

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 21 November 2007

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 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 KWONG CHI-KIN

THE HONOURABLE TAM HEUNG-MAN

MEMBERS ABSENT:

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

THE HONOURABLE ALBERT JINGHAN CHENG, J.P.

PUBLIC OFFICERS ATTENDING:

THE HONOURABLE HENRY TANG YING-YEN, G.B.S., J.P.

THE CHIEF SECRETARY FOR ADMINISTRATION

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

SECRETARY FOR EDUCATION

THE HONOURABLE FREDERICK MA SI-HANG, J.P.

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT

THE HONOURABLE STEPHEN LAM SUI-LUNG, J.P.

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS

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

SECRETARY FOR SECURITY

DR THE HONOURABLE YORK CHOW YAT-NGOK, S.B.S., J.P.

SECRETARY FOR FOOD AND HEALTH

THE HONOURABLE DENISE YUE CHUNG-YEE, G.B.S., J.P.

SECRETARY FOR THE CIVIL SERVICE

THE HONOURABLE MATTHEW CHEUNG KIN-CHUNG, G.B.S., J.P.

SECRETARY FOR LABOUR AND WELFARE

THE HONOURABLE EDWARD YAU TANG-WAH, J.P.
SECRETARY FOR THE ENVIRONMENT

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

CLERKS IN ATTENDANCE:

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

MS PAULINE NG MAN-WAH, ASSISTANT SECRETARY GENERAL

MRS 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>
Merchant Shipping (Prevention and Control of Pollution) (Fees) (Amendment) Regulation 2007	211/2007
Fugitive Offenders (Australia) (Amendment) Order 2007	212/2007
Designation of Libraries Order 2007	213/2007
Electronic Transactions Ordinance (Amendment of Schedule 3) Order 2007	214/2007
Electronic Transactions (Exclusion) (Amendment of Schedules) Order 2007	215/2007
Employees Retraining Ordinance (Amendment of Schedule 2) Notice 2007	216/2007
Non-local Higher and Professional Education (Regulation) Ordinance (Amendment of Schedule 1) Notice 2007	217/2007
Chinese Medicine Ordinance (Commencement) Notice 2007	218/2007
Chinese Medicines Regulation (Commencement) Notice 2007	219/2007

Other Papers

No. 29 Audited Financial Statements of the Customs and Excise Service Welfare Fund for the year ended 31 March 2007 and its Summary, together with the Director of Audit's Report

Report of the Bills Committee on Patents (Amendment) Bill 2007

ORAL ANSWERS TO QUESTIONS

PRESIDENT (in Cantonese): Questions. First question.

Energy Efficiency of Public Lighting Systems

1. **MR SIN CHUNG-KAI** (in Cantonese): *President, regarding the energy efficiency of public lighting systems, will the Government inform this Council:*

- (a) *of the respective types, luminous efficacies and average service lives of the luminous devices currently used in various kinds of public lighting systems in Hong Kong; and whether it has any plan to switch to more energy-efficient luminous devices; if it has, of the details; if not, the reasons for that;*
- (b) *as a study on the adoption of light-emitting diode (LED) streetlights in Hong Kong is being arranged, of the details, including the timetable and completion date, of the study; and*
- (c) *whether it has drawn up other measures to reduce the electricity consumption of public lighting systems; if it has, of the details?*

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

- (a) Currently, all public lighting installations used in Hong Kong are high intensity discharge lamps. Please refer to the table set out in the reply distributed to Members for details, information on the type of light source, watt, luminous efficacy and average life has been listed:

<i>Public Lighting Installation</i>	<i>Type of Light Source</i>	<i>Watt (W)</i>	<i>Luminous Efficacy (lumen/W)</i>	<i>Average Life (hours)</i>
Road lights	High-efficiency high pressure sodium lamps	50-600	90-150	32 000
Road tunnel lights	High-efficiency high pressure sodium lamps	150-400	117-137	32 000
	Tubular fluorescent lamps	28-58	~ 90	13 000

<i>Public Lighting Installation</i>	<i>Type of Light Source</i>	<i>Watt (W)</i>	<i>Luminous Efficacy (lumen/W)</i>	<i>Average Life (hours)</i>
Footbridges, pedestrian subways and bollard lights	Tubular fluorescent lamps	13-58	~ 90	13 000
Road sign lights	Ceramic metal halide lamps	70-150	~ 90	12 000

With the advances in lighting technologies in recent years, the luminous efficacy and lifespan of lighting installations have been improved. To ensure continued improvement in the luminous efficiency of our public lighting system, the Highways Department (HyD) keeps in view product development, and regularly updates its specifications for supplies, adopts products with higher efficacy and replaces old and inefficient public lighting installations with high-efficiency installations.

- (b) Much is being done in the research and development of the LED road lights at a rapid pace. Generally speaking, the luminous efficacy of LED road lights is not higher than 50 lumen per watt, which is lower than that of the high pressure sodium lamps of 90 to 150 lumen per watt used for road lights in Hong Kong. An LED road light requires higher electrical energy and cost to achieve the same level of road illumination. Therefore, the HyD has yet to consider putting LED road lights on trial. Nevertheless, in view of the recent claims of some manufacturers that they have developed new LED road lights with luminous efficacy exceeding 100 lumen per watt, the HyD is liaising with the suppliers to see whether the new LED road lights can be used in Hong Kong. If high-efficiency LED road lights are successfully developed, the HyD will conduct trials to test their luminous performance, reliability and level of energy consumption. At this stage, the HyD does not have a timetable for such trials as the development of LED road lights is not yet mature.
- (c) In view of the improvement in the efficiency of lighting installations, the HyD has put in place an ongoing replacement programme for high-wattage light-bulbs with those of lower wattage

for road illumination, such as replacing 400-watt lights with 250-watt ones. On the one hand, road illumination can be maintained at the same level. On the other hand, the level of energy consumption can be reduced markedly.

In addition, the HyD has been carrying out energy saving pilot schemes, which make use of two types of electronic dimming appliances to lower luminance according to the time and the specific illumination conditions of the roads concerned. The pilot schemes are composed of the following two stages:

Stage 1: The HyD conducted the Central Dimming System Scheme as one of the energy saving pilot schemes between December 2005 and May 2006. The Electronic Ballasts for Dimming Scheme, the other pilot scheme, commenced in January 2006. In the first stage of the pilot schemes, road light luminance was lowered by 10% from switch-on time to midnight, by 25% from midnight to 5 am, and by 10% from 5 am to switch-off time.

Stage 2: In view of the needs for further testing the reliability and performance under further dimming for the central dimming system and the electronic ballasts, the HyD launched the second stage of the pilot schemes in June 2007. During this stage of the pilot schemes, the road light luminance is lowered by 15% or 20% from switch-on time to midnight, by 30% or 40% from midnight to 5 am, and by 15% or 20% from 5 am to switch-off time. The second stage of the pilot schemes will be completed at the end of this year.

The HyD will look at the information obtained when the energy saving pilot schemes are completed. A decision will be taken on the way forward in the light of the findings of the pilot schemes.

MR SIN CHUNG-KAI (in Cantonese): *President, if the Secretary has time, I hope she can visit research and development organizations to examine the manufacturing technology of LED, and see whether this will bring enlightenment to the Government. However, my question is about Stage I and Stage II of the pilot schemes mentioned in part (b) of the reply. As Stage I has completed while Stage II will be completed in a month or so, according to this experience, what is the saving in energy consumption? If the saving is converted to monetary terms,*

how much has been saved? I hope there will be an objective target. That is to say, will energy saving be achieved? How much electricity or money has been saved? Is there such a target?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Madam President, upon the completion of the two stages of the schemes and collation of the relevant information, we will be most willing to submit a report to the Legislative Council. However, at this stage when we are still collating the information, specific figures are not available.

DR RAYMOND HO (in Cantonese): *President, many countries and places have indeed started using solar photovoltaic panels which can save a lot of electricity by simply installing a panel on each lamp pole. However, the Government said that it was now testing the central dimming system. Will the Secretary inform this Council whether the Government has taken into account the control over individual districts and locations, and whether more comprehensive and sophisticated control will be exercised? At present, the Government only said that the luminance would be adjusted to different percentages at different times of the day. May I ask whether an automatic system will be used for adjusting the illumination level, so that when the illumination of certain locations reaches an adequate level, the lumen per watt will be lowered? Will this natural adjustment approach facilitate energy saving?*

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Madam President, if this type of system is available in the market for extensive use, I believe the HyD will be most willing to conduct trials. Indeed, during the stage of design, the HyD has already considered energy consumption from aspects like intervals of lamp poles, illumination and angle. Take LED road lights as an example. From the research and development stage to the availability of products for commercial use, that is when the products are readily available on the market, there will be some time. If any methods or new products on energy saving are available, we will be willing to conduct trials.

MR HOWARD YOUNG (in Cantonese): *President, when the Secretary mentioned the adjustment of luminance in the main reply, she pointed out that luminance was lowered by 10% during a certain time slot. However, I have*

learnt that the lowering of luminance does not necessarily mean energy saving. In respect of domestic energy consumption, I have been told that despite the lowering of luminance, there will be heat energy consumption. Has the Government examined that apart from lowering the luminance by 10%, energy consumption should also be lowered by 10% correspondingly?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Madam President, as I said in my earlier reply to Mr SIN Chung-kai, this is part of the entire scheme. We certainly hope that the energy saving pilot schemes can achieve the dual-purpose of lowering luminance and saving energy. We are now examining whether the central dimming system and the ballasts can enhance the stability of lighting installations. The stability of lighting installations is very important, for from the safety angle, road lights are related to personal safety and road safety. After we have finished collating the information in this respect, we will know the amount of electricity that can be saved.

DR LUI MING-WAH (in Cantonese): *President, as the government official said, the LED technology is now developing at a rapid pace. In the past decade, the United States and Japan have monopolized all the patents. However, with the introduction of new technology, LED is now much cheaper. Moreover, the luminance of LED has already exceeded 100 lumen and approaching 300 lumen. I think the Government may have to look up more information for reference.*

My supplementary question is: Under what condition will the Government consider replacing the existing lighting installations with LED?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Madam President, if the performance of LED in energy consumption, luminous performance, reliability and other aspects is the same as that of the high-pressure sodium lamp currently in use, we are willing to use LED. In fact, LED is now used for traffic lights. The quick dimming characteristic, colour stability and converged angle of LED are its advantages — Dr LUI Ming-wah is probably an expert. However, the price of commercial LED is rather high at present, higher than the high pressure sodium light currently in use, but the luminous efficacy of LED is lower — I do not mean products under research and development, I mean the luminous efficacy of LED readily available in the

market is lower. As I said in the main reply, it is 50 lumen per watt. Though LED with higher lumen can surely be manufactured, the lumen level of LED readily available in the market now is not as high as that. Therefore, if this type of products is available, we are willing to try them.

Actually, several manufacturers have now contacted the HyD and the HyD will discuss the issue with them. We are willing to introduce pilot schemes if possible. As far as I understand it, the Netherlands and Toronto are now running some small-scale pilot schemes. If this type of products is available, we are prepared to adopt them.

MR FRED LI (in Cantonese): *President, with regard to the earlier question on light bulbs and tubular fluorescent lamps, I would like to ask the Government one point. In addition to the use of light bulbs and tubular fluorescent lamps for road illumination, will the Government also examine the design of lamp shades to identify ways to enhance energy efficiency and beautify the city by replacing the monotonous design? Has the Government examined this issue?*

PRESIDENT (in Cantonese): Secretary, you may not have the relevant information at hand.

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Madam President, on the whole, the HyD will examine the design of road lights and lighting installations. Take light bulb as an example. If some new light bulbs with higher efficiency or some better lighting installations are available, we will certainly be willing to consider using them. Mr LI is right in saying that the overall design rather than the light bulb alone should be considered, for the overall design of lighting installations, including the lamp pole and lamp shade, will also affect the luminance. Therefore, every time when we draw up a contract, we will look at it in a holistic manner.

MR LAU KONG-WAH (in Cantonese): *President, at present, solar-powered lamps are being tried out in some parks in Hong Kong, and the effect is quite good. Has the Government examined whether this method can be applied in Hong Kong on a large scale? Will the Government consider using this method in future?*

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Madam President, in the long term, if the efficacy and stability of lighting installations powered by this method is the same as that of the high pressure sodium lamps currently in use, we are willing to consider it. However, in respect of extensive application, the present development does not seem to have gone that far. Similarly, if products with efficacy comparable to current lighting installations are available in the market, we will surely be willing to put them on trial. However, to use these products right now may seem to be Since we are talking about road lights, personal safety and road safety should naturally be our concern and it seems we have yet to reach the stage of extensive application.

MR SIN CHUNG-KAI (in Cantonese): *President, the Government seems to be rather conservative and passive on the use of LED at present. In fact, in recent years, other places have already put LED into extensive use. Does the Government consider there is room for it to actively, not passively but actively, examine the issue with research and development organizations and manufacturers and conduct trials in different circumstances? Will there be room for the Government to do so?*

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Madam President, there is surely room to do so. But we have to be cautious in dealing with the issue, for we are talking about 133 000 road lights and 79 000 lighting installations at flyovers and subways in the territory. When trials are carried out, we have to examine such aspects as energy consumption, luminous performance and reliability. No suitable LED lighting installation seems to be available in the market now. As I said earlier, the development of a product from the academic research stage needs time. If these products are available, there will surely be room to consider the issue. We have now taken an active approach to contact manufacturers to identify suitable lighting installations, so that we may start the trials.

Concerning the application of LED at present, apart from traffic lights, the technology has also been applied to traffic information panels. We think that this new product is indeed very good. According to the projection of the United States Department of Energy, by 2025, the luminous efficacy of LED will reach 160 lumen per watt. This has been dubbed as the "light of future" by our engineers. Certainly, if we have room and if these products are available, we are most willing to put them on trials proactively.

MR HOWARD YOUNG (in Cantonese): *In the table in part (a) of the main reply, the Secretary said that the luminous efficacy per watt of different types of lighting installations and their average life varied. Earlier on, Mr SIN asked whether the energy saved could be expressed in monetary terms, but will the expense of the Government on investment capital be one of the considerations? For large-scale energy saving may be achieved at the cost of enormous capital expenditure. In that case, which factor will be accorded priority?*

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Madam President, I think both factors, energy saving from the environmental protection aspect and the expenses incurred, are important. Actually, the adoption of new products will usually incur higher costs, which is inevitable. However, if this can save energy and that the costs can be recovered in six years, for example, it will be one of the considerations in introducing extensive application.

PRESIDENT (in Cantonese): We have spent more than 15 minutes on this question. Last supplementary question now.

DR LUI MING-WAH (in Cantonese): *President, high efficacy LED is no longer an academic issue. The Secretary pointed out earlier that LED was still at the laboratory stage. But this is not actually the case, for LED is used by many countries at present. Its efficacy is extremely high while the energy consumption is very low. For this reason, many countries have already used LED for road lights, complemented by energy generated from battery and solar power panel, so electricity supply is not required for those road lights. Given that, will the Secretary give active consideration to the use of LED for road lights?*

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, I think this is somehow different. Certainly, the efficacy of LED is high, but the luminous efficacy of products now available for as road lights in the market does not exceed 50 lumen per watt in general, while that of high-efficiency high pressure sodium lamps currently in use is between 90 and 150 lumen per watt. If LED is used, we may have to shorten the intervals

between road lights or lamp poles and increase the number of lamp poles to achieve the same level of road illumination now provided by high pressure sodium lamps. Therefore, we must wait until the product is widely available in the market before we can adopt it, for it seems to be a more suitable approach.

PRESIDENT (in Cantonese): Dr LUI Ming-wah, has your supplementary question not been answered?

DR LUI MING-WAH (in Cantonese): *She has not answered my question. I think the Secretary has misunderstood my question, for the Secretary said that the road lights currently in use have an efficacy of 150 lumen per watt, but at present, the luminous efficacy of LED can reach a maximum level of 300 lumen per watt*

PRESIDENT (in Cantonese): Which part of your question has not been answered by the Secretary?

DR LUI MING-WAH (in Cantonese): *Under this circumstance, will the Government not consider the price of the products but only the luminous efficacy?*

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Madam President, I think Dr LUI Ming-wah does not understand my answer. These products are surely available now, I am only saying that these products are not readily available in the market, for we are not talking about one or two road lights but some 130 000 road lights. If these products are readily available in the market and their luminous efficacy is higher than or the same as the lighting installations currently in use, we are ready and willing to use them. However, at present, only products with 50 lumen per watt are readily available in the market. According to certain manufacturers, such products are already available, and we are actively liaising with them now.

PRESIDENT (in Cantonese): Second question.

Air Pollutants Emitted by LPG Taxis

2. **MS AUDREY EU** (in Cantonese): *It has been reported that a research conducted by The Hong Kong Polytechnic University (PolyU) has revealed that the exhaust emissions from liquefied petroleum gas (LPG) taxis can also be very alarming if they have been used for a long time without proper maintenance. In this connection, will the Government inform this Council:*

- (a) *whether it has collected statistics on the number of existing LPG taxis in Hong Kong which emit excessive air pollutants owing to poor maintenance; and*
- (b) *in addition to its plan to strengthen the control of emissions from LPG vehicles with the deployment of roadside remote sensors and chassis dynamometers to test vehicular emissions, of the measures the Government will consider taking to reduce the emission of air pollutants from LPG taxis; and whether it has any plan to encourage regular maintenance of LPG taxis by their owners; if it has, of the details of the plan; if not, the reasons for that?*

SECRETARY FOR THE ENVIRONMENT (in Cantonese): Madam President, I would like to thank Ms Audrey EU for raising this question.

Before the introduction of LPG taxis, the Environmental Protection Department (EPD) had asked the two taxi manufacturers for Hong Kong to provide detailed data on the emission tests. As the data indicated, the two types of LPG taxis supplied by them emitted extremely low levels of respirable suspended particulates (RSP), while their nitrogen oxides emissions were relatively low, which are only 1% and 6% of those emitted by the diesel taxis which they manufactured. These two types of LPG taxis also emitted less carbon monoxide and hydrocarbon than diesel taxis. These data had been incorporated into the "LPG Taxis Trial Scheme Report" completed jointly by the Government and the taxi trade in July 1999.

RSP and nitrogen oxides are the major roadside air pollutants in Hong Kong. As the RSP and nitrogen oxides emissions of LPG taxis are significantly lower than those of diesel taxis — which is a very clear fact, so replacing diesel taxis with LPG ones can genuinely improve the roadside air quality. That said, LPG taxis, like other vehicles, require proper and regular maintenance to minimize their emissions.

As a long-standing practice, the EPD has been using roadside remote sensing devices to collect the emission data of petrol and LPG vehicles at different locations in Hong Kong in recent years, so as to find out their overall emission performances. In 2007, the EPD collected the emission data of 15 000 LPG vehicles. About 17% of LPG vehicles (mainly taxis) were found to have higher emissions than normal, particularly in respect of carbon monoxide, hydrocarbon and nitrogen oxides, which were believed to be caused mainly by aging parts and lack of maintenance of some vehicles.

To further reduce the overall emissions of LPG taxis, the most effective way is to figure out how vehicles with high emissions can be identified so that their owners can carry out proper repair.

The EPD has been studying the use of advanced roadside remote sensing devices for testing vehicles with excessive emissions. The study collected emission data of relevant local vehicles using roadside remote sensing devices, set emission standards for vehicles manufactured in different years, and developed convenient and reliable roadside remote sensing methods.

To ensure that the petrol and LPG vehicles so identified will be properly repaired and maintained, the EPD is also studying the feasibility of requiring these vehicles to undergo emissions tests using chassis dynamometers within a specified period. This testing method simulates on-road operation of these vehicles. Compared with testing a static vehicle, this method gives a better picture of a running vehicle's actual emission levels.

Based on the findings of the study, the EPD will formulate proposals to see how to test and tighten the control on the emissions of petrol and LPG vehicles by deploying roadside remote sensing devices and chassis dynamometers. We are planning to consult the trade on the proposals early next year.

In parallel, the EPD has been holding seminars for LPG taxi owners and the related maintenance trade so as to enhance their knowledge on proper maintenance of LPG vehicles. These seminars feature technical presentations by experienced instructors. Taxi drivers and owners are encouraged to have their vehicles inspected for emissions on the spot. If the inspection reveals any problem, technicians are there to explain the relevant maintenance requirements. Participants consider these talks helpful in enhancing their knowledge on maintenance of LPG vehicles. To tie in with the introduction of the new proposals, we plan to step up our efforts in this area so as to raise the trade's awareness of the problem of excessive emissions from LPG vehicles.

Surely, vehicle owners are duty-bound to carry out regular maintenance of their vehicles to ensure their good condition and smooth operation, which is also a protection of their personal interest and safety. We strongly believe by adopting a three-pronged approach, namely tightening control, promoting publicity work and protecting the personal interests of vehicle owners, emissions from LPG taxis can be further reduced, hence making improvements to our environment.

MS AUDREY EU (in Cantonese): *President, part (b) of my main question actually asks what else can be done to test vehicular emissions apart from the proposed deployment of roadside remote sensors and chassis dynamometers. As I have said, these two methods are still being considered and no decision has yet been made. Therefore, I asked in the main question what measures would be taken apart from the two options under consideration.*

President, as you can see, the Secretary's reply can actually be found in the last paragraph of the main reply, that is, seminars will be held. And yet, he dared not tell us the number of people or drivers who had attended these seminars. So, I believe the seminars were not very effective at all.

President, I wish to ask the Secretary again the question which I have originally raised in the main question. What measures will the Government take? For instance, will it consider stepping up prosecutions against taxis with high emissions? As the Secretary can see, the findings showed that 17% of the taxis were found to have high emissions, so will he consider stepping up prosecutions? This may induce the taxis drivers to carry out proper maintenance.

SECRETARY FOR THE ENVIRONMENT (in Cantonese): Madam President, I would like to thank Ms Audrey EU for her supplementary question.

At present, since emissions from LPG taxis are different from those of the ordinary diesel vehicles, as the former emits fewer RSP, we can no longer rely on the conventional method of detecting smoke by visual examination. Therefore, following the introduction of LPG taxis, alternative methods have to be tried, mainly the use of the so-called remote testing methods, to see if the level of emission exceeds the standard.

In this connection, just as Ms Audrey EU said, new methods will be introduced early next year with the use of new equipment and technologies. After discussion with the industry, the new methods being developed may probably be adopted in regulation and inspection. So, I believe the industry will definitely be consulted on the matter.

However, in addition to exercising regulation and setting standards, I think that promotion and education efforts should also be made, which include what I have just said, holding seminars for the trade, namely vehicle owners, drivers and the repairs and maintenance industry. I hope that the emission performance of LPG taxis will improve through this two-pronged approach.

PRESIDENT (in Cantonese): There are altogether nine Members waiting for their turns to put supplementary questions. Will Members who have the opportunity to put questions can be as concise as possible, so that more supplementaries may be asked by Members.

MS EMILY LAU (in Cantonese): *President, Ms EU's main question mentioned a research conducted by PolyU. I can see that as evident from the findings, pollutants emitted by LPG taxis without proper maintenance is tenfold that of taxis with proper maintenance, which is very alarming. Furthermore, the great majority of taxis running on the roads have been used for more than five years.*

The Secretary advised in the first paragraph of the main reply that the situation was pretty good at that time. May I ask the Secretary if he was aware of the fact that without proper maintenance, LPG taxis could be even worse than diesel taxis? Studies have been conducted by the Government only recently at a slow pace, so I wonder how long it will take to figure out how vehicles without proper maintenance can be identified. Just now, the Secretary did not cite the relevant statistics but only stated in the main reply that 17% of the taxis have high emissions. What we want to know is whether the situation is just as certain media has reported, the injection of \$700 million by the Government actually results in much worse air quality. Is this the case?

SECRETARY FOR THE ENVIRONMENT (in Cantonese): Madam President, insofar as Ms LAU's supplementary question is concerned, comparing

the original diesel taxis and the LPG ones, I think that the latter is absolutely more superior to the former in terms of the level of emission, especially the amount of RSP emission. While the amount of RSP emitted by LPG taxis is only negligible, it is rather large for diesel taxis. In terms of emission of such other pollutants as hydrocarbon and nitrogen oxides, the emission level is again lower than the conventional diesel taxis. Relevant statistics had been clearly set out when LPG taxis were introduced. Without proper maintenance, emissions will definitely increase for all vehicles and their efficiency will surely drop as a result. This applies whatever technology is adopted.

At present, like any other vehicles, LPG taxis also need regular maintenance. However, with the use of LPG, the pollutants emitted by them are different from that of ordinary diesel taxis, which can be visually inspected now. For this reason, a new remote testing technique must be introduced.

For the PolyU report mentioned by Ms LAU, we have all read it and the relevant newspaper reports. Also, comparison has been made with the academics who wrote the article concerned. If Members are interested, they may read the PolyU report on the Internet, in which two points have been clearly highlighted. Firstly, the findings confirm that replacing diesel taxis by LPG ones can effectively improve air pollution in the urban area. As I said earlier, this fully complies with the intent of introducing LPG taxis. Secondly, as pointed out in the report, given that vehicles will age, LPG taxis also need proper maintenance, or else the emission level will remain high. This bears testimony to our claim in this year's policy agenda that an initiative on LPG taxi emission will be developed early next year, whereby regulations on the testing techniques and standards will be made with a view to enabling us to be more effective in ensuring proper maintenance of LPG taxis in future, thereby avoiding further pollution caused by ageing vehicle parts. We are now working towards this end.

MISS CHAN YUEN-HAN (in Cantonese): *The research report released by PolyU has aroused the concern of drivers in the trade. As Members may recall, when the drivers were asked to switch to LPG taxis, they had expressed their grave concern that this day would come. In view of the fact that 17% of the LPG taxis running on the roads were found to have high and serious emissions, may I ask the Government if it has considered introducing some policies to help them? I find this necessary because when they were asked to switch to LPG*

taxis, government initiatives had been put in place to help them. Now that they are facing these problems, so what policy does the Government have to help them? I eagerly hope that the Government can think about this. The Government had made some undertakings when the drivers were asked to switch to LPG taxis, may I ask the Secretary if assistance will be provided to them in this regard?

SECRETARY FOR THE ENVIRONMENT (in Cantonese): Madam President, Miss CHAN Yuen-han's supplementary question mainly asks if there is anything that the Administration can do to help the LPG taxi drivers. Firstly, I think that all vehicle owners, be they owners of taxis, other public vehicles or private vehicles, are duty-bound to have their vehicles repaired, which is also necessary in their personal interest as regular maintenance is not only beneficial to the performance of vehicles, but to their safety and emissions as well.

I am also aware that, at present, people in the taxi trade have ensured regular maintenance of their vehicles. Yet, insofar as emission is concerned, since the emissions from LPG taxis and those of the old diesel taxis are different, the inspection method to be adopted may also vary. This is precisely the point under consideration. How can the relevant standard be set? Reference will be made to other countries of the world or the international standard. In my opinion, it is most imperative for the taxi owners to know that irregularities of their vehicles can be identified through normal maintenance. Improper maintenance of vehicles will, however, result in emissions well exceeding the standard, which would then be subject to our supervision. We are now working on this.

Even if there is a need to develop other incentives for LPG vehicles, I think that the time is not ripe now for we must consider how the inspection criteria can be set in the first place. After all, I believe the vehicle owners are duty-bound to do so as this concerns their own interests.

DR KWOK KA-KI (in Cantonese): *The Secretary's reply is indeed very disappointing because, in fact, apart from repeating what the Government is doing and the seminars that have been held, it seems that there was no mention of how LPG taxi owners can be encouraged to carry out regular maintenance of their taxis, which has defeated the original purpose.*

May I ask the Government if some concrete plans can be put in place in due course to induce those LPG taxis of poor maintenance to undergo regular inspections?

SECRETARY FOR THE ENVIRONMENT (in Cantonese): As I have said in my main reply and in response to other supplementary questions, I think that at present, all taxis, be it LPG ones or others, are required to undergo regular inspection given the annual inspections presently conducted by the Transport Department. However, since the majority of taxis currently running in Hong Kong have already switched to LPG taxis, the conventional inspection method must also keep abreast of the times such that alternative inspection methods can be adopted. Nonetheless, alternative methods can only be developed with the collection of relevant data and the formulation of standards.

However, I hope this will not lead Members to think that there is currently no method at all to test the emissions from LPG taxis. It is only because of the use of different parts and materials in LPG taxis that new methods must be adopted. In developing the new methods, the industry will certainly be consulted.

In this connection, like other vehicles, LPG taxis are subject to regulation and inspection, and their owners are also duty-bound to repair their vehicles as this is not simply a matter of compliance with government regulation, but also a matter of their personal interests.

MISS TAM HEUNG-MAN (in Cantonese): *Madam President, LPG taxis have very short lifespans, and will have to be written off within four or five years. In other words, they will be scrapped after being used for a short period of time. In that case, there is actually no incentive for the drivers to carry out proper maintenance of their vehicles with their own money. In view of this, what measures have been put in place in response?*

SECRETARY FOR THE ENVIRONMENT (in Cantonese): Madam President, I believe business vehicles are actually the drivers' tools for making money. For this reason, it is indeed the prime task of professional drivers or vehicle owners to ensure the smooth operation and safety of their vehicles for purposes of regulation compliance.

LPG taxis were only introduced in recent years and put on sale in the market in 1999, and they did not become popular in Hong Kong until 2002 and 2003. Surely, some LPG taxis are already worn out. As a result, the Government considered it necessary to adopt a new inspection method for emissions that can keep abreast of the times, with a view to ensuring that they meet the original intention of introducing LPG taxis. However, this does not obviate the need for vehicles to receive regular maintenance. Vehicle owners do have their part to play in ensuring the safe operation of their vehicles. I believe they are interrelated and complementary.

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

MISS TAM HEUNG-MAN (in Cantonese): *Madam President, my supplementary is: How does the Government respond to these LPG taxi drivers? These taxis will be prone to wear and tear after being used for four or five years, so what measures does the Government have to help them?*

SECRETARY FOR THE ENVIRONMENT (in Cantonese): As far as I understand it, there is no conclusion that LPG taxis are definitely more prone to wear and tear because 99% of the taxis in the market have switched to LPG taxis since the introduction of the conversion scheme in 1999.

After all, the degree of wear and tear of vehicles depends on their usage, the drivers' performance and various other factors. And yet, the requirements on emission will help the maintenance of vehicles. Should the emission of a vehicle suddenly exceed the required standard by a big margin, it probably indicates that its catalytic converter has failed to function properly. Timely tuning, repairs and maintenance of vehicles do not only help them comply with our emission requirement, they also help the owners to maintain their vehicles. So, just as I said earlier, both are interrelated and complementary.

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

Legislative Amendments to Sex Discrimination Ordinance and Disability Discrimination Ordinance

3. **MS EMILY LAU** (in Cantonese): *President, in February 1999, the Equal Opportunities Commission (EOC) submitted to the Chief Executive a number of proposals for amending the provisions of the Sex Discrimination Ordinance (SDO) and the Disability Discrimination Ordinance. The Home Affairs Bureau and the Health and Welfare Bureau responded in November 2000 that they had no objection in principle to some of the proposals put forward by the EOC. In this connection, will the executive authorities inform this Council:*

- (a) *whether they have undertaken preparatory work since November 2000 for introducing amendments to the aforesaid two ordinances; if so, of the details; if not, the reasons for that;*
- (b) *apart from making a provision in the Race Discrimination Bill to extend the coverage of unlawful sexual harassment in the SDO, whether the authorities have decided to legislate in respect of the other proposals to which they have no objection in principle; if so, of the details; and*
- (c) *whether they will introduce the relevant legislative amendments into this Council in the current Legislative Session; if so, of the details; if not, the reasons for that?*

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Madam President, in November 2000, we gave the Legislative Council Panel on Home Affairs the Administration's response to the proposals made by the EOC in 1999 for amending the SDO and the Disability Discrimination Ordinance. In that response, we stated clearly that while the Administration had no objection in principle to some of the proposals, the details and the impact of the proposals upon implementation needed to be further discussed and assessed in consultation with the EOC. At the same time, the Government also stated that it had reservations or had different views on the rest of the proposals. Moreover, some of the proposed amendments were considered not necessary.

The EOC's proposals and the Administration's initial response were discussed in detail at a subsequent meeting of the Legislative Council Panel on

Home Affairs in February 2001. At the meeting, members expressed their views and requested the Administration to reconsider its initial position on various issues. On this basis, the policy bureaux concerned had initiated follow-up actions to consider the approach for implementing the relevant proposals and the necessary legislative provisions for the amendments.

As regards the EOC's proposal to extend the statutory provisions against sexual harassment to additional areas, we will expand the scope of protection against sexual harassment in educational establishments by extending the definition of sexual harassment in the SDO to cover conduct which renders sexually hostile or intimidating the environment in which a woman works, studies or undergoes training, or carries out related or incidental activities. We have incorporated this proposed amendment to the SDO in the Race Discrimination Bill as the latter also deals with racial harassment in a similar manner. The Bill was introduced into this Council last December and is now under scrutiny.

As regards the other amendments proposed by the EOC, some may have read-across implications on other anti-discrimination ordinances and others may affect the operation of the Government or other organizations. We shall consider the most appropriate way for follow up after the enactment of the Race Discrimination Bill.

MS EMILY LAU (in Cantonese): *President, the proposals were made by the EOC in 1999 and then discussed in 2000, and a response was subsequently made by the Administration in 2001. During this period, TUNG Chee-hwa stepped down and Donald TSANG rose to power, and he is now in the second term. After nearly seven years of hustle and bustle, however, not even minor amendments have been made. Is there not a need to identify the inadequacies?*

President, regarding the proposed amendments in the bill, a Bills Committee meeting was just held this morning, during which members expressed divergent views on many fundamental issues and I have no idea what the discussion would unfold eventually. However, the EOC had expressed its wish to expand the scope of sexual harassment. Since we are unable to see the proposal now, President, what is it about then? While the existing SDO protects anyone from being sexually harassed by the provider of goods, services or facilities, the EOC queried if those service providers should be protected as well. President, who are they? For instance, air stewardesses or women

servicing customers in a pub. This is irreversible. Despite that the EOC has only made this single proposal, it was rejected by the Administration. After all these years, given that there are so many industries Now that an amendment is said to be proposed to another ordinance, but the Administration is still reluctant to proceed with it. Why?

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Madam President, after considering the EOC report a few years ago, we stated our policy position that legislative amendments would be followed up. Nonetheless, all legislative work of the SAR Government is prioritized. Just as Ms Emily LAU has mentioned in particular, the policy decision that a bill should be introduced was made by our former and incumbent Chief Executives a few years ago in the course of such work by the Government. In view of the fact that race discrimination is comparatively more important among the protection accorded to people who are more vulnerable to discrimination, priority has therefore been given to this area of work.

So far, the EOC's work pursuant to three anti-discrimination ordinances relating to family status, people with disabilities and sex discrimination has basically achieved the original policy objectives and the situation is now under control. Therefore, the new legislative work is only part of a gradual process.

Ms Emily LAU has mentioned specifically the proposal made by the EOC at that time on the need to protect the providers of goods, services and facilities, that is, the servers. We support it in principle and will continue to look for methods of implementation. At present, the proposed extension of the legislation to educational organizations has already been put in place by incorporating it into the bill. As for other amendments about which Ms Emily LAU has expressed concern, I believe follow-up actions will only be taken in conjunction with other legislative amendments to be made in future.

MR ALBERT HO (in Cantonese): *When I read through the papers, I noted that the then Secretary for Home Affairs and the then Secretary for Health and Welfare had actually clearly stated their policy position in November 2000. Just as the Secretary said, the Administration was willing to extend the scope of protection against sexual harassment in the SDO, for instance, to four other fields, which was very clear. Other policy positions were also set out.*

Today, seven years have passed, but the Government is still saying that follow-up actions are underway. Let me ask a question in a more concrete way. While the most difficult job is actually the formulation of a policy position, so once it is formulated, a series of actions like consultation should follow. Should the policy position remain unchanged after consultation, a report would then be submitted to the Executive Council suggesting, say, a timetable, and this would be followed by the submission of drafting instructions to the Department of Justice. May I ask which stage is the Administration presently up to after all these years? What has been done? How about its administrative efficiency? If it is said that an order of priority has been set, does it mean that this task ranks ninth or tenth on the list? Can the Secretary brief us on what has been done during all these years?

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Madam President, a few years ago, Home Affairs Bureau colleagues who are responsible for human right issues had focused on the preparatory work of the Bill. But then in the past year, the team shifted its focus to examining the bill together with members of the Bills Committee.

Insofar as the amendments to the SDO or the legislative amendments concerning the protection for people with disabilities are concerned, an ongoing study has been undertaken. Just as Mr Albert HO has said, Members were briefed on our basic policy position at that time, for instance, our stance on matters relating to the uniforms of the disciplined forces; the reservation of positions for men in the Police Tactical Unit, and the use of equipment and weapons in the disciplined forces has been clearly stated, and the matters will be followed up.

On the whole, we are now able to handle cases concerning sex and age discrimination in accordance with the existing legislation. Therefore, we still consider it our top priority to properly deal with the bill as it is a new policy area and a new legislative exercise, and it relates to the question of whether or not the ethnic minority groups in the community are protected. Efforts will first be made in this regard, and that is it.

MR ALBERT HO (in Cantonese): *Regarding the progress, has any plan or timetable been drawn up? The Secretary has not answered this part at all. According to the Secretary's reply, does it mean that they are not available?*

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Madam President, very often, our policy bureau is tasked to work on the policy area What is the impact of legislative amendments on our policy or administration? Meanwhile, which provisions or sections will be affected should there be a need to make legislative amendments? Studies have certainly been conducted. So, it is presently our top priority to properly deal with the bill.

MS EMILY LAU (in Cantonese): *President, according to the Secretary, there is no urgency to proceed with the matter. However, as some women's groups are gravely concerned about this, so I wish to raise the matter in this Council today and convey a message to the Secretary that it is urgent.*

Apart from the issues relating to the disciplined forces mentioned earlier, if we look at Schedule 5 of the SDO President, I wonder if you have heard of a provision concerning the giving of preferential treatment to widows of officers who remain unmarried and are of good character. This is a regulation concerning the welfare of widows of officers of the Auxiliary Police Force. What is it about? It provides that widows of officers who died in the course of duty will be given preferential treatment. But when will they receive such treatment? As long as they remain unmarried or are of good character, otherwise, they are not entitled to such treatment. The EOC questioned if there is any wrong with this provision. Women receive poor treatment simply because of an outdated mindset and stereotyping, resulting in unnecessary and unfair treatment to them. But, so far, the Administration still refuses to address this outdated regulation. All the abovementioned regulations relating to the Police Force and Auxiliary Police Force are indeed outdated, so are certain exemptions in Schedule 5.

President, I believe we will have to wait for at least another seven years. Seven years after seven years, I really think that the Administration is much too lax. So, I have to reprimand the Secretary on behalf of many people, including the women's groups.

PRESIDENT (in Cantonese): Ms Emily LAU, I failed to catch what actually you wished to ask.

MS EMILY LAU (in Cantonese): *President, I asked him why nothing had been done. Mr HO even went so far as to say that the Secretary should be reprimanded. However, whether or not he is giving an answer*

PRESIDENT (in Cantonese): What actually do you wish to ask?

MS EMILY LAU (in Cantonese): *..... apparently, something must be dealt with. However, he has said time and again that priorities have been set and the matter was therefore left unattended, even after seven years*

PRESIDENT (in Cantonese): You need only tell me what your supplementary question is. Secretary, please answer.

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Madam President, despite that you have asked Ms LAU again what her supplementary question is, but I still fail to hear very clearly what she said. Yet, I will try to answer it anyway.

MS EMILY LAU (in Cantonese): *My supplementary question is: Why was the matter left unattended for so long?*

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): My reply is that the relevant case and reports were examined as soon as I took over the job five months ago, and discussions also held with my colleagues. If Members can render their support to me in the next few months and turn the bill into an ordinance, follow-up actions will be taken to see how other ordinances can be amended.

The views expressed by Ms LAU and Mr HO over the past few years have surely been put on record, but I can assure Members that my Bureau colleagues and I, together with the old team previously placed under the Home Affairs Bureau but is now deployed to my Bureau, have been very proactively dealing with the necessary tasks over the past few years.

As regards the pensions granted to widows of police officers as mentioned by Ms LAU, we certainly know that proposals were made by the EOC in its original report, but our policy position had been clearly stated when the Home Affairs Bureau was tasked to handle the matter. We have no objection in principle to this proposed amendment but, after all, there are priorities for all legislative exercises.

PRESIDENT (in Cantonese): We have spent more than 15 minutes on this question. Last supplementary question.

MR ALBERT HO (in Cantonese): *If it is the priorities, as claimed by the Secretary, that is attributable to the lack of a timeframe for this legislative amendment, it demonstrates that the Government has not attached great importance to the improvement of human rights.*

Today, we definitely have sufficient resources to expedite such an important task. Given that there are so many experts in the EOC, they can take the initiative to proceed with the drafting work and then leave the final decision to the Department of Justice. There is no reason why this is not feasible.

The purpose of raising this question today is to ask the Secretary to make an undertaking on how much longer we will have to wait. Will it be one year or two years, or another seven or even 10 years? Can the Secretary give such an undertaking?

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Madam President, I think that the supplementary question raised by Mr Albert HO have to be dealt with from two perspectives. Firstly, the EOC has a statutory role, and it has reviewed these ordinances, examined how amendments should be made and reported on the matter. Its recommendations and stance are therefore very clear.

Secondly, follow-up actions will be taken jointly by our Bureau colleagues and the Law Draftsman of the Department of Justice. While the EOC, being a statutory body, has its own role to play, the SAR Government, being an

executive body, also has its responsibilities. Law drafting and policy formulation are, after all, the duties of the executive, which cannot be transferred to the EOC.

Given that our policy position was already clearly stated a few years ago, follow-up actions will surely be taken. As to the questions of when the drafting of the bill will be completed and enacted as law, and when the internal examination of the proposed policy will be completed so that amendments can be made to the other two ordinances, the answers do not lie solely in the SAR Government as the number of months required to complete the bill has yet to be confirmed. Therefore, I can only tell Mr Albert HO that we will continue to pursue the matter in accordance with the established policy position.

MR ALBERT HO (in Cantonese): *The Secretary can interpret my supplementary question as how much longer we will have to wait until the completion of the bill. Can the Secretary give me an undertaking on this? The Secretary should not tell me again how much time is required to complete the bill. What I wish to ask is how much time is required to complete the necessary amendment on completion of the bill?*

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

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Madam President, we have undertaken to follow up another process of work on completion of the bill.

PRESIDENT (in Cantonese): Fourth question.

Investigations on Media Organizations Conducted by Police

4. **MR CHEUNG HOK-MING** (in Cantonese): *President, it has been reported that the police conducted an investigation on the Oriental Press Group on the 1st of this month, and pointed out that as a member of the public had sent an e-mail to a police station complaining about an article entitled "Don't reason*

with the treacherous gang, just bash them up" published by the Sun of the Group last year, the police had therefore asked the Group to provide information about the writer concerned and the mechanism for scrutinizing such kind of articles. In 1999, the police also conducted an investigation into a similar case involving the Group. In this connection, will the Government inform this Council:

- (a) in the past three years, of the number of cases in which the police took follow-up actions in response to the complaints they received through e-mail, and the number of complaints the Government had received which concerned contents of newspaper articles or reports involving criminal violence;*
- (b) whether the police were concerned about the above complaint and took follow-up actions because the complainant is a public figure; if not, how the police verified the identity of the complainant to ascertain that such a person had lodged the complaint and conducted the investigation accordingly; and whether the police, in conducting their investigation, had at the same time considered the above complainant's act of lodging the complaint more than a year after the article had been published; and*
- (c) whether it has assessed if the police had infringed freedom of the press in exercising their power to investigate the media organization in the above case and the impact of such action on freedom of the press and the international image of Hong Kong?*

SECRETARY FOR SECURITY (in Cantonese): Madam President,

- (a) E-mail addresses are available on the websites of the Hong Kong Police Force to facilitate members of the public to provide information on general crimes and cyber crimes. In the past three years, the number of reports and complaints about crimes received through these e-mail addresses is as follows:**

<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007 (January to October)</i>
1 574 cases	1 422 cases	4 173 cases	23 544 cases

Regardless of whether a report or complaint is received through e-mail or other means, the police will carry out an initial assessment, and collect background information if necessary, before deciding whether and how it should be followed up. The police have not kept statistics on the number of cases among the abovementioned reports and complaints for which they have taken follow-up action. Nor do they keep separate statistics on complaints regarding articles or reports in newspapers involving violent content.

- (b) As a general rule, the police handle reports and complaints received in accordance with the abovementioned established procedure, irrespective of whether the complaint is made anonymously and whether the complainant or complainees is a public figure. Even if the report or complaint is made to the police after a period of time has lapsed following the incident, the police are duty-bound to carry out an initial assessment based on the information available to determine whether and how follow-up action should be taken.
- (c) Article 27 of the Basic Law protects residents' freedom of speech and freedom of the press. The SAR Government respects and upholds these rights.

As always, the police uphold the freedom of the press and of speech strictly in accordance with the law. They handle cases involving reports or complaints against the mass media in a prudent manner. At the same time, for any suspected breach of the law, the police have an obligation to give serious and impartial consideration to taking follow-up action in accordance with law. The police visited the media organization concerned with a view to obtaining its co-operation in providing background information for an initial assessment. There was absolutely no intention on the part of the police to infringe the freedom of the press. The procedure of collecting background information in the context of the incident concerned has not infringed the freedom of the press as protected by the Basic Law.

MR CHEUNG HOK-MING (in Cantonese): *President, I think part of the answer in the main reply is not quite clear. I hope the Secretary may clarify it briefly.*

In part (b) of the main question, it is asked "whether the police were concerned about the above complaint and took follow-up actions because the complainant is a public figure"? The Secretary has not answered this. Moreover, I asked "if not, how the police verified the identity of the complainant", for the complaint was lodged through e-mail?

SECRETARY FOR SECURITY (in Cantonese): Madam President, in the main reply, I mentioned that "irrespective of whether the complaint is made anonymously and whether the complainant or complainees is a public figure", we must handle the complaint in accordance with the established procedure and law. We have all along been proud of this approach, for administration in Hong Kong is effected according to law. Regarding this case, the police have actually contacted the complainant, but as stipulated by the ordinance on privacy, we cannot disclose the detailed information.

PRESIDENT (in Cantonese): There are altogether eight Members waiting for their turns to put supplementary questions. Will Members who have the opportunity to put questions please be as concise as possible in order to enable more Members to ask supplementary questions.

MR TAM YIU-CHUNG (in Cantonese): *President, in the last part of the main reply, it is mentioned that "there was absolutely no intention on the part of the police to infringe the freedom of the press". However, under the current practice, the police requested the media organization to provide the information of the writer concerned. Was it because the police lacked the political sensitivity or that they were careless in performing their duties that they would consider taking such action? Which explanation does the Secretary consider fits the case better?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, as stated in the main reply, the action taken this time merely aimed to collect certain background information. We had no intention to search the newspaper publisher or request it to surrender any information. At that time, we only wished the organization concerned would co-operate with the police and provide some background information to us, so that we could carry out an initial assessment and consider whether a case should be opened for follow-up action.

We absolutely had no intention, or as claimed by others, to search or force the media organization to surrender any information. The SAR Government has indeed done a lot to protect the freedom of the press. Adequate protection for press information has been provided comprehensively under Part XII of Chapter 1 of the relevant legislation. If the police intend to investigate a media organization or request it to surrender certain information, they must act in accordance with the established statutory procedure in taking follow-up actions. Actually, in this respect, the Security Bureau has also issued guidelines to the police. Therefore, in handling investigations on media organizations or requests for the provision of information, the police have always acted in an extremely prudent manner. For this reason, I disagree with the remark of Mr TAM Yiu-chung that we have been a bit careless about this.

MR WONG KWOK-HING (in Cantonese): *President, in part (c) of the main reply, it is mentioned that "the police visited the media organization concerned with a view to obtaining its co-operation in providing background information for an initial assessment." The Secretary said that the visit was an operation which aimed to seek the co-operation of the organization. Was it because the organization was not co-operative that the police had to visit it to impose pressure, and to infringe and impair the freedom of the press and the freedom of speech de facto? May I ask the Secretary to explain whether this so-called visit will be carried out in an across-the-abroad manner to all media organizations being complained? Or is such practice targeted only at the Oriental Press Group or the Sun? Was it because the relevant organization was not co-operative that the police had to pay the visit?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, not a word was said in the main reply that certain individuals were not co-operative, and the police were only handling the case in accordance with the usual procedure. When we receive complaints or reports, an initial assessment will be carried out and background information must be gathered. In the course of gathering background information, the complainant or the complainees will definitely be contacted. If we have to contact the complainants or the complainees, we will contact them by making phone calls or by other means, or we may meet with them or visit them. I think this is entirely reasonable and sensible. Besides, the main reply did not say that the visit had been paid because someone had been unco-operative.

MR WONG KWOK-HING (in Cantonese): *President, the Secretary has not answered whether the so-called visit would be made in respect of all complaints. He has not answered this part of my supplementary question.*

SECRETARY FOR SECURITY (in Cantonese): *Madam President, it is mentioned in the main reply that it is the general practice to carry out an initial assessment upon the receipt of complaints and background information will be gathered if necessary to decide whether follow-up action should be taken. Every case is handled according to this procedure. As for the specific follow-up actions or considerations to be taken, these will certainly be determined the situation. In other words, the making of phone calls or visits to make enquires varies from case to case. However, in general, as I have said earlier, we must gather background information.*

MR WONG KWOK-HING (in Cantonese): *President, the Secretary has still not answered: Will visits be paid in all complaints? For in part (c) of the main reply*

PRESIDENT (in Cantonese): *You have already asked your question, please be seated. Secretary for Security, please reply.*

SECRETARY FOR SECURITY (in Cantonese): *Madam President, I think I have already answered Mr WONG Kwok-hing's supplementary question, that is, we were mainly collecting background information. Certainly, there are lots of ways to collect background information and one of them is to visit the party concerned. If certain background information can be collected without paying a visit, we definitely do not have to do so. Am I right?*

MRS SELINA CHOW (in Cantonese): *President, we all know that the freedom of the press and the freedom of speech are values most treasured by the people of Hong Kong. As such, all of us are quite sensitive to and will resist any action which seems to infringe such freedom. It was mentioned in the main reply that an initial assessment would first be carried out and background information would be gathered if necessary. However, the article now under discussion is an article expressing opinions which involve no actual fact. The collection of*

information would be unnecessary, for the article, which content poses no threat to social security, and so on, is after all an article expressing opinions. May I ask the Secretary of the reason for, for an article which expresses opinions, it being considered necessary after the initial assessment to "raid the place", visiting the newspaper publisher to gather information? President, to visit a newspaper publisher is a very sensitive move, so why did the police have to do so? Given the likelihood that it would be misunderstood for conducting a search and imposing pressure, why did the police still take such unnecessary action?

SECRETARY FOR SECURITY (in Cantonese): Madam President, first of all, I hope the Member will not misunderstand one point, that is, regarding the complaint mentioned in the main reply, no official classification has been made so far. On the contrary, the police are only trying to seek the co-operation of the media to assist the initial assessment. I completely disagree with Mrs Selina CHOW's remark that the police were "raiding the place" or imposing pressure. Naturally, I am not in the position to give details of any specific case, for I consider it a bit inappropriate to give a detailed account of a specific case during Question Time as in a debate. However, I reiterate that the SAR Government and the police have all along given the utmost respect to and upheld the freedom of the press. However, at the same time, we have to ensure another aspect, that is, the police must handle every complaint in accordance with law and the established procedure.

MRS SELINA CHOW (in Cantonese): *President, the Secretary has not answered my supplementary question. The Secretary said that an initial assessment had been conducted, but since the target was an article expressing opinions, why did the police have to gather information and even pay a visit to collect information to cause a misunderstanding? I did not say that "raiding the place" was the purpose of the action taken by the police, but doing so would make people misunderstand that the police were "raiding the place" or imposing pressure.*

SECRETARY FOR SECURITY (in Cantonese): Madam President, I would like to reiterate that I cannot give a detailed account of any individual complaint here as in a debate. My reply ends here.

MRS SELINA CHOW (in Cantonese): *President, I am not asking about that case now. I am asking about the initial assessment mentioned in the main reply. Take an article expressing opinions as an example, which is very common. With regard to articles expressing opinions, will the police visit the relevant organization and request it to provide information in every case?*

SECRETARY FOR SECURITY (in Cantonese): *Madam President, if I continue to answer this supplementary question, I will have to assess the content of the article, which will surely touch on the investigation of the case.*

MR ALBERT CHAN (in Cantonese): *President, the whole incident has given people an impression that the police were very careless and hasty. One of the most important points was that paying a visit to a newspaper publisher to seek their co-operation was regarded by the police as a so-called initial assessment. On this basis, did the police have adequate legal grounds to carry out this type of investigation? The Secretary said that it involved the so-called established procedure. However, when it comes to certain important issues, particularly some sensitive issues, will the police seek legal advice before conducting primary investigations or requesting the party concerned to assist the investigation? If there is no such procedure, will the Government conduct a review? If a case involves the freedom of press, which is a very sensitive and important subject, will the police seek legal advice before conducting primary investigation? Otherwise, it will result in similar careless action which gives people the impression that the freedom of the press is being infringed. Will the Secretary review the established procedure currently in practice and examine whether there are serious inadequacies which will lead to the so-called misunderstanding in the present case?*

SECRETARY FOR SECURITY (in Cantonese): *Madam President, first of all, I do not agree with Mr Albert CHAN's remark that the police have acted carelessly in the operation this time. As I said in the main reply, the police always act in accordance with the laws of Hong Kong and the established procedure. If the police take action to gather information upon the receipt of complaints, I believe every law-abiding citizen in Hong Kong should co-operate with the police. The police have exactly handled the entire incident in this way. The police will definitely seek the instruction of the Department of Justice when*

necessary to determine the follow-up action to be taken. In other words, when it involves some legal issues, the police surely will seek instructions from the Department of Justice. With regard to the several complaints received by the police in this October, the police conducted some information collection work according to the established procedure. But in this incident, advice was not sought from the Department of Justice at that time.

MR ALBERT CHAN (in Cantonese): *President, I think the Secretary has utterly sidestepped my question. If a citizen complains to the police that the Secretary has stolen his watch and the watch is placed in the Secretary's home, will the police not go to the Secretary's home to investigate whether the stolen watch is there? It is impossible. Now, I am asking about the established procedure, for the police do not seek legal advice in dealing with sensitive issues. The way this incident was handled has obviously exposed this inadequacy. Will the Secretary review the so-called established procedure to examine whether legal advice should be sought in respect of incidents similar to the present case, which involves sensitive issue? I think a review should be conducted.*

SECRETARY FOR SECURITY (in Cantonese): Madam President, with regard to the example cited by Mr CHAN, if someone said I had stolen his watch, I would not object to the police interrogating me or collecting some background information. But for entering my home premises to carry out a search, it is definitely a further action and not the collection of information. Certainly, as I said earlier, the police have put in place an established procedure, and under certain circumstances, instructions from the Department of Justice will be sought.

PRESIDENT (in Cantonese): This Council has spent more than 19 minutes on this question. We will now proceed to the fifth question.

Chief Executive's and Principal Officials' Involvement in Electioneering Activities

5. **MR MARTIN LEE** (in Cantonese): *Regarding the District Council (DC) election on 18 November and the ongoing Legislative Council Hong Kong Island geographical constituency by-election, will the Government inform this Council:*

- (a) *given that some DC election candidates have printed on their promotion banners and leaflets their photos taken with Principal Officials, whether the Chief Executive and Principal Officials have authorized any candidates to do so; if they have, of the list of candidates who have been authorized; if not, whether it will draw up measures to prevent candidates from misleading, by so doing, members of the public into thinking that they have the backing of Principal Officials to stand for the election;*
- (b) *whether the Chief Executive and the Principal Officials have participated in any candidate's electioneering activities during the DC election and since the beginning of the Legislative Council by-election nomination period; if they have, of the details; and*
- (c) *of the number of Legislative Council by-election candidates who have requested to meet with Principal Officials so far and whether they have all been received by the officials concerned; if not, of the reasons for that?*

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

- (a) The Chief Executive and the Principal Officials have not given consent to any candidate running for the 2007 DC election or the Legislative Council Hong Kong Island geographical constituency by-election (the Legislative Council by-election) to use their pictorial representation as an indication of their support for the purpose of promoting the candidate's election.

There are detailed provisions in the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) regarding the use of pictorial representation of a person in election advertisement. Under section 27 of the Ordinance, any candidate who publishes, or authorizes the publication of, an election advertisement that includes a pictorial representation of a person in such a way as to imply, or to be likely to cause electors to believe, that the candidate has the support of the person, engages in illegal conduct at an election, unless the person has consented in writing to the inclusion of the pictorial representation before the publication of the election advertisement.

This issue is also elaborated in the Guidelines on Election-related Activities. For example, under paragraph 17.10 of the Guidelines on Election-related Activities in respect of the District Council Election, to minimize misunderstanding, if an election advertisement carries a photograph of the candidate attending an activity with other attendees, a caption specifying the particular nature of the event could be added underneath the photograph in such a way that will not imply, or likely cause electors to believe, that the candidate has the support of the other people appearing in the photograph. If the photograph is likely to cause electors to believe that the candidate has the support of the other people appearing in the photograph, it is advisable that prior written consent of support should be obtained by the candidate.

In planning their election advertisements, candidates should follow the abovementioned legislation and guidelines. Any person who is of the view that the Guidelines on Election-related Activities or the electoral legislation have been breached may lodge a complaint with the Electoral Affairs Commission or the relevant authorities.

- (b) The Chief Executive and the Principal Officials have not participated in the electioneering activities of any candidate running for the 2007 DC election or the Legislative Council by-election.
- (c) Regarding the requests of Legislative Council by-election candidates to meet with the Principal Officials, the Government considers that such meetings, if held, would be part of the Principal Officials' engagement with the public. We have already made it clear that we will ensure parity of treatment for all candidates in the by-election. If the schedules of the Principal Officials permit, meetings with the candidates could be arranged. To ensure equal treatment, Principal Officials who decide to meet with a candidate should also accede to similar requests from other candidates in the by-election.

MR MARTIN LEE (in Cantonese): *Madam President, at the early stage of the Legislative Council by-election, the Secretary met with a candidate, Mrs Regina IP, in a high profile and the relevant government department even released a*

picture of the meeting later on. Consequently, the Secretary was queried by various quarters. Can the Secretary inform this Council whether the meeting was due to a moment's impulse, careful consideration or an instruction of some people? Besides, in view of the trouble caused to the Secretary and other high-ranking officials, does he feel regret for having had that meeting?

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Madam President, as at 20 November 2007, a total of four candidates in the Legislative Council by-election requested to meet with the Principal Officials. In handling the requests, we have adhered to the principle of parity of treatment. In the past, as we handled the requests according to the principle of parity of treatment and fairness, we only gave audience to their views on our policy areas. We consider such arrangement entirely appropriate.

MR MARTIN LEE (in Cantonese): *Has he had the meeting due to a moment's impulse, careful consideration or instruction of some people?*

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): In Mr LEE's question, there are three adjectives which contain some unnecessary presumption. In handling the requests, we should basically consider two factors: first, whether such meeting is in line with our policy areas because we wish to hear more views; second, whether we have sufficient time and space to have meetings with all the eight candidates within a few weeks. This is a very practical consideration.

MR JAMES TO (in Cantonese): *The Secretary has in fact not answered part (a) of the main question and that is, whether measures will be drawn to prevent candidates from misleading members of the public. The reason is that two thirds of a banner of a candidate of the Yau Tsim Mong DC election shows a picture depicting him being on a site visit with a Secretary, and one half of the picture is his photo with Secretary TSANG Tak-sing.*

I would like to ask the Government a two-tier question: First, did the Government have advance knowledge that the photo would be used for such purpose? Will the Government tacitly agree or make advance arrangement for

using that photo for such purpose? If the Government is unaware of it, will the Government make a statement for clarification and request that the photo or banner be withdrawn when there is wide coverage by the media that there is such an unfair situation in order to ensure that the public will not be misled?

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Madam President, the Guidelines on Election-related Activities in respect of the DC Election are issued by the Electoral Affairs Commission (EAC) which has laid down a very clear principle which is contained in paragraph 17.10 of the Guidelines mentioned by me just now. Here perhaps I should repeat it. Candidates would invariably like to show their past activities by printing photos on their election advertisements. However, on receipt of such election advertisements, electors may think that the people appearing in the photos are giving support to the candidates concerned. To minimize misunderstanding, for instance, if an election advertisement carries a photo of the candidate attending an activity with other attendees, a caption specifying the particular nature of the event could be added underneath the photo

In fact, as Principal Officials, we often attend public functions and this also applies to people of any party background or any political affiliation. We, as public figures — we are Bureau Directors and you are Honourable Members — will often be photographed by the others such as the press or other attendees of such public occasions. The most important thing is that we should adhere to a principle, that is, if any photo is printed on any election advertisement, there should be a caption specifying the activity so that the electors will make their own judgment.

MR JAMES TO (in Cantonese): *Just now the Secretary answered that the EAC or the Registration and Electoral Office may enforce the regulation. But my supplementary question just now is: When the officials know that the public may be misled, will they make clarification or take any other measures to ensure that the public will not be misled? I ask what will be done by the officials rather than what will be done by the EAC. The Guidelines just read out by the Secretary is only matters prohibited by the EAC and circumstances in which complaints can be made. This is another matter. Regarding the officials, they cannot avoid being photographed with other people. But if their photos are widely used in such a way that the public may be misled, what will they do?*

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Madam President, the legislation on the electoral system of Hong Kong is introduced by the Government and the enactment of such legislation is decided by Members. After an election has been arranged on this legal basis, the EAC, as an independent statutory organ, will ensure that our elections are conducted in a fair, open and honest manner in accordance with the legislation and its guidelines. If we, as Principal Officials, think that our photos have been misused, we have to, like any other people, lodge a complaint to the EAC which will then follow up the case. We all highly respect our electoral system and we will act in accordance with the EAC's guidelines.

MR LEE WING-TAT (in Cantonese): *President, I would like to ask a supplementary question about part (c) of the main reply, that is, concerning the requests by the candidates of the 2007 Legislative Council by-election to meet with the Principal Officials. This question has been discussed once in the Constitutional Affairs Panel. If I remember it correctly, Secretary LAM then said that this was a brand new arrangement only applicable to this session. We, having joined the Legislative Council for a period of time, feel that such a policy is very strange. What I mean is that there should be continuity in policies and once a policy has been adopted, it should be implemented in the next session. May I ask the Secretary whether he will insist that the meeting is one-off, meaning that there was no such meeting in the past and there will be none in the future? This point will be recorded in the record of proceedings of the Legislative Council. What kind of policy is this? Is this very peculiar?*

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Madam President, I did discuss this issue with Mr LEE Wing-tat and other Members in the Constitutional Affairs Panel. I have reiterated time and again that the Principal Officials or the accountable Bureau Directors of the SAR Government will fully comply with the guidelines for the Accountability System for Principal Officials and the guidelines issued by the EAC. Under our collective decision, if a Bureau Director has met with a candidate of the Legislative Council by-election, room should be made for meeting with the others. I think this is in line with the prevailing electoral guidelines that we should comply with. In the future, as I have said, for full elections of the DCs or the Legislative Council in which there will be hundreds of candidates, we

believe it is impossible to have such time and room to meet with so many candidates. So I think the arrangement this time around is in line with our codes of practice and relevant guidelines.

MR LEE WING-TAT (in Cantonese): *He has not answered my supplementary question. I have only one question and that is: Whether the arrangement is one-off, meaning that there was no such arrangement in history and there will be none in the future. There may be by-elections in the future and possibly there may be seven candidates, will the same arrangement be made again? The number of people involved is not too large. This is the point I wish to ask, President.*

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): *Madam President, no matter now or in the future, we will act in accordance with the guidelines for the Accountability System for Principal Officials and the guidelines issued by the EAC.*

MR FREDERICK FUNG (in Cantonese): *President, the example just cited by Mr James TO is precisely the supplementary question I wish to ask. Another candidate in the same constituency who is also the opponent of the candidate mentioned by Mr James TO — I have to declare that he is a member of the Hong Kong Association for Democracy and People's Livelihood (ADPL) — took a photo when an inspection was made of the district. A District Officer was accidentally caught in it. The District Officer participated in the event with him because he was an incumbent member at that time. The District Officer was standing behind him and accounted for a very small proportion of the photo while he accounted for the main part of it which was then printed on a poster. As the District Officer was also the Returning Officer of the district responsible for the electoral matters, he disallowed the use of the photo. Although the poster had been printed, we were not allowed to use it. On the contrary, the photo of the candidate from the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) taken with the Secretary was allowed to be posted everywhere. May I ask the Secretary why this is so? Will the Secretary make an investigation into the case? But they have prohibited us from using it*

PRESIDENT (in Cantonese): Please sit down after asking the question. If you remain standing, I do not know whether I should call upon the Secretary to answer it.

MR FREDERICK FUNG (in Cantonese): *OK.*

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

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Madam President, I believe the District Officer mentioned by Mr Frederick FUNG has also acted in accordance with the guidelines issued by the EAC. The most important point is that regardless of the constituency of the candidates, if they have to publish these photos, they should add a caption specifying the specific nature of the activity. Regarding the warning issued by the District Officer in accordance with the guidelines, it is made in his judgment according to the guidelines in his capacity as the Returning Officer and District Officer of the district.

MR FREDERICK FUNG (in Cantonese): *President, the Secretary has not answered my supplementary question. My question is: Will an investigation on different treatment to different parties be conducted? This is my supplementary question.*

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Madam President, to conduct any investigation in accordance with the guidelines is the responsibility of the EAC. It is not the responsibility of the executive authorities.

DR KWOK KA-KI (in Cantonese): *President, just now I heard the Secretary say that there is an established policy. May I ask the Secretary whether the established policy includes an instruction to the District Officer that affinity differences should prevail? In other words, if some candidates are favoured by*

the Government, even big photos are allowed. But concerning some parties which kept at an arm's length with the Government, including the ADPL mentioned by Mr FUNG, should be dealt a serious blow so that the people concerned are not allowed to post these photos, not to mention being elected. Is this the established policy of the Government?

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Madam President, Dr KWOK has once again twisted the reply of the executive authorities. I did not mention any established policy nor did I mention that there were different established arrangements and approaches towards different parties. The established policy that really exists is our legislation and the guidelines issued by the EAC. The guidelines should be complied by all, regardless of whether he is the District Officer, a Member or a Principal Official. If there is any individual case which is considered a violation of the guidelines, the proper channel should be a follow-up by the Commission. But I have to reiterate that I believe our District Officers are very professional and fully respect our electoral laws and the guidelines of the EAC.

DR KWOK KA-KI (in Cantonese): *My supplementary question is very clear. Because it is also mentioned in the main reply and the Secretary also considers it not problematic. So, my question is: Is affinity difference or favour towards certain candidates the established policy of the Government?*

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

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Madam President, in my main reply, I have made it clear that the guidelines of DC elections should be observed whenever a party or candidate wishes to display banners in the relevant district or publish election advertisements. So, in paragraph 17.10, candidates are particularly reminded that when election advertisements carrying these photos are published, there should be a caption specifying in what activity these photos are taken in order to avoid misunderstanding. In the main reply, I have reiterated the principle and the relevant regulation behind the guidelines.

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

MR LEE CHEUK-YAN (in Cantonese): *President, regarding the Legislative Council by-election, the Secretary has time and again reiterated that the guidelines for Principal Officials will be observed. Such guidelines are very clear, under which the Principal Officials can participate in the election activities according to their different affinity with different parties. This is entirely allowed. However, it is clearly provided in the guidelines that public resources should not be used for participation in these election activities. After meeting with a Principal Official, Mrs Regina IP has drawn benefit from it. In view of this, the Principal Official then said that other candidates will receive parity treatment. This has indicated that this is an election activity. Otherwise, parity of treatment is unnecessary. As parity of treatment is necessary, then this is an election activity. If it is proved that this is an election activity, the Secretary should consider whether public resources, or his working hours, have been spent in the conduct of this meeting. If public resources have been spent for participation in an election activity, he has violated the guidelines for Principal Officials. If so, the Chief Executive should do something. Will the Secretary submit a report to the Chief Executive that a Principal Official has violated the guidelines? There are two possibilities, and one of them is that they are required to*

PRESIDENT (in Cantonese): Have you asked your supplementary question? You need not advise the Secretary what to do. If you wish to give him advice, you may move a motion debate in the Legislative Council in the future. Please sit down and let the Secretary answer it.

MR LEE CHEUK-YAN (in Cantonese): *I am going to advise him that the meeting time should be treated as private time so that affinity differences can be applied.*

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Madam President, Mr LEE Cheuk-yan has again tried to make a presumption on other presumptions by playing the game of "layer on layer". He, first of all, assumed that this is an election activity and then assumed that we

have used public resources in electioneering. All these presumptions are groundless.

First, when handling the candidates' requests to meet with us, we decided to adopt the practice of parity of treatment in order to specifically indicate that there are no affinity differences.

Second, during these meetings, we gave audience to the views about our policy areas. These are not vote canvassing activities and therefore do not involve the use of any public resources for the electioneering of these candidates.

Third, after meeting with Regina IP on 8 October, I was asked about this by the media and I explained clearly the SAR Government's position. I said that if other candidates of the Legislative Council by-election wished to meet with any relevant Bureau Directors, we would make appropriate arrangements.

Fourth, the Chief Executive and the team of Principal Officials were all aware of the arrangement and the decision. As there is no question of conflict with the guidelines for the Principal Officials, it is not necessary to report to the Chief Executive.

PRESIDENT (in Cantonese): Last oral question.

Non-civil Service Contract Staff in Professional Grades

6. **MISS TAM HEUNG-MAN** (in Cantonese): *Earlier, some accountants employed by the Government on non-civil service contract (NCSC) terms reflected to me that, when comparing them with accountants in the Civil Service in the same department, the situation of different pay for the same work is serious. Such persons have also pointed out that the shortage of accounting professionals in recent years has pushed up the market pay quite rapidly. However, their pay rise this year has not only failed to catch up with that in the market, but is also lower than that for civil servants. In this connection, will the Government inform this Council:*

- (a) *of the respective numbers of civil servants and NCSC staff in the professional grades (for example, lawyers, accountants and engineers and so on) in various government departments at present;*

- (b) *following last year's review, whether the Government will conduct another review of the current employment situation of NCSC staff and consider converting more or even all NCSC positions in the professional grades to civil service posts, so as to enhance the job stability of such professionals and boost their morale; and*
- (c) *whether the Government will, in the light of the situation of an increasingly serious shortage of talents in the market, consider granting more substantial pay increases to NCSC staff in the professional grades in order to retain talents?*

SECRETARY FOR THE CIVIL SERVICE (in Cantonese): Madam President, the NCSC Staff Scheme, introduced in 1999, provides Heads of Bureaux, Departments and Offices (hereafter referred to as HoDs) with a flexible means to employ staff to complement the Civil Service for meeting service needs which are time-limited, or short-term, or 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. In short, unlike civil servants, NCSC staff are not part of the permanent civil service establishment.

As the respective purposes and circumstances for employing civil servants and NCSC staff are different, they have distinctive employment packages and pay adjustment mechanisms. Given the nature of the NCSC Staff Scheme, HoDs are given the authority to determine the employment package for their NCSC staff most suited to their operational needs, subject to two broad guiding principles, namely the terms and conditions of service for NCSC staff should be no less favourable than those provided for under the Employment Ordinance, and no more favourable than those applicable to civil servants in comparable civil service ranks or comparable levels of responsibilities. The pay for NCSC staff should not exceed the mid-point salaries of comparable civil service ranks or civil servants undertaking comparable levels of responsibilities.

With this brief explanation on the policy concerning the NCSC Staff Scheme, my replies to the specific questions are as follows:

- (a) As at 1 July 2007, there were 5 941 civil servants in various civil service professional grades, which are defined as grades requiring membership of a professional institution or equivalent as an entry

requirement. As for NCSC staff performing duties comparable to civil service professional grades, the number stood at 954. A breakdown of the numbers by job categories is set out in the Annex.

- (b) The Civil Service Bureau, jointly with bureaux and departments, conducted an in-depth and thorough review of the employment situation of NCSC staff last year, and reported the outcome of the review to the Legislative Council Panel on Public Service in December 2006. The review identified some 4 000 NCSC positions undertaking duties that should more appropriately be performed by civil servants, of which some 200 positions involved work comparable to civil service professional grades. Concerned bureaux and departments are taking action to replace these 4 000-odd NCSC positions by civil service posts in phases. We do not see a need to conduct another review.
- (c) Having regard to the nature of the NCSC Staff Scheme, HoDs are given the discretion to determine the employment package for their NCSC staff, including whether pay adjustments should be offered and the level of adjustments. HoDs can review and adjust as necessary the pay for NCSC staff, having regard to considerations including condition of the employment market, recruitment results, staff retention needs, and so on. The current mechanism therefore already provides HoDs with the necessary flexibility to set the appropriate pay level for their NCSC staff, including professional staff, having regard to the situation of the employment market.

Annex

Number of civil servants by professional grades and
number of NCSC staff performing duties comparable
to civil service professional grades
(Position as at 1 July 2007)

<i>Professions</i>	<i>No. of civil servants</i>	<i>No. of NCSC staff</i>
Accounting, Auditing, Finance and Taxation	951	97
Architectural and related	287	36
Building Surveying	196	259

<i>Professions</i>	<i>No. of civil servants</i>	<i>No. of NCSC staff</i>
Civil Engineering	1 260	121
Electrical & Mechanical, Electronic and Building Services Engineering	618	93
Estate, Land and Valuation Surveying	423	72
Geotechnical and Structural Engineering	558	96
Legal	418	51
Maintenance Surveying	135	12
Marine and Navigation	110	4
Medical and Dental	529	81
Quantity Surveying	140	14
Telecommunications Engineering	52	7
Town Planning	247	8
Veterinary	17	3
GRAND TOTAL:	5 941	954

MISS TAM HEUNG-MAN (in Cantonese): *The Secretary's reply, in fact, has revealed a serious problem, which is the phenomenon of different pay for the same work, and that the workload of NCSC staff is heavier than that of comparable civil service ranks. As such, will this phenomenon not deal a blow to staff morale? Moreover, will this continue to have a negative impact on services for the public?*

SECRETARY FOR THE CIVIL SERVICE (in Cantonese): *Madam President, insofar as the provision of services to the public is concerned, for instance, whether people find government services satisfactory, or whether they have complaints against a particular government service, I have not received any complaint about a government service, which is not up to the appropriate level of public expectation, because it is provided by a NCSC employee.*

With regard to Miss TAM's question on different pay for the same work, I wish to stress that we are now talking about two different types of government employees. We set individual employment package for each type of government employees. In fact, the situation of different pay for the same work

exists even within the civil service team. The reason is simple. The civil service team also needs to keep abreast with the times. The employment package for each generation of civil servants may thus be different from that of their previous generation. Let me cite a simple example. Colleagues who joined the Civil Service in or after June 2000 do not have a pension system, while those who joined the Civil Service before June 2000 are entitled to a pension scheme. Hence, if the employment terms or conditions of service of all government employees have to be exactly the same, it is very likely that we have not made any progress from the 1950s and 1960s.

The crucial point is that we have to evaluate whether the current employment terms and conditions for NCSC employees can recruit candidates required by individual departments to provide the service. To date, according to my observation, the present NCSC Staff Scheme is, generally speaking, operating smoothly; and HoDs are given with the authority to adjust, having regard to a series of factors, the pay level of NCSC staff when necessary.

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

MISS TAM HEUNG-MAN (in Cantonese): *No. I asked in the beginning of my question whether the phenomenon of different pay for the same work will deal a blow to staff morale. The Secretary has not answered this part of the question.*

SECRETARY FOR THE CIVIL SERVICE (in Cantonese): Morale is a value very difficult to quantify. As Secretary for the Civil Service, I certainly care not only about the morale of civil servants, but also the morale of NCSC staff. If morale is linked to job performance, my reply just now has actually provided the answered. In other words, I do not find services provided by NCSC staff unacceptable to the public, nor do I find any major difficulties encountered by HoDs in retaining NCSC staff. If there is a causal relationship between staff morale and the willingness to stay as NCSC employees, I should be able to find a problem of retaining staff as reflected in the objective and scientific data in this regard, but I do not see any major problem in retaining NCSC staff.

MS LI FUNG-YING (in Cantonese): *The Secretary mentioned in part (c) of main reply that HoDs are given the discretion to determine the employment package for their NCSC staff, including whether pay adjustments should be offered, the level of adjustment, and so on. May I ask the Secretary, if the departments do not have additional resources, what assistance will be rendered to them in securing additional resources for pay adjustment?*

SECRETARY FOR THE CIVIL SERVICE (in Cantonese): Madam President, Ms LI Fung-ying has raised a very valid supplementary question. We will not provide additional resources to a department which has proposed to increase the salaries of its NCSC staff. However, I can assure Ms LI that the NCSC Staff Scheme was introduced in 1999 and, according to the experience in the past eight years, HoDs did make pay adjustments every year and some were upward adjustments incurring additional expenditure. Nevertheless, in the past eight years, no department has reflected to me that it could not increase the pay of its NCSC staff because of inadequate resources. Take this year as an example, we have collated some information Madam President, I have undertaken to submit a paper to the panel concerned next month detailing the status of pay adjustment of NCSC staff under major departments employing such staff in 2007. I believe Members can see from the paper that there was no department which could not offer pay increment to its NCSC staff because of financial reasons.

MR LEUNG KWOK-HUNG (in Cantonese): *Secretary Denise YUE stated that the situation of different pay for the same work exists also in the Civil Service; thus, as compared with civil servants, NCSC staff should accept the situation of different pay for the same work. The Secretary also pointed out in the second paragraph of the main reply that the pay for NCSC staff should not exceed the mid-point salaries of comparable civil service ranks or civil servants undertaking comparable levels of responsibilities. I wish to ask the following supplementary question: Does the government policy — as she is the Secretary of a Policy Bureau — encourage the situation of different pay for the same work? This is the first point I wish to ask her. Moreover, why should the pay of NCSC staff not exceed the mid-point salaries of civil servants undertaking comparable levels of responsibilities? Why? If she prefers, she can answer both of these two supplementary questions; or she can just answer either one of them.*

SECRETARY FOR THE CIVIL SERVICE (in Cantonese): Madam President, as an employer spending public money, we, the Government is duty-bound to use public money in the most effective manner, and we are also duty-bound to examine from time to time changes in the local employment market. If we hold that the recruitment terms and conditions of government employees should be revised, we, instead of rigidly saying that we cannot introduce any changes because we have been using this set of terms or conditions for government employee recruitment in the past, will need to revise them. If we all hold that the current approach is not right, we should then keep abreast of the times and introduce changes when necessary.

We have two approaches. The first approach is that when changes are introduced, we revise also the entire remuneration package and employment terms of in-service colleagues to make them exactly the same as those of the new recruits. In this way, the situation of different pay for the same work will not arise; but at the policy level, we hold that we should respect the spirit of contract. At recruitments, we will set out clearly the employment terms, and the employee should consider carefully the set of employment terms before joining the government service. We hold that, whether the employee is a civil servant or a non-civil servant, if we unilaterally revise their employment terms at recruitment to accommodate the new employment terms of a new generation of employees, this violates the spirit of contract. Precisely for this reason, we do not revise the employment terms of in-service employees when any revision is made, and thus resulted in, in Members' view, the situation of different pay for the same work.

Regarding the second supplementary question raised by Mr LEUNG Kwok-hung, that is, why the pay of NCSC staff cannot exceed the mid-point salaries of comparable civil service ranks, there is in fact a reason for it. Generally speaking, there is a pay scale for each civil service grade. A small pay scale generally carries eight to 10 increment points, while a large scale, which some grades have, carries 20 or 25 increment points. Whether a civil servant can progress to the next increment point is subject to his or her performance in a year. Civil servants have a pay scale because the Civil Service is a permanent establishment. I hope every civil servant when he or she enters government service will take it as a career for life and will remain in service until retirement at the age of 60. This is, however, not the case for

NCSC staff. Their employment is subject to a time limit. Generally speaking, they are employed under a one-, two- or three-year contract. It is thus difficult for their salaries to reach the mid-point salaries of comparable civil service ranks. This is the reason.

MR LEUNG KWOK-HUNG (in Cantonese): *President, she did not answer my supplementary question.*

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

MR LEUNG KWOK-HUNG (in Cantonese): *She has not answered my first supplementary question. I asked the Government whether it encourages different pay for the same work, but she spoke for a long time without answering the question. I think she is right in saying that the Government is*

PRESIDENT (in Cantonese): Do not comment on her reply because Question Time is not for Members to make comments. You said she has not answered your first question, but

MR LEUNG KWOK-HUNG (in Cantonese): *No, she has not. Why has she not answered the question? Is It*

PRESIDENT (in Cantonese): You need not explain. You have to understand that just now you put two supplementary questions. You said that you would let the Secretary choose how to reply and she could choose to answer either one of the

MR LEUNG KWOK-HUNG (in Cantonese): *In fact, she has not even answered the second supplementary question, just that I have not pointed it out.*

PRESIDENT (in Cantonese): Do not get entangled in whether it is the first or the second supplementary question. As you hold that she has not answered both of the supplementary questions, you had better ask the question again.

MR LEUNG KWOK-HUNG (in Cantonese): *She can choose to answer either one of them. Regarding the second supplementary question, she has explained the reason for not exceeding the mid-point salaries of comparable civil service ranks or responsibilities*

PRESIDENT (in Cantonese): This is her explanation. Which part of your supplementary question has she not answered?

MR LEUNG KWOK-HUNG (in Cantonese): *She has not answered why it has to be set like that. She has not answered the question, except saying that some of them were employed on a permanent basis and some were not, and it was set so to distinguish between permanent and non-permanent staff; but she did not explain why it had to be set at the mid-point salary. She only explained the reason for the distinction.*

PRESIDENT (in Cantonese): So you do not accept her explanation, do you?

MR LEUNG KWOK-HUNG (in Cantonese): *No.*

PRESIDENT (in Cantonese): You find her explanation unreasonable?

MR LEUNG KWOK-HUNG (in Cantonese): *No. She really has not answered the question. She only explained the reason for the distinction, but she did not answer why it "should not exceed" the mid-point salary. I am right in saying that she has not answered both of the supplementary questions.*

PRESIDENT (in Cantonese): Please sit down first. Secretary for the Civil Service, do you have anything to add?

SECRETARY FOR THE CIVIL SERVICE (in Cantonese): Madam President, I believe the Honourable Member may not accept my answer, but I hold that I have already answered both of his questions. I have nothing to add.

PRESIDENT (in Cantonese): We have spent more than 20 minutes on this question. Oral questions end here.

WRITTEN ANSWERS TO QUESTIONS

Apportioning of Expenditures for Construction of School Premises, Academic Buildings and Student Halls

7. **MR CHEUNG MAN-KWONG** (in Chinese): *President, regarding the expenditures for the construction of school premises, academic buildings and student halls for local tertiary institutions, secondary and primary schools, will the Government inform this Council:*

- (a) of the parties responsible for meeting the above expenditures, broken down by the mode of subvention of the schools and level of their curricula, and which of these items involve government loans;*
- (b) in respect of each item in (a), of the respective total amounts of expenditures, loans granted, interests paid and principals repaid in respect of each school year since 2000; and*
- (c) of the vetting and approving criteria, terms of repayment and the mechanism for setting interest rates where such expenditures involve government loans?*

SECRETARY FOR EDUCATION (in Chinese): President, the Government supports, in various forms, the construction of school premises and student hostels for local primary and secondary schools and tertiary institutions as appropriate. My replies to the above questions in respect of primary and secondary schools and tertiary institutions are set out below.

(a) Forms of assistance: Subvention/Loans

Primary and secondary schools

The Government provides capital assistance for the construction of primary and secondary school premises. The School Building Programme of the Education Bureau comprises the following school categories:

- (i) government schools;
- (ii) aided schools;
- (iii) Direct Subsidy Scheme (DSS) schools; and
- (iv) private independent schools (PIS).

For government schools, aided schools, and DSS schools built by the Government, the Government will fund the construction of school premises and provide standard teaching facilities in accordance with approved Schedules of Accommodation. Student boarding facilities are not provided (except for the cases of special schools). If the school sponsoring bodies (SSBs) wish to include non-standard facilities in the school building projects concerned, the costs related to those facilities have to be borne by the SSBs. For individual DSS school projects and all PIS projects delivered by the SSBs through their consultants, the Government provides capital assistance to the SSBs at an amount not exceeding the cost for the construction of a standard public sector school accommodating the same number of students.

Separately, under the existing policy, the English Schools Foundation schools which receive recurrent subvention from the Government may apply for a one-off capital assistance in the form of a capital grant, the amount of which should not exceed the cost for building a standard public sector school accommodating the same number of students. Up to 50% of the capital grant may be converted into an interest-free loan, with the size of the loan set at a sum at which the notional compound interest foregone equals to the

amount of the capital grant to be converted. Non-profit-making international schools may apply for a government loan to build or expand its school premises. Details are outlined in part (c) below.

Self-financing post-secondary institutions

The Government set up an interest-free Start-up Loan Scheme with a commitment of \$5,000 million in 2001. Self-financing post-secondary institutions (including local universities offering self-financed post-secondary programmes) may apply for interest-free loans under the Scheme to cover relevant expenses for building, purchasing or renting premises.

University Grants Committee (UGC)-funded institutions and self-financing universities

The construction of campuses and teaching buildings of the eight UGC-funded institutions are primarily supported by the Government's capital subvention under the annual Capital Works Programme. In addition, some capital works projects are financed by other funding sources secured by the institutions themselves. As regards construction of student hostels, under the existing hostel policy, the Government will finance up to 75% of the construction costs through the Capital Works Programme, with the institutions financing the remaining 25% with their own sources of funding.

Self-financing universities have to meet the construction costs of their facilities. That said, the Government will consider, upon application, the granting of sites at reduced or nominal premium and the provision of one-off grants to support the long-term development of self-financing, non-profit-making private universities, subject to funding availability and demonstration of genuine needs.

(b) Amounts of subvention/loan

Primary and secondary schools

A breakdown of funding approved (in million of dollars) under the School Building Programme by types of schools during the legislative years from 2000-2001 to 2006-2007 is as follows:

<i>Legislative Year</i>	<i>Government (\$ million)</i>	<i>Aided (\$ million)</i>	<i>DSS (\$ million)</i>	<i>PIS (\$ million)</i>	<i>Total Funding Approved (\$ million)</i>
2000-2001	103.9	2,149.6	129.1	-	2,383.2
2001-2002	-	1,606.1	1,212.7	172.5	2,991.3
2002-2003	-	1,351.7	295.7	191.6	1,839.0
2003-2004	-	702.6	807.8	216.9	1,727.3
2004-2005	-	73.9	85.4	386.6	545.9
2005-2006	221.8	577.7	105.6	137.0	1,042.1
2006-2007	-	724.4	81.2	228.6	1,034.2

As funding was approved by the Finance Committee (FC) of the Legislative Council, the above breakdown is based on the legislative year of approval and is not recast into information presented in terms of academic years. During the said period, the Government has not granted any funding or loan to schools operated by the English Schools Foundation or international schools for the construction of school premises.

Self-financing post-secondary institutions

The expenditures, loans granted, interest paid and principal repaid (in million of dollars) in respect of each academic year since 2000 are as follows:

<i>Academic Year</i>	<i>Expenditures (\$ million)</i>	<i>Loans Granted (\$ million)</i>	<i>Interests Paid</i>	<i>Principal Repaid (\$ million)</i>
2000-2001	-	-	Interest-free	-
2001-2002	41.0	472.1		-
2002-2003	265.5	1,251.2		-
2003-2004	282.4	346.1		-
2004-2005	442.6	1,431.6		47.2
2005-2006	499.2	32.4		47.2
2006-2007	1,045.3	-		47.2

UGC-funded institutions

The amount of public funding approved (in million of dollars) by the FC of the Legislative Council to support capital works projects of UGC-funded institutions under the Capital Works Programme in respect of each academic year since 2000 is as follows:

<i>Academic Year</i>	<i>Amount of Funds Approved by the FC (\$ million)</i>
2000-2001	647.7
2001-2002	853.2
2002-2003	498.9
2003-2004	105.6
2004-2005	280.3
2005-2006	-
2006-2007	-
2007-2008 (up to November 2007)	343.3

- (c) For loans granted by the Government, the vetting and approving criteria, terms of repayment and the interest rates are as follows:

<i>Types of Institutions</i>	<i>Vetting and Approving Criteria</i>	<i>Terms of Repayment</i>	<i>Interest Rate</i>
Self-financing post-secondary institutions	<p>Under the Start-up Loan Scheme, applicants must be non-profit-making institutions which provide self-financing, full-time, accredited post-secondary programmes leading to a qualification at or above the level of higher diploma, associate degree and professional diploma.</p> <p>The scheme provides short-term and medium-term loans, subject to the respective loan ceilings per student.</p> <p>The Secretary for Education will consider the loan applications on the advice of an independent Vetting Committee. Applications exceeding \$15 million would be submitted to the FC of the Legislative Council for approval.</p>	The loan must be repaid by equal annual instalments within 10 years from the date of final drawdown.	Interest-free
International schools	<p>School operators must be non-profit-making. In assessing the application, the Administration will consider the demand for the places to be provided by the subject international school, and whether the building design and facilities will be able to satisfy the teaching needs of the school.</p> <p>Applications are submitted to the FC of the Legislative Council for approval. In general, the size of the loan for school building should not exceed the cost for building a standard public sector school accommodating the same number of students.</p>	The loan should be repaid by 120 instalments in 10 years.	Interest-free

Foreign Domestic Helpers with Criminal Records

8. **MISS TAM HEUNG-MAN** (in Chinese): *President, I have recently received a complaint from a member of the public alleging that some foreign domestic helpers (FDHs) who had been convicted of breaking the law in Hong Kong, after returning to their places of origin, applied to come to work in Hong Kong again using another identity, in order to avoid the Hong Kong Government's rejection of their applications. The member of the public also pointed out that certain terms in the standard employment contract between an employer and a FDH are inconsistent with the relevant provisions in the Employment Ordinance (Cap. 57). In this connection, will the Government inform this Council whether it will consider:*

- (a) *requiring FDHs to provide fingerprints for processing and approving their visa applications so as to facilitate verification against relevant government records, thereby preventing FDHs with criminal records in Hong Kong from obtaining work visas using another identity; if it will, of the details of implementing the relevant measures; if not, the reasons for that;*
- (b) *amending the relevant legislation to stipulate that only people with no criminal records in Hong Kong will be granted work visas; if it will, of the specific details of the work in amending the relevant legislation; if not, the reasons for that; and*
- (c) *reviewing the above standard employment contract and making appropriate amendments to enable the terms contained therein to be consistent with the requirements in the Employment Ordinance; if it will, of the details of the work in conducting the relevant review and making the amendments; if not, the reasons for that?*

SECRETARY FOR SECURITY (in Chinese): **President, our consolidated reply to the question is as follows:**

- (a) **At present, applicants of visa permit for entry into Hong Kong, including FDHs, are required to make a declaration to the Director of Immigration as to whether they have changed their names before and whether they have been refused entry into, deported or removed from, or required to leave Hong Kong. They are required to**

inform the Immigration Department (ImmD) if they have changed their names. Any person who knowingly and wilfully makes a statement or gives information which he/she knows to be false or does not believe to be true commits an offence under the Immigration Ordinance (the Ordinance) and is liable on conviction on indictment to a fine of \$150,000 and to imprisonment for 14 years. Any relevant visa or entry permit issued shall be invalidated. In processing and approving visa or entry permit applications, the ImmD will conduct in-depth investigation into suspected cases, such as verifying the identity of an applicant with the overseas authorities concerned.

Furthermore, under existing requirements, any person (including FDHs) staying in Hong Kong for more than 180 days has to apply to the ImmD for an identity card and has his/her fingerprints recorded. If FDHs are suspected of furnishing false information about their identity, the ImmD may, for the purpose of criminal investigation, use the fingerprints to further verify the identity of the relevant persons.

- (b) In processing applications for entry into Hong Kong, the ImmD will take into account, *inter alia*, whether the applicants satisfy the requirement of having no known adverse record. The ImmD will consider and decide each application on a case-by-case basis. If adverse records (including criminal records) are found, an application will normally be rejected. As section 11 of the Ordinance has already provided a legal basis for the ImmD to deny entry of such person to Hong Kong, there is no need for legislative amendments for the purpose of processing these applications.
- (c) The Employment Ordinance (Cap. 57) applies equally to local and migrant workers, including FDHs. Employment of FDHs, who are lower-skilled imported workers, is further governed by the "Employment Contract (For A Domestic Helper recruited from abroad)" (the Contract). This is to ensure that these helpers and their employers will have a clear understanding of the terms and conditions of the employment before the helpers arrive in Hong Kong and the employment relationship commences. Such terms include, amongst other things, the need for employers to provide FDHs with free passage from their place of origin and return

passage upon expiry or termination of the Contract and free accommodation. The Contract serves to protect the helpers from exploitation on the one hand, and safeguard the employer's interest in respect of his/her contractual rights and responsibilities on the other. Against this background, the Administration considers that this arrangement of having a standard Contract strikes a reasonable balance between the interests of employers and employees.

Funding for and Donations Received by Public Hospitals

9. **DR KWOK KA-KI** (in Chinese): *President, will the Government inform this Council:*

- (a) *of the respective funding provisions for and donations obtained from the community by each of the following hospitals in each of the past five years:*

	<i>Funding provisions allocated by the hospital cluster concerned</i>	<i>Total amount of donations received</i>	<i>Respective amounts of the five largest donations received</i>
<i>Pamela Youde Nethersole Eastern Hospital (PYNEH)</i>			
<i>Ruttonjee Hospital (RH)</i>			
<i>Queen Mary Hospital (QMH)</i>			
<i>Queen Elizabeth Hospital (QEH)</i>			
<i>United Christian Hospital (UCH)</i>			
<i>Tseung Kwan O Hospital (TKOH)</i>			
<i>Yan Chai Hospital (YCH)</i>			
<i>Caritas Medical Centre (CMC)</i>			
<i>Princess Margaret Hospital (PMH)</i>			
<i>Kwong Wah Hospital (KWH)</i>			
<i>Prince of Wales Hospital (PWH)</i>			
<i>North District Hospital (NDH)</i>			
<i>Alice Ho Miu Ling Nethersole Hospital (AHMLNH)</i>			
<i>Pok Oi Hospital (POH)</i>			
<i>Tuen Mun Hospital (TMH)</i>			

- (b) *whether the Hospital Authority (HA) has issued any guidelines on the usage of donations by hospital clusters and hospitals within their purview; and*
- (c) *as some doctors have relayed to me that public hospitals are presently required to pass all the donations they have raised to their respective hospital clusters for reallocation, whether the Government is aware of this arrangement and whether it has assessed if the arrangement will hamper the desire of people in the community to make donations?*

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

- (a) The HA delivers services through its seven hospital clusters. It allocates the funding provisions received from the Government to its seven hospital clusters and the Hospital Authority Head Office (HAHO). The HA allocates the provisions mainly based on the consideration of factors such as individual clusters' service demands, service development, operational needs of existing facilities, and so on. Funding provisions allocated by the HA to the hospital clusters from 2003-2004 to 2006-2007 are set out in Annex 1. Details of the total amount of donations and the five largest donations received by the HA's hospitals are set out in Annex 2.
- (b) The HA has issued internal guidelines and rules to all hospitals, clearly specifying that all hospitals must ensure that all donations received are utilized in strict accordance with the instruction and intention of their donors. In cases where the donors have not given any written instruction on the use of their donations, the donations will be used to subsidize the day-to-day operation of the hospitals. The deployment of donations is subject to scrutiny by the HA's in-house and external auditors to ensure that they are used in accordance with the instruction of the donors and the procedures are also in compliance with the HA's guidelines and rules.

- (c) The HA fully takes into account the instruction and intention of the donors in its deployment of donated funds. Unless the donors clearly specify that their donations are to be given to the HAHO or other specific cluster/hospital, there is no need for a hospital to submit the donations it receives to the HAHO or its hospital cluster for reallocation.

Annex 1

**Funding provisions allocated by the HA to hospital clusters
from 2003-2004 to 2006-2007**

<i>Hospital clusters</i>	<i>2003-2004 (\$ billion)</i>	<i>2004-2005 (\$ billion)</i>	<i>2005-2006 (\$ billion)</i>	<i>2006-2007 (\$ billion)</i>
Hong Kong East	3.03	3.06	3.01	3.00
Hong Kong West	3.58	3.35	3.22	3.21
Kowloon Central	3.86	3.79	3.69	3.74
Kowloon East	2.76	2.72	2.65	2.70
Kowloon West	6.51	6.33	6.18	6.21
New Territories East	4.72	4.57	4.44	4.46
New Territories West	3.36	3.29	3.26	3.30
Total	27.82	27.11	26.45	26.62

Remarks:

- As the seven hospital clusters were established in phases from late 2002 to mid-2003, the HA can only provide data collected since 2003-2004.
- Apart from allocating the funding provisions from the Government to hospital clusters, the HA also allocates funding provisions to the HAHO for subsidizing expenditures arising from corporate administration, information technology, legal services, and so on.
- The funding provisions above do not include the provisions for capital works, capital non-works and minor works projects.
- The funding provisions for 2004-2005 and 2005-2006 were lower than that for the previous year mainly because the Government made corresponding adjustment to the funding provisions for the HA in view of the civil service pay cut and the reduced operating expenses to deliver efficiency savings by the HA.

**Total amount of private donations and the respective amounts of the
five largest private donations received by the HA's hospitals**

	2002-2003		2003-2004		2004-2005		2005-2006		2006-2007	
	Amount of private donations received in the year (\$)	Respective amounts of the five largest private donations received (\$)	Amount of private donations received in the year (\$)	Respective amounts of the five largest private donations received (\$)	Amount of private donations received in the year (\$)	Respective amounts of the five largest private donations received (\$)	Amount of private donations received in the year (\$)	Respective amounts of the five largest private donations received (\$)	Amount of private donations received in the year (\$)	Respective amounts of the five largest private donations received (\$)
PYNEH	7,568,000	2,100,000	5,636,000	1,126,000	6,545,000	3,155,000	9,917,000	2,080,000	10,169,000	1,220,000
		1,027,000		788,000		532,000		2,000,000		1,000,000
		839,000		411,000		300,000		1,000,000		813,000
		386,000		300,000		245,000		880,000		717,000
		200,000		283,000		230,000		500,000		600,000
RH	14,942,000	11,082,000	2,263,000	350,000	16,500,000	14,481,000	3,652,000	1,005,000	3,587,000	1,296,000
		1,072,000		327,000		1,023,000		732,000		537,000
		482,000		152,000		186,000		574,000		368,000
		200,000		100,000		100,000		200,000		118,000
		196,000		80,000		80,000		122,000		100,000
QMH	13,922,836	3,000,000	11,537,715	2,000,000	32,569,902	25,000,000	38,108,502	15,000,000	24,220,848	4,000,000
		665,000		1,000,000		1,000,000		7,500,000		3,375,000
		500,000		1,000,000		1,000,000		3,000,000		2,846,774
		355,780		575,550		1,000,000		1,430,000		1,000,000
		240,000		500,000		250,000		1,191,324		1,000,000
QEH	2,654,420	952,500	6,473,851	1,000,000	7,008,847	2,068,000	3,573,301	696,000	10,281,889	6,000,000
		350,000		830,000		1,000,000		242,460		483,600
		100,000		802,500		600,000		200,000		426,983
		140,599		514,800		532,440		150,000		221,710
		75,570		238,485		420,495		125,000		201,448
UCH	3,736,103	1,000,000	3,476,450	400,000	2,924,008	738,261	3,379,091	999,960	6,344,595	1,233,460
		800,000		295,000		510,000		500,000		762,987
		150,000		160,921		204,560		400,000		678,632
		144,500		111,745		198,000		300,000		499,310
		100,000		110,000		136,000		168,790		376,745
TKOH	148,532	18,000	682,145	89,400	208,569	30,000	90,741	30,000	47,273	5,000
		15,000		72,846		10,000		25,000		4,000
		10,000		65,625		7,000		3,115		3,171
		10,000		52,800		7,000		3,115		3,115
		5,432		48,118		7,000		3,115		3,115
YCH	3,153,462	2,000,000	2,101,670	833,960	710,506	215,904	2,494,769	969,750	817,355	318,951
		391,690		200,000		135,503		600,000		274,990
		262,833		163,993		50,000		500,000		162,020
		196,733		152,870		30,750		177,921		58,500
		92,056		134,320		30,000		158,885		50,000
CMC	4,116,769	1,155,146	14,169,553	7,000,000	6,223,707	3,000,000	7,831,423	5,500,000	4,743,004	3,000,000
		630,000		1,600,000		666,150		871,000		754,995
		379,839		794,000		638,059		364,250		500,000
		318,768		782,000		553,370		320,000		100,000
		312,677		606,233		299,555		125,000		57,536

	2002-2003		2003-2004		2004-2005		2005-2006		2006-2007	
	Amount of private donations received in the year (\$)	Respective amounts of the five largest private donations received (\$)	Amount of private donations received in the year (\$)	Respective amounts of the five largest private donations received (\$)	Amount of private donations received in the year (\$)	Respective amounts of the five largest private donations received (\$)	Amount of private donations received in the year (\$)	Respective amounts of the five largest private donations received (\$)	Amount of private donations received in the year (\$)	Respective amounts of the five largest private donations received (\$)
PMH	1,794,849	360,421 100,000 87,237 35,802 30,000	3,840,000	500,000 500,000 300,000 100,000 50,000	3,412,878	738,012 480,000 150,000 50,000 40,000	2,056,821	480,000 101,100 100,000 80,000 58,000	2,579,765	150,000 150,000 60,000 50,000 20,000
KWH	19,696,000	17,426,000 102,000 80,000 70,000 60,000	45,673,186	43,397,000 150,000 150,000 76,000 60,000	39,861,065	37,635,000 324,000 100,000 80,000 50,000	49,953,153	47,922,000 124,000 66,000 50,000 40,000	37,820,866	35,728,000 84,000 80,000 73,000 50,000
PWH	4,760,300	992,485 970,000 440,000 597,626 273,000	14,105,831	7,172,695 730,000 514,000 476,500 421,832	1,213,296	768,700 130,000 117,600 90,000 49,250	5,882,312	2,705,428 974,305 445,200 250,000 194,100	3,717,842	935,000 500,000 400,000 259,378 250,000
NDH	385,371	73,086 70,000 50,000 20,125 10,000	390,628	61,878 50,000 20,000 20,000 20,000	165,690	70,000 30,000 12,937 12,800 11,000	3,261,770	300,000 300,000 300,000 255,927 200,000	1,227,024	300,000 255,927 150,000 150,000 50,000
AHMLNH	9,836,554	2,738,346 629,330 297,638 248,000 228,393	4,142,447	460,200 298,800 246,600 232,820 181,170	522,757	80,000 60,492 50,000 49,980 31,875	878,149	300,000 159,036 76,093 49,982 20,000	445,542	179,775 100,000 58,047 30,000 14,800
POH	217,533	30,000 30,000 20,000 14,000 12,000	5,846,391	5,000,000 400,000 30,000 30,000 15,930	5,194,113	5,000,000 30,000 30,000 30,000 15,765	5,612,995	5,000,000 240,000 100,000 30,000 30,000	6,137,900	5,000,000 867,411 100,000 30,000 30,000
TMH	3,798,425	738,000 229,608 200,810 180,000 175,125	10,313,669	3,805,980 3,325,902 916,750 160,080 157,080	2,823,676	1,000,000 400,000 80,000 79,386 70,000	5,562,137	2,150,500 625,000 469,400 300,000 280,000	3,643,858	625,000 65,000 50,000 36,000 26,820

Remarks:

1. The private donations include cash or resources (converted to equivalent cash value) donated by private individuals, organizations or companies.

Language Used in Demand Notes Issued by Government

10. **MR ALBERT CHAN** (in Chinese): *President, recently, I have received complaints from members of the public that the names and addresses of the payers on the demand notes issued by some government departments (for*

example, the Water Supplies Department (WSD)) are in English only. Some members of the public who do not understand English could not verify, upon receipt of such notes, whether the payers' names and addresses were correct and made the payments, but found out subsequently that the names and addresses printed on the notes were not theirs, which caused them great inconvenience. In this connection, will the Government inform this Council:

- (a) among the demand notes issued by the Government in the past three years, of the percentage of those with payers' names and addresses printed in English only, as well as the names of the government departments involved; and*
- (b) whether it will consider issuing demand notes printed only in Chinese to all recipients, except for a minority of the recipients who do not understand Chinese; if so, of the details; if not, the reasons for that?*

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Chinese): President,

- (a) Currently, the names and addresses of the payers on the demand notes issued by most government departments can be printed out in either English or Chinese. However, there are a few government departments that can only issue demand notes to payers with English names and addresses due to constraints of their computer systems. These departments include the WSD, Student Financial Assistance Agency (payers' names can be printed in Chinese on the demand notes but addresses in English only), Immigration Department, Hongkong Post, Marine Department, Office of the Telecommunications Authority, Office of the Commissioner of Insurance and Land Registry.**

In the past three years, the number of demand notes with the names or addresses of the payers printed in English only constitutes about 38% of the total number of demand notes issued by government departments. Most of them are issued by the WSD. The WSD is enhancing its computer system to enable the printing of Chinese names and addresses on their demand notes. It is expected that the project will take about 18 months to complete.

- (b) Other than the government departments mentioned in part (a) above, members of the public in general can select the language of names and addresses to be printed on the demand notes. There are practical difficulties in ascertaining whether a payer can understand Chinese or not. We will remind all government departments to use both languages or the language selected by the payers on the demand notes issued by them.

Retention of Non-local Students to Work in Hong Kong upon Graduation

11. **DR DAVID LI:** *President, regarding measures to be taken by the Government to attract non-local students and bring young, new and high quality talents to Hong Kong, will the Government inform this Council:*

- (a) *of the number and percentage of non-local students who took up employment in Hong Kong upon graduation from local tertiary institutions in the total number of non-local graduates in each of the past five years, and the number of those who remain in Hong Kong at present;*
- (b) *whether it has conducted any study to find out the reasons for non-local students choosing to leave Hong Kong after graduation and not to pursue employment here; if it has, of the results;*
- (c) *whether it has assessed if the relaxation of employment restrictions alone will result in a significantly higher retention rate of non-local students upon graduation, or whether additional steps will need to be taken to retain such graduates; if it has, of the results; and the relevant steps the Government is contemplating;*
- (d) *whether it has assessed if a significant shortfall in student hostel places will affect Hong Kong's ability to raise the number of non-local students in publicly-funded tertiary education programmes from 10% to 20% of the approved student number targets for such programmes, as stated in the new government policy; and*
- (e) *whether it has considered inviting the private sector to run student hostels on a commercial basis, to complement the provision of publicly-funded hostel places; if it has, of the results?*

SECRETARY FOR EDUCATION: President,

- (a) Under current arrangements, non-local students from the Mainland or overseas who have obtained a degree or higher qualification in a full-time and locally-accredited programme in Hong Kong may apply to work in Hong Kong. The general requirements include the non-local graduate having secured an employment offer for a term of appointment of not less than one year; the job being relevant to his/her academic qualifications or working experience and cannot be readily taken up by the local workforce; the remuneration package being commensurate with the prevailing market rate of Hong Kong, and the non-local graduate meeting normal immigration requirements.

The Administration does not maintain statistics on non-local graduates from overseas who are admitted to work in Hong Kong. For non-local graduates from the Mainland who are admitted to work in Hong Kong, the relevant statistics are as follows:

<i>Year</i>	<i>Number</i>
2002	97
2003	127
2004	197
2005	311
2006	550
2007 (up to October)	895

The Administration does not have information on the number of non-local graduates who, following admission for the purpose of taking up employment, still remain in Hong Kong.

- (b) The Government has not conducted any study on why some non-local students have chosen to leave Hong Kong and not to pursue employment here after graduation.
- (c) Decisions to stay and work in Hong Kong are subject to the influence of many factors, such as job opportunities, local tax regime, quality of life, family concerns, availability of social support, social tolerance and cultural diversity. Besides relaxing

employment restrictions, the Government will implement a number of initiatives to further develop Hong Kong as a regional education hub so as to attract more quality non-local students to study in our higher education institutions, and to retain them to stay and work in Hong Kong. These include increasing the non-local student quota for publicly-funded programmes, establishing a \$1 billion scholarship endowment fund, allowing non-local students to take up internships, part-time jobs and summer jobs, and allowing, on application, fresh non-local graduates to stay in Hong Kong for 12 months after graduation without any restriction.

- (d) The Government understands that insufficient hostel places will affect the capacity of institutions to admit more non-local students. We are exploring alternative options to address this problem such as constructing "joint-hostels" for shared use by institutions. Furthermore, the 20% of the approved student number targets for publicly-funded programmes represents the upper limit of the number of non-local students that may be admitted by institutions. Institutions would consider their own circumstances and capacity in deciding the timetable for increasing the admission of non-local students.
- (e) The Government has not considered inviting the private sector to run student hostels on a commercial basis. We will continue to explore alternative options to address the problem of insufficient hostel places under the existing hostel policy.

Transport Information System

12. **MR SIN CHUNG-KAI** (in Chinese): *President, the Transport Information System (TIS) being developed by the Transport Department (TD) will provide two key services, namely an Intelligent Road Network (IRN) and a Public Transport Information Service (PTIS). In this connection, will the Government inform this Council:*

- (a) *whether it has drawn up measures to monitor the progress in the development of the TIS so as to ensure that the system will be completed in February 2008 as scheduled; if it has, of the details; if not, the reasons for that;*

- (b) *whether it has drawn up details of and timetables for the work of the next stage in respect of the IRN and PTIS; if it has, of the details; if not, the reasons for that;*
- (c) *given the frequent occurrence of traffic accidents involving pedestrians and increasing prevalence of radio communications, whether the Government will consider the feasibility of deploying the centralized data warehouse of the TIS to issue alerts immediately to road users about the detected road conditions, with a view to reducing traffic accidents; if it will, of the details; if not, the reasons for that; and*
- (d) *of the means to publicize and educate the public, particularly the elderly, on using the PTIS, as well as the timetable and details of such efforts?*

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, the TIS is a centralized data warehouse for the collection, processing and dissemination of comprehensive transport information. It will provide two key services, namely, the IRN and PTIS.

The IRN will provide up-to-date traffic information. Value-added service providers in the private sector can make use of the information for the development of TIS applications. The PTIS is intended to be a service on the Internet providing transport and traffic information to public transport users and motorists.

- (a) The current TIS contract was awarded in August 2006. To ensure the smooth completion of the TIS contract, the steering committee of the project has been closely monitoring and managing the progress in various aspects including major work programmes, resources required, distribution of duties, co-ordination among all parties concerned and other related issues. The TD and the Office of the Government Chief Information Officer meet regularly with the contractor to ensure understanding of the project requirements and early resolution of problems encountered.

Stage 2 (data conversion) of the TIS contract was completed on schedule last August and Stage 3 is underway. However, technical problems related to system design and testing were encountered and a delay in the completion of the work for several months is expected. The TD will continue to closely monitor the work progress with a view to completing the TIS project by mid-2008.

- (b) The TIS provides a platform for the introduction of IRN and PTIS. The IRN and PTIS will be launched shortly after the completion of system building work for the TIS. The remaining work on system building of the TIS project is outlined as follows:

<i>Stage</i>	<i>Programme</i>	<i>Expected completion date</i>
3A	System design and testing	March 2008
3B	User training and pre-production	March 2008
4	System installation and production	Mid-2008

The IRN and PTIS are expected to be available to the industry and the public in phases starting from the latter half of 2008.

- (c) Currently, the TD disseminates information on road traffic conditions to the public through different channels, including snapshot images and live webcast of traffic condition of major roads, special traffic news, journey time and Traffic Speed Map on the Internet, as well as traffic announcements on radio and television. Upon completion of the TIS, the TD will further strengthen online dissemination of information on road traffic conditions. In parallel, the TD is exploring the feasibility of disseminating related information through wireless communication devices such as mobile phones and personal digital assistants (PDAs). Road users will be better informed and road safety enhanced as a result of these measures.
- (d) The design of the PTIS will be simple and user-friendly, and take into account different user habits as far as practicable for the convenience of the majority. To cater for the need of those who are not frequent Internet surfers, including the elderly, we will distribute brief user guides for their reference and assist them to use the PTIS when the service is launched.

Government Rent

13. **MR FREDERICK FUNG** (in Chinese): *President, will the Government inform this Council:*

- (a) *of the percentage of properties for which Government rent is also payable in the total number of rateable private properties at present; and*
- (b) *given that in his 2007-2008 policy address, the Chief Executive announced that the rates for the last quarter of this financial year would be waived subject to a ceiling of \$5,000 for each rateable tenement, whether the Government has examined if this is fair to the property owners who have to pay both Government rent and rates; of the percentage of private properties in respect of which the amount of waived rates for the last quarter is less than \$5,000 in the total number of rateable private properties; whether it will consider waiving both the rates and Government rent at the same time, subject to a ceiling of \$5,000 for the total amount of money waived per tenement, so as to increase the amount of benefits for the property owners concerned; if such a consideration will not be made, of the reasons for that; and the estimated amount of government revenue foregone as a result of the above measure of waiving both the rates and Government rent?*

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Chinese): *President,*

- (a) According to the information of the Rating and Valuation Department, there are currently some 1.48 million private properties liable for both rates and Government rent collected under the Government Rent (Assessment and Collection) Ordinance (Cap. 515). They account for 67% of some 2.2 million private properties liable for rates in Hong Kong.
- (b) We estimate that among the 2.2 million rateable private properties, about 96% would be completely exempt from rates in the last quarter without exhausting the \$5,000 concession limit.

Government rent is the rent paid by all property owners to the Government under land leases in return for the right to hold and occupy the land. Its nature is different from that of rates, which are a kind of tax. Therefore, it is not appropriate to compare the two. The Administration currently has no intention to extend the rates concession to Government rent. If all private properties were to be exempt from both rates and Government rent for the last quarter of 2007-2008 subject to a ceiling of \$5,000, the Government's revenue loss would be about \$3.25 billion.

Emotional Health of School Children

14. **MR LAU KONG-WAH** (in Chinese): *President, regarding the emotional health of students, will the Government inform this Council:*

- (a) *whether it knows the number of primary and secondary students seeking emotional counselling from school social workers in the past two years, with a breakdown by their reasons for seeking assistance;*
- (b) *of the authorities' existing policy on providing emotional counselling services for primary and secondary students;*
- (c) *apart from the counselling services provided by school social workers, whether activities on emotional health are being organized regularly for primary and secondary students;*
- (d) *whether it has estimated the percentage of students currently having emotional problems in the total number of primary and secondary students; and*
- (e) *whether it will consider providing additional resources for promoting emotional health among students?*

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

- (a) **The Education Bureau does not collect the number of cases of primary and secondary students seeking emotional counselling from school social workers and their reasons for seeking assistance.**

According to the information reported by non-governmental organizations to the statistical information system of the Social Welfare Department, amongst the cases handled by social workers in secondary schools in the past two years (that is, the 2005-2006 and 2006-2007 financial years), the number of times involving emotional or psychological health problems in such cases was about 26 000 per year. As certain students had emotional and psychological needs at the same time and hence might be double-counted, the figure quoted above does not represent the number of students. Also, the above statistics does not have the breakdown of reasons for seeking assistance.

- (b) The Government attaches importance to the healthy development of students, emphasizing the policy of "prevention is better than cure" by seeking to enhance students' emotion management skills through school curriculum and relevant guidance programmes. Moreover, there is the provision of school social workers in secondary schools, student guidance personnel in primary schools and educational psychologists to identify and handle students with emotional problems as well as to make the necessary referrals.
- (c) The programmes/activities that are being organized to promote the emotional health of secondary and primary students include:
 - (i) The Education Bureau provides secondary and primary schools with educational psychology service which includes, *inter alia*, psychological assessment for students with emotional problems, consultation and training for teachers, support for school personnel in conducting emotion management programmes, participation in case conferences to facilitate home-school collaboration, and so on. Educational psychologists also support schools in using the "Assessment Program for Affective & Social Outcomes" to assess students' performance in the affective and social domains. Such information serves as the basis for schools to work out preventive measures.
 - (ii) Since the 2004-2005 school year, the Education Bureau has implemented the "Understanding Adolescent Project" for primary schools, aiming to assist students to enhance their

resilience (including adopting an optimistic attitude and effective emotion management to rise to the challenges in face of adversity). This project makes use of the "Hong Kong Student Information Forms" to identify students with the need for the "Intensive Programme".

- (iii) The Hong Kong Jockey Club Charities Trust has allocated \$400 million to implement a scheme, namely "Positive Adolescent Training through Holistic Social Programmes to Adulthood: A Jockey Club Youth Enhancement Scheme", in secondary schools starting from the 2004-2005 school year. The Scheme, with the joint efforts of the Social Welfare Department, five universities and the Education Bureau, aims to provide comprehensive training programme/activities for junior secondary students to promote their healthy development. The topics mainly include emotion management and expressive skills.
- (iv) The Student Health Service provided by the Department of Health safeguards the physical and psychosocial health of students and enables them to maximize their potential through comprehensive and preventive health programmes. Students receive an annual assessment, including psychological health screening, through which they gain access to a range of support services. To proactively reach out to adolescents, an Adolescent Health Programme was rolled out in the 2001-2002 school year by the Department of Health to promote students' psychosocial health, improve emotion management skills and knowledge, and enhance their resilience through training.
- (v) The Education Bureau also promotes Life Education in school curricula so as to nurture positive and optimistic attitudes in students which would enable them to face setbacks and pressures in life. Life Education forms an integral part of Moral and Civic Education of the school curricula. How primary and secondary students can handle pressures and manage their emotions is one of the key topics covered by Life Education. The subject content of General Studies in primary schools also includes similar topics.

- (d) In the 2006-2007 school year, the respective numbers of secondary and primary students who were assessed as having emotional problems by educational psychologists are 994 and 412, representing 0.2% and 0.1% of the total numbers of secondary and primary students respectively.
- (e) All along, the Government is concerned about the emotional health of students. Resources have been allocated to implement various services. In addition, the Government will provide some 1 000 programme workers for three years to assist social workers in secondary schools to implement activities, aiming to assist secondary students to develop their potential, and promote their health and wellness. The Government will closely monitor the emotional health of students as well as to review from time to time the relevant services.

School-based After-school Learning and Support Programmes

15. **MR FREDERICK FUNG** (in Chinese): *President, regarding the School-based After-school Learning and Support (SALS) Programmes, will the Government inform this Council:*

- (a) *of the respective percentages of successful applications submitted by schools and non-governmental organizations (NGOs) in the total number of applications in the 2006-2007 school year, and the reasons for not approving the remaining applications, and of the respective numbers and percentages of schools and students benefited and the number of participating NGOs in each district, broken down by the type of school and the district where the school is located;*
- (b) *whether it has assessed if the revised mode of funding adopted in the 2006-2007 school year can facilitate the organizations concerned in providing support services to poor students in districts where there are relatively more such students, and establishing support networks; if it can, of the details, and how such networks can serve the purpose of reducing inter-generational poverty; if it cannot, the reasons for that;*

- (c) *of the results of its evaluation of the effectiveness of the SALS Programmes so far since their implementation, including the nature and forms of the activities, the average amount of grant per student, the participation and completion rates, the views of the relevant stakeholders (including school principals, teachers, students, parents, front-line social workers and heads of NGOs), and the effectiveness of the Programmes in alleviating poverty; and*
- (d) *whether it will consider increasing the amount of the annual recurrent provision for the SALS Programmes, and relaxing the restrictions on the items for which the grant can be used (for example, allowing schools to provide assistance in kind to poor students)?*

SECRETARY FOR EDUCATION (in Chinese): President,

- (a) In the 2006-2007 school year, the SALS Programmes included two parts: the School-based Grant and the Community-based Projects. All public sector primary and secondary schools and schools under the Direct Subsidy Scheme intending to organize SALS Programmes for their Primary One to Secondary Seven students in receipt of Comprehensive Social Security Assistance (CSSA) or full grant under the Student Financial Assistance Scheme (SFAS) would be provided with the School-based Grant. A total of 960 schools received the School-based Grant, serving some 187 300 target students in the 2006-2007 school year. We have set out at Annex 1 information on the number and types of schools, the number and ratio of students involved as well as their respective districts.

Regarding the Community-based Projects, we received a total of 234 applications for funding from NGOs. Among them, 195 applications were approved, representing an approval rate of 83.3%. Thirty-nine applications were rejected because the applicant NGOs had not met the eligibility criteria, or the nature of the proposed activities failed to meet the ground rules. A breakdown, by districts, of the successful applications from NGOs is at Annex 2.

- (b) With the introduction of the revised financing mode in the 2006-2007 school year, the overall number of students benefited

increased substantially from 49 600 in the 2005-2006 school year to 187 300. The overall number of schools covered also increased from 303 in the 2005-2006 school year to 960. We have set out at Annex 3 a comparison of the number of students served and the number of schools covered in the different districts, including those districts with a relatively larger number of disadvantaged students.

It is worth noting that in the 2005-2006 school year, the SALS Programmes were implemented with reference to the needs of individual schools or collaborating schools. However, with the revision of the financing mode in the 2006-2007 school year, the Community-based Projects were implemented by a total of 175 NGOs in different districts. We believe that the participation of NGOs would lead to a better utilization of community resources to support the disadvantaged students in the districts, with a view to improving their learning effectiveness, broadening their learning experiences outside the classroom, and raising their understanding of the community and sense of belonging. The establishment of a district service network in the long run will have a positive effect on disadvantaged students and will help achieve the objective of alleviating inter-generational poverty.

- (c) We introduced the SALS Programmes in the 2005-2006 school year and revised the financing mode in the 2006-2007 school year after consulting stakeholders. The method of evaluation was also slightly revised. In the 2005-2006 school year, schools and NGOs were required to submit their proposals on programmes to be conducted when applying for funding. Successful schools and NGOs were required to submit an annual report to evaluate the effectiveness of their programmes. The report should assess whether the programmes had been implemented in accordance with the design and objectives, the participation and completion rate, feedback from students and parents on the SALS Programmes and other outcome measures included in the programme plan, as well as academic or affective outcome such as engagement in learning, academic attainment, attitudes, and so on.

Through school visits and regular meetings with representatives of the stakeholders, the Education Bureau collected views on the SALS Programmes from the stakeholders, including principals, teachers, responsible persons in NGOs, social workers, students and parents.

Having consolidated the annual reports of the SALS Programmes in the 2005-2006 school year, an analysis of the relevant information, including participation rate and the views of the stakeholders is at Annex 4. Based on the actual total amount of grants disbursed and the actual total number of participating students, the average grant per student was \$1,176.

Under the revised financing mode in the 2006-2007 school year, the SALS Programmes included the School-based Grant and the Community-based Projects. In order to reduce the workload of teachers, schools in receipt of the School-based Grant were only required to include in their Annual School Plans programmes aiming at alleviating poverty of the disadvantaged students, and to report in their Annual School Reports the actual number of disadvantaged students served as well as the evaluation on the effectiveness of the programmes. This information is to be uploaded by the schools to their school homepages. The Education Bureau would make reference to the information uploaded to assess the utilization and effectiveness of the School-based Grant. As for the Community-based Projects, the format of evaluation has remained unchanged since the 2005-2006 school year. Since the Community-based Projects for 2006-2007 school year have just been completed, we are verifying the relevant annual reports and consolidating the information being returned by NGOs.

For the 2005-2006 and 2006-2007 school years, the types of activities organized under the SALS Programmes included tuition classes, cultural and arts activities, sports activities, leadership training, voluntary work, visits, and so on.

- (d) The SALS Programmes aim to facilitate the personal growth and all-round development of disadvantaged students. Subsidizing the disadvantaged students to participate in activities organized by schools and NGOs is considered more effective than providing students with material assistance in meeting the objectives of the Programmes and in bringing about positive and sustainable effects on the beneficiaries.

The SALS Programmes are complementary in nature. Apart from the Programmes, the Education Bureau has been providing schools with other types of grants. Based on the needs of their students,

schools can deploy the various grants allocated (such as the Operating Expenses Block Grant) to provide appropriate support to the disadvantaged students. In addition, schools and NGOs may participate in or apply to join activities and schemes organized by other bureaux and charitable trust funds to support the disadvantaged students.

The revised financing mode of the SALS Programmes has only been implemented for less than two years. The Programmes need time to take root and to form a sustainable impact on students. Meanwhile, we will continue to keep in view the implementation and take into consideration the views of stakeholders.

Annex 1(I)

The 2006-2007 SALS Programmes
School-based Grant
Number of Applicant Schools and Benefited Students — Primary Schools

Region	District	Primary Schools					
		Number of Applicant Schools (a)	Total Number of Schools (b)	Percentage of Participating Schools (a)/(b) (%)	Number of Students Benefited (c)	Total Number of Target Students* in the District (d)	Percentage of Students Benefited (c)/(d) (%)
Hong Kong	Central and Western	14	22	63.64	830	1 075	77.21
	Hong Kong East	29	43	67.44	2 822	3 408	82.81
	Wan Chai	9	21	42.86	637	977	65.20
	Islands	15	18	83.33	2 533	2 620	96.68
	Southern	17	17	100.00	1 601	1 601	100.00
Kowloon	Kowloon City	23	43	53.49	1 870	3 100	60.32
	Kwun Tong	34	38	89.47	7 705	8 684	88.73
	Sai Kung	26	31	83.87	4 463	4 586	97.32
	Sham Shui Po	26	29	89.66	5 626	5 710	98.53
	Wong Tai Sin	30	35	85.71	5 650	6 391	88.41
	Yau Tsim Mong	27	31	87.10	3 241	3 547	91.37
New Territories (East)	North	41	44	93.18	4 570	4 728	96.66
	Sha Tin	43	52	82.69	5 455	5 735	95.12
	Tai Po	21	29	72.41	2 426	3 001	80.84
New Territories (West)	Kwai Tsing	33	34	97.06	7 187	7 408	97.02
	Tuen Mun	46	53	86.79	6 171	6 791	90.87
	Tsuen Wan	19	25	76.00	2 503	2 833	88.35
	Yuen Long	56	64	87.50	10 765	11 415	94.31
Total		509	629	80.92	76 055	83 610	90.96

* Target students are Primary One to Secondary Seven students in receipt of CSSA or full grant under the SFAS

Annex 1(II)

The 2006-2007 SALS Programmes

School-based Grant

Number of Applicant Schools and Benefited Students — Secondary Schools

Region	District	Secondary Schools					
		Number of Applicant Schools (a)	Total Number of Schools (b)	Percentage of Participating Schools (a)/(b) (%)	Number of Students Benefited (c)	Total Number of Target Students* in the District (d)	Percentage of Students Benefited (c)/(d) (%)
Hong Kong	Central and Western	5	13	30.77	607	1 272	47.72
	Hong Kong East	23	31	77.42	4 491	5 727	78.42
	Wan Chai	8	17	47.06	1 151	2 023	56.90
	Islands	11	12	91.67	2 632	2 700	97.48
	Southern	11	16	68.75	2 113	2 590	81.58
Kowloon	Kowloon City	22	34	64.71	5 232	7 292	71.75
	Kwun Tong	30	35	85.71	11 749	12 521	93.83
	Sai Kung	22	28	78.57	6 239	6 861	90.93
	Sham Shui Po	20	25	80.00	6 427	7 243	88.73
	Wong Tai Sin	21	24	87.50	7 436	7 935	93.71
	Yau Tsim Mong	13	18	72.22	3 752	4 466	84.01
New Territories (East)	North	19	20	95.00	6 589	6 835	96.40
	Sha Tin	43	49	87.76	10 542	10 713	98.40
	Tai Po	21	23	91.30	5 766	6 257	92.15
New Territories (West)	Kwai Tsing	32	34	94.12	11 021	11 749	93.80
	Tuen Mun	33	38	86.84	9 620	10 750	89.49
	Tsuen Wan	10	13	76.92	2 530	3 369	75.10
	Yuen Long	32	38	84.21	11 863	13 336	88.95
Total		376	468	80.34	109 760	123 639	88.77

* Target students are Primary One to Secondary Seven students in receipt of CSSA or full grant under the SFAS

The 2006-2007 SALS Programmes

School-based Grant

Number of Applicant Schools and Benefited Students — Special Schools

Region	District	Special Schools					
		Number of Applicant Schools (a)	Total Number of Schools (b)	Percentage of Participating Schools (a)/(b) (%)	Number of Students Benefited (c)	Total Number of Target Students* in the District (d)	Percentage of Students Benefited (c)/(d) (%)
Hong Kong	Central and Western	0	0	0.00	0	0	0.00
	Hong Kong East	4	6	66.67	52	67	77.61
	Wan Chai	0	7	0.00	0	39	0.00
	Islands	1	1	100.00	28	28	100.00
	Southern	3	11	27.27	179	203	88.18
Kowloon	Kowloon City	0	2	0.00	0	22	0.00
	Kwun Tong	6	4	150.00	60	87	68.97
	Sai Kung	4	4	100.00	47	47	100.00
	Sham Shui Po	10	13	76.92	242	338	71.60
	Wong Tai Sin	9	9	100.00	207	207	100.00
	Yau Tsim Mong	2	2	100.00	45	45	100.00
New Territories (East)	North	4	4	100.00	111	111	100.00
	Sha Tin	6	10	60.00	66	155	42.58
	Tai Po	6	8	75.00	55	83	66.27
New Territories (West)	Kwai Tsing	10	12	83.33	187	217	86.18
	Tuen Mun	4	8	50.00	75	165	45.45
	Tsuen Wan	0	0	0.00	0	0	0.00
	Yuen Long	6	8	75.00	117	123	95.12
Total		75	109	68.81	1 471	1 937	75.94

* Target students are Primary One to Secondary Seven students in receipt of CSSA or full grant under the SFAS

Annex 1(IV)

The 2006-2007 SALS Programmes
School-based Grant
Number of Applicant Schools and Benefited Students — Grand Total
(Primary Schools + Secondary Schools + Special Schools)

<i>Region</i>	<i>District</i>	<i>Grand Total (Primary Schools + Secondary Schools + Special Schools)</i>					
		<i>Number of Applicant Schools (a)</i>	<i>Total Number of Schools (b)</i>	<i>Percentage of Participating Schools (a)/(b) (%)</i>	<i>Number of Students Benefited (c)</i>	<i>Total Number of Target Students* in the District (d)</i>	<i>Percentage of Students Benefited (c)/(d) (%)</i>
Hong Kong	Central and Western	19	35	51.43	1 437	2 347	61.23
	Hong Kong East	56	80	71.25	7 365	9 202	80.04
	Wan Chai	17	45	37.78	1 788	3 039	58.84
	Islands	27	31	87.10	5 193	5 348	97.10
	Southern	31	44	70.45	3 893	4 394	88.60
Kowloon	Kowloon City	45	79	56.96	7 102	10 414	68.20
	Kwun Tong	70	77	90.91	19 514	21 292	91.65
	Sai Kung	52	63	82.54	10 749	11 494	93.52
	Sham Shui Po	56	67	83.58	12 295	13 291	92.51
	Wong Tai Sin	60	68	88.24	13 293	14 533	91.47
	Yau Tsim Mong	42	51	82.35	7 038	8 058	87.34
New Territories (East)	North	64	68	94.12	11 270	11 674	96.54
	Sha Tin	92	111	82.88	16 063	16 597	96.78
	Tai Po	48	60	80.00	8 247	9 341	88.29
New Territories (West)	Kwai Tsing	75	80	93.75	18 395	19 374	94.95
	Tuen Mun	83	99	83.84	15 866	17 706	89.61
	Tsuen Wan	29	38	76.32	5 033	6 202	81.15
	Yuen Long	94	110	85.45	22 745	24 874	91.44
Total		960	1 206	79.60	187 286	209 211	89.52

* Target students are Primary One to Secondary Seven students in receipt of CSSA or full grant under the SFAS

Annex 2

The 2006-2007 SALS Programmes
Community-based Project Grant
Number of Successful Applications from Participating NGOs

<i>Region</i>	<i>District</i>	<i>Number of Successful Applications</i>
Hong Kong	Central and Western	5
	Hong Kong East	15
	Wan Chai	1
	Islands	5
	Southern	7

<i>Region</i>	<i>District</i>	<i>Number of Successful Applications</i>
Kowloon	Kowloon City	9
	Kwun Tong	14
	Sai Kung	7
	Sham Shui Po	20
	Wong Tai Sin	13
	Yau Tsim Mong	8
New Territories (East)	North	7
	Sha Tin	19
	Tai Po	7
New Territories (West)	Kwai Tsing	18
	Tuen Mun	21
	Tsuen Wan	3
	Yuen Long	16
Total		195

Annex 3

**The 2005-2006 and 2006-2007 SALS Programmes
Number of Benefited Students and Schools**

<i>District</i>	<i>2005-2006 school year</i>		<i>2006-2007 school year</i>					
	<i>Number of Participating Schools</i>	<i>Number of Students Benefited</i>	<i>School-based Grant</i>		<i>Community-based Project</i>			
			<i>Number of Participating Schools</i>	<i>Number of Students Benefited</i>	<i>Number of Participating NGOs</i>	<i>Number of Approved Projects</i>	<i>Number of Collaborating Schools</i>	<i>Number of Students Benefited</i>
Central and Western	2	266	19	1 437	4	5	8	289
Eastern	12	1 556	56	7 365	11	15	39	2 805
Wan Chai	0	0	17	1 788	1	1	3	170
Islands	11	1 300	27	5 193	5	5	11	2 749
Southern	6	701	31	3 751	5	7	19	1 657
Kowloon City	7	500	45	7 102	8	9	15	1 147
Kwun Tong	24	5 431	70	19 656	12	14	24	3 276
Sai Kung	5	1 487	52	10 749	6	7	21	2 149
Sham Shui Po	20	3 664	56	12 295	14	20	31	3 560
Wong Tai Sin	11	1 462	60	13 293	13	13	26	2 530
Yau Tsim Mong	2	453	42	7 038	8	8	15	1 016
North	40	5 290	64	11 270	7	7	34	2 334
Sha Tin	28	4 660	92	16 063	19	19	49	3 857
Tai Po	19	1 939	48	8 247	6	7	19	1 113
Kwai Tsing	28	5 722	75	18 395	16	18	35	3 280
Tuen Mun	44	7 451	83	15 866	21	21	76	6 979
Tsuen Wan	8	836	29	5 033	3	3	4	257
Yuen Long	36	6 881	94	22 745	16	16	58	8 573
Total:	303	49 599	960	187 286	175	195	487	47 741

Annex 4

**The 2005-2006 SALS Programmes
Annual Report
Data Analysis**

<i>Participation Rate (Total Number of Participating Students/Approved Total Number of Participating Students x 100%)</i>	<i>79.53% (92 893/116 803)</i>					
<i>Effectiveness in Enhancing Student Development (%)</i>						
	<i>Significant</i>	<i>Moderate</i>	<i>Slight</i>	<i>No Change</i>	<i>Declining</i>	<i>Not Applicable</i>
Learning Effectiveness						
a) Students' motivation for learning	16	60	19	2	0	3
b) Students' study skills	15	57	22	2	0	4
c) Students' academic achievement	6	50	34	3	0	7
d) Students' learning experience outside classroom	45	42	7	0	0	6
e) Your overall view on students' learning effectiveness	16	65	15	1	0	3
Personal and Social Development						
f) Students' self-esteem	22	57	16	1	0	4
g) Students' self-management skills	18	57	17	3	0	5
h) Students' social skills	24	56	14	1	0	5
i) Students' interpersonal skills	25	55	14	1	0	5
j) Students' co-operativeness with others	36	48	12	0	0	4
k) Students' attitudes toward schooling	13	54	26	3	0	4
l) Students' outlook on life	10	49	27	2	0	12
m) Your overall view on students' personal and social development	17	61	17	1	0	4
Community Involvement						
n) Students' participation in extracurricular and voluntary activities	18	39	15	4	0	24
o) Students' sense of belonging	26	39	14	3	0	18
p) Students' understanding on the community	11	33	25	6	0	25
q) Your overall view on students' community involvements	12	40	19	4	0	25

Remark: The Education Bureau had collected all the 285 annual reports.

Physiotherapy Service Provided by Public Hospitals

16. **MR LAU KONG-WAH** (in Chinese): *President, regarding physiotherapy service provided by public hospitals, will the Government inform this Council if it knows:*

- (a) *whether there was a shortfall in the physiotherapy service provided by public hospitals in the past three years;*

- (b) *in respect of the past three years, the percentage of elderly persons among those receiving physiotherapy treatment in public hospitals, the number of elderly persons in need of such service each year, and their average waiting time;*
- (c) *the average charges for physiotherapy service in the private sector at present, and the estimated percentage of public hospital patients turning to the private sector for physiotherapy service as a result of excessively long waiting time; and*
- (d) *whether the Hospital Authority (HA) will enhance the physiotherapy service in public hospitals to alleviate the financial burden on patients (particularly the elderly) who have to use the service in the private sector due to excessively long waiting time at public hospitals?*

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

- (a) **The physiotherapy service of the HA is mainly provided to patients through its in-patient service and specialist out-patient service. The HA is also providing physiotherapy service in the community to a limited extent through its day hospitals and community services. In the past three years, the attendances of the HA's physiotherapy service were at a similar level, while there was a slight increase in the attendance of physiotherapy out-patient service. Data on the utilization of the HA's physiotherapy service are set out in Table 1.**

For in-patients, services are provided by physiotherapists in hospitals depending on patients' clinical conditions and no prior appointment is required. As for specialist out-patient service, the median waiting time for first appointment for physiotherapy service in the past three years remained unchanged at one week. The figure shows that the existing physiotherapy out-patient service should be adequate to meet patients' demand.

- (b) **The numbers and percentages of elderly persons receiving the HA's physiotherapy out-patient service in the past three years are set out in Table 2. The median waiting time of patients (including elderly persons) for their first appointment for out-patient service is about one week.**

(c) and (d)

The HA does not have any information on the average charges for physiotherapy service in the private sector. Currently, the median waiting time for first appointment for the HA's specialist out-patient physiotherapy service is about one week. The existing service should be adequate to meet patients' demand. The HA has no plan to provide additional physiotherapy out-patient service. This notwithstanding, the pilot scheme of health care vouchers for the elderly which the Government plans to launch in 2008-2009 could partly subsidize the elderly aged 70 or above to use physiotherapy service in the private sector. It is expected that the scheme could provide elderly persons with additional choices of health care service apart from the public health care services.

Table 1

Attendances of physiotherapy service of the HA

<i>Physiotherapy service</i>	<i>2004-2005</i>	<i>2005-2006</i>	<i>2006-2007</i>
In-patient service	2 073 400	2 133 000	2 090 800
Specialist out-patient service	938 900	948 900	965 900
Day Hospital and community services	195 700	205 900	219 000

Table 2

Numbers and percentages of elderly persons receiving the HA's physiotherapy out-patient service and the median waiting time for first appointment

	<i>2004-2005</i>	<i>2005-2006</i>	<i>2006-2007</i>
Total number of out-patient attendance	938 900	948 900	965 900
Attendance by elderly persons	151 100	156 000	159 900
Percentage of elderly persons	16%	16%	17%
Number of elderly patients	23 100	24 600	25 600
Median waiting time for first appointment in respect of patients (including elderly persons)	one week	one week	one week

Revised Inspection Scheme for Food Premises Which have Obtained ISO 22000 Certification

17. **MR FRED LI** (in Chinese): *President, it has been reported that since February this year, the Food and Environmental Hygiene Department (FEHD) has implemented a new policy whereby licensed food premises which have fully implemented the food safety management system under ISO 22000 and obtained the ISO 22000 certification are subject to a revised inspection regime. Such food premises are excluded from the Demerit Point System (DPS) and will only be fined if they are in contravention of the regulations. Their licences will not be suspended except in cases of major food incidents. Currently, there are eight restaurants which have been approved by the FEHD to be exempted from regulation under the DPS. In this connection, will the Government inform this Council:*

- (a) why it has not consulted the Panel on Food Safety and Environmental Hygiene of this Council (the Panel) on the above new policy before its implementation;*
- (b) of the justifications for implementing such policy; and*
- (c) whether it has assessed if such policy is fair to other food premises; if it is not fair, of the ways of improvement; if it is fair, the reasons for that?*

SECRETARY FOR FOOD AND HEALTH (in Chinese): **President,** ISO 22000 is a food safety management system formally launched by the International Organization for Standardization (ISO) on 1 September 2005. It has integrated the Hazard Analysis Critical Control Point (HACCP) System developed by the Codex Alimentarius Commission and the quality management system ISO 9001 developed by the ISO. ISO 22000 is currently the most rigorous international standard for food safety management.

ISO 22000-certified food premises are subject to audits by independent certification body every six to 12 months. Any deviation from the food safety management system detected would be recorded by the certification body and referred to the certified food premises for rectification. If any major deviation likely to affect food safety is detected, the certification body may withdraw the certification issued to the food premises immediately.

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

- (a) On 14 March and 6 April 2006, the FEHD sought the views of the Panel on the proposal to revamp the DPS for licensed food premises. At the meetings, Members of the Panel requested the Administration to provide more incentives for food business operators to improve the hygiene standard of their food premises. After active consideration of the feasibility of the proposal, the FEHD put forward the proposal to slightly modify the regulatory mechanism for ISO 22000-certified food premises with a view to encouraging the trade to obtain ISO 22000 certification, thereby improving food safety and hygiene standard. Food premises participating in the scheme must fulfil the following three requirements:
- (i) they should hold a valid provisional or full food premises licence issued by the FEHD;
 - (ii) they should have a good track record in the past 12 months in respect of the following:
 - (A) no breach of the Public Health and Municipal Services Ordinance and its subsidiary legislation;
 - (B) no breach of any licensing requirements or conditions leading to the issue of warning letters;
 - (C) no temporary suspension of licence; and
 - (D) no temporary closure order made in respect of the food premises.
 - (iii) the entire food premises should be covered by valid ISO 22000 certification.

This scheme is in line with the suggestion made by the Panel to provide more incentives to encourage the food trade to improve the hygiene standard of food premises. Before implementation, the FEHD consulted the trade on the scheme on 8 December 2006 and received general support.

- (b) As ISO 22000-certified food premises are subject to regular audits by independent certification body, the scheme can provide a choice to the trade so that the trade would be encouraged to enhance its food safety and hygiene standard through self-regulation.
- (c) Since the implementation of the scheme in February 2007, the FEHD has approved 13 licensed food premises to join the scheme. All ISO 22000-certified food premises may join the scheme on a voluntary basis having regard to their own needs. While food premises recognized under the scheme by the FEHD are excluded from the DPS, they will still be inspected by the FEHD staff at intervals of about once every five months. Where a breach of any legislation, licensing requirements or conditions is detected, the FEHD will take appropriate enforcement actions and also consider disqualifying the food premises concerned from the scheme. As such, the implementation of this scheme is not unfair to other food premises.

Connecting Pedestrian Footbridges in Central and Western District and Wan Chai

18. **MR LEE WING-TAT** (in Chinese): *President, at the Legislative Council meeting on 21 June 2006, the Government indicated that it would consider the idea of linking together the pedestrian footbridges in Central and Western District and Wan Chai District. Regarding the planning of pedestrian footbridge systems, will the Government inform this Council whether it has:*

- (a) *consulted the Central and Western District Council (DC) and Wan Chai DC on the above idea; if so, of the details of the consultation, and whether the two DCs support the idea;*
- (b) *assessed the costs required for the works in connection with the above idea; if so, of the details; and*
- (c) *considered developing pedestrian footbridge systems in other districts apart from Central and Western District, Wan Chai and Mong Kok; if so, of the details?*

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

- (a) We briefed the then Panel on Planning, Lands and Works of the Legislative Council in mid-2006 on the proposed extension of footbridge networks in Central and Western and Wan Chai Districts. The extension in Wan Chai will link up the northern end of the existing footbridge at O'Brien Road with the existing one at Tim Mei Avenue via Gloucester Road and Harcourt Road. The feasibility of the project has been confirmed. We are conducting the preliminary design for the project and intend to consult the Wan Chai DC in mid-2008. The section in Central and Western will stretch from Shun Tak Centre to Sun Yat Sen Memorial Park along Connaught Road West, and will pass through a commercial site, for which no concrete development plan has been made yet. We believe that to achieve its optimum benefits, this section of the footbridge should be planned in the light of a clearer picture about the development for the site. We will seek the views of the Central and Western DC when we have further plans about the proposed footbridge.
- (b) The feasibility study on the section of footbridge extension in Wan Chai has been completed. According to the preliminary estimate, the project will cost about \$240 million. As for the section in Central and Western District, the estimated cost is not available at the moment as the feasibility study has yet to be conducted.
- (c) Apart from Central and Western District, Wan Chai and Mong Kok, footbridge projects under planning include the extension of the footbridge network in Tsuen Wan to enhance the connectivity among the existing footbridges at the Tsuen Wan MTR Station, Castle Peak Road and Sha Tsui Road. We will continue to monitor the traffic conditions in different districts and consider the construction or improvement of footbridge networks taking into account the demand and site constraints.

Traffic Accidents Involving Drivers with Health Problems

19. **MR ANDREW CHENG** (in Chinese): *President, as traffic accidents involving professional drivers (including drivers of franchised and non-franchised buses, taxis and public light buses (PLBs)) with health problems have often occurred in recent years, will the Government inform this Council:*

- (a) *of the respective numbers of traffic accidents involving franchised and non-franchised buses, taxis and PLBs in the past three years, and among such accidents, the numbers of those involving drivers with poor physical or mental conditions (including having insufficient sleep or feeling drowsy);*
- (b) *of the number of complaints received by the Government involving the leave arrangements for franchised bus drivers in each of the past three years;*
- (c) *given that the authorities have indicated, in a paper submitted for the meeting of the Panel on Transport of this Council (the Panel) held on 23 March this year, that it is currently reviewing with the franchised bus companies the Guidelines on Working Schedule for Franchised Bus Drivers (the Guidelines) to see what practical improvements can be arranged in scheduling the rest time of bus captains, of the results of the review and the details of the relevant improvement measures; and*
- (d) *whether the Government will consider amending the legislation to make it mandatory for drivers aged 50 or above to undergo physical examination upon renewal of their driving licences; if so, of the details?*

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

- (a) **The number of traffic accidents involving the physical fitness or mental status of the drivers (including driver falling asleep, feeling drowsy or having sudden illnesses) of franchised buses, non-franchised buses, taxis and PLBs in the past three years are as follows:**

<i>Year</i>	<i>Number of Traffic Accidents</i>			
	<i>Franchised Buses</i>	<i>Non-franchised Buses</i>	<i>Taxis</i>	<i>PLBs</i>
2004	1 (1 839)	5 (491)	19 (3 083)	3 (1 090)
2005	3 (1 864)	2 (436)	13 (3 327)	6 (1 091)
2006	2 (1 892)	1 (424)	14 (3 320)	5 (1 027)

- () **Figures in brackets are the total number of traffic accidents involving franchised buses, non-franchised buses, taxis and PLBs.**

- (b) The Transport Department (TD) has not received any complaints involving leave arrangements of franchised bus captains in the past three years. However, a number of bus driver unions have expressed views on the working hour and leave arrangement for bus captains through meetings with the TD. The TD has already conveyed their views to the franchised bus companies which have taken into account these views in formulating the work schedule of the bus drivers.
- (c) To ensure that bus drivers have sufficient time to rest, the TD reviews, in conjunction with the franchised bus companies, the work scheduling for their bus captains from time to time. Moreover, the TD has issued the Guidelines to the bus companies, with a view to facilitating the companies' operation and catering for the needs of their staff.

In 2004, the TD reviewed and revised the Guidelines with various franchised bus companies, such that the break period for bus captains between successive working days was increased from eight hours to no less than nine hours.

In the light of the concerns expressed by the Panel on the working hours and rest time of franchised bus captains in the past year, the TD reviewed the Guidelines again with the franchised bus companies in early 2007. The TD considered that there was room to further improve the rest time arrangement for bus captains and recommended two revisions to the Guidelines. First, the existing provision relating to the total service breaks of at least 20 minutes within the six-hour duty of bus captains was further refined to stipulate that a rest time of at least 12 minutes in total should be made available within the first four hours of the duty. This arrangement allows the rest time of bus captains to be distributed more evenly. Second, the break period for bus captains between successive working days was increased from nine hours to no less than 9.5 hours.

The TD will continue to monitor the work scheduling for bus captains of franchised bus companies and will review the arrangement as and when necessary.

- (d) The Road Traffic (Driving Licences) Regulations (Cap. 374B) (the Regulations) stipulate that an applicant for issuance or renewal of a full driving licence will need to produce a certificate issued by a registered medical practitioner certifying that he is medically fit to drive if he is aged 70 or above. The driving licence issued to him is valid for one to three years, which is shorter than the validity period for a normal driving licence of 10 years. The TD has also looked into the practices of some overseas countries and found that the majority of them require applicants aged 70 to 80 or above to produce health certificates in applying for driving licences. Their arrangements are on a par with that of Hong Kong.

Moreover, an applicant for a driving licence, regardless of his age, is required under the Regulations to make a declaration on the application form as to whether or not he is suffering from any disease or with any physical disabilities such that his driving would cause danger to the public. The TD will carefully consider the relevant declaration before issuing a driving licence. The Regulations also require a licence holder to report any of these diseases or physical disabilities to the Commissioner for Transport once he becomes aware of it, and the Commissioner will consider the need to cancel his driving licence.

We are of the view that the existing mechanism is effective in securing the safety of drivers and other road users.

Stipulating Caps on Total Emissions of Air Pollutants from Power Companies

20. **MS EMILY LAU** (in Chinese): *President, the Administration plans to tighten progressively the caps on the total emissions of air pollutants from power companies. It has indicated that legislative amendments will be introduced to stipulate the caps on the total emissions of air pollutants from power companies in Hong Kong for 2010 and beyond. In this connection, will the executive authorities inform this Council whether:*

- (a) *they will stipulate the caps on the total greenhouse gas emissions from power companies by way of legislation; if not, of the reasons for that;*

- (b) *it is a common practice among the international community to stipulate the caps on the total emissions of air pollutants from power companies by way of legislation; if so, of the details; and*
- (c) *they have compared the merits and demerits of regulating the caps on the total emissions of air pollutants from power companies by way of legislation and by way of agreements; if so, of the outcome?*

SECRETARY FOR THE ENVIRONMENT (in Chinese): President,

- (a) To improve Hong Kong's air quality by strictly controlling the emission of air pollutants from power plants, the Government proposes to introduce legislative amendments to stipulate the total emission caps of three air pollutants (namely sulphur dioxide, nitrogen oxides and particulates) from power plants for 2010 and beyond. In deciding on the types of air pollutants to be placed under control and their respective emission caps, the availability of mature and practicable emission reduction technology is an important consideration. The emission of greenhouse gases from power generation mainly stems from the burning of fossil fuels. In Hong Kong, over 50% of the electricity is generated from coal burning. At present, there is no mature technology in the world that could reduce, capture and store the greenhouse gases discharged from the burning of fossil fuels. Therefore, greenhouse gas emissions from power generation can only be substantially reduced by changing the fuel mix, for example, substantial reduction in power generation by coal burning, increase in using natural gas or switching to nuclear energy. However, changing the fuel mix for power generation involves important and complicated issues such as energy supply, stability in power supply and electricity tariff. More in-depth studies and discussions are necessary before a decision can be made.
- (b) It is a common international practice to regulate air pollutant emissions by way of legislation. The "Sulphur Dioxide Allowance Program" and "Nitrogen Oxide Allowance Program" of the United States, as well as the "National Emissions Reduction Plan" of the United Kingdom are examples where the regulated facilities, the total emission caps or the calculating methods for relevant air pollutants are stipulated by legislation.

- (c) Stipulating the total emission caps of air pollutants from power plants by way of agreements will give the regulatory authority greater flexibility in considering all the relevant factors when setting the caps. On the other hand, introducing statutory control will enhance the transparency, thus enabling the public, the power companies and the legislature to have a better understanding of the relevant factors that the Government has taken into consideration when setting the emission caps. This will make the emission caps more acceptable to different sectors of the community and ensure more effective implementation. Moreover, the proposed legislative amendments will allow the power plants to meet the emission caps through emissions trading. Apart from regulating air pollutant emissions from power plants by way of legislation, we can also offer financial incentives under the Scheme of Control Agreement (SCA) to encourage the power companies to comply with the total emission caps. In this connection, the Government plans to introduce a provision under the new regulatory arrangements to link the power companies' permitted rate of return to their achievement of the emission caps upon the expiry of the existing SCAs.

BILLS

Second Reading of Bills

Resumption of Second Reading Debate on Bills

PRESIDENT (in Cantonese): Bills. We will now resume the Second Reading Debate on the Patents (Amendment) Bill 2007.

PATENTS (AMENDMENT) BILL 2007

Resumption of debate on Second Reading which was moved on 18 April 2007

PRESIDENT (in Cantonese): Mr SIN Chung-kai, Chairman of the Bills Committee to study the above Bill, will now address the Council on the Committee's Report.

MR SIN CHUNG-KAI (in Cantonese): Madam President, in my capacity as Chairman of the Bills Committee on the Patents (Amendment) Bill 2007, I now report on the deliberations of the Bills Committee.

The Patents (Amendment) Bill 2007 seeks to amend the Patents Ordinance (Cap. 514) to implement a protocol pending acceptance by members of the World Trade Organization (WTO). The Protocol amends the Agreement on Trade-Related Aspects of Intellectual Property Rights Agreement of the WTO. The Protocol is meant for helping WTO members, especially developing and least-developed economies, to gain generic versions of patented drugs for coping with their public health problems.

The Bills Committee supports in general the policy intent of the Bill and considers it appropriate to amend the Patents Ordinance, thereby enabling Hong Kong to discharge its role as a responsible member of the WTO in concert with the international community. Hong Kong has indicated that it will avail itself of the arrangements to import generic medicines from other WTO members for addressing a public health problem in situations of national emergency or circumstances of extreme urgency.

On matters relating to declaration of extreme urgency, members are of the view that the end date of the period of extreme urgency should be specified in the public notice so as to provide certainty to all relevant parties, in particular those who have a commercial interest in the industry concerned. The Administration points out, however, that since it is difficult to foresee when a health crisis will be over, the end date of the period of extreme urgency cannot therefore be specified beforehand. In view of this, to ensure that the interests of the concerned parties will be duly protected on the one hand and allow flexibility for the Administration on the other, members suggest that the proposed provision be revised to the effect that the period declared will be kept under regular review. The Administration has taken on board members' suggestion and undertaken to add a new provision to provide that the period of extreme urgency will be subject to regular review.

Under the Bill, if the Director of Health (the Director) considers that Hong Kong has insufficient or no manufacturing capacity to make a certain pharmaceutical product to contain the public health problem in question, Hong Kong may use the Protocol to import the product. In this connection, the entire quantity of the pharmaceutical product so imported should not be exported to

other places. Members are concerned whether or not there is express provision in the Bill which stipulates the restriction on exporting the generic medicines to other places for use by family members residing there, if those places also have the same public health problem. The Administration explains that under the proposed section 72D(1)(b)(i) of the Bill, it has already been proposed that the patented pharmaceutical product which is imported into Hong Kong under the import compulsory licence should not be exported out of Hong Kong. Moreover, under the Import and Export Ordinance (Cap. 60), any person who exports pharmaceutical products out of Hong Kong without a valid export licence issued by the Director will be liable to criminal sanctions.

Concerning the granting of an export compulsory licence, members note that a local manufacturer has to provide various information to support his application to the Director for the grant of the said licence. Since timely processing of the application is critical, the Administration took note of members' concern and undertook to prepare relevant guidance notes and appropriate application forms to facilitate local manufacturers in making applications for export compulsory licences.

The Bill empowers the Court to handle disputes relating to import/export compulsory licence. Specifically, the Court is empowered to, *inter alia*, determine the amount of remuneration payable to the proprietor of the concerned patents. The Bills Committee notes that the Administration has already made reference to international best practice with respect to the two non-exhaustive factors to be considered by the Court as found in the relevant provisions. While members do not object to the current construction of the proposed sections, they consider the determination of the amount of remuneration payable not the best arrangement. They are of the view that it should preferably be handled by a tribunal so that any person aggrieved by the decision of the tribunal can apply to the Court for judicial review. At members' request, the Administration undertook to take the "tribunal" approach into consideration when it revisits the adequacy of the current provisions in the future, having regard to overseas experience in applying provisions in the Protocol.

As provided in the Bill, any person aggrieved by the termination of an import/export compulsory licence may, within 28 days after the date of the termination of the licence, apply to the Court for a review of such termination. Since the person aggrieved by the Director's decision to terminate the licence

may not be the licensee himself, and hence has to learn of such decision from the advertisement published in the official journal, members are concerned that under the arrangement, the aggrieved person may in fact have less than 28 days for applying to the Court for a review. To address members' concern and to ensure that a third party aggrieved by the termination has sufficient time for filing an application for a court review, the Administration agreed to make a special arrangement such that the termination notice will be advertised in the official journal as soon as practicable and in any case not later than 24 hours from the Director's termination of the relevant licence.

On the remuneration to the proprietor of the patent, the Administration proposes that the amount of remuneration will not exceed a level equivalent to 4% of the total price to be paid by the importer for the product. The Administration explains that, in drawing up the 4% cap, it has taken into account the mechanism adopted by other WTO members. In this connection, members think that in Hong Kong's interest, the cap should be maintained at the lowest possible level. In the light of members' concern, the Administration undertook to review the propriety of the cap in the course of time, having regard to the prevailing international practice. It is noted that the Secretary for Commerce and Economic Development may by way of notice in the Gazette vary the said percentage.

In addition, members note that an import compulsory licence will terminate when the extreme urgency leading to the declaration is over. Members raise concern as to how the business interests of the traders importing and supplying the patented pharmaceutical product can be safeguarded when the extreme urgency leading to the declaration is over and there is remaining stock of the product. To address such concerns, the Administration undertook to introduce specific provisions into the Bill to enable the Government to accept the remaining stock surrendered by the licence holders in return for payment at cost by the Government. Moreover, end-users possessing the product for personal consumption will not entail infringement.

Since the Administration has agreed to move Committee stage amendments (CSAs) to address the concerns raised by the Bills Committee, the Bills Committee supports the Bill and the CSAs to be moved by the Government.

Madam President, I so submit.

MS MARGARET NG (in Cantonese): President, I support this Bill in principle. However, there are still two issues which in my opinion have not been properly dealt with in the course of the deliberations. Although the authorities have accepted Members' requests in many areas, I would still like to thank them now for what they have done.

President, the two important issues are, first, announcement of the termination of the period of extreme urgency. President, the approach taken by this Bill is to allow the proprietor of the patent to enjoy statutory rights. However, during a period of extreme urgency, the proprietor's interest may be affected, that is, injured. It is because of public interest considerations that this approach is taken. It follows that it is of great importance to know when the period ends. This is especially true when the persons affected are aware of the fact that the period has not yet come to an end and so they should know what to do to protect their rights or ask the Government to terminate such a period. This should be determined by clear provisions.

The relevant provision only stipulates that the Chief Executive in Council may declare a period of extreme urgency begins, but there is no mention of his responsibility to declare its end. Under the present circumstances, there is nothing we can do if he does not declare its end. The Government recognizes this concern raised by us and it will move a CSA to this provision. But the amendment only provides that the Chief Executive in Council should review from time to time or arrange for the regular review of the public health problem or the threatened public health crisis that calls for the said declaration. In other words, the amendment provides for a mechanism whereby the Chief Executive has the legal responsibility to make regular reviews. Therefore, if the Chief Executive fails to undertake such regular reviews, that is, if he fails to fulfil such a duty, those affected may file an application with the Court for a review. Thus they are in a position to do that. However, this is not quite responding directly to the issue as such and so I hope the authorities would make improvements in due course.

Another issue is about the powers of the Court. With respect to the Court's handling of disputes over this period and the powers of the Court which include, *inter alia*, the power to determine the amount of remuneration payable to the proprietor of the concerned patents, I have pointed out in the Bills Committee that the role of the Court is to implement the law and in cases where the law is unclear or when a dispute arises, make judicial interpretations. So taking into account the powers and constitutional position of the Court, it should

play the role of checking, verifying or making a judgment, instead of determining the remuneration payable. In many cases, matters like determining the amount of compensation or remuneration are the responsibilities of a tribunal. Even if the amount of money involved is great, such as making compensation for land, it is the Lands Tribunal, not the Court, that will make a ruling on such matters. Therefore, the approach taken by the Bill in question does not actually tally with the role played by the Court. The Court should play a second-line function, that is, when the determination made by the tribunal is found to be incorrect or unfair, or if there is any omission or illegality in procedure, then the Court may step in. Otherwise, the Court should not be expected to play the part of determining compensation.

President, actually, the authorities do not have ample time to address this issue on this occasion. In principle, the authorities agree that the role played by the Court should be to adjudicate and conduct reviews, instead of determining the compensation amount. So the present provision is not satisfactory. This means the present practice of asking the Court to determine the amount of compensation is not satisfactory either. The authorities explain that, first, such circumstances seldom occur and both parties concerned may negotiate and come up with a solution and so there is no need to take the case to court. As for stipulation that the matter should be handled by a Court, this is because there should be judicial procedures for international agreements and disputes cannot be expected to be solved by administrative means alone. This is why the Court is involved. However, in their opinion, such cases would rarely happen. Second, on the standards used by the Court in making such determination, as the Court is not a commercial entity, it has to abide by some standards and these should be recognized by the international community. Therefore, President, in all practicalities, the problem should not be very great. So I would not insist on opposing this Bill on this ground. However, I hope when the Secretary gives a response later, he can tell us clearly that this deficiency would be subject to review and that improvement would be made in future so as to give greater clarity to the role of the Court. Thank you, President.

MR LI KWOK-YING (in Cantonese): Madam President, on behalf of the DAB I speak in support of the Patents (Amendment) Bill 2007.

Madam President, all along Hong Kong has attached great importance to the protection of intellectual property rights. From the priority accorded by the Government to cracking down on piracy and the concern expressed for the

problem, it is evident that the SAR Government is determined to protect intellectual property rights. The SAR Government as a member of the World Trade Organization (WTO) is not only taking active steps to defend intellectual property rights but also has to face up to the world and fulfil its duties and responsibilities as a WTO member. In 2005 the WTO adopted the Protocol Amending the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement). The Protocol is meant for helping developing and least-developed economies to gain access to medicines in cases of emergency. The amendments proposed in the Bill seek to implement and adopt the part of the Protocol on public health, in order to enable Hong Kong to import and export pharmaceutical products in cases of emergency. The DAB supports the amendments proposed in the Bill.

The thrust of the amendments proposed in this Bill is closely related to the protection of patents in medicines. According to the TRIPS Agreement, WTO members should legislate to ensure that protection is given to new inventions in the form of a patent period for 20 years. Such inventions include biotechnology products and pharmaceuticals. Huge investments are made in developing a new drug and it is pointed out that as much as US\$500 million is needed to produce a new drug for sale on the market. In the absence of sufficient returns and effective patent protection, it would be hard to induce pharmaceutical producers to engage in research to develop new drugs, especially those that target diseases commonly found in developing countries.

While the protection of patented drugs is important, it should be noted that this also poses a certain impact on public health, because pharmaceutical products known as patented drugs are usually exclusively produced by well-known pharmaceutical concerns. The price of these drugs is very high, and it exerts a great financial pressure on the developing countries. In the case of drugs used to treat AIDS, 70% of these drugs are produced by multinational pharmaceutical companies. And as these drugs are very expensive, close to 80% of the AIDS patients in Africa cannot afford them. Now as many as 11 million people die of contagious diseases every year. Many of them come from developing countries and a large number of them die because of the lack of drugs to treat them. It can be seen that the high price of drugs is depriving many poor people of their right to live.

Fortunately, generic versions of patented drugs can bring hope to people in the developing countries. India is the greatest producer and exporter of generic

drugs in the world. It supplies more than half of the AIDS drugs to the developing countries. Another example is Glivec, a patented drug used to treat leukaemia. Patients in India on the generic version of that drug only need to pay US\$2,700 a year and that is only one tenth of the costs of the patented drug. Thus generic drugs play an important part in upholding the right of patients in developing countries to receive medical treatment.

When we protect patents in drugs, we should also uphold the right of patients to medical treatment. A balance should be struck between the two concerns. This is also the spirit underpinning this Bill. While Hong Kong is not a developing country, we have to depend on imports of pharmaceutical products. Hence there is a need to ensure that the supply of drugs will not be disrupted in the case of a major public health crisis.

On the question of a major public health problem, the proposed section 72B states: "The Chief Executive in the Council may by notice published in the Gazette declare a period of extreme urgency whenever the Chief Executive in Council considers it to be necessary or expedient in the public interest to do so to address any public health problem or threatened public health problem in Hong Kong". During the deliberations on the Bill, members and some groups expressed concern for the definition of "extreme urgency" and hoped that the Government could define cases of "extreme urgency" and state what specific measures and arrangements would be taken in such cases of "extreme urgency".

After learning from the experience of SARS, the SAR Government drew up contingency measures two years ago to prepare for an influenza pandemic, covering work in the prevention, surveillance and containing of an influenza pandemic. Such measures are devised with considerable attention to details. The arrangements stipulate that if the emergency response level is activated, the Chief Executive is to head a steering group to oversee the execution of the government contingency plan. From these contingency measures to cope with an influenza pandemic, we can see the great attention paid by the Government to prevent outbreaks of influenza and we realize that we can draw up clear guidelines on the prevention and handling of major public health crises. By drawing up such guidelines, not only can the public be made more alert to the prevention of major public health crises but it would also help give the Government a clearer direction in the case of an outbreak so as to mobilize and co-ordinate various sectors in the community to cope with the outbreak. Therefore, after the Bill is passed, the Government can conduct a further review

of the public health crisis handling mechanism to explore the possibilities of devising guidelines on contingency measures for other potential epidemics.

Members are also concerned about the administrative measures adopted by the Administration in cases of emergency. Under the proposed section 72K, a local manufacturer has to provide various information to support his application to the Director of Health for the grant of an export compulsory licence. To facilitate local manufacturers in making an application expeditiously so as to enable WTO member countries to import drugs to address their public health crises, I hope the Government can honour its pledge and look into viable administrative arrangements, including the issue of application guidelines to local manufacturers for their reference.

With constant mutations and fast spreading of many kinds of contagious viruses, it would just be a matter of time before Hong Kong is threatened by other epidemics and by that time we may have to ask other countries for assistance. The amendment Bill this time can enable the SAR Government to implement the WTO Protocol and keep abreast of the latest developments of WTO member countries in the protection of patents in drugs while also ensure the supply of drugs to Hong Kong in case of emergency. Therefore, the DAB hopes that the Bill can be passed early.

Madam President, I so submit.

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

(No Member indicated a wish to speak)

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

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): First of all, Madam President, I would like to express my gratitude to Mr SIN Chung-kai, Chairman of the Bills Committee, and members of the Bills Committee, for the efforts they made in scrutinizing the Patents (Amendment) Bill 2007 (the Bill).

The Bill seeks to implement a Protocol endorsed by the World Trade Organization (WTO) in December 2005 which aims to facilitate access to generic versions of patented drugs for addressing public health problems. The Protocol, once implemented, will not only help address public health problems threatening the entire world, but also enable Hong Kong to exercise greater flexibility in procuring required drugs in dealing with public health problems of extreme urgency.

According to the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement), a WTO member may issue a licence allowing a third party to produce and sell the relevant generic versions of patented drugs without the authorization of the patent proprietor. However, as the relevant drugs are required under the TRIPS Agreement to be used predominantly for domestic use, a WTO member lacking production capacity faces great difficulties in acquiring the drugs it requires by making effective use of the compulsory licensing system. In August 2003, the WTO decided to temporarily waive the relevant restrictions by allowing WTO members to export generic medicines to other WTO members under specified circumstances. Furthermore, if the exporting member has already paid adequate remuneration at the exporting end to the patent proprietor as required, no remuneration is required to be paid by the importer for the generic medicines to avoid double remuneration. Subsequently, in December 2005, the Protocol was endorsed by the WTO to replace permanently the temporary waiver with a fixed arrangement, whereby the Protocol would become effective when it is accepted by two thirds of WTO members. It is hoped that the Bill can be passed early to enable the SAR Government to implement the mechanism advocated by the WTO.

In formulating the Bill, the Administration has ensured the relevant licensing system's compliance with the requirements under the Protocol.

The Chief Executive in Council may on public health grounds declare a period of extreme urgency in Hong Kong. Only under such circumstances will Hong Kong import generic medicines under the Protocol.

Furthermore, Hong Kong may also export generic medicines under the Protocol. If the WTO member intending to import from Hong Kong the relevant medicines is not under circumstances of extreme urgency, the local manufacturers applying for an export compulsory licence must strive to obtain an authorization from the proprietor of the patent on reasonable commercial terms

and conditions. For cases where the importing member has declared that it is under circumstances of extreme urgency, the requirement would not apply. To facilitate local manufacturers in making applications for the export compulsory licences to help importing members to cope with their health crises, the Department of Health (DH) will prepare relevant guidance notes and appropriate application forms. In devising the administrative measures for export compulsory licences, we will also take into consideration the practice of other WTO members. The Administration's target is to have the measures in place within three months after the passage of the Bill.

In line with the requirements under the Protocol, the Bill provides for the payment of remuneration to the proprietor of the patent. It is proposed that the amount of remuneration be determined by the DH on the advice of the Director of Intellectual Property (DIP), subject to a certain ceiling. Under the Bill, the ceiling is now pitched at a level not exceeding 4% of the total price to be paid for the medicines. In drawing up the 4% cap, the Administration has made reference to the practices of other places (including the European Union, Canada and Switzerland). To give the arrangement greater flexibility, the Bill empowers the Secretary for Commerce and Economic Development to, by way of notice in the Gazette, vary the level of the ceiling. The Administration will review the propriety of the cap in the course of time, having regard to the prevailing international practice.

For the protection of the rights of the proprietor of the patent, additional provisions will be introduced to enable the aggrieved to make a request to the Court for review. The Court is empowered to make appropriate orders for, among others, determining an amount of remuneration which is higher than the statutory ceiling of the foregoing amount of remuneration. The practice of determining the relevant amount of remuneration by the Court can also be found in similar provisions under other legislation. The Bill has also provided two non-exhaustive factors for the Court in determining the amount of remuneration, namely (a) the economic value to the importing member and (b) humanitarian or non-commercial factors. These two factors, ensuring compliance of the provisions with the requirements of the Protocol, have reflected the best practice of other regions. The Administration believes the existing provisions have already provided reasonably clear parameters for potential parties to the proceedings in making submissions and adducing evidence in Court. Having regard to the views of the Bills Committee, as has been mentioned by Ms Margaret NG earlier, the Administration will explore in the course of time the

need to further perfect the proposed practice in the light of the experience of other WTO members in applying the provisions of the Protocol, including the proposal mentioned earlier by Ms Margaret NG regarding the handling of remuneration disputes by a tribunal.

The abovementioned mechanism strives to balance the interests of all parties by addressing the needs of public health problems as well as providing appropriate protection for the proprietor of the patent.

Madam President, in the course of scrutinizing the Bill, the Bills Committee has listened to the views expressed by different deputations, which are basically supportive of the direction of the Bill. After listening to the views of the Bills Committee and the deputations, the Administration has decided to introduce appropriate amendments to certain provisions of the Bill. The relevant topics include the mechanism for terminating the period of extreme urgency, disposal of generic medicines on the termination of the period of extreme urgency, and the need to make express reference to the decision of the General Council of the WTO in 2003 regarding the endorsement of the temporary waiver, and so on. Later I will propose various amendments at the Committee stage. Now I will first give a brief introduction of the content of the CSAs.

The Bills Committee understands that, when Hong Kong is declared to be under circumstances of extreme urgency, the Administration might not be able to predict when the prevailing public health crisis will end. Despite the Bills Committee's belief that the Administration will review the latest conditions of the crisis from time to time, the Bills Committee considers it necessary to, for the protection of the interests of various parties, introduce additional provisions to state that the Administration will conduct regular reviews until such a date as may be specified by the Chief Executive in Council by notice published in the Gazette terminating the period of extreme urgency. The Bills Committee also considers that any person aggrieved by the Administration's failure to terminate the period of extreme urgency in a timely manner may apply to the Court, and the abovementioned arrangement is precisely meant to provide them with the legal basis for redress. We have no objection to this.

Furthermore, the Bills Committee holds that, upon the termination of the period of extreme urgency, proper arrangements must be put in place to dispose of the remaining stock of the generic medicines imported under a compulsory

licence for the protection of the interests of various parties. In view of this, we propose that additional provisions be introduced to expressly provide for the disposal of remaining stock of generic medicines upon the termination of the period of extreme urgency, including the recall of the relevant medicines, the acceptance by the Administration of the remaining stock of generic medicines, and so on.

During the deliberations on the Bill, it has come to our attention that some WTO members, including the European Union (with 27 member states) and Canada, have not yet accepted the Protocol. Under circumstances of extreme urgency, however, it might be necessary for Hong Kong to import generic medicines from these places. When the relevant system is invoked by Hong Kong to import medicines, the following scenario cannot be ruled out: the exporting end might still need to rely on the General Council's decision endorsed in August 2003 regarding the "temporary waiver" as the basis for exporting to Hong Kong the medicines. To remove any doubt regarding the legal basis, the Administration proposes to add express reference to the General Council's decision to the relevant provisions of the Bill.

In addition to the abovementioned amendments, we have proposed after consultation with the Bills Committee some technical amendments to certain provisions of the Bill as well as other minor amendments. All these revisions have been incorporated into the amendments.

Madam President, I would like to once again express my thanks to the Bills Committee for its valuable advice during the deliberations on the Bill and the deputations for their support of the Bill. I implore Honourable Members to support the passage of the Bill to enable Hong Kong to work jointly with the international community in implementing the Protocol at an early date. Upon the passage the Bill into law, we will immediately notify the WTO of Hong Kong's acceptance of the Protocol.

Thank you, Madam President.

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

(Members raised their hands)

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

(No hands raised)

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

CLERK (in Cantonese): Patents (Amendment) Bill 2007.

Council went into Committee.

Committee Stage

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

PATENTS (AMENDMENT) BILL 2007

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

CLERK (in Cantonese): Clauses 1, 4, 6 and 7.

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): Clauses 2, 3 and 5.

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): Madam Chairman, I move the amendments to the clauses read out just now, as printed on the paper circularized to Members. These amendments have been examined in detail by the Bills Committee. I will now briefly introduce the major amendments.

Firstly, the amendment to clause 3 of the Bill seeks mainly to include in the relevant interpretation clauses the reference to the decision endorsed by the General Council of the WTO on 30 August 2003.

We also propose to introduce several amendments to clause 5 of the Bill. They include mainly, first, amending the proposed section 72B by introducing additional provisions to state that the Administration will review from time to time the public health problem to ensure the timely termination of the period of extreme urgency; second, introducing section 72GA to expressly provide for disposal of the remaining stock of generic medicines upon termination of the period of extreme urgency; and third, proposals to amend the proposed sections 72E and 72K by adding an express reference to the General Council Decision.

In the speech delivered by me in relation to the resumed Second Reading debate of the Bill, I already explained the abovementioned Bill and the background to the major amendments we have striven to introduce and their contents, and so I will not repeat them here.

Furthermore, minor and technical amendments will be made to the proposed clauses related to clauses 2, 3 and 5 of the Bill. All these amendments

have been discussed in, and supported by, the Bills Committee. I implore Honourable Members to support and pass these amendments.

Thank you, Madam Chairman.

Proposed amendments

Clause 2 (see Annex I)

Clause 3 (see Annex I)

Clause 5 (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 amendments moved by the Secretary for Commerce and Economic Development be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

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

CLERK (in Cantonese): Clauses 2, 3 and 5 as amended.

CHAIRMAN (in Cantonese): I now put the question to you and that is: That the clauses 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): Bill: Third Reading.

PATENTS (AMENDMENT) BILL 2007

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

Patents (Amendment) Bill 2007

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

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Patents (Amendment) Bill 2007 be read the Third time and do pass.

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

(Members raised their hands)

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

(No hands raised)

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

CLERK (in Cantonese): Patents (Amendment) Bill 2007.

MEMBERS' MOTIONS

PRESIDENT (in Cantonese): Members' motions. Two proposed resolutions under the Interpretation and General Clauses Ordinance in relation to extension of the period for amending subsidiary legislation. First motion: Extension of the period for amending the Securities and Futures (Contracts Limits and Reportable Positions) (Amendment) (No. 2) Rules 2007.

I now call upon Mr SIN Chung-kai to speak and move his motion.

PROPOSED RESOLUTION UNDER THE INTERPRETATION AND GENERAL CLAUSES ORDINANCE

MR SIN CHUNG-KAI (in Cantonese): President, I move the first motion under my name.

President, the extension of the deliberation period is required because of the complexity of the relevant amendments. In brief, we need more time for deliberation.

Mr SIN Chung-kai moved the following motion:

"RESOLVED that in relation to the Securities and Futures (Contracts Limits and Reportable Positions) (Amendment) (No. 2) Rules 2007, published in the Gazette as Legal Notice No. 198 of 2007 and laid

on the table of the Legislative Council on 31 October 2007, 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 19 December 2007."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Mr SIN Chung-kai be passed.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Mr SIN Chung-kai be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

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

PRESIDENT (in Cantonese): Second motion: Extension of the period for amending the Unsolicited Electronic Messages Regulation (Commencement) Notice.

I now call upon Mr SIN Chung-kai to speak and move his motion.

PROPOSED RESOLUTION UNDER THE INTERPRETATION AND GENERAL CLAUSES ORDINANCE

MR SIN CHUNG-KAI (in Cantonese): President, I move the second motion under my name.

President, the commencement of the motion is originally not a matter of great complexity, only that the commencement date is to be decided. However, some technical problems arose when the Regulation was implemented. Therefore, the Government is now studying the feasibility of proposing another amendment to the Regulation to bring consistency to the commencement of the Regulation and that of the amended Regulation. This is merely a technical amendment.

Mr SIN Chung-kai moved the following motion:

"RESOLVED that in relation to the Unsolicited Electronic Messages Regulation (Commencement) Notice, published in the Gazette as Legal Notice No. 202 of 2007 and laid on the table of the Legislative Council on 31 October 2007, 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 19 December 2007."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Mr SIN Chung-kai 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: Preventing cancer.

I now call upon Mr LI Kwok-ying to speak and move his motion.

PREVENTING CANCER

MR LI KWOK-YING (in Cantonese): Madam President, I move that the motion, as printed on the Agenda, be passed.

Madam President, according to the World Health Organization (WHO), there were 7.6 million cases of death caused by cancer in 2005. Not only was the figure higher than Hong Kong's existing population, cancer was also found to be the leading cause of death of humans. Meanwhile, more than 10 000 people of Hong Kong are killed by cancer a year. More worrying still, the incidence and mortality rates of cancer have continued to rise in Hong Kong. According to the figures provided by the Hong Kong Hospital Authority (HA), there were 14 988 new cancer cases and 7 226 death cases in 1983. In 2005, the new numbers of cancer and death cases rose to 22 775 and 12 310 respectively. During these two decades, the relevant figures recorded an increase of 52% and 70% respectively. Obviously, combating cancer is a health care issue to which the Government must pay extra attention.

(THE PRESIDENT'S DEPUTY, Ms Miriam LAU, took the Chair)

Cancer imposes a heavy burden on society in terms of medical expenses and the mental stress on patients and their relatives and friends. For this reason, countries worldwide are looking for ways of prevention. The WHO has once indicated that preventive policies may reduce the rate of incidence of cancer by one third. Deputy President, a healthy living habit is the one and only way of preventing cancer. As Members are aware, the Government has made a lot of efforts in educating people in leading a healthy life by promoting the importance of a balanced diet, appropriate amount of physical activity, avoidance of smoking and alcohol, and so on. However, there are some areas to which improvements can still be made. For instance, the Exercise Prescription Project, one of the Government's promotion initiatives, seems to have disappeared without a trace. A lack of vigour in enforcement on tobacco control has also undermined the effectiveness of anti-smoking publicity and education. In addition, some living habits could have special effectiveness on preventing certain cancers in particular. For instance, women could reduce the risk of breast cancer through breast-feeding; safe sex could prevent women from being infected with virus causing cervical cancer; and avoidance of prolonged exposure to the sun and sun lamps could prevent skin cancer, and so on. The Government should enhance education to raise public knowledge about these, and even regulate higher-risk behaviour so as to arouse public concern about the importance of improved living habits to cancer prevention.

Furthermore, it is also imperative for the Government to enhance its behavioural risk surveillance and surveys by including more items, such as habits of exposing to sun lamps, habits of undertaking regular physical check-ups, details of the check-ups, and so on, with a view to comprehensively understanding the correlation between the mode of behaviour of the public and health risks. Furthermore, the Government should expedite the collation of data on cancer by further shortening the 24-month collation period so that various sectors can grasp the latest trend of the development of cancer and assist in the formulation of appropriate policies.

Besides, I am also concerned about the strategy of preventing cancer through vaccination. At present, a free Hepatitis B Vaccination Programme is provided for babies to prevent liver cancer caused by the deterioration of hepatitis. This shows that there are precedents for the Government to prevent cancer through vaccination. In recent years, the medical profession has invented an effective vaccine against cervical cancer. For these reasons, the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB)

proposes that a free cervical cancer vaccination programme be launched. My colleague will explain this proposal in detail later on in the meeting.

Deputy President, I have raised in the motion a proposal of launching a community-wide cancer screening programme. This proposal was also raised with the Financial Secretary by the DAB sometime ago in the hope that it could be included in the Budget next year. I believe Members will understand the reason why "one should seek medical treatment before one's sickness gets too serious". In fact, cancers in general are not acute diseases, for mutation appears only after a period of time. Modern medical technology can effectively detect the conditions of cells before mutation and polyps which can develop into malignant tumours. Early prevention can avoid deterioration and even bring recovery. This is why the international community has injected resources in recent years in community-wide cancer screening programmes for cancers of high incidence rates.

A Cervical Screening Programme was launched in Hong Kong in 2004 to encourage women who have had sex to be screened. Up to mid-2007, a total of 280 434 women had participated in the Programme. Judging from the falling trend of the figures of incidence of cervical cancer in 2005, the Programme has achieved a certain degree of effectiveness. Unfortunately, only less than 10% of the women have participated in the Programme. In terms of penetration, the Programme can be said to be unsatisfactory, probably because some women were put off by their notion of the Programme or because of screening charges. This is why the DAB thinks that the Government may review the effectiveness of cervical screening and conduct further promotion and publicity to attract more women to join in the Programme.

What is more, it is the hope of the DAB that the Government can launch a screening programme for, or extend its existing programme to cover, colorectal and breast cancers. Deputy President, colorectal cancer is the number two most common cancer among both men and women. In 2005, the number of new colorectal cancer cases stood at 3 759, up 85% from 1990. Meanwhile, the number of deaths from colorectal cancer also rose 80% from 1990, and 1 646 deaths were recorded in 2005. By 2010, it is estimated that the number of morbidity cases of colorectal cancer will surpass that of lung cancer to become the most common cancer in Hong Kong. More importantly, the statistics of the HA in 2004 revealed that more than 50% of new morbidity cases had already

reached the third or fourth stage when confirmed, with only less than 10% of cancer patients confirmed at the first stage. It can thus be seen that should the Government fail to actively promote the screening programme, the problem of colorectal cancer will only continue to deteriorate.

There are probably views that fecal occult blood test (FOBT) was not introduced to the Government for adoption since a research report by an expert team commissioned by the Government in 2004 had failed to come up with arguments supporting that a large-scale FOBT programme can achieve remarkable results. However, I would like to point out that, with the emergence of more medical research, the relevant conditions are no longer the same. The Government should indeed give this fresh consideration.

In September this year, an Asian-Pacific conference on colorectal cancer was held by the Institute of Digestive Disease of The Chinese University of Hong Kong and attended by countries from 14 regions, including Australia, China, India, Japan, Korea, Singapore, the United States, and so on. A number of consensuses were reached on the problem of colorectal cancer during the conference. I will attempt to raise four major points of consensus in the hope of arousing the Government's increased attention. The conference shared the following views:

- (a) the rate of incidence of colorectal cancer in the Asian-Pacific Region and that in western countries are comparable;
- (b) despite the falling trend of the mortality rate of colorectal cancer in western countries, the mortality rate of colorectal cancer in Asian countries has continued to rise;
- (c) FOBT, flexible sigmoidoscopy and colonoscopy can be recommended as a choice for confirming colorectal cancer; and
- (d) in resource-limited countries, FOBT is the first choice for colorectal cancer screening.

We can see that the medical professions in the Asian-Pacific Region share the view that the problem of colorectal cancer is one of the major public health care subjects in the Region, and some effective monitoring methods have been

confirmed. What is more, we can see the developments of the screening programmes for colorectal cancer worldwide. According to the statistics conducted by an international cancer screening network, screening programmes for colorectal cancer are being implemented in 22 countries across the world, including the United States, Britain, Australia, Germany, Italy, Uruguay, Japan, South Korea, and so on. A number of researches conducted in western countries have also revealed that regular FOBT could reduce the mortality of colorectal cancer by up to 16%. If we calculate in terms of 1 646 cases of death caused by colorectal cancer in Hong Kong in 2005, 263 Hong Kong citizens will not be killed by cancer provided that a screening programme for colorectal cancer is immediately launched by the Government. The DAB has estimated the financial burden imposed as a result of the launching of a screening programme for colorectal cancer. We have found that it will only cost the Government an additional \$200 million per annum if it is willing to subsidize half of the testing charges to encourage people aged over 50 to undertake regular check-ups.

Similarly, breast cancer is also of grave concern to society. Although a number of organizations are actively promoting breast cancer check-ups, the rates of incidence and mortality of breast cancer in Hong Kong have continued to rise. While the number of breast cancer patients rose from approximately 1 400 in 1995 to 2 307 in 2005, the number of deaths rose from around 320 to 460 in 2005. Furthermore, more than 50% of the patients diagnosed to have breast cancer have already reached the second or third stage. Hence, the DAB considers it necessary for a breast cancer screening programme to be launched.

Deputy President, in our opinion, it is extremely worthwhile for the Government to subsidize a cancer screening programme for colorectal and breast cancers to save the valuable lives of more than 420 members of the public and lessen the medical burden caused by diseases if the annual expenditure for the programme is estimated to incur a mere \$500 million, or equivalent to 1.5% or so of the Government's medical expenditure. More importantly, screening can enhance public awareness of the importance of their own health, thereby raising the effectiveness of the promotion of healthy living. The DAB considers that it is imperative for the Government to make a renewed effort in taking forward the feasibility study of the cancer screening programme for colorectal and breast cancers so that society can find a stronger impetus in combating breast cancer.

Deputy President, I so submit.

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

"That, as cancer has become the number one cause of death of Hong Kong people, but they generally know very little about cancer and neglect the importance of improving their life style, taking injections of effective vaccines and undergoing regular screening tests to prevent and detect cancer at an early stage, thus causing delay in treating the disease and affecting the efficacy of treatment, this Council urges the Government to:

- (a) launch a community-wide cancer screening programme for colorectal and breast cancers, and so on, and encourage people to undergo regular screening tests;
- (b) introduce a vaccination programme for cervical cancer to reduce its incidence rate;
- (c) promote education on different types of cancers, in order to change people's life style and achieve results in prevention; and
- (d) expedite the collation of data on cancer to effectively monitor the development trend of this disease, and research on the cancer-causing risk factors so that the Government, the medical sector and the general public can grasp in a timely manner the relevant information, which may serve as reference in the formulation of policies and enhance public awareness of cancer."

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

DEPUTY PRESIDENT (in Cantonese): Dr KWOK Ka-ki, Mr Andrew CHENG and Miss CHOY So-yuk will move amendments to this motion respectively. Mr CHEUNG Hok-ming will move an amendment to Dr KWOK Ka-ki's amendment. The motion and the amendments will now be debated together in a joint debate.

I will call upon Dr KWOK Ka-ki to speak first, to be followed by Mr Andrew CHENG, Miss CHOY So-yuk and Mr CHEUNG Hok-ming; but no amendments are to be moved at this stage.

DR KWOK KA-KI (in Cantonese): Deputy President, first of all, I welcome the motion moved by Mr LI Kwok-ying today because it is very meaningful.

As a doctor, I best remember my telling my patients when they approached me for medical treatment that "they should seek medical treatment before their sickness gets too serious". Actually, places all over the world are similarly affected by the rising rates of incidence and mortality of cancer. Hence, in major developed places of the world, cancer has become one of the priority issues to be dealt with by the public health care system. Hong Kong is no exception.

According to the figures published by the HA in 2005, of the 10 types of cancer with the highest rates of incidence, more than four types are closely connected with the screening programme. First of all, over the past two decades, the number of cases related to colorectal and rectum cancers has continued to rise. Up to 2005, the incidence rate of colorectal and rectum cancers already reached 54.4 per 100 000 population, whereas the incidence rates of breast cancer, liver cancer, and prostatic cancer stood at 34.1, 25.7 and 14.2 per 100 000 population respectively. These several types of cancer have one thing in common in that many places in the world have already included them in their screening programmes. According to the figures provided by the WHO, 58 million people across the world died of cancer in 2005. Actually, various countries in the world are facing the same situation, with lung cancer, stomach cancer, liver cancer, colorectal cancer, and breast cancer accounting for the bulk of cancer cases.

Insofar as cancer screening is concerned, it has been confirmed in many places that cancer screening can reduce the rates of incidence and mortality and the impact caused by the disease. The most serious or the largest problem faced by the HA now lies in dealing with many serious and complicated diseases, particularly in treating terminal cancer, for it requires abundant public money, manpower and resources including funds for chemotherapy and radiotherapy for treatment of cancer. However, if these cancer patients can detect their diseases at an early stage, they can very often benefit from some early treatment. Insofar as the patients and their family members are concerned, not only will the side-effects caused by early treatment be less significant, the impact on their families will also be less severe.

At the early stage of breast cancer treatment, for instance, many women can very often resort to some local or minor surgeries without having to remove their entire breast as previously did. In the future, they may also be subject to less effects of anti-cancer drugs.

Colorectal cancer is no exception. If colorectal cancer patients can detect their disease at an early stage, many of them can receive treatment at initial incidence. Colorectal cancer has different stages. The rate of recovery or survival for five years of early-stage patients is higher than 90%. Furthermore, it is very important that modern medical technology has made it possible for some minimally invasive surgeries to be operated on these colorectal cancer patients.

The same goes for liver cancer. But unfortunately, statistics on liver cancer reveal that only less than 20% of liver cancer patients can be diagnosed at an early stage and have removal operations subsequently. A vast majority of liver cancer patients are already at a later stage when cancer is detected. As a result, many removal operations can no longer help them.

Let me cite Britain as an example. As far back as the 1970s, a study was already begun by the national health care system of Britain. In 2000, it was confirmed that mammography could help British women reduce various impacts caused by breast cancer, including reducing the mortality rate. Under a national health care programme implemented in Britain, all women aged between 50 and 70 will take turns to receive mammography once every three years. At present, 1.5 million women throughout Britain receive mammography. An annual survey has shown that 1 400 women are saved each year by mammography.

There might probably be a general misconception that the screening is costly, but it is actually not the case. According to the figures published in Britain, each woman under this screening programme has to pay only £47.5, or an equivalent of \$760. This sum of money is absolutely affordable to the SAR Government. Even if a breast cancer screening programme is introduced for all women in the territory, the cost incurred will only be around \$540 million. Members should have noticed that the SAR Government is discussing ways to spend its inexhaustible reserves, for our surplus might probably reach \$50 billion this year. So, why should the Government act in such a miserly manner by

refusing to commit resources to assisting patients in receiving breast cancer diagnosis at an early stage? We are really most puzzled by the Government's approach.

Regarding the rate of incidence of cancer, attention should be paid to the rate of incidence of colorectal cancer too. The rate of incidence of colorectal cancer has risen from 33.2 per 100 000 people in 1986 to 54.4 at present. Actually, insofar as many colorectal cancer patients are concerned, there are signs to be traced. Very often, these patients are found to be linked to such factors as family history and a history of having polyps. After detailed interview and examination, many doctors can identify high-risk colorectal cancer patients so that different screening programmes can be arranged.

I have proposed two amendments to the original motion, including offering tax concessions to encourage the people to undergo regular screening tests and providing enhanced training for family doctors. Why have I proposed these amendments? First, as Members should be aware, it is impossible, and may not be necessary, for the Government to bear the entire cost of treatment, including the cost of undertaking screening for cancer treatment. However, neither is it a good solution for the Government to just sit still without doing anything. A number of proposals, including some put forward by academics, were already raised in the past when Hong Kong faced the problem of inadequate health care resources. The Government was also requested to consider giving the public incentives, through tax concession schemes, to undertake regular check-ups at affordable charges. These check-ups can not only help them cope with a variety of illnesses, but also enable them to receive treatment at an early stage.

For the Government, these tax concession schemes, if implemented, will actually achieve a win-win situation. Encouraging the people to consult the doctor at an early stage for diagnoses for early attention and treatment can actually help taxpayers reduce the large amounts of resources to be injected to treat patients, especially when they are at a later stage of illness.

Insofar as my second amendment is concerned, the Government is requested to enhance the promotion of the important concepts of family doctors and family medicine. Very often, a variety of cancer patients stand a relatively high risk of contracting a certain cancer because of their family history of contracting the cancer. For instance, breast and colorectal cancers are quite

common in Hong Kong. Evidence and some genetic studies have revealed that, if there is a breast or colorectal cancer patient in a family, other family members stand a higher chance of contracting cancer than ordinary people. The role of family doctors is to get to know their clients and every patient in their clients' families. Enhancing the concept of family medicine can facilitate the doctors in making early diagnosis for their patients. However, family doctors very often face the problem of their advice for their patients to undergo screening being rejected due to resource consideration. As not every patient can afford screening charges, the doctors' advice is very often not accepted. Therefore, it is imperative for government support to be strengthened.

Regarding a health care voucher scheme recently launched by the Government, I think that the scheme should be extended to cover all Hong Kong people. When they need to undergo certain cancer screening, the health care vouchers would be useful in enabling them to get what they need by undergoing the relevant cancer screening.

Combating cancer is not a simple task. The devotion of all people and the joint participation of the Government, family doctors and patients are required. However, in view of a lack of resources and inadequate education at present, I very much hope that the Government can review the relevant programmes again, provide additional resources, and give family doctors additional support for the sake of benefiting the people.

I so submit. Thank you, Deputy President.

MR ANDREW CHENG (in Cantonese): Deputy President, cancer is a major cause of death in Hong Kong. It is possible at any time that people find themselves or their family members having tumours unknowingly, and subsequently face major changes in their personal lives, the lives of their family members and their financial situation.

Information has shown that the mortality rate of cancer has continued to rise during the past two decades, from 27% of the total number of death cases in 1983 to 32%. There is also a rising trend of the rate of incidence of cancer, with that of breast cancer, colorectal cancer, and cervical cancer being particularly alarming. Some cancers, such as breast and cervical cancers, have even become an increasing threat to the young population, with the median age

of certain cancer patients being just around 40 years. The Government, the public and various sectors in the community must pay more attention to combating cancer since the damage caused, and the burden imposed, by cancer to the lives, quality of life, medical expenses and financial position of the people must not be neglected.

The original motion, amendments and further amendments are supported by the Democratic Party in general. However, we still hope to add a few comments regarding some of the content of the original motion.

The original motion proposes that a community-wide cancer screening programme for colorectal and breast cancers be launched. In Hong Kong, the most common cancers among men are lung cancer, colorectal cancer, and liver cancer and those among women are breast cancer, colorectal cancer, and lung cancer. Both colorectal and breast cancers are of relatively high morbidity. During the period between 1994 and 2004, the number of new colorectal cancer cases saw an increase of 35%. In the near future, colorectal cancer is expected to replace lung cancer as the number one killer cancer in Hong Kong.

Hence, colorectal and breast cancers should receive priority attention. Furthermore, the effectiveness of screening of these two types of cancers has already been confirmed. Insofar as colorectal cancer is concerned, evidence has shown that FOBT as a means of screening can reduce the mortality rate of colorectal cancer. With early treatment, the recovery rate of colorectal cancer of early stages (the first and second stages) can reach 80% or above. Furthermore, colonoscopy, introduced into Hong Kong in recent years, and polyp operations can effectively remove polyps and prevent colorectal cancer.

As regards breast cancer, evidence has shown that mammography can reduce the mortality rate of breast cancer. In Taiwan, FOBT and mammography are provided for women aged between 50 and 69 once every two years in the hope of detecting colorectal and breast cancers at an early stage.

Implementing a screening programme for colorectal and breast cancers in Hong Kong for early detection is actually a reasonable request and approach.

The Cervical Screening Programme launched in 2004 is the only cancer screening programme now available in Hong Kong. However, despite years of implementation, the coverage of the Programme, now standing at 43%, is

unsatisfactory. Not only is it behind our 60% target, it is far behind the international coverage of 80% to 85%. The Department of Health (DH) should proceed by first reviewing the coverage of the Cervical Screening Programme to find out the causes of its limited penetration before exploring how to apply the relevant experience to the screening programme for colorectal and breast cancers.

Deputy President, another proposal raised in the motion concerns the introduction of a vaccination programme for cervical cancer. Last year, a cervical vaccine, named Gardasil, was approved by the Food and Drug Administration (FDA) of the United States and confirmed to be capable of providing effective protection for females aged nine to 26 from four types of genital human papillomavirus (HPV) that are responsible for 70% of cervical cancers. According to media reports, the price of new stocks of the vaccine is \$750 per injection. At present, each injection administered in private clinics costs \$1,500 to \$2,000. A total of three doses must be given within six months.

As HPV causing cervical cancer is transmitted through sexual contact, the vaccine is more effective for people not having had sex. Hence, the target age of vaccine users is set at a very low threshold of nine years. The health authorities of Britain consider it most opportune for girls between the age of 12 and 13 to receive vaccination before they become sexually active. However, the vaccine is now confirmed to be effective for five years only. The duration of the effectiveness of prevention and whether it is necessary to have more injections after the three doses are still subject to further study. If most females in Hong Kong do not have sexual contact between the age of 14 and 17, then the introduction of free vaccination for girls between the age of nine and 12 will render the cost-effectiveness very low. If most females become sexually active after 18 years of age, we will have to study whether they still have enough antibodies for preventing cervical cancer and whether another vaccination is required after five years. For the time being, the outcome of the study is not yet available.

In addition, the vaccine might not be useful to people already infected with the four types of HPV. Some analyses have also pointed out the possibility of increased risk of tissue damage, thereby leading to cervical cancer. It has also been recently found that practitioners in the pharmaceutical industry and medical profession were divided on the issue of vaccination of people aged above 26. It was raised by the Society of Hospital Pharmacists the other day that the FDA of

the United States had not approved vaccination of women aged between 27 and 45. Furthermore, it was indicated that the belief that women aged above 26 could prevent cervical cancer by vaccination was actually misleading. The doctors concerned might be held legally liable in the event of adverse reactions.

Deputy President, having regard to the various factors mentioned above, the Democratic Party considers that, despite its approval of the introduction of a vaccination programme for cervical cancer, specific issues, such as the age of vaccination, should first be studied in greater detail.

Public education is probably most vital to cancer prevention. Increasing public awareness of cancer is an effective means to reduce losses caused by cancer. For instance, hereditary factor as one of the numerous factors causing cancer is closely associated with 10% to 20% of colorectal cancer cases. The risk of women with family breast cancer history is also considered to be higher. Through public education to acquaint the public with information can enhance public understanding of their personal potential risk so that they will take better care of their own health. Furthermore, paying more attention to our physical health in our daily life can also facilitate prevention and early detection of signs of illnesses. Information about the early signs of cancer is actually general knowledge which the public should be aware of. Promoting public education vigorously on this front can achieve high cost-effectiveness.

A large number of studies have revealed certain life styles as the most significant risk factor leading to cancer. For instance, the carcinogenic effect of smoking has similarly been confirmed by the findings of a large number of scientific studies; overweight and obesity will increase the risk of endometrial cancer, colorectal cancer, carcinoma of oesophagus, breast cancer, and so on. Primary prevention can effectively reduce the rate of incidence of cancer. The most effective preventive initiatives include tobacco control, promotion of a healthy diet, reduced obesity, and provision of information and conditions to help the public develop a healthy life style. Only through the joint efforts of different government departments, schools, NGOs and commercial establishments can these preventive initiatives be implemented. However, it seems that the Government has not injected a lot of resources into these cost-effective primary health initiatives.

Deputy President, my last proposal is to improve the statistical information system on cancer. At present, the Hong Kong Cancer Registry operating under

the HA is responsible for the collection of data on cancer, though some data on cancer are also provided by the private medical sector. However, unlike infectious disease cases, it is not mandatory for the private medical sector to report all cancer cases. Therefore, the information collected by the Hong Kong Cancer Registry does not cover all cancer cases. Furthermore, the information supplied by the Registry is subject to certain limitations. For instance, there is a 24-month time gap from the occurrence of new cases to their publication. This is why the data available to us are up to 2004 only. Furthermore, the information provided is not too detailed. For instance, there is no information on the stage and survival rate of the detected cancer cases. Therefore, there is a lack of sufficient data indicating the cost-effectiveness of cancer screening and check-ups in Hong Kong. I hope the statistical information system on cancer can be further improved and more private medical institutions be encouraged to provide statistics through electronic systems or other means. Meanwhile, I hope the scope of the information collected by the statistical system can be broadened.

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

MISS CHOY SO-YUK (in Cantonese): Deputy President, Hong Kong people are very prone to cancer. According to the risk assessment conducted by the Hospital Authority (HA), one in every five Hong Kong people has cancer in a lifetime on average, while the number of deaths ultimately caused by cancer has been lowered to around 10%. What is reflected by the difference in the two numbers? From the positive angle, it shows that following the rapid advancement of medical technologies, cancer is no longer incurable. Even if a person is unfortunately diagnosed to have cancer, there are still many ways of treatment and so, the patient may not necessarily meet his doom. But from another angle, as the survival rate of cancer patients has continued to rise, a much more massive amount of public coffers has to be spent annually in the public health care sector to meet the increasingly heavy medical and health care expenditure. In this connection, the implementation of effective strategies for cancer prevention can brook no delay, whether from the perspective of saving valuable human lives or putting public money to good use.

Mr LI Kwok-ying has earlier on put forward many practicable proposals on behalf of the DAB. I will further express our position, focusing on the types

of cancer which are of greater concern to women, such as cervical cancer and breast cancer, as mentioned in my amendment.

Firstly, cervical cancer. It is not the number one killer cancer, as it ranks the ninth, not even among the top five, in terms of the rate of incidence and the number of deaths among women. But it is the only type of cancer that can be prevented by vaccination. The vaccine, which has been proven to be effective, can prevent as many as 70% of cases of cervical cancer. In other words, a community-wide vaccination programme can certainly achieve great savings in the medical expenditure on this and at the same time save many valuable human lives, for at least some 80 valuable lives can be saved each year.

In its proposals on the budget submitted to the Financial Secretary earlier, the DAB urged the Government to include the vaccination programme for cervical cancer in the Childhood Immunization Programme. As the vaccination is most effective when given before sexual debut, we propose that the Government should provide at a cost of \$140 million free vaccination for cervical cancer to all girls at the age of 12, whose population is about 40 000 in Hong Kong.

In fact, Australia, Britain, British Columbia in Canada and some states in the United States have included or will soon be including this vaccine into their free vaccination programmes. In Australia, vaccination is first given to girls at 12 and 13, while girls between 13 and 18 will be gradually vaccinated at schools. In Britain, free vaccination is also given to girls at 12 to 13. In British Columbia, the cervical cancer vaccine is incorporated into the regular vaccination programme of the entire Province, under which it is a permanent measure to give free vaccination to female students from Grade Six to Grade Nine.

In Hong Kong, however, there is still room for improvement in the promotion of the vaccine by the Government. While the Department of Health has produced factsheets to explain the effectiveness of vaccine for cervical cancer, the results have not been very effective, and many women only have half-baked knowledge of this malignant disease. According to the results of a survey published by the University of Hong Kong in August this year, over 50% of the women interviewed said that they had never heard of cervical cancer vaccine. Moreover, even though some interviewees said that they might wish to

be vaccinated, over half of them did not see the need to receive vaccination at this stage because of reasons such as the expensive cost of the vaccine.

Deputy President, their concern is well founded, because as the cervical cancer vaccine is a newly invented vaccine for cancer, its cost is by no means cheap. The vaccine now available in the market costs about \$3,000 to \$5,000. So, the cost is indeed a major reason why parents or women are deterred.

However, if we compare the cost of the vaccine with the cost of the medical and health care service in public hospitals, vaccination is certainly value for money. It is because even a bed in the general ward now costs \$3,000 daily, not to mention the cost of a bed in the cancer ward. So, it is worthwhile to vigorously promote any preventive measure that can effectively reduce the incidence rate of cancer and the public's need for medical consultation and treatment. Moreover, under our proposal, the expenditure to be incurred to the Government will only be \$140 million, which is indeed a drop in the ocean when compared to the annual recurrent expenditure of \$30 billion of the HA. Therefore, should the Government reject this simple and effective proposal which can greatly ease the heavy burden of medical expenditure on society, it must give us a most justifiable explanation.

Deputy President, we understand that the fight against cervical cancer cannot solely rely on vaccination. Like the prevention of other types of cancer, community-wide cancer screening is also a strategy that cannot be neglected.

With regard to breast cancer, the number one cause of cancer deaths among women, a breast cancer screening programme has been implemented in 23 countries worldwide. They include Britain, the United States, Canada, Australia, Italy, Japan and Singapore. According to the analysis of the effectiveness of the programme conducted by the International Agency for Research on Cancer of the World Health Organization, there is strong evidence showing that regular screening can reduce the mortality rate by 35% among women in the age group of 50 to 69. At a rough estimate, the implementation of breast cancer screening in Hong Kong can save the lives of 161 women each year.

In this connection, the DAB proposed that an annual provision of \$320 million be allocated for implementing a breast cancer screening programme,

under which women between the age of 40 and 64 will be provided a subsidy at 50% of the cost of screening to encourage them to undergo biannual breast cancer screening in the private health care sector.

Deputy President, prevention aside, medical treatment is also very important. Apart from surgical removal of the tumor and electrotherapy, the treatment of cancer is mostly medicine-based, whether before any changes have developed or at the early or terminal stage of cancer. In mid-2005 the HA introduced the Drug Formulary. All the medicines on the list have clinical efficacy and therapeutic effectiveness and are also cost-effective. These medicines are substantially subsidized by the HA.

However, between July 2005 and April 2007, among the 30 non-listed drugs most commonly prescribed by doctors of the HA, 14 are for treating tumors and so, patients have to buy these drugs at cost on their own account. However, some non-subsidized cancer drugs are indeed very expensive, especially anti-cancer drugs, as the entire course of treatment may cost tens of thousand dollars or even a hundred thousand dollars. Therefore, the existing policies on drug management and subsidy have directly resulted in many people who lack means being denied access to suitable drugs for medical treatment.

Last week, Deputy President, I had the opportunity to visit a young man who is serving his prison sentence. I did not know him, but he had asked to see me. When he saw me, he told me in tears that his father, who has cancer, would die soon because he did not have the money to buy medicine. The DAB considers that in Hong Kong, being a caring society that upholds equality, we absolutely cannot allow patients being denied access to proper pharmaceutical treatment due to the lack of means, and we cannot allow the quality of living of the middle class being affected as a result of the exorbitant cost of medicines. We, therefore, propose to review the assessment criteria of the existing Drug Formulary and include in the list of special drugs those non-listed drugs with significant efficacy which are extremely expensive and outside the general scope of subsidies of the HA, and also extend the scope of subsidies of the Samaritan Fund by including all new drugs for treating serious diseases but with only preliminary medical evidence (*the buzzer sounded*)

DEPUTY PRESIDENT (in Cantonese): Time is up.

MISS CHOY SO-YUK (in Cantonese): Deputy President, I so submit.

MR CHEUNG HOK-MING (in Cantonese): Deputy President, Mr LI Kwok-ying's motion today aims not only to arouse our concern about cancer. More importantly, it puts across the message of undergoing regular medical check-ups, because a great majority of cancers do not show noticeable symptoms at the early stage and can be detected only by medical check-ups.

The DAB conducted in July a survey on the health awareness of the public by interviewing close to 800 young people in two age groups, one between 13 and 23 and the other between 24 and 40. It is found that when compared to the older age group, the younger age group consisted of a lower proportion of smokers and a higher proportion of interviewees who do a suitable amount of physical exercise and eat sufficient vegetables. Meanwhile, it is also found that 70% of the interviewees in the 24 to 40 age group do not undergo regular medical check-ups. The reason may be that the younger age group consists of more students to whom the community and the Government tend to attach importance and so, more have been done for them in terms of resource allocation as well as publicity and public education. On the contrary, interviewees in the older age group are mostly people at work. First, their employment may impose various restrictions on them, making it difficult for them to strictly observe healthy living habits. Second, the community tends to attach less importance to the health awareness of young people at work, and many of these young employees also have a wrong attitude, thinking that health problems are not their business and maintaining no alertness at all to fatal diseases.

Young people, and even members of the general public, generally think that cancer is only a disease for the elderly which has nothing to do with young people, and they find it hard to imagine the impact on their health and their affordability for the medical expenses involved once they are diagnosed to have cancer. They have even adopted an evasive attitude of avoiding the subject of cancer. This "none-of-my-business" attitude has only inflated their neglect of the importance of medical check-ups. However, many statistics have pointed to the trend that cancer patients are becoming younger at age, and it is now opportune to awaken the public's awareness of fatal diseases. Cancer is not exclusive to the elderly. All age groups stand a chance of contracting it.

The DAB considers that in order to develop the habit of undergoing regular medical check-ups among the public, there must be sufficient incentives and public education. Apart from the new screening programmes for colorectal and breast cancers proposed in the original motion, in our proposals on the policy address submitted to the Chief Executive last year, we also proposed that partial subsidies be provided by way of medical check-up vouchers to encourage the public to undergo medical check-ups. The DAB hopes that this programme, like the health care vouchers for the elderly, can be implemented on a pilot basis over a period of three years and in three phases according to the year of birth of the population. If the value of each medical check-up voucher is to be set at \$500, the three-year programme is estimated to cost some \$1 billion per annum.

Apart from providing incentives to encourage the public to undergo regular medical check-ups, we must have stronger back-up for the fight against cancer. Chinese medicine has already been regarded as an important medical and health care system in the international community, especially as the quality of the Chinese medicine profession has been regulated and upgraded through a professional registration system in Hong Kong. Chinese medicine stresses enhancement of health and treatment of the whole person, and as many clinical experiences have pointed out, Chinese medicine has significant effects in regulating the health conditions of patients who have undergone chemotherapy. Meanwhile, Chinese medicine stresses the regulation of overall bodily functions and has certain theories and experiences in the prevention of cancer and so, it can be taken as a major strategy for fighting cancer. In recent years, many people have been paying attention to the effectiveness of combining Chinese and Western medicine in the prevention and treatment of cancer. Having said that, however, scientific studies of the treatment and prevention of cancer by Chinese medicine have remained comparatively lacking, and as members of the general public do not have much knowledge of Chinese medicine, they are easily misled into believing in the efficacy of folk prescriptions. Given that many kinds of Chinese herbal medicine are toxic, there have been occasional incidents of people consuming toxic Chinese medicine. In this connection, it is necessary to impose regulation on the application of Chinese medicine more comprehensively, while imparting in the public the knowledge of correct use of Chinese medicine.

Moreover, it is necessary for the Government to provide greater support for clinical studies of the use of Chinese medicine to fight cancer by, among other things, allowing the provision of beds for joint consultation and treatment

by Chinese medicine practitioners and Western medical practitioners in public hospitals and allowing mutual referral of cancer patients between Chinese medicine practitioners and Western medical practitioners for treatment and regulation of bodily functions, while at the same time enhancing the professional training of Chinese medicine practitioners to facilitate their learning of more in-depth specialist knowledge, so that both Chinese and Western medicines can be accorded equal importance and respect in the fight against cancer.

Deputy President, I so submit.

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Deputy President, as our population ages and our way of living changes, the number of cancer cases is expected to rise continuously, and the prevention of cancer has become an issue of public concern. Now, I will brief Members on the present situation of cancer in Hong Kong, the work of the Government in cancer prevention and surveillance, as well as the major principles in our consideration of whether or not to adopt a particular preventive measure. I will respond to Members' opinions and aspirations again after they have expressed their views.

Cancer is the number one killer disease in Hong Kong. According to the latest statistics, in 2005, the most common types of new cancer cases among males were, in descending order, lung cancer, colorectal cancer and liver cancer, whereas those among females were breast cancer, colorectal cancer and lung cancer. But in recent years, the age-standardized incidence rate and age-standardized mortality rate have shown a downward trend which is most significant in the cases of lung cancer, nasopharyngeal cancer and cervical cancer.

The Government has all along attached great importance to cancer surveillance. To step up the prevention of cancer, the Government has established the Cancer Co-ordinating Committee which is chaired by me. Since its establishment in 2001, the Committee has been responsible for formulating well-defined strategies and plans to prevent and control cancer effectively and make recommendations on effective prevention and control of cancer in Hong Kong. The four cancer expert working groups under the Committee are tasked to advise on the collection and analysis of cancer data, cancer prevention and screening, the service standard of cancer treatment, as well as research and development.

To formulate suitable policies on the prevention and control of cancer, it is necessary to collect cancer-related data efficiently and accurately. At present, the Hong Kong Cancer Registry of the Hospital Authority (HA) is responsible for collecting cancer data of the overall population in Hong Kong. The Registry, which originated from the Cancer Centre of Queen Elizabeth Hospital, started to collect data from the time of Professor HO Hung-chiu. During the 1990s when I was in the management of the Hospital, more manpower and financial resources were provided to enable the Registry to collect all the data in the public sector while encouraging private medical practitioners and hospitals to provide the relevant statistics, thus making the database more comprehensive and resourceful. The allocation of additional resources by the Government in 2005 enabled the Registry to further take forward its work by including the reports of all laboratory tests carried out in private hospitals and by pathologists. So, it is a database covering almost all cancer patients in Hong Kong.

The Registry has collected the data of as many as 200 000 cases, including the clinical and pathological data of cancer patients in public and private hospitals, as well as the data of the deaths registries. In handling these records, the Registry will screen, trace, verify and categorize the data in accordance with the normal procedures of the International Agency for Research on Cancer. The process is time-consuming, but the Registry has made continuous efforts to strive for improvement. The lead time between the detection of a new case and the release of its relevant data has been reduced from 27 months to 23 months, which is even faster than the case in the United States, Britain, Japan and Singapore. Besides, clinical data collection by the Registry is now linked with the HA's database as well as its Clinical Data Analysis and Reporting System, and this has enhanced the accuracy and integrity of the data.

Moreover, the Registry has since 2002 released through its website the latest figures on cancer as well as information on cancer in previous years in Hong Kong. It is Asia's first on-line information search system on cancer data comprising most detailed figures and information. This database has enabled the Government, universities, the medical profession as well as members of the public to obtain a full range of cancer statistics which can promote studies of cancer and serve as important reference for policy formulation.

On the other hand, the Department of Health (DH) set up in 2005 a Behavioural Risk Factor Surveillance System which contains information on health-related behaviour of the Hong Kong adult population collected through

telephone surveys on a yearly basis. The information will help us understand the trend of cancer-related risk factors, which is useful for planning and evaluating health promotion and cancer prevention programmes.

Apart from closely monitoring the trend of cancer, we have actively paid attention to other new developments relating to cancer prevention. In recent years, we have noticed that there are many views relating to cancer screening and vaccination. I wish to particularly point out that before deciding on the use of a particular method for cancer prevention, we must have sufficient scientific justifications to support our decision and what is more, we must give objective consideration to such factors as the social conditions, pathological conditions and the lifestyle of the people, taking into account the characteristics of different types of cancer as well as the pros and cons of each preventive measure before conducting comprehensive studies and reaching a decision.

Let me use cancer screening as an example. Screening refers to the systematic use of simple and effective tests in a healthy population to identify individuals who have a specific disorder but are still asymptomatic, with a view to providing effective treatment early. On the surface, it seems that more examinations and more tests should result in early detection and hence early treatment. Nevertheless, screening does have limitations, as tests are not 100% accurate. If the test result gives a wrong indication of the presence of a condition despite the fact that it does not exist (that is, "false-positive"), this may cause anxiety, and also unnecessary investigation and medical intervention. If the test result fails to detect a condition despite the fact that it is present (that is, "false-negative"), this may delay the necessary medical treatment.

The effectiveness of cancer tests varies among different segments of the population. So, in deciding whether to introduce a screening programme for a specific disease, the Government must consider the prevalence of the cancer type, the accuracy and safety of the test, the feasibility of universal screening, public acceptability as well as the effectiveness of the programme in reducing the mortality rate of that disease.

In fact, a healthy lifestyle is also crucial to the prevention of cancer. As advised by the World Health Organization (WHO), at least one third of cancer cases worldwide can actually be prevented effectively by basic ways, including a healthy diet, an appropriate amount of physical activity, reducing alcohol consumption, quitting smoking, and receiving immunization against hepatitis B

virus. The DH will continue to promote a healthy lifestyle to the public and remind the public of various cancer-related symptoms and the importance of early treatment.

To promote a healthy lifestyle, the DH has proactively launched a number of major territory-wide health promotion and publicity campaigns, which are in line with the "Global Strategy on Diet, Physical Activity and Health" advocated by the WHO. The aim is to create an environment that facilitates and encourages people to develop healthy living habits.

Following the success of the "EatSmart@school.hk" Campaign implemented in local primary schools full scale last year, the DH introduced the EatSmart@restaurant.hk Campaign Pilot Project in August to encourage catering establishments to provide more choices of healthy dishes to the public. In view of the positive feedback on the Pilot Project, the DH plans to formally introduce the EatSmart@restaurant.hk Campaign next year.

Moreover, the DH has since 2000 joined forces with the Leisure and Cultural Services Department to organize the "Healthy Exercise for All Campaign", and launched publicity on "stair climbing" activities in 2003 to drive home the message of "Stair Climbing to Health".

On the other hand, we have also endeavoured to lead the public away from the risk factors that may cause cancer. The Smoking (Public Health) Ordinance has been amended to the effect that the statutory no-smoking area is extended to cover all indoor areas in a workplace, restaurant premises and public places, as well as some outdoor public places such as parks and beaches. To enhance the efficiency of law enforcement, the Government is actively working on a fixed penalty system for smoking offences. The DH will continue to promote a smoke-free culture and a healthy lifestyle among the public through various channels.

In the long run, the promotion of primary health care service will help prevent and reduce the incidence of cancer. Ideal primary health care service means the provision of continuous and holistic, total patient care to individuals and their families through co-operation between family doctors and other health care professions. Medical and health care professionals will assess the risk factors of the individuals and their families in order to provide suitable

preventive examinations and care service, with a view to fundamentally improving the living habits of the individuals and their families and hence reducing the risk factors and the chance of incidence.

We have attached great importance to the prevention of chronic diseases, including cancer. To implement the various policies more systematically, the DH will publish a document on the strategy to prevent and control non-communicable diseases in 2008. Meanwhile, a steering committee and a working group will also be set up to co-ordinate and monitor the implementation of the strategies. The steering committee, which will comprise members from various sectors of the community, will identify the priority issues to be explored, whereas the working group will conduct in-depth discussions on these issues and draw up comprehensive proposals on the prevention and control of non-communicable diseases.

Deputy President, I may perhaps stop here. After listening to Members' views on the motion and the amendments, I will give another response. Thank you, Deputy President.

MISS TAM HEUNG-MAN (in Cantonese): When we in this generation were young, the community then did not have much knowledge of cancer; nor did it pay great attention to cancer, not to mention discussing the prevention of cancer. But things have changed with the passage of time, and as we gain more understanding of the prevention and treatment of cancer, coupled with the increasing prevalence of cancer in the community, members of the public have become increasingly more concerned about cancer. This is why we are also discussing this issue in the Legislative Council today.

According to the statistics of the Department of Health, cancer has been the number one killer disease in Hong Kong since 1981, and the situation is worsening. In 1981, 127 persons died of cancer per 100 000 population; and in 2006, 176 persons died of cancer per 100 000 population.

From these figures I can already feel the gravity of cancer in Hong Kong. But the deepest feeling that I have had about cancer is that it had taken the life of my father. Seeing my most beloved person struggle in the fight against cancer, seeing his conditions deteriorate day by day and seeing that he left us because of cancer, I had in my heart feelings that cannot be described in just a few words.

So, I must make an appeal here. For the sake of yourself and your beloved ones, each and every Hong Kong citizen must address squarely the prevention of cancer. The Government of the Hong Kong Special Administrative Region (SAR), which is people-oriented, should provide more resources to tackle this problem.

Deputy President, I have always been concerned about women's issues and so, in my discussion today, I would focus on the prevention and surveillance of the major types of cancer among women, namely, breast cancer and cervical cancer.

According to the statistics of the Hospital Authority, in 2005, the numbers of deaths of breast cancer and cervical cancer were 460 and 126 respectively. Breast cancer is even the number two killer cancer for women in Hong Kong, second only to colon cancer. In 2005, the number of new cases of breast cancer and cervical cancer was 2 307 and 376 respectively, and of all types of cancer among females, breast cancer recorded the highest number of new cases.

These figures show that the effects of breast cancer and cervical cancer on women are not insignificant indeed. More importantly, these cancers can be detected at the initial stage for treatment through regular check-ups, which will hence greatly reduce the mortality rate. As the common saying goes, "one should seek medical treatment before one's disease gets too serious", the earlier the disease is detected, the earlier medical treatment can start and the more effective the results will be. For this reason, I hope that women will undergo medical check-ups regularly.

I have conducted a questionnaire survey on medical check-ups among women but the findings of the survey are quite worrying indeed. Among women aged above 25 who were interviewed in the survey, only 63% said that they had undergone regular medical check-ups, and even for those who had undergone check-ups regularly, they did not have the habit of undergoing medical check-ups on a yearly basis. The Family Planning Association of Hong Kong may have to reintroduce its previous publicity slogan of "Annual check-up to put your mind at ease" to serve as a reminder to women in Hong Kong.

Among those women who did not undergo regular medical check-ups, many did not do so because they had no time or due to the expensive cost. So, the interviewees hoped that Government could consider providing more women

health services and conducting more public education and publicity activities. Moreover, there are only three Women Health Centres in Hong Kong, so it is indeed impossible for them to meet the needs of the millions of women in Hong Kong. The Government can consider providing subsidies to low-income women for them to undergo regular medical check-ups at private clinics.

Moreover, the original motion proposes that the Government should introduce a vaccination programme for cervical cancer. I do not oppose this proposal in principle. However, before implementing this programme, the Government must bear in mind that the cervical cancer vaccine which has been registered in Hong Kong is effective only in girls and women aged between nine and 26 and its effectiveness is not guaranteed in preventing all types of viruses which may cause cervical cancer. The Government must, therefore, carefully consider the question of cost-effectiveness.

Breast cancer and cervical cancer aside, we have also learnt from the statistics that colorectal cancer (including colon cancer and rectal cancer) has been among the most common types of cancer for women in recent years. In this connection, the Government should step up education and publicity to encourage all women of middle age to undergo colonoscopy once every five to 10 years, so that treatment can start expeditiously once intestinal abnormalities are detected.

Deputy President, following the development of society and technological advancement, we are at the same time brought to face a lot of risks related to cancer, such as air pollution, chemical substances in food, a quick tempo of living, and so on. It is indeed difficult for us to evade the trend of increasing prevalence of cancer in the community. For this reason, individual citizens, medical and health care personnel and the Government should all put in greater efforts in the prevention and treatment of cancer, in order that cancer will cease to be the number one killer disease in Hong Kong.

I so submit. Thank you, Deputy President.

MR VINCENT FANG (in Cantonese): Deputy President, the recent years have seen the incidence of cancer in patients whose age is younger and younger, as in the case of the little girl, WONG Yu-chit (王語睫), who was diagnosed to have haematological cancer when she was three and a half years old and has recently

received medical treatment. Besides, many of the patients found out that they had cancer only at a later stage and this had prevented them from receiving effective treatment. These examples once again show us how horrifying cancer is. So, Mr LI Kwok-ying's motion today is actually intended to sound the alarm and remind us that we must pay attention to our health conditions.

With the advances in medicine, some new cancer drugs have been made available in the market in recent years, including drugs specifically treating the more knotty kinds of cancer like colorectal and breast cancers. But as the fight against cancer is an enduring battle over a very long period of time, it poses a heavy burden on the patients, their families and society. Therefore, the best thing to do is stepping up prevention which is better than treatment, as Members have said, and the introduction of a cancer screening programme is the right direction. Effective screening will not only reduce the Government's medical expenditure, but also protect public health.

Take cervical screening as an example. Since its introduction in March 2004, the mortality rate of cervical cancer has dropped in Hong Kong. On the basis of 100 000 women, the mortality rate was 2.6 deaths in 2004 and dropped to 2.4 two years later, reflecting that the screening programme has started to produce results. In view of this, there is good reason for the Government to actively study the extension of the programme to other types of cancer, such as colorectal and breast cancers, in order to reduce the loss of human lives as a result of late detection.

But cervical cancer aside, I have noticed that experts hold different views as to which types of cancer can be prevented by screening. Those in opposition to screening pointed out that improper handling of the screening process may lead to other side effects or sequelae which may turn out to be unfavourable to people who have undergone the screening test. However, those in support of screening held that although the cost of cancer screening is not inexpensive at all, it will still produce results and help prolong the lifespan of the people concerned as long as it can target at specific age categories or demographic groups. So, for the benefit of public health, the Liberal Party supports that studies be conducted on how our medical resources can be utilized more effectively to provide suitable cancer screening. It is because the earlier the problems are detected, the smaller the social cost to be paid in future, and in that case, resources can be deployed more effectively.

I sincerely hope that the authorities, before making a decision on whether or not to introduce cancer screening, will not only focus on the burden to be created temporarily on social resources. Rather, their consideration should be premised on public health and safety.

To alleviate the burden of cancer screening on the public medical system, the Liberal Party supports collaboration between the Government and the private health care sector in designing a cost-effective approach targeting at specific high risk groups for conducting screening tests for the public, in order to reduce the incidence of cancer.

Deputy President, I would like to specifically talk about the views of the Liberal Party on introducing a vaccination programme for cervical cancer. At present, "Gardasil" has already been approved by the Department of Health for girls and women aged nine to 27 to reduce the rate of incidence of cervical cancer. As it is necessary to receive three injections within six months in order for the vaccine to be effective, it may cost as much as \$5,000 to \$6,000 for the three injections in private hospital, which is beyond the affordability of the general public.

(THE PRESIDENT resumed the Chair)

However, the Department of Health has also admitted that the vaccine is particularly effective for girls between 11 and 12 years of age. The Taiwanese Government also provides vaccination for girls aged 11 to 13 in Secondary One to Three from poor families and the high risk group. So, for the benefit of the health of females in Hong Kong, I think the Government should, by making reference to other free vaccination services, consider introducing a vaccination programme for cervical cancer to provide service for females in the relevant age groups and also consider giving injection to girls aged 11 to 13 as a first step.

Madam President, I so submit.

MS AUDREY EU (in Cantonese): President, as the motion says, cancer is the number one killer in Hong Kong. According to the latest update on cancer rates among Hong Kong people published by the Hospital Authority (HA), the number

of cancer patients increased to 22 775 in 2005. Compared with 2004, in every three days, two more people were found to be suffering from cancer and the crude incidence rate also increased from 332 to 334.3 per 100 000 population.

Cancer is posing a threat to people all over the world. Earlier on, the World Cancer Research Fund published a global report in which it is pointed out that too much fat in the body will increase the risk of contracting a number of cancers such as colon cancer, esophagus cancer, endometrial cancer and post-menopausal breast cancer. This proves that there are links between food, nutrition and the risk of getting cancer.

This report made 10 recommendations on improving one's lifestyle to prevent cancer. First, one should keep one's BMI (that is, Body Mass Index) between 18.5 and 22.9. In addition, one should exercise at least 30 minutes each day and eat at least five servings of fruit and vegetable, and the salt intake should not be more than 6 g. Men should not drink more than two glasses of alcoholic beverages and women should limit such beverages to one glass. Moreover, one should eat less food processed with sodium as well as less red meat. Sugary drinks and energy-dense foods should be avoided. Nutritional supplements should not be taken for the purpose of cancer prevention and breastfeeding should be practiced. The report points out that if the foregoing recommendations are put into practice successfully, it will be possible to reduce the chances of getting cancer by 30%.

President, the Government should certainly formulate measures to encourage the public to pay attention to their health and prevent cancer. However, the external environment and the quality of food have a great bearing on the onset of cancer. In view of this, the Government must speed up the introduction of nutritional labels, otherwise, not only will the public be ingesting trans fat each time they eat out, even when they buy corn oil or some processed food for consumption at home, they will also have no way of knowing clearly the actual nutritional information about such food. May I know how we can escape the detrimental effects of such substances as trans fat and maintain a healthy lifestyle?

Apart from food, the Government should also pay attention to the problem of environmental pollution. In recent years, in the coastal regions of the Mainland, due to the pollution of water sources, a shocking phenomenon of the emergence of the so-called "cancer villages" has occurred. A number of

villages that used to yield abundant agricultural produces in Zhejiang, Jiangsu, Shandong and Tianjin have become "cancer villages" that are known far and wide. Since 1997, cancer has become the primary cause of death among Chinese and each year, close to 1.3 million people died of cancer. Be it in terms of food, air and even the source of water, Hong Kong and the Mainland are inextricably linked, therefore, the Government must pay close attention to the situation on the Mainland, so as to protect the health of Hong Kong people.

In addition, the Government should also provide more communal and leisure facilities to encourage the public to do exercise more often, particularly in some remote areas. For example, in Tin Shui Wai, a district that we have talked about frequently of late, communal facilities are sorely lacking. In view of this, may I ask how we can ask the public to exercise more often to maintain their physical and mental well-being?

Separately, the Government can also consider implementing a community-wide colon cancer screening programme. There is a rising trend in the number of new colorectal cancer cases, from 2 653 cases in 1994 to 3 582 in 2004, and the increase was as much as 30% in a decade. The Hong Kong Anti-Cancer Society estimated that if this trend persists, by 2012, there will be over 4 500 new cases of colorectal cancer in Hong Kong and the number will overtake that of lung cancer. In fact, screening for colon cancer has been introduced in many countries. In the United States, screening for people at or over 50 years of age was introduced as early as 10 years ago and this year, the incidence rate of colorectal cancer saw a decline for two years in a row. It can thus be seen that screening has a significant effect. In the United Kingdom, free screening is provided to people at or over 60 years of age from last year onwards. The introduction of a community-wide cancer screening programme for colorectal cancer in Hong Kong must be considered as soon as possible and we certainly must not lag behind the United States or the United Kingdom.

In addition, system-wise, the Government must also carry out a review of the drug formulary as soon as possible to prevent patients suffering from early-stage cancer from being unable to receive appropriate treatment, thus leading to a deterioration of their condition. Since the introduction of the drug formulary, new drugs and expensive drugs are excluded from it and the undesirable consequences are now coming to a head. It was reported that a Consultant in a public hospital earning a salary of more than \$100,000 per month had to spend \$60,000 per month to purchase three types of drugs due to

colorectal cancer, as a result, he was close to desperation. Some time ago, with the help of his professional association, this sick doctor approached the HA for assistance, hoping that his drug charges could be waived, but only to no avail. If even the income of members of the middle class or professionals is not enough to pay for the expensive drug charges, may I ask how people at the grassroots can be taken care of? Even if illnesses are discovered early, one will not be able to afford the drug bill.

Therefore, I very much agree with Miss CHOY So-yuk's amendment. We should review this drug formulary. In addition, the Civic Party also proposes that the Government should take this opportunity of having an ample surplus to consider allocating more funds to the Samaritan Fund, so as to increase the types of self-financed drugs eligible for financial assistance. At the same time, the application requirements should also be relaxed, so that members of the middle and lower classes can also receive assistance, so as to ease their burden.

In view of the foregoing, the Civic Party supports today's motion and amendments.

DR JOSEPH LEE (in Cantonese): Madam President, I am very pleased that Mr LI Kwok-ying has moved this motion today, so that various sectors of society can note the importance of cancer prevention.

Since the 1960s, cancer has been the number one killer in Hong Kong. Cancer mainly develops in older people. Of all the cancer patients in 2002, the median age at diagnosis was 68 for men and 65 for women. With population growth and the ageing of the population, it is expected that the number of cancer cases will continue to rise. However, it must be noted that some forms of cancer are afflicting younger people. Of various types of cancer, the median age at diagnosis for nasopharyngeal cancer, breast cancer, thyroid cancer, uterine cancer and ovarian cancer was only 50 and some patients were even only in their forties. In view of this, it is incumbent upon the Government to promote cancer prevention and introduce community-wide cancer screening early.

First, I will talk about a community-wide cancer screening programme. Given that there are so many types of cancer, how should we decide on what

kind of cancer should screening be carried out? According to the figures of the Hong Kong Cancer Registry, colorectal cancer is the second most common type of cancer among men and women. For men suffering from colorectal cancer, the median age at diagnosis was about 70 and for women, 72. In addition, one in 21 men or 31 women fell victim to colorectal cancer. In the past decade, the number of new colorectal cancer cases witnessed a 5% increase every year. The medical sector even estimates that colorectal cancer will overtake lung cancer in 2010 to become the cancer with the highest incidence rate in Hong Kong.

In addition, breast cancer is also the most common form of cancer among women in Hong Kong. In 2002, there were a total of 2 059 new cases of breast cancer, accounting for 21% of all new cancer cases affecting women. In 2003, breast cancer was the third major killer among women, with a total of 410 fatal cases, accounting for about 10% of all cancer fatalities among women. That means on average, one in every 23 women fell victim to breast cancer. Among women suffering from breast cancer, the median age at diagnosis has dropped to 51. This indicates that breast cancer is beginning to affect young women.

The above figures reflect the fact that colorectal cancer and breast cancer will become the types of cancer with the highest incidence rates, just trailing behind lung cancer. In fact, in many countries such as the United States, Japan and western Europe, colorectal cancer and breast cancer screening programmes have been put in place for citizens at high risk. As a developed region, Hong Kong should also follow the example of other countries by raising the awareness of the public of these two types of cancer to further protect their health. The Cervical Screening Programme was introduced many years ago in Hong Kong. When promoting colorectal cancer and breast cancer screening programmes, reference can also be made to the experience and effectiveness of implementing the Cervical Screening Programme.

Madam President, to individuals, the aim of cancer screening is to detect cancer early, so as to reduce the incidence rate and the resulting illnesses and fatalities. However, to society as a whole, cancer screening can help the Government plan the allocation of health care expenditure and reduce the medical expenditure incurred by the treatment of cancer and shouldered by society. In view of this, I support the implementation of territory-wide colorectal cancer and breast cancer screening programmes, so as to encourage the public to undergo regular health check-ups.

Madam President, cervical cancer is one of the most common types of cancer among women. Of all kinds of cancer, at present, vaccines and cervical smears are available as the means of prevention only in the case of cervical cancer. The first vaccine against cervical cancer, Gardasil, was launched last year and it is said that it can provide protection against cervical cancer in over 70% of cases, however, for the time being, the vaccine was only found to be only suitable for women between nine to 26 years of age. Recently, there are reports saying that the authorities in the United States have received over 2 000 reports of side-effects and among them, the occurrence of the Guillain-Barr Syndrome resulting in paralysis was suspected in 15 cases. The information so far indicates that although vaccination can reduce the incidence of cervical cancer, it is not the case that one will not get cervical cancer after vaccination because 30% of cervical cancer cases are caused by other types of HPV virus, so vaccination cannot offer complete protection. In view of this, I hold that the Government should first step up the promotion on a cervical cancer screening programme, call on women to have regular cervical smear examinations and wait until more figures supporting the effectiveness of the vaccine against cervical cancer are available before introducing a cervical cancer vaccination programme in Hong Kong.

The World Health Organization said that of the 10 million new cancer cases detected each year throughout the world, at least one third are preventable by various effective means. The effective means of prevention include smoking control, a healthy diet, exercise, avoid getting overweight, consume less alcohol and avoid getting into contact with carcinogenic substances in work and in the environment. After smoking, overweight is the next major cause of cancer and it can trigger at least six types of cancer, including colorectal cancer, esophagus cancer, pancreas cancer, kidney cancer, endocervical/endometrial cancer and breast cancer.

I believe that in order for cancer prevention to be effective, the Government should continue to enhance through various channels the public's understanding of a healthy lifestyle, for example, the forming of good dietary habits and coping with work pressure appropriately. In addition, it is equally important to arouse the concern of the public about various types of cancer. The Government can promote ways of cancer prevention by means of publicity in webpages, advertisement on the radio and television, roadshows, publications, various types of fun fairs, and so on. In addition, the Government can also encourage co-operation between the public and private sectors in organizing

seminars on cancer and inviting patients who have recovered from cancer to tell their first-hand stories. These comprehensive health education efforts will all help enhance the public's understanding of cancer.

At present, the Hong Kong Cancer Registry is responsible for collecting data from public and private hospitals. From being informed of new cases, it takes 24 months to validate and release the relevant information. Since the time gap is so large, the latest situation cannot be reflected. In order to remedy this problem, I suggest that public hospitals adopt a uniform reporting form and system to avoid wasting a great deal of time on data collection, so that all information can be reported as soon as possible. Finally, I hope the authorities can examine the problems encountered in compiling statistics on cancer and allocate additional resources to speed up the work in this regard, so as to inform the public as soon as possible.

Madam President, I so submit.

DR YEUNG SUM (in Cantonese): Madam President, according to the statistics of the World Health Organization (WHO), each year, at least 10 million people were diagnosed with cancer and it is estimated that by 2020, the number will even be more than 15 million. Each year, 6 million people died of cancer, accounting for 12% of all deaths.

In Hong Kong, cancer is the major factor affecting public health. One in about every four men and five women respectively suffers from cancer and one in about seven men and 12 women respectively dies of cancer.

Since cancer mainly affects the elderly, with the ageing of the population in the future, it is believed that this situation will continue to deteriorate. The cost of treating and caring for cancer patients is very high and we often hear accounts of patients spending nearly all their life-time savings as a result of contracting cancer. Although the Hospital Authority (HA) has committed large amounts of resources to paying for high technology and drugs and established several cancer education and research centres and cancer care centres, they are still far from adequate in meeting the demand for such services.

I fully agree with training the focus of today's discussion on the prevention of cancer. Only by promoting a healthy lifestyle among all people, doing a

proper job in prevention, detecting the illnesses early and providing treatment at an early stage will it be possible to overcome the threat of cancer. If we neglect the efforts in prevention, detect cancer only when it has already developed to stage three or four and carry out chemotherapies or operations only then, not only will the medical cost be very high, the health and quality of life of patients will also be greatly compromised.

Madam President, basically, cancer is a preventable illness. According to the information of the WHO, of the 10 million new cases of cancer detected globally each year, at least one third is preventable. Through such basic preventive measures as tobacco control, a healthy diet, doing exercise, avoiding getting overweight, vaccination against Hepatitis B, and so on, it is possible to reduce the factors leading to cancer and the likelihood of being affected by sources of cancer, thus preventing the occurrence of cancer.

To members of the public already have tumours, it is possible to mobilize the second line of defence, namely, community-wide screening. Offering check-ups to people who have the symptoms of cancer and to those at high risk who do not have any symptoms can identify cancer patients at an early stage, that is, the stage with a greater chance of recovery after treatment, and provide timely treatment to prevent the illness from developing into the serious stage. In this way, cases of cancer can be further reduced by one third.

The efforts to fight and prevent cancer are by no means confined to the departments and organizations responsible for health care alone. Rather, it is necessary for schools, the mass media, environmental protection and conservation groups, cultural and recreational groups, civil groups and organizations and funds established for scientific research to form a complete network in order to face the challenge posed by cancer.

We can look at the example of the United States. Cancer is the number two killer in the United States. In order to fight cancer, a public health campaign called Healthy People 2010 in the United States has set the target of reducing the number of new cancer cases and the deaths caused by cancer. How is this campaign implemented? First, targets are set in respect of the overall death rate of cancer and for major types of cancer such as lung cancer, breast cancer, cervical cancer, colorectal cancer, and so on, and for the survival rate of cancer patients. In respect of service, a series of targets are similarly

set, including the proportion of the population covered by cancer prevention services such as mammogram and colonoscopy. Then, through a series of efforts made by various organizations and groups, efforts are made to achieve these targets. Relevant data are also collected to assess whether these targets have been achieved, in which social groups are the outcomes of such efforts less satisfactory, and so on.

In addition, a series of targets have also been established on factors relevant to cancer prevention, for example, on diet, overweight and smoking, so as to fully implement the relevant measures and carry out regular assessments.

Madam President, basically, I can say that promoting primary health care among the public and preventive measures are all very important. Mr Andrew CHENG requested that the Government comprehensively evaluate its efforts in cancer prevention, education, screening and reporting and I fully agree with this. What we have to do is not to introduce some screening services in a piecemeal manner. I hope the SAR Government can follow the example of the United States by launching a community-wide health campaign, target carcinogenic factors and establish targets for its measures, promote awareness of cancer among the public and foster a healthy lifestyle. Only in this way can the horrendous threat posed by cancer to the public be fundamentally alleviated.

Madam President, I so submit.

MR LEUNG YIU-CHUNG (in Cantonese): President, the Secretary said earlier that cancer was the number one killer in Hong Kong. In fact, the talk of cancer strikes fear in the Hong Kong public. However, apart from being the number one killer and striking fear in us, two other aspects about cancer make us even more worried and frightened. First, to patients, cancer will cause tremendous pain and such instances are quite prevalent and commonplace. Often, due to the pain, patients would rather kill themselves as a way out of the suffering. We often learn from the news that some patients would rather kill themselves by jumping off buildings to solve the problem. This is most saddening indeed. Second, at present, the methods or drugs that can treat cancer effectively are not widely available. Often, people think that if they get cancer, this is tantamount to having gone into a blind alley. All of us are very fearful of and worried about these two points, so we are very scared on hearing the word "cancer".

It would be best if we can prevent cancer, however, how can we prevent cancer? Just now, the Secretary pointed out several fairly important aspects, including eating healthy and nutritious food, forming a good lifestyle and doing an appropriate amount of exercise. We all understand and are aware of all this. But, unfortunately, how can we put them into practice? This is where the difficulty lies. However, it is unfortunate that in this regard, all that the Government has done is just to talk. As regards how the public can be assisted, it seems it is not being very active at all. This gives one the impression that the Government is not very committed to dealing with this matter.

President, why do I say so? For example, on the issue of food labelling, which Ms Audrey EU mentioned just now and which we are most concerned about, so far, the Government has given people the impression that progress is being made at a snail's pace, that is, the progress is shockingly slow. Indeed, first of all, if we have no knowledge whatsoever of the food we eat and do not know whether the food is harmful to us or not, we have no idea if they will make us sick after eating them.

Second, in fact, it is not the case that people do not want to have a good lifestyle and do an appropriate amount of exercise. I know that many of my friends or other people want to have more time for rest, however, unfortunately, our working hours as far as I know, at least 30% of the employees in Hong Kong work more than 60 hours a week. If we calculate on the basis of a six-day week instead of a five-day or five and-a-half-day one, they have to work for more than 10 hours daily. President, if one has to work for 10 hours a day, discounting the time spent on commuting, how much time is left for taking a rest? And we are talking about doing exercise on top of that. This is really a luxury to them. Unfortunately, so far, the Government is still unconcerned about this issue, nor has it done anything about the problem of long working hours. It only keeps calling on the public to exercise more and rest more. Who does not want to? This is just like saying "a mother is of course a woman" and what is the point of saying that? This is not terribly meaningful. Therefore, I think that if the Government considers this to be important, it should do something practical in earnest. I have all along proposed that restrictions be imposed on working hours, however, so far, the Government has not given any response. We find this most deplorable.

Apart from identifying the core of the problem, an even more important issue and one that Mr CHEUNG Hok-ming also mentioned earlier is the method

of treatment. The Secretary said a lot earlier, saying that information had to be collected before committing resources and the present methods of cancer treatment and the situation relating to patients had to be looked into. President, I think that it is indeed necessary to do this kind of work. But should we just remain at the stage of doing this kind of work? The Secretary said just now that when he was working in the Hospital Authority, he was already doing this kind of work. Now that he has served as the Secretary for many years, he is still doing this kind of work without any progress. This gives us the impression that we have remained at such a stage and no progress has been made. It can be said that no actual outcome has been delivered.

Apart from gathering information, what is even more important is the development of effective treatment methods and drugs. We know that Western medicine is very advanced, it is highly developed and its progress is rapid. However, often, we can see that it is inadequate to rely on Western medicine alone. The most desirable thing is for Chinese medicine and Western medicine to develop hand in hand, and treatment methods combining the approaches of Western medicine and Chinese medicine will be even more effective. In particular, the approach with regard to recuperation adopted in Chinese medicine, that is, to consolidate and foster one's fundamentals — I do not know if I have put it correctly — will yield even greater curative results. If we can make the two join forces, it will be even more desirable. It is a pity that although we have recognized the status of Chinese medicine practitioners since 2000 and registered Chinese medicine practitioners are now in practice, so far, there are only six hospitals providing treatment with Chinese medicine. This gives us the impression that no importance is attached to the development of Chinese medicine, so still less can we talk about the two joining forces.

Therefore, I think that all practitioners, in particular, Western medicine practitioners, should keep their minds open and should not just be confined to their own approach. Instead, they should accommodate the methods of treatment in Chinese medicine and join hands in developing effective methods of treatment or drugs. In fact, the results on the Mainland in this regard are really limited but some progress has been made nonetheless. In view of this, can Hong Kong do more? In Hong Kong, the number of hospitals that integrate Chinese and Western approaches is limited and I cannot see how the work in this area can be carried out.

President, the Government agrees that cancer has become the number one killer and many members of the public also agree with my remark that the mere talk of cancer strikes fear in them. Of course, many people have vanquished cancer with their strong willpower and survived, however, I am afraid not everyone has the strong willpower to vanquish cancer and it is necessary to rely on treatment to help them. In view of this, the Government really has to make greater efforts in this regard. On the one hand, it has to study the ways of prevention; on the other, it also has to attach importance to the methods of treatment, instead of merely engaging in empty talk, as is the case now. Everyone knows how to talk, however, if nothing is done, this will be regrettable and deplorable. President, I so submit.

MR CHIM PUI-CHUNG (in Cantonese): President, I am going to talk about my feelings and experience as someone suffering from cancer. In giving an account of what I went through, I hope that the Government can learn what it wants to know and listen to my experience.

Around January this year, someone said to me that the medicine in Hong Kong was very advanced and it was only necessary for one to have a check-up to know if one had got cancer. Consequently, I went to a hospital to have a medical check-up in January and a small tumour was found on my neck. I thought that was only a minor thing and the doctor also told me that it should not be a problem because the cause could not be identified and it was probably due to some other problems. I have this first question for the Government. Since the Government encourages the public to have medical check-ups as soon as possible, how much will these medical check-ups cost? What degree of assistance can the Government render? Even if the Government encourages the public to have medical check-ups as soon as possible, how is it going to assist them in the process?

Even during the Chinese New Year, I still took this matter lightly, thinking that since I was so astute, I would of course be fine. However, in March, my doctor suggested that I had an examination in Queen Mary Hospital to see whether the tumour was benign or malignant. I went to see a famous doctor and after examination, he said that the tumour was malignant, so treatment had to commence. In the course of treatment, the problem I encountered was that there were too many doctors and each of them wanted to

show off their wisdom and knowledge in a certain area. In this process, another problem also arose and that is, although the SAR Government recognizes Chinese medicine, at present, Western medicine practitioners are ultimately the party with vested interests and they discriminate against Chinese medicine unawares — although the Secretary may not be like this, in reality, such a situation exists. If you ask a Western medicine practitioner what his view is on Chinese medicine, he would say that we had better not to talk about this with him and he does not know and he does not understand. This is virtually rejecting Chinese medicine. My second question for the Government is: How can it make Chinese medicine practitioners and Western medicine practitioners co-operate? Is it possible to look into this matter, so that discrimination will not exist?

Even so, I am also wary of the treatment protocol administered by Western medical practitioners because when it comes to electrotherapy and chemotherapy all they will do on finding a problem is, firstly, to perform an operation to remove the tumours and secondly, to give electrotherapy and chemotherapy immediately. But let us not forget about this. Finally, in April, I began to receive chemotherapy. By June, I had received chemotherapy 16 times and also begun to receive electrotherapy, which had to be given 33 times. The third question that I wish to put to the Government and ask it to consider is: How can patients' suffering be alleviated?

Indeed, in the first two weeks of therapy, that is, during the "honeymoon" period for cancer patients, patients will not feel any pain, but in the third week, patients will experience unbearable pain. I applied to the Legislative Council for leave three times but did not give the reason. In the final analysis, it was not an honourable thing to tell others that I was ill. Although illness is something inevitable and in life, it is necessary to face such things as being born to this world, ageing, illness and death, if my illness did not affect other people, I wanted to just put up with it without telling others about it. I decided that if the mass media did not learn about this, I would not make public my illness but if the mass media learnt about this, since I was a public figure, I had to give an account to society. It was not until the last Question and Answer Session, which was attended by the Chief Executive, that Members asked why CHIM Pui-chung was not present as they were feeling very bored. Upon further enquiry, it was found that I had been absent for three or four meetings. At that point, I had no alternative but to give an account on what I had gone through in my illness to all

Hong Kong people and I just came clean. Therefore, I repeat my third question for the Government: How can it help alleviate patients' suffering?

The fourth question has to do with medical equipment. It is undeniable that the 33 times of electrotherapy gave me considerable suffering, however, not all members of the general public in Hong Kong can receive this kind of service. At present, given that the Government has a large amount of surplus, how is the Government going to help members of the public suffering from cancer get appropriate medical treatment? In this regard, the Chief Executive of Queen Mary Hospital pointed out in particular that they had recently installed some equipment, however, in the past, their equipment was in fact inadequate. Therefore, the fourth question that I want to ask the Government is: How can adequate equipment be provided to meet the needs of the Hong Kong public?

Finally, the fifth question: How can patients be educated? I understand that the first thing cancer patients have to face is that they will be scared to death. If a doctor tells a patient that he has cancer, not everyone is as brave as CHIM Pui-chung and when given such a shock, a patient may just be scared out of his wits — of course, President, you are even braver. Therefore, to cancer patients, first, they may be scared silly; secondly, they may just be stifled by indignation — for example, by the fact that other people are rich but they are not, yet they are getting this kind of illness all the same. Thirdly, it is possible that one will die in the course of treatment. I know that at present, doctors are not sure that they can cure their patients and Chinese medicine practitioners even encourage patients to "live with the tumour". This can be considered the only option when there are no other alternatives. It will give patients the chance to kill the cancer and the cancer will not be able to take their lives too early. However, in the case of Western medicine practitioners, they will perform an operation immediately and administer electrotherapy and chemotherapy immediately, but there is no guarantee how the results will be like. That patients will die of their illness only comes fourth. In view of this, the Government should examine how it can educate patients, so that since illness has struck, they will face it bravely. This is also very important.

Finally, concerning the prevention of cancer, in fact, this is easier said than done. What does prevention mean? Prevention means taking measures before one becomes ill. But before cancer is detected, how can one know that one would get it? This is practically impossible. Of course, it is possible to

educate the public on dietary habits and other kinds of health knowledge, so that they know how to boost their immunity and resistance to diseases. However, no matter what, I hope the Government can draw on the experience recounted by me as a patient, so that appropriate care can be given to all members of the Hong Kong public now that the Government has an abundant surplus. President, the medical standard in Hong Kong is already quite good but the public expects even better.

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

(No other Member indicated a wish to speak)

PRESIDENT (in Cantonese): If not, I will now call upon Mr LI Kwok-ying to speak on the amendments. The speaking time is five minutes.

MR LI KWOK-YING (in Cantonese): First, on Mr CHEUNG Hok-ming's further amendment to Dr KWOK Ka-ki's amendment, it is intended to supplement the original motion by including incentives such as medical check-up vouchers, and it also includes Chinese medicine as a method of preventing and fighting cancer. Therefore, the amendment states the position of the DAB, that is, it has all along supported and encouraged the public to have regular check-ups.

In fact, the DAB has already proposed the introduction of a three-year community-wide check-up programme in the proposals it made concerning last year's policy address, therefore, I support the relevant proposal. Regarding the characteristics of the treatment method of Chinese medicine, the importance of prevention, raising immunity and boosting bodily functions are emphasized. In recent years, in many Western countries and even on the Mainland, apart from making Chinese medicine a central component in the treatment of cancer, greater importance is attached to combining the treatment methods of Chinese medicine and Western medicine. In view of this, I believe that the Government should also follow the international trend and exploit the strengths of Hong Kong in Chinese medicine and Western medicine by striving to enhance the role of Chinese medicine in cancer treatment, so as to give cancer patients new hope in treatment.

Concerning the amendment proposed by Dr KWOK Ka-ki, it is mentioned therein that the public should be offered financial incentives to have medical check-ups. It also proposes that more resources should be allocated to training family doctors. The DAB supports these proposals. In order to turn around the trend of attaching importance to treatment but not to prevention propagated by the authorities over the years, it is necessary to enhance the role of family doctors in the primary care system, so that family doctors can become the first line of defence in the protection of public health.

Concerning the amendment proposed by Mr Andrew CHENG, it is generally the same as the original motion and the DAB also supports it. However, I think that by adding the word "studying" in his amendment, Mr CHENG is taking a more conservative view of the suggestion to introduce vaccination against cervical cancer. In fact, the efficacy of the vaccine against cervical cancer has been clinically proven and they have gradually been introduced in Western countries such as the United Kingdom and Australia, and free vaccination is provided to targeted groups among their nationals. If Hong Kong can take the lead in introducing the vaccine and promoting its widespread use, it will become the first city in Asia to make widespread use of the vaccine and it will set a key example for other regions in Asia to follow in improving public health care.

The amendment proposed by Miss CHOY So-yuk states very clearly the DAB's request to launch a free vaccination programme. This is just like the present vaccination programme for children or school children. Due to the financial burden, it will be difficult to induce the majority of Hong Kong people to get vaccinated on their own. If we want to enhance the effectiveness of the vaccine, the Government has to lend its full support and render financial assistance. The amendment also expressed our concern about affordability in respect of the drugs for cancer treatment.

Madam President, the DAB supports all the amendments. I so submit.

PRESIDENT (in Cantonese): While Mr LI Kwok-ying was speaking just now, Miss CHAN Yuen-han expressed her wish to speak. I will allow Miss CHAN Yuen-han to speak, however, I hope that next time, she will ensure that she comes into the Chamber earlier.

MISS CHAN YUEN-HAN (in Cantonese): Madam President, I am very sorry because I came late due to some other business. I am really very sorry.

Madam President, I find this subject raised by Mr LI Kwok-ying very meaningful. At present, out there in society, a group of people suffering from cancer are very concerned about today's discussion. I believe that regarding this demon of illness, all of us want very much to when this demon of illness appears before mankind, it seems we are facing an invasion which is getting larger in scale. Often, people suffering from cancer are totally taken by surprise or they are at a loss as to what to do.

Two weeks ago, I visited a hospital. When I told the patients that today, the Legislative Council would conduct a motion debate with the aim of voicing some views on cancer prevention, Madam President, at that time, for a brief moment, I could see a glimmer of hope flickering in the eyes of the several hundred patients present. The hospital that I visited was the United Christian Hospital (UCH) and it is also the hospital at which the greatest number of people at the grassroots seek treatment. The hospital provided some figures that made me think that they revealed some underlying problems.

According to a survey by the UCH in 2006, on average, patients suffering from breast cancer sought treatment only three months after the symptoms of breast cancer had begun to appear and 12% of the patients even sought treatment only one year after the symptoms had appeared. In addition, the breast cancer affecting 33% of the women had deteriorated to stage three to four when treatment was sought. When the speaker projected some photos, I also found what I saw incredible. Insofar as breast cancer is concerned, the earlier it is detected, the higher the rate of recovery and the survival rate can also be very high. Why did those people allow their conditions to develop to such a late stage before they sought treatment?

That day, I was facing several hundred people — not all those present were patients and some of them were people concerned about this issue or family members. At that time, I said that Kwun Tong was one of the several poor districts in Hong Kong and many residents had to work during the day. Often, even when their bodies showed some slight changes, they might not be aware of them or they might think that it was only a minor matter. Sometimes, even when they could see the symptoms clearly, they still hoped that they were not getting cancer. Some people were totally taken by surprise and were at a loss as

to what to do. They did not know what to do or how to handle this, in particular, they felt embarrassed and did not know how to tell their family members about this. When they find themselves in such a situation, the plight confronting people at the grassroots is even greater.

In fact, this survey conducted by the UCH shows that often, when facing some demons or the demon of illness, if adequate information, knowledge and financial means are at our disposal, we can detect illnesses earlier. We can see that in some poor districts and districts made up of grassroots, people are often totally unprepared for such sudden attacks on their health. When I told those attending the gathering that the motion today would request the Government to introduce community-wide screening on breast cancer, I promised them that I would give an account of their situation in this legislature. All the people present showed their eager and strong yearning. These people included patients, their family members and ordinary members of the public.

Madam President, why did I say right at the beginning that I wished to thank Mr LI Kwok-ying for moving this motion today? Because this motion is very meaningful. We can see that in the face of such a situation, the Government has to shoulder an increasingly great health care expenditure, so only some very superficial measures can be taken. Has the Government ever launched any publicity drive? It has. It calls on the people to eat more vegetable and less meat. Has it done anything? It has. Has it launched any publicity drive on how to carry out breast examinations? It has and there are also public announcements on the television on this. However, having disseminated this message, at some stage, we will have to ask why, among the grassroots, particularly among residents in poor districts, we can still see the emergence of the series of figures that I mentioned just now. The figures were provided by the doctors of the UCH. I think it is very worthwhile for the Government to consider the significance of this motion moved by Mr LI Kwok-ying today. On that day, I said that if the Government could lend a helping hand to them, they would not end up of course, to patients, government support is something desirable and to Hong Kong as a whole, this is also desirable. That means if patients can receive treatment only at the final stages, frankly speaking, the entire public health care expenditure will get even greater. Since cancer screening programmes can benefit some members of the public as well as ease our overall burden, why not take such a desirable step? Why do we not make everyone happier? I really have a strong yearning for this. I have looked at the entire health care financing. In the latest policy

address, the Chief Executive proposed that the amounts of some funds had to be increased, however, I think I would also ask whether, apart from increasing the amounts of funds, they would be used on patients. Will they be made widely available to the grassroots? How much money will be committed to this area? This point is very important.

Madam President, in recent years, many patient groups, civic concern groups as well as people concerned about this area, including experts, have been conducting research on these human killer diseases to see how their effects on us can be reduced to a minimum. They have done quite a lot of work, and some health care workers have even organized fund-raising campaigns to help the poor. Having come to the present stage, I will be greatly disappointed if the SAR Government still considers it unnecessary to introduce community-wide screening on breast cancer. In view of the future health care financing, we can see that at present, colorectal cancer at present, the number one killer cancer is lung cancer, colorectal cancer is in second place and breast cancer among women is in third place. The earlier community-wide cancer screening is introduced, the more the burden on our health care expenditure can be eased.

Madam President, I hope very much and I long that the Government can really introduce community-wide screening in this area. Frankly speaking, even after community-wide screening is introduced, we will still face some very mischievous and very ferocious often, it is possible for human beings to prevent (*the buzzer sounded*)

PRESIDENT (in Cantonese): Time is up.

MISS CHAN YUEN-HAN (in Cantonese): Madam President, I so submit.

MR LEUNG KWOK-HUNG (in Cantonese): President, today, Secretary Dr York CHOW is talking about cancer here today, however, I said long ago that TUNG Chee-hwa wronged Hong Kong people. I have said so many times. Since the Secretary was in charge of too many duties at that time, his Policy Bureau at that time took up about one third of the Government's Budget, and as a result, many things could not be achieved. Based on his memory, the Secretary said that such and such measures had been taken in Queen Elizabeth Hospital,

however, since he was required to oversee so many departments single-handedly, it was practically impossible for him to take care of all of them. I have already pointed this out many times in this legislature. Now, he has given up some duties, so he can be involved in work relating to his profession again.

In fact, it is here that one kind of cancer has occurred, namely, an administrative cancer. The Chief Executive was elected by a minority of people. He then created an accountability system and just made a mess of it. The Directors of Bureaux were simply in charge of too much work. In the end, they cannot do their work properly.

I heard the comments made by Secretary Dr York CHOW. He spoke a lot. The first point had to do with community-wide screening. On the issue of community-wide screening, he substituted concepts and said that sometimes the results may be falsely negative or falsely positive, therefore, the situation may be even worse off after introducing community-wide screening. This is in fact nonsense. It all depends on whether the authorities are willing to allocate funds to carry out screening. Any examination will have side-effects. In carrying out each examination, some new side-effect may occur. The question is whether he is willing to accept the suggestion of the legislature and spend \$1 billion. I heard some Members from the DAB say that it was only necessary to spend \$1 billion. Are the authorities willing to allocate the funds? Are they going to allocate the funds and after doing so, will a review be conducted? If instances of false-negatives or false-positives occur, we can simply conduct reviews again, can we not? If the authorities do not proceed, how can reviews be conducted?

Do the authorities want to tell Hong Kong people and the legislature that too many screenings will have the adverse effect of aggravating the situation? What is the basis of this claim? Is it the case that in various places in the world, the less the community-wide screening, the less the rate of successful detection and the less the instances of timely treatment? The answer is in the negative. This is just typical bureaucratic talk.

As regards the many studies advising the public to exercise more often and eat healthy food, to people at the grassroots and workers who have toiled for more than a decade, such advice is tantamount to saying "Why do the people not eat meat porridge?". A security guard who works for 12 hours daily can only

earn \$6,800 in wages. I have cited this example in this legislature for the fifth time, so why are the authorities still calling on such people to do exercise and use the staircases more often? When it comes to walking up and down the staircases, these people do so every day and his feeling can only be that of weariness. The Government has failed to even put in place a legal requirement or a piece of legislation to enable the public to lead a healthy life. Has the Government ever cared about the fatigue resulting from hard work for extended periods of time, the resultant depression or the emotional problems resulting from the fear of poverty or the fear of being in a plight? It just calls on them to eat healthier food. But with their paltry income, how is it possible for them to eat better food?

Many people have to eat canned food for long periods of time. Families on CSSA are doing so and some families even consider canned food expensive. We call on the authorities to put in place the measure of food labelling and the reply we got was that such and such a thing would not work. It said that the labelling of genetically modified food would not work and the labelling of food with trans fat would not work. Who actually are the authorities serving? How can guidelines be provided to enable the public to choose better food? Therefore, on everything, it is all words but no action. What is the overriding characteristic? Whenever there is the likelihood of causing trouble to the rich, it will desist from doing anything and will not pay any heed.

On this issue of cancer, insofar as community-wide screening is concerned, if the wage level of Hong Kong people can reach one at which it is possible to take out medical insurance without requiring the authorities to assume responsibility, it will be possible for people to pay the money to undergo screening. This method has already been adopted in overseas countries, has it not? At present, the majority of Hong Kong people find it a luxury to take out a medical insurance policy and I am one of them. Before I was a Member of the Legislative Council, I also had a medical insurance policy. My friend told me he could not meet the quota, so he made me buy a policy. Subsequently, I had no money, so I stopped making payments. Having stopped making any payment, what medical insurance coverage can I get? At present, Members of the Legislative Council do not enjoy any medical benefit. All of them have to plan for themselves and no such benefit is offered.

Therefore, I can say very simply that it is in fact totally pointless to discuss this subject in the legislature today. The Hong Kong Government hosted a

medical conference on cancer. During the discussion in the conference, there was in fact nothing worth talking about and there was just wandering down the highways and byways. Having said all this, however, did the Government invite any cancer expert to talk about the cancer problem? It is so convenient to do so, but the Hong Kong Government did not do so.

Therefore, what mercy has the Government show to millions of salaried people or people living and struggling below the poverty line? The present situation constitutes a source of worries and oppression for them. The situation of long working hours and low wages continues to exist and even people on CSSA have had their payments cut on two occasions. The elderly can only scrimp on food and clothing for fear of losing their savings for funeral expenses. We call on the authorities to increase the Old Age Allowance but they refused. However, the Government is very generous when it comes to tax cuts.

For all these reasons, I believe that no matter what response the Government gives today, it is only being hypocritical. It is just saying something for the sake of giving a response and saying that it will continue to do something. We must not believe it. I so submit.

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Madam President, I thank the many Members who have put forward valuable opinions on the motion and the amendments. I would respond to Members by focusing on the main issues that they have raised.

As I mentioned at the beginning of the motion debate, we must consider many factors when deciding whether or not to introduce a screening programme for a specific disease. If measures are taken rashly, it would not bring any benefit to the public and worse still, it would cause unnecessary worries and even harm to them. So, it is very important to make any decision on the basis of scientific justifications. The implementation of such measures as screening or vaccination will depend on the types of cancer and their effectiveness will vary according to the characteristics of individual demographic groups. At present, the only cancer screening test proven to be effective in Hong Kong is cervical screening.

Since 2004 the Department of Health (DH) has implemented the cervical screening programme to encourage women in the relevant age group to undergo

the cervical smear on a regular basis. As Human Papilloma Viruses, or HPV in short, is transmitted through sexual intercourse in most cases, women who have never had any sexual intercourse run very low risks of HPV infection or cervical cancer. Moreover, it is easier to detect low-grade cervical changes in women below 20 years of age who undergo the cervical smear, and the changes will normally be cleared up naturally. So, having considered scientific evidence in all aspects and taken on board the recommendations of experts, we decided that women aged 25 to 64 who have had sexual experience be made the target population of the cervical screening programme.

In the discussion earlier, Members suggested to review the penetration of the cervical screening programme. According to the telephone survey conducted by the DH in 2006, over 70% of women aged 25 to 64 have undergone cervical smear, which shows that the coverage of the screening programme is quite good. The risk factors of cervical cancer include smoking, multiple sex partners and having sexual activity too early. The DH will continue to launch public education activities targeting these risk factors, in order to enhance the knowledge of cervical cancer among women in Hong Kong. In the meantime, ongoing efforts will be made to collect more research statistics relating to the cervical cancer vaccine, and the Science Committees of the Centre for Health Protection will make suitable recommendations after considering these statistics in detail.

According to international experiences, cervical screening can prevent cervical cancer effectively. The Government will continue to work with various public and private organizations as well as voluntary agencies in promoting the cervical screening programme, with a view to further increasing the coverage rate of cervical screening in Hong Kong. According to the statistics of the Hong Kong Cancer Registry, the recent years have seen a continued drop in cases of cervical cancer, as the number dropped from 498 in 1995 to 376 in 2005. In 2005, cervical cancer even dropped to the ninth place among the most common types of cancer among females in Hong Kong.

Apart from making continuous efforts to take forward cervical screening, we will examine whether we should implement a comprehensive vaccination programme for cervical cancer. We have to consider, among other things, the prevalence of cervical cancer, the effectiveness and safety of the vaccine, acceptability of the vaccine among women and parents, and cost-effectiveness of implementing a vaccination programme. The cervical cancer vaccine is a

prophylactic vaccine. Studies have confirmed that vaccination for girls and women aged between nine and 26 who have never been exposed to HPV types 16 and 18 infections can effectively prevent infection of these two virus types.

HPV16 and HPV18 infection accounts for about 70% of cervical cancer cases, but in the remaining 30% of these cases, there has yet been evidence showing that the vaccine can fight off the high-risk types of the HPV virus. Nor has there been any substantive evidence showing how cervical cancer can be prevented in these cases. It is also impossible to prove whether or not women in other age groups who have received the vaccine can also have the same level of protection. For women with HPV infection, the protection provided by the vaccine will be comparatively lower. Therefore, experts in the world have advised that women who have received the vaccine still have to undergo cervical smear regularly for the prevention of cervical cancer caused by other types of viruses.

There will still be new scientific developments in respect of the cervical cancer vaccine. The DH will closely monitor these developments. The Science Committees of the Centre for Health Protection will consider the evidence and make recommendations accordingly. We consider that it is still immature to introduce a vaccination programme at this stage.

I appreciate Members' view that more screening programmes will be helpful to the public and so, they have called for the implementation of community-wide screening programmes for colorectal and breast cancers. Next, I will talk about cancer screening in these two areas.

The risk factors of colorectal cancer include environmental and genetic factors. Environmental factors include smoking, diets with insufficient intake of vegetables, excessive consumption of red meat or processed meat, the lack of physical exercise, overweight or obesity. Genetic factors include having immediate family members with a history of colorectal cancer, having siblings diagnosed with adenomatous polyps before the age of 60, patients with familial adenomatous polyposis, and patients who carry the genetic mutation for hereditary non-polyposis colorectal cancer. Of all the cases of colorectal cancer in Hong Kong, about 10% to 20% are related to family history and genetic factors.

Methods of screening for colorectal cancer include faecal-occult blood test (FOBT), flexible sigmoidoscopy, colonoscopy and virtual colonoscopy. Local

studies have found that the sensitivity value of FOBT for detecting colorectal cancer is only 19.1%. The report published in 2004 by the Cancer Expert Working Group on Cancer Prevention and Screening under the Cancer Co-ordinating Committee has recommended regular large bowel surveillance with colonoscopy or barium enema with targeted follow-up endoscopy for people with one immediate family member affected by colorectal cancer aged below 45 years of age or with two or more affected immediate family members.

Yet, I understand that recent studies in Western countries have shown that screening by FOBT can lower the mortality rate of colorectal cancer by 16%. But the applicability of these research findings in Hong Kong remains unknown. At present, the University of Hong Kong (HKU) has conducted scientific studies on the feasibility and cost-effectiveness of implementing a screening programme for colorectal cancer in Hong Kong. As for other methods of screening, there is no evidence obtained by randomized clinical trials proving their effectiveness in reducing the overall mortality rate. In view of these new research findings, the Cancer Expert Working Group on Cancer Prevention and Screening will conduct detailed discussions on the prevention and screening of colorectal cancer and make recommendations in due course.

Screening for breast cancer is also an issue of concern to Members. Overseas experience shows that mammography can reduce the mortality rate of breast cancer by about 15%. But according to the studies conducted by the HKU on the projected incidence rate of breast cancer and screening by way of mammography among Chinese women, as the incidence rate of breast cancer in Hong Kong is far lower than that in Western countries, screening by mammography is, therefore, not a cost-effective public health strategy in Hong Kong. Despite the certain benefits brought by mammography-based screening to Western women, the chance of "false-positive" findings is higher in Chinese women. The Cancer Expert Working Group on Cancer Prevention and Screening is going to start a new round of discussion to explore on the basis of substantive evidence the need to implement breast cancer screening in Hong Kong.

While we hold that there has yet been adequate scientific justifications for full-scale implementation of breast cancer screening in Hong Kong, for women who have had cancer or those who have immediate family members with a history of breast cancer (that is, women who run higher risks of having breast cancer), the Cancer Expert Working Group on Cancer Prevention and Screening

recommended in its report in 2004 that they should be individually assessed by medical professionals to determine the appropriateness of regular surveillance for breast cancer in accordance with internationally accepted protocols.

Some Members have expressed the wish that the Government will encourage the public to undergo regular medical check-ups by tax concessions and medical check-up vouchers. At present, the medical profession does not support indiscriminate regular medical check-ups. Medical check-ups should be target-specific and should provide well-defined results. Medical check-ups must be supported by evidence and what is more, they should accurately and reliably identify changes in health conditions for focused treatment. If we blindly implement community-wide regular medical check-ups indiscriminately without taking into account the specific risks of disease of individuals, it may bring more harm than good.

The Government has all along made a lot of efforts in the prevention of cancer and provided comprehensive services and support to cancer patients.

We hope that cancer patients can have access to effective treatment and adequate support, so that they can fight cancer positively. We are committed to providing cancer patients with a comprehensive range of services to cater for their physical and psychological needs, including diagnosis, treatment, rehabilitation and hospice care services. The six cancer centres and 10 departments providing hospice or palliative care services under the HA provide holistic and integrated specialist treatment as well as hospice and palliative care services for cancer patients. As regards community support services, the HA provides palliative day care service, with a palliative home care team set up in every hospital cluster to facilitate treatment of some cancer patients in their familiar environment.

The HA adopts a cross-specialty and cross-sector collaborative approach in its palliative care services under which support services are rendered by doctors, nurses, medical social workers, clinical psychologists, therapists and volunteers. The scope of services includes controlling the symptoms of the patients, alleviating their pain and soothing their discomfort, and providing health care services and emotional and bereavement counselling services to them as well as their families. The HA has established a multi-disciplinary "Central Committee on Palliative Care" to review, co-ordinate and develop "one-stop"

community-based hospice and palliative care services, and to enhance the physical and psychological care for patients and their families and improve their quality of life.

In addition, the Community Rehabilitation Network, which is funded by the Social Welfare Department, provides community rehabilitation services to chronic patients and various patients' organizations and also patients' families and helps them establish mutual help networks, so that they can lead a normal life in the community. There are now a total of six service centres under the Community Rehabilitation Network. Services include programmes and talks on rehabilitation, support for the activities and developments of patient self-help groups, community education programmes on accepting and caring for chronic patients, and so on. Members of the Community Rehabilitation Network mainly include professionals such as social workers, nurses, physiotherapists and occupational therapists. They will seek advice from such professionals as doctors, dieticians, pharmacists and clinical psychologists whenever necessary, so as to provide better services to the chronically ill.

Mr CHEUNG Hok-ming hopes that the Government will provide additional resources to promote Chinese medicine in the prevention of and fight against cancer. Regarding the promotion of service interface between Chinese medicine and Western medicine, the HA is actively exploring the feasibility of integrating Chinese medicine and Western medicine and its clinical effectiveness in public hospitals, and there are a number of hospitals with wards used as testing points. Apart from this, the HA also complements the interface with, among other things, the provision of training, integration of information systems and conduct of researches. I believe this direction of development will bring benefits and new choices to patients, including cancer patients.

Miss CHOY So-yuk's amendment points out that the public should not be denied timely and proper diagnosis due to the lack of means. In fact, the fees charged by public hospitals and clinics have already been heavily subsidized by the Government and are pitched at a level affordable to the general public. The Government has also put in place a mechanism of medical fee waivers to provide assistance to needy patients, in order to ensure that no one will be denied medical treatment due to financial reasons. Under the existing fee waiver mechanism, all recipients of Comprehensive Social Security Assistance already enjoy a fee waiver for public medical services. The HA has made special arrangements to make the medical fee waiver mechanism more accessible to needy elderly

patients. In addition, the Samaritan Fund under the management of the HA will also serve as a safety net. Last year, the HA made an additional provision of \$300 million to the Samaritan Fund for the provision of financial assistance to needy patients to meet their expenses on medical items or new technologies purchased privately in the course of medical treatment which are not covered by hospital maintenance fees or out-patient consultation fees in public hospitals or clinics. These items include drugs, surgical prosthesis and consumables and home-use medical equipment such as wheelchairs and home-use ventilators. The public absolutely will not be denied timely medical services because of financial reasons.

Dr KWOK Ka-ki's amendment proposes to enhance the role of family doctors in conveying cancer-related news and information and ensuring diagnosis at an early stage. As we told the Panel on Health Services some time ago, the Health and Medical Development Advisory Committee is considering how best to promote the concept of family doctor or primary care doctor in the community, with a view to enhancing primary health care. We will put forward recommendations in this respect in the public consultation paper to be published later.

Finally, I hope that my speech today can give Members and the public a better understanding of the ways to prevent cancer and also the Government's objectives in respect of the promotion of screening and vaccination programmes. I have to reiterate that it remains our most important mission to promote a healthy lifestyle and improve public health. The prevention of any disease should not lead to the use of more and more resources. On the contrary, it should aim at reducing the resource commitment at the later stages. I am very grateful for Members' views, and I hope that Members can continue positively support our work in the prevention of cancer.

Thank you, Madam President.

PRESIDENT (in Cantonese): I now call upon Dr KWOK Ka-ki to move his amendment to the motion.

DR KWOK KA-KI (in Cantonese): President, I move that Mr LI Kwok-ying's motion be amended.

Dr KWOK Ka-ki moved the following amendment: (Translation)

"To add "early diagnosis can reduce the death rates of cancer, yet" after "That, as"; to delete "but" after "number one cause of death of Hong Kong people, " and substitute with "and"; to delete ", and encourage people to undergo regular screening tests" after "colorectal and breast cancers, and so on"; to add "study the offer of financial incentives, such as tax concessions, to encourage and help people to undergo regular medical check-ups; (c) " after " (b) "; to delete the original " (c) " and substitute with " (d) "; to delete "and (d) " after "achieve results in prevention;" and substitute with " (e) "; and to add "; and (f) allocate more resources to train family doctors and enhance the promotion of family medicine concept, so that the public can know more about cancer and receive diagnosis at an early stage through family doctors in the community, thereby greatly increasing the chance of curing cancer" immediately before the full stop."

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

I now call upon Mr CHEUNG Hok-ming to move his amendment to Dr KWOK Ka-ki's amendment.

MR CHEUNG HOK-MING (in Cantonese): President, I move that Dr KWOK Ka-ki's amendment be amended.

Mr CHEUNG Hok-ming moved the following amendment to Dr KWOK Ka-ki's amendment: (Translation)

"To add "medical check-up vouchers and" after "study the offer of financial incentives, such as"; and to add "promote the use of Chinese medicine in preventing and fighting cancer and strengthen the co-operation between Chinese and Western medical fields to enhance the efficacy of cancer prevention, as well as to" after "allocate more resources to"."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr CHEUNG Hok-ming to Dr KWOK Ka-ki's amendment, be passed.

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

(Members raised their hands)

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

(No hands raised)

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

PRESIDENT (in Cantonese): I now put the question to you and that is: That Dr KWOK Ka-ki's amendment, as amended by Mr CHEUNG Hok-ming, to Mr LI Kwok-ying's motion be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

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 Andrew CHENG, as the amendments by Dr KWOK Ka-ki and Mr CHEUNG Hok-ming have been passed, I have given leave for you to revise the terms of your amendment, as set out in the paper which has been circularized to Members. When you move your revised amendment, you have up to three minutes to explain the revised terms in your amendment, but you may not repeat what you have already covered in your earlier speech. You may now move your revised amendment.

MR ANDREW CHENG (in Cantonese): President, I move that Mr LI Kwok-ying's motion as amended by Dr KWOK Ka-ki and Mr CHEUNG Hok-ming, be further amended by my revised amendment. President, I have nothing to add.

Mr Andrew CHENG moved the following further amendment to the motion as amended by Dr KWOK Ka-ki and Mr CHEUNG Hok-ming: (Translation)

"To add "; and (g) comprehensively review the work in cancer prevention, education, screening and reporting, including reviewing the popularity of the existing Cervical Screening Programme, and in light of the relevant experience, launching a community-wide cancer screening programme for colorectal and breast cancers, and so on; promoting education on cancer to reduce cancer-causing factors such as smoking and overweight, and educating people on how to detect early symptoms of cancer, so as to achieve results in prevention and early detection of this disease; and improving the statistical information system on cancer and encouraging the participation of the private medical sector" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That Mr Andrew CHENG's amendment to Mr LI Kwok-ying's motion as amended by Dr KWOK Ka-ki and Mr CHEUNG Hok-ming, 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 Dr Hon KWOK Ka-ki, Mr CHEUNG Hok-ming and Mr Andrew CHENG have been passed, I have given leave for you to revise the terms of your amendment, as set out in the paper which has been circularized to Members. When you move your revised amendment, you have up to three minutes to explain the revised terms in your amendment, but you may not repeat what you have already covered in your earlier speech. You may now move your revised amendment.

MISS CHOY SO-YUK (in Cantonese): President, I move that Mr LI Kwok-ying's motion as amended by Dr KWOK Ka-ki, Mr CHEUNG Hok-ming and Mr Andrew CHENG, be further amended by my revised amendment.

President, I also have nothing to add. Thank you.

Miss CHOY So-yuk moved the following further amendment to the motion as amended by Dr KWOK Ka-ki, Mr CHEUNG Hok-ming and Mr Andrew CHENG: (Translation)

"To add "; and (h) review the policies on drug management and subsidy under the current public medical system, so that people will not be deprived of the chance of receiving timely and proper diagnosis, taking injections of vaccines against cancer, and undergoing medical check-ups, and so on, due to the lack of financial means, so as to assist them in preventing cancer" 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 LI Kwok-ying's motion as amended by Dr KWOK Ka-ki, Mr CHEUNG Hok-ming and Mr Andrew CHENG, 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 LI Kwok-ying, you may now reply and you have one minute 31 seconds.

MR LI KWOK-YING (in Cantonese): President, I would like to thank the four Members for proposing their amendments today to make my motion more comprehensive and better. I would also like to thank a number of Members for their speeches and views. For instance, with reference to the principle of equality and care, Miss CHOY So-yuk expressed her hope that the public would not be deprived of the chance of receiving treatment due to a lack of means. Hence, she has proposed to review the Drug Formulary, especially the restriction on cancer medicines.

I am also thankful to Mr CHEUNG Hok-ming for his views. Apart from expressing the hope for upgrading Chinese medicine and enhanced application of preventive Chinese medicine, he has also called on the Government to step up support for Chinese medicine.

On the whole, all the speeches delivered are concerned about public health, urging the Government to take a people-oriented approach in taking care of the people and expressing hope for the Government, given its abundant fiscal surplus, to readily accept good advice and put all the proposals raised in the motion into implementation. Thank you, President.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Mr LI Kwok-ying, as amended by Dr KWOK Ka-ki, Mr CHEUNG Hok-ming, Mr Andrew CHENG 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: Consolidating the quality of post-secondary education.

I now call upon Dr YEUNG Sum to speak and move his motion.

CONSOLIDATING THE QUALITY OF POST-SECONDARY EDUCATION

DR YEUNG SUM (in Cantonese): Madam President, I move that the motion, as set out on the agenda, be passed.

Madam President, it can be said that the associate degree education bubble is growing bigger and bigger and the current number of places for associate degree programmes have already been inflated to over 30 000. However, only about 20 000 matriculation students actually apply for enrolment on sub-degree programmes after 14 500 subsidized degrees places are deducted. So this indicates that the supply of post-secondary places is far greater than demand. Due to the over-expansion of the number of post-secondary places, associate

degree programmes have been ridiculed as the policy of "building 85 000 flats" in the domain of education and the excessively rapid increase in the number of places means that the quality of the programmes are on the decline.

A recent press report shows that the focus of the public has shifted from the number of places in these programmes to the quality of the programmes. Since sub-degree programmes are operated on a self-financing basis, this has led to vicious competition among institutions. In order to attract students to enrol on these programmes, institutions have conceived all sorts of tactics, including spending large sums of money on advertisement and promotion, giving away gifts, setting up bursaries and they even enrol students who do not meet the entry requirements, for example, by enrolling students who did not obtain a pass in Chinese or English in the Hong Kong Advanced Level Examination or by allowing matriculants to proceed direct to the second year of associate degree studies. However, this myriad of gimmicks does not serve to improve the quality of sub-degree education. Moreover, since institutions fail to abide by the principle of "lenient entry, stringent exit", the quality of sub-degree programmes has seen a further decline, as a result, instances of "offering degrees without offering education" have occurred in many sub-degree programmes. We have to know that not only is it necessary for post-secondary education to be commonly available, it must also be of good quality if the quality of the population of Hong Kong is to be raised and our competitiveness enhanced. Therefore, be it in the Report on Higher Education in Hong Kong published in 2002 or Phase 1 of the Review of the Post-secondary Education Sector, they both pointed out the importance of a quality assurance mechanism. This is because a transparent quality assurance mechanism is very important to the quality of sub-degree programmes.

At present, there is no common quality assurance mechanism or a set of descriptors for sub-degree education, rather, they are put in place by institutions individually. There are two types of institutions that offer sub-degree programmes: self-accrediting institutions and non-self-accrediting institutions. Self-accrediting institutions include the eight institutions funded by the University Grants Committee (UGC). The sub-degree programmes offered by them only have to go through institutional review and do not have to go through the accreditation mechanism of the Hong Kong Council for Accreditation of Academic and Vocational Qualifications (HKCAAVQ). When considering whether an institution should be granted self-accrediting status, the UGC or the HKCAAVQ would conduct an institutional review to assess whether the

institution concerned has the required capability to review its own programmes and whether it has attained the required quality and standards. Institutions granted self-accrediting status must have an enduring commitment to quality.

As regards non-self-accrediting institutions, an institutional review and programme validations have to be conducted by an external accreditation organization such as the HKCAAVQ for the course provider or the potential provider to determine whether it has the appropriate institutional structure, procedures and academic environment to conduct programmes at a specific level and to ensure that the programmes have attained a certain standard. During the review process, the judgment of the HKCAAVQ will often be based on international standards. According to the programme validation guidelines of the HKCAAVQ, the structure, design, student enrolment, pedagogy, conduct of examinations and tests, staffing profile and development, quality assurance, professional contacts and other matters relating to the quality of the programmes are all factors considered in programme validations. Non-self-accrediting institutions should strictly abide by the criteria set out in the common descriptors for sub-degree programmes. Those failing to comply with these descriptors would not be accredited. If an institution passes an accreditation process successfully, it will obtain recognized qualifications and these qualifications are different from those awarded in accordance with the law or by other organizations.

Madam President, in view of this, the quality of programmes offered by various institutions may differ vastly due to the accreditation criteria adopted in institutional reviews and the validation criteria of the HKCAAVQ. In particular, the entry requirements and exit standards are particularly a cause of concern. Some institutions may not follow the criteria set by the common descriptors because they are self-accrediting institutions, thus leading to further differences in the quality of programmes. These differences will directly affect the quality of the sub-degree education and lead to differences in the standards of these programmes. This will in turn affect the quality of the entire post-secondary education sector. Although in March 2007, the UGC announced the establishment of the Quality Assurance Council with a view to raising the quality of post-secondary education, the programmes accredited by it are still confined to subsidized and self-financing programmes at degree level and above, whereas a quality assurance mechanism or a set of common descriptors for sub-degree programmes is still lacking. In view of this, we are of the view that a common and transparent quality assurance mechanism or set of descriptors

should be established to ensure that the sub-degree programmes offered by various institutions, in particular, the admission criteria of sub-degree programmes and exit performance of the graduates, will meet the required standards and the recognition of sub-degree qualifications will be enhanced.

The aim of students in applying for enrolment on sub-degree programmes is to pursue an alternative path that will lead to further studies in universities, so as to raise their academic qualifications. Even so, the channels provided by the Government for graduates of associate degree courses to pursue further studies are sorely lacking. Regarding the number of subsidized first-year university places, the number of places has been frozen at the annual quota of 14 500 after an 18% increase was made in 1989. Among the 30 000 sub-degree undergraduates, only 1 300 of them can continue to study in subsidized undergraduate programmes, and even if the 3 000-odd self-financing degree places are taken into account, they are still not adequate for resolving the bottleneck in further studies. The Government once pointed out that it had spent some of the withheld funding for sub-degree programmes on offering articulation places. However, so far, the Government has only increased the number of second-year and third-year articulation places in undergraduate programmes by some 1 000. To associate degree graduates facing difficulties in pursuing further studies, this is merely a drop in the ocean. These students have completed their sub-degree programmes after overcoming many difficulties, however, the qualifications obtained by them are dubious and there are few opportunities in continuing their studies in local or overseas undergraduate programmes. There is little wonder that some students believe that after they have completed their secondary five or matriculation education, if they cannot pursue further education, it is tantamount to getting into a blind alley and sub-degree programmes only serve to extend this blind alley by a couple of feet. In view of this, the Government should increase the channels for further studies by increasing the number of subsidized degree articulation places, the number of self-financing degree places offered by local institutions and the places in degree programmes offered jointly by local institutions and universities overseas, so that qualified students can regard sub-degree programmes as a pathway for raising their academic qualifications instead of despairing that they have gone into a blind alley. At the same time, with the establishment of the Qualifications Framework, the Government should also enhance the recognition for associate degree qualifications and it should also take the lead in recruiting more associate degree graduates and step up publicity, so that employers can have a better understanding of sub-degree qualifications.

In fact, it is by no means easy to take a sub-degree programme. The annual tuition fee ranges from some \$30,000 to \$50,000. This is an amount hardly affordable to students. They either have to exhaust their parents' hard-earned money or borrow money from the Government. Even though students can apply for grants and learning expenses under the Financial Assistance Scheme for Post-secondary Students, if students intend to continue to study in self-financing degree programmes, be it local or overseas undergraduate programmes, they have to shoulder all the tuition fees on their own. The only thing that the Government will do is to provide non-means tested loans on a cost recovery basis at an interest rate that is slightly lower than the market rate to students taking self-financing degree programmes. To students in poor families aspiring to higher studies, one can say that this will only aggravate their difficulties and is of limited help to them. However, to institutions, this amount of tuition fee is too little because they have to repay all loans in 10 years, so they can only allocate some of the tuition fees received for the purpose of repaying their loans. In fact, one third of the tuition fees paid by students is spent on repaying the loans extended to institutions for offering these programmes and the resources actually committed to improving the quality of the programmes are negligible. It can thus be seen that not only does the loan for campus development and offering programmes impact on the provision of quality education by the institutions, an equal amount of impact is also shifted onto students due to such market-oriented relationship. We propose that the Government extend the repayment period for the Start-up Loans extended to institutions for campus construction and setting up the programmes and further enhance the Financial Assistance Scheme for Post-secondary Students, so that sub-degree graduates aspiring to further studies can continue to apply for grants and learning expenses to further study in self-financing and quality-assured undergraduate programmes with recognized qualifications.

Madam President, since the Government proposed in 2000 the objective of increasing the post-secondary education age participation rate from 30% to 60%, in terms of figures, not only has the target been achieved, one can even say that the target has been over achieved because the rate has reached 66% this year. However, in terms of quality, there is still a long way to go before the target can be achieved. For how much longer do we have to sacrifice the quality of post-secondary programmes? How many more sub-degree graduates we have to see gone into the blind alley before we will wake up? The Government should make commitments incumbent on it in respect of this bubble called sub-degree education. Merely offering grants and loans to students and

institutions is far from adequate, nor should the Government always cite determination by market forces as the ground, thinking that in this way, it can ignore the problem. This is because the facts have proven that market forces are no longer effective and the associate degree bubble is on the verge of bursting.

I so submit and hope Honourable colleagues can support my motion. Thank you, Madam President.

Dr YEUNG Sum moved the following motion: (Translation)

"That, as the over expansion of sub-degree places in recent years has led to varied programme quality and the qualifications not being given due recognition, which have affected the graduates' further studies and employment, this Council urges the Government to expeditiously implement measures to improve the quality of sub-degree education and increase the articulation opportunities for sub-degree graduates, which include:

- (a) establishing a transparent quality assurance mechanism to ensure that the admission criteria of sub-degree programmes and exit performance of the graduates meet the required standards, so as to enhance the recognition of sub-degree qualifications;
- (b) increasing the number of subsidized articulation places in local universities to eliminate the worsening bottleneck in further studies; and
- (c) improving the Financial Assistance Scheme for Post-secondary Students to enable sub-degree graduates to receive subsidies for enrolment in articulation degree programmes with assured quality and recognized qualifications, so as to increase the articulation opportunities for sub-degree graduates with outstanding performance."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Dr YEUNG Sum be passed.

PRESIDENT (in Cantonese): Mr TAM Yiu-chung will move an amendment to this motion. The motion and the amendment will now be debated together in a joint debate.

I now call upon Mr TAM Yiu-chung to speak and move his amendment to the motion.

MR TAM YIU-CHUNG (in Cantonese): President, the four major issues relating to sub-degree programmes, that is, quality, recognition of qualifications, financial assistance for students and articulation places have always been the focus of concern in the development of post-secondary education. In the past, the Legislative Council also had a number of discussions on this topic. In mid-2006, we had a debate in a Council meeting and in late 2006, this issue was also discussed in the Panel on Education. Government officials and Members all expressed their own respective on the foregoing four issues on each occasion, however, it seems that after discussion, nothing much has changed regarding the details.

The Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) believes that the development of post-secondary education has a positive role to play in raising the education standard of young people in Hong Kong. Since this policy has been implemented only for a few years, we believe that there is still a good deal of room for improvement. I will express some views on the recognition of the qualifications and financial assistance for students relating to sub-degree programmes.

In 2000, the SAR Government decided to expand the opportunities for post-secondary education, with a view to enabling 60% of senior secondary school leavers to have access to post-secondary education by 2010. For this reason, in the past few years, the Government devised a number of incentives, for example, providing loans to institutions to meet the costs of offering such programmes. Moreover, land was granted at nominal premium for the construction of campuses. As a result, self-financing places have increased drastically. The original target was achieved as early as 2005 and 66% of senior secondary school leavers now have access to publicly-funded or self-financed degree programmes, sub-degree programmes or programmes at pre-associate degree level.

According to government figures, at present, 75% of the current total provision of about 30 000 first-year-sub-degree places in all institutions is from self-financing programmes. Although the participation rate of these programmes is not 100%, the participation rate still stands at 78%, so it can be seen that sub-degree programmes can meet students' demand for post-secondary education.

However, the Government has really not done enough in terms of complementary measures. Some sub-degree graduates face difficulties such as problems in finding a job or the lack of avenues for further studies. Therefore, the problem that has to be solved is how to enhance the recognition of sub-degree qualifications in society. In this regard, I believe that in terms of strategy, both internal and external measures must be implemented at the same time. Internal measures refer to maintaining the quality of the programmes and external measures refer to enhancing the status and recognition of such qualifications in society.

Let me talk about the internal strategy first, namely, to enhance the quality assurance mechanism. The DAB believes that all three parties, namely, the Government, institutions and external quality assurance agencies, all have the responsibility to keep guard. In 2001, the Government, together with the then Hong Kong Council for Academic Accreditation (HKCAA) and the Federation for Continuing Education in Tertiary Institutions (FCE), formulated a set of admission criteria and proposed the principle of "lenient entry, stringent exit" for sub-degree programmes. Moreover, the set of common descriptors for admission requires that students must have a pass in Chinese Language and English Language in the Hong Kong Certificate of Education Examination (HKCEE). The figures released by the Government sometime ago indicated that 3.5% of the students in self-financing associate degree programmes in 2006 did not meet the minimum entry requirements.

What I wish to emphasize is that the principle of "lenient entry, stringent exit" depends on the gate-keeping by institutions. Students enrolled by the institutions must meet the basic requirements in language subjects. In the past, some sub-degree graduates had difficulties in finding a job precisely because they did not get a pass in Chinese Language in the HKCEE. Therefore, we think that if some institutions have enrolled students who did not get a pass in language subjects, they should require the students to re-sit the relevant subjects in the course of their studies and require that they must get a pass in the relevant subjects before they can graduate.

The external strategy is to enhance the recognition of sub-degree qualifications in society. In the 1990s, the only academic qualifications at post-secondary level or above recognized by Hong Kong society were the bachelor degree, the master degree and the doctorate degree, whereas the academic qualifications that lie between the bachelor degree and the senior secondary level were generally understood to be higher diplomas. The number of people who possessed such qualifications was not great, however, since 2000, with strong government efforts to promote post-secondary education, the number of places has increased substantially. More young people now hold such academic qualifications, but social awareness of this kind of qualifications remains limited.

In proposing the amendment on this occasion, I am asking the Government to make good use of the Qualifications Framework (QF) that it introduced in recent years to define the status of sub-degree qualifications in the QF clearly to the public at large and to actively promote the sub-degree to employers as soon as possible. In 2004, the Government decided to establish a seven-level cross-sectoral QF. This system classifies the academic qualification titles we know into seven levels, that is, doctorates or qualifications equivalent to doctorates belong to level 7, masters and postgraduate diplomas/certificates belong to level 6, bachelor degrees belong to level 5 and associate degrees and higher diplomas belong to level 4. One of the original aims in establishing the QF is to make society aware of the standards that a qualification should attain. Since the authorities have included associate degrees in the QF, it should take this opportunity to publicize them to enhance the public's understanding of associate degrees.

Another proposal that I made in my amendment is to grant scholarships to sub-degree graduates with outstanding academic performance so that they can continue to take bachelor degree programmes with these scholarships. Earlier on, the Government proposed a series of new measures on developing Hong Kong into a regional education hub, including establishing a scholarship trust fund amounting to \$1 billion to finance non-local and local students with outstanding academic performance. The DAB proposes that this trust fund can be used to provide scholarships for further studies to associate degree graduates with outstanding academic results who plan to continue to pursue bachelor degree programmes.

Some people may say that at present, sub-degree graduates with outstanding academic performance can enrol on the second year of subvented undergraduate programmes and this is already equivalent to having received government subsidies, so there is no need to establish scholarships for them. However, our present proposal hopes to encourage through such scholarships sub-degree students to achieve good academic results. If students can obtain scholarships, they can pursue further studies in local subsidized or self-financing bachelor degree programmes or enrol on self-financing bachelor degree programmes offered by overseas institutions registered in Hong Kong, or even go overseas for further studies using the scholarships. We believe that if such scholarships are available to students, they will no longer have to rely on loans to further their studies.

President, all along, the treatment given to self-financing sub-degree students, be it in the way that grants and loans are calculated or even in the calculation of loan interests, has been inferior to that given to students in programmes financed with public funds. Even though the Government took some improvement measures from the 2006 academic year onwards, for example, by bringing the means-tested grant under the Financial Assistance Scheme for Post-secondary Students (FASP) on a par with that of the Local Student Finance Scheme (LSFS) and increasing the ceiling for Non-means-tested Loan Scheme for Post-secondary Students, students of self-financing programmes still have to bear loans at high interest rate. Apart from the fact that the annual interest rate, which stands at 2.5%, is higher than that for students in publicly-funded programmes, the interest is also calculated right from the day on which the loan is drawn down. This also makes sub-degree students shoulder heavy debts after graduation.

President, to expand post-secondary education so that more young people who have graduated from senior secondary schools can further their studies and obtain higher academic qualifications is in line with the need for Hong Kong to strengthen manpower training. In the long run, this will be conducive to upgrading Hong Kong's competitiveness. In view of this, I hope the Government can adopt a multi-pronged approach to enhance the recognition of sub-degree qualifications in society, so that such qualifications are more widely known in society and sub-degree graduates can have better prospects.

With these remarks, I implore Members to support my amendment.

Mr TAM Yiu-chung moved the following amendment: (Translation)

"To add "and expeditiously clarifying the level of sub-degree qualifications in the Qualifications Framework and widely publicizing it to the employers," after "meet the required standards,"; to add "and grant scholarships to sub-degree graduates with outstanding performance," after "recognized qualifications,"; to delete "the" after "so as to increase" and substitute with "their"; and to delete "for sub-degree graduates with outstanding performance" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr TAM Yiu-chung to Dr YEUNG Sum's motion, be passed.

SECRETARY FOR EDUCATION (in Cantonese): In order to upgrade the quality and competitiveness of the local workforce, so as to tie in with Hong Kong's development into a knowledge-based economy, in 2000, the then Chief Executive announced the policy objective of raising the post-secondary education participation rate to 60% within a decade. After seven years of development, the post-secondary education participation rate of senior secondary school graduates has increased to over 60%. Compared with 33% in 2000, the rate has nearly doubled.

In the past several years, post-secondary education in Hong Kong has experienced rapid development and it is mainly driven by self-financing associate degree programmes. This pattern of development has departed significantly from the conventional pattern that relies mainly on public funding. In fact, this is also the pattern of development of post-secondary education in various big cities in the world, particularly in a number of places in Asia. Take Japan, South Korea and Taiwan as examples, the proportions of private institutions and students studying in them are as high as 70% to 80%.

The rapid development of self-financing associate degree programmes shows that there is a keen and genuine demand for post-secondary education in our society. The number of programmes has increased from about 20 in 2000 to more than 270 at present. The number of students enrolled each year also increased from 2 600 to about 20 000 at present. At one point, the intake rate

of these programmes even reached 104% in 2004-2005. In the past two years, post-secondary education in Hong Kong has entered a consolidation stage, with the number of places and programmes remaining at a stable level. The admission rate for associate degree programmes is on average about 80%.

The rapid development of associate degree programmes has drawn the attention of the public to this issue and the focus of their discussions mainly centre around the quality of the programmes, positioning or recognition of the qualifications, opportunities in articulation and government support measures. In view of this, after the Government had completed Phase One review on this issue, it proceeded to Phase Two of the review immediately. The work in this regard has entered the final stage and we hope that the review report can be released in the first quarter of next year. Here, I thank Dr YEUNG Sum for moving the motion today, so that I can have the opportunity to listen to more views from Members.

The quality of programmes is the primary object of the Phase Two review. The Government's objective is to consolidate and improve the quality of associate degree programmes. In terms of policy objectives, we have two focuses: First, to establish an effective quality assurance mechanism and second, to define the status of the qualifications clearly.

As I said just now, the number of associate degree programmes has stabilized; in view of this, the next focus of the Government's work is to enhance quality assurance. At the policy level, the Government will strive to assist in the effective functioning of the quality assurance mechanism. At the level of actual operation, institutions and quality assurance organizations have a key role to play. As various institutions are at the forefront of enrolment, teaching and awarding academic qualifications, they have the greatest responsibility. At the same time, in order to inspire confidence in the public, we must also establish a stringent and independent quality assurance mechanism. We will continue to work closely with the Hong Kong Council for Accreditation of Academic and Vocational Qualifications and the Joint Quality Review Committee, with a view to ensuring that the relevant gate-keeping and monitoring work can achieve the greatest results, the most important of all being the recognition of the public.

We will also continue to do our utmost to enhance the transparency of institutions and their programmes. Not only will this enable the public to have a better understanding of associate degree qualifications, so that recognition of

associate degree qualifications can be raised, the public and the mass media can also further understand and monitor the quality of these institutions and their programmes.

The status of and recognition of associate degree qualifications are another important subject matter. I fully agree that it is a must to establish a clear status for associate degree qualifications. Our education policy is to promote lifelong learning and the associate degree is an independent and valuable qualification on the ladder of lifelong learning and people with such qualifications are absolutely suitable for employment, nor should pursuing further studies in universities be considered the only way out for associate degree graduates.

In fact, according to the experience of the United States, Canada and other Western countries, not all associate degree graduates are eager to further their studies, the reason being that institutions in general have adopted the credit unit system. The merit of the credit unit system is that the standard and results of a student's study are calculated on the basis of credit units. Credit units can also be accumulated, so students can complete their studies in phases. At present, institutions in Hong Kong have not yet fully implemented the credit unit system. I hope that with the implementation and development of the Qualification Framework (QF), a more refined credit unit system can be gradually established in Hong Kong in the long run, so as to facilitate lifelong learning by the public, including associate degree graduates.

I also fully agree that it is necessary to determine the status of associate degree qualifications in the QF. Our present thinking is to clearly classify associate degree qualifications as level 4 in the QF because in the QF, the senior secondary qualification will be classified as level 3, whereas the university degree qualification will be classified as level 5. Therefore, it is clear that the qualification standard of associate degree qualifications should lie somewhere between the senior secondary and degree qualifications.

In addition, at present, many people outside the sector are still unclear about the differences between associate degree and sub-degrees. In fact, sub-degree is a general term that includes higher diplomas and associate degrees. These two kinds of qualifications are in fact the same in terms of academic standard; however, they differ in their education focus and the weight of their contents. We are now exploring together with the Federation of Continuing Education in Tertiary Institutions how to delineate these two kinds of

qualifications better, so as to reduce the confusion and make it easier for students to choose their paths of further studies.

With an increase in the number of associate degree graduates, their demand for articulation places will become even keener. I agree that it is necessary for the Government to face the aspirations in this regard squarely. However, I believe that the solutions can also be varied. We should not focus entirely on the number of degree places for articulation in local universities. We should take account of the actual situation and encourage institutions to provide more self-financing articulation programmes that meet the requirements in quality. The Government will also promote the development of private universities as a matter of policy.

The career prospect of associate degree graduates is another issue that calls for improvement. We are now studying how the Government can take the lead in this regard, particularly in civil service recruitment, so as to deliver a clear message to the public, that associate degrees are recognized, valuable and independent qualifications.

The final thing is government support measures. In the past seven years, these support measures have played a significant role in promoting associate degree education. In the past, when we examined and vetted applications by institutions, we also adopted the participation rate of 60% in post-secondary education as the target. In the future, the Government's support measures will adopt the consolidation and enhancement of the quality of programmes as the major vetting criteria, so as to encourage institutions to concentrate their resources on consolidating and enhancing the quality of their programmes instead of increasing the number of places.

President, I so submit. I will give my responses after listening to Members' views. Thank you, President.

MR JEFFREY LAM (in Cantonese): Madam President, following the upswing in the Hong Kong economy, improvement can also be seen in the job market and the unemployment rate has dropped to the lowest point in nine years, standing at just 3.9%. Even the unemployment rate for university graduates also dropped to as low as 2.1% last year. However, it seems that the employment situation of associate degree graduates is still not very satisfactory. Last year, the unemployment rate among self-financing sub-degree graduates was 3.7% and the

underemployment rate was as high as 7.4%. That means over 10% of the graduates had difficulty in finding employment. It can be seen that seven years after the launch of associate degree programmes, the employment problem encountered by such graduates is still a matter of great concern to all of us.

The Government formulated in 2001 a set of common descriptors for sub-degree programmes and recommended clearly that in recruitment, the qualifications of associate degree graduates should be equivalent to Higher Diploma qualifications. However, why is it still very difficult to find recruitment advertisements requiring an education qualification of associate degree in the press? I believe one of the reasons is probably related to the inadequate efforts made by the Government to promote the recruitment of associate degree graduates. Although currently, there are 22 civil service grades that accept associate degree qualifications as entry qualifications, including the grades of Immigration Officer, Inspector of Customs and Excise and Officer of Correctional Services Department, up to now, we still have no clear idea of how many holders of associate degree the Government has recruited. The Government only announced once in 2005 that it had recruited 1 206 sub-degree graduates, however, the Government did not give a clear account of how many among them are associate degree holders, how many are higher diploma holders and how many are professional diploma holders.

In response to public criticism, the then Secretary for Education and Manpower, Prof Arthur LI, recommended associate degree holders to the senior managements of such major companies as Cathay Pacific and Sun Hung Kai in June last year. Subsequently, a pilot job-matching scheme for sub-degree graduates was introduced and interview opportunities were secured for 170 graduates within six months. However, in the context of the tens of thousands of students graduating from associate degree programmes each year, one can only say that the effort is insignificant.

In fact, the majority of employers are happy to hire young people. They have a better understanding of the higher diploma and professional diploma among the sub-degree qualifications, therefore, they have greater confidence in employing them. However, regarding sub-degree holders with associate degree qualifications, probably due to the lack of understanding of this kind of new academic qualifications among employers, they have more doubts when considering employing such graduates. Therefore, I hope the Government will actively raise the quality of associate degree holders and recruit more associate

degree holders into the Civil Service to set an example for more employers to follow.

In addition, the Review of Post-secondary Education Sector released by the Education Bureau (sic) last year says that sub-degree programmes will be classified as belonging to Level 4 in the Qualifications Register. Secretary Michael SUEN also reiterated earlier on that there was a plan to include sub-degrees in the Qualifications Framework to be implemented formally next year. I believe all these moves will accord sub-degrees, in particular, associate degree graduates, legitimate and highly recognized status, thus enhancing employers' confidence in employing them.

Madam President, young people are the future pillars of society. I believe that it is only necessary to clarify the status of associate degree qualifications, enhance the degree of recognition of the associate degree and dispel the doubts of employers for them to employ more associate degree graduates. Being the representative of Hong Kong General Chamber of Commerce in the Legislative Council, I will also step up publicity and promotion targeting its members, with a view to offering more opportunities to associate degree graduates, so as to enable them to actualize their potentials and contribute to society.

Madam President, I so submit.

MR JASPER TSANG (in Cantonese): President, the way to solve the problems facing associate degree programmes can be summed up in two phrases, that is, four words, "ensure quality, provide opportunities". On quality assurance, the Secretary has talked a lot about a quality assurance mechanism in his speech just now. The DAB greatly supports it and Mr TAM Yiu-chung has also raised this point just now in his speech.

I wish to focus on opportunities in my speech. Concerning the prospects for associate degree graduates, of course, one way out is further studies and the other is employment. We know that many associate degree graduates hope that degree places can be provided to facilitate articulation with university study. However, the reality is that as this area develops, it will definitely be impossible for all associate degree graduates to continue to take bachelor degree programmes. We can even say that it will not be possible for the bulk of

associate degree graduates to continue to study in bachelor degree programmes. In view of this, we have to ask what prospects the existing associate degree programmes can offer to those students who take them.

I wish to express some views on the education objectives and curriculum design of associate degree programmes. In this regard, I think that it is worthwhile to refer to the experience of the United States because, as we all know, the United States was the first country to provide associate degree programmes through what are called community colleges, and this area is thriving. These so-called community colleges were initially designed on the basis of the first two years of a full university education, in other words, when they were established at the turn of the last century, they were designed with a view to preparing for a full four-year university programme. However, after the Second World War, with the developments in American society and the economic transformation, there were also changes in the types of talents required, as a result, community colleges proliferated and became mainly employment-oriented.

Having developed to the present, community colleges in the United States mainly offer employment-oriented programmes. There are still differences between transfer degrees and career degrees, however, an overwhelming majority of students choose to take those so-called career degree programmes which are employment-oriented.

In fact, the term "community college" is in itself very meaningful. They are tailored to a clear focus. Why are such colleges called community colleges? What are their relationships with communities? This is because a community college uses the resources it gets from a community on the community itself. Precisely because it uses the resources of a community, its costs are lower. Apart from making use of the opportunities offered by the industrial and commercial sectors and the community nearby, it also trains students having regard to the needs of a community, so it is very sensitive to the market.

According to the simple information we have gathered, the associate degree programmes offered by community colleges in the United States are mainly highly practical ones and the employability of their students on completion of programmes is also very high. According to statistics, 75% of the career degree graduates from the community colleges in the United States could make use of what they had learned and the kinds of work they engaged in

were the same as their areas of study. According to the statistics compiled by the U.S. Department of Labour (the data we could find were those relating to 2001 and we could not find more up-to-date ones), compared with workers with high school qualification, the average wage per week of employees with sub-degrees was US\$128 higher than the former, so their income was obviously higher and this is very attractive.

This kind of programmes in the United States has great vitality. Although it is not immune to controversy, that is, there are indeed controversies or debates on whether community colleges will create great class differences or reduce social mobility in society, in terms of actual results, they are well-received and highly successful. Therefore, I think that we can in fact make reference to this experience. The DAB suggests that the Government refer to the experience of community colleges in the United States in offering associate degree programmes. For example, in teaching, is it possible to make reference to other people's approach by integrating theory with practice more?

The community colleges in the United States offer a lot of attachment programmes and students can even spend their holidays in joining attachment programmes and earn wages. Can the business sector offer assistance by following such a practice, so that students can gain practical experience and employers can also identify suitable employees through such attachment programmes? In addition, we can also refer to the approach adopted in the United States by incorporating the latest and most urgent technological and social requirements into the programmes. As Bill GATES said, "Community colleges have an important role to play in making certain we have skilled workers ready to help businesses take advantage of all the opportunities in the Digital Age.". It is worthwhile reference for us.

Lastly, I also highly approve of the Secretary's positive attitude towards the credit unit system because a credit unit system can make a programme more flexible. If students can earn the credit units faster, they can graduate earlier and look for work. If they earn the credit units slower, they can accumulate their credit units, extend their period of study and even use those credit units to pursue further studies. We can examine all these aspects. In sum, associated degree programmes should be oriented towards employment.

MR ANDREW LEUNG (in Cantonese): Madam President, first of all, before I deliver my speech, I wish to make a declaration of interest. I am the Chairman

of the Vocational Training Council (VTC), which is one of the major providers of sub-degree programmes in Hong Kong.

In society, there is a common misunderstanding concerning sub-degree programmes and even some Members among us cannot tell the difference between sub-degrees and associate degrees. Sub-degrees are not the same as associate degrees; in fact, associate degree is only a component of sub-degree programmes and another important component is higher diploma programmes. The VTC is the largest provider of higher diploma programmes in Hong Kong. What Mr Jasper TSANG pointed out just now is exactly what the VTC is now doing and it has had great success in its efforts.

In recent years, in order to make the labour market in Hong Kong cater more closely to the needs of a knowledge-based economy, resources have been allocated to post-secondary education and local universities have also introduced associate degree programmes, which is something fairly new. Between matriculation classes and university degree programmes, a separate academic qualification which is connected to the second year or third year of the programmes in local universities was introduced. It offers a new career path to graduates of secondary five and matriculation classes who in the past could only choose between further studies and employment. Since such new programmes have the word "degree" in their names, people are often led into thinking that if they are enrolled on the associate degree programmes offered by universities, they will quite certainly be enrolled on the bachelor degree programmes offered by universities. However, in the past few years, there was a drastic increase in the number of associate degree programmes and some of them can receive government funding and can lead to study in university, however, the number of places has remained at less than 1 000 each year. This makes the path for graduates who wish to pursue further studies a very rocky one. It is only after completing their two-year programmes that they find themselves to be apparently marching at the same spot and the goal of entering university has remained just as distant. Such perceptions give many people a lot of misconceptions about associate degree.

As I said earlier on, not only does sub-degree consist of associate degrees, higher diploma programmes are also a very important component, and the latter have a long history of 36 years. Apart from emphasizing the practical aspect and equipping students for employment, they also equip them for further professional studies. To take the higher diploma programmes of the VTC as an

example, the graduates are well-received by employers and have won employers' recognition. Their employment rate is over 90% and there is also quality assurance on such programmes. Apart from seeking employment, of the 6 500 graduates each year, about 30% (that is, about 2 000 graduates) will choose to pursue further studies. Among them, half of them are successfully enrolled on local university programmes, so it can be seen that there is a certain level of quality assurance in the standard of graduates.

Furthermore, the higher diploma programmes of the VTC have been accredited by a third party, the Hong Kong Council for Accreditation of Academic and Vocational Qualifications. (HKCAAVQ), as belonging to Level 4 of the Qualifications Framework (QF). It is also the first post-secondary institution whose sub-degree programmes all have Programme Area Accreditation. Furthermore, the positioning and contents of the associate degree programmes offered in recent years are not clearly defined, therefore, parents, students and the public at large are feeling confused and many employers have hesitation in employing the graduates. Therefore, the VTC supports the establishment of a fair and unified quality assurance mechanism, so that the sub-degree programmes offered by all institutions will be assessed according to standard criteria, so as to avoid the present situation of some institutions among the 17 institutions offering sub-degree programmes having a self-accrediting status, whereas others have to have their programmes accredited by the HKCAAVQ. Moreover, the criteria adopted are also different. We are of the view that as long as we adopt a fair, objective and uniform quality assurance mechanism, relax the enrolment requirements and abide by the principle of "lenient entry, stringent exit", it will be possible to ensure that the graduates of these programmes will attain a certain standard.

As an organization training local talents, we agree that sub-degree programmes, just like other post-secondary education programmes, have to tie in with the manpower development strategy in Hong Kong. Increasing the number of articulation places is one option. In addition, it is also possible to offer more channels for further studies, for example, by introducing quality overseas university programmes and encouraging local school sponsoring bodies to establish private universities. Of course, many sub-degree graduates, just like most of the graduates of the VTC, will first enter the job market and gain some experience in the "university of society" before pursuing continuous education and lifelong education in view of their career path and develop in a professional direction. We must offer more part-time post-secondary

programmes suitable for young people who have the aspiration and ability to pursue further studies, establish a broader platform and help them attain higher academic qualifications, so as to raise the quality of manpower in Hong Kong in the long term.

Finally, I also agree that the Administration should improve the existing financing schemes for post-secondary students. I hope the Government will understand that this amount of money is not spent without any return, rather, it is an investment on the education of the new generation and an important component of the population policy. This will also raise the quality of the local population through education. Moreover, this kind of subsidies is often made to students in the form of low-interest loans, so young people have to repay them together with interest to the Government after their graduation. The authorities only have to provide low-interest loans to assist more students wishing to pursue further studies to do so, so that they do not have to eventually forego the opportunity to study in post-secondary institutions due to the fear of becoming heavily indebted as a result of receiving education.

Madam President, last month, when we discussed the policy address, many Members pointed out that they hoped the Government could do more in education to enhance the competitiveness of the new generation of young people. I hope that the Government can commit more resources to education when it is financially well-off, so as to help this group of young people with the aspiration and ability to take tertiary education programmes.

Madam President, I so submit.

MR CHEUNG MAN-KWONG (in Cantonese): President, the Chief Executive of the Hong Kong Monetary Authority (HKMA), Mr Joseph YAM, said sometime ago that it was only divine justice that the Government returned wealth to the people. When translated into education, returning wealth to the people means allocating more resources and giving fair treatment to associate degree holders.

The emphasis of the motion moved by Dr YEUNG Sum is to enhance the quality of post-secondary education. Quality is the lifeline of associate degree programmes and the foundation for post-secondary education. Its objective manifestation can be seen in the admission and exit standards of associate degree programmes.

An associate degree should be an academic qualification with credibility and the enrolment of such students should not deviate from the system. It should always be ensured that graduates have attained the minimum standard. Just as the degree places in universities, local universities should have autonomy in student admission and even though some students are enrolled as "scrape through" cases, candidates should be selected on the basis of merits rather than as a "bargain hunting" exercise, so that remedial measures can be taken after their enrolment. Otherwise, the value of such degrees, the quality of education and even international ratings will definitely be affected.

In recent years, institutions have adopted an increasing number of enrolment tactics that deviate from the descriptors and the bottomline has got lower and lower. In the past three years, the number of cases of non-compliance with descriptors rose from 211 to 370 and the number of candidates who failed in both Chinese and English Languages in the Hong Kong Certificate of Education examination even rose drastically from 33 to 135. Why have the institutions deviated further and further from the descriptors? Why have institutions gone their separate ways in student enrolment?

Recently, an institution claimed that society at large had exaggerated the issues relating to associate degree; as a result, the status of associate degree had been heavily downplayed. President, the criticisms levelled by society at large at the quality of associate degree holders and the harm that the education bubble is doing to students must surely be a matter of deep reflection for the Government, so how can institutions forget about this easily? Two years ago, when university places went through a stage of rapid expansion and the competition among various programmes was heated, various institutions coincided in issuing the following warnings:

- Mr Simon WONG, Dean of the School of Continuing Education, Hong Kong Baptist University, said that as institutions could not increase tuition fees due to competition, two large-scale institutions had to lower the credit requirements and class hours of its associate degree programmes in order to cut the teaching staff cost, as a result, the quality of graduates had become dubious.
- Prof Edward CHEN Kwan-yiu, former President of the Lingnan University, criticized associate degree programmes as the worst education policy since the reunification, which was just like the

mass steel campaign in the Great Leap Forward, with every institution trying to boost the figures without regard to quality and quantity, in the end, it was the students who became the victims.

- Dr Edwin WONG, Head of the Division of Continuing Professional Education of the Hong Kong Institute of Education, made the criticism that with everyone knocking on the door of the second year, the admission mechanism would collapse.

All these are comments made by members within the profession.

In fact, associate degree programmes have to go through accreditation and one of the conditions is to strictly follow certain common descriptors. In view of this, the demand in the originally motion to expeditiously establish a transparent quality assurance mechanism with credibility is essential and urgent. Similarly, the admission requirements will also affect the chances of further studies and prospects of graduates, so institutions also have to assume responsibility for this. For example, some years ago, some institutions admitted students who failed in the language subjects of the HKCEE. Even if these students can graduate from associate degree programmes, they may be offered poorer terms in job interviews, whereas some institutions enrolled students who were allowed to vault from matriculation to year two of associate degree programmes, but they were turned down when they apply for subsidized degree places in universities.

It can thus be seen that if a poor job is done in gate-keeping when enrolling students initially but various professions or society are asked instead to recognize the qualifications afterwards, is this not putting the cart before the horse? If quality cannot be assured, it will be difficult to establish a path to further studies and employment. Mr Peter CHEUNG, Executive Director of the Hong Kong Council for Accreditation of Academic and Vocational Qualifications (HKCAAVQ), openly criticized institutions for scrambling to offer sub-degree programmes and the whole situation had degenerated into that of commercial transactions, that even market failure had occurred. All these were caused by the Government's policy failure. If institutions could not defend this bottomline of quality, the situation would be very dangerous. These are also the remarks from someone in the profession.

Mr Peter CHEUNG's warning is just like a head-on blow. Why had the number of places surged so drastically, so much so that the situation of three

places competing for one student has occurred? Why has associate degree education degenerated into a kind of business, such that in the end, the quality of education has been compromised and ultimately, students' prospects and future are also compromised? In the final analysis, students are the aggrieved party and so are the institutions. In the past, the Government cut the funding and sought to attain targets by various means. This is the root of the problem and also the culprit.

In trying to meet the targets, the Government caused the over expansion of the number of places and this is the first mistake. To withdraw funding and provide loans to institutions, such that students are forced to help repay the loans is to compound the mistake. To provide an excessive supply of places and to let market demand and market forces determine quality is even a more outrageous mistake. Since the supply of places is already greater than demand, and since institutions have to make repayments for their campuses, when tuition fees, rather than quality, have become the lifeline of institutions, in order to struggle for survival, institutions have to relax the admission requirements and some of them even had to withdraw from the playing field early, thus becoming the scapegoat for the policy blunder. The ultimate victims are the tens of thousand of students enrolled each year.

President, I also wish to talk about the proposal in one of the amendments to grant scholarships to associate degree graduates with outstanding academic performance. In fact, the scholarship systems of universities should mainly be established by various institutions on their own. However, last year, I also requested the Government to at least give institutions some flexibility by using part of the one-billion-dollar matching fund to establish scholarships for associate degree students, that is, associate degree students should also have a share in using the matching fund. This year, I have made the same request again. The Democratic Party does not oppose this amendment, however, at the same time, I believe it is even more necessary to encourage institutions, organizations in society and funds to establish scholarships for associate degree students, so as to offer timely help to this group of most-neglected young people, so that at least, amends can be made for some of the blunders of the Government.

President, I so submit.

PROF PATRICK LAU (in Cantonese): Madam President, I wish to declare that apart from teaching in the University of Hong Kong for more than 30 years, I am

also the Chairman of the College Council of the Hong Kong Central College and a member of the Council of The Open University of Hong Kong, which also offers associate degree programmes.

Just now, I heard the Secretary say that he would carry out a review of the system in particular and I very much support and agree with this. I also heard the Secretary and a number of Members say that the most important point was to do something about the qualifications and prospects.

In fact, there is now an excessive number of associate degree graduates and I think the main reason that they cannot find any way out is that the Government did not have any long-term planning right from the beginning. The only purpose then was not to let those young people who would become jobless on leaving school push up the unemployment rate. With a lack of well-conceived planning, no thought was given to the prospect of students who have completed associate degree programmes. As a result, the existing problems were created.

The greatest problem now is that there is a bottleneck in further studies, however, it is also not possible to expand the number of places in local universities infinitely. In view of this, the Government should encourage and even actively promote other pathways for further studies so that students can have more choices and through co-ordination with the market, the burden of the Government in this regard can be eased and the problem of students being unable to find any way out can be solved.

In fact, the choices can be very diverse, for example, through co-operation among institutions, links can be established with overseas universities and students can further their studies in universities overseas after completing their sub-degree programmes in Hong Kong, or institutions can be allowed to offer more articulation programmes. Reference can also be made to the distance-learning courses offered by The Open University or television and on-line learning and teaching programmes. At present, with advanced information technology, we should consider other approaches adopted by overseas countries.

I also think that in respect of the programmes, it is necessary for the processing of applications to be stringent and expeditious, be it in approving the establishment of self-financing degree programmes by institutions or in upgrading them to private universities. The opportunities and choices in

articulation should be increased through various channels, so as to solve the problem of having no prospect.

Basically, in developing a diversified education policy, it is necessary for the Government to invest heavily in the training of talents, and it is necessary for the Government to step up its efforts. I think the Government should consider offering scholarships to sub-degree graduates. In this way, not only will it be possible to relieve the burden that tuition fees imposed on them, these scholarships will also serve as incentives that make students study hard and achieve good academic results. Most importantly, it will be possible to identify students with potential, so that they will not miss the opportunity to further their studies due to the financial difficulties of their families.

Apart from giving students choices in further studies, I think it is also very important to offer sub-degree programmes with vocational training because some students hope to find work after obtaining sub-degree qualifications. Therefore, not only is it necessary to sort out to which level in the Qualification Framework sub-degree qualifications belong, moreover, it is also necessary to offer some practical vocational training subjects so that these programmes can be tailored to the needs of the market, as well as attaining the level of vocational skill appropriate to sub-degrees. In this way, genuine assistance can be provided to the students. At present, only academic subjects are offered, but after completing them, there are no opportunities for further studies. This will not help students find suitable jobs.

As regards the issue of quality assurance, I agree with the Secretary that the most important thing is to have a uniform and transparent monitoring system. Together with the regulation of market forces and positive competition, programmes of poor quality will naturally vanish. In view of this, the Government should help make available more choices in various areas of study and in the modes of study, instead of offering too many choices in the same subject area. Only in this way can the diversified development of post-secondary education be truly promoted. Thank you, Madam President.

MR WONG KWOK-HING (in Cantonese): Madam President, the motion points out right from the beginning that the over-expansion of sub-degree places in recent years has led to a bottleneck in articulation; and that due to this bottleneck, issues relating to programme quality and monitoring and the recognition of sub-degree qualifications, as well as issues such as whether the

financial assistance can really benefit associate degree students have occurred. Concerning all of these issues, I believe it is necessary to first target the bottleneck problem before the right cure can be administered.

According to the two petition letters submitted today by the Alliance for the Concern of Sub-degree Education at the entrance of the Legislative Council Building, each year, there are 32 570 sub-degree graduates whereas the number of second-year articulation places in subsidized programmes in local universities stands only at 967. In other words, Madam President, 23 associate degree graduates have to contend for one subsidized articulation place in degree programmes, that is, 25 people have to contend for one place and the rate of students furthering their studies is less than 4%. Some 60% to 70% of associate degree graduates very much want to continue their studies in local universities and the number of people in question is close to 30 000. With only 967 articulation places, may I ask how possibly can a bottleneck and the situation of too many graduates competing for too few places not exist?

The Education Bureau only undertook to increase the articulation places by 883 to 1 850 in 2010, that is, three years later. The petitioning groups hope that the Government can bring forward the year for attaining this goal from 2010 to 2008. I hope the Secretary can give this consideration. However, even so, the problem of bottleneck cannot be solved. To solve this problem, I think it is necessary to tackle it at the fundamental cause of articulation places.

In section E entitled "Optimising Our Demographic Structure and Attracting Talent" in the latest policy address, it is pointed out in paragraph 87 that Hong Kong is facing problems such as demographic changes, an ageing population and the lowering of the quality of our population. Although these problems are pointed out, in paragraph 88 concerning developing our education on all fronts, it is said that the desired outcomes have been achieved. This means that the Government is only willing to make some fine-tuning. It seems that it has not responded to the problem pointed out by us.

However, it is a great pity that in paragraph 93 of the same section, the Government appears to attach particularly great importance to attracting more outstanding students from overseas and proposes a package of measures to increase the admission quotas for non-local students to local tertiary institutions. What it has singularly failed to do is to respond to queries on how the problem of bottleneck in articulation for local sub-degrees can be solved. I find this

regrettable because local associate degree students have already staged a number of petitions to voice their demands to the Government, however, it seems that the policy address has neglected the demands of local students. In view of this, I hope the Government will examine the issue of the ratio of students continuing their studies in universities.

It is pointed out in the petition letter that according to the policy formulated in 1989, the participation rate in university studies is 18%. However, when this rate of 18% was set, the population in Hong Kong was 5.6 million, whereas the population now is 6.85 million. The population has increased by 1.25 million and the rate of increase is 22.3%, that is, nearly a quarter. Therefore, it is obvious that the participation rate set 18 years ago is no longer suited to our times and lags behind the nearly 25% increase in our population. In view of this, if the Government does not increase the number of university places, the situation of a decline in the quality of our population as pointed out in the policy address will surely occur. If the Government is still unwilling to carry out a review in face of such a situation, how can it improve the quality of our population?

Separately, the political situation in society has also changed. The structure of our economy has transformed. In 1989, Hong Kong was still a colony governed by the British-Hong Kong Government, whereas today, it is governed by the SAR Government, so the political situation has changed. Eighteen years ago, today's knowledge-based economy had not yet been developed. In the past, the economy was mainly founded on industries or the manufacturing industries, whereas it is now based mainly on the financial service, the service industry and the electronics, logistics and information service industries. Our society needs high-calibre talents. In view of this, how can the admission quota of universities remain at the rate of 18% set 18 years ago?

In addition, the petition letter also points out that in 2001, people at 25 years of age or above holding university degrees accounted for 12.3% of the total population in Hong Kong and it was far lower than 30.2% for New York and 22.9% for London. If the proportion of university degree-holders in Hong Kong is not raised, how possibly can the situation of a decline of the quality of our population be turned around?

I hope the Government can expand its scope of review to cover the participation rate of 18% in university education set 18 years ago. I also hope

that the Government can respond as to whether it is possible to bring forward the time of attaining the goal of increasing the number of articulation places to 1 850 places to 2008.

Thank you, Madam President.

MR LEE CHEUK-YAN (in Cantonese): President, I believe that the entire sub-degree system is an education bubble created by the SAR Government. The Secretary has kept inflating this bubble, giving people the impression that it is very beautiful, but the bubble will eventually burst. To students in sub-degree programmes, the Government has really wronged them. It tells them that they can take sub-degree programmes, so they fancy that they will have prospects after completing such programmes. And what sort of prospect is it? To young people, the most important prospect is to be able to continue their studies in university. In this way, their future will be bright. Alternatively, if they cannot go on to university but if seeking employment on the strength of a sub-degree is also a good career path, this is also fine because they still have prospect anyway. However, after the bubble of taking sub-degree programmes has been created, little did one realize that the bubble would eventually burst when these students try to continue their studies in university or seek employment. Their prospect will just vanish. Therefore, I think the SAR Government has been irresponsible and it has wronged our students.

The Secretary may say — of course, the Secretary will remain adamant and say that the situation is not like this, but he has to support his claim with facts — if the Secretary tries to be adamant and says that there is no bubble, will he please cite some figures? How many sub-degree students can continue their study in universities? As soon as we talk about figures, you are in trouble. Why? Each year, there are 32 570 sub-degree places, however, only 967 second-year places are reserved for them in universities. On average, only one in 25 students can go on to study in universities and the percentage is less than 4%. Even if the number of places will be increased to 1 850 in 2010, the proportion is still very low and only 8% can go on to study in universities. Just imagine this. If only one in 25 students can study in universities in Hong Kong, if this is not the bursting of the bubble to them, then what is it?

Members may say that it is not always necessary for them to go on to study in universities in Hong Kong, that they can also pursue further studies in

universities overseas. In that case, how many students have done so? Moreover, if they study in universities overseas, they will not get receive any financial assistance, so they can go overseas only if their parents are rich. If their families are well-off, there is no need for them to study in any sub-degree programme and they can go overseas directly for further studies. Therefore, on further studies in universities, the Secretary is really unable to do anything for them.

Why does the Government not solve this fundamental problem, that is, the problem of a bottleneck in further studies? I do not understand why up to now, the Government is still clinging dearly onto a line and it is still talking about the participation rate of study in universities of 18%. A number of Members have said that this policy was formulated in 1989, however, the rate is still 18% at present. It was 18% in 1989 but two decades later, it is still 18%. Why can it not be raised? At present, the Government is not trying to groom more local university graduates, instead, it is always thinking about the admission of professionals. To companies, this is of course just like eating "instant noodles", but is the Secretary doing Hong Kong people a service? Why are we not investing in our next generation as a long-term measure but eating "instant noodles" all the time by admitting professionals from overseas? If the bottleneck in further studies is not resolved and the participation rate in university is always limited to 18%, the outcome will be a limited number of talents in Hong Kong ultimately. I have read a recent paper published by the Commission on Strategic Development (the Commission) and it says that among people over 25 years of age, people holding university degrees account for 12.3%, whereas it is 30.2% in New York and over 20% in London. The proportion in Hong Kong is lower than those of New York and London and is only half of that for London. How can we tolerate such a situation?

The Secretary said that we had to compete with others and we had to optimize our human resources structure, however, no investment is made in university education, so how possibly can we optimize our human resources structure? I really cannot figure this out. The authorities have come up with these sub-degrees that get nowhere and students cannot continue to study in universities, so why do we not do a better job in this regard?

Just now, I heard the Secretary say that sub-degrees were classified as Level 4 of the Qualifications Framework (QF), moreover, the Secretary intended to adopt the credit unit system to solve the problems. I heard all these remarks

very clearly. However, the Secretary also said very clearly that universities have not yet adopted the credit unit system. If universities have not yet adopted the credit unit system, those students will still be unable to proceed to the universities. Unless one of these days, having completed sub-degree programmes will be regarded as having earned a certain number of credits and students can then go to university to earn the remaining credits, then there will be articulation. However, the credit unit system has not yet been put in place now and we do not know when it will be either. The Secretary has never told us when it will be.

If we talk about the QF, the problem is even greater. Concerning the QF, Members know full well that at present, it is being implemented in three sectors, however, if we want to see its implementation in all sectors in Hong Kong, I believe this cannot be accomplished even after 10 years and this is probably something that will happen after a decade or more. If you tell sub-degree students that their qualifications are equivalent to Level 4 of the QF but the sectors that they want to work in probably have not yet implemented the QF and there is no knowing when it will be implemented, the authorities are only giving them illusions and fantasies to satisfy them. Therefore, this talk about the QF is too distant and meaningless. The most pressing problem to be resolved is to truly resolve their difficulties in furthering their studies in universities. If the authorities think that the credit unit system is feasible, they should let universities implement the credit unit system at an early date. In addition, it is also necessary to increase the number of places. If we only implement the credit unit system but do not increase the number of places, this will not work. Even if they have earned all the credit units required by their sub-degree programmes that enable them to proceed to universities for further studies and earn the remaining credit units, it is still necessary to have a sufficient number of places. Therefore, I hope the Secretary can give sub-degree students a genuine and specific reply in this regard.

Just now, I said that going to university for further studies is only a bubble, so what about employment? Do employers actually recognize sub-degree qualifications? Many employers do not recognize them and even the Government itself has not taken the lead in recruiting sub-degree graduates. The Government can perhaps explain later how many sub-degree graduates it has recruited. The Government may have recruited some, however, it is only recruiting them like people with matriculation qualifications. That means the basic requirement is a matriculation qualification and one candidate has a

matriculation academic qualification and another has a sub-degree qualification, so the Government hired the candidate with sub-degree qualification and perhaps it makes it look as though it has recruited people with sub-degree qualifications. This is meaningless. The Government or public organizations have not taken the lead in recognizing sub-degrees. If the Government or public organizations are willing to recognize sub-degrees and consider specifically laying down entry requirements specifically for sub-degree graduates in recruitment exercises, they may think that they have employment prospects and employers in society may also recognize sub-degrees. Since employers do not recognize sub-degrees, how can they believe that they have employment prospects?

Therefore, I think that if the Secretary does not solve their problems in further studies and employment, we are doing young people a disservice and we are also doing students pursuing sub-degree programmes a disservice. I hope to hear a more positive reply from the Secretary. Thank you, President.

MR TOMMY CHEUNG (in Cantonese): Madam President, seven years ago, the former Chief Executive, Mr TUNG Chee-hwa, set the target of raising the tertiary education participation rate to 60% within 10 years. Eventually, not only was this target achieved ahead of schedule in the year 2005-2006, it was also over achieved, with a participation rate as high as 66%. In principle, the Government should encourage everyone to receive more education as this will help raise Hong Kong's competitiveness, however, some of these post-secondary programmes that burgeoned in response to the call, particularly the quality of associate degrees, have aroused public concern.

As the Secretary for Education, Mr Michael SUEN, admitted sometime ago, many problems relating to associate degrees had to be solved. I believe we all greatly support raising the quality of associate degrees, so as to train more useful talents for Hong Kong. We do not wish to see associate degrees being criticized as tantamount to the mass trying to produce steel collectively during the Great Leap Forward, that such programmes are set up in a headlong manner with disregard to quality.

Therefore, the Liberal Party holds that it is necessary to introduce a quality assurance mechanism to ensure the quality of associate degree graduates and recognition of such qualifications. Moreover, the mechanism must be open, transparent and must not be the product of working behind closed doors.

Institutions must also comply strictly with the "lenient entry, stringent exit" principle.

Since the Government has prescribed inspections for primary schools and multiple assessments for secondary schools, why is there an absence of any assessment or even a basic mechanism for the uniform assessment of associate degree programmes charging on average an annual tuition fee of some \$40,000 to \$50,000? We also want to listen to the response of the Secretary in this regard.

As pointed out in the paper on the Review of the Post-secondary Education Sector released by the former Education and Manpower Bureau in March last year, "Quality Assurance (QA) is the cornerstone of our education system. Course providers have the primary responsibility for the quality of their programmes, but it is also essential to put in place an effective and credible QA system to safeguard the standards of our programmes, ensure that students are receiving the education they need, and that the qualifications they obtain will be valued for the purposes of employment and further studies." So far, a year and a half have elapsed and I believe the authorities should give an account on the progress of the review or what specific measures they will take to raise the quality of teaching in associate degree programmes.

At the same time, the indiscriminate enrolment of students is also a cause for concern. According to the figures provided by the Education Bureau, instances of not following the descriptors in student enrolment have happened in a number of institutions. Five among them, for example, this year, the Caritas Bianchi College of Careers enrolled 69 students who did not meet the requirements and the rate is as high as 30.5%, whereas the Community College at Lingnan University and the Hong Kong Baptist University College of International Education also have 16.9% and 10.26% of students who did not meet the admission criteria.

The Liberal Party believes that even though the admission criteria are only guidelines, institutions should not deviate from the descriptors too much and admit students indiscriminately for the sake of increasing revenue. The Government also has the responsibility to oversee that institutions follow the descriptors in admitting students and turn this undesirable trend around, otherwise, if the public consider an institution to be a profit-oriented one that

gives top priority to its gains, it will be difficult for the institution to shake off such an image.

As regards the problems of a bottleneck in further studies and unclear positioning in respect of associate degree programmes, we also agree that stronger remedial actions have to be taken. For example, concerning the bottleneck in further studies, in 2005-2006, there were only 840 subsidized articulation places for sub-degree graduates. But since there are as many as 32 570 sub-degree places, to sub-degree graduates, it can be said that it is extremely difficult to pursue further studies in conventional universities and the places available are only a drop in the ocean. Earlier on, the Government stated that in 2010-2011, the number of places would be doubled to 3 800 and the increase is quite significant. Of course, we support this move and also hope that if possible, the Government can hasten to increase the number of subsidized articulation places in universities to eliminate the worsening problem of a bottleneck in further studies.

Just now, a number of Honourable colleagues have mentioned the credit unit system and the system in the United States. I do not know how many Honourable colleagues have had the experience of such a system but I myself have. I once took a two-year sub-degree programme in the Orange Coast Junior College and it adopted the credit unit system. In fact, the credit unit system has its merits because the universities there also follow the credit unit system. To some extent, if universities do not switch to the credit unit system, there is little use in switching sub-degree programmes to the credit unit system. Fortunately, after completing my study in the two-year community college, I could transfer my credits to a university programme. In order to graduate from the university, a minimum of 128 credit units were required. Usually, students had to earn more than this number of credits and if they earned less, of course, they would not be able to graduate. I earned exactly 128 credit units, so I could graduate just with that number of credit units. Therefore, I did not waste a single credit unit I earned in those two years of sub-degree study.

How can Hong Kong learn from others? The practice of the universities in the United States is "lenient entry, stringent exit" and many students would discontinue after studying for the first year. They can keep their credit units and continue their studies later. In the second year, even more students will leave. Therefore, after studying for two years, when it comes to which university to study in I have many friends who studied in the UCLA,

Stanford or the University of Southern California and it is not difficult at all for them to be enrolled at them because these universities have large numbers of places available that can be offered to them. This is how their system works.

Some years ago, when there was a discussion on sub-degree programmes, I pointed out that I was very concerned because the situation in Hong Kong was one of "stringent admission but easy exit" and hardly anyone would be given a fail, so how could we do the work in this regard properly? In recent years, the Government also subscribes to the concept of developing private universities, for example, the status of the Hong Kong Shue Yan College has also been upgraded and it has become the first private university. I believe that through increasing private or self-financed degree places, the overall number of university places can be increased and this will help sub-degree students continue their studies in universities.

We also understand that to students who do not have any income, their tuition fees are their greatest burden. We think that these sub-degree students should receive financial assistance in an equitable manner. Those who have not received any financial assistance can apply to the Student Financial Assistance Agency for non-means-tested loans. However, since the interest rates for the loans are quite high, if students want to pursue further studies, they will find the burden quite heavy. For this reason, we also support making improvements to the Student Finance Assistance Schemes.

Therefore, we support (*the buzzer sounded*) Madam President, I so submit.

MS AUDREY EU (in Cantonese): President, in the middle of this year, a group concerned about issues relating to associate degree programmes issued a performance report to the Chief Executive, Mr Donald TSANG, and the then Secretary for Education and Manpower, Prof Arthur LI, on their sub-degree policy and the grades for the two of them was 4Us. "U" means low, as in the case of the "U" in the word "under". The group said that the first "U" meant "underestimate", in other words, they had underestimated the demand for subsidized articulation degree places. The second U referred to "unbearable", that is, the burden of the Start-up Loans for institutions to build their campuses were unbearable and students had to contribute towards the projects. The third U meant "unfair" and it referred to the unfair government policy on financial

assistance for students and a number of Honourable colleagues have talked about this just now. The fourth U referred to "unacceptable", that is, the quality of these programmes is unacceptable. Earlier on, I also read some press reports that talk about the eight sins of Secretary SUEN in respect of associate degrees. In fact, some time ago the Legislative Council also raised some oral questions concerning the quality of associate degree programmes and the failure to adhere to the admission criteria.

We can see that from 2004-2005 to 2007-2008, the academic results of some of the associate degree students enrolled by post-secondary institutions did not meet the common descriptors for sub-degree programmes and some of the students had not even obtained a pass in English or Chinese in the Hong Kong Certificate of Education Examination.

Secretary SUEN mentioned in particular the number of students enrolled by post-secondary institutions in excess of the quotas in 2006-2007 and pointed out that in that year, 290 students failed to meet the common descriptors and they accounted for 40% of the students that were enrolled in excess of the quotas in the four academic years from 2004-2005 to 2007-2008. It can thus be seen that there is a worsening trend of institutions competing for students without regard to quality.

The information provided by the Secretary will no doubt have a negative effect on associate degree students, however, if one looks at this in a positive light, one can also say that this will arouse the concern of the public for the issue of institutions not adhering to the admission criteria. This is tantamount to exerting pressure on the institutions that can prevent the problem from deteriorating further. In the long run, I hope the Education Bureau can require post-secondary institutions to report the average grades of the new associate degree students enrolled each year and the number of cases in which the admission criteria are not adhered to and to upload the relevant information onto the Information Portal for Accredited Self-financing Sub-degree Programmes. In addition to stamping out the indiscriminate enrolment of students by institutions, this will also provide reference to students when they apply for enrolment on such programmes.

The indiscriminate enrolment of students is ultimately attributable to the rapid expansion in the number of sub-degree places from about 2 500 in 2001 to 32 500 at present. In order to compete for students, various institutions

resorted to all sorts of tactics and publicity and tried to attract students by giving away courses and gifts, unfortunately, they still experienced under-enrolment. Due to this situation, although The Chinese University of Hong Kong — Tung Wah Group of Hospitals Community College established in the year before, that is, in 2005, has The Chinese University of Hong Kong and the Tung Wah Group of Hospitals as its backing, the number of students enrolled could only reach half of the original estimate. In addition, in accordance with the agreements, institutions must repay start-up loans amounting to billions of dollars to the Government within 10 years, therefore, in order to repay the loans, institutions can only enrol as many students as possible and this is also the reason for lowering the admission criteria.

Of course, the Civic Party hopes that institutions will adhere strictly to the common descriptors but it also hopes that the Government can consider extending the loan repayment period and even waive part of the Start-up Loans, so as to ease the financial pressure borne by institutions. This measure will enable institutions to really spend the tuition fees on the programmes and on ensuring the quality of teaching, so as to raise the quality of teaching in associate degree programmes. In fact, we can see that at present, in many programmes, \$12,000 from the tuition fee of each student on average has to be spent on repaying government loans, accounting for about 30% of the tuition fees. This has a direct impact on the quality of associate degree programmes.

On enhancing the recognition of associate degree graduates, the Civic Party proposes that the Government allocate additional funds to institutions so that they can improve the academic qualifications of their teaching staff and teaching facilities, as well as providing extra-curricular learning support and individual counselling to associate degree students. In addition, the Civic Party also suggests that the Government make reference to the practice of universities by financing associate degree students in undergoing the assessments of the International English Language Testing System. The results of graduates must reach a certain level before they can graduate. In the long run, this will enable institutions to raise the quality of the programmes to attract students, instead of marketing the places by giving away gifts or placing advertisements.

As regards the bottleneck encountered by associate degree students in furthering their education, as there are only 840 publicly-financed Year 2 and Year 3 undergraduate places and compared with about 32 000 associate degree graduates, the chance of their furthering their education in universities is 2.6%

only. The number of undergraduate articulation places offered by the self-financing post-secondary education sector stands at 2 550.

In the Report on Review of the Post-secondary Education Sector, the Government has recommended that the number of publicly-funded Year 2 undergraduate articulation places be increased to 1 850 in 2010-2011. The Civic Party urges the Government to bring forward the implementation of this proposal to 2008-2009, so as to provide the additional 1 100 articulation places as soon as possible.

According to the information of the University Grants Committee, in the 2004-2005 academic year, the cost of each place in undergraduate programmes was \$200,000 and after deducting the tuition fee of some \$40,000 paid by a student each year, if the Government wants to finance an additional 1 100 undergraduate articulation places and raise the proportion of associate degree graduates who can study in publicly-financed articulation places to 6%, the additional public expenditure incurred will amount to about \$176 million based on the foregoing calculation.

In fact, even though we have pointed out so many problems relating to associate degree programmes, the policy address this time around still did not mention this issue in any way. This is indeed regrettable. We know that later, the Education Bureau will publish a report on Phase 2 of the Review of the Post-secondary Education Sector. The Civic Party hopes that Secretary SUEN will revise his policy in earnest to respond to the proposals made by associate degree students and the education sector, so as to raise the quality of associate degree.

President, the Civic Party supports the original motion and the amendment.

MR ALBERT CHAN (in Cantonese): President, the motion today is "Consolidating the Quality of Post-Secondary Education". Looking at this subject, a lot of questions came to my mind. What standard has the quality actually attained?

Sometimes, when I look at such things as the systems and subjects of post-secondary institutions, I have the impression that they are riddled with

shortcomings, are they not? If consolidation is carried out in these circumstances, will it allow the remnants of those systems fraught with problems or flaws to continue to exist? Therefore, I hope that words like "reform" or "enhance" can be used as they are better than "consolidate".

President, basically, I wish to talk about several areas. The first has to do with the credit unit system. In principle, I am all for it because it gives flexibility. To students in particular, there can only be merits because not everyone is so lucky to receive education for three or four years in one go, complete their programme and graduate. The lives of a lot of people are not as plain-sailing as that of Uncle SUEN. Many people may meet many frustrations and have to stop schooling half-way. I myself also had such an experience. Sometimes, it is not really that easy to work and study at the same time. For example, a lot of people have to stop schooling for half a year due to health problems and some people have to stop schooling due to family circumstances, do they not? A lot of hardships in life may affect the progress of academic pursuits. In view of this, if we rigidly stipulate the number of years as a requirement, it will be totally impossible to align with natural developments and the actual situation in society.

The Government often says that it is necessary to be market-oriented, however, to design education programmes according to such an ossified education system is definitely not tailoring them to the needs of the market. Therefore, it is definitely necessary to carry out reforms. The credit unit system is more flexible and if students like to take 12 credit units in a certain year, they can do so. If they want to take 20 credit units, they can also do so. Students can complete their degree programmes in this way and they can also do so in the spirit of the "Eight-year War of Resistance". It is up to students to decide.

Second, concerning the mutual recognition of the credit units of various universities, it is also necessary to deal with this with flexibility, and the arrangements have to be made as early as possible. Sometimes, a major problem in Hong Kong is that the distance of institutions has a great bearing on students' study. Due to removal or the way one handles one's programme, some students we should give students more opportunities to switch institutions in the course of their study. For example, if an institution is willing to take them, they can change their institution. Basically, the credit units should be accepted and the authorities should establish a clear system.

In addition, President, the greatest problem faced by universities in Hong Kong has to do with the wish of mature people to pursue degree studies. Back in those years, when I was studying in an overseas university — President, in a wink, that was already 30 years ago — 30 years ago, when I was studying in universities, it was very commonplace for mature people to pursue degree programmes. Even if one has not completed high school, as long as one is over 21 years of age, basically, one can take the programmes on a trial basis and the system is not that stringent. The systems adopted for undergraduate programmes in general, ordinary literature programmes or ordinary programmes were very lenient in taking on students. As long as they can complete the programmes through earning credit units, they will be awarded a degree.

I still remember that for some reason, at that time, I chose to take a course offered in the evening. Some students were already mature students, while others were housewives. As their children had grown up, they had nothing to do, so they went back to school some 20 or 30 years after they had left it. They found their return to university life very interesting. This can provide opportunities for study to some people but this is not similar to open universities. I think that studying in open universities is not the same as studying in universities because the mode is completely different.

I know some people who are studying in The Open University of Hong Kong and they think that there is not any feeling of studying in a university at all. The students attend class only for two or three hours at a certain time and they all leave after class. It is totally not possible to experience life in university, nor can students appreciate the practice of engaging in academic exchanges. In fact, apart from listening, reading and attending lectures, the most important thing that most capable of stimulating thinking and making students learn when studying in university is when I was in university, the place that I could learn the most was in the pub because after class, my fellow students and I would go to the pub and some would talk about astronomy and geography while others would talk about the origin of the universe. We would talk about a lot of things and of course, some of them would swear a lot. President, this is how I learned my English foul language.

Therefore, university life is very important. How can we make use of the existing universities to offer evening programmes to residents in local communities? For example, the situation in Tin Shui Wai and Yuen Long is very miserable. The Lingnan University is located in Tuen Mun, however, it

does not offer any programmes for mature students, so if residents in Tin Shui Wai, Yuen Long and Tuen Mun want to enrol on any programme, they have to go to Mong Kok and even Tsim Sha Tsui or Central. The authorities have not fully capitalized on the advantages of the district. In fact, many years ago, I suggested to Prof Edward CHEN that more evening programmes could be offered to students or residents in Tin Shui Wai and Tuen Mun, however, due to the fact that The Lingnan University has its own visions in offering education, no consideration whatsoever was given to this. In fact, the authorities should exploit the favourable geographical factors to develop this area, so as to benefit students. Secretary, Tin Shui Wai and Tuen Mun have a total population of close to a million. The population in Tuen Mun is some 500 000 people or close to 600 000 people and there are 500 000 people in Tin Shui Wai and Yuen Long, are there not? However, it turns out that no service of this kind is offered.

The last point that I wish to talk about has to do with sub-degree programmes. I think sub-degree programmes are neither fish nor fowl and they defy any attempt at classification. I have great sympathy for students studying in sub-degree programmes. First, they do not know what purpose taking such programmes will serve; second, the tuition fees of such programmes are very expensive and thirdly, the standard really leaves a lot to be desired. What purpose does offering such programmes actually serve? It may be better to convert these sub-degree programmes to a credit unit system, so that students can work their way towards graduation on their own by earning credit units, instead of following the present arrangement under which they have to pay expensive tuition fees. The press has also reported on many cases and Mr CHEUNG Man-kwong has also set out the eight sins of these programmes, has he not? In fact, it is possible to set out the 80 sins of such programmes. This is a plan that does more harm than good to people, therefore, I believe that it is absolutely necessary to carry out a review of it.

In addition, often, on the issue of further studies, unfair treatment is given to local students and the benefits offered to non-local students are even better than those to local students.

DR FERNANDO CHEUNG (in Cantonese): President, I think we have already talked about the issues relating to the associate degree for some time. In fact, this is a repeat of the Great Leap Forward movement, that is, in the short span of

a few years, the number of associate degree places increased from some 2 000 to over 30 000. Moreover, this magic was performed in the several years when the funding for post-secondary education was reduced. This is really terrific. The number of sub-degree places was increased drastically and the education participation rate for young people of the appropriate age was increased from 18% to 60%. We can see clearly where disasters struck in this process. Concerning the bottleneck, the types of jobs that sub-degree students can take after graduation and the lack of widespread recognition of such degrees and even the request for an account from the Government on how many associate degree graduates it has recruited, the Government just prevaricated in its reply. In the end, it only told us how many associate degree graduates there were but did not give an account on whether it has recruited any associate degree graduates and the number of such recruits.

All these issues are problems and one of them is concerning the post-secondary education at present, the unit cost for each student stands at \$200,000, however, students in associate degree programmes are also receiving post-secondary education but their unit cost is about \$40,000 only. And tens of thousand of dollars therein have to go towards repaying the loan for building the campuses. We know just by looking at the unit cost that for one group of students, the cost is \$200,000 but for another, the actual cost is less than \$30,000 or just some \$20,000 and the difference in resources is probably 10 times, so how possibly can we say that we are also providing post-secondary education to both and that after two years of sub-degree studies, sub-degree students can go on to the third and then fourth year of university and obtain a university degree? All these are self-deceiving tricks designed to commercialize education and boost its capacity. After attaining the target, the whole world can then be told that in Hong Kong, there are many students of the appropriate age who can receive tertiary education.

Unfortunately, this kind of statistical or purely number games can wrong people grievously when implemented as a public policy. What is the saddest of all is that the Chinese tradition and the characteristic of Hong Kong people is that of industry, so how can people of the older generation not hope that the next generation can have education opportunities? In the past, students who could not continue their education in universities after taking high school examinations could either go overseas for further studies, otherwise, there are not many other options. However, after this avenue of associate degree became available,

everyone wants his children to further their education. This is certainly desirable, but after completing two years of associate degree studies and when seeking to further their studies with less than 1 000 articulation places, it is only natural that the existing bottleneck will occur. But where can the remaining 30 000 or so students go? Of course, they have to find a way out.

As a member of the teaching staff, in view of the cuts in funding for universities and as a way to increase revenue, I believe this is a way to make money. We can keep offering self-financing articulation programmes and if more people take associate degree programmes, we will just enrol them on those programmes and this is most desirable. Even if the Government wants to further cut funding to universities in the future (I think this is possible), we can still rely on this means of making money for support. In fact, the present situation is unhealthy. These students are given training through such low-cost education — we are not saying that the students' quality is poor but that the support and conditions provided by us to education are far from adequate, basically, they are inherently inadequate. After they have completed their associate degree programmes, tuition fees for a further two years are collected from them and then they are awarded bachelor degrees. Will this raise the standard of education in Hong Kong as a whole or will this make it take a retrograde step? How is the planning on this like? How is the positioning like?

Just now, Mr Andrew LEUNG said that job-oriented sub-degree programmes were under the charge of the Vocational Training Council, whereas programmes leading to further studies in universities are within the scope of associate degree programmes. Are they really differentiated in this way? If they are, can the relevant academic standards be attained? We have to sort this out clearly.

We can see that in the United States — just now, Mr Jasper TSANG mentioned the experience of the United States — nearly half of the expenditure of the so-called community colleges in the United States is provided by the Government. Tuition fee accounts for only 20% of the total financing. Members can browse the Internet at any time to look at the composition of their overall financing. Members will see that it is the Government that committed the resources to ensure quality. If not even a bit of resources had been provided; if they had to be completely financially independent; if they had only

been given sites and loans to build their campuses and had been required to make repayments, it would have been impossible to raise the standard. Moreover, in these several areas, we are not superior to them in any way and by that I mean adult education. Although a lot of people have left school, community colleges allow them to further their studies and these are the elements that the Government has not incorporated.

President, on the whole, it is necessary to conduct a review of our entire post-secondary education. In respect of associate degree education, it is necessary to make adequate funding available and make better stipulations on quality. If not, this will only drag down our overall education standard and affect our competitiveness.

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

MR LEUNG YIU-CHUNG (in Cantonese): President, with the social developments nowadays, in particular, when it comes to economic and political developments, it is definitely desirable if our education level can be raised. In particular, since we say that we pursue democratization of the political system nowadays, if education can be made popularized, this will be conducive to the development in this regard. Therefore, I was very pleased with the proposal made by the former Chief Executive, Mr TUNG Chee-hwa, to increase the participation rate in post-secondary education from 18.5% to 60% some years ago. When the educational level of the people in society is raised, this will surely bring about highly favourable developments in Hong Kong society as a whole.

However, how can we achieve this objective of 60%? This is where the actual problem lies. I still remember that at that time, when chatting with many Honourable colleagues, I said that this picture was really beautiful, but how could it be translated into reality? Could this be accomplished? At that time, many questions already came to my mind.

However, now, it seems that this is really achievable and it has already been achieved. Yet, just as this target has been achieved, what sort of situation has emerged? It turns out that this target is fraught with problems. In achieving this target, if we do not have good matching measures, in fact, things

will not really work. If we only care about striving towards this target, I think we are actually aiming high but lacking the required abilities while being over-ambitious, instead of working in a practical and pragmatic manner. This is really an experience and a lesson for us. I hope the SAR Government will learn from this experience and make improvements accordingly.

When it comes to enabling 60% of our secondary school graduates to access post-secondary education, where does the problem lie? I believe that the first major problem lies in the funding provided to the programmes. I also do not understand it is true and I believe that if students with outstanding academic results can be admitted to universities, they should be given grants or loans as a reward. On this point, I believe that this is desirable, not something bad.

However, for students with poor academic results, why does it look as though we want to penalize them? Although they can pursue further studies, they have to dig into their own pockets and the Government will not help them in any way. Why is it like that? Obviously, this is a kind of discrimination. President, why is there reluctance in helping them? It is true that their academic results at the stage of secondary education are unsatisfactory. However, President, in respect of the development of many students, it is not the case that how their performance in secondary school always forebodes how their performance will be like in post-secondary or university education. I wish to cite an example. President, you know that I am a teacher and I have a student whose performance was just average in Secondary 5 and matriculation and he could not get into any local tertiary institution. Subsequently, he had the opportunity to further his study overseas and he came back to work here after graduation. Now, he is a lecturer in SPACE. There are many such instances. He probably could not adjust to the secondary school curriculum, so his development was not too satisfactory. However, when he received his post-secondary education, when the programme was suited to his interest and when the approach to education did not just involve rote learning, he was able to adjust to it and had some very positive development.

Therefore, I hold that the academic results in secondary school education cannot be used as a criterion in deciding whether or not to penalize someone. People with good academic performance in secondary school can receive grants and loans when studying in universities, whereas people with poor academic

performance has to pay for the tuition fees on their own. What sort of situation will this lead to? For those people with poor academic results, they have to take part-time jobs to pay for their tuition fees when they are receiving their education, as a result, they have no time to study, so how possibly can they have a chance to turn around their fate? Even if they do not have to take any part-time job, they are still under very great mental pressure. Because their families have to pay a large amount of money for them, so as a result, these students may feel a great deal of pressure and this is probably not good to their study. In view of this, I believe that since the Government wants to attain this target of 60%, I hope that it will not show any discrimination and it must eliminate such discrimination. This is the first point that I wish to make.

The second point is about the problem of a so-called bottleneck. Today, many colleagues have mentioned the problem of bottleneck in further studies. In my opinion, where does the problem lie? We know that articulation is very important, however, just now, the Secretary said that this was not so. He said that according to overseas experience, after students had completed their sub-degree studies, it would be better if they worked in society and then continued their studies because they could gain some life experience. Moreover, since we had the credit unit system, the flexibility would assist their continued development in the future.

President, I believe that on this issue, we cannot over-generalize and say that this holds true in all cases. It depends on the subject of study. For example, if the subjects of study are in the realm of the humanities, social science, and so on, it is true that more experience in life may greatly facilitate the study of these kinds of subjects and this is not surprising at all. However, this does not apply to some programmes, for example, in the case of such subjects of study as natural science or engineering, the younger one is and the more uninterrupted the pathway of study is, the greater the absorption and the more favourable to the students. Therefore, the Secretary cannot say in a sweeping manner that it is like this in overseas countries and there is no problem in continuing one's study after a break of a year or two. I believe this will not work for some subjects. I hope the Secretary will understand one point, that is, every subject is different.

When I was studying overseas and when I went from high school to university, in an interview, a professor asked me if I was willing to work for a

year first and continue my study afterwards. I asked him the reason for this suggestion. He said that doing so would enable me to accumulate actual experience and would help my understanding of various issues. I agree with this point, however, it cannot be applied to all subjects. Therefore, I believe that it is absolutely necessary to widen this bottleneck to enable students to pursue further studies. Only by doing so can we achieve results, otherwise, the opportunities and abilities of students to pursue further studies will be wasted.

Finally, what I wish to say is that today, the focus of our discussion is on sub-degree education, however, post-secondary institutions do not just offer sub-degree programmes. I agree very much with the view of other Honourable colleagues, that we should conduct an overall review anew. Only by doing so can we see the whole picture, lest we will just be taking a retrogressive step, that is, to adopt a piecemeal approach in tackling the problem and this is the last thing I wish to see. Since the question of today's motion is to consolidate the quality of post-secondary education, I hope that there will be a blueprint and a review will be conducted anew.

President, I so submit.

DR RAYMOND HO (in Cantonese): Madam President, on 12 June 2002, I moved a motion on associate degree in this Council to urge the Government to ensure, in its vigorous pursuit of the target of raising the post-secondary education participation rate to 60% within 10 years, the quality of associate degrees, so that the holders of such degrees can fulfil the requirements for employment and further studies and meet the needs of a knowledge-based economy. At that time, the motion had the strong support of Honourable colleagues in this Council and was passed. In the course of the motion debate, many Honourable colleagues offered a lot of valuable views on the development of sub-degree programmes.

I have all along been concerned about raising the post-secondary education participation rate in Hong Kong. At the same time, it is necessary to ensure the quality in addition to quantity. In moving the motion, I pointed out some areas calling for attention with regard to the quality of sub-degree programmes and it seems that they still apply nowadays. These concerns include: (1) some institutions may be tempted to attract students by lowering admission standards; (2) teaching quality and (3) articulation.

Recently, the authorities revealed in a reply to a question asked in this Council that in the past three academic years, the 15 institutions had enrolled 648 persons who failed to meet the minimum entry requirements for sub-degree programmes, including 257 who failed to get a pass in Chinese or English and 379 who failed to get a pass in any subject in the Hong Kong Advanced Level Examination. Although the Government gave an explanation and denied the indiscriminate enrolment of students, since institutions operate sub-degree courses on a self-financing basis, it is inevitable that they have to exercise flexibility, the more so when they have under-enrolment.

On another front, the education quality of sub-degree programmes is also a cause for concern. Many institutions offering such programmes set the student-teacher ratio at 1 to 30 or 33. Compared with a student-teacher ratio of 1 to 16 or 20 for universities at present, the student-teacher ratio in sub-degree programmes is obviously on the high side. Such a situation is unsatisfactory. The quality of teachers in self-financing sub-degree programmes is also an area worthy of concern. In some institutions, the highest qualification for 20% to 30% of the teachers is only the bachelor degree, so there is really a need to raise their qualifications.

I wonder if the Government has failed to give due consideration to the plan of raising the tertiary education participation rate within 10 years or whether problems have arisen in its implementation. But the fact remains that sub-degree programmes have already been operated for some time but the problems of articulation and recognition of qualifications have not yet been solved. Apart from taking effective measures as soon as possible to raise the quality of sub-degree programmes, the Government also has the responsibility to solve the problems of articulation and the recognition of qualifications facing graduates. Although they have spent considerable money and time to obtain their sub-degrees, their academic qualifications may not necessarily help them solve the problems relating to their prospects, and they may have to shoulder more debts as a result. Madam President, I so submit.

MR LEUNG KWOK-HUNG (in Cantonese): President, that the situation relating to associate degree has come to this pass is due to TUNG Chee-hwa's desire to follow Singapore's example — it is always the best to compare with Singapore, is it not?

In fact, in the 1990s, as the British-Hong Kong Government was about to depart, it expanded university education frantically. Compared with Singapore, originally, we had an edge. However, it was unfortunate that after TUNG Chee-hwa had come to power, he regarded education as one of the three selling points of his governance. He even appointed Antony LEUNG, that is, the Financial Secretary who eventually had to resign, to oversee this matter. Strangely, according to the figures, Singapore began to compete with us in 1998 and originally, its expenditure was less than ours. However, as our Government kept cutting the funding for universities, in terms of expenditure, both places were on a par and in a tie.

However, Members must not forget that the population in Singapore is only half of that in Hong Kong. In other words, the expenditure on and investment in education in Hong Kong is in fact less than those in other places and this is absolutely irresponsible behaviour. Mr TUNG Chee-hwa wanted to catch up with the standards in Singapore, however, he kept slashing the funding. Every time the then Secretary Arthur LI came to the Legislative Council (now it is Michael SUEN), he would say that the Government's investment in education accounted for a rather high proportion of total expenditure, however, did he ever mention the GDP? Let me read it out to Members: "According to statistics, if we compare with the surrounding areas, in Japan, it is 4.63, in Korea, it is 8.2." It is as simple as that. Let us not take Singapore into account as it has already overtaken us. Moreover, these figures are the totals that have taken into account both the public and private sector, that is, they comprise the investments made by both the private and public sectors. As we all know, the investment made by the private sector in education is zero in Hong Kong. It can thus be seen that our universities are very backward. At present, we can see that the attitude of the SAR Government towards education is wrong. As the saying goes, "It takes 10 years to grow trees but a hundred to educate people". The SAR Government only follows the whims of the Chief Executive, or on hearing the shout of "fiscal deficit", it just struck at the tree called education expenditure, as well as the tree called tertiary education expenditure, saying that this course of action would not work.

However, let us look at Donald TSANG's policy address. In which item did he mention education? The 10 major infrastructure projects proposed by him are all image projects. From the newest project, the new Government Headquarters, to the development of the river loop area, he did not mention how he would invest in education. He was unwilling to face up to this weirdo called

associate degree. The reason at that time was that the Government wanted to achieve a tertiary education participation rate of 60% and the associate degree was also made a target, was it not? The Government did not allocate funds for campus construction, instead, it made universities borrow loans to build them and then make students contribute towards the repayment of the loans. However, as these programmes are not articulated with other programmes, after associate degree programmes were set up, as no articulation degree programmes in universities are available, associate degree graduates just get stuck and can get nowhere. They cannot pursue further studies. Members may ask why they do not go overseas to study. In fact, if they could go overseas to study, why would they need government assistance at all?

In fact, according to simple statistics, the number of children sent overseas by their parents to receive education is on the increase. The figure has reached over 15 000 each year. After eight years of education reform, the number even increased by 40% and the amount of outgoing money each year is about \$7 billion to \$10 billion. That means these students take a great deal of money along with them when going elsewhere for further studies. Second, not being able to connect to degree programmes is already unacceptable, what is more, the qualifications obtained are not recognized. At first, the Government put up a pretence of recognizing them but in reality, it does not recognize them. So may I ask how the Government can live up to the expectations of people who followed its advice?

Today, I am lambasting TUNG Chee-hwa here. He has left office due to his sore legs, however, Donald TSANG is still alive and well. In the entire policy address, he did not mention how since the Government slashed the resources for education substantially on the ground of a fiscal deficit such that even secondary and primary schools, as well as universities and sub-degree programmes all fell victim but he did not mention all these, so can this be considered a scientific outlook on development? What does being scientific mean? Being scientific means that the people have to receive education. The first thing is survival and the second thing is development. Survival is very simple. If people can earn enough money for food and for a living and is given health care, they can survive. However, the Government wants to cut health care expenditure. Uncle SUEN will cite some figures later and we will see if they have been dropping year on year. Even the absolute figures have been on the decrease — on the investment in universities, the absolute figures have decreased. How can this live up to the expectations of parents and students in

Hong Kong? The Secretary does not have to shake his head. I have the figures with me, so let me read them out to Members: In 1998, the recurrent expenditure for all tertiary institutions in Hong Kong was \$12,623 million; now, it has fallen to some \$9,000 million. The recurrent expenditure in Singapore in this area was HK\$2,987 million in 1988, now, it has risen to HK\$9,404 million. Originally, its expenditure was just one sixth of ours, now it is almost on a par with us. Our population is double that of Singapore, so what else can the Secretary say?

Therefore, I think this is very simple. Donald TSANG is trying to fool Hong Kong people. What is this talk of "the scientific outlook on development"? Even this big tree called education expenditure is chopped at as it pleases and after chopping it, no remedy is administered (*the buzzer sounded*) I so submit and condemn this Government.

DR KWOK KA-KI (in Cantonese): Madam President, earlier today before the Council meeting had begun, I received a bowl like this outside. It came from a group of associate degree students who were affected and they asked me to hand this to the Secretary. They had written some Chinese words on the bowl to this effect: "not enough to go round" and "regulate programme quality". This is quite ironical. Students enrolled on these programmes are saying that there is something wrong with the programmes and as a matter of fact, the problems have caused recognition problems with employers and universities. The Government should be held responsible for this.

Some people say that associate degrees are a kind of Great Leap Forward in university degrees taken by the Government in the past. The reason for this is that Hong Kong does not have enough university graduates, and we are no match for New York and London with 30% and 22% respectively of their population being graduates. We have fewer graduates compared with Japan and Korea as well. So a simple and easy way out is to set up associate degree programmes. Despite the good intentions behind this move, we can see after these few years that associate degrees are responsible for a lot of tragedies.

There is a staff member working in my office who is an associate degree graduate. For three years he has been sending out applications to all the post-secondary institutions in Hong Kong but he has not got any admission offers. During these years he borrowed about \$80,000 to \$90,000 and he also

had to pay for the living expenses. He could not repay the loans. This is because ever since his graduation from the associate degree programme, he could not find any decent job. What is so disappointing to him, and to me as well, is that he cannot further his studies. In the United States, as we know, the system there encourages people to further their studies and there is an abundant supply of degree places. So those who have finished their associate degree studies may go on to enrol on a university programme. But in Hong Kong, just look at the figures for last year, there are 32 570 associate degree graduates and only 967 articulation places are available. Even if we count the pledge made by the Education Bureau that such places would be increased to 1 850 by 2010, it means that only less than 6% of associate degree graduates may enrol in articulation degree places.

Why do they not further their studies abroad? Put it bluntly, these are only sarcastic comments to make, for those graduates with financial means or those who do not come from well-off families but nevertheless have managed to borrow the money, they would not have stayed in Hong Kong for their studies. Many students who can borrow money from friends and relatives have gone abroad to study already. They know that associate degrees in the present circumstances cannot help them too much. Put simply, those who can go have already gone. These associate degree students do not have too many choices left and so they have to stay behind and further their studies in great uncertainty.

The Government does not pay any attention to them after it has churned out associate degree graduates. In 2010, that is three years from now, only 6% of these graduates may enrol in articulation places at the universities. What is to become of the remaining 94%? Are there absolutely no university places available in Hong Kong? Of course not, even for this year, the Education Bureau permits local post-secondary institutions to expand their intake of foreign students up to 20% of the total places available. We know that what these institutions are trying to get are those with good academic results. As for local students, if they do not have good academic results, put in a crude way, they are just treated as good-for-nothing. Only those who meet the required standards will be admitted, while those who do not will not be admitted. It is even said that they should forget about going to a university because they have at least got an associate degree. Is this fair to the associate degree graduates? Why does the Government allow the universities to expand the places for overseas students (a large portion actually comes from the Mainland) while it does not provide enough resources to increase places for local students so that these associate

degree graduates may take up an articulation place? I do not oppose the Government trying to attract foreign or mainland students, for it is conducive to strengthening our position as an education hub. So I am not against luring talents to come here. But for the associate degree students, the Government should not treat them like this.

Also, on the quality of the associate degree programmes, now the associate degree places available number as many as 50 000. I have a friend who teaches in an associate degree programme and he has an impression that there is already vicious competition among the institutions in admission. No attention is paid to the academic results and all that is needed is to fill the programmes up with students. Among these teachers of associate degree programmes, some have borrowed money from the Government and some want to stay on the job and do not want to get fired, and so the institutions will just take whoever that comes to knock at their doors and they will do all they can to let these students in.

Is this the original intention of setting up associate degree programmes? If it is not, then why is it that while the Government is paying so much attention to education quality in the universities, secondary schools, primary schools and kindergartens, it is treating associate degree education from a totally different perspective? If the authorities do not do anything to ensure that associate degree programmes reach a certain quality that commands recognition or that their quality can reach a certain minimal standard, then they are not doing enough to help. Often times the employers would be under a certain impression — be this true or not — that the graduates of associate degree programmes do not have any edge over the matriculation class leavers or secondary school leavers. The cause of this is that in one way or another the Government has not set up rigid and responsible practices with respect to the quality or admission criteria of these programmes. Now the number of associate degree graduates is growing each year and it is getting very large indeed. They have no way to further their studies and they carry a burden of debts on their back. In my opinion, the Government has done them a great disservice.

It all started with a myth that post-secondary places would be increased in a very short time and that myth has attracted many young people to enrol on these associate degree programmes. And now, they are finding these programmes a nightmare. Every year they would get collection letters from the Student Financial Assistance Agency to ask them to repay their debts. If their families are hard up as well and when these young people cannot find any jobs or

further their studies, we can just imagine what these young people can do. How is the Government going to raise the quality of the population? If we really regard these graduates of associate degrees as talents, will the Government let them drift around aimlessly in society with no way out? I think it is incumbent on the Government to do justice to these people so that they can be given enough places and that those who meet the requirements and who have the quality can be given a place.

Thank you, Madam President. I so submit.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): If not, Dr YEUNG Sum, you may now speak on Mr TAM Yiu-chung's amendment. You have up to five minutes to speak.

DR YEUNG SUM (in Cantonese): Madam President, the Democratic Party supports Mr TAM Yiu-chung's amendment. The amendment has got two main parts. The first is on how the associate degree is to be assigned a level in the Qualifications Framework. The Secretary replied earlier that it is Level 4. The other part is that it is hoped that scholarships are granted to sub-degree graduates with outstanding performance. The Democratic Party basically supports the two parts of this amendment. Thank you, Madam President.

SECRETARY FOR EDUCATION (in Cantonese): President, first of all, I wish to thank Members from the bottom of my heart for their valuable advice and suggestions. Mr Jasper TSANG and Mr Andrew LEUNG delivered informative speeches to enable us to see the developments in relation to the issue and the background of the policy concerned. In the speeches made by other Members, words like "bubble" and "catastrophic" are used. I do not agree to such views. If these words are used to describe certain phenomena, I think that it is not fair. Of course, I must admit that there may be inadequacies in the course of putting the policy into practice and so a number of measures have to be adopted to remedy the situation. I agree that we should aim at excellence.

As I pointed out in the speech given at the beginning, the quality of academic programmes is the focus of the review of post-secondary education. As a matter of fact, quality is the most important link in all the tiers of education. As we promote and lend our support to the development of associate degrees, the issue we care most about is quality. All along the support measures offered by the Government are only applicable to those programmes that have been validated by a recognized quality assurance mechanism. In addition, only those students enrolled on a validated programme are eligible for student financial assistance.

Currently programmes offered by the eight self-accrediting universities in Hong Kong as well as the teacher training programmes of the Hong Kong Institute of Education must be validated by the quality assurance mechanism within the institutions concerned. The associate degree programmes and the regular degree programmes they offer must be subject to the regulation and validation of the same quality assurance mechanism. As for institutions which are not eligible for self-accreditation, their associate degree programmes have to be validated by the Hong Kong Council for Accreditation of Academic and Vocational Qualifications (HKCAAVQ). Admission criteria and exit performance are important issues in programme validation. Moreover, the accredited status is subject to a specified validity period. The institutions must complete the programme revalidation before the specified validity period or else the validity status of the programme will expire. During the revalidation process, the institution shall submit evidence to the accreditation agency to prove that it has complied with the admission criteria as validated and that the graduates of the programme have reached the required exit standard. I think Members will understand that this system has only been in force for a short time and more time is required to establish the mechanism that I have just mentioned and enable it to reach an acceptable standard.

The Joint Quality Review Committee formed under the Heads of Universities Committee is now conducting institutional reviews of the self-financing associate degree programmes offered by the institutions concerned. They are aware of the existence of problems in this respect and will make efforts to review them. The scope of the review includes admission criteria and exit performance and the review is conducted with the specific objective of helping institutions raise programme quality and make the institutions more accountable to community aspirations.

At the beginning of this year the Education Bureau, the Joint Quality Review Committee and the HKCAAVQ set up a tripartite liaison group to engage in exchanges and discussions on relevant issues related to associate degree programmes. Recently, an expert panel on quality issues in associate degree programmes has been formed. The panel held a quality study workshop at the beginning of this month to facilitate experience-sharing between institutions and quality assurance agencies. The panel will compile a quality manual listing best practices and actual examples in quality assurance work among the institutions for reference and adaptation by the institutions.

We are committed to enhancing transparency in the institutions and their programmes as it will help boost the recognition of sub-degree qualifications. It can also make the institutions more accountable to community expectations in quality, on the premise that institutional autonomy should be respected. The media, parents and students may also know more about associate degree programmes and monitor their quality. The Education Bureau and the institutions concerned launched in mid-2007 an exclusive website called Information Portal for Accredited Self-financing Sub-degree Programmes. The Information Portal contains detailed information on the programmes offered by various institutions, including the criteria for admission to various programmes, accreditation agencies concerned, professional bodies which recognize the programmes, exemption and recognition of credits obtained by graduates by overseas and local universities, as well as career guidance and information on further studies for graduates. Since the launch of this portal, it has been well-received by institutions and students. The hit rate for the portal has exceeded 90 000 times. Now we are planning to enrich the information in the portal by listing in detail information such as the admission criteria and the overall exit performance of graduates.

The positioning and recognition of associate degrees are also very important. In the introductory speech I have pointed out that sub-degree programmes consist of two major categories and these are: higher diploma programmes and associate degree programmes. Currently the number of students enrolled on self-financing associate degree programmes and higher diploma programmes is half and half. Since higher diplomas have more than 35 years of existence in Hong Kong and they are readily understood by employers and members of the public, so their recognition is greater in comparison. However, as associate degrees are something new, plus the fact that the number of programmes offered and graduates were few during the first few years after

the introduction of the programmes, the acquaintance with associate degrees by employers and members of the public should be improved.

In the Phase 2 Review of the Post-secondary Education Sector (Phase 2 Review), we will study the introduction of measures to raise the recognition of sub-degree qualifications, in particular the associate degrees qualifications. We must first position the sub-degree qualifications clearly and the most important thing is to determine the level in the Qualifications Framework for sub-degree qualifications. I have pointed out in the introductory speech that we plan to pitch the sub-degree qualifications at Level 4 of the Qualifications Framework.

Moreover, we will endeavour to enhance the recognition of the sub-degree qualifications among various sectors in society. I would expect the Government to take the lead as mentioned by a number of Members earlier. We hope that this can be done, especially with respect to civil service recruitment. We also plan to enhance collaboration with the institutions and promote the sub-degree qualifications among the business sector, employer associations, and so on. We will encourage institutions to arrange for more internship opportunities for their students and foster more corporate involvement. This will make employers know more about the special features of sub-degree programmes and the standard of the students. As for professional recognition, as pointed out by Members earlier, at present 22 professional bodies have recognized the associate degree qualifications, for example, graduates are exempted from certain parts of professional examinations. We encourage the institutions to strengthen their links with the professional bodies so that more recognition of sub-degree qualifications can be obtained from the professional bodies.

To fully understand the career prospects of the graduates and the feedback from employers, we have commissioned the Joint Quality Review Committee to conduct surveys on graduates of self-financing associate degree programmes in further studies or employment. We are about to commence an opinion poll on the views of employers on sub-degree graduates. These surveys would give us a better picture of the performance of graduates as they further their studies or pursue a career, as well as the expectations and needs of employers. The information obtained would provide important reference to boost the recognition of the sub-degree qualifications.

I wish to reiterate once again that the sub-degree is in itself an important and valuable exit qualification. Holders of such a qualification may pursue a

career in junior management and as assistants in the professions concerned. We must not see university studies as the only way out for sub-degree graduates. A number of Members have stressed this point in their speeches. I wish to emphasize here that we must not consider further studies as the only way out. In this respect, the institutions have an important responsibility here. As far as I know, quite a number of institutions will tell potential applicants during the admission exercise which programmes are more suitable for employment or further studies on graduation.

According to surveys done by individual institutions, last year about 45% of the sub-degree graduates chose employment. Almost all of them managed to find a job within three months after graduation and the entry pay is about \$8,000 to \$10,000 per month, while some graduates are paid more than \$10,000 a month.

I understand that many students and parents expect to see graduates from associate degree programmes enrol in a degree articulation programme, in particular a subsidized articulation programme offered by a local university. I agree that more opportunities for further studies should be given to those sub-degree graduates with excellent results. In view of that we have increased 840 publicly-funded second year university places as from the 2005-2006 academic year for these graduates.

As pointed out by a number of Members earlier, originally we planned to increase an additional 1 000 or so second year university places in phases before the 2010-2011 academic year. Taking into account the progress from the Phase 2 Review up to the present and after considering views from various stakeholders, I am pleased to tell Members that after discussions with the University Grants Committee, we propose that starting from the coming academic year and subject to funding approval by the Legislative Council, the number of subsidized articulation places for the second year in university will be increased from the present 967 places to 1 927. Articulation places for third year of university study will be increased correspondingly in the subsequent academic years.

For those associate degree graduates who wish to pursue university studies, enrolling in a publicly-funded degree articulation place is not the only avenue. According to information from the institutions, 4 500 graduates of

self-financing associate degree programmes in 2006 pursued further studies. Of these, 2 900 enrolled in subsidized or self-financing degree places in local universities while the other 1 600 graduates furthered their studies in non-local degree programmes offered in Hong Kong or went abroad to pursue a course of study in an overseas university.

With the increase in the number of sub-degree graduates, I believe there would be greater room for development in the self-financing degree market. Our policy is to encourage more institutions which meet quality requirements to offer more self-financing degree programmes. The Government will continue to provide assistance in the form of say, granting land at nominal premium to promote the development of private universities. A good example is The Shue Yan University which was retitled as a university at the beginning of this year.

We will also draw reference from overseas experience. As mentioned earlier, the credit unit system can be introduced to enable students to accumulate credit units for the purpose of upgrading their qualifications at different stages. Some Members have pointed out the restrictions of this kind of system. We have heard those views and we will try our best to remove obstacles in this respect. In the United States and Canada, sub-degree graduates may choose to work and after they have accumulated enough working experience, they may pursue further studies. The credit units obtained while they had their sub-degree studies are recognized by the universities for purposes of exemption or transfer of credit units.

Lastly, I wish to talk about student finance and support measures. Our policy is to ensure that no student will be deprived of the chance to receive education owing to a lack of means. As I have said earlier, one of the ways the Government assists in the development of post-secondary education is to provide grants and loans to students. In the 2006-2007 academic year, the amount of grants paid out to post-secondary students on self-financing programmes was \$430 million. In the same year, the Government approved of interest-free non-means-tested loans which totalled \$310 million to help students meet the expenses of unsubsidized tuition fees, learning expenses and living expenses.

Last year the Government improved substantially the Financial Assistance Scheme for Post-secondary Students enrolled in self-financing associate degree programmes. Starting from the 2006-2007 academic year, in working out the

amount of grants payable, this Scheme has been made on the same par with the Financial Assistance Scheme for Post-secondary Students enrolled on publicly-funded subsidized postsecondary programmes. It is expected that by the 2010-2011 academic year, the expenditure on such grants will be increased to \$650 million.

At present, the Financial Assistance Scheme for Post-secondary Students stipulates that associate degree students may only apply for a grant while they are enrolled on an associate degree programme. After they have graduated and as they study in a non-publicly-funded degree articulation programme, they will no longer be eligible for a grant. They can only apply for a non-means-tested loan. During the Phase 2 Review, we have heard a lot of views on that. However, since relaxing the restrictions on student assistance for graduates of self-financing sub-degree programmes as they further their studies in non-publicly-funded degree articulation programmes will lead to a great increase in public expenditure, my colleagues and I need to study the proposal carefully.

The amendment proposed by Mr TAM Yiu-chung suggests that scholarships be granted to sub-degree graduates with outstanding performance so as to increase their articulation opportunities. As far as I know, the sub-degree graduates admitted by local universities to their publicly-funded places are as a general rule, those with outstanding performance. However, as a matter of principle, I agree that more articulation opportunities should be offered to associate degree graduates with outstanding performance and I will study the suggestion made by Mr TAM carefully.

Lastly, I am pleased to see that Members and the public at large basically approve of the direction of our policy on developing post-secondary education in Hong Kong. As a matter of fact, sub-degree programmes give valuable opportunities in post-secondary education to young people in Hong Kong aspiring to further their studies. The positive impact of these programmes cannot be denied. I wish to point out that the main subjects of Members' concern are covered in the Phase 2 Review. We attach great importance to the views expressed by Members and stakeholders and we will consider these views with great care before finalizing a direction conducive to the long-term and healthy development of the postsecondary education sector.

Thank you, President. I so submit.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Dr YEUNG Sum as amended by Mr TAM Yiu-chung, 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 amendment passed.

PRESIDENT (in Cantonese): Dr YEUNG Sum, you may now speak in reply. You have three minutes and 15 seconds.

DR YEUNG SUM (in Cantonese): Madam President, with respect to sub-degree programmes, despite the fact that the Government has achieved its target and even over achieved it, it is really a bubble that will burst in no time. The case is like the making steel from backyard furnaces on the Mainland during the days of the Great Leap Forward. The Government is duty-bound. I must express my great regrets over the Government allowing this present state of affairs to come to pass, that is, there is no quality assurance in associate degrees, the qualification is not recognized and there is a bottleneck in further studies. Having said all these, we are lucky to have a new Director of Bureau and he has always been regarded as an expert in defusing bombs.

The Secretary said just now that further studies is not the only way out. But students should not be asked to go through this greatest bottleneck in education if they want to further their studies. There are 30 000 people enrolled in sub-degree programmes but there are only 1 000 articulation places in the

universities for them to further their studies. Now at least the Secretary says that an application will be made earlier than scheduled to the Finance Committee for funding to increase these 1 000 places to close to 2 000. But there are 30 000 students and even if there are 2 000 articulation places, they are only a drop in the ocean. So I hope the Secretary can put in more efforts to eliminate this bottleneck situation. From what he has said, I think some kind of recognition has already been given. But I hope he can do more. For these 30 000 students, actually the student size is increasing each year, if there are only 2 000 subsidized university places available for them, then I do not think the Secretary can say that this is acceptable. For me the situation is not acceptable at all. I hope he can come up with more solutions.

Second, as Mr LAU Wong-fat has always said, there are rules in every place. The case is the same with academic accreditation now. Some institutions do this on their own, some do it through another agency. The systems for accreditation are not uniform. Madam President, I have a second demand. Can there be an academic accreditation mechanism which is applicable to all, highly transparent and credible so that all institutions which offer such programmes can be assessed by it? I think this would give a boost to public confidence.

Third, on the prospects of the graduates, the Government must take the lead in this matter. It is the largest employer in Hong Kong and it must take the lead. It can, for example, hire the best graduates from associate degree programmes. This would be a kind of recognition for them. So if work in academic accreditation can be done well and if a solution to the prospects of the graduates and the bottleneck problem can be found, there is also a fourth point and, that is, financial assistance to the students. The Secretary has said that those enrolled on a programme not funded by public money cannot get any financial assistance. Can something be done to improve that? Hong Kong does not have anything except its people. People are our only capital. Investing in our young people is very important to the development of our society. Therefore, I hope the Secretary can review afresh the financial assistance scheme mentioned by me in the fourth point.

I am very grateful to the 15 Honourable colleagues who have spoken today. I hope Members can all lend their support and that the Government can work harder on this. Thank you, Madam President.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Dr YEUNG Sum as amended by Mr TAM Yiu-chung, 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.

NEXT MEETING

PRESIDENT (in Cantonese): I now adjourn the Council until 11 am on Wednesday, 28 November 2007.

Adjourned accordingly at seventeen minutes to Seven o'clock.

Annex I

PATENTS (AMENDMENT) BILL 2007

COMMITTEE STAGEAmendments to be moved by the Secretary for
Commerce and Economic Development

<u>Clause</u>	<u>Amendment Proposed</u>
2	By deleting "Secretary for Commerce, Industry and Technology" and substituting "Secretary for Commerce and Economic Development".
3	(a) In the proposed definition of "eligible importing member", in paragraph (b), by deleting "Article 31 bis in" and substituting "the General Council Decision or". (b) In the proposed definition of "exporting member", by deleting "Article 31 bis in" and substituting "the General Council Decision or". (c) In the proposed definition of "Protocol", by adding ", the Annex to the Protocol Amending the TRIPS Agreement, the Annex to the TRIPS Agreement and the Appendix to the Annex to the TRIPS Agreement" after "2005". (d) By adding - "Doha Declaration" (《多哈宣言》) means the Declaration on the TRIPS Agreement and Public Health adopted on 14 November 2001

by the Fourth WTO Ministerial Conference
at Doha, Qatar;

"General Council Decision" (《總理事會決定》)

means the Decision adopted by the General
Council of the WTO on 30 August 2003 on
the Implementation of Paragraph 6 of the
Doha Declaration;

"relevant instrument or legislation" (有關文書或
法例) means -

- (a) the General Council Decision;
- (b) the Protocol; or
- (c) legislation made by the
exporting member or the
eligible importing member, as
the case may be, pursuant to or
for the purpose of implementing
-
 - (i) the General Council
Decision; or
 - (ii) the Protocol;".

5

(a) By deleting the proposed section 72B(2) and
substituting -

"(2) Where a period of extreme urgency
has been declared under subsection (1), the
Chief Executive in Council shall review from
time to time, or cause to be reviewed from
time to time, the public health problem or the
threatened public health problem leading to

the declaration.

(3) The period of extreme urgency declared under subsection (1) continues to run until such a date as may be specified by the Chief Executive in Council by notice published in the Gazette terminating the period of extreme urgency.

(4) A notice published under subsection (1) or (3) is subsidiary legislation."

- (b) In the proposed section 72E(1), by deleting "Article 31 bis in the Protocol and Article 31(h) of the TRIPS Agreement" and substituting "the relevant instrument or legislation".
- (c) In the proposed section 72E(2) -
- (i) by deleting "to the satisfaction of the Government" and substituting "to the satisfaction of the Director";
- (ii) by deleting "Article 31 bis in the Protocol and Article 31(h) of the TRIPS Agreement" and substituting "the relevant instrument or legislation".
- (d) In the proposed section 72E(6), by deleting "Secretary for Commerce, Industry and Technology" and substituting "Secretary for Commerce and Economic Development".
- (e) By deleting the proposed section 72F(2) and substituting -
- "(2) The Director shall -
- (a) as soon as practicable after

any amount of remuneration has been agreed under section 72E(2) (a) between him and the proprietor of the patent concerned, advertise in the official journal a notice stating -

- (i) the amount of remuneration so agreed with the proprietor of the patent concerned named in the notice and, where applicable, the apportionment of the amount of remuneration under section 72E(5); and
- (ii) that any other person who is entitled to claim remuneration payable under section 72E(2) may make an application to the court under section 72I(2); or

- (b) as soon as practicable after he is satisfied that he and the proprietor of the patent concerned have failed to agree on the amount of remuneration payable under section 72E(2),

advertise in the official journal a notice stating -

(i) the fact of the failure to agree on the amount of remuneration with the proprietor of the patent concerned named in the notice; and

(ii) that any other person who is entitled to claim remuneration payable under that section may make an application to the court under section 72I(2).".

(f) By adding -

"72GA. Disposal of patented pharmaceutical products after period of extreme urgency etc.

(1) On the termination of the period of extreme urgency by a notice under section 72B(3), the import compulsory licensee shall take reasonable steps to recall or cause to recall any patented pharmaceutical product which is imported under the import compulsory licence from any person (other than a person who is in possession of the product privately for non-commercial purposes) who is in possession of the product disposed of in accordance with the licence.

(2) An import compulsory licensee shall -

- (a) surrender to the Director any patented pharmaceutical product which is in his possession or recalled under subsection (1); or
- (b) dispose of the product in such a way as may be agreed with the proprietor of the patent concerned granted in Hong Kong.

(3) Where a patented pharmaceutical product is surrendered to the Director under subsection (2)(a) -

- (a) the Government shall pay to the import compulsory licensee a sum equivalent to the purchase price for the product paid by the licensee to the seller of the product in the exporting member; and
- (b) the Director shall -
 - (i) dispose of the product in such a way as may be agreed with the proprietor of the patent concerned granted in Hong Kong; or
 - (ii) in default of agreement,

destroy the product as soon as practicable.

(4) For the avoidance of doubt, stocking of any patented pharmaceutical product which is imported under an import compulsory licence does not amount to an infringement of the patent concerned on the part of the import compulsory licensee or the Director from the termination of the period of extreme urgency by a notice under section 72B(3) until -

- (a) the import compulsory licensee surrenders the product to the Director under subsection (2)(a) or disposes of the product under subsection (2)(b); or
- (b) the Director disposes of the product under subsection (3)(b)(i) or destroys the product under subsection (3)(b)(ii),

as the case may be."

- (g) In the proposed section 72K(2)(b) -
 - (i) in subparagraph (ii)(C), by deleting "Article 31 bis in the Protocol and Article 31 of the TRIPS Agreement" and substituting "the relevant instrument or legislation";
 - (ii) in subparagraph (iii), by adding "where

applicable," before "a copy".

- (h) In the proposed section 72M(1)(b)(iii), by deleting "dedicated to and maintained for the purpose of Article 31 bis in the Protocol".
- (i) In the proposed section 72O(4), by deleting "Secretary for Commerce, Industry and Technology" and substituting "Secretary for Commerce and Economic Development".