legislation would take a longer time.

President, even those who know very little about economics understand that sufficient market information is the most basic requirement of a so-called free market, and a market without sufficient market information simply cannot be considered a free market. President, a proper way to deal with the problem is to allow consumers to bargain with product suppliers under fairer circumstances. It is essential to ensure the supply of adequate and accurate market information in the property market, and regulation by means of legislation is the only way to this end.

President, there are two proposals in connection with sales brochures. Firstly, revising the Lands Department Consent Scheme to make it compulsory for developers, when putting up uncompleted flats for sale, to conform to certain guidelines. Secondly, reintroducing the previously withdrawn Sales Descriptions of Uncompleted Residential Properties Bill. I am sorry, but the name of the Bill is really long but anyway, I have read it out accurately.

The Bill was actually ready for enactment in 2003, just that it was not officially passed by this Council. The crux of the problem was that developers basically opposed the Bill and the Government had thus hastily withdrawn the Bill, resulting in the Bill being nipped in the bud.

President, the Government should not bow to developers for financial gains as I have just said. The subject of our discussion is the interests of millions of consumers and owners in Hong Kong, which is undoubtedly very important. I earnestly hope that the Government will positively safeguard the interests of consumers in Hong Kong when it deals with the question of pseudo-public space that I just mentioned.

President, I think we should not wait any longer and it is time to legislate.

PRESIDENT (in Cantonese): Mr CHAN Kam-lam, have your remarks been misunderstood? Are you making an elucidation?

MR CHAN KAM-LAM (in Cantonese): Yes, President, I wish to make an elucidation.

Mr Ronny TONG has just said that he could not accept my remark that we cannot legislate in haste. In fact, the whole thing that I had said should be this: We emphasize that we cannot legislate in haste for we should first go for a community consensus and a measurement method acceptable to all. This is a prerequisite. I hope Members would not think that we oppose the making of legislation after listening to Mr Ronny TONG's comments. If, without any community consensus, we have to solely rely on the Supplement to the Code of Measuring Practice issued by the Hong Kong Institute of Surveyors as stated in the original motion, so we hope

PRESIDENT (in Cantonese): Mr CHAN, you have already elucidated that point.

MR CHAN KAM-LAM (in Cantonese): Fine. Thank you, President.

MR LI KWOK-YING (in Cantonese): President, buying a home is a crucial decision a person makes in life. Many even buy properties with their entire life savings or by making instalments over a very long period of time. Therefore, it is the responsibility of the Government to safeguard the consumer interests of home buyers and ensure that people can buy their comfortable homes that meet their needs. From the perspective of consumers, irrespective of whether they are buying properties for investment or as a general kind of goods, they would like to get genuine goods at fair and clearly marked prices. But in reality, under the existing monitoring system, whether sellers such as developers will be honest and fair in their sales and marketing practices hinges upon how well they can exercise self-discipline.

For many years, there has not been effective protection for consumers as information on flats for sale has been incomprehensive. The disclosure of ambiguous information on the saleable area of flats to consumers has constantly been denounced. President, ordinary buyers, especially buyers of uncompleted

flats, can hardly comprehend or obtain the information on flat area. As actual flats are not available for their reference, they can only rely on the information provided by developers to make a choice. But without a consistent standard for measurement of flat area, most developers work in their own way and determine the saleable areas according to their respective standards, thus greatly increasing the risks of uncertainties for buyers.

For instance, developers will form their own opinions and decide on their own whether peripheral facilities such as bay windows, balconies or air-conditioners should be reflected in the saleable area, and home buyers do not have a clear idea of the actual size of the flats they bought. The sale and purchase of properties are based upon the gross floor areas which include the public space of buildings such as lift shafts and corridors. Thus, there can be a substantial difference in the efficiency ratio of individual flats; so is the case for the efficiency ratio of buildings. Putting it simply, the efficiency ratio can be as high as over 80% or as low as only 50% of the gross floor area. In that case, how can buyers compare the prices on the basis of flat area?

Apart from gross floor area, the definition of saleable area is ambiguous because saleable area can include all walls in the flat. How can an ordinary owner have any idea of the actual thickness of the walls in his flat? Taking the bay windows for air-conditioners as an example, they generally take up more than 10 sq ft and are usually included in the saleable area. It is difficult for buyers to figure out clearly the most accurate area of the flats. Since the saleable area disclosed by developers is not as exact as imagined, and given ambiguous information, the flats that buyers bought will be diminished after deducting common areas and the areas of ancillary facilities, and it seems like they have been cheated.

It goes without saying that the sale and purchase of properties on the basis of the gross floor area is one of the sales strategies of developers and this will make buyers feel like having bought less expensive flats when computing the average price per sq ft. We cannot say that these diminished flats are inconsistent with the specifications because the problem lies in the developers' adopting different standards for measuring the areas of properties and their failure to provide consumers with sufficient information.

Saleable area is a crucial factor of consideration when people buy properties, and the measurement must clearly reflect the efficiency of the flats to avoid confusion. It cannot be denied that the measurement of saleable area is

not indisputable, for example, it is uncertain whether bay windows and the space for air-conditioner installation as well as the thickness of the walls should be factored into the calculation. Nevertheless, to safeguard consumer interests, the authorities should consider the matter expeditiously in pursuit of a consensus on consistent measurement of saleable area to facilitate easy comprehension by consumers.

We must understand that apart from economic factors, the sustained vibrancy of our property market is also driven by people's demand for and confidence in property investments and one prominent feature of home buyers in Hong Kong is that they aspire to buy newer and larger flats to replace older and smaller ones. Without a clear grasp of information for them to make wise decisions in purchasing properties, ordinary people's resolve to look for replacement flats will be weakened, and the steady development of our property market will be held back in the long run.

President, since the property market boom in the 1990s, various problems have emerged in respect of the sale and purchase of properties and in particular, the measurement of the saleable area of flats has been most controversial. The problem did not occur overnight and we cannot expect a solution to all problems in a short time. The Government, in exploring suitable measures, should step up the monitoring of the system of property sale and purchase by, for instance, formulating a uniform method of calculation or requiring the provision of clear sales information. It should also enhance consumer education through large-scale publicity campaigns to promote public knowledge of property sale and purchase to ensure that consumers are provided with the greatest protection.

President, I so submit.

MR ALBERT HO (in Cantonese): President, the famous saying of the late British Prime Minister Winston CHURCHILL suddenly came to my mind while I was listening to Members' debates, that is, "In the history of mankind, there have never been so many who owe so much to so few." He was thanking the British Air Force for three days of courageous fighting to fight off German air raiders, hence, many people owed a small group of British Air Force members a lot. Why do I quote this saying? Because I suddenly thought about how this famous saying can be used to describe developers in Hong Kong. I would say: "In the history of Hong Kong, there have never been so few who have gained so much from so many."

President, I am saying this not because I "envy" developers' reaping colossal profits but because they often made colossal profits by unfair means over the years. We all know and are discontented with such unfairness and many have voiced their complaints. However, the Government has been tolerant and it is still tolerating today. President, this matter is pretty simple. The Law Reform Commission published a report 13 years ago in 2005, calling for the clear disclosure in the sales brochure the method of the calculation of the floor area. The Government published a White Bill on the sales descriptions of uncompleted flats in 2000, which was supported and applauded by many Legislative Council Members. However, the Administration yielded to the pressure from the real estate sector and withdrew the Bill. On 4 February 2007, our Panel passed after lengthy discussions a motion proposed by Mr James TO, asking the Government not to wait any longer for it was time to legislate. The whole history is just this simple.

I agree with the remarks made by Members including Mr CHAN Kam-lam who just left this Chamber except for his conclusion. His conclusion astonished me because he said that a consensus had to be reached even under such unfair circumstances. The mentioning of the word "consensus" made my flesh creep. Why? I have heard too much of this, and this has very often been used as an excuse to stop us from seeking justice.

If we can do this only when the community has arrived at a consensus, I can tell that there will not be any consensus because the Real Estate Developers Association of Hong Kong (REDA) will certainly raise objections. There will never be a consensus if the proposals generally considered equitable are not implemented due to objection by the REDA. That is why I am really worried.

It is evident to all of us that in respect of democracy, the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) is not willing to continue to jointly promote dual universal suffrage in 2007 and 2008 for it says that there is no consensus. Today, even on an issue with such far-fetching effects on the people's livelihood, it still says that legislation should be enacted only after a consensus is reached despite that the community has a very clear idea about where justice lies. How can we give the public an account for this? I really hope that Members from the DAB can follow through their objective of working for Hong Kong with sincerity. "Sincerity" means putting words into actions and we should jointly urge the Government to legislate to safeguard people's rights and interests. Insofar as their rights and interests are concerned,

and as Members can see, a lot of people have invested their entire life savings in properties only in pursuit of a cozy home.

President, we are simply asking for an explicit, simple and uniform standard of measurement which most importantly reflects the saleable area of flats. It is just this simple, and I do not think that there are any difficulties. If we still cannot arrive at a consensus today after a decade or so, we will not reach a consensus in another 13 years or even 30 years. In proposing the motion today, Mr Albert CHENG has given us a good chance and reminded us that we would fail the expectation of Hong Kong people if we keep on dragging our feet. We would once again allow the real estate sector to exert pressure on and force the Government, and also this Council indirectly, not to implement an effective proposal, which will ensure that the people can purchase their home at clearly marked prices and that they are well aware of the area of the properties they bought. If that is the case, we would really do a disservice to our community and also to Hong Kong people.

Actually, President, the Code of Measuring Practice proposed by the Institute of Surveyors is a very simple, explicit, reasonable and equitable method of calculation. In my opinion, it offers the optimal basis for our discussions. If some people, including Members from the DAB, have any objection, they are invited to expound what they object to, what they want and what they think justice is. In fact, this Council should arrive at a consensus today and I hope Members from the Liberal Party will put forward reasonable opinions to enable this Council to reach a consensus today.

As I have just said, the original motion today has made very simple and reasonable requests. What message will it give to the public if the motion is not passed? The message is that the Government is procrastinating and the public or users will continue to be misled by the erroneous descriptions of properties with inflated saleable areas. I believe we all have to take responsibility for that. That is not what I want to see. Thank you.

MR ALAN LEONG (in Cantonese): Madam President, it is widely known that property price is high in Hong Kong and the price of private housing has also been soaring in recent years. At present, it often takes more than a million dollars to buy an average flat. For many members of the general public, this is the biggest investment in their life.

At present, estate developers are adopting all sorts of terminology in sales brochures for disclosing the saleable area (SA) to consumers. Just the term gross floor area (GFA) alone is presented in multifarious ways in the market, and there is no uniform definition which is universally recognized and adopted. Estate developers' way of presenting the GFA can be regarded as "one single term respectively interpreted by each of them".

Therefore, a lot of consumers will try to make their purchase decisions based on the SA in the pre-sale of uncompleted residential properties. However, the efficiency ratio of new residential properties is baffling and the SA provided by a lot of estate developers is in fact not exactly the usable area. Apart from including the bay windows and the utility platforms of the property, a lot of estate developers have even failed to comply with the professional guideline provided by the Hong Kong Institute of Surveyors (HKIS) and include green balconies in the calculation of the SA, thereby causing the decrease in the actual efficiency ratio. Madam President, not only are buyers perplexed about the so-called SA, their rights and interests are not protected. More importantly, when the SA is increased, developers can exploit this opportunity to reap more profits. However, the price of such ancillary area should not be compared to that of the core area. Only when members of the general public take possession of their property with enthusiasm will they find that the property they have purchased with all the savings in their life has shrunk, and the usable area is shockingly small. In the end, they can only sigh at the sight of their property.

However, one of the reasons for the existence of such deceitful practice and the lack of transparency in the calculation of property area in the market is the Government's lack of determination to protect consumers' rights and interests, and the Government should bear the blame indeed. In order to reflect the SA more accurately, the HKIS has reviewed the long implemented Code of Measuring Practice (the Code) as early as last year and proposed the concepts of core area and ancillary area in order to provide the buyers with a clear guideline. The HKIS has also issued a Supplement to the Code of Measuring Practice in February this year to spell out more clearly the definitions of core area and ancillary area.

Madam President, the Panel on Housing of the Legislative Council has also discussed the relevant matter at three of its meetings. At the meetings, the Real Estate Developers Association of Hong Kong (REDA) has repeatedly pointed out that the HKIS has proposed too many terms, which has made the

situation more complicated. The REDA has also advised that it has called on its members to exercise self-discipline and comply with the relevant guidelines; at the meetings, the Government has all along been stressing that the self-regulation mechanism of the REDA has been working effectively and it is inclined to allow the REDA to maintain its self-regulation. However, the media has discovered at the beginning of this year that nine new residential property developments of private estate developers are in breach of the Code. Bay windows, utility platforms and even air conditioner hoods, and so on, have been included in the calculation of the SA, which may be misleading to buyers. Whether this regulation regime is operating smoothly, as claimed by the Government, or it has provided convenience to estate developers for reaping the most profits by various means, we should all know this clearly enough.

Madam President, I would like to point out that there is a fallacy in the logic of the REDA. The definitions of core area and ancillary area set out in the HKIS's guideline are in fact very clear and consistent. It will facilitate consumers to ascertain the actual SA of the property. If there are too many ways of presenting and calculating the property area in the market, speculative tricks and deception are more likely to occur, thereby causing confusion in the market and leaving consumers at a loss as to what to do.

Madam President, some people think that taking the HKIS's proposal on board will bring about more problems. Their argument is, for example, that it will lead to confusion in the secondary market because people will be confused when reference is made to the previous deeds. In fact, this is a very bureaucratic way of thinking. I believe that as long as we adopt the proposal put forward by the HKIS and formulate a clear conversion table to set out how the area previously presented in various limited ways can be converted using the calculation method commonly adopted now, the problem of confusion will be solved.

Madam President, the current situation is that the SA is falling short of the actual usable area, and there is a lack of a standardized method for calculating the floor area. Members of the general public whose sole wish is to purchase a home will remain confused by these poorly defined figures and rendered perplexed and befuddled. In order to protect the rights and interests of property buyers and boost the confidence of home purchasers, the Government should expeditiously legislate to regulate the method of calculating the SA. Justice will

be done to consumers if the concepts of core area and ancillary area are spelt out clearly in the sales brochures to facilitate their clear understanding of the kind of property they have purchased.

Madam President, I so submit.

DR KWOK KA-KI (in Cantonese): President, first of all, I wish to thank Mr Albert CHENG for moving this motion. Unfortunately, these issues should not be discussed in the Legislative Council any more because the Government already introduced a White Bill in April 2000 and provided a clear definition of saleable area (SA) in the Sales Descriptions of Uncompleted Residential Properties Bill, while the proposal made by the Hong Kong Institute of Surveyors (HKIS) on 5 February this year is only a continuation of the proposal made back then.

With all their hard work, the people of Hong Kong only wish to own a place of residence. But why has the Government turned a blind eye for so many years to incidents in which the public have been deceived and misled? Maybe the Government has also weighed upon its benefits. I should have congratulated the Secretary because the high land price policy is still working well in Hong Kong. We can see that all the new flats at present are luxurious properties, the price of which is often an astronomical figure of \$8 million or \$10 million. For a lot of working class people, they are unaffordable even with the efforts made for the whole lifetime. President, when they purchase properties, they will receive these highly presentable yet incomprehensible sales brochures which are full of misleading information. We have mentioned just now that there are photographs of foreigners and some concept plans while the SA is not mentioned at all, which leaves the public plenty of room for imagination.

Of course, some people will make use of such room for imagination. In February 2007, there was a television report that the total gross floor area (GFA) of the Seasons Palace in Yuen Long is only 88 000 sq ft, but it became 274 000 sq ft when it was put on sale, representing exactly a two-fold increase. The price of a flat with a GFA of 2 778 sq ft is \$6 million, but the SA is only 1 022 sq ft, which accounts for only 36.8% of the GFA. As for luxurious properties, the total SA of the house at 33 Island Road is 63 809 sq ft, representing an increase of 48% of the GFA granted at that time. Such

examples are numerous, and the Government knows them well enough. However, even though such conduct has been misleading the public all along, the Government is still tolerating it.

Just now, I saw the Secretary smile. I do not know how she could put on a smile. I do not know whether she has seen Hong Kong people taking heaps of hard-earned money to the sales offices and being cheated, just to find in the end that the property purchased is totally different from that described in the sales brochure. It is in fact very mean for the Secretary to smile like this. Some Honourable colleagues said that we have to wait until a consensus is reached. This is the same as what the Government has said. In its papers submitted to the Legislative Council at that time, the Government has advised that, in order to draw up guidelines on property sales, a consensus has to be reached by the HKIS, the Consumer Council (CC) and the Real Estate Developers Association of Hong Kong (REDA), which means that if the REDA does not give its consent, consensus can never be reached. President, there is no way to reach any consensus. When someone is exploiting this loophole to make great profits, how can there be any consensus? This is tantamount to requesting them to kill the duck which lays gold eggs. Maybe the Government also thinks that it does not matter. After all, the money is paid by members of the public, and it also facilitates the continuous implementation of the high land price policy. However, why do ordinary members of the public have to be treated like this? Why is the Government so mean?

Just now, some Honourable colleagues have mentioned pre-sale consents. Everyone knows that a consent is basically different from a sale and purchase agreement. They are two different legal documents. This is the first point I would like to make. The second point is on property sales arrangement. The Secretary has mentioned just now that it is necessary to enhance the regulation of estate agents and even the public education provided by the CC. However, this is irrelevant to the issue in question. Now someone has broken the law and is exploiting a loophole in law, but the authorities are saying that first of all, the public has to be educated, and secondly, the agents have to be regulated, while ignoring the fact that someone is robbing the others. How can this be? How long do we have to wait before a consensus can be reached? When will there be adequate consensus?

President, this is not a new subject. In 2000, a White Bill was already introduced, and it is now 14 May 2008. During these eight years, we are not

just marching on the same spot. Some people have said that it does not matter, and the political system does not matter, and we can just let it develop slowly because equality is the most important thing in Hong Kong, right? However, what is equality? What kind of equality is this?

What is most distressing is that some of our Honourable colleagues and political parties still buy the ideas of the developers and the ideas of the Government. Is it true that when there is no consensus between estate developers and the Government, there is no need to introduce any legislation at all? A lot of people have purchased second-hand properties today because they have been misled by a lot of false, exaggerated and empty figures. That is why. If the method of calculating the SA will never be standardized, we had better not include the item of SA. It is because these figures are not realistic. For so many years, these figures have been false ones. This is in fact very ridiculous. Sometimes, when I talk about the subject of property purchase with some foreign friends, they do not understand what I say. In other parts of the world, floor to floor calculation is adopted in property purchase, which means that the exact area within the property is calculated. Everyone knows that when purchasing a property in Canada, even the area of the basement is not included. In Hong Kong, however, the estate developers will "cheat to the utmost".

We have said just now that basically places like bay windows, yards, gardens, and so on, should not be included in the calculation of the property area, but estate developers still include them in the sales brochures. The Government originally intended to offer green balconies to members of the public and said that it is to encourage the building of more windows. It has, however, turned out to be another means for estate developers to continue profiteering. Such businessmen, such a government and such regulation, and the support given to them by some political parties here are really distressing.

People of Hong Kong choose to eat less and spend less, toil away and work hard throughout their life, and all they want is just to have their own property and live in contentment, and build up a home of their own. They just hope that they can get a relatively fair deal in purchasing a residential property so that they can live and work in contentment. However, even a request as humble as this cannot be fulfilled now. What is more distressing is that our Government even allows such a thing to happen and still refuses to legislate and regulate on various grounds.

With these remarks, I oppose the amendment proposed by Mr CHAN Kam-lam and support the original motion and the amendment proposed by Mr LEE Wing-tat.

Thank you, President.

MR LEE CHEUK-YAN (in Cantonese): I wish to thank Mr Albert CHENG for proposing this motion today because I think that the motion itself is like a demon-detector revealing the political parties in this Council which have been put into the pocket of real estate developers. I wonder why there are people opposing such a motion which aims to protect consumers in such a candid, forthright manner.

It is just very simple. Sometimes, in order to protect consumers' rights and interests, Members in this Council will try their best to put up requests to the Government. Take food labelling as an example, we have requested the Government to implement labelling for food. Even for food which is worth a few dollars, dozens of dollars or a few hundred dollars, this Council is still very concerned, and every Member is very concerned, and they are very concerned about the consumers' rights and interests. However, when it comes to properties which are worth ten millions or tens of million of dollars, they have outrageously said that it does not matter, and just let estate developers cheat and rejected the need for regulation. They have said that estate developers will exercise self-regulation and so on and so forth. If we really believe that estate developers will exercise self-regulation, we had better believe that all businessmen in Hong Kong will also exercise self-regulation, and so legislation is not needed, and nothing at all is needed, and there will not be any problem when we rely solely on their self-regulation.

Members may be aware that when it comes to making profits and profiteering, we cannot rely solely on self-regulation in a free market. This is very clear insofar as real estate and property purchase are concerned. For many years, numerous members of the public have been cheated, and recently there is even the "verbal trick" of creating an "intended price"; therefore, although the price should not be disclosed, an "intended price" is set. It is not sure whether there will be a "probable price", "target price" or whatsoever in future. How can it be possible not to impose any regulation at all? Therefore, first of all, I think Mr Albert CHENG has revealed the political parties in this

Council which have been put into the pocket of real estate developers. Secondly, he has also revealed that the Government has in fact been put into the pocket of estate developers. Mr Ronny TONG has just mentioned "pseudo-public spaces". Let me add another term: "pseudo-Government". This Government is a fake because it is the business agent of estate developers.

I find that the Government as a whole is biased towards the interests of estate developers. This is widely known to the whole community. The enactment of legislation for regulating sales descriptions for residential properties is just a very simple matter, yet it is trying to impose hindrance on it by saying that estate developers should first be allowed to exercise self-regulation, and that legislation should only be enacted when self-regulation does not work. The Government has been proposing this for years. Every time, it is saying that estate developers should be allowed to exercise self-regulation and that something will be done. We have been waiting for more than 10 years, yet only piecemeal improvement has been achieved, and every time, the improvement has not been thorough at all. Therefore, I think the Government is in fact this will further enhance the impression made on the people of Hong Kong, that is, there is collusion between business and the Government, and this Government is biased towards estate developers. The Government is especially hesitant to offend estate developers. For many businesses, sometimes the Government may try to strike a balance, but when it comes to estate developers — to borrow the words of Dr Stanley HO, they are too fat to wear socks — how can the Government turn a blind eye to this?

President, the Hong Kong Confederation of Trade Unions (CTU) strongly supports the original motion moved by Mr Albert CHENG today and the amendment proposed by Mr LEE Wing-tat, and oppose the amendment proposed by Mr CHAN Kam-lam because Mr CHAN Kam-lam has said just now that legislation should not be hastily enacted. Of course, legislation should not be enacted hastily, and no one will agree with the hasty enactment of legislation. Is the original motion moved by Mr Albert CHENG really suggesting that "we should enact legislation in haste"? Of course not. Legislation should certainly not be enacted hastily. Everyone knows that legislation should not be enacted hastily. In fact, he is proposing such an amendment in order to deter the enactment of legislation, and wait until a consensus can be reached with estate developers. However, it is actually impossible for a consensus to be reached with estate developers. Therefore, President, I think it is very obvious that the amendment proposed by Mr CHAN Kam-lam aims at delaying legislation. It

seems that he is trying to delay the matter in collaboration the Government until we do not know when. I think this matter is of great urgency now because a lot of new residential properties will soon be introduced for sale in Hong Kong. Even if we keep discussing this at every meeting, estate developers will still continue with their "cheating". I think this is absolutely intolerable, and I hope that this matter can be addressed expeditiously. Thank you, President.

MS AUDREY EU (in Cantonese): President, I was interviewed this morning by a reporter on the topic of election. He asked me whether it is true that there is not any discussion on the subject of democracy at present, and what the democratic camp should do about it. My reply to him was that even the taking of a breath is related to democracy because all issues relating to the people's livelihood are in fact related to whether people have voting rights and whether this Council is representing the interests of the public.

Therefore, President, the subject today is not just on property sales and sales brochures but is also closely related to voting rights, whether the public has any say and whether this Council is representing the interests of the public. President, regarding whether legislation should be introduced on the method of calculating the saleable area (SA), a very fundamental issue is indeed involved. However, President, sometimes when I heard of these issues, I would think that they are almost comparable to the issue of fighting for universal suffrage on the basis of "one person, one vote", as on both issues, consensus will never be reached.

Mr CHAN Kam-lam said that Mr Ronny TONG had misunderstood him because what he meant was that legislation should not be enacted hastily and every one should sit down and take some time to discuss and examine the issue, so that a consensus could be reached and a uniform definition could be drawn up. I would like Mr CHAN Kam-lam to visit the website of the Law Reform Commission (LRC). President, in 1992, I was appointed as one of the members of the LRC to examine the definitions, including that of floor area, in sales brochures, and a report, which set out the information that has to be included in the sales brochures of uncompleted flats, such as the area of the property on sale, was released in 1995. Those who conducted the studies were neither members of the LRC nor lawyers. The Chairman was a university professor, and the members included representatives from the Lands Department, the Planning Department, architects, surveyors, the Housing Authority and the Real Estate Developers Association (REDA). It is proposed in Mr CHAN Kam-lam's

amendment that studies should be conducted. President, I would really like to ask Mr CHAN Kam-lam to go back and study the subject. This subject has been discussed for more than 10 years, and it is nothing new. Therefore, there is no question of hasty enactment of legislation at all.

After the publication of the LRC report in 1995, the Government has been delaying the process, because the Government has always been delaying the implementation of the reports published by the LRC. In 1996 and 1997, the LRC published another report on description of overseas uncompleted residential properties on sale. Subsequently in 2001 and 2002, there was another report on description of completed residential properties on sale. These reports are all related to the same problem, stressing, among other things, that consumers should not be misled on the area specified in the brochure. A lot of Members have also mentioned in their speeches just now that in the white bill introduced in 2000, the Government has adopted the various definitions proposed by the LRC, and as I have mentioned just now, a definition which is considered reasonable and feasible by all has to be worked out in collaboration among representatives from various sectors, including the real estate sector, surveyors, architects, the Consumer Council and so on. However, due to the opposition by real estate developers at that time, the Government dared not introduce any legislation. Hence, the issue has since been shelved for a long time.

President, I would like to tell Members that another legislation is under the discussion of this Council now. It is the Trade Description Ordinance. Do Members know what we are trying to regulate with the amendments discussed? It is the sale of dried seafood. The problem is that some shops have cheated customers by deliberately putting the word "tael" wrongly for the word "catty" in order to mislead the others into thinking that the price is for one catty, while it is in fact the price for one tael. Regarding these practices, regulation and legislation are needed, and the passage by the Legislative Council is required; and what we refer to as the so-called 999 gold and Fei Cui also require regulation. However, the Trade Description Ordinance does not cover property sales. From this, we can see that small and medium enterprises of a relatively small scale are subject to regulation, while real estate developers are not, and the Government is asking the public to believe that they will exercise self-regulation. The Government is simply watching them, while imposing regulation on small enterprises. There is nothing it can do to deal with large scale enterprises, as it is not as powerful as them. Eventually, we have discussed this for more than a decade. Studies have been conducted from 1992 to the introduction of the white

bill in 2000, and it is May 2008 now but we are still saying that no consensus can be reached.

What does it mean by the lack of consensus? It means that a large real estate developer has indicated that it does not accept it. However, the existing definitions are all drawn up by professionals such as surveyors, and have proved to be feasible and reasonable after having been adopted for years. Besides, they were drawn up after consultation. In such case, as the representative of Members' views and public opinions, what reason does this Council have for not supporting the fair, open and standardized approach and standard drawn up by professionals after years of research? However, it is really bizarre to hear a representative of public opinions say that this is too hasty, and that further discussion is needed. More than 10 years have passed, yet we have to continue with our discussion and endorse this approach only until a consensus is reached. Do Members think that this is like universal suffrage on the basis of "one person, one vote" that we are fighting for? Therefore, I told the reporter this morning that universal suffrage is not as simple as "one person, one vote". It is related to the fundamental principle of fairness.

The Civic Party supports the principles of fairness, openness and justice. In fact, every issue and every policy in society will definitely have some impact on certain people. The key lies in what "benchmark" we should adopt. We also have to find out whether the "benchmark" is just and fair. There is no reason for the law to be deliberately lenient to some people just because they are more powerful and well-off.

While this Council is scrutinizing the legislation on trade descriptions to address the unlawful practices in the sale of goods by dried seafood shops, we nevertheless consider it unnecessary to regulate the sale of properties which are worth a few million or even tens of million of dollars. If this Council does not pass the original motion moved by Mr Albert CHENG today and allows this matter to drag on — I do not know how much longer it will drag on — it will definitely reflect that the composition of this Council is unable to represent the general public. Therefore, the issue of universal suffrage on the basis of "one person, one vote" is certainly related to all the issues on people's livelihood. Thank you, President.

MR CHIM PUI-CHUNG (in Cantonese): President, I know many real estate developers, although we may not be good friends. However, the representative

of the real estate sector, Mr Abraham SHEK, is my good friend. Regarding this issue, I personally think that the Government should bear all the responsibilities. The Government represents the public Of course, this is a motion without legal effect, but I do not believe that after listening to our speeches, the Secretary will not even dare to mention it when she gets back because her power she does not have the power — but I think the Secretary should say something about it. If she does not have any power at all, and she will not say anything about it, why does she take up the office as a Bureau Director?

My personal opinion is that everyone knows that property developers in Hong Kong are extremely lucky. They are the luckiest businessmen in the world. We can see that in the 1950s, that is, more than 50 years ago, Hong Kong was a poverty-stricken city. At that time, a lot of people could not even earn \$80 or \$40 a day. They had to be very capable in order to get a job. The real estate developers at that time of course, some visionaries knew that the real estate industry in Hong Kong would flourish, and have therefore joined this industry. In fact, successful as real estate developers in Hong Kong are at present, all the 10 most successful real estate developers in Hong Kong only began to tread the path of success in 1972. Of course, their success hinges on the fact that they had changed jobs because initially a lot of them were not in this trade. They have switched to this trade early, and they are "smart" as well.

However, the biggest problem lies in the responsibility of the Government. Why? First of all, the Government condones their profiteering; secondly, the Government also condones their unlawful practices. Why do I say so? There are corridors, roofs and other places in a lot of buildings, and many real estate developers even "inflated" the floor area with these common areas by as much as 30%, and at least by more than 10%. This is not the responsibility of the representative of the real estate sector, Mr SHEK. Just that as he represents the real estate sector, he certainly has to say that they are right. However, it is worth reviewing by the Government. If the Government does not do so, it has to bear the responsibility.

Of course, if I keep on speaking like this, the Secretary may not be happy. However, as a Member of the Legislative Council, I have to undertake my responsibility with commitment. If I do not do so, I will only be wasting my time in this Council, and in such case, why do I have to be a Member? Therefore, I am not trying to shift all the responsibilities to the Government, but

the assessment has to be done in a relatively fair and just manner. Similarly, I have long suggested that there should be three tunnels in Hong Kong, and the Government should take actions about it. I have mentioned this repeatedly, and after more than a decade, have I really brought disgrace on the people of Hong Kong?

I have mentioned just now that real estate developers have made use of common areas to "inflate" the floor area. The profit is huge, especially when the real estate industry is prosperous, the profit reaped is huge. Of course, a lot of people are very "smart" in selling properties. There are hundreds of flats in a block, but after selling one flat in a day, they will freeze the sale in the following day. This is their skill but they have not broken any law. However, what should be reviewed are the unlawful practices.

Besides, we can see that there was already the MTR at that time. Some companies had successfully obtained the development rights of the superstructure development projects above MTR stations, but they were unable to meet the conditions for co-operating with the MTR. Theoretically speaking, these companies should be liquidated, and the relevant projects should be divided up for re-tendering. However, the person-in-charge of the MTR even allowed developers to carry out the development with the original conditions after a few months when the property market took an upturn. Is it fair? Is this the responsibility of the Government? Looking back on past records, I am not hostile to them at all, but the problem is that the responsibility is shifted to the Government.

On the other hand, we have to understand that it takes the efforts of a lifetime for members of the public to buy their residential property. We know that a lot of people in Hong Kong have to pay mortgage instalments for their flats, but they do not really have enough funds to own properties. However, for one thing, a lot of people stress that property price will definitely go up but not come down, and for another thing, vanity is involved, and thirdly, there is the necessity, and so they have worked very hard to earn the money for paying mortgage instalments. The Government should at least provide them with protection but not necessarily a safeguard. Protection and safeguard are not the same.

Under this situation, I also understand that a lot of people engaged in real estate business in many cities and countries around the world are running their business at a loss. In France, a requirement which disallowed the increase of

property prices for more than 5% had been in force for more than 20 years. It has caused the closure of numerous real estate developers. However, real estate developers in Hong Kong — we are not jealous of them; we appreciate the beautiful environment that they have built for Hong Kong, which has made Hong Kong a world-renowned city — in property transactions, a lot of things are in fact going on if it is not collusion between business and the Government, it is at least the sharing of information and mutual care between business and the Government.

Under these circumstances, President, I personally think that we are now engaged globally and so we should not shirk our responsibilities and lag behind anymore. The area of properties should be calculated in terms of saleable area. Even though it means that it will be \$100,000 or \$500,000 per sq ft, what does it matter? It is only a figure, and everyone knows clearly enough what it means. This might be the glory of Hong Kong. However, as for allowing them to exercise self-regulation, if self-regulation works, prisons and the police will no longer be needed. The rationale behind is very simple, especially when money is involved. Who will exercise self-regulation? It is not right to exploit the public while claiming that self-regulation is their right.

Of course, even if my speech is convincing, it will still be useless because the Government may not hear it. However, as a Member of the Legislative Council, I do what I should, and I say what I should say and the public can hear it. I do not do this to win the votes from the public because I do not have to canvass votes from the public; nor do I have to canvass votes from my sector. If I wish to be a Member, I have the confidence that I can.

Therefore, under such circumstances, I very much hope that the Government at present, real estate developers are too plump and wealthy. We do not have to look after them any more. For the general public, the most important thing is to enable them to live happily, and make them feel that things are fair. If things are not fair, they will not be happy after all. As for real estate developers, whether they are given it, and whether they have it or not talking about cursing real estate developers — in the past, people who operate casinos would be cursed to "have a child born without an anus" (perhaps this comment should not be made here). However, we find that for people like LEE Hysan, KO Ho-ning, FU Lo-yung and Stanley HO, children born to their families have all got it — therefore, we can see that it is futile to curse real estate developers. The Government should immediately legislate (*The buzzer sounded*) President. (*Laughter*)

PROF PATRICK LAU (in Cantonese): President, buying properties is different from buying vegetables in the market. In fact, I think when members of the public are making such a big investment, there must be some rights and interests that they should be aware of as consumers.

The Real Estate Developers Association of Hong Kong (REDA) has agreed to and published in newspaper a standardized price list template for uncompleted residential properties. All estate developers have to set out in detail the price of the properties and three areas, namely the saleable area, indoor roofed-over area and shared common area, together with a breakdown of such areas. The new template should also set out the area of bay windows, balconies, and so on. I think this should be supported in principle.

In fact, this approach is broadly in line with the standardized method for area calculation proposed by the Hong Kong Institute of Surveyors (HKIS) in the Supplement to the Code of Measuring Practice. Besides, the REDA has also pointed out that the Chinese term "銷售面積" can better reflect the real meaning of "saleable area" than "實用面積".

President, under the existing legislation, the definition of "實用面積" is mainly for architects to calculate the facilities required in properties of different floor areas in building design. Therefore, different definitions are adopted under different statutory provisions. If they are made available for public reference in sales brochures, I am afraid confusion will arise.

Let me cite a few simple examples. The "usable floor area" in the Code of Practice for the Provision of Means of Escape in Case of Fire issued by the Buildings Department is for calculating the total accommodation of the property in order to decide the number of fire escapes and stairs required. Therefore, the space taken up by kitchens and toilets in the property and facilities such as common passageway and mechanical facilities are not included in the calculation. Therefore, these two should never be discussed in the same context.

The "usable floor space" under the Building (Standards Of Sanitary Fitments, Plumbing, Drainage Works And Latrines) Regulations (Cap. 123I) is for calculating the sanitary facilities required in a property, such as the number of toilets required, and so on. Therefore, the relevant definition focuses only on the sum of the floor area of all the floors of the building, while the space taken up by the staircases, elevators, toilets or mechanical facilities is not included.

As for the "gross floor area" under different legal provisions, they are very important. It is mainly for calculating the overall density of the property through the plot ratio and the area of the site. Therefore, the focus of the relevant definition is on the area of each floor of the building, and the area of the external structural walls will also be included. Therefore, I think it is also necessary to understand the method of calculating the floor area. This is mainly for regulation purposes, not for use in sales brochures. Hence, I have to understand why different developers have adopted their own way of interpretation. Therefore, I agree that real estate developers should be required to set out the detailed information on the area of the flat with a uniform definition of "saleable area".

Most importantly, the standardized calculation method must be agreed by the REDA, professional institutes, the Estate Agents Authority, the Consumer Council (CC) — the CC is very important — and so on. A set of common criteria should be adopted to avoid constant confusion, thereby protecting consumers and enabling them to know the proportion of the property price which goes to the floor area in their own flat and the proportion which goes to the common areas, such as facilities like lobbies, the club house, and so on.

Actually, the Government has provided for the definition of "saleable area" for a long time for assessing rates and Government rent. The definition can also be adopted as the uniform standard of calculation in the market. Only by changing the Chinese wording "實用面積" into "銷售面積", the relevant definition will become "such area for the exclusive use by individual unit, including balcony and other similar features, but shall not include common areas such as staircases, lift shafts, lobbies and communal toilets". "Saleable area" shall be measured from the exterior of the enclosing walls and from the middle of the common walls. The relevant area shall not include yards, bay windows, planter boxes, flat roof, ancillary roof, parking space, and so on. From the land lease or the rates demand note, we can find out the actual area of our own property.

In fact, under the definition of "saleable area" proposed in the Code of Measuring Practice of the HKIS, it "..... shall not include the items specified under ancillary accommodation. These items shall be separately measured and stated", including cockloft, bay window, parking space, yard, terrace, garden, flat roof and roof. This is broadly similar to the calculation method adopted all along by the Rating and Valuation Department. I think these two are not

contradictory; together with the REDA's requirement on the three areas, I believe that a comprehensive and standardized method of calculating property area can be established.

Therefore, I think the Government should encourage real estate developers to adopt a standardized calculation method agreed by various parties, and set out clearly in the sales brochures the saleable area of the property, using the Chinese term "銷售面積" to replace "實用面積", because this is very inconsistent with the calculation method adopted by architects. They should also set out the information on the area of ancillary items to facilitate the public's understanding of the actual price of the property so that they can evaluate whether the property is suitable for them in making their purchase decision. This can also better protect the rights and interests of consumers. I so submit. Thank you, President.

MR WONG KWOK-HING (in Cantonese): Madam President, clothing, food, housing and transport are the necessities of life. In such a small place as Hong Kong, housing is the major concern for a lot of people. It is widely known that land is scarce and expensive in Hong Kong. A basic residential flat very often costs more than a million dollars. Nevertheless, many members of the public are still willing to spend their earnings of a lifetime to purchase a cozy home, hoping that they can lead a more comfortable life. What is more, buying a residential property is different from buying vegetables. Very often, the owner still has to pay the mortgage instalments for 20 years after purchasing a residential property. It shows that members of the public surely have to spend the efforts of a lifetime to buy a residential property. Therefore, their rights and interests should be adequately protected.

However, besides having the money, members of the public also have to understand and familiarize themselves with the property sales documents provided by property developers to prospective owners. Of course, different developers will have different sales brochures. However, besides sales brochures, there is very often other information as well. For example, there are numerous different terms, such as saleable area (SA) and floor area, and various definitions. Very often, the rights and interests of consumers in Hong Kong will only be defended when the Consumer Council (CC) takes up cudgels for them. Regarding the purchase and sale of properties, the CC has actually put forward its independent recommendations. For example, at the meeting of the Panel on Housing of this Council in March this year, the CC has pointed out that

the SA of residential properties should be used as the basis for calculation, and its definition should be standardized, so that buyers can have a clear and accurate idea of the actual area of the flat, thereby avoiding the emergence of "diminished flats" or flats with "inflated SA".

Regarding the protection of owners' rights and interests, since the discussion held at the Panel on Housing in July last year, the authorities have implemented a series of initiatives to enhance the protection for property buyers, which include the addition of measures in the guideline on property sales issued by the REDA to improve the presentation of the SA in sales brochure and price list. Besides, the CC and the Estate Agents Authority (EAA) have also amended the Notes to Purchasers of First-hand Residential Properties to remind prospective buyers to pay attention to the floor area information of the property they intend to purchase, and to include in the Notes the hotlines and fax numbers of relevant parties and government departments to facilitate the lodging of complaints or comments. On the other hand, the EAA will maintain surveillance efforts and take enforcement actions against professional misconduct of estate agents to ensure that they will provide accurate information on floor area to prospective buyers.

Madam President, in fact the Panel on Housing has all along been very concerned about the protection of property buyers' rights and interests, and various meetings have been held in this regard. Just in March this year, the Panel conducted discussions on this subject. At the meeting, I have expressed my support for the authorities to make reference to the recommendation put forward by the CC, to adopt a standardized approach of using the SA as the basis for calculating the actual area of the property and to adopt a uniform definition of SA. I have also highlighted the need to include the actual height of each floor and have called for regulation by way of legislation. In February this year, the Hong Kong Institute of Surveyors (HKIS) has issued a Supplement to the Code of Measuring Practice (the Supplement) to provide supplementary clarification to the original Code of Measuring Practice. The Supplement spells out that the SA shall not include ancillary accommodation items, and sets out the way of measuring the areas of different items of ancillary accommodation. This not only facilitates the standardization of the method of calculating the property area, but is also a major initiative for enhancing transparency and consumer protection. Unfortunately, the Supplement has no binding effect. Some real estate developers have even indicated that they have no intention to comply with the codes set out in the Supplement. Besides, the authorities have only advised

that they will begin to examine the Supplement, which seeks to enhance the transparency of property sales and consumer protection, but have taken no action to ascertain whether it is necessary to review or amend the relevant provisions of the Consent Scheme, thus making it impossible for consumers to receive greater protection.

Madam President, I have received complaints from a lot of property owners, who claimed to have been misled by different practices in property purchase. For example, I have received a complaint earlier from the owners of a certain estate in Tung Chung — not just one owner, but a group of owners. They said that before deciding to buy the relevant flats, they were already aware that a 10-storey building would be built in front of their block. The agents of the developer have also guaranteed that the view of flats above the 10th floor would not be blocked. And, from the plans provided by the agents, flats on the 10th floor can already have sea view. To their surprise, after they have purchased their flats, the building in front of their block was built higher than expected. The problem is that the height of each floor is different from that of the ordinary floor. Besides, the building in front was built on a flat roof without height limit. Therefore, for owners of flats behind this building, their views are blocked. This ridiculous situation has even occurred in the superstructure development project above MTR stations. Madam President, do you not think this is very shocking?

Madam President, I urge the authorities again to make reference to the recommendations made by the CC, adopt a standardized approach by using the SA as the basis for calculating the actual area and height of the property, adopt a uniform definition of SA and introduce legislation in this regard, with a view to providing greater protection for consumers. In the meantime, the study on the Supplement should be completed expeditiously to ascertain whether it is necessary to review or amend the relevant provisions of the authorities' Consent Scheme. With these remarks, I support the original motion.

MR TOMMY CHEUNG (in Cantonese): Madam President, it is a life dream of many Hong Kong people to buy their own properties and often, this is also a very important investment to members of the public. The Liberal Party agrees that we should find ways to protect the rights and interests of property buyers. The focus of today's discussion is the issues of saleable area and the price per square foot of properties and they are also the major considerations of the public when

buying properties. For this reason, it is extremely important to give prospective property buyers clear and consistent information on the two aforesaid aspects.

Regarding saleable area, the majority of property developers have complied with the definition of "saleable area" under the Consent Scheme of the Lands Department. That is, it basically means all the areas enjoyed by an individual owner.

In an effort to spell out more clearly the definition and calculation of the "saleable area", the Hong Kong Institute of Surveyors (HKIS) took some measures early last year and issued a Supplement to the Code of Measuring Practice (the Supplement) in February this year. It is pointed out therein that, in measuring the "saleable area" of properties, items of ancillary facilities, such as cockloft, bay window, carparking space, garden, flat roof and yard should not be included when calculating the saleable area of a unit. In other words, if there is a balcony in a unit, only the interior area and the balcony of the unit should be included in the saleable area of the property.

The Panel on Housing (the Panel) of the Legislative Council immediately held a meeting on 3 March and invited representatives of various parties to the meeting. At the meeting, the REDA did not indicate that it was determined not to comply with the Supplement and representatives of the REDA also asked various parties to give it some time for it to make proposals for improvement. At that time, the REDA and the HKIS indeed had divergent views on the definition of "saleable area". Perhaps, it can be said that the difference between their views lies in the way of expression because at present, when listing out the saleable area, property developers also list out the areas of ancillary facilities such as bay windows, working platform and even the balcony, and these are included in the calculation of the total saleable area. If consumers wish to calculate the net usable area, they can still get the answer by simple arithmetics.

However, the Liberal Party thinks that this will inevitably cause some confusion to property buyers. Therefore, we believe that on this subject of calculating the saleable area, the most important thing is to give consumers a clear idea of how the floor area is calculated and the ancillary facilities included, instead of stating vaguely a ratio of the saleable area. However, just as Secretary Eva CHENG said just now, the authorities and the REDA have already reached a consensus and in future, developers will make reference to the

standards prescribed by the Supplement when selling flats, that is, the areas of ancillary facilities in a flat, including bay windows, will be set out and calculated separately. In addition, as a complementary measure, the authorities will also revise the relevant provisions in the Consent Scheme on the sale of uncompleted residential properties. In this way, when flats are put on sale in future, prospective buyers will not be confused by different computations of saleable area. In view of this, can we not allow for some more time, so as to see how the new measure is implemented? If this really does not work, it will not be too late to legislate by then.

As it is said that "every law has a demerit", if the regulatory provisions of the legislation enacted are too inflexible, this will deprive the market of its responsiveness and flexibility and so, enacting legislation is even less convenient than revising the sales guidelines provided by developers and the Consent Scheme of the Lands Department. Therefore, the Liberal Party agrees that we should consider imposing regulation by legislation only when the problem has reached such a stage that there is no room for manoeuvre or has evolved into a very serious state.

Madam President, the original motion requests that legislation be introduced to require that the price per square foot be calculated on the basis of the saleable area. However, for a long time, the price per square foot of properties in Hong Kong is calculated according to the gross floor area. The proposal of the original motion means making fundamental changes to the method for calculating the price per square foot that has been adopted for over 20 years in the property market in Hong Kong. Should this measure be implemented, the Liberal Party is concerned that there will be two kinds of price per square foot in the market, that is, one based on the saleable area for new flats and the other one based on the gross floor area for second-hand flats. It will indeed be impossible to predict what impact this will have on the secondary property market. If property prices are determined according to these two methods, this will surely make buyers feel confused and at a loss. As the saying goes, "pull one hair and the whole body will be affected", so before carrying out consultation and assessment of the impact adequately, even if it is a must to introduce legislation, a study should be properly conducted and thorough consideration should be given to this matter. Therefore, we believe that Mr CHAN Kam-lam's amendment is more reasonable and worthy of support.

Madam President, I so submit.

MR MARTIN LEE (in Cantonese): President, from 1988 to 1991, I was the Chairman of the Consumer Council. The accomplishment this period that I was the most proud of was to get rid of "diminished flats". At that time, there was a serious problem, that is, when a lot of people queued up to buy properties, they found that when they looked at the show flats, the rooms appeared to have a large area and when they looked at the brochures, or the sale brochures, the pictures therein also showed that the rooms were apparently very large. However, when these people moved into their flats, they found that the bedrooms could not even accommodate a bed of a normal size and the size of the bed had to be reduced. Even a man of normal height could not straighten his legs when sleeping and it was necessary to bend the legs in order to lie down on bed. These flats are called "diminished flats".

At that time, the Consumer Council believed that such a situation should not be condoned. As the Chairman, I established a team and invited all government officials having to do with the sale of properties in Hong Kong, representatives of the Bar Association and the Law Society of Hong Kong and of course, representatives of property developers to take part in the discussion. Initially, the property developers were not pleased at all. Representatives of the eight major property developers came to me. I was puzzled as to why the eight major property developers would want to meet Martin LEE. It turned out that they wanted to discuss this issue and tell me that I should by no means cause the collapse of the market. They said that many people in Hong Kong had bought flats and if the market was dragged down, those people would not be able to withstand this. Subsequently, I refused to heed such views. I said that we had to be fair. Therefore, after setting up the relevant committee, I worked very hard and the property developers also sent their representatives to attend the meetings. They were also reasonable people and if we could make them sit down and talk, they would not do anything unruly. In the end, we reached a consensus but this was possible only after inviting them to have discussions together. Finally, we decided to use the term "saleable area" and to put this down in the Consent Scheme. The Government said that in that case, it would not be necessary to introduce legislation.

The government representatives at that time were also very positive and told me that the issue could be resolved by adopting the Consent Scheme because if property developers did not comply with it, they could be banned from selling their flats, so they would definitely comply. However, in fact, I thought at that time that it was not good enough just to adopt the "saleable area". In fact,

Albert CHENG now proposes that the saleable area be adopted and measurement should be taken from the middle of the walls. My demand at that time was to measure the area from the interior of the walls of a unit because consumers would have no idea how thick the walls were and whether or not the room could accommodate a bed, so why do we not take measurement from the interior of the walls? Everything would then be very clear. However, the government officials told me not to be so radical, that we should proceed slowly and that we could use "saleable area" first and talk about other things next time. For this reason, it was decided then that the term "saleable area" would be adopted. However, there is one thing which is quite undesirable and that is, many people do not understand what it means. I think the saleable area proposed by Albert CHENG now is inadequate. However, since he has proposed it and I do not wish to propose any amendment, I will accept it. In fact, I hope that in future, the area can be measured from the interior of the walls of a flat.

Since so many people oppose this motion, actually, what is the problem with it? I also know several of the eight major property developers personally and when they talk with me in private, they are in fact reasonable people. Of course, when discussions are held with all these eight major property developers, they have to take into account each other's interests. The Government is also very afraid of these eight major property developers. I also had discussions with some senior government officials and told them that the eight major property developers had come to see me, that the matter appeared to be a very grave one, and that what they talked about causing the collapse of the market, and so on. However, are these eight major property developers more important or are the 1 million private property owners in Hong Kong more important? To the Government, these eight developers are more important than the 1 million people. This is what the differences in affinity means.

For this reason, people are in fact right in talking about collusion between businesses and the Government and even Mr TUNG Chee-hwa also talked about this. If there is no collusion between businesses and the Government, why has it not been possible to solve this problem so far? Moreover, the Liberal Party and the DAB are opposed even to this reasonable and sensible motion. They will definitely vote against the original motion when it is put to vote because they want to delay legislation. The reason given by them is that the standards for new and old buildings may not be the same. However, they will be the same sooner or later. After legislation is enacted, they will become the same. After legislation is enacted, it will be very simple and all of them will be the same.

Frankly speaking, I really want to tell property developers through the President that when the property market in Hong Kong is booming, people are lining up to buy flats, and even if the areas are stated very clearly and people are not too happy with the small flats, they would still buy them because when the property market is booming, if one person decides not to buy a flat, the person behind him would still take it. Of course, when the property market is gloomy, it will be different. If we do not introduce legislation, how would the situation be like? The situation would be one in which only the scrupulous property developers will be willing to comply with the guideline but what about property developers who are unwilling to comply? How can the public know if a property developer is scrupulous or not when they buy flats? All their brochures are so beautifully designed that it is impossible to tell. Therefore, I think there is no reason for the Legislative Council to continue to side with those property developers.

I wish to tell Members of functional constituencies that regarding doing business in Hong Kong, the situation of people having to pay rent, for example, the situation of operators of restaurants, is very difficult. The real estate sector is the only sector that fares very well. People in other sectors have to increase prices in response to the increases in rent, for example, by raising the prices of food. All businesses have to increase their prices as a result. Except Mr Abraham SHEK, who represents the real estate sector, why would Members of other functional constituencies have any reason not to support this motion? President, I really find this incomprehensible.

MISS CHAN YUEN-HAN (in Cantonese): To Hong Kong people, buying a property can be considered a major event in life. In this process, it is often necessary for all members of a family to become involved. Under the present policy of high property prices, even if the public do not want to buy any property, the rent is also very high. In the face of such a situation, members of the public would often think that since they have to pay high rents each month, they may as well mobilize the entire family and find a way to buy their own flats. Such was the situation of my family. In the 1980s, whenever a member of my family wanted to buy a flat, it was necessary to mobilize the whole family by pooling funds together before there would be enough money for the down payment. After that, it would be necessary to figure out how the monthly instalments could be met. For this reason, Hong Kong people have a love-hate

relationship with properties and after all, it is necessary to find an abode, so how can one exercise better control over one's own life? In the end, a lot of Hong Kong people would choose the course of buying their flats.

Not to mention people now living in private housing, even those residents of public housing who are sitting here also have to put up with the misery of high rent. Some people among them would say that since they have to pay more than \$3,000 in rent for long periods of time, they may as well buy a flat of their own. That is to say, the general public are facing this problem and I believe the Secretary is surely aware of this. In fact, we would often find ourselves in the state of wondering whether to buy a flat or not (and I am not talking about the grassroots). If they decide to buy a flat, all their family members must pool their resources together in order to make available tens of thousand of dollars for the down payment. In this process, of course, we all wish very much to buy properties that are truly suitable for us.

However, more often than not, property buyers have some really miserable experience. In fact, I encountered the term "flats with inflated floor area" in the course of buying my flat. Madam President, my flat is said to have a floor area of over 500 sq ft. If you have the time to take a look at my flat, you will find that, in fact, the so-called saleable area of my home is just some 300 sq ft, that is, just about 60% of the property area of my flat. However, if someone asks me whether I like it or not, I would say that I have liked it for over 20 years because I have bought it. Fortunately, my home is bright and the air quality is good. At one point, a major property agency wanted to buy my flat and I was poised for a fight. Madam President, I am living in a flat that I like and if someone wants to acquire my flat, I will have to find another abode. Looking for a flat is a painstaking process and I think Hong Kong people are by no means stranger to this.

This is because in reality, if we want to buy a flat, it will be desirable if we can look at a completed flat. However, if we want to buy a first-hand uncompleted residential flat, we can only look at a lot of sales brochures. Surveyors believe that at present, these sales brochures can in fact only serve as a reference and buyers will have no idea what kind of flat they will end up buying and they will also have no idea to what extent the floor area of a flat will be inflated. For this reason, surveyors should request property developers to divulge all the details to us clearly, for example, how the bay windows, which

we now greatly detest, are dealt with in calculation. Could it be that bay windows can be used as beds? Even if people do not sleep on bay windows, they are still included when calculating the floor area of a flat. The flats purchased by members of the grassroots are only several hundred square feet in area but it turns out that even the bay windows are factored into the calculation.

Madam President, balconies are now popular and even flats with a small area which costs several million dollars also come with a balcony, whereas the rooms have become very irregular in shape and people sleeping in them cannot even straighten their legs. I found that my flat is superior in that at least, I can straighten my legs when sleeping. Although my flat can be classified as a flat with an inflated floor area, the flats nowadays are even worse because in order to include such things as bay windows and balconies, the allocation of the floor area is even more undesirable. In sum, frankly speaking, if one wants to buy a habitable and decent flat, it looks as though one had to go back to the 1930s and look for buildings completed in an earlier era, such as those on Conduit Road. Those flats have a square layout and are spacious. The floor area is just as much as claimed, so they can be described as flats with an efficiency ratio of 90%.

I wish to give an account of the situation facing people like us now. People asked us if we have paid any attention to this. Mr WONG Kwok-hing also said just now that in the Panel on Housing of the Legislative Council, he had raised such issues a number of times and he also had a lot of this kind of experience, so he has deep feelings about this. The Government has all along been facing such matters as the efficiency ratio, usable area, saleable area, and so on. In sum, there are many problems and situations and even though the Government has adopted various tactics, we still find that it is still possible for people to buy flats with a purported area of several thousand square feet but end up getting less in reality. Often, the area of their flat is only 60% of the purported area and sometimes, it is even less than 60%. In that case, what should be done?

Mr WONG Kwok-hing cited a case that someone had bought a flat and it was stated clearly that the view from the flat would be free from obstruction, but in the end, the view was completely blocked. There are many such stories. Each day, we receive numerous complaints of this kind. In view of this and the fact that at present, in order to boost the sale of flats, a large number of advertisements are placed to attract buyers, sometimes, the situation is really

risible. There is a property development known as the Grand Water "something", is there not? I am talking about the buildings located at the former site of the Towngas. In fact, there is no such beautiful scenery in southeast Kowloon. However, the advertisement produced to market that property development has shown pictures so beautiful that it looks as though one has the entire southeast Kowloon under one's feet and one can even see an infinite expanse of lawn. There are indeed such risible advertisements. All in all, nowadays, there are various kinds of tactics. What I want to say is that be it consumers, the Government or property developers, they are all facing such a situation and in fact, they have to think of a way to tackle it.

When members of the public take this step of buying properties, they are often at sixes and sevens, not knowing what they will get — what I mean is the problems that will arise when buying uncompleted residential properties. May I ask what should be done? In addition, very often, wage earners only have the means to buy uncompleted residential properties. In view of this, I personally think that the Government should not drag its feet any more on this issue. Recently, the Legislative Council has had discussions on this issue over and over again. We talked about issues relating to public housing and all of us are very concerned about this. Therefore, we hope very much that the Government will remember the promise it made when dealing with the incident relating to the Grand Promenade back then to complete the review on the mechanism for calculating the floor area of so-called environmentally-friendly designs in 2007 and to strictly prevent property developers from inflating the size of flats by making use of environmentally-friendly balconies. However, so far, the review has not been completed and property developers still make use of various ways to inflate the size of their flats to make a fortune. As a result, different kinds of situations have arisen.

We can see that the professionals have offered a lot of views. Now that the economy is picking up, the grassroots are again thinking about buying a "shoebox" flat by mobilizing all members of their family and pooling their money together. I think that from the angle of protecting buyers, no matter how we fiddle with this issue, it will eventually be necessary to introduce legislation to regulate the sales brochures. Otherwise, the situations that will arise will often be very ridiculous. All I hope is that buyers nowadays do not have to go through the painful experience that we had when buying our flats. In addition, in order to prevent the public from being hoodwinked further, we in the Federation of Trade Unions support today's motion. Thank you.

MR JAMES TO (in Cantonese): President, what I want to say first of all is that Mr Albert CHENG has elaborated on this subject matter in a lively manner. In fact, if the weight of the ropes is not included when we buy crabs, if the weight of water is not included when we buy shrimps and, if we cannot buy shoes by measuring the external perimeter of the shoes or the shoe box — because there are laws governing those transactions — it is really difficult for us to imagine that when buying a flat worth at least several million dollars, it can be sold in such a fashion. This is an utterly crazy world and it is only in such a crazy place as Hong Kong that such things can happen.

In fact, the Government did publish a White Bill in 2000. Of course, some Honourable colleagues also said just now that there were not many instances of the Government publishing a White Bill and then withdrawing it. In fact, such examples are really rare. The government official (that is, the Secretary) said when giving her speech just now that if the present arrangement was found to be ineffective, legislation would be introduced. However, as a matter of principle, the issue now is not whether legislation should be introduced according to whether the present practice is ineffective or not; rather, the degree of importance of this matter and its effect on consumers — be it in terms of price or other effects on consumers — makes it necessary to introduce legislation. This piece of legislation is just like a fundamental infrastructure in society and if it is not put in place, it will be unfair and unjust.

I hope the Secretary will understand that at the time when the White Bill was published (I do not have to repeat the arguments), it was clearly spelt out why statutory regulation was necessary. In fact, what is the most important ground? The most important ground is that the buildings have not yet been completed, that is, what people buy is a building that will be completed in the future and therefore, it is necessary for people to describe the building and it is thus necessary to consider how the descriptions should be made. At present, there are diverse approaches in making such descriptions.

Why does Mr Albert CHENG propose to adopt the approach of the Hong Kong Institute of Surveyors (HKIS)? My conjecture is, and perhaps we all agree, that this is because the HKIS is the most professional body in this regard. He also said that as there are new designs and various scenarios, in order to guard against differences among properties, the Supplement was therefore compiled against this backdrop. Subsequently, the property developers said that they would not comply with it, saying that they had their own definitions,

that they would educate consumers and the public on various methods of calculation, and that as long as they can understand the methods, there would not be any problem. However, what makes the issue complicated is that some estate agents would describe the flats in many different ways. Moreover, they also compete with each other and adopt their own approaches.

Therefore, we have to do our utmost to promote a so-called norm that is the most authoritative in society, which is the norm prescribed by the HKIS and lay down such a set of norms in law. The Lands Department must agree that this set of norms is the requirements that must be complied with in the sale of uncompleted residential properties. As long as the Government is committed to implementing this set of norms and making it the only set of norms by legislation, even if some people talk about another set of norms, no one will listen. When some people do not comply with this set of norms, consumers can then ask them why they do not follow the norm. Of course, some people may say that they have another set of norms or another set of formulae and as long as they can explain it, so that everyone understands it, that will do. However, if an authoritative set of norms is introduced, it would no longer be possible to say so. Without the most authoritative norms, everyone can say that their approach is feasible and everyone will sell his own set of norms. Even if we step up publicity and education targeting consumers, as proposed by Mr CHAN Kam-lam, that will not work because if the most authoritative norms are not established by means of legislation, everyone will adopt his own approach. As a result, different approaches will appear and this will only lead to confusion and chaos. This is the premise of this motion.

Next, what I want to say is that in recent years, our Complaints Division has received various cases of complaints and there are some useful and constructive points that are worth noting by Members. For example, we once received a complaint in which the complainant bought a property, which happens to be a shop — however, such things do not happen to shops only — normally, it is of course possible to measure the height of the shop from the floor to the ceiling. However, the cause of the dispute was that at a certain place in the shop, it turned out that the floor was elevated by 3 ft to 4 ft, that is, it looked as though there was a beam on the floor that occupied 3 ft to 4 ft of the headroom. Of course, I do not mean that the entire floor of the shop was elevated by 3 ft to 4 ft. If this were the case, this would be another problem. If the entire floor of the shop is elevated by 3 ft to 4 ft, as long as a guarantee on the height of the shop is not made to the buyer in the sales contract, it would still be possible for

the seller to get away with it because Members must remember that the building had not been completed. If a buyer finds out only on taking possession of the property that there is a beam at a certain place and it is a concrete beam lying across the shop, and the buyer finds that his head is almost touching the ceiling, the saleable area of the shop will be greatly diminished, will it not? However, as long as the seller does not state specifically to the buyer the headroom height or area of a unit, he will not get into trouble.

In addition, there was also a classical example relating to the requirements spelt out by the Government, that is, the requirements set down in the Consent Letter for the pre-sale of uncompleted residential properties issued by the Lands Department. Property developers are really brilliant. It is precisely because property developers are so brilliant that buyers seem to have no alternative but to engage in a competition with them. Without legislation, one can only rely on other means to compete with them. There is no way to compete with them, and the buyers cannot be as fast as the developers are. Even though requirements have been laid down in the Consent Letter, developers will still try to sidestep them in all sorts of ways. For example, developers may add a glass wall adjacent to the bay window, that is, a bay window will be built a few inches lower than usual and a glass wall is then added to it. In that way, when calculating the floor area of a flat, they will say that the bay windows are not bay windows, so they have to be included in the calculation of the floor area of a flat because there is another external wall outside. Originally, we would think that if the bay window is connected to the external wall, it cannot be counted towards the floor area of the flat and we would all think so. However, little would it occur to us that in order to include bay windows in the calculation of the saleable area, property developers would add a glass wall beyond the bay window. Of course, this will cost property developers more, however, after calculation, they find that this will still be "profitable". As a result, this kind of flats has become flats with an inflated floor area. The flats with an inflated area that we are now talking about have come into being through this ploy which is invented by property developers. Therefore, if the Government still does not introduce legislation on this basis to stipulate a set of the most authoritative norms and require compliance by the entire society but still allows property developers to do it in their own way, it will surely be impossible to protect consumers.

DR LUI MING-WAH (in Cantonese): I do not have strong views on this subject under our discussion today. If I have to buy shoes, I would try them on a

number of times and walk to and fro in the shop a few times more before deciding whether to buy them or not. Moreover, experience tells me that if I stick to certain brands of shoes, the chance of my hitting snags would not be great. Besides, the number of times that I bought properties for my own use is very limited. In the past few decades, I have only bought properties three times and that includes my experience of doing so overseas. They all involved completed residential properties, including brand new properties, so each time, I was satisfied.

Of course, it is safer to buy completed residential properties, as buyers can have a clear idea of the surroundings, the size of the property, its feng shui, and so on. After buying the property, one has to assume responsibility and cannot shift it to anyone else. However, the major contradiction now lies in the adequacy and accuracy of information in the process of selling uncompleted residential properties. Although property buyers often express their discontent, large volume of property transactions has been recorded persistently because the financial benefits of buying uncompleted residential properties are so attractive that consumers have totally disregarded the question of risks.

Both buyer and seller have to assume responsibility over a property transaction. Just like other goods, the information relating to a property must be complete and accurate. This is crucial to the interests of consumers and the long-term interests of property developers. Therefore, we should give property developers some time to take part in the formulation of uniform standards, so as to enable all property developers to comply with them. It would also allow consumers to make comparisons and they will be happier after buying properties. Although the Code of Measuring Practice recommended by the Hong Kong Institute of Surveyors may be very professional and accurate, it will be difficult for people outside the real estate sector to comment on the difficulty, and its financial impact or other impacts on property developers.

President, the voices for consumer protection are ringing throughout the world and property buyers in Hong Kong should also be entitled to protection. However, under the guidance of this major principle, any bias and skew in policy will not be favourable to the long-term overall interests of Hong Kong society, property buyers and property developers, so we should think long and hard.

Thank you, President.

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

MR ABRAHAM SHEK: Madam President, there is nothing new in today's motion which is under debate, as over the years, the Honourable LEE Wing-tat has been the sponsor. But today is different, it has been hijacked by the Honourable Albert CHENG, the reason is for him to know.

As a representative of the real estate industry, I do not need to stand up here to answer the allegations raised by some of the Members, for what they said was their own subjective view, rather than the truth. If what they said was the truth, I would urge them to raise this issue with the police, for Hong Kong is a place where there are rules and regulations and laws, and no one in Hong Kong is above the law.

Having listened to some of the speeches with allegations made here during the last two hours, one has a feeling that 1.2 million home owners in Hong Kong had been cheated, and surely this is not the truth.

(There was a sound)

PRESIDENT (in Cantonese): Please go on.

MR ABRAHAM SHEK: Mr CHENG must be one of those people. *(Laughter)* A fact is a fact, every purchaser, including Mr Albert CHENG, knows what he has bought and what he has sold. If anyone feels that he has been cheated, please take action.

Moreover, in every new project which my developer friends have put out, the flats have been taken up time and time again, in good market and in bad market. If they are no good, nobody would have bought the flats. So, the products must have spoken for themselves.

Yes, there have been cases where there are complaints, but there are regulations which have been put in place to control the situation. Mr LEE Wing-tat in his speech was complaining about the recent sale of the Sha Tin flats by Sino. I can tell Mr LEE that the MTRC, of which I am a board member,

together with Sino, when they put the flats up for sale, they have fully complied with the guidelines under the Consent Scheme. If Mr LEE has any complaints, he should raise them with the Government and the REDA, which I think he has, but without any substantiation.

I thank the Honourable Members Patrick LAU, Tommy CHEUNG and my colleagues of the Alliance, for explaining to Hong Kong, not just to this Council, as some Members might have turned a deaf ear to the truth about how different measurements, such as the GFA and saleable areas, are being calculated. Furthermore, Members here might not have read the sales brochures, and if they have bothered to read the sales brochures, they would find that all the measurements are included in the sales brochures, from the GFA, saleable area, bay window to balcony area. Everything is in there, all information is there for them to read. If they find that those measurements are wrong, they have a cause to bring up with the developers.

The situation in this Chamber, also in the Housing Panel chaired by LEE Wing-tat during the last few years is that we have raised these issues time and time again with the developers and the different stakeholders. In the latest round of discussion among the various stakeholders — the Government, the Consumer Council, the institutions (such as the architects) and the Estate Agents Authority (EAA), they have actually come close to an agreement on a uniform saleable area for the measurements, and a uniform format of how those figures should be presented. I think that is the good work which the Housing Panel has done. I urge Albert CHENG to read the minutes of the meetings in future so as to have a better understanding of some of the issues which are being discussed in this Council.

The Government is here to protect every citizen in every aspect of our lives

(Mr Albert CHENG stood up to express his wish to make clarification)

PRESIDENT (in Cantonese): This is not the time for you to make clarification.

MR ALBERT CHENG (in Cantonese): Can I do so later?

PRESIDENT (in Cantonese): Yes. Mr SHEK, please go on.

MR ABRAHAM SHEK: including the purchase of property. Hong Kong's economic prosperity is in no small measure being contributed by the development industries. Their success is based on the open free market economic environment, operating within a reasonable regulatory framework. This is the very reason why people have confidence and trust in buying flats in Hong Kong, including the 1.3 million home owners.

Madam President, today, I will vote against the Honourable Albert CHENG's original motion and the Honourable LEE Wing-tat's amendment. The industry is operating under the stringent approval system of the Lands Department under the Consent Scheme. The close monitoring by the EAA and the Consumer Council, as well as the REDA's self-regulatory regime will actually make Hong Kong a safe place to invest in and to buy homes, and nobody is being cheated.

Thank you, Madam President.

PRESIDENT (in Cantonese): Mr Albert CHENG, do you wish to clarify the part of your speech which has been misunderstood?

MR ALBERT CHENG: Yes, Madam President. The Honourable Abraham SHEK said in his speech that I have not read all the minutes before I proposed this motion debate. I want to make it clear that I have read all the minutes in regard to this issue. Thank you.

MR ABRAHAM SHEK: I did not say that. Actually he has not listened to me. I did not say that he had not read, I just urged him to read.

MR ALBERT CHENG: But I have already read them, Madam President.

PRESIDENT (in Cantonese): Clarification ends here. Does any other Member wish to speak?

MR ALBERT CHAN (in Cantonese): President, on this issue relating to property developers, it is really rare to find an occasion when Mr Abraham SHEK spoke before me (*Laughter*) because he would always wait until I had spoken and then he would say that he totally disagreed with the comments of Albert CHAN. Today, I have waited long and hard and finally, he has spoken first. Now, I want to put this on record: I totally disagree with the comments made and reasons given by Mr Abraham SHEK in his speech today.

President, concerning the issue of uncompleted residential properties and the purchase of flats, ever since I joined the Legislative Council in 1991, the discussion in this legislature has never stopped. Concerning the problems relating to the purchase of uncompleted residential flats or properties by small property owners, or those relating to the floor area and common areas and even the recent problems relating to public spaces, management and the quality of buildings, there are reports in the press almost every day. Yet, the Government is still turning a blind eye to these problems and refusing to do anything about them, so it can be seen clearly how powerful big property developers and consortia are.

In fact, there is no point in reasoning with the Government on the basis of principles. Many years ago, that is, when Mr Dominic WONG was the Secretary for Housing, the Government already announced that it would legislate to regulate sales brochures, declaring that this was a government policy. Unfortunately, due to the pressure from property developers, the Government gave itself a slap in the face and in the end, it was compelled to withdraw the bill. The Government's change relating to its decision in this regard is disappointing and it is utterly ridiculous and nonsensical to say that Hong Kong is a city practising the rule of law. Hong Kong is run by property developers and in dealing with inconsequential members of the public and the pro-democracy camp, it practises strong governance but when dealing with property developers, I think it is just like a lapdog wagging its tail for pity. If property developers fly into a temper, the Government just retracts its head like a tortoise.

In 1988, the Government published a consultation paper on its own initiative, saying that it would legislate to regulate property management. That was more than two decades ago. At that time, there was still no talk of regulating estate agents. These two areas are both related to property transactions. Although the authorities already introduced legislation to regulate property agencies years ago, the so-called statutory regulation of property management is still a very distant prospect.

Mr Abraham SHEK mentioned regulating the sale of uncompleted residential properties. The sale of such properties is in fact riddled with problems. The litigation relating to the Maywood Court shows clearly that the problems relating to uncompleted residential properties are very serious and that government legislation is skewed towards one side — towards property developers. Had the control on the sale of uncompleted residential properties been reasonable, in 1998, it would have been necessary for the Cheung Kong (Holdings) Limited to pay \$1.7 billion in compensation to the small owners of the Maywood Court instead of oppressing them by means of litigation. As a result, not only were they deprived of the right to get back the \$1.7 billion, individual owners even had to spend all their fortunes to pay the price difference to the Cheung Kong (Holdings) Limited. This is a completely one-sided skew of the law, a skew of the legal system and a skew of legal provisions towards the Government. For this reason, concerning this issue of introducing legislation to regulate properties, what on earth are property developers afraid of? What do they have to be afraid of? If property developers operate fairly and properly and follow the requirements in doing everything, why should they be afraid of statutory regulation?

(Mr Albert CHAN spoke in a particularly loud voice and the President made a gesture)

I thank the President for her concern about my blood pressure. President, on issues relating to real estate, property developers are unwilling to be brought under statutory regulation because property developers, in particular, unscrupulous property developers, can make use of the grey areas to fish in muddled water and make inordinate profits by using such ploys as concealment, bullying and deception and citing specious excuses, so as to make ordinary members of the public, in particular, those who intend to make investments with a view to taking part in speculation, sign the sale and purchase contract in uninformed or misleading circumstances by exploiting their weaknesses.

I remember that when owners of the Maywood Court staged a petition, they chanted a slogan which means that they were treated like a lord before transaction, but they were treated in a way worse than dirt afterwards. Such was the first-hand experience of owners of uncompleted residential properties who staged the petition. When property developers sell properties in their sales

offices, they will claim that anything can be done and they will even vow that they can help buyers put diamonds on anything. However, after they have sold the properties, when owners want to enquire about something, they are told to contact their own lawyers direct. This is not an attitude that should be found in a civilized society.

Therefore, if property developers have nothing to hide and if they are upright and decent, property developers and the representatives of the real estate sector should come out and say that they support introducing legislation to regulate property transactions because they have nothing to be afraid of or to hide.

Hong Kong is a very ridiculous society. The richer and more influential some people are, the more they are afraid of statutory regulation by the Government. Although Mr Albert CHENG had a quarrel with me yesterday, I have to sing high praises of the speech he gave today. I think his analogy of selling shoes is excellent. This precisely reflects the ugliness and guilty conscience of property developers. Since we say that there is the rule of law in Hong Kong and since we have great confidence in the rule of law, we should regulate the relevant behaviour through legal provisions and let the law decide what is just and reasonable.

President, in the past decade, I have witnessed far too much miserable experience. Ordinary members of the public are innocent. The most absurd instance I have ever seen was that a small owner who bought a property worth over \$1 million only had to pay \$100 as deposit and he could then sign a provisional sale and purchase agreement. Such is the degree of the absurdity. Therefore, it is an iron-clad fact that ordinary members of the public are being bullied, misled and deceived, so Members must not distort the truth.

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

(No other Member indicated a wish to speak)

PRESIDENT (in Cantonese): If not, I now call on Mr Albert CHENG to speak on the two amendments. The speaking time limit is five minutes.

MR ALBERT CHENG: Madam President, yes, I have been cheated, but I cannot report to the police, and I am not going to respond to Abraham SHEK's speech, I will wait until the proper moment.

MR ALBERT CHENG (in Cantonese): Concerning today's motion, a total of 19 Members have spoken and only five of them spoke in opposition to my motion or intended to abstain in the vote. Many voters who are watching television now probably do not know that abstention is the same as casting an opposition vote.

Today, of course, I hope that Members will support my motion and there is hardly any need for me to say so. Mr LEE Wing-tat proposed an amendment to my motion and he is surely more familiar than I am with this subject. I learnt that Mr Abraham SHEK had said that I had hijacked Mr LEE's motion topic. I am sorry, but this is my departing shot and I wish to arouse Members' attention. Thank you.

As regards Mr CHAN Kam-lam's amendment, originally, it could be possible for me to support it and I very much hope that I could do so. However, having read it over and over again, I found that the devil is in the details, just like the sales brochures. Mr CHAN Kam-lam's amendment says, "This Council calls on the Government to adopt appropriate measures, including considering by way of legislation to require that when uncompleted and completed flats are offered for sale by developers, the saleable area specified in the sales brochures must be". He also deleted the reference to the Hong Kong Institute of Surveyors (HKIS) — that is, the standard method of measurement that I proposed. Originally, I very much wanted to support his amendment, however, the more I read it, the more problematic it appeared to me. Why? The problem lies in the phrase "including considering by way of".

President, if the phrase were only "including by way of" and does not include "considering", I would probably be able to persuade our Honourable colleagues in the pro-democracy camp to support this amendment. President, why do I have to oppose it? Because the process of consideration takes time. Just now, a number of Members, including Mr Tommy CHEUNG, said that it was necessary to give them some time. Ms Audrey EU and Mr Albert HO — I have to clarify one point for him because he had a slip of tongue and said that it was 2005. I also saw the President frown because 2005 is not 13 years ago.

In fact, it should be in 1995 that the Law Reform Commission put forward its proposals.

In fact, the sale of uncompleted residential properties was invented by Mr Henry FOK in the 1950s or 1960s, so it has a history of more than 50 years. However, we still do not have a standard floor area for the sale of flats. Dr LUI Ming-wah said just now that he was not particularly concerned about this because he was very busy. How unconcerned is he? He is not involved in the sale of properties after all. In fact, he is very formidable. Even if it is uncompleted residential properties, he can still go in there and take a look. I really do not quite understand it. Since what are being put on sale are uncompleted residential properties, how can he walk in and have a look? Perhaps there is a virtual world. This is what Dr LUI Ming-wah said just now. He said that he could go inside to take measurements and look around. However, since they are uncompleted properties, how could one possibly go inside to take measurements and have a look?

I really hope that Honourable colleagues of the DAB or the Liberal Party in fact, what I proposed is not a motion with binding effect — as we all know, this is a spirit, that is, protection for consumers and even if it is passed, what then? Frankly speaking, even if it is passed, will the Government introduce legislation in haste tomorrow, as you people have put it? Just now, someone said that it was not my wish to see the introduction of legislation in haste but in fact, this is what I wish and I have to set the record straight. Yes, I do wish to, because I think this is not a question of haste; rather, this is something that must be done right away.

Why do I accept the codes of the HKIS? I do not like them, and Mr Martin LEE has also talked about this just now. He asked me why I would adopt these codes. He said that the best approach is to measure the interior area of a unit. Why should the area be measured from the middle of the walls? Initially, I thought that a proposal put forward by a professional body would be acceptable but little did I expect even Prof Patrick LAU, who represents the surveying sector — originally, I respected him very much — to oppose my motion. He believes that the proposals put forward by the HKIS should not be adopted. I hope that on 7 September, he will give an account to his voters on why he does not support the recommendations of the HKIS. I really hope that Mr CHAN Kam-lam

PRESIDENT (in Cantonese): Prof Patrick LAU, do you wish make a clarification? I will let you do so later. Dr LUI Ming-wah, do you also wish to make a clarification? Alright, I will also let you do so later.

MR ALBERT CHENG (in Cantonese): Very well, the more clarifications, the better. The truth can be revealed with studies and debates. If I say anything wrong, I will withdraw my comments. All these are minor issues and the most important thing is that Members will vote in support of my motion. The most important thing is to let the more than 1 million property owners or prospective property owners throughout Hong Kong know when buying their properties that one foot is one foot and that one foot is not equal to seven inches. Later, I will also talk about why one foot is equal to seven inches but Members still find this acceptable. Why can one foot not be equal to one foot? This is a very simple rationale. We will also see in press reports tomorrow that the Legislative Council has voted down Albert CHENG's motion. I believe that a lot of people will have to explain at great length when they make home visits or phone calls to canvass votes on or before 7 September. I just want to help Members save some breath. I will speak again later.

Thank you, President.

PRESIDENT (in Cantonese): Prof Patrick LAU, do you wish to clarify the part of your speech which has been misunderstood?

PROF PATRICK LAU (in Cantonese): Yes, indeed. I will read out the speech I gave just now, and I would like Mr Albert CHENG to listen more clearly to it because when I was speaking, he might not be in the Chamber.

I said that the Real Estate Developers Association of Hong Kong had already agreed to and published in newspaper a standardized price list template for uncompleted residential properties, and considered that it was necessary to set out in detail three kinds of floor area of a unit, including the saleable area. In fact, what I said was, "This approach is broadly in line with the standardized method for area calculation proposed by the Hong Kong Institute of Surveyors in the Supplement to the Code of Measuring Practice". In fact, I have not spoken

against the Hong Kong Institute of Surveyors (HKIS). I said that these two ways of measurement were the same, and it means that I agree with them. However, Mr CHENG said that I was against the HKIS and this is not the case at all. I do not know if this is his political tactic. He even mentioned my voters.

PRESIDENT (in Cantonese): There is no point in provoking unnecessary disputes.

(Mr Albert CHENG stood up)

PRESIDENT (in Cantonese): Do you also wish to make a clarification?

MR ALBERT CHENG (in Cantonese): Yes, I do. In my speech earlier, I said that Prof Patrick LAU would because I had asked him about this and he said that he would abstain in the vote on my motion, so what I said was right, that is, he opposes it.

PRESIDENT (in Cantonese): This is not part of your earlier speech so this is not a clarification. Sometimes, I allow Members to make a clarification because I do not know what you are going to say next. However, Members really have to exercise some self-discipline. Dr LUI Ming-wah, do you also wish to clarify the part of your speech which has been misunderstood?

DR LUI MING-WAH (in Cantonese): Yes. Thank you, President.

Just now, Mr Albert CHENG said that Dr LUI Ming-wah could even walk into an uncompleted flat to have a look at it and asked if those were virtual flats. I wonder if he was directing accusations at the wrong person or if he is hard of hearing. My original speech is this, "In the past few decades, I have only bought properties three times and that includes my experience of doing so overseas. They all involved completed residential properties," — and I said "completed residential properties" clearly — "including brand new properties, so each time, I was satisfied." This is what I said.

Thank you, President.

MR ALBERT CHENG (in Cantonese): President, what I referred to was the comments he made prior to this part of his speech and that had to do with the purchase of uncompleted residential properties. However, it does not matter, and I can talk about this again later.

PRESIDENT (in Cantonese): Dr LUI, do you wish to clarify what you said earlier on again?

DR LUI MING-WAH (in Cantonese): What did I say before that? I only said, "Besides, the number of times that I bought properties for my own use is very limited.". I did not say anything else before this. Is Mr Albert CHENG hard of hearing?

MR ALBERT CHENG (in Cantonese): President, is the remark "hard of hearing" offensive?

PRESIDENT (in Cantonese): Mr Albert CHENG, before I call your name, please do not stand up. If you keep sitting down and standing up, this may not be good to your health. *(Laughter)*

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Madam President, I would like to thank a number of Honourable Members for expressing their valuable opinions on ways to safeguard the rights and interests of property buyers. With regard to the major concerns and opinions raised by Members, I will give an overall response as follows.

Regarding standardizing the definition and presentation of "saleable area", a number of Members have proposed in their speeches that measures be formulated to further enhance the transparency of the floor area stated in sales documents regarding first-hand residential properties. Actually, some improvement measures have been implemented over the past several years. They include:

- (a) The guidelines of the Real Estate Developers Association of Hong Kong (REDA) were updated in April and May last year to require

developers to highlight information on "saleable area" in sales brochures as well as list out separately in sales brochures and price lists the saleable area of the unit and the area of facilities, such as balcony, flat roof, bay window, utility platform, and so on. Regarding such issues as the thickness of walls, as raised by Mr LI Kwok-ying and Mr CHAN Kam-lam just now, the current practice of developers to include the thickness of the external walls of a unit into the calculation of "saleable area" is actually consistent with the relevant measurement guidelines issued by the Hong Kong Institute of Surveyors (HKIS) in the Code of Measuring Practice (the Code).

- (b) The Estate Agents Authority (EAA) has stepped up inspection of real estate agencies and sale offices for enhanced regulation of estate agents to ensure that they provide prospective purchasers with accurate floor area information.
- (c) The Consumer Council (CC) and the EAA issued an updated "Notes to Purchasers of First-hand Residential Properties" in July last year to remind prospective purchasers of first-hand private residential properties to pay attention to the floor area information of the properties they intend to purchase.

We are aware that some individual developers are currently adopting different formats in presenting information on floor area in the sales brochures and price lists. Apart from the area of the unit and the balcony, other areas, such as bay windows and utility platform, are often included in the calculation of the "saleable area". Also, the interchangeable use of the Chinese term "實用面積" and "銷售面積" for "saleable area" in the sales brochures and the price lists of individual developments may create confusion to the public. In February 2008, the HKIS announced the results of its review of the Code, stating that "saleable area" should only include the core area of the unit and the area of the balcony but should not include other items under ancillary accommodation, such as bay windows and utility platform. The current practice of some developers is not consistent with the review results of the HKIS.

It has always been our view that a clear and standardized way of presentation helps consumers understand the floor area information. It has also been our guiding principle in requiring developers to provide clear floor area information under the Consent Scheme and REDA's guidelines. In this

connection, we have completed discussion with the REDA. The REDA will issue guidelines and a price list template, suggesting developers to adopt a standardized way of presenting the floor area by including only the core area of the unit and the balcony in the calculation of the standardized "saleable area". Other areas, such as bay windows, shall not be included in "saleable area" but will be separately listed out item by item. The REDA will release the relevant guidelines and the price list template within the next few days.

Upon issuance of the guidelines and the price list template by the REDA, the presentation of "saleable area" and other areas by developers in the sales brochures and price lists will tally with the review results of the HKIS. This will also meet the public's expectation for a standardized definition of "saleable area".

We have started to include the way of presenting the standardized "saleable area" into the scope of regulation of the Consent Scheme. In this respect, we will expeditiously update the relevant provisions of the Consent Scheme which require amendments after consulting the relevant groups. Our target is to complete this task within this summer holiday.

What does it mean by such incorporation into the scope of regulation? It means that if developers breach the provisions of the Consent Scheme in future, the Lands Department (LandsD) will, depending on the gravity of non-compliance, take appropriate actions. For minor cases of non-compliance, such as providing inaccurate or incomplete information, the LandsD will issue warnings to the relevant developers and request rectifications. For the more serious cases of non-compliance, the LandsD may withhold or withdraw the consent letter for sale of uncompleted properties and require developers to honour buyers' right of rescission and offer them refunds of their full payments with interest as a condition for reviving the consent letter. As regards cases of extreme gravity, the LandsD may consider that the extent of non-compliance can warrant actions by the authorities for resumption of the relevant lots or transfer to the Government the assignment of the unsold units.

I would like to point out that the Supplement to the Code (the Supplement) published by the HKIS is widely recognized by many Members as a standard, and the definition has been standardized as a result of the efforts made by us as mentioned above. I hope Mr LEE Wing-tat will also agree that, subsequent to

the efforts and negotiations by various parties, we have provided a specific and clear response in respect of standardized names, standardized definition and standardized presentation. As these have all been brought under the regulation of the Consent Scheme, all developers, regardless of their scale and whether they are scrupulous or unscrupulous, must follow the Consent Scheme in future.

Doubts have also been raised concerning the information on public open space/public facilities. Just now, a Member also commented on the inadequacy of the disclosure by developers in sale brochures of information on public open space/public facilities which are to be opened for public use.

At present, in approving applications for sale of uncompleted properties from developers, the LandsD will state explicitly in its consent letter that, apart from strict compliance with the requirements of the Consent Scheme, developers should provide in the sales brochures information on the public open space and facilities which developers (subsequently owners) are responsible for managing, operating and maintaining at their own expenses. The sales brochures should also contain a statement indicating that owners will have to meet a proportion of the relevant expenses in the management charges. Notwithstanding this, we consider that there is room for further improvement in the dissemination of such information by developers in the sales brochures.

We are exploring with relevant parties, including the REDA, the CC and the EAA, ways of improving the presentation of the relevant information. Specifically, we are discussing the details with them with a view to introducing the following improvement measures:

First, to include in the price list information on the facilities or areas which are to be opened for public use, and a note advising that detailed information is available in the sales brochures or the Government lease;

Second, to show conspicuously, in both English and Chinese and in larger prints, in the sales brochures information on the facilities or areas which are to be opened for public use and maintained at owners' expenses. Standardized presentation of the information will be introduced;

Third, to include a location plan in the sales brochures showing clearly the location and area of the public open space/public facilities; and

Fourth, to require developers to place a few more copies of the Government lease and the Deed of Mutual Covenant in the sales offices for free inspection by prospective buyers.

We are confident that we can conclude our discussion and reach a consensus with relevant parties as soon as possible to enable early implementation of the new measures.

Regarding the issue raised by Mr LEE Wing-tat concerning the recent dissemination of confusing market information, I would like to point out that some individual developers had been suspected of failing to make known the price lists 24 hours before the sale of properties in accordance with the sales guidelines issued by the REDA, while individual estate agents had already accepted cheques and allowed prospective buyers to sign the provisional agreement. Such practices of the developers are considered by some Members questionable. I would like to reiterate that the Government has attached great importance to and is greatly concerned about any cases suspected of violating the Consent Scheme, the REDA's guidelines and the guidelines under the Estate Agents Ordinance. Regarding the abovementioned cases, we have promptly written to the REDA to find out more about the cases and requested the REDA to conduct thorough investigations.

As regards the suspected activities carried out by individual estate agents, such as accepting cheques or deposits or reserving flats before the sale of properties is formally announced by developers, we have requested the EAA to carry out investigation. A detailed investigation into 12 cases concerning estate agents suspected of contravening the Ordinance by accepting cheques without the authorization of developers is being conducted by the EAA.

We agree that confusing market information, including information on prices, will influence prospective buyers' decisions. After learning lessons and experience from this incident, we are exploring with the REDA feasible solutions, with a view to further improving the current information dissemination arrangement for sales of properties to avoid confusion as far as possible.

Madam President, through the Consent Scheme, REDA's guidelines, the enforcement work of the EAA and consumer education by the CC, we have been able to introduce new measures flexibly in response to the market conditions and consumers' expectations. Compared with the enactment of legislation to regulate the trade, we consider the existing regime more desirable, given that it

is flexible, focused, direct and timely, as well as the fact that it can avoid possible counter-effects caused by excessive regulation.

Furthermore, the existing mechanism can achieve a monitoring effect. In the event that developers contravene the provisions of the LandsD's Consent Scheme regarding the sale of uncompleted flats, corresponding actions will be taken, including issuing warnings to developers and taking the regulatory measures mentioned by me earlier. In the event that REDA's guidelines are found to be breached by developers, the REDA has also introduced a mechanism to refer relevant cases to a monitoring committee comprising independent members for follow-up actions and determination of penalties, including public censure, in accordance with the circumstances of individual cases. The EAA and the CC will accept public complaints and carry out investigation and follow-up actions accordingly.

We will continue to provide greater protection to property buyers through the existing channels. However, if it is found in future that the existing arrangements and the improvement measures to be completed within this summer holiday cannot achieve the expected results, we do not rule out the need to adopt more stringent administrative or legislative measures to deal with the relevant issues.

Thank you, Madam President.

PRESIDENT (in Cantonese): I now call upon Mr LEE Wing-tat to move his amendment to the motion.

MR LEE WING-TAT (in Cantonese): President, I move that Mr Albert CHENG's motion be amended.

Mr LEE Wing-tat moved the following amendment: (Translation)

"To add "the Government proposed to legislate for the regulation of sales descriptions of uncompleted flats in 2000 but so far the proposal has not been implemented;" after "That, "; to add "expeditiously revise the Consent Scheme and legislate to" after "calls on the Government to"; to delete "by way of legislation" before "that when uncompleted"; and to add "and clear price lists be provided," after "the properties, ". "

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr LEE Wing-tat to Mr Albert 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.

(Members raised their hands)

Mr Abraham SHEK rose to claim a division.

PRESIDENT (in Cantonese): Mr Abraham SHEK has claimed a division. The division bell will ring for three minutes, after which the division will begin.

PRESIDENT (in Cantonese): Will Members please proceed to vote.

PRESIDENT (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Ms Margaret NG, Mr CHEUNG Man-kwong, Mr SIN Chung-kai, Ms LI Fung-ying, Mr WONG Kwok-hing, Dr Joseph LEE, Dr KWOK Ka-ki, Dr Fernando CHEUNG, Mr CHIM Pui-chung, Mr KWONG Chi-kin and Miss TAM Heung-man voted for the amendment.

Dr Raymond HO, Dr LUI Ming-wah, Mr Bernard CHAN, Mr Abraham SHEK, Mr Daniel LAM and Prof Patrick LAU voted against the amendment.

Mrs Sophie LEUNG, Mr Howard YOUNG, Mr LAU Wong-fat, Ms Miriam LAU, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG and Mr WONG Ting-kwong abstained.

Geographical Constituencies:

Mr Albert HO, Mr LEE Cheuk-yan, Mr Martin LEE, Mr Fred LI, Mr James TO, Miss CHAN Yuen-han, Mr LAU Chin-shek, Ms Emily LAU, Mr Albert CHAN, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr Alan LEONG, Mr Ronny TONG, Mr Albert CHENG and Mrs Anson CHAN voted for the amendment.

Mr CHAN Kam-lam, Mr Jasper TSANG, Mr LAU Kong-wah, Mr LI Kwok-ying and Mr CHEUNG Hok-ming abstained.

THE PRESIDENT, Mrs Rita FAN, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 26 were present, 11 were in favour of the amendment, six against it and nine abstained; while among the Members returned by geographical constituencies through direct elections, 22 were present, 16 were in favour of the amendment and five abstained. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the amendment was negatived.

PRESIDENT (in Cantonese): Mr CHAN Kam-lam, you may move your amendment.

MR CHAN KAM-LAM (in Cantonese): President, I move that Mr Albert CHENG's motion be amended.

Mr CHAN Kam-lam moved the following amendment: (Translation)

"To delete "(HKIS)" after "the Hong Kong Institute of Surveyors"; to delete "require" after "calls on the Government to" and substitute with

"adopt appropriate measures, including considering"; to add "to require" after "by way of legislation"; to delete "measured in the way prescribed in the Supplement issued by HKIS" after "the sales brochures must be" and substitute with "calculated in a uniform way"; to delete "measured" after "the saleable area so" and substitute with "computed"; and to add "; and to strengthen publicity and education for consumers to enhance their knowledge in the calculation of property area etc" after "the properties".

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr CHAN Kam-lam to Mr Albert 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.

(Members raised their hands)

Mr Albert HO rose to claim a division.

PRESIDENT (in Cantonese): Mr Albert HO has claimed a division. The division bell will ring for three minutes, after which the division will begin.

PRESIDENT (in Cantonese): Will Members please proceed to vote.

PRESIDENT (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Dr Raymond HO, Dr LUI Ming-wah, Mr Bernard CHAN, Mrs Sophie LEUNG, Mr Howard YOUNG, Mr LAU Wong-fat, Ms Miriam LAU, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Daniel LAM, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong and Prof Patrick LAU voted for the amendment.

Ms Margaret NG, Mr CHEUNG Man-kwong, Mr SIN Chung-kai, Dr Joseph LEE, Dr KWOK Ka-ki, Dr Fernando CHEUNG and Miss TAM Heung-man voted against the amendment.

Mr Abraham SHEK, Ms LI Fung-ying, Mr WONG Kwok-hing, Mr CHIM Pui-chung and Mr KWONG Chi-kin abstained.

Geographical Constituencies:

Mr CHAN Kam-lam, Mr Jasper TSANG, Mr LAU Kong-wah, Mr LI Kwok-ying and Mr CHEUNG Hok-ming voted for the amendment.

Mr Albert HO, Mr LEE Cheuk-yan, Mr Martin LEE, Mr Fred LI, Mr James TO, Mr LAU Chin-shek, Ms Emily LAU, Mr Albert CHAN, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr Alan LEONG, Mr Ronny TONG, Mr Albert CHENG and Mrs Anson CHAN voted against the amendment.

Miss CHAN Yuen-han abstained.

THE PRESIDENT, Mrs Rita FAN, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 26 were present, 14 were in favour of the amendment, seven

against it and five abstained; while among the Members returned by geographical constituencies through direct elections, 22 were present, five were in favour of the amendment, 15 against it and one abstained. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the amendment was negatived.

PRESIDENT (in Cantonese): Mr Albert CHENG, you may now reply and you have nine minutes 51 seconds.

MR ALBERT CHENG (in Cantonese): I still have plenty of time, so I can speak slowly.

This question certainly involves public interests because Hong Kong has a population of 7 million, including children, and we all share the dream of having a roof over our head. This is the traditional wisdom of Hong Kong people or Chinese people.

There are currently 1.2 million property owners in Hong Kong. Of the 19 Members who have spoken, five will oppose or may oppose this motion, or have some opinions about it. However, it is unanimously agreed by 18 out of the 19 Members who spoke earlier that the area of a property must be clearly spelt out when the property is put up for sale. Only one Member objected to this. What is more, he even considered the accusations made by Members who have spoken unreasonable and far from objective. I am referring to Mr Abraham SHEK, the representative of the real estate sector.

Mr SHEK's opposition is understandable, for he is the representative of the real estate sector. He and I were once good friends. He often told me that he would lay one of his hands on his heart when casting his vote. In other words, his voting preference does not represent what he thinks deep in his heart. As he represents the trade to which he belongs, he must get his job done

MR ABRAHAM SHEK (in Cantonese): President, the content of his speech is unrelated to this motion. He is taking this opportunity to talk about his radio station. President, this is not a radio station.

PRESIDENT (in Cantonese): Mr Albert CHENG, I would suggest that you speak more carefully. You must not talk about other matters or make remarks which may give Members a feeling that they have been wronged. If you can pay attention to this, you can continue with your speech, and I will not stop you. You may now stand up and continue with your speech.

MR ALBERT CHENG (in Cantonese): President, according to the rules of meeting, what I said just now is not offensive, though you reminded me to be more careful. Actually, I have often acted with great caution because I know that "illness finds its way in through the mouth; misfortune finds its way out through the mouth". I have been very careful. Nevertheless, I will also strive to be objective because I am standing here in the Legislative Council today to speak on the last motion debate proposed by me as a Member of the Legislative Council.

As a Member of the Legislative Council, I certainly hope to get my job done. I will cast my vote with my heart and my hands, and I will not vote with my right hand put on my heart — someone has once told me that he cast his vote in this manner. I only hope that Members can vote with their hearts when they cast their votes.

I have no intention to comment on who is right and who is wrong. I merely wish to say a few words on some cardinal issues of right and wrong. Mr Abraham SHEK said earlier, "If you have been cheated, report to the police". However, the Government has not come up with an indicator prescribing the criteria to be observed during the sale of properties. So what is the point of reporting to the police? If we can really report it to the police, all police stations will be full tomorrow, and no more people will be admitted because there will be too many people for the police to handle. Hong Kong will then be thrown into great chaos. This is why I do not wish to see the public reporting this to the police. I really advise you, don't do that; don't do according to what Abraham SHEK has suggested.

Actually, I am a victim myself. I would like to tell Members a story about property purchase. I bought an uncompleted flat in 1996, and I had never bought any uncompleted flats before. I was quite ambitious at that time as I saw property prices keep rising, and I thought it was a good opportunity to make a fortune as it seemed that one who wished to purchase an uncompleted flat at that

time had to beg hard before he could be able to do so. The flat bought by me was 3 200 sq ft. However, its saleable area, which was measured from inside the flat, turned out to be 60 ft x 40 ft, or 2 400 sq ft. However, insofar as the walls are concerned — I can tell Members that this is one of the standards proposed by the HKIS today — the measurement has to be taken from the middle of the walls, which is actually unacceptable to me. Concerning a question raised by a Member earlier regarding why I prefer using this guideline, I only feel that since the guideline is proposed by the HKIS — the question was actually raised by Mr James TO — I have to compromise. But why am I still unconvinced? The wall was 2 ft thick and this was actually good because the building was built by the property developer, Gammon, for its own use. The wall was 2 ft thick.

Upon measurement, the property area was already reduced by 2 ft, which was equivalent to 15% of the floor area. If the measurement was taken from the middle of the walls, it would be 7.5%. As everyone knows, the property market collapsed in 1997, and the flat could not be handed over to me punctually. President, I thought at that time that I was lucky. I therefore approached Abraham SHEK — at that time he was a good friend of mine, and he was also a professional in the real estate sector. When I asked him what I could do, he told me that nothing could be done. He was right. He was a man of great wisdom. I should have listened to him. Because I did not listen to him, I had lost \$500,000. Then I approached Martin LEE, and he introduced to me his apprentice, Mr Warren CHAN, who advised me not to file a lawsuit when I sought his opinion. Consequently, I spent hundreds of thousand of dollars for nothing. But there was no way for me to report to the police, though I was victimized. In the end, I sold the flat and lost nearly \$10 million. This memory is indeed very painful.

Right, it is most important that the loss is affordable, but many people cannot bear their losses.

To buy a flat — all the shrimps and crabs that I brought here have now been taken back to my home for my meal tonight. As for the grapes, vegetable and my shoes — just now Patrick LAU put forth his "shoe" theory, saying that a pair of size 5 shoes and a pair of size 20 shoes are sold at the same price. Mr CHAN Kam-lam also put forth the same theory and advised me not to buy size 7½ shoes anymore, for I can buy size 20 shoes. There is no denying that I can do this. I can actually do this. I may even tell Members that property buyers

in Hong Kong have not been cheated, that is, what Abraham SHEK said is actually right.

Because everyone knows and is psychologically prepared that one foot is not necessarily equal to one foot when one buys a property. This explains why Dr LUI Ming-wah reminded us to look at the brand names. He is right. For the brand name which starts with the word "新", it may be 70%; while the one bearing the word "華" may be 60%. In other words, property buyers know it very well that they will be cheated. However, Hong Kong is an international financial centre. May I ask Members this question: Do you know many overseas properties, such as those in Singapore, Kuala Lumpur, China, Britain and the United States, are put up for sale here in Hong Kong? However, President, do you know that Hong Kong properties are not put up for sale overseas? It is because things will definitely go wrong. If Hong Kong properties are put up for sale overseas, many people will file cases in court. If one foot is equal to only seven inches, and a 3 200 sq ft flat has an actual area of 2 400 sq ft only, it is simply impossible for such a property to be sold in Britain. This is why Hong Kong properties are seldom put up for sale overseas. As far as I can recall, I have not seen any such cases.

I think the rights and interests of consumers dictate that one foot must be equal to one foot. Let me cite a three-member family comprising a couple and a child as an example. If the family is not very well-off, a flat of 500 sq ft should suffice — It is very interesting to read the sales brochures, in which we can find so-called luxury properties and flats with a panoramic sea view or situated in the Mid-Levels. President, I wonder if you have noticed this. However, it has frequently come to my attention that the billboards promoting properties will never specify the locations of the properties, except for the locations where pick-up coaches will be available. I often asked people to show me the location of the property development on the sales brochure, but no one knew the answer. Of course, I can take a bus there or make a telephone enquiry. But it turned out that the so-called Mid-Levels or Manhattan are actually located in Lai Chi Kok. It is totally puzzling to me.

There is a recent property development called "Palazzo", which has, according to Mr LEE Wing-tat, upset many people — I do not know how to pronounce it — Do Members have any idea where its advertisement was shot? It was shot in Argentina. Do you know that? The point is the panoramic sea view that we saw in the advertisement when we purchased the properties is totally fake. I have had such experiences before. I was initially lured by the

sea view shown in the advertisement when I bought the property. I only found out later that the sea view shown in the advertisement was shot in the penthouse of the building. What I bought was a mid-level unit — Sorry, Mr CHENG, you could have the sea view if you bought the penthouse; of course, a mid-level unit could not possibly have it.

Therefore, I actually wish to tell Members through this motion that apart from Mr Abraham SHEK — I understand him as we had been friends (*Laughter*) — he represents the interests of property developers. However, as mentioned earlier by Mr Martin LEE, all Members of the other functional constituencies are from the middle class. Those people with two votes are really terrific, and they are from the middle class. Except for the Agriculture and Fisheries functional constituency — I have offended the voters of WONG Yung-kan, for they might not come from the middle class. However, such people as lawyers, accountants and bosses of the retail and tourism sectors are all from the middle class, and they may purchase properties. However, they will cast an opposition vote today and refuse to support this motion proposed by Albert CHENG. In other words, they do not support the idea of specifying clearly that one foot is equal to one foot. However, people selling vegetables, crabs or shrimps would be arrested and prosecuted for selling short-weight goods. What sort of a world is this?

As Members are aware, I am not going to seek re-election. Before long, another election will be held. This is a year of elections, and the Legislative Council election will be held on 7 September. As an elector, I would like to remind Members, if they will participate in this election game again, that they should support my motion. Otherwise, it will be really difficult for them to explain to their voters.

MR ABRAHAM SHEK (in Cantonese): President, a point of order.

PRESIDENT (in Cantonese): Is it a point of order?

MR ABRAHAM SHEK (in Cantonese): President, what is the relationship between this motion and the Legislative Council election? This part of his speech is intimidating to voters.

PRESIDENT (in Cantonese): Mr Albert CHENG, you may go on.

MR ALBERT CHENG (in Cantonese): President, I admit that it is intimidating. However, there is no need to withdraw my comments.

Members of the Legislative Council must explain to their voters. Unlike candidates from the real estate sector who may be elected uncontested, those in other constituencies must take part in one-person-one-vote elections. When you conduct door-to-door canvassing, electors will ask you this question, "When we watched the television broadcast of the debate held in the Legislative Council, 'Tai Pan' brought with him such props as crabs, shrimps and shoes only to demand that the area of a property must be set out clearly and sold on the basis that one foot is equal to one foot, but why could the motion not be passed?" I am not saying that voters will not vote for you, but you have to explain to them. You can tell them that "Tai Pan" is a fool. A developer is exaggerating to your benefit if he tells you that the size of the 500 sq ft-flat you are going to buy is 1 000 sq ft. Do you find it more impressive in telling others that you are living in a flat of 1 000 sq ft or one of 500 sq ft flat? The reason is just this simple.

Furthermore, this is good for Hong Kong. According to some surveys conducted by some magazines recently, the highest property prices in the world are not found in Hong Kong, but somewhere in London, because property area is not measured in terms of "saleable area" in Hong Kong. If "saleable area" is measured instead, Hong Kong actually ranks first. Of course, Hong Kong should never fight for the top position in this very case. Therefore, my words can be intimidating. Some voters would like to tell others that they are living in flats of 1 000 sq ft. For instance, I can say that I am living in a mansion on the Peak, but actually it is only a thatched cottage. I can also claim that I am living in a house, but actually it is only a rooftop squatter hut.

At this parting moment, I hope Honourable Members can show me some respect by supporting my motion. (*Laughter*) I so submit.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Abraham SHEK rose to claim a division.

PRESIDENT (in Cantonese): Mr Abraham SHEK has claimed a division. The division bell will ring for three minutes, after which the division will begin.

PRESIDENT (in Cantonese): Will Members please proceed to vote.

PRESIDENT (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Ms Margaret NG, Mr CHEUNG Man-kwong, Mr SIN Chung-kai, Ms LI Fung-ying, Mr WONG Kwok-hing, Dr Joseph LEE, Dr KWOK Ka-ki, Dr Fernando CHEUNG, Mr CHIM Pui-chung, Mr KWONG Chi-kin and Miss TAM Heung-man voted for the motion.

Dr Raymond HO, Dr LUI Ming-wah, Mr Bernard CHAN, Mr Abraham SHEK and Prof Patrick LAU voted against the motion.

Mrs Sophie LEUNG, Mr Howard YOUNG, Mr LAU Wong-fat, Ms Miriam LAU, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Daniel LAM, Mr Jeffrey LAM, Mr Andrew LEUNG and Mr WONG Ting-kwong abstained.

Geographical Constituencies:

Mr Albert HO, Mr LEE Cheuk-yan, Mr Martin LEE, Mr Fred LI, Mr James TO, Miss CHAN Yuen-han, Mr LAU Chin-shek, Ms Emily LAU, Mr Albert

CHAN, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr Alan LEONG, Mr Ronny TONG, Mr Albert CHENG and Mrs Anson CHAN voted for the motion.

Mr CHAN Kam-lam, Mr Jasper TSANG, Mr TAM Yiu-chung, Mr LI Kwok-ying and Mr CHEUNG Hok-ming abstained.

THE PRESIDENT, Mrs Rita FAN, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 26 were present, 11 were in favour of the motion, five against it and 10 abstained; while among the Members returned by geographical constituencies through direct elections, 22 were present, 16 were in favour of the motion and five abstained. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the motion was negatived.

NEXT MEETING

PRESIDENT (in Cantonese): I now adjourn the Council until 3.00 pm tomorrow.

Adjourned accordingly at twenty-two minutes to Seven o'clock.

Annex IMUNSANG COLLEGE AND HEEP YUNN SCHOOL (CHANGE OF CORPORATE
NAMES AND GENERAL AMENDMENTS) BILL 2008**COMMITTEE STAGE**Amendments to be moved by the Secretary for EducationClauseAmendment Proposed

6

In the proposed section 3(b), in the Chinese text, by deleting “活出基督” and substituting “過基督徒的生活”.

Appendix 1**REQUEST FOR POST-MEETING AMENDMENTS**

The Secretary for Security requested the following post-meeting amendment in respect of the reply to Question 2

Second last line, second paragraph, page 28 of the Confirmed version

To amend "..... will be substantially reduced to about 800 hectares" as "..... will be substantially reduced to about 400 hectares" (Translation)

(Please refer to second last line, first paragraph, page 7210 of this Translated version)

Appendix 2**REQUEST FOR POST-MEETING AMENDMENTS**

The Secretary for the Civil Service requested the following post-meeting amendments in respect of the reply to Question 3

Line 1, second last paragraph, page 36 of the Confirmed version

To amend "..... there are 13 Qualification Groups comprising around 400 civil service grades" as "..... there are 12 Qualification Groups comprising around 400 civil service grades" (Translation)

(Please refer to line 1 to 2, second last paragraph, page 7221 of this Translated version)

Line 2 to 3, last paragraph, page 36 of the Confirmed version

To amend "..... there are 13 Qualification Groups comprising 400 grades" as "..... there are 12 Qualification Groups comprising 400 grades" (Translation)

(Please refer to line 1 to 2, first paragraph, page 7222 of this Translated version)

Appendix I**WRITTEN ANSWER****Written answer by the Secretary for Security to Dr KWOK Ka-ki's supplementary question to Question 2**

As regards the population of the Sha Tau Kok town, according to the statistics collated by Census and Statistics Department, the population of Sha Tau Kok town was about 4 500 as at 2006.

Appendix II**WRITTEN ANSWER****Written answer by the Secretary for Commerce and Economic Development to Mr Howard YOUNG's supplementary question to Question 6**

As regards the number of inspections conducted, and the advice given to the Ngong Ping 360 Limited (the Company) by the Electrical and Mechanical Services Department (EMSD) after the re-opening of the cable car system, the requested information, as provided by the EMSD, is attached at Annex.

Annex

Number of inspections and advice given to the Company after the re-opening of the cable car system

- Since the re-opening of the Ngong Ping 360 cable car system on 31 December 2007 and up to 14 May 2008, the EMSD has conducted a total of 39 inspections, which include 34 random inspections on the operation and maintenance of the cable car system, and five inspections related to the investigations of service interruptions.
- The EMSD has issued four letters to the Company advising it to take the following measures to improve the cable car service:
 - (a) introduce a systematic checking of belt tension;
 - (b) increase the servicing frequency to match the usage rate;
 - (c) step up the training for the operation and maintenance personnel on specific tasks related to service resumption;
 - (d) revise the operational procedure for an approaching typhoon;
 - (e) inspect the cabin door closing mechanism to ensure proper functioning;
 - (f) review the operational procedure in the event of critical equipment malfunction; and
 - (g) appoint an independent ropeway consultant to conduct a comprehensive review of the complete cable car system to identify areas for enhancing its service reliability.

WRITTEN ANSWER — *Continued*

As at end May 2008, the Company has implemented the improvement measures under items (a) to (f) above as advised by the EMSD. As regards item (g), the Company has been discussing with the overseas ropeway consultant on a comprehensive review of the cable car system. The review is expected to commence in July 2008 for completion in September.

- The EMSD will continue to require the Company to effectively implement all the improvement measures through regular liaison meetings and site inspections, and will closely monitor the progress of the improvement.