

# OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 5 May 2010

The Council met at Eleven o'clock

## MEMBERS PRESENT:

THE PRESIDENT

THE HONOURABLE JASPER TSANG YOK-SING, 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

DR THE HONOURABLE DAVID LI KWOK-PO, G.B.M., G.B.S., J.P.

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

DR THE HONOURABLE MARGARET NG

THE HONOURABLE JAMES TO KUN-SUN

THE HONOURABLE CHEUNG MAN-KWONG

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

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

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

THE HONOURABLE LAU KONG-WAH, J.P.

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

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

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

THE HONOURABLE 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 FREDERICK FUNG KIN-KEE, S.B.S., J.P.

THE HONOURABLE AUDREY EU YUET-MEE, S.C., J.P.

THE HONOURABLE VINCENT FANG KANG, S.B.S., J.P.

THE HONOURABLE WONG KWOK-HING, M.H.

THE HONOURABLE LEE WING-TAT

DR THE HONOURABLE JOSEPH LEE KOK-LONG, 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 CHEUNG HOK-MING, G.B.S., J.P.

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

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 KAM NAI-WAI, M.H.

THE HONOURABLE CYD HO SAU-LAN

THE HONOURABLE STARRY LEE WAI-KING

DR THE HONOURABLE LAM TAI-FAI, B.B.S., J.P.

THE HONOURABLE CHAN HAK-KAN

THE HONOURABLE PAUL CHAN MO-PO, M.H., J.P.

THE HONOURABLE CHAN KIN-POR, J.P.

DR THE HONOURABLE PRISCILLA LEUNG MEI-FUN

DR THE HONOURABLE LEUNG KA-LAU

THE HONOURABLE CHEUNG KWOK-CHE

THE HONOURABLE WONG SING-CHI

THE HONOURABLE WONG KWOK-KIN, B.B.S.

THE HONOURABLE IP WAI-MING, M.H.

THE HONOURABLE IP KWOK-HIM, G.B.S., J.P.

THE HONOURABLE MRS REGINA IP LAU SUK-YEE, G.B.S., J.P.

DR THE HONOURABLE PAN PEY-CHYOU

THE HONOURABLE PAUL TSE WAI-CHUN

DR THE HONOURABLE SAMSON TAM WAI-HO, J.P.

**PUBLIC OFFICERS ATTENDING:**

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

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

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

THE HONOURABLE EDWARD YAU TANG-WAH, J.P.  
SECRETARY FOR THE ENVIRONMENT  
(am of 5.5.2010)

DR KITTY POON KIT, J.P.  
SECRETARY FOR THE ENVIRONMENT  
(pm of 5.5.2010)

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

THE HONOURABLE MRS RITA LAU NG WAI-LAN, J.P.  
SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT

**CLERKS IN ATTENDANCE:**

MS PAULINE NG MAN-WAH, SECRETARY GENERAL

MRS CONSTANCE LI TSOI YEUK-LIN, 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>
Fugitive Offenders (South Africa) Order .....	43/2010
Professional Accountants (Amendment) Bylaw 2010 .....	44/2010
Import and Export (Strategic Commodities) Regulations (Amendment of Schedules 1 and 2) Order 2010....	45/2010

## ORAL ANSWERS TO QUESTIONS

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

### Taxes Collected and Recovered

1. **MR JEFFREY LAM** (in Cantonese): *President, regarding the work of the Inland Revenue Department (IRD), will the Government inform this Council:*

- (a) *whether it has assessed the impact of the financial tsunami on the tax revenue (including profits tax and salaries tax) of the last financial year, and whether the respective amounts of tax paid by the 10 individuals and 10 enterprises on which the highest amounts of salaries tax and profits tax were levied, when compared with those of the year previous to last year, had decreased significantly due to the financial tsunami; if an assessment has been conducted, of the outcome;*
- (b) *of the total number of applications processed and completed by the IRD for holding over the payment of taxes and the amount of tax involved, as well as the respective numbers of cases of overdue*

*profits tax and salaries tax and the amounts involved, in the last financial year; and what measures the authorities have put in place to assist the enterprises and employees who are unable to make full tax payment; and*

- (c) *of the respective amounts of back profits tax and penalties collected by the IRD in the past five financial years; the largest amount of back profits tax collected in the last financial year and whether it is the largest in the past three years; the number of profits tax recovery cases being processed at present and the estimated total amount of tax involved; how the IRD will expedite the recovery of tax in default, so that it will not be barred from recovering such arrears because of the lapse of the tax recovery period?*

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

- (a) In the 2009-2010 financial year, the provisional amount of the overall tax revenue collected by the IRD is \$179.1 billion, representing a decrease of 6% when compared with that in the 2008-2009 financial year. In the 2009-2010 financial year, the total amount of salaries tax paid by the top 10 taxpayers is \$367 million, decreased by \$92 million when compared with that in the previous year. The top 10 taxpayers paid profits tax of \$11.07 billion in total, which is \$8.63 billion less than that in the previous year.

The above figures indicate that the financial tsunami has, to a certain extent, affected the total amount of tax revenue collected by the IRD in the last financial year.

- (b) In the 2009-2010 financial year, the IRD processed a total of some 47 600 and 7 100 holdover applications for provisional salaries tax and provisional profits tax respectively. Provisional salaries tax and provisional profits tax held over amounted to around \$2.7 billion and \$12.1 billion respectively.

As at 31 March 2010, there were around 28 300 cases of overdue salaries tax and the amount involved was about \$1.6 billion. As for overdue profits tax, there were some 5 000 cases involving an amount of some \$5.9 billion.

If a taxpayer is eligible for an additional tax allowance in the current year of assessment, or anticipates that his income or profits in the current year will drop more than 10% when compared with those in the previous year, or has ceased his employment or business, he can apply to the IRD 28 days before the due date for tax payment for holding over a corresponding or the entire amount of provisional taxes. If a taxpayer is unable to pay tax on time due to financial difficulties, he can apply to the IRD for paying tax in instalment.

- (c) The IRD has only the overall figures about the amount of back tax assessed and penalties. A breakdown of back tax assessed and penalties by tax types (such as profits tax) is not available. In the past five financial years, the amounts of back tax assessed and penalties are as follows:

<i>Financial year</i>	<i>2005-2006</i>	<i>2006-2007</i>	<i>2007-2008</i>	<i>2008-2009</i>	<i>2009-2010 (Provisional figures)</i>
Back tax assessed and penalties (\$ million)	2,118	2,196	2,529	2,181	2,590

As back profits tax and penalties arising from individual cases under investigation involve sensitive private information, such details can not be disclosed to the public, so as to avoid speculation.

Moreover, in making tax assessments, the IRD generally adopts the "assess first, audit later" mechanism. It means that the IRD will first assess the amount of tax payable based on the information furnished by taxpayers on their tax returns. Afterwards, the computer program of the IRD will select profits tax cases for review by IRD officers. In 2009-2010, about 7 000 cases were selected by

the computer program for follow-up by IRD officers. Eventually, if it is confirmed that the income or profits earned by a taxpayer is higher than the declared amount, the IRD will levy back profits tax on the relevant person or company. As it is difficult for the IRD to assess back tax prior to the completion of investigations, we are not able to provide the amount of tax involved in those cases.

The IRD has dedicated teams to follow up and combat cases of tax evasion and it will from time to time adjust the criteria for selecting cases for audit in the light of the prevailing social circumstances, as well as the development and changing business practices of individual industries, in order to enhance the effectiveness of tax recovery.

**MR JEFFREY LAM** (in Cantonese): *President, the newly appointed Commissioner of Inland Revenue is very efficient. On the first working day in May, he released detailed figures on the tax revenue and things not mentioned in the past were highlighted on that occasion. Moreover, a writ had been filed to the Court. I do not know whether or not he knew in advance that I would raise this question, so he made an early release of the relevant figures. However, the response given by the Secretary in the main reply is relatively simple. Recently, the IRD filed a writ to the Court for tax recovery, including a sum amounting to \$340 million — We do not know whether or not it is the largest amount of tax to be recovered over all these years and how it is going to be accounted.*

*The Secretary mentioned in part (c) of the main reply, "the IRD has dedicated teams to follow up and combat cases of tax evasion and it will from time to time adjust the criteria for selecting cases for audit in the light of the prevailing social circumstances, as well as the development and changing business practices of individual industries, in order to enhance the effectiveness of tax recovery". Secretary, in reviewing the present methods for making a declaration of income, what measures have been put in place by the authorities to step up monitoring, conduct investigations in a more proactive manner and clarify the respective meanings of "gift" and "service charge", thereby preventing the exploitation of grey areas for the purpose of tax evasion?*



**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): President, I thank Mr LAM for his supplementary question. Concerning individual cases, we will not make any comments. However, the question raised by the Honourable Member is an interesting one and it is an interesting question in taxation. As I have mentioned in the main reply, the IRD has a mechanism in place to follow up the situation of each industry and will formulate policies on and methods for tax recovery in the light of social circumstances and changes in the mode of operation of industries. As to the respective meanings of "gift" and "operation", they are founded entirely on facts. For these reasons, the IRD will definitely follow up these cases according to various pieces of information.

**PRESIDENT** (in Cantonese): Which part of your supplementary question has not been answered?

**MR JEFFREY LAM** (in Cantonese): *The Secretary has not given an answer as to the meaning of "gift" or that of "service". He has said that their meanings are founded on certain facts but he has not answered what is meant by "gift" and how these issues will be handled.*

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

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): Simply put, in general circumstances, no tax will be levied on gifts but tax will be levied on services. Each case is founded on facts and the IRD will definitely collect information through various means. Cases that need follow-up actions will naturally be followed up.

**DR PHILIP WONG** (in Cantonese): *To my knowledge, a great many Fung Shui masters have been dragged into trouble by Mr Tony CHAN. Originally, they are not required to pay any tax. However, because of the latter's case, the IRD is recovering tax from them. How will the Secretary determine the income of Fung Shui masters? Very often, Fung Shui masters receive their income in the*

*form of "lai see" and no receipts will be given. May I ask the Secretary how their income can be ascertained?*

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): President, the supplementary question raised by Dr WONG is very simple, and there is a definition for the term "income". All people who receive an income bear tax liabilities and all of us bear such liabilities. Generally speaking, regarding tax evasion and tax avoidance, we have measures in place for frequent follow-up actions to be taken. As to the question about utilizing resources to follow up cases involving individual industries, we will consider the seriousness of tax evasion and tax avoidance in the industries concerned prior to taking actions against any particular industry.

**MR ANDREW LEUNG** (in Cantonese): *President, as mentioned by the Secretary in the last paragraph, the IRD has dedicated teams to follow up and combat cases of tax evasion. In the 30th paragraph of the Budget speech, the Financial Secretary also mentioned that the IRD had established procedures to track transactions involving property speculation. May I ask the Secretary whether or not the follow-up actions taken by the IRD against property speculation have been inadequate over all these years? How many cases of tax evasion have been recorded? As I have learnt from the press, the IRD pointed out that some foreign nationals had engaged in property speculation. Since they are not Hong Kong residents, tax recovery is a relatively difficult task. May I ask the Government how the related taxes can be recovered? Since this relates to the overall resources of Hong Kong, how will the Government do this work properly?*

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): President, I thank Mr LEUNG for his supplementary question. The remark made by the Financial Secretary actually relates to the work undertaken by the IRD over all these years. Regarding transactions involving property speculation, all along, the IRD has followed up the question of whether or not any tax payable is involved in these transactions. The IRD maintains a huge database in which details of all property transactions are recorded and a computer program is run periodically to analyse property transactions, in order to identify

suspected cases of property speculation. Take the year 2008-2009 as an example, some 13 000 suspected cases of property speculation were identified after screening by the computer program while over 4 000 cases, having been reviewed by IRD officers, required further follow-up actions. Hence it is evident that the IRD has utilized resources to follow up these issues. Irrespective of whether the people in question are Hong Kong residents or non-Hong Kong residents, the IRD will recover tax from them through various means.

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

**MR ANDREW LEUNG** (in Cantonese): *It has been reported that some non-Hong Kong residents have evaded tax after engaging in property speculation but it is difficult for the IRD to recover such taxes. The Secretary has not given a reply as to what follow-up actions will be taken by the authorities.*

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): President, thanks to Mr LEUNG. Certainly, in different circumstances, different follow-up actions will be taken. Under the taxation principles, we will definitely find ways to follow up cases that need follow-up actions.

**MR WONG KWOK-KIN** (in Cantonese): *President, as pointed out by the Secretary in the second paragraph of part (b) of the main reply, as at 31 March 2010, the respective amounts of overdue salaries tax and profits tax were \$1.6 billion and \$5.9 billion. These two amounts of overdue tax add up to a total of some \$7 billion, which is quite substantial. May I ask the Secretary whether they are figures for last year or the accumulated figures as at 31 March 2010? What particular measures does the Government have to ensure the recovery of this amount of tax?*

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): President, I thank the Honourable Member for asking this supplementary question. They are the respective amounts of tax for the previous financial year. What do our recovery actions include? Regarding overdue taxes, the IRD will immediately take various recovery actions, including the imposition of surcharges, the issuance of recovery notices to employers, bankers and other debtors or persons in custody of the assets of the taxpayers concerned, as well as the initiation of civil proceedings at the District Court. If the tax defaulter intends to leave Hong Kong or has already left Hong Kong and taken up residence elsewhere, the IRD may apply to the District Court for a departure prevention direction to prevent the taxpayer in question from leaving from Hong Kong or departing from Hong Kong again.

**MR ABRAHAM SHEK** (in Cantonese): *President, as pointed out by the Secretary in part (a) of the main reply, the amount of profits tax paid by the top 10 companies was some \$8.6 billion less than that in the previous year. The Secretary has only given the simple explanation that the decrease was caused by the financial tsunami. However, have the problems faced by these companies and organizations in their respective industries been reflected by this loss of \$8.6 billion in tax revenue?*

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): President, I thank Mr SHEK for his supplementary question. Insofar as profits tax is concerned, on the whole, I think that the financial tsunami is the main factor affecting the overall economy. As evident in other figures, the overall amount of profits tax revenue has dropped when compared with that in the previous year. This reflects that amidst the financial tsunami, the profits tax payable by companies is a source of income most seriously affected by the economy, thus causing the drop.

**MR ABRAHAM SHEK** (in Cantonese): *In what industries are these companies mostly found .....*

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

**MR ABRAHAM SHEK** (in Cantonese): *Yes. President, he has not answered my question, which is about whether or not these companies are facing restructuring because this is also important to Hong Kong. Given that the drop was \$8.6 billion compared with that in the previous year, does it mean that those companies are facing such problems as restructuring?*

**PRESIDENT** (in Cantonese): Secretary, do you have any information on this?

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): President, my answer is that this reflects a drop in the overall revenue. I believe this is the overall economic situation in the face of the financial tsunami and I hold that the latter is the main factor.

**MR TOMMY CHEUNG** (in Cantonese): *Just now, the Secretary mentioned a drop in the overall profits tax revenue. In fact, the increases of 32% and 62% respectively in stamp duty on stocks and the stamp duty on property transactions aside, I agree with the Secretary's remark that problems exist in the overall economy of Hong Kong. In particular, although the profits made by small and medium enterprises have shrunk, they still have to operate with great difficulties. May I ask the Secretary, in these circumstances, whether or not the authorities have examined the adoption of measures to boost the economy or introduction of further tax concession initiatives? For example, when the Chief Executive was running in the election, he promised to lower progressively the rate of profits tax from 16.5% to 15%. Has the Secretary considered adopting these measures?*

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): President, in relation to Mr CHEUNG's supplementary question, I think the financial tsunami has dealt a great blow to the economy and understandably, the revenue from various direct taxes has dropped. However, with the prevailing economic recovery, I hope to see improvements in the figures. Certainly, in the face of the financial tsunami, the Government has introduced a number of measures to "preserve employment and support the economy" and

Members know the measures very well. The result in this respect, despite the reduced overall tax revenue, has still brought a relatively substantial amount of revenue.

**MR TOMMY CHEUNG** (in Cantonese): *President, the Secretary has not answered the part about lowering the rate of profits tax progressively to 15%.*

**PRESIDENT** (in Cantonese): Secretary, will you give consideration to that?

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): President, I think my answer mainly aims to give an analysis of the figures relating to our tax revenue over the past years. I am prepared to answer any supplementary question in this connection.

**MRS SOPHIE LEUNG** (in Cantonese): *President, I only wish to ask the Secretary to clarify one point because it is mentioned in the third paragraph of part (c) of the main reply that "In 2009-2010, about 7 000 cases were selected by the computer program for follow-up by IRD officers. Eventually, if it is confirmed that the income or profits earned by a taxpayer is higher than the declared amount, the IRD will levy back profits tax on the relevant person or company". Regarding these cases that have been investigated, if it is confirmed that the tax paid by a company or an individual has exceeded the amount payable and the former should be of a lesser amount than the latter, will the authorities give them a tax refund? I wish to seek the Secretary's clarification on this point.*

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): Are you asking about an overpayment of tax by taxpayers? In that case, they can probably claim a tax refund from the IRD.

**MRS SOPHIE LEUNG** (in Cantonese): *Perhaps let me make my point more clearly. A taxpayer thinks that he has made a clear declaration but after screening, the outcome of his case is available, that is, after IRD officers have*

*conducted investigations, it is found that due to his status or for various reasons, he has not under-declared but has over-declared his income. Subsequently, he is advised that he has actually over-declared his income. How will this situation be handled?*

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): To my understanding, in this circumstance, the taxpayer concerned can certainly make an application to the IRD for a refund of the tax paid.

**MR PAUL CHAN** (in Cantonese): *My supplementary question relates to the last paragraph of the main reply given by the Secretary and it is about combating cases of tax evasion. Given that some people from outside Hong Kong or individuals have made profits from property speculation in Hong Kong through offshore companies, what particular measures have been devised by the IRD to follow up such cases, thereby ensuring the recovery of the related taxes? In answering the questions put by other Honourable colleagues just now, the Secretary has not given any specific explanation of how the related taxes can be recovered. After engaging in property speculation, these people will leave and they cannot be located. At present, if the Government has not devised any particular measures, will it consider enacting legislation to require law firms processing the sale and purchase of the relevant properties to withhold part of the profits until the persons concerned have completed the procedures of filing their tax returns and return the profits to them afterwards?*

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): President, in my view, when answering Members' supplementary questions about tax recovery just now, I have already highlighted a number of methods presently adopted for the same purpose. Such methods have produced effect on various parties, including local residents and foreign nationals. Certainly, I will not rule out the adoption of different follow-up procedures in different circumstances. As to making changes to the present tax regime, a great deal of difficulties will be involved in this regard and careful consideration should be given to this. The present tax regime in Hong Kong is founded on the territorial concept rather than the concept of residence. In other words, even if you are a non-Hong Kong resident, you have the same tax liabilities and this is

very clear. If any changes were to be made to the tax regime, I believe bold actions would be required.

**PRESIDENT** (in Cantonese): Which part of your supplementary question has not been answered?

**MR PAUL CHAN** (in Cantonese): *President, the Secretary has not answered the part about requiring lawyers to withhold part of the profits until the people concerned have filed their tax returns ..... because after these persons have left, even if the computer program has identified such cases, it will not be possible to locate these people.*

**PRESIDENT** (in Cantonese): Are you asking about people outside Hong Kong?

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

**PRESIDENT** (in Cantonese): I think the Secretary has already given an answer. We have spent 22 minutes on this question. Second question.

### **Measures to Increase Supply of Different Fuel Products**

2. **MS STARRY LEE** (in Cantonese): *President, it has been reported that a survey conducted by the Consumer Council (CC) has found that more than 60% of the car models on sale in Hong Kong may still attain optimal efficiency even if they use 95-octane petrol, which is lower in price. The survey outcome is more or less the same as those of a similar survey conducted by the CC 10 years ago. Yet, at present oil companies do not follow the practice in the United States, the United Kingdom, France, Japan and Singapore of offering petrol of different octane numbers for vehicle owners to choose. Instead, they only sell the more costly 98-octane petrol, leaving some 200 000 vehicle owners in Hong Kong with no choice but to use it. It is estimated that the extra expenses on petrol paid by*



vehicle owners exceeded \$2 billion in the past 10 years. There have been comments that the cause for the aforesaid existing situation is oligopoly in the motor vehicle fuel business. In this connection, will the Government inform this Council:

- (a) *what measures the Government had adopted in the past 10 years to encourage oil companies to introduce petrol of lower octane numbers to Hong Kong; whether it had assessed the impact of oil companies not introducing petrol of lower octane numbers on vehicle owners in Hong Kong; if an assessment had been conducted, of the outcome;*
- (b) *whether the authorities had, in the past five years, studied the experience in other places to explore how the technical difficulties in supplying petrol of different octane numbers at the same time could be solved; if they had not, whether such studies will be conducted; whether the authorities will consider setting the supply of petrol of lower octane numbers as one of the lease conditions when inviting tenders for petrol filling station sites; if they will, of the details; if not, the reasons for that; and*
- (c) *of the Government's measures to increase the supply channels of fuel products and enhance competition in the industry, so as to safeguard the rights and interests of consumers?*

**SECRETARY FOR THE ENVIRONMENT** (in Cantonese): President, I thank Ms Starry LEE for her question.

In connection to parts (a) and (b) of the question, I try to reply as below: Currently, the Air Pollution Control (Motor Vehicle Fuel) Regulation (Cap. 311L) specifies that the octane level of petrol for motor vehicles should not be lower than 95. According to the survey published by the CC in April 2010, among 550 models of petrol vehicles available in the Hong Kong market, 61.3% (337 models) could use 95-octane petrol and 38.7% (213 models) could use 98-octane petrol, as recommended by vehicle manufacturers. Motorists should generally be mindful of the recommended octane level of petrol for their vehicles as advised by the manufacturers. A vehicle using petrol with an octane level

lower than that recommended by its manufacturer may consume more fuel, lower engine performance and, as a result of premature ignition of petrol, reduce fuel efficiency, and render engine operation less than optimal. More pollutants, such as hydrocarbons, carbon monoxide and carbon dioxide, may be emitted, affecting air quality.

The unleaded petrol first introduced into Hong Kong in April 1991 was of an octane level of 95. According to the petrol suppliers, some motorists were of the opinion that the power of vehicles run on unleaded petrol was slightly smaller than that run on leaded petrol. In response to consumers' demand, suppliers introduced 98-octane unleaded petrol in October of the same year. Between October 1991 and March 1992, consumers could choose petrol with octane levels of 95 or 98 available in the market at the same time. Subsequently, 95-octane petrol was not as popular among motorists, and was withdrawn from the market.

The consultancy report on the Auto-fuel Retail Market issued in 2006 had explored the suggestion of supplying petrol with different octane levels. Having considered the size of petrol fillings stations (PFS) as well as the scale of the Hong Kong market, the report did not recommend requiring retailers to simultaneously provide petrol of two different octane levels.

With regard to part (c) of Ms LEE's question, Hong Kong currently imports oil products from different countries or regions. In 2009, over 40% of our oil products were imported from Singapore, while those from Mainland China and South Korea accounted for 25% and 16% respectively. Oil companies will consider their sources of import taking into account cost, price and other market factors.

In a free market economy, retail price of petrol is determined by the market. Suppliers will take a view on the types of products to be provided having regard to customers' demand and other market factors.

To enhance competition in the auto-fuel market, the Government has taken a series of measures, including:

- (i) removing the requirement for bidders of PFS sites to hold import licence and supply contract;

- (ii) re-tendering all existing PFS sites upon expiry of their leases, instead of renewing the leases to the existing operators; and
- (iii) since June 2003, the Government has tendered PFS sites in batches consisting of two to five sites per batch, depending on the land supply situation. The new tendering arrangement facilitates new entrants in acquiring a critical mass of PFS to achieve economy of scale for effective competition in the auto-fuel market.

Since introduction of the new tendering arrangements, two new operators have obtained 24 out of the 37 PFS sites put up for tender and successfully entered the market. The share of the three biggest operators in terms of the number of PFS has dropped from over 93% to 74%. These statistics show that the new tendering arrangements have effectively enhanced competition in the auto-fuel market.

**MS STARRY LEE** (in Cantonese): *President, in part (c) of the main reply, the Secretary said the Government has done a lot of work in enhancing competition in the auto-fuel market. But the motorists or Hong Kong people at large think that they do not have a choice indeed. For even though there are more suppliers, the variety and prices of products offered are very similar. Regarding the suppliers' practice of "quick in raising prices but slow in reducing them", Hong Kong people think that they do not have a choice. Secretary, as I mentioned in my main question that "There have been comments that the cause for the aforesaid existing situation is oligopoly in the motor vehicle fuel business", firstly, does the Secretary think that currently there is oligopoly in the business? Secondly, in the near future, what will he do to enhance competition in the market?*

**PRESIDENT** (in Cantonese): Ms LEE, only one supplementary question is allowed. Please do not say "firstly" and "secondly" in your question, as you can only ask one question.

**MS STARRY LEE** (in Cantonese): *Alright, my supplementary question is, does the Secretary find that currently there is oligopoly in the business, and, in the near future, what will he do to enhance competition in the market?*

**SECRETARY FOR THE ENVIRONMENT** (in Cantonese): I thank Ms LEE for her supplementary question. I believe the thrust of Ms LEE's question is, as she mentioned in part (c) of her main question, whether there is enough effective competition in the auto-fuel market is a concern to Hong Kong people. Insofar as competition in the fuel market is concerned, we would study two aspects in general to see, firstly, whether there is collusive pricing or the prices have a high degree of transparency; and secondly, regarding market entry, is there any party trying to prevent others from entering the market by exercising its own market influence.

President, in these two aspects, I recall that as I said in the Legislative Council before, we have done a series of work in the past few years. Regarding market prices, Members may still remember that by working with the CC since November 2008, we have published, on a regular basis, net oil prices that are net of any form of discount offered by all PFS and bonus points privileges. Members of the public can view the figures on the webpage of the Environment Bureau or download the figures from the webpage of the CC. The objective of publishing the figures is to enhance the transparency of market prices and to promote competition in the business.

As for the second aspect relating to market entry, this happens to be what I have mentioned in part (c) of my main reply, in the past, considering that Hong Kong ..... Say several years ago, there was only a small number of PFS that supplied fuel for retail sale, and the three biggest operators accounted for over 90% of the market share. We have since adopted a series of measures to expand the market entry mechanism, so that new operators can enter the market and achieve economy of scale as soon as on entry. The practice I elaborated just now follows this direction in the hope of improving market entry. From the figures, we can see that the market share of the three biggest operators has dropped from 93% to 74%. We believe this appears to have achieved certain effect.

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

**MS STARRY LEE** (in Cantonese): *He has not answered my supplementary question. Just now the Secretary only reiterated his previous efforts, but I asked whether he would have new ideas in the future that could enhance competition in the market and ultimately benefit the consumers?*

**PRESIDENT** (in Cantonese): Secretary, do you have any new measures?

**SECRETARY FOR THE ENVIRONMENT** (in Cantonese): President, insofar as the regulation of energy resources is concerned, we believe the measures (including those I mentioned just now) currently in force are effective, in particular, we find the new measures very effective in enhancing the transparency of prices. Moreover, we can see that currently, the PFS display their oil prices clearly with a view to competing in pricing. We will certainly monitor and review the market situation. We are also open to new ideas and suggestions.

**MR FRED LI** (in Cantonese): *President, has the Secretary noticed that most vehicles obviously need not use 98-octane petrol. He only talked about the bad consequences and the harmful effect to the environment in the event that the vehicles required to use 98-octane petrol use 95-octane petrol instead. President, my supplementary question is this. Currently consumers are forced to use 98-octane petrol which is not cheaper, but rather, more expensive while they need not use it indeed. If this is the case, will any environmental issues arise? Besides, does this harm the interests of the consumers?*

**SECRETARY FOR THE ENVIRONMENT** (in Cantonese): President, I thank Mr LI for his question. The survey conducted by the CC studied 550 models of vehicles available in Hong Kong. I agree with Mr LI that 95-octane petrol is good enough for 60% of the models surveyed, but nearly 40% of the models surveyed are specicated to use 98-octane petrol. I believe we should strike a balance between the two. We can see that the use of petrol of a specified octane

level is conducive to vehicle performance, the Environmental Bureau also considers this appropriate from the perspective of environmental protection. The Government holds that the provision of an additional option can be left to the market for discussion or disposal.

As pointed out in the 2006 consultancy report, the Government does not think that it is necessary to stipulate which type of petrol should be offered, as currently we have demand for both 95-octane petrol and 98-octane petrol. We do not think it is necessary for the Government to specify that PFS must offer these two types of petrol. From past experience, the offer of these two types of petrol hinged on demand and supply in the market. One of them was once available in the market, but it was replaced by other products subsequently due to low popularity. From the perspective of consumers, I agree that all are welcome to put forth views, but the question remains whether it is necessary for the Government to make a stipulation.

**PRESIDENT** (in Cantonese): Which part of your supplementary question has not been answered?

**MR FRED LI** (in Cantonese): *President, the Secretary has not answered whether environmental protection issues will arise, if the vehicles are forced to use 98-octane petrol now when 95-octane petrol is good enough for them already.*

**SECRETARY FOR THE ENVIRONMENT** (in Cantonese): President, according to the information provided by our expert colleagues, no evidence shows that this will have negative impacts on the environment.

**MR WONG TING-KWONG** (in Cantonese): *Competition involves diversification. If a new company is prepared to supply 95-octane petrol, will the Government allow it to enter the auto-fuel supply market of Hong Kong? Currently, the auto-fuel market of Hong Kong only supplies 98-octane petrol across the board. The so-called competition is illusory, for an oligopoly is in place indeed. If an external company specialized in selling 95-octane petrol can*

*offer Hong Kong consumers the freedom of choice, will the Government give it the green light?*

**SECRETARY FOR THE ENVIRONMENT** (in Cantonese): President, the Government absolutely welcomes the idea, and I agree with Mr WONG's suggestion.

**MS MIRIAM LAU** (in Cantonese): *President, the Secretary has not answered part (a) of the main question, that is, he has not assessed the impact on vehicle owners in Hong Kong. Nor has he responded to the question of why vehicle owners had to pay over \$2 billion in extra expenses on petrol in the past 10 years.*

*In his main reply, the Secretary mentioned that two types of petrol with different octane levels had been introduced into Hong Kong between late 1991 and early 1992. But the arrangement was withdrawn eventually due to low popularity. However, by comparing today's fuel prices with that of 1991, we find that current prices have more than doubled. Today, I trust all vehicle owners will welcome cheaper petrol. In his main reply, the Secretary said the 2006 consultancy report did not recommend requiring the supply of petrol of two different octane levels due to the size of PFS and the scale of the market. But the size of PFS should not be a problem. We were able to offer two types of petrol in 1991 and 1992, why can we not do the same today? In fact, currently, PFS offer two types of petrol, ordinary petrol and the more expensive super petrol respectively, why can we not provide 95-octane petrol and 98-octane petrol at the same time?*

**SECRETARY FOR THE ENVIRONMENT** (in Cantonese): President, regarding the supplementary question raised by Ms LAU, particularly the latter part of her question, as I mentioned in answering Mr WONG Ting-kwong's supplementary question just now, the Government welcomes PFS to provide petrol products, such as 95-octane petrol, compliant with the provisions of Hong Kong laws; they can certainly do that. In future, if new bidders of PFS sites intend to specialize in providing this type of petrol, they can do so as this is permitted by the law and welcomed by us. As for the first half of the supplementary question, that is, how to assess the economic value, and so on, we

do not have specific figures that can show the difference between the two on hand. If we wish to make a comparison, the easiest way is to compare the offshore prices of crude oil. Take the offshore prices of 95-octane petrol and 97-octane petrol in Singapore as an example, the price difference may probably be only 1% to 2%, which is not as great as we imagine. Of course, we cannot compare these figures only, as besides oil prices, many other factors are at work in running a business in different places.

I think that Member's focus is whether the Government should encourage oil companies to introduce 95-octane petrol. This is entirely fine with the Government. As to the question of whether we need to impose a relevant requirement, I believe the 2006 consultancy report has provided a basis already. Also, the Environment Bureau has written to oil companies encouraging them to evaluate the popularity of 95-octane petrol if they see a demand for this in the market.

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

**MS MIRIAM LAU** (in Cantonese): *President, the Secretary has not answered my question. I am asking if the Government will consider the possibility of imposing control. I have pointed out the fallacy in the 2006 consultancy report already. The report said the size of PFS and the scale of the market pre-empted the offer of two types of petrol with different octane levels. But I have already pointed out the fallacy in that argument. For this reason, will the Government explore the issue again and require that PFS must provide two types of petrol of different octane levels? This is the thrust of my question.*

**SECRETARY FOR THE ENVIRONMENT** (in Cantonese): President, when answering the questions raised by two Members just now, I have repeatedly said that, as long as the products are compliant with statutory requirements, the Government welcomes or even encourages the introduction of different products. However, regarding the question of whether we should make a stipulation, we hold that if both types of petrol are compliant with the provisions, or if there can be no products other than the two types, we believe the decision can left to the



market. Therefore, we do not agree that it is necessary for the Government to make a stipulation, but we welcome such a suggestion and have conveyed it to the oil companies.

**MR IP KWOK-HIM** (in Cantonese): *My supplementary question is basically consistent with Ms LAU's. The consultancy report released in 2006 gave the market an excuse. The report did not recommend providing petrol of two different octane levels simultaneously, leaving consumers with no choice today other than the 98-octane petrol.*

*In this case, should the Government not consider taking a clear position from the angle of consumers, such that the latter can enjoy the freedom to choose 95-octane petrol? Is this not the responsibility of the Government? Currently, if the market is allowed to develop freely, does that mean the interests of consumers will not be taken care of?*

**SECRETARY FOR THE ENVIRONMENT** (in Cantonese): President, I thank Mr IP Kwok-him for his question. The Government looks at this issue from several perspectives. Firstly, we must determine a basic standard for the performance of petrol, and currently this is achieved by means of legislation — it is required that petrol for sale in the market should have an octane level not lower than 95; secondly, many Members have expressed the concern that if two types of product are available, and one of them is lower in price, does the Government have the responsibility to introduce the cheaper product into the market? Insofar as the interests of consumers are concerned, the survey conducted by the CC is reasonable in the sense that once a demand is identified in the market, it should be fully reflected. But the crux of the problem is whether the Government must enforce this by making a stipulation? As I mentioned in part (a) of the main reply, 38% of the vehicles are specified by the manufacturers to use 98-octane petrol. If the Government requires that all PFS must introduce two types of petrol, it has to consider the impact this requirement will have on the power of vehicles and air pollution. Obviously, we should not make a general and mandatory stipulation. Focusing on the second point, if individual PFS are allowed to provide cheaper products, will that be feasible? I believe it should be feasible, and the market should have the room for this. In this connection, the

Government's consideration boils down to whether to indicate the demand to oil companies, or to make this a mandatory requirement.

**PRESIDENT** (in Cantonese): This Council has spent more than 22 minutes on this question. Two Members cannot ask their questions. Third question.

### **Cruelty to Animals**

3. **MS MIRIAM LAU** (in Cantonese): *President, to enhance inter-departmental co-operation, the police, Agriculture, Fisheries and Conservation Department (AFCD) as well as Food and Environmental Hygiene Department (FEHD) drew up in early 2008 new operating protocols in respect of the procedures for initial handling of reports of suspected cruelty to animals, as well as subsequent investigation and follow-up actions. Meanwhile, the police have also adopted new measures focusing on districts with an upward trend of cases of cruelty to animals and will assign designated teams to follow up and investigate. Yet, it has been reported that recently there is an aggravating trend in cases of cruelty to animals. For example, there were cases of stray cats being thrown from a height causing tragic death and being soaked in cement resulting in skin ulcer, as well as a stray cat having its left leg cut off. Moreover, some wild monkeys were injured after being shot by air guns and stun guns. In this connection, will the Government inform this Council:*

- (a) *of the respective numbers of complaints about cruelty to animals received by the Government since the implementation of the aforesaid new operating protocols and in the year before that, and among such cases, the respective numbers of those in which follow-up actions were taken, prosecutions were instituted and the persons involved were convicted, as well as the penalties imposed on them;*
- (b) *of the districts in which the police adopted the aforesaid new measures in the past three years; and*
- (c) *whether the authorities have reviewed the effectiveness of the various aforesaid measures; if they have, of the criteria based on which the review was conducted and the outcome thereof; if they have not, whether they will conduct a review as soon as possible?*

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): President, over the years, the Government has been seeking to raise public awareness of the protection of animal rights through multi-pronged measures, including education, publicity and law enforcement. The Prevention of Cruelty to Animals Ordinance (the Ordinance) (Cap. 169) was specifically enacted to combat cruelty to animals. Under the Ordinance, cruelty to animals mainly includes the act of cruelly beating, kicking, ill-treating, torturing, infuriating or terrifying animals, or causing unnecessary suffering to them. Other forms of cruelty to animals include carrying animals or holding them in captivity in an improper way. Officers from various government departments, including senior veterinary officers, health officers, health inspectors, police officers and authorized officers from the AFCD, may enforce the Ordinance as appropriate.

In 2006, with the support of the Legislative Council, the Government substantially increased the maximum penalty under the Ordinance from a fine of \$5,000 and imprisonment for six months to a fine of \$200,000 and imprisonment for three years. For more effective law enforcement, the AFCD, the FEHD and the police, in conjunction with the Society for the Prevention of Cruelty to Animals (Hong Kong) (SPCA(HK)) and other organizations concerned, reviewed the procedures for initial handling of reports of alleged cruelty to animals at the scene of incidents, subsequent investigation and follow-up actions in 2007.

In addition to the Ordinance, local wild animals, such as wild monkeys, Chinese porcupines, bats and birds are all protected under the Wild Animals Protection Ordinance (Cap. 170). Any person wilfully disturbing or unlawfully capturing protected wild animals is liable upon conviction to a maximum fine of \$100,000 and imprisonment for one year. Given the distinctive nature of animal cruelty cases and that the animals involved in such reports are mostly stray cats and dogs, law-enforcement officers unavoidably encounter relatively great difficulty in collecting and adducing evidence. However, this is not unique to Hong Kong. Notwithstanding this, law-enforcement officers have been handling animal cruelty cases in strict accordance with the law. Our reply to the various parts of the question is as follows:

- (a) The numbers of complaints and reports of suspected cruelty to animals received by the Government in 2007, 2008 and 2009 were 190, 187 and 157 respectively, showing a slight downward trend. The numbers of persons prosecuted were 18 in both 2007 and 2008 and nine in 2009 respectively. In the vast majority of these cases, the persons concerned were successfully convicted and penalties were imposed. Details are at Annex.

- (b) and (c)

As stated in the reply above, the police are also an enforcement department of the Ordinance. In January 2008, with the professional advice of the AFCD, the FEHD and the SPCA(HK), the police issued new internal guidelines on the initial handling procedures on receiving a report of alleged cruelty to an animal. The new guidelines, which stipulate that such cases will be referred to crime officers for investigation, apply to all police regions. If an upward trend of such cases is observed in a particular police district, the police will flexibly deploy resources to handle the cases, and where necessary, consider assigning designated teams to investigate similar cases.

The existing mechanism for handling cases involving cruelty to animals is working well. The departments concerned will exchange information and review the effectiveness of the enforcement measures from time to time. In addition, special teams tasked with animal management and welfare matters are set up in the AFCD. The public are also encouraged to report suspected cases of cruelty to animals. If any act of cruelty to animals is found, members of the public may call the police or report the case to the AFCD through the 1823 Call Centre. Upon receipt of such reports, the enforcement departments will follow up the cases as soon as possible. Prosecution will be taken out when there is sufficient evidence demonstrating that the person concerned has breached the Ordinance.

Enforcement aside, promotion and education are also important in enhancing public awareness of care for animals. As such, the

AFCDD seeks to educate the public on responsible pet ownership and compliance with vaccination and licensing requirements through regular village and community campaigns. Apart from publicity efforts to promote care for animals through Announcements of Public Interest on television and radio and posters on public transport carriers, the AFCDD also produces promotional leaflets, posters and souvenirs for distribution to the public and organizes other promotional activities to enhance publicity. The AFCDD will continue to deploy its staff flexibly to take forward its work in this regard to remind people of the importance of treating pets well, responsible pet ownership and respect for the life of animals.

Annex

Number of Reports and Prosecutions and  
Penalties Imposed on Convicted Persons

	<i>Figures</i>		
	<i>2007</i>	<i>2008</i>	<i>2009</i>
No. of reports	190	187	157
No. of persons prosecuted	18	18	9
No. of persons convicted	18	16	9
Penalties imposed on convicted persons			
(i) Immediate imprisonment	6	4	2
(ii) Community service order	3	5	1
(iii) Probation order	1	0	0
(iv) Bound-over/Conditional discharge	0	0	1
(v) Fine	6	7	4
(vi) Suspended sentence	2	0	1

**MS MIRIAM LAU** (in Cantonese): *President, notwithstanding the police guidelines that cases of alleged cruelty to animals will be referred to crime officers, that is, Criminal Investigation Department (CID) officers, for follow-up actions, many animal lovers, after reporting to the police, had complained that the attitude of the police officers was not very serious. They did not follow up the cases actively, and even failed to open files for them. Actually, the principal*

*duties of CID officers are, after all, to investigate criminal cases concerning people, and there will inevitably be priorities or order of importance in their investigations involving animals. As such, will the Government request the police to consider training a small team of officers specifically responsible for the handling of cruelty to animals cases? By doing so, it will send a clear message to the public that the enforcement departments attach great importance to cruelty to animals cases, and also achieves increased deterrence from such acts in violation of the law.*

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): President, according to the experience and analysis of the police in law enforcement, the practice currently adopted by them is better than setting up a special team of police officers for cruelty to animals cases, as the police will deploy their professional crime investigation teams to carry out such work in various districts, and, at the same time, communicate with the Government's senior veterinary officers, health officers, and professionals from the SPCA(HK) if required. On each incidence of such case, they will co-operate to analyse each incident, including factors that may lead to cruelty to animals such as pathology, reasons, methods of inflicting cruelty, psychological inference of the offenders, and so on, which may help the police to crack the case. Moreover, insofar as prosecution is concerned, we can see that nearly all prosecutions instituted were able to successfully bring penalties to the persons involved in cruelty to animals.

**MR CHEUNG HOK-MING** (in Cantonese): *President, the last paragraph of the main reply says, "Enforcement aside, promotion and education are also important in enhancing public awareness of care for animals. As such, the AFCD seeks to educate the public on responsible pet ownership through regular village and community campaigns".*

*President, what the Secretary may have referred to in his reply are dogs and cats, or stray dogs and stray cats. What I want to ask today is about stray cattle. How are they handled? I wonder if the Secretary knows currently stray cattle roam about in the New Territories, and even in some not very remote areas, causing many traffic accidents, for example, frequent instances of cow found dead or injured after being hit by cars. The Secretary said in his reply that we*

*need to respect the life of animals, so may I ask the Government what are the differences between the way of handling these stray cattle and that of handling pets, and what measures can be taken?*

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): President, as regards the issue of stray cattle, I remember I had answered similar questions in the Legislative Council two years ago. Stray cattle in Hong Kong are largely divided into oxen and buffalos. As Hong Kong has turned from a rural village into an industrial and commercial base, many cattle were dumped, particularly in the rural areas. There are now nearly 2 000 stray cattle living in various places in Hong Kong, including Sai Kung and Lantau Island. Our view is that we will allow these cattle to live on with freedom if they do not affect the livelihood of people and are able to find their place of living. However, if they intrude into the dwellings of people and affect the living of some villagers and their crops, the AFCD will take action to round them up, and subsequently examine if they have owners according to the existing procedures; if not, we will take measures to deal with them.

On the issue of fertility of cattle, we have considered how their number can be reduced. The AFCD has tried various methods, but the job is not easy. It is also not easy to deal with them completely if we adopt the method of sterilization. Judging from the existing circumstances, their number does not show a trend of substantial increase. As such, in regard to this issue, we hold that we can for the time being discuss in which aspects these cattle can be allowed to live on in a natural habitat. If these cattle really cause trouble, for example, they wander around in areas with busy traffic or damage the crops in rural areas as Mr CHEUNG has just said, we will deal with them in the light of the existing circumstances and strategy.

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

**MR CHEUNG HOK-MING** (in Cantonese): *I want to ask the Secretary .....*

**PRESIDENT** (in Cantonese): You can only repeat the part not answered by the Secretary.

**MR CHEUNG HOK-MING** (in Cantonese): *I want the Secretary to clarify some points in the reply given by him.*

**PRESIDENT** (in Cantonese): Then, you have to wait for another turn.

**MR FRED LI** (in Cantonese): *President, the Secretary has mentioned in his reply that reporting is difficult as most of the cases involved stray dogs. I think the reason for the emergence of so many stray dogs is that they are promiscuous, thus resulting in the procreation of many puppies and the process of procreation goes on and on. The Government has consulted the District Councils (DCs), of which eight agreed to the policy of rounding up stray dogs and sterilizing them before sending them back to the natural environment, thinking that that would mitigate the problem of promiscuity among stray dogs. May I ask the Government why the relevant pilot scheme is not implemented in these DCs with a view to reducing the number of stray dogs and the chances of their being cruelly treated by human beings?*

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): President, I also answered similar questions in January. We are now very proactively exploring with some voluntary organizations the possibility of carrying out trial schemes in some districts. Insofar as my memory goes, about half of the 18 districts are prepared to implement these trial schemes. However, according to the existing legislation, the relevant dogs must have owners. If the dogs that have undergone sterilization operation are released back to the natural environment, then who are their owners? This is a very big question. If the voluntary organizations are willing to act as their owners, of course we can easily approve the conduct of such trial schemes. However, if they are not, we must explore whether there is a better way to handle these issues.

As regards the practice of rounding up, sterilizing and sending them back to the natural environment, it is subject to certain restriction as well. From the experience of such foreign countries as the United States and Italy, this is also not



a method that can control the number of stray dogs easily. What Mr LI has said is right; dogs are very promiscuous. Be there only a male dog, it can procreate pups in litters. Only by sterilizing all or a majority of the female dogs can we reduce the number of stray dogs. In this regard, we need to be very careful.

Concerning the methods currently adopted by us to deal with stray dogs, very often, when these dogs are sent to the AFCD, they may have suffered a lot of wounds on their bodies, illness or other conditions that may be incurable. As such, these many problems prevent us from doing our job fully in this regard. However, it is most imperative that these dogs must have owners so that the pilot scheme can be implemented, which is a problem that must be solved first.

**MR CHAN HAK-KAN** (in Cantonese): *President, I wish to follow up paragraphs (b) and (c) of the main reply. Although the police said they have put in place guidelines on the initial procedures for handling cases of cruelty to animals in 2008, some volunteers complained to me that they had rescued a cat with a leg cut off in the North District, and when they reported to the police, surprisingly the police officer asked them if the cat could play in the street after an operation. That made them very furious. President, you can see that such a remark actually reflects how the front-line police officers attach no importance to and take lightly cases of cruelty to animals. May I ask if the police have a training regime that can train up existing front-line police officers to hold an attitude of attaching greater importance to handling the increasingly serious acts of cruelty to animals?*

*President, I understand that Secretary Dr York CHOW may not be able to answer this supplementary question, but I have to raise it still as the representatives of the Security Bureau and the police are not attending this meeting to answer questions today, which precisely reflects how lightly they treat the issue of cruelty to animals.*

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): *President, I cannot accurately answer the supplementary question raised by Mr CHAN as he asked how police officers are trained internally by the police, particularly in respect of the handling of animals. However, I know the police have all along attached*

great importance to any alleged criminal cases. If they think a criminal case is involved, they will definitely follow up the case, open a file for it, and conduct investigations. Particularly, we have put in place a mechanism specifying the whole procedure in January 2008, so they will definitely follow up these cases. As for the attitude of individual police officers, of course we cannot pass our judgment here. However, I think the police will definitely and seriously deal with any case suspected of involving criminality.

**MR ALBERT HO** (in Cantonese): *President, after the issue of the new guidelines, what we actually see are: first, the number of prosecutions remains on the low side; second, as Ms Miriam LAU has also mentioned, we feel that the number of cases of cruelty to animals appears to be rising. In response to our supplementary questions today, the Government said that first, it was not prepared to consider establishing a team of police officers with special training to deal with cases involving animals, that was to draw reference from foreign experience to enhance such awareness; and second, it was also not prepared to implement the policy of rounding up, sterilizing, and releasing animals back to the natural environment, demonstrating that they were not willing to adopt both methods. As such, we can see increasingly more stray cats and dogs on the streets, and the chances of their being cruelly treated also increase. Yet, the police just can do nothing about it.*

*However, President, a bigger problem is that many stray cats and dogs or other animals are rounded up by the Government every year, and they will be euthanized on a massive scale if they are not adopted. Most of them are healthy, and the number of such cats and dogs amounts to over 14 000 every year. May I ask the Secretary if this is a more unacceptable policy of causing cruelty to animals? These animals, though healthy, are slaughtered on a massive scale merely because the authorities do not have other methods to deal with them. So will the Government consider changing this policy?*

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): *President, that was an overstatement by Mr HO, for he seemed to suggest that the Government was very fond of euthanizing the animals. Actually, both the Government and the colleagues in the AFCD do not want to do such work. However, some animals, particularly cats and dogs, may be very old, suffering from serious illnesses or ailing and disabled when they are sent to the AFCD. They may not be able to*

survive well. After all, these animals are pets to be protected and cared for by their owners in the family setting. If nobody adopts them, that is to take them home, and consequently they are sent back to the natural environment, their lives will be more painful or miserable as they are incapable of living in the wild.

Hence, whether the AFCD needs to carry out euthanization depends on the well-being of the animals and their health conditions. I have to correct the relevant figures slightly. Mr HO said that such problems seemed to be on the rise, but it is actually not the case. Let me provide Members with more accurate figures concerning the euthanization and complaint cases: in 2007, there were 27 800 cases of complaints and 16 770 cases of euthanization involving cats and dogs; in 2008, the number of cases of complaints and euthanization involving cats and dogs dropped a bit to 21 940 and 14 500 respectively; in 2009, there were 20 460 cases of complaints and 13 310 cases of euthanization involving cats and dogs, showing a slight decline continuously.

Certainly, we are not complacent about these figures. Following the enactment in 2006 with increased penalty and the conduct of many publicity campaigns, members of the public in Hong Kong have gained an understanding of their responsibilities as owners of pets. We will continue to carry out work in this regard, and we also hope that Members or the public will continue to co-operate with us in order to do the work better with concerted efforts. We cannot satisfactorily complete all tasks in this regard with the effort of the Government alone. We need to educate the public to treat their pets well, and not to abandon them lightly, and the most important point is that they need to consult the views of professionals such as veterinary surgeons if necessary, and treat their pets well.

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

**MR ALBERT HO** (in Cantonese): *President, the Secretary has not answered whether he is prepared to review the policy of euthanizing these healthy animals on a massive scale every year or at regular intervals.*

**PRESIDENT** (in Cantonese): Secretary, will you conduct a review?

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): President, if Members have better suggestions in this regard, that is, we do not need to conduct euthanization of these animals, while maintaining a good living for them and enabling more people to adopt them, we are certainly more than happy to consider them. Many voluntary organizations are currently applying to do such work, and the AFCD will co-operate with them in order to complete this task satisfactorily with concerted efforts.

**PRESIDENT** (in Cantonese): We have spent more than 23 minutes on this question. I am afraid four Members waiting for their turn to ask questions cannot do so now. Fourth question.

### **Development of Convention and Exhibition Industry**

4. **MR RONNY TONG** (in Cantonese): *President, at the meeting of the Panel on Commerce and Industry of this Council held on 20 April this year, some members of the convention and exhibition (C&E) industry pointed out that monopoly might exist in the industry at present. In this connection, will the Government inform this Council:*

- (a) *whether the authorities will consider inviting an independent academic institution to conduct a study, so as to examine if monopoly exists in the C&E market at present; if they will, of the details; if not, the reasons for that; whether the authorities will review the policy on the C&E industry according to the existing fair competition policy, including the policy of promoting market competition by the Hong Kong Trade Development Council (TDC); if they will, of the details; if not, the reasons for that;*
- (b) *whether the authorities will consider formulating new policies and measures to enable more market players to participate in the C&E industry; if they will, of the details; if not, the reasons for that; and*

- (c) *given that it has been reported that a "non-competition" clause, which is in contravention of the fair competition policy, is included in the existing operation agreement signed between the TDC and the company responsible for the management of the Hong Kong Convention and Exhibition Centre (HKCEC), whether the Government will request the TDC and the company to revise or remove the "non-competition" clause contained in the agreement; if they will, of the details; if not, the reasons for that; how the Government will explain to the public the situation of the C&E industry being monopolized?*

**SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT** (in Cantonese): President, more than 40 individuals and organizations attended the meeting of the Panel on Commerce and Industry held on 20 April 2010. They expressed a diversity of views, many of which affirmed and supported the TDC's organizing exhibitions to promote, assist and develop Hong Kong's export trade. At the meeting, I also explained the policy for developing the C&E industry in Hong Kong and the TDC's functions and role in it. The Government has been striving to enhance Hong Kong's advantages and appeal as an international MICE (meetings, incentive travels, conventions and exhibitions) capital. We will continue to attract major international MICE events to Hong Kong. Our reply to the question raised is as follows:

- (a) We should not use only market shares to determine whether there are monopolies in the market. We need to consider other factors and assess the overall market conditions. The other factors include whether there are market entry barriers; whether there is fair competition in the market; and whether there are abuses of market positions and obstructions to free trade, which have impaired economic efficiency to the detriment of the overall interest of Hong Kong. As far as market share is concerned, the numbers of trade shows solely organized by the TDC in 2008 and 2009 are 22 and 26 respectively, representing 25% and 29% of the total numbers of trade shows in the respective years, implying no monopoly by the TDC in the market. Considering such market situation, we currently have no plan to conduct any study on the exhibition industry. The

Government will continue to monitor the development of the exhibition industry and maintain liaison with the trade.

- (b) The market for the C&E sector in Hong Kong is a free and open market with no barriers. In addition, as a result of the Government's efforts in promoting a business-friendly environment and providing various facilitation and support measures, Hong Kong has a vibrant MICE industry. In the 2008-2009 Budget, the Financial Secretary earmarked an additional \$150 million for the development of Hong Kong as an international MICE capital. In November 2008, the Hong Kong Tourism Board (HKTB) also established the Meetings and Exhibitions Hong Kong (MEHK) Office which has specific responsibility for promoting MICE tourism. Since its establishment, the MEHK has been stepping up its promotion efforts in various target markets in collaboration with the C&E industry, the TDC, the Government's Economic and Trade Offices and the Invest Hong Kong. It has also been providing one-stop professional support services for MICE event organizers. We expect that these measures will help attract more enterprises from outside Hong Kong, professional institutes, association management companies and MICE event organizers, and so on, to stage MICE events in Hong Kong, and will be conducive to bringing more players to the market.

As a new initiative in 2010-2011, the MEHK will develop an online "E-marketplace", which will serve as a one-stop business-building platform to facilitate MICE event organizers and planners to search for suitable venues and products, plan itineraries, request proposals from local suppliers, and learn about the latest offers in Hong Kong.

In addition, the Invest Hong Kong will continue to identify suitable exhibition organizers all over the world and invite them to invest in Hong Kong. It will also provide them with information and support services as appropriate.

- (c) The "non-competition" clause in the operation agreement signed between the TDC and the operator of the HKCEC (that is, Polytown Company Limited) seeks to protect the interests of both parties by

restricting either party's participation in the development of new exhibition facilities in Hong Kong during the term of the contract. The clause does not prohibit the TDC from organizing exhibitions at venues other than HKCEC.

In fact, the TDC has organized more than 20 exhibitions at the AsiaWorld-Expo (AWE) since the establishment of the latter. In 2010, the TDC will continue to stage four exhibitions at AWE, namely the Hong Kong International Printing and Packaging Fair, the Sports Source Asia, the ECO Expo Asia and the Hong Kong International Building and Decoration Materials and Hardware Fair.

The "non-competition" clause is part of the operation agreement signed between the TDC and Polytown, a binding commercial contract. The Government does not intend to and will not ask them to delete or alter the relevant clause.

**MR RONNY TONG** (in Cantonese): *It appears the Secretary has failed to grasp the crux of the problem.*

*President, taxpayers spent a lot of public money on the development of AWE at the airport. However, we can see from the figures that, for example, in 2006, six exhibitions were held in AWE, but in the past year, as the Secretary said in his main reply, only four of more than 30 exhibitions staged in Hong Kong were held in AWE, accounting for a small part only.*

*May I ask the Secretary whether the Administration will study with the TDC a number of appropriate policies to promote AWE site development, in particular to facilitate the continuous development of the C&E industry? I consider it necessary because the existing AWE venue gives people an impression of being a white elephant. Although a lot of money has been spent, it ends up as a vacant site not fully utilized all along.*

*For that reason, may I ask the Secretary if there is any policy in the pipeline on co-operation with the TDC to promote the C&E industry at the AWE?*

**SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT** (in Cantonese): President, AWE was actually commissioned in late 2005. The C&E industry needs time to build up its customer network and promote the use of venues, and AWE is making great efforts in this regards.

Mr TONG mentioned the promotion of the use of AWE and expansion of the co-operation between AWE and the TDC, so that our exhibition venues can be fully utilized, we fully agree with that. The TDC has been promoting Hong Kong's C&E service industry in this direction, and overseas publicity drives on exhibitions organized by AWE have been launched. We encourage more co-operation between the two for the purpose of promoting the industry on the premise of this policy objective.

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

**MR RONNY TONG** (in Cantonese): *My question is, in essence, in order to enable the further development of the C&E industry, what measures do the authorities and the TDC have to promote the use of vacant venues? My question is about what pragmatic measures will be adopted, but the Secretary has not answered that.*

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

**SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT** (in Cantonese): President, I would like to add that in addition to the TDC, as I explained in the main reply just now, we have also established the MEHK, which also serves the function of promoting Hong Kong as an international MICE capital. Therefore, we would work in a number of directions. The MEHK will do that, the TDC will do that, whilst the Commerce and Economic Development Bureau will monitor the relevant utilization rate through the board of the two organs. We will also seek new opportunities of co-operation in order to promote the utilization of AWE.



**MR ANDREW LEUNG** (in Cantonese): *President, the Secretary mentioned in the main reply the meeting of the Panel on Commerce and Industry held on 20 April. I can recall that the TDC pointed out it was happy to study with AWE co-operation between the two parties and ways to promote Hong Kong's C&E industry. Has the Secretary followed up with the TDC after that meeting, and what can the two sides do to promote the C&E industry, as the Secretary said just now, to make Hong Kong a MICE capital? In fact, the promotion of the C&E industry can help many small and medium enterprises (SMEs). What have the two parties discussed?*

**SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT** (in Cantonese): I wish to thank Mr LEUNG for his supplementary question. The TDC has been actively following up the co-operation in several areas. First, at present, the authorities have been promoting different exhibition venues in seminars and workshops which aim at promoting the C&E industry. In addition, the authorities also welcome different exhibitors setting up booths in exhibitions organized by the TDC to promote their upcoming exhibitions, which is also one of the effective channels to let people attending the exhibitions know the upcoming exhibitions, so that they can be attracted to such exhibitions.

Of course, our major focus is how we can attract more overseas exhibitors to Hong Kong. Therefore, the TDC's overseas publicity wing and MEHK, which I have mentioned just now, will intensify our efforts to carry out this work together with our overseas economic and trade offices. We will continue to exert efforts on such work.

**MR JEFFREY LAM** (in Cantonese): *President, at the meeting of the Panel on Commerce and Industry held on 20 April, we clearly heard the views of the industry. When exhibition participants, such as people from the business and trade sector, exporters and manufacturers select the exhibition venues, all of them will hope to find a venue where they can find business opportunities, therefore, if the venues arranged by the TDC or other exhibition organizers deny them orders, their business development throughout the year will be greatly affected. Since the SAR Government has made clear the policy objective of "supporting enterprises and preserving employment", so if they fail to receive*

*business orders, the economy will be greatly affected. Therefore, we should not just look at which part's support is excessive and which part's support is inadequate, and think that the problem can be resolved simply by dividing the sum into two halves. The views of market users are very, very important, so we must listen carefully to the views of the industry, in particular those of SMEs. We should not just raise the question of monopoly simply after listening to some views and commentaries in the newspapers or by some individuals.*

*President, after all, the TDC is a statutory body responsible for promoting trade .....*

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

**MR JEFFREY LAM** (in Cantonese): *President, I am coming to my supplementary question now. How will the TDC strengthen the co-operation with other exhibition organizers, venue owners and trade associations — trade associations are very important because they are the users — in the organization of exhibitions aspects?*

**SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT** (in Cantonese): As Mr LAM said, the function of the TDC is extremely clear, and the exhibitions were all organized in response to the requests of the industry, and it will conduct market research to determine the effectiveness of the exhibitions. In the process, the TDC and all trade associations have a direct communication channel regardless of their size (of course, they also include trade associations of SMEs), so the needs of the industry are addressed in a clear manner.

As for the question of how to promote and implement convention and exhibition work as requested, in fact, it includes attracting buyers to attend exhibitions held in Hong Kong. We do such work mainly through negotiations in order to ensure buyers will attend Hong Kong's exhibitions. Therefore, the relevant work is carried out not only locally, and attracting overseas buyers to come to Hong Kong is equally important.

I would like to reiterate that overseas publicity work should be a multifaceted and long-lasting effort, for overseas buyers cannot be successfully

attracted to Hong Kong if we only do such work once. Therefore, the TDC will continue to co-operate with MEHK and our economic and trade offices, through large-scale advertising, outreach visits, seminars and door-knocking and other measures, to spread messages on exhibitions in Hong Kong to our target markets for the purpose of attracting buyers to Hong Kong. The TDC and the relevant agencies will continue to carry out these tasks.

**MR WONG KWOK-KIN** (in Cantonese): *President, Hong Kong's two main exhibition venues are the HKCEC and AWE, but in fact there is unfair competition between them as far as their position is concerned: one is located in the city centre while the other is located in a more remote district. Therefore, at present, the HKCEC is short of space, and despite its extension to the atrium, it still needs to be further extended to the adjacent Wan Chai Sports Ground, but AWE is short of business, resulting in the accusation of monopoly. The TDC in its capacity as a major exhibition organizer in Hong Kong, has signed a contract with the HKCEC, so this will inevitably cause some false impressions. May I ask the Secretary if he has any plans to introduce certain special measures to help or support AWE to promote its services to overseas users, with a view to increasing the utilization rate, so that the convention and exhibition venues may enjoy balanced development?*

**SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT** (in Cantonese): A simple answer is: certainly there is. As there are representatives of the Government within the AWE board of directors, we are very keen to promote the use of AWE. However, I would like to raise a few points. First, over the past four years since the commissioning of AWE, we can see that its utilization rate has been increasing, this is the first point. Therefore, we will continue to work in this area, and harder. Second, the Government has also helped AWE to secure opportunities to hold exhibitions. AWE's design is different from the HKCEC downtown, because at that time, the idea was to organize some large-scale industrial exhibitions that require more space and greater headroom clearance, therefore AWE was geared in this direction.

As to what the Government has done, I would like to tell Mr WONG that the air show held last year at AWE once again was the result of some strong lobbying efforts made by the Government which had made it possible for the

exhibition to be held in Hong Kong. I am very pleased to see that this exhibition, which is held every two years, was successfully secured to be held in Hong Kong for the second time after the first show. It will be held in Hong Kong again two years later, and it can be considered a sizable air show in Asia. I wish to make a simple response to Mr WONG that in fact the Government was also involved in promoting the use of AWE. The ancillary facilities of AWE have been commissioned one after another, and in its initial operation, there were even no hotel services, that is to say, there was no hotel for exhibitors to stay, but now we have a hotel. This shows that the ancillary facilities have improved greatly. In addition, we have also secured certain concessions from the MTR Corporation for AWE, such as some fare concessions during exhibitions so that exhibitors and buyers can take the Airport Express to AWE.

**MS EMILY LAU** (in Cantonese): *President, the Secretary mentioned in part (c) of the main reply that the TDC and the operator of the HKCEC had signed a "non-competition" clause, and the Secretary said that it sought to protect the interests of both parties by restricting either party's participation in the development of new exhibition facilities in Hong Kong during the 40-year term of the contract, but the TDC is perfectly capable of looking for business opportunities for AWE. President, taxpayers have spent \$2 billion on developing AWE, can the Secretary clearly state that since the business of the HKCEC in Wan Chai is very good, therefore it is most imperative for the authorities and the TDC to transfer businesses to AWE at the airport, so as to make its business more thriving. As for development, the authorities promised that if new facilities were to be built later, the project next to AWE would be phase two of AWE, and then the development of the HKCEC in Wan Chai would be considered. Is this the present arrangement?*

**SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT** (in Cantonese): President, this "non-competition" clause indeed purely aims at non-competition in terms of new facilities; it is not applicable to exhibitions held other than those in the TDC's Wan Chai HKCEC. Therefore, of course the TDC may do so. As I said in the main reply, the TDC has organized more than 20 exhibitions at AWE in the past, so despite this clause, it can still do so.

In addition, with regard to the question raised by Mr LAU on the Government's new policy in developing the C&E industry, in fact I have repeatedly emphasized that as far as the promotion of hardware for the C&E industry is concerned, we must take the prevailing market conditions into consideration. As to the entire project, we have informed Members in the papers submitted to the Legislative Council that our policy is to establish that there is a case of demand outstripping supply, and we should consider from the perspective of the overall interests of Hong Kong and also give full consideration to other factors including additional venues to be provided by phases one and two of AWE, before we can clearly see the actual demand. As AWE's shareholder, we will certainly take care of its interests, as it is a public private partnership plan, so the policy is very clear. As to the question of whether the third phase of works would be launched, as we have said before, since research is still ongoing at the present stage on transport, environment and ancillary facilities, there is still no decision on whether a public consultation on the phase three project will be conducted. However, when the Government completes all assessment exercises and decides whether or not to conduct the public consultation on the phase three project, we will first give a clear account of that to the Legislative Council.

**PRESIDENT** (in Cantonese): This Council has spent more than 23 minutes on this question. Fifth question.

### **Measures to Cope with Impact of Sandstorms**

5. **MS CYD HO** (in Cantonese): *President, it was reported that Hong Kong being affected by the sandstorm in Northern China, exceptionally high air pollution index (API) readings had been recorded continuously for more than 10 hours from the evening of 21 March to the morning of 22 March this year by the air quality monitoring stations set up by the Environmental Protection Department (EPD), and in response to the situation, the authorities had activated the emergency mechanism and taken measures. In this connection, will the Government inform this Council:*

- (a) *whether the Hong Kong authorities and the Mainland authorities had mutually notified each other of the phenomenon when the*

*sandstorm swept through Northern China on 20 March; if so, of the time and details of notification;*

- (b) of the names of the bureaux or government departments participated in the discussions on the emergency mechanism held between 21 and 22 March, as well as details of the specific measures which they decided at that time to take; and*
- (c) whether the Inter-departmental Working Group on Climate Change (IWGCC) led by the EPD was involved in addressing the problems caused by the sandstorm, and whether the IWGCC will conduct follow-up studies on the relation between sandstorms and climate change, the contingency measures Hong Kong should take and the procedure for activating these measures; if it will, of the details; if not, the reasons for that?*

**SECRETARY FOR THE ENVIRONMENT** (in Cantonese): President, I have to thank Ms Cyd HO for her question. Regarding part (a) and part (b) of the question, I would like to explain the definition of a "sandstorm" first. According to experts, a sandstorm refers to the hazardous meteorological phenomenon under which a strong wind sweeps up large quantities of sand and soil particles from the ground, clouding the air and reducing visibility drastically. Due to the expanse of deserts in Northwest China and Mongolia, which provide an abundant supply of sand and dust, the so-called sandstorms will break out easily under strong surface wind and vertically unstable meteorological conditions.

Sandstorms in Northern China usually occur between late winter and spring, with frequency peaking from March to May. Dust plumes in Northern China can be carried eastward by airstream to places such as Japan, Korea and the North Pacific. As a sandstorm moves along, sand particles will settle progressively and thus the particulate concentration will drop progressively. Being thousands of kilometers away from the deserts in the north, Hong Kong is very unlikely to experience the adverse condition as the north does during a sandstorm. But after the incident on 21 March, we surely cannot rule out this possibility. In fact, severe sandstorms, which hit Northern China in past years, had no significant impact on the air quality in Hong Kong. The highest API attributable to sandstorms in Northern China ever recorded in Hong Kong in the

past was 109 in 2001. The impacts of the dust plume that caused the local API to shoot up to 500 in mid-March this year were unprecedented.

We have been closely monitoring the air quality in Hong Kong and the Pearl River Delta (PRD) Region, and air quality changes via air quality monitoring joint networks. As a result, when the EPD detected an unusual upward trend of ambient particulate concentration in Hong Kong in the evening on 21 March, it immediately contacted the Hong Kong Observatory (HKO) for the weather conditions in Hong Kong and the neighbouring regions. The two departments immediately gathered and analysed in detail a host of meteorological and air quality data in Hong Kong and its peripheral regions, including reports on dust plumes and air quality, and the paths and speeds of airstreams over the Mainland and Taiwan. The EPD also called the environmental monitoring authorities of Guangdong Province that night for the air quality situation in the PRD. After consolidating and analysing the relevant data, the EPD confirmed that night that dust plumes were moving southward from Northern China and affecting Hong Kong.

Upon confirmation of Hong Kong being affected by the dust plumes from the Mainland, the Environment Bureau issued a press release to all the media through the Information Services Department (ISD) at around midnight on 22 March, just within the few hours we noticed the situation. The electronic media including television and radio immediately reported the news to the public. I recalled that the message was issued at 1.50 am on that night, and in the news report at 2.00 am midnight, the case was reported. On the same night, we also informed the Education Bureau and arranged a briefing about the incident by EPD staff through the electronic media in the morning. To monitor the pollution level and co-ordinate contingency actions among departments more effectively, the Environment Bureau held the first inter-departmental meeting with relevant departments in the morning on 22 March. Relevant Policy Bureaux and departments joined me to meet the media at noon to explain to the public the latest situation and the contingency measures we would take.

President, in this incident, the Environment Bureau was responsible for co-ordinating notification and contingency measures, and it was assisted by various government departments or organizations, including the Food and Health Bureau, the Education Bureau, the EPD, the Department of Health (DH), the HKO, the Leisure and Cultural Services Department (LCSD), the Labour

Department (LD), the ISD and the Hospital Authority (HA). Specific measures adopted by the relevant government departments or organizations on that day are as follows:

- (i) to update the public on the latest information, the EPD and the HKO jointly analysed and closely monitored the latest meteorological data and air pollution level in Hong Kong and its peripheral regions on that day. Through satellite pictures and the international network of meteorological data, the HKO closely monitored the dust plumes in the Mainland and Taiwan. The EPD also monitored the data on air quality in the Mainland, the PRD and Taiwan via the air quality monitoring networks;
- (ii) the Education Bureau alerted schools to adopt appropriate measures according to the guidelines on the cancellation of sports activities and sports day through the electronic media before 7 am on 22 March. The guidelines were faxed to schools for their reference afterwards;
- (iii) the EPD alerted the public to the high API and to consider reducing physical exertion, taking into account their health conditions. The LCSD posted notices at its recreation and sports venues offering the same advice on 22 March;
- (iv) the HA closely monitored cases at public hospitals, clinics and accident and emergency departments on 22 March so as to arrange for staff deployment as necessary. Moreover, the DH notified registered western medical practitioners and Chinese medicine practitioners of the air pollution level and called on them to advise the public and patients to take appropriate measures;
- (v) as for mitigation measures, the EPD suspended the operation of the incinerator of the Chemical Waste Treatment Centre on 22 March. It also requested the power companies to increase the use of natural gas for power generation to reduce emissions;
- (vi) in addition to the release of information through various means as mentioned above, the EPD issued another press release in the



evening on 22 March. It updated the public through the media on the air pollution situation and alerted them to the high API and to consider reducing physical exertion taking account of their health conditions. In the press release, the LD also advised outdoor workers, especially those with existing heart or respiratory illnesses, to consult their medical doctors if they were in doubt of their health conditions. They should inform their employers of their doctors' advice and work out suitable arrangements with their employers.

As for part (c) of Ms Cyd HO's question, this is the first time Hong Kong has come under the severe influence of a sandstorm from Northern China. The incident further reminds us of the importance of the interaction, impact or co-operation on global environmental issues such as desertification and climate change of different regions. Hong Kong cannot stay aloof. Instead, it has to enhance regional co-operation to tackle environmental issues. The EPD will liaise closely with the relevant departments on the IWGCC to prepare for climate change.

Following the incident, the HKO and the EPD have stepped up their co-operation in closely monitoring daily meteorological and air quality data relating to dust plumes locally and in our peripheral regions, including the Mainland, Taiwan, Japan and Korea. We will inform the public as soon as there are signs that dust from the Mainland will likely affect Hong Kong. Moreover, the internal notification mechanism of the Government will be further improved to facilitate prompt deployment of resources and liaison with other organizations and bodies for appropriate measures. Such measures include advising the public through the media and suitable channels to reduce physical exertion taking account of their health conditions, the medical authorities keeping in view any increase in the number of patients so as to deploy more staff to clinics when necessary, and advise schools to suspend activities like sports day.

**MS CYD HO** (in Cantonese): *We cannot evade sandstorms, but we can issue advance warnings and take measures to protect the health of the public. In the last paragraph of the main reply, the Government mentioned measures it would take to protect the public after the sandstorm this time around. However, we notice that these measures are the same as those mentioned in the Secretary's reply to part (a) and (b) of the main question where this type of incident*

*happened the first time. The measures relating to the protection of employees in particular are the same.*

*President, I must first clarify certain information about the API. It is said that the API reached 500 on that day, but since 500 is the maximum measurement, the index fails to reflect the seriousness of the situation beyond that measurement. Hence, the authorities should at least conduct studies on this. At present, the LD only advises outdoor workers to stop working if they have heart or respiratory illnesses. But workers engaging in outdoor manual labour do not have bargaining power, and they cannot stop such outdoor work only because of the advice of the LD. May I ask the Secretary why the authorities do not examine and promote the similar practice applicable for typhoon warning signals? In other words, the authorities may by means of legislation or administrative measures require that outdoor manual work be ceased when the API exceeds a certain level. Why has the Government never considered examining the health impact of high API on manual labour workers?*

**SECRETARY FOR THE ENVIRONMENT** (in Cantonese): President, I have to thank Ms Cyd HO for her supplementary question. In respect of the influence of this incident on workers at work, where the API in Hong Kong rose to a high level because of the sandstorm, we did seek the advice of medical practitioners. According to the advice of medical practitioners from both the HA or the DH, under such circumstance, the dust particulates coming down to Hong Kong would be very small, so it was most important that people should reduce physical exertion or high impact exercises to avoid breathing in these particulates. We then adopted this as the best counter-measure. As for the arrangement for workers, in view of the different working conditions of individual trades, we now issue guidelines via the LD, hoping that affected workers may discuss the arrangement with their employers according to their individual situation or after seeking the advice of medical practitioners. We hope that employers can be more understanding towards workers under these circumstances. As for the imposition of a requirement for this purpose, I believe further discussion must first be held.

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

**MS CYD HO** (in Cantonese): *No. The Secretary said earlier that medical practitioners of the HA said that for a .....*

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

**MS CYD HO** (in Cantonese): *Alright. The question I asked just now is: Why have the authorities not conducted studies on the health impact of high API on manual workers working outdoor?*

**SECRETARY FOR THE ENVIRONMENT** (in Cantonese): President, this question is applicable not only to workers. In view of this situation, we will follow the advice given by the medical sector, which states the greatest possible impact brought about by certain situations. As in the case of high API caused by the sandstorm, what is the greatest impact it will have on the health of the public? According to the advice of medical practitioners, as I mentioned in the main reply, people should reduce physical exertion and high-impact exercises. But whether people should stay outdoor or indoor, there is no hard and fast rule.

**PRESIDENT** (in Cantonese): Seven Members are waiting for their turn to ask questions. This Council has spent 13 minutes on this question, will Members please be as concise as possible.

**MR KAM NAI-WAI** (in Cantonese): *President, the Secretary said in the third paragraph of the main reply that the EPD had detected an unusual upward trend of ambient particulate concentration in Hong Kong only in the evening on 21 March. In other words, the Government was suddenly aware that Hong Kong was struck by the sandstorm only when it actually took place. Surely, in*

*the second paragraph, the Secretary said that the incident was unprecedented and unexpected. The Secretary said in the last paragraph that the Government would inform the public of such information as soon as possible. May I ask whether the Government has drawn up any performance pledge on this? In the event of the strike of another sandstorm, how long in advance will the Government undertake to inform the public of the sandstorm? Though nature is unpredictable, in actuality, the HKO is now providing the weather forecast for the next few days. By the same token, will the Government make a pledge on the period of advance notification of the public on the strike of a sandstorm?*

**SECRETARY FOR THE ENVIRONMENT** (in Cantonese): President, thanks to Mr KAM Nai-wai for the supplementary question. I believe that from the perspective of a professional department, we are more keenly concerned about this than Mr KAM Nai-wai. If we can ascertain that a sandstorm will lead to a high API, we will definitely issue immediate notification. About the case on 21 March, as I mentioned to the media before, when we detected an unusual situation, we cross-checked the observation with the departments concerned and sought information from relevant authorities outside Hong Kong. As a result, we took the unusual action of issuing a notice at round 1.00 midnight. We did our level best. If such cases are detected, we will carry out the above work immediately. Drawing on the experience this time, and supported by the better co-ordination among departments concerned, in future, when we carry out the work in this respect, we will grasp the time better. We will exert our utmost to issue the notification as early as possible, even one minute or one hour earlier. I may perhaps give Members the following information. On that night, when the warning was issued, the API was only a hundred and so. But exactly because we noticed from the information of neighbouring places that the API would likely rise, we promptly issued the warning in advance.

**MR CHAN HAK-KAN** (in Cantonese): *President, we notice that the problem of cross-boundary air pollution is largely related to the methods used by the HKO in detecting airstreams, pollutants and wind direction, and so on. In the main reply, the Secretary said that communication with the HKO would be improved. But we indeed hope that a platform enabling the exchange of information and data can be put in place, so that the Government can easily understand the*

*impact of sandstorm on the public. May I ask the Secretary whether the exchange of information is carried out on certain kind of platform and under a permanent system?*

**SECRETARY FOR THE ENVIRONMENT** (in Cantonese): I have to thank Mr CHAN Hak-kan for his supplementary question. We have been doing this before and after the incident. Certainly, Members may notice that following the incident on 21 March, we have indeed reinforced the communication concerned. Not only in respect of the meteorological data of the HKO, but also the exchange of information between the HKO and the meteorological authorities of neighbouring regions, as well as the exchange of air quality data between the EPD and neighbouring regions. Our objective is to obtain more information. Under the existing mechanism, we and the HKO will notify one another of the relevant information and hold discussions on it. Members may have noticed that the public has shown particular concern about air quality following the 21 March incident. Sometimes, when the public learn about the strike of sandstorms in neighbouring regions, they will make enquiries. If the HKO comes across these enquiries in the course of preparing routine weather forecasts, it will respond accordingly after discussion with my Bureau. It is evident that on the exchange of information, as mentioned by Mr CHAN, as well as joint analyses conducted by both sides and the use of networks, we have taken a step forward.

**MR IP WAI-MING** (in Cantonese): *No matter how, I would like to follow up the arrangement for workers, so will the Secretary answer the question on behalf of the LD? I notice from the main reply of the Secretary that many inter-departmental meetings have been held, but when a Member asked about the drawing up of guidelines of work for outdoor workers earlier, we did not hear any proactive response. According to the presentation in the main reply, the authorities are indeed shifting the burden to workers by asking them to seek the advice of medical practitioners. I think manual workers in general will not know how to seek advice from medical practitioners or which medical practitioners should they approach. Besides, upon obtaining medical advice, workers still have to discuss with their employers. Hence, the arrangement seems to be unfair to certain elementary workers, which is .....*

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

**MR IP WAI-MING** (in Cantonese): ..... *inappropriate. May I ask the Secretary whether the Bureau will discuss with the LD again on the drawing up of guidelines, or even the enactment of legislation, when it carries out inter-departmental work in future?*

**SECRETARY FOR THE ENVIRONMENT** (in Cantonese): President, I would like to thank Mr IP Wai-ming for his supplementary question. The LD has put in place the guidelines on Risk Assessment of Outdoor Work under High Air Pollution Level, which has been uploaded onto its webpage. I believe the guidelines are drafted to address the situation we mentioned earlier: When the API reaches the high level, what should workers suffer from respiratory or heart illness do? These situations are addressed in the guidelines. As to the question of whether further improvement can be made to the guidelines, I believe there is room for discussion between Members and the relevant departments.

**MR WONG KWOK-HING** (in Cantonese): *President, after reading the main reply of the Secretary, I have at least 10 questions to ask, but certainly, I will only ask one supplementary now. President, since the Government is the largest employer, may I ask whether it will take the lead in this respect? Many employees under direct employment of the Government, as well as employees on outsourcing contract terms, have to work outdoor. In the event that the API reaches the maximum level, will the Government allow its employees and indirect employees (employees on outsourcing contract terms) to stop working outdoor? If they cannot stop working outdoor, will the Government provide protection gear or facilities to these employees? For instance, since policemen must patrol the streets, will they at least be allowed to put on masks on patrols? For even when the API reaches the maximum level of 500, they are not provided with any protection gear. I hope the Secretary will respond to this: Will the Government take the lead to do so?*

**SECRETARY FOR THE ENVIRONMENT** (in Cantonese): President, please allow me to reply the question relating to the detailed arrangement first, for we

have asked the same question before: In the event of a sandstorm, is it the best solution to put on a mask. But this may not necessary be the advice given by medical practitioners. On the contrary, medical practitioners consider that the most effective protection under such circumstance is to reduce unnecessary high-impact exercises. Regarding the first point raised by Mr WONG Kwok-hing, I do not represent the Government in the capacity of an employer, but I agree with the suggestion of Mr WONG. As a responsible employer, when colleagues in my department encounter this situation, I will propose adopting a more sympathetic approach to reduce workers' exposure to air pollution at work and take appropriate measures. However, all measures adopted should take into account the situation and physical condition of individual employees, and they should be implemented only after seeking professional advice.

**PRESIDENT** (in Cantonese): This Council has spent more than 22 minutes on this question. Since the Secretary has spent a relatively long time in giving the main reply, I will allow one more Member to ask a question.

**MR LEUNG YIU-CHUNG** (in Cantonese): *President, the sandstorm this time is a valuable experience to us, for this has never happened before. I would like to ask the Secretary one thing. In the main reply, he mentioned nearly in every paragraph that once the situation was detected, he made an immediate announcement to let the public know about the pollution at the earliest possible time and took appropriate measures. But unfortunately, many members of the public do not know the corresponding measures they should take under different levels of API. In this connection, will the Secretary provide more detailed information to the public in future? For instance, what measures the public should take when the API reaches a certain level? What should students in particular do when the API reaches a certain level? What should workers do when the API reaches a certain level? The public knows nothing about all of these. The situation this time around was special, for the API reached the maximum level. The pollution was certainly serious, but should certain corresponding measures be taken before the API reaches the maximum level? The Secretary has not given a detailed account on this. Secretary, from the perspective of education, labour or public health, work in this respect must be carried out. Will he provide guidelines on these corresponding measures?*

**SECRETARY FOR THE ENVIRONMENT** (in Cantonese): President, I have to thank the Member for his suggestion. At present, when the information is announced, suggestions corresponding to the different levels of API are also given. For instance, when the API reaches the very high level, we will advise members of the public with heart or respiratory illnesses to be cautious and reduce outdoor activities. I agree that when similar situation occurs in future, we should focus on elaborating the corresponding measures.

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

### **Works Carried out on Pedestrian Walkways**

6. **DR RAYMOND HO** (in Cantonese): *President, it has been reported recently that a telecommunications service company, after obtaining Excavation Permits from the Highways Department (HyD) only but without the approval from the Lands Department, had erected iron poles on certain pedestrian walkways for installation of fixed telecommunications network services equipment. In this connection, will the Government inform this Council whether:*

- (a) *the HyD had, before granting the aforesaid Excavation Permits, verified that the iron pole erection works had been approved by the relevant government departments; and*
- (b) *it has regularly deployed personnel to inspect if such iron poles are securely installed and requested the company to remove the iron poles which were installed without approval, so as to ensure the safety of road users; if so, of the details?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, for the purpose of providing its services, fixed telecommunications network service (FTNS) providers need to lay their telecommunication systems and associated facilities on unleased Government land (including roads), and may from time to time make alterations as well as carry out maintenance works. For this reason, the Lands Department (LandsD) will issue the Block Licence to



FTNS providers, and FTNS providers shall abide by all relevant requirements set out in the Block Licence.

The aforementioned Block Licence issued by the LandsD stipulates that when installing fixed telecommunications network facilities on public roads or in future road reserves, FTNS providers must ensure that the detailed alignment and disposition of the facilities or any part thereof (such as the height, appearance and space to be occupied), shall be to the satisfaction of the HyD.

In addition, if the installation of facilities involves excavation, FTNS providers should also follow the provisions concerning the arrangement for excavation works as set out in the Block Licence. Generally speaking, the policy on approval of excavation works falls within the purview of the Development Bureau. Prior to making any excavation on unleased road, FTNS providers must make an application to the HyD and secure an excavation permit. The applicant must submit detailed information about the works, including the aim of the works and detailed information about the facilities that are planned to be installed, so that the controlling department can conduct full assessment of the excavation works and the facility-installation works. To facilitate institutions that need to frequently conduct small-scale works on public roads, such as utility undertakings and FTNS providers, in carrying out small-scale repair works or utility connection works in a timely manner, the HyD has put in place a simplified application mechanism for excavation permits. Under the mechanism, small-scale works refer to those involving excavation not exceeding a total area of 4 sq m. For small-scale works not affecting the carriageway, the works and the associated reinstatement shall be completed within 48 hours; as for works affecting the carriageway, the works and the associated reinstatement shall be completed within 24 hours. Promoters of works are only required to register the works in accordance with the stipulated procedures set out in the computer system concerned at least two working days before the intended commencement date of works, and only simple information about the works are required in the registration process, including the location of the works site as well as the dates of commencement and completion of the works. Moreover, any institution that has acquired an excavation permit through the simplified application mechanism for excavation permit has the responsibility to ensure that other approval procedures required for the works concerned are completed before the commencement of works. For instance, for works affecting the carriageway, the

temporary traffic arrangement concerned must be agreed by the Traffic Police and the Transport Department prior to the commencement of works.

All along, the HyD has established liaison mechanisms at different levels to communicate with utility undertakings and FTNS providers that need to conduct excavation works on public roads frequently, so that these institutions can understand the purpose and operation of the above arrangements, and sufficient communication for individual projects can be ensured. The concerned institutions have followed the arrangements under the system, which has been running smoothly over the years.

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

- (a) The works undertaken by the telecommunications service company involved in the incident are installation works covering a wide area. The FTNS provider concerned did not submit proposal on the works to the HyD and relevant departments prior to making excavation and installing the telecommunication systems or associated facilities. Making use of the simplified application mechanism for excavation permit, the FTNS provider split up excavation works for the installation of a large number of facilities and submitted them to the HyD in a piecemeal manner. This is obviously an improper use of the simplified application mechanism. In view of this, the HyD is now considering to tighten the application requirements under the simplified application mechanism for excavation permits in order to prevent improper use.
- (b) Utility undertakings (including FTNS providers) have the responsibility to ensure that the facilities they have laid on the roads shall not endanger the safety of road users. Maintenance teams of the HyD conduct regular inspections on public roads in every district. If facilities managed or maintained by utility undertakings located on the roads are found to be damaged, the HyD will immediately inform the relevant utility undertakings to conduct repair works. Depending on circumstances, the HyD may also fence off the road section where the facilities are located where necessary, so as to ensure public safety.

In this incident, the HyD has explicitly requested the FTNS provider concerned to remove all the iron poles that it has installed. Since the FTNS provider has not complied with and disputed the HyD's request to remove the iron poles, the HyD has notified the LandsD that the detailed alignment and disposition of the iron poles in question are not to the satisfaction of the Director of Highways. The LandsD and the HyD are now seeking legal advice.

**DR RAYMOND HO** (in Cantonese): *Roads and pedestrian walkways in Hong Kong are narrow and crowded with pedestrians. In this incident, although the FTNS provider needs to erect some 500 to 600 iron poles, it has not stated clearly the locations of these poles in its application. However, given that the Government has issued the Block Licence, they can split up their iron pole erection works in a piecemeal manner this time. May I ask the Secretary, given that a number of departments, including the HyD, LandsD or Office of the Telecommunications Authority, are involved in this incident, whether any mutually acceptable guideline or procedure has been drawn up with the company in question, so as to prevent the current situation under which some iron poles, after being installed, may collapse and endanger the safety of road users at any time?*

**PRESIDENT** (in Cantonese): Which Secretary will give a reply?

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, the operation of the Block Licence has all along been very clear. Over the years, in case FTNS providers need to lay some facilities, they are aware that the detailed alignment and disposition of these facilities, such as the height, appearance and space to be occupied, shall be made to the satisfaction of the Director of Highways. At the same time, the HyD, being the co-ordinator, will also consult the departments concerned.

As we can see, the FTNS provider has made use of the simplified application mechanism this time. The original intent of the mechanism is good. As we all know, there are many utility undertakings and FTNS providers in Hong

Kong, which have a very high standard of service in general. Of course, they need to carry out repair works or utility connection works for their existing facilities from time to time. This is understandable. Therefore, we have put in place a simplified application mechanism, so as to assist them to carry out these small-scale works. Over the years, there has been very smooth and clear distinction of large-scale laying works and installations and small-scale works. However, in the light of this incident, we will review the simplified application mechanism to see if there is any room for improvement.

Regarding co-ordination among departments and the guideline on communication with FTNS providers, we also have a mechanism in place, including a three-level consultative framework for excavation works. The Joint Utilities Policy Group will hold meetings quarterly to discuss issues on the policy level. The Joint Technical Liaison Committee has also been established on the technical level. As for the front-line level of excavation, the Government, FTNS providers and other utility undertakings will have communication on a monthly basis.

**MR WONG KWOK-KIN** (in Cantonese): *President, the public in Hong Kong are always subject to nuisance caused by various excavation works, and very often, they are even forced to walk on carriageways. However, there is nothing we can do about it. Certainly, some of these excavation works are really necessary. But some of them protracted for no apparent technical need. I hope the Government can enhance regulation in this regard.*

*In this incident, we find that the prevailing situation seems to be even worse. On the one hand, this company, which has exploited some loopholes left by the Government, is reluctant to take any remedial action afterwards, such as removing the iron poles. It simply ignores the regulatory bodies under the Government. On the other hand, these regulatory bodies seem to be quite helpless, telling us that they are now seeking legal advice and cannot take any measure right away. May I ask the Government if there is any loophole in our law? Or is it really afraid of these large consortia and dares not take any action immediately? Does it have any intention to review the existing law to enhance regulation, so that road conditions can be improved in future?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, according to the requirements set out in the Block Licence, the authorities can require the FTNS provider in question to remove its equipment within three months after receipt of the notification. If the FTNS provider does not comply with it, we will remove the equipment for it and recover the cost so incurred afterwards. If the case involves any violation of the licence conditions, we can revoke the licence, for there is such a provision in the licence at present. According to section 10 of the Land (Miscellaneous Provisions) Ordinance (Cap. 28), any person who makes an excavation without obtaining an excavation permit or in breach of any condition of the permit shall be guilty of an offence. Under the existing law, he shall be liable on conviction to a fine at level 5 (\$50,000) and to imprisonment for six months.

As I have just mentioned, we are now seeking legal advice and thus, I am not in a position to comment on the case in detail. However, we consider that the existing system is appropriate *per se*. Firstly, it has comprehensive ..... For example, in approving installation works of FTNS facilities, the HyD will consider the need, density and space to be occupied. We also have a simplified application mechanism in place for small-scale repair works. As I mentioned just now, there are so many utility undertakings — in fact, Hong Kong is such a small place and many facilities have been laid on roads. We should therefore assist them to conduct small-scale repair works.

In 2009, there were some 43 000 cases of such small-scale works. Therefore, we do not consider that there is any deficiency in our existing system. As for the question of whether there is any grey area in implementation, just like this case ..... The FTNS provider was supposed to lodge the application according to the procedures set out in the Board Licence, but it made use of the simplified application mechanism and spilt up the works in a piecemeal manner. In view of this situation, we will continue to examine and review it.

**MR LEE CHEUK-YAN** (in Cantonese): *President, the many iron poles on pedestrian walkways in Hong Kong eventually became a farce of the town. In fact, it has greatly affected the cityscape. And in our opinion, this will also endanger the safety of road users. After the occurrence of this incident, the Government did offer an explanation. But mainly the FTNS provider took advantage of the simplified application mechanism in lodging its application.*

*However, the wordings currently used by the Government — Secretary, you said that it was an improper use. Seemingly, the tone of such wordings is a little bit weak, as "an improper use" implies that the FTNS provider may make use of the mechanism, only that it has taken "an improper advantage" of it.*

*The Secretary mentioned the provisions of the Block Licence just now, saying that they can revoke the licence of the FTNS provider. Moreover, in case there is a breach of law, the FTNS provider shall be liable on conviction to imprisonment for six months and to a fine at level 5. Is all this empty talk only? In fact, the authorities are just like "paper tigers". The FTNS provider is not afraid of them at all. Even though the authorities have required it to remove those iron poles immediately, it simply ignores them and disputes their request.*

*Secretary, I wish to know what point it has advanced to dispute the request. Can it really make use of some loopholes in the existing simplified application mechanism? As such, even the authorities dare not say that it has violated the law, other than saying that it is just "an improper use". However, it can really take advantage of it. Is there no way for you to deal with it?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese):  
President, in this regard, as I said just now, the LandsD and the HyD are now seeking legal advice. So, we are not in a position to comment on it in detail here. However, as I have just said, we do have rules. We have put in place a mechanism for these installation works as well as small-scale works. Talking about the simplified application mechanism, we of course do not hope that the FTNS provider makes use of it to extend its network extensively. On the other hand, as a lot of optical fibres have been laid underground, it is necessary to carry out connection or repair works from time to time. We do understand such a situation. This explains why we have stated very clearly in the main reply: as for works involving excavation not exceeding a total area of 4 sq m on pedestrian walkways, the works and the associated reinstatement shall be completed within 48 hours; and as for works affecting carriageways, the works and the associated reinstatement shall be completed within 24 hours. All these have been clearly stipulated. But in case a FTNS provider makes use of the grey area or, as what we have mentioned, is suspected of abusing this mechanism, we should of course

take enforcement action according to the law and the licence conditions. We are precisely doing this right now.

Hong Kong is a society upholding the rule of law. We will also take appropriate actions with reference to the licence conditions. However, let me provide some supplementary information here. In fact, this incident happened very rapidly. During the period from mid-January to early February, the FTNS provider erected several hundreds iron poles at an amazing speed. We are now following up this case. Meanwhile, we are also considering how best, in case it has made use of any grey area, we amend our existing mechanism. However, I wish to say that this mechanism has, in fact, operated for several years. No problem has been identified so far because various utility undertakings and FTNS providers understand the requirements. We will continue to follow up this case seriously.

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

**MR LEE CHEUK-YAN** (in Cantonese): *My question is, will you let it take advantage of the mechanism? To put it simply, you require it to carry out works not exceeding a total area of 4 sq m, so it has only excavated an area of 4 sq m and then erected a pole. Under the simplified application mechanism, it is not stipulated that erection of a pole is not allowed. Is this the grey area of which it can take advantage?*

*I wish to ask her, where is the grey area of which it can take advantage? The authorities simply dare not say that it has violated the law, other than saying that it is just "an improper use". I only wish to know where such grey area is.*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, under the existing mechanism, it is allowed to carry out repair works, including maintenance of lamp poles. I hope Members will understand that a lot of iron poles have been installed on our roads. However, the FTNS provider has made use of this mechanism by presenting the works maintenance works, and then installed some new iron poles. And what it has installed is not just one or

two poles, but hundreds. Therefore, we now make it clear that we are determined to follow up this case seriously.

**MR PAUL TSE** (in Cantonese): *President, some Honourable colleagues mentioned just now that these improper installations would affect the public. In fact, regarding the tourist industry, this is also a most unpleasant scene. Tourists may find it very strange, wondering why our cityscape will look like this. However, the question I really wish to ask is, as this incident was seemingly exposed by the media, have the authorities reviewed immediately the number of similar cases which have yet come to light? How many such iron poles have been erected, thus affecting our cityscape adversely without our knowing it at all? If there are such cases, how can we follow them up immediately?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): *President, we stopped the FTNS provider from carrying out its works in early February. That is to say, we have notified the FTNS provider that it is not allowed to adopt this approach anymore. As for the second part of his question, are there similar cases? We have checked the records and found that there are a few cases in the New Territories. Apparently, this is the first time such an approach is adopted in the urban areas. However, we are still reviewing the entire database. As I mentioned just now, there were some 43 000 cases of such small-scale works in 2009. We understand the situation. As Hong Kong is a small place with a large population, many facilities are installed underground. In view of this, we are now reviewing the mechanism and following up this case.*

**DR RAYMOND HO** (in Cantonese): *President, we are all concerned about the safety of pedestrians. If there are too many iron poles, no matter they are road traffic signs or other iron poles that should be erected, pedestrians' view will be blocked when crossing the road. At the same time, excavation works for erecting these iron poles may involve digging many holes on the roads, posing dangers to pedestrians. In view of this problem, maintenance teams of the HyD have indicated that they will conduct inspections once a month. However,*



*regarding the acceptance procedures, can they enhance their inspection of small-scale works? And how such inspection can be enhanced?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, insofar as the inspection mechanism currently in place is concerned, upon completion of each works project, we will check if the reinstatement has been made. Also, we will conduct random inspections. For instance, in 2009, we randomly inspected some 5 000 items of these cases. Therefore, we will continue to review and see if more manpower resources can be deployed to this.

**MR LEE CHEUK-YAN** (in Cantonese): *President, the Secretary has also mentioned it just now ..... I think this is the most ridiculous case in this century, for it has taken advantage of the mechanism to pass off erection of iron poles as a kind of repair works. However, the Secretary has not set out any timetable to solve this problem in her main reply as they are now seeking legal advice. I have also heard such comment from the Secretary just now. In fact, you said that in principle, it should be settled within three months. By that time, the authorities should be able to remove the iron poles for it and recover the cost so incurred. However, I think such a period is already too long and three months have nearly passed since February. Does the Secretary have any timetable in mind which can be provided to the public? The Secretary said they are now seeking legal advice. I wonder how many years will be taken. This is very bad, indeed. Does the Secretary have any timetable which can really show to the public that the authorities can require it to remove all those iron poles?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, insofar as I am aware, the situation has been frozen since early February. We are currently instituting litigation against it. I also know that the LandsD and the HyD are now discussing this matter with their counsels. However, I do not have any concrete timetable for the time being. I hope Members can understand this situation, for we also hope to make this case clear from the legal point of view.

**MR LEE CHEUK-YAN** (in Cantonese): *That is the three months I just mentioned ..... , that is to say .....*

**PRESIDENT** (in Cantonese): Are you asking the Secretary about the time limit?

**MR LEE CHEUK-YAN** (in Cantonese): *..... She has not answered about the time limit. Originally, she mentioned that she would give it three months' time, saying that after three months ..... Will she give it three months' time? What is it all about?*

**PRESIDENT** (in Cantonese): Secretary, what about the time limit?

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, what I said is the requirements set out in the licence. But our request has already been met at this stage. We have to continue to discuss with our counsels, so as to come up with the most appropriate method for follow-up.

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

**MR PAUL TSE** (in Cantonese): *President, the Secretary has already given the answer in her reply. However, I still wish to learn more about it. It seems that this provider is quite fierce, for it has made "an improper use" of the mechanism. After erecting those iron poles, not only does it refuse to take any remedial action, it also adamantly insists on defending itself.*

*May I ask the Secretary if she has done any follow-up to see if the provider has also done such improper acts in other works? If so, have the authorities thought up any better solution to prevent it from continuously and intentionally damaging the mechanism which is supposed to be set up as a facilitation in Hong Kong?*

**PRESIDENT** (in Cantonese): Which Secretary will give a reply?

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, this case, which is related to the approval of excavation works, was revealed by us. But I have no idea about the situation of other sectors, such as telecommunications. I do believe that all FTNS providers and other utility undertakings should comply with the conditions set out in their licences.

**PRESIDENT** (in Cantonese): Oral questions end here.

## WRITTEN ANSWERS TO QUESTIONS

### Outline Zoning Plans

7. **PROF PATRICK LAU** (in Chinese): *President, a member of the trade has relayed to me that under the Town Planning Ordinance (Cap. 131), the Planning Department may take enforcement and regulatory actions only in respect of land use in areas covered by Development Permission Area Plans. Moreover, he has pointed out that some developers are suspected of violating the relevant regulation in planning to provide private columbarium niches in Chek Nai Ping village, which has been zoned as a "green belt" in the Sha Tin Outline Zoning Plan. Yet, as Chek Nai Ping village does not fall within the areas covered by Development Permission Area Plans, the Director of Planning cannot take law-enforcement actions against such act of violation. In this connection, will the Government inform this Council:*

- (a) *what plans the authorities have to plug the aforesaid loophole in the legislation, so as to ensure that any person, when undertaking land developments, shall comply with the land use requirements set out in the statutory Outline Zoning Plans; and*
- (b) *what mechanism the authorities have put in place to ensure that the buildings constructed on lands outside the areas covered by Development Permission Area Plans comply with the requirements under the Buildings Ordinance (Cap. 123)?*

**SECRETARY FOR THE ENVIRONMENT** (in the absence of Secretary for Development) (in Chinese): President,

- (a) According to section 23 of the Town Planning Ordinance (Cap. 131), the Planning Authority (that is, the Director of Planning) may take enforcement and regulatory actions in respect of land use in areas covered by Development Permission Area Plans (that is, rural areas in the New Territories). When the Planning Department (PD) prepares Development Permission Area Plans, it will keep a comprehensive record of land use in the areas covered by the Plans, so that if the Planning Authority discovers later there is a change in land use that contravenes the Ordinance, there would be sufficient evidence to take enforcement and regulatory actions.

Areas not covered by Development Permission Area Plans are mainly the urban areas and new towns. Enforcement and regulatory actions in respect of land use in these areas are taken by the Buildings Department and other licensing departments, depending on the individual circumstances, through building plans and various licensing systems, and so on. If a development is found not in compliance with lease conditions, the Lands Department will take appropriate lease enforcement actions. If the owner applies for modification of lease conditions to cope with the development, the Lands Department will consult relevant departments, including the PD, when considering the application. If the application is approved, some suitable conditions, including those on land use restrictions, may be added to the lease.

The above arrangement is not a loophole in the legislation. Section 13 of the Town Planning Ordinance clearly states that approved plans shall be used by all public officers and bodies as standards for guidance in the exercise of any powers vested in them.

We have no intention to extend the enforcement and regulatory power of the Planning Authority to areas under Outline Zoning Plans (OZP) not covered by Development Permission Area Plans. Since the urban areas and new towns are of high development density and

have a complicated mix of building use, the land use of these areas is very complicated. If the enforcement and regulatory power of the Planning Authority against contravening developments is to be extended to cover these areas, it will be necessary to keep a comprehensive record of land use in these areas. In doing so, we will face enormous technical difficulties and require a lot of manpower resources. During discussion of the Town Planning (Amendment) Bill 2003 in the past, there were views from the public that the enforcement and regulatory power of the Planning Authority should be extended. Such views were not accepted eventually as the technical difficulties mentioned above could not be overcome.

- (b) Apart from the New Territories exempted houses exempted by the Buildings Ordinance (Application to the New Territories) Ordinance (BO(ANT)O) (Cap. 121), the Buildings Ordinance (Cap. 123) is applicable to private buildings and building works in the territory (including areas not covered by Development Permission Area Plans). The Ordinance stipulates that, anyone who wishes to carry out building works on private land (excluding the works specifically exempted from approval by the Buildings Ordinance), has to submit building plans to the Building Authority for approval before the works are to commence. Upon receiving such an application, the Building Authority will scrutinize the building plans in accordance with the provisions of the Buildings Ordinance and its subsidiary regulations. Under section 16(1)(d) of the Buildings Ordinance, if the building works shown on the building plans would contravene any approved or draft plans prepared under the Town Planning Ordinance, the Building Authority may refuse to give his approval to the plans. To co-ordinate the procedures for handling building plans, a centralized processing system for building plans has been set up by the related departments, and the Building Authority will consult the PD when processing applications for approval of building plans.

For the New Territories exempted houses constructed in accordance with the BO(ANT)O, the owners are required to seek approval from the Lands Department. In general, the Department will consult

other relevant departments, including the PD, when considering individual applications before a decision is made.

### **Statutory Distribution of Estate of an Intestate**

8. **MR LAU KONG-WAH** (in Chinese): *President, a member of the public has recently relayed to me that as his senile uncle had not made any will when he was alive; nor had he any statutory successors such as children, and so on, his relatives were unable to use his estate to settle his funeral matters upon his death. In this connection, will the Government inform this Council:*

- (a) of the total number of intestates with estates left in each of the past three years; the annual amount of such estates taken over by the Government each year, and how such estates were handled and used;*
- (b) given that relatives such as a sister's child are not included in the classes of statutory successors for estates of the intestates stipulated in section 4 of the Intestates' Estates Ordinance (Cap. 73), of the reasons and the law's spirit for not including such classes;*
- (c) whether it will amend the legislation to increase the number of classes of successors for estates of the intestates; and*
- (d) whether it will step up publicity and educate members of the public on making a will in advance for the distribution of their property?*

**SECRETARY FOR HOME AFFAIRS** (in Chinese): *President, in respect of the question raised by Mr LAU Kong-wah on "Statutory distribution of the estate of an intestate", my response is as follows:*

- (a) The Judiciary does not have the complete information on the total number of intestates with estates left, or the annual amount of such estates taken over by the Government.*

Nonetheless, the number of applications for grant where the deceased died intestate in the past three years is as follows:

2007	2008	2009
9 552	9 475	10 430

Under sections 15 and 16 of the Probate and Administration Ordinance (Cap. 10), the Official Administrator (OA) may get in and administer an estate. Under sections 15(2) and 23A to C of Cap. 10, the OA may transfer the unclaimed balance of the estate to the general revenue. The OA has in the past three financial years transferred the following sums of unclaimed balance of the estate to the general revenue:

2007-2008	2008-2009	2009-2010
\$7,007,488	\$27,010,993	\$7,983,283

(b) and (c)

The entitlement of the nephew/niece of an intestate is provided for under the existing Intestates' Estates Ordinance (Cap. 73). Under section 4 of Cap. 73, subject to the order of the distribution of estates provided, a nephew/niece who is an issue of the brother or sister of an intestate would be entitled to a share of the residuary estate of the intestate under the statutory trusts if the brother or sister predeceases the intestate. Further, under section 60B of the Probate and Administration Ordinance (Cap. 10), a certificate may be issued to, *inter alia*, a family member or relative, to release money from the bank account of the deceased person maintained in his/her sole name before his/her death to meet his/her funeral expenses. In the light of this, it is not necessary to amend the existing law.

(d) The Government has compiled various publications on wills, probate and inheritance matters which are available for public access at the District Offices, the Estate Beneficiaries Support Unit of the Home Affairs Department and the Probate Registry. We will continue to

enhance and update these materials to meet the needs of the community.

### **Management of Private Residential Care Homes for Elderly**

9. **MR WONG SING-CHI** (in Chinese): *President, it has been reported recently that problems have been found in the management of some private residential care homes for the elderly (RCHEs), some of which have resorted to "on-the-run shifts" or "professional on-the-run staff" to pretend that they have sufficient manpower, while some others have provided their residents with vegetarian diets which cost only \$2 to \$3 per meal per person in order to cut their catering expenditure. In this connection, will the executive authorities inform this Council:*

- (a) of the respective numbers of regular inspections and surprise inspections conducted by the authorities on private RCHEs last year;*
- (b) of the criteria adopted by the authorities for arranging surprise inspections; and*
- (c) whether during inspections on private RCHEs in the past three years, the authorities had uncovered cases of RCHEs resorting to "on-the-run shifts" or "professional on-the-run staff" to pretend that they had sufficient manpower; if so, how the authorities followed up such cases, whether they had instituted prosecutions, and of the number of prosecutions instituted?*

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

- (a) In the past year, the Licensing Office of Residential Care Homes for the Elderly (LORCHE) of the Social Welfare Department (SWD) had conducted a total of about 4 600 inspections on private RCHEs over the territory, that is, about eight inspections for each RCHE on average. Except in special circumstances (for example, when inspecting the premises for new applications for RCHE licences, the



inspectors will make appointment with the operators in advance to ensure that the latter's staff will be available on site to assist in the inspection), LORCHE will not notify the concerned RCHEs in advance of the inspections.

- (b) To ensure that RCHEs comply with the licensing requirements, LORCHE will adjust the frequency of inspections based on the risk level of individual RCHEs. Apart from inspections conducted during office hours, surprise inspections will also be carried out during early morning, night-time or even holidays. Upon receipt of complaints, LORCHE will also carry out surprise inspections on the concerned RCHEs immediately. For RCHEs that have violated the regulations before, or have poor track records, LORCHE will step up its inspection efforts to closely monitor their service performance.
- (c) The inspections are highly comprehensive, covering aspects such as drug management, personal care services, infection control, handling of accidents, environmental hygiene, meals and staffing, and so on. On staffing, LORCHE's social work inspectors will not only count the number of staff on duty and verify their identity cards, but also check their employment contracts, shift rosters, attendance records and outside work records, and so on. The inspectors will also interview individual staff. For staff who are on casual leave, vacation leave or sick leave, RCHEs are required to arrange other staff to temporarily undertake their duties so as to ensure compliance with the minimum staffing requirements as stipulated in Schedule 1 of the Residential Care Homes (Elderly Persons) Regulation at all times. The RCHE operators are required to keep all the relevant documentary evidence for inspection. Given the stringent procedures in verifying staff identity during inspections, it is unlikely that RCHEs can arrange "on-the-run staff" to impersonate their staff.

If RCHEs are found to have insufficient staff during inspections, the inspectors will, depending on the nature and severity of non-compliance, issue advice or warning to the RCHEs concerned and closely follow up the cases so as to ensure that the RCHEs will

make improvements accordingly. Should serious non-compliance persist, the SWD will consider taking prosecution action. In the past three years, the SWD successfully prosecuted six private RCHEs which failed to meet the minimum staffing requirements.

The question also touches on the meal arrangements in private RCHEs. In this regard, the social work inspectors of LORCHE will check the menus prepared by the RCHEs for their residents, observe the food preparation process, examine the quantity and quality of food, and also collect feedback from the residents during inspections so as to conduct a comprehensive assessment on the meals provided in the RCHEs. During the inspections conducted last year, the meals provided in most RCHEs were found to have complied with the requirements as set out in the relevant guidelines in the Code of Practice for Residential Care Homes (Elderly Persons).

### **Construction of Pedestrian Walkway and Tunnel Under Hopewell Centre II Project in Wan Chai**

10. **MS AUDREY EU** (in Chinese): *President, it has been learnt that the Hopewell Centre II development project (the development) in Wan Chai includes the provision of a pedestrian walkway along the flyover connecting Kennedy Road to the development and a tunnel, and the developer may deduct the costs of the works from the land premium payable. In this connection, will the Government inform this Council:*

- (a) apart from connecting Kennedy Road to the hotel included in the development, what other places the aforesaid pedestrian walkway will connect;*
- (b) whether the pedestrian walkway is a private street;*
- (c) of the details of the public's right of access to the pedestrian walkway and tunnel (including their opening hours and restrictions on the right of access to that road section);*

- (d) *whether it has assessed the amount of land premium to be foregone by the Government which is attributable to the pedestrian walkway and tunnel; if it has, of the details; if not, the reasons for that; and*
- (e) *what approach the authorities will take to regulate the construction, use and management of the pedestrian walkway and tunnel?*

**SECRETARY FOR THE ENVIRONMENT** (in the absence of Secretary for Development) (in Chinese): President, the Hopewell Centre II development was approved by the Town Planning Board (TPB) in 1994 subject to conditions which include the widening of and improvement to Kennedy Road, including the provision of a new flyover and tunnel access to the hotel site as necessitated by the proposed development, and the design of pedestrian access to the proposed development, as proposed by the Applicant, to the satisfaction of the Director of Planning or the TPB. These works will help to cope with the generated right-turn traffic on Kennedy Road into and out of the existing Hopewell Centre and the future Hopewell Centre II, thereby alleviating the traffic impact of the proposed development on Kennedy Road and its vicinity. Besides, the pedestrian access along the flyover can enhance the safety of pedestrians crossing Kennedy Road and mitigate the traffic impact brought by the development.

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

- (a) As mentioned above, the proposed flyover cum pedestrian access and tunnel access will connect the Hopewell Centre II to Kennedy Road.
- (b) and (c)

The flyover cum pedestrian access and the tunnel access are located on Government land and will be open for public use 24 hours a day. They are therefore not regarded as private roads.

- (d) The Hopewell Centre II development has not yet reached the premium assessment stage. The land exchange arrangements will only be finalized by the Lands Department (LandsD) upon authorization of the road improvement works (RIW) by the relevant

authorities and the submission of detailed information by the developer.

According to the existing land exchange arrangements, applications for land exchange will be subject to payment of full market value premium by the developer. The land premium is the difference between the value of the land owned by the developer before and after the land exchange. In assessing the land value, the professional valuers of the LandsD will normally deduct the "development costs" to be borne by the developer as well as a reasonable profit margin from the "estimated sale value" of the completed development. The "estimated sale value" after land exchange generally refers to the sale value of the completed development on the land. As regards the Hopewell Centre II development, in estimating its sale value, the professional valuers will also take into account that the development will benefit from the RIW which form part and parcel of the development. Since the development costs (including the costs of the RIW) are to be borne by the developer, the professional valuers will assess the costs of the RIW and include them in the "development costs" which will then be deducted from the "estimated sale value".

- (e) The developer's responsibility of maintaining and managing the facilities and ensuring the public's access to them will be clearly stipulated in the conditions of land exchange. The relevant authorities will monitor to ensure that the use and operation of the proposed flyover cum pedestrian access and tunnel access (including management and maintenance) on Kennedy Road are in compliance with the conditions of land exchange.

### **Reorganizations of Policy Bureaux**

11. **DR DAVID LI:** *President, regarding the reorganizations of Policy Bureaux of the Government Secretariat that take place from time to time, will the Government inform this Council:*

- (a) *whether the procedure in place to guide such reorganizations is subject to any formal review and, if so, how frequently such reviews are carried out;*
- (b) *whether the reorganization that took effect on 1 July 2007 was subject to any post-execution review and, if so, of the nature of that review; and*
- (c) *whether the Government has kept records of all the complaints related to the reorganization that took effect on 1 July 2007; whether such complaints were lodged with The Ombudsman, the bureau concerned or any other arm of the Government; and whether any complaint was substantiated and necessitated changes to the procedures or operation of bureaux or government departments?*

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS:**

President, on parts (a) and (b) of the question, our response is that the Government Secretariat underwent a reorganization exercise in 2007, to tie in with the commencement of the third-term Government of the Hong Kong Special Administrative Region. Pursuant to the reorganization, the portfolios of some of the bureaux had been re-aligned, and the number of bureaux was increased from 11 to 12, with effect from 1 July 2007.

As the Chief Executive explained in the Legislative Council meeting on 4 May 2007, the reorganization served two key objectives:

- (i) Firstly, the reorganization was aimed at rationalizing the distribution of responsibilities among Policy Bureaux. Putting related responsibilities under one bureau would help optimize the synergy and enable the Government to sharpen its focus on important and complex issues.
- (ii) Secondly, this would better facilitate the Chief Executive in implementing the priority policy initiatives pledged during the Chief Executive Election to meet the opportunities and challenges ahead.

Prior to putting forward its reorganization proposal, the Administration had taken into account views expressed by the community and Legislative Council Members that there was a need to review the existing alignment of policy responsibilities to take account of the changes in workload and scope of various policies. The reorganization proposal put forward by the Administration constituted a considered response to such views.

The Administration considers that, in overall terms, the reorganization in 2007 has served its objectives. The workload has been distributed more evenly among bureaux, and there is better synergy between the policy portfolios overseen by various bureaux. The reorganized structure has also been generally accepted by the public.

The Administration will continue to listen to the views of the public closely. We will keep in view the need for any changes to its organization structure. However, we have no current plans to undertake any major reorganization of policy portfolios within the Government Secretariat.

On part (c) of the question, we have followed closely the reports issued by The Ombudsman since 2007. So far, no reference has been made to the reorganization of the Government Secretariat policy portfolios implemented in 2007. We will continue to monitor further responses from the public on this issue.

### **Capital Investment Entrant Scheme**

12. **DR LAM TAI-FAI** (in Chinese): *President, at the meeting of this Council on 21 April this year, the Secretary for Security indicated that the Capital Investment Entrant Scheme (CIES) had brought around \$50 billion of investments to Hong Kong since its implementation in October 2003. He also pointed out that the CIES was just one of the ways for foreign investors to come and reside in Hong Kong. Foreign entrepreneurs may also apply to set up their businesses and reside in Hong Kong according to general employment policies. The Government will from time to time review the arrangements of the CIES. In this connection, will the Government inform this Council:*

- (a) *of the respective breakdowns of the types of applicants, distribution of investments and amounts of investments each year since the implementation of the CIES (set out in table form);*
- (b) *whether it knows the respective numbers and proportion of residential and non-residential properties among the real estates invested by admitted applicants under the CIES at present; and in respect of the residential properties among them, of the average asset values and their locations, as well as the respective numbers of applicants who have leased out the properties invested by them at present, occupied the properties themselves or left them vacant;*
- (c) *whether it has compiled statistics on the total number of applicants since the implementation of the CIES who sold the real estates invested by them within two years after admission; if it has, of the details; if not, the reasons for that;*
- (d) *whether it has assessed the total number of local jobs created by the capital brought by the CIES since its implementation; if it has, of the breakdown by year and job title; if not, the reasons for that;*
- (e) *when it will review the CIES afresh and of the details (including when the review will be completed and the outcome published);*
- (f) *whether there is any measure to encourage applicants under the CIES to invest in the asset classes that belong to the four pillar industries and the six economic areas where Hong Kong enjoyed clear advantages; if so, of the details; if not, the reasons for that;*
- (g) *whether it has assessed the impact of the rule under the CIES to prescribe real estate as one of the permissible investment asset classes on the property prices in Hong Kong at present and the impact of lifting such a rule on the Hong Kong economy; if an assessment has been conducted, of the outcome; if not, whether it will conduct such an assessment; and*
- (h) *given that the Secretary for Security has indicated that entrepreneurs may apply to set up their businesses and reside in Hong Kong*

*according to the general employment policies, of the classes of entrepreneurs who have applied to set up businesses and reside in Hong Kong, their areas of business, the amount of investments involved and the number of jobs created, since the implementation of such policy, as well as their contributions to the Hong Kong economy (set out in table form)?*

**SECRETARY FOR SECURITY** (in Chinese): President, we have indicated in our response to an oral question on the CIES raised by a Legislative Council Member on 28 April 2010 that the Government would start a review on the CIES. We will take into account views from Legislative Council Members and different sectors of the community during the review. Subject to the outcome of the review, we would further enhance the CIES to ensure that it brings the most overall interest to Hong Kong.

Our consolidated response to the eight parts of the question is as follows:

(a) and (d)

Since the implementation of the CIES in October 2003 till the end of March this year, a total of 6 689 applicants were approved to come to Hong Kong.

Types of applicants (Nationality)

	2003-2006	2007	2008	2009	2010 (Jan-Mar)	
Chinese nationals with permanent residence overseas	553	561	1 204	2 282	643	5 243
Foreign nationals	279	157	224	241	72	973
Others*	146	104	119	83	21	473
Total	978	822	1 547	2 606	736	6 689

Note:

\* Mostly residents of Taiwan and Macao



## Types of investments

	<i>Total Value (millions Hong Kong dollars)</i>					
	<i>2003-2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010 (Jan-Mar)</i>	
Real Estate	2,120	1,363	3,204	5,617	2,048	14,352
Specified Financial Assets	4,875	4,465	7,820	12,604	3,146	32,910
Equities	2,704	3,050	5,322	9,269	2,370	22,715
Debt securities	1,439	821	1,304	2,168	429	6,161
Collective Investment Scheme	517	545	1,046	1,146	344	3,598
Others*	215	49	148	21	3	436
Total	6,995	5,828	11,024	18,221	5,194	47,262

Note:

\* Including Certificates of Deposits and Subordinated Debts

The CIES benefits various local sectors, particularly the decoration work sector, property agencies, financial and business services, and so on, directly or indirectly. Whilst living in Hong Kong, investors and their dependants also contribute to local consumption and related economic activities, which would create job opportunities. However, because of the constraint of limited data, the Government is not able to conduct detailed quantitative analysis in this regard.

(b), (c) and (g)

Of the \$14.35 billions in real estate investment under the CIES, residential and non-residential properties amounted to \$13.35 billion (93%) and \$1 billion (7%) respectively. The great majority of applicants who invested in residential properties only invested in a single property, with an average value of around \$10 million. The Immigration Department (ImmD) does not have statistical information as to whether the properties are leased out, self-occupied

or left vacant. Based on an analysis of 200 recent applications, the locations of the properties are set out as follows:

<i>District</i>	<i>Percentage</i>
Kowloon West	29%
Hong Kong Island	25%
East New Territories	23%
Kowloon East	14%
West New Territories	9%
Total	100%

Applicants investing in real estate are required to notify the ImmD within seven working days after the relevant transactions. They are also required to provide the ImmD with proof within the specified deadline that they still invested the amount of capital required under the CIES in the designated investment assets. Such proof shall be submitted together with the relevant information. Besides, applicants granted with approval are required to apply to the ImmD for extension of stay every two years. The ImmD will examine these applications according to the prevailing policy. The ImmD's information shows that among the 100 extension cases approved recently, only 10 applicants have changed their properties during the period and they all held the properties concerned for over one year before selling them.

The main factors affecting real estate prices include demand and supply, mortgage rates, investment environment, and so on. We believe that the CIES under the ImmD should have no direct and substantive impact on local real estate prices.

- (e) We have started a review on the CIES and hope to complete it by end of this year. We will inform the relevant Panel of the Legislative Council of the outcome of the review.
- (f) The review will cover the need to expand the scope and the designated investment asset categories of the CIES. We will make reference to the experiences gained since the implementation of the

CIES and the practices of similar schemes overseas. We will seek to strike a balance between attracting foreign capital to boost the Hong Kong's economy and the prevention of abuses under the scheme.

- (h) Apart from the CIES, overseas entrepreneurs can choose to enter Hong Kong by applying to stay and set up business here under the General Employment Policy. When processing the relevant applications, the ImmD will consider whether the applicants can bring economic benefits to Hong Kong, including the number of jobs created, and so on. In the three years between 2007 and 2009, a total of 775 entrepreneurs successfully entered Hong Kong through this channel, undertaking their original business plans. As to the breakdown details requested, the ImmD has analysed 100 recently approved cases and collated the following information:

<i>Sectors</i>	<i>Number of Applications</i>	<i>Number of Jobs created</i>	<i>Amount of Investment (millions Hong Kong dollars)</i>
General Trade	40	150	30
Electronic	19	31	15
Advisory Service	15	33	2
Jewelry	13	37	29
Others	13	43	17
Total	100	294	93

### **Development of Intelligent Transport Systems in Hong Kong**

13. **MR KAM NAI-WAI** (in Chinese): *President, in recent years, the Transport Department (TD) has been promoting the development of Intelligent Transport Systems (ITS) and conducting research and development of Transport Information System in Hong Kong. Apart from gradually installing Variable Message Signs (VMS), it also posts closed-circuit television (CCTV) Snapshots of Traffic Conditions on the Internet, so as to provide information on real-time traffic conditions. Yet, quite a number of motorists have complained to me that*

*the authorities have only installed such facilities on Hong Kong Island trunk roads and many other major traffic spots are not covered. In this connection, will the Government inform this Council:*

- (a) of the locations where the aforesaid VMS and CCTV cameras which capture Snapshots of Traffic Conditions for display on the Internet have been installed on Hong Kong Island since the implementation of the ITS, the dates on which they came into operation and the costs involved respectively; whether the authorities will install more such facilities on Hong Kong Island; if so, of the details;*
- (b) given that quite a number of the CCTV cameras currently installed on Hong Kong Island are mainly for traffic monitoring purposes by government departments, of the number of such CCTV cameras, the criteria adopted by the TD for determining the images of real-time traffic conditions to be displayed on the Internet; whether it will, upon strong request by the public, post on the Internet all the images captured by such CCTV cameras; if it will, of the procedure;*
- (c) whether the TD will, in the near future, install more VMS in areas such as Eastern and Western Mid-Levels, Pok Fu Lam, Ap Lei Chau and Deep Water Bay, and so on, within a short period of time, so as to provide information on real-time traffic conditions for motorists; if not, of the reasons for that; whether district councils may install and manage such message signs on their own expenses and connect them with the TD's central systems while the work of installation and maintenance, and so on, is co-ordinated by the TD, so as to promote the development of the ITS; and*
- (d) of the Government's new plan to further develop real-time traffic condition services in Hong Kong in the future for reference or use by members of the public?*

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

- (a) Currently, there are four Variable Message Signs (VMSs) installed on Hong Kong Island. The VMSs, together with the 21 CCTV

cameras capturing images for display at the website on Snapshots of Traffic Conditions of the TD, provide the public with real-time road traffic information of the Hong Kong Island. The location and launch time of these VMSs and CCTV cameras are set out in Annexes 1 and 2. The average cost is \$1.5 million for a VMS and \$300,000 for a CCTV camera.

The TD plans to install in late 2010 a VMS at the westbound lane of Wong Chuk Hang Road near Wong Chuk Hang Recreation Ground and mount VMSs at various ingresses of Central-Wan Chai Bypass for operation upon completion of the bypass.

- (b) The TD operates a total of 41 CCTV cameras on the Hong Kong Island, 20 of which are mainly used for incident management and the other 21 monitoring of traffic conditions of major roads. These 21 cameras provide images for the snapshot website except when they are used for incident management (during which they are adjusted to film certain locations and unable to provide traffic conditions of major roads). To increase the number of real-time traffic images available to the public and avoid service disruption due to incident management, the TD has secured the necessary fund for installing 31 separate CCTV cameras dedicated for providing traffic images for the snapshot website. The installation works are scheduled for completion in the latter half of 2010. By then, the 31 dedicated cameras will replace the 21 cameras now also used for incident management for disseminating information to the public.
- (c) When planning the installation, design and operation of traffic facilities such as VMSs, the overall traffic management arrangements of the districts they serve have to be taken into account. Other factors to be considered include the feasibility of erecting the gantries and constructing the foundation. Moreover, the section in front of a VMS has to be a relatively long straight road such that motorists may read the messages on the display panel in a safe manner. The display panel itself also occupies some nearby space of the road. As most roads in Southern District and Mid-levels are narrow and winding, they are generally not suitable for installing VMSs. We welcome any specific suggestions from

the district councils to the TD on suitable VMS locations. The TD will examine in detail the feasibility of the suggestions.

- (d) The TD has been disseminating special traffic news to the public via the media such as the television and radio. In recent years, the TD strives to release via its homepage special traffic news, CCTV snapshots, the estimated time of the cross-harbour journey from the Hong Kong Island to Kowloon and the speed map indicating the traffic speed of major roads. Also, the TD has explored new channels for message dissemination, including offering the PDA version of the above online services and providing mobile service operators with traffic information such as CCTV snapshots and special traffic news for their dissemination to clients. Looking forward, the TD plans to install cross-harbour journey time indicators at seven locations in Eastern District of the Hong Kong Island and the Kowloon side (the relevant works are scheduled for completion in mid-2010); mount VMSs on Tuen Mun Road, Tolo Highway and Fanling Highway (the relevant works are scheduled for completion in 2014); and erect speed map panels at five locations in the New Territories to indicate traffic conditions ahead with graphic images (the relevant works are scheduled for completion in early 2012). We will continue to explore new channels to disseminate real-time traffic information to help the public make informed choices in travelling routes and transport modes based on the latest traffic conditions, thus reducing and alleviating traffic congestion.

Annex 1

#### Existing Variable Message Signs on Hong Kong Island

<i>Location</i>	<i>Launch Time</i>
Eastbound lane of Gloucester Road near Fenwick Street	April 2010
Westbound lane of Victoria Park Road near Paterson Street	April 2010
Portal of northbound tube of Aberdeen Tunnel	January 2004
Aberdeen Praya Road near Ocean Court	January 2004

## Annex 2

CCTV Cameras Installed on Hong Kong Island  
to Capture Images for Display at Website of  
Transport Department on Snapshots of Traffic Conditions

The CCTV cameras installed at the following locations were put into service successively in the 1990s. The website on Snapshots of Traffic Conditions was launched in 1999 to display CCTV images of the Hong Kong Island.

	<i>Location</i>
1	Connaught Road Central near Exchange Square
2	Pedder Street
3	Queen's Road Central near Ice House Street
4	Queen's Road Central near Garden Road
5	Connaught Road Central near Shun Tak Centre
6	Hennessy Road near Arsenal Street
7	Yee Wo Street near Hennessy Road
8	Fleming Road near Harbour Road
9	Hung Hing Road near Tonnochy Road
10	Cross Harbour Tunnel — Hong Kong side
11	Aberdeen Tunnel — Wan Chai side
12	Harcourt Road near Red Cross Headquarters
13	Java Road near Hoi Yu Street
14	Causeway Road near Hing Fat Street
15	King's Road near Tin Chong Street
16	Island Eastern Corridor near Man Hong Street
17	Island Eastern Corridor near North Point
18	Chai Wan Road near Tai Tam Road
19	Aberdeen Tunnel — Wong Chuk Hang side
20	Western Harbour Crossing — Hong Kong side
21	Connaught Road West

### Development of Social Enterprises

14. **MR FREDERICK FUNG** (in Chinese): *President, an organization conducted a survey on social enterprises (SEs) recently, and the outcome*

*indicated that only 27.1%, 22.9% and 30.5% of the respondent SEs had recorded profits in 2007, 2008 and 2009 respectively, and some 40 SEs (that is, 16%) even closed down their businesses during the survey. In this connection, will the Government inform this Council:*

- (a) of the current measures to promote the development of SEs; whether it has reviewed the effectiveness of these measures as well as the overall strategies to promote such development; if it has, of the outcome; if not, the reasons for that; and*
- (b) of the purpose, direction and timetable of the work of the newly established Social Enterprise Advisory Committee (Advisory Committee); how the Government will implement the recommendations of the Advisory Committee; whether the Advisory Committee will review the overall strategy for promoting the development of SEs and make new recommendations?*

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

- (a) The Administration mainly adopts a four-pronged approach to promote the development of SEs, namely to enhance public understanding of SEs; to promote cross-sector collaboration; to nurture more social entrepreneurs; and to strengthen support for SEs.

*Enhance public understanding on SEs*

We launched a dedicated website on SEs in 2006 to provide information about SEs. At the district level, we organize promotional activities such as market fairs, job fairs, forums and carnivals to promote SEs. We also arrange SEs to showcase their products or services at appropriate occasions such as the Hong Kong Brands and Products Expo, Food Carnival, Firework Display for the East Asian Games, and so on. To help disseminate sales information on SEs, we produce SE promotional coupons for free distribution at over 300 venues managed by the Home Affairs Department (HAD) and Leisure and Cultural Services Department. In addition, we arrange press interviews with SEs and produce SE



booklets to publicize the business models adopted by SEs and the social objectives they achieve.

*Promote cross-sector collaboration*

HAD introduced the Social Enterprises Partnership Programme (the Programme) in 2008 to provide a platform to facilitate partnership among different sectors of the community through the matching forum and mentorship scheme. Thus far, about 20 new SE projects involving cross-sector collaboration have been launched through the matching forum. The mentorship scheme has also been met with good responses and over 15 mentor/mentee partnerships have been formed between SE operators and business organizations/professional sector.

*Nurture more social entrepreneurs*

To promote social entrepreneurship among the younger generation, we have commissioned The Chinese University of Hong Kong (CUHK) to organize business plan writing competitions since 2007, with a view to nurturing more talent to breathe new life into the development of SEs. The 2009 competition was completed in February 2010. We are now exploring the collaboration possibility with CUHK for the 2010 competition in order to identify and nurture more potential social entrepreneurs.

*Strengthen support for SEs*

In the financial year 2006-2007, the Administration has earmarked \$150 million for enhanced district-based poverty alleviation work in the subsequent five years. The purpose was to promote self-reliance amongst the socially disadvantaged, including provision of assistance to SEs. The HAD has implemented the Enhancing Self-Reliance Through District Partnership (ESR) Programme since 2006 to provide seed grants to eligible organizations for the initial operations of SEs. Since the launch of the ESR Programme, the HAD has approved under the seven phases of applications a total grant of around \$100 million to about 100 new SE project, creating

some 1 600 jobs for the underprivileged. Whether an SE is able to achieve net profit is not the only benchmark for an SE's success. Based on the progress reports submitted by SEs receiving funding, about two thirds of the approved projects could meet or exceed the projected targets in terms of sales volume and profit stated in their business proposals. As at today, a total of 53 projects have had their funding period expired. Apart from five SEs which have ceased operations as they were unable to meet their projected business targets, the remaining SEs are still operating. We are now reviewing the five-year ESR Programme which will reach its end next year.

The Administration introduced a pilot scheme in 2008. Sixteen government cleansing service contracts were awarded to SEs under the arrangement of priority bidding. The total value amounted to around \$6.6 million, creating over 150 jobs. The Administration continues with the scheme in 2009-2010. Fifty-three government contracts were identified for priority bidding by SEs and the scope was extended to include gardening service contracts. Among the 53 contracts, 32 contracts with a total value of \$11 million were awarded to SEs, creating over 200 job opportunities.

With the Administration's efforts over the past few years, members of the public have a fair understanding of SEs. Some community organizations establish or promote SEs on their own initiation. We will review the policy on SEs from time to time to cater for the need of the community.

- (b) The Social Enterprise Advisory Committee (SEAC) was established in January 2010 and its terms of reference are as follows:
- to advise the Government on the formulation of policies and strategies for supporting the sustainable development of SEs in Hong Kong;
  - to advise the Government on programmes/activities that promote development of SEs and to monitor their implementation;

- to foster better understanding and encourage closer co-operation amongst relevant stakeholders in the development of SEs; and
- to undertake research studies on matters pertaining to the development of SEs.

The first SEAC meeting was held in March 2010. Members were briefed on the existing policies and measures of the Government in the development of SEs. Members also exchanged views on their expectations of the work of the SEAC and key issues to be considered at the coming meetings. We are now consolidating Members' views and we plan to schedule the second SEAC meeting for the second quarter of 2010 to further examine the recommendations made by Members. In addition, the SEAC will also offer its views on the review of the ESR Programme.

### **Remuneration Package for District Council Members**

15. **MS EMILY LAU** (in Chinese): *President, with effect from the current term of the Legislative Council, Members of this Council are provided with an end-of-service gratuity and accountable medical allowance. Yet, similar remuneration package is not available to District Council (DC) members. In this connection, will the executive authorities inform this Council:*

- (a) *whether the Independent Commission on Remuneration for Members of the District Councils of the Hong Kong Special Administrative Region (the Independent Commission) has reviewed the remuneration package for DC members of the next term (that is, 2012 to 2015); if it has, of the details of the provision of medical allowance and end-of-service gratuity to them; if not, the reasons for that;*
- (b) *whether they will consider providing Mandatory Provident Fund coverage to DC members of the next term; if they will, of the details; if not, the principles for that; and*

- (c) *whether the Independent Commission will consider arrangements other than those in parts (a) and (b) to improve the remuneration package for DC members; if it will, of the details?*

**SECRETARY FOR HOME AFFAIRS** (in Chinese): President, it has been the established practice to complete the review of the remuneration package of DC members before the next DC election, so that candidates are aware of the agreed remuneration package before they decide to take part in the election. Hence, we have already commenced the review of DC members' remuneration package and shall consult the Independent Commission in a timely manner.

We note the new arrangements for medical allowance and end-of-service gratuity for Legislative Council Members in the current term. We shall take into account this development as well as the views received from the Independent Commission and DC members in our review, and ensure that the arrangements will meet the needs of changing circumstances.

### **Quality Tourism Services Scheme**

16. **MR PAUL TSE** (in Chinese): *President, some travellers have recently relayed to me their dissatisfaction with the services provided by merchants certified under the Quality Tourism Services (QTS) Scheme, set up by the Hong Kong Tourism Board (HKTB). These travellers lodged complaints with the HKTB but to no avail, and the HKTB staff were also unhelpful. In this connection, will the Government inform this Council:*

- (a) *of the total number of merchants certified as QTS merchants each year since the launch of the QTS Scheme; the number of complaints relating to the QTS Scheme received by the HKTB each year, as well as the number of QTS merchants who were disqualified because they had been the subject of complaints or the level of their services had been assessed to be below standard;*
- (b) *when travellers are dissatisfied with the HKTB's handling of their complaints against the aforesaid merchants, what channels are available for them to request a review; and*

- (c) *which government department is currently responsible for monitoring the QTS Scheme; of the specific monitoring measures; whether the authorities have requested the HKTB to review the effectiveness of the QTS Scheme in response to travellers' complaints about the QTS Scheme; if they have, of the details?*

**SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT** (in Chinese): President, the HKTB introduced the QTS Scheme with a view to helping visitors identify merchants that offer quality services, and encouraging the merchants to upgrade their service standards. Currently, the Scheme covers sectors such as retail and dining outlets, visitor accommodation facilities and hair salons.

The HKTB maintains a stringent mechanism to assess and monitor the merchants accredited under the QTS Scheme. The Secretariat of the QTS Scheme (the QTS Secretariat) has set up a dedicated team to handle visitors' complaints against the accredited merchants. Upon receiving a complaint, the dedicated team will contact the complainant and the merchant separately to understand the matter and conduct investigation, with a view to finding a solution acceptable to both parties.

If a complaint is substantiated, the QTS Secretariat will, based on the nature of the complaint and whether the merchants concerned have previous violations, submit its recommendation on the penalty points to be imposed on the merchant to the QTS Sub-Committee for decision. Upon accumulating certain penalty points, the merchant will receive a warning from the Secretariat. In more serious cases, the merchant's accreditation may be terminated. In addition, the dedicated team will write to the management of the QTS merchant being complained pointing out the need to take note of the complaint and seek improvement in its service quality. The QTS Secretariat will also submit to the QTS Sub-Committee a monthly report on the complaints, the status of investigation and the findings.

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

- (a) Since the accreditation of merchants under the QTS Scheme began in 2000, the numbers of accredited merchant outlets, the complaints

received by the HKTB and merchants that received penalty each year are listed as follows:

<i>Year</i>	<i>Cumulative accredited merchant outlets</i>	<i>Number of complaints</i>	<i>Number of merchants that received penalty points<sup>(1)</sup></i>	<i>Number of merchants that received warnings</i>	<i>Number of merchants with QTS accreditation terminated<sup>(2)</sup></i>
2000	1 853	4	N/A	N/A	0
2001	2 073	67	N/A	N/A	0
2002	2 935	126	N/A	N/A	0
2003	3 252	155	N/A	N/A	0
2004	3 623	292	67	4	1
2005	5 268	348	111	1	0
2006	6 055	387	118	0	1
2007	6 562	416	141	3	3
2008	6 638	334	107	1	0
2009	7 149	282	68	0	0

Notes:

- (1) The penalty point and warning system was introduced in 2004.
- (2) For severe violation of the QTS Scheme rules, the HKTB can terminate the status of the accredited merchants without warning.

- (b) In case visitors are dissatisfied with the handling of their complaints, they can bring the case to the attention of the Board of the HKTB, or seek assistance from the Consumer Council. Since the introduction of the QTS Scheme, the HKTB has not received any request from visitors for reviewing the handling of complaints, or feedback that they have lodged complaints with the HKTB to no avail or that the HKTB staff members were unhelpful. As a matter of fact, the HKTB has all along reminded staff members to be courteous and professional when providing service.

The QTS Secretariat has been successful in settling all the substantiated complaints. As for those unsubstantiated cases, the HKTB will also make the best endeavour to mediate. Being committed to quality services, many merchants are willing to meet the visitors' requests.

- (c) The QTS Scheme is administered by the HKTB, the work of which is monitored by the Tourism Commission. Where necessary, the Commission will discuss with the Board of the HKTB possible improvements to the Scheme.

### **Enforcement of Protection of Endangered Species of Animals and Plants Ordinance**

17. **MRS REGINA IP** (in Chinese): *President, the Protection of Endangered Species of Animals and Plants Ordinance (the Ordinance) (Cap. 586) stipulates that, to fulfil the requirements of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), anyone who imports endangered species such as Scleractinia, Antipatharia, Tubiporidae, seahorses and giant clams, and so on, shall hold a licence issued by the Agriculture, Fisheries and Conservation Department (AFCD), and a CITES certifying document from the place of origin of such species. Moreover, it has been reported that shop tenants shall hold a licence for publicly displaying and selling marine organisms which are endangered species. Yet, I have learnt that many shop tenants do not hold such licences and illegally display and sell marine organisms which are endangered species, and the trading of such marine organisms on the Internet is also rampant. In this connection, will the Government inform this Council whether it will conduct a review on how to enhance law-enforcement actions; if it will, of the details?*

**SECRETARY FOR THE ENVIRONMENT** (in Chinese): President, the Government is committed to the protection of endangered species, and implements the CITES through legislation, law enforcement and public education. Endangered species are listed in the three Appendices to CITES based on the degree of threat that these species are facing. The CITES-listed species are covered in the respective schedules of the Ordinance so that the trading of these endangered species would be under strict monitoring and control.

Scleractinia, Antipatharia, Tubiporidae, seahorses and giant clams belong to CITES Appendix II species, meaning that while they are not threatened with extinction, the trading of which has to be controlled in order to avoid utilization incompatible with their survival. If these species are live and of wild origin, the

commercial trading (including the sale and display of them for commercial purposes) of them requires the obtainment of a Licence to Possess issued by the AFCD under the Ordinance. Otherwise, the selling and display of these species for commercial purposes would be in contravention of the law.

Apart from conducting regular inspections to local shops which are licensed to sell endangered species, the AFCD also conducts inspection and education visits to shops engaging in the pet and aquarium trade. Through these inspections, the AFCD would remind the traders of the requirements under the Ordinance on the control of trade in endangered species. From the beginning of this year, the AFCD has conducted 224 inspections to relevant shops, and has found one case with irregularity. The investigation of the case is still in progress. Furthermore, the AFCD monitors possible illegal trade in endangered species on the Internet. In the event of suspected contravention against the Ordinance, the AFCD will initiate investigation. In the past two years, the AFCD has investigated 97 cases of suspected illegal sale of endangered species, among which 35 cases were related to trade on the Internet. Furthermore, a reward scheme has been established since 1999 to strengthen the collection of information in relation to illegal trade in endangered species from various sources including the Internet. Under the scheme, anyone who has registered as an informer with the AFCD could receive a reward if he provides information to the AFCD which subsequently leads to the seizure of endangered species being traded illegally, or which leads to the successful prosecution of illegal trade in endangered species.

In addition to law-enforcement actions, we conduct publicity and educational activities to raise public awareness in the protection of endangered species. The AFCD has all along been organizing various related educational and publicity activities, which were delivered through the media, advertisement and the Internet; and the AFCD also prints relevant posters and leaflets. Furthermore, the AFCD organizes relevant exhibitions and seminars, and arranges guided tours to the Endangered Species Resource Centre to educate the public on the protection of endangered species. For example, in 2009, the AFCD organized 82 relevant exhibitions and seminars, and received over 6 200 visitors to the Endangered Species Resource Centre. The AFCD also disseminates information to the related trade regarding the control of the trade in endangered species through letters, consultation sessions and seminars.



**Street Arts Performance in Pedestrian Zones**

18. **DR RAYMOND HO** (in Chinese): *President, it has been reported that recently, some street arts performers, when staging performances in the pedestrian zone in Causeway Bay, were being repeatedly complained against by members of the public for obstructing the pedestrians, and were driven away and charged by the police. Moreover, many business promotional articles such as easy-mount frames, and so on, are set up in such pedestrian zone, obstructing the use of public space by members of the public. In this connection, will the Government inform this Council:*

- (a) *given that at present the obstruction problem arising from articles such as easy-mount frames, and so on, placed in the aforesaid pedestrian zone is still serious, whether the authorities had conducted regular inspections last year, so as to ensure that members of the public can make good use of public space; if so, of the details; and*
- (b) *given that the cultural and creative industry is one of the six industries promoted by the Government as areas where Hong Kong enjoys clear advantages, whether the authorities have planned to further promote the distinctive street arts performance culture and safeguard the right of such performers to stage performances in public spaces under lawful situations; if so, of the details of such plans?*

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

- (a) In 2008, the Food and Environmental Hygiene Department (FEHD) reviewed its enforcement and prosecution approach in order to enhance regulation on unauthorized display of bills and posters in public places, in particular against commercial entities using easy-mount frames or placards to display bills and posters, without permission, for on-street promotion of their products and services.

According to the revised enforcement procedures, the FEHD will, under the relevant provisions of the Public Health and Municipal Services Ordinance (Cap. 132), seize the bills and posters illegally displayed on the streets, as well as the related display apparatus (for

example, easy-mount frames and placards), as evidence for taking out prosecutions against the persons displaying the publicity materials and the beneficiary of the same. Unclaimed display apparatus will be confiscated by making an application to the Court. In addition, the FEHD will also take out prosecutions against persons causing obstruction by setting up promotional stands on the streets under section 4A of the Summary Offences Ordinance (Cap. 228).

The enhanced enforcement arrangements have been introduced in Wan Chai District (including the pedestrian precinct in Causeway Bay) since October 2008. Prior to implementation of the new arrangements, the FEHD consulted the Wan Chai District Council and secured its support. Before prosecutions were duly instituted, the FEHD also carried out a series of publicity and educational activities. Letters were issued to companies found to have used easy-mount frames and similar paraphernalia for on-street promotion to warn them of the possible consequences of displaying bills and posters in public places without permission. Publicity materials were also distributed to on-street promoters to warn them that displaying bills and posters without permission during promotional activities on the street may render them liable to prosecution. Currently, the staff of the FEHD carry out regular inspections of the black spots in Wan Chai District, including the pedestrian precinct in Causeway Bay. Appropriate enforcement actions will be taken out if breaches are found.

After taking the aforementioned actions, the situation in the pedestrian precinct in Causeway Bay has improved noticeably. In 2009, a total of 462 bills, posters and related display apparatus were seized by the FEHD in the pedestrian precinct in Causeway Bay, and nine prosecutions were taken against persons causing obstruction by setting up promotional stands on the streets.

The FEHD will keep in view the situation of the pedestrian precinct and take actions as appropriate.

- (b) The Home Affairs Bureau aims to bring the arts to the public and encourage public participation in cultural activities. Having consulted the relevant committees of the District Councils

concerned, we will launch a six-month trial scheme in July 2010 under which specific zones in three locations (namely the Hong Kong Cultural Centre piazza, the Sha Tin Town Hall plaza and the Kwai Tsing Theatre plaza) with a relatively high pedestrian flow and an enabling setting will be designated as places for public performances by individuals or organizations.

The registration system under the trial scheme will operate on a first-come-first-served basis. No hire charges will be payable. To ensure a certain level of artistic standards, the proposed performances have to go through an audition conducted by a panel comprising representatives from the venue operator, the cultural sector and the relevant committee of the District Council concerned. Performers are not allowed to seek or collect donations at the designated places, but may display their own original arts products (for example, albums) for sale.

We hope that the trial scheme will provide more room for arts enthusiasts to showcase their creativity and performing talents, enhancing public access to the arts and further enriching our city characteristics.

### **Victim Support Programme for Victims of Family Violence**

19. **MR WONG SING-CHI** (in Chinese): *President, the Social Welfare Department (SWD) announced at the end of March this year that an annual funding of \$5 million would be allocated to Po Leung Kuk (PLK) for implementing a Victim Support Programme for Victims of Family Violence (the Programme) to provide victims of family violence with legal advice, emotional support and counselling services, and so on. In this connection, will the executive authorities inform this Council:*

- (a) *how the authorities select the organizations to be funded, and why funding is allocated to a single organization;*
- (b) *how the authorities determine the amount of funding to be allocated; of the service contents and manpower deployment under the*

*Programme, and how they assess the effectiveness of the Programme; and*

- (c) *whether similar programmes will be implemented in various districts in Hong Kong, so as to assist residents in different districts?*

**SECRETARY FOR LABOUR AND WELFARE** (in Chinese): President, the Administration's responses to the three parts of Mr WONG Sing-chi's question are as follows:

- (a) The SWD invited service proposals from non-governmental organizations (NGOs) through open invitation and selected PLK as the operator of the Victim Support Programme for Victims of Family Violence (VSP). In considering the service proposals, the SWD has adopted a quality assessment approach, taking into consideration various factors, including the relevant experience of the NGO in providing services relating to domestic violence cases and in developing networks of volunteers, the provision and management of the services under the VSP, the network of the NGO and its ability to collaborate with relevant stakeholders, the use of the operation premises as well as the provision of other innovative and value-added services, and so on. The SWD considers that a single NGO operator, with the aforementioned experience and capabilities, would be able to co-ordinate and manage the operation of VSP in a holistic manner and to make use of the resources and manpower more effectively, with a view to providing appropriate services to victims of domestic violence.
- (b) The SWD will provide PLK with an annual subvention of about \$5 million to operate the VSP. Under the VSP, relevant information on judicial proceedings and social support services, emotional support and other support services will be provided to victims of spouse battering and child abuse cases, including those undergoing the judicial process. Besides, the programme will mobilize volunteers to provide support services to the victims as appropriate. As the programme is subvented through the Lump Sum Grant mode, PLK has the flexibility to deploy suitable staff in service delivery to ensure that service quality and service needs are

met. The SWD will monitor the services according to the output indicators and the requirements set out in the Service Quality Standards stipulated in the Funding and Service Agreement.

- (c) This programme will be provided throughout the territory. PLK will set up service delivery points in different districts to provide easy access for victims of domestic violence.

### Employment of Permanent and Contract Teachers

20. **MR CHEUNG MAN-KWONG** (in Chinese): *President, I have learnt that when vacancies of permanent teaching posts arise within their approved teaching establishment, quite a number of aided schools recruit only contract teachers to fill such vacancies. In this connection, will the Government inform this Council:*

- (a) *of the numbers of aided primary and secondary schools which employ contract teachers to fill the permanent teaching posts within their approved teaching establishment at present, the numbers of such contract teachers, together with a breakdown by District Council district as set out in the following table:*

District Council district	No. of aided secondary schools in the district	Employment of contract teachers to fill permanent teaching posts within the approved teaching establishment (aided secondary schools)		No. of aided primary schools in the district	Employment of contract teachers to fill permanent teaching posts within the approved teaching establishment (aided primary schools)	
		No. of schools	No. of contract teachers		No. of schools	No. of contract teachers
<i>(Figures in this row are for illustration only)</i>	30	5	0	35	3	1
		4	1		5	2
		3	3		4	3
		1	2			
<i>Total</i>						

- (b) *of the various reasons for aided primary and secondary schools to employ contract teachers to fill the permanent teaching posts within their approved teaching establishment; and*
- (c) *how the authorities deal with or follow up the situation that some schools employ contract teachers to fill a considerable number of permanent teaching posts within their approved teaching establishment?*

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

- (a) At present, the posts on the approved teaching establishment in aided schools are regular posts. The teachers filling these posts (except those temporary or supply teachers) are regular teachers who are eligible to join the Grant/Subsidized Schools Provident Fund Schemes. According to the teacher appointment information provided by schools, most regular teachers do not have a fixed term of employment. Only a small number of regular teachers are employed for a clearly defined contract period. In the 2009-2010 school year, the numbers of aided primary and secondary schools in the school districts of the Education Bureau and the related statistics on the employment of regular teachers with fixed-term contracts are shown at Annex.
- (b) According to schools, the reasons for employing regular teachers with fixed-term contracts are summarized as follows:
- When vacancies of regular teaching posts arise, it is necessary for schools to consider such factors as curriculum planning and organization, as well as the subject match of teachers. For example, some schools have employed teachers on

fixed-term contracts to teach the new senior secondary subjects so as to allow flexibility in staffing arrangements when the combinations of elective subjects have to be adjusted according to the needs of students.

- The sponsoring bodies or schools anticipated that there would be redundant teachers arising from changes in class structure in the coming few years. Thus they have to introduce flexible arrangements to alleviate the problem in handling teacher redundancy in future and to maintain stability of the existing teaching force.
  - In recent years, some additional time-limited teaching posts have been created to provide necessary support for schools at the initial stage of implementation of some education initiatives. Some schools have therefore chosen to employ teachers with fixed-term contracts to fill both the time-limited posts as well as the regular posts in one go in order to observe the teachers' performance during the initial period of employment before offering substantive appointments.
- (c) All along, schools have been encouraged to adopt the most suitable teacher appointment arrangements in accordance with their own needs for continuous development and provision of quality education for students. At the same time, schools should also endeavour to provide a stable working environment for their teachers in order to retain experienced teachers and enhance their professionalism. If there are any irregularities, the Education Bureau will contact the school concerned for details and justifications, and offer advice to the school to facilitate its sustainable development and to maintain staff morale.

## Employment of regular teachers on fixed-term contracts by aided schools

<i>The Education Bureau school district</i>	<i>No. of aided secondary schools in the district</i>	<i>Employment of contract teachers to fill permanent posts within the approved teaching establishment (aided secondary schools)</i>		<i>No. of aided primary schools in the district</i>	<i>Employment of contract teachers to fill permanent posts within the approved teaching establishment (aided primary schools)</i>	
		<i>No. of schools</i>	<i>No. of contract teachers*</i>		<i>No. of schools</i>	<i>No. of contract teachers*</i>
Central and Western	8	5 2 1	0 1 9	16	12 2 1 1	0 1 3 4
Wan Chai	9	4 2 1 1 1	0 1 2 3 8	14	10 1 1 2	0 1 2 5
Eastern	24	12 3 4 1 1 1 1 1	0 1 2 3 7 10 11 15	24	14 8 2	0 1 4
Southern	14	4 5 1 1 1 1 1	0 1 2 4 8 12 16	11	4 2 2 1 1 1	0 1 2 3 5 7
Sham Shui Po	15	9 1 1 1 1 1 1	0 1 2 3 5 7 14	17	8 5 2 1 1	0 1 2 4 10
Yau Tsim and Mong Kok	12	1 3 1 1 2 1 1 1 1	0 1 2 3 4 5 9 11 20	19	8 6 3 2	0 1 2 3



<i>The Education Bureau school district</i>	<i>No. of aided secondary schools in the district</i>	<i>Employment of contract teachers to fill permanent posts within the approved teaching establishment (aided secondary schools)</i>		<i>No. of aided primary schools in the district</i>	<i>Employment of contract teachers to fill permanent posts within the approved teaching establishment (aided primary schools)</i>	
		<i>No. of schools</i>	<i>No. of contract teachers*</i>		<i>No. of schools</i>	<i>No. of contract teachers*</i>
Kowloon City	28	15 2 3 6 1 1	0 1 2 4 8 9	27	17 5 3 1 1	0 1 2 8 16
Wong Tai Sin	22	10 5 1 1 1 1 2 1	0 1 3 4 5 6 7 16	28	17 7 1 1 2	0 1 2 3 5
Kwun Tong	25	12 2 1 3 1 1 3 1 1	0 1 2 3 6 7 8 10 11	30	18 3 1 2 3 2 1	0 1 2 3 4 5 7
Tsuen Wan	13	4 4 1 1 1 1 1	0 1 2 4 5 16 17	20	9 7 1 2 1	0 1 2 3 6
Tuen Mun	36	15 4 2 4 1 1 1 1 1 1 1 2 1 1	0 1 2 3 4 5 6 7 8 9 10 11 12 13	38	27 4 2 3 1 1	0 1 2 3 4 5

<i>The Education Bureau school district</i>	<i>No. of aided secondary schools in the district</i>	<i>Employment of contract teachers to fill permanent posts within the approved teaching establishment (aided secondary schools)</i>		<i>No. of aided primary schools in the district</i>	<i>Employment of contract teachers to fill permanent posts within the approved teaching establishment (aided primary schools)</i>	
		<i>No. of schools</i>	<i>No. of contract teachers*</i>		<i>No. of schools</i>	<i>No. of contract teachers*</i>
Yuen Long	30	13	0	43	31	0
		3	1		6	1
		2	2		1	2
		2	3		3	3
		1	4		2	4
		1	5			
		2	7			
		2	12			
		1	15			
		1	16			
		1	17			
1	18					
North	17	9	0	27	18	0
		2	1		5	1
		1	3		1	3
		2	4		1	5
		1	5		1	8
		1	6		1	9
		1	10			
Tai Po	19	7	0	20	12	0
		3	1		5	1
		2	4		2	3
		1	5		1	6
		3	6			
		1	13			
		1	14			
1	16					
Sha Tin	38	16	0	38	26	0
		4	1		5	1
		4	2		5	2
		4	3		1	3
		1	5		1	6
		1	6			
		1	7			
		3	10			
		1	12			
		1	15			
		1	19			
1	25					

<i>The Education Bureau school district</i>	<i>No. of aided secondary schools in the district</i>	<i>Employment of contract teachers to fill permanent posts within the approved teaching establishment (aided secondary schools)</i>		<i>No. of aided primary schools in the district</i>	<i>Employment of contract teachers to fill permanent posts within the approved teaching establishment (aided primary schools)</i>	
		<i>No. of schools</i>	<i>No. of contract teachers*</i>		<i>No. of schools</i>	<i>No. of contract teachers*</i>
Sai Kung	18	5 3 2 1 1 1 1 2 1 1	0 1 2 3 4 5 6 8 10 11	21	12 4 1 1 1 1 1	0 1 2 3 6 9 14
Islands	7	1 1 1 1 1 1	0 1 2 3 6 10 13	16	8 4 2 1 1	0 1 2 4 7
Kwai Chung and Tsing Yi	31	17 4 2 2 2 2	0 2 3 4 6 7 8	30	19 4 3 1 1 1 1	0 1 2 4 5 8 10
Total	366	159 49 28 23 20 10 12 11 11 4 9 6 5 3 2 3 5 2 1 1 1 1	0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 25	439	270 83 28 20 12 10 4 3 3 2 2 1 1	0 1 2 3 4 5 6 7 8 9 10 14 16

Note:

\* Regular teachers with fixed-term contracts include full-time and part-time teachers.

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

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

**STAMP DUTY (AMENDMENT) BILL 2010**

**CLERK** (in Cantonese): Stamp Duty (Amendment) Bill 2010.

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

**Second Reading of Bills**

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

**STAMP DUTY (AMENDMENT) BILL 2010**

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, I move the Second Reading of the Stamp Duty (Amendment) Bill 2010 (the Bill), so as to give effect to the proposals relating to stamp duty in the 2010-2011 Budget.

The Bill seeks to amend the Stamp Duty Ordinance (Cap. 117), so as to increase the stamp duty rate for property transactions valued more than \$20 million to 4.25% and disallow deferred payment of stamp duty for those transactions.

At present, in the light of the abundant liquidity in the global financial markets and the inflow of money which has fuelled the prices of high-value flats, coupled with the very low-interest rate environment and keen competition in the mortgage market, there is a potential risk of a property bubble. It is the policy objective of the Government to ensure a healthy and stable development of the property market. In order to deal with the risk of a property bubble, one of the measures adopted by the Government is to curb speculative activities. In this connection, the Financial Secretary proposed in the 2010-2011 Budget the above

two measures to increase the transaction cost of property speculation, so as to reduce the risk of a property bubble.

Considering that there is a higher potential risk of speculative activities for private residential flats with a transacted value above \$20 million, and making reference to the Hong Kong Monetary Authority's guidelines to banks in October 2009 to reduce the loan-to-value ratio from 70% to 60% for residential properties valued at \$20 million or above, the Government considers it appropriate to increase the stamp duty rate for property transactions valued more than \$20 million from 3.75% to 4.25% and disallow deferred payment of stamp duty for those transactions.

The above two tax measures will help increase the cost to speculators on high value private residential properties, making them more cautious when speculating in properties. However, the majority of home buyers will not be affected by these measures. There were about 2 000 private residential property transactions with consideration above \$20 million from November 2008 to October 2009, accounting for about 1.5% of the annual transactions.

After consultation with the Executive Council on the above proposals relating to stamp duty on 24 February 2010, the Chief Executive made the Public Revenue Protection Order 2010 (PRPO) to allow the two tax measures to come into effect on 1 April this year. Such arrangement is consistent with past practice and has struck a balance between government revenue protection and the need for the market to clear existing transactions. The PRPO, which has a four-month temporary effect after coming into force, will lapse on 1 August 2010.

I now introduce the Bill to the Legislative Council for scrutiny and endorsement, so that these two proposals relating to stamp duty will be given legal effect officially.

I so submit. Thank you, President.

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the Stamp Duty (Amendment) Bill 2010 be read the Second time.

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

**MEMBERS' MOTIONS**

**PRESIDENT** (in Cantonese): Members' motions. Proposed resolution under the Interpretation and General Clauses Ordinance to extend the period for amending the Dutiable Commodities (Exempted Quantities) (Amendment) Notice 2010.

I now call upon Mr CHAN Kin-por to speak and move his motion.

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

**MR CHAN KIN-POR** (in Cantonese): President, I move that the motion, as printed on the Agenda, be passed. In my capacity as Chairman of the Subcommittee on Dutiable Commodities (Exempted Quantities) (Amendment) Notice 2010 (the Amendment Notice), I move that the period for scrutinizing the Amendment Notice be extended to 2 June 2010.

At the meeting of the House Committee on 16 April 2010, Members agreed to form a subcommittee to study the Amendment Notice. In order to give the Subcommittee more time for scrutiny, I urge Members to support extending the period for scrutinizing the Amendment Notice to 2 June 2010.

**Mr CHAN Kin-por moved the following motion:**

"RESOLVED that in relation to the Dutiable Commodities (Exempted Quantities) (Amendment) Notice 2010, published in the Gazette as Legal Notice No. 35 of 2010 and laid on the table of the Legislative Council on 14 April 2010, 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 2 June 2010."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the motion moved by Mr CHAN Kin-por 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 CHAN Kin-por be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

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

**PRESIDENT** (in Cantonese): Two motions with no legislative effect. I have accepted the recommendations of the House Committee: that is, the movers of the motions each may speak, including reply, for up to 15 minutes, and have another five minutes to speak on the amendments; the movers of amendments each may speak for up to 10 minutes; and the mover of amendment to an amendment and other Members each may speak for up to seven minutes. I am obliged to direct any Member speaking in excess of the specified time to discontinue.

**PRESIDENT** (in Cantonese): First motion: Medical check-ups for professional drivers.

Members who wish to speak in the debate on the motion will please press the "Request to speak" button.

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

**MEDICAL CHECK-UPS FOR PROFESSIONAL DRIVERS**

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

President, with regard to this motion on "Medical check-ups for professional drivers" today, we have actually discussed this topic and exchanged views on it many times in the Legislative Council. While the Secretary must have recently put in a lot of thoughts in handling the policies relating to housing and the Home Ownership Scheme, I hope that today, the Secretary can give some thoughts to the issues regarding safety of road traffic. Let us explore in the Legislative Council a proposal to the benefit of professional drivers, passengers and pedestrians, as well as road safety, thereby creating a win-win-win situation.

President, regarding the initiatives taken by the Government to care for the health of professional drivers, the Transport Department has actually organized "Health Check Days" for drivers. According to a paper provided by the Transport Department in 2009 on "Health Check Days", arrangements were made for professional drivers participating in this activity to undergo simple health check-ups by taking measurements of some health indicators, such as height, weight, waist-hip ratio, body fat percentage, blood pressure, blood cholesterol and blood glucose level.

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

The Transport Department, in fact, did not organize any "Health Check Days" in 2008 and 2009, but in the year 2009 to 2010, six "Health Check Days" were held and a total of 1 800 professional drivers had participated. From the end of 2009 to early this year, this activity had also been held for six times. With a quota of 500 on each occasion, the services could be provided to a maximum of 3 000 professional drivers. But Deputy President, as you know, there are tens of thousands of professional drivers and with a quota of a mere 3 000, the emphasis, effect and functions of these "Health Check Days" are actually very limited. The Government should allocate more resources for



organizing such health checks for drivers. For example, as the person-in-charge of the Taxi Division of the Motor Transport Workers General Union has said, their division has 8 000 members but these "Health Check Days" offer only a quota of 50. Compared with the 8 000-odd members, a quota of 50 is utterly inadequate. Can this really motivate professional drivers to attach importance to their physical well-being and health conditions, which can in turn enhance road safety? This is very much open to doubt.

Moreover, with regard to the health indicators covered in the health checks that I read out just now, can these simple health checks really identify the hidden illness of drivers? Can these indicators tell when driver will suffer from bouts of illness? Will drivers who have hidden illness suddenly feel sick while driving and are unable to keep on driving, just like the coach driver in a recent incident? Luckily, in that incident, a brave and vigilant passenger had managed to apply the brake to stop the coach.

This incident and the cases in the past five years have all reminded us that as our population ages, so do our professional drivers. With regard to the number of accidents involving drivers who are senior in age or who suffer from hidden illness, there are a total of 41 traffic accidents caused by drivers suffering from bouts of illness when driving in the past five years, resulting in 67 casualties. That is an average of about eight cases a year. But in the past two months from March to May alone, five similar accidents had occurred, resulting in two deaths and 14 injuries, and among these accidents, there were cases of drivers having a stroke and seizure due to heart attack. So, if professional drivers suddenly fall sick, have a seizure or suffer from blackout while driving, it would indeed be a time bomb to road safety. Medical check-ups for drivers are necessary, this is equally important to drivers' health and road safety. It can also help create a win-win situation.

Therefore, I consider it absolutely necessary for the Government to study the requirement that all professional drivers should undergo detailed medical check-ups and immediately learn about the practices adopted in other countries in this respect. The Government can explore whether it is possible to effectively require by law that professional drivers have to undergo detailed medical check-ups when they apply for licences or within a period of time, say, within one to two years. The objective of these medical check-ups is to provide medical

certificate to prove that the driver, having undergone stringent medical check-ups, such as electrocardiography, ultra-sound examination, blood tests, and so on, is healthy and his driving behaviour on roads can put us at ease.

Under the current practice of Hong Kong — apart from the inadequacy of health checks as I mentioned earlier — only those driving licence holders aged 70 or above are required to produce medical proofs, which is indeed far from adequate. Frankly speaking, for drivers aged over 70, even if the Government does not require them to undergo medical check-ups, they may already have regular body checks in respect of some diseases, so as to better understand their health conditions. But the problem is, nowadays even young drivers have many hidden illnesses, such as heart disease, diabetes, high blood pressure. There are signs that people with these diseases are getting younger and younger, which is also the case among professional drivers. For this reason, we hope that studies can be conducted on introducing legislation to require them undergo regular check-ups when they renew their licences. As driving licence is currently renewed every 10 years in Hong Kong, it is certainly not the best arrangement for a driver to undergo medical check-ups once every 10 years. So, we may have to amend the legislation in respect of the validity period of the driving licence, and make it a requirement for medical check-ups, for the benefit of the health of professional drivers and road safety.

Deputy President, on this issue, many wage earners will certainly say that it is very expensive to undergo medical check-ups. If they are not given any subsidies from their employers, they would be reluctant to take the health tests because they have to spare the time to do the test, as well as spend hundreds of dollars or even more. Insofar as this issue is concerned, in my motion I call on the Government to study the possibility of utilizing the existing facilities and resources of public medical institutions, such as general out-patient clinics, specialist out-patient clinics and the Occupational Safety and Health Centre of the Labour Department — here, I must thank Ms LI Fung-ying for proposing her amendment. I originally mentioned the workers' health centre and evidently, it should be the Occupational Safety and Health Centre. I think we absolutely should utilize these resources in a better way.

Some deputations, including the Chairman of the Container Transportation Employees General Union, have said that they work for an average of 14 hours a day and so, drivers actually get tired easily, which is only natural. We are talking about 14 hours. We would be worn out sitting here and having a meeting for 14 hours, not to mention driving on congested roads with heavy traffic and working under great stress. As regards the occupational diseases of professional drivers, even though I am not a doctor or medical personnel, I think all of us would understand their ailments. Professional drivers feel tired and suffer from indigestion, and of course, their urinary system is most adversely affected. Deputy President, this is due to long hours of ..... I think this may be one of the several most serious hidden illnesses affecting professional drivers. This is why drivers have been very supportive of the health checks arranged for them by the Transport Department. But in the long run, we certainly have to study and make arrangements for the provision of public resources for professional drivers to undergo medical check-ups free of charge, thereby further improving their health conditions.

In fact, it is already a practice adopted in the Mainland to require drivers to provide medical reports when applying for or renewing driving licences. In the Mainland, drivers are required to prove that they have completed medical check-ups upon renewal of licence, and a licence will be issued only when they are fully aware of their health conditions. We must bear in mind that for drivers driving their vehicles on roads, if the quality and safety of their driving behaviour are affected by their health conditions, they would actually be like committing drink driving. Certainly, the existing legislation is very harsh on drink driving, and the Government is also prepared to table to the Legislative Council a bill providing for a three-tiered system to further step up surveillance on drink driving.

Similarly, since the Government is convinced of the seriousness of drink driving and considers it necessary to do something, and as professional drivers spend such a long time on roads and their driving behaviour is affected by their health conditions, I believe the Government is duty-bound to understand the situation and conduct studies on the relevant policies and legislation.

Therefore, Deputy President, my motion is, in fact, quite lenient. Members can see that when I propose that studies be conducted on this issue, I

only suggest to study the provision of medical check-up services for professional drivers by public medical institutions and to study the introduction of legislation to require all professional drivers to undergo regular medical check-ups. I am absolutely not suggesting that legislation be immediately introduced or legislation should be introduced. I do not mean this. I understand that it is necessary to carry out studies on this issue, and it is necessary to conduct consultation in the industry represented by you, Deputy President. So, what I have written is "to consider requiring professional drivers to submit medical reports ..... when applying for or renewing driving licences". This proves that I understand that the Government has to be very careful in making amendments to these policies or legislation. So, my motion, which is mildly-worded, does not suggest that we should take immediate actions. The Government can further discuss with Members after completion of the studies. If the proposal is not feasible, please tell me. The Government often complains about opposition from Members. It should find out why we or political parties would oppose the Government. Similarly, if the Government says that this is not going to work, please say it, so that I can understand its views. To put it plainly, I would wish to "rest easy in my grave".

What we are discussing today is medical check-ups, not a matter of life and death. But between life and death, professional drivers are just employees. They labour for long hours to provide service to the public in the transport sector. I do hope that their health can be given due concern. Over the past few months, various serious traffic accidents have occurred. We do not wish to see in future the occurrence of even more serious traffic accidents caused by the health problems of the driver.

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

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

"That quite a number of incidents of drivers feeling unwell and becoming unconscious while driving occurred in recent years, with some even resulting in traffic accidents and causing death and injury to drivers, passengers and passers-by, and this causes public concern and worry about the health conditions of professional drivers; as the health problems of professional drivers have direct impact on passenger safety, this Council urges the Government to expeditiously allocate additional

resources, and study and formulate policies to motivate professional drivers to undergo regular medical check-ups to safeguard their health as well as the safety of road users, including:

- (a) to study the provision of medical check-up services for professional drivers by public medical institutions, including the Department of Health, the Hospital Authority, etc., and the workers' health centre of the Labour Department;
- (b) to consider requiring professional drivers to submit medical reports to prove that they are physically fit to drive when applying for or renewing driving licences;
- (c) to study the introduction of legislation to require all professional drivers to undergo regular medical check-ups, so as to safeguard road safety and the health of drivers;
- (d) to request the Transport Department to allocate more resources to the relevant activities, including the 'Safe Driving and Health Campaign', 'Health Check Days', etc., so that such activities can cover more professional drivers and the health checks can be conducted in a more comprehensive and thorough manner; and
- (e) to step up the relevant publicity and public education so that more professional drivers will care and know more about their own health conditions."

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

**DEPUTY PRESIDENT** (in Cantonese): Ms LI Fung-ying will move an amendment to this motion. This Council will now proceed to a joint debate on the motion and the amendment.

I now call upon Ms LI Fung-ying to speak and move her amendment to the motion.

**MS LI FUNG-YING** (in Cantonese): Deputy President, the motion proposed by Mr Andrew CHENG today seeks to make it a mandatory requirement for professional drivers to undergo regular medical check-ups, in order to safeguard road safety. Like Mr CHENG, I am also concerned about road safety, but as traffic accidents caused by commercial vehicles happened for different reasons, the problem may not be solved at root by only making it mandatory for professional drivers to undergo regular medical check-ups. Moreover, without comprehensive consideration and the support of adequate matching measures, it would be extremely unfair to professional drivers and not conducive to improving road safety if we lightly impose on professional drivers the mandatory requirement of undergoing regular medical check-ups. This is the major difference in view between Mr CHENG and me.

If we look at the causes of traffic accidents, we can see that they mainly involve the driving attitude of drivers, such as tailgating and careless lane changing. In 2008, 2 214 traffic accidents were caused by tailgating, and the number of such accidents stood at 2 193 in 2007, showing that tailgating is a major cause of a large number of traffic accidents. Careless lane changing caused 1 366 traffic accidents in 2008, compared to 1 492 in 2007, making it another major cause of traffic accidents. In 2008, there were 63 traffic accidents caused by drivers falling asleep and fatigue driving, and 15 accidents caused by sudden illness or mental disorder. If we look at the number of traffic accidents involving professional drivers alone — I have on hand only the figures of 2005 and before — we can see that in 2005, there were 1 179 traffic accidents caused by professional drivers driving too close to the vehicles in front, and 601 accidents caused by professional drivers changing lanes carelessly. Besides, there were 60 cases of fatigue driving (such as drivers falling asleep or feeling drowsy) and sudden illness involving professional drivers in 2005, and such accidents involving private cars was also quite large in number as there were 33 such cases in 2005.

Deputy President, these figures show that in order to safeguard road safety, it is most important to enhance drivers' awareness of safety. There is a myriad

of reasons for drivers to ignore road safety while driving. A subjective reason may be that the drivers are going after the feeling of excitement by, for instance, speeding or driving very close to the vehicles in front, while an objective reason may be that they are in a rush, which often happens to professional drivers. In the former case, it is necessary to step up education, whereas in the latter case, all that can be done is to make improvement in respect of the time factor. As for traffic accidents caused by fatigue, to ensure that drivers have sufficient rest time is more important.

Even though we do not see a large number of traffic accidents caused by professional drivers having to work long hours, such accidents, when happened, would often be extremely serious. In early 2009, a goods van driver who rested for only three odd hours a day was suspected to be dozing off while driving and died tragically in a traffic accident. In the middle of the year there was a case in which a taxi-driver who worked two shifts successively lost his life in a collision with a truck after he, affected by fatigue, took a wrong lane. During the Chinese New Year this year, a crash between two buses suspected to be caused by fatigue of a bus driver had resulted in 25 casualties, and a cross-boundary coach driver who worked 15 hours a day suddenly died on his driving seat. Deputy President, all these are the elegies of professional drivers in Hong Kong and their indictment of life.

In the 2009 Report on Annual Earnings and Hours Survey published by the Census and Statistics Department, we can also find the distribution of the number of work hours per week of employees in various trades and industries. According to the Report, over 65 000 land transport employees work nearly 64 hours per week, which means that if they work seven days a week with no rest day, they have to work over nine hours a day. If they take one day off per week, they have to work over 11 hours a day. Let us do some simple calculations. If we subtract 11 hours of driving work from the 24 hours each day, there will be 13 hours left and if eight hours of sleep is further deducted, only five hours will be left. The commuting time will have to be further deducted from these five hours, and if the commuting time is 1.5 hours, there will only be 3.5 left at the employee's disposal, and the employee will have to use these 3.5 hours for washing and dressing himself, taking meals, getting together with family and friends and also for his entertainment. If a professional driver repeats such a pattern of work and rest every day, his life is deplorable. In order to have more than just 3.5 hours at his disposal, a professional driver can only cut down on his

hours of sleep. When professional drivers sleep less, they do not have enough energy and vigilance to drive and the potential dangers to road safety will naturally increase. This is the simplest question of cause and effect.

These unfortunate incidents were, in fact, avoidable, and the Government must take a share of the blame because under the current guidelines on working hours for bus drivers issued by the Transport Department, it is agreed that the daily working hours of a bus driver can be as long as 14 hours. Even though there is the stipulation of short breaks for drivers, for instance, a 30-minute break for every six hours of work, as traffic congestion is an everyday phenomenon on the roads of Hong Kong, bus drivers often have to give up their rest breaks in order to make up for the time lost in congestion. Since the guidelines issued by the Transport Department on the work of bus drivers do allow bus drivers to work long hours, it is more difficult for the number of work hours to be reduced for other professional drivers.

Deputy President, I understand that some problems would have to be overcome in order to impose regulation on the work hours of professional drivers, and the biggest obstacle is that many professional drivers are self-employed. But it is entirely possible for green minibuses, buses, commercial vehicles of transport companies and also cross-boundary vehicles to be included in the scope of regulation. In the European Union and the United States, there are stringent limits on the work hours of cross-boundary and cross-state commercial vehicle drivers. For example, the European Union has stipulated a daily limit of nine hours of driving for cross-boundary bus drivers, together with a rest time of a minimum of 45 hours or at least 24 hours consecutively per week. The Government of the Hong Kong Special Administrative Region can make reference to all these measures. I call on the Government to review the existing guidelines on work hours for bus drivers and also draw up guidelines on work hours for green minibuses and commercial vehicles of transport companies as well as those crossing the boundary to serve as the criteria for considering the grant of their operating licences.

Deputy President, to allow professional drivers have sufficient rest time is an important factor in ensuring the health of drivers. In fact, I support that professional drivers should pay attention to their own health conditions, but it is another matter to introduce legislation requiring all professional drivers to



undergo regular medical check-ups and requiring drivers to submit medical reports to prove that they are physically fit to drive when applying for or renewing driving licences.

The transport department in the United States also requires professional drivers to undergo physical examination, but even if the professional drivers have such illness as diabetes, high blood pressure and heart diseases typically found in the urban population, as long as they take medicine prescribed by doctors for treating their illness and their medication does not affect their ability of driving, the transport department in the United States still allows these professional drivers to drive. In Hong Kong, I do not consider it desirable to hastily introduce legislation to make medical check-ups mandatory for professional drivers and to require them to submit medical reports when getting their driving licences before there is any marked improvement to the unhealthy situation of long working hours of professional drivers. This involves fairness to the professional drivers and also the more practical questions about their living and the adjustment of vehicle insurance premium. Deputy President, this is why I will propose an amendment later. Thank you.

**DEPUTY PRESIDENT** (in Cantonese): Ms LI Fung-ying, you may now move your amendment.

**MS LI FUNG-YING** (in Cantonese): I will move it later on.

**DEPUTY PRESIDENT** (in Cantonese): No, you will have to move the amendment now.

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

**DEPUTY PRESIDENT** (in Cantonese): Right.

**Ms LI Fung-ying moved the following amendment: (Translation)**

"To add ", as" after "That"; to add "being affected by excessively long working hours" after "the health conditions of professional drivers"; to add "ensure that professional drivers have sufficient rest time and" after "formulate policies to"; to delete "workers' health centre" after "etc., and the" and substitute with "Occupational Safety and Health Centre"; to delete "consider requiring professional drivers to submit medical reports to prove" after "(b) to" and substitute with "urge employers to ensure that professional drivers have sufficient rest time and"; to delete "when applying for or renewing driving licences" after "fit to drive"; and to delete "study the introduction of legislation to require" after "(c) to" and substitute with "encourage"."

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

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): Deputy President, we have all along been concerned about the health of commercial vehicle drivers. There are now 1.7 million driving licence holders in Hong Kong, among them, about 1.22 million are driving licence holders of various types of commercial vehicles including taxis, public light buses, trucks and buses. Over the past few years, while traffic accidents caused by commercial vehicle drivers suspected to have sudden illness in the course of their driving have accounted for only an extremely small share of the total number of traffic accidents, we do notice the concern about this issue in the community, and we also appreciate the importance of the drivers' health to road safety.

We consider that all drivers, whether or not they are drivers of commercial vehicles, have the responsibility to ensure that they will drive only when they are physically fit to do so, and the most effective means to this end is that the drivers themselves can pay attention to their health conditions at all times. If they feel unwell physically or have a problem with their mental status, they must stop driving to protect themselves and also for the sake of other road users and meanwhile, they should consult doctors on their health conditions.

To raise the alertness of commercial vehicle drivers to their health conditions and encourage them to be actively aware of their personal health status, the Transport Department (TD) organized a "Safe Driving and Health Campaign for Professional Drivers" from December 2009 to February 2010. During the Campaign, a total of six "Health Check Days" were organized in different districts of Hong Kong to provide simple health check for about 1 800 commercial vehicle drivers. The TD also arranged dieticians on sites to explain to each participating commercial vehicle driver the findings of the health checks. The main objective of the Campaign is to promote drivers' awareness of their health conditions, which we hope to achieve by putting emphasis on publicity and education. That said, these efforts cannot replace the attention that each driver must pay to their health status and also to such conditions as their fitness for driving.

In fact, the existing Road Traffic (Driving Licences) Regulations (Cap. 374B) has made provisions on the application for a driving licence by and the issue of a driving licence to a person with any disease or physical disability which may cause his driving to be a source of danger to the public. For example, a driver is required to make a declaration as to whether or not he is suffering from any disease or physical disability specified in the Regulations when applying for a driving licence. A driver who finds out that he has a disease or physical disability specified in the Regulations after a driving licence is issued to him shall give notice in writing of such fact to the Commissioner for Transport. Besides, a person aged 70 or above is required to submit to the TD a specified medical report to prove that the applicant is medically fit for driving upon application for or renewal of a driving licence. With this series of measures in place to require drivers to make honest declaration of their health conditions, we hope to strike a balance between protection of road safety and provision of convenient services for the public.

I will give a conclusive response after listening to the views of Members later.

Thank you, Deputy President.

**MR CHAN KIN-POR** (in Cantonese): Deputy President, both the original motion and the amendment are concerned about the health of professional drivers.

Ms LI Fung-ying's amendment particularly mentions that the health conditions of professional drivers are affected by excessively long working hours, and it calls on employers to ensure that professional drivers have sufficient rest time and at the same time urges the Government to expeditiously allocate additional resources to study the provision of regular medical check-up services for professional drivers by public medical institutions. I personally very much support these two proposals.

During the past couple of months, there has been a spate of incidents in Hong Kong involving professional drivers who fell sick while driving. This has aroused public concern about the work pressure and health conditions of professional drivers.

As the economy develops, the working environment in Hong Kong has become more and more stressful. Excessively long working hours and irregular meal-times are problems faced by general wage earners. This not only affects their health, but also their relationship with their parents, children, spouse and even friends. Various family and social problems are hence resulted.

In fact, the problem of excessively long working hours in Hong Kong has not been improved in recent years, worse still, the problem is getting more and more serious. If the Government still fails to proactively take actions and put in place measures to relieve wage earners of their work pressure, the problem would deteriorate to an extent beyond the tolerance of the public. By then, there will be stronger voices in society calling on the Government to address labour issues by way of legislation, and when this happens, the entire society would have to pay a price both socially and politically.

I always think that employers and employees are not absolutely in antagonism. On the contrary, employees are the most valuable assets of employers, and as employers, they should treat their employees well. Enterprises absolutely have the responsibility to give reasonable treatment to employees, and provision of sufficient rest time to employees is the most basic requirement. The Government also has the responsibility to facilitate the development of a harmonious relationship between employers and employees in Hong Kong.

In this connection, I proposed a motion in the Legislative Council some time ago, suggesting that the Government should take the lead in promoting a new occupational culture of work-life balance, subsidizing companies in various industries and trades according to their needs to actively promote more flexible working hours and other measures for work-life balance, and also encouraging enterprises to implement policies to meet the needs of employees regarding work-life balance.

I think the Government should indeed address squarely the problem of excessively long working hours in Hong Kong, rather than just waiting and taking actions only when the problem has worsened to an alarming state.

Ms LI Fung-ying proposes to study the provision of medical check-up services for professional drivers by public medical institutions and encourages all professional drivers to undergo regular medical check-ups, so as to safeguard road safety and the health of drivers. This, I very much support.

At the meeting of the Legislative Council on 11 March 2009, I proposed a motion on promoting medical check-up for the whole community, which was unanimously passed by Members of the Legislative Council. I hope that the Government can expeditiously give effect to this proposal by, for instance, considering to provide, as a first step, annual medical check-up services for citizens aged over 40, so that all members of the public, including professional and non-professional drivers, can be provided with medical consultation and treatment early through this medical check-up scheme. This can reduce the number of traffic accidents and in the long run, substantially alleviate the burden of medical expenditure on the Government, thus resulting in multiple benefits. I, therefore, hope that the Government will expeditiously implement this proposal made by me which has been endorsed by the Legislative Council.

Deputy President, I so submit.

**MR CHEUNG HOK-MING** (in Cantonese): Deputy President, the health problems of drivers is an invisible bomb on roads which is hard to guard against. From July 2009 to April 2010, there had been as many as 10 traffic accidents caused by professional drivers having sudden illness while driving, involving a high casualty toll of over 30.

As a common saying goes, disaster comes like a bolt from the blue. No one would hope to get on a "deadly" minibus, and no one would hope to run into an unmanned, fast-moving vehicle on roads. Therefore, it is just a basic and reasonable requirement for drivers to be in good health and capable of controlling a vehicle for the prevention of accidents. Under the existing legislation in Hong Kong, drivers must make a health declaration, and any person in breach of this provision is liable to an imprisonment of a maximum of six months and a fine of \$5,000.

However, the existing legislation in Hong Kong provides that an "honest" health declaration be made by drivers on their own initiative. The Transport Department (TD) neither conducts investigation nor makes further enquiries. So, only the driver himself knows whether the contents of the declaration are true or not, whether any information is withheld, and whether deception is involved.

Under this mechanism of "honest" declaration, there were only 78 cases in which a health declaration was made to the TD on the applicants' initiative during the past year. This number is indeed pitifully small when compared to over one million driving licence holders now in Hong Kong. This also reflects the existence of some loopholes in the system of voluntary declaration.

But from the drivers' angle, when they declare that they have problems with their health, their driving licences will be immediately revoked by the TD. To the professional drivers, this is like giving themselves the sack and so, who would be willing to smash his own "rice bowl"? This is particularly so because these professional drivers, most of whom belong to the grassroots, live from hand to mouth.

From this we can see that the voluntary health declaration mechanism for drivers and the protection of the safety of the public in the use of roads are contradictory. It is necessary for the Government to expeditiously identify solutions. The Government must not further allow these unmanned, fast-moving vehicles to threaten the safety of passengers and pedestrians.

Deputy President, if all professional drivers are in good health and physically fit, I think none of them would shy away from making a health declaration. But what happens in reality is that professional drivers are trapped in a vehicle for more than 10 hours every day; they drive with the same posture

and they must maintain vigilance all the time. Coupled with irregular meal-times, health problems will only develop in one way or another.

Therefore, in order to ensure that professional drivers are healthy and that passengers are safe travelling on their vehicles, it is extremely important for professional drivers to have sufficient rest time, and regular medical check-ups can help identify health problems at an initial stage for early treatment. This can certainly improve the health conditions of professional drivers tremendously and hence enhance the safety of driving on roads.

Deputy President, the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) all along considers that regular medical check-ups are of great importance. Currently, two franchised bus companies in Hong Kong have already required their bus drivers aged over 50 to undergo medical check-ups arranged for them by the company on a yearly basis, while bus drivers aged over 60 also have to take an electrocardiogram examination. The provision of regular medical check-ups for older bus drivers by public transport operators is worthy of support and encouragement. In this connection, the SAR Government should make an effort to encourage operators of various transport services and logistics and transportation services to attach importance to the health of employees and provide regular medical check-up services for them to protect road safety and drivers' health.

Moreover, given that local professional drivers are ageing and prone to health problems, hence posing threats to road safety, the authorities can consider lowering the age of drivers who are mandatorily required to make a health declaration to the TD every one to three years before their licences can be renewed from 70 to 60. This, I believe, can further enhance road safety.

Lastly, Deputy President, concerning the position of the motion, we consider that the objective of the original motion is to safeguard the health of professional drivers, thereby protecting the safety of passengers and road users, and this is worthy of support. However, we are worried that if the submission of a medical report is made a mandatory requirement for professional drivers upon every renewal of their driving licence, professional drivers will have misgivings about this, and this may directly affect the living of hundreds of thousands of professional drivers. We consider it necessary to hold detailed discussions in

society. Therefore, the DAB will abstain in the vote on the original motion. As for Ms LI Fung-ying's amendment which proposes to ensure that professional drivers are given sufficient rest time, we believe this will be conducive to improving drivers' health, which will in turn protect road safety and public safety. Therefore, the DAB supports the amendment.

Thank you, Deputy President.

**MR WONG KWOK-HING** (in Cantonese): Deputy President, on 20 April, a cross-boundary bus was unmanned while running on a highway when its driver suddenly became unconscious. Although the incident was scary, no accident occurred. However, we can still imagine the gravity of the accident should it occur. Therefore, I think the motion moved by Mr Andrew CHENG today to arouse our concern about the health of professional drivers is heading the right direction, it can make the Government and the public aware of the health problems of professional drivers, their long working hours and adverse working environment.

Deputy President, according to some reports, there is an average of nine traffic accidents associated with drivers suddenly falling sick in each of the past five years. However, six similar accidents have occurred this year, though only four months have lapsed. The situation has obviously become increasingly serious. Hence, there is ground for encouraging drivers to undergo medical check-ups, so that they will be aware of their own health conditions.

However, Mr Andrew CHENG proposes in the original motion that legislation be introduced to require professional drivers to undergo medical check-ups and submit medical reports when applying for or renewing driving licences. I think the motion has mistakenly pinpointed professional drivers. Every one of us treasures our lives and health because they are invaluable. Professional drivers are no exception. For the sake of eking out a living, they can only put up with some unhealthy working patterns, which have caused their health to deteriorate and, eventually, led to various illnesses, such as strokes, acute heart diseases, and so on. Their bodies are hidden with all these problems. Hence, professional drivers are actually the victims. Should legislation be introduced, I will request that employers of drivers, rather than drivers, be



regulated. At least, the employers should be required to provide drivers with adequate rest time and mealtime, as well as better working arrangements, so that professional drivers can have a more normal life and better working environment.

Deputy President, I would like to cite Members a prominent example. In July last year, a serious traffic accident involving a green minibus, no 44, running between Tuen Mun and Sheung Shui occurred, resulting in serious casualties, including the death of the driver. Subsequent to my negotiation with various parties after this accident, the employer and the management of the minibus finally accepted my proposal to change the remuneration system of more pay for more work, and improve the drivers' work schedule. Since then, their professional minibus drivers no longer need to "risk their lives" for more trips, and can have more rest time when their minibus arrive at the terminal. Consequently, the safety of the green minibuses operated by this company has improved. This is a real example.

Deputy President, all professional drivers, be they drivers of taxis, minibuses, buses, lorries or tractors, are faced with a very harsh working environment and working pattern. For instance, they work more than 10 hours a day and after work, they have to seize every opportunity to rest and spend time with their family members. Hence, they simply do not have any time to do exercise. Some drivers even say that they may not have time to see a doctor even if they fall ill, because time means money. They will earn less if they make one trip less or work less hours. In addition to extremely long working hours, the lack of regular time and places for meals has also done great harm to the health of professional drivers, because very often, they can only have their meals wherever their vehicles take them. Moreover, they just have scores of minutes to take their meals, and they have to wolf the food down, that's what they say.

I was recently told by some lorry drivers that they have to wait for goods loaded and unloaded at piers during their mealtimes. Can they leave their lorry and go elsewhere for meals? Naturally, they can only buy a lunch box and have their meals inside the lorry. Actually, not only container drivers, many other professional drivers also eat that way. It just takes them a few minutes to gulp

down the food and then continue driving. It is very difficult to stay healthy in this way.

The resting time and working hours for professional drivers are very fluctuating. Very often, they have to take meals outside, and after they finish the meals, they remained seated in their cars and keep their bodies in a bent position. Deputy President, you would probably understand that over time, they will feel discomfort here and there. They have problems not only with their "input", but "output" as well. Am I right? Members should understand what I mean. However, professional drivers simply have no choice. Unless the Government requires employers and the trade to change the working pattern of drivers, otherwise asking professional drivers to undergo medical check-ups, as proposed in the original motion, is unfair to them. I agree to Ms LI Fung-ying's amendment to require employers to provide drivers with sufficient rest time and encourage drivers to undergo medical check-ups. These amendments focus on the prevalent problems in the trade. It is also a good measure to encourage professional drivers to undergo medical check-ups. Therefore, the Government should consider providing more resource to help professional drivers stay healthy.

Of course, I also support the motion's call on the Government to provide more health checks and step up relevant public education. I also hope the Government can do more and better. The "Health Check Days" launched by the Government last year is a case in point. However, the event merely offered 2 500 places, which was negligible compared with more than 100 000 professional drivers. For instance, the association formed by taxi drivers under the Motor Transport Workers General Union, which had an 8 000 membership, was only offered 50 places. How can the drivers be motivated? Hence, I hope the Government can really do more and better.

Deputy President, on behalf of the Hong Kong Federation of Trade Unions, I speak today to express support for Ms LI Fung-ying's amendment, though we cannot support Mr Andrew CHENG's motion. We hope the Government can pay serious attention to the health problems of professional drivers.

**DEPUTY PRESIDENT** (in Cantonese): Speaking time is up.

**MR LEE CHEUK-YAN** (in Cantonese): Deputy President, the original motion proposed by Mr Andrew CHENG today calls on professional drivers to undergo medical check-ups, while the major concern of Ms LI Fung-ying's amendment is to ensure that professional drivers have sufficient rest time. I think the focus of this debate is which is more important, rest time or medical check-up?

Our stance is very clear. If the significance of these two factors is to be assessed, I consider them equally important. However, rest time is, after all, more fundamental. As Members are aware, even if drivers are required to undergo regular medical check-ups and receive medical check-ups when they apply for driving licences, can their health conditions be adequately reflected at the moment they undergo medical check-ups? If, later on they still get tired because of insufficient rest time, should they continue to drive? Actually, dozing does not imply poor health, such reaction is pretty normal. Even a normal person will doze off if he drives more than 10 hours a day. Even though one is not suffering from diabetes, heart disease or other diseases, he still cannot drive more than 10 hours a day. Under such circumstances, we should discuss which issue should be handled first at this stage. The stance of the Hong Kong Confederation of Trade Unions is very clear — in order to address the problem at root, the issue of rest time must be handled first.

Imagine, for professional drivers, particularly professional drivers of cross-boundary vehicles, who drive up to 16 hours a day, how exhausted they are when the day is done. If we do not adopt the practice of the European Union to restrict the working hours of drivers to nine hours at most a day and then take rest, and let drivers keep on driving 12 or even 14 hours a day, they will be totally exhausted no matter how healthy they are. Accidents can happen very easily. We really do not want to see this happen. Members should ask yourself honestly if you ever have the experience of dozing off while driving. You should be aware of the danger. Frankly speaking, I will sometimes doze off while driving, and I have to slap my face to keep me awake. Naturally, professional drivers will doze off easily if they drive for such long hours every day without having sufficient rest time. This will put them under tremendous pressure. We really do not want to see this happen. I remember a traffic

accident that occurred a couple of years ago, the driver, after driving for more than 20 years, lost control of the vehicle. The vehicle fell down a cliff and nearly hit a house. Fortunately, the vehicle did not hit the house, or else other people would be affected and the consequences would be grave. As we can see, an accident may cause injuries and deaths, the consequences can be extremely terrible.

What is the problem with Hong Kong? The problem is, whenever we want to adopt a good measure, for example, we think that professional drivers should have sufficient rest time and regulation should be imposed, once cost is incurred and will affect economic development and the business sector, people will back off and refuse to take actions. I believe the Secretary will also say in her response later that the Government will encourage employers to give rest time to drivers. However, encouragement simply does not work. If legislation is not enacted, eventually no rest time will be provided. In Hong Kong, sometimes it is very ridiculous that up till now, there is no legislation prescribing mealtime and rest time. I remember at one time, the Labour Department would almost legislate on providing a 30-minute break after working five hours. However, at the final stage, when legislation on rest time was about to be enacted, the Labour Advisory Board suddenly raised objection and, finally, no provisions were made. We fail to enact legislation on basic requirements, such as rest time.

For professional drivers, they not only have no time for rest while at work, they also have no time for rest during the 24-hour a day. Throughout the 24 hours, they may need to work 12 to 13 hours, and coupled with the time spent on commuting back home, they may have only four to five hours to take rest. Are they made of steel? What is more, professional drivers do not have rest days. They may not have rest days and may have to work continuously for a week. Such an imbalanced life will definitely lead to fatigue driving in the end, and drivers can easily die of excessive fatigue.

I think it is necessary to address the problem raised by Mr Andrew CHENG concerning "some incidents even resulting in traffic accidents and causing death and injury to drivers, passengers and passers-by, and this causes public concern and worry about the health conditions of professional drivers" (the

concern about the health conditions of drivers is inevitable, as they do not have sufficient rest time). Therefore, in order to address the health problems of professional drivers, the first thing to do is to deal with the issue of rest time, not medical check-ups. Basically, I believe accidents can be avoided when drivers have sufficient rest. As regards how medical check-ups can be properly carried out, I think there is absolutely no problem for this issue to be examined afterwards. However, if medical check-ups are launched at this stage when the issue of rest time remains unresolved, I think we are putting the cart before the horse and disrupting the priority. We very much hope that when Andrew CHENG speaks later, he will focus on Ms LI Fung-ying's amendment and indicate whether he supports the proposal on rest time. Although Ms LI proposes to delete some parts of the original motion, rest time is, after all, more important. After the issue of rest time is successfully resolved, Members will support Mr CHENG's proposal of conducting medical check-ups for professional drivers and will make joint efforts to fight for more medical check-ups for the drivers in the future.

Deputy President, the last point I have to raise relates to the problems with bus drivers. We are greatly concerned about a traffic accident that occurred in the Lunar New Year, which was also attributed to the fact that the bus driver did not have sufficient rest time. Originally, the bus driver worked two shifts, one in the morning and the other in the evening, for eight to nine hours a day. However, since he was deployed to be on duty during holidays, he had to drive 11 hours a day, and the accident occurred on the fifth day. This proved that the accident was attributed to excessive fatigue. Therefore, I hope the Bureau can pay attention to the rest time of bus drivers and provide them with more appropriate guidelines, so that they can have sufficient rest time.

Thank you, Deputy President.

**DR LEUNG KA-LAU** (in Cantonese): The motion moved by Mr Andrew CHENG is indeed well-intentioned, but it is just a trick. Therefore, I must say a few words on behalf of the health care sector. As Secretary Eva CHENG is the only government official present and Secretary for Food and Health is absent, no authoritative expert advice can be given at the moment. Occasionally, traffic accidents occurred because professional drivers suddenly fainted. We do not

want to see this happen. Therefore, Mr Andrew CHENG proposes this motion out of good will to give Members an opportunity to think about the issue.

Being a doctor, I certainly agree to any proposals advising people to undergo regular medical check-ups. However, different people have medical check-ups for different purposes or on specific items. We can hardly perform medical check-ups for individuals without a specific purpose. What should be examined? What is the concern of the persons receiving medical check-ups? If a woman comes for a medical check-up, her concern must be gynaecological diseases, breast diseases, and so on. A person with blurred vision will examine whether he is suffering from glaucoma, cataract, and so on. But what should be examined for concerns that professional drivers will suddenly lose consciousness and thus cause traffic accidents? If I can perform an examination which can guarantee that no such things will happen within a year after the examination, I believe not only professional drivers, Members who are present in this Chamber as well will immediately approach me for the examination. This is because there is a guarantee that you will not collapse suddenly in the coming year after the examination. I believe many people will be willing to receive such an examination. But the reality is: you ask me to get you the moon from the water, how can I get it? I simply cannot make it.

I have consulted many friends and their advice is that, for the time being, it is not possible to tailor a reliable medical check-up for this purpose. At present, if a person suddenly faints away, we will most likely check if he is suffering from any heart or brain diseases. However, even if I find him suffering from heart disease, should I disallow him to drive because of that? I can only give him treatment and advise him to continue to take medicine after the treatment. However, this does not mean he will be free from any strokes in the coming year. He may still get sick. Given that only several such cases occur each year, the chance of improving this situation by requiring tens of thousands of professional drivers to undergo medical check-ups is actually very slim.

Furthermore, I would like to highlight certain points in response to the various proposals put forth by Mr CHENG. He proposes that these check-up be provided by public institutions, namely the Department of Health, the Hospital Authority (HA), and so on. I guess his wishful thinking is that the check-ups

will be free or the expenses will be borne by the Government. Let me give Mr CHENG some information. If public institutions are to provide medical check-ups, there is unreasonable to ask the existing staff to undertake the extra work. So, additional resources must be allocated. If the HA is required to undertake such work, the additional resources needed will be great as it cost more for the HA than private medical practitioners to carry out the work. Let me cite an example. At present, the average cost for the specialist out-patient service provided by the HA is \$840 per attendance. This is why the HA is now considering to outsource such service to private medical practitioners at a lower cost. Somehow, for reasons unknown, private medical practitioners can always provide the same service at a more cost-effective and less expensive cost. Therefore, even if there are any extra works, they do not necessarily have to be undertaken by the HA.

Secondly, as pointed out by some colleagues earlier, there are actually many reasons for drivers having accidents. Suffering from heart attacks or other illness is just one of the causes. Some drivers become stupid and dumb after taking ketamine, as reported by the press; some drivers have worked for excessively long hours or are sleepy; and some drivers may probably lose attention when they talk to someone sitting next to them. Therefore, there are in fact many reasons.

Are there any other better solutions apart from medical check-ups? Some high-tech devices are being tested on vehicles in some overseas places to detect the attention of drivers, for instance to which direction he is looking. A warning may be issued if the driver is detected not looking at the road ahead, and if the driver still fails to focus his vision back on the road ahead after the warning, the vehicle will probably slow down automatically and be brought to a halt by some other devices. We can actually study the application of these high-tech devices. I was told that overseas countries might not install these devices, so can Hong Kong install such devices? We often feel that Hong Kong lags behind other places in terms of technology, and we may not be able to develop new technology. However, this is not necessarily the case. If we all have this idea, we can approach Samson, that is, Dr Samson TAM, to examine if such devices are available. This approach is even more practical than requiring tens of thousands of drivers to receive medical check-ups. Furthermore, even if drivers

have received medical check-ups, that does not necessarily mean that the occurrence of accidents can be reduced.

Deputy President, I so submit.

**MR LEE WING-TAT** (in Cantonese): Deputy President, regarding the stance of the Democratic Party on this issue, Mr Andrew CHENG will make a conclusion. However, I would like to raise several points for discussion.

After listening to the speeches delivered by a few Members, I find that some points of view are worthy of discussion. Just now, I heard Dr LEUNG Ka-lau ask whether all medical check-ups should be undertaken by the HA. I think this issue can be open for discussion. However, I think Dr LEUNG should ask the HA why its charge is so high. He should have asked the HA rather than us. As a doctor, he should ask: "Sir, why does the HA charge a higher fee than those charged by the private market?"

Certainly, the Democratic Party has no established views on where the medical check-ups should be carried out. On the contrary, I think that doctors in general should agree with us that hospital services are extremely costly in our health care system. In other words, if primary health care and prevention work is good, we do not need hospital beds. The cost per each hospital bed is somewhere between \$2,000 and \$4,000 ..... though some people say it is as high as more than \$5,000. I think it should be \$3,000 or so. From whatever angle, I think society should devote more resources to primary health care than hospital services. The Democratic Party considers that the Government is heading a good direction in spending more money for people in various sectors, including professional drivers, to undergo medical check-ups.

Second, both Ms LI Fung-ying and Mr LEE Cheuk-yan asked earlier whether this proposal sought to shift the responsibility to workers. Actually, this is not what we think. Basically, we have no objection to the views put forth by the representatives of two trade unions, that the exceedingly long working hours



of workers in Hong Kong should be regulated. I remember Mr Andrew CHENG has once raised numerous proposals on maximum working hours. Given that this point has been debated by the Democratic Party, I do not think you have to query our fundamental stance. Our position is that a limit should be imposed on the working hours of all workers. They should not be required to work long hours as that will not only affect their health, but their work performance as well. For drivers who work long hours, the safety of others will be affected too.

Third, will this proposal put the burden or responsibility on workers? Actually, we think that drivers should know about their own health conditions. But what should be done after they have learnt about their health conditions? As pointed out earlier by Ms LI Fung-ying, in the United States, workers suffering from heart disease or diabetes are not prohibited from driving. They are allowed to drive. What worries us most is that in Hong Kong ..... actually, I am not only talking about drivers. It is most worrying that members of the public are even unaware of their own health conditions. I always make fun of Albert HO, who is now sitting besides me. Among all the members of the Democratic Party, he has the highest risk. At 5' 2", he is as tall as I am. However, he is 20 lbs heavier than I am, and his waistline is 10 inches wider than mine. Although this is confidential, I cannot keep it secret. Buddy, how can you weigh 20 lbs heavier than me and have a waistline 10 inches wider than mine, when you are just as tall as I am? What is more, you even feel that you are very healthy and say that you are not suffering from any diseases? I must point out that it is these self-proclaimed healthy people who carry the highest risk. Even though I do not consider myself healthy, I will still jog two to three times a week and eat vegetable only for lunch. However, he often eats rice with pork chop. So, how can he describe himself as healthy?

I very much sympathize with the conditions of professional drivers. I have some friends who are professional drivers. They often have to finish a lunch box within five to 10 minutes. In particular, being a Legislative Council Member representing the Kwai Tsing District, I am told by many container truck drivers that they keep a big bucket in their truck for urination. Deputy President, you should have received such complaints in the Kwai Tsing District a decade ago. Male drivers actually keep a big bucket in their vehicle. When they get stuck in a traffic jam and cannot bear any longer, they will urinate inside their vehicles under some sort of cover. This is terrible. Owing to long hours of

driving, lack of exercise and unhealthy lunch boxes, drivers have problems with their kidney functions, cardiopulmonary functions, and so on. Hence, I very much hope that colleagues will understand the position of the Democratic Party. Drivers must know about their own health conditions. If they do not even have an idea about their basic health conditions, they will not know what follow-up health care actions should be taken. Our position is that they must know about their health conditions, but the point is: Where will the money come from? We hope that the Government can bear most of the expenses so as to avoid adding burdens to professional drivers.

Certainly, some people will ask why should we only help professional drivers, among all other people in society. Although Andrew CHENG is the spokesman for the Democratic Party in the area of health care area, I would like to say one more time on his behalf. We support putting more resources into primary care. I do not understand why Hong Kong is being monopolized by doctors — Dr LEUNG Ka-lau is not present at the moment — and hospitals have spent far too much money. I have talked about this issue for years. The distribution of health care expenses in Hong Kong is very imbalanced, with too little resources being put in primary health care. Should we be able to achieve a breakthrough and offer assistance to professional drivers for social reasons — because they will also pose danger to public safety, for instance, drivers of public light buses, taxis or coaches are all liable to the public as well as other road users or pedestrians — the Government should examine if it should bear the expenses in this regard. Unfortunately, the Policy Secretary responsible for health care policies is not present at the moment. We will still render our support should the Government decide in future not only to bear the expenses in this regard, but also allocate resources to be used for other general check-ups. We have all along supported the work carried out by women's health centres, because we believe more should be done. We will even support allocating more resources for the purpose of carrying out medical check-ups for the general public. Hence, we hope people in the labour sector understand that we are not trying to make things difficult for workers, give them pressure, or strip them of their jobs or stop them from continuing to work as drivers after undergoing medical check-ups. This is not what we think. We hope that the Government will assume this enormous responsibility after this step is taken.

Thank you, Deputy President.

**DR JOSEPH LEE** (in Cantonese): Deputy President, the health of professional drivers and its possible impact on the safety of passengers and road users have become an issue of public concern due to the occurrence of a number of unfortunate incidents involving traffic accidents caused by professional drivers becoming unconsciousness while driving.

The health of professional drivers is closely associated with the safety of passengers and road users. At present, professional drivers are not required by legislation to pass medical check-ups before they can obtain driving licences. Only motorists aged above 70 are required to produce, on the renewal of their licences, certificates or medical reports issued by registered medical practitioners to prove that they are suitable for driving and controlling the types of vehicles specified in the licences applied for. The relevant requirements merely rely on the voluntary action taken by drivers. We cannot effectively monitor whether or not the health conditions of professional drivers are fit for long hours of driving.

Members should understand very well that professional drivers actually need to be highly concentrated for an extended period of time to cope with the road traffic condition, as a sudden slip will result in traffic accidents. This is indeed a significant risk factor. However, most professional drivers in Hong Kong have to work more than 10 hours a day to make a living — as pointed out by Mr LEE Cheuk-yan just now, there are "special shifts", "first shifts", "last shifts", and so on — such long working hours can really make drivers physically and mentally exhausted. Drivers having to drive when their mental and physical conditions are unfit for driving due to a prolonged lack of rest will actually increase the risk posed to themselves as well as to passengers.

(THE PRESIDENT resumed the Chair)

Apart from these, as Members should also be aware, professional drivers do not have regular mealtimes. As pointed out by Mr LEE Wing-tat just now, they even have to go to toilet inside their vehicles, or they simply have no opportunity to go to toilet. As a result, they will suffer from various kinds of occupational diseases. For instance, in order to avoid going to toilet as it is inconvenient to do so, they will not drink water, and they often do not have the

chance to urinate due to traffic congestion and failure to find a toilet. If this condition lasts for a long time, they will suffer from urinary system diseases. Furthermore, back and loin aches, peptic ulcer and respiratory diseases are common illnesses suffered by professional drivers, which may indirectly affect driving safety.

Furthermore, it has been pointed out by a number of surveys that many professional drivers are suffering from minor illnesses, such as constipation, bone pains, poor eyesight, stomach-ache, obesity, and so on. Some professional drivers are even suffering from hidden diseases. As pointed out by Dr LEUNG Ka-lau earlier, some drivers may not even know that they suffer from hypertension, diabetes, heart disease, and so on.

Actually, according to information, there are at least 10 traffic accidents over the past year caused by professional drivers fainted away while driving. Exceedingly long working hours, lack of rest, enormous work pressure and lack of exercise account for the drivers' sudden sickness or even unconsciousness when driving.

In order to improve the health of professional drivers, regular medical check-ups are extremely important. Having medical check-ups can help evaluate whether the professional drivers are physically fit for driving, and at the same time, enable drivers to find out at an early stage their illnesses, raise their alertness, seek early treatment or prevention, make adjustments in their daily lives, so as to reduce their risk of contracting other diseases.

As professional drivers are currently not required by law to pass medical check-ups before they can obtain a driving licence, I believe it is very difficult to ask them undergo medical check-ups voluntarily when they are working long hours without sufficient rest. Furthermore, the costs of medical check-ups can be a burden to them. Hence, I believe it might be more economical, reasonable and safe for the public sector or the HA to provide medical check-up services for professional drivers and people in need under the existing public-private partnership. In this way, we can encourage professional drivers to receive regular medical check-ups and enhance their health awareness.

Furthermore, we think that the authorities should also examine such proposals as requiring professional drivers to produce medical reports, amending

the existing 10-year licensing period, enacting legislation to require professional drivers to undergo regular medical check-ups, and so on. Although some professional drivers may worry that the medical reports might affect their livelihood or they cannot get a licence, in the long run, we think that the earlier medical check-ups are conducted, the higher the chance that drivers can avoid getting serious diseases. As the saying goes, problems should be nipped in the bud. The relevant programme can also be implemented by way of encouragement rather than across-the-board approach. The Government and the public sector can even take the lead in according priority to employing drivers with medical reports, so as to encourage more professional drivers to receive regular medical check-ups.

In the area of publicity and education, we think that the authorities concerned should step up publicity on occupational safety and, focusing on the characteristics of professional drivers, teach them how to maintain a healthy living and good dietary habits, encourage them to do exercise, as well as publicize the effect of various kinds of occupational diseases and their preventive methods. More important still is to remind professional drivers the importance of a healthy body to driving. I greatly support the activities organized by the Transport Department last year, namely the "Health Check Days", the "Safe Driving and Health Campaign", and so on. Through these activities, the authorities concerned can provide free medical check-ups for professional drivers and publicize the message of safe and healthy driving. In our opinion, the relevant authorities can continue widening the scope of such activities to benefit more professional drivers. Moreover, in addition to medical check-ups, follow-up and health maintenance methods can also be provided.

Through a multi-pronged method, I hope we can help more professional drivers maintain a healthy body and enhance their awareness of safe driving at all times, so as to avoid traffic accidents and safeguard their own safety as well as those of the general public.

President, the last point I actually wish to raise is: according to this motion today, should drivers be held responsible for safeguarding their own health or should employers be held accountable? Which one has more rest time? Should public money be used to subsidize professional drivers? I think we all agree that if professional drivers can get the support of employers in the provision

of regular rest time and better working hours, without having to "catch up with the previous shift", as what they are currently required to do, they can maintain a balanced and healthy life. It is important for the two parties to complement each other. Of course, the Government must give prudent consideration in using public funds. Why is subsidy given to this category of people but not the others? Hence, the current public-private subsidy programme can be a key consideration. It is my hope that, after a balance is struck by various sides, professional drivers in Hong Kong can become healthier, thereby benefiting passengers as well.

Thank you, President.

**MR IP WAI-MING** (in Cantonese): President, the topic under discussion today is very complicated. Only Secretary Miss Eva CHENG is now present in this Chamber, I think this issue also involves Secretary Mr Matthew CHEUNG and Secretary Dr York CHOW as well.

Honestly, in discussing the motion proposed by Mr Andrew CHENG, I think a dilemma would arise. We are concerned about public safety, but for the trade unions, they concerned about professional drivers. We hope Mr Andrew CHENG and other Honourable colleagues would understand this.

President, with respect to this topic, some people would think that this is a chicken and egg question. Instead of asking professional drivers to undergo mandatory medical check-ups, which is a stopgap measure, I think a fundamental solution should be adopted, that is how to help our professional drivers lead a healthier working life. The problems faced by professional drivers are similar to those faced by other wage earners in Hong Kong. These are problems caused by excessively long working hours. For many wage earners, their working hours are very long. We know some people have to work as long as 12 or 13 hours a day and there are some professional drivers who have to work 14 to 15 hours a day. As they have to work for such long hours, as Mr WONG Kwok-hing has pointed out earlier, how can we ask them to do more exercise to stay healthy?

Coping with the pressure at work and the financial burden has already torn them out, physically and mentally.

In addition, Mr Andrew CHENG suggests requiring all professional drivers to undergo regular medical check-ups, but what items should be included in these medical check-ups? We would like to know what items should be examined. If the aim of such medical check-ups is to find out whether the driver has got any medical problems that make him unfit for driving, there are actually many diseases that not just professional drivers are affected, those who engage in other kinds of work are affected as well. So just how many items should be included in these medical check-ups and how detailed should these medical check-ups be? Many professional drivers think that no baseline is set and that makes them worry.

Another problem is that why do professional drivers have to work as long as 13 to 14 hours a day? The reason is that the income they make is not enough to make ends meet. Their salary is low and they must work overtime to earn more money. In the case of self-employed persons like taxi drivers and minibus drivers, taxi rental is about \$350 for every shift and the rental for red minibuses is about \$1,100 a day. After paying various expenses like fuel, repair and maintenance fee, a taxi driver may only earn \$300 to \$400 a day. This gives tremendous pressure on them and so many drivers have to work very long hours every day.

Now the motion requires them to undergo medical check-ups. As I have just asked, what items should be included in the check-ups and how far should the medical check-ups go? The most important thing is, where should these drivers go for a medical check-up and who should pay the fees? Although it is said that drivers can have their medical check-ups at the hospitals run by the Hospital Authority, how long will they have to wait for their turn? If they go to a private clinic, can the professional drivers afford the fees? The most important thing is, the Democratic Party says that the purpose behind this idea is to make drivers know about their state of health, I think if Members are required to undergo medical check-ups, many Honourable colleagues sitting here may find that they are not physically fit, what should professional drivers do after knowing their state of health? If they report their health condition, will they be rejected for a licence? If they cannot get a driving licence, what will they do for a living?

Our social security payment is very little and do we want our professional drivers apply for CSSA? Furthermore, if they report their health condition, the insurance companies may increase their premium on the ground that they have many medical problems. So it is the professional drivers who will be affected in the end.

As seen from the above, we think this proposal creates a dilemma. Not that we do not care about public safety, but to be realistic, presently professional drivers are not given any protection. This includes working hours, safety at work and so on. So when incidents happen, will these professional drivers get any assistance from the social security system? When all these problems are not solved, should we say lightly that professional drivers should be required to undergo medical check-ups? When it is not clear what actions will be taken after medical check-ups are conducted, it would be difficult to implement this proposal.

We hope that the Transport Department can discuss with the Labour and Welfare Bureau to see what can be done to ensure that professional drivers have a reasonable income and at the same time, a safe and proper working environment so that they can achieve a balance in physical and mental health. It is only when these basic conditions are met that we should consider other solutions to the problem. This is also the proper approach we should take.

President, I so submit.

**MS MIRIAM LAU** (in Cantonese): President, the pressure of life and changes in dietary habits have accounted for an increasing number of people suffering from urban diseases. There is also a trend that people suffering from chronic diseases like heart problems are getting younger. For professional drivers, factors such as confining in the driving cabin for long hours, lacking in physical exercise, eating at regular hours, unbalanced diet and inconveniences in relieving themselves, subject them to high risk of suffering from urban diseases. Recently, there was a spate of traffic accidents caused by professional drivers suddenly falling sick while driving. The age of the drivers concerned ranges



from 21 to 72 and this reminds us that we should pay attention to the health of professional drivers.

At present, the law requires drivers to report when they apply for a driving licence whether they suffer from diseases that may cause onset of coma. Of the 440 000 applications received last year, only 78 people took the initiative to report such information to the Transport Department. The reasons for such a low rate may be due to the fact that applicants consider themselves healthy, or they might not have the time for a medical check-up, but some applicants may chose not to report because they are afraid that they cannot get a driving licence and this would affect their job.

The original motion suggests the authorities to consider requiring professional drivers to submit medical reports to prove that they are physically fit to drive when applying for or renewing driving licences; and study the introduction of legislation to require all professional drivers to undergo regular medical check-ups. The Liberal Party agrees that the proposal for medical check-ups is well-intentioned, but in the absence of adequate complementary facilities and detailed consideration, we have reservation to mandatorily implement this proposal and link up medical check-up with licence renewal. This is because a number of problems are involved.

Let us first consider the effectiveness of the proposal. Presently, the law requires drivers aged 70 or above to provide medical proof when applying for licence renewal. In early April this year, a 72-year-old minibus driver who might have undergone a medical check-up and got a medical report, felt dizzy while driving and a traffic accident almost occurred. Another incident also occurred last month. A cross-boundary bus driver fainted while driving, less than six months after he passed a detailed medical check-up in the Mainland in November last year. The check-up include electrocardiogram and ultrasonic inspection. This proves that mandatory medical check-ups is not a panacea for all the problems. This is the reality.

The second problem is the cost of medical check-ups. Who should pay for the check-up is the prime concern for professional drivers. A common check-up package would cost a few thousand dollars. The costs for checking symptoms of epilepsy and scanning the brain are considerable. As the income

of professional drivers has greatly reduced owing to the recent economic downturn, the examination fee is a burden to them. Of course, if the Government can follow the practice of Taiwan and offer complete medical check-ups for professional drivers in public hospitals or other designated hospitals at a low cost of just NT\$100, that is, HK\$25, then the fees should not be a great problem.

The third problem is why should professional drivers be singled out? Traffic accident caused by driver suddenly falling sick is definitely not limited to professional drivers alone. In February 2010, a woman driver suffering from anaemia felt dizzy while driving and crashed her car. So irrespective of professional drivers or ordinary drivers, a sudden attack of a disease can cause a traffic accident and lead to serious consequences. It is therefore unfair to single out professional drivers.

Having said so, the Liberal Party supports the idea that professional drivers should undergo regular medical check-ups, as this can make drivers aware of their health condition and prevention is better than cure. In early March, the Liberal Party interviewed 200 professional drivers aged 35 or above. It was found that as many as 76% of the drivers interviewed said that they had minor problems such as bone pains, slightly overweight, constipation, poor eyesight and so on. But only 21% had regular medical check-ups. Therefore, the Liberal Party thinks that the Government should put in more resources and take the lead to organize activities to remind professional drivers to care about their health. It should also step up efforts in publicity and public education on the health of professional drivers, and encourage them to pay attention to their health. Apart from taking regular medical check-ups, they should also be careful about their diet and do more exercise. It is only when drivers can take the initiative to pay attention to their health and realize the importance of the physical well-being of drivers to road safety that unnecessary traffic accidents can be reduced, and that the safety of passengers and other road-users can be protected.

The activity of "Health Check Days" has stopped for two years. At the end of last year, the Transport Department held a similar activity called the Safe Driving and Health Campaign. The Campaign lasted for two months and Health Check Days were held for six days during the period. Drivers of commercial vehicles could go to designated places at specific times for health checks.

Owing to the limited quota, only 2 500 professional drivers could benefit. The transport sector considered that the measure to provide health checks for drivers was good but the period was too short. Moreover, the timing of the activity did not match with the working schedule of professional drivers, and many drivers who would like to participate could not do so because they had to work. The resources put in by the authorities are limited and could not meet the needs of more than one million holders of driving licences for taxis, minibuses and goods vehicles in Hong Kong.

In order to enhance the awareness of personal health among professional drivers, the transport sector hopes that the health check programme can be made regular and with flexibility. If drivers can undergo medical check-ups once or twice every year for free or at a fee of \$25 as I have said from public hospitals or health centres, and at flexible time, I am sure all professional drivers would be glad to accept the arrangement. As long as drivers are not required to undergo check-up on specific date and time, and can make arrangement on their own, they would very happy to take such medical check-ups.

Since there are various business associations and drivers' associations in the transport sector, the Government may cooperate with these organizations and spread its message among drivers. Over time, drivers will be more aware of road safety and accidents can be prevented.

The amendment urges employers to ensure that professional drivers have sufficient rest time. In fact, the Transport Department has issued related guidelines concerning franchised buses. As for other kinds of commercial vehicles, the Liberal Party thinks that the Government should make more publicity efforts among employers so that they can realize the importance of sufficient rest time for safe driving. Actually, all employers will not want to see their drivers involved in any accident. As for the employees, they also have the responsibility to ensure that they are mentally fit to carry out driving duties.

President, I so submit.

**DR PAN PEY-CHYOU** (in Cantonese): President, a number of incidents of professional drivers suddenly feeling unwell while driving occurred in recent years, resulting in traffic accidents. These incidents, though seldom occur, have aroused public concern about the health conditions of professional drivers.

According to the figures provided by the Government, there is an average of about nine traffic accidents caused by drivers' sudden illnesses every year. This is indeed a small figure as compared to tens of thousands of traffic accidents occurred in Hong Kong every year. In my opinion, we should be more concerned about the relationship between the health conditions of drivers and road safety, in which many unpredictable factors are involved. When a person is driving a vehicle at a high speed, he should be highly concentrated. No matter he is a professional driver or not, he should ensure that he is driving under good physical and mental conditions. Apart being physically fit, the driver should also ensure that he has adequate rest and sleep. Moreover, he should be in a relatively stable mood, free from any strong emotional distress, as well as not being under the influence of alcohol and drugs. As such, road safety can be safeguarded.

Talking about physical illnesses, drivers' performance will in fact be affected by various kinds of illnesses, covering every system of our body. Let me cite some common examples. Circulatory diseases, such as myocardial infarction, will affect drivers' performance. This is usually caused by a sudden complete blockage of coronary artery, leading to myocardial necrosis. Certain kinds of arrhythmia will also cause drivers to fall into a coma all of a sudden. Brain diseases, including various kinds of stroke, cerebral tumour and epilepsy, will affect drivers' judgment and their hand-eye co-ordination. As for endocrine diseases such as diabetes mellitus, in particular those who have to inject insulin, they may have hypoglycemia because of injection or eating disorder, leading to dizziness and unconsciousness. Some mental illnesses, including mania which has not been treated, serious depression and schizophrenic psychosis, will also affect one's judgment and reaction to the surrounding. Moreover, some elderly may also suffered from dementia or the so-called senile dementia. Sleeping sickness, including sleep apnoea and narcolepsy, will also make people fall into a trance all of a sudden.

Given that so many diseases will affect drivers' safety while driving, the crux of the question lies on the fact that the majority of these diseases cannot be identified by means of routine medical check-ups. Taking myocardial infarction and stroke as examples, they can of course be easily diagnosed when patients are not feeling well, but not so when the patients do not fall sick. Myocardial infarction and stroke are caused by arteriosclerosis, which can only be diagnosed through special angiography. As for epilepsy, it should be diagnosed by means of electroencephalogram. Various kinds of sleeping sickness, such as sleep apnoea and narcolepsy, can only be diagnosed through observation and assessment of sleeping conditions in sleep laboratories. As for mental illnesses, they can only be diagnosed through detailed consultation and history tracing, followed by thorough checking of mental conditions. Is it feasible to include all of the above items into the scope of standard medical check-ups? The answer is "no". First of all, it is very expensive to conduct these tests. Second, the above tests are very time consuming. Drivers have to spend a lot of time and money to undergo these tests. Third, many of such tests are in fact quite dangerous. For example, in the course of angiography, we have to inject drugs into blood vessels, which may give rise to shock and allergy. Therefore, we consider it infeasible to mandatorily require drivers to have medical check-ups.

As a matter of fact, there is no evidence in medical journals — I have made some preparations and conducted a very detailed search on the Internet before having our discussion today — which is sufficient to show that medical check-ups can help reduce traffic accidents. There is neither record nor evidence in English journals overseas to show that conducting standard medical check-ups is an effective way to assess whether a person is suitable to drive or not. These views are confirmed in the medical field.

Ms Miriam LAU and other Honourable Members have just mentioned a recent accident involving a cross-border bus driver. The driver was very young and he has just passed a medical check-up a few months ago. Therefore, based on the above arguments, the FTU objects to mandatorily require professional drivers to have medical check-ups on a regular basis. On the contrary, we support any activities, including regular medical check-ups, that encourage drivers to care about and improve their health so as to prevent getting sick. I also support the Government to step up education in this regard, so as to enable

drivers to understand the relationship between their personal health and road safety, thereby becoming responsible drivers.

With these remarks, I object to the original motion and support Ms LI Fung-ying's amendment.

**MR IP KWOK-HIM** (in Cantonese): President, Radio Hong Kong has produced a television series called A Mission for Equal Opportunities, the contents of which is adapted from real-life cases provided by the Equal Opportunities Commission. One such case is about a professional driver who suffers from septal defect since childhood, and he also had a kidney transplant in 2001. This driver has not informed his employer his state of health and his medical problems came to light when he applied for sick leave for a regular consultation in hospital. Although this driver got medical proof that his problems did not affect his driving work, the employer dismissed him. This driver sought help from the Equal Opportunities Commission and the case was brought to the Court. The Court ruled in favour of the driver and that the employer had contravened the Disability Discrimination Ordinance. The employer was ordered to pay \$98,500 plus interest to the driver to compensate for the harm done to his feelings and his actual loss of income.

President, why do I bring up this TV series and the case for discussion? There are two points about this case that we should pay attention to. First, the driver does not inform his employer of his illness on grounds of privacy, fearing that he might lose his job. Second, the employer dismisses this sick driver on the ground of safety. As a matter of fact, the attitudes held by the two parties are very common indeed.

The original motion from Mr Andrew CHENG seeks to protect the health of professional drivers and in turn, the safety of passengers and other road-users. The approach taken should be accepted. However, the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) has great reservations on the third suggestion in the motion, that is "study the introduction of legislation to require all professional drivers to undergo regular medical check-ups". This is because requiring professional drivers to undergo medical check-ups will lead to

very complicated problems such as privacy and the expensive medical fees that not all drivers can afford. Also, apart from drivers of franchised buses and minibuses, it is hard for us to differentiate from among the some 1.7 million holders of driving licences for commercial vehicles those who are professional drivers and those who just hold such licences but do not engage in relevant work. Take me as an example. I hold a driving licence for taxis for 30 years but I have never driven a taxi. So how can we tell who are professional drivers? This is a big problem indeed. On the other hand, the general public can drive light goods vehicles and motorcycles, but are those drivers of motorcycles delivering pizzas professional drivers? How can you identify this type of drivers? Therefore, requiring all professional drivers to undergo regular medical check-ups will lead to practical difficulties. The DAB supports the amendment proposed by Ms LI Fung-ying because it sounds more practical to encourage professional drivers to undergo regular medical check-ups than requiring them to do so.

Drivers sit all day long and they do not eat at regular hours. At times they have to drive non-stop for several hours without taking any rest. As such, more and more drivers are suffering from occupational illness, like stomach ache, pains in the cervical vertebra, frozen shoulders and so on. It would be a good thing if the drivers can undergo medical check-ups once every year. Recently, the Transport Department organized the "Safe Driving and Health Campaign" to provide free medical check-ups for professional drivers. But only 2 500 places were available. We support this idea of organizing free body check to enhance the awareness of the importance of body checks among professional drivers. We think that the quota should be substantially increased to enhance the publicity effect. In fact, employers have the responsibility to arrange medical check-ups for their employees. The Government should provide incentives to encourage employers to arrange medical check-ups for their employees and even take out medical insurance for them.

In addition, the related publicity and public education efforts should be stepped up so that more professional drivers will concern about their health conditions. The value of "with life everything is possible" should be fostered, telling people to treasure their own lives as well as the lives of other people. Also, the authorities should, through public education, enhance the public's awareness of anti-discrimination and equal opportunities, that employers cannot simply fire a driver because he is sick. In this way, drivers need not worry that

they will lose their jobs because of health problems, and hence they are more willing to undergo medical check-ups.

In view of the above, the DAB supports the amendment proposed by Ms LI Fung-ying and will abstain from voting on the original motion. I so submit.

**MR LEUNG YIU-CHUNG** (in Cantonese): President, the motion moved by Mr Andrew CHENG goes like this: "That quite a number of incidents of drivers feeling unwell and becoming unconscious while driving occurred in recent years, with some even resulting in traffic accidents and causing death and injury to drivers, passengers and passers-by, and this causes public concern and worry about the health conditions of professional drivers; as the health problems of professional drivers have direct impact on passenger safety, this Council urges the Government to expeditiously allocate additional resources, and study and formulate policies to motivate professional drivers to undergo regular medical check-ups to safeguard their health as well as the safety of road users, including: (a) to study the provision of medical check-up services for professional drivers by public medical institutions, including the Department of Health, the Hospital Authority, and so on, and the workers' health centre of the Labour Department; (b) to consider requiring professional drivers to submit medical reports to prove that they are physically fit to drive when applying for renewing driving licences; (c) to study the introduction of legislation to require all professional drivers to undergo regular medical check-ups, so as to safeguard road safety and the health of drivers; (d) to request the Transport Department to allocate more resources to the relevant activities, including the 'Safe Driving and Health Campaign'; 'Health Check Days', and so on, so that such activities can cover more professional drivers and the health checks can be conducted in a more comprehensive and thorough manner; and (e) to step up the relevant publicity and public education so that more professional drivers will care and know more about their own health conditions."

President, I deliberately read out the whole motion because I think the Honourable colleagues present will not oppose most of the contents of the motion after hearing Mr Andrew CHENG speak. I think the most controversial points are parts (b) and (c) of the motion. In part (b), it is stated that "to consider requiring professional drivers to submit medical reports to prove that they are



physically fit to drive when applying for or renewing driving licences" and (c), "to study the introduction of legislation to require all professional drivers to undergo regular medical check-ups, so as to safeguard road safety and the health of drivers."

President, why are these two points so controversial? I think the most important thing is Members will query whether they are practicable. Why? First, as many Honourable colleagues have said, who would oppose medical check-ups? I believe every Honourable colleague sitting here, or even every member of the public in Hong Kong, should undergo regular medical check-ups so that they would be aware of their health conditions. Then they make necessary adjustment, treatment or recuperation. This is something we should do for the sake of health. I am sure Members will agree that this should be done in every trade and type of work, not just professional drivers. If Members may recall, a colleague died abruptly because of ill health. Medical check-ups may reduce the chances of this happening. Although medical check-ups are not a solution to everything, they can help prevent health problems. So I do not think Members will oppose that.

But the question lies in the submission of medical reports by drivers to prove that they are physically fit to drive. What indicators can determine whether or not a driver is fit to drive? This is the greatest problem. Which areas should be examined? Many Honourable colleagues have talked about this earlier. Dr PAN Pey-chyou who is familiar with mental problems has pointed out that the state of mental fitness should also be examined. If all these items are to be examined, what are the costs? And what should the indicators be? Does it mean that when people reach a certain level, they are forbidden to driving? All these are very complicated problems and they are hard to deal with. But Mr Andrew CHENG has not given an account on these issues, maybe he thinks that such matters should not be handled by him but by the Government. Even if they are to be handled by the Government, it is really not that easy to draw a line to specify the standards. This is the first point I want to make.

Second, with respect to the introduction of legislation, the greatest problem is of course the enforcement, which will have great impact on professional drivers. As Members have said, if we really legislate to require them undertake

medical check-ups, a lot of problems will arise. Should people whose blood pressure is slightly higher than the normal readings be forbidden to drive? The question is, with medication, hypertension is not a serious health problem. We find it hard to get convinced and accept the idea, and the proposal will affect the entire trade.

Many Honourable colleagues have said earlier that many professional drivers began their career in driving at a young age and it is difficult for them to switch to another job. This is a fact. The proposed legislation may deal a great blow on their living. It is also difficult for people to accept the idea because it is not known what criteria should be used to say that a person is not fit to drive. If that person is ruled not fit to drive, would he be unfit for other jobs as well? When such serious consequences happen, would the persons affected think that it is fair? These are the issues that we should think about.

Of course, people who support the idea will say that professional drivers have an impact on the public. Actually, there are many trades which bear an impact on the public, should the idea be applied to every trade? I think this issue should be addressed.

Apart from that, many Honourable colleagues have talked earlier that issues like costs and time should be considered. If a thorough check-up is to be conducted, a common medical check-up costing a few hundred dollars would not serve the purpose. Common items like haemachrome, red blood cells or white blood cells will not be able to prove whether or not a person is fit to drive. So these problems cannot be solved easily.

As many Members have said, health problem of professional drivers is not the only cause for traffic accidents, fatigue at work has greater impact. As mentioned by some Members, although it is not easy for me to find any data, there are cases that traffic accidents occur because drivers are too tired or because they have dozed off momentarily. Such problems exist and they have grave consequences. Have we ever thought about introducing legislation, not on mandatory medical check-ups but on working hours? This is of greater importance. Why can we not consider it? Professional drivers may need to drive 12 or 13 hours a day and when traffic is so busy, it is very difficult to stay concentrated. So I would support legislating on working hours instead. There

are very stringent regulations on the working hours for professional drivers in other countries, why do we not discuss this issue instead?

**MR CHEUNG KWOK-CHE** (in Cantonese): President, the health and safety of professional drivers are extremely important, for the lives of a large number of passengers are in their hands. Accidents involving large vehicles will even pose enormous threats to other road users. However, it is disappointing that the Government often adopts a pessimistic attitude in addressing this issue of increasing concern.

Of course, the health conditions of drivers are not totally unregulated as, under the Road Traffic (Driving Licences) Regulations, all drivers must report to the Transport Department (TD) if they are suffering from seven diseases, including epilepsy, hypertension, mental disorder, any diseases causing muscular incoordination, serious diabetes mellitus, and so on. They can drive only after exemptions are granted.

Nevertheless, this is a passive approach because, after all, it relies on drivers taking the initiative to report. Should drivers wilfully conceal the facts for the sake of protecting their jobs bowls or they simply do not know that they are suffering from the hidden diseases mentioned above, the legislation would exist in name only. As a result, penalties can be imposed only afterwards, and accidents cannot be prevented beforehand. Furthermore, a number of current cases involving drivers fainting or sudden death while driving are associated with heart diseases, which is not covered by existing legislation.

Bus companies are currently required by the TD to conduct annual medical check-ups for bus drivers aged 50 or above. In my opinion, in order to enhance road safety, the Government should encourage all professional drivers, including the self-employed, to undergo annual medical check-ups regularly, so that the safety of road users can be protected. The medical check-ups should also include electrocardiogram examination relating to heart diseases.

Apart from medical check-ups, the working hours of professional drivers are also a matter of concern, as pointed out by colleagues earlier. The two bus accidents occurred during the Lunar New Year are suspected to be related to excessively long working hours. Although a guideline is currently provided by the TD requiring franchised bus and public light bus (PLB) companies to prescribe daily maximum working hours, the working hours of bus drivers, according to the so-called guideline, are up to 14 hours, with a 30-minute break every six hours. However, how many bus drivers know that they can have a 30-minute break every six hours? Is there any supervision in implementing the measure?

This guideline can be described as existing in vain only. It will even encourage employers to exploit their employees. Let us imagine this. If white-collar workers feel extremely tired after working 12 hours continuously in the office, they can take a nap in the office without causing a significant impact. However, should professional drivers doze off while driving, the consequences of the accidents caused by their momentary inattention can be very serious.

I do not know what standard is adopted by the TD in capping the working hours at 14 hours. May I ask whether the officials in the TD have ever tested how it is like driving 14 hours a day? What is more, is the manning of bus or public light bus companies being strictly monitored by the TD? Over the years, have any cases of non-compliance been detected? Or is everything settled by purely listening to or reading the reports submitted by the companies?

Compared to Hong Kong, the requirements in the Europe Union are far more stringent. According to the requirements, all professional drivers, including the self-employed, are allowed to drive not more than 56 hours a week, and they must stop driving and take a 45-minute break after driving for four and a half hours continuously. Furthermore, they should have a continuous break of at least 45 hours a week. After the relevant new law came into force in the European Union, the number of people who died from car accidents had actually been reduced.

I believe employers will certainly be reluctant to prescribe maximum working hours because additional manpower will inevitably be required, and costs will be increased significantly. However, insofar as these key issues are concerned, should cost effectiveness still prevail over human lives? Therefore, a

stringent rather than loose approach should be taken in setting maximum working hours for professional drivers. In this connection, the Government should expeditiously review the existing cap on maximum working hours for professional drivers. Apart from the existing approach of issuing guidelines, legislation has to be enacted for regulatory purposes before results can be yielded.

President, I so submit.

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

**MR RONNY TONG** (in Cantonese): President, man is after all selfish. More often than not, society will only show concern over the plight of a certain class of people when some relatively ironic incidents, some tragic incidents arousing public attention occur. The issue under discussion today is of this nature. Recently, many professional drivers are involved in traffic accidents causing great casualties and territory-wide attention. As a result, working hours and physical condition of professional drivers have become a cause of concern to society.

President, the issue under discussion today concerns medical check-ups for professional drivers. This is directly related to their working hours. The long working hours have imposed tremendous pressure, both psychologically and physically, on professional drivers and put extra burden on them. President, I returned to Hong Kong from overseas not long ago. One thing that I find strange is that the responsibility that professional drivers have to shoulder, particularly that related to passengers and road users, is much heavier than that of blue-collar workers. However, in Hong Kong professional drivers are working particularly long hours, far longer than blue-collar workers in general. They have to work as long as 14 hours.

President, a number of colleagues mentioned the overseas experience earlier. The people of Hong Kong or colleagues who have visited overseas countries will recall that when they take the coach, there must be a 15-minute to 20-minute break every two hours, otherwise, the licences of the drivers or the

travel agents will be revoked. These measures are not introduced only for the well being of drivers, but also for the safety of passengers and road users.

President, if the legislation on minimum wage is in any luck passed in this session, one important question we have to deal with will be the requirement on standard working hours or maximum working hours. These are the major problems now faced by professional drivers. President, the Transport Panel of the Legislative Council has had repeated discussions in the past and have raised concerns to the Transport and Housing Bureau about the working hours, salaries, guidelines on duty roster and rest time of drivers, and, in particular, the health consciousness and health checks of drivers.

President, according to the response provided by the Bureau to Members, the authorities have followed the established practice of drawing up relevant guidelines and conducting random inspections to ensure compliance of guidelines by employers and professional drivers. Regrettably, President, in the first quarter of 2010, we do not see any decrease in the number of traffic accidents. Certainly, we cannot tell how many of those accidents are caused by professional drivers simply from the figures. However, if the guidelines were effective, the number of traffic accidents will decrease, as considered or expected by the general public. President, the idea of drawing up guidelines is unrealistic. For employers, in the absence of statutory regulation, they surely hope that drivers will work longer hours. For those self-employed drivers who are the boss, they may by all means give up their rest time to earn more, and may even resort to speeding in order to make an additional trip. All these are a result of the financial pressure.

President, I think the genuine problem we have to address is to ensure that not only minimum wage but also standard working hours are set. President, requiring a professional driver to work more than ten hours, I think, is inhuman and beyond the psychological limit of mankind. Besides, this is extremely irresponsible.

As for the health of drivers, I understand that many colleagues, Mr Andrew CHENG in particular, propose the introduction of mandatory regulation, so that drivers will have the opportunity to undergo regular medical check-ups. Recently, the authorities have launched activities such as the Safe Driving and

Health Campaign and the Health Check Days. As told by some professional drivers, I understand that they can benefit from these activities.

However, President, the crux of the problem lies in the conflict between employees and employers. If drivers are required to undergo regular medical check-ups, who should pay for the check-up and the time spent? If employers consider this a personal matter of professional drivers, who should undergo check-ups at their own time and at their own costs, will this requirement be too harsh to professional drivers? As the hourly wages of drivers are not high, the requirement may impose additional financial burden on them. I think it is extremely unfair to professional drivers.

President, I do not say that professional drivers should not undergo regular medical check-ups. I agree with this concept, but first of all, we must clarify who should undertake and share this social responsibility and the financial burden incurred. President, if the burden is to be shared by employers and drivers, I think it is relatively reasonable. However, before stating clearly who should share the cost, it will be extremely unfair to professional drivers if regular medical check-ups is make a mandatory requirement. I think society should undertake the financial burden incurred. Thank you, President.

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

(No Member indicated a wish to speak)

**PRESIDENT** (in Cantonese): Mr Andrew CHENG, you may now speak on Ms LI Fung-ying's amendment. You may speak for up to five minutes.

**MR ANDREW CHENG** (in Cantonese): President, regarding the amendment and my original motion, I believe Members will have some ideas upon hearing the speeches made by the 15 Members earlier. The most important point is whether we should first address the rest time arrangement for professional drivers instead of requiring them to undergo mandatory medical check-ups. Moreover, is there a direct relation between traffic accidents and medical check-ups? Ms LI Fung-ying proposes deleting from my original motion the part relating to

studying the introduction of legislation to require professional drivers to undergo regular medical check-ups, and adding "urge employers to ensure that professional drivers have sufficient rest time".

President, I would like to stress again the reason I do not mention the rest time arrangement as proposed in the amendment when I consider this motion. In the past, I did put forth these motions, and I once proposed a private Member's Bill on the standard working hours of wage earners in general, not only professional drivers. Today, I would like to confine the scope to the health condition of professional drivers and road safety problems relating to vehicles, or "tigers of the city" so to speak, driven by them. Indeed, the two proposals are not contradictory. I hope that colleagues from trade unions would understand that if they support my motion in requiring professional drivers to undergo medical check-ups, the result of the check-ups may in future indicate that the health condition of many professional drivers are undesirable — since they have to work more than ten hours a day, their health will deteriorate no matter how fit they are, and thus the public will have stronger grounds for requesting certain employers, employers of bus drivers and green minibus drivers in particular, to make better arrangement for drivers, and pay more attention to the working hours of professional drivers.

Hence, I hope that colleagues from trade unions ..... I understand that they are representing the interest of workers and I appreciate their feeling, yet I hope they will understand my motion. I am not overlooking the rest time of professional drivers, definitely not; on the contrary, I am concerned about the long working hours of professional drivers. Besides, President, I believe that long working hours is not the only cause of occupational diseases. Many colleagues said earlier that many drivers may have just undergone medical check-ups and that everyone may have some health problems ..... President, if you and me doze off during the meeting of this Council, this may not cause much harm to others, but this is not so if professional drivers have problems which they themselves do not know. These problems may not only be caused by occupational diseases, it may be caused by insufficient rest time, their diets, habits or their health, there may be a lot of reasons.

Regarding the speeches made by the two doctors earlier, particularly that from Dr PAN Pey-chyou, I am astonished. President, according to their logic, the Transport Department does not have to organize the Health Check Days, and



the proactive reporting of clinical condition will too be unnecessary, for there is no medical literature proving the relationship between the potential health problems of drivers and their driving behaviour and traffic accidents. Actually, this can hardly be proved. The Transport Department may as well stop organizing the health checks.

On the other hand, it is strange that though colleagues keep mentioning the inadequacy of the present arrangement and urging the Government to put in more effort and attach more importance to the issue, once it comes to imposing mandatory requirement via legislation, they call a halt to it and raise dozens of queries. Logically, I think if Members consider that everyone knows his or her health condition, then for any job ..... When we change jobs, more often than not, we have to undergo medical check-ups and submit medical reports. But for self-employed drivers, they are not required to undergo medical check-ups all along, and they are allowed to do so. I hope Members understand that the job nature of professional drivers differs from that of other jobs. I understand that we may not necessarily have scientific evidence proving the relationship between medical check-ups and driving behaviour, road safety or accidents. But if Members too think that the health condition of drivers is directly related to road safety ..... In our motherland, drivers are required to undergo medical check-ups and electrocardiogram, and so on. Should Hong Kong study the issue in this direction? President, I stress again that I am only proposing conducting a study on the issue.

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, I wish to thank Members for the views they have put forward regarding this topic. This applies especially to Mr LEE Wing-tat who is not in the Chamber at present. He has even exposed the confidential information of his party. I would like to make a general response on the views expressed by Members in various aspects.

At present, the Road Traffic (Driving Licences) Regulations (Cap. 374B) has imposed certain requirements on the physical fitness of drivers. The Regulations stipulate that persons suffering from specific diseases or physical disability such as epilepsy and uncontrolled diabetes mellitus, will not be issued any driving licence. The Commissioner is also empowered to refuse to issue a driving licence to a person suffering from any disease or physical disability which

is liable to cause the driving by him of a motor vehicle to be a source of danger to the public. Also, an applicant aged 70 or above shall submit a medical report to the Transport Department (TD) filled in and signed by a registered medical practitioner on applying for or renewing a driving licence, testifying that the applicant is physically fit to drive. The valid period for such driving licences is shorter than the driving licences issued under normal circumstances.

Regulation on the physical fitness of a driver is done mainly through the *bona fide* declaration of the applicant. The Regulations require an applicant to declare honestly his state of health to the Commissioner of Transport when applying for or renewing a driving licence. Should a driver after being issued a driving licence find that he suffers from the abovementioned diseases or physical disabilities, he is required to inform the Commissioner in writing at once. It is an offence to make a declaration dishonestly and wilfully. Irrespective of whether a driver drives a commercial vehicle or not, he is obliged to find out his state of physical fitness by undertaking health checks as per his own practical circumstances.

When referring to the information for the past few years, the number of traffic accidents caused by the health conditions of drivers of commercial vehicles only takes up a very small number. During the period from 2005 to 2009, there were only 8.2 accidents on average each year suspected to be caused by drivers of commercial vehicles suffering from bouts of illness. The number is less than one in a thousand, taking into account that the average number of traffic accidents each year stands at about 14 800. Therefore, we consider that the existing practice of requiring a *bona fide* declaration of the physical fitness of drivers to the TD should be able to strike a good balance between safeguarding road safety and delivering user-friendly service to the public.

On the other hand, we also understand that there is special public concern for the health of drivers of commercial vehicles. Some major public transport providers require their drivers to undergo regular medical check-ups. For example, the franchised bus companies require new bus captains to pass medical check-ups before they are hired, and bus captains aged 50 or above are required to undergo medical check-ups every year. The MTR Corporation Limited also requires new train operators to pass medical check-ups before they are hired. It

also requires all train operators to undergo regular medical check-ups and all train operators aged 45 or above to undergo medical check-ups every year. The TD will keep on carrying out publicity and public education in this aspect and it will, through meeting with the trade, encourage drivers of commercial vehicles to undergo regular medical check-ups and enhance the alertness on their physical fitness in order to ensure safety in driving.

The original motion proposes that medical check-up service should be provided by the Department of Health, the Hospital Authority and the Labour Department for drivers of commercial vehicles. From a medical perspective — Dr LEUNG Ka-lau is not here right now — although I do not belong to the medical profession, I understand what he has said earlier that appropriate medical check-ups should be undertaken on the advice of a doctor considering the individual conditions of the person concerned, which include his medical history, high-risk factors, personal living habit, family history and so on. Such medical check-ups should have specific objectives and clearly defined results so that relevant changes in the body can be identified accurately and reliably for specific treatment.

In August last year the Hospital Authority launched a multi-disciplinary Risk Assessment and Management Programme to provide comprehensive health risk assessments for diabetes mellitus and hypertension patients who receive treatment in the public general outpatient clinics, so as to provide appropriate control of disease conditions and follow-up to patients. The Department of Health has also put in place related health services to cater for the needs of different age groups, with a wide range of targeted programmes on health promotion and disease prevention for different age groups, including family health services, student health services and elderly health services.

The original motion proposes that the Occupational Safety and Health Centre of the Labour Department should provide medical check-ups for drivers of commercial vehicles. The Centre aims at promoting occupational safety and health to employers and employees. The Occupational Health Clinics of the Labour Department are specialist clinics which provide diagnostic, treatment and counselling services to working people suffering from occupational diseases or work-related illnesses. The scope of services provided by the Health Clinics does not include general medical check-up service, but if working people are suspected to be suffering from occupational diseases or work-related illnesses

after undergoing some body checks, they can receive treatment in these Health Clinics. The doctors there will offer them treatment as appropriate and advice on preventing occupational diseases and work-related illnesses.

The original motion also urges that drivers of commercial vehicles should submit medical reports when they apply for or renew their driving licences. When considering this proposed measure, we should think about the impact on the community and the trade. Holders of licences for commercial vehicles and light goods vehicles now number about 1.22 million. The number of holders of driving licences for commercial vehicles and light goods vehicles is far more than the number of relevant licensed vehicles which is about 146 000. Therefore, a vast majority of the holders of these driving licences do not engage in driving as their main occupation. For example, there are some 18 000 licensed taxis in Hong Kong, but the number of holders of valid taxi driving licences is more than 200 000. There are some 4 000 licensed public light buses, but the number of holders of valid driving licences for public light buses is more than 170 000. If it is rigidly required that these people should produce medical reports when applying for or renewing their driving licences, this move will affect many people who do not make driving commercial vehicles their occupation.

At present, the law not only requires people applying for or renewing driving licences to declare their state of health, but also requires holders of driving licences to report honestly to the TD once they discover that they suffer from certain specified diseases or physical disabilities. As I have said before, the spirit of this measure is to achieve a balance between safeguarding road safety and providing convenient services to the public.

The original motion suggests that legislation should be introduced to require all drivers of commercial vehicles to undergo regular medical check-ups. As I have said, this move will affect many people who do not make the driving of commercial vehicles their occupation but hold the relevant driving licences. We think that a more desirable practice is that individuals should, having regard to their specific condition and needs, act on medical advice to undergo appropriate and timely health checks.

We agree to Ms LI Fung-ying's proposal in her amendment and will, through publicity and public education, encourage drivers to receive health

checks as appropriate with their health conditions and upon medical advice. Drivers should be urged to understand the relationship between their health conditions and road safety. This will in turn deepen their understanding of the relevant requirements in law, health checks and how to handle emergency situation in case they suffer from sudden illness. Meanwhile, employers of commercial vehicles and the trade are also obliged to encourage drivers to know about their health conditions. We will promote this message to the trade and the relevant employers through our regular meetings with the trade.

We are aware of the concern for this issue in various sectors across the community and in the relevant driving trades. We will continue to monitor the situation and see if any improvement should be made in the current practice. At the same time, we will achieve a balance between safeguarding road safety and providing convenient services to the public.

As for the idea raised by Ms LI Fung-ying that sufficient rest time should be provided to drivers, we think this a very important issue and we have taken note of the various views concerning rest time voiced by drivers of commercial vehicles. With respect to the rest time for drivers of commercial vehicles, the TD has issued guidelines on shift arrangements for franchised bus companies and minibus operators who operate services to carry as many as more than five million passengers every day. These guidelines will ensure that drivers will get sufficient rest time and the guidelines are subject to regular reviews when necessary.

In the case of franchised buses, the TD is now working with the franchised bus companies to review the guidelines on shift arrangements and working hours of bus captains. The aim is to take into account the need of bus captains for rest time while maintaining service quality of the bus companies. To conduct this review, the TD formed a working group with the franchised bus companies at the end of 2009 and met the representatives of the bus captains' trade unions this April. Views were exchanged on shift arrangements and rest time for bus captains. When revising these guidelines, the TD will take into consideration the views and suggestions of the bus companies and the trade unions. The TD will also examine the guidelines on the working hours of minibus drivers from time to time to ensure safety and quality in minibus service.

As for drivers of other commercial vehicles, as they are mostly self-employed and are not employed by any company, therefore, there is difficulty in enforcing and monitoring the rest time of these drivers. However, in the meetings held regularly with the trade, the TD also encourages these drivers to have sufficient rest time.

In addition, the relevant employers and public transport operators are also obliged to ensure that their drivers are physically fit to provide safe transport services. If employers and public transport operators find any drivers who are physically or mentally unfit for driving while on duty, they should not assign any driving duties to these drivers and should urge them to see a doctor or undergo a medical check-up.

The TD will maintain close contacts with various public transport operators to know about the working conditions of their drivers. These guidelines will be updated as when necessary. The TD will, through regular meetings with the trade, continue to convey the message to drivers of commercial vehicles that it is dangerous to drive when physically unfit.

Many Members have mentioned about the Safe Driving and Health Campaign and the Health Check Days that we organized. Through publicity and education, we hope to enhance safety and health consciousness of drivers of commercial vehicles, and encourage them to know and care more about their health conditions. The TD will make reference to the experience gained and consider, when resources are available, holding similar activities in future to remind drivers of driving safety and health.

The TD will also through other channels, such as regular meetings with the trade, collaboration with the Road Safety Council, driving safety talks, television advertisements, publications, newsletters, public activities, websites and broadcasting, continue to promote driving safety and health consciousness to professional drivers, so as to further enhance road safety. We welcome the suggestion made by Ms Miriam LAU earlier that we should collaborate with various organizations. We will study the idea together with the TD.

It is every driver's responsibility to drive when physically fit. For any law, regulation and mechanism to operate well, the drivers must co-operate by

complying with it in good faith and at their own initiative. They must know that when driving in poor health, they will not only put their own safety at risk but will also endanger passengers and passers-by. We stress that drivers must always care about their health conditions and if they do not feel well or if they are in a poor mental state, they must stop driving for the time being and seek medical advice. Employers of drivers of commercial vehicles and the trade are obliged to encourage their drivers to know and care about their health conditions.

With respect to the reporting mechanism in place, we will listen to all views put forward and will consider making reference to the modes of regulation and enforcement adopted in other places. We will also study how requirements on the declaration of driver's health conditions can be more effectively enhanced.

Thank you, President.

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That the amendment, moved by Ms LI Fung-ying to Mr Andrew CHENG's motion, be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

Mr Andrew CHENG rose to claim a division.

**PRESIDENT** (in Cantonese): Mr Andrew CHENG has claimed a division. The division bell will ring for three minutes.

**PRESIDENT** (in Cantonese): Will Members please proceed to vote.

**PRESIDENT** (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the results be displayed.

Functional Constituencies:

Dr Raymond HO, Dr Margaret NG, Mrs Sophie LEUNG, Ms Miriam LAU, Mr Timothy FOK, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Dr Joseph LEE, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Mr Paul CHAN, Mr CHAN Kin-por, Mr CHEUNG Kwok-che, Mr IP Wai-ming, Mr IP Kwok-him and Dr PAN Pey-chyou voted for the amendment.

Mr CHEUNG Man-kwong abstained.

Geographical Constituencies:

Mr LEE Cheuk-yan, Mr CHAN Kam-lam, Mr LEUNG Yiu-chung, Mr LAU Kong-wah, Mr TAM Yiu-chung, Mr Frederick FUNG, Ms Audrey EU, Mr WONG Kwok-hing, Mr CHEUNG Hok-ming, Mr Ronny TONG, Ms Cyd HO, Ms Starry LEE, Mr CHAN Hak-kan, Dr Priscilla LEUNG, Mr WONG Kwok-kin and Mrs Regina IP voted for the amendment.

Mr Albert HO, Mr Fred LI, Mr James TO, Ms Emily LAU, Mr Andrew CHENG, Mr LEE Wing-tat, Mr KAM Nai-wai and Mr WONG Sing-chi abstained.

THE PRESIDENT, Mr Jasper TSANG, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 21 were present, 20 were in favour of the amendment and one abstained; while among the Members returned by geographical constituencies through direct elections, 25 were present, 16 were in favour of the amendment and eight abstained. Since the question was agreed by a majority of each of the



two groups of Members present, he therefore declared that the amendment was passed.

**PRESIDENT** (in Cantonese): Mr Andrew CHENG, you may now reply and you have one minute and 36 seconds.

**MR ANDREW CHENG** (in Cantonese): President, today, 15 Members have spoken on the motion. When I gave my reply to the amendment earlier, certain Members are not in the Chamber, so I would like to stress once again that though I have not mentioned rest time in the original motion, it does not mean that I show no concern for the lack of rest time of professional drivers. It is exactly because professional drivers are working long hours, a stringent medical check-up programme may bring to light the fact that the physical condition of many professional drivers is undesirable. This may laid the foundation for striving for better arrangement for rest time for professional drivers.

Regarding the case mentioned by Mr IP Kwok-him, I believe if medical check-ups are to be introduced in future, the authorities will surely examine what kind of diseases will affect the driving behaviour of professional drivers or drivers in general. Similar requirement has been imposed on the Mainland. As far as I understand, other countries have started conducting relevant studies to examine, as the population ages with drivers getting older and suffering from more hidden illnesses, and as there is a trend of people suffering from hidden illness at a younger age, what measures can be implemented to increase the awareness of drivers, particularly professional drivers, of their physical condition and in turn enhance road safety.

President, I believe the question has been discussed thoroughly today, which can serve as the foundation for conducting future studies. Thank you.

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That the motion moved by Mr Andrew CHENG, as amended by Ms LI Fung-ying, be passed.

**PRESIDENT** (in Cantonese): Will those in favour please raise their hands?

(Members raised their hands)

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

(No Members raised their hands)

Mr WONG Kwok-kin rose to claim a division.

**PRESIDENT** (in Cantonese): Mr WONG Kwok-kin has claimed a division. The division bell will ring for three minutes.

**PRESIDENT** (in Cantonese): Will Members please proceed to vote.

**PRESIDENT** (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Dr Raymond HO, Dr Margaret NG, Mrs Sophie LEUNG, Ms Miriam LAU, Mr Timothy FOK, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Dr Joseph LEE, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Mr Paul CHAN, Mr CHAN Kin-por, Mr CHEUNG Kwok-che, Mr IP Wai-ming, Mr IP Kwok-him and Dr PAN Pey-chyou voted for the motion as amended.

Mr CHEUNG Man-kwong abstained

Geographical Constituencies:

Mr LEE Cheuk-yan, Mr CHAN Kam-lam, Mr LEUNG Yiu-chung, Mr LAU Kong-wah, Mr TAM Yiu-chung, Mr Frederick FUNG, Ms Audrey EU, Mr WONG Kwok-hing, Mr CHEUNG Hok-ming, Mr Ronny TONG, Ms Cyd HO, Ms Starry LEE, Mr CHAN Hak-kan, Dr Priscilla LEUNG, Mr WONG Kwok-kin and Mrs Regina IP voted for the motion as amended.

Mr Albert HO, Mr Fred LI, Mr James TO, Ms Emily LAU, Mr Andrew CHENG, Mr LEE Wing-tat, Mr KAM Nai-wai and Mr WONG Sing-chi abstained.

THE PRESIDENT, Mr Jasper TSANG, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 21 were present, 20 were in favour of the motion as amended and one abstained; while among the Members returned by geographical constituencies through direct elections, 25 were present, 16 were in favour of the motion as amended and eight abstained. Since the question was agreed by a majority of each of the two groups of Members present, he therefore declared that the motion as amended was passed.

**PRESIDENT** (in Cantonese): Second motion: Improving air quality.

I now call upon Mr KAM Nai-wai to speak and move his motion.

### **IMPROVING AIR QUALITY**

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

President, this is the second year that I proposed a motion debate in this Council on the air pollution problem. Let me get even with the Government first. Has the pollution situation in Hong Kong improved over the past year? I

have looked up last year's record. A chamber of commerce of the United States found most of the respondents were disappointed by the air quality in Hong Kong, and 51% of them encountered difficulties when recruiting professionals to Hong Kong. What is the situation this year? Incidentally, I read a report in *Ming Pao* yesterday about a news headline sent by the Bloomberg LP to its clients around the world: "Hong Kong air pollution has two worst quarters ever". Now that a message about air pollution in Hong Kong has been sent around the world by the world-famous Bloomberg LP, we can well imagine whether air pollution in Hong Kong has seen any improvement over the past year.

Certainly, we all understand that we cannot improve air quality in one move. Instead, we can only do so by making efforts over the years. However, we should have noticed the data collected by the roadside monitoring stations. Information from the Bloomberg LP, as I quoted earlier, has shown that the number of exceedance periods at roadside stations in the past two quarters was 5.6 times higher than the same time in the past 11 years, that is, the situation of exceedance is deteriorating. If we take 100 as the benchmark, when 100 is reached, persons with heart or respiratory illnesses are advised by the Government to avoid prolonged stay in places with heavy traffic. The Government has more and more frequently called upon people not to stay by the roadside. This is the advice of the Government. And there are more and more indices telling us not to do so.

In the motion debate last year, I found that many Honourable colleagues cited the Hedley Environmental Index (HEI) developed by professors from the University of Hong Kong (HKU). According to the HEI, in the past six years, there were 6 899 premature deaths of people living in Hong Kong owing to air pollution, that is, nearly 7 000 people died prematurely because of air pollution. More ironically, as reported in late April, Prof Anthony HEDLEY, a HKU professor and the developer of HEI who originally planned to live in Hong Kong after retirement, eventually found it unbearable to stay because the air pollution situation in Hong Kong was too bad — "Unbearable" is just the term I use, this may not be his idea — and he decided to leave Hong Kong. That is very, very ironical indeed.

Therefore, today, I propose this motion debate in this Council again. A number of Honourable colleagues have made a series of suggestions about how to improve air quality. In fact, this Council has discussed a lot of items to see what measures should be taken. Nevertheless, the most important point in my motion raised today is: What exactly is the Government's policy objective in improving

air quality? I very much hope that Members would focus on the protection of public health, which is the most important policy objective in improving air quality. Members can examine if the Government has formulated such a policy objective.

Take the latest hot topic of the "sandstorm" as an example. Secretary Edward YAU attended the meeting this morning but Under Secretary Kitty POON is now attending the meeting on his behalf because Secretary YAU is out of town this afternoon. He has pointed out that when there is a "sandstorm", the Labour Department will advise in a press release workers who need to work outdoors, and persons with existing heart or respiratory illnesses in particular, to consult doctors if they are in doubt as to whether their physical conditions are fit to work outdoors. That means they should consult doctors if they find this kind of weather unbearable. Has the Government's policy aimed to protect public health? The Government's policy just calls upon the public to consult doctors. This is its policy.

How can we guarantee that the Government's policy aims to protect public health? If the entire Government one day ..... I always think that the Environmental Bureau should not tackle the air pollution problem single-handedly. However, I now see that the Bureau is tackling the problem on its own and every department is doing things in its own ways. Secretary Kitty POON, please do not smirk. The "sandstorm" is another example. Let us take a look. The Observatory is not under the Environmental Bureau. Exactly which Bureau is it under? It is under the Commerce and Economic Development Bureau. The Secretary told us when he answered an oral question this morning that the Environmental Protection Department (EPD) found the sky somewhat peculiar at night on 21 March when the "sandstorm" arrived in Hong Kong. But, he immediately asked the EPD instead of the Observatory about the matter. Indeed, the whole Government was still in a dream. In my view, on tackling air pollution, not only has the Government's policy failed to place the protection of public health as its primary policy objective, every department has also done things in its own ways. Under these circumstances, how can the air quality in Hong Kong be improved, Secretary?

In the motion debate last year, the Democratic Party not only pinpointed the policy objective, but also made a series of suggestions to the Government. Hong Kong was not yet hit by a "sandstorm" last year but the Democratic Party ..... I dare not say that I had foresight but we found at the time that the air pollution situation was worsening, and we suggested that the Government should

establish a smog warning system to notify people of the air pollution situation in advance.

Furthermore, the Democratic Party conducted an opinion poll last year and interviewed 500-plus people. Although Hong Kong was not yet hit by a "sandstorm" then, more than 40% of the respondents supported suspending kindergartens or primary and secondary schools. Evidently, Hong Kong people really cherished and wished to protect our school children. I know that different political parties have recently conducted similar opinion polls. Mr CHAN Hak-kan can talk about this point later, and I believe there would be stronger support for suspending schools. Why do we suggest suspending schools? In fact, I have not just suggested suspending schools; I have also suggested arranging for workers working long hours outdoors to suspend work. This should be the Government's policy. To protect the disadvantaged and people vulnerable to air pollution, the Government should take the initiative to do something such as suspending schools or arranging for workers working long hours outdoors to suspend work. This point has already been included in my motion to support what I said earlier, that is, the protection of public health should be set as the primary objective.

Of course, I have made some other points, but, owing to time constraints, I am not going to discuss them one by one. I would like to say that the work done by the Government is very often fastidious but inept. Let me give an example. The Government proposes two schemes in the Budget: One of them is to set up a \$300 million Pilot Green Transport Fund. I have no objection to this scheme but I do not think it is effective. It may be better to spend the \$300 million on green facilities which may be introduced to Hong Kong in the future. The Government's second scheme is to subsidize the replacement of Euro II diesel commercial vehicles. The Democratic Party thinks that both the schemes are not effective.

All of us clearly understand that Hong Kong itself cannot alleviate air pollution under some circumstances, and the co-ordination with the whole Pearl River Delta, the whole China and even the whole world may be necessary. Nonetheless, Hong Kong itself can do something, that is, targeting the sources of roadside pollution. Why have our roadside pollution indices always stood at a high level, seeing no improvement at all? It is because of the sources of roadside pollution. For this reason, the Democratic Party often asks the

Secretary why franchised buses, which are the sources of pollution, have not been replaced as quickly as possible.

When the Government conducted a consultation on the Budget, we already demanded the Financial Secretary to replace these buses. Information shows that there are over 4 000 pre-Euro, Euro I and Euro II buses in Hong Kong. If these buses are to be replaced in one go, it will cost around \$13 billion. All of us know that it is impossible for all these 4 000-plus buses to be replaced within a year. If they are to be replaced in three or five years, it will cost around \$3 billion to \$5 billion each year. Is it impossible for Hong Kong to afford these amounts? These buses ply the roads every day. How great will be the impact on us if they are replaced?

The Government spends some \$60 billion on the construction of the Guangzhou-Shenzhen-Hong Kong Express Rail Link and some \$10 billion on the construction of the West Island Line. A total of more than \$80 billion have to be spent on these two projects. We are now just talking about the spending of some \$10 billion spreading over a number of years for replacing high-emission buses. Yet, the Government has turned a deaf ear to this proposal. Instead, it has just introduced a replacement scheme and a pilot fund which are not effective at all. I very much hope that the Government could listen to the views of the public and this Council when it seeks to reduce air pollution in the future, so as to suit the remedy to the case.

I so move. Thank you, President.

**Mr KAM Nai-wai moved the following motion: (Translation)**

"That air quality in Hong Kong is deteriorating by the day, posing a serious threat to public health, and during the onslaught of 'sandstorm' earlier, many districts recorded an Air Pollution Index (API) reading at the 'severe' level of 500; the 'sandstorm' has not only exposed the 'belated awareness' of the Administration, but also highlighted the shortcomings in its early warning mechanism; quite a number of local and overseas studies have pointed out the close relationship between the severity of air pollution and the mortality rate; in this connection, this Council requests the Administration to make protection of public health its primary policy objective in tackling the problem of air pollution, and urges it to:

- (a) immediately conduct a review on its sluggish response in this 'sandstorm' incident, and improve the early warning mechanism and warning signals, so as to enable members of the public to be aware of the warning messages about air quality as early as possible;
- (b) in respect of the situations where API reaches 'extremely severe' and 'severe' levels, formulate specific guidelines, including implementation of measures to suspend schools and arrange for workers who need to work outdoors for long hours to suspend work, etc. so as to protect the health of school children and the underprivileged, such as people with chronic illness, the elderly and workers working outdoors, in situations where the pollution is serious;
- (c) designate 'low emission zones' in areas with serious air pollution and restrict the entry of heavy diesel vehicles with high emissions into such zones, so as to improve air quality at the street level;
- (d) provide funding support for the franchised bus companies to scrap and replace earlier their franchised buses with high emissions, such as buses which are Euro II or below, so as to improve roadside air quality;
- (e) adopt the most stringent standards of the World Health Organization's air quality guidelines as Hong Kong's air quality objectives, and undertake to conduct regular review of the objectives in the future;
- (f) improve the 'To Replace Pre-Euro and Euro I Diesel Commercial Vehicles by New Commercial Vehicles - Incentive Scheme' and the scheme for the replacement of Euro II diesel commercial vehicles mentioned in the Budget of this year, including allowing those vehicle owners who just write off their vehicles to receive subsidies under the schemes; and
- (g) strengthen the co-operation and co-ordination with Guangdong Province on the improvement of air quality, including improving mutual notification and early warning mechanisms."



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

**PRESIDENT** (in Cantonese): Ms Audrey EU and Ms Cyd HO will move amendments to this motion, and Mr CHAN Hak-kan intends to move an amendment to Ms Cyd HO's amendment. This Council will now proceed to a joint debate on the motion and the amendments.

I will first call upon the Members who intend to move amendments to speak one by one; but no amendments are to be moved at this stage.

**MS AUDREY EU** (in Cantonese): President, once when I was interviewed by the Newline programme on an English channel, the host asked me if we in the Legislative Council only debated all the time such issues as universal suffrage and constitutional reform and overlooked the issue of air pollution. I said that we were really wronged. I think 10 minutes' speaking time is not enough if I have to talk about the history of the Legislative Council in debating the issue of improving air quality. This is because giving an account of the topics and contents of the past debates alone will take 10 minutes. As KAM Nai-wai has just said, this is the second time he himself proposes a debate on this issue in this Council, not to mention the time when Christine LOH was a Member, that is, when KAM Nai-wai has not yet been elected a Member. At that time, I also proposed many motion debates about air quality. President, the problem is even after a lot of talking by Members, no trace of substantive progress by the Government can be seen in this connection.

President, when we discussed the "sandstorm" this morning, Cyd HO said that the Air Pollution Index (API) was actually higher than 500 but the maximum possible reading of the measuring equipment could only reach 500. So, we will never know the real situation even if the API exceeds 500 or even reaches 1 000.

President, I would like to point out that apart from the API exceeding 500, the current API is based on air quality objectives which were drawn up more than 20 years ago. Thus, the current API is practically out-dated, which is a problem itself.

Another problem is that the current API is lagging behind because it just reflects the average situation in the past eight or 24 hours. Therefore, when hit by the "sandstorm", we noticed that the API recorded at the monitoring stations

were actually not very high for we practically could not see the seriousness of the situation at the time when we merely looked at the average figures. President, this involves a very crucial issue after all, and that is, when the Government is going to submit an updated API for our discussion. The Government has actually completed a relevant consultation. That is why I have kept asking the Under Secretary the same question at every meeting of the Panel on Environmental Affairs, but, she has always been unwilling to tell us the relevant timetable. Whenever I ask her the same question, it is even more painful than tooth extraction because she is always reluctant to disclose the timetable, just telling us that a timetable will be available very soon. President, I am not sure if the Under Secretary will tell us later in her response when the results of the air quality consultation will be submitted to the Legislative Council for discussion.

President, I agree to most of the contents of the original motion moved by Mr KAM Nai-wai. I have proposed the amendment just to add some points, in particular, the problems caused by the district cooling system in the Kai Tak Development Area, and the issue that town planning is actually closely associated with our air quality.

President, the Government frequently tells us, the students in the public gallery in particular, that the air pollution situation has actually been improved. It also provides some indices to prove that improvement has really been made, saying that it is the result of its efforts. KAM Nai-wai has just cited these figures. When we look at the API that exceeds 100 — I have just said that 100 is an unacceptable level because the current API is already outdated, but even on the basis of the Government's standard of 100 — there were 109 days last year on which the API exceeded 100. One hundred and nine days in a year, that is, 30% were exceedance days. In the fourth quarter last year, the number of days on which the API exceeded 100 accounted for 23.8%. When compared with the 3.6% in the fourth quarter of 1999, we can see that the air quality has actually been getting worse. It is unnecessary for us to argue over figures as we just need to go out and look at the other side of the harbour, we practically cannot see anything at all. It is just as simple as that.

Many Honourable colleagues have also referred to the "sandstorm" that hit on 22 March. At that time, seven out of 11 general monitoring stations recorded an API exceeding 500, but, it is not known how much it was above 500 because it already went off the chart. The situation persisted for four to 17 hours, during which 128 people were hospitalized for treatment, and more than 1 900 elderly people pressed the alarm for help. Evidently, all this has something to do with

our health. Prof Anthony HEDLEY whom KAM Nai-wai mentioned in his speech did return to the United Kingdom and leave Hong Kong after retirement because of the issue of air pollution. I attended his farewell lecture last week, that is, the last lecture he gave before leaving Hong Kong. It is a great pity as well as a great irony.

President, we have learnt from the Report on Pearl River Delta Air Quality published last Friday that the air quality in Hong Kong has not generally improved and the ozone and nitrogen dioxide concentrations have respectively increased by 17% and 11%, offsetting the result of the reduced emission of other pollutants. Most regrettably — I believe the main reason for the reduced emission of some pollutants is the addition of the flue gas desulphurization units in the power plants in the Pearl River Delta Region, and the Guangdong Province's effort in upgrading the emission standard of vehicles to the National III level, which is equivalent to the Euro III standard in Hong Kong — although progress has been made on the Mainland, the situation of roadside air pollution in Hong Kong has not seen any improvement. Information from the Transport Department shows that in February this year, there were a total of 431 842 registered private cars, 10 451 cars more than the 421 391 cars in February 2009, and the total traffic volume of the harbour crossings recorded a year-on-year increase of 2.8%. This is obviously one of the reasons why the pollutants are on the increase.

We have also been aware that the allocation of \$3.2 billion by the Government for the replacement of diesel vehicles — but it happened three years ago. President, the Government told us at the time that there were 74 000 vehicles, but the number was later changed for some unknown reasons — the figures given by the Government keep changing frequently — only 14 000 vehicles participated in the scheme in the end. The second round of the scheme is now launched with the objective of eliminating Euro II vehicles. Yet, the scheme is generally expected not to get any results.

Regarding franchised buses, there are a total of 1 800 pre-Euro and Euro I buses in Hong Kong, which account for 6% of the respirable suspended particulates (RSP) in vehicle emissions. Nevertheless, in busy districts such as Mong Kok, Central and Causeway Bay, the RSP from these buses accounts for 40%. As planned by the bus companies, all pre-Euro and Euro I buses will be eliminated by 2013 or 2014. On the other hand, the bus companies state that filters have been installed on 3 924 Euro II and Euro III buses. Yet, it is

practically impossible for these filters to filter smaller particulates which are the biggest problem affecting our health.

The Government has recently put forward a proposal to the Panel on Environmental Affairs that selective catalytic reduction (SCR) devices should be installed in buses. But, the bus companies have made it clear that it is unfeasible given the capacity of buses. So, this proposal is unfeasible.

President, I have repeatedly said in this Council that we should really eliminate those old buses, and we cannot just rely on the bus companies to eliminate one bus every 17 years. Otherwise, all of us may be adversely affected by those noxious emissions whilst thousands of such old buses have not yet been totally eliminated. This will actually affect the health of all pedestrians. President, our Government is not without the money. If we do not have the money for the replacement of buses and therefore are forced to inhale such noxious emissions, I have nothing to say. However, when the Government has a reserve of more than \$1,000 billion and it is still unwilling to spend money on the elimination of those old buses, I think this is simply unacceptable.

President, back to power generation, the Government has stated that a contract relating to natural gas has been signed, but not a slightest sign of progress has been seen so far. There is absolutely no information about when natural gas will be supplied to Hong Kong.

In addition, regarding the district cooling system, President, there are actually many development areas in Hong Kong such as Kwu Tung North, Fanling North and Ta Kwu Ling, is it possible to put such systems in place in these areas? I have asked the Government why the district cooling system is only put in place in commercial facilities but not the public housing development.

Besides, we have suggested that the Government should conduct a review on the Outline Zoning Plan in respect of the wall effect, street canyon effect or town planning. However, the Government has worked at such a snail's pace that at present, 30 Outline Zoning Plans are still pending handling. Hence, President, if the Government fails to make any improvement, our air quality can hardly see any improvement as well.

**MS CYD HO** (in Cantonese): President, air, polluted or fresh, everyone has a share of it. And fresh air that we want comes with a price. In the recently-released Budget, we have noticed that the Financial Secretary has again wrongly estimated this year's fiscal surplus, and there is a difference of \$25.9 billion from the original estimate. If this amount is spent on purchasing new-model buses and implementing other measures to reduce air pollution, results can actually be seen at once. However, concerning the effect of air pollution on public health, the Government has always been very passive and even somewhat at a loss. For example, in the incident of a "sandstorm" hitting Hong Kong on 21 March, the attitude adopted by the Government was only waiting for the arrival of the "sandstorm" and then waiting for its departure. During that time, it just tried as far as possible to give people advice and disseminate the relevant information but it failed to tell people how they should protect themselves. Insofar as manual workers were concerned, as we already discussed this morning, the Government only gave advice and failed to take any measures to protect them. We find this unacceptable.

In the case of minor air pollution, we can make improvement locally by replacing our modes of transport with more environmentally-friendly and lower-emission models, and developing environmentally-friendly power generation. But, air pollution is really not just a problem in Hong Kong alone. It is definitely an inter-regional problem. In particular, in the face of serious situations such as a "sandstorm", we must communicate closely with the Mainland and the peripheral regions, and establish notification mechanisms, so as to immediately inform Hong Kong people of the imminent threat. In this way, they can take preventive and protective measures quickly. Nevertheless, we can see from the Secretary's main reply this morning that the situation was rather bizarre. The Environmental Protection Department (EPD) was the first department that noticed something unusual in the air. It detected the odd situation on the basis of the amount of suspended particulates "hovered", that is, arrived in Hong Kong which affected our air quality, and it then enquired the Observatory about it. However, a very interesting point is that we learnt from the Director's Blog of the Observatory that the Director actually knew the visibility would be very low on those two days, but it was difficult to forecast whether there would really be a "sandstorm" or whether there would be such a large amount of suspended particulates in the air. Evidently, there was not any link between the two departments.

We hope the Government would become wiser after this incident. The Secretary has mentioned in his reply this morning that the EPD will maintain constant communication with its Mainland counterparts, check the air pollution level and the number of suspended particulates in the air there, as well as tie in with the work of the Observatory. Actually, one thing is missed out, that is, the meteorological monitoring system in the region. Most importantly, even if we have the technologies, we just get help from the equipment and communication devices. Nevertheless, when it comes to the decision making, induction and analysis of such data, especially which department should take the lead and assume the responsibility for issuing the first early warning, it has nothing to do with the machines but all about the human brain. If the administration authorities shift responsibilities onto one another in the face of these matters of consequences, instead of expeditiously clarifying the procedures to be followed and deciding which local department should take the responsibility for issuing the first early warning, in spite of the number of advanced equipment and computers we have, it will not enable the authorities to inform Hong Kong people in the first instance of the imminent attack of serious air pollution.

Second, the current early warning mechanism of Hong Kong does have inadequacies. First of all, our Air Pollution Index (API) was compiled in 1978. It is measured on the basis of the microgram of emissions or suspended particulates per cubic metre of air. When the API reaches 500, it means there are 600 microgram of suspended particulates per cubic metre of air. However, we only know that the API exceeded 500 on that day. I very much hope that the Assistant Director could later relay the information to the Under Secretary, and then she will tell us exactly how many microgram of suspended particulates per cubic metre of air were measured by the 11 air quality monitoring stations on that day. Certainly, the API also measures other rates of emission. But we have also learnt from Dr YU from the Hospital Authority a few days after Hong Kong was hit by the "sandstorm" that given the tiny size of the suspended particulates, they could penetrate deep down into the lung, causing direct and serious damages to our bodies. It might cause damages to people who stay outdoors for long hours doing vigorous exercises. He also added that healthy people would also be affected by this "sandstorm". Even people who did not have heart disease or chronic respiratory disease might have their health directly affected if they inhaled too many suspended particulates that could penetrate deep down into their lungs. That being the case, the authorities should review the API especially in respect of the suspended particulates. Now that we have been hit by a

"sandstorm", we may be hit by other "sandstorms" in the future — even though we do not hope so, we cannot rule out the possibility — thus, it is necessary for the authorities to review the API again in light of the situation after Hong Kong was hit by the "sandstorms". Otherwise, when the API exceeds 500 again, people will still not know how dangerous the air pollution situation will be.

Another problem is radiation. China carried out nuclear explosion tests in the Inner Mongolia region in the past. According to a news report, a "sandstorms" will carry the particulates and suspended particulates in Inner Mongolia by wind and spread them out. Korea and Japan were under such an attack in March 2002. A report was published by a scientific research centre in Japan in May 2007, and personnel from the Chinese Academy of Sciences were also involved in the relevant research. It was stated in the report that the suspended particulates in the "sandstorms" that hit Japan in 2002 were radioactive and might affect the human body. When Hong Kong was hit by the "sandstorm" in March this year, we saw many vehicle owners clearing dust from their vehicles in the street. Have the authorities conducted any laboratory tests to find out the radioactive content of these suspended particulates after reading the report or picking up the relevant scientific information from other channels? Such information should actually be included in our early warning mechanism.

Furthermore, I would like to talk about the measures for the protection of workers. President, each Member could only raise one supplementary question and one follow-up question this morning, and the Secretary did not answer all the questions we asked. So, I believe many Members from the labour sector would later express their views freely on this motion. The Government has certainly given workers inadequate protection. After the onslaught of the "sandstorms", we basically find from the Secretary's answer this morning that the authorities' early warning measures and the measures for the protection of people in the future will not be any different from those in the past. It will just give advice and disseminate information, and suggest that people should stay outdoors for a shorter time. Manual workers such as those operating heavy machinery and carrying out excavation work or other major works outdoors have a heavy workload, and their health may be directly damaged for they are precisely those who stay outdoors for long hours doing strenuous manual work as Dr YU from the Hospital Authority has referred to. Why can we not formulate effective measures just like what we do when we issue early warnings before typhoons? For instance, when air pollution in Hong Kong reaches a certain level, outdoor activities will be prohibited to give these workers adequate protection. If we just

ask the workers to take the initiative to do so, sorry, the biggest challenge workers facing now is not the inhalation of dust into their lungs but the fact that whether they still have a job the next day. How will they dare to ask for a day off? They can only try their best to put up with it. Thus, if the Government does not join hands with the Labor Department in implementing inter-departmental administrative measures, and even legislate for the implementation, workers will not be duly protected.

Another problem is the emissions reduction by local vehicles. Though we have a green fund, we have noticed that the authorities still adopt outdated standards insofar as the licence fees of vehicles with exhaust emissions are concerned. We should change licence fees on the basis of the green performance rather than the cylinder capacity of vehicles. Moreover, we should not give concessions only to the owners of liquefied petroleum gas (LPG) vehicles because many Euro IV and even Euro V vehicles also have very environmentally-friendly mechanisms. Besides, there is also the launch of electric vehicles. Hence, if we only give concessions to the owners of LPG vehicles, it will easily give rise to a monopoly in the automobile sector, which is not only unhelpful to promoting environmental protection but also detrimental to the interests of the transport industry.

Thank you, President.

**MR CHAN HAK-KAN** (in Cantonese): President, I move an amendment to Ms Cyd HO's amendment by adding "expeditiously realize air quality objectives at a level above the national standards as mentioned in the Framework Agreement on Hong Kong/Guangdong Co-operation." I support requesting the governments of the two places to gradually raise the air quality measurement objectives in Hong Kong and Guangdong Province, so as to achieve the target of meeting the ultimate air quality guidelines set by the World Health Organization (WHO) as mentioned in Ms Cyd HO's amendment. I believe we all hope that this target will be achieved one day. However, we also believe that it will take a long way and a long time before this target can be achieved. Actually, an achievable objective for Hong Kong and Guangdong Province is already in sight, and that is why I have included this point in my amendment, hoping that the governments of the two places will put in every effort to raise the air quality measurement objectives to a more readily achievable level. In the long run, I hope the air



quality in the Pearl River Delta (PRD) Region will be raised to a level which meets the ultimate guidelines set by the WHO.

President, as many Members said just now, the subject of improving air quality has been discussed countless times in this Chamber. However, why are Members still so enthusiastic about discussing it? This precisely reflects the lack of significant improvement or even the deterioration in the air quality in Hong Kong over the recent few years or the past decade. The onslaught of a "sandstorm" in Hong Kong earlier has also revealed some loopholes in the existing system of the Government.

I remember during those few days when the Air Pollution Index (API) recorded the maximum possible reading, that is, the few days during the onslaught of the "sandstorm", members of the public had to put on face masks when they went to work or school. Although Secretary Edward YAU managed to meet with the media early that day to give an account of the incident and urge the public to put their minds at ease, members of the public could not do so, and they were even more worried instead. They also queried why the Government had not announced the arrival of the "sandstorm" earlier and notified them in advance, so that they would be aware of the poor air quality at the time and of the duration of the condition for some time.

President, a survey conducted by the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) last month found 80% of the respondents were worried that their health would have been affected if they had gone out on the day of the "sandstorm"; 70% of the respondents considered the authorities' performance in this incident only "average" or even "unsatisfactory". Actually, the "sandstorm" incident has highlighted three major problems of the Government, namely, "inadequate awareness of risk management", "unsound early warning mechanism" and "deficient contingency arrangements".

In recent years, Hong Kong has to face an ever-increasing number of environmental problems arising from climate change and air pollution, but the Administration has failed to attach any importance to them all along. Just take a look at our neighbouring places. Taiwan, for example, has set up "sandstorm" monitoring stations as early as in 1999 because according to their calculation, a "sandstorm" in the Mainland, with the right meteorological conditions, may blow

into Taiwan in 24 to 36 hours. Is Hong Kong not closer to our Motherland than Taiwan? However, have we set up these facilities? Apparently, Hong Kong lacks such awareness of crisis.

President, if our lack of crisis awareness is due to our lack of experience in handling these problems, as Secretary Edward YAU has suggested, then is the Government's monitoring mechanism sound? The governments of Hong Kong and Guangdong Province have enhanced the monitoring of air pollution in the region in recent years, but why did it fail to give any early warning in this "sandstorm" incident?

Within the Government, air quality monitoring is now undertaken by the Environmental Protection Department, while weather forecast is undertaken by the Hong Kong Observatory. In the monitoring of "sandstorms", the two departments are actually independent of each other, and neither is there any communication between them. We can see that the movement and concentration variation of pollutants are affected by meteorological factors such as wind direction and precipitation. Therefore, President, the DAB thinks that the two departments should establish a platform for information sharing within a short time to facilitate the sharing of the latest data, with a view to making up for the inadequacies of the existing monitoring mechanism.

More importantly, the authorities should, after perfecting the monitoring mechanism, inform the public of the contingency arrangements in times of poor air quality. In this connection, I would like to make the following three proposals:

First, the existing maximum possible reading of the API is only 500. However, after this incident in which the readings went off the chart, we consider it necessary to adjust the maximum possible reading of the API to the "alert" level of 800 or even 1 000 to cope with future events.

Second, members of the public just have a scanty understanding of the API readings. For them, such readings are basically a heap of figures which do not make any sense because they do not understand the effects of the high or low API readings on their body and health. Therefore, it is necessary for the Government to provide health advices corresponding to various API levels to turn them into useful reference, thereby raising the vigilance of the public.

Third, the Government needs to specify, by taking reference to the typhoon and rain storm warning systems, the API levels at which schools should be suspended, workers should be released from work, or large-scale public events should be cancelled, so that a clear and specific standard is set for compliance and reference by the public.

President, we certainly cannot rely solely on the Environmental Bureau to implement these arrangements effectively. A contingency centre led by the Environmental Bureau should be set up within the Government to co-ordinate the work of various departments, such as the Hong Kong Observatory, the Education Bureau and the Hospital Authority. "One would grow wiser with experience", so the saying goes. We hope various government departments will no longer act incompetently and haphazardly in handling unforeseen or serious air pollution incidents in the future.

President, we from the DAB will vote for the original motion and the amendments moved by various Members, and we also support their views. Thank you, President.

**PRESIDENT** (in Cantonese): Ms Cyd HO has requested to make a clarification on the figures she mentioned in her speech just now.

**MS CYD HO** (in Cantonese): I would like to thank President for allowing me to correct some information. The Air Pollution Index was compiled by the Government in 1987 in accordance with the Air Pollution Control Ordinance but not in 1978 as I just said. Thank you.

**SECRETARY FOR THE ENVIRONMENT** (in Cantonese): President, I thank Mr KAM Nai-wai very much for moving a motion debate about "Improving air quality", and Ms Cyd HO, Ms Audrey EU and Mr CHAN Hak-kan for their amendments.

The SAR Government has always attached great importance to improving our air quality. Clean air is closely bound up with people's health, and an important factor for maintaining our status as an international financial and commercial centre.

For many years, the Government has devoted itself to improve our air quality in various ways. In Hong Kong, besides requiring emission reduction in the power stations, the Government implements the most stringent new vehicle emission standard and auto fuel standard where practicable. The Government also encourages the business sector to use more environmentally-friendly vehicles, makes it compulsory for pre-Euro diesel vehicles to be installed with emission reduction devices and to use ultra low sulphur diesel. Furthermore, it has taken measures to strictly control products containing volatile organic compounds. On the regional front, the Government and the Guangdong Province has pooled efforts for years to implement various emission reduction measures, with a view to improving regional air quality and the smog problem.

To further improve air quality, especially roadside air quality, we are now reviewing the Air Pollution Index and have recommended a basketful of 19 measures for improving air quality. At present, we are carefully studying the views collected during the public consultation completed late last year. In the meantime, we are considering with the Guangdong Province a proposal on emission reduction in the two places after 2010. With the implementation of more emission reduction measures, we expect that our air quality would be further improved.

Mr KAM and other Members are highly concerned about the sandstorm weather conditions and a relatively high air pollution level in Hong Kong in late March this year as a result of the "sandstorm" that hit northern China, and the measures taken by various government departments to tackle the situation. This morning when I replied to the questions raised by Ms Cyd HO and Honourable Members, I said that we had always closely monitored the data variations in the regional air quality monitoring network in Hong Kong and the Pearl River Delta Region. When we have noticed a tendency for an increase in the concentration of particulates in Hong Kong, we will immediately contact the Hong Kong Observatory and conduct a detailed analysis of the meteorological and related information in Hong Kong and the peripheral areas at that time. Just like many environmental protection policies in the past, in dealing with this incident, we co-ordinated the work of various departments and promptly disseminate the relevant information to the public.

No matter whether high pollution levels are brought about by the sandstorm weather conditions or other reasons, we agree that the Government should notify people as soon as possible and provide explicit guidelines to enable them to take appropriate preventive measures early. As we mentioned this

morning, the Government has closely examined this incident and proactively taken measures to improve the current air pollution early warning mechanisms, with a view to providing people with the relevant information in a more effective manner.

I know Honourable Members can give quite a lot of good advice for improving air quality. Hence, after listening to Honourable Members' speeches, it is my pleasure to respond to all the views expressed when I make the concluding remarks, and to expound our strategies and measures for improving air quality.

Thank you, President.

**MR WONG KWOK-HING** (in Cantonese): I had prepared a script, but after listening to the Secretary's response this morning, I put it aside. In response to the Secretary's reply, I would like to raise 10 questions. I will try as far as possible to explain them within these seven minutes and I hope the Secretary will respond to them later.

These 10 questions can be categorized into three main aspects. The first aspect concerns the Government's attitude in coping with "sandstorms", and the first question is on the second paragraph of the main reply. Given that the highest Air Pollution Index (API) reading recorded in 2001 was 109, and the API reading recorded this time was above 500, representing a rise of 500%, why have the authorities not examined whether they can formulate any corresponding measures and contingency plans in relation to these problems over these 10 years? This is the first question. Why?

The second question is on the third paragraph of the main reply. Why has the Hong Kong Observatory (HKO) not monitored the particulate concentration in the air? Why does the Environmental Protection Department (EPD) have to initiate the contact? Why is the EPD required to contact the HKO?

The third question. If the EPD does not contact the HKO, does it mean that the HKO does not have to monitor the particulate concentration in the air? I have to raise my questions quickly.

The fourth question. Given the severe impact of "sandstorms", why has the Government not consolidated its resources to cope with the changes over the past decade? As the EPD and the HKO are under different bureaux with their respective supervisory authorities, their own work priorities and resource allocation strategies, a synergy effect may be achieved if resources are consolidated and the efforts of various departments are co-ordinated. Why has the Government not made such effort earlier?

The fifth question. According to the fifth paragraph of the authorities' main reply, the Environmental Bureau is responsible for co-ordinating notification and contingency measures (this is stated clearly here). May I ask which department is responsible for monitoring notification? The Environmental Bureau is only responsible for co-ordination, but which department is responsible for monitoring? The reply that follows also points out that the HKO is only fifth on the list of the various government departments after the Department of Health, the EPD, the Education Bureau and the Food and Health Bureau. Does the Environmental Bureau attach little importance to the role of the HKO? Is it because it is not directly under the Environmental Bureau? This is the fifth question.

The sixth question. According to the first point in the fifth paragraph of the main reply, "..... the EPD and the HKO jointly analysed ..... on that day." Will the authorities continue to jointly cope with such situations in the future? How will they "join" their efforts? Will this approach achieve the effect of providing an early warning in the first instance?

The seventh question. Is there a dedicated division under the EPD which is responsible for dealing with issues concerning particulate concentration in the air? How many staff members are deployed to take up the duties? Do they maintain a 24-hour duty roster to perform monitoring work like the HKO does? This is the seventh question.

The above seven questions are about the first aspect. The second aspect I would like to raise concerns the Environmental Bureau's press release on the 22nd, as stated in the fourth paragraph of the Secretary's main reply. As we all know, the press has autonomy as to whether or not to report a press release and how much weight it will carry. Why can the Government not send out clear warning messages on the "sandstorm" in the same way the HKO sends out very

hot weather and typhoon warnings? Why can the Government not do so? Members of the public will be informed if clear messages are sent out. Is it practicable to replace early warnings with press releases?

Besides, unlike typhoon signals and very hot weather warnings, the press release issued by the authorities did not indicate the magnitude of the "sandstorm" in the form of different levels, and neither did it state the distance of the "sandstorm" from Hong Kong and when it would blow into our territory. Therefore, is a press release a professional means for this purpose? This is the second aspect concerning notification. Will the authorities review, sum up and learn from this experience and introduce a host of new measures? The authorities have not said anything about it.

Finally, my questions on the third aspect — I now have about one minute left — concern the last point in the fifth paragraph of the Secretary's main reply, which reads "In the press release, the LD (Labour Department) also advised outdoor workers .....". This really gives me a feeling of "why do they not have meat porridge?" This is a question asked by an ancient Chinese Emperor during a famine when he saw people starve to death. How can outdoor workers consult doctors at once? How can they obtain doctors' advice and then notify their employers? All these are armchair measures which display a complete disregard for the people's sentiment. The Secretary said this morning that, as a supervisor, he would understand and support his subordinates. However, may I ask whether the Government has the responsibility to take a leading role? Besides, why have the authorities not taken reference to the various rules and regulations in place in the Mainland? When the Secretary said in the end that according to the advice provided by some doctors in response to his consultation, wearing face masks would not be very helpful, then why did the authorities bother to make so much effort? Why did they bother to issue the press release? Actually, such logic would only cause further panic among us. The Government did not know how to cope with the onslaught of "sandstorms" and was only able to introduce some idealistic yet impracticable measures.

Therefore, I raised these 10 questions concerning the above three aspects in the hope that the Secretary will give a response to them later. If she cannot give

a reply today, I still hope she will provide a paper later for discussion by the relevant Panels.

Thank you, President.

**MR JEFFREY LAM** (in Cantonese): President, recently, a piece of news gives us a feeling of helplessness. Prof Anthony HEDLEY, Chair Professor of Community Medicine at the School of Public Health of the University of Hong Kong, who has lived in Hong Kong for 22 years and focused on the research of the air quality in Hong Kong, has decided to leave Hong Kong and move to the Isle of Man after his retirement this month because air pollution in Hong Kong is indeed too serious. For the sake of his health, he could only leave Hong Kong, a place where he has made his home.

Although Prof Anthony HEDLEY is about to leave, he still loves Hong Kong so much that he has pointed out in stiff words that actions to improve the air quality in Hong Kong have indeed been so slow that the environment and public health are already under threat, and the Government has failed to make enough effort in this respect. The Hedley Environmental Index designed by him is ticking every second to remind the people of Hong Kong of the threat of air pollution on our health.

President, I believe no one will deny that the air quality in Hong Kong is indeed very poor. During the onslaught of the "sandstorm" earlier, as mentioned by several Honourable colleagues just now, our Air Pollution Index (API) reached the maximum possible reading of 500. As to how high the actual API reading was, we just would not know. There is actually no way for us to find out whether it was 800 or 1 000. This precisely shows that improvement to the early warning mechanism and the preventive and monitoring measures is badly needed.

President, Hong Kong and Guangdong Province agreed in 2002 to reduce the emission of four major air pollutants in the region by 2010, using 1997 as the base year. Despite my repeated mention of the issue in the past, this target has not been achieved so far, and neither are new targets in sight. Last week, the Environmental Protection Department of Hong Kong and the Environmental Protection Bureau of Guangdong Province jointly released the 2009 report on the



monitoring results of four major air pollutants measured by the Pearl River Delta (PRD) Regional Air Quality Monitoring Network. The report shows that the level of ozone emission has been increasing, with an increase of 17% in 2009 from the 2006 level, which is indeed alarming.

The Framework Agreement on Hong Kong/Guangdong Co-operation (Framework Agreement) signed in Beijing last month has clearly laid down specific initiatives, including that the two places will jointly explore the reduction targets and options for the total emission of air pollutants in the PRD Region in 2011 to 2020, expand the Cleaner Production Partnership Programme and take the lead in introducing electric cars to Greater PRD major cities like Hong Kong, Guangzhou and Shenzhen.

The governments of Hong Kong and Guangdong Province should jointly formulate measures to improve air quality without delay. I urge the authorities to expeditiously draw up specific action plans to implement the initiatives set out in the Framework Agreement, and refrain from using excuses such as that more time is required for studies and further consideration. It should be noted that it does not take that many years before "sandstorms", volcanic ash, particulates and black smoke to blow into Hong Kong. The Government must make effective efforts to implement a host of plans or all of us might really have to move to Mars.

Actually, President, many members of the industrial and commercial sectors in support of improving air quality have been gathering information to do so all the time. At the beginning of this year, the Economic Synergy studied the retrofitting of selective catalytic reduction (SCR) devices on buses in various places in Europe. The industrial and commercial sector in Hong Kong also conducted studies and learned that SCR devices could effectively reduce nitrogen oxide emissions. So we wrote to the Financial Secretary in the hope that the authorities would examine this issue. Subsequently, the authorities have taken on board our view and are now discussing with the bus companies in Hong Kong the retrofitting of SCR devices on Euro II and Euro III buses as a field trial. Ms Audrey EU's remark just now, that some bus companies considered the retrofitting of SCR devices infeasible, is not entirely correct. The bus companies have indicated that they are now examining the retrofitting of SCR devices, and as their buses were bought from Europe, they also consider this project feasible. Only one bus company has indicated that there is insufficient

space in the machine compartment of its buses for retrofitting SCR devices, but alterations can be made. This bus company also considers SCR devices effective. The Government has undertaken to encourage operators to deploy retrofitted buses to run on busy roads to improve roadside air quality, subject to a successful trial. I very much hope the authorities will take forward this project in a proactive manner. Apart from buses, the trial may be expanded to heavy vehicles such as residents' coaches and tourist coaches to further reduce roadside air pollutants. This approach is less costly and more environmentally-friendly than replacing the buses altogether, and it can also reduce the pressure on landfills.

The Economic Synergy supports the setting up of a \$300 million Pilot Green Transport Fund proposed in the Budget. I consider it appropriate for the authorities to adopt a less restrictive approach in approving the projects under the Fund in order to attract different technologies from Hong Kong and even places all over the world so that we can draw on collective wisdom and encourage the industry to research and develop more varieties of green technologies.

President, actually not only Prof Anthony HEDLEY but also some foreign investors who like Hong Kong had to change their investment decisions reluctantly due to the poor air quality in Hong Kong because no one would prefer earning money at the expense of one's health, nor will any one want to get rich at the expense of one's life. The Hong Kong General Chamber of Commerce has been cautioning the Government throughout the years that if no improvement to air quality is made, the business environment will definitely be hampered and foreign investors will be driven away. I hope the authorities will walk in our shoes and formulate specific action plans expeditiously.

President, I so submit.

**DR JOSEPH LEE** (in Cantonese): President, air pollution has made Hong Kong a world "famous" city, and of course, the word "famous" has to be put in quotes. Despite the launch of Action Blue Sky, air pollution in Hong Kong has not been alleviated.

There is nowhere to hide from polluted air, and we are constantly under its threat. Although its impact may not emerge immediately, air pollution will have

serious and far-reaching effects on public health and the economy of Hong Kong over time.

Some people may think air pollution will at most cause difficulties in breathing or render one more vulnerable to asthma. Actually, however, air pollutants will have a great impact on one's respiratory system, pulmonary function, heart and circulatory system, and even cell and functional capacities. Studies have pointed out that air pollution has annually cost Hong Kong people \$1.3 billion to \$2 billion, including medical expenses and productivity loss due to illnesses. The annual number of premature deaths from air pollution is as high as 1 600, and the number of additional medical consultations required is 7 million. Certainly, no doctor can say for sure that air pollution is the cause of a particular death, but the unremitting effects of air pollution are beyond question.

Air pollution has also undermined the competitiveness of the local economy. In a survey on the best locations for expatriates to live, Singapore tops the rank while Hong Kong only ranks eight, way behind Singapore, our major competitor. Many respondents pointed out that Hong Kong was good in all aspects except its air, which was highly polluted. Besides, air pollution has scared many foreigners away. As pointed out by some Honourable colleagues just now, Prof HEDLEY, an air quality expert in Hong Kong, will leave Hong Kong after retirement because he cannot stand the polluted air in Hong Kong. Friends of the Earth once conducted a survey on the tourism industry of Hong Kong. Among the over 100 tourist guides interviewed, almost 40% of them had received complaints from tourists about the extremely poor air quality in Hong Kong. Among these complaint cases, 4% of the tourist guides concerned reported having heard the tourists say that they would not visit Hong Kong again because of the poor air quality here. This has a serious adverse impact on the tourism industry of Hong Kong.

In 2009, Australia intended to issue a warning to its people visiting Hong Kong that they should avoid to do so because they might suffer from bronchitis or asthma as a result of the extremely poor air quality here. This has tarnished the reputation of Hong Kong as a city of tourism. Therefore, we think the Government should step up its effort to take immediate actions and refrain from acting feebly and irresolutely.

It seems that existing policies to improve the environment are all drawn up with reference to readings recorded by roadside monitoring stations (RMSs), which monitor the air some 3.5 metres above the ground. The RMSs were originally designed to monitor the quality of air the general public breathe at street level. However, may I ask how tall an average person is? Are all the people 3.5 metres tall? If not, is the air monitored by RMSs the air the general public breathe in the street? It is indeed questionable.

There are currently only three RMSs throughout the territory, and no RMS is installed even in Kwun Tong where the flow of people is so heavy. Is this why better effects cannot be achieved? Therefore, apart from considering the appropriate height, the Government should also consider installing additional RMSs at places with heavy flow of people and serious air pollution in order to improve the accuracy of the readings.

During the onslaught of the "sandstorm" earlier, the Air Pollution Index (API) reached a level above 500. Due to the lack of relevant guidelines, schools adopted different measures in relation to outdoor activities, thereby causing a lot of nuisances to schools. As we all know, since children have a higher breathing rate than adults, they are more susceptible to the adverse health effects of air pollution. In the long run, air pollution has far greater health effects on children at the stage of pulmonary development than on adults. Children who take in air of poor quality over an extended period of time will have proportionally reduced vital capacities when they grow up, which will in turn deprive them of a healthy and long life.

Dr CHOW Chun-bong, Chairman of the Hong Kong Early Childhood Development Research Foundation, referred to a survey conducted in California of the United States, which found that the pulmonary function of children who lived in high pollution areas over an extended period of time was 20% lower than children who lived in low pollution areas. Assuming that a person will live until 80 years of age, Dr CHOW has pointed out that people who always inhale seriously polluted air will experience acute lung failure at the age of 64. Actually, air pollution in Hong Kong is more serious than that in California. So, we can imagine that our next generation may experience lung failure at an earlier age. Therefore, the Government should formulate a set of clear guidelines as soon as possible for schools to follow. For example, schools are required to suspend outdoor activities or even classes when air pollution has reached a certain serious level. At present, about 10% of the children in Hong Kong are suffering

from asthma, representing a rise of 6% from 15 years ago. Therefore, formulating the relevant guidelines will help reduce the impact of serious air pollution on the next generation.

Besides, the Government should also give consideration to and take forward the development of renewable energy as it virtually does not produce any air pollutants during the electricity generation process, thereby greatly reducing the adverse effects on human health. Solar power, wind power and waste-to-energy are potential energy sources in Hong Kong, but it is a pity that the Government has not made any vigorous effort to develop them so far. Besides, the Government should also give consideration to engaging in inter-regional renewable energy co-operation, such as pursuing wind energy generation in collaboration with Guangdong Province or taking on vigorous development in technologies and skills together with the Government of Nan Ao in Guangdong Province, which has rich renewable energy sources, and introducing efficient renewable energy to reduce emissions.

In sum, the policy on environmental protection is nothing new to Hong Kong. I hope the Government will stop acting feebly and irresolutely. Instead, it should make vigorous effort to set sound objectives and guidelines on air quality and introduce good technologies so that Hong Kong can really enjoy the blue sky and prevent the passing of the adverse effect of polluted air to the next generation. Thank you, President.

**MR ANDREW LEUNG** (in Cantonese): President, air quality has all along been a matter of great concern to me and the industrial sector. All along, we have been striving to fulfil our social responsibility by contributing towards the improvement of air quality. We are not just paying lip service, rather, we are making actual investments in cleaner production and the introduction of green technologies. Concerning today's motion on "Improving air quality", I will comment on the two aspects of transport technology and clean industrial production.

Recently, some Honourable colleagues among us said that tens of billions of dollars should be spent on replacing the thousands of buses in Hong Kong at one go. In fact, this is impractical and also a waste. If public funds are used to help bus companies replace thousands of buses and the public have to foot the

bill, this is unfair. At present, there are still 38 000 Euro I and pre-Euro diesel trucks and 60 000 Euro II and Euro III trucks. So how should they be disposed of after being replaced? The students in the public gallery have just left. I hope the message that they took with them is not that environmental protection means replacing things with new ones.

President, environmental protection should make good use of technology, and the replacement of all old vehicles with new ones is not necessary. Earlier on, we in the Economic Synergy have already submitted a package of proposals on environmentally-friendly technologies to the Financial Secretary and the Secretary for the Environment. One of them is to convert the engines of franchised buses with the help of government subsidy. I am pleased to see that this time around, the Government establishes the \$300 million Pilot Green Transport Fund (the Pilot Fund) in response to our proposal.

To retrofit catalyst converters to the exhaust system of buses to reduce emissions costs about \$100,000 to \$150,000 per bus. This can significantly reduce the emission levels of existing Euro II and Euro III buses to those of Euro IV and Euro V buses. Successful experience can be found overseas. For example, in Belgium, over 700 public buses had SCRTs retrofitted to their engines successfully, thereby reducing emissions effectively and economically.

Apart from converting buses, we should also consider how to help commercial vehicles reduce their emissions. Earlier on, the Economic Synergy contacted some overseas companies providing the relevant technology and some members of the sector who are willing to provide their vehicles for testing to convert the vehicles together, so as to study the possibility of upgrading Euro II and Euro III commercial vehicles to Euro IV and Euro V standards. Now, everything is ready except the catalyst. I hope the Government's Pilot Fund can give the green light to commercial vehicles by giving approval to their owners' application to commence testing and actual application in Hong Kong at an early date, so as to improve air quality.

In fact, when I was serving as the Chairman of the Hong Kong Productivity Council (HKPC), I vigorously promoted cross-boundary environmental projects and among them, the Cleaner Production Partnership Programme (the Programme) can serve as a good example for the Pilot Fund.

The Programme is designed to assist and encourage Hong Kong-owned factories operating in the Pearl River Delta to adopt cleaner production technologies, thereby reducing emissions and enhancing energy efficiency, so as to improve regional air quality. The Programme provides subsidies to various kinds of demonstration projects to engage consultants to conduct on-site assessment, purchase environment-friendly machinery and equipment, and verify the effectiveness of improvement projects, the actual cost involved and the potential financial return, in order to reinforce participating factories' confidence in investing in emission-reduction technologies.

So far, the \$15 million subsidy has induced enterprises to invest \$43 million in nearly 600 clean production projects. Last year, the 51 Hong Kong-owned enterprises recognized as the Hong Kong-Guangdong Cleaner Production Partners reduced the emission of carbon dioxide by 28 000 tonnes and volatile organic compounds by 1 200 tonnes in total, and achieved remarkable results. The Government should really strengthen its support for the Programme.

I suggest that the Government should expand the scope of the Green Financing Scheme implemented by the HKPC in collaboration with the local banking sector to provide preferential loans schemes to the transport sector, so as to encourage the sector to invest in more emission-reduction technology as a gesture of support for the Pilot Fund. I hope the Government can take a step further by offering special loan guarantees to the loans taken by the sector for investing in emission-reduction technology, so as to demonstrate the Government's resolve in improving air quality.

President, if we want to have fresh air in Hong Kong, it would not do just to pay lip service. Rather, it is necessary for everyone to do his utmost and begin with personal efforts. Environmental protection comes at a cost. It is necessary to make efforts and investments in exchange for fresh air in Hong Kong.

Take the new office of the Federation of Hong Kong Industries (FHKI) as an example, LED lights are used in the entire lighting system, bamboo parquet tiles are used for the floor and existing furniture and electrical appliances are retained as far as possible. In 2004, when I was the Chairman of the FHKI, I set up the Environmental Industries Group to implement the "One Factory — One

Year — One Environmental Project" scheme. After enterprises have joined this "One-One-One" scheme, they have to implement and complete one environmental protection project within a year.

Through the Environmental Industries Group, the FHKI organized environmental technology seminars, experience-sharing workshops and advisory/consultancy services to assist enterprises in implementing environmental protection projects.

President, Guangdong and Hong Kong are located under the same sky and we breathe the same air. We have to do a proper job in reducing emissions within Hong Kong but we cannot overlook cross-boundary co-operation either. I look forward to the introduction of more incentive measures by the Government to support the industrial sector in making greater efforts in clean production, for example, by offering tax concessions to the investments made by enterprises in conducting studies on and procuring environmental protection equipment, so as to expedite making improvements to air quality and enable all members of the Hong Kong public to breathe fresh air.

President, I support the motion and all the amendments.

**MS MIRIAM LAU** (in Cantonese): President, according to the survey conducted by ECA International, an international human resources organization, in March this year, due to serious air pollution in Hong Kong, Hong Kong is now lagging far behind Singapore in the Location Ratings for expatriate living conditions where Singapore is the front-runner and Hong Kong only came in the eighth place. Recently, Prof Anthony HEDLEY of the University of Hong Kong, who had been studying air pollution in Hong Kong and has retired, was also compelled to return to his native place, Scotland, to "take a breather". If the air quality does not improve, not only will it pose a threat to public health, it will also be a stumbling block to enhancing Hong Kong's overall competitiveness.

President, to improve air quality, the foremost task is to reform the outdated and backward air pollution index as soon as possible. Take the "sandstorm" in March as an example, Prof CHAN Chak-keung, director of the Institute for the Environment of the Hong Kong University of Science and Technology, pointed out that since the suspended particulate data in Hong Kong



are based on the average of the past 24 hours, the index actually has a time lag of 11 hours. In other words, when the off-the-chart air pollution level of over 500 was recorded, in fact, the public had been exposed to heavily polluted air for nearly half a day.

The aim of introducing the air pollution index is to provide the public with information on air pollution and to enable them to take prompt precautions in response to the degree of pollution. If the index has a serious time-lag, its reference value will be greatly reduced, not to mention serving the purpose of giving early warning. For this reason, the authorities must conduct a review as soon as possible, including the collection of suspended particulate data on an hourly basis, so as to remedy the blind spot in the system.

President, highly polluting old vehicles and emissions from coal-fired power generation are two major sources of local air pollution. For this reason, if we want to improve air quality, the authorities must target these two major sources and administer cures accordingly.

As regards the ways to assist the transport sector in scrapping old commercial diesel vehicles, as I pointed out in the Budget debate last month, the original scheme of the authorities to spend \$3.2 billion to subsidize owners of pre-Euro and Euro I vehicles in replacing their old vehicles with new ones has ended in failure, the reason being that the Government is only willing to pay for the "soy sauce", that is, less than 10% of the vehicle price, but the sector has to pay for the "chicken", that is, to procure a new and costly Euro IV vehicle. Given such a grave business environment and more importantly, since there are technical problems relating to Euro IV vehicles, naturally, the scheme has lost its appeal to the transport sector.

On the authorities' plan to rehash the old vehicle replacement scheme by switching to subsidizing owners of Euro II vehicles in replacing their vehicles, so as to ameliorate roadside air pollution, I am afraid it will also end in failure, the reason being that the amount of subsidy offered by the authorities is far less than the price a Euro II vehicle can fetch in the present second-hand market, so how can this attract vehicle owners to accept the subsidy and scrap their Euro II vehicles? Are these vehicle owners money haters?

In order to truly improve roadside air quality, I propose that the authorities reintroduce the "To Replace Pre-Euro and Euro I Diesel Commercial Vehicles by New Commercial Vehicles — Incentive Scheme" by making use of the remaining \$2.7 billion and merging it with the proposed scheme for the replacement of Euro II diesel commercial vehicles, so that all owners of pre-Euro II vehicles can benefit. However, the amount of subsidy has to be increased, for example, by calculating the subsidy amount according to the remaining service life of a vehicle, rather than the uniform rate of 18% of the assessable value of a vehicle. Only in this way can vehicle replacement be more appealing to owners.

In addition, the scheme should also allow vehicle owners to opt to quit after accepting the compensation, that is, vehicle owners are not required to buy another more environmentally-friendly vehicle for them to join the scheme. In this way, old vehicles still running on the roads can be scrapped early and the aim of the Government to eliminate these vehicles can be achieved. Of course, the authorities also have to carry out tests on Euro V diesel vehicles in conjunction with the sector to ensure that its technology and performance are suited to local conditions, so as to rebuild the confidence of the sector in vehicle replacement.

As regards the scrapping of old buses, an opinion poll conducted by the Liberal Party from 2 to 14 September 2009 has found that among the 1 450 respondents, most of them, that is, 578 respondents or 39.9%, support the sharing of the cost of switching to environmentally-friendly buses by the Government, bus companies and the public. In view of this, the Liberal Party supports the provision of subsidy to franchised bus companies, so that highly polluting old buses can be scrapped earlier. Of course, since public funds are involved, the Government should calculate the level of subsidy carefully to ensure that the amount of subsidy is reasonable and not excessive. However, as far as I know, even if the Government is to provide subsidy, bus companies may not be able to replace the more than 4 000 pre-Euro II vehicles within a short period of time because the current production line of the bus manufacturer can only turn out about 300 new buses each year and the delivery lead time is as long as nine to 12 months. Even if the entire old vehicle replacement scheme is implemented earlier and even if the funds are available, it is indeed very questionable as to whether or not the bus manufacturer can provide several thousand new vehicles within a short time. The Government must discuss with the bus companies how

the amount should be arrived at and how the problems relating to the production line of the bus manufacturer can be solved.

As regards emission reduction by power plants, it is clearly stated in the Framework Agreement on Hong Kong/Guangdong Co-operation "to encourage wider use of and research in cleaner energy and renewable energy". In view of this, the Liberal Party hopes that the authorities can seize this opportunity by making reference to the Daya Bay Nuclear Plant, which is a model of successful co-operation in clean energy sources between Guangdong and Hong Kong, to make use of the new nuclear power plants or clean energy projects within the region to import electricity to Hong Kong, so as to reduce the air pollution caused by thermal power generation in Hong Kong.

Lastly, the proposals raised in the two amendments today, including offering greater tax concessions for vehicle replacement, gradually raising the air quality measurement objectives in Hong Kong and Guangdong to the World Health Organization target, widely promoting the use of district cooling system and improving air ventilation in urban areas through town planning, and so on, are similar to the proposals put forward by the Liberal Party in the past. In view of this, we will support them.

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

**MS STARRY LEE** (in Cantonese): President, today's subject is "Improving air quality". As a number of Honourable colleagues mentioned earlier, in March this year, the "sandstorm" from northern China made the air pollution index in many districts go off the chart. Judging from the eagerness with which Members asked questions this morning and the many questions asked by Mr WONG Kwok-hing just now, it is clear that the authorities have failed to give the public a timely alert of the coming of the "sandstorm". I hope that later, the Secretary can respond properly to the questions asked by Mr WONG.

I am not going to talk about individual incidents any more. In order to prepare my speech, I have done some research. The day before, the Bloomberg LP (Bloomberg) cited information from the Environmental Protection Department (EPD), saying that during the past two quarters, the number of exceedance periods measured at the roadside air quality monitoring stations

significantly increased by 5.6 times when compared with that 11 years ago. Bloomberg is an international news agency, so the impact of releasing such information on the international image of Hong Kong and even on the wish of Hong Kong to attract more talents to come and work in Hong Kong cannot be underestimated. Bloomberg released to all its clients, including financial institutions worldwide, a piece of news with the heading "Hong Kong Air Pollution Has Two Worst Quarters Ever", which is highly unfavourable to Hong Kong.

It may be increasingly difficult for Hong Kong people to take a breath of fresh air. In fact, many past survey reports have come to the same conclusion, that is, not only does the persistent deterioration in air quality drive away talents, it also drives away money and even pushes up the death rate. However, judging from the two simple examples cited just now, we can see that despite the efforts made by the Government and various sectors over the years, it seems that the expectations of the public have yet been met. We have debated this subject a number of times and generally speaking, the response of the Government is that if we want to bring about good air quality, the efforts of Hong Kong alone will not suffice, rather, this matter has to be dealt with by way of regional co-operation. Certainly, this is understandable because air flows. If we rely solely on Hong Kong to do its utmost to solve this problem, it may not be possible to solve this problem fully. However, it seems that this has become an excuse for officials.

On another front, I can see that our country is seizing each and every opportunity to create green cities. President, on Friday, we will set off for a visit to the World Expo. The theme of the World Expo this time is "Better City, Better Life". As we all know, whenever such a major event is held, our country will take a series of preparatory measures in advance. Shanghai has taken the opportunity of hosting the "Green Expo" to introduce incentive policies and complementary facilities to support clean energy sources. As a result, the first offshore wind farm in all of Asia has officially come into operation in Hangzhou Bay this year. There are a total of 34 wind turbines in the first phase and it is estimated that green electricity can be provided to 200 000 households. In addition, its solar power generation capacity has also been greatly boosted. It will reach 7 megawatt to 10 megawatt this year and at least five other megawatt solar energy power plants will be built.

Some people may ask how Hong Kong can possibly have such opportunities as the World Expo to promote environmental protection. However, I do not agree with this. In fact, we all remember that late last year, Hong Kong worked very hard and happily accomplished something unprecedented by hosting the East Asian Games. The theme of the organizer was "Green, Cultural and Energetic EAG". However, if you randomly ask any member of the Hong Kong public if the Government has taken the opportunity of hosting the East Asian Games to introduce green actions for public participation, he would really be at a loss for an answer.

President, Hong Kong does not have the administrative efficiency of Mainland cities and the hardline tactics adopted by Mainland cities at times may not be suitable for Hong Kong. However, even if it is not possible to do something significant, at any rate, it should be possible for Hong Kong to produce results in small ways.

Before the World Expo, Shanghai followed the example of the Beijing Olympics by introducing a free public bicycle service in the city. The Government will spend \$15 million annually to provide bicycle services to the public to encourage them not to take buses and ride bicycles to and from work or underground stations instead. The scheme can help ease traffic congestion in the city as well as reduce emissions. In order to cope with the tidal wave of commuters during rush hours, Shanghai has to provide bus services with 61 bus routes and these buses discharge 1.5 tonnes of carbon dioxide daily.

If we look at Hong Kong, not to mention the introduction of a free bicycle service by the Government, even in respect of the bicycle tracks at present, they have been the subject of discussions for a long time but they remain very truncated. Moreover, they are not necessarily connected to public transport interchanges. As a result, it is not possible for bicycles to serve as a means of zero-emission transport.

President, it is necessary for policies to adapt to local conditions. For this reason, I am not asking the Government to copy the experience of Shanghai. Only that if the public cannot see the Government produce results in environmental protection in small ways, how can it convince the public that it has the resolve to tackle the increasingly worrisome air pollution?

If Shanghai can do it, why not Hong Kong? I think the key lies in the need for officials and the society as a whole to share a common awareness by treating air pollution as the arch enemy and even an enemy of the people, then do everything possible to deal with air pollution.

Lastly, I wish to talk about the monitoring of pollution by the EPD. In recent years, many major infrastructure projects have been launched. With the commencement of these projects, the public are very worried about the noise and dust nuisances. Among these projects, it is planned that 20 hectares of land will be earmarked in the Kai Tak Development Area for the Shatin to Central Link to accommodate a mud pit and four waste recycling yards needed during the implementation of the project. Since the construction sites are located just across the road, local residents are very worried that they have to face a noisy and dusty environment for a long time. Usually, when such questions are raised, the EPD will surely say that there are no problems and that it has done everything required by the legislation on environmental protection, so on, so forth, in an attempt to give assurances to residents. However, it is actually difficult for the residents to make a judgment or put aside their doubts.

I urge the EPD to consider installing pollution monitoring devices near the construction sites of these infrastructure projects at locations close to residential buildings and publish the data regularly, with a view to informing the public of the actual situation and monitoring the projects, so as to allay the public's feeling of doubt and antagonism.

President, I so submit.

**MR IP WAI-MING** (in Cantonese): All along, air pollution in Hong Kong has been quite serious. In fact, the pollution index has remained high for a long time and in some districts with more serious problems, such as Causeway Bay and Central, where the Legislative Council is located, it is common to see the index reach the "very high" band of 100.

President, Australia once issued a travel warning to remind its nationals of the serious air pollution in Hong Kong, so it can be seen that the serious pollution problem has directly damaged Hong Kong's international image. Although the SAR Government has proposed as many as 19 improvement measures in

response to the consultation paper on the review of air quality objectives, no result can as yet be seen. Just now, many Honourable colleagues mentioned that the "sandstorm" in March this year further highlighted this problem and fully exposed the slow response of the departments concerned.

President, for 20% of the time each year, Hong Kong experiences days of rather low visibility and at present, in about one in five days, the weather is hazy and sometimes, this would really affect our mood. During days of bad air, the public in general can go outdoors less and stay indoors instead, but to those wage earners who have to work outdoors for long periods of time, it is practically impossible for them to hide because they have to make a living, so they are forced to inhale a large quantity of pollutants.

Earlier on, a relevant study of the University of Hong Kong indicates that excess risk for mortality in our workers per  $10\mu\text{g}/\text{m}^3$  increase in the concentration of sulphur dioxide and respirable suspended particulates below 10 micrometres is between 1.15% and 3.73% and with a similar percentage increase in the ozone concentration, their excess risk for mortality will also increase to 3.72%.

The advice of the Environmental Protection Department (EPD) to the public is that when air pollution reaches the severe level, the public should reduce physical exertion and outdoor activities. According to this guideline, when the air pollution index reaches the severe level, it is not advisable for the public to be involved in activities requiring too much physical exertion, so why do we allow workers who have to work outdoors for extended periods of time to work under such poor conditions? What does the Government intend to do?

This morning, we also asked the Secretary about this and his reply was very interesting. He advised outdoor workers, particularly those with heart disease or respiratory disease, to seek the advice of their doctors, tell their employers about the advice and discuss with the latter appropriate work arrangements if they have doubts about whether or not their physical condition is suitable for outdoor work. Regarding this answer, I think that although it is not yet tantamount to the ancient muddle-headed emperor who commented on the situation in which many poor people were dying of starvation, asking "Why don't they eat some meat congee?", I am really sorry to say so but I wonder if the Secretary or the officers of the government departments concerned have their heads in the clouds. Do our ordinary elementary workers really have private

doctors with whom they can readily make enquiries as to whether or not it is suitable to work outdoors in view of the air pollution index at that time? Even if they could find a doctor and the latter has given them advice, if they follow the advice of the doctor and tell their employers about it, Secretary, what do you think their employers would say in reply? They would probably say, "Go home and take a rest then, but you do not have to come back tomorrow either."

Therefore, in fact, we consider this piece of so-called advice from the Government just empty words. Concerning the health impact on workers working under such a condition of serious pollution, has the Government ever considered what it needs to do?

We believe that it is imperative for the Government to enact legislation as soon as possible to require that when the air pollution index reaches the severe level, workers having to work outdoors for extended periods of time are allowed to suspend work, so as to protect their occupational health. At the same time, we believe that the Government should provide guidelines to employers and employees to enable them to understand matters requiring their attention when working under a condition of poor air quality. If employers and employees are allowed to negotiate on their own, Secretary, since workers in Hong Kong are basically at a disadvantage, in fact, there is practically no room for discussion.

As we all know, air pollution is closely related to physical health. Not only does a polluted environment increase the likelihood of respiratory tract infections, it will also induce such illnesses as heart disease and asthma. Information indicates that in 2008, the additional medical consultations sought by Hong Kong people due to high air pollution level stood at 7 million attendances and the hospitalization required stood at 80 000 bed days. The excess mortality was more than 1 000 people and the financial loss was as high as \$2.3 billion.

On the one hand, due to financial considerations, the Government has repeatedly dragged its feet in implementing a number of measures to reduce air pollution; on the other, it has to shoulder the onerous public health expenses incurred by air pollution. We believe this is a case where we lose more than we gain.



Climate change has already impacted heavily on the world and it is impossible for Hong Kong to pay attention only to itself without thinking about the others. We believe that the Government must keep abreast of the times and protect the general public, particularly those wage earners working outdoors, so that they can be protected from the ills of air pollution. The Secretary may say that this is the purview of the Labour and Welfare Bureau but we hope that the Environmental Bureau can also urge the Labour and Welfare Bureau to undertake the work in this regard, so as to protect wage earners. Bearing this guiding principle in mind, we believe that there is a need to improve the early warning mechanism, review the air quality objectives and allow people to suspend outdoor work in times of air pollution so as to improve the working conditions of employees. We believe that this approach will bring about a win-win-win situation for the Government, employers and employees.

President, I so submit.

**MR LEE WING-TAT** (in Cantonese): President, before I speak, I wish to first salute Prof HEDLEY of the University of Hong Kong, who has just retired. Why do I mention him? Because he has recently been quoted in the press. It seems that he does not live in the urban area in Hong Kong. I do not know where he has moved to, probably to the New Territories.

I mention Prof HEDLEY because in 1988, when I was the Chairman of the Kwai Tsing District Board, he was the first lecturer of the University of Hong Kong to approach me for the purpose of carrying out research. Since I was the Chairman of the District Board then, I could allocate \$500,000 to the University of Hong Kong for conducting research. That was the first time that research was conducted in Hong Kong into whether or not children in areas with serious air pollution were more prone to respiratory illnesses. He conducted the research in the Southern District and the Kwai Tsing District and of course, the subjects were the children of the Southern District. President, the children in your constituency were more fortunate because compared with children in the Kwai Tsing District, they suffered a lot less from respiratory diseases. The study he conducted has proved that serious air pollution will lead to a high incidence of respiratory illnesses among children.

Recently, he expressed his dissatisfaction with the Government in the press because despite his efforts of more than two decades, all government policies are still being implemented at a snail's pace. We held a number of public hearings under the Panel concerned of the Legislative Council and Prof HEDLEY was also present. On one occasion, the Chief Executive said something funny and Prof HEDLEY told us we must not consider the comment made by the Chief Executive that he was not sure if there was a relationship between air pollution and mortality to be correct.

President, I am speaking on behalf of the Democratic Party and generally, our view is that the work done by the Government is far too slow. Not to mention instances involving special difficulties, even the problem of buses causing air pollution that we are talking about has still not been solved. As we all know, we often learn from the Air Pollution Index the so-called extent of air pollution but in fact, this is not the index having the greatest impact on the human body. I often say to the Secretary and the Under Secretary that we all know that the roadside air pollution indices are the highest and they can easily cause problems among people because we cannot possibly breathe the air that is 100 m above our head and we can only breathe the air at the roadside that is more or less at the same level as our height. Well, where does the exhaust at the roadside come from? We all know that it comes from buses, trucks and container trucks. The discharge exhaust of these vehicles is the source causing serious problems to our respiratory system.

For this reason, I am actually very concerned about the workers working at the roadside and the vendors selling newspapers and doing business at the roadside. However, we have discussed the policy of bus replacement for a long time, and the Government has also studied whether subsidies should be provided and whether a policy of subsidization should be implemented to a certain extent for a long time. I find it difficult to understand why it is necessary to discuss this subject for such a long time. Besides, we have also proposed to the Government the possibility of arranging for newer buses of the two to three bus companies to serve the bus routes in the urban area. I do not mean to favour residents living in Mong Kok, Tai Kok Tsui, Causeway Bay or Wanchai in particular, only that the air pollution caused by the traffic in these districts is very serious. If our old buses continue to serve these districts, the air pollution in these districts will be aggravated. In this regard, the Government has not made

any new progress either. I hope that if there is any progress, the Under Secretary can raise this point in particular when giving a reply later on.

In addition, let me talk about the situation relating to trucks and container trucks further — the problems created by container trucks are less serious because they seldom enter the urban area but can we talk about trucks, be it heavy trucks or other kinds of trucks, entering the urban area? The Government thinks that this situation is difficult to manage. On one occasion, I even suggested boldly that if Secretary YAU was willing to adopt a certain proposal, I, LEE Wing-tat, would come out in support of the implementation of that proposal, even if the Democratic Party did not approve of it. The proposal is to follow the example of banning vehicles on alternate days depending on their licence plate number introduced in Beijing during the Beijing Olympics. I call on the Government to have this measure on trial for once. Just try it once. Why can it not be tried in Hong Kong? I also drive and have set myself the rule of not driving to Central too many times in a week. At present, I have already managed to do so and I drive to Central no more than two or three times a week. How do I do this? I park my car at Lai King, then take the MTR to Central.

In fact, it is common knowledge that our present transport pattern is unsustainable. During the rush hours, if everyone drives to Central, Tsim Sha Tsui or Causeway Bay, all vehicles would be stuck in a traffic jam for 30 minutes and even one hour in a short stretch of road of two kilometres. The vehicles would all be stuck in a cocktail of emissions that poisons all. I wonder to whom this situation is unfair. It is unfair to bus passengers. They do not drive and they do not take up any road space. Rather, they take either buses or the MTR, so they should be accorded greater priority in using the road. However, this is not really the case and all people are using the road without differentiation.

For this reason, I often ask Secretary Edward YAU why he dares not implement the measure of banning vehicles on alternate days depending on their licence plate number, as was the case in Beijing during the Beijing Olympics. That may be effective. If air pollution in Central, Wanchai, Causeway Bay and even Tsim Sha Tsui, upon the implementation of this measure, can be eased a little bit or traffic congestion can be eased a little bit, it is possible that the public will support it. However, Secretary YAU responded that there was great difficulty in doing so and people would complain against him. Indeed, if one

wants to be a Secretary but does not want to be complained against by anyone, in that case, one will find serving as a Secretary very difficult. On certain matters, we have to insist on our convictions. If a certain matter needs to be done and the public have shown support after being consulted, it should be done. If the Secretary is willing to implement this measure, I will surely support him. I can refrain from driving to Central completely for a period of time. In the next five years, before the commissioning of the Central-Wanchai Bypass, implementing this measure will be in the overall interests of all the people, so I cannot see any reason for not doing so.

Therefore, President, in sum, our view is that since we have proposed this motion today — I welcome this motion moved by Mr KAM Nai-wai very much — if the Secretary does not take any action, this will really give people a lot of headache because the result of not taking any action is that we would discuss all the time but every step taken by the authorities is at a snail's pace. Thank you, President.

**PROF PATRICK LAU** (in Cantonese): President, the Secretary and Members certainly know that the Environmental Protection Department has recently released the Air Pollution Index readings recorded by the roadside air quality monitoring stations in Causeway Bay, Central and Mong Kok, which are very alarming indeed. The number of hours in which air pollution reached a high or above level surprisingly accounted for 94% of the total monitoring time, standing at 6 035 hours. Such levels are, of course, unacceptable. Air pollution will impact both the general public and visitors very greatly. Sometimes, for health reasons, members of the public and visitors may have to go to such busy districts less frequently for shopping. This is really a great pity. Dr Priscilla LEUNG, who sits next to me, is a victim because her office is located in one of these districts, and she inhales polluted air every day. Mr LEE Wing-tat has also mentioned just now that a retired professor of the University of Hong Kong has decided to return to his home country after retirement because he cannot put up with the stuffy air in Hong Kong. This is a loss to Hong Kong. Actually, air quality cannot be improved overnight. The formulation of a long-term strategy is necessary.

For this reason, on this motion topic today, I have consulted Prof Edward NG, an expert in the industry and a professor of the Department of Architecture of The Chinese University of Hong Kong. Prof NG is an expert in subjects such

as buildings, air ventilation and pollution, and he also co-operates with the Government from time to time to carry out studies on air pollution. According to Prof NG, in order to improve air quality, we must act in areas such as emissions reduction, regional air ventilation enhancement and planning.

First, in respect of emissions reduction, we must start with the greatest sources of pollution — power plants and vehicles running on the roads. These two sources respectively account for 62% and 16% of Hong Kong's total emissions volume. To alleviate the air pollution caused by power plants, we must urge them to adopt cleaner power generation, enhance power generation efficiency and reduce energy consumption. As my understanding goes, the Government is exploring all these means.

Recently, the Kowloon Motor Bus (1933) Limited has announced the latest environmental achievements of its bus fleet. When compared with Euro III engines, Euro IV E-friendly engines emit far fewer pollutants, and in contrast to Euro IV engines, Euro V E-friendly engines can further reduce the emission of nitrogen oxides by 43%. This shows that the introduction of E-friendly engines can effectively reduce roadside air pollution. Therefore, the Government must encourage the use of E-friendly engines, such as Euro IV and Euro V engines, for buses and lorries with large volumes of emissions, so as to reduce the emission of pollutants. At the same time, the Government must also formulate some objectives for vehicle emissions, conduct emissions tests on vehicles and require vehicles to attain certain emission standards, with a view to urging vehicle owners to use more E-friendly models to cut emissions.

According to the latest figures of the Transport Department, the number of vehicles on the roads has been on the increase. In February this year, the number of registered private cars stood at 42 000, representing an increase of 10 000 cars, or an increase of 2.5%, over the same period last year. An increasing number of vehicles on the roads will only result in more serious traffic congestion. The Government must therefore seek to enhance the efficiency of the public transport system. Only in this way can the number of private cars be reduced, especially the number of vehicles on the roads during peak hours. As a result, traffic congestion on the roads can be alleviated and emissions reduced.

Emissions reduction aside, town planning is an equally important means of improving air ventilation in urban areas. I agree to the amendment that we must improve town planning and urban design, and expedite the review of the Outline

Zoning Plans of various districts. For example, the designation of non-building areas and the design of air-dispersion spaces are required to strengthen the wind flow. It is only in this way that the pollutants accumulated in the air can be dispersed. In actual practice, we should start with small sites. Ongoing discussions with District Councils should be conducted on site-based improvement plans. Later, district-based plans should be worked out to cover larger areas nearby. This is the only way to effectively improve the air quality in various districts.

The amendment also proposes the formulation of "air ventilation objectives" and the conduct of studies on making "air ventilation assessment" and "air ventilation guidelines" statutory requirements. I agree to all this. However, the guidelines and assessment mentioned just now are not based on any studies on the state of air pollution. Therefore, "air pollution dispersion" guidelines should also be added as one of the planning criteria. In this way, air pollution dispersion can be assessed beforehand. Besides, all this should be carried out on a pilot basis first. The enactment of legislation or regulation should be considered afterwards.

I think the Government should really adopt some means, such as the lowering of plot ratios for lands to be auctioned — I am not talking about building heights, President. These two issues must not be mixed up — so as to reduce the environmental impacts on nearby areas. What is more, breezeways with strong enough ventilation power should be provided through the layouts of buildings, so that pollutants can be dispersed in the district. More importantly ..... It is most important for the Government to improve the environment for pedestrians. For example, more parks should be constructed and pavements widened to encourage people to get about on foot. Besides, there should also be planning on the provision of cycling paths, so as to reduce people's vehicle need.

Lastly, air pollution actually affects every one of us. The Government must, of course, step up public education, such as encouraging people to use less electricity, travelling more frequently on the public transportation system and changing their habits.

I so submit. Thank you, President.

**DR RAYMOND HO** (in Cantonese): President, since 1996, the Environmental Protection Department (EPD) has been releasing the Air Pollution Index readings recorded by the various air quality monitoring stations, in a bid to inform the public of the latest air quality levels in Hong Kong. On 22 March, due to the effects of the "sandstorm" in northern China, the Air Pollution Index in extensive areas of the territory recorded the maximum possible reading of 500 for the first time. The onslaught of this "sandstorm" has exposed the inadequacy of Hong Kong's air quality early warning mechanism.

In the question time earlier today, the incident of the "sandstorm" in March was discussed. In his reply, the Secretary said that the Government would announce air pollution forecasts as early as possible. The weather authorities of the Mainland issued a sandstorm weather warning at a very early time, but we had to wait until our harbour was enveloped in smog and dust before we could receive reminders and advices from the Government. Since the EPD and the Hong Kong Observatory already have established regular ties with the Mainland and peripheral regions, it should not be difficult at all for them to obtain accurate information and data. I hope the Government can draw a lesson from the incident and seek to enhance the communication with the Mainland weather authorities and the co-ordination among its departments in the future, with a view to providing the public with sufficient information and data, and reminding them to pay heed to the health impacts of air pollution.

The kind of air pollution that the public personally experience is mostly exhaust from vehicles on the roads. In many European and American cities, "low-emissions areas" and "no-lorries zone" are designated to restrict the entry of vehicles with high emissions (such as old models of diesel lorries or coach buses). The aim is to reduce local air pollution caused by vehicle emissions. When exploring the designation of "low-emissions areas", the Government must consider the impacts on traders in the area concerned. In the particular case of shops requiring daily fresh supplies (such as markets and restaurants), the restriction of lorry entry will cause them inconveniences. As a matter of fact, the Transport Department has already designated a number of pedestrian precincts in various districts of the territory, and the abatement of air pollution is also one of the objectives of the Transport Department. However, it is a pity that the air quality in the peripheral areas of these pedestrian precincts has not shown any marked improvement. Traffic congestion in Hong Kong has turned more and more serious, with the result that several million of road users are tormented by vehicle exhaust fumes. The Government needs to regulate road

traffic effectively and encourage people to make good use of the public transportation system, so as to reduce unnecessary vehicles on the roads.

The direct victims of air pollution are those who must work outdoors for prolonged periods. Construction workers, couriers and street cleaners must carry out manual work outdoors for as long as 10-odd hours every day. When air pollution reaches the severe level, the most the Government can do is to issue a reminder to the public, advising them to reduce physical exertion and outdoor activities. The guidelines on working arrangements in times of typhoon and rainstorm warnings are well accepted by employers. I suggest that the Government should practically explore and draw up a set of similar guidelines. Specific arrangements should be made in the light of the Air Pollution Index of different districts to limit the time of workers staying outdoors. It is hoped that employers can think about the health of outdoor workers, especially those who have heart disease or respiratory disease, and sympathize with their hardship.

President, I so submit. Thank you.

**MR CHAN KIN-POR** (in Cantonese): President, the air quality in Hong Kong is deteriorating by the day, and the business sector is very concerned about it. Besides posing a health threat to the public, it also affects the business environment of Hong Kong. Air quality is one of the key considerations for international enterprises in choosing the location of their regional headquarters in Asia. The air quality of Singapore, our major competitor which attracts foreign investment more proactively than we do, is far better than that of Hong Kong. Therefore, I very much support this motion proposed today.

The Government should indeed review the "sandstorm" incident and make every effort to improve the early warning mechanism and warning signals to enable early awareness by the public. However, I think in order to improve the air quality, we must deal with the problem from the source. Actually, the Environmental Bureau has already made quite a few targeted efforts, but most of them failed to achieve the expected results or involved questionable policies.

First of all, I would like to talk about power plants. Electricity generation is the major emission source in Hong Kong. The use of natural gas, which produces very few pollutants, for the fuel for electricity generation will



substantially reduce the emission of pollutants, such as carbon dioxide and respirable suspended particulates. This can greatly help alleviate air pollution and thus warrants the allocation of more resources. In the 2008-2009 policy address, the Chief Executive undertook to examine increasing the proportion of natural gas for local electricity generation from the existing 28% to 50%. However, the Government pointed out during the public consultation on air quality objectives last year that increasing the proportion of natural gas for electricity generation would cause a 20% rise in electricity tariffs. I think the Government is duty-bound to alleviate air pollution and should not shift the responsibility or the costs to the public, and neither should it impede the progress of the initiative on such ground. At present, the relevant initiative has not achieved any concrete progress, and I hope the Government will discuss the implementation details with the power plants as soon as possible.

Apart from our own sources of pollution, Hong Kong is also significantly affected by air pollution in the region. The Pearl River Delta Regional Air Quality Management Plan (Management Plan) signed by the Government with the Guangdong Provincial Government in 2003 was expired this year. Despite certain achievements, air pollution in the region remains serious. It was once rumoured last year that the governments of the two places might not formulate any common emission reduction targets after the expiry of the Management Plan, which has caused concern that the governments of the two places will not co-operate with each other in promoting environmental protection. Fortunately, the governments of the two places have recently signed the Framework Agreement on Hong Kong/Guangdong Co-operation and decided to jointly examine the reduction targets and options for the total emission of air pollutants in the Pearl River Delta Region in 2011 to 2020. I hope the governments of the two places can achieve the new emission reduction targets expeditiously because air pollution in the region has a great impact on Hong Kong. No matter how well we control the local sources of pollution, there can hardly be any fundamental improvement to the air quality in Hong Kong if the air pollution problems in the region cannot be solved.

In the Budget this year, the Financial Secretary has announced the commitment of \$540 million to offer a one-off grant to encourage early replacement of Euro II diesel commercial vehicles in order to improve roadside air quality. However, the previous one-off grant scheme for pre-Euro and Euro I diesel commercial vehicles expired in March as planned. Actually, the pre-Euro

and Euro I diesel commercial vehicle replacement scheme launched by the Government in 2007 with a commitment of \$3.2 billion was unable to achieve satisfactory results, and only less than \$600 million was granted in the end. Now, there are still over 38 000 pre-Euro and Euro I diesel commercial vehicles on the roads.

Actually, there is still an outstanding balance of over \$2 billion in the scheme, and so the Government has adequate resources to implement the replacement schemes for pre-Euro, Euro I and Euro II vehicles at the same time. It can even optimize the schemes by, say, providing additional concessions or allowing vehicles for disposal to be granted the subsidy, with the aim of reducing the number of seriously polluting old diesel vehicles on the roads. It is indeed disappointing that the Government insisted on terminating the scheme for pre-Euro and Euro I vehicles as planned before the target was completely achieved.

Lastly, I would like to talk about the ban of idling vehicles with running engines. The Environment Bureau has introduced into this Council a bill on implementing a mandatory ban on idling vehicles with running engines. I believe the spirit of the bill is worth supporting, but the enforcement details must be handled with care. The new requirement may have health effects on vocational drivers because given the hot and humid summer in Hong Kong, the temperature inside a vehicle will rise quickly after the engine has been turned off, which may increase the driver's chances of falling ill. In promoting environmental protection, one of the main purposes is to protect public health. However, the present policy may, on the contrary, have adverse effect on the health of some members of the public. Therefore, we should indeed give it a careful thought.

President, I so submit.

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

(No Member indicated a wish to speak)

**PRESIDENT** (in Cantonese): Mr KAM Nai-wai, you may now speak on the amendments. You may speak for up to five minutes.

**MR KAM NAI-WAI** (in Cantonese): President, I wish to thank the Members who present their views just now. Speaking of the several amendments, I especially wish to discuss the lack of an early warning mechanism mentioned by Members. As Members are aware, the early warning mechanism for the "sandstorm" currently under discussion does not actually produce an early warning effect. Several Members have also pointed out just now that only time-lag figures are provided. The reason is that we are now using the Air Pollution Index readings recorded by the roadside air quality monitoring stations of the Environmental Protection Department (EPD). They are just time-lag figures without any early warning effect. If this amendment is passed, the Government is actually duty-bound to set up a new early warning mechanism, which is like the forecast of cold or hot weather at present, informing the people of the forecast of future conditions. Only such can be called an early warning mechanism. I hope that following the passage of this amendment, the Government will give fresh thoughts to the setting up of an early warning mechanism.

The second point I wish to discuss is the proposal in the amendment to conduct a review of the air quality objectives once every three years. Some Members have remarked that it is very difficult to demand the Government to conduct such a review and to disclose the findings afterwards. All the time, the Government has been reluctant to tell us what it thinks in respect of air quality objectives ..... In 2006, it said that a review would be conducted. A public consultation exercise was completed last year. Now, as pointed out by Ms Audrey EU, we hope that the Government will announce the findings as soon as possible, but nothing has come out yet. We, of course, hope that when the Government announces the relevant findings, it will agree to conduct a review of the air quality objectives once every three years because as Members have remarked, these objectives have remained unchanged for 20 years, that is, they have been in use for 20 years. This is not what we wish to see. If this amendment is passed, we hope that first, the Government can complete the review as soon as possible and inform us of its outcomes; and, second, among the outcomes of the consultation, the conduct of a review of air quality objectives once every three years is included.

Honourable colleagues have also referred to the co-operation between Hong Kong and Guangdong Province. In this connection, I have found in the Framework Agreement on Hong Kong/Guangdong Co-operation the mention of

the joint exploration of the reduction targets and options for the total emission of air pollutants in the Pearl River Delta Region in 2011 to 2020, and the completion of such efforts by 2010, that is, this study should be completed in 2010. We have always been talking about studies, and we have completed one study after another. I am frankly worried about whether it can be put into practice. Is the Government over-ambitious, as I have always suggested? Therefore, when I talk about the need for Hong Kong-Guangdong co-operation in my motion, another Member seeks to add "through discussion gradually raise the air quality measurement objectives in Hong Kong and Guangdong Province, so as to achieve the target of meeting the ultimate air quality guidelines set by the World Health Organization" to the motion. This is what we all hope to see. Actually, there is another provision in the Framework Agreement on Hong Kong/Guangdong Co-operation about "gradually realizing air quality objectives ..... at a level above the national standards". Can other regions meet the ultimate air quality guidelines set by the World Health Organization? I hope the Secretary will respond to this point later.

The last issue I wish to discuss is town planning. I agree that the inclusion of air ventilation assessment, commonly called AVA, as a vetting criterion for town planning is of equal importance. However, of course, air ventilations in town planning ..... It is a pity that we have recently passed the legislation on compulsory auction to speed up the redevelopment of old buildings. This will have less favourable impacts on our overall town planning. Anyway, if this amendment is passed today, I hope that AVA can be included.

President, we in the Democratic Party support all the amendments.

**SECRETARY FOR THE ENVIRONMENT** (in Cantonese): President, once again, I wish to thank the 15 Members who have offered their invaluable advice on improving air quality. As I have mentioned, the Government attaches very great importance to the public aspiration for better air quality, and it has been introducing various measures to improve air quality in Hong Kong.

President, there are recently queries in society about the efficacy of Hong Kong's efforts to improve air quality. President, is it really true that there has been no improvement to Hong Kong's air quality? Let me give my answer by quoting some information.

Over the past five years (from 2005 to 2009), the levels of sulphur dioxide, nitrogen dioxide and suspended particulates recorded by our General Air Quality Monitoring Stations have all been dropping, respectively at the rates of 36%, 4% and 15%. Here is a chart from which it can be seen clearly that three of the four pollutants have been dropping in amounts. Only one of the pollutants has shown a rise, and that is ozone. In regard to visibility, there was also a drop from 1 502 hours in 2005 to 1 139 hours in 2009, showing a decline of 24%. Such statistics can show that the measures adopted by Hong Kong and also the regional emissions reduction efforts made jointly by the Government and the Guangdong Provincial Government have already achieved progress.

Over the past few years, the Government has been introducing a series of measures targeting on the main sources of pollution. Focusing on the major sources of pollutants emissions, such as power plants and means of transportation, we have put in place a series of measures, such as requiring power plants to install desulphurization facilities, continuously tightening their emissions ceilings, phasing out the more polluting facilities in local areas, tightening vehicle emissions standards, and enhancing the quality of vehicle fuels. Besides, under the Pearl River Delta Regional Air Quality Management Plan, we have also been working with Guangdong Province on emissions reduction. That the levels of sulphur dioxide, nitrogen dioxide and suspended particulates recorded by our General Air Quality Monitoring Stations have all been dropping is precisely the fruit of efforts over the years.

Naturally, we do know that many more efforts must still be made. In the same period mentioned above, the ozone content in the air recorded by our General Air Quality Monitoring Stations showed an increase of 23%. This is evidence of the deterioration of the photochemical smog in the region. This means that Guangdong Province and Hong Kong must seek further emissions reduction in order to improve air quality in the region.

President, Mr KAM Nai-wai, Ms Audrey EU and several other Members have talked about the need for improving our roadside air quality. As a matter of fact, over the past five years, the concentrations of sulphur dioxide and suspended particulates have respectively dropped by 36% and 19%. Here I have another chart which shows that according to the data collected by Roadside Air Quality Monitoring Stations, the levels of three pollutants have declined. Only one pollutant has shown a rise in level. The level of this pollutant has increased

because with the increased content of ozone in the air, the nitroxide emitted by vehicles have reacted with the ozone in the air, thus raising the concentration of nitrogen dioxide in roadside air by 15%. Such a situation points to the challenge we face in the course of improving air quality. We will spare no efforts to administer the right remedies.

To further improve roadside air quality, the Government must implement a basket of measures. First, we must expedite the phasing out of old diesel commercial vehicles. The Government proposes to offer a subsidy of \$540 million for a period of 36 months to owners of Euro II diesel commercial vehicles, so as to encourage them to replace their old vehicles with new ones. We have also established a \$300 million Pilot Green Transport Fund, in the hope of encouraging the sector to introduce more innovative green technologies that can improve roadside air quality in terms of emissions and energy conservation. Apart from these incentives, President, we have also proposed to the Subcommittee on Improving Air Quality under the Panel on Environmental Affairs that it is necessary to re-examine the proposal of increasing the licence fee for old diesel commercial vehicles. In regard to vehicle emissions, we are in the process of formulating measures on stepping the regulation of emissions from petrol and LPG vehicles. Such measures include the adoption of roadside remote sensors and chassis dynamometers to test vehicle emissions. In addition, on the 28th of last month, we also introduced the Motor Vehicle Idling (Fixed Penalty) Bill to the Legislative Council, with the objective of abating the nuisance caused to passers-by by the exhaust fumes emitted by idling vehicle engines. We hope that we can obtain the support of the Legislative Council. Mr CHAN Kin-por said that he would support this Bill. I am very delighted to hear of his support.

Mr KAM Nai-wai's original motion and the respective amendments of Ms Cyd HO, Ms Audrey EU and Mr CHAN Hak-kan are actually similar to many of the measures introduced by the Government.

The Government started to review air quality objectives last year. Under the principle of protecting public health, we propose to update our existing air quality objectives on the basis of the air quality guidelines and intermediate objectives issued by the World Health Organization. Besides, we have also put forward 19 air quality improvement measures, including those mentioned by Members just now, such as the designation of "low emission zones", earlier

phasing out of franchised buses with high emissions, replacement of old commercial vehicles, promotion of district cooling systems, town planning improvement and stronger co-operation between Hong Kong and Guangdong.

In regard to the issue of reviewing air quality objectives, we agree with Ms Cyd HO that regular reviews of air quality objectives must be conducted. The consultation document proposes to conduct a review once every five years to assess whether the arrangements under the relevant measures are appropriate. The main consideration is that in the case of certain major improvement measures, it may take four to five years to complete the required infrastructure or to finalize all the arrangements. This means that we need some time to gather some meaningful information before we can assess their efficacy.

We are currently collating the opinions collected during the consultation exercise. Since we expect to see controversies over many air quality improvement proposals, especially those relating to traffic and transport, we must spend some time on carefully considering all the relevant factors, so that we can formulate the most satisfactory roadmap and timeframe.

We are exploring the feasibility of designating pilot low emission zones targeting on franchised buses. We are exploring whether it is possible to set up in phases one or more pilot low emission zones on some road sections with busy traffic, such as those in Causeway Bay, Central and Mong Kok, with a view to assessing the effects of low emission zones on improving roadside air quality and overall public transport services. The crux of the problem is that we must discuss with the franchised bus companies in order to ascertain whether it is possible for them to provide or deploy enough E-friendly buses for operation in the pilot low emission zones. We heard how Members remark that while certain measures were feasible, others were not. In any case, we will continue to discuss with the franchised bus companies.

As for old franchised buses with high emissions, the various franchised bus companies are currently required to use buses aged 18 or below for the provision of franchised bus services. And, they are also required to replace their existing bus fleets in accordance with this age requirement. It is expected that by 2015, over 40% of all the existing franchised buses, including Pre-Euro and Euro I buses, will have been phased out. We are currently holding discussions with the franchised bus companies on quicker ways to replace franchised buses.

However, when we consider whether we should use any public money for subsidizing the bus companies' replacement programmes, we must be careful. As rightly pointed out by Ms Miriam LAU, we must prudently assess the related environmental achievements, the cost-effectiveness of the public money spent on the purpose and the possible impacts on bus fares. In addition, we will continue to explore various options of reducing bus emissions in conjunction with the bus companies, including the reorganization of bus routes, the deployment of more E-friendly buses on busy roads, the installation of facilities on buses to reduce suspended particulate, and also the proposal mentioned by Mr Jeffrey LAM and Mr Andrew LEUNG just now — the installation of selective catalytic reduction devices on Euro II and Euro III buses to reduce nitroxide emissions.

In regard to the "To Replace Pre-Euro and Euro I Diesel Commercial Vehicles by New Commercial Vehicles — Incentive Scheme", we have already reported to the Legislative Council Panel on Environmental Affairs. When the Scheme ended on 31 March, roughly 16 000 old vehicles had been replaced by new Euro IV vehicles. This accounts for roughly 27% of all eligible vehicles. We have put in place a special arrangement to enable those applicants who placed orders of purchasing new commercial vehicles on or before the application deadline on 31 March to retain their eligibility to receive subsidy. As at the expiry of the application period for eligibility retention on 7 April 2010, the total number of applications we had received stood at 1 350. If all the applicants are assessed to be eligible afterwards, the Scheme will have subsidized the replacement of 17 350 vehicles. This accounts for 30% of all eligible vehicles.

With respect to the scheme for the replacement of Euro II diesel commercial vehicles, we have consulted the transport sector and vehicle suppliers. We are currently collating the opinions they put forward. Next week, we will once again listen to the views of the Subcommittee on Improving Air Quality. And, we will then apply to the Finance Committee for the funding required to implement this scheme.

Ms Audrey EU has raised the topic of promoting district cooling systems. The Government is currently making preparations for establishing Hong Kong's first district cooling system in the Kai Tak Development Area. And, the Finance Committee already approved the relevant funding request last year. However, when considering the establishment of district cooling systems, we must take account of a number of environmental factors, such as the demand for



air-conditioning and the states of development of individual districts. Based on the experience of the Kai Tak pilot scheme, we will consider whether it is feasible to establish similar systems in other districts.

Ms Audrey EU and Prof Patrick LAU have both expressed concern about town planning and design. We appreciate the public aspirations on improving the living environment. Since 2007, the Government has been reviewing the Outline Zoning Plans of various districts. If there are sufficient justifications, we will revise the relevant planning parameters, so as to lower development density. We will accord priority to districts under development and redevelopment pressure and those requiring protection of unique local features.

In 2005, the Planning Department completed the Feasibility Study for Establishment of Air Ventilation Assessment System, and based on this study, a set of design guidelines on improving air quality was formulated. These guidelines cover the provision of air ventilation corridors and breezeways and also appropriate street layouts. The heights and density of buildings are specified to improve building ventilation. The guidelines are included in the Urban Design Guidelines of the Hong Kong Planning Standards and Guidelines.

In July 2006, the Government issued a "Joint Technical Circular on Air Ventilation Assessment". Various departments and bureaux are required to conduct air ventilation assessment whenever they launch any large government projects, plan for new development areas and comprehensive redevelopment areas and formulate new or major development plans. The Government will also conduct air ventilation assessment for saleable lands on the basis of their specific conditions, so as to assess the impacts of development projects on air ventilation for pedestrians.

The Planning Department is of the view that the Hong Kong Planning Standard and Guidelines and also the Joint Technical Circular on Air Ventilation Assessment are accepted by society, and that they can provide sufficient guidance on air ventilation assessment for redevelopment projects.

Several Members have talked about enhancing our co-operation and co-ordination with Guangdong Province on improving air quality. In fact, over

the past few years, the two places have been co-operating closely to improve air quality in the Pearl River Delta. In December 2003, the governments of the two places drew up the Pearl River Delta Air Quality Management Plan. A series of air quality improvement measures have been implemented, with power plants, vehicles and more polluting industrial processes as the targets. Pearl River Delta Air Quality Management and Monitoring Special Panel was also set up under the Hong Kong-Guangdong Joint Working Group (JWG) on Sustainable Development and Environmental Protection to follow up the various projects under the management plan. We are confident that the emissions targets can be achieved in 2010 as scheduled.

Mr CHAN Hak-kan has expressed his hope of upgrading air quality in the region. Mr Jeffrey LAM has remarked that it is necessary to implement a concrete scheme of Hong Kong-Guangdong co-operation as early as possible. Dr Joseph LEE has discussed how Hong Kong and Guangdong can co-operate to explore the use of clean energy sources and renewable energy sources. Actually, we can see that Hong Kong-Guangdong co-operation has led to very great achievements. Over the past three years, the levels of sulphur dioxide, nitrogen dioxide and suspended particulates have respectively dropped by 38%, 9% and 7%.

However, in order to further improve regional air quality, Hong Kong and Guangdong signed the Hong Kong-Guangdong Environmental Co-operation Agreement in August last year. Under this agreement, joint studies will be conducted on the emissions reduction arrangements in the Pearl River Delta after 2010. We hope that the relevant work can be completed in the first half of 2011. Both sides also agree to jointly promote the implementation of anti-pollution measures for vessels and motor vehicles; gradually raise their standards for motor vehicle emissions and refined oil to levels higher than those in other places of the country; jointly promote the research and development, manufacturing and popularization of electrical vehicles; jointly improve the air quality monitoring networks in the region; and, step up studies on photochemical smog and smoggy weather. Members know that on 7 April this year, Guangdong and Hong Kong concluded the Framework Agreement on Hong Kong-Guangdong Co-operation". In this agreement, various measures and arrangements on jointly building a quality living circle in the Pearl River Delta are set out. This can fully reflect the intention of both sides to enhance their environmental co-operation.

Mr WONG Kwok-hing, Mr IP Wai-ming and Ms Starry LEE have referred to the warning mechanism for "sandstorms" and inter-departmental co-ordination. Regarding this issue, we have actually held discussions with Members for a long time. As I told Members this morning, we will adopt some concrete measures to improve all the precautionary measures under the warning mechanism. However, I wish to point out here that with regard to updating the system of Air Pollution Indexes, the EPD already commissioned medical professors of local universities and climatology experts to conduct a review early last year, with a view to providing the public with more accurate information about the health impacts of air pollution.

President, once again, I wish to thank Mr KAM Nai-wai for putting forward this motion on improving air quality and the warning mechanism for Air Pollution Indexes. The motion has given me the opportunity to explain our environmental policy to Members. As a matter of fact, in order to improve air quality in Hong Kong, we must adopt a multi-pronged approach and a proactive attitude. Naturally, some of the measures are less contentious and a consensus on them can be reached more easily. These measures can be launched immediately, or they may have been implemented already. However, others may be major measures and we must conduct thorough discussions. And, yet some other measures may have impacts on people's livelihood. So, we need to conduct more public discussions, and we hope that Members can offer more advice to enable us to consolidate different opinions and balance different interest in the process of final decision-making. However, whichever measures we are talking about, we must need the legislature to offer its greatest support.

Thank you, President.

**PRESIDENT** (in Cantonese): I now call upon Ms Audrey EU to move her amendment.

**MS AUDREY EU** (in Cantonese): President, I move that Mr KAM Nai-wai's motion be amended.

**Ms Audrey EU moved the following amendment: (Translation)**

"To add ", as" after "That"; to add "particularly regarding the emission of sulphur dioxide and fine suspended particulates," after "the day,"; to delete "and" after "under the schemes,"; and to add "; (h) in areas other than the Kai Tak Development Area, widely promote the use of district cooling system to enhance energy efficiency and achieve emission reduction; and (i) improve town planning and urban design to improve air ventilation and reduce the accumulation of air pollutants in urban areas, such as expediting the review of the Outline Zoning Plans of various districts to revise the planning parameters, formulating 'air ventilation objectives', studying making 'air ventilation assessment' and 'air ventilation guidelines' statutory requirements, so as to strengthen the regulation of the impact of private developments on the surrounding environment" immediately before the full stop."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Ms Audrey EU to Mr KAM Nai-wai's motion, be passed.

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

(Members raised their hands)

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

(No hands raised)

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

**PRESIDENT** (in Cantonese): As Ms Audrey EU's amendment has been passed, I have given leave for Ms Cyd HO to revise the terms of her amendment, as set out in the paper which has been circularized to Members. As the terms of Ms Cyd HO's revised amendment do not include the part of her original amendment which Mr CHAN Hak-kan seeks to amend, Mr CHAN Hak-kan therefore may not move his amendment to Ms Cyd HO's revised amendment.

**PRESIDENT** (in Cantonese): Ms Cyd HO, you may move your amendment.

**MS CYD HO** (in Cantonese): President, I move that Mr KAM Nai-wai's motion as amended by Ms Audrey EU be further amended by my revised amendment.

**Ms Cyd HO moved the following further amendment to the motion as amended by Ms Audrey EU: (Translation)**

"To add "; and (j) in respect of the situations where API reaches the 'severe' level, establish an inter-departmental mechanism to co-ordinate the work of government departments responsible for health care and social welfare etc., so as to cope with the possible additional demand for medical consultation, emergency medical treatment and primary community services, etc" immediately before the full stop."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That Ms Cyd HO's amendment to Mr KAM Nai-wai's motion as amended by Ms Audrey EU be passed.

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

(Members raised their hands)

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

(No hands raised)

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

**PRESIDENT** (in Cantonese): Mr KAM Nai-wai, you may give your reply. You have up to two minutes and 52 seconds.

**MR KAM NAI-WAI** (in Cantonese): President, let me once again thank the Members who have spoken and the Secretary for her reply. I thank the Secretary, but actually, her reply today does not contain anything new. I do not cherish any expectation either because all is just the same old stuff. Every time, she will just show the same charts, telling us that she has made many achievements in alleviating air pollution, and that the levels of pollutants have dropped.

Just now, I told the Secretary that mere empty talks were useless. The public do not see it that way. What the whole world have seen is not like this at all. I think the Government must make more efforts. The Secretary remarked that she wanted to hear opinions from Members. I fear that the Government may falter once it encounters any pressure. The case of compact fluorescent lamps is an example. Nothing about it can be heard anymore these days. The case of "idling engines" is another example. Once disagreement is heard, exemptions are made. In any case, one does not know whether the measure will still work. Therefore, very often, the Government may sound almighty, but in practice, the Environment Bureau is simply powerless. Not only this, it is even doubtful, as to whether the Government wants to make any commitment.

I only wish to respond to one point. Some Members have mentioned about subsidizing the replacement of bus fleets. I have learnt from the Economic Synergy that it is not always necessary to replace buses. It is actually possible to improve engines or install some catalytic devices. I do not rule out the feasibility of replacing engines and installing catalytic devices. But we are not the one to conduct more studies. Members can see that every year, the number of premature death due to air pollution has been increasing by the thousands. Both steps can actually taken at the same time. I hope we can on

the one hand think about how to replace highly-polluting buses as early as possible and conduct research on replacing engines and making improvements on the other. I hope the motion today as amended can be passed, so that air pollution can be alleviated. Even if it is still necessary to move a motion on the same topic, I still hope that there is still improvement to air quality by then. Thank you, President.

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That Mr KAM Nai-wai's motion as amended by Ms Audrey EU and Ms Cyd HO be passed.

**PRESIDENT** (in Cantonese): 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 3 pm tomorrow.

*Adjourned accordingly at thirteen minutes past Six o'clock.*