

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 19 May 1993

The Council met at half-past Two o'clock

PRESENT

THE PRESIDENT

THE HONOURABLE JOHN JOSEPH SWAINE, C.B.E., LL.D., Q.C., J.P.

THE CHIEF SECRETARY

THE HONOURABLE SIR DAVID ROBERT FORD, K.B.E., L.V.O., J.P.

THE FINANCIAL SECRETARY

THE HONOURABLE NATHANIEL WILLIAM HAMISH MACLEOD, C.B.E., J.P.

THE ATTORNEY GENERAL

THE HONOURABLE JOHN WOOD, C.B., J.P.

THE HONOURABLE ALLEN LEE PENG-FEI, C.B.E., J.P.

THE HONOURABLE MRS SELINA CHOW LIANG SHUK-YEE, O.B.E., J.P.

THE HONOURABLE HUI YIN-FAT, O.B.E., J.P.

THE HONOURABLE MARTIN LEE CHU-MING, Q.C., J.P.

THE HONOURABLE SZETO WAH

THE HONOURABLE ANDREW WONG WANG-FAT, O.B.E., J.P.

THE HONOURABLE LAU WONG-FAT, O.B.E., J.P.

THE HONOURABLE EDWARD HO SING-TIN, O.B.E., J.P.

THE HONOURABLE RONALD JOSEPH ARCULLI, J.P.

THE HONOURABLE MARTIN GILBERT BARROW, O.B.E., J.P.

THE HONOURABLE MRS PEGGY LAM, O.B.E., J.P.

THE HONOURABLE MRS MIRIAM LAU KIN-YEE, O.B.E., J.P.

THE HONOURABLE LAU WAH-SUM, O.B.E., J.P.

DR THE HONOURABLE LEONG CHE-HUNG, O.B.E.

THE HONOURABLE JAMES DAVID McGREGOR, O.B.E., I.S.O., J.P.

THE HONOURABLE MRS ELSIE TU, C.B.E.

THE HONOURABLE ALBERT CHAN WAI-YIP

THE HONOURABLE VINCENT CHENG HOI-CHUEN

THE HONOURABLE MOSES CHENG MO-CHI

THE HONOURABLE CHEUNG MAN-KWONG

THE HONOURABLE CHIM PUI-CHUNG

REV THE HONOURABLE FUNG CHI-WOOD

THE HONOURABLE TIMOTHY HA WING-HO, M.B.E., J.P.

THE HONOURABLE MICHAEL HO MUN-KA

DR THE HONOURABLE HUANG CHEN-YA

THE HONOURABLE SIMON IP SIK-ON, J.P.

DR THE HONOURABLE LAM KUI-CHUN

THE HONOURABLE LAU CHIN-SHEK

THE HONOURABLE EMILY LAU WAI-HING

THE HONOURABLE LEE WING-TAT

THE HONOURABLE GILBERT LEUNG KAM-HO

THE HONOURABLE ERIC LI KA-CHEUNG, J.P.

THE HONOURABLE FRED LI WAH-MING

THE HONOURABLE MAN SAI-CHEONG

THE HONOURABLE STEVEN POON KWOK-LIM

THE HONOURABLE HENRY TANG YING-YEN, J.P.

THE HONOURABLE TIK CHI-YUEN

THE HONOURABLE JAMES TO KUN-SUN

DR THE HONOURABLE SAMUEL WONG PING-WAI, M.B.E., J.P.

DR THE HONOURABLE PHILIP WONG YU-HONG

DR THE HONOURABLE YEUNG SUM

THE HONOURABLE HOWARD YOUNG, J.P.

THE HONOURABLE ZACHARY WONG WAI-YIN

DR THE HONOURABLE TANG SIU-TONG, J.P.

THE HONOURABLE CHRISTINE LOH KUNG-WAI

THE HONOURABLE ROGER LUK KOON-HOO

THE HONOURABLE ANNA WU HUNG-YUK

ABSENT

THE HONOURABLE DAVID LI KWOK-PO, O.B.E., J.P.

THE HONOURABLE NGAI SHIU-KIT, O.B.E., J.P.

THE HONOURABLE PANG CHUN-HOI, M.B.E.

THE HONOURABLE TAM YIU-CHUNG

THE HONOURABLE PETER WONG HONG-YUEN, O.B.E., J.P.

THE HONOURABLE MARVIN CHEUNG KIN-TUNG, J.P.

THE HONOURABLE FREDERICK FUNG KIN-KEE

DR THE HONOURABLE CONRAD LAM KUI-SHING

IN ATTENDANCE

THE HONOURABLE MRS ANSON CHAN, C.B.E., J.P.
SECRETARY FOR THE CIVIL SERVICE

THE HONOURABLE JOHN CHAN CHO-CHAK, L.V.O., O.B.E., J.P.
SECRETARY FOR EDUCATION AND MANPOWER

MRS ELIZABETH WONG CHIEN CHI-LIEN, I.S.O., J.P.
SECRETARY FOR HEALTH AND WELFARE

MR JAMES SO YIU-CHO, O.B.E., J.P.
SECRETARY FOR RECREATION AND CULTURE

THE HONOURABLE MICHAEL SZE CHO-CHEUNG, I.S.O., J.P.
SECRETARY FOR CONSTITUTIONAL AFFAIRS

MR ANTHONY GORDON EASON, J.P.
SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS

MR DONALD TSANG YAM-KUEN, J.P.
SECRETARY FOR THE TREASURY

MR MICHAEL DAVID CARTLAND, J.P.
SECRETARY FOR FINANCIAL SERVICES

THE CLERK TO THE LEGISLATIVE COUNCIL
MR CLETUS LAU KWOK-HONG

THE DEPUTY CLERK TO THE LEGISLATIVE COUNCIL
MR PATRICK CHAN NIM-TAK

Papers

The following papers were laid on the table pursuant to Standing Order 14(2):

Subject

| Subsidiary Legislation | <i>L.N. No.</i> |
|--|-----------------|
| Prison (Amendment) Rules 1993 | 152/93 |
| Telecommunication (Control of Interference) (Amendment) Regulation 1993 | 153/93 |
| Cremation and Gardens of Remembrance (Regional Council) (Amendment) Bylaw 1993..... | 154/93 |
| Exhumation (Fees) (Regional Council) Bylaw..... | 155/93 |
| Public Cemeteries (Regional Council) (Amendment) Bylaw 1993 | 156/93 |
| Kowloon-Canton Railway (Restricted Area) (No. 2) Notice 1993 | 157/93 |

Sessional Paper 1992-93

No. 79 — Report of Broadcasting Authority
September 1991 - August 1992

Obituary

PRESIDENT: It is my sad duty to speak today to mark the death of our colleague, Mr Stephen CHEONG Kam-chuen, and to pay respect to his memory.

Stephen was first appointed to this Council in December 1980 and became an elected Member in October 1985, representing the Industrial Constituency, and has had unbroken service since then.

In his 13 years with this Council, Stephen has served on numerous committees, panels and ad hoc groups and was in his second term as Chairman of the Public Accounts Committee. His public service outside of this Council reads as a scroll of honour and is well known to all of us and to the community.

I think the abiding memory that most of us will carry of Stephen both inside and out of this Chamber is the passion and depth of his convictions, and the spirit and eloquence with which he expressed these convictions. But there

was also a generosity of spirit and a sentimental side to Stephen which many of us will remember with affection.

Hong Kong has suffered a grievous loss with his sudden death and we are all the poorer for it.

To his widow Joan, his four sons and his parents, I offer our deepest condolences. After other Members have spoken, I will ask that we all stand and observe silence for one minute in honour of his memory.

CHIEF SECRETARY: Mr President, on behalf of the *ex officio* Members of the Council and all my colleagues throughout the public service, I would like to express the shock and deep regret with which we received the news of Stephen CHEONG's untimely death.

Those of us who worked closely with Stephen admired the dedication, enthusiasm and competence he brought to the task of addressing the many complex issues of great public importance with which he was involved. We valued in particular the leadership and guidance he provided in the Council as Chairman of the Public Accounts Committee and as Convener of the ad hoc group on the Financing of the Airport Core Programme.

Outside the Legislative Council Stephen's particular field of interest was of course that of industrial development, a field in which he served with distinction as the Chairman of the Hong Kong Federation of Industries General Committee and Chairman of the Hong Kong Industrial Estates Corporation Board. Closely linked to his day-to-day involvement in industrial development was his commitment to the development of higher education in the field of industrial technology. He was a first class Chairman of the Council of the Hong Kong Polytechnic and a dedicated, hard-working member of the Council of the Hong Kong University of Science and Technology.

In short, his contribution to the constituency he represented, to this Council as a whole and to the entire community of Hong Kong has been immense.

In his personal relationships with colleagues in this Council and elsewhere Stephen was recognized as someone who was genuinely open to ideas and could be relied upon to give honest and frank opinions on the issues which came before him. Above all we will miss his friendship, his zest and enthusiasm for life, and his sense of fun.

Joan and the boys can surely be proud of all that Stephen has done for Hong Kong and to them we send our most sincere condolences. Our thoughts are with you.

MR ALLEN LEE (in Cantonese): Mr President, Mr Stephen CHEONG's sudden death is a loss to this Council and indeed a loss to Hong Kong.

Stephen was first appointed to this Council in December 1980. Since then, he has devoted himself to industrial development and trade promotion in Hong Kong. He has worked for the future of Hong Kong with immense zest and is a typical politician who has Hong Kong's interest at heart.

As I recollect, in the early 1980s, Stephen and I were of the opinion that the increase in electricity charges by the two public utility companies was unfair and unacceptable to Hong Kong people. However, the Government approved the application for increase in charges on grounds of a control scheme. The control scheme was a secret document not open to the public at that time. We considered that it was extremely unreasonable to keep it from the public so we moved a debate in this Council in an attempt to compel the Government to make public the control scheme. People who were well-informed of the political situation at the time felt that what we were doing was mission impossible and that the Governor would not re-appoint Stephen and me to this Council. In spite of this, Stephen and I held that being Members of this Council, if we were unable to pursue the truth and uphold justice and our belief, we would rather not be re-appointed.

In May 1983 when Hong Kong's future still hanged in the balance, Stephen and I organized a young professionals delegation to Beijing to express Hong Kong people's worries to the Chinese leaders, in the hope that it could help to end the jitters about the future of Hong Kong. Many of the serving Legislative Councillors were members of the young professionals delegation at that time. The Sino-British negotiations finally commenced in July 1983, which led to the Sino-British Joint Declaration. Since then, Stephen had done a lot in respect of "smooth transition" and "Hong Kong people ruling Hong Kong". He advocated the hosting of the World Expo at Hong Kong in 1997. It was a pity that his proposal did not gain the Government's support. Stephen also set up the Hong Kong Foundation to keep the Chinese authorities informed of Hong Kong's developments. He insisted that a proper communication channel should be established between Hong Kong and China so as to let the Chinese side realize Hong Kong people's views. He was also a member of the defunct Basic Law Consultative Committee. He was appointed a Hong Kong affairs adviser in April this year.

Stephen became an elected Member in 1985, representing the Federation of Hong Kong Industries. He has been devoted to public service for years. He has served as chairman on numerous committees in the field of industrial development, vocational training and post-secondary education. He was also the Chairman of the Public Accounts Committee of this Council and the convener of the ad hoc group on the Financing of the Airport Core Programme and the Economic Services and Public Utilities panel. His impartiality and selfless working attitude earned our greatest esteem. Such a gifted man's untimely death in the prime of life is really our tragic loss. It is saddening that, though

fighting for the interest of Hong Kong for the past 10 years, he could not witness the transfer of sovereignty and the implementation of "Hong Kong people ruling Hong Kong" in 1997. But I think that his efforts would not be futile.

On behalf of members of the Liberal Party preparatory committee, I extend our deepest condolences to Stephen's parents, his wife, his four sons and other relatives. His devotion to Hong Kong will live on forever in our heart. I would also like to express our gratitude to the doctors and nursing staff of the Queen Mary Hospital for their efforts in trying to save Stephen's life. They deserve our commendation.

MR MARTIN LEE: Mr President, *South China Morning Post* says, in an article published today, that our dear colleague Stephen CHEONG had reportedly said two weeks ago: "Many people hate me".

I am sure that was what Stephen really felt, because he always spoke from the heart. But I think he was wrong on this. Of course, many of his beliefs were not shared by all his colleagues in this Council. Indeed, the Hansard bears testimony to the many issues, mostly on politics, that Stephen and I totally disagreed on. But who can hate a person who always spoke from the heart?

Mr President, during my eight years in this Council, I served with Stephen on numerous committees and panels, many of which were chaired by him. I am deeply impressed by his total commitment to his work. And he always tried to be fair to everybody, particularly his less experienced colleagues. It will be difficult to find replacements for Stephen in the committees and panels that he chaired. And it will be even more difficult for his successors to follow him.

To my honourable colleagues of the newly formed Liberal Party, I wish, on behalf of the United Democrats of Hong Kong, to express our deepest sympathy for the loss of their dear colleague right after the birth of their party. I know only too well how they feel because we went through exactly the same almost 11 months ago when we lost our dear colleague Stephen NG Ming-yum.

Mr President, at a time like this, it is difficult not to call to mind what the Bible says:

"Remember man, thou art dust,
And into dust thou shalt return"

Indeed, in our moment of sorrow, we might even feel the utter futility of all our endeavours in this Council. But this is too negative, and I am sure that this is not what both Stephens would like us to think. For they both worked so hard for their beliefs with such total devotion. And they will be so sadly missed by

all of us in this Council and by the many people in Hong Kong whom they served so well, for many years to come.

To Stephen's parents, Mr and Mrs CHEONG Ying-chan, his wife Joan, and his four fine sons, Anthony, Bernard, Christopher and Daniel, I extend our deepest condolences and sympathy. I pray that God will give them strength and courage to face this great tragedy in their lives. Let us hope that they will find some comfort in the conviction that their Stephen had done much for our community, and that they have good cause to be proud of him.

Mr President, the songs that Stephen loved to sing, and sang so well, will linger on. We will miss him.

DR LEONG CHE-HUNG: Mr President, I had the singular but very sad privilege of attending to Stephen during his last few moments with us and this world. I had also the very sad privilege of sharing perhaps his last words. For on the way to the hospital when I was trying to resuscitate and comfort him, he said "對唔住，對唔住" (I am sorry, I am sorry) in Chinese. I took this to mean that he was sorry he had caused inconvenience to so many of us.

Mr President, these words say all. They symbolize the character of this man to whom we pay our respects and tributes today. For Stephen CHEONG was not an ordinary man, he was a man extremely sensitive to human feelings, a man who only wanted to contribute and give but not to receive, a man who would not like to inconvenience others, even to fight for and save his own life.

I knew Stephen for some five years. Not too long, but long enough to be able to appreciate his openness, his frankness, his direct attitude and his unfaltering beliefs, though some I might not share.

My deepest condolences and those of Meeting Point go to his wife Joan and family. For us, we have lost a respectful colleague and a friend. To this Council, we have lost a stimulator. To Hong Kong, we have lost a true fighter.

His last words will linger on forever.

MRS ELSIE TU: Mr President, like you and my colleagues, I am finding it hard to come to terms with the fact that Stephen has suddenly left us.

I believe my colleagues would agree that one of Stephen's great attributes was his outspokenness. Whether one agreed with him or not, one could always be sure that he said exactly what he meant and often said it with deep feeling and conviction.

There is no doubt that Stephen was devoted to the service of Hong Kong, and for what he believed was for the good of Hong Kong. He was prepared to face any criticism of himself. Our community is the poorer for his passing.

Stephen's place in our affections was evident yesterday by the reaction of us all to his sudden and untimely passing. We were all crushed. But for those who do not know the esteem in which he was held by the staff of the Legislative Council Secretariat, I can say that they were devastated and I saw some of them in tears.

Our sympathies now go out to Stephen's family and their sad and all too sudden bereavement. Let us hope that they may find some comfort in knowing that many share in their grief.

MR STEVEN POON (in Cantonese): Mr President, overwhelmed with grief, I mourn the passing of my close friend and most respected colleague Mr Stephen CHEONG.

I first knew Stephen in the early 1980s when he, representing the Federation of Hong Kong Industries, presented to the China Light and Power Company Limited the Federation's case as regards the impact of high electricity charges on the industries of Hong Kong and the overall economy. I was then deeply impressed by his insight and sincerity and my conversation with Stephen on that occasion made me realize the power company's responsibility to society. Since then, I have had numerous occasions to work with Stephen in the conduct of public affairs ranging from the Hong Kong University of Science and Technology, the Vocational Training Council, the Advisers for Hong Kong Affairs to the Preparatory Committee of the Liberal Party. Stephen was full of verve and vigour; he went about his work with care and attention and was very dedicated to it. But what I admired most was his sincerity.

Stephen was a sentimental person with rich feelings. The enthusiastic way he dealt with public affairs showed his true feeling for Hong Kong. This feeling sprang from his fervent love for Hong Kong, his confidence in Hong Kong's future, his steadfast adherence to the dignity of human nature and his upholding of the interests of the Hong Kong people. In the current political circumstances of Hong Kong where human nature is very often spurned at and shady means are commonly employed, Stephen's sincerity was hard to come by.

Stephen had participated in countless community services varying from industry to education, and he was totally committed to each of these jobs. Very few people know that Stephen, besides contributing his efforts to these jobs without any complaints whatsoever, quietly contributed money for these jobs and equally without making any complaints. When there seemed to be no end of a row in Hong Kong over the unconditional renewal of China's MFN status, Stephen visited the United States at his own expense to lobby the American Congress and government officials. When people were busy decrying the

construction cost overruns of the Hong Kong University of Science and Technology, Stephen flew to many countries around the world again at his own expense to recruit teaching staff for the University. He also gave donations to the University to support its programme of employing the world's first class professors. His spirit of serving the community is a model from which we should learn.

It is a cause for sorrow that Stephen should die in his prime and at such a key moment which matters so much to Hong Kong. I believe that what Stephen would most like to see up in Heaven is that Hong Kong would weather the storm of the next few years and smoothly pass the most difficult days.

Stephen, we will not disappoint you.

"The ancient pass o'ergrown with withered grass,
At the parting my grief cannot but grow.
Your road will lead beyond cold cloud, alas!
While I'll return at dusk into the snow.

You wandered young without father and mother;
In frustration I came to know you late.
Hiding our tears, we stare long at each other;
What can we expect from our bitter fate?"

Stephen, we will forever miss you!

PRESIDENT: May I ask all present to stand and observe silence for one minute.

The Council observed one minute's silence

Address

Report of Broadcasting Authority September 1991 - August 1992

SECRETARY FOR RECREATION AND CULTURE: Mr President, I have much pleasure in laying the annual report of the Broadcasting Authority for the year ending 31 August 1992 before the Council today.

During the year under report, the broadcasting industry of Hong Kong went through significant developments. A comprehensive television broadcasting review was conducted and the licensing framework for subscription television was drawn up. The regulatory framework for free-to-air wireless and satellite television was also reviewed to enable these media to cope with the changing broadcasting environment brought about by new technology and more competition.

Thanks to an intensive work programme undertaken by Members of this Council, the legislation paving the way for the introduction of subscription television service was enacted in March this year. We are now ready to issue a subscription television licence and we expect to see the commencement of the subscription television service by October this year.

The Broadcasting Authority has played a significant role in all these developments in pursuit of its policy to improve the quality and quantity of broadcasting services for the people of Hong Kong. The Authority will also continue to strive for the maintenance of an equitable regulatory framework so as to ensure fair and healthy competition among existing and future broadcasters.

To regulate the quality of services provided, the Broadcasting Authority has a well-established mechanism to consider complaints. During the period under report, the Authority's Complaints Committee dealt with a total of 648 complaints. Twenty-one warning letters had been issued to various broadcasters to remind them of the need to observe more closely the different codes of practice. In addition, the Authority had fined licensees on two occasions, with fines ranging from \$10,000 to \$50,000 for more blatant breaches.

The Broadcasting Authority has also set up a Working Group to review the codes of practice on programme, advertising and technical standards for both television and radio broadcasts. This is to ensure that these standards reflect changing social needs and attitudes and fast developing technology. Major revisions to the codes arising from the television broadcasting review were endorsed by the Authority during this period. These included greater flexibility in the showing of feature films, repeats of children programmes, and advertising for financial services, property, educational institutions and publications. A new set of standards on programme sponsorship for wireless television and a new code of practice on technical standards for sound broadcasting were also drawn up.

During the period covered by this report, the Authority also maintained close liaison with overseas regulatory authorities and broadcasting organizations through attending international conferences and discussions with overseas visitors. These kept the Authority in close touch with the latest broadcasting developments in the rest of the world.

Overall, last year has been a significant one in the development of broadcasting and an eventful year for the Broadcasting Authority. Looking ahead, the Authority will be actively involved in the regulation of the subscription television service when it is introduced, and in the radio broadcasting review which is now underway.

I would like to thank members of the Broadcasting Authority, in particular its chairman, Sir Roger LOBO, for their valuable contributions in regulating the fast developing broadcasting industry and for their advice to the Government in the formulation of broadcasting policy to cope with the rapid changes in the industry.

Thank you.

Oral answers to questions

1994-95 electoral arrangements

1. DR YEUNG SUM asked (in Cantonese): *Will the Government inform this Council whether it is still prepared to honour its undertaking to ensure the completion of the legislative process of the relevant Bill(s) on electoral arrangements for 1994-95 within this Legislative Council Session; if not, what electoral arrangements will be made for the impending district board elections in 1994?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS: Mr President, our aim is to give Members of this Council as much time as possible to discuss the electoral arrangements for 1994-95 although it will of course be a matter for Legislative Council to determine when this process will be completed. On the question of the timing of the introduction of the remaining legislation, there are a number of factors to be balanced. These include the need to give the current talks with China a fair wind to help ensure that they are brought to a successful conclusion. But we do not have an infinite amount of time. The necessary legislation must be in place well before the elections are due.

DR YEUNG SUM (in Cantonese): *Mr President, recently, there have been talks about the Government's intention to submit the bills on the 1994-95 electoral arrangements to the Legislative Council separately. That would mean that the bill on the district board elections in 1994 would be submitted to the Legislative Council first, and subject to circumstances, the bill on the Legislative Council elections in 1995 would then be submitted. Would the Administration confirm that this would not be the case?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS: Mr President, the Government is aware of the need to have the necessary legislation in place as early as practicable. But it would not be prudent for me to speculate the ways and means of achieving this while the talks are still going on.

MR RONALD ARCULLI: *Mr President, will the Secretary for Constitutional Affairs, in reply to the Honourable YEUNG Sum's supplementary question, advise this Council whether the question of separating the electoral arrangements for the district board elections in 1994 from those affecting the municipal councils and indeed this Council in 1995 is still a live option, in case more time is required for the current Sino-British negotiations?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS: Mr President, the current talks are about the electoral arrangements for 1994 and 1995. With two rounds of talks behind us and a third in two days' time, it would really not be appropriate or helpful for me to start hypothesizing on what might or might not happen in the weeks ahead.

MR TIK CHI-YUEN (in Cantonese): *Mr President, will the Administration inform this Council of the latest date by which the bill on the 1994 district board elections should be passed so that there will be enough time for such preparatory work as registration of electors and re-designation of electoral constituencies?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS: Mr President, I am fully aware that the next district board election is in September 1994. It is only 16 months away. So clearly we are aiming to have the relevant legislation in place sooner rather than later. It would not, however, be helpful for us to talk about absolute deadlines at this point. Again, I would like to assure Members that the necessary arrangements will be made in good time for the next district board elections.

MR LEE WING-TAT (in Cantonese): *Mr President, I feel rather regretful that that is the case. If an election is to be fair, all serving members, prospective candidates in particular, must be given ample time to fully prepare for it. The Secretary has in fact not answered Mr TIK Chi-yuen's question. Would the Secretary inform this Council how much time, in his view, a new candidate should be given to make preparations in order to have a fair and reasonable election? Would the Secretary consider electoral arrangements to be fair and reasonable if the relevant legislation is only passed in May or June 1994?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS: Mr President, there are specific stages in any elections as regards the registration of electors, the drawing up of electoral boundaries, so on and so forth. The Administration is fully aware of those stages and we are working very hard towards keeping to them. But, as I have said in my main reply, there are factors to be balanced and I think the important thing now is for us to work hard for a successful outcome

of the talks. This, I believe, is what the community, and what, I am sure, this Council wishes to see.

MR HOWARD YOUNG: *Mr President, regardless of the outcome of the talks, is it not a fact that the 1994 election and the 1995 election are in fact approximately 12 months apart? Therefore, by commonsense, if one were to try and determine a so-called "red" date for each election by which date arrangements would have to be well in place, these dates would not necessarily have to be the same date to achieve the same purpose.*

PRESIDENT: That is a question, Mr YOUNG?

MR HOWARD YOUNG: *Yes, Mr President, my question is: Is it not a fact that because the elections are one year apart therefore if one were to set a date for each election by which date arrangements would have to be in place in good time, then the dates would not necessarily have to be one single date, but could be different dates?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS: Mr President, I am happy to confirm that those are facts.

MR MARTIN LEE: *Mr President, will the Secretary confirm to this Council whether his answers given so far this afternoon were all taken directly from or inspired by the book "Yes, Minister" which many of us read?*

PRESIDENT: I do not think that is really a question within Standing Orders, Mr LEE.

MR CHEUNG MAN-KWONG (in Cantonese): *Mr President, from what the Secretary has said in his reply, we could easily get the feeling that the Administration is still looking on the outcome of the third or even later rounds of talks. Will the Administration inform this Council whether there is an overall time frame for the introduction of electoral legislation, or that each move the Administration will make is very much dictated by the outcome of the Sino-British talks?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS: Mr President, we are far more positive in our approach than the Honourable Member's question may suggest. I have already made clear in my main reply that we will have to balance a number of factors in deciding on the timing for the introduction of

legislation. We will obviously also have to make an assessment on the progress of the talks as we proceed. It would be less than sensible if I were to go beyond what I have said.

MR JIMMY MCGREGOR: *Mr President, has the Chinese side been given advice by the British side on the possible need to establish a deadline for agreement in view of the need to ensure that these elections are held in good time?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS: Mr President, whilst I am not at liberty to disclose the contents of the talks, I am very sure that the Chinese side is aware of the exact dates of the elections in 1994 and 1995.

MR FRED LI (in Cantonese): *Mr President, I have waited a week for the Secretary's reply to my follow-up question I raised last week and, to my disappointment, I cannot get a substantive reply from the Secretary. Before the Sino-British talks, the Administration has stated unequivocally that the relevant bills will have to be introduced to the Legislative Council before the current session ends on 21 July or else there will not be sufficient time to make preparations for the elections. I would like the Secretary to confirm whether the target date has now been deferred to the end of this year?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS: Mr President, as I have said, the legislation has to be in place well before the elections which are 16 months away. I do not think it would be very useful for me to specify deadlines at the moment when talks are going on, and I do not wish to say anything today which may be regarded by either the media or by the community as being not conducive to the success of the talks.

MR JAMES TO (in Cantonese): *Mr President, a while ago, the Secretary agreed with what Mr Howard YOUNG said in his question — that as there are two elections, one in 1994 and another in 1995, theoretically or logically, there should be different times for making preparations. May I follow that up and ask the Secretary whether he would agree that the length of time a candidate would require to make preparations for the Legislative Council direct elections is greatly different from that of district board or municipal council elections? In fact, even if the bills on the 1994-95 electoral arrangements can be introduced to this Council within this legislative session, it is already the latest that can be tolerated in giving candidates reasonable time to make the necessary preparations.*

SECRETARY FOR CONSTITUTIONAL AFFAIRS: Mr President, I am slightly confused by the focus of the question. If I may ask Mr TO to clarify it.

PRESIDENT: Would you like to put the question again, Mr TO, please?

MR JAMES TO (in Cantonese): *Mr President, what I mean is that given that the Legislative Council direct elections are different in scale from that of the municipal council and the district board elections, does the Secretary think that candidates for the Legislative Council direct elections should be given sufficient time to make preparations? In fact, even if the relevant bills are passed within the current legislative session, the time given to candidates of the Legislative Council direct elections or other elections to make preparations is already the barest minimum that should be given.*

SECRETARY FOR CONSTITUTIONAL AFFAIRS: Mr President, I think I might be stepping on thin ice. Because I am not an elected Member of this Council, I would not presume to speculate as to what preparation someone like Mr TO would need to make for a geographically based election to this Council. But I am definitely able to agree with Mr TO that the preparation for a Legislative Council geographically based election involves a much larger constituency than that of a district board. So if one were to work on that basis, I think there would be strength in Mr TO's argument.

Employment opportunity for local workers

2. MR MICHAEL HO asked (in Cantonese): *Regarding the stipulation that employers who apply for importation of labour must first register the vacancies with the Local Employment Service of the Labour Department, so as to prove that in spite of their efforts, they still cannot recruit the required local workers to fill such vacancies, will the Government inform this Council:*

- (a) *whether it has been found in the past that employers set excessively demanding and harsh conditions of employment while so registering with the Labour Department, and thus were unable to fill these vacancies locally;*
- (b) *if so, the details and statistics of such cases; and how they were handled by the authorities; and*
- (c) *of the measures that will be adopted to prevent employers from such practice as a ploy or to be adopted by them to reduce the employment opportunity for local workers?*

SECRETARY FOR EDUCATION AND MANPOWER: Mr President, in the last two rounds of applications for quotas under the General Labour Importation Scheme, 3 537 employers (out of a total of 14 336 applicants) were found to have stipulated unreasonably restrictive requirements in terms of age, education and work experience when registering their vacancies with the Labour Department. All their applications were rejected as a result.

As regards the Special Labour Importation Scheme for the new airport and related projects, there have been two cases in which employers stipulated unreasonable requirements. These employers subsequently agreed to relax their requirements upon the advice of the Government.

The Government will continue to reject applications submitted by employers who impose unreasonably restrictive job requirements when registering their vacancies with the Labour Department. In addition, employers who are known to have refused to engage suitable local workers without reasonable grounds will also have their applications rejected. Employers are made aware of the Government's intentions both through general publicity and in the guidance pamphlets on the Labour Importation Schemes.

MR MICHAEL HO (in Cantonese): *Mr President, it was mentioned in the first paragraph of the reply that over 3 500 employers were found to have stipulated unreasonably restrictive requirements when they registered their vacancies with the Labour Department and these were in fact examples of abuse. Can the Administration inform this Council of the cost of handling these 3 000 or so cases? What action is the Administration going to take to prevent these employers from further wasting public money?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr President, I have not calculated the cost. As for actions to prevent further occurrence, as I have said in my main answer, employers in general should be well aware of the Government's position, that is, if an employer imposes unreasonably restrictive requirements, his application for hiring imported labour will be rejected. I believe that this message is clear enough. Moreover, under the Labour Importation Scheme, the authorities will take into consideration any record of non-compliance when handling an application from an employer.

MR ALBERT CHAN (in Cantonese): *Mr President, from my previous contacts with factories which have hired imported labour, I understand that some owners will find some excuses to get rid of older workers. Can the Administration inform this Council what it does to monitor these factories to ensure that the livelihood of old workers will not be threatened as a result of importation of labour?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr President, one of the preconditions of the Labour Importation Scheme is that an employer should not dismiss local workers upon securing the quota for imported labour. In other words, they cannot replace local workers with imported ones. Or else, we can take away the quota already allocated to him.

MR ALBERT CHAN (in Cantonese): *Mr President, actually my question is on how the Administration monitors these factories but it has not been answered. Does the Administration actually inspect these factories regularly and find out their employment situation?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): I am sorry, Mr President, I have missed out that part. The Labour Department will inspect workplaces regularly or irregularly through routine factory inspections. In places where imported labour are employed, staff of the Labour Department will try to find out whether imported workers have replaced local ones. Besides, if a local employee thinks that he has been unfairly treated, he can lodge a complaint with the Labour Department and the department will handle all such cases.

MR LAU CHIN-SHEK (in Cantonese): *Mr President, may I ask the Administration the number of staff deployed and the number of cases involved in connection with inspections to check against replacement of local workers by imported labour in the past year? Have these cases been brought to court and what are the hearing results?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr President, as regards the first part of the question, I do not have any statistics ready at hand. As for the second part, staff of the Factory Inspectorate Division of the Labour Department very often do not visit factories or other workplaces just for a particular case or a particular purpose. In other words, the inspections are not confined to just seeing for example whether local workers have been dismissed and then returning the next day to check whether safety rules under the relevant ordinances have been breached, followed by further investigation the day that followed on whether there is any contravention of other ordinances. Therefore, it is very difficult to provide statistics on inspections that were conducted for the sole purpose of finding out whether local workers have been replaced by imported labour. As for prosecutions, I do not have the statistics in hand, but I will give a written reply. (Annex I)

MR MARTIN BARROW: *Mr President, following up on other supplementary questions, is it not true that examples of abuse are few and far between and represent a small percentage of those bringing in imported labour?*

SECRETARY FOR EDUCATION AND MANPOWER: Mr President, I think our experience has been that obviously there have been a number of cases where the conditions of the General Labour Importation Scheme have been breached. I think I can also confirm that in the majority of cases employers have been observing correctly the required procedures.

MR RONALD ARCULLI: *Mr President, will the Secretary for Education and Manpower inform this Council how many jobs were actually covered by what I imagine would be called "valid and proper applications" and whether this in fact is taken into account by the Government in setting the current limit of 25 000 under the present importation of labour scheme?*

SECRETARY FOR EDUCATION AND MANPOWER: Mr President, in the case of each of the last two rounds of applications, the number of jobs covered by applications received were several times in excess of the amount of quotas available. I think the actual figures have been publicized on each occasion, although I am afraid I cannot remember them precisely today. But I think in the first case it was about four or five times oversubscribed and in the second case about three or three and a half times oversubscribed. However, the number of jobs covered by applications need not necessarily represent the exact number of vacancies which are waiting to be filled at any one time because there have been indications that some applicants may have deliberately inflated their applications in the expectation that the quotas would be oversubscribed and that by inflating their applications they would stand a better chance of getting an allocation. This practice is of course wrong.

In relation to the determination of the total quota for allocation, this is a figure which is determined by the Government, having regard to a whole range of factors including the local unemployment and under-employment rate, the number of vacancies registered in various industries, general forecasts of economic growth and a whole range of other factors.

DR HUANG CHEN-YA (in Cantonese): *Mr President, some employers stipulate unreasonably restrictive requirements only when they interview job applicants but these requirements are nowhere mentioned in the advertisements they place in newspapers. What measures will the Administration take to guard against such a ploy?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr President, if a local worker has been unfairly treated or that he found some of the terms offered by an employer during a job interview are unreasonable, he can lodge a complaint with the Labour Department who will then investigate the case. If the employer is found to have stipulated unreasonable requirements, we will then consider rejecting his current application or even all his future applications.

Sale of public housing flats to sitting tenants

3. DR LAM KUI-CHUN asked (in Cantonese): *It has been more than two years since the public was consulted by the Housing Authority on the proposed scheme for the sale of flats in public housing estates to sitting tenants. Will the Administration inform this Council of the progress of the proposed scheme and the target date for its implementation?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, the Housing Authority formulated revised terms on which to offer public rental flats to sitting tenants in November 1992. This was done after a review of the response to and public comments on the original terms, which were announced in mid 1991. The revised terms were put to the Government for consideration. In March this year, after careful deliberation, the Government decided that the revised approach should not be pursued for the present. It was concerned that the revised terms of offer might not be sufficiently attractive to persuade sitting tenants to move into home ownership in the numbers required to make the scheme viable.

As a result of the Government's decision, the proposed scheme has been shelved. The Housing Authority is now considering other ways of achieving the primary objective of increasing home ownership among sitting tenants.

DR LAM KUI-CHUN (in Cantonese): *Mr President, since the Administration did not accept the Housing Authority's revised approach to sell public rental flats, can the Secretary explain in detail what conditions the Administration will accept in order to implement the proposed scheme to sell public rental flats?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, I do not believe that, in deciding not to support the proposal by the Housing Authority, the Administration should itself take on the task of formulating revised terms. The Administration has asked the Housing Authority or put it to the Housing Authority to consider other approaches and that, I believe, is what the Housing Authority is now doing.

MR EDWARD HO: *Mr President, will the Secretary inform this Council what the timetable is for the Housing Authority to come up with other suitable ways of achieving the primary objective?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, as soon as possible.

MR ANDREW WONG (in Cantonese): *Mr President, may I ask the Secretary if the Housing Authority's proposal is believed to be infeasible and therefore not supported by the Administration, and as such, does he think that the Administration should formulate on its own another proposal for the sale of public rental flats?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, as I said in my main answer, the Government was concerned that the revised terms of offer might not be sufficiently attractive to those tenants at whom it was directed and that there would not be sufficient numbers in response to produce a viable scheme.

MR RONALD ARCULLI: *Mr President, this is the second time that the Secretary for Lands and Works has referred to the revised terms as not being sufficiently attractive. Could he perhaps tell us in what respect they were not sufficiently attractive, whether it was simply payment terms that were unattractive, or the condition of the premises or the restriction on resale of those premises, to name but a few possibilities?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, I think the Honourable Member was referring to my predecessor in referring to the Secretary for Lands and Works. However, the Administration, I believe, is concerned that there is a difficult balance to be struck between, for example, setting a sale price which will be, if I may say so, low enough to be attractive to the prospective purchaser and, on the other hand, not being seen to give away a public asset at virtually no cost at all.

MR LEE WING-TAT (in Cantonese): *Mr President, does the Administration think that this is very unfair, because the community, Members of this Council and even I myself, a member of the Housing Authority, still do not understand why the Administration has for the second time rejected the proposal? Should Mr EASON explain openly on behalf of the Executive Council or the Administration what the problems are with the second proposal of the Housing Authority, such that the community, this Council and other people concerned can express their views on a scheme which is considered better by the*

Administration? Otherwise how can the public be expected to put forward their views if the Administration only refuses to endorse but does not explain the rationale behind?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, I believe that the chairman of the Housing Authority wrote to members of the Housing Authority on 31 March conveying to them the information contained in a letter sent to him by the Chief Secretary on the reasons and they were basically along the lines that I have said in previous answers to questions and supplementaries today. I would add that I believe that the Administration would be very willing indeed to consider with the Housing Authority, through its chairman or vice chairman, fresh thinking on how the aim of this exercise might be achieved.

MR LEE WING-TAT: *Mr President, may I make a point?*

PRESIDENT: If it is a follow-up

MR LEE WING-TAT: *No, Mr President, elucidation.*

MR LEE WING-TAT (in Cantonese): *Mr President, may I ask Mr EASON to elucidate one point. In the letter from Sir David FORD to the Housing Authority to which he referred, was it only said that the proposal was rejected because of problems like price and management, without going into details as to why the Executive Council or the Administration rejected the proposal?*

PRESIDENT: That was the question, was it not, Mr LEE?

MR LEE WING-TAT: *Mr President, it is not a question; it is not a question because I would like Mr EASON to elucidate whether the letter which was sent by Sir David FORD to the chairman of the Housing Authority only said that the Executive Council did not agree with the decision but did not explain why the Executive Council rejected a second time the proposal.*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, I am not sure about the reference to a second time. As far as I am aware, the Administration has only once offered views on the scheme as presented by the Housing Authority. The letter from the chairman of the Housing Authority to members of the Authority dated 31 March 1993 contains the following:

"You may wish to note that some Members (of the Executive Council) had expressed serious reservations concerning the financial aspects of the Scheme. They were of the view that the proposed terms of offer were not sufficiently attractive to entice sitting tenants to move into home ownership in the numbers required to make the Scheme viable. Moreover, Members were concerned that the proposed 30% threshold required to trigger the Scheme in individual blocks could lead to real problems of management and subsequent upgrading of blocks in a mixed ownership situation".

I believe that if the Housing Authority wishes to receive further indications from the Administration as to the basis of the statements contained in this letter, the Administration would be prepared to provide the Authority with further elucidation.

MRS SELINA CHOW: *Mr President, from the Secretary's various answers and particularly the answer that he gave to Mr Edward HO when he said "as soon as possible", it certainly begs the question as to where the buck is right now. Could the Secretary please tell this Council what initiative the Government is taking or the Secretary is taking to achieve the objective of increasing home ownership among sitting tenants as soon as possible and how soon is that "as soon as possible"?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, the Administration believes that it is the task of the Housing Authority to formulate the thinking on housing policies of this kind. The Administration has made views known to the Housing Authority and I believe that the Housing Authority is considering these views and is considering other possible ways, for example, of adjusting the division of available home ownership flats between those who are in effect sitting tenants in Housing Authority flats and those who are outside the Housing Authority's area of responsibility. It is also reconsidering the basis of the Home Purchase Loan Scheme. So I believe that both the Administration and the Housing Authority are fulfilling their responsibilities and as soon as the Housing Authority has formulated further ideas these can be discussed with the Administration. I do not think it is possible in complex situations like this to devise realistic deadlines but, as I have said, I believe we should be moving ahead as quickly as we can and I think that is about as far as I can go with the definition of "as soon as possible".

Putonghua training for civil servants

4. MR MARTIN BARROW asked: *Will the Government inform this Council of the progress made in the learning of Putonghua amongst civil servants, in particular,*

- (a) *how many civil servants are currently having lessons;*
- (b) *has any check been made on the proficiency of civil servants at senior levels;*
- (c) *is any reward payable for those passing language tests; and*
- (d) *what steps are being taken to improve the current standards and whether lessons are mandatory for the officials?*

SECRETARY FOR THE CIVIL SERVICE: Mr President,

- (a) At present, 545 civil servants are taking Putonghua lessons. Since 1985-86, some 4 600 civil servants have undergone Putonghua training.
- (b) A survey is being carried out on the Chinese language proficiency of the Executive Grade. A similar survey will be conducted among senior departmental officers. Putonghua proficiency tests are carried out on Administrative Officers and Executive Officers on completion of each stage of training.
- (c) There is no monetary reward for passing language tests. We do not think it is appropriate for civil servants to expect a reward for acquiring a language skill through training which is provided free and which will make them more effective at their work. Certificates of Attendance are issued on completion of each stage of training, in recognition of the level of proficiency attained.
- (d) To a large extent, language proficiency comes with practice. In addition to a threefold increase in training opportunities since 1985, the Government also encourages use of Putonghua through visits to China for which interpretation service is not provided. One of the objectives of the Chinese Studies Course in Beijing is also to improve the Putonghua proficiency of civil servants through immersion training. At present, Putonghua training is compulsory for local Administrative Officers.

MR MARTIN BARROW (in Putonghua): *Mr President, will the Administration allow civil servants*

PRESIDENT: I do not think Putonghua is permissible, Mr BARROW.

MR MARTIN BARROW: *I apologize, Mr President. What I was trying to ask is whether or not the Government would consider allowing Putonghua in this Council to provide more practice opportunities for both officials and Members. I, for one, clearly need practice.*

SECRETARY FOR THE CIVIL SERVICE: Mr President, although I have not checked Standing Orders myself, I am assured that Standing Orders currently do not allow the use of Putonghua in this Council.

PRESIDENT: Is that your question, Mr BARROW?

MR MARTIN BARROW: *That is my question, Mr President.*

MR STEVEN POON (in Cantonese): *Mr President, as there will be more and more contacts between our government officials and their counterparts in China with the approach of 1997, will the Administration consider making Putonghua proficiency one of the promotion criteria for civil servants?*

SECRETARY FOR THE CIVIL SERVICE: Mr President, we do not at present contemplate making Putonghua proficiency a test for promotion although, as I have stated in my principal reply, it is our longer-term objective to improve proficiency both in written Chinese and Putonghua.

DR TANG SIU-TONG (in Cantonese): *Mr President, would the Administration inform this Council how many of the 4 600 civil servants who have received Putonghua training are in the Administration Officer Grade?*

SECRETARY FOR THE CIVIL SERVICE: I am sorry, Mr President. I thought I had the statistics available but in fact I do not. I shall supply a written reply. (Annex II)

MR CHIM PUI-CHUNG (in Cantonese): *Mr President, it was mentioned in the Secretary's reply that Certificates of Attendance were issued to officers on completion of their training. However, has the Administration recognized the need to carry out a test on their proficiency in listening and verbal communication or in either aspect before issuing them the Certificates of Attendance so that they can express themselves better when they say anything in Putonghua on behalf of members of the public or other parties?*

SECRETARY FOR THE CIVIL SERVICE: Mr President, as I stated in my principal reply, we do carry out a test of language proficiency by issuing Attendance Certificate and also in terms of testing the proficiency of Administrative Officers. That is carried out. In general, we believe that these should be sufficient to ensure increasing proficiency in Putonghua.

MR HOWARD YOUNG: *Mr President, does the Government have a system of priorities among departments in enhancing proficiency in Putonghua, in particular giving priority to those departments where there is a lot of day to day interaction with Putonghua speakers, such as Immigration Department officers at Lo Wu who deal with China visitors and also Immigration Officers at Kai Tak who have to deal with Putonghua speaking visitors from China and Taiwan?*

SECRETARY FOR THE CIVIL SERVICE: Mr President, we do in fact give priority to improving proficiency in Putonghua amongst those departmental officers who have an operational requirement, for example, regular contact with PRC officials. And, as Mr Howard YOUNG has pointed out, we do give priority, for example, to officers of the Customs and Excise Department and also Immigration Department.

Private sector's funding support for government projects

5. MR MOSES CHENG asked: *Will the Administration inform this Council of its policies regarding the acceptance and acknowledgement of funding support or sponsorship from the private sector for government projects and programmes?*

SECRETARY FOR THE TREASURY: Mr President, the Administration welcomes financial support of the private sector for government projects and programmes. It is an important form of public participation in government activities. While departmental practice varies somewhat depending on the

nature and purpose of the donation, there are two broad principles in accepting a private donation or sponsorship.

First, the Government only accepts a donation or sponsorship from a reputable individual or organization in a manner which will not impair the image of the Government. Second, a donation must not result in an unacceptable recurrent commitment on public funds. For example, if a private donor wished to pay for a major piece of equipment, the Government would need to ensure that it could meet the cost of servicing that equipment before it accepted the donation. The same general principle applies to donations to projects undertaken by subvented organizations. The Hospital Authority, for example, would need the agreement of the Secretary for Health and Welfare if it wished the Government to meet any additional cost arising from a donation.

The way in which a donation is acknowledged depends upon the wishes of the donor and the value of the donation. Customarily, the more important the donation, the more elaborate the acknowledgement. Public recognition can take a variety of forms, including a mention in speeches or the participation of donors in ceremonies marking the key stages of a project's development, such as ground-breaking, topping-out. As a general rule, publicity must be in good taste. If a donor wishes to have the honour of naming a government project, he or she would normally be required to contribute at least 50% of the total cost of that project. Subvented organizations follow even more flexible rules. They are generally free to select names for their projects and to publicize donations as they see fit.

MR MOSES CHENG: *Mr President, the Administration's answer tends to concentrate much more on accepting and acknowledging donation. Does it mean that the Government is less prepared to accept sponsorship from the commercial sector? In view of the ever increasing difficulties in getting donations, would the Government be prepared to accept sponsorship from the commercial sector on a much more extensive basis, and what is the policy regarding acceptance and acknowledgement of such sponsorship?*

SECRETARY FOR THE TREASURY: Mr President, as I said in my main reply, the Government has a policy that welcomes donation and sponsorship. But any department accepting a donation or sponsorship would have to be rather careful to ensure that the acceptance would not give, or be perceived as giving, the donor/sponsor company or commercial organization any unfair advantage over other companies in the same field. But each case will have to be considered on its own merits and I believe the Government's practice in accepting donations and sponsorships is fairly flexible.

MRS SELINA CHOW: *Mr President, is the Secretary satisfied that the appropriate expertise and initiative exist in Government in the identification and marketing of government projects and programmes so that sponsors are secured wherever and whenever the opportunities arise?*

SECRETARY FOR THE TREASURY: Mr President, of course, no programme is perfect, but over the past years we did receive substantial donations and sponsorship. For instance, in 1991-92 total donation came to \$38 million and in 1992-93 total donation rose to \$120 million. I am not saying that that would be enough. Nor am I implying that more need not be done. We would welcome ideas on what more can be done if there is a general feeling that the Government's present practice is inadequate.

MRS SELINA CHOW: *Mr President, I do not think that my question has been answered. I asked whether the Secretary is satisfied that the appropriate expertise and initiative exist. He gave me an answer on how much the Government has managed to get in the way of donations. I would like to ask for an answer to my question, please.*

SECRETARY FOR THE TREASURY: Mr President, I think my answer indicates the expertise or the lack of it within the Government in this regard. But I think the rising value of donations received indicates that the situation is not unsatisfactory. We do not employ professional people to enlist donation and sponsorship. But clearly it is already widespread practice in government, not only in central government but also in district boards as well, to receive donations where appropriate. But this is an area in which I am quite open to ideas.

DR PHILIP WONG: *Mr President, would the Secretary confirm to this Council that there are no strings attached to these donations except for the naming of those projects?*

SECRETARY FOR THE TREASURY: Yes, Mr President, in normal circumstances we would not accept any strings attached, and as regards the suggestion that a project should be named a certain way, we have a requirement which I have already explained. But as I also said, in accepting any donation a department need to ensure that the acceptance will not give any unfair advantage to the donor individual or company in any official dealings with the department.

Written answers to questions

Guidelines to teachers on lessons on political subjects

6. MR CHIM PUI-CHUNG asked (in Chinese): *Will the Government inform this Council whether it will consider issuing guidelines to the teaching profession, so that teachers will take a neutral stand to provide comprehensive education and guidance to students when giving lessons in or holding discussions on political issues?*

SECRETARY FOR EDUCATION AND MANPOWER: Mr President, the Education Department has, for a number of years, issued general guidelines to teachers on the teaching or discussion of political issues. Teachers are advised to be objective and balanced in the treatment of the subject matter and to cover the pros and cons of any ideas, systems and processes. They are also asked to help students accept that other people may hold views different from their own and strive for co-operation and harmony with others who do not necessarily share their views. The overall objective is to help students form their own opinions on matters taught or discussed. Teachers who wish to express their own personal opinion are specifically invited to make this clear to the students.

In addition, teachers are given more specific curriculum guidance on subjects involving the discussion of political issues, such as Social Studies, Government and Public Affairs, Economic and Public Affairs and Liberal Studies.

Police resources to handle special situations

7. MR DAVID LI asked: *Will the Government inform this Council whether the Royal Hong Kong Police Force has the resources to effect the required response to special situations, such as multiple bank robberies occurring simultaneously in one district, without compromising the existing level of effectiveness and efficiency?*

SECRETARY FOR SECURITY: Mr President, the resources of the police are sufficient to respond to all emergencies, including several incidents happening simultaneously in one district.

We have a high police to population ratio. Police officers on beat patrol are able to provide an immediate response to incidents on the street but they may call on other police formations for support. In the various police regions, support formations include motorcycle and mobile patrol units, Emergency

Units and Police Tactical Units. The main function of the Emergency Units in each police region is to provide a fast response to emergency situations and to provide enhanced police presence on the ground to combat crime. The Police Tactical Units also provide backup capability to deal with emergencies. When the need arises, specialist formations from Police Headquarters may also be called in for service to assist.

The Police Force is also well equipped and well trained. Its communication system and information systems enable speedy transmission and retrieval of information and quick analysis of incidents.

Hospital facilities in Tseung Kwan O

8. MISS EMILY LAU asked: *On 31 March 1993, the Secretary for Health and Welfare stated in this Council that the Administration would conduct a full review in two years' time to assess the need for additional hospital facilities in Tseung Kwan O, and in the meantime, would explore the need for other improvements in the short term such as the provision of specialist clinics. Is the Government aware that the non-committal nature of the Secretary's statement was greeted with disappointment and dismay by residents of Tseung Kwan O and Sai Kung, and will it take steps quickly to reassure residents by announcing firm plans to build specialist clinics in Tseung Kwan O; if so, where and when will they be built?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, I fully understand the concern of the Tseung Kwan O and Sai Kung residents for additional medical facilities. I assured Members in this Council on 31 March 1993 that we would bear the needs of our community firmly in mind. However, any proposal for a new medical facility must be carefully examined and fully justified on its own merits to ensure that public funds are spent in a cost-effective manner to cater for those in need. In the case of Tseung Kwan O, we must also take into account the pace of population build-up and the interface with other existing and facilities under planning.

At present, the Hospital Authority is working with the relevant government departments to identify a suitable site for the provision of a specialist clinic in Tseung Kwan O. Until this is done, it is not possible to be precise about the location or the timing of the completion of the project. Members may wish to know that once a site is identified and subject to the availability of resources, it would take two to three years for the construction of a clinic.

Southeast New Territories landfill

9. MISS EMILY LAU asked: *Regarding the development of the Southeast New Territories landfill, will the Government inform this Council:*

- (a) *why the landfill site has to encroach on the Clear Water Bay Country Park;*
- (b) *why such encroachment was not mentioned in the Public Works Sub-Committee (PWSC) paper issued on 15 January 1992 in respect of this development project; and*
- (c) *what mechanism is in place to ensure that the Finance Committee and its sub-committees are provided with all the information necessary for them to make decisions?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President,

- (a) The South East New Territories (SENT) landfill encroaches onto the Clear Water Bay Country Park for the following reasons: it increases the capacity of the landfill by about 20% and substantially extends its potential life; it permits a more natural landfill design which, upon completion, will blend more readily with the surrounding landscape; and it will reduce the unit cost of disposal.
- (b) Paragraph 3 of the 15 January 1992 PWSC paper referred to the need for "remedial measures for the nearby country park". This related back to a November 1991 PWSC paper which sought approval for the costs of "mitigation works due to encroachment onto country park area". The maps attached to both papers showed that the landfill indeed encroaches onto the country park.
- (c) The object of PWSC and FC papers is to seek funding approval for projects for which all necessary consultation procedures have been completed and statutory or administrative approvals have been obtained. The papers are intended to be comprehensive but concise and to focus on the key issues requiring decision, namely the financial implications of the proposal they cover. Sufficient information should be included to enable Members to understand the background to the project and the primary uses to which the funds being sought will be put. Members are always welcome to seek additional information from the Government if necessary.

Industrial accidents

10. MR TAM YIU-CHUNG asked (in Chinese): *Will the Government inform this Council:*

- (a) *of the respective numbers of industrial accidents, major industrial accidents and fatal industrial accidents in 1992 and their respective rates per 1 000 workers;*
- (b) *of the causes of the fatal and non-fatal industrial accidents in 1992, broken down by the types of industry;*
- (c) *of the number of inspections made on work sites, the number of prosecutions initiated in 1992, and the average amount of fine imposed in the successful prosecutions; and*
- (d) *whether the methodology for preparing the statistical data on industrial accidents will be reviewed in order to show such statistics more accurately?*

SECRETARY FOR EDUCATION AND MANPOWER: Mr President, the answers to Mr TAM's question are as follows:

- (a) There were 55 343 industrial accidents in 1992, of which 65 were fatal. The accident rate was 57.23 per 1 000 workers. As at end of April 1993, 41 480 accidents have been assessed and 6 006 were identified as major accidents.
- (b) The relevant statistics are annexed.
- (c) The Factory Inspectorate of the Labour Department made 78 364 inspections in 1992 and initiated 2 811 prosecutions. The average fine for each conviction was \$5,302.
- (d) The methodology for preparing industrial accident statistics follows that adopted by the International Labour Organization. Practically all industrial accidents are reported due to the operation of the compulsory employees' compensation insurance system. The statistics accurately reflect the situation.

Table 1

Industrial Accidents in Construction Industry
in 1992 Analysed by Cause

| <i>Cause of accident</i> | <i>Total No. of accidents</i> | <i>No. of fatal accidents</i> |
|---|-----------------------------------|-----------------------------------|
| Stepping on, striking against or struck by objects | 7 702 | 4 |
| Handling without machinery | 3 694 | - |
| Fall of person | 3 036 | 24 |
| Falling objects | 1 109 | 3 |
| Hand tools | 818 | - |
| Machinery | 805 | 5 |
| Hot or corrosive substance | 250 | - |
| Explosion or fire | 88 | 3 |
| Transport | 74 | 1 |
| Electricity | 35 | 3 |
| Fall of ground | 15 | - |
| Gassing, poisoning and other toxic substances | 13 | 3 |
| Miscellaneous | 1 176 | 2 |
| TOTAL | ----- 18 815 ===== | --- 48 == |

Table 2

Industrial Accidents in Catering Industry
in 1992 Analysed by Cause

| <i>Cause of accident</i> | <i>Total No. of accidents</i> | <i>No. of fatal accidents</i> |
|---|-----------------------------------|-----------------------------------|
| Hand tools | 4 995 | - |
| Hot or corrosive substance | 3 195 | - |
| Handling without machinery | 1 878 | - |
| Stepping on, striking against or struck by objects | 1 875 | - |
| Fall of person | 1 830 | - |
| Explosion or fire | 257 | 1 |
| Falling objects | 225 | - |
| Machinery | 220 | - |
| Transport | 65 | - |
| Gassing, poisoning and other toxic substances | 4 | - |
| Electricity | 4 | - |
| Miscellaneous | 590 | - |
| TOTAL | ----- 15 138 ===== | --- 1 == |

Table 3

Industrial Accidents in Manufacturing and Other Industries
in 1992 Analysed by Cause

| <i>Cause of accident</i> | <i>Total No. of accidents</i> | <i>No. of fatal accidents</i> |
|--|-----------------------------------|-----------------------------------|
| Stepping on, striking against or struck by objects | 5 978 | 4 |
| Handing without machinery | 4 405 | - |
| Machinery | 3 363 | 5 |
| Fall of person | 2 477 | 2 |
| Hand tools | 1 509 | - |
| Falling objects | 1 033 | - |
| Hot or corrosive substance | 718 | - |
| Transport | 679 | 1 |
| Explosion or fire | 137 | 2 |
| Electricity | 19 | 2 |
| Gassing, poisoning and other toxic substances | 16 | - |
| Miscellaneous | 1 056 | - |
| TOTAL | 21 390 ===== | 16 == |

Town Planning Board's membership

11. MR LAU CHIN-SHEK asked (in Chinese): *With regard to the composition of the Town Planning Board (TPB) and the question of the interests of its members, will the Government inform this Council of the following:*

- (a) *the respective trades and professions to which members of TPB belong; and the proportion of members representing each of those trades and professions in TPB;*

- (b) *the criteria by which members are appointed for ensuring representativeness in TPB; and the consideration given in the appointment process to the proportion of various trades and professions represented in its membership as well as the question of the appointees' interests; and*
- (c) *what mechanisms are available in TPB to deal with the question of members' interests, so as to ensure that its decisions will not be influenced by those members who have individual interests?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, the membership of the Town Planning Board (TPB) should provide a range of knowledge and expertise in matters relating to urban planning and development. Members are appointed on the basis of individual expertise and involvement in various fields of relevant work. They are not, however, required to contribute to the deliberations of the Board purely from the narrow standpoint of their particular expertise, but to take a broader view based on common sense. To maintain a balance of interests in the Board, the background, business activities and public involvement of each member are all carefully considered before appointment is offered.

At present, the Board has 30 members. There are six official members, namely Secretary for Planning, Environment and Lands, as Chairman, Secretary for Home Affairs, Secretary for Transport, Director of Planning, Director of Buildings and Lands and Director of Environmental Protection and their alternates. The 24 non-official members, when broadly categorized by trade and profession, include four industrialists, four academics from fields related to planning, three engineers, three surveyors, three architects, two lawyers, two businessmen, one town planner, one social worker and one conservationist.

In line with the practice of other major public bodies, all members are required to complete a registration form declaring the pecuniary interests they hold. These registration forms are included in a register which is available for public perusal on request. Furthermore, TPB Procedures and Practice include guidelines requiring members to declare their interest in any relevant discussion item before the Board. The Independent Commission Against Corruption and the Attorney General's Chambers have been consulted on these procedures.

Illegal immigrant mothers

12. MR LAU CHIN-SHEK asked (in Chinese): *Regarding the 56 "illegal immigrant mothers" who were repatriated to China by the Government in January 1988, will the Government inform this Council:*

- (a) *how many of these illegal immigrant mothers have since been allowed to settle in Hong Kong; and*
- (b) *of the respective places of origin of those mothers whose applications to come to Hong Kong have not yet been approved; and how the Administration is going to follow up their applications in order to facilitate their early settlement in the territory?*

SECRETARY FOR SECURITY: Mr President,

- (a) A total of 70 "illegal immigrant mothers" were repatriated to China in January 1988. Sixty-two of them have now returned to Hong Kong on one-way permits issued by the Chinese authorities, and been allowed to remain here.
- (b) The places of origin of the remaining eight "illegal immigrant mothers" who have not yet obtained their one-way exit permits are:

| <i>Native</i> | <i>No. of II mothers</i> |
|---------------|--------------------------|
| Haifeng | 4 |
| Guangzhou | 1 |
| Panyu | 1 |
| Shantou | 1 |
| Shanwei | 1 |
| | -- |
| Total: | 8 |
| | = |

The Hong Kong Government has asked the Chinese authorities to consider sympathetically the case of this group for the early issue of one-way exit permits.

Public medical and health services at Discovery Bay

13. DR LEONG CHE-HUNG asked: *Will the Administration inform this Council:*

- (a) *of the public medical and health services currently available at Discovery Bay or its vicinity; and*
- (b) *whether the Government has plans to increase such services and facilities in the near future to cater for the increasing population in the area as a result of the new airport and port development projects taking place in north Lantau; if so, what the specific details and time schedule are?*

SECRETARY FOR HEALTH AND WELFARE: Mr President,

- (a) At present, Discovery Bay has a population of 9 000 and is served by two clinics in Peng Chau and Mui Wo. Both clinics are managed by the Department of Health and provide general out-patient consultations, maternal and child health services, as well as an accident and emergency service.

Furthermore, Discovery Bay is served by a private clinic with three doctors providing general out-patient consultations and 24-hour home visit services.

- (b) To cater for the projected population increase on Lantau Island, plans are in hand for the construction of a new health clinic in Tung Chung in accordance with the current planning ratio of one clinic per 100 000 population. This new clinic is expected to be completed by the year 1997 to dovetail the expected population intake. Medical facilities to be provided will include a general out-patient department, a family health service centre, a dental clinic and a chest clinic.

Arrests and convictions from identification checks

14. MR DAVID LI asked: *Will the Government inform this Council of the trend since 1983 of the number of arrests and convictions resulting from identification checks by the Royal Hong Kong Police Force?*

SECRETARY FOR SECURITY: Mr President, statistics on the number of arrests and convictions resulting from identification checks are not kept.

The police do, however, keep statistics on the total number of identification checks conducted by police officers through the Enhanced Police Operational Nominal Index System (EPONICS) which came into operation in 1991. Details are as follows:

| | 1991 | 1992 | 1993 (1 st quarter) |
|---|-----------|-----------|------------------------|
| Total no. of EPONICS identification checks | 2 553 095 | 2 596 135 | 637 850 |

Central Co-ordinating Committee of Elderly Services

15. DR YEUNG SUM asked (in Chinese): *Will the Government inform this Council of the progress of the preparatory work for the establishment of the Central Co-ordinating Committee of Elderly Services which the Government has earlier undertaken to set up, and the Government's proposals on the functions and the development of this Committee?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, the Administration recognizes that the policies on elderly services need to be reviewed to ensure that they continue to meet the changing needs of Hong Kong. We are already going full steam ahead to implement targets set out in the 1991 White Paper *Social Welfare into the 1990s and Beyond* for services for elderly persons, such as residential care services and social centres for the elderly to ensure timely completion of these projects. We are also examining the feasibility of the introduction of a senior citizens card in Hong Kong. To pull the various strands together, it is intended that a Working Group on Care for the Elderly will be established in 1994 to co-ordinate and monitor the provision and development of services for elderly persons.

Detection of water leakage

16. MR VINCENT CHENG asked: *Regarding investigation of complaints of water seepage in private domestic premises where leakage source is unknown, and the Governor's pledge to provide efficient services to the public, will the Government inform this Council:*

- (a) *whether it is the case that colour water tests conducted to identify the source of leakage often take months to complete; and*
- (b) *if so, what the reasons are for the time taken and what measures will be taken to speed up the process, such as by improving intra-departmental and inter-departmental co-ordination?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, the investigation of complaints about water seepage in private domestic premises is undertaken primarily by the two municipal services departments. More serious cases which constitute a potential health hazard or risk to the structure of the building are referred to the Water Supplies Department and the Buildings and Lands Department for action.

Water seepage tends to be a complex problem. The time taken to identify the source varies depending on the complexity of the case and the co-operation of the occupants concerned. Where the source of water seepage is not readily identifiable by visual inspection, a colour dye test using fluorescent green will

be carried out at drain outlets in the premises immediately above the affected flat.

The process of colour dye tests involves identifying likely sources of seepage and making an appointment with the owner or occupant of the premises in which the sources are located to carry out the test at a mutually convenient time. Success in making such arrangements depends on the co-operation of the owners or occupants. It is not unusual for investigating officers to be able to gain access to the premises only after weeks or months. The nature of colour dye tests is such that they take time to produce results — water seepage can be caused by a range of factors, the source may be remote from the manifestation of the problem and may be intermittent. A series of colour dye tests may well need to be conducted before a source can be identified.

If a dye stain is seen following a colour dye test, this is accepted as *prima facie* evidence of the source of the nuisance. Action can then be taken under sections 12(1)(a) and 127 of the Public Health and Municipal Services Ordinance. If the colour dye test fails to help identify the source of seepage, water samples are collected for analysis by the Government Laboratory.

If, after physical inspection and colour dye testing, the municipal services department cannot trace the source, the case will be referred to the Water Supplies Department and the Buildings and Lands Department for further investigation. Whether this will help ascertain the source of seepage and how long it will take depends on individual circumstances which may vary widely.

To date, colour dye testing is considered the most practicable and effective means to trace the source of seepage. However, the departments concerned will continue to keep in touch with technological developments in this area, for instance, on the availability of equipment capable of detecting embedded leaking pipes within buildings. Recently, the referral system among the departments has been improved and this should help speed up the time taken to investigate cases.

Social workers engaging in political activities

17. MR CHIM PUI-CHUNG asked (in Chinese): *Will the Government inform this Council:*

- (a) *of the numbers of social workers employed by the Government and subvented agencies respectively; and*
- (b) *whether the Administration is aware of any social workers who have made use of their working hours and relationships to take part or engage in political activities; if so, whether there is any plan to formulate the necessary code of conduct or guidelines to be observed by social workers and their employers?*

SECRETARY FOR HEALTH AND WELFARE: Mr President,

- (a) There are about 1 250 social workers employed by the Social Welfare Department in the Social Work Assistant grade and the Social Work Officer grade and about 2 800 social workers in subvented posts employed by non-governmental organizations.
- (b) Guidelines are provided to civil servants on joining political organizations or participating in political activities. There is no objection to non-directorate government social workers in engaging in political activities (except for standing for election) provided that such activities do not affect the performance of their own duties and do not take place during their normal working hours. However, as a general principle, it is important that the civil service should remain politically neutral in order to ensure that government business is conducted impartially. Civil servants should therefore ensure that their involvement does not give rise to any conflict of interest with their official duties.

Subvented non-governmental organizations are not a part of nor an extension of the Government. As the funding body, the Government monitors the services provided by non-governmental organizations through the use of output measures and performance indicators to ensure that the subvented services are provided at the intended standards.

Staff of non-governmental organizations, like other citizens of Hong Kong, have the right to participate in public life, including standing for election or being appointed by the Government to public offices such as members of district boards or the Urban or Regional Council. The Hong Kong Council of Social Service has since 1989 developed a set of administrative guidelines or pointers with regard to staff taking public offices for the general reference of non-governmental organizations. The main objective of these guidelines is to facilitate mutual understanding and to clarify expectations and obligations between agencies and their staff.

Water supply from China

18. MR ALLEN LEE asked: *Will the Government inform this Council of:*

- (a) *the total water storage at the end of April 1993 compared to that at the same time in 1992;*

- (b) *the unit price of water supplied by China; and*
- (c) *the expiry date of the current agreement with China concerning the supply of water to Hong Kong?*

SECRETARY FOR WORKS: Mr President,

- (a) The total water storage on 30 April 1993 was 302.062 million cubic metres (51.5% full) and that on 30 April 1992 was 277.272 million cubic metres (47.3% full).
- (b) The current unit price of water supplied by China is HK\$1.772 per cubic metre. The unit price is applicable for the period 1 March 1993 to 28 February 1994.
- (c) There is no expiry date of the current agreement with China concerning the supply of water to Hong Kong. The yearly quantities have been agreed up to year 2000 and the designed maximum capacity of the supply system is 1 100 million cubic metres per year. The two sides will decide in due course through mutual consultation the annual increments of supply beyond 2000.

Plot ratio of Kwun Tong industrial areas

19. MR SZETO WAH asked (in Chinese): *Will the Government inform this Council whether or not it plans to reduce the existing plot ratio of the industrial areas in Kwun Tong; if so, the reasons for the changes, details of the changes, and when the changes will be implemented?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, the Kwun Tong industrial areas are at present subject to airport height restrictions under the Hong Kong Airport (Control of Obstructions) Ordinance. Development intensity there is also subject to restrictions under the Temporary Control of Density of Building Development (Kowloon and New Kowloon) Ordinance.

The planning, traffic, infrastructural and environmental implications of changing airport height restrictions, particularly after the relocation of the airport, are currently being studied in the "Review of Building Density and Height Restrictions in Kowloon and New Kowloon". Since the study is still in progress, it is premature to say whether the existing plot ratio restrictions will be changed or not. The study will be completed this year.

First Reading of Bills**BUILDINGS (AMENDMENT) (NO. 2) BILL 1993****LIFTS AND ESCALATORS (SAFETY) (AMENDMENT) BILL 1993****INSURANCE COMPANIES (AMENDMENT) BILL 1993**

Bills read the First time and ordered to be set down for Second Reading pursuant to Standing Order 41(3).

Second Reading of Bills**BUILDINGS (AMENDMENT) (NO. 2) BILL 1993**

THE SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS moved the Second Reading of: "A Bill to amend the Buildings Ordinance."

He said: Mr President, I move the Second Reading of the Buildings (Amendment) (No. 2) Bill 1993.

The present proposals should be considered together with the Lifts and Escalators (Safety) (Amendment) Bill 1993 which will be introduced into this Council later today. The main purpose of the Bill is to rationalize the statutory framework for the control of lift and escalator works, in that one single authority should be responsible for all the related statutory controls.

Control over the design and maintenance of lifts and escalators is at present exercised principally by the Director of Electrical and Mechanical Services under the Lifts and Escalators (Safety) Ordinance. However, the technical standards for the construction of lifts and escalators are specified in the Building (Lifts) Regulations and the Building (Escalators) Regulations under the Buildings Ordinance. To rationalize the arrangements, we propose that a single authority, namely the Director of Electrical and Mechanical Services, should be responsible for all these controls. On this basis, the existing provisions in the Buildings Ordinance on lift and escalator works which do not directly affect the fabric and safety of buildings should be incorporated into the Lifts and Escalators (Safety) Ordinance. The building requirements for the installation of lifts and escalators will remain in the Buildings Ordinance under the supervision of the Building Authority.

Thank you, Mr President.

Bill referred to the House Committee pursuant to Standing Order 42(3A).

LIFTS AND ESCALATORS (SAFETY) (AMENDMENT) BILL 1993

THE SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS moved the Second Reading of: "A Bill to amend the Lifts and Escalators (Safety) Ordinance."

He said: Mr President, I move the Second Reading of the Lifts and Escalators (Safety) (Amendment) Bill 1993.

In addition to the transfer of statutory controls of lift and escalator works from the Buildings Ordinance, the present proposals seek to strengthen the control over the safe operation of lifts and escalators. As a first step, we propose that the Director of Electrical and Mechanical Services should be given the power to publish from time to time codes of practice giving guidance and directions as regards the design, construction, maintenance and testing of lifts and escalators. This approach will allow more flexibility in the revision of these technical standards to keep pace with changes in technology.

To strengthen control over the safe operation of lifts and escalators, the definition of "escalator works" and "lift works" will be broadened to ensure that the inspection and checking of lifts and escalators is carried out by competent persons. In addition, registered lift and escalator contractors will be required to assist the Director of Electrical and Mechanical Services in investigations relating to lift or escalator accidents by, for example, submitting accident reports. The sub-contracting or assignment of lift or escalator maintenance works to non-registered contractors will be regulated.

Minor amendments are also proposed to the Ordinance to update the definition of technical terms, to allow non-government lawyers to serve as legal advisers to disciplinary and appeal boards set up under the Ordinance, to increase fines to take account of inflation, and to enable the serving of some orders by regular post.

The proposals in the present Bill together with those in the Buildings Amendment (No. 2) Bill 1993 should bring more effective control to lift and escalator works for the greater safety of the public. I therefore commend them to Members for favourable consideration.

Thank you, Mr President.

Bill referred to the House Committee pursuant to Standing Order 42(3A).

INSURANCE COMPANIES (AMENDMENT) BILL 1993

THE SECRETARY FOR FINANCIAL SERVICES moved the Second Reading of: "A Bill to amend the Insurance Companies Ordinance."

He said: Mr President, I move the Second Reading of the Insurance Companies (Amendment) Bill 1993.

This is a composite Bill seeking a three-fold amendment to the Insurance Companies Ordinance — firstly, to delegate from the Governor in Council to the Insurance Authority the power to approve certain minor operational arrangements; secondly, to ensure that the Authority is notified and can, where appropriate, intervene when an ailing insurer is about to cease operations in Hong Kong or is subject to liquidation or similar proceedings whether within or outside Hong Kong; and thirdly, to impose additional solvency margin requirements on long-term insurers.

Let me first deal with the proposed delegation of powers to the Insurance Authority. These are powers exercisable by the Governor in Council under sections 6 and 19 of the Ordinance.

Section 6(1)(c) provides that an association of underwriters, other than Lloyd's, intending to carry on insurance business in or from Hong Kong, may be approved only by the Governor in Council. For this purpose, the criteria, set forth in section 8, whereby the Authority may authorize a company to carry on insurance business, should apply equally to an association of underwriters.

As to section 19(1), the provisions of that section of the Ordinance empower the Governor in Council to prescribe certain arrangements as undesirable and to require specific information from an insurer entering into them.

Since the exercise of these powers under sections 6 and 19 falls well within the competence of the Authority, the Bill proposes that they be delegated to him.

The Bill also seeks to provide for the power to require notification of cessation of place of business and of liquidation or similar proceedings to the Insurance Authority. At present, an insurer incorporated outside Hong Kong is not required to notify the Insurance Authority when it closes its place of business in Hong Kong. Although the Authority will eventually be notified through the Companies Registry, he is unable to take timely action to protect policy holders' interests. Nor is the Authority notified of insolvency and liquidation proceedings taken against an insurer outside Hong Kong or of similar proceedings, such as the enforcement of a judgement for payment, taken against an insurer incorporated either within or outside Hong Kong. Such proceedings may adversely affect the interests of Hong Kong policy holders, as the insurer's assets in Hong Kong may be at risk or, in the case of an overseas insurer, may be seized by an overseas liquidator for the benefit of preferential creditors overseas. The Authority should be notified of such events early on.

Therefore the Bill seeks to enhance the Authority's powers of supervision by requiring an insurer to notify him in advance of events indicative of the

company's insolvency and, in the case of an overseas insurer, that the company intends to cease business in Hong Kong.

I now turn to proposed amendments which would require long-term insurers to maintain an enhanced solvency margin.

Under section 10(2) of the Ordinance, a long-term insurer is required to maintain a solvency margin, that is, a minimum excess of assets over liabilities, of HK\$2 million. This minimum, set in 1983, is no longer adequate to protect policy holders against the risk that the insurer may be unable to meet its obligations in full, particularly where the volume of business written by the insurer is substantial.

It is therefore proposed to enable the Authority to adjust the level of solvency margin to reflect current monetary values and to introduce two additional, higher levels of solvency margin below which the Authority would require an insurer to submit for approval, and implement, a financial plan or short-term scheme. The amounts of solvency margin to be maintained by a long-term insurer will be prescribed in regulations to be made under the Ordinance. These proposals accord with international practice and are well understood by the insurance industry.

Thank you, Mr President.

Bill referred to the House Committee pursuant to Standing Order 42(3A).

Members' motions

PRESIDENT: I have accepted the recommendations of the House Committee as to time limits on speeches and Members were informed by circular yesterday. The mover of the motion will have 15 minutes for his speech including his reply. Other Members will have seven minutes for their speeches. Under Standing Order 27A, I am required to direct any Member speaking in excess of the specified time to discontinue his speech.

ARTS POLICY REVIEW

MISS CHRISTINE LOH moved the following motion:

"That this Council expresses disappointment over the 'Arts Policy Review Report' and in particular, its failure to provide forward looking policy objectives and implementation options, and urges the Government to make a firm commitment to arts development, formulate a comprehensive arts policy to take Hong Kong into the next century, and release its definitive proposals for public comment before consideration by the Executive Council."

MISS CHRISTINE LOH: Mr President, I rise to move the motion standing in my name in the Order Paper.

I feel sad today because the Honourable Stephen CHEONG cannot be with us. The arts are something very close to my heart and I would like to dedicate the speech to him.

Any attempt to fix a policy for the arts is, by its very nature, a hazardous and imperfect exercise.

The concepts of predictability and objectivity, which are central to government policy-making in almost every other field of activity, are tools of only limited value when applied to the arts.

A successful arts policy must give at least an equal priority to the concepts of quality and creativity — subjective and unpredictable as those concepts may be. In consequences, those who devise arts policy must be flexible and adaptive. Their role is to create the conditions and the opportunities through which the arts may flourish, while leaving the talent and imagination of the arts community itself to decide how those conditions and opportunities are best to be exploited.

I sympathize, therefore, with the Commissioner for Recreation and Culture and with the members of his Review Group, whose duty it was to:

"Review Government's policy towards the Arts, and to make recommendations on Government's role in the future". (Paragraph 1.6)

They have worked diligently within the terms of their brief, and they have assembled much useful information about public policy towards the arts during the last 12 years.

But I must confess to a disappointment that so much of their report is occupied by the recording of past achievements, and so little of it by new thinking about the future. I fear, too, that the Review Group, as a purely internal creation of the Recreation and Culture Branch, has been rather too ready to assume the wisdom of past policy decisions, and in consequence rather too reluctant to ask any very radical or critical questions which might tend to upset existing preconceptions or existing arrangements.

Where recommendations are made, they are hesitant, vague and inconclusively argued.

I recognize that this Report is being offered as a "consultation paper" on which comments are invited. I hope, therefore, that all those people and groups with an interest in the arts will make a particular effort to offer detailed and constructive submissions.

They are more likely to do so, of course, if they are confident that the Recreation and Culture Branch will give full weight to those outside comments and submissions which it receives, and particularly those which help to supply the perspective, the imagination and the originality which its own consultation paper lacks.

We need a policy which is more comprehending of the needs and the conditions of arts and artists in Hong Kong, and one which is more adequate in the development of a new arts policy to take Hong Kong into the 21st century.

Role of Government

I am particularly sorry that the Report, emanating as it does from a branch of the Government, does not arrive at a clearer formulation of what the purpose of an arts policy should or might be; and what role in consequence, the Government itself should or might seek to play.

The phrase which recurs at least three times in the Report is that the Government should be a "catalyst" for the arts. But I am not quite sure what exactly that is supposed to mean. I do not think the writers of the Report know either. In paragraph 2.6, they give the term a very interventionist connotation, portraying the Government as:

"..... a catalyst promoting and nurturing new performing arts groups and art forms".

Then, in paragraph 3.5, they favour non-intervention, with the Government:

"..... maintaining its role as a catalyst by means of cultivation of a social and creative environment conducive to the flourishing of the arts".

Rather than try to arbitrate between these essentially meaningless generalizations, I would like to suggest how the Government's role in the arts might be rationalized. The Government should be there:

- to recognize and to articulate the importance of the arts to the intellectual, moral, psychological and spiritual well-being of society and of individuals;
- to assist and to encourage creativity, diversity and innovation;
- to assist and to encourage public participation and appreciation;
- to provide appropriate and necessary funding;
- to oversee the administrative processes necessary to the efficient use of the money; and

to protect the legitimate rights and freedoms of the creative and performing artist.

Obviously, therefore, the starting-point for any coherent analysis of arts policy should be the Government's own understanding of why the arts should be supported. The reluctance of the Report to pose such a basic question is in large measure responsible for the very limited nature of its conclusions.

In failing to reflect very deeply on the purpose of an arts policy, the Report merely echoes the disinclination of the Government itself to clarify those objectives in the past.

At best, the Government has recognized that the arts may serve an educational role; that they may provide entertainment for the general public; and that they may, on a grand enough scale, bring international prestige. It does not appear to have attached very much value to the more intangible, but nonetheless vital, contribution which creative artists make to the society in which they live and work; nor to the pleasure which ordinary people may derive from amateur artistic activities, outside the context of formal education.

The consequence of those perceptions has been the evolution of an arts policy in Hong Kong over the past two decades which has overwhelmingly favoured the performing arts to the near-exclusion of the literary and visual arts; and which has channeled a very high proportion of available funds to the subsidizing of a few large professional groups.

That state of affairs is highly questionable, and it certainly deserves a far more searching and critical analysis than it receives in this Report.

Money

A second factor which limits the usefulness of the Report is its presumption that no more government money can be made available to the arts, whatever arguments might be made in favour of doing so.

Paragraph 4.7, for example, says that:

"..... the prospect of any significant increase in Government funding in 1993-94 and in years ahead is dim".

I do not find in the Report any very useful discussion of why so negative a presumption should be taken as a precondition. I can only hope that the Financial Secretary is less anxious to prejudge the results of the Review than is the Review Group itself.

Arts spending has risen relatively quickly in recent years mainly because it was starting from such a very low base. It is still not large in absolute terms, and in some aspects it is absurdly small. If strong arguments can be made that

the arts needs and deserves more public money, and that such money will be efficiently and productively spent, then the Government must surely be prepared to respond sympathetically.

If — and, I emphasize, if — one accepts, as the Review does, that money for the arts is going to be much tighter in the coming decade than it was in the last one, then the cost of maintaining a series of relatively large and expensive professional companies assumes a central role. The key paragraph of the Report (3.4) merely says:

"There is definitely a need to provide continued funding support to those seven professional performing companies, whose achievements have gained so much international prestige for Hong Kong".

This point is not even argued. It is merely asserted, and even then rather confusingly. Is the "international prestige" which these professional companies gain for Hong Kong the reason why they must, in the view of the Report, receive continued funding? Or is it merely a related observation — in which case, what is the basis for asserting so categorically the need for continued funding?

Do not misunderstand me: I am not looking for reasons to deprive any arts group of funding. I am merely trying to understand how the Government and the municipal councils analyze and rationalize the way they spend public money.

If professional arts companies are being funded in Hong Kong as a means of buying international prestige, then who is that prestige in turn supposed to benefit? And is it fair that money spent at least partly for reasons of "prestige" should be charged against the same budget which is being used for sustaining arts at the community and creative levels?

Further, the suggestion in the report that more might be done to encourage private sponsorship in the arts is unsupported by any useful discussion of how this might be achieved.

Literary and visual arts

The question of budgetary priorities becomes still more acute when one notes the continuing absence of any provision for the literary and visual arts. It was, quite simply, illogical and wrong for the literary and visual arts to have been excluded from the objectives and structures defined by the Executive Council in 1981. But I look in vain to the Report for any criticism of this damaging oversight; and, indeed for any explanation of the failure to make any substantial provision for the literary and visual arts in the intervening years.

The Report does try to suggest that writers and painters may have helped to disadvantage themselves by being, and I quote "..... highly individualistic and

fragmented" in their working habits. The truth of the matter is, I suspect, rather different. It is that literary and visual artists have suffered from the tendency of the Government to equate art with "entertainment", and in consequence to privilege performance at the expense of creation.

The individualistic nature of the literary and visual arts requires an individualistic approach. I suggest that creative art in these areas is best stimulated through a multiplication of grants, scholarships, fellowships and prizes, designed both to sustain and to reward the artists.

Whether this should be done through some small and dedicated body, or through a new and broadly-based Arts Council, is a separate matter. But equally, such questions are academic unless the Government accepts that the visual and literary arts do form an essential part of our culture, alongside the performing arts; and unless the Government accepts a corresponding responsibility to nurture and to fund those arts, for the civilizing pleasure which they bring.

An "Arts Council"

The creation of an "Arts Council", in place of the Council for the Performing Arts, is suggested as one possible device for integrating the literary and visual arts into the government-supported apparatus for arts administration.

The intention is a laudable one. But at the same time, the notion of an Arts Council raises other, and in some ways deeper, questions, which the Report goes out of its way to avoid addressing. It declares in paragraph 3.15 that:

"There can be no question of the new Arts Council attempting to 'pool' Government and municipal councils' funds for subsequent disbursement, or seeking to establish policies for the arts which impinge on the municipal councils' policies and programmes".

Again, we are confronted with an unargued assertion of the utmost importance. Let me quote from comments on this point by the Hong Kong Cultural Sector Joint Conference:

They say, "If this were truly the case, then the establishment of a new Arts Council would be pointless, in this respect, as keeping the CFPA While we know that the problem of centralizing policy and funding of the arts is a very difficult one, nevertheless we feel that a blind refusal to even discuss the problem in the Report invalidates its claim to outline arts strategies for Hong Kong."

The comment is a fair one. Even if one admires the work of the municipal councils, there is no sense in simply trying to exclude discussion of their status from the Policy Review process, and it would be helpful for the

Recreation and Culture Branch to state why they excluded the municipal councils from the review.

With respect to the proposed Arts Council itself, the best way forward is to set up a provisional body, along the lines suggested by the arts community. This provisional body would investigate the function and role which a definitive Arts Council might assume, and on that basis recommend the appropriate structure, composition and budget for an eventual establishment. The arts community must be fully involved in the provisional body. The Government cannot be allowed to rush something as important as the Arts Council through with the obvious lack of forethought which they have shown not to have in the Review.

Freedom of expression

I have touched on two of the areas in which I believe the Government has an essential role to play: those of money and administration. The third area is that of protecting the legitimate freedoms of the artist.

I presume that the Recreation and Culture Branch thought it would be in some way tactless, or superfluous, to observe that Hong Kong will soon be under the control of a sovereign power which is far more preoccupied with the suppression than with the promotion of free expression. But with that prospect in view, the recommendations in the Report are both timid and naive, namely that:

"Government should continue to maintain a *neutral* stand in such matter as artistic creation and expression", and

"Government should continue to *review* relevant existing laws to ensure their consistency with the Bill of Rights".

On the contrary, it is absolutely essential that the Hong Kong Government should pronounce its vigorous support for the maximum possible creative freedom and the maximum possible artistic expression, just as it supports the preservation of all other rights and freedoms in the territory. And it is equally essential that the Hong Kong Government be prepared to defend those freedoms, however strong the overt or covert pressure which may be applied to erode them in the future.

The Hong Kong Government should, moreover, not merely be "reviewing" laws for conformity with the Bill of Rights: it should be hurrying to strike down the ones which fail to conform, and it should be encouraging the widest possible interpretation of Article 16 of the Bill of Rights, which guarantees freedom of expression.

If an Arts Council is to be set up, its statutory duties should include, specifically, the defence and the promotion of artistic freedom.

Music Office

Of the Report's other recommendations, I find the proposal to transfer the work of the Music Office to the Academy for the Performing Arts somewhat capricious. The arguments presented for such a move are slight and the benefits uncertain. The proposal seems to have been inspired by the desire to cut cost, but the Recreation and Culture Branch denies it. It is time for the Government to come clean and to argue its case fully and convincingly.

With these sentiments, I beg to move.

Question on the motion proposed.

MRS SELINA CHOW: Mr President, that the Arts Policy Review Report is a pink rather than a green paper is cause enough to make many who care about the arts and culture in Hong Kong see red. In it, apart from congratulating itself for what it regards as its great achievement in the last decade, the Government in the guise of the Recreation and Culture Branch (RCB) has shown no intention whatsoever of making any significant changes in what it and the two municipal councils have been doing in the development of the arts so far. The Review is merely an internal exercise to streamline present procedures and to trim its economy. Thus not surprisingly only two solid recommendations are made.

- (i) The Government should, in consultation with the Council for the Performing Arts (CFPA), consider reorganizing the CFPA into a non-statutory Arts Council, so as to advise the Government on the development of the performing, visual and literary arts.
- (ii) The Government's role in providing direct instrumental training by the Music Office should be reviewed and the possibility of transferring part or all of the Music Office's functions to other non-government organizations such as the Academy for the Performing Arts (APA) should be explored.

Such recommendations cannot be described as forward looking. The development of the visual and literary arts should long have been started with or without the Arts Council. And the intended transfer of the Music Office's functions to the APA is obviously a move to economize rather than to develop the popular direct instrumental training achieved by the Music Office.

An arts policy should be an accurate chart of the waters and the weather conditions ahead to help the Government navigate the arts in Hong Kong into the next century and not to encourage the Government to flounder in the present shoals in which it is stuck. Using the obsolete objectives approved by the Executive Council in 1981 is simply inviting disaster: the arts in Hong Kong have come a long way in the last decade and a new agenda is needed. The

problems of writing a comprehensive arts policy for Hong Kong in the 1990s are many and complex. There are the historical problems which we have inherited from the cultural activities of the municipal councils, especially their financial autonomy, which make centralized planning and funding very complex. And there are increasing constraints on the growth in government funding which increases the necessity for the arts to look for private sponsorship. And in the face of increasing workload in schools, arts in education gets pushed more and more out of the school life of most students. Meanwhile time marches on and the problem of integrating our arts and cultural programmes with those of China becomes more urgent. These are all very real and very difficult problems: problems which need to be solved with wisdom and with diplomacy. To take time over finding a solution to these problems is necessary. To escape from them is foolish and dangerous.

If we think that the arts and culture are important to us, if we think that we would like to leave a legacy of the freedom and the ambience to lead creative lives to our children and our grandchildren, now is the time to act. The first step is to urge the Government of Hong Kong to make a firm commitment to the development of the arts. It can start to do so by setting up an arts administrative structure, which is made up of people who are knowledgeable in and committed to the arts, to formulate a comprehensive arts policy. The Government should not repeat its mistake of setting up yet another non-statutory and purely advisory committee where ideas and action may get constantly hindered or even stifled by bureaucratic constraints. For the new structure to work, it must be given sufficient power to do what previous arts administrative structures have never had the clout to do — tackle the mighty task of achieving central planning and central funding by integrating the functions and funding of the central government and the two municipal councils.

This new arts administrative structure should then have the power to give space to the artists and performers to practise their arts — the space which comes from a guaranteed freedom of expression as well as the freedom of the artists to express themselves in any way they choose so long as they do not infringe the law pertaining to national security and public order and in respect to the rights and reputations of others.

The new structure must also carry as one of its responsibilities the cultivation of young artists and audience. And this it would do by working towards the inclusion of an arts subject within the school curricula so that students would grow up learning about the performing, visual and literary arts as part of their natural process of growth.

The popularization of the arts is important and we would want to see a support of not only what has been described as the high arts, but also a "grass root" culture. Organizations like the Music Office has done sterling work with the dissemination of music appreciation through the teaching of musical instruments in areas which most need them and at a fee level acceptable to those areas. But in recommending a transfer of these functions to the APA, the RCB

is surely confusing the need for the wide dissemination of the arts with the need for any city or country to help its talented artists in their pursuit of excellence. Both are necessary for a society which wants to ensure a life style of creativity for its young. Neither contradicts the other. If the Government had a centralized arts administrative structure, it would be able to devise a strategy whereby those who participated in the wide variety of culture would also be able to enjoy the pool of artistic talent of their home city. Incidentally, this clear division between an encouragement of the general populace to vitally participate in a variety of culture and the nurturing of artistic talent to international standards of excellence may also help to sort out the confusion between the encouragement of the professional and the amateur. The culture development of a city should not be seen as a progression from the amateur to the professional. Rather it should be seen as complementary development of both the amateur and the professional so that the creative vitality of the city is seen in its free creativity as well as in its dedicated cultivation of skills. In this perspective, the work of the Music Office cannot be achieved by the APA since the former encourages the creative vitality at grass root level whereas the latter professes to train professional skills to their highest level.

Singapore has already stated its aim of becoming the arts capital of Asia by 2000 AD. Hong Kong is in a good position to vie for this position. It can win if we can stir up the political will to draw up an arts strategy that will lead Hong Kong and ultimately China into the 21st century.

MR EDWARD HO: Mr President, I welcome this opportunity to debate on the Arts Policy Review Report of the Hong Kong Government. Matters that affect the mind and the intellect are not often the subjects of debates in this Council. Yet they are just as essential as other more materialistic matters that affect the physical well-being of our citizens.

The development of arts in Hong Kong has been rather one-dimensional. Due to the decision of the Executive Council in 1981, the development of the performing arts was made possible with government funding. As someone who particularly enjoys the performing arts, I welcome the improvement that that decision was able to make to performing arts in Hong Kong. Unfortunately, because development was narrowly based upon the performing arts, very little was done to develop visual and other forms of arts.

In considering the development of arts, it must be understood that all arts are interrelated and it would be a mistake to forge ahead on one form of arts without support given to other forms. Whilst not many can aspire to achievement of excellence in the arts, the opportunity to acquire appreciation of the arts should be available to all. This opportunity should be given to all our children from the very early age. I shall therefore comment briefly on arts in education.

In discussing arts in education, I have to ask the question of what is our aim in our education system. I assume that our aim in education is not just to produce walking depositories of facts. Our aim should be to educate our children so that they have a broad balance of knowledge and culture. Besides the acquisition of knowledge, they should be able to develop creativeness, initiativeness and a strong sense of value in themselves. Arts in education is not just one period a week in painting or music but the cultivation of a general awareness in arts and culture in many subjects that are to be taught: history and geography come most readily to mind, but there are others, which are subjects that can and should incorporate appreciation of aesthetic values, cultures and heritage. These values can only be imparted to students if resources were given so that teaching materials were designed with those objectives in mind.

The Report totally ignored the interdependence between arts, architecture and urban design. In addition, it failed to note the importance of the public awareness of the arts to the creation of better architecture and urban design. Because architecture and urban design have been totally left out from the Review, the Report did not suggest any commitment of the Government in the promotion of public awareness, promotion and sponsorship of a higher standard of architecture. This is regrettable because our physical environment directly affects our quality of life.

I share the same feeling of many of my colleagues in this Council as well as members of the arts community that the Arts Policy Review Report lacked vision, comprehensiveness and commitment to the promotion and development of arts in Hong Kong. I strongly object to the abolition of the Music Office and pushing it to the Academy for Performing Arts. I consider that this is a retrograde step considering that the Music Office has done so much to provide affordable opportunities for our young to develop their performing skills, which they would find it almost impossible to obtain in non-government funded organizations.

Mr President, I suggest that the future Arts Council should develop a strategy for the promotion of the arts along the same line as what has been achieved in the performing arts. I urge the Government to make the commitment to provide the additional resources to make that possible, without diluting the resources given to the promotion of the performing arts.

Mr President, with these remarks, I support the motion.

MR MARTIN BARROW: Mr President, I welcome the Report and its release for public consultation. However, this paper is basically a review of what has happened and where we are now. What we now look forward to is a creative paper which outlines plans for the future.

Importance of the arts in enhancing Hong Kong's image internationally

The arts play a pivotal role in shaping our society by enhancing the quality of life and strengthening the cultural identity of Hong Kong. Architecture, the design of our city, the decoration of our homes, the contents of our entertainment, the design of the goods we consume are all derived from the insights of talented artists. It also provides a positive outlet for the energy of our young people and nurtures their creativity, the latter being particularly important in providing us with the competitive edge over other cities in East Asia. Let me refer to the role of the arts in enhancing Hong Kong's international image.

Hong Kong has become a leading cultural capital in East Asia in the last decade. We can take pride in having so many purpose-built cultural facilities in Hong Kong and professional performing companies in almost all the art forms. The vibrant arts scene is reflected in the full schedule of artistic events featuring both local and overseas artists throughout the year as well as the annual Hong Kong Arts Festival which attracts attention both locally and in the region.

The Report has, however, failed to view the achievements of the arts in such a wider context. It is only natural that one objective for the next decade should be to consolidate and enhance the position of Hong Kong as a leader in the arts in East Asia.

The vibrant arts scene in Hong Kong is increasingly becoming an attraction for tourists, particularly those from the region. When the Arts Festival was publicized in Taiwan last year, there was strong support from the media there. Needless to say, one of the attractions for the international community working and living in Hong Kong is the rich programme of cultural activities on offer.

It is disappointing that there was no mention in the Report of the importance of maintaining international cultural exchanges and no indication of commitment from the Government to support such activities in the future.

Strengthening and promoting Hong Kong as an international city has been a key theme in this Council for some years and I hope Members will agree the importance of the arts in this context.

Development of the arts in relation to China

I turn now to the development of the arts in relation to China. It is a pity that the Report ignores the increasingly close links Hong Kong has with China and its impact on the arts. When people in China are so fascinated by the food, fashion, and popular culture of Hong Kong, they should be informed that Hong Kong people also enjoy a unique and rich cultural life, which we will maintain beyond 1997.

It is therefore important that the achievement of the arts in Hong Kong and our unique cultural identity be publicized in China, through visits of Hong Kong artists and companies. Our distinguished dance director Willy TSAO and his City Contemporary Dance Company have been doing exactly that, but with no government support so far. In many other fields, Hong Kong has successfully acted as China's window to the world. This can happen in the arts and should be one of the priorities.

The Hong Kong Arts Festival

Turning to the Hong Kong Arts Festival, on which I declare an interest as chairman, it is disappointing that the Festival merits little mention in the Report. This omission seems to overlook the Festival's role as a catalyst in stimulating a wider interest in the arts and in helping to underpin Hong Kong's strength as an international city. The Government's contribution to the Festival was less than 3% of total expenditure on the arts last year and I feel it deserves a longer-term commitment. The Festival is determined to strengthen local participation while broadening the artistic horizon of the people of Hong Kong by featuring innovative programmes. I can assure my colleague, Miss Christine LOH, that the Festival is not just in business for prestige. Sponsorship income has increased rapidly over the past three years including support for special student ticket sales at very low prices. Attendances have been consistently high at over 80%. The freeze in grants over the past two years has curtailed activities, both of the Festival as well as other subvented organizations. I urge the Government to re-examine this policy.

Encouragement of private initiatives

Turning to the support and encouragement of private initiatives, whilst it was only logical that the Arts Council proposed in the Report should be given additional resources to the present Council for the Performing Arts in order to support new initiatives in the visual and literary arts, it is important that the Government and the two municipal councils should regularly review their funding policies and the cost-effectiveness of their present structures.

I believe that independent arts organizations, even if they are funded by government agencies, are much more cost-effective than government managed institutions. In most cultural capitals around the world, arts events are presented by commercial promoters or non-profit arts organizations rather than by government institutions. Government subsidies are thus able to achieve the greatest impact.

I must however acknowledge that the arts in Hong Kong would not have developed as quickly without the direct involvement of government agencies, in particular the Urban Council, to whom we must be grateful. However, the continued success of the arts in future would require the participation of private impresarios and independent non-profit organizations. It is time to urge the

municipal councils to examine whether some of their functions in the arts, such as the management of performing companies, can be privatized.

Conclusion

In conclusion, Mr President, I welcome the proposal to establish an Arts Development Board which I consider the most appropriate name, expanding its scope to cover the visual and literary arts. However, it should not be just an expanded version of the existing Council for the Performing Arts. Experience in dealing with the present system shows that it is inadequate and fundamental changes are necessary.

I agree with the suggestions that the future Arts Development Board should be executive rather than advisory, that it should have broad representation from different interests, that it should be independent from the Government, served by arts professionals and helped by first rate professionals with a personal interest in the arts and the broad background in the community.

I urge the Government to appoint without delay a Provisional Arts Development Board to make preparations for the setting up of the Arts Development Board. Once a plan has been drafted, there should be public consultation and I hope the Government will set themselves tight deadlines so that the final board can be up and running by the end of 1993.

Finally, I take this opportunity to encourage the Government to support the proposal that there should be an arts and culture functional constituency in 1995 as this would do much to enhance Hong Kong's cultural life and ensure a channel of communication between the Government and the arts field.

Mr President, I support the motion.

MRS MIRIAM LAU (in Cantonese): The Government's efforts to promote arts development over the past 10 years have certainly resulted in Hong Kong's shedding its bad name as a "cultural desert". Yet, compared with other countries in the world, arts development in Hong Kong still remains at an early stage. Indeed, the Government must take a more positive approach, and make a greater commitment, to culture and the arts. However, instead of doing so, the Government in the past three or four years appropriated very little money for the arts (the performing arts in particular). This has not only put arts development on hold but caused many up-and-coming arts groups to wonder where they should go from now.

During the latter half of the 1980s, artists were delighted to see that the Government made available generous financial resources for cultural and arts development. Appropriations on that front increased from \$320 million in 1987 to \$570 million in 1990. And allocations for the performing arts, in particular, increased by nearly 100%. During that period, the spending of the

two municipal councils (MCs) on arts promotion also went up by 86%. For a time, the Government's policy for the promotion of the arts, plus the money it invested in the Academy for the Performing Arts, filled the arts community with hopes in the future. But then, the three years from 1990 to 1992 saw a steady decline in the rate of increase in arts spending by the two MCs. In addition, the Government basically froze appropriations for the promotion of the performing arts at \$35 million a year. The news that an arts policy review was to be conducted, when it was first announced by the Government, raised the expectations of the arts community, including arts lovers. They looked forward to the Government's laying down a policy that would set the direction for cultural and arts development, a forward-looking and imaginative policy that would aim high. They hoped that this would end their bewilderment of the past years. Yet the review has turned out to be very different from these expectations. And no wonder it has incurred so much harsh criticism.

I am disappointed at the Review Report for two reasons. Firstly, the review fails to provide a serious assessment of the successes and failures of the existing arts policy. Secondly, it does not answer the question of insufficient funding, which is the cause of the plight into which arts development has now sunk.

Review of existing policy

The Report fails to make an assessment of the successes and failures of the existing arts policy. In particular, it fails to make a review of the relationship between the Government and the two MCs in the area of arts promotion. The Report seems to give its blessing to the existing policy and regard it as correct, effective and free of error. Should this be the case, it ignores the basic problem that has been ailing arts development for a long time. Our total spending on the arts is \$730 million and 77% of which comes from the two MCs. The rest of the fund is allocated by the Government on arts education and on the promotion of the performing arts. Firstly, the money is far from being evenly distributed. Secondly, there is no co-ordination between the Government and the two MCs, thus leading to a situation where each party has been doing its own thing and pursuing its own arts development goals. This is euphemized as arts diversification, but, in reality, such arrangement fails to set a direction for Hong Kong's arts development. Now the problem is that we have spent substantially but the results have not been satisfactory.

The two MCs have always been represented on the Council for the Performing Arts (CFPA). They have also been represented on the subcommittees under CFPA, where their representatives serve as some kind of a link between the Government and two MCs. At one time, I was a member of the Regional Council (RC). I am still a member of CFPA. Speaking from experience, I cannot see that this kind of arrangement can serve to establish the needed channel of communications between the Government and the two MCs. The Government, in fact, does try, or indeed is unable, to influence the orientation of the two MCs in the area of arts development. Nor are the two

MCs apparently interested in influencing the Government's arts policy. How can there be sound arts development in this way?

The Government has now proposed to set up an Arts Council (AC) and to promote arts including visual arts and literary arts. This proposal deserves a lot of support. However, if the Government and the two MCs are to entirely rely on their representation on AC to maintain communications in the same old way, they would encounter the same problem as in the case of CFPA. And the results again will not be satisfactory. It is a common practice for the Government to set up an inter-departmental group to deal with a major issue. For the promotion of the arts, I think that consideration should be given to the establishment of an inter-agency group composed of representatives of the Recreation and Culture Branch and representatives of the two MCs. This body will process the views of the three parties and come up with an arts policy they endorse. The responsibilities for implementation will then be divided among the Government and the two MCs. Each will take steps to do its share. This will not impair the autonomy of the two MCs; yet it will enable arts development to be moving in the same direction through concerted efforts.

Problems arising from insufficient resources

Honestly, the Government's funding for the promotion of the performing arts is far from enough. Worse still, appropriations were frozen during the past three years and they will increase by only 4.5% in the current year, not enough even to catch up with inflation. A mere \$30 million or so is to serve the purposes of performing arts promotion and arts development. At the end of the day, I am afraid neither purpose will be adequately served. In the past few years, there was no increase in real terms in annual appropriations for the subsidized professional or semi-professional arts groups. The inadequate subsidy, coupled with inflation, has landed these groups in serious financial difficulties. And they have found it hard to make ends meet and simply have been unable to pursue any development programme. At the moment, financial resources made available for the subsidized professional and semi-professional arts groups take up the lion's share of the total funding for the arts. Only very little is left for the subsidized amateur arts groups. As the number of professional and semi-professional arts groups increases, if they all continue to be subsidized on the same scale, then less and less money, relatively speaking, will go to the amateur arts groups. The Government will in consequence find it harder to use subsidies to help amateur performing arts groups to attain professional status. Unless the Government swiftly finds a solution, the situation is bound to get worse. For solving the problem, the Government must make a greater commitment to the development of the performing arts. And, over the long term, the Government should consider phasing out subsidies earmarked for arts groups which have attained professional status. The proviso is that the Government must arrange things carefully before going ahead with such a plan, so as to make sure that each arts group will receive all the help that it needs to survive and grow without subsidy.

I understand that the Government's resources are not infinite. To ease the Government's burden, the best thing to do is to let the private sector sponsor arts activities and indeed performing arts groups. However, I have learnt from performing arts groups that private institutions are generally lukewarm when they are approached to act as sponsors and that participation in the matching grant programme has not been enthusiastic. This is all the more reason why the Government should take steps to encourage private institutions to sponsor arts activities. One possible measure is to allow them to deduct for tax purposes any money that they spend on such sponsorship.

Mr President, with these remarks, I support the motion.

MR ALBERT CHAN (in Cantonese): Mr President, the term "the arts" very easily conveys the meaning of things classy, abstract and aloof. The mention of "arts policy" often gives one the feeling that it is something exclusive for a high intellectual or a professional artist. But my interpretation is different. I think that the arts have to do with everyday life. Just as everybody needs food, clothing, housing and transport, he needs the arts as spiritual food or food for the mind.

Arts policy affects every citizen closely. A popular arts policy must be able to make the lives of the public more colourful and to add meaning, fun and pleasure to the otherwise boring lives of the citizens. Arts policy has traditionally been for the middle class and the intelligentsia. It used to overlook the needs of the general public. As a result, the arts have become increasingly irrelevant to the general public. The Recreation and Culture Branch (RCB) of the Government Secretariat, in its recent consultation paper on arts policy, failed as usual to consider the interests of the general public. For instance, the consultation paper recommends dissolving the Music Office and making it a part of the Academy for the Performing Arts. This recommendation clearly intends to turn a popular training office into an elite body. The needs of the general public are thus disregarded.

It has been seven full years since I first became a member of the Regional Council (RC). I have learnt deeply from experience over the years that there is no co-ordination between the Central Government and RC in the area of arts promotion and the area of arts training, and that resources are not put to optimum use. Yet the Review Report this time fails to make a comprehensive review of the functions and responsibilities of the two municipal councils (MCs). This is really a serious mistake. I believe that an arts policy based on such a mistake will be unbalanced and without a solid foundation.

Why do I think that arts policy must cover the two MCs? The reason is that, practically speaking, the two MCs together account for 70% of total spending on the arts. The two MCs together practically control all of Hong Kong's venues for the performing arts. How, then, can the two MCs be left out of the review of arts policy? What exactly is the Central Government

trying to hide? What is it afraid of? Confining my observations to RC, spending on the performing arts accounts for only 6% of its total annual spending. I believe that we will have better development of the performing arts if RC gives them a higher priority.

From my contacts with officials of RCB, I know why the arts policy review this time did not extend to the two MCs. The reason is that the two MCs are supposed to be independent and autonomous bodies. In my view, however, the fact that the two MCs are functionally independent should not be a justification for failing to extend the review to them or for failing to consult them. I am disappointed by what the two MCs and the Central Government did in the arts policy review this time. They ignored the public; they disregarded the realities.

During the 11 May meeting of RC's Recreation and Culture Select Committee, I suggested that RC should adopt a more positive approach to arts policy and that it should initiate contacts and consultations with performing arts groups. Unfortunately, my suggestions were rejected by RC. RC behaved as an independent kingdom. Even worse, its executive arm, the Regional Services Department (RSD), took a bureaucratic and closed-door approach. Here is an example. When it was suggested that it should take over the Music Office, RC came back with a totally negative response, for which three justifications were cited:

- (1) The suggested course of action would be a departure from existing policy, under which arts training is a territory-wide matter and the responsibility of the Hong Kong Government.
- (2) The Music Office has an establishment of 145 full-time employees. RC would have to have a lot of extra money and manpower to take it over.
- (3) The suggestion would affect RC's priorities in funding other competing works projects on its programme.

I personally think that none of the three justifications is convincing. Firstly, is it not true that RC is a component of the Government? Clearly, the first justification is simply not tenable. Secondly, it is not true that RC will have to have a lot of extra money and manpower before it can take over the Music Office. In preparing its discussion paper and other papers, the RSD simply failed to consult RCB, which had already made it clear that whichever agency took over the Music Office would be given the original resources for the Music Office. There would be no need for this agency to come up with extra resources on its own. When I asked the Director of Regional Services about this matter, he said that as the consultative paper had not mentioned this point, he did not have this point canvassed in RC papers and that there was no need for him to seek further information from RCB. Mr President, if this is the bureaucratic attitude of a senior official responsible for \$130 million worth of

spending on the performing arts, how can we have confidence in RSD's ability to provide arts activities to meet the public's needs?

Mr President, as a Legislative Council Member and an RC member, I understand very well the consequences of resource duplication and waste in the area of arts promotion. I also know of young people with ambition and zeal who wanted to contribute in different ways to arts development in Hong Kong but who were disappointed and frustrated by the lack of facilities, resources and manpower and finally had to give up their ambition. I believe that, if the review this time fails to be a genuine comprehensive review, more talented and ambitious young people will meet the same fate and walk away in disappointment. I hereby call on the Government as well as the two MCs and the two municipal services departments to have the courage to accept a genuine comprehensive review of arts policy.

Mr President, I personally think that an arts policy that is really right for Hong Kong must be based on three principles as follows:

1. Arts development in Hong Kong must serve the interests and needs of all social strata.
2. The statutory bodies and organizations with responsibilities for the arts must have their duties and responsibilities clearly spelt out.
3. The Government must provide ample money and manpower to enable the set policy to be implemented.

Mr President, I fully support the Honourable Christine LOH's motion.

MR CHEUNG MAN-KWONG (in Cantonese): Mr President, the arts is a yardstick for civilization and progress. An important duty of government is to promote arts development. One function of education is to put young people in touch with the arts and turn them into arts lovers or creative artists.

In reading the Arts Policy Review Report, I focus my attention first of all on basic arts education and training. I am convinced that, while creative talent comes with birth and good works of art are inspired, the ability to understand and appreciate the arts is acquired through education and training. Good arts are said to be difficult to understand. Sometimes, the problem is not so much that an arts work itself is too profound as that people are not trained to understand it. Therefore, in arts development in Hong Kong, a step that must not be overlooked is to raise the standard of arts education in primary and secondary schools.

If we look at the Review Report from such an angle, we will find that the Recreation and Culture Branch (RCB) is shirking its responsibility by recommending turning over the Music Office to a non-government body, such

as the Academy for the Performing Arts (APA), citing cost-effectiveness as the justification. Such a move will be a heavy blow to popular music education. In fact, the Music Office has been providing services, including Chinese and Western musical instrument training, band training and music appreciation training for school children, that effectively make up for the shortfalls of music teaching in the present school system, enable students to fill out their after-school hours and widen the range of music training. These are positive functions. Such functions will be more effective if they are directly sponsored by government agencies and are supported by co-operation between government departments and private organizations.

Mr President, if the Music Office did have a problem, it was the problem of diminishing government investment. This problem caused the number of instructors, learners and bands to decline steadily. Many school children wishing to receive training at the Music Office were turned away at the door. Here is the best example. In 1990, the Music Office operated eight music training centres. In the three years since then, the centres at Yuen Long, Tai Po and Yau Ma Tei were closed. Many school children living in remote areas have since had to travel far to receive training. They are not "country hicks coming to town." They are "cello carriers coming to town" to take music lessons. RCB apparently wants there to be fewer music students and more obstacles for music learners. This is hard to understand.

Mr President, I support the conversion of the Council for the Performing Arts into an Arts Council (AC) that covers the visual arts and the literary arts, with a corresponding increase in government subsidies. In the area of the visual arts, popular education and development are at a very backward stage and the policy for fine arts education in primary and secondary schools is contradictory and confusing. Under the present rules of the Education Department, teachers of fine arts and designing in junior middle schools must have received fine arts training. But, among the 9 000 or so fine arts teachers of primary schools, more than half have not received any kind of professional training. Mr President, why, under the same Education Department, are the requirements on fine arts teachers so different between primary schools and secondary schools? One can only conclude that the Education Department simply belittles the importance of fine arts education in primary schools, where the fine arts subject is an indifferent sort of pastime and not meant to provide the beginner's training in esthetics.

Mr President, each year, over 8 000 of the students sitting for the Hong Kong Certificate of Education Examination take the fine arts subject. But very few move onwards to study visual arts in tertiary institutions. Hong Kong produces many world-class billionaires but scarcely any potential world-class artists. This imbalance between economic development and cultural development must be gradually corrected. I think that the Government should consider expanding APA and even building an independent Academy for the Visual Arts to teach such pure arts and applied arts courses as the environmental arts, the electronics and computer arts, arts administration and management,

arts education and training, the comics and cartoon arts and arts production. Mr President, arts education should not be looked at as a matter of investment in individuals or patronization of groups. One should see that a higher quality of arts means a higher quality of life for the entire population. Wherever there is man, there is room for the arts and artists. Let the arts become a major part of life.

Mr President, apart from music and fine arts, we must not overlook the dramatic art in schools. Because school children are too exposed to TV, dramas and children's plays are worth promoting. In Japan, there is a children's play troupe called "Son of Wind". In Hong Kong, too, we have the Chung Ying Theatre Company, which, acting on its own initiative, takes dramas into schools, into the midst of school children, thus opening their eyes and broadening their horizon. This is a very good thing. RCB should work together with the Education Department to promote the dramatic art in schools as one of the centres of activities, sponsor performances by greater numbers of accomplished play troupes in schools and even help schools to set up their own dramatic societies. In this way, schools will have more colourful arts activities and lay a broad and solid foundation for students' education and training in the arts.

Over the long term, for implementing an arts education policy, I suggest that the proposed AC should include representatives of the Education and Manpower Branch and of the Education Department, and that there should be an Arts Education Committee under it to co-ordinate the development of arts education in primary and secondary schools and tertiary institutions and to make such recommendations as may be appropriate.

Mr President, with these remarks, I support the Honourable Christine LOH's motion.

REV FUNG CHI-WOOD (in Cantonese): Mr President, there have been a multiplicity of responses from the community to the Arts Policy Review Report since its publication by the Recreation and Culture Branch last March. I believe the strongest response must be the one from a group of parents of Music Office trainees. They are strongly opposed to disbanding the Music Office so much so that they set up a Music Office Parents' Association specially to express their sentiment through various courses of action. They hope that the spirit of the Music Office in propagating music will continue, so that opportunities for basic training in music may remain open to school children aged six to 23.

Mr President, I was deeply impressed at a meeting with six core members of the Music Office Parents' Association. They highly commended the spirit, the manner of operation and the quality of instructors of the Music Office. They were indeed gravely concerned that such a successful Music Office that has contributed so very much to the community should be disbanded. From their experience they have told us that learning activities made available by the Music

Office have been very helpful to the group life, psychological development and school and family life of the children.

A parent said his son loved attending lessons at the Music Office despite its very great distance from home. Another said his son had made considerable improvement to his schoolwork and developed an ambition to do better after taking a Music Office course. Few government departments in fact receive such hearty praise and that the Music Office is so popular is a rare achievement indeed. Therefore, the Music Office should continue as a government department rather than being subject to any changes. This is a wish of the parents. And I believe this arrangement will be the best.

The Music Office is so popular that applications for enrolment have always been numerous. But many people are denied an opportunity for music training given the limited quota of places. However, funding for the Music Office has been decreasing rather than increasing. Several Music Office centres were closed down over the last few years, one being in Tai Wo Estate, Tai Po. As an elected Member from the New Territories North, I feel very sorry indeed that that particular centre cannot open upon completion to nurture more children and young people.

Mr President, I hope that the Music Office will carry on with the very outstanding work it has been doing. Rather than cutting the services of the Music Office, the Government should in fact increase its funding and promote further the education work of propagating music, so that the lives of more children and young people may be enriched.

With these remarks, I support the motion.

MR LAU CHIN-SHEK (in Cantonese): Mr President, one of my reasons for participating in today's debate is that I formed an experimental Cantonese opera troupe with a group of opera enthusiasts in 1970 and we have been performing intermittently ever since. For this reason, I am very concerned about the arts policy. Today I would concentrate on discussing the freedom of creation and the localization of the arts.

As regards the freedom of creation, I think an artist has two missions which are as inseparable as the four limbs from an human body. The first mission is to speak the truth — to speak the truth through musical notes, words, colours and shapes. The second mission is the readiness to pay a price for speaking the truth. In this connection, when it comes to many controversial social issues, the artists' commitments are different from those of the general public. To speak the truth and to pay the price for speaking the truth are the inseparable parts of their life as an artist. If their works fail to speak the truth, they are not artists because artists should inspire people to move towards "truth". Vincent VAN GOGH is an artist who pursued truth at great personal sacrifice. His paintings, filled with a strong sense of crudity, were at variance

with the contemporary climate which admired "sweetness", "softness" and artificiality. His paintings convey truth and are not meant to please others. He never sold a single piece of works during his lifetime and eventually took his own life. Yet, in today's western society even seven or eight-year-old primary students know that VAN GOGH was a great man because he spoke the truth.

In Chinese communist history, it shows that many artists spoke the truth to the Kuomintang, and paid the price for speaking the truth. They should know clearly that these two characteristics are integral to artistic creation. And, for this reason, we can also answer a related question: what is the freedom of artistic creation? The answer is that as long as an artist speaks the truth, he can speak freely through the mode of expression at his own choice. He not only enjoys the freedom of expression but should also speak from the bottom of his heart because this is both his responsibility and mission.

The freedom of creation is crucial to an artist because it is impossible for him to disregard his living environment and the interplay of political and social factors. And political and social factors are precisely the essential nutrients where the arts is concerned. Absence in the works of Hong Kong artists has all along been a local political and social dimension. This explains why Hong Kong is criticized for having no artistic identity whatsoever. To nurture our own arts with our social characteristics, artists must not neglect the political and social factors nor should they be deprived of the freedom of giving their comments on political and social issues.

How can we ensure their freedom of creation and their right to give their observations on political and social issues? In fact, this is included in the civic freedom enjoyed by every citizen. A citizen may not take off all his clothes at will but he does enjoy the right to probe social problems or give his political vistas. It is not necessary for them to submit their works for preview or examination nor should their works be prohibited, banned or censored. In this connection, a citizen's rights of expression is virtually adequate for an artist. LIN Fengmian, a renowned artist, once said, "An artist is like a butterfly which comes out from its chrysalis. He must stay in the chrysalis and undergo metamorphosis before breaking the chrysalis and coming out as a beautiful butterfly."

I think it should be the Government's arts policy to provide material resources to artists so that they can undergo metamorphosis alone in their chrysalises before they break through their chrysalises and come out. Specifically speaking, the Hong Kong Government should follow the example of some countries which provide artists with resources such as arts studios, rehearsal rooms and even a public access channel on television.

It is beyond doubt that the arts can improve human quality. And the arts are particularly important to Hong Kong, which is not an affluent society but merely a place where people can easily get rich. The arts can lead one temporarily away from one's being and guide one into another realm by the

stimulation of some images, sounds or stories through the arrangement of colours, shapes, musical notes, words and so on. If one is led to a realm which is loftier than the one he is usually in, this will be a sublimation of one's spiritual life or, in other words, an improvement of the quality of one's spiritual life. When its people's spiritual life gets improved, a society can then go down the road leading to true affluence.

Friedrich ENGELS became cognizant of what a free man is from BEETHOVEN's music. In the last two movements of BEETHOVEN's Symphony No. 6, ENGELS thrilled to the vitality of nature after rain, which is expressed through the musical notes, and sensed the freedom and dignity of skylarks and squirrels. This realization made it impossible for him to stand any longer the way his father exploited and bullied the child workers and indeed sowed the seed in his mind to formulate his school of thinking and to take action to liberate workers in later days. The animals and plants in the Vienna Woods depicted by BEETHOVEN are familiar to the Europeans. It is easy to strike a responsive chord in their hearts. However, this piece of BEETHOVEN's works fails to produce a similar effect of sublimating one's spiritual life for the people in Hong Kong. This may be due to the fact that Hong Kong has no skylarks' singing that is commonly found in Europe. These days Hong Kong has seen an increasing number of popular songs borrowed from Japan. Yet we have no samurai, ronin or geishas. Nor do we have the kind of man and woman relationship in common Japanese society. To deal with this situation, Hong Kong must have its own arts. We should end the import of works of art from Japan and the West either in the form of adaptation or copying. This is what should be looked at squarely when the arts policy is formulated.

Mr President, with these remarks, I support Miss Christine LOH's motion.

MR GILBERT LEUNG (in Cantonese): Mr President, the Arts Policy Review Report issued by the Recreation and Culture Branch in March has aroused much criticism from the arts community. Their comments can be summarized as follows:

- (1) The review conducted by the Government on its arts policy is vague, conservative and lacks substance. It dares not make any constructive criticism.
- (2) The Report lacks vision and direction in the future development of the arts in Hong Kong.
- (3) The dissolution of the Music Office is against the wishes of the public. The proposal is made in a hurry without adequate public consultation and such an act is against the spirit of democracy.

Honestly speaking, the comments made by the arts community are relevant and hit the nail on the head. However, it is not advisable to shift the responsibility of developing Hong Kong's arts entirely to the Government, especially to a bunch of Administrative Officers who may not have any knowledge about the arts. This is tantamount to a case of the blind leading the blind and we can hardly expect any fruitful results. Such comments are also unfair and far from the truth as they have denied completely the efforts made by the Government in the development of the arts in Hong Kong in the past.

As it was pointed out in the "Introduction" of the Arts Policy Review Report that the roles of the Government in the development of the arts have all along been "a co-ordinator and catalyst, as a provider of the necessary infrastructure and as a promoter, providing where necessary, financial or other assistance". Through the expansion of education and the participation of the community, and with the full support of the two municipal councils, the Government has made significant progress in the past two decades, at least insofar as the provision of the necessary infrastructural support and in the promotion of the arts are concerned. The results are obvious to all and cannot be denied.

Of course, Hong Kong's arts need to be further developed and promoted. The Government has to make greater effort and commitments, particularly in providing infrastructural and financial support. It should not adopt the attitude of a twilight government, acting with hesitation or in a compromising manner. The lack of resources will result in the unbalanced development of the arts. For instance, emphasis may then be placed on developing the high arts among the elite who are in pursuit of fame only. The educational and promotional work for elevating the standard of arts appreciation amongst the local population will then be brushed aside. I therefore raise strong objection to the dissolution of the Music Office. Such an act will undoubtedly deprive the lower and middle class children of their opportunities to learn musical instruments at a low cost. On the other hand, I would like to extend my full support to the request made by the arts community for the speedy establishment of a Provisional Arts Council with representation from different interests. This Council will co-ordinate the consultation on the arts policy and make preparations for the setting up of the future Arts Council. Only with the co-operation of all parties and the benefit of collective wisdom, then we can formulate an arts policy which will look after the interests and needs of the masses. Such a policy will therefore be beneficial to the development of the arts in Hong Kong.

However, the development of the arts are different from the provision of economic infrastructure. Financial assistance alone cannot make things work. Material support is an essential prerequisite but not the sole ingredient. If the arts workers of Hong Kong are narrow-minded, lacking vision and commitment, the arts in Hong Kong will not bear fruit even though there are unlimited supporting resources. The Great Wall in China was not built within one day. The development of the arts is the same. It is a process of hard work which demands persistent effort and total devotion. It demands also the

concerted efforts of those who are committed to the arts. In the past, Hong Kong was often described as a "borrowed place with borrowed time". There are indeed quite a number of "borrowing" or "purchasing" incidents in various areas. The best example is in the sports scene where a large number of players have been hired from overseas. If the arts workers do not take root in Hong Kong and China, face new challenges, widen their horizon and work with great zeal and persistent effort, I am afraid the arts of Hong Kong will only develop into a "borrowed culture" even if there is much infrastructural and material support from the Government. We may boast of it to the world, but certainly not to our descendants. I hope that such a culture would not come up.

With these remarks, I support the motion.

MR MAN SAI-CHEONG (in Cantonese): Mr President, as Hong Kong is about to enter the 21st century, the meaning we attach to the arts should not be as simple as it has been. The arts should stop being just a pastime. The arts have a positive meaning in that they inspire, delight and help individuals to understand, criticize and appreciate society. The Government has the duty to promote popular art forms and to enable every citizen to enjoy them and participate in them as of right. In addition, the Government should have a clear and forward-looking long-term strategy for providing arts education, for promoting the arts and for protecting the freedom of artistic expression. But the Arts Policy Review Report, published on 21 March, is totally devoid of substantive strategic recommendations. Nor does it set any policy direction. It shows complacency in the *status quo*. It tells the good news but not the bad news. It is a very disappointing report indeed.

Unlike other countries, Hong Kong does not have an arts policy goal of any kind. Among the countries nearby, Singapore, for instance, has woke up to the need for such a policy goal. The Singapore Government has set the goal of making Singapore a cultural metropolis of Asia before 1990. Singapore intends to play a conspicuous global role. Its government has set itself the clear goal of improving the quality of life for its citizens and broadening their horizons; the government will assist and promote arts development. In contrast, Hong Kong has no such big ambition or far-sighted goal. Other countries look at cultural development as an important national goal. Here in Hong Kong, our Government is indulging in self-intoxication and self-inhibition. This is lamentable indeed.

The Review Report talks about setting up an Arts Council (AC) to formulate arts policy, to request funding for subsidizing cultural and arts groups and to co-ordinate arts development. In my opinion, all of this is proper. However, the question remains unanswered as to whether or not there will be artists on AC. Suppose that AC is set up and that it replaces the existing Council for the Performing Arts (CFPA) and has additional responsibilities for the development of the visual arts and the literary arts. There will have to be professional artists on AC so that their professional views may influence policy.

AC will definitely need more resources than what are now available to CFPA. Without the additional resources, AC will not be able to attend to the development of the performing arts, the visual arts and the literary arts. Another thing is that the cinematic art receives no mention in the Review Report and is not among the arts that AC will promote. I feel deeply that Hong Kong's cinematic art is also an art form that should be preserved, developed and promoted. Now that we are debating arts policy, can the Government, in its reply, positively make substantive recommendations and responses to Members concerning the promotion of the cinematic art?

Of course, the Government is accountable to taxpayers for the money that it provides to cultural and arts groups. This accountability does not excuse the Government from failing to make a deeper commitment. Money spent on arts training, on subsidizing arts groups, on building arts facilities and on promoting the arts is money well spent. It is well spent because it improves the quality of life for everybody. It makes the citizens more creative and more imaginative. It satisfies their need for a spiritually meaningful life and increases their sense of belonging to Hong Kong. Money spent on arts development is also, in economic terms, beneficial in that it will create more jobs, promote prosperity and attract more tourists to Hong Kong.

Everybody can testify to the accomplishments of the Hong Kong Arts Festival. Had the Government not invested the money, *avant-garde* and experimental arts forms would not have continued developing in Hong Kong and Hong Kong's arts development would not have been so diversified. Of course, public accountability requires that spending should be based on the principles of fairness, openness, simplicity of procedure, good purpose and no waste. The Government must directly provide monetary assistance and non-monetary technical assistance. In addition, it should consider using tax deductibility to encourage private institutions and arts lovers to donate money to cultural and arts groups. I am very much in favour of what some other countries are doing. They require each public building to set aside a certain percentage of the cost of construction, perhaps 0.5% or 0.1%, for the purchase of works by local artists. The purchases are used for decorating the building or beautifying its environment. This is a way of making a commitment to local artists and showing support for them. I think that funding support is the most important if we want to promote local arts development, if we want to stop relying on borrowing from foreign culture and stop buying foreign works of art.

Freedom of artistic expression is a very important part of arts development. If we want diversified arts development, we must safeguard the freedom of artistic expression. Therefore, I urge the Recreation and Culture Branch to expedite its review of existing legislation. Any provision in existing legislation found to be in conflict with the freedom of artistic expression or the Bill of Rights Ordinance should be repealed immediately. For instance, the Film Censorship Ordinance provides for political censorship, which in fact is not necessary. It provides that, if the Television and Entertainment Licensing

Authority finds a movie to be prejudicial to Hong Kong's good relations with a neighbouring country, it may prohibit the movie from being shown in Hong Kong or it may require the movie to be politically censored and edited. This is clearly in conflict with the Bill of Rights Ordinance, which provides that citizens should have free access to the arts. Any Ordinance that fails to safeguard the freedom of artistic expression definitely deprives the citizenry of the right of free access to the arts. The closer we draw to 1997, the more we must take a square look at this problem. Room for free artistic expression in Hong Kong and the delicate ground it is on make one worry....

The buzzer sounded a continuous beep.

PRESIDENT: You have to stop, Mr MAN.

DR YEUNG SUM (in Cantonese): Mr President, many of us who are in our forties read *The Chinese Student Weekly* when we were at the secondary school. When we entered the university, we attended classical music, drama and dancing performances staged at the City Hall. More than 30 years ago, Hong Kong was described as a "cultural desert". After the riots in 1966-67, the Government started to promote cultural activities among teenagers actively in a bid to distract them from taking part in anti-social activities. The past two to three decades saw a period of economic growth. Development on the cultural front has also expanded. The term "cultural desert" is less used nowadays. However, if we take a closer look, we will discover that although there are flowers and trees on this "cultural field", the overall situation is messy. It lacks a sense of direction and a far-sighted and ambitious plan.

In this regard, I would like to make several points and suggestions. The first point concerns Hong Kong's cultural policy. The Government has all along advocated a free and *laissez-faire* cultural policy. But in practice it has its own established policy, which can be seen in the following three aspects: firstly, as far as administrative structure is concerned, there is no co-ordination among relevant government departments such as the Music Office, the two municipal councils and the Hong Kong Academy of Performing Arts. They each do things in their own way. This is borne out by the fact that the current review on cultural policy conducted by the Government has not touched on the two municipal councils' roles and duties in the cultural scene. Secondly, on the issue of subsidy, we have the impression that the Government tends to subsidize established performing groups, that is formal or classical organizations such as the Hong Kong Philharmonic Orchestra, the Hong Kong Chinese Orchestra, the Hong Kong Repertory Theatre and so on. However, it is very difficult for *avant-garde* performing groups like Man Chung Drama Society, Zuni Icosahedron to obtain government subsidy. Hence they have great problems with office sites, manpower and funding. Thirdly, in the area of censorship, the Government often censors performances with more sensitive subjects for fear of damaging the relationship with neighbouring countries. The

above shows that the Government does have its guiding principles although it has all along championed a free and *laissez-faire* cultural policy. This is evident in the allocation of its resources and these principles can be summarized as follows:

1. Insofar as subsidy is concerned, preference would be given to those performances staged by formal and classical groups.
2. Sensitive subjects have to be censored or even be banned in order to maintain the Government's political neutrality.
3. It is disappointing the Government only sets its eyes on the existing range of cultural activities without making any ambitious and far-sighted plans.

Mr President, in view of the above, I have the following suggestions:

1. The Government should consider developing Hong Kong into a cultural city. Then its citizens may enjoy a rich cultural life and have good appreciation of the arts. These two elements are essential to the enrichment of the spiritual life of the people in a city or a country. The devastating effect of the Cultural Revolution already did great damage to the cultural life of people in Mainland China. Worse still, the open economy and the emphasis on "profit-making" activities are now producing a negative effect on the Chinese people's cultural life and their appreciation of the arts. As Hong Kong achieves economy progress and adopts an open political system, the Government should be forward-looking. It should formulate an ambitious and far-sighted plan for our cultural development which will put Hong Kong on a par with Florence of Italy, Paris of France and New York of the United States.
2. The Government should promote an open cultural policy and encourage diversified development in this arena. It should allow performances with a wide variety of subjects to be staged, thereby enriching the cultural life of Hong Kong people and enhancing their appreciation of the arts. Strict censorship will not only stifle diversified cultural development but also threaten freedoms of speech and expression enjoyed by Hong Kong people.
3. The Government should subsidize all sorts of cultural organizations to facilitate diversified cultural development in Hong Kong. Such policy is essential to Hong Kong's move towards a democratic and open society.

Mr President, the political, economic and social developments of a country are inter-related. A democratic political system safeguards human rights, liberty and social stability. Economic development leads to an increase

in social resources and improves people's material life. Cultural development enriches people's spiritual life and cultivate their civic-mindedness — that is self-respect and respect for other people, and the pursuit of truth, goodness and beauty.

Mr President, with these remarks, I support the motion

MR HOWARD YOUNG (in Cantonese): Mr President, the Arts Policy Review Report is barely satisfactory to the public in general. I trust the major reason is that the Report fails to spell out a directional development policy and to provide a development blueprint that caters for the cultural needs of various social strata. As the word "review" suggests, the Report is retrospective in nature and is mainly a record of past achievements (we certainly cannot disregard the achievements). Still it does not make much soul searching with regard to what objectives have been neglected or yet to be fulfilled.

One, when expressing concern over the arts, certainly cannot command much attention from the public and voters who are more interested in government policy, housing or welfare issues. However, since the release of the Report, many artists, who have quietly slogged away, have expressed their views enthusiastically. This bears evidence of the fact that Hong Kong is by no means a cultural desert. Determined to promote the arts, many people are willing to do their best in the promotion of arts and cultural activities. It is hoped that their efforts will meet with the Government's same determination.

First of all, I feel that a directional development policy is one in which the Government identifies the needs of the community, the objectives to be reached and the means required to achieve the objectives. Needless to say, the overall objective should be the creation of an ambience under which the principles of popularity not equity are upheld so that everyone or every resident may, so long as he wishes, receive education in the arts and culture and enjoy such performances. It is hoped that with the full participation of the community, the public's tastes and appreciation level may be enhanced and the undesirable elements of our culture can be rid of to invigorate people's social consciousness. Education and performance indeed carry same weight to the development of the arts and culture. At the moment, both encounter difficulties in their development and government's funding becomes all the more important.

Although it puts forward the setting up of the Arts Council, the Report is silent on how the Government is to go about the allocation of, or an increase in, its resources in the promotion of cultural development. Rather it seems to hint that future government funding will be minimal. This upsets those who are concerned about the the development of arts and culture programmes. At present, arts and culture matters are principally handled by the Recreation and Culture Branch, the municipal councils and the Council for the Performing Arts (CFPA). Under the existing system, communication gaps can be found in respect of resources utilization and the targets of funding. Worse still, the fact

that the municipal councils enjoy financial autonomy places the Recreation and Cultural Branch in an awkward position when formulating the arts policy. Besides, most of the resources go to highbrow arts programmes and there lacks a commitment in the promotion and cultivation of popular arts and culture. In view of this, interested parties are hoping that the proposed Arts Council will play a part in the formulation of an arts policy and the promotion of popular arts. If the proposed Arts Council is to be integrated with CFPA, will it still remain a consultative organization rather than a statutory one? What about the composition of its membership? In my opinion, should the Arts Council become an independent and statutory body, it will be capable of achieving better results and flexibility in respect of resources allocation, funding of organizations and making proposals to the Government. Since members of the Arts Council are charged with the important task of giving advice on the way forward with regard to our arts development, it is most desirable that it is made up of professionals who are knowledgeable in the arts. Better still, people of the arts and culture circles may elect their representatives among themselves so as to enhance the transparency of the Arts Council and to ensure that it will get more professional advice from its members. Whilst maintaining their autonomy in the management of performance venues, the funding of local professional companies and the invitation of overseas performers, it is hoped that the municipal councils can make available some resources to the Arts Council to nurture up-and-coming artists and to finance a resources centre or a training centre for them.

Meanwhile, artists are very concerned about whether they can obtain fund from the Government or other public and commercial organizations. I hold that more government resources should be spent on the promotion of newly established performing companies and new arts forms. Such companies are not as well-known to the public as the professional groups, partly because some of them are engaged in unpopular arts. They have difficulties in operating and making both ends meet, let alone breaking any new ground. I believe that every arts group should have the right to hold performance and to seek recognition. Hong Kong is no longer a cultural desert. But public funding to up-and-coming artists is still far from enough. It is sad to see them encounter difficulties in development and even come to a premature end. On the contrary, it is easier for some famous and well-funded groups who have their staunch supporters to secure commercial sponsorship. The same situation can be found in the banking sector: the more money one has, the easier he may secure a loan from a bank. I think it would be more proper to make available fund in the direction of nurturing artists. Between popular arts and highbrow arts, I think that if the Government can provide appropriate funding support to popular arts, then those who are engaged in such fields may achieve their goals whereas the public may have more chances to enjoy their performance.

Mr President, with these remarks, I support the motion.

MR WONG WAI-YIN (in Cantonese): Mr President, Meeting Point fully supports the motion moved by Miss Christine LOH today. The consultation paper has not put forward any definite policy objective nor any implementation proposal. In fact, there is not much that is worthy of discussion throughout the whole paper. Generally speaking, Meeting Point is disappointed with the paper which has devoted copious coverage to a review of the Administration's achievements in arts development in the 1980s without pointing out where the existing problems lie. And the information used came in fact from the working targets approved by the Executive Council in 1981. The Arts Policy Review Report lacks a sense of direction. Although there are merits in some of the proposals made in the Report, there is hardly any indication that the Administration is making further commitments in arts development. What is the role played by the Administration in regard of arts development? Meeting Point thinks that the Administration should not intervene in artistic creation and criticism by giving directives. Its role is to provide a good environment for the free development of arts and to protect by way of legislation the freedoms of artistic creation and expression.

Mr President, I will concentrate on two aspects, namely foundation education in the arts, and subsidies for arts development and services.

The objective of foundation education in the arts is to generally enhance the interest and ability of our young people in arts appreciation, encourage their participation in arts activities and to tap their artistic potential. However, the consultation paper has not made any in-depth study of these matters. The proposals in the Report are also rather vague. The problems in fact are: Firstly, the education system in Hong Kong attaches no importance to arts education. The teachers of arts and music subjects in primary school are mostly not specifically appointed to teach these subjects which are regarded as non-core ones. This practice has seriously affected the achievements of arts education, and the Administration must speedily remedy this situation. Secondly, arts education in primary and secondary schools needs additional resources and outside-school support, which includes employing part-time tutors to teach musical instruments, dancing, calligraphy and so on, arranging students to attend some regional arts exhibitions and musical groups to give performances at school. Currently, the Administration has not provided any support of this kind. The third and the most controversial issue is the disbandment of the Music Office as proposed in the consultation paper. This is in fact a small problem. The Music Office does have the function of scouting and training the talents and there is a need to maintain this function. The Report fails to provide a cogent reason for disbanding the Music Office or combining it with other organizations. I hope that the Administration can reconsider maintaining the Music Office. But if the Administration is determined to use administrative means to disband the Music Office, I still hope that the Administration can give an assurance that no matter which organization is to take up the duties currently undertaken by the Music Office, it will keep intact the existing development framework and regional development mode. Also, its charges should be low.

Fourthly, the district board and the mass media can support the development of arts education at school through a non-conventional way of education.

As regards subsidies for arts development and services, the Administration should cater for different requirements of society by providing different levels of subsidies and services. That includes providing opportunities of arts appreciation to the general public, stepping up training for the talents engaged in artistic creation, and supporting amateur artists and professional bodies. The ultimate objective is to popularize and diversify our arts activities. In this connection, we have the following opinions:

Firstly, the Administration welcomes the idea of reorganizing the Council for the Performing Arts into an Arts Council in order to cover the performing, visual and literary arts. Meeting Point is of the opinion that the Administration should consider the comprehensiveness of its arts policy. For example, it can include film art into the ambit of its arts policy.

Secondly, the Administration's funding for arts development is on the whole insufficient, and emphasis has been laid upon the existing seven professional bodies so far as allocation of funds is concerned. The funding for the promotion of cultural arts and support for amateur artists is, even more markedly, extremely insufficient. This directly stifles the development in this regard. Meeting Point proposes that the Administration should increase its financial commitment in arts development. When it comes to the allocation of funds, the Administration should increase the amount for the promotion of cultural arts and the support for amateur artists and organizations.

Thirdly, the Administration should review at regular intervals its subsidies for various arts organizations in accordance with their performance. Such intervals can be three or five years. The amount of subsidies should also be regularly reviewed to avoid some professional bodies taking up most of the government funding so that other organizations can also have a chance of development.

Fourthly, as the two municipal councils are playing a very important role in the promotion of culture and arts, so their work should also be reviewed by an appropriate body. Such a duty can be undertaken by the two municipal councils themselves or by an independent body. Moreover, the Administration should strengthen the co-ordination with the two municipal councils for the purpose of a better use of resources.

Finally, in respect of freedom of expression, the Administration is still susceptible to criticisms that the Film Censorship (Amendment) Bill has not amended the provision concerning the damage to relations with neighbouring regions. It seems that the Administration does not have sufficient resolve to safeguard freedom of the arts.

Mr President, I think it will be quite embarrassing for the Official Members to support this motion because that will mean expressing disappointment at the consultation paper compiled by the Administration itself. However, the Administration cannot evade the responsibility of making further and more resolute commitment in arts development. Therefore, Meeting Point hopes that the Official Members can also vote for today's motion to show the Administration's commitment in arts development.

Mr President, I so make my submission. Meeting Point is supportive of this motion.

DR TANG SIU-TONG (in Cantonese): Mr President, on learning more than a month ago that the Administration had issued an Arts Policy Review Report, I told people in my constituency who are interested in the arts to read the report and then give me their valuable opinions. However, they could not get a copy of the report despite trying all sorts of channels. Finally, they approached the Tuen Mun District Office to look for one. The response they got was that there was only one copy with the office and they had to visit the office in person if they wanted to read it. Could it be regarded as extensive consultation when members of the public have to queue up at the district office in order to read so thick a report which is supposed to be a consultative document? How can opinions of the public be collected? Like the Governor's policy address, the Arts Policy Review Report is meant for public scrutiny. But the great disparity in the way the Administration has treated one and the other is evidence of how lightly the Government has taken its arts policy.

The arts constitute a form of sublimation of human culture. Promoting the arts is helpful to raising people's quality of life and cleansing society of its violent sentiments. However, promotion of the arts is more than inviting one or two groups of foreigners to Hong Kong to stage a performance or two, or holding an exhibition of RODIN's sculptures. It has to be done from the foundation level up. We know all too well that Hong Kong is grossly short of arts education. Ask any teenager who the four pop music kings are, I believe he or she surely knows. But ask who RODIN is, I am afraid not everybody knows. The Hong Kong Museum of Art is now holding an exhibition of sculptures by the internationally renowned master RODIN. I wonder who has brought his children to the exhibition.

I think that the authority concerned has not given serious consideration to the real situation or conducted any consultation and study during the one year it has taken to compile this report. In paragraph 3.11, the Administration explained that "There is no one major organization such as a writers guild or a painters association where the Government could channel its support and seek advice and maintain liaison." I believe at least the Honourable Christine LOH who sits next to me and the Honourable MAN Sai-cheong who sits in front of me will hardly agree to this comment. Miss LOH has in her collection many modernist paintings and pottery works by local artists, while Mr MAN is a

patron of local arts exhibitions. They both have a wealth of knowledge about the arts in Hong Kong. According to the information I have collected, there are many rather representative arts groups in Hong Kong such as the Hong Kong Writers' Association, the Visual Arts Society, the Hong Kong Sculptors Association, the Hong Kong Artists' Guild, and the Hong Kong Modern Art Society of Watercolours. Praise is extended in paragraph 22 of Annex II of the report to two of these arts groups for their achievement. Such being the case, can this report be regarded as building castles in the air and lacking constructiveness? Hong Kong is a place where the East meets the West and where artistic expression and creation enjoy a high degree of freedom. The unique cultural character of Hong Kong will surely shine through if the arts can be promoted properly and all connected efforts start from the foundation level up. Looking farther, the development of the arts in Hong Kong lags far behind the other Little Dragons of Asia. The reason is quite obvious. The Government has not in the past systematically planned and promoted a foundation for arts education. The singing, dancing, art and craft and painting lessons in the primary and secondary school curriculum have in fact become something of an optional extra under the elitist education system. It is practically impossible to expect students to establish a foundation for arts education from childhood onwards, nor to be nurtured by the arts. Although we have the Jockey Club Ti-I College, it can barely provide semi-specialized arts training for secondary students. But it is one and the only one. It can hardly work any miracle in the promotion of arts education.

The report's four recommendations in respect of arts education have obviously turned a blind eye to the phenomena mentioned above. The recommendations put emphasis on continuous support and continuous promotion. All this is no more than pretentious rhetoric. In the end, the Administration will let it remain unchanged for another decade, keeping the *status quo* and continuing with a policy that has been proved wrong in the past. The biggest mistake of the Administration would be to disband the Music Office, which has made some achievement, and to transfer the music training efforts to the more expensive Hong Kong Academy for Performing Arts, thereby depriving most students of the opportunity to receive instruments training and popularized music culture. The greatest benefit from this recommendation will be of course the saving of the government tuition allowance for 2 900 students annually. The Report's four recommendations on arts education are indeed devoid of constructiveness. Moreover, the Report also recommends encouraging more private organizations to sponsor arts activities. But it does not spell out categorically whether or not the Government will make a firm commitment in funding the arts. The real objective of this recommendation, be it aimed at expanding the sources of arts funding or enabling the Government to shunt its responsibility onto private organizations, should therefore be all too evident.

Although the municipal councils have been trying their very best to arrange arts performances for enjoyment by the public and to provide the

venues for these performances, they lack an effective policy on the development of the arts, particularly visual arts and literary arts.

With the advent of 1997, the Report fails to offer any encouragement or positive promotion of artistic exchanges between Hong Kong and mainland China and that features as a significant shortcoming. If the Government should follow the recommendations of the report, I am afraid development of the arts in Hong Kong would see little improvement, let alone any breakthrough, in the next century. Mr President, I concur with and support the motion moved by Miss Christine LOH who sits next to me. The Government must make a firm commitment to the development of the arts and formulate a comprehensive arts policy.

Mr President, I so submit.

MR ROGER LUK (in Cantonese): Mr President, it is believed that no politician has not watched the television series *Yes, Prime Minister* produced by the British Broadcasting Corporation. One episode of the series "Patron of the Arts" describes the behind-the-scenes tug-of-war over government subsidies for the arts and the episode is a true reflection of reality. The Prime Minister attended the British Theatre Award Dinner on invitation as guest of honour and the personality presiding over this dinner function was the Associate Director of the National Theatre. Since it would soon be announced that there would only be a slight increase in fund allocation for the Arts Council that year, the Prime Minister was worried that in delivering his speech the Associate Director might take the opportunity to ridicule the Government and embarrass him. The Cabinet Secretary of the Prime Minister's Office, being a director of the National Theatre, surreptitiously persuaded the Associate Director to seize this golden opportunity to force the Prime Minister into agreeing to increase the fund allocation. In the event, the Prime Minister resorted to a drastical move. He made a counter-proposal of selling the valuable land on which the National Theatre stood so that cash could be made available for injection into the Arts Trust in order to increase the subsidies for the National Theatre. Such a coup held the Associate Director back from railing at the amount of fund allocation in his speech. Although the characters and the plot were fictitious, it would not be mere co-incidence if the same thing happened in real life.

The arts of Hong Kong have always been rather dependent upon government subsidies. Therefore, reduction in government funding without replacement by other financial resources would, in the short term, reduce the professional performing arts groups' chances of performing. In the long term, it would have far-reaching effects on the development of the professional or amateur performing arts groups. Moreover, it would also reduce the employment and development opportunities of the Academy for Performing Arts (APA) graduates as well as those who wish to take up the performing arts as their career.

For the past three years, the Government has been freezing its fund allocation to the Council for the Performing Arts (CFPA) at the level of \$35 million. The Review Report explains that after the Urban Council had taken over the job of subsidizing the Hong Kong Philharmonic Orchestra in 1989, there was no reduction but rather increases in fund allocation in 1989 and 1990. That indeed resulted in the substantial increases in the subsidies for other performing arts groups. However, since the fund allocation was frozen at the level of 1990, there was, in real terms, a huge reduction of 30% last year. The operation of the subsidized groups was definitely affected. The Review Report does not elaborate on this aspect.

The Review Report recommends that the Government should probe and explore the policy orientation for subsidizing the future development of the arts in the 1990s in consultation with the CFPA. Consideration should be given to the level of subsidies necessary to maintain existing services and the new items to be introduced by the Arts Council after its establishment. Nevertheless, the Report does not recommend any clear policy line. Given that funds are limited, how can funds be efficiently utilized so as to obtain maximum benefits? Or should definite development targets be set and the required funds be raised? What are the items that should be accorded priority for development?

The existing professional performing arts groups rely heavily on government subsidies. Yet the Review Report does not spell out a clear objective regarding their future. Should the existing scale and standard be maintained? Should the scale be enlarged? Should the performing standards be further improved? It is indeed baffling.

Every year, the APA nurtures numerous professional talents. At present, the APA has 500 full-time students. The number of graduates each year in future being similar, what will their employment opportunities now and in future be like? Will there be an oversupply of talents which makes it impossible for the graduates to pursue the arts as their career? The Review Report fails to explain this in detail. It only points out that the APA should analyse carefully the employment situation of its graduates and devise its long-term development plans having regard to such factors as the aspirations of our young people and the capacity for growth of the job market which will enable it to take on fresh graduates. It is indeed disappointing.

The Review Report praises highly the contributions of private sponsorship towards promotion of the arts. However, the Government's criterion for subsidizing social services has always been that if the subsidized group can obtain subsidy from other sources, the Government would reduce its subsidy accordingly. Therefore, to secure a steady source of funding the subsidized groups always rely on government subsidies rather than private sponsorship and the performing arts groups are no exception. Although the CFPA has introduced the "matching grant" policy since 1990 to encourage the groups to seek private sponsorship, the policy is yielding no more than limited results.

The Government should set clear objectives regarding the encouragement of private sponsorship as well as the use of such sponsorship.

All in all, the Government's policy for subsidizing the arts can be said to be intangible and nearly non-existent. If one says that such a policy is in existence, it can only be summed up in two sentences: "One cannot expect the horse to run fast when one does not let it graze" or "One cannot expect the bride to be pretty when one is miserly on the betrothal gift." Nevertheless, in this world, only wooden horses do not eat grass.

Mr President, Mr Marvin CHEUNG is away on a business trip, so he cannot participate in this debate. For the record, the points that I made in my speech also reflected Mr CHEUNG's views.

With these remarks, I support the motion.

SECRETARY FOR RECREATION AND CULTURE: Mr President, I welcome this motion debate as it helps to focus public attention and interest on a topic which, though important in improving the quality of life of our community, has not attracted much notice in this Council before. This debate has come at a most opportune time as the Administration is currently consulting the public on its Arts Policy Review Report. The wide-ranging views expressed by Members will certainly be given serious and thoughtful consideration when the Administration firms up its policy on arts promotion and development for the years ahead.

I must, however, state at the outset that I cannot accept the criticism expressed by Members that the Report has failed to provide forward looking policy objectives. It is obvious that Members have misunderstood the aim and purpose of the Report. As it is clearly stated in its terms of reference, the Report aims to review the present position and set out the Government's future role in the development of the arts in Hong Kong, having regard to certain factors.

In doing this, I consider it prudent to take a pragmatic and practical line. Hong Kong has been well served in many areas of its development by taking a practical, step-by-step approach in developing its services. Even in the arts, the pragmatic approach adopted in the 1981 policy, whereby focus was placed on the promotion and development of the performing arts, had achieved glowing results. Hong Kong is no longer a cultural desert. Instead, it is now regarded as one of the most dynamic cultural centres of Asia. It now boasts some of the finest and most modern cultural venues. It has a wide range of professional performing companies, some of which are of international standards. And it plays host to more international performances and arts festivals every year than any major cities in the region.

Thus, the Report quite rightly, in my view, aims to take stock of what we have achieved in the past; and to make suggestions on what practical next steps we should be taking in mapping out the way forward. To do this, it is proper and sensible for the Report to recognize the role played by all existing institutions, such as the Council for the Performing Arts (CFPA), the municipal councils, the Arts Centre and various other bodies, and also to recognize their contributions to our past achievements; but not to propose changes lightly to the well-trying and smooth working partnership that has developed between them and the Government.

In adopting a prudent and practical approach, the Administration has a clear vision of what new initiatives should be taken to develop the arts in Hong Kong in the years ahead. We believe that the best policy is to move ahead one step at a time, to ensure that the objectives we set for ourselves are not unrealistic and are achievable. Thus the Report proposes realistic policy objectives for the future and these are set out in Chapter 7 and include the following:

- (a) First, that the Government should continue to work towards laying down a social environment conducive to the development of the arts through ensuring freedom of artistic creation and expression,
- (b) Second, that the Government should continue to act as a catalyst to encourage the promotion and development of new art forms and artistic groups but leaving the actual nurturing work to others such as the municipal councils, the numerous arts organizations and the artists themselves,
- (c) Third, that the Government should extend the scope of its arts promotion and development efforts to cover the visual and literary arts, in addition to the performing arts,
- (d) Fourth, that the Government should continue to adopt a positive approach in promoting arts education through the Academy for the Performing Arts, tertiary institutions, schools and other non-government bodies engaged in this field of activities, and
- (e) Last but not least, that an Arts Council with a much wider and more comprehensive remit be established to replace the existing Council for Performing Arts to co-ordinate and advise the Government in future.

These objectives are very clear and positive and are in no way lacking in forward vision. True, the Report has not spelt out implementation options. But I personally do not think that this should be done at this stage. Indeed, I am abhorred by suggestions that the Government should lay down definitive directions on how individual art forms should develop. This would not be

conducive to free artistic expression and would only lead to a rigid and stereotype development of the arts.

I feel the best approach and one which would result in the best achievement is to allow the implementation options on the Government's broad policy objectives to evolve in the light of experience and changing social environment and artistic trends. This is where the proposed Arts Council can play a prominent and pivotal role in its co-ordination and advisory work. Indeed, this is the approach adopted by the Government in implementing the policy laid down in 1981 for the promotion and development of performing arts in Hong Kong. And the CFPA has discharged its role admirably in advising the Government. I am sure the proposed Arts Council, once established, will be able to give sound and wise counsel to the Government, working in close partnership with the municipal councils and the arts community, on how best to implement the policy objectives laid down and in setting priorities with regard to which art form to support having regard to available resources.

Mr President, let me now turn to address a number of specific issues raised both by Members and the arts community on the Review Report.

Arts Council

First, I would like to say a few words on the Arts Council.

I am happy to note that Members as well as the arts community all welcome the proposal to establish an Arts Council with a wider and more comprehensive remit to replace the existing Council for Performing Arts. However, there seems to be a wide range of views and opinions on how the Council should be made up and what its functions and powers should be. I shall certainly give serious and careful consideration to all these views when giving thoughts to setting up the Arts Council including the suggestion of establishing a Provisional Council in the interim.

I would, however, like to stress that in setting up the Arts Council, we must have regard to existing institutions, in particular the autonomy of the two municipal councils. We must take their interest into account when determining the composition and remit of the proposed Arts Council. In addition, the need for the Council to achieve smooth and effective co-ordination and co-operation between all parties involved will be of paramount consideration. It is important to ensure that a true partnership is established between all parties concerned so that they can work in unison and harmony in the development of the arts in Hong Kong.

Funding

On the question of funding, many Members lamented the lack of adequate funding by the Government for the arts in the past few years. Whilst I too would like to see more government funds being made available for the arts, I

must say that this has to be seen in perspective, taking the global picture into account. Although it is true that direct subsidies given out to performing arts groups have remained at just over \$35 million for a number of years, both the Government and the municipal councils have spent hundreds of millions of dollars on promoting and developing the arts through the construction of venues, the provision of arts education and the presentation of artistic activities and promotions.

The said, however, I agree that subject to resources being available, we should provide more funding to arts promotion and development. In this regard, I am extremely pleased that a grant of \$30 million has just been approved by this Council to help new and developing art forms and artistic groups. I hope to seek more funding next financial year to enable me to push ahead with the new initiatives outlined in the policy objectives set out in this Report. To assist me in achieving this, I would need Members' help to accord some priority to this area of activities, which regrettably was not given in the past. I sincerely hope Members will give me full support next year.

Government funding alone, however, will never be adequate and we should continue to actively seek more private and corporate sponsorship for the arts. This is a world-wide trend and underlines the fundamental principle that the development of the arts in any society is a community effort. Recent indications are that the corporate sector in Hong Kong is developing an increasing interest in sponsoring the arts. I hope the proposed Arts Council will be able to give more thoughts and advice on how best to encourage this interest. In this regard, I agree with the Honourable Howard YOUNG that it would be easier to attract corporate sponsorship for the well established and better known groups and artists. Hence we should consider focusing our efforts in that direction so as to release more government funds to help the new and developing artists and groups.

The Music Office

Many Members have spoken against the proposal in the Report, to transfer the functions of the Music Office to a non-government body. This has also attracted much public comments and concern. It seems there is a misunderstanding here. The Report does not advocate closing down the Music Office, which so many Members implied. What it suggests is that the work of the Music Office could be more effectively, professionally and economically done by non-government bodies, such as the APA or any other bodies which are qualified and are interested to take on this task. I would like to state here that the APA is but one body we are considering asking to take over the work of the Music Office and also the APA is not the elite education institution that many think it is. The APA also runs popular training classes for young people through its junior programme. And hence, it is not entirely unsuitable to take over the management of the Music Office.

Let me at this point emphasize that we fully recognize the good work the Music Office is doing in promoting a wider interest in and better understanding and appreciation of music among young people in Hong Kong, and the beneficial social impact this has created for Hong Kong. The Administration is committed to continuing this good work. Having acted as the catalyst in arousing community interest and awareness, we now feel that time and circumstances have changed and the Government is no longer the only or the most appropriate body to do this work. Other more suitable bodies are available. But in proposing to hand over this task to a non-government body, we will ensure that the standards and level of existing services will be maintained. Our intention is not to save money, as wrongly claimed by so many; but rather to ensure that the resources currently used on the Music Office are more effectively and economically applied to achieve better value for money by bodies which can operate without the constraints and fetters of a government office. Finally, let me allay the worries of parents and young musicians by assuring them that we will try our best to ensure that the range of activities presently organized by the Music Office and its regional centres will be maintained.

The last point I would like to address, Mr President, is on the question of freedom of artistic expression. Many Members have spoken on the importance of maintaining freedom of artistic creation and expression. I fully endorse this sentiment and confirm that it is the Administration's firm commitment to maintain an environment conducive to fostering such freedom. In this regard the Administration will continue to review relevant laws, in particular, those laws that touch on censorship to ensure their consistency with the Bill of Rights. Let me assure Members that it will continue to be our policy to safeguard the freedom of artistic creation and expression now and in the future.

Conclusion

Mr President, I wish to conclude by saying that the Government is committed to promote and develop the arts in Hong Kong and that it has a clear set of policy objectives. The Administration, therefore, cannot support the first part of the motion that the Arts Policy Review Report has failed to provide forward looking policy objectives. The Report has clearly proposed that we adopt a pragmatic and practical approach by setting policy objectives that are realistic and achievable. These proposals are currently still the subject of public consultation and comments. I hope this debate will generate greater public interest in the subject and more public views and opinions are forthcoming in the weeks ahead. When the consultation period closes by the end of June, we will collate and analyse thoughtfully and carefully all views expressed, including those made in this Council today. Thereafter we shall draw up a firm set of policy proposals clearly affirming the Government's commitment to promote and develop the arts in Hong Kong in the years ahead. I shall be happy to discuss these proposals with Members of this Council again at relevant panels and seek further comments from them, but I do not think it fruitful or desirable

to launch a further consultation exercise to seek public comments before putting these proposals for consideration by the Executive Council.

Mr President, since the current consultation exercise has attracted and is still attracting a wide range of public opinions from all quarters, not least from the arts community, and we have yet to firm up our policy proposals, it would not be advisable for the Administration to take sides. I therefore suggest that the Official Members abstain from voting on this motion.

Thank you.

PRESIDENT: Miss LOH, do you wish to reply? You have only got 32 seconds, though.

MISS CHRISTINE LOH: Yes, I shall try. Mr President, yes, perhaps the report is deficient because of its limited terms of reference. It is baffling that they should have been so restrictive in the first place. The Government tied its own hands. That cannot be used as an excuse for the report's deficiencies. And did I hear the good Secretary say that he would not let the public know about the proposals that he would make to the Executive Council before bringing them to the Executive Council? If that is the case, that would be a great shame and I think that could possibly not be supported by this Council or by the public. The arts and the culture which they sustain are one of the great forces of society.....

PRESIDENT: I am afraid you have run out of time, Miss LOH.

MISS CHRISTINE LOH: We must plan for the future of the arts with intelligence and optimism. Thank you.

Question on the motion put and agreed to.

INTEGRATION OF REHABILITATION SERVICES INTO THE COMMUNITY

MR FRED LI moved the following motion:

"That this Council urges the Government to take positive measures to strengthen community education and to promote the smooth implementation of the policy of integrating rehabilitation services into the community."

MR FRED LI (in Cantonese): Mr President, I move the motion standing in my name in the Order Paper, which is in the following terms:

"That this Council urges the Government to take positive measures to strengthen community education and to promote the smooth implementation of the policy of integrating rehabilitation services into the community."

Mr President, some colleagues probably wonder why rehabilitation policy, which was already debated in April last year, is again being raised as a subject today. I have to admit that it was the recent incidents at Tung Tau Estate and Laguna City that caused me to move a fresh debate on rehabilitation policy, with the emphasis this time on community education and the integration of rehabilitation services into the community. True, discussions of the incidents at Tung Tau Estate and Laguna City have lately become heated and politicized. Still, I appeal to Members to confine their comments to the facts. Do not politicize the rehabilitation issue. Do not turn it into a partisan fight.

Long ago, in 1977 as a matter of fact, the Government published a White Paper on rehabilitation policy entitled *Integrating the Disabled into the Community: A United Effort*. Today, 16 years later, how much of this objective has been accomplished? I recall the following incidents: local residents' opposition to the construction of a halfway house at Sun Tsui Estate; some local residents' opposition to the construction of a special school on Pak Fuk Road in the Eastern District of Hong Kong; local residents' opposition to the construction of a home for problem juveniles on the ground floor of a building in a housing estate on Tsing Yi Island; and local property owners' opposition to the construction of a juvenile centre at Jubilee Centre in Shatin. Most recently, the inhabitants of Kwai Tung House in Tung Tau Estate opposed the construction of a home for the seriously mentally retarded on the ground floor of that building and the property owners at Laguna City in Kwun Tong opposed the construction there of an activity centre for rehabilitated mental patients. There have been waves of community opposition to the local construction of rehabilitation service facilities, particularly facilities serving the mentally handicapped. In moving the present motion, my purpose is to arouse the public. Then, after some serious soul searching, active measures may be devised for preventing similar incidents in the future. It is also my intention to remind members of communities not to look in a strange way at mentally handicapped persons or to discriminate against them.

On 8 April last year, the Honourable Eric LI moved a debate on the Green Paper on rehabilitation policies and services. I have re-read the speeches made by 23 Legislative Council Members on that occasion. I find in them a lot of serious food for thought. I myself said at the time that mental patients were the least able to help themselves and yet they were the most neglected and discriminated against by the community. Not putting too fine a point on it, the Honourable Howard YOUNG observed that the Government had to do more to publicize care for the mentally retarded, whose participation in community activities should not be opposed as it was by people with misconceptions about

them. The Honourable David LI, a banker, drew blood with his pointed remark: "But the drive to create a better tomorrow for Hong Kong's handicapped involves more than plans, programmes and money. At its root, it must involve a fundamental change in people's attitudes towards the handicapped." But, in the year that followed, things that we did not want to happen happened. I find one of the points made by the Honourable Eric LI thought-provoking. He said, "Disabled persons should constitute a part of our social resources; but they may also fall into degradation to become a burden of the community. Which way they will take depends on whether they will be given the full opportunities to show their worth. The more important point is whether the dignity and basic rights of the disabled persons should be respected."

Meeting Point thinks that the ultimate goal of rehabilitation is harmony and social integration between the handicapped and the healthy. Today, rehabilitation is no longer about permanently confining mental patients in hospitals or placing the mentally retarded in special homes. Its ultimate goal is to let them receive care from the community and to integrate the mentally handicapped into the community. Through suitable care and training in social skills, the mentally handicapped are to develop abilities to lead everyday life independently.

The mentally handicapped in each age group have a different requirement for services. There must be a complete range of services. For instance, special nurseries are needed for mentally retarded children up to six years old and special schools for those in the six-to-16 age group. After attaining 16, the less handicapped ones need jobs, while the rest need to be placed in sheltered workshops or day centres. If any link in the chain of services is inadequate, the affected mentally handicapped will have to go back to their families, where they not only will be a burden but may soon lose the skills that they have learnt in special schools. Worse yet, their human faculties may further degenerate.

In the past, insufficient financial means were the cause of the shortfall in services. But now the Government has promised to appropriate extra resources for rehabilitation services. For example, special homes and day centres will be built for the mentally retarded. If the projects are delayed or cancelled because of the objections of the local communities, the services that are needed will not be available and the resources that have been spent will turn out to have been wasted. Over the long term, integrating the mentally handicapped into the community will lower the likelihood of degeneration, reduce dependency and enable medical and rehabilitation resources to be put to full effective use.

I would now like to talk about the Government's responsibilities. Very obviously, government officials mishandled the incidents at Tung Tau Estate and Laguna City. As the Commissioner for Administrative Complaints noted in his report, the Government underestimated the opposition of would-be local residents, disregarded the possibility of such opposition, did not sufficiently grasp the sensitivity of the issue and was too reactive in doing its public

information and consultation work. The officials were not properly equipped with statistics when they held meetings with residents' representatives. This, unfortunately, made the residents mistrustful and suspicious. Concerning public education, that was the responsibility mainly of the Rehabilitation Education Committee under the Health and Welfare Branch of the Government Secretariat, chaired by the Commissioner for Rehabilitation and with members including representatives of the Social Welfare Department, the Education Department, the City and New Territories Administration and the Labour Department. Each of these departments has been doing its public information work according to its own terms of reference; it is hard to tell what has been accomplished after all these years.

In the 1993-94 year, the Health and Welfare Branch plans to spend \$200,000 to make a promotional TV presentation commonly known as API and the Social Welfare Department plans to reserve \$150,000 for promotional activities to be conducted by its district offices. In the 1992-93 year, a number of government departments together spent \$1.4 million on public education on rehabilitation services. This is a very tiny amount of money, considering that there are an estimated 270 000 mentally handicapped persons in Hong Kong.

Community education on rehabilitation services should not be confined to the dissemination of information on causes and types of mental disabilities and the services that are available. More importantly, it should teach people how to react to the peculiar behaviour of the mentally retarded, what to do about such behaviour immediately and what attitude to take. For instance, when a mentally retarded person sees a person or thing that he likes, he will behave in a manner different from how a normal person behaves. Similarly, when he feels tension or excitement, he will show his feeling in a way that a normal person may not be able to understand. If people understand these kinds of behaviours and react to them suitably, there will be much less revulsion and mutual fear.

Concerning the Government's role, I have five suggestions to make:

- (1) Immediately review the structure of the Rehabilitation Education Committee. Place it directly under the Rehabilitation Development Co-ordinating Committee. Let its members include representatives of parents of mentally retarded persons and representatives of the media. Formulate a long-term community education plan.
- (2) The Social Welfare Department should subsidize private agencies' educational efforts in local communities and study the feasibility of copying what is being done by the family life educational services. Put full-time social workers, one per 100 000 of the population, in charge of making and implementing rehabilitation education plans in the administrative districts.
- (3) As far as I know, 22 homes and other rehabilitation service facilities for the mentally handicapped will be built in different areas in the

next four years. The Government should learn from the lesson of the incidents at Tung Tau Estate and Laguna City, conduct public information campaigns early, strengthen contacts with local groups and win their support. The streamers and posters promoting the services should be put on display early.

- (4) Consider legislation that requires private developers to show clearly in the sales brochures the full spectrum of community facilities that will be in the neighbourhood. I stress community facilities of all kinds. I do not mean that only facilities for mentally handicapped persons and mental patients should be indicated.
- (5) More money should be appropriated for current spending on public information. We have learnt too often that community education conducted in the forms of songs and dances and with the use of drums, gongs and noises affects people only momentarily and leaves no deep impression on their minds. As each round of education ends, the noise stops, the spectators disperse and the matter is forgotten. There is no change in people's way of thinking. They remain uninformed about the mentally retarded. They continue to say high-sounding words, but in fact they "could not be bothered," just the way they were before.

Looking ahead at the next 10 years, looking from 1993 to 2002, the United Nations has already announced a 10-year work programme affecting the disabled in the Asian and Pacific region. Hong Kong is included. I hope that we will have no more of the kind of incident in which residents object to rehabilitation services. Lastly, I would like to put two questions to my honourable colleagues in this Council:

- (1) Among all rehabilitation services, do you find that services for the mentally handicapped and for mental patients to be the most sensitive?
- (2) Should it be up to each local community to approve or reject the construction there of facilities providing such services?

Mr President, with these remarks, I move my motion.

Question on the motion proposed.

MRS SELINA CHOW (in Cantonese): I must first of all thank the Honourable Fred LI for moving the motion and thus giving me and my colleagues from the Liberal Party a good opportunity to tell the whole truth about the Laguna City incident and to explain our views and our position more clearly. This will put an end to the public's misunderstanding about us.

The Liberal Party absolutely supports the policy of integrating rehabilitated mental patients into the community and is therefore very glad to support today's motion. The Laguna City incident is typical of a common problem of the Government, the problem of making repeated mistakes in the implementation of a policy until the public becomes disgusted and angry, though the policy itself is based on ideal and love.

Governor Chris PATTEN's well-known precept for the Hong Kong Government is that it should do its work along the principles of openness, fairness and acceptability to the public. What the Social Welfare Department has done at Laguna City is neither open nor fair nor acceptable to the local residents.

Everything hereinunder is the truth. It absolutely does not lend itself to distortion.

In 1990, during the sale of flats at Laguna City, the sales brochure mentioned a bus terminal that would be built there. It said nothing about the building to be erected above the bus terminal.

In April 1991, as occupation of flats at Laguna City began, the Social Welfare Department did not inform the residents that there would be a rehabilitation centre for mental patients above the bus terminal. Nor did it hold any consultation about such a rehabilitation facility. In October 1991, this Council's Finance Committee approved funding for the construction of a composite community services building at Laguna City. But the residents of Laguna City were not directly consulted about, or informed of, the plan for the rehabilitation centre for mental patients. Nor was any sign put up at the construction site to show what the building would be used for.

From the very beginning, the position of the Social Welfare Department was equivocal. Officials in responsible positions have said that residents have the right to know but not the right to object. I believe that nobody with a sense of justice can accept such a statement. To make the matter worse, not even the Laguna City resident's right to know has been respected. No wonder they are so angry.

While we agree that the right to know is important, we would not have sympathized with the opponents of the rehabilitation centre if their whole case had rested on the contention that the need to integrate rehabilitants into the community should have been weighed against their right to know.

But that is not what has happened. What has happened is that policy has been carried out unfairly. From the perspective of the residents of Laguna City, their small community already has the Yung Fung Shee Memorial Centre which is visited by 2 000 mental patients a month. Such numbers mean a lot of patients going into and out of Laguna City. Now the new centre will be the second one for mental patients. Every day, it will be open from 9 am to 10 pm,

servicing 250 patients. This double burden, which adds to the worries of the residents, is quite unfair.

The whole incident gives cause for concern because, during it, bureaucrats charged with the implementation of policy made many adverse remarks about the public. They said that the residents and their sympathizers felt no compassion or love. Worse yet, they deliberately blurred the distinction between the mentally retarded and the mentally ill. At a press conference day before yesterday, somebody asked me why I was discriminatory against the mentally retarded. Up to this very day, many people still think that the residents of Laguna City are discriminatory against the mentally retarded or the physically disabled. Well, these people are totally wrong. The truth is that Laguna City is having to be at grips with the prospect of the presence in the neighbourhood of two institutions for mental patients, the prospect of several hundred mental patients or ex-mental patients moving about in this community every day. This is the truth. Yet I am convinced that the way an ordinary person reacts to the mentally retarded is completely different from the way he reacts to the mental patients. We have to be kind to the former. We are afraid of the latter. The residents of Laguna City are worried because they are afraid. They are afraid because a big collection of mental patients will be a threat to them. Dedicated social workers and professional medical staffs may find such fear beneath contempt, but it is a fear that is definitely understandable and recognizable to us, the ordinary untaught citizens, whose minds have not been adequately prepared.

When trouble arises over policy implementation by government officials, citizens' representatives have the responsibility to find out what it is all about. These representatives then make comments from the citizens' angle and give expression to their worries. The citizens still may not get what they want, but they will at least have the feeling that somebody is championing their just cause and that the powers that be will perhaps not be able to write off their wishes completely. Since the residents of Laguna City established their owners' association in October 1992, this group has been calling on district board members, popularly elected Legislative Council Members and Legislative Council ad hoc panel ceaselessly in the hope that their voices will be heard and heeded. But what has happened?

From the very start, a Councillor voiced support for the Government though he did not understand what the matter was all about. Two months later, after he had found out why the residents were worried, he published a statement supporting the residents. The statement cited the Government's mistakes and called for the project to be shelved. Another half a month later, he turned around and voiced support for the Social Welfare Department, admitting at the same time that he was under pressure from social workers. In this way, he forfeited the confidence of the residents. What was the most unfortunate was that Legislative Council ad hoc panel then rushed to toe the Government's line before it had found out what was really happening. As a result, the residents

once more questioned Legislative Council Members' objectivity, judgment and fairness.

On the very day that the panel refused to take a square look at the problems, I made my first contact with the residents. Their representatives sought my help. Accordingly, I went to their place with some colleagues to study the matter in depth. I was under pressure during those days. For instance, somebody started the rumour mill and accused me of being politically motivated. In this way, our sincere wish to serve the residents was misrepresented. Somebody even told me that, if we held fast to our conviction, we might as well give up any hope of recruiting social workers as Liberal Party members. In the community, all sorts of infamous methods were used to smear the Liberal Party. In this way, injustice was done to the residents, to the Owners' Association and to those of us in this Council who sympathized with them. It was really pathetic. We probably would have capitulated long ago if we had had no faith in the invincibility of truth.

Criticism of the officials is implicit in the recommendations of the Commissioner for Administrative Complaints concerning the incident. For instance, he affirmed the residents' right to know and said that the Social Welfare Department should have assessed the situation and held consultation in advance. These are improprieties. Why then is justice still not being done to the residents?

Recommendation No. 4 is particularly important. It is to the effect that the Government should assist the residents in finding suitable ways to overcome their concerns. Note that the word is "overcome" and not "lessen". Note that the Government is held responsible.

I strongly urge the officials to refrain absolutely from "forcibly" carrying out policy in disregard of the residents' worries and unease. The public will not be convinced that that is the right thing to do. I suggest that we all calm down and seek a dialogue and that the problem be resolved rationally with an open mind.

MR HUI YIN-FAT (in Cantonese): Mr President, there is a Chinese saying which goes like this: "sweeping the snow of your own door-steps, leaving alone the frost on others' roofs". This is an apt description of the state of mind of the general public towards the social rehabilitation services. Many people pay lip service that they sympathize with the physically or mentally handicapped persons' needs and support their integration into the community through various rehabilitation services. Yet in their heart of hearts they do not like to have such facilities set up in places in the vicinity of their home. Such attitude is so deep-seated that although today's social rehabilitation policy has been in force for 16 year, the public is still reluctant to accept the mentally handicapped and do not understand them nor their needs.

Against this background, the recent incidents at Laguna City and Tung Tau Estate are by no means accidental. The incidents reflect that there is a pressing need for the Administration to step up public education. In view of this, I am pleased to learn that the Administration has decided to make available several hundred thousand dollars in this direction during this financial year, an amount far more than the allocation of \$70,000 and \$60,000 in the years 1991 and 1992 respectively. However, I must stress that public education and policy publicity call for consistent efforts and the Administration should no longer adopt the attitude of "embracing Buddhas' feet in one's hour of need". Furthermore, I hope that the mass media will take corresponding actions by producing programmes with constructive messages or disseminating such messages from a positive point of view.

Mr President, the residents concerned have cited the absence of prior consultation as their reason of objection. As a matter of fact, it is out of sheer selfishness and ignorance that they raise the objection. I believe that in an open and free society, everyone should have the right to know and indeed the freedom to choose. But the right to be consulted is by no means tantamount to the right to negate the whole project. Let me ask one question: if Hong Kong people are free to choose whether to live in the neighbourhood of such activity centres, I wonder who would choose to do so. Should the Government be required to obtain prior consent from the residents before going ahead with the scheme, I am afraid we are not going to have any more such activity centres in the future. Moreover, the basic human rights of living and abode are not able-bodied persons' privileges. Now there is no requirement whatsoever for the Administration to consult residents before an ordinary person would be allowed to move into a particular housing estate or using public facilities. Why should the physically or mentally handicapped persons be subject to different treatment? If it is not selfishness and discrimination, what else is it?

It is true that the Administration has admitted its mistake that relevant notice has not been issued in respect of the provision of day activity centre for ex-mental patients at the Laguna City at an earlier date and the Commissioner for Administrative Complaints has found part of the residents' complaint to be well-founded. But it does not necessarily mean that the Administration has to shelve or abandon the scheme accordingly. We must not lose sight of the fact that we are talking about a territory-wide social rehabilitation service policy and where there is a need for the service, the Administration should see to it that the need is met. Moreover, the Administration has already undertaken to give early notice to the affected residents in the future before such schemes are carried out so as to forestall any opposition from the affected residents. This shows the Administration's determination to carry out the policy.

Is it fair to the residents of Laguna City for the Administration to set up an additional rehabilitation centre? According to my understanding, when planning the provision of welfare service, the Administration's main concern is the need of the overall district. That is to say, as I mentioned just now, where there is a need, necessary facilities should be provided to meet the demand.

Statistics reveal that rehabilitation service for ex-mental patients in Kowloon East is in extremely great demand, particularly in Kwun Tong. In view of this, it is not at all unreasonable to establish such facilities in the newly developed Cha Kwo Ling in that district. As a matter of fact, no more suitable places in the district can be located.

I understand that some people voice objection to the construction of the centres are really scared at the ex-mental patients. Yet the fear stems from their ignorance. If the affected residents would like to get a better picture of the ex-mental patients and the operation of such activity centres, I will be only too happy to ask some voluntary agencies to brief them. It is a pity that they chose to spend their time and energy in staging protests on the street rather than sitting down to talk to the ex-mental patients and listen to expert's advice. It is really regrettable.

However, I am most upset to see that a welfare issue has been politicized under political influences. I feel that this is entirely unnecessary because it is not only the Government's responsibility but also the obligation of every citizen to safeguard the implementation of social rehabilitation policy in the territory. In this connection, if one only acts with the immediate political interests in mind without taking the overall interests of the community into account, one is, in fact, undermining the social rehabilitation policy and is going to be condemned by the public at the end of the day. I would like to offer my word of advice: please think twice and make a timely U-turn.

Mr President, with these remarks, I support the motion

MR MARTIN LEE (in Cantonese): Mr President, in 1980 the Rehabilitation International published its Charter for the 1980s which called upon the governments of different countries to undertake the basic duty of assisting the rehabilitation of disabled persons and formulate measures for the protection and development of the rights and obligations of disabled persons. In 1992, our Administration published the Green Paper on rehabilitation policies and services, which was a comprehensive review of the existing rehabilitation services with a plan to resolve the problem of shortage in 10 years' time. In his policy address, the Governor Mr Chris PATTEN further undertook to speed up the pace by shortening the 10-year plan into a five-year one. The Governor's decision is surely good news to the disabled, but unfortunately while the Administration is willing to make further commitment for the disabled and accelerate the implementation of rehabilitation services, the prejudices and discrimination existing in society and the negative image projected of the disabled have led to a clash between the Administration and certain members of the public. The construction of an activity centre for mental patients in Laguna City and a hostel for mentally handicapped persons in Tung Tau Estate has met with ferocious opposition from the residents there. Such conflicts are in fact caused by the residents' lack of a correct understanding of disabled persons.

I think that the objective of today's motion debate is not to find out who is right or wrong but to convey an important message to the general public — "disabled persons also belong to our social family and the public should cast away their prejudice and jointly enter upon an undertaking for disabled persons". For this reason, I earnestly hope that Members of this Council can be united in taking this opportunity to help the public have an understanding of the problem about rehabilitation.

Mr President, I should like to point out that there are still many people who think that rehabilitation service for the disabled is only a responsibility of the Administration and has nothing to do with them. This is a wrong concept, because a complete rehabilitation policy is concerned not only with how many beds, hostels and sheltered workshops the Administration is providing. The objective of a rehabilitation policy is to enable the disabled to work, take part in social activities and lead a normal life like a normal person under the care and assistance of the Administration and the public. To achieve this objective needs the acceptance and undertaking of everyone of us.

Mr President, when a baby is born, what its parents care most is whether the baby is normal and healthy. However, not every parent is so lucky as to have a healthy baby. Mr President, this makes me think of the story of Cheung Tsai and his mother. In 1984, the Radio Television Hong Kong produced a television programme called "God must have given me some useful talents" which introduced to the public WONG Kwun-cheung, who was suffering from vitreous disease, and his mother who had to take care of not only Cheung Tsai, but also his younger sister Ah Lin who was mentally retarded. Besides taking care of her children, Cheung Tsai's mother, who was 75 years old, had to go out to work. But she had never complained. She said, "It is the bounden duty of a mother to bring up her children." Living together and depending on one another, the family still led a happy life. But what had always worried Cheung Tsai and his mother was who would take care of the two children if the mother died or became seriously ill. Unfortunately, what had been dreaded finally occurred. One day, Cheung Tsai's mother was seriously injured in a traffic accident. Upon recovering her consciousness in the hospital, she immediately thought of Cheung Tsai and Ah Lin, worrying that they could not live without anyone taking care of them. Fortunately, during this crisis, their friends and relatives and some kind hearted people whom they did not know came to offer a helping hand to the brother and sister and took turns to take care of them such that they could overcome this period of difficulty.

Whenever I think of Cheung Tsai's mother, such an old woman who struggles in dire difficulties, I will be deeply touched. And those kind hearted people who have lent a helping hand have convinced me that our society is full of compassion.

Mr President, every day there are parents like Cheung Tsai's mother who have to quietly shoulder the heavy burden of taking care of their disabled children. These parents have never asked for the pity of society, they only want

the community to accept their children and not to look upon them with discriminatory eyes. Their expectation has not been realized, for although there are many sympathetic people in the community, they are of the opinion that it is the Administration's responsibility to take care of the disabled. Besides, they may also be prejudiced against disabled persons because they think that all the mentally handicapped persons will disturb others, all ex-mental patients are potentially dangerous and bad luck will come if touched by a blindman's stick. All these prejudices have gradually overshadowed their sympathetic hearts.

I would like to stress that the conflicts arising in Laguna City and Tung Tau Estate are not isolated cases. As long as there are prejudices against the mentally handicapped, such kind of conflicts will continue to occur. Everyone in the community has the obligation to help those who are less fortunate to integrate into the community. Not only will we hold on to this principle, we will also educate our next generation in the hope that the prejudices against the mentally handicapped will some day be thoroughly removed. As regards the opposition of the residents of Laguna City and Tung Tau Estate against the establishment of rehabilitation facilities in their neighbourhoods, the Administration has made some mistakes in handling the case of Laguna City. But I firmly believe that these residents also have a sense of compassion. I hope that we can stop arguing who is right or wrong in the incident and concentrate our discussion on the heart of the matter, namely, our social responsibility. I would like to take this opportunity to call upon the residents in Laguna City and Tung Tau Estate to imagine how they will face the situation if their children are born disabled or unfortunately so because of postnatal illness. I earnestly hope that they can be compassionate and lend a helping hand. I firmly believe that the care that you offer will, as in the story of Cheung Tsai's mother, earn the respect of our community.

With these remarks, I and the United Democrats of Hong Kong fully support the motion.

MRS PEGGY LAM (in Cantonese): Mr President, the concept of integrating rehabilitation services into the community is widely supported by the public in Hong Kong, including myself.

Ever since the Government made public the first White Paper on rehabilitation in 1977 and stated in it that it is the Government's welfare policy to integrate rehabilitation services into the community, this policy with such a guiding principle has not been queried or opposed by the public. Last year the Government released a Green Paper on the relevant subject. It was widely discussed by the Legislative Council and the general public during the consultation period. And we saw no one, including the residents of Laguna City, raise any objection to the idea of integrating rehabilitation services into the community. However, the construction of an activity centre for the ex-mental patients this time has aroused extremely great opposition from the Laguna City residents. What went wrong? Should we lay the blame at the door of the

residents and accuse them of being heartless in the sense that they despise this group of patients? This indeed gives us food for thought.

The Laguna City residents have held a number of demonstrations to denounce the Government for having misled them. They pointed out that they had all along been kept in the dark about the plan for the construction of an activity centre for the ex-mental patients in the district since they moved into Laguna City in mid-1991 and that they were led to believe that the site was earmarked for a bus terminal. It is only after their own strenuous investigations can the residents come to know the truth. In this connection, the shock and grievances of the residents are fully understandable. While showing sympathy and concern for the mental patients, the public should also appreciate the residents' fretfulness and fear and show them the same amount of love and care.

Things would not be the same if the Social Welfare Department cared to put up a notice at the construction site, before the residents moved into Laguna City, notifying them that an activity centre for the ex-mental patients would be constructed there and, at the same time, took positive action to introduce to the public a corresponding propaganda and education programme informing the residents that the setting up of such a rehabilitation centre was a measure in line with the policy of social integration which had the public's blessing. Should this have been done, these residents could have made their own choice whether to move in or not. In case they are frightened of or on guard against the rehabilitated patients, they may consider choosing elsewhere as their home and the problem now before us will never happen in the first place. And there would have had no public outcry and the Social Welfare Department's rehabilitation programme could also have been implemented without a hitch. The Director of Social Welfare admitted that there had been negligence on their part with regard to propaganda and education in this case and guaranteed that developer would be urged to put up a notice at construction site in the future in order to prevent similar incidents from occurring again. However, it is a pity that the Social Welfare Department only guarantees what the authorities will do in the future but this is unable to settle the existing dispute. Worse still, will the Laguna City residents feel that they have fallen victims to the mishandling of the Social Welfare Department?

After the incident had occurred, some people, in an attempt to sweep the mishandling under the carpet, blamed the residents for being heartless. Yet this would only infuriate the residents and would not help putting an end to the problem. In fact, the public often learns from news reports about incidents in which mental patients wounded others. This would naturally instil fear in the general public. It is especially true for those who are not knowledgeable about mental disease or those who are deeply concerned about the safety of their children and elderly family members at home. Their hostile attitude towards, and prejudice against, mental patients are, after all, understandable. We should not criticize the residents with such terms as "prejudice" or "heartless" because this will only bring about stronger confrontation and do no good to the implementation of the rehabilitation policy. As regards the positive solution,

the Government should step up its territory-wide public education programme to remove people's fear. Meanwhile, for rehabilitating patients, more concern should be shown to them and more counselling be given to ensure their gradual full recovery and their true integration into the community.

The Government has done nearly nothing in the area of public education and in consequence been unable to cope with the progress of the rehabilitation programme. Such kind of community education has to be done on a long-term basis. Public misconception in this regard cannot be corrected by simply organizing a carnival or two, promoting civic responsibilities, after the emergence of the problem. In addition, the authorities should not force such kind of education upon the public. We cannot say that the mental patients are not harmful and then coerce the public to accept them. We should try to understand and analyse the cause of public fear and only by doing so can we deliver the right public education, which could abate the public fear of mental patients.

Furthermore, given that the residents are in real fear of the mental patients and have not yet fully overcome such fear, the Government, before launching any relevant community education programme, should not coerce the residents to accept the patients. This will only drive the residents into a corner and produce an opposite effect.

In a democratic and open society, everyone's wish should be respected and no sector should be deprived of its own right. Unfortunately, in the Laguna City incident, the residents' wishes have not been properly taken care of due to the improper implementation of the policy. We all know that a comfortable home and a good job are the life-long goals of most of the members of the public, including the residents of Laguna City. What is more, the residents think that they have fulfilled their social responsibilities as a citizen because there are already a psychiatric out-patient clinic and a rehabilitation centre set up in their neighbourhood. In this connection, we really should not point an accusing finger at them. When they are boiling with resentment, the residents will feel that the Government has not had regard to their concern at all and coerced them to accept more ex-mental patients. This will bring nothing good but harm to both the residents and the ex-mental patients.

Finally, I hope that the Government would handle the Laguna City case with great care to avoid greater confrontation which may hurt public sentiments as well as disrupt the peaceful neighbourhood. Mr President, here I wholeheartedly hope that the Government could hold a meeting with the Laguna City residents again and discuss the matter cool-headedly so that a solution satisfying both sides can be found.

Mr President, with these remarks, I support the motion.

THE PRESIDENT'S DEPUTY, MRS ELSIE TU, took the Chair.

MRS MIRIAM LAU (in Cantonese): Madam deputy, the Social Welfare Department has not provided adequate public education nor does it have a long-term comprehensive plan in implementing the rehabilitation policy. As a result, it has met with strong opposition from local residents and a policy of considerable worth cannot be moved forward. When the Government implemented the policy in a forceful manner, people blamed the Government for disturbing their peace. It is indeed regrettable to see things end up in such a state.

Take the Laguna City incident as an example, a psychiatric centre — Yung Fung Shee Memorial Centre — was provided in the area six years ago. The Centre provides out-patient service to 100 clients and day-patient service to 35 clients respectively every day. It is learnt that the residents have experienced harassment after they moved to Laguna City. However, before the construction of a new activity centre for ex-mental patients was announced, the residents have shouldered this social responsibility without complaints. They have never objected to the presence of the Yung Fung Shee Memorial Centre. Now the Social Welfare Department puts an additional 250 ex-mental patients in the area, which means there will be nearly 400 mental patients frequenting Laguna City every day. Naturally this will put extra pressure on the residents and such an act is against the principle of "equal distribution of social responsibilities" and is unfair to the Laguna City residents.

At present, most of the rehabilitation centres, such as half-way houses, attend to 30 to 40 mental patients only. The newly constructed rehabilitation centre at Laguna City however has a total capacity for 250 clients. The number is too great for the residents to accept, and besides there has been in existence the Yung Fung Shee Memorial Centre. Insofar as other districts are concerned, if they accommodate more than one rehabilitation institution, the facilities are spread out as evenly as possible. They will not be so close to each other as in the case of Laguna City. Grouping rehabilitation centres in one particular district will do no good to the mental patients nor the residents. There was a precedent in the Kwun Tong District in which residents objected to the establishment of a rehabilitation centre. At that time, a district board member had already pointed out that such kind of rehabilitation centre should be small in scale with the size equivalent to that of an ordinary family. This will help the mental patients to overcome their social adjustment problem more easily, so that they can return to the community. An even distribution of mental patients in different districts will also help to lessen the anxieties of local residents. They will get used to living with the mental patients gradually. On the other hand, the mental patients will integrate into the community quietly and harmoniously. Besides, if these rehabilitation facilities are provided in a small number and are evenly distributed throughout the territory, the community as a whole will take up the responsibility on an equal basis, this will reduce the pressure suffered by each district and it will also comply with what we call the principle of "equity".

In the Laguna City incident, the Social Welfare Department explained to the residents that the new rehabilitation centre would provide services different from that of the Yung Fung Shee Memorial Centre. We cannot expect the residents to have the professional expertise and know-how to differentiate the mental patients. To the general public, all mental patients will have the possibility of relapse at any time. This will easily arouse the fear and anxiety of the residents who will then reject the mental patients. The Government should therefore formulate a policy and lay down principles in this respect. Mental patients, regardless of the seriousness of their illness, should not be placed in one community as far as possible. Such a policy will not only reduce the pressure of a particular community, but will also lower the dissenting voice. In such circumstances, we can achieve maximum results with little effort when the rehabilitation policy is implemented.

A democratic society does not allow its government to ignore public opinion. To go one's own way is tantamount to dictatorship. I think, as an elected Member, one should not overrule the residents' opinions by his/her subjective views. This will only deepen the conflicts between the parties concerned without solving the problem. We must secure the acceptance and the co-operation of the residents before a policy can be effectively implemented, especially in the case of the rehabilitation policy. Members should play the role of an intermediary in this kind of incidents so that the views of the public can be fully reflected to the Administration. And the Administration should implement the policy in accordance with the wishes of the public.

Madam deputy, I fully support the rehabilitation policy of the Government. I only wish to point out that though it is a good policy, the method of implementing it must be fair.

Madam deputy, with these remarks, I support the motion.

MR LAU WAH-SUM (in Cantonese): Madam deputy, like the majority of the public, I sincerely hope the Administration will positively implement community education and the policy to integrate rehabilitation services into the community. From human rights considerations, the disabled should also be afforded the opportunity of full participation in community activities and of enjoying welfare facilities. This is an invariable factor against which a fair and rational society is measured. The disabled are a component of society. Acting on lofty principles, implementing rational policies and adopting an accommodating attitude, the Government should help them return to the community so that ultimately they may re-establish their self-respect, reintegrate with the community, and make their contribution. Disabled people can be categorized into three groups: physically disabled, mentally retarded and mentally ill. These three groups of disabled persons need support and care from the community. On the other hand, in implementing its rehabilitation policy for the disabled, the Government should go about it in a co-ordinated way with input from all parties concerned and allocate resources reasonably, so

that greater effectiveness may be achieved. In its identification of sites for the construction of rehabilitation centres for these three groups of people, the Administration must have regard to reasonable or even distribution, taking into full account the population proportion and size of the districts, rather than concentrating a number of similar rehabilitation facilities in a small district.

I am deeply concerned about recent media reports that residents of Laguna City oppose the construction of a rehabilitation centre for mental patients in their community. At the early stage of this incident, I felt that there might be flaws in the Laguna City residents' argument, which are contrary to the principle of social justice and moral responsibility. But after watching an RTHK Common Sense feature on the Laguna City incident, I looked up all newspaper reports and information on the incident and found that the truth is quite different from what commentators in general have been saying. Residents of Laguna City in fact do not discriminate against the disabled, nor oppose the policy of integrating these people into the community. Quite on the contrary, they have already accepted a rehabilitation centre for mental patients in the Yung Fung Shee Memorial Centre. This is a good piece of evidence confirming that they are not resisting this policy blindly. Unfortunately, from an administrative perspective the Government has failed to handle properly the matter of construction of this multi-service complex. I should like to add one more point. Will it give rise to more problems to the residents if several hundred more patients are added, given that there are already so many ex-mental patients patronizing the rehabilitation centre at Laguna City?

I have come to realize that problems will often arise from the implementation of a government policy, however good the motive behind it. These problems usually centre around transparency, impartiality and public acceptability. I now comment on these three points separately.

Firstly, the question of transparency. As the Commissioner for Administrative Complaints pointed out in his letter dated 28 April 1993, the principal cause of complaint by Laguna City residents is the Government's failure to fully inform them beforehand. In this incident, it was not until September 1990 that members of the Kwun Tong District Board were informed that there would be a rehabilitation centre in the area. Then in October 1991 and August 1992 when the district board discussed the matter again, the Administration and the authorities concerned (intentionally or unintentionally) told members that the centre would be built in Sai Tso Wan but they did not state the exact location and the target clientele. Now we know that the target clientele are mental patients. Since the Administration's presentation was somewhat misleading, the district board members were unable to give any opinion or make any proposal at the time. However, had the Administration pointed out who the target clientele would be and provided sufficient information, the new owners who bought flats at the private housing estate would have no strong objection because they would have already known that there would be such facilities before they made the decision to move into the estate. As the Commissioner for Administrative Complaints recommended in

the letter, in publicizing information on the purposes of buildings under construction, the Administration should let the public know its intention through various non-official channels. The contractor must put up notices at the periphery of the construction site, specifying the purpose of the building under construction. When putting the flats on sale, the estate developer should specify the purpose of the government building in question in the publicity leaflets and brochures. I hope the Administration will adopt the above recommendations and account clearly to the public on all related measures in the future.

Secondly, there are already many (some 1 000) ex-mental patients frequenting Laguna City when they visit the psychiatric facility in the Yung Fung Shee Memorial Centre for rehabilitation service. Is it fair to add one or several more rehabilitation centres for mental patients in this government multi-service complex? In fact, the multi-service complex is only a few steps away from the Yung Fung Shee Memorial Centre. Is it desirable to have more ex-mental patients in that community? Is it fair to the residents concerned? Moreover, I should like to point out that within Kwun Tong, rehabilitation services for ex-mental patients are also provided by the United Christian Hospital and the Ngau Tau Kok Psychiatric Day Centre, other than the rehabilitation facilities mentioned above.

Thirdly, the question of public acceptability. Many past incidents have proved that the Administration lacks transparency in its policy implementation. I wonder if the Administration has learnt any lesson from the past and will launch publicity and education campaigns to improve the acceptability to the public? In view of Hong Kong people's traditional culture and values, the Administration should indeed positively publicize and implement the relevant policies, thereby encouraging and educating the public to accept the ex-mental patients who can then integrate into the community again.

Now that the circumstances have so developed.....

The buzzer sounded a continuous beep.

PRESIDENT'S DEPUTY: It is time, Mr LAU.

MR LAU WAH-SUM (in Cantonese): I hope officials from the Administration will sit down and talk with the Laguna City residents again to see if the centre can provide the service in question on a temporary basis, with a view to altering it to provide rehabilitation service for other groups of people in the future.

With these remarks, I support the motion.

DR LEONG CHE-HUNG: Madam deputy, in his policy address to this Council in 1990, the then Governor, Sir David WILSON (now Lord WILSON), said that although measures to improve Hong Kong's rehabilitation service were already in hand, there was a need to re-examine our policies in this area. He emphasized that we should avoid preconceived ideas about the abilities of disabled persons and that we must work WITH THEM to help them lead lives as dignified and fulfilling as possible. In essence, he highlighted and re-emphasized the policy of rehabilitation as set out in the White Paper of 1977 which is "Integrating the Disable into the Community".

Madam, three years have lapsed since this address and 16 years have gone by since this White Paper. We are now faced with the scandal of Tung Tau Estate and Laguna City where harmless victims not of their own deed — the mentally handicapped and the ex-mentally ill — are not allowed to be integrated into these two areas by the residents. What has gone wrong? What has the Government been doing through these years where "integration" was the order of the day?

Madam, proper integration of the disabled into the community can only be achieved if we take the following three areas into consideration:

Firstly, there must be community acceptance;

Secondly, the disabled must be provided with proper "tools" so that they can return to the community; and

Thirdly, there must be help so that they can help themselves.

Community acceptance

Much has been said on this issue of community acceptance especially in relation to the saga of Laguna City and Tung Tau Estate. I do not propose to go into more details. Suffice it to say that as a member of the medical and health care team, we should be amongst the most knowledgeable persons to realize that mentally handicapped and stabilized mental patients who were referred to activity centres have recovered from their mental illness but require rehabilitation service to overcome adjustment problems in their social relationship. They are therefore not dangerous by any standard. Furthermore, as health care workers, we should be acutely aware of the need for a comprehensive rehabilitation service in an integrated manner. The lack of such will bring more and more patients back to the mental hospitals. To differentiate them on account of their past illnesses or the possibility of relapse would only exacerbate their difficulty in returning to normal life. In response to my honourable colleague, Mrs Selina CHOW, yes, the Government has been doing inadequate consultation on the construction of the activity centre at Laguna City, but is this adequate enough to lead to shelving of the project? After all, any delay, Madam, will mean the worst for the patient who needs the service. As a medical person, I do feel it is right and necessary to build an activity centre next

to a psychiatric centre or medical centre as this will allow ex-mental patients to get medical consultation and rehabilitation service in very close location. Furthermore, may I remind Honourable Members that an activity centre does play a somewhat different but important role than a psychiatric centre to the improving psychiatric sufferer.

The difficulty of integrating mental patients into society after discharge was highlighted in a meeting of the former Medical Development Advisory Committee (MDAC) on 16 November 1990 when the Secretary for Health and Welfare accepted the fact that although many people accepted the concept that "half-way houses" are the best way for treated mentally ill subjects, very few would agree to have them in their neighbourhood.

I therefore call upon my colleagues in the health care profession, especially those in this Council, to spread these words and to work with the Administration to educate the misguided public as to the true direction in which to treat our less fortunate brothers. Any less to me would be in breach of the Hippocratic Oath which we all in the profession so highly treasure. To use this issue as a means of political bickering is in my mind prostituting the sacred concept and principles of rehabilitation.

Madam, similarly, I call on the Government to provide adequate public consultation in the light of the fact that many other such activity centres will have to follow.

Tools for returning to society

I would now like to turn to the need for the provision of adequate training or tools for disabled so as to equip them with the means to return to society. I am of course referring to the unfortunate few among our 2 million plus workforce who may, in spite of all precautions and good will, fall prey to disabling injuries.

It is not enough just to save their life after a trauma. It is not enough to rehabilitate them so that they can do their daily chores. It is not even enough to rehabilitate them so that they can do something to while away their time. But as a caring society with so many technological and economic advances that we can boast of, it is vital that special rehabilitation programmes run by special rehabilitation teams and backed up with extensive research should be offered to our injured working force to ensure that they can return to their jobs that they are accustomed to or very similar jobs they can do so as to maintain their skill, to serve the community and to maintain the ego to advance themselves.

Help them help themselves

Finally, Madam, no form of integrated rehabilitation can be more effective than asking one integrated disabled to convince and lead other unfortunate sufferers. I am, of course, referring to the needs and the

effectiveness of the so-called "self help care groups". In many parts of the world, these groups are set up by the government with all the facilities and financial backing from the government. In Hong Kong until now, these are formed entirely on the initiative and ingenuity of the disabled themselves. The least our Government can do will be to provide them with premises for meetings and a skeleton staff to help out with the administrative work.

I do understand that a first skeleton centre is now established in Queen Street, but there need to be more — more that are properly distributed in this territory and hopefully even in housing estates.

Madam deputy, may I end by saying that rehabilitation is BY INTEGRATION, NOT SEGREGATION; BY COMPASSION, NOT BY PITY.

I support the motion.

MR MOSES CHENG: Madam deputy, I urge the Government to listen very closely to the speeches given this afternoon. For the most part, there is a detectable sense of support for the principles behind the policy of integration, but a questionable consensus on exactly how that policy is best implemented. This is not a simple community matter of "us against them" with absolute rights or wrongs. The question before us today is how to move forward a policy of considerable worth, with lessons learned, so that the Government can refine and improve its implementation.

Unfortunately, I believe there is an all too pervasive tendency to rely on "denial" and "blame" as a means of pushing government positions through, and too little emphasis on listening, in order to ascertain the best solutions possible. I do not believe that it is too much to ask, of anyone in the Government, to simply listen to the communities who will be hosting planned rehabilitation centres and services. There is no call for undermining, discounting, or dismissing out of hand the genuine reactions of Hong Kong citizens, who express concern for their community. In fact, if the Government has determined that these voices are misinformed or uninformed, I believe it is incumbent upon us to see that information is honest, abundant, and forthright from the outset, and not offered only in response to claims after the fact. For the sake of resolving the immediate impasse and the long-term stability of advancing this policy, we must pause, listen, and learn from Laguna City to enhance the viability of community integration.

First amongst these lessons is the need for community support of the integration concept to make it work. There is a certain element of hypocrisy at work when the Government postures itself as a vanguard of democratic reforms and then seeks to implement policies sneaking them past citizens, so that no one will notice. When the community in question does notice, they are undoubtedly upset at the lack of information and consultation, and their grievances are likely to be multiplied by the seemingly covert nature of such planning. The very

purpose of the policy is at risk, if we place people in hostile environments, rather than receptive ones.

These problems can largely be pre-empted and avoided by accepting that new and better planning methods should be considered to achieve optimal community relations. At present, the Government's site placement policy seems to be driven primarily at an economic search for space available. It is possible and more practical, however, to include fiscal responsibility considerations while more evenly distributing rehabilitation centres throughout Hong Kong. Preference in placement selection should be given to communities currently not hosting such facilities, using a more uniform, comprehensive, and diffused methodology. Recommending "double dosage", especially in the forceful manner that has been thrust upon Laguna City residents, is counterproductive to the Government's immediate objectives and the long-term public perception of this policy. If the system of selection is more evenly spread and fair, there is a greater likelihood of community support — support which I believe is a necessary prerequisite to the viability and validity of this policy.

The second major lesson that Laguna City affords us the opportunity to consider is the need for openness and accountability. Again, I find strange irony in those who give such lip service to ideals of transparent government to now avoid or altogether ignore the collective responsibility to openly communicate with the community. Laguna City is a relatively small and isolated enclave, and the fears of its residents should be deliberated, especially under the circumstances in which these plans have come to light. I refer to their plight directly because it represents the hallmark case on whether or not the Government reforms its approach, and consequently it forces us to consider the importance of precedence. If we fail today, perhaps tomorrow it will be Tuen Mun, or eventually, Western District that demands reassessment.

It is crucial that site selection be accompanied by a rational, diplomatic and fair logic that is applicable to the whole of Hong Kong. Rather than trying to cloak both efforts and answers, the Government should release the plan, bolstered by its rationale, and allow people a forum of information which educates and hears opinion of the new facility.

The last of the numerous lessons I want to elaborate on this afternoon is the essential need to emphasize the positive approach. Increased community relations and education will go a long way to alleviate the problems of implementation we now face, but a change in attitude is of the utmost importance. Most of us support this policy and its principles unreservedly, because it is a great policy, only conceivable in a caring community. More importantly it is fundamentally right. The current government practice of "sneak it in, bulldoze it through, or duck for cover" betrays the moral merit of caring for others and acts as a detriment to implementation.

No matter how much noble rhetoric pours forth from the Government on democracy in Hong Kong, I believe we owe it to Hong Kong people, and today,

the residents of Laguna City, to make it clear that no voice is too small to be heard. Let us learn those lessons and come away from this experience promoting this policy for its principles of caring and improving our society. We must have what we currently lack: an honest, open, accountable, and rational approach that we share with the community, in order to best serve the people and the many patients that need compassion and care to return to normal life.

Laguna City has made it obvious that we have an implementation problem that must be fixed. We would be fools to ignore the symptoms now and let it spread like a cancer until more problems arise.

I recommend that the Administration merge its democratic rhetoric with reality, pursuing openness and honesty; I recommend that the Social Welfare Department merge policy principle with its practice, and highlight the positive; and above all, I recommend we step down from our pedestals to gain a new perspective and understanding of the communities with whom we hope to have a positive partnership.

Madam deputy, with these remarks, I support the motion.

MR CHEUNG MAN-KWONG (in Cantonese): Madam deputy, the subject of today's motion debate is about the Government's policy of integrating rehabilitation services into the community. This debate, in my opinion, is both well timed and ill timed. It is well timed, in view of some recent incidents which saw affected residents react strongly to the construction of rehabilitation facilities in their neighbourhoods, such as the hostel for the spastic in Leung King Estate, the hostel for the mentally retarded and the centre for parents of the Down's syndrome patients at Tung Tau Estate, the centre for the rehabilitating mental patients at Laguna City and so forth. This indicates the serious inadequacy and indeed the failure of our community education and school education in the past with regard to the promotion of integrating rehabilitants and less fortunate people into the community. In order to arouse the public's concern in this respect, today's debate is very opportune.

Yet the debate is ill timed because the question of whether to construct these rehabilitation centres has unfortunately become a focal point of political bickering and thus been extremely politicized. Sometimes the row and the tug-of-war among the parties as well as the exchange of verbal attacks among individuals have diverted people's attention from the heart of the matter itself, that is to say, what measures the Government should take to ensure further development of rehabilitation services and to urge the affected residents to accept this large group of less fortunate people, who have once been forgotten by our community, with understanding and care. Madam deputy, I have a small wish, that is, this debate should concentrate on the ways to solve the problem of integrating rehabilitation services into the community and be free of all the disputes in relation to political parties and individuals.

As an educator, I should voice my opinion by starting with education. In this incident, obviously, it is the affected residents who are most opposed to the construction of such rehabilitation centres in their neighbourhood. In the past, we tended to regard these people as both selfish and ignorant. However, a considerable number of residents whom I have come into contact are educated or indeed well educated. Their opposition has really stemmed from the doubt and anxiety in their mind. For this reason, it is virtually too late when we suggest that community education should be promoted throughout the whole territory including the districts in question. Of course, it is better late than never. But we should learn a profound lesson from the recent incident which indicates that community education on rehabilitation should start from small children in their school days so as to enable them to get to know and accept right from their childhood various kinds of handicapped, unfortunate or helpless people. The disabled and the able-bodied should care for, and help, one another. Let warmth and care brighten up our society and our community.

Madam deputy, I have made a careful study of Hong Kong's primary curriculum and found that, in social subject, there is only a small page mentioned that we should care about the handicapped. And the focus of attention is only on those who are physical handicapped such as the blind, the lame, or those wheelchair-bound but the mentally retarded or the mentally ill, who are now the most discriminated group of people, are left in the cold. These less fortunate people, no matter whether they are mentally retarded or already rehabilitated, are all treated as insane or a time bomb. This is a manifestation of a strange and contradicting view common in our society, which encourages children to help the blind to cross the road and it is regarded as a sign of kindness but finds it nothing wrong to keep a distance from the mentally retarded. Such a contradictory view is mainly attributed to our flawed education system under which our children have never been provided with any opportunity to get to know the mentally handicapped. And our children simply inherit the misplaced fear.

Some residents recently took to the street, protesting against the construction of some hostels for the mentally retarded in their neighbourhoods. My concern is not about some individual adults' rudeness and unreasonableness but the silent participation and opposition of the children involved. Madam deputy, children are innocent and it is the adults' responsibility to educate them what is right and what is wrong. No matter whether we are educators or caring parents, we should let children learn, in their most significant mouldable stage, how to show their sympathy, concern and acceptance to the less fortunate people. We can put it this way: to educate people right from their childhood will yield double reward. Once a child has taken on certain values, any attempt to change his values through community education is just like making bricks without straw. For this reason, at a time when we are prepared to strengthen community education and integrate the less fortunate people into the community, we must bear in mind that school education, in the final analysis, is where the answer lies.

Madam deputy, an effective school education cannot be achieved simply by incorporating some topics into the curriculum, though this is extremely important. In order to remove misunderstanding, I think we must start through direct contact. In fact, many special school teachers' experience tells us that able-bodied students usually feel scared at the beginning when they meet some mentally retarded children. Yet, with their teachers' assistance and encouragement, their fear would be replaced by sincerity and friendliness which is the hallmark of children. In no time, they would become friends without any hesitation. I have a dream, one day, and I hope there will be really such a day, our children will not feel scared anymore to live with the mentally retarded children and then switch the role with their parents by telling them not to feel scared.

On the basis of such an experience, Madam deputy, I support the implementation of the rehabilitation scheme in the community so as to enable the mentally retarded, the disabled, the handicapped and the ex-mental patients to gradually integrate into the community so that on the part of the residents, they can, through day-to-day contacts, remove the misconception and be no longer walled in by fear, fear which has long been lurking in their mind. Even though I know this is a bumpy road, there should be somehow a start because Rome was not built in a day and we have really lost so much time and so many opportunities and we must today rouse ourselves to catch up.

Madam deputy, with these remarks, I support Mr Fred LI's motion.

REV FUNG CHI-WOOD (in Cantonese): Madam deputy, according to recommendations made in the Green Paper on rehabilitation policies and services last year, the Administration undertook to complete major programmes of rehabilitation within five years. This was positively supported by this Council which also expressed the hope that these rehabilitation facilities could be built as quickly as possible. Therefore, more rehabilitation facilities for mentally disabled persons and mental patients are expected to be completed in the near future. This policy is generally welcomed by the public.

However, unfortunately these facilities are being rejected by local residents in some areas where they are being built. This is indeed a cause for regret.

These disabled people are already an unfortunate group who indeed need the community's support and encouragement so that they may get the care necessary for speedy rehabilitation. We therefore need to arrange for some facilities to help their speedy rehabilitation. Hence we should give our full support to the building of these rehabilitation centres and the connected facilities.

Moreover, it must be noted that mental patients have a relatively greater sense of inferiority. Therefore, we should show greater love in encouraging and treating them as normal people, rather than regarding them with a strange or even discriminating look. In fact, they have little impact on the living of neighbouring residents, through there may be some minor inconveniences caused. The construction of a half-way house in Sha Tin many years ago was also opposed by the local residents. But the completed half-way house was later found to have little impact on the residents. Another half-way house was completed in Hin Keng Estate in 1989. As an elected member of the district board then, I made enquiries among the local residents and received no complaint of dissatisfaction or trouble. Hence, we can see from these examples that we may be in fact excessively worried about some facilities or exaggerating mental patients' impact on our living.

Madam deputy, there is a held view that it is unfair to the residents concerned because the Administration or the estate developer did not publicize beforehand that rehabilitation facilities would be built in their neighbourhood. This argument of "unfairness" is in fact questionable for we know that the facilities in any area will change or increase or decrease at any time. We cannot guarantee that they will remain the same forever after residents have moved in. For example, we may not know that there will be a bus terminus nearby before we move into a new place. But it may be added to the area later on. Some people may think that a nearby bus terminus is good for its obvious convenience, while some may feel the contrary, for the noises generated by buses moving away and parking will deprive them of peace and quiet. Of course the Administration and the developer are obliged to provide as early as possible the most detailed information to those people intent on finding a new home, so that they will know what community facilities to expect. However, it must be noted that community facilities are apt to change. Therefore, the crux of the matter lies not in the adequacy of consultation, evenness of distribution or fairness. How much time is considered sufficient consultation? Can it be regarded as insufficient consultation when we did not know beforehand there would be such facilities or when we do not like them after moving in? I believe the crux of the matter is a need to change our concept of rehabilitation facilities so that we will not regard them as obnoxious facilities. We have to learn to more readily accept and to more readily show love. This is the most important thing.

I am very delighted at the Government's positive commitment to building more rehabilitation facilities, so that the less fortunate may be afforded fuller care and assistance. I hope every citizen will support this government programme.

With these remarks, I support the motion.

THE PRESIDENT resumed the Chair.

MR MICHAEL HO (in Cantonese): Mr President, the expansion of rehabilitation services has recently raised public concern, and the residents of many districts have voiced their opposition to the setting up of rehabilitation facilities in their neighbourhood.

Although these voices of opposition have caused me considerable anxiety, they are by no means a surprise to me at all, because I know that there are really numerous misunderstandings in our society about mental patients and the mentally handicapped. And it is these misunderstandings that have made the residents voicing opposition think that once rehabilitation facilities are established in their neighbourhoods, the rehabilitants will seriously impact on their community. Therefore, we should concentrate our efforts on easing their worries by making them understand the real situation and the nature of the services concerned.

I am a psychiatric nurse and have therefore come into contact with many mental patients. They are pitiable people. They have had the misfortune to become mentally ill, but when they recover they will have to leave the hospital and return to their homes which may be in private buildings or public housing estates and live with the ordinary people there. Of course, some of these patients may have to move into half-way houses, some into long-stay care homes, and some will be resettled on an *ex gratia* basis. These rehabilitants will throughout the course of rehabilitation enjoy the services of social workers and nurses in different institutions who will help them return to the community and lead a normal life.

Talking about normal life, everybody will need a social life in addition to having a place to live. For example, wealthy people will go to country clubs, young people to youth centres and elderly people to social centres for elderly persons.

The Amity Club in Laguna City is an activity centre of this kind provided to rehabilitating mental patients. It is a place where they can take part in different activities and join different groups. This will be beneficial to their rehabilitation. The centre will provide training that will help these rehabilitants to regain their confidence and acquire skills of social life and at the same time be a venue for them to practise such skills. This kind of centres are in fact similar to youth centres and social centres for elderly persons. Here I would like to take the opportunity to let the general public know how the situation was when there were no rehabilitation facilities.

The reason why many recovered mental patients could not leave the hospital was that there was no rehabilitation services provided to them. If we still do not implement as soon as possible the plan of establishing rehabilitation facilities, these patients will be forced to stay in the hospitals, and the longer the

time they stay there, the more institutionalized and detached from the community they will become, and the more difficult it will be for them to reintegrate into the community.

Few know that there have been many mental patients who went down on their knees to beg the hospital to allow them to stay, because they knew that their ability to adapt to society was low. They needed half-way houses, *ex gratia* resettlement, rehabilitation services and also support from the community. They are really pitiable!

Many people have the mistaken concept that mental patients are violence-prone. The truth is exactly the opposite. Most of these patients tend to recoil from others and live in their own world. They may be slow in responding to others but they are no longer mentally ill. They may be more introvert and not active in communicating with others, but they are not violence-prone.

Some people worry that the mental patients may suddenly suffer a relapse. This is also a mistaken concept, because a relapse will only be gradual instead of sudden. The situation is similar to tuberculosis and other diseases. If a mental patient is under constant treatment with precautions taken against a relapse, the situation will even be better than that of someone who does not know that he is mentally ill. With the counselling services of professional nurses and social workers, the mental pressure to which patients are subject will be lowered and this will greatly reduce the chance of a relapse.

I would like to respond to a few points raised in the petition letter today from the Estate Owners' Committee of Laguna City. It is mentioned in the letter that the Yung Fung Shee Memorial Centre does not accept acute mental patients. I want to allay the residents' worry by saying that the centre can directly refer such patients to hospitals. As a matter of fact, even the accident and emergency department of the Queen Elizabeth Hospital will sometimes refer mental patients to the Yau Ma Tei Psychiatric Centre which is the largest of its kind in Hong Kong, handling over 40 000 cases, some eight to 10 times more than the Yung Fung Shee Memorial Centre. I hope that the residents of Laguna City will not be too worried, but I know they will not stop worrying just because of a few words from me or others. There is a lot of work that we have to do. The Hospital Authority will soon reform the two mental hospitals at Castle Peak and Kwai Chung. We hope that some voluntary services can be expanded in these hospitals so that members of the public can participate in such services, have more chances to come personally into contact with the patients and thereby disseminate a correct message to the community. I hope that more people will by then participate in such voluntary services. The Association of Government Nursing Staff and I will fully support the Administration's implementation of the policy of integrating rehabilitation services into the community.

I so make my submission.

MR HENRY TANG (in Cantonese): Mr President, the Governor stated in his policy address last year that between now and 1997, the number of residential places and day services places for the mentally handicapped, the physically disabled and the mentally ill will be increased in multiples. The public in general welcomes such an improvement of our community services. It seems that everyone understands that the need of the mental patients, the mentally handicapped and the physically disabled should be well taken care of. However, I wonder, when the proposed plan in question is implemented formally, if the affected residents still support such a government policy as they find that the facilities are to be provided in their neighbourhood and this may have a direct bearing on their daily life. I am afraid that will be a real test of humanity and love.

The recent incidents concerning the construction of a hostel for the severely mentally handicapped at Tung Tau Estate and a mental rehabilitation centre at Laguna City are two concrete examples. I referred the complaints of the Estate Owners' Committee of Laguna City to the Commissioner for Administrative Complaints for investigation at the end of last year. The findings of the investigation show that the complaint against insufficient prior consultation by the Government is "partly substantiated" but there is no case for the other two complaints, namely inappropriate siting and ignoring residents' call for a relocation of the activity centre. The report points out that there is no maladministration on the part of the Government in the way it dealt with the case. And the Commissioner has put forward a series of recommendations of one and a half pages to the authorities concerned. However, I feel that the Government's choice of siting leaves much to be desired. According to its rehabilitation policy, it is the common practice of the Hong Kong Government to carry out an even distribution on a district basis. But now two service facilities of similar nature, that is the rehabilitation centre and the Yung Fung Shee Memorial Centre, are to be set up in the same neighbourhood. The report refers such an arrangement as "compatible with the environment". It seems that the report tries to justify the Government's move by employing the idea of "compatibility" which we indeed have not heard of for quite some time. Whether it is trying to defend the Government, I am afraid we are not in a position to know.

I believe that the Government is definitely negligent to a certain extent in its handling of the Laguna City incident. Hong Kong has already embarked on a new course of democratic development. A lack of transparency in government administration obviously does not keep pace with the rapid tempo of the community. We, of course, hope that the general public would be broadminded enough to accept the mentally handicapped, the mentally ill and the physically disabled. But we should also respect the rights of those who are reluctant to have the mentally handicapped, the ex-mental patients or the physically handicapped living in their neighbourhood. This is the price we have to pay if the spirit of democracy is to be upheld. We must accept that individuals have different education backgrounds, moral standards and values. Therefore, it is essential to carry out prior consultation with the affected residents through

proper channels such as district boards, various area committees and public announcements. More important still, if the social facilities in question are located in the vicinity of a residential development or buildings under construction, the authorities concerned should ensure potential property buyers or tenants the full right to know by making public the relevant reports or putting up notices concerning the facilities in conspicuous places at the construction sites. Or the Government may provide that estate developers specify all the information available in the sales brochures. I think this is very important. In this way, potential property buyers can base on the information to make their own decisions and I think this is fairer to them. Mr President, the Tung Tau Estate and Laguna City incidents are just history repeating itself. This proves that the Government has to blame for having failed to learn a lesson from the past. I do not want to see similar incidents in the future because the residents' hostility and hatred, if not properly dealt with, will have an adverse bearing on the mentally handicapped, the ex-mental patients and the physically disabled who are going to use the facilities in the future. It is also unfair to the residents concerned.

Mr President, although I feel that the Government has committed certain mistakes in the incident, to shelve the project amidst public outcry from some quarters will bring about profound repercussions. People living in this community should realize that, where there is the right, there is the obligation. The plight of the mentally handicapped or mental patients are indeed heartbreaking and the able-bodied's discrimination and rejection would further aggravate their sense of helplessness, forsakenness and despair. As members of the community, they are entitled to enjoying the right of social care and protection and deserve the public's support and concern. In view of this, I support the provision of rehabilitation service centres in various districts. I also hope that the Government will reinforce community education to make the public realize that the mentally handicapped and the ex-mental patients are entitled to having a fair deal.

Mr President, with these remarks, I support the motion.

DR HUANG CHEN-YA (in Cantonese): Mr President, these days the residents of many districts tend to strive for the setting up of government clinics and hospitals in their neighbourhood to make it convenient for them to seek medical attention. They think that they are denied of the services to which they are entitled if they live in districts lacking these facilities. However, when it comes to the construction of facilities for the mental patients, why are there people who raise objection and think that we should not provide such services? Why do they not oppose the setting up of government clinics, which offer medical services to several thousand people every day? Why do they not oppose the setting up of social centres for the elderly, each of which organizes activities for several dozens of senior citizens every day? Why do they not oppose the setting up of these facilities by claiming that it is "unfair" to them? Do they have to go so far as to voice their opposition to the construction of rehabilitation centres

for the mental patients, though they never accept such centres? Here I would like to call upon the public to correct their misconception and eliminate discrimination against the mental patients.

Mr President, first of all, I have to point out a misconception commonly held by people about the relationship between mental patients and violence. Now the first thing comes to the mind of members of the public, when mention is made of mental patients, is the "lunatic" street sleepers with long and dishevelled hair. It is still fresh in their memory of the case in which a mental patient ran amuck and attacked people with a chopper at Un Chau Street Estate. In fact, according to statistics, cases where mental patients are involved in serious wounding account for a relatively low percentage. The police's statistics for the year 1988 shows that only six out of the 6 591 serious wounding cases in that year were committed by mental patients, representing only 0.09%. Mental patients are not necessarily more violence-prone than other members of the public. Yet the problem is, whenever there is any incident of a mental patient wounding others, the mass media tend to make a mountain out of a molehill and the reports will create a wrong impression on the part of the readers. Furthermore, many people have the misconception that all mental patients have a disposition of violence simply because some long-haired mentally ill street sleepers have caused nuisances to the passers-by. I must point out that the murderer involved in the Un Chau Street Estate case and an overwhelming majority of mental patients who have caused nuisances to others are patients receiving no medical treatment at all. Most of the mental patients who receive treatment, take medicine as instructed and keep their medical appointments can recover and lead a normal life. Even for those suffering from some serious mental diseases such as schizophrenia, in a five-year course of treatment, only 10% of the patients have to be hospitalized for a long period of time while the remaining 90% can be discharged and stay at home and half of the latter group of patients can take up normal jobs again. According to the records of the 19 half-way houses in Hong Kong, there has been no violence or unpleasant incident reported. I repeat, there has been no report of violence nor unpleasant incident. Similarly there was no report of violence in the three day activity centres for mental patients now in operation. As for the day activity centre which will move from Yau Ma Tei to Laguna City, there have been no public complaints against their patients either. What is more, on most occasions, mental patients would only take offensive actions to defend themselves when they thought they were being bullied. For this reason, the more social discrimination, segregation and hostility they are subject to, the more likely they will indulge in hallucination and feel bullied. The greater amount of love, sympathy and friendship they receive, the speedier they will be cured.

One is wrong to think that one may have a peaceful life when all the metal patients are segregated or locked up until there is no more mental patient in sight. It is true that on record there are about 20 000 mental patients in Hong Kong. Yet, there are, according to psychiatrists' estimate, as many as more than 100 000 people who are potential mental patients or mental patients refusing to receive medical treatment. Statistics in other countries also indicate

that for about every 20 persons there is a mental patient and that for about every 100 persons there is a schizoid. In this connection, in Hong Kong, there may be actually 60 000 schizoids and 300 000 people who suffer from different types of mental diseases in various degrees. Who dare say that there are, or will be, no mental patients in his family or among his friends and relatives? A considerable number of mental patients now refuse to receive medical treatment. And it is always because of their fear of social discrimination they will be subject to, once they are found to be mental patients. They are also afraid of having to stay in mental hospitals for a long period of time and hence being deprived of their personal freedom. This will lead to a vicious circle. The more a patient is scared of facing others and leaving home to receive medical treatment and rehabilitation training, the more serious his condition will become. And his condition may finally reach a stage where he will disturb his family and neighbours. For this reason, do not think that this is not your problem, so you turn a blind eye to it or simply take a couldn't-care-less attitude. This vicious circle will not be broken as long as we fail to correct our prejudice and bias. That is to say, it will be more likely that violence incidents will take place, in which potential mental patients or those receiving no medical treatment would resort to violence.

The Un Chau Street Estate incident and other violence incidents involving mental patients exactly bear witness to the fact that both the patients and the community suffer when members of the public reject them and hence discourage them from seeking treatment or put them under long-term observation by medical professionals. In fact, the experience of the half-way houses and day activity centres which have been in operation for more than 10 years testify to our belief that only by increasing these facilities can the problems arising from mental patients be reduced. We are loath to see any objection to the setting up of these facilities. The fact is that we must construct more half-way houses, day activity centres and clinics so that mental patients in different communities can be taken care of and get cured. This will ensure both the patients and the community as a whole a more peaceful Hong Kong.

Mr President, we should face the issue relating to mental patients' rehabilitation positively. Things will get worse if we choose to look the other way or fail to do the right thing. The mental patients are also human beings. They are a group of pitiable people. They are being discriminated and feel ashamed to strive for their entitled rights and benefits, why can we not express some sympathy to their feelings and plight, and show more friendly gestures and love to these unfortunate fellow citizens when they try to fight for the right they deserve?

Mr President, with these remarks, I support the motion.

MR SIMON IP: Mr President, this debate is ostensibly about the rehabilitation and reintegration into the community of the mentally ill and mentally disabled. In substance, however, it is about prejudice and discrimination. The ferocious

reaction of the residents of Tung Tau Estate and Laguna City in recent months to the provision of welfare facilities for the mentally handicapped and ex-mental patients shows a dark and ugly side of Hong Kong. The Government accepts there is a problem. It rightly says that prejudice and discrimination are bred out of ignorance and fear and has promised to strengthen public education. But I have to ask: Is this enough?

Incidents of the kind we have witnessed in Tung Tau Estate and Laguna City have happened time and again in the past 10 years or so. During that time, the Government has conducted programmes of public education. Evidently, however, prejudice and discrimination against the mentally disabled are as deeply ingrained in our society as ever before. So should we be content with measures that have failed? Public education, without more, has proved inadequate and ineffectual. It takes an awful long time for any tangible results to be seen and we have yet to see them. Let us not forget that it took 500 years for the Pope to absolve GALILEO and finally accept that the earth revolved around the sun. How much more time should we allow some members of our community to accept the right of the mentally disabled to be treated with sympathy, equality and dignity?

The crux of this debate is about how we should protect the weak and defenceless against unequal and discriminatory treatment by the ignorant and intolerant elements of our community. More coercive measures beyond mere exhortations will, in my view, prove to be the only solution.

The Declaration on the Rights of Mentally Retarded Persons, adopted by the United Nations way back in 1971, contains some provisions which are particularly pertinent here. Article 4 provides that:

"..... If care in an institution becomes necessary, it should be provided in surroundings and other circumstances as close as possible to those of normal life."

This is an unequivocal statement of the right of these people to live and participate in the community as normally as possible.

Article 6 of the Declaration states that:

"The mentally retarded person has a right to protection from exploitation, abuse and degrading treatment"

The Green Paper on Rehabilitation published last year recommends that the Law Reform Commission should conduct a comprehensive review of the law concerning disabled persons. In particular, it recommended a review of the effect of the Bill of Rights upon the disabled persons and the need to develop the relevant international conventions and declarations for Hong Kong. It is

regrettable that so far the issue has not found its way onto the Law Reform Commission's agenda.

I suggest that the Government should immediately adopt the Declaration on the Rights of the Mentally Retarded Persons as the first step towards fulfillment of the obligations under the Bill of Rights; Article 22 of which states that the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground.

Article 3 of the International Covenant on Civil and Political Rights on which the Bill of Rights is based states that parties to the Covenant shall undertake to ensure that any person whose rights or freedoms are violated shall have an effective remedy. In the absence of anti-discrimination legislation enacted in Hong Kong and justiciable in the Hong Kong courts, the mentally handicapped and ex-mental patients, whose right to non-discrimination is violated, will have no effective remedy. The way forward for Hong Kong must be the enactment of anti-discrimination legislation and the time to act is now.

The Government rejects anti-discrimination legislation and defends the *status quo* on the ground that the United Kingdom has no anti-discrimination legislation for the disabled. That is an invalid comparison because the United Kingdom has no Bill of Rights. We should instead look to countries like the United States, Canada and Australia, where there are comprehensive anti-discrimination laws which encompass discrimination against the disabled and the mentally handicapped.

Mr President, the anxieties and sufferings of those concerned would not be in vain if the Administration now seizes the opportunity to learn from the lessons of the past. The day that Hong Kong can proclaim that the disabled can truly live a full life within the community with dignity and respect would be the day when we know that the efforts we are now prepared to make and do now make have come to fruition.

Finally, Mr Martin BARROW has asked me to say that he fully supports the points I have made.

With these words, I supports the motion.

DR LAM KUI-CHUN (in Cantonese): Mr President, I have always concurred with the policy of integrating the mentally disabled and ex-mental patients into the community. The latest controversy centres around whether or not the Government should perfect its preparations before implementing this policy. I have come to the view that simply putting together two disharmonious groups of people will not be helpful to their integration as one homogeneous community. Looking around the world, we can see that although the Bosnian Muslims have been living with the Bosnian Serbs for the greater part of a century, there has

been no harmony between them, thus leading to the current irreversible tragedy of ethnic cleansing.

A group of ex-mental patients who are rejoining the community need appropriate care, acceptance and tolerance, much the same way as plants need suitable soil. The rehabilitants are like green sprouts, and the community the soil. Grapes suitable for brewing cannot grow out of hard and dry rocks. The fact laid before us is that the residents concerned will not accept this unfortunate group into their community. The report by the Commissioner of Administrative Complaints indicated that 65% of the Laguna City residents and 90% of shopowners oppose the setting up of a rehabilitation centre for mental patients in the neighbourhood. The magnitude of the opposition is evident from the street procession in the rain and petition by these urbane and educated people. It is obvious that this particular community currently lacks the conditions to accept these mental rehabilitants. Under these circumstances, I will not dismiss the possibility of these rehabilitants being obstructed, resisted or even rejected in the event of their forced placement within that community. With this probable lack of co-operation, it can indeed hardly achieve the objective of integrating rehabilitants into the community. Moreover, an unfriendly environment will exert a certain degree of mental pressure on the mental patients. This will not only constitute an obstacle to the rehabilitative process, but also increase the risk of relapse. This point has been time and again confirmed by psychiatrists. It is well known within medical circles that illnesses which are apt to relapse under environmental influence include schizophrenia and manic-depressive psychosis. These are common psychiatric troubles. The out-patient clinics and activity centres are frequented by rehabilitants from these two illnesses. Those people who advocate the setting up of rehabilitation centres for mental patients in the latter's interest should not simplify the whole thing as a matter of love or as a matter of "set up such a centre and it will be all right". Mr President, there is a line of lyric in a Mandarin pop song which runs like this: "My love for you has become something that does harm to you."

At the 26 March meeting of the Legislative Council Welfare Services Panel, I expressed to the Administration some worries over the relevant policy implementation. They were put on record in the minutes of meeting. But much to our regret now the policy has been implemented without any prior comprehensive public consultation or education within the community concerned, thus turning the welfare facility question into a political controversy.

The solution obviously lies in a priority education campaign within the community concerned. The games fair and concert organized by the Government in Kowloon Park last month clearly showed that the mentally disabled are a gentle group of people who can absolutely integrate into the community. With both sides now polarized, it is impossible to seek an immediate solution. The Government should not use high-handed means or legislative processes to set up such activity centres, in order not to create counterproductive effects to the detriment of the rehabilitants. The Government

must first step up education within the community concerned to bring about acceptance among members of the rehabilititants' integration before implementing further its community rehabilitation policy.

Mr President, I support the motion.

MR ERIC LI (in Cantonese): Mr President, it has been a year since I moved a debate on the Green Paper on rehabilitation services on 8 April 1992. Just as I predicted that day, this Green Paper has not yet led to a White Paper. Fortunately, the Government has this time abandoned its bureaucratic habit of pushing papers slowly. It has been taking positive actions.

Mr Fred LI's motion today has again drawn our attention to this particular group of people. I fully support the motion. In addition, I feel that the Government can best show support for it by coming up with the White Paper expeditiously, thus demonstrating its resolve to the entire community.

During last year's debate, it is regretted that I did not have the opportunity to give my own interpretation of the policy of integration. But now I have the chance to express my views. I have been engaging in the so-called integration work for quite some time. I ask myself: What is integration? The term may have its origin in natural science, in physics or chemistry. To put it simply, as Dr LAM Kui-chun has put it, when substance A and substance B are mixed, will some physical or chemical reaction occur, combining the two substances in a natural manner to produce an integrated body? Actually, in applied social sciences, such natural combination occurs only occasionally to produce a well-blended mixture. In most cases, the product is a bad mixture, like a mixture of water and oil, or no mixture is possible, like between water and fire. Why so? We should perhaps step back a little and take a better look. If all men are born the same, our community should be a very homogeneous, balanced and harmonized combination, where all men are socially acceptable to one another, share the same cultural values and enjoy the same guaranteed rights and freedoms. If a man fails to receive this standard treatment, one explanation is that he has done wrong and cannot not be tolerated by the community. But suppose that he has done nothing wrong and that he is not an alien from outer space, then there can be only one explanation, which is that we are discriminating against him. To the victim and his family, we are a merciless sword cutting him off completely from the community.

Sociologically speaking, integration can only mean the ending of discrimination. It is a process of rehabilitation and harmonization involving the community as a whole. It has nothing to do with social obligation, since the particular man is a man born like us and not some alien creature. I feel that we are subscribing to a very untenable theory when we say on one hand that he is a long-term public charge and, on the other hand, that such discrimination can be eliminated through better education. If we say so, we are denying that persuasion can be used to effect his integration into the community.

I said during last year's debate and again during the debate on the Governor's Policy Address that, given the Government's financial resources and its willingness to do the work, the methods that it was using were probably not the best. While we can suggest better methods to the Government, we need not doubt that its goals are good. I feel that, as Members of the Legislative Council, we must not be inconsistent. We cannot voice support for the goals and then apply an entirely different set of criteria to obstruct actions for their attainment. I feel that, if we do so, neither the Government nor the community will be able to tell what we really want. During last year's debate, I said that I was afraid that discrimination would not be ended so easily. On the same occasion, I called on the colleagues in this Council to set good examples for the community, to set good examples as front-line fighters at war with our conscience. Well then, Members should morally identify with the Government's effort. They should not stir up troubles. There should be only one set of goals. No other criterion should be used as a cover for a different set of goals.

As I listened to the speeches of the Members, I could not tell if they were really in favour of the construction of rehabilitation centres. If they do not support such a plan, I will then ask them: How should these people be accommodated? How much longer must they wait?

I agree that the Government should do more public education work. Simply letting the Rehabilitation Development Co-ordinating Committee conduct annual rounds of so-called public education on a large scale but in a superficial way is marginally effective. The Hong Kong Physically Handicapped and Able Bodied Association has made several detailed studies on the integration work. It finds that integration is not a simple matter of teaching some concepts. Disabled and healthy persons must be put in face-to-face contact. This means that they must be in touch spiritually and mentally. Professionally trained persons must participate in such contacts and provide guidance if the contacts are to be effective. If there is to be such a policy, the prerequisite is that rehabilitation centres must be located close to communities. The staff of the centres will have the duty and the obligation to participate actively in the work and to induce local residents to participate in it. They must play roles in making arrangements, establishing contacts, providing education and co-ordinating things. The Government has the duty to make things ready before the centres start operating. It must notify the local residents and provide the money to fund the basic services. In addition, it must provide extra money to enable the staff to promote public education so that local residents will accept the work of these centres. Local residents should also be recruited to participate in doing the work. A central information system should be set up and there should be training in the techniques so as to make the front-line workers more conversant with their duties.

The studies show that opinion polls may be used to measure the degree of effectiveness of the integrating work. This work involves efforts at many levels. The studies show that more rehabilitation centres should be set up in local communities if the effort at the local community level is to be successful,

that is, if the centres are to be more acceptable to the local communities. If some residents in a community are opposed to a rehabilitation centre, that will be all right. Others will accept it. However, if a centre is not to be built until everybody in the local community is fully converted under a superficial education policy, then I can assure you that the centre will never be built.

To put it simply, I feel that, in the recent incident at Laguna City, there was some misconception about the community's right to know. I feel that the community's having the right to know was not the same as its having the right to stop the Government from building the rehabilitation centre. I think that the problem was one of communication between the Government and the community. If, during negotiations, the community had proposed anything specific that would improve the operations of the centre, then the Government would have had to heed it. The proviso is that the rights of the third party (the ex-mental patients) must be safeguarded.

I wish to say something to condemn the use of infamous methods to intimidate local residents to stop them from telling the truth.

The buzzer sounded a continuous beep.

PRESIDENT: Mr LI, you have to stop.

MR ERIC LI (in Cantonese): Mr President, I think I am running out of time. I support the motion.

DR YEUNG SUM (in Cantonese): Mr President, I would like to begin by responding briefly to the many colleagues who have commented on the matter of the day activity centre at Laguna City. The 13 Legislative Council Members from the United Democrats of Hong Kong (UDHK) are basically in support of the Government's actions to speed up the construction of the service facilities in question at Tung Tau Estate and Laguna City. Administratively, we feel that the Government acted improperly on various occasions in the handling of the incidents. We already mentioned this at the Council's welfare panel meetings. Additionally, we asked the Government to introduce legislation to require private developers to make all the relevant information available to the potential buyers in their sales brochures, and we suggested that the Government should conduct some publicity campaigns in the affected housing estates before building rehabilitation centres there. The Government has agreed to do so.

In principle, we are in favour of the facilities in question. This is mainly because we feel that the mentally handicapped have basic rights. Able-bodied people like us, through our own efforts, can find dwelling places for ourselves in the free marketplace. The lower-income groups can live in public housing that society provides. Why, then, are the handicapped denied an equal

opportunity to enjoy the benefit of community facilities? Therefore, we are basically supportive of the Government's actions. Administratively, there is, no doubt, room for improvement in the Government's actions. Still, the Government's administrative error should never be used as an excuse to discriminate against the handicapped and deny them an equal opportunity to enjoy community services.

Some colleagues think that, technically speaking, community education should precede the establishment of the kind of community facility in question. But I want to tell you that education takes time. As a Chinese saying goes, "it takes 100 years to nurture a man". This means that it takes a long time to educate a man. How can we wait for so long? How can the establishment of rehabilitation centres wait until everybody stops being discriminatory? How long will that be? How long must we wait for God's kingdom come? It is very difficult to give an absolute answer to any of these questions. For this reason, in principle, we hope very much that the Government will build the facilities in question soon.

But the cited incidents are only isolated incidents. Here, I want to focus on the Government's policy and what approach should be taken. These are long-term matters. Mr President, an activity centre for mental patients will be built at Laguna City and a centre for the handicapped will be built at Tung Tau Estate. The local communities voice strong objection. The attention of the public in Hong Kong is again being drawn to the issue of rehabilitation services for the handicapped. I am UDHK's welfare policy spokesman. My main hope is that the current debate will enable the public to understand the goals of the rehabilitation policy for the handicapped and the importance of these goals. At the same time, I hope that the Government will make an effort to achieve the goal of equal participation for the handicapped.

My speech will primarily cover two areas. The first is the policy of integrating rehabilitation services into the community. The second is rehabilitation education. Looking back, we find that Hong Kong's rehabilitation policy has been developing at a snail's pace. The Government published the White Paper entitled *Integrating the Disabled into the Community: A United Effort* in 1977. But it was not until 1992 that the Government completed its review of the rehabilitation services and published the Green Paper on Rehabilitation. In the Green Paper, the Government proposed to solve the shortfall of services in 10 years. This was later shortened to five years by the Governor in his 1992 policy address. The public's response to the Government's firm commitment has been positive. The ultimate goal of the rehabilitation services is not to provide the handicapped with hospital beds, half-way houses or sheltered workshops but to integrate them into the community, where they will live like any other member of the public and be cared for. This involves work at two levels. At one level, the work is to provide services for the handicapped to help them return to the community. At the other level, the work is to provide them with community services so that they would be taken care of after they have returned to the community. But the

Government is not providing sufficient out-patient or in-patient rehabilitation services. Services to help the handicapped to return to the community are still at an early stage of development. Take services for mental patients for an example. Until 1987, no services were provided to integrate them into the community. There were only half-way houses, sheltered workshops and rehabilitation centres. After 1987, the Rehabilitation Development Co-ordinating Committee recommended that the Government should set up day activity centres in four local communities to help mental patients to develop social and working abilities. By 1992, the Government had set up only three centres. They provide a total of 110 places, leaving a shortfall of 94 places because, according to government figures, the number of mental patients requiring such services is 204. These figures came from a 1986 survey, which estimated that 60 out of every 100 mental patients were willing to receive the services. I believe that, if a higher percentage of mental patients saw the advantage of the services, there would be a much greater need for day activity centres. This would widen the shortfall. I hope that the Government will pay special attention to the problem. Thus, the Government should build more day centres in order that mental patients, after receiving the full course of treatment, may be integrated into the community, where they will live like ordinary citizens.

The Government must do more than the provision of services to effect the integration of the handicapped into the community. Even more importantly, the Government should make plans to appropriate more resources for promoting community care. Rehabilitation policy up to now is primarily a matter of dealing with a specific group or specific process. It is not a comprehensive policy of community care. Admittedly, each service is in a way a process of helping rehabilitants to return to the community. Yet, the services do not add up to a comprehensive policy of community care. The spirit of community care is to help those with special needs and to promote mutual help at the community level. It requires the Government to provide basic facilities and special services, to help in the establishment of neighbourly relations and the establishment of mutual-aid groups among service recipients, and to provide them with opportunities so that they can take part in the decision-making process. In the Green Paper on Rehabilitation, the Government recognizes the importance of rehabilitation plans based on community care. True, community care depends largely on voluntary workers, on the mentally handicapped themselves and on residents' groups in the community. Still, the Government must support them with overall planning and the necessary resources. Such assistances are indispensable. I hope that the Government will understand the importance of community care in rehabilitation policy, appropriate more resources for the establishment of appropriate committees to make community care development plans for all communities. I am convinced that simply providing special services to the handicapped will fail to accomplish the goal of their total integration into the community. Only community care will make it possible for the handicapped to lead a normal life.

Rehabilitation education is necessary with regard to integration and community care. If the Government's education on rehabilitation becomes a failure, efforts to integrate the handicapped into the community will be hampered, and it will be even more difficult to achieve the goal of community care. The Laguna City incident and the Tung Tau Estate incident showed that many members of the public are prejudiced against the handicapped. They are hostile and discriminatory. These problems cannot be solved overnight. Nor can the public's misconceptions be ended by one evening gala or two. Lastly, I sincerely hope that the public will be understanding, tolerant and accommodative where the handicapped are concerned

The buzzer sounded a continuous beep.

PRESIDENT: I have to ask you to stop, Dr YEUNG Sum.

DR YEUNG SUM (in Cantonese): With these remarks, I support the motion.

8.00 pm

PRESIDENT: It is now eight o'clock and under Standing Order 8(2) the Council should adjourn.

CHIEF SECRETARY: Mr President, with your consent, I move that Standing Order 8(2) should be suspended so as to allow the Council's business this evening to be concluded.

Question proposed, put and agreed to.

MR WONG WAI-YIN (in Cantonese): Mr President, on 8 April last year this Council had a comprehensive and in-depth debate on the Green Paper on rehabilitation policies and services. Although the focuses of Members might be different, the policy objectives of the Green Paper — equal opportunities and full participation — have been accepted by all.

Through vigorous striving by various sectors of the community, the Administration has undertaken a greater commitment. The disabled persons and their relatives have finally seen the gradual realization of the dream they have had for 16 years. But unfortunately and deplorably, they have met with obstacles that have arisen out of the misunderstanding about disabled persons and ex-mental patients.

To attain the two main objectives of equal opportunities and full participation, the Administration must step up its exercise of community-based education with the goal that the public will fully accept the disabled as part of the community. Unfortunately, what the Administration has done in this regard is very little, and the result is that there are still many people in the community who have misunderstanding of and discrimination against disabled persons. The recent incidents at Tung Tau Estate and Laguna City, and another one at City One in which disabled persons were prohibited from attending an exhibition are really regrettable. But they are in fact the consequences of the Administration's chronic neglect of community education.

MRS SELINA CHOW: Point of elucidation, Mr President. I would like to ask when the Laguna City residents objected to the activities of mentally retarded people.

PRESIDENT: It is up to you whether you elucidate or not, Mr WONG.

MR WONG WAI-YIN (in Cantonese): I only want to talk about the Laguna City incident, and I will continue my speech.

Mr President, about 10 years ago, I led a group of secondary students who intended to provide voluntary services to some mentally handicapped persons. I had asked the students beforehand whether they were afraid of the looks of some seriously mentally handicapped persons and whether they would accept them. Some of the students said that they were afraid. This was not surprising because they knew nothing about the mentally handicapped and would naturally feel uneasy at some of the behaviours of these people. But after taking a short course of several lessons about the mentally handicapped, the students could all mix happily with them. This was the result of education.

Unfortunately, in today's Hong Kong which is a relatively affluent society and where the general level of education has been going up, there are still a small number of people, including some professionals and councillors, who not only have misunderstandings about mentally handicapped persons and ex-mental patients, but also disseminate a feeling of fear among the public. Such behaviour is really regrettable!

Those who raise objections are saying that they are not opposing the establishment of rehabilitation centres but they would not allow such centres being set up near their homes. They are also saying that they are supportive of the Administration's implementation of the plan of providing rehabilitation services, but on the pretext of lack of prior consultation, they are opposed to the implementation of the policy concerned. Honourable colleagues, how can it be justified that the consequences of an inadvertent mistake on the part of the Administration should be borne by the disabled? Meeting Point is strongly of

the opinion that if the Administration is remiss, it should be reproached, but the consequences should definitely not be borne by the mentally handicapped persons and their relatives.

Mr President, the ultimate objective of the rehabilitation endeavour is that healthy and disabled people can mix with each other happily, and one of the determinant factors for its realization is how the community will accept the disabled. Therefore community education must be actively pursued such that the public will understand the rights, the needs and the feelings of the disabled.

When it comes to community education, the proposals of the Association of Parents of the Severely Mentally Handicapped should deserve our attention and that of the Administration because they are the parents of the recipients of the services concerned. So on their behalf, I would like to raise a few points of opinion.

Firstly, the authority concerned should carry out a review of the structure of the Committee on Public Education in Rehabilitation, placing it directly under the Rehabilitation Development Co-ordinating Committee, and including into the membership representatives of the parents organizations and the mass media, and also formulate a set of long-term programmes and co-ordination schemes.

Secondly, in order to effectively carry out the community education programme on a district basis, every district should have a social worker responsible for rehabilitation education, and the scope of work should be like that of family life education and community-based education about elderly people.

Thirdly, knowledge about disabled persons and the social integration of disabled persons with ordinary people should be included in the curriculum of primary and secondary schools. Specialized training should be provided in such a way that the concept of rehabilitation will be spread among different professional sectors and the students of tertiary institutions with the goal that they will combine their efforts in building a healthy society.

Fourthly, the mass media should of course have the responsibility of instilling into the public correct ideas and attitudes, instead of exaggerating a few individual cases. The mass media and the entertainment sector should not project a negative image of disabled persons.

Mr President, the disabled persons and ex-mental patients should have the right to receive the services that they require. So how can it be justified that they should be deprived of such services simply because of the misunderstanding of some people?

What have we seen over the years? We have seen many disabled persons and their relatives running around, asking the Administration to provide more services and asking those who are opposed to the provision of such services to stop opposing. They nearly have to beg for what they are entitled to enjoy. Mr President, have they no dignity? Why is it that the situation is like this?

With these remarks, I support the motion.

MR VICENT CHENG (in Cantonese): Mr President, thank you for allowing me to participate in this debate. I am not going to deliver a lengthy speech on the rehabilitation policy as many points have been covered by Honourable Members.

Being a volunteer in rehabilitation services, I have in-depth knowledge about the difficulties one would encounter in the promotion of such services. On the face of it, Mr Fred LI's motion is on the overall rehabilitation policy and how to integrate handicapped people into the community. But frankly speaking, we all know that what is at issue is the Tung Tau Estate incident and the Laguna City mental rehabilitation centre. I do not wish to repeat the points already mentioned. I just want to voice my support for the reinforcement of community education. Mr CHEUNG Man-kwong has already given a lucid explanation on this aspect and I very much agree with him. There is only one point I would like to raise, that is, Hong Kong is a free society and everyone has the freedom to change one's residence. I would like to ask Honourable Members if they want to see a doctor, are they required to seek prior approval from residents in the area where the doctor's clinic is located? May I ask Honourable Members if they want to visit a certain place, are they required to obtain prior permission of the residents at the place? If ordinary people are not required to do so, why should the physically handicapped and the ex-mental patients be required to do so? I think that these people should enjoy the same rights as those enjoyed by any other ordinary citizen, that is to choose to live anywhere in Hong Kong and to go shopping, paying visits or seeing a doctor anywhere in Hong Kong. No one can deny them of such rights. Then why should some people be opposed to the handicapped people being around in their community? They said that the handicapped people are dangerous and do not allow them to be present at their community. Should this be the case, does it mean that anyone who goes window-shopping or sees a doctor in their community should declare whether he is a triad society member, a criminal or a drug trafficker? As a matter of fact, such people are more dangerous than any of the handicapped people. Some may say that the mentally handicapped or ex-mental patients look a bit odd and not neatly dressed. In this connection, I would like to ask those who dislike the mentally handicapped or the ex-mental patients or their supporters whether they are good-looking. Are they neatly dressed? Having said that, I must point out that many people certainly may not have any idea about the mentally handicapped in terms of their learning ability or social behaviours. It is true that they are not as smart as an ordinary person. However, I wonder whether those who reject them are really smart themselves.

Do they think that their own social behaviours are entirely conformable with social requirement? My personal experience tells me that, in reality, the social behaviour of many so-called normal people are not, to say the least, so good as the handicapped persons.

I would like to pay my tribute to Mr Fred LI because I realize that he personally has to bear a lot of pressure, may lose some votes and is even under threat of reprisals. However, he still upholds his own belief and works hard to fight for the inalienable rights of the handicapped persons and the rehabilitants. He does not sit on the hedge in order to gain political mileage.

Mr President, no one in this world is perfect and everyone has defects. Some are brighter, some are not. Some are more lucky, some are less lucky. Some are physically handicapped, some are not. Failing to put a comprehensive scheme in place to safeguard the rights of the less fortunate persons, our community will no longer be a community but rather a living hell where the weak falls victim to the strong and everyone contends in rivalry. I am in support of conducting public consultation on these issues but consultation is not tantamount to granting certain people the right to negate a plan. For this reason, I earnestly hope that this Council will give its fullest support to the Social Welfare Department in the implementation of the rehabilitation policy.

Mr President, I support Mr Fred LI's motion.

SECRETARY FOR HEALTH AND WELFARE: Mr President, just as we, earlier on, stood in silent tribute to our dear friend, the late Honourable Stephen CHEONG Kam-chuen, so we now stand up to be counted. On 26 February the Legislative Council Welfare Panel pledged their unanimous support to implement rehabilitation services in Tung Tau Estate and Laguna City. I now call on the whole Council to do likewise. I thank the Honourable Fred LI and many other Honourable Members for their staunch support of the well-established policy and stance on rehabilitation and integration, so movingly, and sincerely expressed. Here, I would also like to take today's opportunity to thank all members of the community, the media and the non-governmental organizations who have stood so firmly behind the policy.

Integration

Integration is the very cornerstone of our rehabilitation policy. This is not something new. It has been an objective for some 16 years. It was laid down in the first White Paper on Rehabilitation entitled *Integrating the Disabled into the Community: A United Effort*, published in 1977. This policy was reaffirmed in the context of the extensive public consultative exercise on the Green Paper on Rehabilitation, published last year.

Support for integration is not lip-service but real action. It is not a concept but a culture. It is not a pretext but a practice. It should not be a point of controversy. It should be a way of life. For a society is judged by the way it treats the vulnerable in its midst.

Rehabilitation services

Rehabilitation services are to improve the quality of life for persons with disabilities. These services range from early identification of disability to prevention, to education and training, to rehabilitation, employment and other support services to facilitate true integration in society.

True integration will turn disability into ability. It will enable persons with various disabilities to achieve independence in their daily lives, to live with dignity and to share in the prosperity of the society which is ours.

Key targets

An issue of widespread concern which emerged from the consultation exercise last year on the Green Paper on Rehabilitation was the significant shortfall in rehabilitation services. The Government has responded quickly to the call for services. The necessary funds have now been made available to meet in full the key targets in the Green Paper between now and 1996-97.

We are firmly committed to meeting these targets on time. We are very encouraged by the strength of Honourable Members' support in this debate for early and smooth implementation.

Prejudice

However, the recent objections by concerned residents to the setting up of rehabilitation facilities in their neighbourhood calls for a more concentrated and immediate effort in our public education programmes. We need to demolish the shameful wall of exclusion; to turn stumbling blocks into stepping stones; and to liberalize society from the shackles of prejudice under whatever guise.

Right to know

I fully share the views on the importance of the right to know. It is understandable that residents should have the right to know what is happening and what is going to happen in their neighbourhood. The setting up of rehabilitation facilities in the neighbourhood, in the same way as educational and recreational facilities, must be in the major interests of local residents. Particularly because these facilities are resources valuable to people who live in the local communities. We will continue to be vigilant to allay anxieties over the lack of information and to ensure that the public is aware of planned rehabilitation facilities at the earliest possible opportunity. This will lead to a better understanding.

Here, I would like to stress that whilst it is important to recognize residents' sensitivities towards certain rehabilitation projects, it would be improper to distinguish between services. To do so would support segregation, rather than integration.

Consultation

Let us now take a closer look at the way in which rehabilitation services are planned and implemented. The Rehabilitation Development Co-ordinating Committee (RDCC) which comprises representatives from related government departments, organizations and interested individuals is the Government's principal advisory body on rehabilitation matters. For example, the development of activity centres for discharged mental patients and the requirement for four such centres in the territory was recommended by the RDCC way back in 1987. Furthermore, after a site for the facility is identified, it is a well-established practice to consult relevant boards and committees at the district level.

In other words, government departments, local consultative bodies, district organizations and the welfare agency are always involved in consultation, in the consultation process. It is our conviction that through early discussion with interested parties, the implementation of planned rehabilitation projects can be facilitated. Both the rights of persons with disabilities and residents' rights to know can thus be safeguarded. We should, nevertheless, be keeping an ever open mind on necessary improvements for future reference.

Honourable Members have asked for dialogue with concerned residents. For our part, we have kept in the past, and will continue to keep our door open to have dialogue with concerned residents to find ways and means to allay their fears.

As regards criticisms about maladministration in the planning of the activity centre project near Laguna City and also criticism about unequal distribution of services for discharged mental patients in Kwun Tong, I would like to refer Members to the Final Results Report compiled by the Commissioner for Administrative Complaints. This report found that these services are fairly evenly distributed on a district basis. Furthermore, in paragraph 51 of the same report it is said, and I quote:

"I sincerely hope that the residents would withdraw their objections to the activity centre as their defiant attitude would help neither them nor the prospective clients of the centre in achieving mutual understanding and respect. Since the activity centre will only admit ex mental patients who have substantially recovered from their illness, the residents may eventually agree that the risk of the patients running amuck, thereby threatening their safety, is more imaginary than real".

Findings of this report are based on an independent and thorough investigation by the Commissioner in response to a complaint lodged by the Chairman of the Estate Owners' Committee of Laguna City. I have nothing to add to the report.

With the greatest respect to some Honourable Members, I was very disturbed to hear repeated references to our clients at these day activity centres as mental patients. Please, please do not call them mental patients. They are not. This very misunderstanding is prejudicial to the dignity of the individuals concerned and may I also humbly ask Honourable Members not to perpetuate the dissemination of such misinformation in the context of the references made.

Anti-discrimination legislation

It has been suggested, eloquently in some quarters, that anti-discrimination legislation should be enacted to protect the rights of persons with disabilities. Such legislation, I think, is the proverbial big stick. Such legislation is an admission of defeat, I think, that all else has failed. It would, indeed, be a sorry day for Hong Kong if we had to resort to this big stick to try to change minds and attitudes. But we may well have to do it.

Public education

This brings me to public education which I firmly believe is the most effective way to eradicate prejudice. As recently as 17 March, I announced in this Chamber the launching of a special public education campaign to eradicate prejudice. Indeed, as far back as 1983, the Committee on Public Education in Rehabilitation, which includes representatives from non-governmental organizations under the umbrella of the Hong Kong Council of Social Service, has devoted itself to promoting community acceptance of persons with disabilities. Public education has clearly worked over the years. Public understanding and acceptance of the rights, the abilities and the dignity of persons with disabilities have certainly increased. For instance, I think people nowadays no longer object to elderly services or children and youth centres. It would be an injustice, I think, to say that public education has achieved too little and too late.

Conclusion

Hong Kong is a caring community. It is our civic duty to pitch in to help the vulnerable and the disadvantaged in our midst. We must take the lead to do what is right. Life is fragile. We must act now. Together, we make a difference.

Mr President, I commend the motion for Honourable Members' support. In supporting the motion, Honourable Members are supporting the early and steadfast implementation of rehabilitation projects in the pipeline in fulfilment of our key targets.

Thank you, Mr President.

PRESIDENT: Mr Fred LI, do you wish to reply? You have 4 minutes 21 seconds.

MR FRED LI (in Cantonese): Mr President, there are numerous points that I wish to respond to. However, I would only concentrate on discussing a few:

1. Today, Liberal party members cited the Laguna City incident as an example to strongly make the case that integration of rehabilitation services into the community will not work. Dr LAM Kui-chun even likened the war in Bosnia to the antagonism between the ex-mental patients and the residents. I am shocked by this kind of thinking and mentality. That being the line of thinking, there is basically no point in integrating since the Muslims in Bosnia have now chosen to become independent. I do not understand why he had to use such an example.

2. Despite my great respect for both Mrs Selina CHOW and Mrs Miriam LAU, I wish to tell them that the purported truth which they cling to is in fact wrong. I do not know whether they have conducted any visit, whether they have visited the Mental Health Association or whether they have seen such services. I have done all these. There are a total of 250 places in the Amity Day Centre cum Social Club, 50 of which come under the Day Centre. The Centre provides occupational therapy, with the assistance of social workers, from nine to five each day. The remaining 200 places come under the Club which offers social activities. The Club does not open every evening, neither will 200 people appear at the same time. Just like any youth centre or centre for the elderly, people going to the Club are different everyday even though the Club has a membership of 200. The members watch television and video inside the Club. Therefore, it does not mean that 250 people visit the place everyday on a regular basis. That is the point I wish to clarify.

Moreover, I do not know whether the Liberal Party has interviewed people who support the construction of the centre, for example, the Laguna City Community Development Concern Group whose members are also Laguna City flat owners, although their numbers are relatively small.

I greatly admire Mr Henry TANG because, in the end, he did not request for the shelving of the construction of the centre, unlike other Liberal Party members. I have every sympathy for Mr LAU Wah-sum for he did not know what it was that he was saying. I believe that no Member of this Council knows

the situation of that district better than I do because I have been living there for one and a half years. The fact that I have been criticized over this incident has distressed me. Neither do I want to turn this incident into a struggle among the parties.

I am very glad that Mr Simon IP mentioned anti-discrimination laws. I hope that the Government will reconsider the proposal made by Members from the legal profession. In fact, anti-discrimination laws have been in existence in the United States and Canada for a long time.

I am very disappointed with what Mrs Peggy LAM said. She herself is the chairman of the AIDS Foundation. If the citizens have a misconception about and cannot accept AIDS, the same problem will arise. If in future the AIDS Foundation is to carry out educational work at the district level, will she simply give up when residents raise objection? Will she stop promoting such services just like that? I hope that Members will widen their horizon a bit.

Finally, I hope that the Government will listen carefully to each Members' opinions. Today, all parties criticize the Government for not doing enough on public education. Regarding the Laguna City incident, even the Commissioner for Administrative Complaints has pointed out that the authorities are partly to blame. Nevertheless, I do not think that the way to remedy these mistakes is to shelve the construction of this centre.

Mr President, I so make my submission.

Question on the motion put and agreed to.

Adjournment and next sitting

PRESIDENT: In accordance with Standing Orders I now adjourn the Council until 2.30 pm on Wednesday 26 May 1993.

Adjourned accordingly at twenty-nine minutes to Nine o'clock.

Note: The short titles of the Bills listed in the Hansard have been translated into Chinese for information and guidance only; they do not have authoritative effect in Chinese.

WRITTEN ANSWERS**Annex I****Translation of the written answer by the Secretary for Education and Manpower to Mr LAU Chin-shek's supplementary question to Question 2**

The Labour Department will carry out inspection upon receipt of complaints specifically related to displacement of local workers. Up to April 1993, the Labour Department has taken action on 24 cases of such complaints. After investigations, the Labour Department has recommended eight employers be debarred from participation in future importation of labour schemes. No prosecution action has been taken.

Annex II**Written answer by the Secretary for the Civil Service to Dr TANG Siu-tong's supplementary question to Question 4**

The position is, of the 347 local administrative officers as at 1 February 1993, 314 (90%) have received training in Putonghua. Another 19 (5%) are undergoing training. In addition, 22 overseas officers have either completed or are taking Putonghua classes.