

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 1 December 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 MRS ANSON CHAN, C.B.E., J.P.

THE FINANCIAL SECRETARY

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

THE ATTORNEY GENERAL

THE HONOURABLE JEREMY FELL MATHEWS, C.M.G., 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.

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

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

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

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 RONALD JOSEPH ARCULLI, O.B.E., 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., J.P.

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

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

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

THE HONOURABLE ALBERT CHAN WAI-YIP

THE HONOURABLE VINCENT CHENG HOI-CHUEN, J.P.

THE HONOURABLE MOSES CHENG MO-CHI

THE HONOURABLE CHEUNG MAN-KWONG

THE HONOURABLE CHIM PUI-CHUNG

REV THE HONOURABLE FUNG CHI-WOOD

THE HONOURABLE FREDERICK FUNG KIN-KEE

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

THE HONOURABLE MICHAEL HO MUN-KA

DR THE HONOURABLE HUANG CHEN-YA

DR THE HONOURABLE LAM KUI-CHUN

DR THE HONOURABLE CONRAD LAM KUI-SHING, J.P.

THE HONOURABLE LAU CHIN-SHEK

THE HONOURABLE EMILY LAU WAI-HING

THE HONOURABLE LEE WING-TAT

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

THE HONOURABLE FRED LI WAH-MING

THE HONOURABLE MAN SAI-CHEONG

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

THE HONOURABLE JAMES TIEN PEI-CHUN, O.B.E., J.P.

THE HONOURABLE ALFRED TSO SHIU-WAI

ABSENT

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

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

THE HONOURABLE TAM YIU-CHUNG

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

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

THE HONOURABLE SIMON IP SIK-ON, O.B.E., J.P.

THE HONOURABLE STEVEN POON KWOK-LIM

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

IN ATTENDANCE

MR MICHAEL SUEN MING-YEUNG, J.P.
SECRETARY FOR HOME AFFAIRS

MR ALISTAIR PETER ASPREY, O.B.E., A.E., J.P.
SECRETARY FOR SECURITY

MR RONALD JAMES BLAKE, J.P.
SECRETARY FOR WORKS

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

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

MR GORDON SIU KWING-CHUE, J.P.
SECRETARY FOR ECONOMIC SERVICES

MR LAM WOON-KWONG, J.P.
SECRETARY FOR EDUCATION AND MANPOWER

DR LEE SHIU-HUNG, I.S.O., J.P.
SECRETARY FOR HEALTH AND WELFARE

MR TAM WING-PONG
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>
Legislative Council of Hong Kong Administrative Instructions for Regulating Admittance and Conduct of Persons (Amendment)(No. 2) Instructions 1993	448/93
Clubs (Safety of Premises)(Fees)(Amendment) Regulation 1993	449/93
Electricity (Registration)(Amendment) Regulation 1993.....	450/93
Electricity (Wiring)(Amendment) Regulation 1993	451/93
Air Pollution Control (Specified Processes) (Removal of Exemption) Order	452/93
Revised Edition of the Laws (Correction of Errors)(No. 4) Order 1993	453/93
Specification of Public Office	454/93
Amusement Game Centres (Appeal Board) Regulation (L.N. 435 of 1993) (Commencement) Notice 1993.....	455/93

Sessional Paper 1993-94

No. 32 — Sir Edward Youde Memorial Fund Report of the Board of Trustees for the period 1 April 1992 to 31 March 1993

PRESIDENT: I should like to welcome Mrs Anson CHAN, Chief Secretary, to this Council.

Oral answers to questions**Post-1997 holidays**

1. MR PANG CHUN-HOI asked (in Cantonese): *In reply to my question in early February this year concerning Hong Kong's holiday arrangements after 1997 and the designation of 1 May as a labour holiday, the Secretary for Education and Manpower indicated that a review would be completed this year. Will the Government inform this Council of the progress and outcome of the review?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr President, in my reply to Mr PANG Chun-hoi's question in the Legislative Council on 3 February this year, I said that the Administration was reviewing Hong Kong's holidays and considering the following:

- (a) first, which of our present holidays should be retained after 1997; and
- (b) secondly, the need for additional or replacement holidays after 1997.

The review is still in progress. We intend to complete our initial review in the near future.

MR PANG CHUN-HOI (in Cantonese): *Mr President, the Secretary says in his reply that the review is in progress and that it is hoped that an initial review can be completed in the near future. In the answer the Secretary gave last time, that is, in February this year, he indicated that the review would be completed within this year. But now it is already early December. And in fact the last review on holidays was conducted as early as 1982, more than 10 years from now. Can the Administration confirm when it can complete the present review?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Yes, Mr President, in our answer to Mr PANG's question earlier this year, we did say we hoped that the review could be concluded this year. So we are still within schedule. We hope we can complete our initial review as soon as possible, and then proceed to the next stage of preparatory work.

MR LAU CHIN-SHEK (in Cantonese): *Mr President, will the Secretary inform this Council if they will look at narrowing the gap between statutory holidays for blue-collar workers and general holidays for white-collar workers in its review? In the interim, will the floating holiday of the first Monday following the Queen's birthday be replaced by a labour holiday on 1 May?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr President, the present gap regarding holidays between these two categories of people is within the scope of the review. As to whether the present holiday on the first Monday following the Queen's birthday will be changed before 1997, the answer is negative.

MR SZETO WAH (in Cantonese): *Mr President, it has been mentioned in the official reply that the review will cover the Labour Day and other holidays after 1997. Does that mean that even if the results of the review are available, they will only be implemented after 1 July 1997?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr President, the emphasis of our current review is to identify those holidays that ought to be changed after 1997. During our review, we have listened to the suggestions of individual organizations on Hong Kong's holiday arrangements. Their views will be included in the review.

MRS SELINA CHOW (in Cantonese): *Mr President, as part of the review, has the Administration sought the views of the employers and employees or will it do so in the near future?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr President, since this review involves possible changes to some of our holidays as a result of changeover of sovereignty in 1997, we have to discuss with the Chinese side after the initial review has been completed. After the discussion and before any changes are implemented, legislative process will follow during which the views of the public will definitely be sought. Meanwhile, we are happy to listen to any views put forward by the public on this subject.

DR CONRAD LAM (in Cantonese): *Mr President, the Secretary has just said that the review on holidays after 1997 is in progress. Can he confirm whether 1 July will be designated as a general holiday after 1997?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr President, obviously we need to consider those holidays that will have to be changed as a result of changeover of sovereignty. As to whether 1 July will be designated as an additional holiday, I am sorry to say I cannot give my views now as the review is still in progress.

Suspension of water supply in Tuen Mun

2. MR ALFRED TSO asked (in Cantonese): *With regard to the suspension of fresh water supply in the whole area of Tuen Mun New Town as a result of the inundation of the water treatment plant in Fu Tei caused by torrential rain on 5 November, will the Government inform this Council:*

- (a) *whether the findings of the investigation into the causes of the inundation of the water treatment plant will be made public;*
- (b) *whether the incident was caused by works in progress on road D9; if so, what plans are in place for improving the situation and how soon the improvement works will be completed so as to prevent the recurrence of similar incidents in future; and*
- (c) *whether compensation will be paid to the affected residents and the industrial and commercial undertakings for the damage inflicted if the incident was caused by the public works in progress or by the negligence of the Government in some way or other?*

SECRETARY FOR WORKS: Mr President,

- (a) On 5 November, at the time of an exceptionally severe rainstorm, fresh water supply to part of the area of Tuen Mun New Town was suspended due to flooding of the Fu Tei Fresh Water Pumping Station. The adjacent water treatment plant was taken out of operation at the same time, because it depends upon the pumping station also operating and flooding not only shut down the pumps but also the related electrical equipment. The cause of the flooding was explained in some detail at a joint meeting of the LegCo Panels on Community and New Territories Affairs and on Lands and Works, which was held in public on 22 November 1993. Briefing notes explaining the cause were distributed to members of the two panels for the meeting; the findings made public at that time remain valid today.
- (b) The findings which have been already made public are that there is no evidence to suggest that works in progress on road D9 caused flooding of the pumping station, and hence the suspension of fresh water supply to part of Tuen Mun New Town.

- (c) In reply to the final part of the question, I must repeat that the findings to date are that there is no evidence to suggest that the incident was caused by the negligence of the Government nor is there evidence to show that it was caused by the public works in progress. If the question of compensation did arise, it would be considered in the light of all the facts and of the applicable law.

MR ALFRED TSO (in Cantonese): *Mr President, the reply given by the Administration at the joint meeting of the Legislative Council Panels concerned is rather simple and has been described as "interim". First, may I ask if the Administration is going to compile and publish a more detailed investigation report? Second, we clearly know that the inundation was due partly to blockage of the culvert under construction which led to a rise in water level, and partly to the works on road D9, which had greatly altered the natural topography of the area, thus causing an accumulation of rainwater and flooding of the Fu Tei Fresh Water Pumping Station. Why does the Administration still insist that there is no evidence to show that the flooding of the pumping station was caused by the public works in progress? Can the Administration inform this Council whether such findings are subjective and even evasive?*

PRESIDENT: Two questions there, Secretary.

SECRETARY FOR WORKS: With your permission, Mr President, I will try to answer both. The details of the cause as given to the joint panel meeting were quite clear. They are basically the ultimate reasons for the flooding and, as I have said in my answer, we have no grounds at this point in time to change our views on the causes made public at that time.

On the second part of the question, the cause was clearly vegetation and, particularly, large branches that were brought down by the intensity of the rainfall. This created a damming effect in the existing culvert at the point where it enters a new box culvert. The box culvert itself under the road D9 contract has been designed and is constructed to accommodate a 1:200 year rainstorm. The storm in question, we believe, was equivalent to about a 1:50 year rainstorm; so the new works under the D9 construction should be adequate to cope with the rainfall intensity and would have so coped had this blockage due to vegetation and branches not occurred.

So far as the D9 works are concerned, they do not raise the surrounding ground to a level which is higher than the existing ground in the area. Therefore, the actual D9 works themselves have not changed the natural topography of the ground in any way whatsoever.

MR LAU WONG-FAT (in Cantonese): *Mr President, will the Administration inform this Council if it has considered taking "safer" measures like relocating the water treatment plant in Fu Tei to a higher ground in order to avoid flooding in the future?*

SECRETARY FOR WORKS: Mr President, the pumping station has been there for 30 years and the level of the pumping station is an integral part of the fresh water distribution system. The level of the pumps in relation to the level of the water treatment station is operationally the most cost effective design that we could have in place. It is not, therefore, our intention to relocate the pumping station. The Water Supplies Department is, however, looking at the pumping station itself to ascertain if there are ways and means to protect the station further against flooding. We are also looking at the existing culvert and will be reconstructing the culvert, first of all, to a larger capacity to dovetail with that of the boxed culvert which has already been completed. We shall also be introducing means to trap debris vegetation in the culvert itself to avoid any recurrence of the damming by such vegetation which created the flooding incident.

DR TANG SIU-TONG (in Cantonese): *Mr President, many people in Tuen Mun are not satisfied with the explanation of the Administration because what the Administration has conducted is only a self-investigation. Does the Administration intend to set up an independent investigation team to find out the truth of the incident so as to allay the misgivings of the public?*

SECRETARY FOR WORKS: Mr President, the evidence which has been collected so far by way of investigation of the direct cause of the flooding — corroborated by photographic evidence that is irrefutable — makes it quite clear as to what the cause of the flooding was. So far as other aspects of the investigation are concerned — namely, as to what can be done to avoid a recurrence — there are quite complicated technical issues and the Administration sees no virtue at this time in extending the enquiry beyond the present arrangements that are already in place.

REV FUNG CHI-WOOD (in Cantonese): *Mr President, the flooding at the water treatment plant in Tuen Mun was mainly caused by the blockage of a culvert by vegetation and branches. Will the Administration provide additional manpower to conduct regular inspections of main culverts to prevent blockage from occurring?*

SECRETARY FOR WORKS: Mr President, the Drainage Services Department is certainly paying attention to all drainage works of this nature. And of course we will make sure that in this particular area, until the new works are

completed — that is to say, the trash screens and the enlargement of the existing channel — any necessary increase in manpower to ensure the channel is kept clear will be in place. The Drainage Services Department has also undertaken very detailed examination of the whole of the area upstream of the pumping station and likewise will pay attention to this area in the future.

MR MICHAEL HO (in Cantonese): *Mr President, it has been said in paragraphs (b) and (c) of the Administration's reply that there is no evidence to suggest that works on road D9 and other public works in progress caused the blockage. Will the Administration inform this Council apart from the works mentioned, whether there were any reconstruction or other works in progress in the vicinity that caused the flooding and landslide, and why there was such a serious flooding at Alpine Court and Chi Lok Fa Yuen in the town centre?*

PRESIDENT: Going beyond the main answer, but do you have the answer, Secretary?

SECRETARY FOR WORKS: Mr President, I do not have the details of the exact area in question. But of course I can say that part of the reason for flooding in urban areas is that the drainage gulleys and gratings are very often blocked temporarily by debris which is swept to the low point of the areas in question by the rainfall running across the ground. Once these gulleys are blocked, then of course there is local flooding and it is of course the Drainage Services Department who responds to such problems immediately with the available manpower to clear any temporary blockages. This may be, in this instance, the cause of the local area flooding which has been referred to.

MR WONG WAI-YIN (in Cantonese): *Mr President, will the Administration inform this Council whether it has inspected all the water treatment plants in the New Territories, including the one in Fu Tei, to see how many are located in low areas and will run the risk of being flooded when there is a rainstorm; and if so, what remedial measures it will take before the next rainy season comes?*

SECRETARY FOR WORKS: Mr President, the Water Supplies Department's preliminary investigation of all other major pumping station facilities indicates that there is none other which is subject to a high risk of any event of this nature occurring. However, they are continuing with that investigation to analyze all of the possible hazards and risks of failure, including of course the arrangement, if such failure took place, that could be made to provide at least a minimal amount of water being pumped into the service reservoirs. The work by the department is expected to be completed in March of 1994.

Aircraft accident

3. MR HOWARD YOUNG asked: *Regarding the recent accident in which an aircraft slid off the Kai Tak runway, will the Government inform this Council:*

- (a) when a report on the cause of the accident will be completed;*
- (b) whether the report will include recommendations on ways to prevent recurrence of similar hazards; and*
- (c) whether any measures will be considered to enhance Hong Kong's international aviation safety standards?*

SECRETARY FOR ECONOMIC SERVICES: Mr President, an investigation into the circumstances and causes of the incident at the Hong Kong International Airport on 4 November 1993, which involved a China Airlines Boeing 747, is being carried out by investigators, appointed by the Governor under the provisions of the Hong Kong Civil Aviation (Investigation of Accidents) Regulations. The investigation will involve:

- detailed analysis of a wide range of aeronautical and meteorological data;
- careful examination of all available evidence, which includes sending certain parts of the aircraft or its components back to the manufacturers for testing;
- interviews with individuals such as members of the crew, passengers and staff of the Civil Aviation Department and emergency services on duty at the time; and
- providing the opportunity for persons involved in or concerned with the accident to make representations to the investigators and for these representations to be considered before a report is finalized.

Completion of the final investigation report is likely to take some time, depending on the time it would take the parties involved to respond to the draft report.

The report will seek to establish the cause or causes of the accident and make recommendations on the measures which, in the opinion of the investigators, will assist in preventing reoccurrence of a similar incident. Any findings or recommendations arising out of the investigation will be acted upon immediately.

MR HOWARD YOUNG (in Cantonese): *Mr President, in the light of international experience, this kind of accident report would take a few months to several years to complete. If the Administration finds it necessary, before the completion of the investigation report, to take some measures that would involve manpower or resources to maintain our high aviation and meteorological standards in respect of operation of our airport, will it take immediate action in response to demands without waiting for the completion of the report?*

SECRETARY FOR ECONOMIC SERVICES (in Cantonese): Mr President, in the course of the investigation, the Director of Civil Aviation will release, when appropriate, the information he has obtained, including the relevant factual information. If in the course of investigation, the investigators find that there is something which warrants immediate action or improvement so as to prevent the recurrence of similar incidents, the Director of Civil Aviation will recommend taking immediate actions. May I cite a separate case for illustration. Recently, the Director of Civil Aviation cancelled the opposite runway mode immediately following the experts' report. He took action well before the final report was out. In fact, the decision to take such action was made when the draft report was released.

MR ALBERT CHAN (in Cantonese): *Mr President, what worries me most is the safety of Kai Tak Airport prior to the completion of the investigation report. In fact, it was reported that Kai Tak Airport was subject to the effects of wind shear which were potential hazards to landings and takeoffs under certain weather conditions or in certain wind directions. Does the Administration have any plans or measures to minimize the hazards posed by wind shear to aircraft?*

SECRETARY FOR ECONOMIC SERVICES (in Cantonese): Mr President, the Civil Aviation Department is very concerned about the effects of wind shear on landings and takeoffs. At present, there is a set of surveillance equipment at Kai Tak Airport which can continuously monitor changes of wind speed and direction at the airport runway and its adjacent areas. The Civil Aviation Department has been working closely with the Royal Observatory in this connection. All such data is computerized and can be used to gauge accurately the possible effects on aircraft due to changes in wind speed and direction. Such information is stored in a recorder and constantly transmitted to aircraft for aviation purposes. When an aircraft is approaching Hong Kong and prior to its landing, the Air Traffic Controller in the control tower will keep on exchanging information with the pilot on wind speed and direction at the airport and runway.

MR MARTIN BARROW: *Mr President, would the Secretary inform this Council if any independent members of the community are on the committee of investigation? If not, would the Secretary not agree that participation by community members would help ensure the impartiality of the conclusions reached and will he reconsider the position?*

SECRETARY FOR ECONOMIC SERVICES: Mr President, under the Hong Kong Civil Aviation (Investigation of Accidents) Regulations, there is provision for the Governor to appoint investigators to investigate an accident, to appoint a board of review to review the findings of the investigator and, in circumstances where these are deemed necessary, to actually hold a public inquiry, having regard to the public interest, into the circumstances and causes of an accident. In the case of the present inquiry, the Governor has appointed a team of investigators who are accredited professionals from Hong Kong and also from the United Kingdom. Obviously, if circumstances warrant the consideration of other forms of investigation, for example, review or public inquiry, these will be considered at the time.

DR LAM KUI-CHUN: *Mr President, I understand that the accident under discussion was caused by the aircraft's inability to stop in time and that the aircraft was actually very new at the time of the accident. Was the aircraft landing with a tailwind at the time because the new regulation banning the use of alignment approach prevented the aircraft from landing into headwinds? And did an excessively strong tailwind prevent that aircraft from stopping within an appropriate distance?*

SECRETARY FOR ECONOMIC SERVICES: Mr President, the opposite runway mode did not actually have a bearing on this particular incident when in fact the aircraft was heading into a headwind. It would be wrong of me to speculate in any way on the causes of the aircraft continuing on from the runway into the sea. These are being studied.

DR CONRAD LAM (in Cantonese): *Mr President, the aircraft that crashed into the sea could not be towed away until a few days later. Did the Administration actually have enough equipment to refloat and remove the aircraft from the scene as soon as possible so as not to cause obstruction to air traffic?*

PRESIDENT: Slightly beyond the main answer, but do you have the answer to that one, Secretary?

SECRETARY FOR ECONOMIC SERVICES (in Cantonese): Mr President, I will try to answer this question. First I have to make clear that although the aircraft was in the sea, it did not hinder the normal landings and takeoffs of aircraft at Kai Tak Airport. At one time we worried that the tail of the aircraft might hinder the landings and takeoffs of other aircraft, and so we dismantled the aft part of the plane. The removal of the aircraft from the scene actually involved many technical problems because it was submerged in water. The salvage team had tried many methods, including rewelding the bottom part of the plane and pumping out the water. Though we did have the equipment and facilities for such operation, two factors had to be taken into consideration. Firstly, the safe operation of Kai Tak Airport should not be affected. And that was why the salvage work could not be carried out easily during the landings and takeoffs of aircraft. Secondly, we intended to preserve all the evidence for future investigation of this incident.

MR PETER WONG: *Mr President, will the Secretary confirm whether the report will be published in full? And if not, what will be the criteria for withholding any of the information?*

SECRETARY FOR ECONOMIC SERVICES: Mr President, there are provisions under the law for the Governor to decide whether to publish in full or in part the report. In the case of the accident preceding this particular one, the entire report was published. I would not wish today to speculate on what we will publish.

MR JIMMY MCGREGOR: *Mr President, can the Secretary say whether a film record of the landing of this aircraft was made by air traffic control and whether this is done during abnormal weather conditions as a matter of routine?*

SECRETARY FOR ECONOMIC SERVICES: Mr President, I am afraid I am not aware of the existence or otherwise of a professionally filmed record of the landing of that particular aircraft. I have to check on that and provide an answer in writing. (Annex I)

Subtitling and sign language in TV programmes

4. MR FRED LI asked (in Cantonese): *Regarding the rights of the deaf to have equal opportunities to receive information and to participate in public affairs in Hong Kong, will the Government inform this Council of its plans to require the provision of captions and sign language in the news and public affairs programmes broadcast by local television stations?*

SECRETARY FOR RECREATION AND CULTURE: Mr President, the Administration is fully aware of the needs of the hearing impaired to have access to news and public information and has done much to provide subtitles or sign language on the news and public affairs programmes broadcast on our local television stations. Radio Television Hong Kong (RTHK) is currently providing a half hour "News Review" programme every Sunday morning between 8:30 am and 9:00 am with full subtitling and sign language. RTHK's other public affairs programmes also carry subtitling when interviews with non Cantonese speakers are shown. Steps are also being taken to provide more captioning on announcements of public interest that relate to government policies. In addition, some 10% of the news and current affairs programmes broadcast by the two local commercial TV stations, which average about 10 hours a week, also carry subtitles. Wharf Cable's news channel which has come on stream since the end of last month, also provides subtitling to over 9% of its programmes, and this averages about 15 hours a week.

As stated by the Secretary for Health and Welfare in this Council when answering a similar question in June last year, the Government favours a voluntary approach in extending this service onto our local TV programmes. This is because there are real practical problems in making such a service mandatory. Other than costs, which can be quite substantial, one of the main difficulties is that news and public affairs programmes are often broadcast live. This makes it technically very difficult to provide subtitling. But despite this, it is clear from the statistics that I have quoted earlier, the local TV stations have responded well on a voluntary basis in providing subtitling to many of their news and public affairs programmes.

Members may, however, wish to note that the Administration is presently in the process of setting up a Working Group with membership drawn from interested welfare organizations, the television stations, RTHK as well as relevant government departments to consider how best to further extend this service for the hearing impaired.

MR FRED LI (in Cantonese): *Mr President, even if the issue I have raised today on the right of the deaf to have access to information can be broadcast tomorrow on RTHK's programme "LegCo Review", those deaf viewers would not be able to understand what I was saying. Can the Administration take the lead in providing immediately subtitling or sign language on announcements of public interest and public affairs programmes (including "LegCo Review")?*

SECRETARY FOR RECREATION AND CULTURE: Mr President, as I have mentioned in the main answer, RTHK is already doing quite a lot. But I think, in providing subtitling or sign language services, resources are of prime importance. And as I mentioned also in my main answer, the cost of providing such services can be quite substantial. I would like perhaps just to quote a figure. The two TV stations indicated that if they were to provide subtitling

alone to all their news and public affairs programmes, it would cost them in the region of \$1 million a week, that would add up to \$52 million a year. So, with regard to the question of RTHK extending this service to government programmes, we have to consider the availability of resources. And naturally within the constraint of available resources, we will certainly do our best.

MR TIK CHI-YUEN (in Cantonese): *Mr President, a drive called the "Asian and Pacific Decade of Disabled Persons 1993-2002" emphasized that the barrier of communication should be removed by way of legislation in a bid to reduce the social segregation often faced by disabled persons. Just now the Secretary has mentioned that the cost of providing such services can be quite substantial. But can the Administration consider integration of legislation with certain commercial operations, thereby enabling the services provided are lasting and extensive?*

SECRETARY FOR RECREATION AND CULTURE: Mr President, I mentioned in my main answer that cost is only one factor. Technical difficulty is another factor. It is because public affairs and news programmes are often broadcast live and there are technical difficulties of providing such subtitling services when it comes to live broadcasts. I would like to mention here that the Government is adopting a voluntary rather than a mandatory approach, having regard to examples in foreign countries. In most of the overseas examples we have studied, for example, in the United States, Canada and Australia, it is all done through a voluntary approach rather than a mandatory approach. It is only in the United Kingdom that there is law requiring commercial TV stations to provide subtitling to their programmes. But in the United Kingdom, the BBC is not required under the law to provide the said service.

MR CHEUNG MAN-KWONG (in Cantonese): *Mr President, the Secretary says in his reply that RTHK does not provide subtitles to their public affairs programmes in view of substantial cost. That being the case, the Administration has no reason to require commercial TV stations to provide subtitles because all TV stations would likewise cite substantial cost as the reason for not providing subtitles or sign language. Would the Administration seriously consider introducing legislation to require at least non-live broadcasts, if not live broadcasts, to provide subtitles or sign language?*

SECRETARY FOR RECREATION AND CULTURE: Mr President, I do not think that I said in my reply that the Government is not going to provide subtitling services to RTHK programmes. What I am saying is that we are taking a step-by-step approach, having regard to resource constraint within RTHK. And indeed with regard to the commercial TV stations, the persuasive and voluntary approach that we have adopted in the past has achieved considerable results as the statistics that I have quoted in my main answer

already show. But in addition to this, perhaps I should mention that wherever there are no technical difficulties, for example, in the case of documentary programmes where there are very few live broadcasts involved, over 36% of documentary programmes produced by the two commercial TV stations carry subtitling and in ordinary entertainment programmes like films or family entertainment programmes, unless they are broadcast live, some 28% of those programmes also carry subtitles.

MR ANDREW WONG (in Cantonese): *Mr President, the Secretary has mentioned "News Review" in his reply. The Chinese title for the programme, if translated literally, is "current affairs review". Obviously current affairs is different from news. My question is: Is the half-an-hour news-in-brief for the deaf that is broadcast once a week up-to-date news or out-dated news?*

SECRETARY FOR RECREATION AND CULTURE: Mr President, I think I agree with the Honourable Andrew WONG that this is a news review, as the title of the programme suggests. So it is not live news broadcast.

DR HUANG CHEN-YA (in Cantonese): *Mr President, it is obviously not sufficient as only 10% of the news programmes carry subtitles. This has deprived the right of the deaf to information. The Administration explains that substantial cost is the reason for this and says that TV companies may have to spend \$1 million a week for providing subtitling services. Will the Administration inform this Council how the \$1 million is arrived at? Does the Administration only believe what TV stations say?*

SECRETARY FOR RECREATION AND CULTURE: Mr President, the element of cost is worked out not just on the basis of input provided by the commercial TV station, but that by RTHK which also provides programmes with subtitling as well. RTHK does carry a cost formula on how much it would cost to produce a programme with subtitling. And in this regard the cost is worked out on the strength of the government figures. According to the figures provided by RTHK, the cost, just for the technical equipment alone, would amount to \$6,000 per hour. And should the staff costs involved be included, it could build up to well over double that amount per hour.

MR MAN SAI-CHEONG (in Cantonese): *Mr President, only 10% of the news and current affairs programmes broadcast by the two commercial TV stations carry subtitles. Will that mean the hearing impaired do not have immediate access to the remaining 90% of the news and current programmes as the general public do, particularly when it comes to emergency and special announcements? Does the Secretary have any ways and means to make it mandatory that the two TV stations have to increase the subtitling services within a certain period of*

time, say one or two years? If a working group is to be set up, will this be its primary task?

SECRETARY FOR RECREATION AND CULTURE: Mr President, I should point out that all emergency and special announcements being made from time to time are required to carry subtitling and the TV stations have complied with this request made by the Administration voluntarily. As regards the second part of the question, I can say that the Working Group that is being set up to look into this particular issue will certainly examine this aspect.

Vietnamese migrants detention centre visitors

5. MR MARTIN BARROW asked: *Will the Government inform this Council of its policy towards visitors to the Vietnamese migrants detention centres?*

SECRETARY FOR SECURITY: Mr President, there are several different categories of visitors to detention centres:

- (a) there are visiting Justices of the Peace, who are appointed to visit each detention centre once a month;
- (b) there are Detention Centre Visitors appointed under the Detention Centre Rules to provide welfare services on a long-term basis to the Vietnamese in detention. There are at present 10 organizations whose staff are appointed as visitors under this rule;
- (c) there are relatives and friends of detainees, who are permitted to visit under Rule 27 of the Detention Centre Rules;
- (d) there are legal advisers who are permitted to visit under Rule 44 of the Detention Centre Rules; and
- (e) there are ad hoc visitors, to which category I believe this question is primarily addressed.

It is the Government's policy to permit persons in this latter category to visit detention centres from time to time. Each application is considered on its merits, taking into account the purpose of the visit and the good order and management of the detention centres. Visitors in this category have included Members of this Council and district boards, journalists, and persons working for human rights organizations.

MR MARTIN BARROW: *Mr President, is the Secretary aware that under his categories (b) and (e) there appears to have been a policy of reducing access to the centres? Would he not agree that more openness, which was a key recommendation of Judge KEMPSTER, provides the necessary checks and balances in the management of the camps?*

SECRETARY FOR SECURITY: Mr President, I do not agree with Mr BARROW that there has been any attempt to reduce the number of visitors. As regards lawyers, they are allowed to visit under rules agreed with the Law Society and the Bar Association and there has been no recent change in those rules. As regards ad hoc visitors, I would only point out that so far this year there have been about 500 such visitors to detention centres. There has been no curtailment.

Tolo Harbour Water Control Zone

6. REV FUNG CHI-WOOD asked (in Cantonese): *Will the Government inform this Council:*

- (a) *why effluents are allowed to be discharged from the Shuen Wan Landfill into the Tolo Harbour Water Control Zone without a licence;*
- (b) *to what extent the water quality of the Tolo Harbour has been affected by the pollutants in effluents discharged from the landfill; and*
- (c) *whether there are other Government facilities which are discharging effluents into water control zones without a licence?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President,

- (a) When the Tolo Harbour Water Control Zone was established in April 1987, the discharge from the Shuen Wan Landfill was exempt from controls under the Water Pollution Control Ordinance. This exemption was removed in 1990 when the Ordinance was amended to require a licence for every discharge in a water control zone, except for the disposal of domestic sewage into public drains. On the removal of the exemption, the discharge from the landfill, as with other discharges which were exempt from control before 1990, was "deemed" to be licensed under section 16 of the Ordinance, for two years until December 1992. The purpose of this arrangement was to give dischargers time to meet the licensing conditions. In accordance with these arrangements, the landfill

contractor submitted an application for a licence before the expiry of the "deemed" licence. This application is being processed by the Environmental Protection Department.

- (b) Routine monitoring of the water quality in Tolo Harbour does not indicate that there is a particular problem associated with the Shuen Wan Landfill. One of the potential problems is leachate produced by rainwater filtering through the wastes in the landfill. However, the leachate is significantly diluted on its way through the underground water system and the retaining seawall of the landfill. On reaching the harbour, it quickly disperses.
- (c) The Water Pollution Control Ordinance, as amended in 1990, does not provide exemptions for any discharges. Therefore discharges from government premises in a water control zone are required to be licensed under the Ordinance. To date, 228, or 60%, of the approximately 380 government facilities in water control zones have been licensed, and, as a result, over 97% of the wastewater coming from these establishments is under control. Licence applications for almost all the remaining discharges have been received and are being considered by the Environmental Protection Department. The licences should be issued in 1994.

REV FUNG CHI-WOOD (in Cantonese): *Mr President, according to the statistics of the Agriculture and Fisheries Department, 30% of the pollutants containing nitrogen in the Tolo Harbour come from the Shuen Wan Landfill. As the Government has all along been promoting environmental protection, why does it fail to observe the laws on environmental protection itself? Eleven months have passed, yet 40% of the Government facilities, with the exception of Shuen Wan Landfill, are still operating without a licence. The Government enforces the law on the one hand but fails to observe it on the other. Will the Administration give a reply to part (a) of the question, that is, is it due to negligence or is it done on purpose because no action has been brought against government installations?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, I am afraid the Rev FUNG Chi-wood is quoting figures to which I do not have immediate access. If he can provide those figures to me I should be glad to look into the details. But I think I have already covered fairly fully the question of the controls and licensing of the Shuen Wan Landfill.

Under the action plan for Tolo Harbour, the focus of that plan was to address the possible impacts on water quality in the Tolo Harbour of future developments in the area. At that time the design of the Shuen Wan Landfill was considered adequate to mitigate pollution by leachate, but recent study has indicated possible pollution, not so much by leachate as indeed by nitrogen

coming from the landfill which contributed to about 20% of the total amount of nitrogen identified in the action plan. This will be reduced to 1% in 1996 when the restoration work for the Shuen Wan Landfill is completed.

PRESIDENT: Not answered?

REV FUNG CHI-WOOD (in Cantonese): *Mr President, my question is "why", but the reply of the Secretary only describes the process. Why are the Government facilities mentioned earlier still not licensed after 11 months? Is it a problem with the work process, or is it due to negligence or other reasons?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, I think I have indicated that the contractor operating the Shuen Wan Landfill has applied for a licence.

MR PETER WONG: *Mr President, the leachate from the Shuen Wan Landfill is a significant contributor to the COD and BOD loading in the Tolo Harbour. Last week we were treated to a battle between two of the government departments over the quantity of loading due to mariculture. However, the loading from the landfill is really quite a significant amount when compared with the mariculture. My question is: When can the Secretary inform us that the leachate from the landfill will stop leaking into Tolo Harbour so that we have a chance of getting the loading of Tolo Harbour down to an acceptable level as set out by the EPD?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, a feasibility study into the scope for restoration works at Shuen Wan Landfill was completed in August 1993. The landfill is expected to be exhausted by the end of 1994 at the current waste intake. In spring 1995, comprehensive restoration works will begin. These works should be completed in 1996 and there will be continual monitoring thereafter. As a stopgap measure, some of the leachate is being collected and recirculated through the landfill to reduce the pollutants it contains. Work will start in 1994 for completion in 1996 with the main works to collect and pretreat the leachate before it is transferred to the Tai Po Sewage Treatment Works for secondary treatment. So the overall answer, as far as the restoration of this landfill is concerned, is 1996 but in the meantime interim works to collect the leachate will be put in place.

MR ALBERT CHAN (in Cantonese): *Mr President, I think the discharge from the Shuen Wan Landfill is something really ironical. The Secretary said on the one hand that applications were being processed by the Environmental*

Protection Department, but on the other hand, his reply clearly indicated that the present contractor was without a licence. Given that the contractor operates without a license and that the Environmental Protection Department seems to have given its approval for this, are there in fact deficiencies in the enforcement of Water Pollution Control Ordinance in relation to Tolo Harbour which make it possible for some companies to discharge without a licence and without the danger of being prosecuted?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, I do not think it is exactly correct to say that the landfill is leaking sewage. I think that is an extreme exaggeration. The point which I have made is that the Environmental Protection Department is responsible for issuing licences under the Water Pollution Control Ordinance. This is quite separate from the operation of the landfill which is controlled by the Civil Engineering Department. The point about issuing licences under the Water Pollution Control Ordinance is that clearly there are, as ever, questions of priorities. There are effluents coming out of industrial premises which are far more serious in their effect than the small leakages of leachate out of the Shuen Wan Landfill. And I think it is incumbent on any authority to take a sensible view of priorities in deciding on the enforcement and licensing programme. This is exactly what the EPD is doing in this case. As I have said earlier, the intention is that all these installations should receive their licences during 1994 and in the time frame that I think I have already made clear in previous answers. I think this is going at a reasonably good pace.

MR LEE WING-TAT (in Cantonese): *Mr President, the question I am going to raise is not hypothetical. It seeks clarification from the Administration on its policies. Suppose further studies into the issue confirm that the Administration is, in respect of its monitoring role, responsible for the discharge or guilty of negligence, is the Government going to take action to sue itself? If so, how will that be done? If not, then the Government is acting against the law without being prosecuted; will it not be unfair to other industrial and commercial undertakings which have breached the Water Pollution Control Ordinance?*

PRESIDENT: What is the question there, Mr LEE?

MR LEE WING-TAT (in Cantonese): *Mr President, I believe, in this case, the Administration and we have drawn different conclusions. If we take a further look at this and have more discussions we may find that there was negligence on the part of the Planning, Environment and Lands Branch, which resulted in the discharge of effluents from the landfill into the Tolo Harbour. If the Administration breaches the law, will it take action against itself? If there is no intention to do so, is this not unfair to the public as far as enforcement is concerned?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, with respect, I believe there is a degree of hypothesis in this question because it begins with "if the Government is found to be negligent". I think the point that I have made is that the Government is pursuing, at the best pace possible in the light of priorities and the resources available to it, the enforcement of the Water Pollution Control Ordinance against polluting industries and taking action against government installations. All of Hong Kong's environmental ordinances state explicitly that their provisions shall apply to the Government itself. This is not exactly unique but it is certainly not common in legislation elsewhere in the world. I think the community in Hong Kong has a clear indication that the Government is serious about its own installations and is proceeding to bring them into line with the pollution control ordinances.

REV FUNG CHI-WOOD (in Cantonese): *Mr President, may I know the number of prosecution cases for breach of the Water Pollution Control Ordinance since December 1992, and the number of such cases involving government departments. If no government departments have been prosecuted, what are the reasons?*

PRESIDENT: Do you have the answer, Secretary?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: I do not have a detailed answer to that question, Mr President. But I think that the procedure for dealing with the government installations is to give them time to come into line with the ordinances and prospective licence conditions as with other installations under this legislation. The question that I think has to be asked is: If the Government is spending time prosecuting itself, is this a proper use of the resources available when there are far more serious pollution problems being caused by other polluters?

REV FUNG CHI-WOOD: *Mr President, may I ask*

PRESIDENT: No, I am sorry, let us get on with it.

MR JAMES TIEN: *Mr President, I think I am helping Mr LEE and Rev FUNG in asking this follow-up. Does the Secretary's reply mean that in order to save taxpayer's money from being spent on prosecutions or lawsuits taken by one government department against another government department, a government facility discharging pollutants into our environment will not be sued even if it does not have a licence?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, I have been trying to make the point about priorities and the gist of what I have been saying is that priorities dictate that prosecution action be instituted against the worst offenders. The worst offenders do not include the government installations.

PRESIDENT: We have overshot the time allocated.

Written answers to questions

Employment of trained mentally handicapped adults

7. DR LAM KUI-CHUN asked (in Chinese): *Will the Government inform this Council of the number of mentally handicapped adults who have successfully found employment after receiving special educational training, and as a percentage of those who have completed the training course; and what specific assistance is being provided by the authorities to those who have completed such training to ensure adequate job opportunities are available, so that they need not stay idle at home?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, education for children with special educational needs is provided either in special or ordinary schools. Mentally handicapped children are provided with 10 years of free and general education in special schools.

As regards those disabled school leavers assessed as having the ability to work in open employment, they are provided with vocational rehabilitation. It covers vocational guidance, vocational training and support services. Vocational rehabilitation is at present provided by six Skills Centres for the Disabled. Three are run by the Vocational Training Council (VTC) and the rest by non-governmental organizations.

Relevant information on mentally handicapped school leavers undergoing vocational training is as follows:

		1990	1991	1992 (Jan-Aug)
(a)	No. of MH school leavers who completed vocational training courses	83	110	83
(b)	No. of MH school leavers securing open employment	69	81	66

	1990	1991	1992 (Jan-Aug)
(c) Rate of employment	83%	74%	80%
(b) ---- x 100%			
(a)			

As regards those mentally handicapped school leavers who cannot benefit from vocational training, some of them are provided with supported or sheltered employment. Relevant information in this respect is as follows:

	1990-91 <i>School year</i>	1991-92 <i>School year</i>
(a) No. of MH school leavers	343*	388*
(b) No. of referrals for supported or sheltered employment	99	93
(c) No. of MH school leavers securing supported or sheltered employment	17	43
(d) Rate of employment	17%	45%
(c) ---- x 100%		
(b)		

* Corresponding figures for the 1992-93 school year are not yet available. The remaining MH school leavers either underwent vocational training or were placed in day activity centres (71% and 64% in 1990-91 and 1991-92 respectively).

To meet the existing shortfalls in day activity centres and sheltered workshops for mentally handicapped persons, the necessary funds have been sought to provide an additional 3 760 places by 1996-97. We are determined to improve the quality of life of these people.

VTC and non-governmental organizations running the Skills Centres normally arrange job placements or job placement referrals for their trainees prior to the completion of their training. This helps to minimize trainees' waiting time for open employment.

Additionally, the Labour Department's Selective Placement Division provides free placement services for mentally handicapped persons wishing to seek jobs in the open market. The division takes active measures to enhance the

acceptance of mentally handicapped persons by employers. Through visits, regular news bulletins to employers and publicity programmes, it has succeeded in creating more job opportunities for this disability group.

Broadcast channel for road users

8. MR HOWARD YOUNG asked: *Will the Government inform this Council:*

- (a) *whether consideration will be given to operating a dedicated broadcast channel for keeping road users informed of traffic conditions during rush hours; and*
- (b) *what the estimated cost for providing such service will be?*

SECRETARY FOR RECREATION AND CULTURE: Mr President, I propose to answer the Honourable Howard YOUNG's questions in the order as they appear.

- (a) We have no plans to start up a new dedicated radio broadcast channel for road users since RTHK already operates a dedicated traffic channel — Radio 7. Traffic reports are broadcast, in Cantonese, throughout the day at half-hourly intervals, with the frequency increasing to every 15 minutes during rush hours that is from 8-9 am and again from 5:30-6:30 pm. There is also flexibility in the programming of Radio 7 to allow for special announcements to be broadcast at any time of the day when necessary. The other RTHK radio channels also broadcast regular traffic reports, though not as frequently as Radio 7. Consideration is being given to improving further liaison between RTHK and the police and Transport Department to ensure that more timely traffic updates from all parts of the territory are made available to the programme announcer.
- (b) The cost of operating Radio 7 in 1993-94 is estimated to be \$6.7 million.

Scaffolding erection and removal

9. MR ALBERT CHAN asked (in Chinese): *Recently there have been complaints that scaffoldings erected to facilitate maintenance works on buildings have not been removed after the completion of the projects, seriously affecting the living environment of residents and the operation of shops on the ground floor. Will the Government inform this Council:*

- (a) *what the provisions governing the erection and removal of scaffoldings are; which department is responsible for the enforcement of these provisions; and*
- (b) *whether a review of the legislation will be conducted to strengthen the monitoring of the erection and removal of scaffoldings so as to protect the interests of residents?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, the erection of scaffolding is subject to regulation under two Ordinances as follows:

Factories and Industrial Undertakings Ordinance (Cap. 59)

The safety of scaffolding is regulated under Part VA "Scaffolds, Working Platforms and Ladders and so on" of the Construction Sites (Safety) Regulations of the Factories and Industrial Undertakings Ordinance. For example, all scaffolding should be made of strong and sound materials, free from defects and properly maintained. The regulations also require the scaffolding to be fixed, secured and regularly inspected to prevent accidents.

The Labour Department is responsible for enforcement action against unsafe scaffolding. In addition to regular inspections, a special inspection and enforcement campaign on scaffolding was conducted from April to June this year. A similar operation will be mounted later in the year. Those who breach the law will be prosecuted.

Buildings Ordinance (Cap. 123)

Scaffolding erected in connection with structural or drainage repair works and new building works is controlled under the Buildings Ordinance.

The Buildings Department is responsible for ensuring that all repair works and new building works are carried out to safety standards laid down in the Buildings Ordinance. Staff of the department inspect these works on a regular basis. As a standard procedure, they are required to satisfy themselves that scaffolding is safe and is removed following completion of the works for which plans have been approved or for which orders under the Buildings Ordinance have been issued.

These provisions are generally adequate to ensure the safety of scaffolding and, as far as possible, residents of buildings where scaffolding is put up are not subjected to undue nuisance. There is no intention to review the legislation for the time being.

Complaints about scaffolding should be made to the Buildings Department; or, in emergencies, the police.

Non-graduate teacher qualifications assessment examination

10. DR LAM KUI-CHUN asked (in Chinese): *Regarding the first Non-graduate Teacher Qualifications Assessment Examination organized by the Education Department this year, will the Government inform this Council:*

- (a) *how many candidates have successfully passed the examination to become qualified non-graduate teachers in primary schools;*
- (b) *how many of them came from China; and*
- (c) *how many teachers qualified through the examination have been offered teaching posts?*

SECRETARY FOR EDUCATION AND MANPOWER: Mr President, the answers to Dr LAM's questions are:

- (a) Ninety-six candidates have successfully passed the Non-graduate Teacher Qualifications Assessment Examination in 1993 for appointment to the Certificated Master/Mistress rank in primary schools. Of these, 23 candidates passed all three parts of the assessment and will become fully qualified teachers after completing a supervised teaching period of not less than one year in a primary school. The remaining 73 candidates who passed only Parts I and II of the examination may become fully qualified teachers in primary schools after completing a two-year part-time in-service course.
- (b) Of the 96 successful candidates, 57 acquired their post-secondary qualifications in China.
- (c) As at 25 November 1993, 59 of the 96 successful candidates have reported that they are teaching in schools in Hong Kong.

Illegal import of pork and pigs

11. MR MICHAEL HO asked (in Chinese): *According to the data provided by the Department of Health, illegal import of pork and pigs into the territory is on an upward trend. As such pork have not been subject to any inspection and their hygienic condition could not be monitored, they pose serious threats to public health. Will the Government inform this Council:*

- (a) *of the measures currently adopted by departments concerned in curbing the illegal import of pork and pigs;*
- (b) *of the methods to be used by the departments concerned to prevent such illegally imported pork from being put on sale in markets;*

- (c) *whether there are loopholes in the existing legislation on the control over import of pork and in the enforcement process, hence giving smugglers opportunities for exploitation; and*
- (d) *whether comprehensive plans will be worked out to crack down on the illegal import of pork?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, since 1988, China has been virtually the sole supplier of live pigs to Hong Kong for the purpose of local slaughter. These pigs are authorized to enter and land at:

- (a) Man Kam To Control Point;
- (b) KCRC unloading sidings at Homantin;
- (c) Ng Luen Pier at Kennedy Town; and
- (d) Ma Tau Kok Government Wharf.

Action against the illegal importation of meat (that is, pork) and livestock (that is, pigs) is a joint responsibility of several government departments.

Front-line control rests with the Customs and Excise Department and the Royal Hong Kong Police. These two departments have checkpoints along the border and sea patrols within Hong Kong waters. They act in concert with the other departments in both pre-planned operations and day-to-day enforcement. Offenders found importing unmanifested cargo, that is, pork and pigs or importing frozen pork without a licence will be prosecuted by the Customs and Excise Department for contravention of the Import and Export Ordinance or the Reserved Commodities Ordinance respectively.

Following an interdepartmental strategy agreed in 1991, cases may also be referred to other departments for appropriate action, for example:

- (a) to Department of Health in the case of meat;
- (b) to the Director of Agriculture and Fisheries in the case of live pigs; and
- (c) to the two municipal services departments in the case of possession for sale, where illegal importation cannot be established.

The police can cancel the closed road permit for any vehicle which has been involved in illegal smuggling.

Under Regulation 4 of the Imported Game, Meat and Poultry Regulations, all imported meat must be covered by an official health certificate issued by a

competent authority recognized by the Department of Health. Where imported pork seized at the border is not accompanied by such certificates (or sometimes accompanied by fake certificates), the Director of Health will take action under Regulation 4 and also seize and destroy the meat under section 59 of the Public Health and Municipal Services Ordinance as being unfit for human consumption or for having contravened regulations made under sections 55 and 56 of that Ordinance.

The two municipal services departments are responsible for preventing smuggled pork from being put on sale in retail markets. To this end, they have increased spot checks and raids on licensed fresh provision shops, meat market stalls, cold stores and restaurants and pig roasting factories. Surveillance is also maintained on premises suspected of selling illegally imported pork. Apart from routine inspections, surprise checks are conducted on meat shops and market meat stalls around usual delivery hours in the early morning to see if meat from illegal sources is delivered to them. Particular attention is paid to check whether the pig carcasses bear stamps indicating that they have been slaughtered in a government or licensed slaughterhouse.

Meat from illegal sources detected in the marketplace will be destroyed under section 59 of the Public Health and Municipal Services Ordinance and the offender prosecuted under the Food Business By-laws.

For the purpose of livestock disease control, the Director of Agriculture and Fisheries is authorized under Regulations 5 and 9 of the Public Health (Animals and Birds) Regulations to direct imported live pigs to abattoirs for immediate slaughtering. As such, the legislation is not designed to regulate the importation of live pigs from China.

There is a substantial difference in possible penalties, depending at what stage the meat is seized. The maximum penalty for illegal importation of meat under regulation 7 of the Imported Game, Meat and Poultry Ordinance is \$25,000 fine and six months' imprisonment. However, once the meat has passed through front-line detection and has reached the marketplace, the offender can only be charged with sale of unstamped meat under the Food Business By-laws, for which the maximum penalty is a fine of \$5,000 and three months' imprisonment. To rectify this discrepancy, both municipal services departments are preparing to revise the maximum penalty under the by-laws to bring it into line with that in the Regulations.

Once illegally imported meat has evaded seizure at the border and has been cut up for retail sale, there is a technical difficulty in identifying whether individual pieces of the meat bear inspection stamps or not. Emphasis is therefore being placed on earlier detection.

Following an increase in illegal importation of meat at Sha Tau Kok in August 1992, interdepartmental co-ordination has been improved and enforcement action has been stepped up, both at the border as well as at retail

level. As part of an overall package of countermeasures, an additional customs post has been set up at Shek Chung Au to check vehicles coming from Sha Tau Kok. An average of 8 000 kgs per month of pork has been seized at Sha Tau Kok between August 1992 and October 1993. So far, in November, 11 000 kgs have been seized. Significant seizures have also been made at Man Kam To and Lok Ma Chau Control Points.

All departments concerned are co-operating to control the illegal importation of pigs and pork and concerted efforts of all enforcement agencies will be maintained.

Safety of slopes on Lantau Island

12. MR ALBERT CHAN asked (in Chinese): *The heavy rainfall on 5 November 1993 led to landslip and flooding in various areas on Lantau Island. Will the Government inform this Council:*

- (a) *whether and when inspections have been carried out on the slopes on Lantau Island;*
- (b) *when the last inspections were carried out for slopes where landslip occurred and what the results of the inspections were; and*
- (c) *what follow-up actions will be taken to improve the safety of slopes on Lantau Island?*

SECRETARY FOR WORKS: Mr President,

- (a) Yes, generally there are three kinds of slope inspections for man-made slopes being carried out in Lantau (and elsewhere in Hong Kong) as an on-going exercise:
 - (i) Regular maintenance inspections carried out either by private owners of the land or by the relevant government departments of land under their care.
 - (ii) The Government has a Landslip Preventive Measures Programme (LPMP) for which GEO investigates existing slopes which pose a potential risk to life, executes upgrading works on government land and initiates necessary actions for private land under the Buildings Ordinance. The investigation of slopes and execution of upgrading works are carried out in priority order on a territory-wide basis.

Inspections were carried out by the Geotechnical Engineering Office (GEO) for 137 slopes under the LPMP between June 1991 and October 1993.

- (iii) Emergency inspections carried out by GEO in response to complaints received and landslips reported. Sixty-five such inspections were carried out since 1984, before the 5 November 1993 incident.

There is no programme of inspection for natural slopes.

- (b) It is estimated that about 470 landslip incidents occurred as a result of the rainstorm of 5.11.93, which include:

Natural slopes on hillside	200
Road	150
Catchwater	100
Others	20

All man-made slopes along South Lantau Road, Keung Shan Road and Tai O Road are inspected by Highways Department at about six-month intervals in conjunction with the detailed road inspection. Where the slopes require special attention, more frequent inspections are carried out.

The previous inspections revealed that there were minor defects to the surface protection of some slopes. Such defects were repaired.

Slopes adjacent the catchwaters are inspected by Water Supplies Department staff during their daily patrolling of the catchwaters. In addition, certain major slopes are also included in the routine inspection programme which will be carried out at least once a year and immediately after each typhoon/rainstorm. There was no record of abnormality during the latest inspection.

Slopes in the vicinity of government buildings which fall within the maintenance responsibility of Architectural Services Department are inspected at least once annually. No evidence of deterioration in the slopes was recorded during the latest inspection.

The existing maintenance inspections being carried out by government departments are based on the guidelines produced by GEO.

- (c) The selection of government slopes for inclusion into the LPMP is an on-going exercise. Slopes in Lantau, including those failed during this incident, will be considered in conjunction with other slopes in the territory.

As a result of the preliminary geotechnical studies undertaken on Lantau Island, 22 slopes which overlook buildings and pose a direct risk to life are being upgraded under the LPMP. Works have been completed on 14 slopes and works on the remaining eight will be completed by January 1994.

The Government will arrange for suitable repairs and stabilizing works to be carried out for other slopes failed on 5 November 1993 which are not included under the LPMP and ensure, by issuing internal technical circulars and so on, that proper slope maintenance *will always be carried out to minimize the chance of failure.*

Public housing allocation to public assistance recipients

13. MR WONG WAI-YIN asked (in Chinese): *Will the Government inform this Council whether the Housing Department allocates smaller or older flats with cheaper rents to families in receipt of public assistance when they apply for transfer; if so, what the reasons are; if not, what principles are being used in allocating flats to these families?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, tenants in public housing may apply for transfer on social and medical grounds or on account of overcrowding. Whether a tenant is in receipt of public assistance is not a key consideration in processing such applications. There are cases where fully refurbished older flats are offered to applicants if these flats meet their requirements.

During redevelopment, the Housing Department may offer smaller or older flats to families who prefer such flats in the same district where the rents are lower than in the new reception estates. The overall objective is to ensure a smooth process and to meet tenants' expectations as far as resources permit.

Gross National Product assessment

14. DR HUANG CHEN-YA asked: *Will the Government inform this Council of the progress of the feasibility study on the introduction of Gross National Product assessment for Hong Kong, for which funds were approved by the Legislative Council more than a year ago; and, if such introduction is found feasible, of the timetable for implementation?*

SECRETARY FOR FINANCIAL SERVICES: Mr President, a feasibility study on the compilation of Gross National Product (GNP) statistics in Hong Kong has been in progress since earlier this year. It is designed to ascertain appropriate methods of collecting the necessary data, the associated costs to the Government,

and reporting burden on the private sector. The study has now reached an advanced stage and results obtained so far indicate that, granting adequate legal backing and support from data suppliers in the private sector, it should be technically feasible to compile such statistics.

The feasibility study will be completed in February 1994. Results will be put to the Executive Council for consideration. Subject to decision on the way forward and the availability of funds for the full implementation, necessary work can start thereafter. Allowing time for drafting and enactment of a survey order, collection of data in respect of 1993 will commence in October 1994 and the first set of GNP statistics (for 1993) will be released by the end of 1995.

Convalescent beds

15. DR HUANG CHEN-YA asked (in Chinese): *In view of the inadequacy of convalescent beds for patients suffering from hemiplegia, will the Government inform this Council:*

- (a) *of the number of hemiplegics admitted to hospital for treatment in the past year; if such statistics are not available, whether the number of patients suffering from cerebrovascular diseases can be made available;*
- (b) *of the total number of convalescent beds in Hong Kong; of these, how many have been assigned mainly for hemiplegics; and*
- (c) *what plans are in hand to augment such services?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, the answers, *seriatim*, are as follows:

- (a) the total number of patients treated in public hospitals for cerebrovascular diseases in 1992 was 16 124. There is no further breakdown into different types of stroke;
- (b) as at 31 March 1993, there were 3 575 public hospital beds available to serve patients requiring convalescent care, including those suffering from hemiplegics according to their clinical needs; and
- (c) plans in hand to augment existing services include the development and improvement of designated rehabilitation programmes for stroke patients, community care programmes for elderly patients who suffer a higher incidence of cerebrovascular diseases, as well as additional provision of convalescent beds and geriatric day hospital places.

Central Committee on Services for the Elderly

16. DR LEONG CHE-HUNG asked: *With regard to the recommendations put forward by the then Central Committee on Services for the Elderly in its report published in 1988, will the Administration inform this Council:*

- (a) of the progress so far in their implementation;*
- (b) of the timetable for implementing those recommendations which have not yet been implemented and for completing those which have made a start in implementation; and*
- (c) whether the newly established special working group on elderly services would be given the task of monitoring the implementation of any outstanding recommendation of the Central Committee?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, the report of the Central Committee on Services for the Elderly was issued in September 1988 and contained more than 40 recommendations. Some of the recommendations were general in nature, while others were specific.

Nearly all of the recommendations have been implemented. In view of developments since 1988, the remaining recommendations may have to be reviewed.

A Working Group on Care for the Elderly has been appointed by the Governor recently to assess the social and economic impact of an aging population on the community and to conduct an overall review of the policy on care for elderly people. The Working Group has been tasked, *inter alia*, to advise on new and cost-effective ways of meeting the demand for services and to identify ways to co-ordinate services. It has not been tasked to monitor the implementation of the recommendations of the Central Committee. The Working Group has to report by August 1994 and is not a standing committee.

Localization policy

17. MR MICHAEL HO asked (in Chinese): *In response to Members' questions on the localization policy for the Civil Service, the Secretary for the Civil Service said at the Legislative Council Sitting on 10 November 1993 that the Government found it acceptable for the Police Force to carry on the practice of recruiting a certain percentage of inspectors from overseas. Will the Government inform this Council of the reasons for accepting such practice which deviates from the localization policy, and when will this practice be reviewed?*

SECRETARY FOR THE CIVIL SERVICE: Mr President, historically, the recruitment of Inspectors from overseas was justified on grounds of general policy. In recent years however, the emphasis has been more on ensuring that there are adequate numbers of Inspectors overall.

At the present time overseas recruitment is continuing at a modest level both to supplement local recruitment and because this is traditional. There are also some benefits deriving from a cross-cultural approach in terms of the territory's cosmopolitan image.

The following table shows the number of overseas and local Police Inspectors recruited in the past four years.

<i>Year</i>	<i>Recruitment target</i>	<i>Intake of police Local</i>	<i>inspectors Overseas</i>
1990-91	180	116	34
1991-92	90	75	15
1992-93	98	71	20
1993-94	131	71	16

(up to 27.11.93)

It should also be noted that local officers comprise 78% of all staff in the Inspectorate.

Annual reviews of overseas recruitment of Police Inspectors are carried out by the Force, in conjunction with Civil Service and Security Branches. It is anticipated that the number of overseas Inspector recruits will gradually decline, in particular due to the improved situation with respect to local recruitment, and that overseas recruitment should be phased out completely in two to three years time.

Tuition fees for tertiary institutions

18. MR TIK CHI-YUEN asked (in Chinese): *Will the Government inform this Council of the following:*

- (a) *the criteria for determining the tuition fees for part-time courses offered by subsidized tertiary institutions and the level of fee increases; and*

- (b) *whether the amount of tuition fees received from these courses in the past three years cover the costs involved; if not, what percentage of the costs was recovered and what the difference between the highest and lowest rates of cost recovery was?*

SECRETARY FOR EDUCATION AND MANPOWER: Mr President, there are two types of part-time courses run by the institutions funded by the University and Polytechnic Grants Committee (UPGC):

- (a) those funded by the UPGC wholly or partly; and
- (b) those not funded by the UPGC.
- (a) *Part-time courses funded by the UPGC wholly or partly*

Tuition fees charged for these courses are determined by the UPGC-funded institutions using formulae based on the recommended fee levels for full-time degree and sub-degree courses approved by the Government. Different institutions adopt different formulae for determining the fees for part-time courses.

The actual average cost recovery rates represented by tuition fees for all UPGC-funded courses, both full-time and part-time, for 1990-91 and 1991-92 were 8.6% and 9.1% respectively. The estimated cost recovery rate for 1992-93 was 8.9%. The UPGC does not keep separate statistics on the cost recovery rates for part-time courses.

- (b) *Part-time courses not funded by the UPGC*

There are two types of part-time courses not funded by the UPGC: those operated by the extramural studies or continuing education departments of the UPGC-funded institutions solely; and those operated by the institutions in collaboration with overseas institutions. The criteria for determining the tuition fees for these two types of courses are different, and they also differ between institutions. In general, however, they are operated on a full-cost recovery basis.

Obscene Articles Tribunal

19. MR TIK CHI-YUEN asked (in Chinese): *Regarding the representativeness and operation of the Obscene Articles Tribunal, will the Government inform this Council of the following:*

- (a) *the criteria for appointment of adjudicators; their tenure of office on average;*

- (b) *the criteria for assigning work to individual adjudicators; how a representative composition of adjudicators is ensured; whether a record is kept during the past three years of the number of times they have performed adjudicating duties; if so, please provide details; and*
- (c) *the number of articles appraised by three or more adjudicators in the past three years and their percentage of all the articles appraised; and the average number of adjudicators involved in appraising each article?*

SECRETARY FOR RECREATION AND CULTURE: Mr President, I shall answer the questions raised by the Honourable TIK Chi-yuen in the order as they appear:

- (a) The eligibility criteria for appointment to the panel of adjudicators is stated in section 5(3) of the Control of Obscene and Indecent Articles Ordinance (Cap. 390). A person is eligible to be appointed to the panel if, in the opinion of the Chief Justice, the person is:
 - (i) ordinarily resident in Hong Kong and has so resided for at least seven years; and
 - (ii) proficient in written English or written Chinese.

Under section 5(4), a person shall not be appointed for a period exceeding three years but shall be eligible for reappointment. It is not meaningful to look at the average tenure of office of adjudicators as many have served on the panel since its inception in 1987 whilst others have been appointed more recently. However, for what it is worth, the average tenure of office of adjudicators is four years.

Under section 5(6), an adjudicator may be dismissed by the Chief Justice if that adjudicator:

- (i) ceases to be ordinarily resident in Hong Kong;
- (ii) is convicted of any offence;
- (iii) is declared a bankrupt; or
- (iv) in the opinion of the Chief Justice, neglects or is unable to perform his duty.

It should be noted that the Chief Justice makes every effort to ensure that the panel of adjudicators has a fair representation of the

public in terms of age, social background, educational background and the sexes. Appointments are made from nominations put forward by the Secretary for Home Affairs, Director of Education, Director of Social Welfare, Director of Urban Services and Director of Regional Services.

- (b) There is no pre-determined criteria for assigning work to individual adjudicators. The adjudicators are selected by rotation. However every effort is made to ensure that the members selected represent different sectors of the community. A record is kept of attendance mainly to ensure that the load is spread evenly among the adjudicators as far as practical and no one is overburdened.

During the past three years, each adjudicator attended eight hearings per year on average.

- (c) The presiding magistrate sits on the tribunal as a rule with two adjudicators. No articles in the past three years were classified by three or more adjudicators.

Construction sites inspection

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

- (a) *of the department(s) responsible for conducting post-typhoon or post-rainstorm inspections of facilities or engineering works in construction sites to check whether there is any damage and whether safety standards have been complied with; and in the event of non-compliance, whether prosecutions will be brought; if so, what the number of such cases over the past three years is; and*
- (b) *whether any review has been made of the adequacy of existing measures to ensure safety in construction sites?*

SECRETARY FOR EDUCATION AND MANPOWER: Mr President, it is the responsibility of the contractors concerned to ensure that all on-site facilities and engineering works are safe before resumption of work after a typhoon or rainstorm. Under the general duties provisions of the Factories and Industrial Undertakings Ordinance, every contractor has the duty to provide a safe system of work for his employees.

The Labour Department undertakes regular inspection of construction sites to ensure compliance with safety standards. Prosecutions are taken out when a breach against any provision in the industrial safety law is discovered during the inspections by Labour Department. However, no separate statistics

are kept of prosecutions resulting from inspections made soon after typhoons or rainstorms.

As regards reviews made on the adequacy of measures to ensure safety in construction sites, these are carried out on a regular basis. The level of fines for breaches of the Factories and Industrial Undertakings Ordinance has just been increased. The control of lifting appliances and lifting gears has been tightened. As a result of the latest review, a number of legislative proposals will be put before this Council for approval next year including:

- (a) increasing the number of safety officers at construction sites;
- (b) prohibiting the employment of untrained young workers below the age of 18;
- (c) tightening the safety standards of builder's lifts; and
- (d) laying down a set of regulations to control the operation of working platforms.

Motion

PUBLIC FINANCE ORDINANCE

THE FINANCIAL SECRETARY moved the following motion:

"That, with effect from 1 December 1993, the Disaster Relief Fund is established to provide aid in relief of disasters that occur outside Hong Kong on the following terms

-

- (a) the Financial Secretary is the administrator of the Fund and he may delegate his power of administration to other public officers;
- (b) a Disaster Relief Fund Advisory Committee shall be appointed by the Governor to advise the Financial Secretary on disbursements from the Fund;
- (c) the Financial Secretary shall make a single grant of cash for each purpose advised by the Disaster Relief Fund Advisory Committee;
- (d) the Financial Secretary shall obtain the consent of the Finance Committee for a grant in excess of \$8 million;
- (e) the Finance Committee may amend the limit for which the Financial Secretary is required to obtain their consent;

- (f) the Financial Secretary shall credit to the Fund -
 - (i) appropriations from the general revenue approved by the Legislative Council for the purpose of the Fund;
 - (ii) donations received for the purpose of the Fund; and
 - (iii) other sums received for the purpose of the Fund including all moneys received as interest or dividends earned on moneys invested for the Fund;
- (g) the Financial Secretary may expend moneys from the Fund for the purpose of disaster relief as may be advised by the Disaster Relief Fund Advisory Committee;
- (h) the Director of Accounting Services shall, under the authority of a funds warrant issued by the Financial Secretary, pay from the Fund such sums as may be required to meet expenditure from the Fund;
- (i) the Financial Secretary in his discretion may authorize the investment in the manner he may determine of any unexpended balance held in the Fund at any time; and
- (j) the Financial Secretary shall not transfer any money from the Fund to the general revenue.

He said: Mr President, I move the resolution standing under my name on the Order Paper.

The resolution seeks to establish a Disaster Relief Fund to provide disaster relief outside Hong Kong. When disasters strike, swift provision of aid is needed to save lives and property. Hong Kong, as a responsible and comparatively well-off community, has a moral duty to help the less fortunate. At present, response to international appeals for assistance is made by the Government on an ad hoc basis. This sometimes means that the provision of aid has not been as swift as we — and no doubt the disaster victims — would wish.

To improve the situation, it is desirable to set up a dedicated fund for international disaster relief. We propose that, with the approval of this Council, the Fund will be launched in this financial year under the Public Finance Ordinance with an initial appropriation of \$50 million from the General Revenue. In the context of the annual Estimates, we intend to top up the Fund every year as necessary.

The public will also be welcome to make donations to the Fund. However, for practical reasons, public donations will only be accepted for general relief purpose, not tied to individual disasters.

Payments from the Fund will be made on the advice of a committee. It would be chaired by the Chief Secretary and would comprise the Secretary for the Treasury, the Secretary for Health and Welfare, two Executive Council Members and two Legislative Council Members. The committee will advise on the policy and practices regarding the use of funds for international disaster relief, advise on grant of specified amounts to specified recipients, and monitor the use of grants. To ensure that grants are used for the designated purposes, the agency or organization concerned will be required to submit to the committee an evaluation report and an audited account on how the grant has been used.

As with all other PFO funds, I shall be designated as administrator of the Fund. Disbursements made within the limit of delegated authority will be dealt with administratively. The Finance Committee's approval will be sought for individual disbursements which exceed the limit of delegated powers, currently \$8 million.

We believe the establishment of the proposed Fund will provide a ready mechanism for Hong Kong to respond quickly to international appeals for humanitarian aid. This will be an improvement over the existing ad hoc arrangement. The proposal has been considered by the Legislative Council House Committee and Members have indicated support in principle. I believe that the public will also be supportive of the proposed arrangement.

Mr President, I beg to move.

Question on the motion proposed, put and agreed to.

First Reading of Bill

BREWIN TRUST FUND (AMENDMENT) BILL 1993

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

Second Reading of Bills

BREWIN TRUST FUND (AMENDMENT) BILL 1993

THE SECRETARY FOR HOME AFFAIRS moved the Second Reading of: "A Bill to amend the Brewin Trust Fund Ordinance."

He said: Mr President, I move that the Brewin Trust Fund (Amendment) Bill 1993 be read a Second time.

The Brewin Fund has a long history dating back to 1912. The Fund was created by donations from the friends of Mr A W BREWIN to commemorate his service in Hong Kong. The money was originally intended to provide assistance to needy widows by giving a monthly allowance in the form of a \$5 "pension". The number of recipients was originally about 100. The assets of the trust fund were in the custody of the Tung Wah Hospital until 1954 when the Board of Directors indicated that they were not willing to continue to manage the assets of the Fund and handed them over to the Government.

The Brewin Trust Fund Ordinance was enacted in 1955. In line with the original purpose, the legislation provided for the Fund to be used to give financial support to Chinese widows and orphans. At the time there was only limited public assistance available for this purpose. Owing to changing social needs and an increase in the size of the Fund, the ambit of the Fund has been expanded over the years to allow payments to be made to Chinese workmen incapacitated at work and individuals in financial difficulty. In practice, the funds are allocated by a Trust Fund Committee to government departments and charitable organizations to make payments to eligible persons in accordance with established guidelines.

In 1992 the Attorney General advised that this practice does not comply with section 4 of the Ordinance, which requires that the Committee shall satisfy itself that an applicant is in need of maintenance or benefit before a grant is made.

In addition, the Attorney General advised that as section 4 of the Ordinance restricts the benefits of the trust fund to Chinese widows and orphans, the section is inconsistent with Article 22 of the Bill of Rights Ordinance, which provides that the legislation should not discriminate on any ground such as race, colour, sex or other status. The Bill before us is intended to remedy these two anomalies.

Turning to the details of the Bill, it is proposed to amend section 2, the Interpretation Section, of the Brewin Trust Fund Ordinance by repealing the definition of "Chinese" and provide a new definition of "Charitable institution". Section 4 of the Ordinance is also repealed and substituted by a new section 4 to incorporate:

- (a) the word "widowers" so that the Ordinance would not discriminate against potential beneficiaries on the basis of their sex; and
- (b) a new subsection to enable the Committee to allocate moneys of the Trust Fund to government departments and charitable institutions for their further application of such moneys for the object of the Fund specified in the new section 4(1) at clause 3.

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

GAMBLING (AMENDMENT) BILL 1992**Resumption of debate on Second Reading which was moved on 28 October 1992**

Question on Second Reading proposed.

MR LAU WAH-SUM: Mr President, the Gambling (Amendment) Bill 1992 seeks to exempt certain contracts for differences from the application of the Gambling Ordinance. These types of contracts may have the characteristics of gambling as defined in the Gambling Ordinance. There will not be any problem if the issuers are authorized institutions under the Banking Ordinance. Section 137A of the Banking Ordinance provides for the non-application of the Gambling Ordinance to any transactions proposed to be entered into, or entered into by authorized institutions. However, for those who are not authorized institutions under the Banking Ordinance, the entering into of these contracts in Hong Kong may be interpreted as a criminal offence. Moreover, the contracts may also be rendered unenforceable. There are no policy objection or regulatory reasons why persons who are not authorized institutions should not be able to enter into such contracts if these contracts are used as genuine financial management or investment means. Besides the Banking Ordinance, limited exemption is contained in section 116 of the Commodities Trading Ordinance which states that the Gambling Ordinance does not apply to any transaction to which the Commodities Trading Ordinance applies.

The Bill therefore seeks to amend the Gambling Ordinance to disapply the Ordinance to the following categories of contracts for differences, with a view to developing Hong Kong as an attractive international market for such contracts:

- (a) those listed on the Unified Exchange; or
- (b) those entered into as a result of an advertisement, invitation or document excluded from the application of section 4(1) of the Protection of Investors Ordinance by certain provisions of that Ordinance; or
- (c) those entered into by way of business by a registered or exempt dealer under the Commodities Trading Ordinance — or Securities Ordinance.

The Bill was introduced into this Council on 28 October 1992. A Bills Committee of four Members was formed and commenced scrutiny of the Bill on 15 July 1993. Altogether we held four meetings, including two with the Administration. We considered six submissions from the Law Society of

Hong Kong and the Hong Kong Society of Accountants and met their representatives. As Chairman of the Bills Committee, I would like to take this opportunity to thank my colleagues in the Committee for the time and effort they put in the discussion, the Administration for their co-operation and the two societies for submitting their views and taking part in the deliberations.

Mr President, I now come to the main points discussed by the committee.

The main issue which has been thoroughly discussed is the scope of exemption. The committee and the two societies consider that the scope of exemption is unduly restrictive and can hardly encompass all forms of contracts for differences presently serving a genuine business and investment purpose in the capital market. In particular, they are concerned that if the Bill is passed in its current format, any transaction which amounts to a contract for differences and which does not fall within the exceptions set out in the Bill would be interpreted by both practitioners and the courts as being caught by the Gambling Ordinance. This includes the following types of contracts:

- (a) those listed on an overseas exchange;
- (b) those entered into by investment advisers and commodities trading advisers;
- (c) those entered into by subsidiaries, holding and associated companies of registered persons and authorized institutions; and
- (d) those traded in over-the-counter (OTC) markets.

The Hong Kong Society of Accountants has suggested that listed contracts for differences should not be limited merely to those listed on the Stock Exchange of Hong Kong but should be expanded to cover other international stock and option/futures exchanges, by making reference to the stock markets identified in Schedule 2 and the options markets in Schedule 5 of the new Financial Resources Rules promulgated by the Securities and Futures Commission which come into operation today. After discussions, the Administration has agreed to add a list of recognized overseas exchanges for the purpose of exemption by way of a schedule and will move the necessary amendment at the Committee stage.

The Committee has noted that a large number of contracts for differences are entered into by Hong Kong entities who are not registered or exempt dealers. This is particularly so in the case of OTC transactions which Hong Kong entities would like to enter into with foreign counterparties or other Hong Kong entities on a principal to principal basis without the use or cost of a broker. Furthermore, registered dealers or authorized institutions are unlikely to enter into significant contracts of this nature, given the impact this would have on their financial resources calculations. For practical reasons, subsidiaries, holding or associated companies of registered dealers and

authorized institutions often conduct such transactions without the need for the service of a registered dealer. Moreover, commodities trading advisers and investment advisers have power to enter into contracts for differences. The two societies have therefore suggested that the scope of the exemption should be extended to include the above transactions. Otherwise, they would, in all probability, be conducted offshore, to the detriment of the development of Hong Kong as an international financial centre.

The Administration has explained that according to legal advice, it is not correct to interpret the Bill on the basis that a transaction which amounts to a contract for differences and which does not fall within the exceptions set out in the Bill must be construed as being caught by the Gambling Ordinance. Whether such a contract amounts to gambling as defined in the Gambling Ordinance, should be assessed on its own merits. This view is supported by legal advisers of the Office of Members of the Legislative Council. However, in order to remove the doubt that the proposed section 29(1) would affect contracts entered into before the enactment of this Bill, the Administration will propose an amendment to clarify this point at the Committee stage.

In response to the question of extending the scope of exemption to OTC products, advisers, subsidiaries, holding companies and associated companies, the Administration has explained that it is not appropriate to extend the scope of the Bill to widely. As OTC products have never been the intended ambit of this exercise, it would be necessary to examine such products and their market carefully. Moreover, subsidiaries and other companies are within an unregulated sector in this field of activities. The Administration has therefore proposed that further extension of the scope of exemption should be the subject of a separate review. The review will commence following the enactment of the Bill and will be completed in about three to six months' time.

Another point discussed by the Committee is the United Kingdom Gaming Act 1710. The Act, as applied to Hong Kong, provides among other things that securities of every kind given where the consideration is money won by gaming is void. The Committee and the Law Society of Hong Kong have suggested that the opportunity should be taken to disapply the Gaming Act 1710. The Administration has explained that this should be examined in the wider context of disapplying the United Kingdom statutes which are applicable to Hong Kong by various legislative means. In view of the constitutional issues that might be involved, its implications on the gambling policy generally and since there is no pressing need to disapply this particular Act, the Committee has decided not to pursue its disapplication at this stage.

The Committee was faced with two alternative courses of action, that is, either to proceed with the Bill now leaving the remaining issues to be considered in a review, or to await the result of the review before finalizing the Bill. However, in view of the complexity of this matter and the urgent need to clarify the position of the three categories of contracts included in the exemption provision, the Committee, after careful deliberation, has accepted the

Administration's proposal and agreed that the Bill should proceed whilst the separate review should be monitored by the appropriate Legislative Council Panel.

With these remarks, Mr President, I support the Bill.

SECRETARY FOR FINANCIAL SERVICES: Mr President, I am most grateful to the Honourable LAU Wah-sum and the Bills Committee for their careful scrutiny of the Bill. The suggestions for improvements are indeed very useful.

As I have explained when I introduced the Bill into this Council in October 1992, the exercise seeks to disapply the Gambling Ordinance to several categories of contracts for differences in order to address market practitioners' concern that the prevailing uncertainties about the status of these contracts had become an obstacle for market development in areas such as the cash settled currency warrants and commodity warrants. The Administration believes that the Bill will help to remove uncertainties in certain circumstances as Mr LAU mentioned in his speech. Mr LAU has already summarized succinctly the deliberation of the Bills Committee and I will try not to be repetitive. However, I would take this opportunity to respond to a few points raised by Mr LAU.

On the question whether the exclusion of certain contracts from the application of the Gambling Ordinance means that other contracts for differences will be construed as "gambling", our legal advice has confirmed in the negative. I should reiterate that the exercise is intended to disapply the Gambling Ordinance to certain financial instruments but not for catching any specific contracts under the Ordinance.

Having said that, in order to put the matter beyond doubt, I will move a Committee stage amendment to ensure that the wording used in the Bill will state the intention of the exercise in clearer terms.

Questions were also raised regarding the scope of disapplication being too restrictive.

I have put to the Bills Committee that the objective of the exercise is not to grant a blanket exemption to all classes of contracts traded under all circumstances. The Government must balance initiatives for market development with the need to maintain an orderly market and adequate protection to investors. Nevertheless, after considering views expressed by Members of the Committee and the professional bodies, we have agreed to extend the exemption to instruments traded on certain overseas exchanges and options markets through amendments which I will move at the Committee stage.

Other suggestions to further widen the scope of exemption fall outside our legislative intent for this present Bill and require very careful consideration. In order not to hold up this Bill, it was decided to leave these suggestions to a

separate review and I am very grateful for the Bills Committee's agreement to allow enactment of the Bill to go ahead and subject the question of the scope of exemption to a separate review. I am pleased to inform this Council that together with the Securities and Futures Commission, we have commenced work on the review and we aim at concluding the review in six months' time after the enactment of this Bill. The Administration will then take a view on whether any extension of the scope of exemption from the Gambling Ordinance should be made.

The third aspect raised related to the United Kingdom Gaming Act 1910. The Honourable LAU Wah-sum has explained the position very clearly and I do not intend to repeat the arguments involved.

Apart from the above, the Committee had also agreed to several minor amendments, mainly technical in nature, which will help to clarify the scope of the Bill.

Mr President, with these remarks, I recommend the Bill to Members.

Question on the Second Reading of the Bill put and agreed to.

Bill read the Second time.

Bill committed to a Committee of the whole Council pursuant to Standing Order 43(1).

Committee stage of Bill

Council went into Committee.

GAMBLING (AMENDMENT) BILL 1992

Clauses 1 and 2 were agreed to.

Clause 3

SECRETARY FOR FINANCIAL SERVICES: Mr Chairman, I move that the clause specified be amended as set out in the paper circulated to Members.

Clause 3(a) of the Bill is amended to extend the scope of exemption from the Gambling Ordinance to instruments listed in specific stock exchanges and options markets outside Hong Kong to be stipulated in a schedule to be added to the ordinance. In drawing up the lists of exchanges and options markets, references have been made to similar lists in the Financial Resources Rules promulgated for dealers and advisers registered under the Securities Ordinance and Commodities Trading Ordinance and which will come into effect on

1 December 1993. The Financial Secretary is empowered to amend this new schedule through clause 3(e).

Clause 3(b) puts it beyond doubt that contracts for differences entered into by dealers under the Commodities Trading Ordinance or Securities Ordinance are covered by the proposed exemption whether the dealers do so as principal or as agent.

Clause 3(c) express in clearer terms the scope of the Bill. In essence, the amendment points to the fact that in the absence of the Bill, the contracts being exempted may or may not be regarded as gambling under the ordinance. In other words, the Bill does not affect those contracts not covered by this exercise and the mere fact that such contract does not fall within the scope of exemption provided for in the Bill shall not automatically render it as gambling.

Clause 3(d) updates the Bill since the Secretary for Monetary Affairs had been renamed as the Secretary for Financial Services since 1 April 1993.

Mr Chairman, I beg to move.

Proposed amendment

Clause 3

That clause 3 be amended —

- (a) in the proposed section 29(1), by deleting everything before paragraph (b) and substituting -

"(1) Subject to subsection (2), this Ordinance shall not apply to any contract for differences which is -

- (a) listed on the Unified Exchange or on any stock market specified in Part I of the Schedule or traded on any options market specified in Part II of the Schedule;"
- (b) in the proposed section 29(1)(c), by adding ", whether as principal or agent," after "business".
- (c) in the proposed section 29(1), by deleting everything after paragraph (c) and substituting -

"and which may, but for this subsection, be subject to this Ordinance.".

"SCHEDULE

[s. 29]

PART I

STOCK MARKETS

American Stock Exchange
Amsterdam Stock Exchange
Australian Stock Exchange
Brussels Stock Exchange
Copenhagen Stock Exchange
Frankfurt Stock Exchange
Helsinki Stock Exchange
Korea Stock Exchange
Kuala Lumpur Stock Exchange
London Stock Exchange
Luxembourg Stock Exchange
Madrid Stock Exchange
Makati Stock Exchange
Manila Stock Exchange
Milan Stock Exchange
Montreal Stock Exchange
Nagoya Stock Exchange
New York Stock Exchange
New Zealand Stock Exchange
Osaka Securities Exchange
Oslo Stock Exchange
Paris Bourse
Securities Exchange of Thailand
Stock Exchange of Singapore
Stockholm Stock Exchange
Tokyo Stock Exchange
Toronto Stock Exchange
Vienna Stock Exchange
Zurich Stock Exchange

PART II

OPTIONS MARKETS

Australian Options Market
Chicago Board of Options Exchange
Chicago Board of Trade
Chicago Mercantile Exchange
Commodity Exchange, Inc. (New York)
DTB Deutsche Terminborse
European Options Exchange (Amsterdam)

London International Financial Futures Exchange
 London Metal Exchange
 Marche a Terme International de France
 Marche des Options Negociables de Paris
 New York Cotton Exchange, Inc.
 New York Futures Exchange
 New York Mercantile Exchange
 New Zealand Futures and Options Exchange
 Osaka Securities Exchange
 Philadelphia Stock Exchange
 Singapore International Monetary Exchange
 Stockholm Options Market
 Swiss Options and Financial Futures Exchange AG
 Sydney Futures Exchange, Ltd
 Tokyo Grain Exchange
 Tokyo International Financial Futures Exchange
 Tokyo Stock Exchange
 Toronto Futures Exchange".

Question on the addition of the new clause proposed, put and agreed to.

Council then resumed.

Third Reading of Bill

THE ATTORNEY GENERAL reported that the

GAMBLING (AMENDMENT) BILL 1992

had passed through Committee with amendments. He moved the Third Reading of the Bill.

Question on the Third Reading of the Bill proposed, put and agreed to.

Bill read the Third time and passed.

Members' motions

PRESIDENT: I have accepted the recommendations of the House Committee as to time limits on speeches for the motion debates and Members were informed by circular on 29 November. Movers of the first two motions under the Interpretation and General Clauses Ordinance and the Legislative Council (Powers and Privileges) Ordinance respectively will have five minutes for their speeches including their replies; other Members will have three minutes for their speeches. Movers of the next two motions, that is the motions on "Single Parent Family" and "Sewage Charging Policy" will have 15 minutes for their

speeches including their replies and another five minutes to reply to proposed amendments; other Members, including movers of amendments, 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.

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

MR JAMES TO moved the following motion:

"That in relation to the Civil Aviation (Aircraft Noise) (Limitation on Landing or Taking Off of Aircraft) (Amendment) Notice 1993 published as Legal Notice No. 421 of 1993 and laid on the table of the Legislative Council on 3 November 1993, the period referred to in section 34(2) of the Interpretation and General Clauses Ordinance for amending subsidiary legislation be extended under section 34(4) of that Ordinance until 15 December 1993."

MR JAMES TO (in Cantonese): Mr President, I move the motion standing in my name on the Order Paper that in relation to the Civil Aviation (Aircraft Noise) (Limitation on Landing or Taking Off of Aircraft) (Amendment) Notice 1993 laid on the table of this Council on 3 November 1993, the period for amending subsidiary legislation be extended to 15 December 1993. The purpose of making this technical amendment is to allow Members to have more time to consider the subsidiary legislation in question and to reserve the right of making amendments.

Question on the motion proposed, put and agreed to.

LEGISLATIVE COUNCIL (POWERS AND PRIVILEGES) ORDINANCE

MRS SELINA CHOW moved the following motion:

"That for the purposes of enquiring into the circumstances surrounding the termination of the employment of Mr Alex TSUI Ka-kit, Senior Assistant Director holding the post of Deputy Director Operations, Independent Commission Against Corruption, on 10 November 1993, the Legislative Council Panel on Security be authorized under section 9(2) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) to exercise the powers conferred by section 9(1) of that Ordinance."

MRS SELINA CHOW: Mr President, I rise to move the motion standing in my name on the Order Paper.

The sudden and unexplained dismissal of Mr Alex TSUI, Deputy Director of Operations of ICAC, under section 8(2) of the Independent Commission

Against Corruption Ordinance, has come as a shock to the public as well as to Legislative Council Members. It has caused much public concern and speculation.

Many Members are of the view that a public explanation of this case is necessary and important. It would dispel any speculation about the case, satisfy public accountability and preserve public confidence in the ICAC. Unfortunately, the Commissioner of ICAC has declined to disclose any details on this case on grounds that it is a long standing policy of the public service not to comment on individual cases involving personnel matters. The Governor has also refused Members' request to depart from this general policy and to give a public explanation of the case.

The legislation enacted in 1974 does not excuse the ICAC from public accountability. The public has the right to know sufficiently of the circumstances to be satisfied that the power under section 8(2) of the Independent Commission Against Corruption Ordinance has been fairly and properly exercised in this case. The information provided so far is so scanty that it is not possible to tell whether the decision has been right or wrong, fair or unfair.

While there is no assumption of fault, we do need more information to enable this Council to decide how to proceed further with the case. The Legislative Council Panel on Security has therefore suggested to hear from Mr Alex TSUI.

Members of the Panel feel that Mr TSUI should be protected in giving information to the Panel on his case. For this purpose, it is necessary to lawfully order him to attend the Panel under section 9 of the Legislative Council (Powers and Privileges) Ordinance. The Commissioner of ICAC should also be given the opportunity to appear before the Panel in the same manner. It is for this purpose that I am moving this motion, so as to seek a resolution of this Council to authorize the Legislative Council Panel on Security to exercise the power under section 9(2) of the Legislative Council (Powers and Privileges) Ordinance. Members are fully conscious of the case and the care and responsibility we must exercise in using this power. We are committed to a step-by-step approach, and will report back to this Council as soon as Members acquire enough information to make a meaningful recommendation on follow-up action on this case.

Question on the motion proposed.

CHIEF SECRETARY: Mr President, the motion which is laid before us today calls into question the balance that needs to be struck within our system of government between the proper role of the Legislature and the proper role of the Executive in the administration of the public service. The Legislature has an essential role in law-making, in the voting of funds and in the monitoring of

public expenditure. The Executive should of course be accountable to the Legislature. But it cannot be right, in my view, that the Legislature should require the Executive to explain decisions affecting the appointment, discipline and removal of individual officers.

When the Independent Commission Against Corruption (ICAC) was established in 1974, corruption was endemic in Hong Kong public life and particularly in the Police Force. It was therefore considered essential to establish an entirely independent force of dedicated men and women and to endow them with exceptional powers of investigation. The Independent Commission Against Corruption Ordinance emphasizes the independence of the Commission by making its Commissioner directly responsible to the Governor and to him alone.

All the disciplined services rely for their effectiveness on the quality and integrity of their officers, but the whole purpose of the ICAC would be subverted if the reliability of any of its officers becomes suspect. The standards of conduct imposed upon these officers are most rigorous and the consequences of any departure from those standards may include summary dismissal without assigning any reason. When officers join the ICAC they are made fully aware of the standards expected of them and of the possible consequences if they conduct themselves in a way which causes the Commissioner to lose confidence in their integrity or which may prejudice the operations of the Commission. In the lifetime of the Commission the power of summary dismissal has been exercised on 58 occasions and officers can be in no doubt that the power will be exercised if the Commissioner thinks necessary. All these decisions have been taken extremely seriously by the Commissioner.

When moving the Second Reading of the ICAC Bill in 1974, the then Colonial Secretary (Denys ROBERTS) acknowledged that the power vested in the Commissioner to terminate an officer's services without giving any reason runs contrary to the well established rules which govern the public service and which provide that an officer can only be discharged after formal disciplinary proceedings but went on to say:

"that officers of the Commission must be treated differently. The Commissioner must be able, if there is any suspicion of the loyalty or the integrity of an officer, or any doubts as to his energy and efficiency, to remove him from the Commission immediately."

The Administration believes that those words remain as true today as 20 years ago and that the Commissioner must not be inhibited from terminating the appointment of an officer in whom he has lost confidence.

I am however concerned that the responsibility for exercising the power of dismissal places a heavy burden on the shoulders of the Commissioner which it is perhaps unfair to expect one person alone to bear. We therefore propose to

review the disciplinary provisions and procedures governing ICAC staff. In this context we will consider the need for additional safeguards.

If this motion is passed, then I shall have to consider in consultation with the Commissioner whether the public interest requires that some information on Mr TSUI's case should be withheld from the Security Panel. In those circumstances, Mr President, I should be seeking urgent guidance from you on how a claim of public interest immunity should be determined.

If it is concluded that the withholding of information is essential for the proper functioning of the ICAC then the effect of this motion will be to permit Mr TSUI under the Legislative Council (Powers and Privileges) Ordinance to make unsubstantiated allegations against other members of the ICAC which the Commissioner cannot, consistent with the wider public interest, explain or rebut.

When Lord MacLEHOSE as Governor proposed the establishment of the ICAC in his address to this Council in October 1973 he said:

"To combat corruption, good laws and good organization are essential, but I put my trust principally in the services of sound men."

Mr President, to reflect changing times one should perhaps add "and women". The battle against corruption is a continuing one in which we depend upon the services of the men and women of the ICAC. There must be no reason to doubt their soundness.

We believe in accountable government but we cannot agree to the Legislature and its Panels exercising the judicial functions of a court to determine a matter which is clearly within the responsibilities of the Executive.

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

MR MARTIN BARROW: Mr President, I endorse what the Chief Secretary has just said.

My first concern about this motion relates to the structure of government which has become known as the parliamentary system. It owes its origins to the Westminster Parliament and is a system of separation of powers between the legislative, executive and judicial junctions with checks and balances between them. This system will be preserved in Hong Kong under the Basic Law.

Under our system of government, the question of the disciplining of an individual public servant is a matter for the executive. This Council, the legislative arm, can and should lay down the executive's powers in such matters, monitor in a general way the exercise of these powers and, for example, debate the role and powers of the ICAC.

But what this Council should not do is to substitute its own judgement in an individual case for that of the executive. To do so is to usurp the separation and balance of powers between the arms of government.

Thus, the proposed motion goes to the heart of the Legislative Council/Government relationship and the overall role of the Legislative Council. I recognize the Council's accountability to the people of Hong Kong and its legitimate right to question and monitor the Government's performance. I do not accept this Council second-guessing the Government in dealing with issues relating to specific individuals.

My second concern relates to the issue of privacy. In all matters of discipline in government, particularly those which lead to the termination of the appointment of an officer no matter how senior, disclosure is given careful consideration. An officer's contract is a private matter between him and his employer as indeed are any disciplinary proceedings concerning the officer. To disclose information concerning disciplinary proceedings may amount to interference with the officer's privacy.

In the particular case behind this motion, the decision by the Commissioner would only have been taken after the most careful consideration.

If the Commissioner is summoned to appear before Members of this Council, he will surely be forced to seek immunity from answering on the grounds that ICAC operations or procedures would be prejudiced if he did. Thus nothing will be achieved in holding the proposed hearing, and it is likely that the individual concerned may well introduce issues unrelated to the specifics which led to his dismissal.

Thirdly, other checks exist without the need for action by this Council. We must remember that both the Advisory Committee on Corruption and the Operations Review Committee are independent overseers of the Commissioner's powers. These "checks and balances" committees will no doubt be advised of the background to the dismissal.

The individual concerned has indicated that he is contemplating legal action against the ICAC. That is even more reason not to proceed with a Legislative Council hearing.

In conclusion, Mr President, many matters will remain as unresolved as are unresolved now. Far from clearing the air, as some Members may suggest, we will end up muddying the waters even more.

The buzzer sounded a continuous beep.

With these words, I oppose the motion, and I urge other Members to reconsider and vote against the motion.

PRESIDENT: Mr BARROW, you have to discontinue.

MR JIMMY MCGREGOR: Mr President, we are today on the horns of a dilemma. We are trying to decide whether the Commissioner of an organization set up 20 years ago to rid Hong Kong of endemic and very serious corruption which was eating at the heart of our society and which has done a magnificent job for us, should be required to come before us and be questioned, as closely as we wish to question on the reasons for his dismissal of his immediate subordinate, Alex TSUI. The law gives the Commissioner the absolute right of dismissal and does not require him to tell Mr TSUI why he was dismissed from the second most important job in the ICAC. The law also allows this Council to require Mr de SPEVILLE and Mr TSUI to appear before it and to have questions put to them. The law further provides that Mr de SPEVILLE can refuse to provide the information we seek. Therein lies the dilemma. Which legal right shall prevail, the right for this Council to know or the right of the Commissioner, and the Governor, to remain silent?

Before we set off down the path of righteous indignation we must be very sure what we seek to do and why we wish to do it. I would not wish to destroy the authority vested at present in the Commissioner and the Governor, even if we were able to do so, without being very sure of the long-term consequences. I do not, for example, think there is a crisis of confidence nor, indeed, a crisis of any kind resulting from Mr TSUI's dismissal. I have enough confidence in the integrity of the officials concerned to be sure that the most careful assessment of Mr TSUI's record of performance and personal qualities was carried out prior to his dismissal and probably over a period of time. I believe that the reasons for dismissal must therefore have been sound.

Mr TSUI has stated that he does not know why he was dismissed and has apparently spoken about some form of harassment. He does not mind detailed investigation by this Council. I have listened to many opinions which assert that Mr TSUI had an unacceptable connection with triads and/or triad members. These are questions that can be put to Mr TSUI and I imagine he would deny them.

The need for the highest level of personal integrity in all ICAC personnel is very clear. The health of our society depends on it. It is also the case that although substantial circumstantial evidence may be adduced to provide a damning picture of a person's dangerous liaisons, there might not be enough to provide a complete case in law. In such circumstances, the public interests might demand that the person be relieved of his responsibilities without cause being shown. Mr TSUI might be in that category.

I want to seek information and clarification but I do not want to take part in a witchhunt. I have every confidence in the integrity and efficiency of the ICAC.

I therefore support the motion but do not agree that any further action should be considered to modify the authority of the Commissioner to dismiss subordinate staff without giving a reason.

Finally, Mr President, I do make the point that the Executive Council is answerable to the Legislative Council. With these words, Mr President, I support the motion.

MR VINCENT CHENG: Mr President, although this motion is well intended, I have to oppose it for the following reasons.

First, the Independent Commission Against Corruption (ICAC) has acted entirely within the power given to it by this Council as contained in the Independent Commission Against Corruption Ordinance. If we are not satisfied with the power enjoyed by the ICAC Commissioner under section 5(2) and section 8(2), we should examine the policy and seek to change the law rather than circumventing it.

Secondly, if Mr TSUI feels that he is wrongfully dismissed, he could challenge the Commissioner's decision in court, which would be a much more appropriate forum.

Thirdly, the Security Panel is not a court, nor is it equipped to act as such. We have no expertise to determine whether the allegations and counter allegations which may be put forward by either party are true or false. In the end, we would most likely end up receiving contradicting statements which can never be verified. What purpose could such hearings achieve other than satisfying our own curiosity? This would not be fair to Mr TSUI, the ICAC and the public.

Mr President, what we are seeking today is a high privilege granted by 6 million people to the 60 people of this Chamber. This is a great honour and trust which should not be used lightly. The dismissal of one public officer does not justify such action. I do not see how we can achieve the stated objectives through such enquiries, however well intended. I therefore oppose the motion.

MR CHIM PUI-CHUNG (in Cantonese): Mr President, our debate on this ordinance today has aroused public concern across the territory and is an indication that Members of the Legislative Council are in a position to monitor the operation of the Government for the purpose of ensuring fairness and justice in Hong Kong. However, we should realize that the duties and powers of Legislative Council Members are mainly in Law-making, and that the execution of judicial duties should be left to other government departments. We should be fully aware of this and should not intervene in this case because it is a matter of policy on handling this case.

Undeniably, over the past 19 years since its inception, the Independent Commission Against Corruption (ICAC) has earned the support of the majority of the Hong Kong community. Yet the problems that have surfaced involve not only the ICAC. For example, we may find that many of the ordinances, such as the Securities and Futures Commission Ordinance and the Crown Lands Resumption Ordinance and so on, are relics of colonialism which have to be reviewed. Of course, as Members of the Legislative Council, if we are conscientious and confident in making the whole Hong Kong Government operate fairly and equitably with adequate transparency, then we should make hay while the sun shines by coming forward with amendment motions in the interest of the public whenever we discover anything wrong with the ordinances.

The case at issue is undeniably a challenge to, and a manifestation of, the special powers vested with the ICAC under the relevant ordinance. We find that time has changed after 19 Years. Our Bill of Rights Ordinance has been passed, and Hong Kong is moving towards the transfer of sovereignty in 1997 at a more democratic pace. No matter what, on the issue of whether the ordinance concerning the ICAC should be reviewed, we have to realize that the crux of the problem is that today, after a lapse of 19 years, we must not place our emphasis merely on the need and importance of entrusting the ICAC with the special powers as before. Therefore, I think whether the motion on this ordinance should be carried is a side issue. The most important thing is that we should seek to achieve an objective, that is, instead of trying to find out who is to blame in this specific case, we should take follow-up actions to strive for future fairness and justice or to move amendments. This is our foremost objective.

I firmly believe that although it is the usual practice of government departments to side with each other, if there are loopholes for which amendments are required, other departments will not object to doing so. Therefore, Mr President, though being a Member of the panel, I shall abstain from voting.

MR FREDERICK FUNG (in Cantonese): Mr President, since its establishment, the Independent Commission Against Corruption (ICAC) has built up a positive and favourable image. In the 1970s, the ICAC was regarded as an organization which would "fight the tigers and swat the flies". In the eyes of some Hong Kong people, the ICAC is "Pao Kung reincarnated" (an ancient Chinese judge renowned for his integrity and impartiality). Some people even went to the ICAC for assistance in all sorts of trivial matters.

The dismissal of Mr Alex TSUI is basically an employer-employee dispute and this Council should not intervene by invoking the Legislative Council (Powers and Privileges) Ordinance. But I think it is worth our while to take such a step for the following four reasons:

1. The sudden dismissal of Mr TSUI has been agreed to and supported by the Commissioner of the ICAC. However, on another occasion, he said that the dismissal of TSUI was a loss to the ICAC. When he was asked to give a full account of the incident, he was tight-lipped.
2. Mr TSUI was the most senior Chinese officer in the ICAC.
3. Mr TSUI has made severe accusations against the ICAC.
4. It was recently reported that the ICAC would take over part of the duties of the Special Branch of the Police Force.

These events have made the dismissal of TSUI a complicated and worrying incident. What are we worrying about? First, the ICAC is an independent organization which has its own internal policies. In other words, it operates independently from the Government. Apart from having an independent establishment, the ICAC has its own procedures in the promotion and demotion of its staff which are different from those applied in the Civil Service. I think that such a difference may give rise to dictatorship.

Secondly, in view of the four points mentioned above plus the fact that the ICAC is a law-enforcing organization like the police, if it is further given part of the powers of the Special Branch, people cannot help but think that the ICAC will turn into a sensitive department. It has aroused the fear that the ICAC will gradually become a secret service, thus threatening the safety of individual citizens.

Thirdly, Mr de SPEVILLE, the Commissioner of the ICAC, has remained silent to the accusations levelled at him concerning the dismissal of MR TSUI. This will indeed shatter the credible image of the ICAC that has been built up through all these years. The internal operation of the ICAC has always been kept highly confidential, giving an impression of mystery. If the credibility of the ICAC is weakened, the public will perhaps entertain unnecessary suspicions and worries about the ICAC.

In view of the above, I think that it is appropriate for us to invoke the Legislative Council (Powers and Privileges) Ordinance. In so doing, I hope that the following three purposes can be achieved: First, we are not going to judge who is right and who is wrong in this incident. Second, actions should be taken to clarify the incident and to dispel the public's worries concerning the operation of the ICAC in order to maintain the ICAC's credibility. Third, this Council may take this opportunity to continue reviewing legislation relating to the ICAC so as to enhance its operational transparency and to introduce a counterbalancing mechanism in view of the fact that the ICAC is accountable only to the Governor. Actions in this direction are urgently needed and have to be taken.

With these remarks, I support the motion.

MISS EMILY LAU (in Cantonese): Mr President, I speak to support Mrs Selina CHOW's motion to authorize the Security Panel under the Legislative Council (Powers and Privileges) Ordinance to call a hearing and summon witnesses to answer questions relating to Mr Alex TSUI's case. Mr President, Mr Alex TSUI's case has already sparked extensive concern and anxiety in the community. For this reason, contrary to what the Chief Secretary said just now, it is no longer just an incident concerning the dismissal of an ICAC officer. The Governor pointed out in his letter dated 18 November 1993 to Mrs Elsie TU, the chairlady of the House Committee, that the Government subscribes to the principle that the interests of departments and individual officers concerned be upheld and, therefore, it would not divulge the details of internal personnel matters. Yet, as Mr Alex TSUI has already stated that he does not mind attending the Security Panel to discuss openly the whole matter concerning his dismissal, the Government's worries can be reduced by half. The question is whether the ICAC has any hidden secret. Mr President, I think the Government should at least tell members of the public how seriously the interests of the ICAC will be prejudiced if it explains the matter to the Legislative Council. I feel very disappointed that the Chief Secretary did not account for this point just now.

In addition, Mr President, the Governor also mentioned in the letter that the Commissioner of the ICAC is empowered under section 8(2) of the Independent Commission Against Corruption Ordinance to dismiss an officer without having to give any reason. The point is that he does not necessarily have to invoke such power, especially at the present moment in view of the extraordinary matter before us. It is for this reason we urge the Government to give us an explanation.

Mr President, I support the motion because I cannot accept the Governor's assertion that he need not explain the matter to the Legislative Council. This does not seem to be the Governor's usual style because he often says that he is accountable to the Legislative Council. In this connection, I am of the view that the Security Panel should, if necessary, consider summoning the Governor to give evidence in the hearings.

Mr President, this is a serious matter because it involves such sensitive issues as racial discrimination and sexual harassment by a senior officer against his juniors. My impression is that these serious allegations have not been properly handled. Given such perplexing problems and a government seeing no need to be accountable to the public, we have no alternative but to exercise the powers under the Legislative Council (Powers and Privileges) Ordinance to, as far as practicable, grasp such a complicated situation. We are not, as the Chief Secretary said, exercising the judicial functions of a court but, in fact, intend to urge the Government through this means to give a positive response and face up to these entangled problems.

With these remarks, I support the motion.

MR ERIC LI (in Cantonese): Mr President, I have served as long as 11 years on different advisory committees under the ICAC since early 1983. Where Mr Alex TSUI's case is concerned, I know no more than any other people except that I know the parties concerned very well. Therefore I believe I have no material interest in this case.

I have great sympathy for the plight of Mr TSUI. This is no empty talk. I did throw my weight behind the House Committee's decision to write a letter to the Governor to seek the truth. I also telephoned the chairman of the Advisory Committee on Corruption and the Commissioner, requesting a meeting as soon as possible and an account of the incident. In other words, I have been exploring all the existing monitoring channels with my best efforts to find out the truth. And I strongly disapprove in this case of exercising powers under the Legislative Council (Powers and Privileges) Ordinance.

Just like many non-affiliated Members, I think that as a lawmaking body, this Council should respect laws it has passed irrespective of public opinion, provided that the government officials concerned have acted completely in accordance with the law. This is then a true manifestation of the rule of law. The law may have conferred too great a power on the Commissioner of the ICAC who is accountable only to the Governor. For this reason, I agree that the existing legislation should be reviewed, with a view to introducing more stringent controls on the Commissioner's powers. Yet I do not think we should take to the "back door", that is, exercising our powers and privileges to conduct a "political interrogation" in order to achieve a short-sighted objective, that is, to come to the so-called "more satisfactory political conclusion".

On the basis of the rule of law, the Legislative Council should not, and practically cannot, assume a dual role of functioning both as the legislature and the judiciary. I am afraid this "public hearing" might smear the case and end up serving no purpose at all.

I do not believe Members who support this motion do not have the slightest doubts about the foreseeable outcome. If they do have doubts, they should then ask, hand on heart, whether or not the powers conferred on this Council be wielded to protect Mr TSUI from the consequences of making accusations against ICAC. Should Mr TSUI's accusations be well founded, then the public should have the right to know the true picture and this case should be made known outside this Chamber.

I felt that the remarks so far made by Mr TSUI in public are some unsubstantiated allegations short of *prima facie* evidence to support the request that he be granted immunity so that he can speak his mind freely.

The chances of any government department, once having been subject to a public trial by the Legislative Council, clearing its name and restoring its credibility to the public are minimal. The reason is so simple that any citizen will understand. Now the Legislative Council is already a monitoring body. To

invoke the Legislative Council (Powers and Privileges) Ordinance, legislators affiliated with political parties on the Council could enhance their appeal and Mr TSUI, with immunity, could attack the ICAC mercilessly without having to offer any evidence. The media would then have a dream story, stirring up a furore. The public, on their part, would have their curiosity satisfied. They are all winners with the ICAC being the sole loser. Are these in public interests? Who will dare to come forward, in such political atmosphere, and say a few fair words for ICAC?

I believe that it is impossible for me to revert the fate and I think this motion would be carried. But I do appeal to Honourable Members to give careful consideration to the idea that Mr TSUI should give evidence behind closed doors, in order to ensure that the reputation of the ICAC is not damaged inadvertently, as well as to forestall any undesirable consequences that may be brought about by a misuse of powers under the Legislative Council (Powers and Privileges) Ordinance.

With these remarks, Mr President, I oppose the motion.

MR JAMES TO (in Cantonese): Mr President, after hearing the speeches made by Mrs Selina CHOW, Miss Emily LAU and Mr Frederick FUNG, I absolutely agree to all their views.

There is only one principle for the invocation of the Legislative Council (Powers and Privileges) Ordinance, that is to safeguard public interests. This time, the incident has two aspects that concern public interests:

Firstly, whether the Independent Commission Against Corruption's (ICAC's) effective operation would be affected by its credibility as well as the public's confidence in it.

Secondly, after weighing the situation, I think that this ordinance should be invoked in order to maintain the ICAC's credibility and the public's confidence.

I would like to respond to the comments made by some Members, including the Chief Secretary, just now. Mr CHIM Pui-chung and Mr Eric LI have said that if the Legislative Council invokes this ordinance, it would mean that the Council has assumed the role of a court. I hope that we will not be confused by such a statement. A court's role is to determine and judge the rights and wrongs. However, the Legislative Council Panel on Security is not to determine the rights and wrongs or who is right and who is wrong. The Legislative Council has a very important monitoring role to play. It has to get an in-depth understanding of matters involving public interests so as to query the Government and make amendments to the relevant legislation later.

If we look at the contents of the Legislative Council (Powers and Privileges) Ordinance, we will know that the power conferred by the ordinance is tremendous. At present, the court cannot force anyone to disclose any self-incriminating facts. For example, if a person has killed someone, the court cannot force him to admit that he has done so. However, if the Legislative Council asks him to give evidence, theoretically, he has to confess his crime because the ordinance protects him from any prosecution arising from the evidence he gives. The Legislative Council has supreme power which enables it to know the truth and represent public interests.

Just now, several Members, including the Chief Secretary, have said that if we take such an action, it would mean that only Mr Alex TSUI can speak out at the hearing while the ICAC would seem to be lip-sealed without being able to respond. Let us not have such a preconceived idea at this stage. I learnt from the newspapers that the ICAC is considering whether to attend the hearing or not. Mr Eric LI has said a moment ago that Mr Alex TSUI's allegations are all "accusatory" and if we take such an action, it would be a public trial. I would like to ask Mr LI: If you know some inside stories, are you willing to disclose the facts at all tremendous risks including imprisonment? If you would do so, I have to congratulate you. However, if someone is unwilling to do so, and the Legislative Council wants to know the truth, I really think that protection has to be offered to him.

Moreover, some Members have just said that there are a lot of rumours about the ICAC. It seems that such an action is taken purely to satisfy curiosity. If that is your intention, please do not come because I feel that your intention is not right. I think that the invocation of the Legislative Council (Powers and Privileges) Ordinance is not to satisfy curiosity but for the sake of public interests.

The UDHK fully support the motion.

DR SAMUEL WONG: Mr President, the stated purpose of this resolution is to "clear the air" concerning the dismissal of Mr Alex TSUI from the ICAC. While the intention is good, the method is flawed.

The Commissioner of ICAC has refused to provide information surrounding Mr TSUI's dismissal to the Security Panel. The law, as it stands, rightly or wrongly, says he has the power to do so.

The Commissioner is subject to the direction or control of the Governor. The Governor has also declined to divulge the reasons for the dismissal. The present question is: Can the stated purpose of this resolution be achieved by invoking the powers under section 9(1) of the Legislative Council (Powers and Privileges) Ordinance? The short answer is "no".

There is no reason to suppose that the Commissioner or the Governor will change their previously adopted position. In this case, the Security Panel will hear only one side of the story, that of Mr TSUI. This will not "clear the air" but will cast further suspicion and create greater speculation. Even if the Commissioner and the Governor were to decide to respond fully to what Mr TSUI might say on a range of issues not confined to the circumstances surrounding his dismissal, the Security Panel would be faced with allegations and counter-allegations which it would not be in a position to resolve. Thus, far from "clearing the air", the process will merely muddy the waters.

The Security Panel is not a court of law. It is not equipped to elicit evidence by a process of examination, cross-examination and re-examination, as in a court of law. It is an inefficient and inappropriate forum to embark upon a fact-finding mission. This is the function of the courts to which Mr TSUI has reportedly indicated he may resort. Any grievances of wrongful dismissal should rightly be aired in that forum.

That said, it is right that the Legislative Council should examine the legislative framework of the ICAC to decide whether provisions enacted 20 years ago have become outdated and whether proper accountability should be achieved while preserving the Commission's operational integrity and efficiency when discharging its undoubtedly important function. That question has been brought to light because of Mr TSUI's dismissal, but it is capable of being considered and debated as a separate issue without it being complicated by the facts of any particular case.

In short, this Council should not embark upon a fact-finding mission which it is ill-equipped to conduct and which is likely to produce the opposite result to that intended. I oppose the resolution, and my colleague, the Honourable Simon IP, associates himself with my view.

MR WONG WAI-YIN (in Cantonese): Mr President, Meeting Point supports the motion that the Legislative Council Panel on Security be authorized under the Legislative Council (Powers and Privileges) Ordinance to enquire into the issues surrounding the termination of the employment of Mr Alex TSUI Ka-kit, Deputy Director/Operations of the Independent Commission Against Corruption which occurred some time ago.

Meeting Point supports the invocation the Legislative Council (Powers and Privileges) Ordinance on two grounds. Firstly, Mr Alex TSUI was dismissed on 10 November 1993. After being released, the news became a hot topic among colleagues in this Council and members of the public. Mr Alex TSUI was the most senior Chinese officer in the ICAC. Prior to his dismissal, he fired a broadside at his superior Mr J E BUCKLE, Director/Operations. Whether his denouncement is justified is, indeed, a matter which the ICAC has to clarify. Furthermore, Mr Alex TSUI also stressed on a number of occasions that his dismissal was unreasonable and that he was willing to attend Legislative

Council meetings to tell the inside story of the incident and talk about the possible existence of problems in the internal operation of the ICAC which involve public interests. According to the Independent Commission Against Corruption Ordinance, the Commissioner of ICAC has the power to dismiss an ICAC officer without giving any reason. What is more, the Commissioner is responsible to the Governor alone in the execution of his duties. Although the ICAC Ordinance was enacted to meet certain needs in 1974, the ICAC has already won public trust after a lapse of 20 years, and with the continuing development of our society, it is natural that there is a growing demand for public monitoring of its work.

The Legislative Council Panel on Security has held a special meeting on issues surrounding Mr Alex TSUI's dismissal but the Commissioner of ICAC refused to disclose any information. The fact that the officer concerned did not breathe a single word about the dismissal has increased doubts among members of the public. Is the power of the Commissioner of the ICAC too great? Are there any internal problems in the ICAC? Will these problems affect ICAC's effective execution of duties? Given the present development of the incident, we think it is no longer merely an internal issue concerning the dismissal of an individual officer of the ICAC. The incident has aroused public concern and directly affected the ICAC's public image. In order to dispel public doubts, we think there is a need for the persons concerned, including Mr Alex TSUI and the Commissioner of ICAC, to be offered an opportunity to explain issues surrounding the dismissal.

According to the existing legislation, members of the public invited by a Legislative Council panel to attend its meeting are not protected by the Legislative Council (Powers and Privileges) Ordinance for what they say at the meeting. In other words, if the aforesaid Ordinance is not invoked, the persons concerned may not be able to speak their mind freely at the panel meeting for fear of legal liability.

Mr President, the four Members representing Meeting Point in the Legislative Council will support today's motion for the aforesaid reasons.

MISS CHRISTINE LOH: Mr President, it is understandable that the public is interested to know the reason or reasons for Mr Alex TSUI's dismissal. We are all naturally curious. It is easy to say that we would like to have more "information" but what we must ask ourselves is: What is the object of the exercise in summoning the ICAC Commissioner and Mr TSUI before this Council? We need to be very clear about this, and clear about how questioning them would help us to achieve that objective.

I have reservation about this Council exercising its powers under the Powers and Privileges Ordinance to provide a forum for the Commissioner and Mr TSUI to put to us the reason or reasons for the dismissal. My concern is that after the event we are unlikely to be any wiser.

Let me elaborate with an example. The reason for, or one of the key reasons for, Mr TSUI's dismissal, according to press reports, was racial discrimination. This allegation is easy to make but hard to prove or disprove. It is difficult for me to see how questioning the Commissioner and Mr TSUI will establish whether racial discrimination was, or was not, the reason for the dismissal.

If our real intention is to review whether the powers which this Council has given to the ICAC Commissioner in section 8(2) is too broad, then I think this Council can debate how the use of that power could be circumscribed without hauling before this Council the Commissioner and Mr TSUI to tell us about the particular circumstances of Mr TSUI's case.

There are dangers in going over the circumstances of a particular case when this Council is not equipped to determine the facts and pass proper judgement. Mr President, I therefore oppose this motion.

MR ROGER LUK (in Cantonese): Mr President, it has been said in the Chinese classics: "Those holding public office should care about the people while those holding no public office should be concerned about their emperor." In this light, the Legislative Council, given its functions of monitoring the executive, has the bounden duty to be concerned about public policies which have a bearing on people's well being, and to take necessary follow-up actions.

The incident of the ICAC invoking its statutory power to terminate the employment of Mr Alex TSUI has aroused extensive public concern not only because Mr TSUI was a senior official in the ICAC but also that the incident, shrouded in mystery, has been accompanied by many unconfirmed rumours.

The Security Panel of this Council invited the other day the Commissioner of the ICAC to attend a closed-door meeting and give an account of the whole incident. The Commissioner found it, however, not proper to reveal the true picture. It is regrettable that the panel was unable to find out the truth due to restrictions imposed by the relevant ordinance.

Our debate today is to determine whether the powers conferred by the Legislative Council (Powers and Privileges) Ordinance should be invoked in order to summon the parties concerned to attend and give evidence at the meetings of the Security Panel with a view to giving a full account to the public. This motion is well intended. But given the circumstances of the case, the result may be that our efforts will be wasted and the investigation backfire.

In the 20 years since the establishment of the ICAC, social trends and values have undergone great changes. The ICAC's existing mode of operation, structure and establishment, and rules governing the employment and dismissal of staff may be unable to keep pace with the developments of our society. Therefore, I welcome the review proposed just now by the Administration on

the procedures concerning the disciplinary actions taken against the staff of the ICAC.

Members of this Council always, as a Chinese saying goes, "plan and worry ahead of the people and enjoy the fruits after the people." The move to follow up the case of Mr TSUI in order to ensure that the Commissioner of the ICAC has not abused his power is in itself praiseworthy, but it is unfortunate that in so doing this Council may be blamed for abusing its powers.

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

MS ANNA WU: Mr President, let me state at the outset that I do not support the motion and this is not because that I do not regard as important the circumstances surrounding the termination of Mr TSUI's employment. The questions are: What does this Council wish to know and why does this Council wish to know?

The Commissioner of ICAC has been given statutory power by this Council to terminate the appointment of an officer without assigning any reason therefor.

The allegation of unfair dismissal has been raised in public. The need to shield the Commission from allegations of unfair dismissal is the very reason for granting that extraordinary power. Indeed, any attempt to establish the justification for the dismissal of Mr TSUI would undermine the very use of that statutory power which this Council gave.

The exercise by this Council of its powers to subpoena witnesses and to order production of documents should only be used where matters of public interest are involved.

Public interest by definition relates to matters which are significant and concern the public. I would regard the need to assess the desirability of maintaining that power and the role and accountability of the ICAC to be matters of public interest.

These concerns should however be debated openly and separately and should not be tackled under the highly charged atmosphere of an inquiry as to the circumstances relating to the dismissal of Mr TSUI.

Mr President, I do not object to the use of the powers of the Council to subpoena witnesses or to order the production of documents for the purposes of establishing facts and extracting information. But those powers should only be exercised where there is a reason to know as opposed to a desire to know. This power is not intended to be used to satisfy public curiosity *per se*.

The Council when considering the use of its powers is obliged to articulate clearly what and why this Council wishes to know. Mr President, in the interest of fairplay, the Council is also obliged to state precisely the issues and matters of inquiry for the benefit of those who become subject to the process whether now or in future.

Finally, Mr President, I have been asked by Mr Andrew WONG to state that he shares my view and my negative vote. Thank you.

MR PETER WONG: Mr President, the rather draconian procedures that have been legislated under Lord MacLEHOSE for the Independent Commission Against Corruption were deemed necessary to combat the cancer within Hong Kong. Rights of persons investigated were more than somewhat restricted whilst those who worked in the Commission itself had their rights sacrificed in the name of expediency to achieve its objects.

Here we have a very senior officer removed from duty without any chance to defend himself. He has been condemned and his reputation lies in tatters. I support this motion to give both sides a chance to explain to the legislature and the public of Hong Kong the circumstances of that dismissal, whilst accepting that there may be good reasons why certain details should not be divulged. I am sure that if there is a willingness on all sides, justice can be done and the public interest can be satisfied.

MR RONALD ARCULLI: Mr President, I had not intended to actually speak on this particular motion, but I think the matter is of sufficient weight that I should really state clearly the position of the Liberal Party on this.

The Chief Secretary mentioned several matters and two points particularly struck me. The first was that this power, since its inception, has only been applied or used in the case of 58 officers of the Independent Commission Against Corruption who were summarily dismissed without reasons being given. I imagine Mr Alex TSUI is No. 58. And the second matter she referred to really is the accountability of the Government to this Council.

Mr President, as far as the first is concerned — so far as I can remember, and I stand subject to correction — I do not think this Council made any move in seeking the explanation that we are seeking now regarding the case of Mr Alex TSUI. That, in my respectful view, actually underlines that this Council, and indeed the public in Hong Kong, can quite easily accept the exercise of the power under section 8(2) by the Commissioner in limited circumstances. But the trouble is that in the present case we really have fairly unusual circumstances and I think the disturbing factor is that whilst the Government professes to be accountable to the Legislative Council, it has chosen in this instance not to actually give an explanation.

Mr President, I need not remind the Chief Secretary that section 8(2) is permissive and is not mandatory. If the Commissioner and the Government choose to remain silent on this matter, then clearly in terms of the powers and position of this Council in order to seek an explanation, the seeking of the power today under the resolution moved by Mrs Selina CHOW is perfectly right and adequate.

As regards the argument against the motion, the one theme that has run through the speeches by some of my colleagues — some of my more liberal minded and democratic colleagues, I hasten to add — is: "What will it achieve? The Commissioner will come and tell us nothing. On that basis, why bother?" I must say it was a shock and a disappointment for me to hear this from Members of this Council.

Mr President, the Liberal Party believes that, in the exceptional circumstances facing us in regard to this case, an explanation should be given and should be given by the Commissioner. The Liberal Party therefore supports the motion.

PRESIDENT: Mrs CHOW, you have 2 minutes 40 seconds.

MRS SELINA CHOW (in Cantonese): Mr President, I feel very regretful about the remarks made by the Chief Secretary just now. She said the Government should be responsible and accountable to the Legislative Council. But how can that be achieved if the Commissioner of the ICAC refuses to provide any information? The Chief Secretary said the Commissioner had exercised his powers under section 8(2) of the Independent Commission Against Corruption Ordinance on 58 occasions. She, however, did not mention this was the first time the dismissed officer opposed and challenged the decision. What I find most regretful is that the Chief Secretary did not look at this matter with an open mind and preempt the Legislative Council's vote on this motion by stating that the Government would not make available certain information. The Government shows no respect to this Council and turns a blind eye to public scepticism as a result of this incident. It is also totally not in line with the Governor's oft-quoted principle of being "open, fair and acceptable to people of Hong Kong".

Many of the colleagues who oppose this motion generally hold that the Legislative Council should not poke its nose into an employer-employee dispute. Yet, it should be realized that this is not an ordinary dismissal. The officer dismissed is the most senior local officer in the ICAC, who has been highly regarded by the Commissioner as the potential successor to the top management of the ICAC and in fact, he was promoted to the post of Deputy Director a year ago. Mr Alex TSUI has publicly challenged this decision and also levelled a broadside at the top management of the ICAC. However the ICAC did not give any response. The public could make neither head nor tail of the whole matter.

This incident will no doubt undermine public confidence in the ICAC to a certain extent. The Legislative Council will be regarded as burying its head in the sand if it decides not to look into this matter.

Just now Mr Eric LI said that invoking the powers under Legislative Council (Powers and Privileges) Ordinance was not appropriate, like "entering a house through the back door". Yet, he once said with helpless resignation at a House Committee meeting that even he, as a member of the ICAC Advisory Committee on Corruption, was not informed of the details. It seems that he has to go through the "back door" to gain access to more information. Dr Samuel WONG said we would only be told one side of the story because of the position adopted by the Government. I, of course, hope that things will not turn out that way. But who should be held responsible if this is really the case? It must not be this Council. As long as we have carried out our responsibility, we will have a clear conscience.

Question on the motion put.

Voice vote taken.

PRESIDENT: Council will proceed to a division.

PRESIDENT: Would Members please proceed to vote?

PRESIDENT: Are there any queries? If not, the results will now be displayed.

Mr Allen LEE, Mrs Selina CHOW, Mr NGAI Shiu-kit, Mr SZETO Wah, Mr LAU Wong-fat, Mr Ronald ARCULLI, Mrs Peggy LAM, Mrs Miriam LAU, Mr LAU Wah-sum, Dr LEONG Che-hung, Mr Jimmy MCGREGOR, Mrs Elsie TU, Mr Peter WONG, Mr Albert CHAN, Mr Moses CHENG, Mr CHEUNG Man-kwong, Rev FUNG Chi-wood, Mr Frederick FUNG, Mr Michael HO, Dr HUANG Chen-ya, Dr LAM Kui-chun, Dr Conrad LAM, Mr LAU Chin-shek, Miss Emily LAU, Mr LEE Wing-tat, Mr Fred LI, Mr TIK Chi-yuen, Mr James TO, Dr YEUNG Sum, Mr Howard YOUNG, Mr WONG Wai-yin, Dr TANG Siu-tong and Mr Alfred TSO voted for the motion.

The Chief Secretary, the Attorney General, the Financial Secretary, Mr PANG Chun-hoi, Mr Andrew WONG, Mr Martin BARROW, Mr Vincent CHENG, Mr Timothy HA, Mr Eric LI, Dr Samuel WONG, Dr Philip WONG, Miss Christine LOH, Mr Roger LUK and Ms Anna WU voted against the motion.

Mr CHIM Pui-chung abstained.

THE PRESIDENT announced that there were 33 votes in favour of the motion and 14 votes against it. He therefore declared that the motion was carried.

SINGLE PARENT FAMILY

MR FRED LI moved the following motion:

"That as single parent families in Hong Kong are facing lots of problems in housing and other aspects of livelihood, this Council urges the Government to:

- (a) promptly solve the housing problem of single parent families, especially those low-income families which are receiving assistance under the social security scheme;
- (b) set up an independent working group as soon as possible to review and look into the measures and services needed by single parent families, so as to explore the feasibility of formulating a long-term comprehensive policy on such families."

MR FRED LI (in Cantonese): Mr President, I move the motion on single parent families standing in my name in the Order Paper.

I had great difficulty in drafting this speech because I found that single parent families were facing so many problems that I did not know where to begin with. At first, I had the naive thinking, like most people in the community, that the greatest difficulties of single parent families were financial problems. Given that their income was low, as long as their financial problems were solved by giving them more material and financial support, then everything would be well settled. It was not until I got a deeper understanding of their problems and had personal contacts with more such families that I realized their problems were far more than that and long-term poverty, helplessness, hardship and grief were their grave problems.

Social Welfare Department officials have told me that Hong Kong's social welfare services take good care of single parent families. Those with insufficient income can apply for comprehensive social security assistance (CSSA). Those who are homeless can apply for compassionate rehousing. Those with children but nobody to take care of them can use the temporary child care services provided by the Social Welfare Department or voluntary agencies. Domestic helpers are available to help single parents in doing household chores. In short, single parent families can be said to be well served.

However, after making a further study of the relevant information, I wonder whether the situation is really so. According to the information provided by the Social Welfare Department there are about 35 000 single parent families in Hong Kong, of which 5 000 families subsist on comprehensive social security assistance, accounting for 30% of all CSSA recipient families in Hong Kong. More than half of the 23 000 CSSA recipient children, that is 12 000 of them, are in single parent families. At present, the median family income of single parent families is about \$4,900 a month, much lower than the median family income of \$11,000 of an average family. The median family income of CSSA recipient single parent families is only \$2,325 a month. How can they subsist on such a low level of income?

Those single parent families rehoused in public housing are quite fortunate already. The others who are not so rehoused have yet to pay high housing expenses on top of what is already a very heavy burden of life.

In many cases, low-income single parent families can only afford to live in cubicles in the worst slums, where some single mothers are even often looked down upon by others and subject to the threat of sexual harassment by male co-tenants.

In fact, these are the problems that cannot be ignored. As such, will relevant authorities give serious consideration to the needs of single parent families and render appropriate support to them? Should the Housing Department, for instance, relax the eligibility requirements for single parent families applying for public housing, and handle such applications from individual single parent families with flexibility? For example, a more practical way to help single parent families in solving their housing problems is to raise their income eligibility limit and to treat the requirements for the length of residence in Hong Kong with flexibility.

Of course, single parent families can apply for compassionate rehousing. But once a single mother told me tearfully that she and several children of hers lived in a small cubicle of less than 100 square feet in an old building. Every day, she had to compete with other co-tenants for the use of the toilet and the kitchen. Her children had even no place to do their revision. When she applied to the Social Welfare Department for accommodation on compassionate grounds, a staffer there told her, "You still have a place to live. Your situation is not miserable enough. You are not yet eligible to apply." Do they really have to sleep out in the streets before they would be considered miserable and eligible for compassionate rehousing? This really makes people wonder if there is a set of fair and objective approval criteria for compassionate rehousing.

In the cases that I have come across, low income and housing problem are the greatest difficulties faced by single parent families, especially single mothers. In some cases, the single mothers were evicted from their original accommodations, which remained occupied by their ex-husbands. They went around here and there looking for places to live. Those who were "not eligible"

for public housing or compassionate rehousing had to pay high rentals. Those who got rehoused were allocated dilapidated public housing flats in remote areas without even private toilets. Is it not a predicament that a mother and her three children have to leave home every time when they want to go to the toilet? Why has the Housing Department made such mistakes?

At this point in our discussions, it is clear that one of the most basic ways to help single parent families is to solve their housing problem. Without secure accommodations, other problems, such as employment and child education, can hardly be solved. Therefore, expeditious steps to solve the housing problem of single parent families are the key to the study on the formulation of a long-term policy on single parent families.

Let me turn to another problem area. Apart from low income and housing problems, child care should be one of the most important problems facing single parent families. Single parents have to shoulder single-handedly the heavy burden of taking care of their children. Two thirds of Hong Kong's 35 000 single parent families are families with single mothers. Due to inadequacy of child care services, many single parents cannot go out to work, or have to leave their children unattended at home resulting in lack of proper care for their children.

In fact, what single parent families need most are flexible and urgent temporary child care services. Imagine the case of a single mother with four small daughters ranging in age between 11 and four. They went together to the market or shopping arcade for shopping. One of her daughters fell accidentally, wounding her head and bled, and had to be rushed to the hospital immediately. Unfortunately, the rules provided that the injured child could only be accompanied by one family member in the ambulance. So the mother got on the ambulance to accompany her injured daughter. The other three daughters had to go home by themselves, waiting at home unattended for the mother to come back to prepare the dinner. They waited and waited for six hours until mid-night when the mother finally returned home to prepare the dinner.

I am not forging a story. This is a real case. In fact, similar cases are very common to single parent families. For instance, suppose there is a mother with a son and a daughter. If the son becomes ill at night and has to be rushed to the emergency ward, what is the mother to do to the daughter? Should she leave the daughter unattended at home or to bring her along to the hospital? If she brings the daughter along, there would be nobody to look after her at the hospital. There would, indeed, be many problems.

In the light of these problems, can the Social Welfare Department and the Hospital Authority provide some emergency support services to single parent families? For instance, can consideration be given to the provision of urgent temporary child care services in hospitals so as to take care of the children for single parent families when necessary?

Up to this point, we may feel that single parent families need a lot of "relief." But the truth is that it is absolutely not their intention to ask for handout. Nor do they want to fawn and rely permanently on public assistance and social welfare services. Single parents very much want to rejoin the workforce and be self-dependent. Unfortunately, single parents, especially single mothers, often have great difficulties in finding a job. Many employers would fear that the burden of children might affect their performance. Of course, many single parents have to give up their jobs in order to look after their small children.

In this connection, can the Government enhance some of the support services, such as child care services, employment counselling services and employees retraining services? All these are effective ways to enable single parents who have the intention or ability to work to rejoin the workforce, and thereby assist them to shed off their financial difficulties and build up a self-reliant image.

In the information paper that I have circulated to colleagues, I have already set out in detail the problems that exist today. I do not want to repeat them here. I would reiterate that single parent families are not "abnormal" families. Sometimes the public, as well the media, would like to label single parent families as "problem families" or "broken families." In fact, they are not necessarily problematic and should not be discriminated. I would say that people generally have greater sympathy for single fathers because they think that it is very hard for single fathers to go out to work on the one hand and to look after their children on the other. Therefore, relatives and friends tend to be more ready to offer help on their own initiative to single fathers. On the contrary, people are of the general view that it is a matter-of-course for women to stay home to take care of their children. This is a wrong concept.

Following social changes, the number of single parent families has grown. We have to accept the continuous change of family patterns. A "normal" family is not necessarily a family with "a couple and two children." Single parent family can also be one of the patterns of a normal family, and should, by no means, be discriminated against.

Next year is the "International Year of the Family". The Governor also mentioned in his policy speech that welfare was "a family affair". Will the Government give serious consideration to formulating a long-term policy for single parents? Or will it only consider their problems as special problems of individual families? Or will it assume that such problems are only a temporary and transitional family situation which would ultimately be solved by the single parents themselves, and is believed to be sustainable? The Government should take a square look at this situation.

Now is the time to conduct a comprehensive review on the existing housing service, family service and employment service so as to map out services and measures that better suit the needs of single parent families. For

example, the existing tax system should, among other things, be reviewed to find out if the tax allowance for single parent families should be raised. As regards the legal system, what can be done to help divorced women press for alimony? In many cases, divorced single mothers failed in pressing for alimony. They do not have the knowledge to do so. Nor can they afford a lawyer. Has the Government ever thought of providing legal aid services to single parents? All these are questions that the Government has to take into consideration.

In conclusion, to tackle the problems of single parent families, we should first help them find an ideal accommodation so that they can have a shelter. Then, we should provide them with appropriate social services, such as child care and employment counselling so that they can be self-dependent and lead a normal life.

Therefore, in the long term, the Government should set up as soon as possible an independent working group with representatives of single parent families as members to look into the feasibility of formulating a long-term comprehensive policy on single parent families.

Mr TIK Chi-yuen, another member of Meeting Point, will be speaking on the problems of single parent families in new towns. Lastly, I call on those Members who are also members of the Housing Authority to listen more, in their capacity as members of the Housing Authority's Action Group, about the problems of single parent families in public housing so as to reflect their needs and strive for their interests.

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

Question on the motion proposed.

MRS SELINA CHOW (in Cantonese): Mr President, as an institution, the family is the most basic unit of human society, and it exists in all civilization generally. However, our convention is such that whenever the term "family" is mentioned, we would naturally associate it with the "nuclear family" or the "extended family". In other words, in our minds, a family is primarily a two parents family. People generally ignore the single parent family, made up of one parent — father or mother — and a child or children. The Liberal Party is sympathetic with, and concerned about, these so-called "anomalous families" because of the predicaments that they are in, such as housing problems, financial strain, child care difficulty and social disapproval.

Housing is indeed a headache to single parent families among all the difficulties that they face. In July 1991, the Housing Authority introduced a conditional Compassionate Housing Scheme. The scheme was not meant solely for the benefit of single parent families. Application is open to those with special difficulties and the needy people. The scheme, in fact, has many

restrictions. It could not satisfy the housing needs of the single parent families. The application procedure, for instance, is very cumbersome. The instructions to applicants are not clear. The waiting time is long. The housing units assigned are either very old or in remote areas. All this has effectively discouraged applications.

True, we want the Government to put an early end to the housing problem for single parent families. But there is one point that I must mention. It is admittedly that low-income families that are recipients of social security assistance have a dire need for housing. Yet, we must not forget that, according to Social Welfare Department statistics, there are 35 000 single parent families. (Some put the figure at 45 000. An unconfirmed report even has it that there are 100 000 such families. I believe that we will not readily have the exact figure. In any case, the figure may vary from day to day.) Only several thousand among them are recipients of public assistance. We hope that the Government will take a square look at the housing problem that is probably being faced by all single parent families. The housing assistance given to single parent families should cover also those from low-income group, which are recipients of public assistance. From the above statistics, it appears that many single parent families do not seek public assistance. They insist on being financially independent. The single parents in these cases would rather go out to work. Their incomes in most cases are scanty. Well then, why should we help only those single parent families with low incomes which are recipients of public assistance? Why should we not help other single parent families as well? As far as I know, divorcees who own properties jointly with their ex-spouses are not eligible for compassionate accommodation. While they are nominal owners of property, the real occupants are their estranged spouses. They own homes but cannot live there. It is therefore clear that they need housing just as badly. We must not ignore those single parent families that are not recipients of public assistance. I am of the opinion that the Government should make a review with a view to giving help to all single parent families in need.

We support Mr Fred LI's proposal as to the setting up of an independent working group. However, where the group's terms of reference are concerned, we must point out that an interdepartmental body should be established not only to map out the long-term goals but also to handle the existing services in many areas. The problem now before us is that every department seems to be minding its own business without any co-ordination among themselves. Very often, individual departments do not work together to provide help to those who really need it. I hope that the independent working group will work quickly with a sense of urgency to identify such families' real needs and deal with them accordingly.

The truth is that single parent families need a lot of emergency support services. In each single parent family, there is only one adult taking care of things. If this adult has the misfortune to become ill and be admitted to hospital, there will be nobody else to take care of things at home. I have heard this story: Mrs CHAN became ill and was confined to bed. She had three small children

(ranging in age from three to eight) at home. Nobody looked after them. When Social Welfare Department (SWD) was asked to offer help by sending a household assistant, it said that none would be available until a week later. How would Mrs CHAN and her children manage to struggle on in the meantime? How would they cope? So I hope that the Government will quickly make available emergency support services in all local communities. Single parent families will then be able to receive emergency child care and other services in times of need. This should receive priority attention.

Another problem is that single parent families are discriminated against in varying degrees by society. The main reason has to do with the deep-seated tradition in which two parents families are regarded as the norm while single parent families are not accepted. In this connection, the Government must step up public education and publicity to educate the public to stop discriminating against single parent families. This is one of the important things that must be done. The Government, including all its competent departments, has never dealt with the plight of single parent families head-on. All existing social institutions and policies are rooted in the traditional values in relation to two parents family. This is conceptually wrong.

1994 will be the International Family Year sponsored by the United Nations. I urge the Government to study ways to address the plight and to meet the real needs of single parent families and account for what measures will be taken.

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

MRS PEGGY LAM (in Cantonese): Mr President, the emblem of the Family Planning Association is a family unit composed of a couple and their children. This may be regarded as the portrait of a standard family unit. But I believe that some may like to have a family with one child or even no child at all. This can still be regarded as a happy family. However, no one would like to choose a single parent family because it could represent a broken family or a family which has experienced the death of a spouse.

However, how can we expect events always happen as one wishes? With the rapid increase in the number of divorce cases in Hong Kong, the number of single parent families is on the increase as well. Basically, separation due to incompatibility is in full accord with the personal wishes of the adults and the death of a spouse is something which cannot be retrieved by human efforts. However, if dependent children are involved, the emergence of single parent families becomes a problem which we have to look squarely at and tackle.

It is a pity that we lack systematic information to tackle the issue in an overall manner. To our already inflexible Government, in the absence of strong supporting statistics it would hardly take any steps to formulate policy in response to social changes to cater for the needs of the people. The interacting

effect is that the Government would not take initiative to investigate whether the issue of single parent families has turned into a social one because it does not have any indicator to reveal the gravity of the situation.

I, therefore, support the setting up of a working group to review and look into the services needed by single parent families.

Our discussions on single parent families mainly focus on the impact on the psychological and intellectual development of the youngsters. However, the mental stress and financial burden on single parents should not be overlooked either.

Single parents have to shoulder single-handedly the responsibility of looking after their children. However, they are handicapped by the inadequacy of usual child care and temporary child care services in Hong Kong. Those with insufficient means are even left with no alternative but to leave their children unattended at home and go out to work, resulting in various types of home accidents through lack of care for their children. As for those who choose to stay at home to look after their children, they can only live on the meagre income from public assistance.

As a matter of fact, of the 35 000 single parent families in Hong Kong, one seventh of them are recipients of public assistance under the Comprehensive Social Security Assistance Scheme, and half of the children receiving assistance under the scheme come from single parent families. The inadequacy of public assistance renders it impossible for the recipients to lead a dignified life. This has long been criticized and I am not going to elaborate. I only hope that the Government will make further review and adjustments on the issue.

Apart from reviewing the rate of payment under the public assistance scheme, the housing policy should also be adjusted to cater for the pressing needs of single parent families.

Unless accommodated in public housing, a low-income single parent family with limited means has no alternative but to live in a poor environment. Without suitable living spaces, children in a single parent family can hardly have any sense of belonging towards their "home". On the other hand, the single parent may feel self-reproach concerning this, and thus aggravating his mental stress. To a female single parent, it gives her no sense of security to live in an environment where the majority of tenants are male.

Furthermore, it has been pointed out by many concerned group time and again that some women, in particular those with children, are compelled to tolerate a difficult marriage because they cannot afford alternative accommodations. However, a reluctant marriage tie does not bring happiness. Children growing in a family without cohesion are more prone to unhealthy physical and psychological development. Many sociologists and psychologists have pointed out long ago that this would have a bearing on the children's

attitude towards marriage and their own selves. As a result, they may repeat their parents' tragedy, with adverse impacts carried down from generation to generation, giving rise to social problems. From a more utilitarian point of view, this would result in the consumption of more social resources.

The Administration may say that there is already a conditional tenancy programme under the Compassionate Rehousing Scheme in place. But is the mere existence of such a scheme sufficient enough?

The present scheme only entertains applications from single parent families in the process of divorce. The waiting time normally takes over half a year. As for the low-income single parent families under separation, already divorced or with a widowed spouse, they are not taken care of.

I hope that the departments concerned will review the existing policy and handle applications for public housing lodged by single parent families with flexibility. A house does not necessarily mean a home but without a house, there can be no home.

Mr President, next year is the International Year of the Family. The Governor has also reaffirmed in his policy address the role of the family as the basic building block for a stable society. Therefore, while enjoying economic prosperity and social advancement, it is incumbent on the Government to take care of every stratum of a diversified society.

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

MRS MIRIAM LAU (in Cantonese): Mr President, in today's society, it is hard to be a parent. It is harder still to be a single parent. Apart from having to shoulder the heavy family burden single-handedly, single parents have to play the dual role of father and mother: taking care of and bringing up their children. They need to have enormous willpower and courage, and also support from the community. Regrettably, the Government has never taken a square look at the needs of single parent families. All existing social systems and policies are mainly targeted on two parents families. There is no ad hoc body or government department to serve single parent families. As we know, neither the Social Welfare Department nor the Housing Department give priority to cases involving single parent families. All such cases are only considered on individual merits. No wonder many single parents feel that they have nowhere to turn to for help.

The housing problem is the first and foremost problem that divorcees have to solve. The problems of single mothers with children are particularly obvious. Although the Social Welfare Department and the Housing Department are implementing the conditional tenancy programme for the benefit of divorcees, beneficiaries of the programme have been few. Moreover, the Government has not done enough to promote the programme. Many divorcees

with housing problems still feel helpless. Nor has the Social Welfare Department given clear instructions to social workers on how to handle applications under this programme, resulting in chaos in the approval of applications. Nor will the Housing Department accord priority to allocating public housing units to single parent applicants. As a result, low-income single parent families have to hire private accommodations. Besides adding to financial burdens, such private accommodations are mostly over-crowded. The living conditions are poor, even to the extent of affecting the children's studies. In many divorce cases in the past, the family courts used to recommend that the Housing Department should reassign the tenancy of the public housing unit to the parent who was awarded the custody of the children. In most cases, the Housing Department acted as recommended. Many divorced public housing tenants told me that, but for the courts' recommendation, the Housing Department would not have taken the initiative to make the necessary accommodation arrangements for them even after the divorces. Thus, the courts' recommendation was very important to them. However, the court of appeal recently ruled that such recommendation made by family courts was *ultra vires* and therefore invalid. In other words, tenancy issues are to be decided by the Housing Department itself. Since the department has no established policy in this respect, many public housing tenants who are bringing or about to bring divorce proceedings are now greatly worried about their tenancy after the divorces. Thus, it is necessary for the Housing Department to conduct a review on this issue and formulate a clear policy as soon as possible to dispel such worries.

Financially, as a result of the loss of financial support from their husbands, many single mothers have to go out to work in order to support their children. As they may have been away from the labour market for quite a long time, and may not be able to catch up with the demand of the market, it is very difficult for them to find a job. Moreover, the employees' retraining scheme has not set aside any special quota for them. As single mothers have to compete with other categories of people in this regard, such retraining scheme is not of much help to them. I have always criticized the Government's existing employees' retraining scheme for not being able to meet the needs of women who intend to join the workforce again. Regrettably, the Government has never given any positive response. I am very disappointed at this.

Child care is the biggest headache of single parents. The single parent in a single parent family is the only one who takes care of the children at home. In addition to supporting the family, the single parent has to take care of the children as well. However, the support given by the Government to single parents is really inadequate. The child care services provided by the Social Welfare Department are not flexible enough. Child care centres are open only during certain hours which very often do not fit the parents' working hours. Moreover, child care centres, whether full time or temporary, are not widely distributed, hence causing great inconvenience to parents. In the absence of Government subsidy, the fees for after-school child care are very expensive, and are unaffordable to families receiving public assistance. As a result, many

single parents have to stay at home to look after their children, and rely on public assistance. However, even if a single parent does not go out to work, he would still be caught in a dilemma in the event of emergency when he has to go out because it may not be possible for him to bring his children along, and he would worry that to leave his children at home unattended may give rise to tragic home accidents. I think the Government should consider the predicament of single parents and enhance the flexibility of child care services to meet their needs.

Emotionally, both single parents or their children are in great need of attention and counselling. The death of the spouse or the marriage disintegration always come as a great blow to the single parent. The emotion of the children is of particular importance. Being unable to cope with the great misfortune that has happened to their families, many single parent children become depressed. Their academic performance and conduct are severely affected. In fact, many problem children and problem youths in Hong Kong come from single parent families. There is no reason that the Government is not aware of this. Such children and youths need others to edify them at the budding stage of problems by giving them proper counselling and encouragement so that they can resume their healthy mental development and maintain a correct outlook on value, and that they will not be disoriented and go astray, causing another kind of social problems. The Government has to take a square look at this matter and provide the right kind of services as soon as possible.

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

MRS ELSIE TU: Mr President, the motion refers to "lots of problems" in housing for single parent families. I shall mention only a few of the many problems that have passed through my ward office in recent years and which my colleagues have pinpointed.

Housing is the foremost problem in divorce cases, and divorces are increasing at a frightening pace in recent years. Granting temporary housing to battered wives has alleviated that problem a little, but other problems still exist.

For example, there is the problem that the spouse, usually the wife, who gains custody of the children, may have to wait months (and in one case I am dealing with, even five years) before the husband carries out the court order to give up the public housing flat to the wife and children. Housing managers seem to be afraid of evicting a man after a divorce, and action is delayed interminably.

Another problem arises when a spouse is widowed or divorced and needs the support of friends or relatives to look after the children while the single parent works to support the family. It takes an interminable length of time to transfer the family to another housing estate near to those who can offer mutual

support to relieve the trauma and to help in child care. The word "urgent" seems not to exist in the vocabulary of some of those who are paid to deal with these desperate cases.

Another problem exists when the single parent family lives in private housing. If the breadwinner dies or deserts the family, the woman and her children have to seek public assistance. An application can take six weeks or more and during that time the family may have run into debt. When public assistance and rent allowance are finally granted, the likelihood is that some of the money intended for food has to be spent on rent to make up the deficit if the rent is higher than that allowed by the Social Welfare Department.

If the family then applies for public housing, again it takes many months before that is granted, and in some cases the family is just told to rent a cheaper room. With no breadwinner, very few landlords will rent a room to a single parent with children. Even when public housing is recommended for the family, the likelihood is that it will be allocated many miles away from friends and relatives of the single parent, who is in need of their moral support.

It seems that no thought goes into dealing with families in need of a sympathetic solution to a traumatic experience. Cases are dealt with in a piecemeal fashion in spite of promises of a comprehensive social welfare scheme. It is just not comprehensive enough.

I have left until last a problem that is fast becoming a serious social problem and must be dealt with before it becomes insoluble. Hong Kong-born men are allowed to bring their children but not their wives to Hong Kong. This policy is actually creating single parent families, and all the social evils that go with single parent families. Men who wish to work to support their families often have no one to care for the children; yet the Government continues to allow the children to come here. Wives are separated from their husbands and bigamy is increasing, while children are unable to bond with their mothers from infancy. Any social worker knows the danger to a child who knows no family bond. All such children are at risk, and government policy is creating social problems thereby. And I am not talking about husbands who themselves are immigrants, but about those who were born in Hong Kong. Those not born in Hong Kong should not be permitted to keep their children here in Hong Kong for the same reason: the children need the care of their mothers. I find the social risk of this policy of separating children from their mothers quite frightening, and soon the results of this policy will become apparent.

I have mentioned only a few of the problems of single parent families. I am sure that there are many others, and that is why I support part (b) of the motion, which calls for a review and comprehensive policy. This should be done quickly, and not made an excuse for further delay in taking action. Urgent problems need urgent solutions, or they become totally insoluble.

Mr President, I support the motion.

MR MOSES CHENG: Mr President, a few months ago, I sponsored a comparable but distinctly different adjournment debate on the plight of battered wives in Hong Kong. As the spokesman for the Liberal Party on social welfare issues, and more importantly as a concerned citizen, my objective was to shed light on the damage being done to the families and children of our society, through this serious problem. Many colleagues from diverse parties and political interests spoke on that occasion, because the problem is readily identifiable, as are potential remedies which can make a direct impact. In many ways, that debate and this one are linked in that they are problems that strike at home, and imminently affect the upbringing of the younger generation, and their values. Therefore, it is important that when analyzing such problems, we not only concentrate on the hardship, sacrifice, and shortcomings of the adults in question, but that we focus on the psychological impact and physical well-being of the children, at least as much if not more.

In these modern times, when divorce has unfortunately become more commonplace, and single-parenting is on the rise (sometimes by choice) we cannot necessarily imply that the experiences of all one-parent families are uniform. Yet, it is abundantly clear that there are indeed uniquely trying problems for single parents that are not specifically addressed by the existing policy and should be made known to the Government. Today's debate should be focused on those cases that do endure particular and specific hardships, especially involving the children, and we should pursue enhanced solutions for those problems, without segregating single parents into a separate class of family.

In my view, our response to the dilemmas of single-parenting should not dwell on what cannot be changed, but rather we must focus on practical measures in response to specific problems that can be remedied. While it is unclear whether or not the breadth of single-parents' problems can be answered in the immediate future with efficacy by another interdepartmental working group, it is evident that the Family/Life Unit of the Social Welfare Department can do significantly more to identify problem areas and enhance its services towards those parents in need.

I not only understand, but I support, the Government's principled concept of promoting a more caring and compassionate community. In this way, our friends, extended family, and neighbours can be an invaluable resource in times of trouble and raise Hong Kong's social conscience. But unlike the Administration, my Liberal Party colleagues and I do not believe that promoting this ideal alone, can adequately solve or eventually fully address the very real problems encountered by some single parents, and others faced with extreme and extraordinary burdens. While there is supposed to be a safety net now in place, this motion debate makes clear that some people are falling through the openings.

Our purpose today is to examine the reason that some people fall through, while others do not, and what we can do to assure that nobody falls through,

especially those with dependent children. After listening to many of the unique and troubling concerns of single parents, I am more convinced than ever that the way to alleviate some of their worries and burden is through specific and immediate measure to enhance and add to existing social welfare services, rather than through adjusting fundamental fiscal policies.

For example, I was painfully made aware of a crisis where a single parent with four children was shopping at a crowded market. One of the children suffered an accident and was in need of emergency care. When an ambulance arrived and informed the woman that only one person could ride with the child, her crisis multiplied as she was tragically forced to decide, in a split second, whether to accompany her traumatized child or take care of those left behind. Either way, this unique dilemma imposed a lose-lose situation upon her, and the problem of leaving children unattended becomes magnified with each additional child a single parent is responsible for.

Still, it is not only emergency situations that occasionally force the single parent to make very difficult and undesirable choices. When the children return home from half-day schooling, for example, and the parent is unable to look after them and hold a job simultaneously, the parent must choose between working with the added anxiety of raising a generation of latch-key children, unsupervised for significant portions of time; or not working, and slowly eroding their own self-esteem. Battering and abuse can also be the culprit and cause of family crises in either an instant, or over an extended period of time. In all these examples, the problems are identifiable and must be addressed on a case-specific basis in line with the tried and true context of "helping others to better help themselves".

Improvements must commence immediately by maximizing the resources of the Government to enhance the information and outreach of social welfare officials and services. Greater public education of existing services is the necessary starting point for any such improvements. How many single parents in Hong Kong are aware today that in case of emergency the Government operates a 24-hour Child Reception Centre? Do they know where it is located? How many of us legislators can guess the condition and accessibility of this facility? This example illustrates the problem of poor resources utilization, and inadequate public information on the availability of services.

When real people encounter genuine problems of battering or abuse, then let us speedily address that problem; if ever chemical dependency is the source of trouble, then let us address that in a specific and caring way; if it is time allocation and lack of adult supervision, there again, we must identify it and address it. Likewise is true for the numerous problems single parents may encounter in the course of rearing their children. We must have open eyes, ears, and hearts to these human needs. Yet, we must pursue solutions according to the problems, and not by irresponsibly segmenting society in order to toss money at perceived "problem groups".

With the "International Year of the Family" just around the corner, let me suggest that we take the opportunity to seize the initiative and renew our commitment to all Hong Kong families by aggressively and positively identifying and reaching out to resolve their problems. In preserving the concept of family (regardless of its composition) as the first and most important point of social problem-solving, strengthening the conscience and commitment of community, and relegating the Government to a proper role as a reliable, supportive, and consistent safety net in time of trouble, we can do the utmost for the single parents and children of Hong Kong.

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

MR FREDERICK FUNG (in Cantonese): Mr President, it is again proved beyond doubt that the Administration's social policy for handling the problem of single parent families is far from being able to meet the real needs in society.

In fact, the Administration is aware that it is not only in recent years that single parent families emerge as a social problem, and that the pressures faced by these single parents are obviously greater than those by parents in ordinary families, and especially in the case of those who have just become single parents. So it is utterly disappointing to the public that even now the Administration should fail to work out a social service policy that addresses the special and urgent needs of single parent families.

The Association for Democracy and People's Livelihood (ADPL) and I myself are in total agreement with Mr Fred LI that we must first assist a single parent family to solve its problem of housing. How are those who have just become single parents supposed to face other problems if they cannot even solve the problem of housing?

As pointed out by the Coalition on the Housing Needs of Separated/Divorced Persons, the Administration has put too many restrictions on the application for public housing by separated or divorced persons. For example, if a woman is forced because of separation to move out of the premises jointly owned by her and her husband, the Social Welfare Department may refuse to help her to apply for compassionate rehousing on the ground that she is a "property owner". To quote another example, the law currently provides that divorce can only be filed by those who have been married for three years or more, so those who separate in less than three years from the date of their marriage equally cannot apply for compassionate rehousing. In the absence of such assistance, how can those newly separated persons, usually female and generally of low-income group, meet their immediate need of housing? Therefore, the Administration should review as soon as possible its rehousing policy for single parent families with a view to providing expeditious and flexible arrangements that address the immediate housing need of these families. In addition to housing, another most urgent need of these families is, I

believe, how to reconstruct a social support network for the single parents such that they will not feel lonely and isolated in the face of all the pressures of life. To be more specific, reconstructing such a network may take the form of, for example, assisting these single parents to live near their relatives or friends with whom they are on good terms such that their relatives or friends can help to alleviate the burden of taking care of their children. It may also mean assisting their children who are attending schools to transfer to a school in their neighbourhood or to transfer them to the same school such that there can be mutual help between the siblings and it will be easier for the single parents to take care of their children. After all, to reconstruct an effective support network for these single parent families, the Administration must conduct a comprehensive review and see how amendments can be flexibly made to the existing social service policies.

Single parent families have become a common social phenomenon. Efforts must be made to discourage further discriminations against the single parents. At the same time, the Administration should not, as a matter of policy, treat single parent families as if they are ordinary families, without offering special support to them. We have to understand that insufficient support for single parent families will only give rise to more social problems, and the most obvious example is the growing ranks of youngsters at risk. Moreover, one of the most important objectives in the formulation of social policies is to foster a caring society, and to assist the single parent families will achieve exactly this objective. Therefore, ADPL and I are in earnest hope that the Administration should respond as soon as possible to the needs stemmed from social changes and conduct a review on the policy of assisting single parent families.

With these remarks, I support the motion.

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

DR LAM KUI-CHUN (in Cantonese): Madam deputy, the context of today's debate on single parent families concentrates on housing problems and social security assistance. The supporting evidence is that out of about 35 000 single parent families, some 5 000 are now receiving public assistance. While I sympathize with and care for these 5 000-odd unfortunate families, I think that the highlight of such data is not the one-seventh of the single parent families receiving public assistance. Rather, the data bring out the crucial point that we have to be concerned about the common problems faced by those remaining six-sevenths of families not receiving public assistance (that is the 30 000-odd households) as well as the aforesaid 5 000-odd households.

Madam deputy, last week a British court openly gave a verdict on a child murder case which shocked the whole world. The culprits in the case are both aged only eleven. The parents of one of the culprits were separated while the mother of another had been deserted by the father. The case brings to light a

typical problem relating to the growth of single parent children which warrants the attention of this Council.

In 1991, Dr LAW Chi-kwong of the University of Hong Kong found that when two parents families were reduced to single parent families, 26% of the children showed a decline in their academic performance, while 23.5% of the single parents found that the conduct and behaviour of their children had deteriorated. Other studies on single parent families reached a common conclusion that the emotions, behaviour, intelligence and learning abilities of children from single parent families are adversely affected due to lack of proper care in general as well as discordant parent-child relation. Dr Agnes NG of the Chinese University of Hong Kong pointed out categorically in an article that there is a greater tendency for children from broken families to commit crimes. An extreme example of this is the child murder case on which a verdict was reached in Britain last week.

Actually single parents and their children feel very strongly about the lack of affection among family members as well as the tremendous efforts needed in bringing up the children.

While single parent children are having problems in their growth, the father or mother who is supporting the family single-handedly has to earn a living on one hand and attend to household chores on the other. Even though the family does not need to rely on public assistance for income, the single parent generally finds it extremely helpless in tackling problems relating to the upbringing of the children. Although some single parent families in Hong Kong are trying to organize group social activities to help each other, regrettably many single parent families in Hong Kong still regard it a disgrace to be such. Since traditionally "family disgraces" are not to be exposed, and members of single parent families normally do not wish to participate in public activities in such capacity, they always tend to evade such meaningful remedies. Innumerable single parent children are thus thrown into a helpless abyss with no way to help themselves out.

With the disintegration of traditional moral concepts, accompanied by a thriving economy as well as social changes, it has become increasingly common for a couple to get married when compatible, and divorced when incompatible. In fact, the figures of divorce in Hong Kong over recent years have been on the rise. At present, the estimated 35 000-odd single parent families in the territory basically only include those families with divorced or unmarried parents, and do not include those nominal two parents families with a widowed or chronically hospitalized spouse, or a spouse who has been jailed or has emigrated to another country, or with the mother staying in mainland China. The number of all such families when added together would, I am afraid, be enormous.

At present, counselling services provided for single parent families are targeted mainly on the parents. As a matter of fact, single parent children are the victims who suffer most through this "society's fault" in the real sense, and

they are absolutely innocent. Whether they will grow up to be a success or a failure, it is the responsibility of society to provide appropriate counselling services to them.

I think that apart from caring for the financial and housing problems faced by single parent families, it is even more important on the part of the Government to offer supporting services to single parent families, as well as assist children's development in emotion, sentiment, behaviour and intelligence. The following aspects are of particular importance:

- (1) To develop family services to tie in with youth services so as to achieve a holistic development of the moral, intellectual, physical, social and aesthetic well-being of children and youths of single parents.
- (2) To organize and encourage group social activities among single parent families so as to make up for the deficiencies of single parents.
- (3) To intensify supporting services for single parents so as to enable them to enhance the fostering of parent-child relationship.
- (4) To develop child guidance so as to free single parent children from emotional difficulties and to guide the mental development of youths.

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

MR LAU CHIN-SHEK (in Cantonese): Madam deputy, I would like to cite a case, which I have followed up with other colleagues, as an example to illustrate the plight of a single parent family, in which one of the parents died in an industrial accident. We will support Mr Fred LI's motion and urge the Government to take a square look at the problems of single parent families.

Mr KAM was a painting worker who was killed in an industrial accident last year. According to what I heard, he had gone to work happily that day but never returned home safe and sound. He was survived by his wife and three minor children.

Mrs KAM did not have any premonition of his death and was not mentally prepared for it at all. Her lifelong partner of more than 20 years left her forever. It was a bolt from the blue. Helpless as she was, Mrs KAM had to face up to the uncertain future for herself and her children! It was of course very difficult for her to adjust to the new life and accept that her husband was dead.

I believe that, if somebody dies in a family, just the funeral and the memorial services cost the family a fortune. There was an argument over the

funeral arrangements between Mrs KAM and her parents-in-law. Her parents-in-law would like to see more money to be spent on Buddhist services for the good of the deceased's soul. Yet, Mrs KAM wanted to save as much money as possible for the family's future use. Things had been bad enough for Mrs KAM without the argument. The argument made them worse! Worst of all, Mrs KAM was accused of being the cause of her husband's bad luck.

As her husband died in an industrial accident, Mrs KAM had to decide whether to sue Mr KAM's employer for negligence. This was an additional headache for Mrs KAM, who had no legal knowledge at all. When she went to the Legal Aid Department to seek help, the paper work and the review process involved used up a lot of her time and energy.

Mr KAM's death of course caused many problems affecting the livelihood of Mrs KAM's single parent family. Housing was the biggest problem. The family had been living in a rented room in a private building. After the death of her husband, sudden sorrow would from time to time attack her at home when the memories of the old days with her husband made unexpected visits. This added to her grief. Following the death of her husband, she was an unattached woman. This made things even more difficult for her. Personal safety and the threats of sexual harassment also became problems. She wanted to move. But the complicated application procedure of compassionate accommodation was very frustrating. In the end, it took her family the greater part of one year before they could move to a rental public housing unit. After moving, Mrs KAM had to spend a lot of her time and energy on her children's education problems including changing schools.

Mr KAM's death also caused financial problems for the family. True, Mrs KAM will receive compensation for the death of her husband in an industrial accident. But it will take more than a year before she may get the money. Meanwhile, she and her three children have to subsist on public assistance amounting to just over \$4,000 a month. In fact, even after she gets the compensation, how to spend that money will be a new headache for her. Besides, the money will be used up one day. How will she live then?

Madam deputy, the plight of Mrs KAM's family clearly demonstrates that single parent families face a whole range of problems: psychological problems, accommodation, children's education, financial strain and legal aid problems. They need help in many areas. Mrs KAM's experience is typical of the difficulties faced by single parent families stemmed from industrial fatalities. I believe that prevention of industrial accidents is certainly vital as a means to address the problems of such single parent families.

Quite obviously, the departments concerned should take full and special care of the surviving families of industrial accident victims, whose situations and needs deserve special attention. Efforts should be made to make it unnecessary for the surviving single parents in such cases to seek different departments' help: to go to the Labour Department to press for compensation,

to go to the Social Welfare Department to seek public assistance, to go to the Housing Department to ask for housing, to go to the Legal Aid Department to apply for legal services or to go to the Education Department to arrange for children's changes of schools. I hope that the Government will quickly review the services in various areas and set up an interdepartmental working group to study ways to provide a full range of services to single parent families. Improvements should be made in child care services and retraining programmes to enable single parents to seek employment.

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

MR LEE WING-TAT (in Cantonese): Madam deputy, the lack of care for the housing needs of single parent families is evident. A recent example is that single parent families are accorded a lower priority than two parents families in their applications under the Sandwiched Class Housing Programme. To the relatively intact families, this is an extra advantage but to the single parent families, is this not a form of discrimination?

Due to the lack of co-ordination among government departments, single parent families have not received the care and attention that they need. Take the Compassionate Rehousing Scheme as an example. The Social Welfare Department disclosed that application for rehousing under the Compassionate Rehousing Scheme would only be considered if the applicant met the basic eligibility criteria of the Housing Department which include a prescribed period of residence in Hong Kong and a set of income limits. However, our discussion with the Housing Department has revealed that the department does provide some scope for flexibility with regard to the cases referred to it by the Social Welfare Department. Even if the applicant does not fully meet the eligibility criteria, for examples, his length of residence in Hong Kong is too short or his income has slightly exceeded the limit, his application will still be considered. However, a spokesman for the Social Welfare Department once told the press that such applications could not be handled flexibly for fear that this scheme would open to abuse and that people would obtain a divorce or separation in order to get a public housing unit. May I ask my honourable Members: Judging from your experience in community service, how many couples or women would use such tactics for the purpose of getting public housing? Maybe my 10-odd years' experience in community service is so short that I have not come across such cases. Even the Housing Department, a department responsible for the allocation of public housing units, handles applications from single parent families flexibly. Is the Social Welfare Department not too bureaucratic or uncompassionate? The crux of the problem lies not in the lack of communication among government departments but in the little or indeed sparse resources devoted by the Government to tackle the problem.

The Social Welfare Department introduced the Compassionate Rehousing Scheme for the single parent families in 1991 on a trial basis and out of its yearly quota of 1 000 public housing units, 100 are to be allocated to such

families. This is nothing but a drop in the ocean. It should be borne in mind that at present, there are 35 000 single parent families in Hong Kong, of which 5 000 have to rely on the assistance under the Comprehensive Social Security Assistance Scheme for a living. The allocation of the mere 100 units reveals that the effort of the Government is far from adequate. The United Democrats of Hong Kong propose that the Government should give better care to single parent families by devoting more resources to cater for their special needs. The communication and co-operation among government departments should be improved as soon as possible so as to process individual applications with greater flexibility. The ultimate aim is to provide better and quicker assistance to single parent families in getting their accommodation.

Madam deputy, although our motion debate relates to the housing problems of single parent families, representatives of the Housing Department are no where to be seen. We have to rely on the officials of the Social Welfare Department or the Health and Welfare Branch to pass on our views. However, it seems to me that the policy-making level of the Housing Department adopts a rather outdated and conservative attitude in addressing the housing needs of these families. In dealing with the housing problem of the people in Hong Kong, the department only has the so-called "nuclear family" and "two parents family with children" in mind and accords priorities to them. I think the Housing Department has to conduct a review on this.

With these remarks, I support the motion.

MR TIK CHI-YUEN (in Cantonese): Madam deputy, you and I and all Members in this Chamber have our own families. Of course, I hope that Dr YEUNG Sum will form his own family very soon.

In real life, we all know that every family has to face a lot of difficult problems. With our social environment getting more and more complicated, we all realize that it is a very laborious task to maintain a harmonious family. Very often we have the feeling that our spirit is willing but the flesh is weak. "Every family has its own difficulties", as the saying goes.

As far as our families are concerned, we all hope that our family members may live better and our children may grow up healthily. To achieve this, we frequently have to rack our brains and make great efforts. Thus, we can see that the problems faced by single parent families are more than that by ordinary families. The year 1994 has been designated by the United Nations as the International Year of the Family and the Governor also stressed in his policy address that the family is a very important structure. If the family is to perform its major functions in this modern society, we shall need the concerted efforts of all parties and more support from the Government as well.

It is also stressed in the White Paper on Social Welfare that an effective family structure should be maintained so as to establish mutual care and good

interpersonal relationship through the family structure and thereby assist the individual and the family to forestall and solve their problems. However, after a careful study of the welfare services proposed in the Social Welfare White Paper, we may observe two extremes. Firstly, on the provision of counselling services to families with difficulties, if we take a closer look at the number of cases concerned, it can be seen that each of my fellow front-line social workers has to handle nearly 100 cases. If each counselling officer is required to handle 100 problem families, how can we expect him to perform his duties effectively?

Apart from counselling services, another extreme is the provision of some large-scale but superficial activities such as the Family Life Education Programme. It is proposed that several large-scale campaigns be organized annually with a view to promoting family life education. However, these activities are not of much help to the family. Existing family services lack the elements of prevention and development. Young people can visit youth centres to learn and develop through activities. The elderly can participate in the activities organized by the elderly centres for them. But how many related services are run for the family?

Mr Fred LI's motion today urges the Government to manifest the spirit of the White Paper and give special attention to single parent families by providing them with more family services. I hope that through this motion debate, we can urge the Government to explore some innovative family services.

I have been serving new towns for more than 10 years as a social worker. I have met many problem families, especially single parent families. Statistics show that the number of single parent families in new towns (such as Tuen Mun, North District, Shatin) is on average higher than the overall territory-wide figure by 10%. In other words, the incidence of single parent families in new towns is higher than that of the whole territory. We all know well what the underlying reasons are.

There are three aspects of problems prevailing in new towns that make families prone to problems:

Firstly, when developing new towns, the Government merely pays attention to the shift of population without arranging for the services to tie in. Facilities in new towns such as primary and secondary school places, medical services and transport facilities are grossly inadequate. It is obvious that the Government's planning policy is to "move the people in first and provide the facilities afterwards". As a consequence, families in new towns have to face a lot of difficulties.

Secondly, many new town residents are from other districts. Very often they have to travel to other districts to work or to study. Much time is therefore wasted in travelling and this indirectly reduces the time they stay at home.

Thirdly, families in new towns are mostly nuclear families. After moving into new towns, they become gradually alienated from their relatives or friends. Under these circumstances, new town families have to endure greater pressure of life and become more prone to problems. Comparatively speaking, the chances of their next generations having problems are higher as well. We have so many youth problems in Tuen Mun and Shatin because the function of the family has been eroded.

Members have pointed out many problems and put forward certain concrete proposals just now. I hope the Government will understand the difficulties of single parent families. I know that at present we have several voluntary organizations running family resources centres. I find this a very good idea. These organizations seek to help families to face difficulties by providing temporary child care service, case counselling, group work and so on. They anticipate problems by doing preventive work. Such an approach deserves the Government to draw experience on. It is a pity that their resources are not sufficient enough although they have acquired certain operational experience. I earnestly hope that the Government will examine this new type of service in detail and provide appropriate support to it.

With these remarks, I support Mr Fred LI's motion.

DR YEUNG SUM (in Cantonese): Madam deputy, 1994 is the International year of the Family. The Governor has said extensively in his policy address this year that families are the basic building blocks for a stable society. The Director of Social Welfare Mr Ian STRACHAN has also said in a lengthy newspaper article about the importance of family in Chinese society, the important roles played by parents in their children's development, and the family education service to be expanded by the Social Welfare Department with a view to helping parents in acquiring the skills of communicating with their children. It is beyond doubt that families form the foundation of society. It is in the family that a person starts to learn about social and moral values, how to develop interpersonal relationships or even how to face conflicts and crises. But I personally wonder what kind of a picture of "family" the Governor and the Director were conjuring up in their minds when they were talking about the importance of families. Is it of a family consisting of a father and a mother and their children, but not that of a single parent family which is our subject of concern today? When they were vehemently talking about how modern parents know only to satisfy the material needs of their children and not know to communicate with them, did they know that many single parent families have difficulties in securing even the basic necessities of life?

In recent years the number of applications for divorce is climbing from 6 767 cases in 1990 to 8 067 cases in 1992. Together with cases of death of spouse and spouses living continually in separate places, the number of single parent families in Hong Kong will definitely be increasing.

Single parent families have special needs in terms of housing, social services and financial assistance. My following remarks will focus on their needs in terms of financial assistance and housing.

Housing is a pressing problem to the single parent families among their various needs. They encounter the following difficulties: (1) Under the existing public housing policy, no separate housing will be provided to divorced tenants. It means that one of the two parties has to move out. According to court decision, the party to whom the custody of the children is granted retains the tenancy of the flat in which he or she is living. Yet many divorced women who are granted the tenancy of their public housing flats are forced to move out and have to rent a place in private housing, which is a heavy financial burden to them, all because the estranged husbands forcibly occupy the flats and refuse to move out.

(2) Concerning the conditional Compassionate Rehousing Scheme of the Housing Department, the Social Welfare Department has in 1991 introduced on a tentative basis a conditional Compassionate Rehousing Scheme for divorced persons, under which a quota of 100 places for divorced persons is provided. But a women concern group for single parent families has pointed out that the approval criteria of the Scheme are unclear, and the way in which the Social Welfare Department processes these applications is not reasonable, leading to serious delays. Moreover, the limited quota for compassionate rehousing cannot cater for the need of those who have divorced for years. I urge the authority concerned to conduct a comprehensive review on the existing housing policy for single parents, including the consideration of making tenancy separation arrangement for divorced couples living in public housing units, the formulation of a set of clear-cut application criteria for compassionate rehousing and the removal of any administrative red tape.

Concerning the financial assistance for single parent families, the fathers or mothers of many single parent families have to rely on public assistance because they have to take care of their children and cannot go out to work. Of all the public assistance cases in 1992-93, about 3 000 or 5.97% involved single parent families. Comparing with the figures of 1991, the number of single parent family cases had increased by about 600 or 1.2%. Among the cases of children allowances, half of the recipients are children from single parent families. To the single parent families that rely heavily on public assistance, the inadequate level of assistance will most directly affect their well-being.

I have proposed an increase in the rate for children allowance to both the Social Welfare Advisory Committee and the Social Welfare Panel of this Council. The current allowance for children of the family category is only \$995 a month, which is not enough for a child to lead a dignified life with freedom of needs. The procedure for applying for reimbursement for actual spending is also complicated. All these have resulted in a poor self-image on the part of many children recipients. Single parents families are always labelled as "problem families". This, plus the fact that they are living on public assistance,

will adversely affect the psychological health of the children of single parent families receiving public assistance. I would like to make the appeal to the Administration again to increase as soon as possible the rate for children allowance to the level of assistance for single elderly persons, which means to increase from the current \$995 to \$1,550. The reason is that the needs of a growing child will not be in any way less than those of an elderly person. Madam deputy, if the Administration accepts my proposal, the quality of life of all the children in receipt of such assistance will be improved, and the children of single parent families which accounted for half of the children in receipt of public assistance will be directly benefited.

The increase of single parent families is already a social reality. We cannot rely solely on the Social Welfare Department for solving the problems of these families. So I hope that the Administration, whilst talking so fervently about the important roles of family, will not forget that the single parent family is also a kind of family in our society today. In the perspective of civic rights, it is necessary for the Administration to formulate a long-term policy for single parent families and provide sufficient resources to improve their lot and safeguard their interests.

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

DR TANG SIU-TONG (in Cantonese): Madam deputy, the divorce rate in Hong Kong has been rising yearly as a result of changes in social trends, family concept and notion of marriage. According to findings by the Hong Kong Family Welfare Association, divorces in Hong Kong have been increasing at a rate of about 10% per annum in recent years. The number of applications for divorce was 6 767 in 1990, 7 287 in 1991 and rose to 8 067 in 1992. It appears such trend will continue. One sequela of this unfortunate situation is the emergence of tens of thousands of single parent families in our community.

Difficulties faced by single parent families in general can be divided into two types: firstly, it is the basic needs of living which have to do with, say, finance and accommodation; and secondly, it is problems concerning personal emotions, supervision of children and interpersonal relationships. The findings of a survey conducted by the Hong Kong Polytechnic in May this year revealed that while the median income of an average family in Hong Kong is \$11,000, that of a single parent family is \$4,900 only. And the median income of a single parent family in receipt of social security assistance is even as low as \$2,325. It illustrates very clearly that single parent families, in particular those relying on social security assistance, are faced with great financial difficulties. According to the existing legislation, social security assistance recipients are not allowed to work, lest their assistance would be withdrawn. Under such circumstances, single parent families, which are confronted with financial difficulties and reliant on assistance payments, will find it all the more difficult to resolve their problems. Single parent families will find, because of their financial difficulties, accommodation another problem to them. They of course cannot

afford private housing rents and therefore need to look to public housing. But the existing regulations governing the allocation of housing units or transfer of household registration are very rigid and inflexible. It is not at all easy for a single parent family to secure a public housing unit. A conditional Compassionate Rehousing Scheme was introduced by the Government two years ago to help solve this problem. Still, only 238 units were allocated under this scheme during the period. It has been of little help to meeting the overall demands.

The problem of children supervision for a single parent family is more grievous than that for an ordinary family. Children of a single parent family are subject to greater psychological and behavioural pressures than other children. And their emotions are more unstable. The smallest negligence on the part of their parents will easily translate into problems detrimental to their proper development. If the single parent has to work for a living, the children will receive even less supervision. This is indeed worrying. Generally speaking, single parents will hold either of the following two attitudes in supervising their children: indulgence or sternness. Indulgence is of course not a good method. But stern supervision may possibly give rise to child abuse.

For a single parent family to handle its children supervision problem properly, it requires certain counselling and supportive social services. But unfortunately, these services are at present insufficient to meet the demands of the needy single parent families which find their plea for help to no avail. The following example may perhaps give a clue to the inadequacy of services. As at the end of March this year, the Hong Kong Family Welfare Society (HKFWS) has handled 503 counselling and follow-up cases for single parent families. But there are only four social workers in HKFWS, each being responsible for an average 125 cases. In a press interview, the promotion officer of HKFWS admitted that there were obvious difficulties for the centre to give full attention to the individual problems of every single parent family. Hence it is not uncommon that one case is handled to the neglect of another. To solve the problem of staff shortage of course requires an increase in manpower resources. But the resources of this centre are unfortunately limited for it presently receives no government subsidy of any sort. It has to rely on subvention from other charitable organizations to maintain a limited service for single parent families. The above example illustrates that the Government has not given due weight to the support of single parent families. Perhaps putting it this way, the Government has virtually overlooked this problem. I think that the Government should enhance as quickly as possible supportive social services for single parent families by way of arrangements for public housing accommodation, development of district family service centres, subsidizing voluntary agencies and so on to cater for the pressing needs of these families.

I agree to the two demands made in today's motion as any hope of the problem to be resolved hinges upon the Government addressing the problem squarely and allocating the necessary resources. Setting up a working group to review and examine the needs of single parent families and the respective

measures and services, in order to formulate a longer-term and comprehensive policy for single parent families, is a step in the right direction to resolving the problem. Perhaps the difficulties encountered by single parent families and the failure in the education and fostering of their children would prompt us to look more closely at today's frivolous matrimonial relationships and decline of the family values. This could perhaps serve as some sort of timely exhortation to virtue for a community striving for prosperity and stability.

1994 is "International Year of the Family". I hope that the Government will step up its education campaigns and provide sufficient family services, so that members of every family in Hong Kong can lead a healthy and happy life.

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

SECRETARY FOR HEALTH AND WELFARE: Madam deputy, the family is the cornerstone of society. Here in Hong Kong we have a strong tradition of family where children are brought up in a caring and loving environment and people care for their elderly and dependent family members. Our policy is to preserve and strengthen the family as a basic unit and to develop caring interpersonal relationships among family members. To support the family, we have in place a comprehensive network of services and assistance which also caters for the needs of single parent families.

In this motion debate, Honourable Members have highlighted some of the problems such as housing and financial needs faced by single parent families in Hong Kong. These problems are not peculiar to single parent families. Other families and disadvantaged groups may also experience similar difficulties from time to time. Our services are therefore available to all those who need them including single parent families.

A single parent family

What do we mean by "single parent family"? A single parent family is commonly defined as "a family with the mother or the father being widowed, divorced or separated and living with child or children aged under 18." According to census data, there were 34 538 single parent families in Hong Kong in 1991 as compared with 36 541 in 1986. Although this number only accounts for 2.2% in 1991 or 2.5% in 1986 of the total number of households in Hong Kong, single parent families deserve our attention because they are likely to be more vulnerable in coping with personal, social and financial problems. However, we should be careful that we do not stigmatize single parent families. There should be no discrimination among different types of family in the provision of services. I am grateful for this opportunity to describe some of the key services available to single parent families.

Housing

I agree with Honourable Members that housing tends to be a major problem for single parent families. But, being a single parent family does not and should not by itself constitute a criterion for priority treatment in the allocation of public housing flats. It would be unfair to those applicants who have been waiting for a long time and whose accommodation needs may be as great as or no less than those of single parent families.

Single parent families in need of immediate housing assistance can be rehoused under the Compassionate Rehousing Scheme administered by the Housing Department. Out of an annual adjustable quota under the scheme, a total of 217 public housing units were allocated to single parent families in 1991-92. The number increased to 327 in 1992-93. So far in 1993-94, 301 single parent families have been rehoused under the scheme.

For single parent families who have just separated or divorced and who cannot continue to remain under the matrimonial home, a conditional tenancy programme under the Compassionate Rehousing Scheme was introduced in July 1991 to allocate public housing flats to meet their urgent rehousing needs. When the programme was reviewed earlier this year, further improvements were made to provide better and quicker assistance to families in need. These improvements include:

- the setting aside of an adjustable sub-quota for conditional tenancy;
- raising the income eligibility limit for applicants;
- accepting recommendations on cases referred by non-governmental organizations; and
- streamlining of procedures between Social Welfare Department, Housing Department and Legal Aid Department to ensure speedy referrals and processing of applications.

A total of 318 cases were referred to the Housing Department for conditional tenancy since the programme started in 1991. So far, 238 cases have been rehoused and 72 cases are under processing. Public housing flats have been allocated in as quick as six weeks (or in nine weeks on average).

For those who are not eligible for compassionate rehousing or conditional tenancy, charitable trust funds are available to help these families arrange for private accommodation.

Financial assistance

The death of the spouse or separation may make single parent families, particularly those headed by woman, more vulnerable financially. The new

Comprehensive Social Security Assistance (CSSA) Scheme introduced on 1 July 1993 provides financial assistance to needy single parent families. The scheme embraces different standard rates and a range of special grants which meet the general needs of recipients and special needs arising from accommodation, travelling, child care and education and so on. The rates of payment under the CSSA Scheme provide real increases between 4% and 37% over those under the previous Public Assistance and Special Needs Allowance Schemes. These rates will be revised annually to maintain their purchasing power. In addition, the standard rates for children will be increased by \$100 per child per month with effect from 1 April 1994 to provide more pocket money for children to socialize with their peers. Special grants can also be made available from charitable trust funds to meet other needs of single parent families which cannot be covered by the CSSA Scheme.

Legal aid

We have to accept the reality that marriages do have their ups and downs. Should a marriage break down irretrievably and dissolution of that marriage is in the best interest of the parties concerned, the Family Litigation Section of the Legal Aid Department offers assistance to single parents in divorce proceedings, for custody of children and for maintenance. The department also assists single parents to enforce maintenance payments if the other parent refuses to pay.

Day care services for children

Apart from housing, financial and legal assistance, a single parent family has access to a wide range of social services. For example, they are accorded priority for day nursery and day creche services in view of their needs. An additional 5 600 and 1 220 day nursery and day creche places will be provided by 1996-97. Not all parents require regular child care services. The occasional child care service provides a more flexible service to parents who are able to take care of their young children but may require help occasionally. Extended hours in some child care centres will also be introduced on an experimental basis. Single parent families will benefit from these services.

Home management

Our home help service provides a wide range of domestic assistance such as meal service, child care service, laundry and so on. Single parents, in particular single fathers who lack home-making skills, are one of the target groups for this service. An additional 44 home help teams will be provided by 1996-97. To enhance parenting skills in child care and home management, a new Family Care Demonstration and Resource Centre will be established next year.

Vocational training

Once the trauma of separation or widowhood is over, single parents and their families want to get on with their life. Many of them are self-reliant. Others may need some help, particularly those homemakers who have been out of the employment market for a long time. The Labour Department operates the Local Employment Service from a network of 10 offices throughout the territory to provide employment assistance. In addition, vocational training programmes are organized by the Vocational Training Council while the Employees Retraining Board offers retraining programmes to those who wish to equip themselves with some skills for taking up employment.

Concern has been expressed about counselling services for single parent families.

Our Family Services Centre provides professional services alongside with psychological treatment for single parent families who have such needs. The family case work service will be improved in 1994-95 by bringing down demanding ratio from one case worker to 70 cases to one case worker to 65 cases. Referrals will be made to encourage single parent families to participate in group activities as well as sharing sessions organized by the Family Life Education units.

Mutual help groups

Some Honourable Members have raised the question of emergency services. The Social Welfare Department's Chuk Yuen Children Reception Centre is open on a 24-hour basis. Children can be taken there if help is not immediately available in an emergency.

The provision of services by the Government alone is never enough. A community needs to develop neighbourliness and mutual help. Social networks are part of Chinese culture and they should operate in different strata of our society. Mutual help through social networks is a very important form of assistance to many types of families including single parent families whose support from within the family may be lacking and some sort of immediate assistance is required. Our policy therefore is to encourage formation of mutual help groups. So far, about 100 mutual help group activities have been organized in the past year at district level to provide a network of continuous support and sharing for needy families. Many of these group activities have developed into informal mutual help groups which offer assistance in the form of temporary child care and home help to each other in cases of emergencies.

As Honourable Members are aware, 1994 has been designated by the United Nations as the International Year of the Family. We will step up publicity and the Family Life Education Programme to promote public awareness on the needs of single parent families and acceptance of these

families. We need community support to ameliorate the problems facing single parent families.

Family welfare policy

In closing, I must reiterate that we have a well-defined family welfare policy which embraces the needs of single parent families. This policy is implemented through a wide network of services and assistance rendered by different government departments and non-governmental organizations. They work closely together in the co-ordination of and in reviewing the adequacy of services for families. I do not see the need for a separate working group to review and look into the measures and services needed by single parent families. Where there are specific problems, they can be tackled under the present system.

Furthermore, it is inappropriate to segregate single parent families from other types of families in our provision of services. In doing so, we will unduly label single parent families as problematic. Assistance should be based on needs rather than determined by the composition or structure of a family.

Our family welfare services are reviewed and developed constantly to keep up with changing needs which include those of single parent families. Improvement to our family welfare services will benefit all families. We need the support of a caring community to develop them.

Thank you.

THE PRESIDENT resumed the Chair.

PRESIDENT: Mr LI, do you wish to reply? You have 3 minutes 14 seconds.

MR FRED LI (in Cantonese): Mr President, first of all I should like to thank Members for their comments. I do not see indeed any contentious views from the remarks made by Members as we have all actually identified where the problem is. Dr the Honourable LAM Kui-chun and the Honourable LAU Chin-shek have raised several points which we may not have noticed. For example, industrial accidents, which happen out of the blue, would plunge affected families into a state of loss after the tragedy. Dr LAM mentioned those "short-term astronauts" and "mainland mothers". While strictly speaking they are not single parent families, they do live like one.

I feel very sorry as the Housing Department fails to send any representatives to this Council to lend an ear to Members' views. Officials from the department should have come because actually my motion can be divided into two major parts with the first part being on the problem of accommodation

— a point to which many honourable colleagues have referred. The Honourable LEE Wing-tat (he is presently not in this Chamber) raised just now many points in connection with this. The Housing Authority needs to review its pertinent policies in order to identify any possible grey areas and some excessively harsh and inflexible measures which are practically shutting the doors on single parent families which apply for public housing. However, I find it even more regrettable that, from the Secretary's reply just now, the Administration seems to pretend as if nothing has happened. According to the Secretary, problems like housing, finance and so on have been addressed and dealt with properly and that they need not be treated separately. And it would not be proper to treat them separately as so doing may stigmatize such families. But there is indeed a problem here. Single parent families need assistance. While the Administration has admitted that these families are vulnerable, it opines that they have been given the necessary assistance already. In this connection, I feel that the Administration has been contradicting itself. On the question of the elderly, the Administration has agreed to set up an interdepartmental group (albeit under the auspice of the Governor) to look into the question from all aspects such as housing, transport, public assistance and so on. I must say, however, single parent families have similarly been vocal on their problems in terms of housing, finance and employment. Talking about employment, I have to mention in passing the work of the Labour Department. Job placement arranged through the department is practically not open to people over the age of 35. How can single parents aged 35 or 40 find jobs through the department? As to the question of retraining, are such opportunities made available to them so that they may receive in-service training? Job placement arranged by the Labour Department basically has been of little help to them. Therefore, we have strongly advocated the setting up of an interdepartmental group to examine the related questions. This proposal is supported by many Members. Now the Secretary for Health and Welfare is saying that it would not be necessary for everything is in order. But housing is outside the purview of the Health and Welfare Branch, and so are placement and taxation system. I think that to deal with all these questions necessitates the setting up of a working group co-ordinated by the Health and Welfare Branch which is the policy branch to tackle welfare matters. The branch should then invite various government departments to this working group and conduct studies together. In this motion debate, I have shied away from suggesting the formulation of a policy on single parents because

Upon the digital timer showing 03.14

PRESIDENT: I am afraid, Mr LI, under Standing Orders I have to ask you to stop.

Question on the motion put and agreed to.

SEWAGE CHARGING POLICY

MR PETER WONG moved the following motion:

"That this Council endorses the polluters pay principle in the Government's proposal to levy charges for sewage services and urges the Administration to further explain to the public the rationale of the proposal and the scale of charges which should be affordable, and to take the public's views into consideration in finalizing the proposal."

MR PETER WONG: Mr President, I rise to move the motion standing in my name.

Sewage as defined in the Concise Oxford Dictionary includes not only human solid or liquid waste, but everything that we pour down the drains, whether from the factories, hotels, restaurants, hospitals or from our homes. The waste waters of a factory is sewage, so is our soapy bath, laundry and wash-up waters. As society becomes more affluent, we are observed to produce more waste which has to be treated before being discharged.

Our British colonial heritage is marked by a lack of an adequate sewage system. We were told that by pumping sewage straight out into our fragrant harbour, the natural tidal flows will carry it all away — out of sight, out of mind. True, this method of sewage disposal is dirt cheap and very convenient for our fiscal reserves. But we all know now that there is a pollution limit that nature can absorb. That limit has long been exceeded. Victoria Harbour is filthy and its waters are certainly unfit for beneficial usages.

We should have taken action many years ago when the annual cross harbour swim was abandoned. More and more of our beaches have been declared unfit for swimming. Tourists are greeted on landing with a terrible stink which also sends them off on their departure.

Action needed

At long last, in 1988 we were promised the largest engineering project ever in Hong Kong excepting the new airport, which will convey all our sewage by deep underground tunnels to Stonecutters Island where it will receive screening and lime dosing before being discharged into the Western Harbour. Phase I of the project would be followed by the construction of a long oceanic outfall to disperse sewage many miles out to the South China Sea.

Although many of us have grave reservations about the effectiveness of lime dosing and the oceanic outfall which is considered unsuitable in Europe and Sydney of Australia, we were promised by the Administration a comprehensive paper with an updated justification of these sewage treatment technologies. The one page summary produced early this week certainly does not convince me. At the moment, we are left with no real alternative but to go along with Phase I of

the Master Sewage Strategy Scheme, although I strongly plead with the Secretary for Planning, Environment and Lands that it is not too late to make changes to incorporate the latest technology into sewage system which receives our overall approval. However, today we are not debating the merits of treatment methods, but the way that the recurrent operational cost of the sewage treatment will be borne by the community.

To begin with, we should uphold unswervingly the "polluters pay principle" which all agree should be adopted in environmental matters. I believe that in this particular instance the capital cost should be entirely taken out of general revenues because of past neglect. It is also commonly agreed that all capital costs of Phase II should be borne by the general revenues. There is no dispute that the sewage operation be put into a trading fund with only the recurrent operational costs being recovered through charges, while the stormwater drainage costs should be clearly separated and continue to be funded out of general revenues.

Cost sharing

It is a basic tenet of green philosophy that the use of appropriate economic instruments, such as environmental taxes and charges, will effectively influence consumer behaviour, and as such should be encouraged. Agenda 21 of the 1992 Earth Summit clearly states that "without the stimulus of prices and market force that make clear to producers and consumers the environmental costs of the generation of wastes, significant changes in consumption and production patterns seem unlikely to occur in the near future." Polluters pay is a powerful incentive to reduce the amount of waste. Consider the time, effort and resources we have spent on the "Clean Hong Kong" Campaign all these years and the level of environmental awareness we have been able to generate. No doubt, environmental protection is expensive for both industries and domestic households, but think of the costs and disbenefits of environmental pollution to our healthy living. If people in other developed countries are practising the polluters pay principle by pitching in sewage charging, why is Hong Kong any different?

Some 40% of the waste discharged into coastal waters comes from non-domestic sources. You will hear from my colleagues representing the industrial and commercial sectors that they are willing to pay their fair share of such recurrent operational costs. However, they are asked to bear at least 50% of the total costs, with which they grudgingly agree. Now my colleague, Dr the Honourable LEONG Che-hung, has submitted an amendment to oppose charging domestic households in total even though they are responsible for 60% of the sewage discharged daily into our coastal waters. If indeed Dr LEONG's amendment is passed, then domestic households will have no economic stimulus whatsoever to reduce the amount of waste that is heavily loading our sewage system. Further, heavy charges imposed on the industries will eventually be transferred back to the consumers who have to pay for the additional production costs.

Public misconception

This is the first time that such a sewage charging scheme has been introduced in Hong Kong, and the general population is fearful that it will be the first of many charges for every new service that a modern society needs. It is all too easy to look at public opinion polls and bow to public opinion, even though it may be ill informed. But I suggest that this Administration has singularly failed to explain and educate the public on the rationale of the sewage treatment proposal, and why everyone should be charged and bear their fair share. It is their failure to respond to the green groups' previous requests for substantial funds to educate the public on environmental principles that has now come home to roost. But it is not too late to make a concerted start now.

I strongly urge the Administration to make every effort to explain clearly to the people of Hong Kong the details and the rationale of the proposal. Unless the Administration can justify to the doubters that the scheme is fair to all, critics will misinterpret and misrepresent the scheme. The Administration should explain why if industry is paying its share, indeed more than its share, domestic households must also pay at least part of their share. Domestic wastes discharged into the sewers need the same treatment as industrial liquid wastes and this latter point has to be carefully and sensitively explained. It must also demonstrate, with clear examples, how the charges will affect different sectors of the community. We need to be told in clear terms how those charges will rise from the time they are implemented until the full programme is completed.

I have asked in the motion that the charges be affordable. It would be disingenuous to put up high charges for, say, the bleaching and dyeing industries that this becomes the straw that breaks their backs. Neither should the charges make life intolerable for those marginal bread-earners. Consideration should be given to people on public assistance who need to use more than 13 cu m of water. Industrial units which have adopted clean production technology should also be given exemption from the pollution charge and the Administration should confirm that there will be minimal red tape to get this reduction.

Furthermore, the Administration should listen very carefully to all the concerns of the public. These must be carefully analysed and, where unfounded, should be sensibly explained. If I understand the Rev FUNG's amendment correctly, his amendment is already taken care of by my motion wording, with the exception that I call for the consideration of public opinion whilst the Rev FUNG urges that one particular aspect of public opinion be followed willy nilly. Also, by rejecting the present proposal in total and only calling for exempting a certain level of domestic sewage discharges, he is sweeping aside the planning done by the Government in the last two years as well as the invaluable suggestions made by different sectors of the community. I would submit that a responsible government has the duty to take into account the full spectrum of public opinion and then decide what is the best course of action for Hong Kong as a whole to take.

Nevertheless, the Rev FUNG's circular of 27 November 1993 contains many valuable suggestions of a technical nature, which are a reflection of public opinion. The Administration should study them very carefully. Similarly, the views of industry as reflected by the Honourable NGAI Shiu-kit, Jimmy McGREGOR the James TIEN, as well as the concrete proposals put forth by the green groups, should also be taken into account.

Public consultation

My initial reaction on hearing this set of proposal was that I did not see why we should start paying charges in August 1994 when most of us will not be getting any sewage services from the deep tunnels until sometime in 1997. The Liberal Party is also not satisfied with the explanations that charges for all have to be levied because some areas such as Shatin, Tai Po, Tuen Mun and Shek O are already getting treatment, and that a steady rise in charges will meet less resistance. We are in fact being asked to pay more in the initial years than the actual recurrent costs of operation. Charges should only start when the tunnels are working and the public are getting the benefit. We should pay for what we use; otherwise, those charges will become taxation.

We still have sufficient time for the Government to thoroughly examine the public's views before coming back to us with a comprehensive and sound proposal. Mr President, I commend my motion as the most logical and constructive way to go forward in our fight against water pollution. We need a sewage system to restore the fragrance to our harbour, and we should adopt the polluters pay principle to achieve a fair apportionment of the costs and to give the Hong Kong public the incentives to reduce unnecessary waste. It would indeed be a pity if, due to the lack of public information and public education, a worthy scheme should be shelved.

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

Question on Mr Peter WONG's motion proposed.

PRESIDENT: Members may now express their views on the main motion as well as each of the two Members' amendments listed in the Order Paper. I shall ask the two Members who intend to move amendments to speak first, but no amendments are to be moved at this stage.

DR LEONG CHE-HUNG: Mr President, I rise to speak against part of the motion and to explain the reasons for making amendments to the motion at a latter part of this debate. In speaking against this motion I am showing no disrespect to my friend, the Honourable Peter WONG, nor his dedication to maintaining the environment; nor is Meeting Point against the principle of "polluters pay". Let me therefore outline the bases for my amendment.

Before us today, Mr President, is a touchy issue of who should pay for cleaning up the mess of our success. When it comes to dollars in your pocket, the whole issue turns controversial. As Hong Kong becomes more affluent, it produces more effluent and this problem is very unlikely to dwindle.

At present, the Government is bearing some responsibility for cleaning up the environment through the provision of sewage treatment plants and incentives to industry to adopt anti-pollution practices and regulations. The industry itself is playing a reluctant and passive role in keeping the environment clean.

But the joint efforts of both sectors could solve little of our tremendous problem.

So now, the man in the street is asked to share that responsibility and pay for sewage charges.

The responsibility, Mr President, is misplaced.

The first question obviously is "Should the ordinary man in the street be asked to pay?"

The answer would have to be in all reason in the affirmative. But what we are faced with is really a second question which is "Should the ordinary man in the street be asked to pay more?" or more directly, to pay "a second time?"

The fact remains that taxpayers have already contributed their shares in funding the drainage system and the current daily sewage disposal. The Government's proposal in essence implies a "double taxation" for members of the public.

The third question, Mr President, one needs to consider is the Government's commitment to sewage disposal.

The "polluters pay" principle that Meeting Point supports would never mean the Government shrugging off its responsibility. It should in no way mean that the Government can pull out of the necessary funding from the king-size Sewage Disposal Charging Scheme (SDCS).

It is ironic that whilst the Government has committed in the White Paper *Pollution in Hong Kong: A Time to Act* published in 1989 that it would pump extra funds to solve this problem, yet the former Secretary for Planning, Environment and Lands told this Council that, given a tight budget, it would be extremely difficult, if not impossible, for the Government to finance the sewage scheme through the normal channel of public funding under the Public Works Programme.

If there should be a separate budget for the scheme, why would the Government worry about funding? Is it a slash in its commitment or is it an

underestimate of the cost of the scheme? Worse still, is the Government hiding away the truth that no matter how big the amount is committed, alternative funding resources would still be needed to foot the final bill and the consumers are made ultimately the scapegoats.

Furthermore, the Government has admitted Hong Kong has under-invested in sewage infrastructure. That our sewage problem is now critical indicates the true colour behind the concept of the purpose of introducing "polluters pay principle" — which is finance, not efficiency, that the Government is concerned about.

It is being pointed out by the Government that by tagging sewage charges with water usage in domestic environment it would cut down water utilization.

I, as a supporter for environmental conservation, would be the first to support water conservation. But yet to use such a roundabout way to bring on this effect is to me a right way for the wrong reason.

The Government should call a spade a spade. If the whole move is to conserve water usage, let the Government come up with a policy on charging for water overuse, instead of hiding behind the skirt of "water consumption is equivalent to sewage production".

The advocate of the Government's policy on SDCS in total argues that improvement in sewage disposal has already been overly delayed and any amendment would be a platform for the Government to further procrastinate. But again should we be a scapegoat of the Government's complacency?

Some, in particular the Administration, will argue that a \$15 to \$20 a month is no big deal for any household. But simple calculation will show that for a family of four with a monthly income of around \$10,000, they have to pay a "sewage tax" of some \$260 a year, in essence 70% increase in total tax. The question then is not the \$15 but a 70% more tax.

Furthermore, what common people have to pay might be puny, but the logic of this proposal is dangerous which may rationalize the Government's charging plans in the same direction.

Meeting Point is worried that citizens are required to pay more and more for public services under the camouflage of various forms of "user-pay-for-yourself" principle. The end effect is that the burden inevitably falls on the lower income families who are users of these services.

The Administration must be reminded that our taxation system should be one to narrow the gap between the rich and the poor of the community, not the other way round. My colleague, the Honourable TIK Chi-yuen, will talk more in the tax aspect later in this debate.

At the end of the day, Mr President, the "polluters pay" concept should aim at decreasing the production of sewage.

Meeting Point thus supports the concept of charging commercial and industrial setups and government departments for the waste they tip.

For this will mean incorporating pollution expenses into the production cost. The result will no doubt dig their pockets to stimulate them with research to improve their production process so as to cut pollution and thus the overall cost.

Mr President, the most plausible way for the time being is to drop domestic users from the charging list whilst the Government undertakes the following:

- (1) to clarify its role in cleaning up our environment and to commit the building of the sewage system; and
- (2) to conduct an overall review on our taxation system to achieve a better and fairer share of tax burden in our community.

Mr President, Meeting Point will not be able to support the Rev FUNG's proposed amendment, for with respect we feel that his amendment to be moved is in essence a cross-breeding between the original motion and my proposed amendment.

For on one hand, it agrees with domestic charges in relation to water consumption, yet on the other, it also calls for exemption for basic domestic sewage.

Furthermore, even the Administration has indicated it will be a nightmare to implement and medically, Mr President, there is no cure nor prevention for nightmares.

With these remarks, Mr President, Meeting Point will not support the original motion. I will be moving an amendment at a later time. Thank you.

REV FUNG CHI-WOOD (in Cantonese): Mr President, on 20 September this year, the Government announced the proposal to introduce a sewage charging scheme. Regrettably, there was not enough information about the scheme. For instance, how much will the estimated annual operating costs of Phase I of the Strategic Sewage Disposal Scheme be? How are the figures arrived at? How will the costs be shared between domestic users and industrial users? The Government did not even tell us how the charges for domestic users were arrived at. Is the Government deliberately withholding details from the public? Maybe it does not know the details itself. I have rung up or approached officials of the Planning, Environment and Lands Branch several times but

never been able to obtain the details from them. On 28 October, the Environmental Affairs Panel of this Council criticized the Government for failing to provide sufficient information. It was not until 9 November, two days before the meeting of the Environmental Affairs Panel, that some basic information was provided for the first time. We were then already near the end of the consultation period, two months after the Government announced the proposed sewage charges.

The Government should give us a good explanation as to why it waited so long before providing Members with some very basic information. Even Members have no idea how the sewage charge figures were arrived at, let alone members of the public. The consultation this time is a fiasco. I have requested the Government to produce new pamphlets with more information and to extend the consultation period by two months. However, the Government has only extended the consultation period by half a month and my request for issuing new pamphlets has not been acceded to.

The United Democrats of Hong Kong (UDHK) have conducted a public opinion survey on the proposed charging scheme. When members of the public were asked for their views on the average sewage charge of \$15 per household, 34% of them said that they were in favour and 62% were opposed. When asked how much they thought would be reasonable, 26% said that there should be no charge at all; 23% said that the charge should be \$5 or less; 8% said that it should be between \$5 and \$10; and 16% said that it should be between \$10 and \$15. According to a survey on the same subject conducted by the *Eastweek*, 46% of the respondents were in favour of domestic households paying some sewage service charges; 44 were opposed; 57% thought that sewage charges should not be more than 10% of water charges; 15% thought that they should be between 20% and 30% of water charges; and 5.4% thought that they should be between 40% and 50%. The Liberal Democratic Federation found in a survey that 49% of the respondents were in favour of domestic households paying sewage charges; 48% were opposed; 83% thought that the charge should reasonably be \$4 a month per household; and 55% thought that there should be no charge at all in respect of the first 31 units of water consumed by each household during each billing period. The Government, however, said that of the written submissions received, 60% were in favour of the polluters pay principle.

The above surveys show that members of the public are generally of the opinion that the proposed sewage charges are too high. More than 50% of the respondents indicated that they were willing to pay if the charges were greatly reduced.

The UDHK are supportive of the "polluters pay" principle, which makes everyone aware of his duty towards the environment. Everyone must do his part to reduce environmental pollution. However, the polluters pay principle does not mean linking charges to operating costs. The Government estimates that the average annual operating costs will be \$900 million, of which two thirds

are to be recovered from industrial users while the remaining one third is to be recovered from domestic users. This is a "users pay" principle in disguise. Besides, the average annual expenditure of \$900 million includes the operating costs of existing treatment plants and the salaries of their staff. Is it fair to incorporate these costs into the operating costs of the new sewage services? I am of the opinion that the charges collected should only be used to meet the operating costs of the sewage services. Another thing is that about 20% of the annual operating costs represent capital depreciation. This means that the Government wants to raise capital from the charges so that, several decades later, there will be money to build replacement sewage plants and facilities. However, the Government stresses that the proposed sewage charges are merely for meeting operating costs. Then why should the operating costs include future capital costs? I hope the Government could give an explanation on this. We should bear in mind that the operating costs may rise sharply for one reason or another, such as equipment damage, higher staff salaries or inflation. If sewage charges are linked to the operating costs, members of the public will worry that they may rise sharply with run-away operating costs.

The UDHK support environmental protection and hopes that members of the public, too, will support it. If members of the public are not required to make any contribution at all, this is tantamount to allowing people to shrug off their responsibility for the environment. It will also be like rejecting the polluters pay principle. It will probably give the commercial and industrial sectors a pretext for refusing to pay sewage charges. Therefore, the UDHK cannot support Dr LEONG Che-hung's amendment. But the UDHK will abstain from voting on it. If the charges are set at the level as proposed by the Government, more than half of the respondents think that the sewage charges are too high. About 30% do not want to pay any sewage charge at all. If the Government goes ahead with the proposed charging scheme, the public will be disgusted and disgruntled. They will become resistant to environmental protection. It will not achieve the purpose of providing "environmental education". Instead, it levies "environmental penalties". This is something that we do not want to see. Therefore, the UDHK cannot support the original motion, which tends to support the Government's proposed rate of charges. the UDHK will vote against it.

The UDHK think that domestic sewage is unavoidable as water is vital to our daily life. Inevitably, waste will be produced as a result of biological activities. So the UDHK suggest that a more realistic way to go would be for the Government to set a certain level of water consumption which would qualify a user from exemption. In this regard, we propose that no sewage charges should be levied for the first 36 units of water consumed over a four-month period — not the first 13 units as proposed by the Government. If the volume of water consumed exceeds 36 units, a charge of \$0.70 per unit can be levied on domestic users as originally planned by the Government and the proposal to levy a fixed sewage charge of \$7 per household should be dropped. The UDHK's proposal will result in 46% of all domestic households not having to pay sewage charges. The rest, who will pay sewage charges, will then realize

that they consume more water and cause more environmental harm. The UDHK's proposal is more meaningful insofar as environmental protection is concerned. If the proposal is to be adopted, domestic households which pay not more than \$90 in water charges over a four-month period will not have to pay any sewage charges; those paying \$150 will pay about \$10; those paying \$250 will pay about \$20 and those paying \$400 (which account for a very small proportion) will pay \$33. I believe that this proposal will be acceptable to the public. Some worry that sewage charges will cause administrative expenses

The buzzer sounded a continuous beep.

PRESIDENT: You have to stop, Rev FUNG.

MR NGAI SHIU-KIT (in Cantonese): Mr President, a good environmental policy should do the following things for the community:

- (1) it should enhance environmental awareness and achieve the clear objective of protecting the environment; and
- (2) it should encourage sewage treatment and the decreased use of substances which are detrimental to the environment.

Regrettably, the sewage charging scheme proposed by the Government cannot achieve the above purposes. Under this scheme, the Government merely pools the community's financial resources to provide major disposal facilities which will enable sewage to be discharged into waters far from the Victoria Harbour. Mr President, the Government is only concerned about the disposal but not treatment of the sewage. Undoubtedly, the waste water will be collected and disposed somewhere else but the problem of water pollution remains unsolved. It pursues environmental protection in a narrow sense and will not achieve the clear objective of protecting the environment. More importantly, we should bear in mind that Hong Kong will become a special administrative region of China after 1997. We have no right to pollute the environment of our neighbours. Therefore, we must deal with this matter carefully so as to conform with the spirit of a green world.

Looking at the scheme as a whole, one finds that it does not encourage members of the public to take a positive approach to sewage treatment or to use less of those substances which are detrimental to the environment. Let me illustrate. No matter how much sewage charges are levied on them, domestic households are not likely to stop using detergents in washing their laundry. They will not switch to using "environment-friendly" soap. In reply to an oral question raised by me on 17 November this year, the Secretary for Planning, Environment and Lands spelt out the policy direction of the Government with regard to the disposal of waste water and I quote, "The trade effluent surcharge will send the correct environmental signal to industry: the better you treat your

effluent, the less you pay." Very clearly, the principle behind this message should also apply to domestic sewage. However, for the sake of administrative convenience in collecting sewage charges, the Government is now planning to apply a rigid rule linking sewage charges to the volume of water used. It appears that this will have an unintended wrong effect. The answer is quite obvious. Levying sewage charges on domestic households will only have the effect of causing them to use less water. It may not have the effect of reducing environmental pollution. If we look at the issue from this angle, then we will not be surprised to hear members of the public criticize the proposed scheme as "a tax plan in disguise." There is some truth in this criticism.

We must understand that our environmental efforts will stand a chance of success only if the entire community works together and makes a commitment to them. However, when promoting its sewage charging scheme, the Government has over-emphasized the "fairness" of the charges to the neglect of overall situation. This is regrettable indeed. In fact, the fairness of any new fee announced by the Government, whatever it may be, will be questioned. The proposed sewage charging scheme, for instance, may not be fair to the environmentally aware households. It is also very unfair to industries which use a large volume of water for production, such as beverage manufacturers and industries that use a large volume of water for steaming in the manufacturing process. Mr President, I am afraid that, if we entangle ourselves in arguments about fairness but overlook the importance of community commitment, the desired goals will not be achieved. However, for industries which use a large volume of water, such as the dyeing industry, the Government should come up with a compromise solution. The scale of charges should be set at a level which is affordable to these industries so that they will not run into serious operational difficulties.

Mr President, I hope that the Government will consider the above factors when drafting the relevant bill. The bill's provisions must be acceptable to the entire community.

Mr President, I have the following comments to make regarding the two amendment motions. Dr LEONG's amendment has a positive side. However, his opposition to include domestic households in the charging scheme will not lead to fair results. Moreover, it is a shirking of environmental responsibility on the part of the people of Hong Kong. It is wishful thinking to assume that the policy will be fair if no charges are levied on domestic households. If the business community is to bear the full cost of the sewage services, this will be like imposing an environmental tax on the business community, whose operating costs will then come under additional pressure. The business community may pass on the costs to the consumers, whose purchasing power will then decline. To those business institutions that provide goods or services to overseas markets, this will undoubtedly add to their operating costs, thus reducing their competitiveness. This will in turn affect the territory's foreign trade performance and add to the operational difficulties of business institutions. The incomes and employment opportunities of ordinary citizens may be affected as a

result. In short, Dr LEONG's amendment will have the consequence of turning the additional operating costs of the business community into unpredictable declines in purchasing power and in employment opportunities, with damaging economic results for the community.

As for Rev FUNG's amendment, I do not find that there is much difference between his motion and the original motion. His amendment calls for the exemption of a certain quantity of basic domestic sewage in the calculation of sewage charges. This point is the same as what is proposed in the Government's scheme. Therefore, I do not understand which part of the proposed scheme Rev FUNG wants to oppose.

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

MRS PEGGY LAM (in Cantonese): Mr President, I react with mixed feelings to the subject of today's motion debate. As the Chairman of the Environmental Campaign Committee, I strongly support the speedy implementation by the Government of its Sewage Disposal Strategy and the polluter pays principle. However, if we look at the issue from the point of view of the man in the street, the proposal by the Government to levy sewage charges is tantamount to the introduction of an additional tax. It is not an acceptable way to proceed. I recall that at a debate held on 11 December 1991 on the Sewage Disposal Strategy, I voiced my support for the polluters pay principle. However, the polluters who I had in mind were those who caused pollution in the course of their industrial and business activities and not the domestic households. In any case, the charges must be selectively and fairly levied, or else, members of the public will be required to pay double charges and it is unfair to them.

I trust that the people of Hong Kong will have no objection to the earliest implementation of the Sewage Disposal Strategy. Victoria Harbour has always been the pride of Hong Kong. The scores of beaches which we have are favourite places of recreation for Hong Kong people to enjoy. However, the deterioration of the quality of water around Hong Kong suggests that our fragrant harbour is becoming a stinking harbour. The cross harbour swimming gala which used to be held yearly is now a thing of the past. A number of beaches have also been closed as a result of unacceptable water quality. These are the results of water pollution. We have already paid a high price for that.

As a matter of fact, the Government has already been late to act on the issue of sewage treatment. According to the Sewage Disposal Strategy released by the Government two years ago, it would take 15 years for the strategy to be implemented. In other words, the strategy will not be fully implemented until we enter the 21st century. What is more, full implementation of the strategy does not mean a complete solution to the sewage problem. It would only result in sewage being partially treated before discharging to the South China Sea.

Although the Sewage Disposal Strategy is by no means an ideal solution, I would nevertheless take the view that it should be implemented without further delay. It should go ahead at once. We should do what we can, and immediately.

As a result of our long-term neglect, the cost of sewage disposal which we have to bear today in seeking a belated solution to the problem is certainly going to be extremely expensive.

I quite agree with the polluters pay principle which the Government has proposed in respect of its environmental policy. It is a principle which is not only in keeping with the principle of fairness but will also positively encourage the public not to pollute the environment.

However, we have to be very wary of the application of the polluter pays principle to the sewage service.

The sewage charges proposed by the Government target at both industrial users as well as domestic users. The rationale behind this is basically that all water users are polluters.

That assumption is very problematic indeed. First of all, the industrial user and the domestic user use water for different purposes. The former use water in their operation for the ultimate purpose of making money. The sewage which is so produced requires treatment but the treatment cost as it were is borne by society when it should more appropriately figure in the operating cost of the industrial user. In this regard, it makes sense and is perfectly reasonable that the industrial user should be made to pay for sewage discharged.

On the other hand, the domestic user uses water because water consumption is essential for the sustenance of life. It is just like fresh air which everybody has to breathe. It is just like roads and highways which everybody has to use to move about. We will not in this regard argue that as one breathes, one pollutes the air. Neither will we collect tolls on roads and require road users to pay whenever they use them.

The Government claims that the water charges are on the low side. The implication seems to be, first of all, that the low water charges have led to water being used quite wastefully, and secondly, that even with the introduction of the sewage charges, the overall water charge will still be quite inexpensive.

It is true that the water charges are lower in Hong Kong than that in many western countries. But that, after all, is our advantage rather than disadvantage. Many basic living expenses are lower in Hong Kong than that in many western countries. This is a key factor of social stability in Hong Kong. As a matter of fact, the grassroot income of Hong Kong is not on a par with that of western societies. Also, Hong Kong cannot match western societies in terms of government provided welfare services.

With regard to the level of sewage charges, the Government estimates that the average sewage charge per public housing household will come to about \$15 per month. That, however, could very well be a very conservative estimate. Why does the Government not provide us with an estimate which is more reflective of the territory-wide situation? For example, how much is a household living in private housing, a middle class household, or a sandwich class household likely to pay?

The assumption that whoever has a water account is automatically a polluter is untenable. The introduction of a levy which is even more pervasive than the existing taxation system is not going to win public support. The marginal tax rate for people who have just reached the tax threshold is 2%. Even if we go by the Government's estimate that the sewage charge will come to only \$15 per month, the gross sewage charge per year will be more than the tax payable by a person with a monthly income of \$9,000. One cannot help but ask: How is the man in the street going to find the extra money to pay for the sewage service?

In this regard, while I would support the polluter pays principle and the Sewage Disposal Strategy, I am also opposed to the introduction of a sewage charge to domestic households. I would therefore support Dr LEONG Che-hung's amendment motion. Rev FUNG Chi-wood's amendment motion, in comparison, is not so specific. So I would not support it. However, if Dr LEONG's amendment motion is not endorsed at the end of the day, then I would support Mr WONG's motion.

Mr President, these are my remarks.

MR PANG CHUN-HOI (in Cantonese): Mr President, the Government has all along trumpeted Hong Kong's simple taxation system and felt proud of it. However, it recently introduced some new tax under the pretext of "users pay". In September the Government announced a sewage charging scheme whereby it was proposed that sewage charges similar to a "poll tax" would be collected from all Hong Kong citizens in pursuance of the "polluters pay" principle. Indeed, I cannot give my support to this scheme.

Water consumption is very basic in our citizens' daily life. Most of the sewage from domestic households can be decomposed by natural means. This entails no exceptionally expensive disposal costs. In addition, public expenditure met by the public coffers should, in fact, include those on the construction of the infrastructure for sewage disposal and necessary service charges. In this connection, the Government should not collect separate sewage disposal charges from all Hong Kong citizens.

Some people argue that the collection of sewage charges can enhance public awareness of environmental protection but I beg to differ. Water consumption is not necessarily proportional to sewage production. Sewage

charges are after all another form of tax levied by the Government and cannot advance the cause of environmental protection.

Rev FUNG Chi-wood thinks that sewage charges should be imposed on households which waste fresh water so as to serve the purpose of educating the public. My view is that households which overuse water should pay water charges and not sewage charges. And mass consumption of water does not necessarily mean that it is a waste of water because we still have to consider many other factors, say, the size of the household. For this reason, it is not fair to determine the exemption of sewage charges on the basis of water consumption.

In any country or city throughout the world, good sewage disposal device is one of the infrastructures that the Government must provide. Contributions from taxpayers in the form of profits tax, salaries tax, rates and so forth, are already sufficient enough for the Government to carry out sewage disposal projects. In addition, given our robust reserves at the present moment, the Government is duty bound to inject fund into the improvement of our ecological environment by building facilities to step up sewage treatment instead of fleecing the public of their money. If the Government's logic is anything to go by, when it widens a road, does it mean that tolls from citizens living on either side of the road and those who use the road would be collected in accordance with the "users pay" principle?

The Government deems it fit to spend \$200 million and undertake to pay a recurrent expenditure of \$4 million each year on power consumption and maintenance to construct the Central to Mid-levels Escalators. The escalators have eased the traffic situation at the Mid-levels where many well-off residents live, without requiring them to pay a cent for them. However, as regards the territory-wide infrastructure for sewage disposal, the community at large are required to shoulder more burden by having to pay sewage charges. Such a partial policy which is somewhat akin to robbing the poor to pay the rich will only serve to undermine public confidence in the Government.

Mr President, I support Dr LEONG Che-hung's proposed amendment and am opposed to the proposal to place domestic households under the charging scheme for sewage services under the present circumstances.

Mr President, with these remarks, I support Dr LEONG Che-hung's amendment.

MR SZETO WAH (in Cantonese): Mr President, it is not possible for a human being not to breathe. It is fair to say that the carbon dioxide which we exhale is a form of waste? Similarly, it is not possible for us not to pass urine and faeces. Is it fair to treat the waste which we discharge in this manner no different from industrial waste? It is inevitable that in our daily life we have to wash our face, brush our teeth, take our bath, cook our daily meals, wash our utensils and clean

our houses. Is it fair to treat the sewage which we produce in this manner as industrial waste?

There is an old Chinese saying that man cannot survive without fire and water. If we are made to pay the costs of cleaning up the waste which we produce metabolically and in carrying out our daily essential activities, then I would say that the Government is not imposing a sewage charge, but rather it is seeking to introduce a poll tax in disguise, because the levy is going to apply to everyone, irrespective of level of income. Undoubtedly, it will add to the burden of the middle and low income groups and subject them to exploitation.

Recently, I conducted a questionnaire survey on my constituents in the four housing estates at Shun Lee, Shun Tin, Ping Shek and Lower Ngau Tau Kok. I have received a total of 1 260 completed questionnaires. The findings are as follows:

(1) Are you in favour of the polluters pay principle?

Yes	23%
No	51.7%
No Comment	21.7%

(2) Are you aware of the details of the proposed sewage charge?

Fully aware	0.7%
Aware	14.9%
No comment	7.6%
Not aware	50.6%
Completely unaware	22.4%

(3) One third of the recurrent expenditure on sewage service will be recovered from the trade effluent surcharge and the other two thirds will be recovered from a service charge shared equally between the industrial sector and the public at large. Do you consider that to be a fair deal?

Yes	2.8%
No comment	12.9%
No	80.3%

(4) The above arrangement is considered to be fair/unfair on the grounds that:

Domestic users should not be made to pay for a service which the Government has a duty to provide;	53.5%
--	-------

The proportion shouldered by domestic users should be reduced as the sewage they produce is far less than that of industrial users;	48.9%
---	-------

Other reasons	3.6%
---------------	------

The questionnaire survey also included a survey on the supply of flush water.

What is the flush water supply like in your domestic unit for an average period of 30 days?

Supply regular for the whole day	4%
----------------------------------	----

Supply disrupted for 1-3 days	14%
-------------------------------	-----

Supply disrupted for 4-7 days	31.9%
-------------------------------	-------

Supply disrupted for 7-14 days	31%
--------------------------------	-----

Supply disrupted for more than 14 days	18%
--	-----

Generally speaking, are you satisfied with the flush water supply?

Very satisfied	0.9%
----------------	------

Satisfied	4.6%
-----------	------

No comment	7.6%
------------	------

Not satisfied	42.6%
---------------	-------

Very dissatisfied	41.6%
-------------------	-------

The following conclusions can be drawn on the basis of the findings of the above survey:

(1) Not enough effort has been made to publicize the proposed sewage charge, which the public knows little about.

- (2) The Government has the responsibility to ensure the availability of water supply as it is essential to our daily life. And domestic users should not be held responsible for the sewage charge.

The problem of irregular flush water supply is not only limited to the above-mentioned public housing estates. It is a longstanding problem which affects the whole of East Kowloon. The unavailability of flushing water not only causes inconvenience to the residents but it also increases the consumption of fresh water and adds to the financial burden of residents. If a sewage charge is imposed, it will further aggravate the financial burden to domestic users. I take the view that in respect of users in areas where flush water supply has been disrupted, the Government should not only be disallowed to impose the sewage charge, but it should also make a point of compensating users for the extra charge they have to pay for using fresh water for flushing purpose.

Mr President, with these remarks, I support Rev FUNG's amendment motion.

MR LAU WONG-FAT (in Cantonese): Mr President, I have great reservations about the Sewage Charging Scheme. The polluters pay principle seems to be very reasonable and above criticism, but in reality, it is obviously not so. I think that such a principle has oversimplified the problem and the Government has not taken the social factors into full consideration. If we accept this principle and if it is applied to other areas, then the public will soon be caught in a net in which a charge will be added to nearly all public services.

Take the disposal of refuse as an example, unless we do not eat, drink, read, work or engage ourselves in some kinds of activities, which virtually means that unless we do not live, otherwise it will be inevitable for us to produce refuse. The expenditure by the Administration on refuse disposal is great. For example, the cost of landfills is calculated in terms of billion. If the polluter pays principle is applied in this area, the public will have to pay a garbage disposal fee for the refuse generated by the food, newspapers and magazines, home appliances and any other things that they consume. If the application of this principle is to be pushed one step further, the public will have to pay for the costs of the construction and maintenance of roads because they are all road users in the sense that they take the various means of transportation and walk on the roads. Should the application be allowed to further extend, a day will come when the Administration will require the public to pay an air pollution fee in order to fight against air pollution.

Mr President, there may be a little exaggeration in what I have just said, but under the polluters pay principle, these situations are not totally impossible. What the Heung Yee Kuk of the New Territories find it most debatable about this principle is that the sewage charge is forcibly imposed upon the public. Since the great majority of the public have to use tap water, they have no choice but to accept such a charge. As the polluters pay principle concerns the

necessities of life and will add to the burden of the public, the social consequences that it will bring about are matters of concern. From the public's point of view, they would find it hard to understand why they should pay a so-called sewage charge as they have already paid various kinds of taxes and the Administration has a large surplus every year. No wonder some people complain that the sewage charge is a poll tax in disguise.

Moreover, there will be a myriad of problems as far as implementation is concerned. For example, much controversy will emerge concerning the level of the charge and the ratio between domestic users and industrial users. To charge the fee according to the volume of water used is just a convenient way out, because people who consume a large volume of water do not necessarily generate more sewage.

Mr President, as the Chairman of Heung Yee Kuk of the New Territories, I have to highlight another problem. In some rural areas of the New Territories, no sewage disposal facility has been provided. In order to comply with the requirements of the authority concerned, the residents there, be they tap water or well water users, have constructed septic tanks at their own expense for the disposal of domestic sewage. Will these tap water consuming households (there are quite a number of them) also be required to pay such a charge? The Heung Yee Kuk considers that the Administration has no reason to charge them because they have undertaken the responsibility and the costs of disposing their domestic sewage and have not caused pollution to the environment.

Mr President, in a word, the proposed sewage charge has a lot of problems and must be subject to further deliberations. Besides, we do not think the Administration should introduce such a charge before it has enough resources to solve the problem of water pollution. Currently, given the surplus of the Administration, I think that the authority concerned can allocate more resources for sewage disposal. In addition, it is necessary for the Administration to implement a long-term education and protection programme to enhance the public's awareness of environmental protection. As regards the various commercial and industrial operations, the Administration should work with the trades concerned for the purpose of formulating appropriate measures and regulations that will minimize the level of pollution. I believe that such practices will be more acceptable to the general public.

Mr President, I so make my submission.

MR ALBERT CHAN (in Cantonese): Mr President, according to the Government's plan, starting in August next year, a sewage charge will be imposed on both domestic and commercial/industrial users. The high costs of sewage treatment will be recovered from water users under the polluters pay principle and in keeping with the slogan "we should help pay for the sewage services we use".

I am not in principle opposed to the polluters pay concept. However, I am also convinced that the degree of responsibility should vary with the level of pollution caused. Indeed, the people who allow or cause pollution to happen should also bear some responsibility. So before we come up with a scale of the charges, I think we should establish various levels of pollution so as to determine the degree of responsibility which a polluter should assume. The scale of the charges should be set according to the pollution level and it should reflect the share of responsibility.

A review of the water quality of Hong Kong reveals that the problem of pollution was not as serious in the 1960s and 1970s as it is today. However, as a result of industrial development and population growth, our waste output has already outstripped the reception capacity of the harbour. The result is that we are now faced with a very serious problem of water pollution at Kowloon Bay, Tsuen Wan Bay, Rambler Channel, Victoria Harbour, Tolo Harbour and the Southern District of Hong Kong Island.

Industry has a greater responsibility to bear than society at large for the serious pollution of our water quality. The reason is that the pollution of our waters is largely caused by the sewage discharged by industrial undertakings. Large quantities of chemical substances are found in the industrial sewage. Over the years they have accumulated in the drains, water channels and sea beds. They will become highly toxic substances to all living organisms. It is most difficult for the natural environment to assimilate these toxic substances.

The sewage produced by domestic households mainly consists of human excreta which are organic. Nature is always capable of purifying and diluting this sort of sewage whose environmental impact is far less serious than the sewage produced by industrial undertakings. It can be seen from some water samples that the commercial and industrial sectors have to bear a greater responsibility than the community as a whole.

Tsuen Wan and Kwai Chung are the two largest industrial centres in Hong Kong. But they are also the areas with the worst pollution record over the years. According to a survey conducted jointly by the Tsuen Wan District Board and the Chinese University of Hong Kong in March 1993, the marine mud of the Tsuen Wan Bay contains large quantities of various kinds of metal, such as chromium, copper, lead, nickel and zinc. The metal content is either close to or already exceeds the worst pollution record identified by the Environmental Protection Department. It is clear that the problem has much to do with the electroplating industry and dyeing factories in the district which discharge their industrial waste water directly into the Tsuen Wan Bay. Meanwhile, it is also stated by the Environmental Protection Department that more than half of the industrial buildings in Tsuen Wan had resorted to discharging their industrial waste through pipes connected illegally to the stormwater drainage system. (There are approximately 150 industrial buildings in Tsuen Wan housing a total of 4 000 factories.) The problem of water

pollution caused by the industrial undertakings in Tsuen Wan is already getting out of hand.

If we look at the performance of the industrial sector over the past years, it is clear that it has taken an irresponsible attitude towards the waste it produces. No importance is attached to the treatment of sewage and the repair and maintenance of drainage pipes. For example, the problem of illegal connection of sewers to stormwater drains is very serious in Tsuen Wan. Manufacturers indiscriminately discharge their sewage through stormwater drains or non-sewage drains, with their effluent all ending up in the coastal waters. A common phenomenon in Tsuen Wan these days is that the back lanes of industrial buildings are filled with puddles of stinking water which drips down from damaged overhanging pipes. Toxic gases, to say nothing of the overpowering odour, are produced to the detriment of the environment.

According to the findings of a survey conducted by the Environmental Protection Department, only 15% of the large industrial undertakings had a sewage treatment procedure. It is clear that the industrial sector has not attached importance to the disposal of sewage and the water quality of Hong Kong is seriously affected consequently. It should not be allowed to shirk its responsibility with regard to the problem of deterioration of our water quality.

What has the Government done in remedying our worsening water quality? Insofar as town planning is concerned, the Government never had any plan to build a sewage main for most parts of the territory while they were in the process of development. These areas include Tolo Harbour and Tsueng Kwun O. Meanwhile, in areas where sewers are available, various problems have emerged. Industrial, domestic and agricultural users connect their sewers illegally to stormwater drains or discharge their sewage through some non-sewage pipes, resulting in the waste water being channelled directly into the harbour to the detriment of our water quality. The Government should take full responsibility for its failure to do proper planning.

Over the years, the Government has been lacking in initiative and determination in tackling the sewage problem. Early in 1975, the Government released a paper, *The Master Plan for the Treatment and Disposal of Waste Water in Hong Kong*. It was stated in the paper that a sewage treatment plant had to be built. However, more than 10 years have elapsed, one wonders why we have to wait until next year before the sewage treatment programme is to be fully implemented. One wonders why it has taken more than 10 years for consultation, planning, announcement and implementation to take their course.

In 1988, the Tsuen Wan Ad Hoc Group on Pollution requested the Government to commit additional resources to the improvement and cleaning of water channels, drainage and sewage pipes. However, up till now the Government has not responded to the above request. It has allowed the situation to deteriorate. More importantly, the Government does not have a long-term

policy to solve the problem at its source. In this regard, even if the water channels and drainage and sewage pipes are improved and cleaned up, the problem will not be completely solved.

Being the leader and the administrator of the community, the Government has failed to address the problem of water pollution. It has failed to anticipate the problem and to solve it in good time. It can no longer shirk its responsibility this time. I think the Government and the industrial sector are largely to blame for the deterioration of our water quality because they have all along taken an irresponsible attitude. If the polluters pay principle is to apply, or indeed if our pollution policy is to be guided by the concept of "we should help pay for the sewage services we use", then the relevant costs should be split between the Government and the industrial sector. Domestic users should not be asked to contribute at all.

Mr President, with these remarks, I support Rev FUNG's amendment motion and oppose Mr Peter WONG's original motion.

MR FREDERICK FUNG (in Cantonese): Mr President, it seems that Members who speak in support of the original motion or the amendment motion of today's debate on sewage charges generally accept the concept of "polluters pay". As people have become increasingly more aware of environmental protection, such a concept is certainly indisputable. The consultation paper on sewage charging scheme prepared by the Government is released precisely against this background. In the light of this concept, the public at large are required to share the relevant costs incurred. However, apart from these principles and directions, the paper does not spell out any specific computation of the sewage charges nor the rationale behind the figures provided. During the consultation process, I believe that even those people who have read through the consultation paper may not realize how much they would be required to pay. I and the Association for Democracy and People's Livelihood (the association) have met the officials concerned of the Planning, Environment and Lands Branch to seek information on the computation of sewage charges. Meanwhile, the Government repeatedly claims that the sewage charges to be borne by domestic users will be negligible and reasonable. Still, it does not make known the relevant data to the public.

However, from the limited data the association and I obtained, it seems that the Government and I do not see eye to eye with regard to what the former claims as "reasonable". First of all, the "polluters pay" principle should mean that "the more water one consumes, the more one will need to pay". And the higher amount one has to pay not only means the absolute figures but also refers to the percentage ratio. I would like to cite an example. According to the formula provided by the Planning, Environment and Lands Branch, domestic sewage charges on a quarterly basis will be computed as follows:

$$\$0.66 \times \text{water consumption} + \$28$$

Suppose household A has consumed 23 cu m of water, the water charges will be \$33 whereas the sewage charges \$43. The sewage charges account for about 130% of the water charges.

Suppose household B has consumed 77 cu m of water, the water charges will be \$295 whereas the sewage charges \$83. The sewage charges account for only 25.5% of the water charges.

In view of this, I cannot help asking one question: Why should families like household A which consume less water have to pay grossly disproportionate sewage charges? I believe that the majority of this type of family comes from the lower class, that is the singleton or two-person families and those elderly earning meagre income. To require these people to pay sewage charges computed in such an unreasonable way will undoubtedly lower their living standard further. It is totally not in line with the fair principle of levying progressive charges if the sewage charging scheme is introduced on such a computation basis. Against this background, shall we support the Government's sewage charging proposals blindly? I have great reservations about this.

Apart from the unreasonable computation, we should also consider whether it is necessary to place domestic households under the charging scheme for sewage services. Domestic sewage and industrial sewage are different in nature. The commercial and industrial operators produce sewage in their profit-making process. It is acceptable to require them to pay apart from other charges sewage charges. Conversely, the public produce sewage in response to physiological needs or in their daily life. Is it justifiable to use such punitive sewage charges rather than through education to encourage them to achieve the purpose of water saving?

Furthermore, even though the Government has repeatedly stressed that there is no question of subsidization, I wonder if this is really the case. Up to the present, the Government has only revealed to the Kwai Tsing District Board that the commercial and industrial operators are going to pay a total of \$0.3 billion in sewage disposal. But it has never been made public the total amount to be collected annually from domestic households in the form of sewage treatment charge and other sewage charges. Only the proportion relations among categories of sewage charges are made available and we are unable to see whether there is going to be a situation whereby one sector subsidizes the other. Besides, how are the proportion relations arrived at? Why should domestic households pay 30% of the sewage charges while the commercial and industrial sector 60%? I hope that the Government will provide a satisfactory computation basis to the above-mentioned query and to make public relevant figures for the people to make their own judgement. If not, the Government would find it difficult to persuade the public to accept the sewage charging scheme.

In view of this, the association and I hold that the Government should not levy sewage charges on domestic households at this stage but rather fund the

relevant projects with allocations from recurrent expenditure account. I believe that the Government is financially sound enough to tackle the problem. It was pointed out recently in a report by the Director of Audit that the Government wasted over \$5 billion of taxpayers' money last year for various reasons. Should the Government aspire to be an outstanding financial manager, there is still much room for improvement. If the Government can manage its financial resources soundly, many of the projects, including the operation of the sewage system, could be carried out according to plans without having to require contributions from the average domestic households in accordance with the "polluters pay principle".

With these remarks, I support Dr LEONG Che-hung's amendment motion.

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

DR LAM KUI-CHUN (in Cantonese): Madam deputy, according to the accepted pollution standard on local beach water, escherichia coli density of the sewage content is less than 610 part per 100 ml. However, figures released by the Environmental Protection Department two years ago indicated that the density in Victoria Harbour did sometimes reach 100 000 part per 100 ml, that is, 17 000% of the accepted pollution ceiling. Latest sample collected from waters off Shum Shui Po reveals that the density is at a level of 10 000 to 20 000 parts per 100 ml. Such polluted water, please excuse me for indulging in a bit vulgarity by quoting my former head of department of bacteriology, "is like a pool of slurry". This kind of living environment is intolerable to Hong Kong people.

Thanks to sustained efforts to educate the public in recent times, the majority of the local population have accepted the concept of protecting the environment. And I believe the general public have also identified with the environmental protection publicity slogan: "Environmental protection starts from me". Therefore, I feel that Hong Kong people will take pride in participating actively in environmental protection if they are asked to do their share for cleaning up the polluted waters surrounding us, as long as the price sought for is affordable by them. It is particularly so when considering that each and every one of us will have to live on a small island surrounded by polluted waters if everyone takes an attitude of "let the others pay". I am afraid in time oysters cultured at Lau Fo Shan and seafood sold at Lei Yue Mun will become history.

What I would like to raise today are the possible repercussions to hospitals as a result of the introduction of the sewage charging policy currently under debate.

Hospitals consume a large volume of water — a point which has been admitted by several major public hospitals. Nevertheless, the Government has yet to come up with any specific proposals on how charges will be levied on hospitals. The preliminary idea is that hospitals will be classified under "government" of the eight chargeable categories under the plan. But the Government has given no clues as to whether public and private hospitals will be placed under different classifications or charged on the basis of different computation formulas.

Should the Government apply the polluters pay principle in levying sewage charges on hospitals, hospital costs will certainly increase significantly. At the moment, public hospitals have yet to give any realistic consideration to the charging proposal as they will hold discussions only after the release of the relevant Bill. Whether the Government decides to exempt hospitals from the charging scheme or not, it is bound to spawn some problems. Should the Government decide to collect sewage charges from public hospitals, and the Hospital Authority then asking the Government for subsidy for that matter, it would become a case of transferring public money from one coffer to another, leading to unnecessary increase in administrative costs. However, should the Government grant a full exemption from sewage charge to public hospitals, no one knows whether that will help to achieve the goals of water conservation and pollution abatement.

On the question of private hospitals, I have made an enquiry with a famous local private hospital whose patient population is far smaller than that of public hospitals. Its quarterly water consumption amounts to 9.8 million litres, averaging a monthly bill of \$100,000. Should the Government levy a punitive sewage charge, the hospital management will undoubtedly shift the sewage cost onto its patients, thus driving medical costs further higher. Some of the patients may then find the fees difficult to afford and therefore look to public hospitals for medical service. This will in turn exert more pressure on services provided by public hospitals as well as become a drain on the Hospital Authority's resources.

The charging scheme currently proposed by the Government and the two amendments being moved today are too narrow in their target scope, for they deal with the question of water consumption by industry and domestic households only. I raised the question of whether to include hospitals under the charging scheme because I would like to remind the Government the need to consider other cases as well, such as water consumption by public bathhouses, grass watering, swimming pools and street washing. I wonder if these facilities and services will need to be closed or terminated because of the likely significant increase in operation cost. Will asking the industrial sector, which is contributing less than 40% of the effluent, to pay for part of the sewage bill of domestic households who are accounting for the production of 60% of the discharge speed up the process of Hong Kong industrial undertakings moving out of the territory, thus making it more difficult for local workers to find jobs? The impact of any increase in operation costs on the part of non-

Industrial and non-domestic users is one of the many issues that has to be taken into consideration when the Government formulates the relevant policies.

It would only be proper for the Government, in the absence of a thorough consideration of response from all angles, to encourage people from difficult sectors to express their opinions on the possible impact on various areas. The Government at this stage should keep an open mind about this matter and make an appropriate decision only after it has listened to the various views.

Therefore, Madam deputy, I support the Honourable Peter WONG's original motion of urging the Government to take into consideration the public's views and oppose the two amendments which are too limited in scope.

MR TIK CHI-YUEN (in Cantonese): Madam deputy, Meeting Point has always been campaigning for the polluters pay principle. It is reasonable and fair to ask the polluters to pay for the cost of pollution. However, in the past, in the absence of relevant environmental protection measures and policies, polluters have been able to enjoy a free lunch for a very long time. Now that the Government has acted positively to formulate its environmental policy to increase its commitment to the cause of environmental protection, the spirit is worthy of our support. Madam deputy, the basic assumption of the polluters pay principle is that pollution is a by-product of the production process and the environmental cost is a factor of production. The problem of pollution has arisen because the environmental cost as a factor of production is considered to be nil. It does not enter into the cost of production at all. Such being the case, there is no incentive for the producer to reduce the environmental cost. And since the environmental cost does not hurt the producer in any way, every attempt has been made to exploit the environment in every conceivable way to further cut production costs. The result is of course aggravated pollution. Meanwhile, the public at large are made to suffer the consequences of pollution in terms of damage to their health, as well as to the environment and their economic interests. In other words, the community as a whole has to pay for the cost of pollution. If the producer is made to bear the costs of environmental pollution directly, then he or she will become more environmentally conscious and consequently will have the incentive to improve the production process in such a way as to reduce pollution.

Madam deputy, after listening to the speeches made by Members just now, we have a feeling that this Council is rather unanimous on the proposal to impose a sewage charge on industrial undertakings. No one has voiced any objection to that. However, with regard to the introduction of a sewage charge to domestic users, there has been a difference of opinion. The wording of the original motion and the two amendment motions is a clear manifestation of such a difference of opinion.

My Meeting Point colleague, Dr LEONG Che-hung, has moved an amendment motion to voice our opposition to the introduction of a sewage

charge to domestic users. We think that it is neither fair nor just to impose a sewage charge on all domestic users.

It is undeniable that we are faced with a very serious problem of environmental pollution today. However, the blame really rests with the Government which, for the past 10 to 20 years, has failed to appreciate the seriousness of the problem. The community is now faced with the result of this neglect. It has failed to carry out its basic responsibilities in terms of committing funds from the general revenue to embark on the various drainage and sewage treatment projects. Indeed, members of the public have already paid for the cost of sewage treatment through paying the various forms of taxation. In this regard, it is not fair to ask the community to pay the sewage charges again.

It must be recognized that the sewage produced by domestic users is quite different from the waste water produced by industrial users. The sewage produced as a result of vital activities is quite unavoidable. There is no way such sewage will be effectively reduced even if an extra levy is imposed on domestic users. The amount of pollution which they cause will not vary according to the amount of levy which they have to pay. On the contrary, the increased charges will cause additional burden to the middle and low income groups and that is unreasonable.

Another major reason why we are opposed to the introduction of a sewage charge to domestic users under the present circumstances is that it will have a negative impact on the redistribution function of taxation. Presently, a family of four with an annual income of \$156,000 (or \$13,000 per month) has to pay an income tax of \$200 per year. The introduction of the sewage charge will entail a monthly bill of \$15. The family of four has to come up with a further \$180, which is almost equal to the total amount of tax they have to pay. In other words, it is almost a tax increase of 100%. This is going to add significantly to the burden of the low income family.

Madam deputy, ever since the publication of the consultation document by the Government in September this year, public opinion on the proposed sewage charge has been most clearly expressed.

According to an opinion survey conducted by the Kowloon East Branch of Meeting Point in the middle of November, close to 80% of the respondents were opposed to the introduction of such a charge to domestic users.

In reply to the question which asked about the right level of levy if indeed the Government was determined to charge domestic users, 60% of the respondents felt that the levy should not be more than 10% of the water bill. It is clear then that the public at large tend not to agree with the Government's proposed Sewage Charging Scheme.

Meeting Point would like to reiterate that we are opposed to the Government's introduction of the sewage charge to domestic users before it takes into full consideration the tax burden to the public at large.

Madam deputy, looking at the recent government policy on various kinds of fees and charges, we can see a really worrying trend. It would seem that the Government is trying, on the pretexts of all sorts of high sounding principles such as "users pay" and "pegging the charges to the costs" and so on, to shift the cost of providing all kinds of public services to individual households and the man in the street. Such cost shifting attempts invariably have implications to the cause of redistribution. It is likely that the gap between the rich and the poor will be widened. Apart from affecting the livelihood of the middle and low income groups, this will develop into a socially destabilizing factor.

The polluters pay principle was advanced by Meeting Point in as early as 1985. It is therefore clear that we are not opposed to the polluters pay principle. We take the view that if indeed the Government is able to provide financial relief in respect of other tax items for the affected families such that no one will be taxed double and no one will end up having to pay excessive tax, then we are quite prepared to rethink our position on the polluters pay principle.

In any case, the reasons why Meeting Point moves an amendment to urge the Government to exempt the domestic households from paying the sewage charges are very clear. The public have already paid tax to the Government for the implementation of various kinds of community projects and sewage service is a basic service which every government has a duty to provide. It is neither fair nor just for the Government, which is in such a strong financial position, to ask domestic users to pay such a charge.

Madam deputy, with these remarks, Meeting Point supports Dr LEONG's amendment motion and opposes the original motion and Rev FUNG's amendment motion.

MR LEE WING-TAT (in Cantonese): Madam deputy, the Government is largely to blame for the deterioration of the water quality of Hong Kong because all along it has been taking an indifferent attitude insofar as the treatment of domestic sewage and industrial waste water is concerned. Over the past several decades, the Government has allowed untreated industrial and agricultural waste water to be discharged into the harbour and streams of Hong Kong, resulting in the deterioration of our water quality. Over the years it has been the common practice of manufacturers to connect illegally sewers to stormwater drains. The large volume of untreated waste water has caused the pollution of our harbour beyond the level of tolerance. It is admittedly true that there is a larger quantity of domestic sewage. However, because the pollution it causes is less serious, it can be quite properly taken care of through the processes of natural dilution and decomposition.

The Government has not had a proper waste water treatment plan over the past decades. As a result, we are now faced with an increasingly serious problem of water pollution. The Government has seen fit to use the pretext of deteriorating water quality to introduce the proposed sewage charge. The irony is that the Government has never suggested to the public that the existing problem of water pollution is entirely due to its own faulty planning and its long-term policy of turning a blind eye to the pollution caused by the industrial sector. No attempt has been made to investigate the historical cause. Instead, members of the public are being labelled as "polluters" and the Government, in a forthright manner, asks the people to foot the bill for the sewage service. The Government is actually using the polluters pay principle to fleece the public.

The sewage produced by domestic households is different from the waste water produced by the industry sector. Domestic sewage is unavoidable as water is vital to our daily life. Industrial waste water is a by-product of the production process which is a profit-making activity. It is natural that the industrial sector should pay for discharging waste water. There is no reason why the Government should use taxpayers' money to subsidize the manufacturers who pollute our environment. The treatment of biological activities in the same way as economic activities actually provides an excuse for the Government to benefit the industrial sector at the expense of our low income groups.

Over the past two years, I have repeatedly suggested in the meetings of the Public Works Subcommittee that a levy should be imposed on the developers who are responsible for dumping construction materials onto the landfills. While the Government has used billions of dollars to build the landfills, they are inappropriately used as dumping grounds for solid wastes. It is estimated that over 80% of the refuse dumped at the landfills are construction materials. One wonders why the Government is being so conciliatory to the construction industry. Is that a reflection of Government's favouritism towards the business community? If the Government is indeed so serious about implementing the polluters pay principle, why does it not charge the construction companies for dumping the solid wastes onto the landfills? It must be noted that the polluters pay principle is originally designed so as to provide an incentive for the polluter to cause less pollution. The proposed sewage charging scheme only provides exemption to those water users who have enjoyed exemption from the water bill. However, water is consumed as a matter of necessity by most of Hong Kong's households. The introduction of a sewage charge will not result in them using less water in terms of not taking baths, not cooking and not doing their laundry. The setting of a fair and reasonable level of water consumption is vital if we want to achieve the goal of providing incentive for domestic users to use less water and produce less sewage. In this regard, I would consider that a more realistic way to go would be for the Government to raise the level of water consumption which would qualify a user for exemption, on the basis of an actual and unavoidable amount of water consumption per household.

Madam deputy, the consultation exercise conducted by the Planning, Environment and Lands Branch on the issue of sewage charge is the shoddiest one of all such exercises which I have been able to recall as a member of this Council for the past two years. It is not only that the public have not been widely consulted but also no attempt has been made to provide the public with even the most fundamental information and relevant data. The paper which I have before me is prepared by the Planning, Environment and Lands Branch for the people of Hong Kong (including district board members). It contains less than 300 words and is totally devoid of any data. I do not know how the public and the district board members will be able to understand, when they read this paper, the way in which the sewage service charge is going to be collected, or why they have been asked to pay such a charge. I do not understand why in such an important consultation exercise which involves the whole community, only a one-page paper has been produced as a consultation document. As Rev FUNG has said just now, the United Democrats have made numerous attempts to obtain more information ever since the consultation document was released, but without any success. I doubt very much whether the branch had dealt with all the basic information properly before producing such a consultation document. It was not until shortly before the meeting of the Environmental Affairs Panel, of which Mr Peter WONG is the Chairman, that the essential information was provided for the first time, and quite inadequately even then. Ways of collecting the proposed sewage charge were mentioned only in the second round. I would like to ask Mr EASON whether he is really serious about soliciting our views, whether he is really serious about soliciting the views of district board members and the public at large. It was raised by some Members that the public had a misunderstanding of the situation. Given that there is little information available, how much informed opinion is the public expected to give. I believe that since there is a serious lack of information, there is no way the public can adequately express their views on the basis of just one page of information. The insincerity of such a consultation exercise is in itself a poor reflection on Hong Kong as an open society. I have a feeling that the branch has been reluctant in the first place to step up publicity to launch the consultation exercise in anticipation of strong public opposition.

Madam deputy, I once visited an old man living in a public housing estate. The dinner which he was having consisted of a bowl of rice and some green vegetables. I asked him if he was a vegetarian. This was what he said in reply, "Not at all, but I have pork only once in a week." Then I asked him if he had any experience of vegetables not sprayed with insecticide. At which point he raised his head and asked me, after a prolonged pause, whether vegetables free of insecticide were cheaper. I could not answer his question because I thought I asked a very stupid question. I notice that there is strong support in this Council for environmental protection. But we must bear in mind that not all Hong Kong people belong to the middle class. It is only fair and reasonable that while we support the environmental cause we should not lose sight of the livelihood issue of the grassroots.

8.00 pm

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

ATTORNEY GENERAL: Madam deputy, 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.

DR SAMUEL WONG: Madam deputy, I support the original motion which I believe contains two important principles that are particularly applicable to and appropriate for Hong Kong.

The first is the polluters pay principle. This is a fair and basic principle that promotes the beliefs by which Hong Kong has prospered. It aims to produce as level a playing field as possible.

But for the scheme to be effective, the charges levied on domestic households must be kept reasonable, and enforcement and payment must be kept simple. After all, the intent of a universally applied polluters pay principle is to foster productive conservation, not creative evasion.

The charges levied on the private sector must also be kept reasonable — indeed, they must be fair to those industries which do pollute. The charging scheme should include incentives for known polluters to install anti-pollution devices, and should reward those polluters that choose to invest in Hong Kong's environment.

I do not think this will be easy, particularly given the nature of Hong Kong's industrial development, and the difficulties of measuring pollution caused by flatted factories. The Administration will need to introduce methods to measure pollution fairly and accurately, without creating more bureaucracy, if its scheme is to be an effective force for conservation.

The major defect of the present scheme is that it is long on platitudes but short on particulars. How does the Administration intend to monitor pollution? Will it distinguish between toxic and non-toxic pollutants? And how?

In addition, the scheme does not offer any positive solutions. Instead, it simply levies penalties. Will the Administration work to make waste disposal a profit centre rather than a cost centre? Sewage can be treated and sold as fertilizer. Plastics can be recycled. Metals can be reused. Hong Kong can usually pride itself on being at the forefront of technology and commerce. But this policy leaves us sadly behind efforts that are being made in the United States

and Europe. For example, Germany, the world's leading exporter of environmental technology, had sales worth US\$22 billion a year.

I believe that the second part of the Honourable Peter WONG's original motion is as important as the first. Only with public co-operation, co-operation that is the result of understanding that is won through greater education, will this scheme have the desired effect.

The Administration must effectively explain the need and the rationale for this charging scheme to the public if it is to win the support of industry and domestic households alike. To do that, the Administration must not only demonstrate how this scheme is good for the environment, but how it is good for business.

The Administration should also assure the public that it is working closely with the authorities in China, particularly those in Guangdong, to produce a development strategy that incorporates concerns for the environment of the entire Pearl River Delta.

With these reservations, I support the original motion. My colleague, the Honourable David LI, representative of the Finance Constituency, who is flying out from Hong Kong tonight, has stated that he shares my views and expressed his support for the original motion.

DR TANG SIU-TONG (in Cantonese): Madam deputy, apart from being a slogan, the message "It is everybody's duty to protect the environment" has a deeper significance than one first realizes. This is especially true when the Government announced the proposal to levy sewage charges on all domestic households. Everyone becomes fully aware of his "duty" when he has to put his hand in his pocket. The Government claims that sewage charges are based on the polluters pay principle. This argument is so compelling and convincing that I think few would challenge it. While I agree that everyone should attach great importance to and support environmental protection, I do not endorse the present sewage charging scheme. I would like to address the following four points in my speech.

First of all, the Government has classified all water users in Hong Kong into eight categories which include domestic users with separate water metres, domestic users with communal water metres, food establishments, industrial users, commercial users, government users, users of fresh flush water, and miscellaneous users. However, the Government has not explained clearly to the public why different levels of sewage charges have not been set for different types of users. Instead, it has broadly divided water users into domestic and industrial users. Judging from the proportion of costs to be borne by domestic and industrial users, I am of the view that it is not fair to domestic users. Considering the high level of pollution caused by trade effluents, the rate of domestic sewage charge, calculated on a per household basis, is higher than that

of the industrial sector. All along, the Government has been protecting commerce and industry with low profit tax and paying no regard to the interests of the low income group. This is once again evidenced by the introduction of the sewage charging scheme. There are a great many public housing residents who have to use fresh water for flushing because of the frequent suspensions of flush water supply in their housing estates. With the linkage of sewage charges to consumption level, they would have to pay higher sewage charges. It goes without saying that they would not be happy about the way they are charged.

Secondly, we were told that the purpose of levying sewage charges was to recover the operating costs of sewage services, of which 40% would be borne by domestic users and 60% by industrial users. On what basis is such a rate worked out? If all the operating costs are to be borne by users, what then is the role of the Government? Has it completely shrugged off its responsibilities for sewage treatment and protection of the environment? I look forward to a reasonable explanation. Since the operating costs are to be wholly borne by the public, the charges will inevitably be pegged to costs. I am opposed to pegging public service charges to costs. I find the Government's present practice of pegging public service charges to costs under the pretext of the "polluters pay" principle highly undesirable. If the Government can peg sewage charges to costs under the pretext of the "polluters pay" principle this time, it may also introduce other charges such as fire-fighting service charges, park admission fees and so on by inventing all kinds of excuses, resulting in numerous heavy charges which would add to the burden of the public.

Thirdly, for industrial users, although the more water they use, the more sewage they discharge, it also follows that the more profit they will make. However, domestic water consumption and sewage discharge are not commercial activities but a necessity of life. Chemical plants, electroplating plants and bleaching and dyeing plants discharge toxic effluents. The method of treating these effluents and the costs required are obviously different from those for domestic sewage. However, the Government simply takes an across-the-board approach of "use more, pay more" which is absolutely unfair to domestic users.

Fourthly, Phase I of the Strategic Sewage Disposal Scheme will only commence in the middle of next year and will not be completed until 1997. As the Government has emphasized that the purpose of introducing such a charge is to recover the recurrent operating costs and the capital costs are to be met by the Government, there is no real ground for the Government to start charging fees from August next year, not to mention the 12% annual increase. I am of the view that since the public have already paid water charges, rates, direct and indirect taxes, it is the Government's duty to provide services to the public, such as sewage treatment services and environmental protection services. Domestic sewage charge should be reduced to a minimum or even be waived. The present sewage charging scheme cannot provide people with an incentive to attach importance to environmental protection. It can only be viewed as a measure to penalize domestic users for discharging sewage. In order to bring stimulus to

the user, the Government should reward those who are able to cut water consumption after the introduction of the charging scheme. On top of this, the Government should also adopt a systematic approach to educate the people, so that their awareness of environmental protection would greatly be enhanced.

It is incumbent on us to attach great importance to environmental protection and to protect the environment. However, domestic sewage discharge is a necessity of life and not an economic activity. The rationale for pegging public service charges as put forth by the Government in support of the sewage charging scheme should not be supported. Moreover, the method of calculation and the proportion of cost to be borne by domestic users are grossly unfair. Therefore, it is imperative for the Government to work out a new set of fair and reasonable charging criteria, and a certain quantity of water consumed by domestic households should be exempted from such charges.

Madam deputy, these are remarks.

MISS CHRISTINE LOH: Madam deputy, water pollution is a very serious problem. The Governor announced in October 1992 that a comprehensive sewage programme would be in place. I supported a polluters pay principle then and called on the Administration to put before this Council its charging plan as soon as possible. The Administration have now announced who will pay for the treatment of Hong Kong's sewage and how the charges will be levied.

I fully support the polluter pays principle. We all contribute to water pollution and we must all play a part, and pay a price, to clean our water. The amount we pay should obviously relate to the amount we pollute. Those who pollute more should pay more.

It is a mistake to think that only industry pollutes. Householders also pollute. It is a misconception that the water with which we use to wash and clean in our bathrooms and kitchens are non-polluting. They are. Domestic sewage makes up 60% of our waste water.

In respect to dealing with industrial polluters, the Administration is correct to introduce a "trade effluent surcharge". In order to reduce administrative costs and speed up implementation of the surcharge, the Administration has proposed for an "average pollutant factor" to be assigned to each category of business. While this solution is expedient, there is one glaring inequality — and that is, business can pollute above their category average without having to bear any additional cost. In order to correct this, I suggest that the Administration make the "average pollutant factor" for each category a statutory limit.

Further, the Administration should advertise its intention of lowering that statutory limit by a certain amount each year, compelling businesses operating at

the very limits of permitted pollution to undertake a continuous process of pollution reduction.

In order to achieve this end, I urge the Administration to do more to assist businesses that are willing to invest in pollution control equipment. The Finance Committee of this Council approved funding last week for the Trade and Industry Departments to help businesses improve their environmental practices. Investment in compliance will always be cheaper than expenditure on enforcement.

If we accept the polluters pay principle, then I cannot see how we can accept the Honourable LEONG Che-hung's amendment which calls for domestic polluters to be exempted altogether, nor the Honourable FUNG Chi-wood's amendment which seeks to exempt a greater number of households from the responsibility which arises from the polluters pay principle.

However, I am in sympathy with the motive behind these amendments. Both Dr LEONG and the Rev FUNG want to ensure that those who cannot easily bear the modest additional financial burden imposed by the polluters pay principle should be given relief.

But, I believe that there is a better way to keep householders' total water and sewage bill down, and at the same time implement the polluters pay principle. The solution is for the Administration to formulate a water conservation policy, and to actively and positively encourage everyone to use less water.

Madam deputy, what I advocate today is for the sewage charging plan to be put in place, and at the same time for the Administration to invest in water conservation technology in order to lower water consumption overall. Water is a precious commodity. Hong Kong has always taken it for granted that we will be able to buy more water from China as our demand increases. Rising population and economic activity in Guangdong could well mean that in the not too distant future, Guangdong's own demand for water will compete with the needs of Hong Kong.

There is only one answer. We must all learn to use less water. Governments elsewhere have found it cheaper to invest in water-saving technologies than fund additional water supplies. If the Government helps citizens to use water more efficiently, then not only will their water bills be less, but the Government could make savings in the provision of water as well.

There are several ways for the Administration to implement a water conservation policy. The Government could consider a phased programme to provide each and every household in Hong Kong with one ultra-low flush toilet, one low-flow shower head and two faucet aerators. Similar programmes elsewhere have yielded an average reduction of 37% of domestic water use. That could equate to savings of approximately 86 million cu m per year in

Hong Kong. And in turn, that could save domestic households approximately HK\$334 million per year.

The public expenditure needed to purchase these water-saving products and to have them installed could be paid back in several years. If we used less water, the Administration would spend less on transporting and treating water, and from having to import less water in the first place. Our domestic water bills will be significantly less and we will have achieved the environmental goal of conservation.

The way to begin this process would be to make the installation of a specified range of efficient water-saving equipment a legal prerequisite for all new dwellings, which must be satisfied before an occupational permit is issued. This should apply to both government buildings and private developments.

I cannot see any reason for the Administration to refuse considering a water conservation policy for Hong Kong. However, I expect them to respond, firstly, by saying that this subject should be tackled separately from sewage charges and, secondly, that more public education is needed.

Yes, we do need further discussion on a conservation policy, but the subject is linked to water pollution, and therefore to the polluter pays principle, and therefore to sewage treatment. I accept that the Administration is not in a position to put forward a conservation programme at this debate, but I would like to hear that the Administration will actively look at putting such a programme in place in the near future.

As to public education, yes of course we need more public education on just about everything — but let that not be a recurring excuse from the Administration to deflect their responsibility to putting environmental policies in place with the greatest possible speed.

Madam deputy, I support the motion but not the amendments.

MR HOWARD YOUNG (in Cantonese): Madam deputy, the Liberal Party and I are supportive of the "users pay" principle, because we believe that every citizen should have the responsibility to work for environmental protection. Besides, it is another form of promoting civic education to require the public to shoulder such cost, because every time the public are asked to pay, they will be reminded that effective environmental protection comes from every cent they pay, and therefore will surely pay more attention to their lifestyles and reduce wastage and pollution. The people of Hong Kong are sensible and far-sighted. Provided that the amount of the sewage disposal charge is set at a reasonable level and that such a charge can really be conducive to the efforts, I believe that everybody is willing to make a contribution.

As far as I know, 60% of the sea water pollution is accounted for by domestic sewage and the remaining 40% by industrial sewage. It is not the case as what some Members have alleged that the pollution problem is entirely created by the industrial sector. Although I am not from the industrial sector, I think that such an allegation is unfair. On the basis of the data now available, it seems that domestic households should pay a larger proportion of the cost of sewage disposal. The Liberal Party, however, believes that the industrial sector, as it can afford to pay more, might as well pay more such that domestic households can correspondingly pay less, while those who are living on public assistance or economically stringent should be exempted. Moreover, flexibility can be shown in the amount payable by industrial users. For example, the Administration may impose a concessionary charge on factories that have on their own initiative installed sewage disposal systems. Such a measure will be fair to the industrial operators who are active in protecting the environment and will encourage other operators to install sewage disposal systems on their own initiative.

I am nevertheless baffled by the two amendment motions which I find it difficult to comprehend. I remember that more than a year ago when this Council held a debate on the same subject, Members from the Co-operative Resources Centre (that is today's Liberal Party), the United Democrats of Hong Kong and Meeting Point were unanimous in support of the "users pay" principle. I also remember that the debate lasted until very late in the evening. However, I find it hard to give my support to today's amendments in terms of reason and practicality. Dr LEONG Che-hung's amendment amounts to a total objection against the idea of levying a sewage disposal charge on all the households in Hong Kong, without any constructive advice offered. So in terms of the pursuit of the policy and the promotion of environmental protection, this amendment is not constructive at all. The amendment as moved by Rev FUNG Chi-wood has its merit in that it advocates the "polluters pay" principle. As a matter of fact, the daily life of the public would inevitably produce something detrimental to our environment. Pollution has infused the modern city life to such an extent that it is no longer possible to distinguish between what are proper usage or necessities and what are environmental unfriendly acts. For example, we will damage the atmosphere whenever we take a means of transportation to go to our offices or turn on an air conditioner. Domestic sewage coming from toilet flushing, detergents and other cleansing substances is also polluting our harbour. But are these not the necessities of life that have been taken for granted by the public? And how can we tell what is being employed to make a profit (not every factory can indeed make a profit) and what is polluting the environment? Industrial pollution is voluminous. But our factories are not polluting the environment intentionally. It is only that the generation of sewage is inevitable in the course of the various manufacturing processes and operations. We cannot make the industrial sector the scapegoat for our pollution problems and blame them as the only polluters, because that is very unfair to them and cannot bring home the message that everyone should make an effort to protect our environment.

I therefore think that the "users pay" principle is reasonable and appropriate, duly conceived in accordance with the real situation and conducive to the enhancement of the awareness of environmental protection on the part of both the industrial sector and the public. However, the proposed sewage disposal system will not be put into operation until 1997. So I think that it is quite unnecessary for the public to start paying the sewage disposal charge from as early as 1994. I would like to listen if the Administration could explain its rationale, because I cannot see any, for levying the charge from 1994. In conclusion, the Liberal Party and I consider that the industrial sector can pay more and the public should pay less while those living on public assistance and those who really cannot afford to pay should be exempted from the scheme. This is a more balanced measure. In comparison with the two amendments, I think that Mr Peter WONG's original motion has not ruled out the idea of exempting some domestic households from paying the sewage disposal charge. The motion is urging the Administration to take into consideration the public's views, including the pros and cons expressed in today's debate, before making a final decision. In this connection, I cannot see any need to amend the motion, nor do I know the reasons behind such amendments. Is it because the public have more votes than the industrial sector that the amendment of exempting the public from paying the charge is proposed? I hope it is not so. Anyway, I think that the Administration should take reference from all the views expressed today before coming to a detailed and well thought-out conclusion.

I am supportive of the original motion and opposed to the two amendments.

THE PRESIDENT resumed the Chair.

MR FRED LI (in Cantonese): Mr President, as a member of Meeting Point, I have to respond to the remarks made by some Members just now. First, Mr Howard YOUNG has some misunderstanding. What we are talking about today is the "polluters pay" principle and not the "users pay" principle. There is, indeed, a great difference between the two. Second, as regards the canvassing issue, I think it depends on whether we have gone among the public and done something to collect their opinions.

Mr SZETO Wah and I have carried out separate surveys on this issue at Kwun Tong and we have the same findings. Many citizens found it strange that they had to jointly bear the cost of sewage disposal but not that of refuse landfills. The cost of developing landfills is as high as hundreds of million dollars and each household has so much waste to tip. Does it mean that we have to raise funds for landfills as well? "Polluters pay" is a sweet sounding principle which we do not oppose. The question is that the Government has published a consultation paper (I have never seen such a simple consultation paper with diagrams constituting half of its contents and after reading it I still have no idea of what it is talking about), and raised a proposal in the paper,

asking us to help pay for the sewage services we use. Why were previous government projects not treated in the same way? Dr LEONG Che-hung has explained clearly that since the Government had explicitly indicated that it did not have the fund to implement such a king-size Sewage Disposal Charging Scheme, it asked the public to pool the fund under the camouflage of the "polluters pay" principle. If the Government is unable to undertake such a project, I think it should raise funds through taxation such as levying an environment tax or other taxes to fund this king-size infrastructure project.

Just now Miss Christine LOH mentioned water conservation. I think this is a separate issue. Telling others not to waste water and how to save water has nothing to do with the "polluters pay" principle. This, being a different concept, is somewhat a red herring in today's debate.

Now I would like to cite some concrete examples. I am holding the photo copies of water bills of some Kwun Tong residents. I have mentioned in the Legislative Council's Environmental Affairs Panel (also mentioned by Mr SZETO Wah just now) that salt water for flushing is not available in Kwun Tong District for roughly half the number of days in each month (15 to 20 days a month) and that residents have to resort to tap water for flushing, thus leading to a serious wastage of tap water. Why is there frequent suspension of salt water supply for flushing in this district? If the residents have to bear the sewage charges, it will be virtually an additional burden for them. What I am holding is a water bill belonging to a family consisting of four members in Tak Tin Estate, Lam Tin. Their water charge has surprisingly amounted to \$1,108 per quarter. For three other families, their water charges are \$500 odd, \$300 odd and \$1,000 respectively. They also complain frequently that there is no salt water for flushing and they have to use tap water instead. If the rate of sewage charges is fixed in the light of tap water consumption, their burden will be very heavy. These are some real cases actually experienced by our residents. I hope colleagues will understand that the amendment proposed by Meeting Point today is not against the "polluters pay" principle. We find nothing wrong with this principle but problems will arise if sewage charges are levied in the light of domestic water consumption. The Administration indicated a long time ago that contractors using the landfills would be charged but this measure has, up to now, not yet been implemented. They have utilized Hong Kong's resources and also government resources. Now the landfills are almost fully filled. Should the Administration collect charges from these contractors? Why does the Government not review this problem?

Meeting Point thinks that all dwellings in Hong Kong, including those of factory owners, should be exempted from sewage charges because this is a matter of principle. We hope that we have already made an explicit presentation of our arguments. I have to thank Members representing the United Democrats of Hong Kong for not opposing our amendment motion. Yet, I regret that we have to oppose their amendment motion.

Mr President, these are my remarks.

MR JAMES TIEN (in Cantonese): Mr President, both the Federation of Hong Kong Industries and I support in principle the Government's proposal to levy charges on industries and individuals for the sewage services. In other words, we support the polluters pay principle. At present, the industrial sector accounts for 40% of the sewage produced in the territory while the remaining 60% is produced by domestic households. Insofar as the industrial sector is concerned, the polluters pay principle means that manufacturers have to bear responsibility for the waste water produced by them. Put it in another way, since we have produced only 40 % of the sewage, we should not be held responsible for the costs of dealing with all of the sewage. Admittedly, the amendment motions moved by the United Democrats and Meeting Point do not specify that the industrial sector should be made to pay for the cost of dealing with the other 60% of the sewage. They merely ask the Government to foot the bill. But where is the Government going to find the money? It will have to find the money from tax revenue derived from the commercial and industrial sectors. This means that eventually we in the commercial and industrial sectors will have to pick up the bill. Thinking along these lines, I think the polluters pay principle is a misnomer. Indeed, the business and industrial sectors have to pay for the full cost at the end of the day. There is not much point in pretending to argue otherwise.

Mr President, I would like to make some specific proposals on behalf of the industrial sector in today's debate. There is not much correlation between water consumption and waste water discharge. There is a great number of major industries in the manufacturing sector which consume, but do not discharge, a large volume of water. Such industries include the manufacture of soft drink, beer, distilled water and paint. They use water to manufacture new products, producing no sewage in the process. I hope the Government would look into this area and I suggest that a different kind of meter should be provided for these industries, such as the manufacturers of soft drink and beer and so on, so that they will be exempted from paying the sewage charge. They should be required to pay only if they use water for electricity generation or for cleaning purpose within their plants.

Meanwhile, we also have some manufacturers in Hong Kong who consume a large volume of water, for example, the dyeing factories. These factories are equipped with sewage treatment facilities. In the light of these circumstances, I would think that the ratio of water consumption charge and the trade effluent surcharge should be adjusted such that the surcharge should be increased while the basic water consumption charge should be reduced. I hope the Government would correct me if the data which I am going to quote now are not entirely accurate. I understand that the basic water charge is fixed at \$4 per unit and the surcharge a mere 80 cents. I very much doubt whether these charge rates will provide enough incentive for the manufacturer to invest heavily, to the tune of several millions and tens of millions, in sewage treatment. Simple arithmetic suggests that, instead of committing tens of millions of dollars to sewage treatment, the manufacturer could very well resign to paying the very modest surcharge which is set at a mere 80 cents per unit. In this regard, I

would suggest that the basic consumption charge should be lowered while the surcharge should be increased for those manufacturers who have not procured sewage treatment facilities. Although there are not many dyeing factories in Hong Kong, they have an impact on our garment industry with a work force of over ten thousand. The statistics which I have indicate that of these over ten thousand workers, most have switched to other jobs over the last couple of years. Those who have not done so may either be too old or feeble already. While the United Democrats and Meeting Point colleagues always stress that they strive to protect the interests of the grassroots, I doubt very much if they are aware of the fact that the closure of the dyeing factories will indirectly lead to the closure or relocation of garment factories. The consequence is that these workers will become unemployed. Their chances of finding new jobs is quite remote, compared with those who made the switch a few years earlier. I hope Members would take note of this problem.

Mr President, in each of the several debates held recently, the focus invariably shifted to the side issue of who should pay for the cost as soon as discussion started. Today's debate is no exception. Members take the view that sewage is a problem which should be addressed but the focus of discussion is on who should pay for the cost. The United Democrats and Meeting Point colleagues take the view that since water is essential for people's daily life, a charge should not be imposed on them. And since the commercial and industrial sectors are using water for profit-making purpose, they should be required to pay the sewage service charge. I have a lot of telephone lines in my factory and all of them are used to make money. If this principle is to be applied, I should pay extra charges for using the telephone. The electricity bill of my factory comes to over one million dollars a year. I doubt if it would follow then that I should be required to pay more because I use electricity to make money. Likewise, I wonder if it makes sense to say that since the consumption of water and electricity is absolutely essential for domestic users, like my colleagues who have said just now, all domestic users should therefore be exempted from all charges. If charges can be waived for water, electricity, telephone, rent, medical service and education because these are all essential, then what sort of society are we talking about? Are we talking about a capitalist society or other type of society?

Rev FUNG said he had canvassed opinions from the public and found that 60% of the respondents were against the proposed charging scheme. Indeed, a similar result has also been obtained by Mr TIK Chi-yuen. I would like to ask them whether they have sought the views of the commercial and industrial sectors. I did not bother to ask the views of my colleagues in the commercial and industrial sectors because I am sure that the foregone conclusion will be all manufacturers are against the proposed charging scheme. If you ask the people whom you represent whether they should be made to pay the sewage charge, the answer will most likely be in the negative. Needless to say, they will not be willing to pay even 10 cents. A fully subsidized service is what they want. In this regard, I think that all of these so-called opinion surveys on the sewage charge do not make much sense because the questions asked are not reasonable

at all. If we ask our constituents for their opinions separately, then it is likely that we will come back with completely different views. If the following question is put to the manufacturers: Since your factories discharge sewage, under the polluters pay principle, is it fair for you to pay for 40% of the cost? They will say this is fair enough. However, if we are to say to them, the public at large do not have to pay anything at all, then they will argue why they should be required to pay since the public do not have to pay at all. If this is the case, then should we put the whole scheme on hold? I hope Members could work together to solve the problem of environmental pollution. Now that the Government is willing to do something about the problem, everyone should do his part by contributing to the costs of the sewage services instead of shunting the responsibility onto the industrial sector.

Mr President, with these remarks, I support Mr Peter WONG's original motion and oppose Dr LEONG and Rev FUNG's amendment motions.

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, today should be a landmark day in Hong Kong's environmental history. It should be the day Members seize the opportunity to show their unequivocal support for the polluter pays principle, reinforcing the general support indicated in the adjournment debate two years ago. This is not just a matter of community leadership but it would be a message to the world that we are taking our responsibilities seriously.

Yesterday, we completed an extensive public consultation exercise on the proposed sewage charging scheme. The exercise attracted various views. There is much support for our efforts to control and abate water pollution; support that has been expressed again today. As some Members have pointed out, the situation is indeed serious. Let us remind ourselves of the facts.

Over 2 million tonnes of sewage and industrial waste waters are created in Hong Kong, everyday. Most of this goes into our marine waters largely untreated. In other words, we are not yet giving our environment the care and attention we lavish on other aspects of our life. And this has to change.

The Government has therefore devised a comprehensive programme to tackle the problem, to ensure that Hong Kong is properly sewered and that water pollution is curtailed. Alongside the progressive declaration of water control zones and the enforcement of the Water Pollution Control Ordinance, the main feature is the Strategic Sewage Disposal Scheme (SSDS). Programmes on this scale do not come cheap here or anywhere else. In the coming four years we will be spending more than \$12 billion on new sewerage services — some \$8 billion for a High Priority Programme to clean up harbour waters, and a further \$4 billion on other on-going sewerage improvement schemes in the territory. I am afraid Dr LEONG's reference to my predecessor is just too out of date. The Government is now committed to the tune of \$12 billion.

Before the SSDS was finalized, over one thousand different sewage treatment and disposal options were considered. The detailed analysis took two years of intensive study by international experts. The selected disposal scheme, which is a combination of land-based sewage treatment with the natural self-purifying abilities of the ocean, was selected after taking into account environmental effectiveness, reliability, location of disposal, cost, land requirements, flexibility and ability to achieve early environmental benefit. However, our minds are not closed to ideas on better technology so long as implementation of the HPP is not to be delayed.

But, as well as the capital costs of the scheme, there are operating costs to be met. This is the basis of our charging proposals. They envisage that the Government will meet the capital costs in full and that the public charges will cover only the operating costs. The charges will reflect the polluters pay principle, enable the public to make a modest but fair contribution to the costs of the scheme, and provide them with an opportunity to contribute to the fight against pollution.

The charging scheme proposes that payment should be based on:

- (a) a fixed charge to meet the fixed operating cost of sewage services; and
- (b) a variable charge, depending on the amount of water used.

This is very much the way charging schemes are structured in many cities, for example Singapore, Los Angeles and London.

What the charging scheme will therefore establish is a direct link between the extent to which the sewage service is used and the amount of money paid. Use less, pay less; or even pay nothing, because we also propose that those who are currently exempt or may become exempt from water charges should similarly be exempt from sewage charges. This will mean that at the moment about 17% of domestic households will pay no sewage charge at all. An exemption which I believe is fully consistent with some of the sentiments expressed this afternoon. Those who do pay will be able to calculate their charge easily because it is based on the volume of water they use. 60% of households will pay less than \$15 per month; and 98% less than \$30. By any measure, this is a modest and manageable charging scheme. As over 90% of our water supplies are metered, and therefore measurable, this arrangement will have the extra benefit of keeping billing and administration costs down.

As is now well known, we also propose a trade effluent surcharge for the more polluting effluents of some commercial and industrial operations to reflect the higher cost of treating such discharges. As a result, although households consume more than 50% of our water supply, they will be contributing only 30% of the charging revenue, while commerce and industry will contribute 60%.

Despite our very determined efforts to keep domestic charges down to almost nominal levels, some still suggest that domestic users should pay even less or be exempted completely. To them I would say this:

- To permit further exemptions would be to move so far from the polluters pay principle as to negate it. Users should pay according to the extent to which they use sewage services. This is definitely not a poll tax, but an accurate and fair charge for a specific service.
- There is no suggestion here that domestic users are to be criticized or penalized for using the service. Their need for it is a fact of life; but it does cost money to provide and it has to be paid for.
- To exempt one major group of users would be to load the costs onto others and would without doubt make all those now willing to pay have second thoughts.

Of course, it would be surprising if everyone accepted new charges with great enthusiasm. But, by and large, the community, the industrial and commercial sector and the media response indicates acceptance that the time has come to face the responsibility. But this collective response will clearly not be sustained unless we all stand together.

I would like now to describe briefly the public consultation on the charging scheme. This has been thorough indeed. Over the past two years or so there have been periodic announcements, in this Council and elsewhere, that the Administration is considering a public charging scheme for sewage services. Since the current proposals were made public on 20 September 1993, we have briefed EPCOM and the Legislative Council Environmental Affairs Panel twice. We have briefed the main political groups (United Democrats of Hong Kong, Liberal Party, Democratic Alliance for Betterment of Hong Kong and Hong Kong Association for Democracy and People's Livelihood). We have briefed the Industry and Technology Development Council and the major commercial and industrial organizations (including the Hong Kong General Chamber of Commerce, Hong Kong Federation of Industries, the Chinese Manufacturers Association, the Beverage Manufacturers Association and the American Chamber of Commerce). We have also briefed the main green groups and several district boards.

We have given numerous TV and press interviews and participated in radio phone-in programmes and RTHK panel discussions. Moreover, we have arranged the broadcast of APIs on TV and radio, and we have distributed 100 000 pamphlets explaining the charging scheme. The provision of a simple presentation in such matters is standard procedure worldwide.

In this way, we have explained why the charge is proposed, who should pay it and how the charge will be calculated. We have sought to introduce the charging fundamentals to the public.

We have provided detailed information on operating costs to those who want it. But most people are concerned about simpler issues such as why, how much and when. These questions have been answered. The details of the trading fund mechanism will ensure costs are fully open to public scrutiny.

What was the purpose of this comprehensive consultation exercise? Mr President, it was to inform the public that water pollution is serious; that the Government has the solution in hand; that the Government will meet the capital costs of that solution; but that the public should contribute too — a modest \$15 per month for most households — so that in this sphere we can all join hands in the fight against pollution.

As I said earlier, Mr President, it is our belief that the community is now willing to shoulder part of this cost, as do the residents of most modern cities. In the written submissions that we have received, a majority (60%) support the polluters pay principle. Most of the group submissions, particularly the trade and industry organizations, support both the principle and the charging proposals. There is also majority support for the principle among individual submissions. Some submissions did ask for further concessions on domestic charges, possibly because of a misunderstanding that sewage charges would be calculated at a fixed rate of water bills. As I have explained, this is not the case, but we will continue to give further explanations to clear up such misunderstandings.

Let me stress again that the sewage charges will be substantially lower than water charges because of the arrangements that I have explained. To recap some of the other main points:

- full capital costs will be covered by the Government;
- sewage charges will recover the operating costs only;
- a surcharge for the more polluting trade effluents will be applied;
- an exemption system that will benefit about 17% of households will be allowed;
and
- most households will pay less than \$15 per month and almost all less than \$30.

As I said at the beginning, today is potentially a landmark day in the history of environmental consciousness in Hong Kong. The Government is ready to push forward, the community has signalled its readiness, industry and commerce are facing up to their responsibilities, the media are with us and many Members too.

May I assure Members that the views referred to us directly in written submissions or indirectly through the media, as well as the many constructive ideas put forward by Members themselves prior to and during this evening, will be taken into consideration in preparing the enabling legislation which we propose to introduce into this Council early next year, and in certain cases as separate issues thereafter so as to avoid delay. This will certainly involve further consultation and briefing on the details of the scheme. I hope we will be able to count on Members' undiluted support for the polluters pay principle at that time.

Thank you.

PRESIDENT: Dr LEONG Che-hung has given notice to move an amendment to the motion. His amendment has been printed in the Order Paper and circulated to Members. I propose to call on him to move his amendment now.

DR LEONG CHE-HUNG moved the following amendment to Mr Peter WONG's motion:

"To delete all the words after "That this Council endorses" and substitute the following

-

"the Government's adoption of the polluters pay principle as an environmental policy but opposes the proposal to include domestic households in the charging scheme for sewage services under the present circumstances.""

DR LEONG CHE-HUNG: Mr President, with your permission, I move that the Honourable Peter WONG's motion be amended as set out under my name in the Order Paper for the reasons I mentioned earlier.

Question on Dr LEONG Che-hung's amendment proposed.

PRESIDENT: Mr Peter WONG, do you wish to speak? You have five minutes according to the agreed formula.

MR PETER WONG: Mr President, I wish to thank all colleagues for so eloquently expressing their views on this very basic and important topic. The vote this evening will give a clear pointer to the Government on how this Council views the way sewage charges should go forward. I am however disappointed that the Secretary has not responded to my point about the August 1994 charging when we do not get any benefit until 1997.

We all agree that many of our water quality objectives have been breached and the situation is intolerable. Something must be done and it must be done without too much delay. I welcome the Secretary's assurance that his mind is not closed about the technology and that it will be reviewed. We certainly have no wish to delay what is already way overdue.

Let me now respond to my erstwhile amenders. Dr LEONG complains about double taxation. Under his proposal, a non-polluter taxpayer pays once through tax for pollution he has not caused; a non-taxpaying polluter gets away scot free. Under the Government's proposal, only the polluter pays. Dr LEONG and Meeting Point can offer no solution on how to deter households from producing unnecessary waste.

The Rev FUNG and his United Democrats colleagues based their argument very much on public opinion surveys which suggest, I think a \$4 charge. I think this is hardly worth collecting. The cost of collection would exceed the income. Further, I wonder if we ask the same question but substitute tax instead of sewage charges, will we get the same set of answers?

It is very clear from the speakers that this Government should no longer delay spending money to educate Hong Kong about the need to protect the environment and how the cleaning up is to be paid for. What has been done so far is clearly not enough. However, public education cannot change people's attitude overnight. Charging will certainly shake us out of the lethargy of "let other people pay". This motion has certainly jogged us all out of inaction and for the first time Hong Kong gets to hear what "polluters pay" is all about.

We all profess to be green, and wholeheartedly accept the polluters pay principle. Yet when it comes to paying, some of us have our doubts. But we have to be honest to ourselves. Nobody likes to pay taxes or charges. But without them, our social services programmes will suffer. That is why a responsible government has to educate its citizens. On our part, if we have pretensions ever to run the Government, then we have to act responsibly. There are times, and this is one of them, when we have to run ahead of public opinion and lead the way.

We have to uphold idealism with pragmatism; we have to do what is right which may not be the most popular; we need to practise real environmental conservation and maybe disregard vote catching; we want a sustainable environment but not an uncaring community.

I am glad that this debate has been based on merit and that the environment is not being politicized. If we do accept the polluters pay principle, then let us be constructive and positive when dealing with the sewage charging proposal by improving upon it. Let us seek an enhanced scheme that will benefit Hong Kong people in the long term. Thank you, Mr President.

Question on Dr LEONG Che-hung's amendment put.

Voice vote taken.

The President said he thought the "Noes" had it.

DR LEONG CHE-HUNG: Mr President, I claim a division.

PRESIDENT: Council will proceed to a division.

PRESIDENT: Would Members please proceed to vote?

PRESIDENT: Are there any queries? If not, the results will now be displayed.

Mr PANG Chun-hoi, Dr LEONG Che-hung, Mr Frederick FUNG, Mr Fred LI, Mr TIK Chi-yuen and Mr WONG Wai-yin voted for the amendment.

The Chief Secretary, the Attorney General, the Financial Secretary, Mr Allen LEE, Mrs Selina CHOW, Mr NGAI Shiu-kit, Mr Andrew WONG, Mr Ronald ARCULLI, Mrs Miriam LAU, Mr LAU Wah-sum, Mr Jimmy McGREGOR, Mrs Elsie TU, Mr Peter WONG, Mr Vincent CHENG, Mr Moses CHENG, Mr Timothy HA, Dr LAM Kui-chun, Miss Emily LAU, Mr Eric LI, Dr Samuel WONG, Dr Philip WONG, Mr Howard YOUNG, Miss Christine LOH, Mr Roger LUK, Ms Anna WU and Mr James TIEN voted against the amendment.

Mr SZETO Wah, Mr Albert CHAN, Mr CHEUNG Man-kwong, Rev FUNG Chi-wood, Mr Michael HO, Dr HUANG Chen-ya, Dr Conrad LAM, Mr LAU Chin-shek, Mr LEE Wing-tat, Mr James TO and Dr YEUNG Sum abstained.

THE PRESIDENT announced that there were six votes in favour of the amendment and 26 votes against it. He therefore declared that Dr LEONG Che-hung's amendment was negatived.

PRESIDENT: Rev FUNG Chi-wood, you may move your amendment now.

REV FUNG CHI-WOOD moved the following amendment to Mr Peter WONG's motion:

"To delete all the words after "..... for sewage services" and substitute the following:

"but opposes its proposal on charges for such services, and urges the Government to follow public opinion in drawing up a new charging scheme in which a certain quantity of basic domestic sewage should be exempted from the calculation of sewage charges.""

REV FUNG CHI-WOOD (in Cantonese): Mr President, I move that Mr Peter WONG's motion be amended as set out under my name in the Order Paper.

Question on Rev FUNG Chi-wood's amendment proposed.

PRESIDENT: Mr Peter WONG, do you wish to speak? Technically, you do have five minutes.

MR PETER WONG: I have nothing further to add, Mr President.

Question on Rev FUNG Chi-wood's amendment put.

Voice vote taken.

The President said he thought the "Noes" had it.

REV FUNG CHI-WOOD: Mr President, may I claim a division?

PRESIDENT: Council will proceed to a division.

PRESIDENT: Would Member please proceed to vote?

PRESIDENT: Are there any queries? If not, the results will be displayed.

Mr SZETO Wah, Mr Albert CHAN, Mr CHEUNG Man-kwong, Rev FUNG Chi-wood, Mr Michael HO, Dr HUANG Chen-ya, Dr Conrad LAM, Mr LAU Chin-shek, Mr LEE Wing-tat, Mr James TO and Dr YEUNG Sum voted for the amendment.

The Chief Secretary, the Attorney General, the Financial Secretary, Mr Allen LEE, Mrs Selina CHOW, Mr NGAI Shiu-kit, Mr Andrew WONG, Mr Ronald ARCULLI, Mrs Miriam LAU, Mr LAU Wah-sum, Dr LEONG Che-hung, Mr Jimmy McGREGOR, Mrs Elsie TU, Mr Peter WONG, Mr Vincent CHENG, Mr Moses CHENG, Mr Frederick FUNG, Mr Timothy HA, Dr LAM Kui-chun, Mr Eric LI, Mr Fred LI, Mr TIK Chi-yuen, Dr Samuel WONG, Dr Philip WONG, Mr Howard YOUNG, Mr WONG Wai-yin, Miss Christine LOH, Mr Roger LUK, Ms Anna WU and Mr James TIEN voted against the amendment.

Mr PANG Chun-hoi and Miss Emily LAU abstained.

THE PRESIDENT announced that there were 11 votes in favour of the amendment and 30 votes against it. He therefore declared that Rev FUNG Chi-wood's amendment was negatived.

PRESIDENT: Mr Peter WONG, do you wish to reply on your motion before it is put? You have 3 minutes 50 seconds.

MR PETER WONG: Mr President, I have no wish to delay the vote, but I just hope that everyone can sleep peacefully tonight after this vote and that we can hold our head up high to the world in general that we have got a proper sewage system for Hong Kong in future.

Question on Mr Peter WONG's motion put.

Voice vote taken.

The President said he thought the "Ayes" had it.

MR PETER WONG: Mr President, I claim a division.

PRESIDENT: Council will proceed to a division.

PRESIDENT: Would Members please proceed to vote?

PRESIDENT: Are there any queries? If not, the results will now be displayed.

The Chief Secretary, the Attorney General, the Financial Secretary, Mr Allen LEE, Mrs Selina CHOW, Mr NGAI Shiu-kit, Mr Andrew WONG, Mr Ronald ARCULLI, Mrs Miriam LAU, Mr LAU Wah-sum, Mr Jimmy McGREGOR, Mrs Elsie TU, Mr Peter WONG, Mr Vincent CHENG, Mr Moses CHENG, Mr Timothy HA, Dr LAM Kui-chun, Miss Emily LAU, Mr Eric LI, Dr Samuel WONG, Dr Philip WONG, Mr Howard YOUNG, Miss Christine LOH, Mr Roger LUK, Ms Anna WU and Mr James TIEN voted for the motion.

Mr SZETO Wah, Dr LEONG Che-hung, Mr Albert CHAN, Mr CHEUNG Man-kwong, Rev FUNG Chi-wood, Mr Frederick FUNG, Mr Michael HO, Dr HUANG Chen-ya, Dr Conrad LAM, Mr LAU Chin-shek, Mr LEE Wing-tat, Mr Fred LI, Mr TIK Chi-yuen, Mr James TO, Dr YEUNG Sum and Mr WONG Wai-yin voted against the motion.

Mr PANG Chun-hoi abstained.

THE PRESIDENT announced that there were 26 votes in favour of the motion and 16 votes against it. He therefore declared that Mr Peter WONG's motion was carried.

Adjournment and next sitting

PRESIDENT: In accordance with Standing Orders I now adjourn the Council until 2.30 pm on Thursday 2 December 1993.

Adjourned accordingly at five minutes past Nine o'clock.

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

WRITTEN ANSWER**Annex I****Written answer by the Director of Civil Aviation to Mr Jimmy McGREGOR's supplementary question to Question 3**

I would advise that it is not the practice of the Civil Aviation Department to film aircraft landings or take-offs at Kai Tak. The video footage taken on the day of the accident and shown on the media was taken by a member of public and did not feature the China Airlines aircraft.

