

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 8 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.

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

DR THE HONOURABLE DAVID LI KWOK-PO, O.B.E., LL.D., 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 EDWARD HO SING-TIN, 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 MARVIN CHEUNG KIN-TUNG, J.P.

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

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

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 STEVEN POON KWOK-LIM

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

THE HONOURABLE TIK CHI-YUEN

THE HONOURABLE JAMES TO KUN-SUN

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

DR THE HONOURABLE PHILIP WONG YU-HONG

DR THE HONOURABLE YEUNG SUM

THE HONOURABLE HOWARD YOUNG, J.P.

THE HONOURABLE ZACHARY WONG WAI-YIN

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

THE HONOURABLE CHRISTINE LOH KUNG-WAI

THE HONOURABLE ROGER LUK KOON-HOO

THE HONOURABLE ANNA WU HUNG-YUK

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

THE HONOURABLE ALFRED TSO SHIU-WAI

ABSENT

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

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

THE HONOURABLE TAM YIU-CHUNG

THE HONOURABLE LAU WONG-FAT, O.B.E., 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 CHAU TAK-HAY, J.P.
SECRETARY FOR TRADE AND INDUSTRY

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

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

MR LEO KWAN WING-WAH, J.P.
SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS

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>
Import and Export (Strategic Commodities) Regulations (Amendment of Schedules) (No. 2) Order 1993	456/93
Boilers and Pressure Vessels (Exemption) (Consolidation)(Amendment)(No. 2) Order 1993	459/93
Employees Retraining Ordinance (Amendment of Schedule 2)(No. 12) Notice 1993	460/93
Companies (Amendment)(No. 2) Ordinance 1993 (75 of 1993)(Commencement) Notice 1993	461/93

Sessional Papers 1993-94

- No. 33 — Vocational Training Council Annual Report 1992-93
- No. 34 — Report of the Brewin Trust Fund Committee on
the Administration of the Fund
for the year ended 30 June 1993
- No. 35 — Sir Murray MacLehose Trust Fund Trustee's Report
for the period 1 April 1992 to 31 March 1993
- No. 36 — General Chinese Charities Fund Income and
Expenditure Account with balance sheet and
certificate of the Director of Audit
for the year ended 31 March 1993
- No. 37 — Hong Kong Sports Institute Annual Report 1992-93
- No. 38 — Report by the Trustee of the
Police Children's Education Trust
Police Education and Welfare Trust
for the period 1 April 1992 - 31 March 1993
- No. 39 — Ocean Park Corporation Annual Report 1992-93

Addresses

Hong Kong Sports Institute Annual Report 1992-93

MR HOWARD YOUNG: Mr President, tabled before this Council today is the Annual Report of the Hong Kong Sports Institute for the period 1 April 1992 to 31 March 1993.

The mandate of the Hong Kong Sports Institute, namely, athlete development and management; coach education and development; sports science, medicine and research; resource information; international exchanges; and cooperation with other sporting bodies and the municipal councils, provides us with a firm direction and a clear vision of the future.

With such objectives in mind, the institute commits itself to providing high quality coaching, facilities and research support for athletes in its care. The institute works closely with the national sports associations in furthering the standard of sports in Hong Kong and the performance of our aspiring athletes.

1992-93 has been another busy and active year for the Hong Kong Sports Institute. A new board was appointed on 1 July 1992 to serve until 31 March 1994. During the year, the board has established three new subcommittees covering sports, sports science and sports medicine and finance and facilities. These subcommittees have enabled board members to make a deeper contribution to the more mundane matters of the institute requiring the board's attention.

1992-93 was a fruitful year for our athletes. Outstanding results were achieved in international competitions, including a gold medal in the Women's Team Event at the Asian Table Tennis Championships; gold medals at the East Asian Squash Championships; very sound efforts by athletes in badminton, fencing and table tennis at the Barcelona Olympics; gold medals at the Asian Windsurfing Championships; and bronze medals at the Asian Swimming Championships.

The year was also an excellent one financially. The institute's management has put in much efforts to maximize revenue opportunities through greater and more effective use of its facilities, increased marketing and sponsorship activities, and an even tighter control of expenditure. For the first time since the Hong Kong Sports Institute Trust Fund was set up in 1987, there was no drawdown from the trust fund. Indeed, a credit balance was achieved and a net contribution of \$2.15 million was added to the trust fund.

The institute has also been greatly encouraged by a government allocation of \$100 million announced by the Financial Secretary in March 1993. This special grant, held in trust by the Hong Kong Sports Development Board for use by the Hong Kong Sports Institute, will go a long way to better prepare our many talented athletes for participation in major regional and international

competitions in the next few years and to further develop sports science, sports medicine and other sports support services. With this special government allocation, I can say with optimism that Hong Kong's medal chances would be enhanced.

Close co-operation between the Hong Kong Sports Institute, Hong Kong Sports Development Board, ASF&OC and national sports associations has brought about positive results for the benefit of local sports. This will continue to play an important part in the years ahead. The Hong Kong Sports Institute Board has been working together with the Sports Development Board and the Government in planning for an efficient and effective integration of the Sports Development Board and the institute from 1 April 1994, subject to the relevant bill being passed by this Council. After the integration, the institute will remain the technical arm of sports in Hong Kong and will maintain its independence, continuing to liaise and work directly with the ASF&OC and national sports associations on athlete development, training, coaching and other sports support services. The harmonious and close co-operation which the institute has enjoyed with the ASF&OC and national sports associations will undoubtedly be strengthened as a result of the integration.

With these words, Mr President, I commend this report to the Council.

Ocean Park Corporation Annual Report 1992-93

MR RONALD ARCULLI: Mr President, tabled before the Council is the Ocean Park Corporation's Annual Report for 1992-93.

In the past financial year ended 30 June 1993, Ocean Park hosted 3.1 million visitors. This equates to a growth of 22% over the previous year and is a record for the Park since it opened 16 years ago.

Total surplus in the year amounted to \$98.1 million, which represents a 43% increase. While our net operating surplus of \$71.4 million showed a dramatic increase of 82%, our operating income reached a record \$294 million, achieving a 24% growth from the previous year.

Over 31 million people have visited Ocean Park since its opening, and we anticipate further growth in its popularity. The outstanding event of a very busy year was the opening of Kids' World on 16 July 1993. This family attraction is an entirely new themed area with many activities for children and fun for the whole family.

Our financial performance has increased our desire to make Ocean Park affordable to all families. This was highlighted earlier this year when we reduced our admission fees by 7%. Adult admission is now \$130 and children \$65. We are committed to this policy and agreed to stabilize prices for at least

two more years whilst still maintaining the operating surplus necessary for our expansion programme.

To supplement our progress in meeting our recreational and educational goals, we have persistently focused on fulfilling the needs of the entire community. To this end we have continued our policy of providing free entry to children, senior citizens and the disadvantaged. We welcomed 400 000 non-paying guests during the year as part of our community service programmes.

We have also recently established the Ocean Park Conservation Foundation to expand the park's marine mammal conservation programmes by creating a very focused approach to critical marine mammal issues. We look forward to launching an international effort in support of the protection of endangered marine mammals in the Asian region.

In the past year we have turned particular attention to the needs of our disabled guests. Substantial progress was achieved when all our rides were licensed as suitable for disabled persons. The work of our newly created Disabled Advisory Committee will continue to ensure that the park is accessible to all visitors.

The conclusion of the 1992-93 year also marks another milestone in Ocean Park's history. Sir Gordon MacWHINNIE, who served the park for the past 16 years and most recently as chairman for the last nine years, retired at the end of the park's most successful year ever. His achievements are far too many to list in full, yet one thing is clear: his hard work and dedication has been a driving force behind the success of Ocean Park. Our future looks very bright indeed, we will continue to invest our surplus in new facilities and attractions for the people of Hong Kong, and we will undoubtedly maintain our position as one of South East Asia's most popular recreation and educational parks.

Thank you, Mr President.

Oral answers to questions

Government advisory bodies

1. MS ANNA WU asked: *Will the Government inform this Council:*

- (a) *how many government advisory boards and committees are there at present;*
- (b) *of these, how many conduct their meetings in public and provide the public with documents such as agenda, minutes and briefing papers and information relating to their business; and*

- (c) *whether it has any established policy with regard to the openness and the public's right of access to these bodies; if so, what is it, and if not, why not and will it consider formulating one?*

SECRETARY FOR HOME AFFAIRS: Mr President, there are around 350 full government boards and committees that are either wholly or partly advisory in nature. In the vast majority of cases, they render advice and act as a source of information at the initial stages in the process of decision-taking. Several further stages are normally gone through after consideration by the relevant advisory board or committee and before final decisions are taken on the matter concerned. It is generally during these further stages that more open discussion takes place. Ultimately, any matter that requires the sanction of the Legislative Council will be subject to the procedures of the Council, which are totally open. In addition, it should be noted that a number of advisory boards and committees regularly consider confidential or commercially sensitive information.

The 19 district boards and the Airport Consultative Committee are examples of advisory bodies whose meetings and papers are all open to the public, while meetings of area committees are often open and their papers are available to the public on request. In addition, in the case of a large number of advisory boards and committees, the chairman gives a press briefing either on a regular or occasional basis on the deliberations of the board or committee concerned. An example is the Transport Advisory Committee, the chairman of which routinely briefs the press on the committee's discussions.

The system of advisory boards and committees in its current form enables the Administration to obtain candid advice from a broad cross-section of the community. These are people with a vast reservoir of experience and expertise who give freely of their time and energy to serve the community away from the limelight. The current system serves Hong Kong very well and we see no reason to change the *status quo*.

MS ANNA WU: *Mr President, does the Government undertake periodic reviews of the operations of the advisory bodies, including the extent to which their operations are open to the public? If so, what were the findings? If such reviews have not been conducted, will the Government undertake to conduct such reviews and make its findings public?*

SECRETARY FOR HOME AFFAIRS: Mr President, as I have said in my main reply, our current system serves Hong Kong very well and we see no reason to change the *status quo*. Although we have not carried out any periodic reviews of the system, we do from time to time review the effectiveness of individual boards and committees. And we are satisfied that the boards and committees continue to function very well. As it is implied in the main reply, we do not believe that the suggestion that meetings and papers of advisory boards and

committees should be open to the public would either be helpful or appropriate. It is likely that this will impede the provision of candid advice from a broad cross-section of the community, which is a major advantage of the current system. In any case, matters of significant public interest discussed by advisory boards and committees are invariably made public at a later stage. Press briefings by the chairmen of the relevant boards or committees is one way whereby such matters are made known to the public. If new legislation is involved, it would of course have to come eventually to this Council for approval.

MISS CHRISTINE LOH: *Mr President, in his reply just now the Secretary said that greater openness of these advisory bodies is not necessarily helpful or appropriate. I would like to ask him: Would the Government not agree that holding the meetings in public and making information and documents available to the public would result in greater participation in the running of Hong Kong, which is exactly what the Hong Kong Government professes it wants?*

SECRETARY FOR HOME AFFAIRS: Mr President, we do believe that, where appropriate, we should open our meetings to the public. And as I have said in my main reply, the 19 district boards and the Airport Consultative Committee are prime examples of such bodies whose meetings and papers are all open to the public. I have also mentioned area committees. There are 124 area committees and they often open their meetings and make available papers to the public on request. I am afraid, due to logistics and the large number of such bodies involved, it is not always possible to provide papers to the public. But we do try to meet their demands on request. And as I have said, many chairmen of such advisory boards and committees give briefings, either on a regular or occasional basis. I am afraid we have not got a final count on the number of such bodies, but at the moment we have come to know that there are about 41 of such boards and committees which indulge in this practice.

MR FREDERICK FUNG (in Cantonese): *Mr President, the Secretary has said in the last paragraph of his reply that these advisory boards and committees can obtain candid advice from members of the community who have wide representation. According to our general understanding of the term wide representation, it particularly refers to representativeness, and only those who are returned by elections can be said to have representation. But all the members of the 350 boards and committees referred to earlier by the Secretary, with the exception of district board members, are not returned by elections. As the great majority of the members of these boards and committee are appointed by the Administration and over half of them are not returned by elections, will the Administration consider appointing more elected members to the boards and committees which have direct bearing on people's livelihood like the Housing Authority, the Transport Advisory Board or the Education Commission,*

preferably to the extent that over half of the membership are returned by elections, so as to enhance the credibility of these bodies?

PRESIDENT: Which part of the Secretary's answer do you wish elucidated, Mr FUNG?

MR FREDERICK FUNG (in Cantonese): *Mr President, it is the third paragraph of the Secretary's reply that I seek elucidation. It says that these boards and committees consist of members with wide representation who provide candid advice to the Administration. What I would like to ask is about the representativeness of these members. As most of them are appointed instead of elected, does it imply from what the Secretary says that the Administration is prepared to consider appointing more elected members to these boards and committees?*

SECRETARY FOR HOME AFFAIRS (in Cantonese): Mr President, I have not mentioned "representativeness" in my reply. I have only said that the members come from a broad cross-section of the community. As to the question of "representativeness" mentioned by Mr FUNG and our criteria in selecting members, we will select those who are competent having regard to their experience, expertise in a certain field and willingness to give their time to serve the community. These are the criteria that we fully adhere to in selecting members.

MISS EMILY LAU (in Cantonese): *Mr President, I believe that the Chinese translation of the part concerned in the Secretary's reply is incorrect. The Secretary's answer has clearly indicated that those members have no representation. And I believe Members will agree this is what the Secretary has said. Mr President, the Secretary has said in his answer that these people, who have no representation, provide candid advice to the Administration. As the Administration is against opening the meetings of these boards and committees to the public, does it suggest that it has reasons to believe that if these meetings are open to the public, then it will no longer be able to obtain candid advice from those people who have no representation?*

SECRETARY FOR HOME AFFAIRS (in Cantonese): Mr President, that is of course not what we mean to say. The fact is that we do not know whether there will be potential danger in holding open meetings. But we have to bear in mind that the system of advisory boards and committees is only part of the process of policy formulation within the entire government framework. As I have said at the beginning, our process of decision-taking is quite a long one. The consultation exercise will begin with these advisory boards and committees. After this initial stage, concrete proposals are outlined in the form of Green

Paper or bill. Thereafter there will still be sufficient time and opportunities for the public to put their views to the Administration.

DR DAVID LI: *Mr President, how many of the 300 or so advisory boards or committees hold regular press briefings after their meetings?*

SECRETARY FOR HOME AFFAIRS: Mr President, I am afraid I have not got a precise figure in this regard because of the large number of advisory boards and committees involved. We are still trying to work out the figure. But up to now it has come to our notice that about 41 of them regularly or occasionally brief members of the press after their meetings. This is normally done by the chairmen. And as I have said, a prime example of this is the Transport Advisory Committee.

Fixtures and fittings of HOS flats

2. DR TANG SIU-TONG asked (in Cantonese): *According to reports by the media, most of the flat owners of the Saddle Ridge Garden in Ma On Shan have replaced the original fixtures and fittings of their flats after their moving in to this Home Ownership Scheme (HOS) estate. The fixtures and fittings replaced include teak wood floorboards, front doors, washbasins, bath tubs and kitchen cabinets. This would mean a waste of public money on these built-in items. Will the Administration inform this Council:*

- (a) *of the approximate number of HOS flat owners who were found to have removed the original fittings and fixtures of their flats in the past two years; how much these displaced fittings and fixtures roughly cost;*
- (b) *whether any study has been made by the department(s) concerned to find out the causes of such practice, if so, what causes have been identified; and*
- (c) *whether the department(s) concerned will review the present situation related to internal decorations and furnishings; if yes, whether its findings together with options to tackle this problem could be released to the public?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, it is common practice in both private and public housing for new flat owners and tenants to carry out some alteration, fitting and decoration works before moving in.

Since fitting out and decoration works are carried out by Home Ownership Scheme (HOS) flat owners at their own expense, it is very difficult to estimate the approximate number of owners who have removed the original fittings and fixtures, and quite impossible to give an estimate of the value of such items removed.

It is the Housing Authority's policy to provide adequate fittings and a standard that will render a flat immediately habitable upon occupation; and to update and revise, as far as possible, the standard of fittings of HOS flats in accordance with changing needs and preferences. In July 1993, the Housing Authority approved changes to standard fittings for kitchens, bathrooms and the common areas of buildings of Harmony blocks.

In a recent survey conducted by the Housing Department on its tenants and HOS flat owners, result shows that between 20% to 50% of HOS flat owners would like to make varying degrees of alterations to the standard fittings in the kitchens and bathrooms. The main reasons given were a desire to personalize the decoration of one's own flat, to upgrade the standard of the fittings and fixtures and to fit out a flat more attuned to the needs of one's family. On the basis of such feedback, the Housing Department is currently reviewing the feasibility of making improvements to the fitting-out standards of bathrooms, kitchens and the common areas of buildings.

Furthermore, the Housing Department has planned to conduct a full-scale survey on this topic in early 1994 to obtain a more accurate assessment of HOS flat owners' preferences before putting further improvement measures to the Housing Authority for consideration. The survey results and any improvements approved will be made public.

DR TANG SIU-TONG (in Cantonese): *Mr President, the Administration said in the fourth paragraph of the reply that the survey conducted by the Housing Department on public housing tenants and HOS flat owners showed that 20% to 50% of HOS flat owners had made alterations to their kitchens and bathrooms. Does the Administration have any ways and means to deal with this situation? And what are the results of the survey on public housing?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): *Mr President, as I have said in the reply, the Housing Department will review, in the light of the results of this survey, to see if better facilities can be provided in kitchens, bathrooms and the common areas of buildings, and whether the standard of fittings can be raised.*

PRESIDENT: *Dr TANG, not answered?*

DR TANG SIU-TONG (in Cantonese): *Mr President, how about the results of the survey on public housing?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Mr President, I think the main question relates to HOS estates and the target of the survey was mainly HOS flat owners.

DR TANG SIU-TONG (in Cantonese): *Mr President, the Administration's reply in fact did refer to the Housing Department's survey on public housing and HOS flats. What I would like to ask is the results of the survey on public estates only.*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Mr President, the Housing Department conducts a survey every year and it covers wide ranging issues. One of the topics covered by the questionnaire of the last survey was HOS estates. The questions on public housing were related to other issues and had nothing to do with decoration works.

MR CHIM PUI-CHUNG (in Cantonese): *Mr President, the Administration acknowledged in its reply that 20% to 50% of the residents found the existing standard unsatisfactory. Since this is indication that the Administration is not that clear about the needs of Hong Kong people (including the standard of essential facilities), can other methods be used to ascertain that the standard of requirement now is different?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Mr President, the Housing Department does conduct regular surveys on the preferences of HOS and public housing residents, and their views on various measures. Just now I have mentioned that the Housing Department has conducted a survey recently and will consider making improvements in the light of the survey results. Furthermore, the department has planned to conduct a more in-depth survey early next year to gauge the opinions of HOS owners on decoration works. This seeks to obtain more accurate information which will assist the Housing Authority in considering further improvement measures.

MR JAMES TIEN: *Mr President, as the Housing Department found that between 20% to 50% of the flat owners would like to make varying degrees of alterations to the standard fittings, I really do not see a need to conduct another full-scale survey on the same topic in early 1994. It will not serve any purpose if the survey shows that, say, 20% to 55% of the people do not agree with the Housing Authority's decision. Will the Government inform this Council whether consideration will be given to appointing representatives of the tenants*

and flat owners in question to a committee which is to be responsible for making the decision on the standard of fittings?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, the survey that was carried out last time was to find out the general attitude of the HOS owners in terms of the decoration and fittings. The forthcoming full-scale survey will go into details about which aspect of the decoration owners do not like or like and what sort of upgrading they would wish to have.

MR JAMES TIEN: *Mr President, the Secretary has not answered the second part of my question which is whether the Government will appoint representatives of the tenants to a committee responsible for making the decision on these fixtures?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, the decision will be taken by the Housing Authority. And the Housing Authority has members who can echo the sentiment and wishes of the HOS owners.

MR WONG WAI-YIN (in Cantonese): *Mr President, how will the Administration deal with those abandoned front doors, washbasins and so on? Can some of these items be reused?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Mr President, refuse of owners should be disposed of by the contractors employed by them.

PRESIDENT: Not answered, Mr WONG?

MR WONG WAI-YIN (in Cantonese): *Mr President, in fact, abandoned items can be found piling up everywhere in the precincts of housing estates during the decoration period, and are not, as the Secretary has said, disposed of by the owners themselves. The Secretary has failed to give me a direct answer.*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Mr President, disposing refuse left behind after decorations should be the responsibility of the owners.

Rehabilitation policies and services

3. MR HUI YIN-FAT asked: *According to the Green Paper on Rehabilitation Policies and Services published for public consultation in March 1992, a detailed implementation schedule would be worked out taking into account the public views on the relative priorities of various rehabilitation services and be incorporated in the future White Paper on Rehabilitation. In this regard, will the Government inform this Council of the progress so far in the matter and when the White Paper will be published?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, as regards the implementation schedule, we have been working on it since the completion of the public consultation exercise on the Green Paper on rehabilitation. I would like to update Members on the progress of work involved. We consulted the Rehabilitation Development Co-ordinating Committee (RDCC) through a series of meetings in the latter part of 1992 as to which areas in the Green Paper should be accorded priority. The RDCC is the principal advisory body to the Government on the development and implementation of rehabilitation policies and services.

Having regard to public views on the Green Paper, the RDCC drew up a set of criteria for determining the relative priority of major recommendations in the document. These criteria include the extent of shortfall in service provision and the degree of hardship it has caused to people with disabilities and their families.

In the light of RDCC's advice on prioritization, we proceeded with the work on the implementation schedule which has recently been finalized. It covers five areas, namely, social rehabilitation, medical rehabilitation, special education, transport and public education. Funds for the various items in the schedule have been secured through last year's capital injection of \$2.3 billion into the Lotteries Fund and the annual Resource Allocation Exercise.

With the implementation schedule put in place, we have started the necessary groundwork of the White Paper on rehabilitation. We intend to publish it in 1994.

I understand that some people in the rehabilitation field would like to see an early release of the White Paper. May I take today's opportunity to reassure them that the lack of a White Paper in the meantime has not prevented us from further developing rehabilitation services. Since mid-1992, we have, indeed, taken many of the major recommendations in the Green Paper forward. These include the implementation of the key targets in the Green Paper, promotion of public education on rehabilitation, improved access for people with disabilities to the public transport system and review of legislative measures.

MR HUI YIN-FAT: *Mr President, if I may refer to the final paragraph of the Secretary's reply. Does the Government usually publish a White Paper on a specific service after the public has been consulted? Why should the Government do something different this time on the Green Paper on rehabilitation?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, basically there is no material difference. As indicated in my main reply, we intend to publish the White Paper in 1994. The actions that we have taken in the meantime are to facilitate the expedient implementation of the schedule. For example, the promotion of public education on rehabilitation is an ongoing process; our aim is to encourage integration and also equal opportunity for disabled people. But it would take time to change people's attitude. So the earlier we work on education and publicity, the greater it will help to achieve this aim.

MR ERIC LI (in Cantonese): *Mr President, when I moved the motion concerned about two years ago, I warned that serious delays would result if Members were to introduce new subjects. But I have never expected that the White Paper is still to be published after almost two years. The Administration's reply says that what we need to do now is to implement instead of prepare any papers. Can we presume that the Administration has now accepted the original recommendations of the Green Paper without reservations? If not, what are the recommendations the Administration has reservations on? In the Green Paper, there were options in respect of, for example, employment and transport policies. What then are the Administration's options and its policies?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, the RDCC, as I mentioned, is the principal advisory body to the Government. We are in the process of examining all the recommendations in and also the public views on the Green Paper on rehabilitation. It is still our intention to consult the RDCC and eventually work out a White Paper in the light of the views from the public and also the views from the RDCC.

MS ANNA WU: *Mr President, will the Secretary elaborate on the nature of legislative measures under review and the Government's findings?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, the legislative measures that are now being considered include three main areas.

Firstly, the proposed improvements to the Mental Health Ordinance. This is an area where consideration is being given as to whether or not separate definitions should be worked out for the terms "mental handicap" and the "guardianship scheme".

The second area is the need for anti-discrimination legislation for the promotion of the rights of disabled persons. We hope to arrive at an early decision next year.

The third area concerns mentally handicapped persons giving evidence in court. As Members are aware, a working party has been set up to examine the ways and means by which mentally handicapped persons giving evidence in court may be assisted in order to minimize any trauma they may suffer. And the Health and Welfare Branch and the Social Welfare Department are represented on this working party which is chaired by Mr Justice Michael WONG.

MR FREDERICK FUNG (in Cantonese): *Mr President, according to the Secretary's reply, previously the procedures for publication of Green Paper and White Paper are consultation first, to be followed by policy formulation and finally implementation. But now the order is consultation first, followed by implementation and then public announcement of policies. In this way, the process may be prolonged. Moreover, this also raises doubts as to whether the targets for implementation are the same as or similar to those that we envisage will be laid down in the White Paper as policy objectives? Does the change in the process of consultation imply that the Administration has turned the White Paper which is a commitment of policy objectives into a work report?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, as I indicated in my earlier reply, there is basically no material difference between the publication of the Green Paper and, following that, the publication of the White Paper. The White Paper is a paper to set out the overall policy on rehabilitation. This is a very complex and very wide ranging subject and is being considered also by the RDCC. So we intend to seek the views of the RDCC and later on publish a policy paper.

DR HUANG CHEN-YA (in Cantonese): *Mr President, at present, it is difficult for the disabled to find jobs. Even if they can, usually they are employed to do trivial tasks rather than jobs that they are qualified to do. Can the Secretary inform this Council with whom the Administration has reviewed the issues of employment opportunities and training of disabled persons as contained in the White Paper, and what new proposals and resources will be recommended?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, the Employment Subcommittee of the RDCC, under the chairmanship of the Honourable Vincent CHENG, is currently actively looking into possible ways to promote different modes of employment for people with disabilities. And in the process of consultation this subcommittee will also take into account the views and opinions of the employers and those of the disabled persons. Members may

care to note that the Governor will chair a summit meeting with representatives of disabled groups and employers to see how best to promote employment opportunities for disabled persons.

Scientifically assisted human reproduction

4. DR LEONG CHE-HUNG asked: *In relation to the public consultation on the final Report of the Committee on Scientifically Assisted Human Reproduction, will the Administration inform this Council:*

- (a) what publicity and promotional activities has the Administration launched to encourage response of the public and concerned bodies to the consultation;*
- (b) how many submissions have been received so far and whether a brief summary of the views stated therein could be provided;*
- (c) what is the Government's time table for implementing the Committee's recommendations; and finally*
- (d) in the meantime, how does the Administration ensure sufficient monitoring over those organizations now conducting scientifically assisted human reproduction and related activities?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, I thank Dr LEONG, the Chairman of the Committee on Scientifically Assisted Human Reproduction (SAHR), for providing me with an opportunity to inform this Council of the present position regarding the report which his committee submitted to the Government in 1992.

SAHR procedures assist human conception by artificial means with one or more of the following features:

- (a) use of human gametes (that is, sperm or egg) of a third party;
- (b) fertilization of embryos outside the body, with a woman becoming pregnant without sexual intercourse; and
- (c) surrogacy whereby one woman (the surrogate mother) carries a child for another.

The Committee on SAHR's report formed part of a consultation paper which I tabled in this Council on 31 March this year. It was published for public consultation the same day, accompanied by a press release. In response to press enquiries, officers of the Health and Welfare Branch gave follow-up interviews.

Copies of the consultation paper were sent to all district offices for collection by members of the public, to district boards, professional bodies, interest groups and individuals who had responded to the committee's interim report, inviting their response. Officers of the Health and Welfare Branch attended a meeting of the Yau Tsim District Board and the Social Welfare Advisory Committee, at which the subject was discussed. The opportunity was also taken to explain the complexity of the issues involved at a recent public forum.

A total of 30 written responses were received on the consultation paper, the last arriving on 27 November 1993. I discussed the subject with a visiting Canadian expert last month and will be meeting the visiting President of the British Human Fertilization and Embryology Authority tomorrow.

The submissions received were mainly from medical, social, religious and academic organizations and individuals, with little indication of interest from the general public. While a few respondents favoured total prohibition of SAHR, the general tenor of responses was that SAHR should be allowed but be subject to regulation. The diversity of views makes it clear that SAHR is a subject with serious social, ethical, moral and legal implications, where decisions taken by the Government must fully reflect and take into account a wide range of community opinion.

I shall shortly be submitting a summary of the views received to the Executive Council and seeking its advice on policy proposals. Subject to the advice of the Executive Council, it is my intention to announce the proposals and provide a summary of the views received to this Council. If accepted by the Executive Council, a start could be made on introducing the proposals in 1994-95, subject of course to the availability of the necessary resources and the passage through this Council of any necessary legislation.

Until then, SAHR is — and remains — a medical procedure. It may only be provided by a registered medical practitioner, who is subject to the provisions of the Medical Registration Ordinance and who must operate within the professional ethical guidelines laid down by the Medical Council of Hong Kong. The council is entrusted by law to uphold the professional standard of all registered doctors and to act on any complaints touching on matters of unprofessional conduct.

It is the responsibility of each doctor to explain to the patient in his care about the treatment proposed, its cost, efficacy and possible consequences. It is then for the patient to make an informed choice whether or not to proceed. Should any member of the public wish to make a complaint against a medical practitioner for the SAHR treatment received, he or she has recourse to complain to the Medical Council.

DR LEONG CHE-HUNG: *Mr President, in the last paragraph of his main reply, the Secretary said that the public can complain about the doctor performing SAHR to the Medical Council. In the event that an organization doing SAHR is not registered under a registered medical practitioner, what are the channels of recourse open to an aggrieved member of the public? And would the Secretary agree that a central monitoring body for SAHR is imminently called for, given the fact that many methods of SAHR are being now practised in Hong Kong?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, on the first part of the question, may I assure Dr LEONG that SAHR procedures are now being carried out by well renowned bodies, that is to say, the two medical faculties of the University of Hong Kong and the Chinese University of Hong Kong and the medical units of the Hong Kong Family Planning Association. They have their own ethical rules which they meticulously observe and, as far as I am aware, no complications arising from this procedure have come to our notice.

On the second part of the question, the setting up of a body is recommended in the committee's report on SAHR and this is one of the areas where I will be seeking the views of the Executive Council.

DR LEONG CHE-HUNG: *Mr President, may I ask another question?*

PRESIDENT: Well, Dr Conrad LAM first.

DR CONRAD LAM (in Cantonese): *Mr President, the response of the community towards Scientifically Assisted Human Reproduction is that most are in favour of monitoring by the Government. Recently, certain organizations and individuals are helping their clients to select the gender of their babies through scientific means. What is the Government's attitude towards them and how far monitoring is done?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, gender selection, as I have mentioned in my main reply, is and remains a medical procedure. So it will be within the remit of the Medical Council, and any person carrying out this procedure must be a registered medical practitioner registered with the Medical Council and subject to professional discipline and standards as enshrined in the Medical Registration Ordinance.

MR MICHAEL HO (in Cantonese): *Mr President, may I refer to the second last paragraph of the reply in which it says that SAHR must operate within the professional ethical guidelines laid down by the Medical Council of Hong Kong. As this is a very wide ranging issue and has social, moral, ethical and Religious*

implications, will the Administration consider having such guidelines formulated by widely representative bodies or committees comprising sociologists, ethical experts or people from the religious sector, or will such guidelines be formulated by the Hong Kong Medical Council alone?

SECRETARY FOR HEALTH AND WELFARE: Mr President, Mr HO's question contains two parts. First, with regard to the standard of medical practitioners, under the Medical Registration Ordinance the Medical Council is empowered to monitor the standard of registered medical practitioners.

Secondly, on gender selection, there are two aspects to it. One relates to the medical implications and the other relates to the social implications. Medically, it is an acceptable procedure, for instance, in cases where there is a risk of the mother having a baby boy suffering from sex linked disorder. But the social implications are very wide ranging. So, as I said, there are legal and ethical implications and therefore this is a matter where the Administration would like to have views from all sectors.

PRESIDENT: Not answered, Mr HO?

MR MICHAEL HO (in Cantonese): *Mr President, my question has not been answered. What I have asked is very clear, that is, will a committee comprising for example sociologists as well as people from the religious sector as I have mentioned be set up? But the reply given is that the Administration would like to have views from all sectors. Does this imply that there will be a committee comprising people from all walks of life and different professional disciplines? Will the Administration elaborate on this?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, the question really is not whether the composition of the committee or body should include people from different walks of life and different professional disciplines. The question is whether or not the Administration will accept the setting up of such a body and this is an area where I intend to seek the view and advice of the Executive Council, the result of which will be made known to the Legislative Council. And with regard to the composition of the body, this will be considered after the need for such a body is established.

DR TANG SIU-TONG (in Cantonese): *Mr President, in view of the rising demand for artificial fertilization service and that the average waiting time for such a service exceeds one year, does the Administration have any plans in hand to assist?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, I am sure Dr TANG knows very well SAHR is a medical procedure for treatment of people suffering from infertility. So it will be up to the attending doctor to decide what appropriate treatment is necessary for the individual patient. And at the same time there is also service available from private practitioners.

Stolen Hong Kong boats in Chinese waters

5. MR SIMON IP asked: *The Hong Kong police recently reported sightings in Chinese territorial waters of boats stolen from various locations in Hong Kong. Will the Government inform this Council as to:*

- (a) the number of stolen (or suspected stolen) boats actually seen in Chinese waters;*
- (b) the estimated value of these boats;*
- (c) whether any have as yet been recovered by the Hong Kong Government; and*
- (d) what measures are currently underway to recover the stolen boats and to prevent further occurrence of this sort?*

SECRETARY FOR SECURITY: Mr President, the police have received nine reports of pleasure boats being stolen in Hong Kong in 1993. The estimated combined value of these boats is \$24.7 million.

Six boats, resembling the stolen boats, were subsequently reported seen in Chinese waters. The Chinese authorities and other authorities in the Asian Pacific region have been notified of the thefts and the reported sightings through Interpol. The Chinese authorities have been asked to investigate the sightings and to help locate the stolen boats. They have recently confirmed that they have seized five of the boats. The police are now seeking to make arrangements for the early return of these boats to Hong Kong.

The Crime Prevention Bureau of the police force has given advice to boat clubs, and other interested parties, on how to improve the security of luxury boats, through for example the use of immobilization devices and locks and alarms when the boat is not in use.

MR SIMON IP: *Mr President, can the Secretary for Security tell us what has happened to the remaining boats sighted in Chinese waters but not seized by the Chinese authorities? And do the police have any idea where the other three stolen boats are or might be?*

SECRETARY FOR SECURITY: Mr President, I do not know and we do not know.

MRS MIRIAM LAU (in Cantonese): *Mr President, there had been co-operation between the police and their Chinese counterpart in combating car theft activities. Will the Secretary inform this Council if the same channels will be pursued in combating boat theft activities?*

SECRETARY FOR SECURITY: Mr President, the police use the same channels, and I believe that co-operation in respect of these stolen boats has also been good. The fact that they have been, or some of them have now been, located in China is, I think, clear evidence of good co-operation.

MR ALBERT CHAN (in Cantonese): *Mr President, the disappearance of the pleasure boats had received wide media coverage and it has been quite some time since the boats were stolen. Why does it take so long for the Government to get confirmation from the Chinese authorities that arrangement will be made for the return of the five vessels?*

SECRETARY FOR SECURITY: Mr President, the boats were stolen at various times during this year, but most were stolen in April to June this year. The sightings, I think, in Chinese waters were not reported until some time late in October. So I do not think it has taken an inordinate length of time for these sightings to be investigated and then to result in the seizure of the five boats.

REV FUNG CHI-WOOD (in Cantonese): *Mr President, car theft activities were rampant some time ago and now even pleasure boats are stolen. Is there any evidence indicating that crime syndicates have improved their capabilities in the commission of crimes? Moreover, do the police have any idea which mode of transport will be their next target?*

PRESIDENT: I think you had better identify which part of the Secretary's answer you want elucidated, Rev FUNG. It seems a very wide ranging supplementary.

REV FUNG CHI-WOOD (in Cantonese): *Mr President, my point is that crime syndicates now set sight on pleasure boats because they are of higher value. Does this indicate that these syndicates have improved their capabilities in the commission of crimes? Since the police may take some preventive actions, do they have any idea what will be the next target of these syndicates?*

PRESIDENT: Are you able to answer that question, Secretary, meaningfully? *(Laughter)*

SECRETARY FOR SECURITY: I shall try and provide some comments on it, Mr President. I think it is not really appropriate to try to compare the theft of nine boats in 1993 with the theft of thousands of cars which we have seen in recent years. They are of a very different order. There is also at this stage no evidence to indicate that the same syndicates are involved. The police are still investigating these thefts and it is too early to speculate on who is responsible for them.

MR JAMES TIEN: *Mr President, may I ask the Secretary whether the nine pleasure boats reported stolen were mainly stolen from private clubs or from government moorings?*

SECRETARY FOR SECURITY: Mr President, I do not know what sort of moorings they were on. Three were stolen from the Causeway Bay typhoon shelter and six from the Aberdeen typhoon shelter.

MRS SELINA CHOW (in Cantonese): *Mr President, will the Secretary inform this Council if the stolen vessels sighted in Chinese waters or those which have now been seized had been used for "smuggling" or "drug-trafficking" purposes?*

PRESIDENT: Do you have the answer, Secretary?

SECRETARY FOR SECURITY: Mr President, as regards the six boats which were allegedly seen in Chinese waters — though reports of those sightings were made by members of the public in October and I think that they were all seen at an island to the southwest of Macau — I do not have any further information on them nor, I believe, is there any information that they have, either before or after they were stolen, been used in the commission of crimes.

MR JIMMY MCGREGOR: *Mr President, from the information given it would appear to me that there seems a likelihood of a syndicate type of operation. Does the Secretary have any information on whether individuals have been arrested by the Chinese police and charged?*

SECRETARY FOR SECURITY: Mr President, I would certainly agree that the theft of these nine boats indicates some degree of planning and organization. So there could possibly be a syndicate involved in these thefts. My understanding is

that the Chinese authorities are now trying to find out who is responsible for these thefts, who has had these boats in China, and are trying to bring prosecutions against the offender. But it is a matter on which the police are still liaising with the Chinese authorities.

MR JAMES TO (in Cantonese): *Mr President, I have a follow-up to Mr McGREGOR's supplementary. Will the Secretary ask the Chinese authorities to provide information on these car and boat thefts, for example, to confirm whether the Chinese side is aware of any organized car or boat theft activities by syndicates or criminals on the mainland; and given the co-operation between China and Hong Kong in this respect, what measures has China taken to assist us?*

SECRETARY FOR SECURITY: Mr President, as I have said in answer to previous questions, there is, I believe, good co-operation between the Hong Kong and Chinese authorities and certainly the aim of that co-operation is to try to bring to justice those who have stolen these boats. But at the moment I do not have any information on that. I do not think that investigations have been concluded or any persons have been arrested.

MR SIMON IP: *Mr President, can the Secretary for Security tell us whether any difficulties have been encountered in getting these boats back and, if not, when he anticipates having them back?*

SECRETARY FOR SECURITY: Mr President, no, I do not believe so although the police were only informed, I think, a few days ago that the boats had been traced. They will now be liaising with the authorities in China for the return of the boats. But I should say that it is possible that the Chinese authorities will wish to retain the boats for some time pending the completion of their own investigation of the thefts and the persons responsible.

Tertiary education development

6. MR TIK CHI-YUEN asked (in Cantonese): *The Government has not conducted any public consultations on tertiary education since the publication of the White Paper on the Development of Senior Secondary and Tertiary Education and the report by a visiting panel in 1978 and 1982 respectively; nor did the Governor's policy address this year indicate the way forward for further development of tertiary education. Will the Government inform this Council of the following:*

- (a) *the specific policies and targets for further development of tertiary education, especially the development planning for the period 1994-1997; and the factors to be taken into consideration in setting the targets;*
- (b) *whether the public will be consulted in setting the targets and the means by which public views will be consulted;*
- (c) *when and on what criteria the target number of places will be set for various subsidized tertiary institutions for the next three years; and*
- (d) *the corresponding measures adopted in respect of basic and sixth form education in line with the direction of developing tertiary education?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr President, the planning cycle for the UPGC-funded institutions operates on a triennial basis. The current triennium covers development up to the academic year 1994-95. The next triennium will cover the period 1995-98. The University and Polytechnic Grants Committee (UPGC) submitted to the Government earlier this year an interim report on the development of higher education, including the indicative student number targets for the 1995-98 triennium. In recommending the overall indicative student number targets and the allocation of these targets among UPGC-funded institutions, the UPGC took into account the following factors:

- (a) the Government's policy target of providing first-year first-degree places for at least 18% of the relevant age group;
- (b) natural growth in student numbers as a result of the expansion of higher education in the 1992-95 triennium;
- (c) the projected manpower requirements for Hong Kong in the next decade;
- (d) the need to upgrade the quality of manpower in order to maintain Hong Kong's economic competitiveness; and
- (e) factors affecting individual institutions, including their roles and missions, academic profiles, and the stage of development of the institutions.

Following the massive expansion of higher education between 1991 and 1995, the UPGC envisages that the 1995-98 triennium should be a period of consolidation. The intake of first-year-first-degree places is therefore likely to remain stable, while marginal increases may be made to the number of

postgraduates. The UPGC's recommended indicative student number targets have since been approved by the Government for broad planning purposes. They have been communicated to the UPGC-funded institutions to enable them to formulate academic development proposals for the 1995-98 triennium.

The UPGC is currently in discussion with the institutions about their academic development proposals. Recommendations for recurrent grants to be allocated to the institutions will be submitted by the UPGC to the Government in late 1994. These will then be referred to the Finance Committee of this Council for consideration, in time for implementation in the 1995-98 triennium.

The Administration is in dialogue with the UPGC on a range of issues concerning the future development of higher education. Among the issues under consideration is the manner in which consultation may be undertaken on this important subject.

As regards the corresponding measures adopted in respect of basic and sixth form education, the Administration has already achieved the policy target of providing sixth form places for one third of the Secondary IV cohort. We have also made sure that these places are filled in the most effective manner. Tertiary education will also benefit from the series of qualitative improvements introduced in schools following successive Reports by the Education Commission.

MR TIK CHI-YUEN (in Cantonese): *Mr President, as tertiary education keeps on expanding in recent years, does the Administration have any means or mechanism to ensure the quality of tertiary education and its cost effectiveness?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr President, the UPGC attaches great importance to both quality and cost effectiveness. Quality assurance is the primary concern of tertiary institutions. The UPGC has been conducting regular reviews with tertiary institutions on the academic standards required in respect of certain disciplines or faculties. The UPGC is also prepared to have, on a regular basis, an overall qualitative assessment in future. It will hold further discussions with tertiary institutions on how qualitative assessment of UPGC-funded institutions can be carried out. The matter is still under discussion.

As regards cost effectiveness, the UPGC also recognizes that cost effectiveness of tertiary institutions need to be enhanced through monitoring of funds. The UPGC is now actively looking at a new set of funding methodology which will look more closely into funding in relation to performance. We are going to have more information on this, pending the completion of UPGC's study in due course.

MR STEVEN POON (in Cantonese): *Mr President, first of all, I have to declare interest as a member of the Council of the Hong Kong University of Science and Technology. May I refer to the Administration's reply in which it says that the University and Polytechnic Grants Committee submitted to the Government earlier this year an interim report on the development of higher education. The difference between university students now and those 20 years ago is that the former generally come from families living in housing estates and half of the students even do not have a room or a desk at home. Can the Administration inform this Council if the UPGC's report has recommended or that the Administration has considered raising the ratio of boarding places from the existing 30% to 50% or higher?*

PRESIDENT: Are you able to answer that, Secretary?

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr President, the interim report of the UPGC did not deal specifically with the question of ancillary facilities. As regards increasing the ratio of boarding places of tertiary institutions, the Administration will look at the circumstances of each tertiary institution and consider it on a case-by-case basis. The Ningnan College for example is planning to build a new campus in Tuen Mun and it will be given a higher boarding places ratio to meet the needs of those students who otherwise have to travel a long way to school.

MR CHEUNG MAN-KWONG (in Cantonese): *Mr President, recently there has been an over-admission of students in the seven UPGC-funded institutions. Can the Secretary inform this Council why there is an over-admission of students? How can they convince the public that over-admission will not affect the quality of education?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr President, there were indeed some teething problems at the early stages of joint admission arising perhaps from the unfamiliarity with the operation of the system. However, according to the preliminary figures for this year, over-admission is only slightly over 2%. We consider it satisfactory and there is no cause for concern. As for quality, I am not sure whether the "quality" Mr CHEUNG referred to has anything to do with the "funding" of the UPGC, the size of which is based on the approved student number target of each institution, and funding will not be increased even if more students are admitted.

MR CHEUNG MAN-KWONG: *Mr President, I want to have a follow-up question.*

PRESIDENT: No, we have got to move on.

MR SIMON IP: *Mr President, the answer says that the postgraduate enrolment will marginally increase. Given that Hong Kong will need in the next few years some 2 000 new tertiary teachers, should we not be considering increasing the postgraduate enrolment substantially in order to produce doctorate holders in order to supply our tertiary institutions?*

SECRETARY FOR EDUCATION AND MANPOWER: Mr President, we are still in discussion with the UPGC about the exact amount of increase for postgraduate enrolment in the 1995-98 triennium. We shall take into account a whole range of factors including the need to strengthen training for teachers and demands of various sectors. So we are still in the discussion mode and will be happy to listen to suggestions and views.

Written answers to questions

Design of school chairs and desks

7. MR Timothy HA asked (in Chinese): *According to a recent study conducted among students in the United Kingdom, defects in the design of chairs and desks used in classrooms have been the cause of back pain of many students. As indicated by the same study, 70% of the English students in the age group between six and 11 are using school chairs and desks which are not suitable for their stature.*

Will the Government inform this Council:

- (a) what procedures are being adopted in contracting out the supply of chairs and desks or procuring such furniture items for use of students in government and aided schools;*
- (b) whether the chairs and desks currently provided for students in government and aided schools were designed by specialists; if so, what kind of specialist was enlisted for their design; if not, why is specialist advice not sought; and*
- (c) whether the Education Department has paid attention to the suitability of the designs of chairs and desks in government and aided schools for use by students; if not, whether the Education Department will conduct a similar study to ensure that the students' health is well taken care of?*

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

- (a) Chairs and desks for use in the government schools are purchased through the Government Supplies Department, which conducts an annual tendering exercise. The successful tenderer is awarded a one-year contract. Schools then place orders for the furniture they require with the contractor.

Aided schools purchase their own furniture through their own tendering procedure. The expenses incurred are reimbursed by the Education Department. The schools' requirements and the tendering exercise are subject to vetting by the department.

- (b) Chairs and desks in use in government and aided schools follow a standard design for four different age groups. It is based on the recommendations of the 1986 "Working Party on Standardization of Student Desks and Chairs for Local School Children". The Working Party comprised lecturers from the Department of Architecture and the Department of Industrial Engineering of the University of Hong Kong, school heads and staff of the Education Department. One of the lecturers was a specialist in ergonomics. The Director of Health was also consulted on the recommendations of the Working Party.
- (c) The Education Department is very much aware of the need to have suitably designed chairs and desks for use by school children. That is the reason why their design was based on the recommendation of the multi-discipline working group.

Multi-Fibre Arrangement

8. DR DAVID LI asked: *Will the Government inform this Council what actions have been or will be taken to secure an extension of the Multi-Fibre Arrangement which will expire at the end of this year?*

SECRETARY FOR TRADE AND INDUSTRY: Mr President, as the Honourable Member has pointed out, the Multi-Fibre Arrangement (MFA) will expire at the end of this year. Under the textiles and clothing agreement being negotiated in the Uruguay Round of multilateral trade talks, restrictions maintained under the MFA will be phased out during a proposed 10-year transitional period. Delays in completing the Uruguay Round mean that, even if the round is completed by the deadline of 15 December this year, it will not be possible to implement the results until 1 January 1995 at the earliest. It is, therefore, necessary to extend the MFA, if only to bridge the one-year gap

between the expiry of the MFA and the start of the proposed phase-out period under a possible Uruguay Round agreement.

We have foreseen this situation for some time and consulted the Textiles Advisory Board in May this year on negotiating instructions for an extension of the MFA. We have been working since then with the representatives of other textiles exporting economies in Geneva to co-ordinate a common position for the purpose of entering into negotiations with the importing countries on the extension of the MFA. Unfortunately, despite the initiatives taken by Hong Kong, many of the other parties concerned had been reluctant to enter into such negotiations before they had a clearer idea of the prospects for the successful conclusion of the Uruguay Round by the deadline of 15 December.

Such negotiations have recently begun in earnest at last. There is no reason to believe that an agreement to renew or extend the MFA will be reached before it expires at the end of 1993. In the unlikely event that negotiations should extend beyond that date, Hong Kong's position will be protected by the bilateral textiles agreements covering our main markets, all of which are valid until at least 31 December 1994.

Funding of subvented agencies

9. MR ROGER LUK asked: *Will the Administration inform this Council whether there is any policy to encourage subvented agencies to become less dependent on government subvention as their principal source of finance?*

SECRETARY FOR THE TREASURY: Mr President, there are two main alternatives to government subvention: fees and private donations.

Fees

In general, it is the Government's policy to require subvented agencies to meet part of their expenditure from fees. But our ability to require or encourage agencies to generate more income from this source depends on the nature of the service involved. If an agency is providing an essential social service, there will be little or no scope for raising revenue from the users of the service. For example, in the case of schools, it is the Government's policy to provide nine years of compulsory and free education; so there is no question of charging fees until a student reaches Form IV. As for health, the Government recently issued a consultation paper on the funding of hospital services. One of the options in the paper is the "percentage subsidy approach" whereby fees would be set at a certain percentage of operating costs. The Secretary for Health and Welfare is now considering the public response to the paper. The scope for increasing fee income in the social welfare field is severely limited because the main users of these services tend to be on low incomes.

Nonetheless, there are opportunities for agencies to raise more revenue themselves and to reduce their dependence on government subvention. The greatest opportunities exist in areas where agencies are providing services of a quasi-commercial nature. For example, the Hong Kong Productivity Council receives about half of its income from sources other than government subvention. Even in the social services field, there are areas where the Government expects agencies to raise a certain level of income from fees, with government subvention meeting the difference between the fee income and the recognized cost of the service. Examples include tertiary education and residential services for the elderly. If an agency manages to raise more than the assumed level of income, it can keep the excess without suffering any reduction in its subvention.

When the Hospital Authority is established, it is encouraged to maximize its own income. Whilst the income from fees payable before the setting-up of the Authority is deducted from its annual grant, revenue from new fees or other sources of income, such as the hiring of equipment or advertisements, will not be treated in the same way.

Private donations

Through their contacts with agencies, government officials do urge them to raise as much money as possible from private donations. This is particularly so for capital projects for which agencies are expected to make a significant contribution. For example, agencies have traditionally been required to contribute some 20% towards the cost of hospital projects and to meet the cost of furniture and equipment in schools.

Civil servants' job-related allowances

10. MR CHEUNG MAN-KWONG asked (in Chinese): *Will the Government inform this Council:*

- (a) *of the various types of job-related allowance applicable to a civil servant, the eligibility criteria and rates payable respectively for each type of allowance;*
- (b) *whether the Government will undertake reviews of existing allowances such as home-to-office mileage allowance to ensure that they are still required and appropriate in the light of changing circumstances; and*
- (c) *of the procedures for considering applications for changes to existing job-related allowances and new allowances and whether staff associations and this Council would be consulted beforehand?*

SECRETARY FOR THE CIVIL SERVICE: Mr President,

(A) Job-related allowances are used to compensate staff for aspects of work not normally expected of their rank and not reflected in their pay scale. The general principles governing the eligibility for job-related allowances, endorsed by the Standing Commission on Civil Service Salaries and Conditions of Service, are as follows:

- (a) With few exceptions, eligibility should be determined by reference to a cut-off maximum pay point at MPS 33. Members of the administrative and professional grades are not eligible.
- (b) Allowances should not be paid to officers unless extra or unusual duties are performed on a regular basis and these take up a substantial part of their time.
- (c) The requirement to perform the extra or unusual duties is not normally inherent in the work, nor reflected in the pay scale of the officer's rank.
- (d) Allowances will be granted where only a proportion of the staff in a rank (less than 75%) are engaged in such duties or where such duties are of a temporary nature. Where more than 75% of the staff in a rank are engaged in such duties, consideration will be given to incorporating the allowance into the pay scale of the rank.

Depending on the nature of duties, job-related allowances are classified into four broad categories:

(a) Extraneous Duties Allowance (EDA)

Extraneous Duties Allowances are to compensate staff who are regularly required to perform duties outside the scope of those normally performed by members of their rank or grade. There are mainly two types of extraneous duties allowance:

- (i) EDA (Supplementary Duties) — this is paid broadly in two levels to recompense performance of supplementary duties requiring different levels of special skill, for example, nurses operating electro-encephalograph machines and court interpreters speaking a special dialect.

The current monthly rates are \$369 (level 1) and \$492 (level 2).

- (ii) EDA (Responsibility) — this is to recompense additional and higher responsibilities for which the payment of salaries or other forms of allowances may not be appropriate, for example, Assistant Masters performing headship duties in primary schools and clinical psychologists performing duties in a prison setting.

The rates of existing payments range from \$33 per shift to three increments above the substantive salary.

(b) Hardship Allowance (HA)

Hardship Allowances are paid to compensate for duties which involve physical risks, health hazards or working environments which are particularly obnoxious or unpleasant in nature. There are three types of hardship allowances:

- (i) Obnoxious Duties Allowance — this is to recompense obnoxious duties which involve direct, physical contact with obnoxious and filthy matter, for example, operational staff working in sewage treatment plants, incinerators, refuse collection points or workmen working in mortuary, cemetery or crematorium.

The current rate is \$445 per month.

- (ii) Dangerous Duties Allowance — this is to recompense dangerous duties whereby the presence of danger or hazard in the work location/situation is unavoidable, despite any precautionary measures that may have been taken, for example, staff working on road surfaces in the midst of heavy traffic or officers working at considerable heights.

The current rate is \$544 per month.

- (iii) HA (Management Considerations) — this is to recompense duties or working environments of a particularly unpleasant nature which do not fit into the dangerous or obnoxious category, for

example, civilian staff working in penal/correctional institutions and clerical staff performing cash delivery duties in the Mobile Payment Team of the Social Welfare Department.

The current rate ranges from \$6.5 per day to \$544 per month.

- (c) Shift Duty Allowance (SDA) — this is to compensate staff for the inconvenience of having to work irregular hours or shifts without the provision of operational quarters, for example USD/RSD staff deployed in cleansing duties.

The current rates are:

- \$298 per month for a minimum of 25 irregular hours worked per month;
- \$591 per month for 50 or more irregular hours worked per month.

- (d) Special Allowance — this is to cover exceptional circumstances for which the payment of other job-related allowances is inappropriate, for example, teaching and instructional staff engaged in special education.

The rates of existing payments range from \$59 per day to two increments above the substantive salary.

- (B) Job-related allowances are administered by Heads of Department who are directly responsible for ensuring that continual payment is justified at all times in accordance with the criteria laid down when approval was first given. As a matter of policy, regular reviews, at intervals of no more than two years, are required to be carried out to confirm that an allowance is still justified. Notwithstanding this, where there are changes in operational requirements or other circumstances which render the original justifications invalid, the allowance will forthwith cease to be paid.

Civil Service Branch also undertakes periodic reviews of service-wide allowances. For example, in 1992, Extraneous Duty Allowance (Supplementary Duties) for typists operating word processors was withdrawn because, over the years, word processors

had become standard office equipment facilitating typing duties rather than requiring special skills to operate.

Home-to-office mileage allowance is payable to officers who are authorized to use their own cars for regular official duties outside their office and in the New Territories. The provision obviates the need to use government transport for such journeys. The allowance is payable after deducting a notional home-to-office travelling cost based on an average public transport cost which is updated annually. The existing formula for calculating the allowance was approved by the Finance Committee.

- (C) Any changes to the payment criteria or the basis for determining the rates of existing categories of allowances will require the approval of Civil Service Branch and Finance Branch. Where major changes are involved, the advice of the Standing Commission on Civil Service Salaries and Conditions of Service is also sought. If the original payment criteria or the basis for determining the rates were approved by the Finance Committee (FC), or if the financial implications of any changes exceed the delegated authority of the Secretary for the Treasury, such proposals will also be referred to FC for approval.

Within existing payment criteria, Heads of Department may approve new cases of Extraneous Duties Allowance (Supplementary Duties), Hardship Allowance (Dangerous Duties), Hardship Allowance (Obnoxious Duties) and Shift Duty Allowance. The Secretary for the Civil Service will, upon advice from the Standing Commission, where appropriate, and in consultation with the Finance Branch, approve new cases of Hardship Allowance (Management Consideration), Extraneous Duties Allowance (Responsibility) and any other special allowances.

The Standing Commission's advice and the approval of FC are required for the introduction of any new category of job-related allowances. Staff are usually consulted on any changes to existing allowances which directly affect them.

Structural examination of buildings in northwestern New Territories and Lantau

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

- (a) *whether structural examination of the buildings in northwestern New Territories and Lantau Island has been carried out after the flooding caused by the torrential rain in early November;*

- (b) *of the results of the examination and the follow-up actions to be taken; and*
- (c) *if such examination has not been carried out, what the reasons are?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, owners who are concerned about the safety of their buildings after flooding or heavy rain should normally seek professional advice. Where there is more immediate concern, a report should be made to the Dangerous Buildings Section of the Buildings Department.

Following the heavy rain in early November 1993, 40 structures were inspected by the Buildings Department after reports of possible danger were received. Fourteen structures were closed or vacated. Follow-up action to ensure the structures are safe is being taken by the Buildings Department where they are on private land. Where structures are on government land, the Lands Department will arrange evacuation and demolition as required. When structures are closed, temporary shelter is arranged by the City and New Territories Administration.

Airport taxi service

12. MR HOWARD YOUNG asked: *Will the Government inform this Council whether there has been any improvement, in terms of taxi throughput and passengers' waiting time, to the taxi service for passengers arriving at the airport, since the airport bus stop was relocated away from the taxi stand a few months ago?*

SECRETARY FOR TRANSPORT: Mr President, to improve public transport facilities for airport passengers, the airport bus terminus was relocated and the area of the two airport taxi stands extended in October 1992.

Since these rearrangements, the Transport Department has conducted several surveys to monitor the effect on taxi throughput and passengers' waiting time. The results have been encouraging as borne out by the latest survey last weekend and which are broadly consistent with and confirm earlier findings:

- (a) the averaged hourly taxi throughput during peak periods has increased from 410 to 450, representing a 10% improvement; and

- (b) the average waiting time for a taxi has reduced from 6.7 minutes before the extension was put in place to 5.2 minutes now or by 22%.

An overall improvement in taxi services at the airport has therefore been achieved.

ICAC's new employment checking unit

13. MR HENRY TANG asked: *On the proposal to set up a new unit in the Independent Commission Against Corruption for employment checking of officers filling specified government posts, will the Government inform this Council:*

- (a) *in what way will the vetting be different from that currently carried out by the Special Branch;*
- (b) *what other aspects will be covered apart from checking for possible corruption;*
- (c) *what forms will the investigation take apart from record checking; and*
- (d) *what are the posts which will be subject to such vetting?*

SECRETARY FOR SECURITY: Mr President,

- (a) The difference is administrative in nature. For a small number of posts requiring a high degree of trust, the co-ordination of the record checks and interviews will in future be conducted by the ICAC. The nature of the checks will remain unchanged.
- (b) There will, as before, be checks for involvement in crime, corruption, and other activities which might cast doubt upon a civil servant's integrity.
- (c) The process will continue to require the verification of information provided by the civil servant by means of interviews with himself and with referees.
- (d) Such checks will be required of those occupying a limited number of posts of particular sensitivity or trust, at Deputy Secretary/Deputy Director level and above.

Transfer of security checks work from SB of the police to ICAC

14. MR JIMMY MCGREGOR asked: *Will the Government inform this Council of the specific reasons for transferring responsibility for security checks and reports on senior officers of the Government from the Special Branch of the police to the Independent Commission Against Corruption, in particular whether the transfer denotes any concern within the Government over the capability of the Special Branch to carry out such checks efficiently and with moral integrity, and whether the developing political situation of Hong Kong has made the transfer necessary?*

SECRETARY FOR SECURITY: Mr President, the reasons for transferring responsibility for these checks to the ICAC are:

- (a) to reflect their main purpose which is to verify the integrity of civil servants in posts requiring a high degree of trust; and
- (b) to reallocate an administrative function which the Special Branch will find increasingly difficult to perform as its staff is reduced in number.

The transfer of responsibility in no way denotes any concern within the Government over the efficiency and moral integrity of Special Branch, nor is it connected with the political situation in Hong Kong.

Contract with the Public Affairs Adviser

15. MISS EMILY LAU asked: *Regarding the Government's contract with the Public Affairs Adviser (PAA), will the Administration inform this Council:*

- (a) *when it will expire;*
- (b) *whether it will be renewed and what the new contract period will be; and*
- (c) *whether the renewal will have to be approved by the Finance Committee; if not, who is the approving authority?*

SECRETARY FOR HOME AFFAIRS: Mr President, the contract for the service of the Public Affairs Adviser will expire on 31 August 1994. We are not yet in a position to make a decision on whether the contract should be renewed. If the contract is to be renewed, any charge to public funds will be in accordance with the established authorities and limits for the incurrence of public expenditure.

Gateball courts

16. MR TAM YIU-CHUNG asked (in Chinese): *In view of the inadequate provision of sites for the playing of gateball which is a ball game very suitable for the elderly, will the Government inform this Council whether consideration will be given to promoting the game by providing more gateball courts especially in public housing estates; if so, what the specific plans are?*

SECRETARY FOR RECREATION AND CULTURE: Mr President, it is not true to say that there is inadequate provision of sites to play gateball.

Gateball can be played on any flat grassed area measuring 15 m by 20 m. There are at present three designated gateball courts, one each in Sha Tin, Yuen Long and Tuen Mun. In addition, grass pitches within sports grounds can also be used for gateball activities. There are 28 such grass pitches available, 15 in the Urban Council area and 13 in the Regional Council area. Altogether a total of 31 venues are therefore available for playing gateball.

Another 19 purpose-built gateball courts are either under construction or planning by the municipal councils. The Housing Department is also considering converting a site in the Kwong Fuk Estate in Tai Po into its first gateball court as part of the 1994-95 Improvement Programme. If other suitable sites can be identified within public housing estates, the Housing Department will consider constructing more gateball courts for residents.

To promote the game of gateball, the municipal councils have organized a total of 68 events including competitions and training courses, for over 6 000 participants in 1992-93.

Traffic accidents on Kwun Tong Bypass

17. MR FRED LI asked (in Chinese): *As traffic accidents frequently occurred on the Kwun Tong Bypass since its commissioning, and recently there was even a spate of serious traffic accidents, will the Government inform this Council of the following:*

- (a) *the number of traffic accidents which occurred on the bypass since its commissioning and the casualties involved;*
- (b) *whether these traffic accidents occurred mostly on or near the same locations;*
- (c) *the causes for such accidents; whether they are related to the design of the bypass; and the improvement measures in place to reduce the number of traffic accidents there?*

SECRETARY FOR TRANSPORT: Mr President, the Kwun Tong Bypass was opened in June 1991. As regards accidents on this expressway, details are as follows:

- (a) Up to the period ending October 1993, there have been a total of 211 traffic accidents resulting in 389 casualties including three fatalities.
- (b) There is no particular blackspot — the majority of accidents did not occur at or near the same locations but took place along the entire length of the road.
- (c) Police investigations indicate that the main causes of the accidents were excessive speed, drivers following too closely to the vehicle in front and careless lane changing. There is no evidence to suggest that the design of the road is a factor. Indeed the accident rate on this road is lower than the average for other expressways.

To help reduce the number of accidents, the police have mounted regular patrols and these have resulted in the detection of 2 300 offences since the beginning of 1992. In addition, the Transport Department is considering the erection of more warning signs to give advance notice of bends in the road and locations where traffic merges.

Entry visas for Taiwan students

18. MR FREDERICK FUNG asked (in Chinese): *Will the Government inform this Council whether entry visas would be issued to students from Taiwan who have been admitted by the tertiary institutions to pursue their studies in Hong Kong; if not, what the reasons are; and whether there are any other countries or territories from which students are subject to similar entry restrictions and what the reasons are?*

SECRETARY FOR SECURITY: Mr President, tertiary institutions are permitted to enrol non-local students at sub-degree, first degree and taught postgraduate levels up to a maximum of 2% over and above the approved student number targets.

Students from Taiwan and elsewhere admitted by the tertiary institutions under this policy may apply for visas to study here. A number have been admitted in the past.

Psychiatric service in public hospitals

19. MR MICHAEL HO asked (in Chinese): *As psychiatric service is not provided in many public hospitals, will the Government inform this Council:*

- (a) *whether psychiatric patients will be given treatment by psychiatrists when they approach the Accident and Emergency Department of public hospitals for treatment and how long the waiting time is;*
- (b) *on average, how long these patients have to wait at the Accident and Emergency Department before relevant legal documents are issued under the Mental Health Ordinance for their admission to mental hospitals; and*
- (c) *whether patients in hospitals without psychiatric service can be treated by psychiatrists from other hospitals whenever necessary, and how long they generally have to wait for such service?*

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

- (a) all patients attending the Accident and Emergency Departments of public hospitals will be treated by medical staff with professional training to handle a full range of emergencies, including psychiatric illnesses. Subject to triage, urgent cases will receive immediate treatment, while the average waiting time for other cases is less than 30 minutes;
- (b) patients who volunteer for admission to psychiatric hospitals from Accident and Emergency Departments do not have to wait. However, for those admitted under the Mental Health Ordinance, the actual waiting time would vary due to the need for compliance with relevant provisions for authorization by a medical doctor and a judge.
- (c) patients in general hospitals who suffer severe symptoms will be referred under the Mental Health Ordinance for treatment in psychiatric institutions. In practice, such referrals are made on the basis of clinical judgment and there is no waiting time for admission. With the introduction of networking, advice and consultation services on psychiatric cases are shared between public hospitals. The average waiting time of consultations for non-urgent cases is within three days.

Acceptance of new coins by LRT

20. MR WONG WAI-YIN asked (in Chinese): *Although almost a year has elapsed since the issue of new coins in Hong Kong, due to problems in resolving some contractual issues, one-third of the ticket machines of the Light Rail Transit (including all machines at the Tin Shui Wai line) still cannot accept the new coins for the selling of tickets, thus causing great inconvenience to the residents. Will the Government inform this Council whether it is aware of the contractual issues involved; if so, how and when the problem would be resolved; and what measures are in place to minimize the inconvenience caused to the residents before the ticket machines can be adjusted?*

SECRETARY FOR TRANSPORT: Mr President, there are 361 ticket vending machines (TVMs) on the Light Rail Transit System (LRT). Of this number, 215 TVMs were modified by March 1993 and can accept the new coins. The remaining 146 TVMs have been provided by a different supplier in response to a subsequent tender exercise to meet requirements along extensions to the system including the Tin Shui Wai extension. Regrettably, this latter batch of TVMs failed to meet the standards specified in the contract. This has resulted in a dispute with the supplier which, in turn, has complicated and delayed the modification of these TVMs to enable them to accept new coins. On the advice of the corporation's legal advisers, the release of further details of the dispute at this stage could undermine Kowloon-Canton Railway Corporation's (KCRC) claims for redress.

Despite the dispute, KCRC has been anxious to find a practical solution and has now managed to develop a modified mechanism which will accept the new coins. This is now being field-tested and subject to satisfactory results, the 146 TVMs will be adjusted by end of January 1994. The problem will then be solved.

Meanwhile, to minimize the inconvenience caused to passengers, the corporation has had some success in persuading more commuters to travel on multi-ride passes. According to KCRC, the number of LRT passengers using multi-ride passes has increased from 49% in April 1993 to 57% in November 1993.

Motions**EMPLOYEES' COMPENSATION ORDINANCE**

THE SECRETARY FOR EDUCATION AND MANPOWER moved the following motion:

That, with effect from 1 January 1994, the Employees' Compensation Ordinance be amended as follows—

- (a) in section 6 -
 - (i) in subsection (2), by repealing "\$183,000" and substituting "\$219,000"; and
 - (ii) in subsection (5), by repealing "\$10,000" and substituting "\$12,000";
- (b) in section 7(2), by repealing "\$207,000" and substituting "\$248,000";
- (c) in section 8(4), by repealing "\$248,000" and substituting "\$297,000";
- (d) in section 11(5), by repealing "\$1,450" where it twice occurs and substituting "\$2,250";
- (e) in section 16A(10) -
 - (i) in paragraph (a), by repealing "\$300" and substituting "\$350"; and
 - (ii) in paragraph (b), by repealing "\$600" and substituting "\$700";
- (f) in section 17A(1) -
 - (i) in paragraph (a), by repealing "\$300" and substituting "\$350"; and
 - (ii) in paragraph (b), by repealing "\$600" and substituting "\$700";
- (g) in section 36C, by repealing "\$20,000" and substituting "\$24,000";
- (h) in section 36J, by repealing "\$62,000" and substituting "\$74,000"; and
- (i) in paragraphs 1(b), 2(b) and 3 of the Third Schedule, by repealing "\$90" and substituting "\$120".

He said: Mr President, I move the first motion standing in my name on the Order Paper.

The purpose of this resolution is to revise the levels of compensation and certain compensation-related items under the Employees' Compensation Ordinance. It is our policy to review the levels of compensation every two years to take account of wage movements, inflation and other changes. Existing

levels of compensation have been in force since 1 January 1992 and are now due for revision.

Members may recall that the Employees' Compensation (Amendment) Ordinance 1993 passed by this Council on 21 July 1993 revised the maximum levels of compensation which will come into force on 1 January 1994. This resolution deals with the revision of the minimum levels of compensation and medical expenses.

We propose to increase the minimum levels of compensation for death from \$183,000 to \$219,000, and for permanent total incapacity from \$207,000 to \$248,000. The maximum amount of compensation for care and attention will also be revised from \$248,000 to \$297,000. This represents an increase of about 19.7% over the existing levels and is in line with the increase in nominal wages in the past two years.

We also propose to raise the ceiling of two other items of compensation. These include increasing the maximum amount of compensation for burial expenses from \$10,000 to \$12,000; and increasing the maximum payments by an employer towards the costs of supplying and fitting a prosthesis or a surgical appliance from \$20,000 to \$24,000, and for its repair and renewal from \$62,000 to \$74,000 respectively.

We also propose to raise the maximum daily reimbursement of medical expenses from \$90 to \$120. This proposal has taken into account the increase in fees charged by public hospitals and clinics since 1992.

We also propose to revise the amount that is deemed to be the minimum earnings per month for the purpose of calculating compensation from \$1,450 to \$2,250. The proposed increase serves to keep the deemed minimum earnings of an injured employee broadly in line with the existing rate of payment to a single person under the Comprehensive Social Security Assistance Scheme.

Finally, we propose that for late payment of compensation, the minimum amount of surcharge imposed upon expiry of the payment period be increased from \$300 to \$350, and the minimum additional surcharge imposed upon expiry of three months after the payment period be increased from \$600 to \$700.

These proposals have been endorsed by the Labour Advisory Board and I recommend them to this Council for approval. If approved, they will come into effect from 1 January 1994.

Mr President, I beg to move.

Question on the motion proposed, put and agreed to.

PNEUMOCONIOSIS (COMPENSATION) ORDINANCE

THE SECRETARY FOR EDUCATION AND MANPOWER moved the following motion:

That, with effect from 1 January 1994, the Pneumoconiosis (Compensation) Ordinance be amended as follows —

- (a) in Part VI of the First Schedule, by repealing "\$10,000" and substituting "\$12,000"; and
- (b) in paragraphs 1(b), 2(b) and 3 of Part I of the Second Schedule, by repealing "\$90" and substituting "\$120".

He said: Mr President, I move the second motion standing in my name on the Order Paper.

Members may recall that the Pneumoconiosis (Compensation) Ordinance was amended in July 1993 whereby a new compensation package for pneumoconiotics was introduced and the levels of compensation under the Ordinance have been improved.

The purpose of this resolution is to revise the rates of funeral and medical expenses payable under the Ordinance which are identical to those specified in the Employees' Compensation Ordinance. As the rates of such expenses under the Employees' Compensation Ordinance have just been raised by a resolution of this Council, I propose that similar revision be made under the Pneumoconiosis (Compensation) Ordinance. The new rates will also come into effect from 1 January 1994.

Mr President, I beg to move.

Question on the motion proposed, put and agreed to.

First Reading of Bills**CONSUMER GOODS SAFETY BILL****AIR POLLUTION CONTROL (AMENDMENT) (NO. 2) BILL 1993****PROTECTION OF WAGES ON INSOLVENCY (AMENDMENT)
(NO. 2) BILL 1993**

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

Second Reading of Bills

CONSUMER GOODS SAFETY BILL

THE SECRETARY FOR TRADE AND INDUSTRY moved the Second Reading of: "A Bill to impose a duty on manufacturers, importers and suppliers of certain consumer goods to ensure that the consumer goods they supply are safe and for incidental purposes."

SECRETARY FOR TRADE AND INDUSTRY: Mr President, I move that the Consumer Goods Safety Bill be read the Second time.

There are already a number of specific safety control schemes specially tailored for individual classes of consumer goods such as foodstuffs, gas appliances and pharmaceuticals. However, the supply of most consumer goods in Hong Kong is not subject to any statutory safety control.

In order to protect the public from unsafe consumer goods, the Bill seeks to impose a statutory duty on manufacturers, importers and suppliers of consumer goods to ensure that the goods they supply for consumption in Hong Kong are reasonably safe. The Bill will be enforced by the Commissioner of Customs and Excise, who will act on complaints and also conduct spot checks.

The Bill is based largely on the recommendations of a Working Group on Consumer Products Safety, which comprised government officials and representatives from the Consumer Council as well as relevant trade and industrial organizations.

The proposed scheme of control mainly follows that set out in the Toys and Children's Products Safety Ordinance, which came into effect in July this year. However, in recognition of the wide range of consumer goods available in Hong Kong and the fact that Hong Kong is a very small market for most manufacturers of consumer goods, the Working Group did not consider it practicable for Hong Kong to prescribe safety standards for each and every class of consumer goods available for local consumption. We decided therefore to follow the control regime in the United Kingdom Consumer Protection Act by introducing a general safety requirement. Under this requirement, manufacturers, importers and suppliers of consumer goods have a statutory duty to ensure that the goods they supply for local consumption are reasonably safe.

In this regard, clause 4 of the Bill provides guidelines to the court and suppliers of consumer goods for assessing compliance with the general safety requirement. These include:

first, the manner in which, and the purpose for which, the consumer goods are presented, promoted or marketed;

- second, the use of any mark in relation to the consumer goods and instructions or warnings given for the keeping, use or consumption of the consumer goods;
- third, reasonable safety standards published by a standards institute applying to a particular description of consumer goods; and
- fourth, the existence of any reasonable means to make the consumer goods safer.

In addition to general safety requirement, clause 30 of the Bill will empower the Secretary for Trade and Industry to prescribe statutory safety standards for specific consumer goods and, in extreme cases, to prohibit the supply of certain consumer goods.

To facilitate compliance with the General Safety Requirement or any prescribed safety standards, suppliers of consumer goods may, on a voluntary basis, have their products tested by a laboratory approved by the Director-General of Industry. It is intended that approved laboratories will include laboratories accredited under the Hong Kong Laboratory Accreditation Scheme and overseas laboratories with equal standing. In case of prosecution, the supplier may use a testing certificate issued by an approved laboratory showing that a product complies with a certain safety standard as a defence of due diligence.

The Bill also provides for a safety control notice system. This will serve as a remedial measure to cover the period between the discovery of unsafe consumer goods and any subsequent conviction in court. Under this system, the Commissioner of Customs and Excise will be empowered to issue a "notice to warn", requiring the supplier of consumer goods to publish a warning that specified goods may be unsafe unless certain steps are taken; a "prohibition notice" to prohibit the supply of unsafe consumer goods for a specified period of time; and, in extreme cases, a "recall notice" to recall those consumer goods already sold but which will cause a significant risk to consumers.

As a safeguard against any abuse of enforcement powers, the Bill establishes an appeal board panel to hear appeals against notices issued or certain decisions made by the commissioner. An appeal board will be chaired by a legal practitioner and will comprise, as members, a general consumer, a scientist with relevant expertise in consumer goods testing and a person from the consumer goods industry. In addition, clause 32 stipulates that if the goods seized or detained by the enforcement authority are subsequently found to be safe, the owner of the goods may seek compensation from the Government for any loss suffered by him as a result of the wrongful seizure or detention.

The Bill provides exemption for goods under transshipment or in transit through Hong Kong and goods manufactured for export. Those goods appearing in the Schedule will also be exempted either because they are

governed by specific statutory control schemes or because specific legislation governing their safety is being prepared.

Upon enactment of the Bill, a grace period of one year will be allowed for the trade and industry to make any necessary adjustments before the legislation comes into operation.

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

AIR POLLUTION CONTROL (AMENDMENT) (NO. 2) BILL 1993

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

He said: Mr President, I move that the Air Pollution Control (Amendment) (No. 2) Bill 1993 be read the Second time.

Pollution from diesel vehicle emissions is causing serious air pollution problems in our urban areas. Approximately 75% of the total urban respirable particulates and nitrogen oxides, and 40% of sulphur dioxide are attributable to emissions from diesel-engined vehicles. Better controls on such emissions are therefore needed.

One of the ways to effectively reduce emissions from diesel vehicles is to introduce better quality diesel fuel. As yet, there is no legislation to control diesel fuel quality. The current proposal will allow us to adopt the European standard of no more than 0.2% of sulphur content for diesel fuel. This will clear the way for a requirement, in April 1995, that all new diesel engines conform to higher emission standards.

The proposal for better quality diesel fuel has been discussed with the local oil industry. As a result, the refineries in Singapore, which are the current main source of oil supply for Hong Kong, are now installing extra desulphurization units. The units should be completed by early 1995 and the fuel should be available in Hong Kong by April of that year.

The Bill will consolidate control on motor vehicle fuel. Clauses 4 to 8 of the amendment Bill repeal the existing control provisions on unleaded petrol in the main Ordinance and re-enact them in a new regulation. This new Air Pollution Control (Motor Vehicle Fuel) Regulation, which will be made after the Bill has passed into law, will also contain the new control provisions for motor vehicle diesel fuel.

The introduction of higher quality diesel fuel will not have major economic implications. No modification to the engines of diesel vehicles is required. There will be an increase of about 3% in the pump price of

automotive diesel fuel, and this is estimated to lead to an increase of less than 1% in the operating cost for the transport and freight operators.

I will now turn briefly to a further amendment to the Air Pollution Control Ordinance prepared under this amendment Bill. The existing provisions under the Ordinance require owners of all premises, where specified processes which have significant potential for causing air pollution are conducted, to give notice in response to an order under section 19(1) published in the Gazette. It is recognized that this notification requirement needs clarification because the notification applies irrespective of whether the owners have given notices previously or are already subject to licence control. Clause 3 of the Bill amends section 19 of the Ordinance to clarify who is not required to give notice.

Mr President, high concentrations of air pollutants such as nitrogen dioxide and particulates are a widespread problem in Hong Kong and present a threat to the health of people exposed to these pollutants. The introduction of higher quality diesel will reduce the sulphur dioxide emissions from diesel vehicles by up to 40%. Furthermore, it will enable a more stringent emission standard, comparable to the European standard called Euro 1, to be imposed on new vehicles; this will cut other pollutants such as particulates and nitrogen dioxides. This measure, together with other control measures in the pipeline — such as higher penalties for smoky vehicles and a more stringent inspection and maintenance programme — should result in a significant improvement in air quality in the urban areas.

Thank you, Mr President.

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

PROTECTION OF WAGES ON INSOLVENCY (AMENDMENT) (NO. 2) BILL 1993

THE SECRETARY FOR EDUCATION AND MANPOWER moved the Second Reading of: "A Bill to amend the Protection of Wages on Insolvency Ordinance."

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

The Bill seeks to protect the interest of the Protection of Wages on Insolvency Fund.

At present, Part VA of the Employment Ordinance provides that severance payment and retirement scheme payment can be set off against each other. When an employer becomes insolvent, his employee would normally apply to the fund for severance payment if he has not yet received his

retirement scheme payment. He may be granted *ex gratia* severance payment if he has satisfied the statutory requirements of the fund. Because of the time lapse, the employee may still receive his retirement scheme payment by virtue of his employment contract with the insolvent employer afterwards. Consequently, the employee may receive double benefits from both the fund and the retirement scheme to which he is a member.

To rectify this anomaly, we propose to empower the Protection of Wages on Insolvency Fund Board to recover from a retirement scheme any *ex gratia* payment in respect of severance payment made to the employee. In the amendment Bill, we also define "retirement scheme" and "severance payment" to clarify the employee's entitlement to *ex gratia* severance payment and to facilitate the Protection of Wages on Insolvency Fund Board to recover the *ex gratia* severance payment made to an employee.

Thank you, Mr President.

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

BILLS OF LADING AND ANALOGOUS SHIPPING DOCUMENTS BILL

Resumption of debate on Second Reading which was moved on 17 November 1993

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

Bill read the Second time.

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

QUARANTINE AND PREVENTION OF DISEASE (AMENDMENT) BILL 1993

Resumption of debate on Second Reading which was moved on 10 November 1993

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

Bill read the Second time.

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

CENSUS AND STATISTICS (AMENDMENT) BILL 1993**Resumption of debate on Second Reading which was moved on 17 November 1993**

Question on the Second Reading of the Bill proposed, 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 Bills

Council went into Committee.

BILLS OF LADING AND ANALOGOUS SHIPPING DOCUMENTS BILL

Clauses 1 to 4 and 6 to 9 were agreed to.

Clause 5

ATTORNEY GENERAL: Mr Chairman, I move that clause 5 be amended as set out in the paper circulated to Members.

Clause 5(3) provides that the original shipper of goods and the carrier or shipowner remain liable under the contract for the carriage of the goods. The proposed amendment to the Chinese text of that clause will make it clear that the person referred to is a person who was an original party to the contract of carriage, that is, the original shipper or the carrier or shipowner.

Mr Chairman, I beg to move.

Proposed amendment

Clause 5

That clause 5(3) be amended by deleting “該人” and substituting “任何人” .

Question on the amendment proposed, put and agreed to.

Question on clause 5, as amended, proposed, put and agreed to.

QUARANTINE AND PREVENTION OF DISEASE (AMENDMENT) BILL 1993

Clauses 1 to 17 were agreed to.

CENSUS AND STATISTICS (AMENDMENT) BILL 1993

Clauses 1 and 2 were agreed to.

Council then resumed.

Third Reading of Bills

THE ATTORNEY GENERAL reported that the

BILLS OF LADING AND ANALOGOUS SHIPPING DOCUMENTS BILL

had passed through Committee with an amendment and the

QUARANTINE AND PREVENTION OF DISEASE (AMENDMENT) BILL 1993**CENSUS AND STATISTICS (AMENDMENT) BILL 1993**

had passed through Committee without amendment. He moved the Third Reading of the Bills.

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

Bills 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 6 December. The mover of the motion will have 15 minutes for his speech including his reply; other Members will have seven minutes for their speeches. Under Standing Order 27A, I am required to direct any Member speaking in excess of the specified time to discontinue his speech.

CARE AND ATTENTION HOMES

MR HUI YIN-FAT moved the following motion:

"That this Council urges the Government to expeditiously review the supply and demand, as well as the staffing situation, of services provided by care and attention homes and their relationship with infirmary beds, having regard to the prolonged occupation of a relatively large number of places in care and attention homes by infirm patients as a result of the acute shortfall of infirmary beds for the elderly under the auspices of the Hospital Authority, which has led to an increasingly short supply of care and attention places, the Government's forthcoming implementation of a licensing system for private homes for the aged, which will increase the pressure on such services, as well as the difficulties in recruiting nursing staff because of the welfare agencies' lack of resources to offer remuneration on a par with that of the Hospital Authority, so as to work out short-term contingency measures and long-term solutions."

MR HUI YIN-FAT (in Cantonese): Mr President, I move the motion on care and attention homes standing in my name on the Order Paper.

The most worrying aspect of geriatric care in Hong Kong has mainly to do with infirmary beds in care and attention homes. We have programmes that encourage elderly people to take a positive and bright outlook on life, to enjoy their ripe old age. Yet, as time takes its toll on their physical faculties, it is natural for elderly people to become dependent on medical and nursing care. Such dependency increases with a person's age. Unfortunately, however, the costs of the services are high. The Government's spending in this regard is simply unable to cope with the needs of the elderly. The rising trend of suicides among elderly people in Hong Kong in recent years is mainly attributable to the fact that many elderly are not provided with timely care and attention and think that death is a relief. Elderly suicides are tragic; it is bitterly ironical that such cases should happen in a prosperous and highly civilized community. As the social services sector's representative in this Council, it is incumbent upon me to advise the Government on that front and to seek honourable colleagues' support for this motion. I hope that the passage of the motion will achieve three aims, as follows:

1. to urge the Government to take immediate action to work out concrete and workable measures which could meet elderly people's needs in the area of care and attention services;
2. to arouse public awareness of the problems and serve as an important basis for this Council's future supervision of the Government's work in these areas; and

3. to provide a preliminary basis for this Council's upcoming deliberations on the Residential Care Homes (Elderly Persons) Bill 1993. The Bill will make a critical difference in ensuring adequate care and attention services for the elderly.

There are mainly two types of care and attention homes for the elderly in Hong Kong: those in the public sector and those in the private sector. In the public sector, the Government acts through the Hospital Authority (HA) and the Social Welfare Department (SWD) to provide medical and nursing services to the elderly in care and attention homes. HA is involved in only one aspect of such services. It provides infirmary beds for elderly persons with conditions that are medically certified as serious so that they can receive long-term medical attention. SWD, on the other hand, provides residential elderly care places primarily consisting of care and attention places, places in homes for the aged and places in self-help homes. Where circumstances warrant, SWD saves resources by putting infirmary beds in care and attention homes and care and attention beds in homes for the aged. Where the private sector is concerned, it used to be very difficult to make money from the provision of social welfare services. However, given the existence of a huge market and the woefully inadequate public sector services, private sector services are now providing more than half of the services in the marketplace.

As colleagues may be aware, Hong Kong's care and attention homes are facing some problems. There is a long-standing shortage of services vis-a-vis an increasing demand. The quality of services varies and threatens to decline. According to statistics made public in the Governor's policy address, before the current financial year ends, there will be 5 400 elderly people on the waiting list for infirmary beds under HA's management. SWD's five-year social welfare development plan review notes that there will be a shortfall of 2 890 care and attention beds in the current financial year. It is understandable why there is an acute shortage of infirmary beds. They are costly. And the Government's stringent requirement for physical examinations does not help. Only those meeting the harsh conditions are assigned infirmary beds while many who need infirmary beds remain in care and attention homes. This high-handed policy fails to soften the pressing demand on infirmary beds. Besides, past experience shows that the Government usually tends to underestimate real demand. The acute shortage of hospital beds is precisely an outcome of this practice.

In fact, residential elderly care services is not satisfactory. According to the government figures, as of 1 August this year, there were 528 residential facilities in Hong Kong (including care and attention homes, homes for the aged and self-care hostels), providing a total of 29 394 places. Among them, 15 463 places, or 52.6% of the total, are provided by private profit-making bodies. This figure shows that privately operated care and attention homes are playing a very important role in the absence of sufficient public allocation in this regard. These private institutions are not subject to government supervision. Their quality varies. Some residential facilities suffer from problems ranging from a shortage of properly trained nurses and safety

supervisor, poor locations to sub-standard fire prevention and fire fighting equipment. Members of the public have long expressed concern in response to the tragedies which took place in such homes.

However, the Government has been too slow introducing measures to maintain the standard of the care and attention homes in the territory. The Social Welfare Advisory Committee adopted a code of practice for voluntary observance by private institutions in October 1986. Six years elapsed before this Council's First Reading of the Bill on care and attention homes. The Government is evidently afraid of rocking the boat. It knows that laxity in supervision will result in unreliable quality. Yet it is worried that tight supervision will drive private institutions out of business, resulting in the Government having to accommodate the affected elderly. Therefore, when examining and voting on the Bill, colleagues should try to strike a balance between improving the quality of services and making sure that no elderly people will be forced to sleep out in the streets. Subsidized voluntary agencies and privately operated homes for the aged are of the view that the following issues must be settled if the law is to be successfully implemented:

1. Trained personnel. Hong Kong now has an estimated shortfall of 1 500 trained nursing professionals. For its part, SWD has just over 200 health assistants, averaging one health assistant for every two homes for the aged. Another problem is that there is a wide gap in pay and benefits between the nurses working in the area of elderly care in voluntary agencies and their counterparts working for HA. This makes it even more difficult for the voluntary agencies to recruit the necessary nursing staff.
2. Location. It is estimated that more than 7 000 elderly people in Hong Kong, or 41% of all the elderly people in homes for the aged, are living in homes that are located in commercial premises or old tenement buildings that are not up to the standards set by the Bill. When the Bill becomes law, the re-accommodation of these people will become a very serious problem.
3. As many homes for the aged are located in old buildings, they need extra fire prevention, safety and ventilation installations. Even some subsidized institutions are dismayed by the many technical problems involved. The profit-making institutions in private sector would certainly find this a hard nut to crack in commercial sense.
4. Licensing fee. The size of the licensing fee in each case is determined on the number of inmates. The annual licensing fee for a care and attention home varies from \$89,270 to \$160,860. In the case of a home for the aged, it varies from \$71,490 to \$142,980 while for a self-care hostel, it varies from \$53,610 to \$125,130. In the Government's estimate, the annual administrative cost of enforcing the law, in current prices, will be in the region of

\$16.7 million. This will be fully covered by the licensing fee collected. Private institutions generally find the licensing fee too high. They feel that, in the end, the higher licensing fee would of course be passed on to service recipients. Otherwise, institutions will go out of business when they cannot make any profit. Some subsidized agencies think that there is no reason why the Government should charge them licensing fee at a rate higher than that for highly profitable hotels, guest houses and motels. Clearly, this is indeed open to question. Must the Government charge a licensing fee that is high enough to cover costs?

I think that the problems are not insurmountable. The question is when they could be resolved. Let me elucidate my point by way of illustration. Professionally trained nurses are in short supply or hard to recruit. This impedes the development of services. If the Government does not think it feasible to import foreign nurses, then it might consider speeding up the training of local human resources, encouraging the re-hiring of retired or resigned nurses and conducting a wide review of salaries and benefits for that profession with a view to attracting new blood. Furthermore, gaps in salaries and benefits should be closed between HA and the welfare agencies for staff doing similar kinds of work. Another thing is that the Government should not only consider waiving licensing requirements for homes for the aged that are situated at upper floors of high-rise buildings or which cannot install more fire fighting equipment. The Government should also consider helping such homes to relocate. Of course, we welcome the Government's effort to expand the place purchase programmes. This will ensure the quality of services of privately operated homes for the aged. In any case, we must recognize one point, which is that the Bill on care and attention homes should be passed expeditiously to forestall any recurrence of the past tragedies.

Mr President, there is no doubt that, in providing infirmary and care and attention services to the elderly, it is necessary to solve concurrently the serious inadequacy of service and the problem of uneven standards of quality. The first order of business now, as stated in the motion, is to urge the Government to conduct a comprehensive and intensive review. The Government must not only expeditiously provide more places but also improve the poor coordination and cooperation between different government departments in providing services. Better efficiency should be achieved in the use of finite resources. In addition, effective use should be made of private institutions that make contributions by providing care and attention services to the elderly when the Administration works out long-term and short-term solutions. It is hoped that the elderly, who worked quietly in the past for Hong Kong's economic prosperity, may receive the care and attention that they now need.

Mr President, with these remarks, I beg to move and I call on all colleagues to support the motion and to put forward their valuable views.

Question on the motion proposed.

MRS PEGGY LAM (in Cantonese): Mr President, the average life expectancy of the people of Hong Kong is over 70 years, so it is not appropriate to say that life is short. However, when it comes to waiting for the social service for elderly people, some of them die before their turns arrive.

The Governor has proudly reported in his policy address the results of the various policies but even he has admitted that the problem of the elderly is thorny and urgent. When speaking of medical treatment and residential care for the elderly, he pointed out that there would be 7 800 elderly persons in need of such services in 1997, but the Administration would only be able to provide an extra 1 200 beds.

Here, I think I have to declare my interest, because in terms of age, I am already eligible for elderly welfare, including the old age assistance of 10 odd dollars per day and the senior citizen card that can be used to save 10 dollars or so. Fortunately I am still healthy and need not wait for the medical or infirmary services that seem inaccessibly far away.

However, who can guarantee tomorrow?

Mr President, there are now 820 000 elderly persons aged 60 or above in Hong Kong. Leaving aside those who are alone with no one to depend on, even for those who are living with their families, should they become chronically ill and unable to move around, it will be difficult for their families to take proper care of them given the characteristics of the nuclear families today. Furthermore, as the great majority of the retired persons are not entitled to any form of retirement protection, the expensive private medical and nursing services are not affordable to the great majority of the elderly. They will therefore have to depend mainly on the care and attention services provided by the Government and the subvented sector.

The Administration has all along not made any long-term commitment in this regard. Currently, there is a shortage of 5 000-odd infirmary beds and 2 900-odd places of care and attention homes. This serious situation is the accumulated result of years. Even though the Administration is now earnest to remedy the situation, what it can now provide can only make up for the places which it has promised but subsequently failed to provide. Such a situation will not only fail to give proper care to the elderly, but also greatly increase the pressure on other supporting services like increasing the demand for home help service.

The increase of elderly persons, the lack of retirement protection, the insufficiency and the lack of co-ordination of supporting social services are all interrelated in aggravating the problem of the elderly. The working group which is given the important duty of reviewing and examining the overall problem of the elderly must come up as soon as possible with a proposal and announce from time to time its progress of work, allowing members of the

public to make comments and suggestions, in order that a solution can be found in the near future.

Meanwhile, private elderly homes can help to relieve the demand for residential care services. So one of the solutions is for the Administration to buy-places from these private homes. But when it comes to the provision of health care services, these private homes are short of health care personnel. The Administration should therefore consider relaxing the requirements of the health care personnel of these private homes by allowing the health care personnel of China to come to work in Hong Kong, and expanding the relevant training courses such that more China-trained nurses who are now living in Hong Kong can enroll in these courses with the end of obtaining an accepted qualification and work in these elderly homes.

As regards the problem of the closure of many sub-standard homes due to the legislative control of private elderly homes, I think that the regulations should not be easily loosened for the sake of increasing the places of elderly homes, because we cannot let those elderly who cannot help themselves be exposed to a dangerous environment. But we can encourage the operators of these private homes to continue their operation by way of lowering their licence fee and giving subsidy to the elderly who live in these private homes. Meanwhile, the Social Welfare Department should also provide as much assistance and support as possible such that the new legislation will not lead to a decrease in elderly homes, the number of which is already very insufficient in Hong Kong.

Mr President, by the year 2001, there will be one elderly person in every six persons in Hong Kong, so finding a solution to the elderly problem is already an urgent matter that cannot afford any further procrastination.

With these remarks, I support the motion.

DR LEONG CHE-HUNG: Mr President, I rise to support my honourable colleague Mr HUI's motion.

There has been a rising tide of concern about the well-being of our senior citizens lately. Apart from today's motion, a special working group has recently been set up to study elderly policies and the Governor's policy address last year also promised a secured life for our aged citizens.

These are indeed good news for our 700 000 senior citizens.

Yet, Mr President, time is not on their side. If the Government does not act now, none can tell how many elderly persons now on the waiting lists for services can at the end of the day benefit from the maturity of the Government's sugar-coated promises.

So where is the problem?

In recent years, an annual range of some 250 to 500 names are removed from the waiting list of infirmaries because these old people die before their turn on the waiting list arrives. Yet, twice the number are added at the same time.

The fact remains that there is a shortfall of some 5 000 infirmary beds and nearly 3 000 care and attention places.

The question before us goes beyond just number matching. The tolerance of the current system of having various elderly medical and nursing services under different auspices without proper co-ordination has created unnecessary demand that adds burden to the already fatigued supply situation.

In short, Mr President, our current system fails to provide the appropriate services and care at the right time, in the right place, and to the right people. We witness frail elderly people being kept in care and attention homes due to infirmary shortage; infirmary beds being occupied by should-be residents of care and attention homes; numerous old people are wasting their precious time lining up in the wrong queue due to improper or complete absence of assessment; and people on the waiting list end up in acute hospitals in the midst of tumbling down of preventive health due mainly to a lack of community support and nursing care.

All these are the result of misplacement, and from a lack of co-ordination between various parties involved, and a gross deficiency in community care services, as well as a long-term snub on primary health care. Let me explain.

Firstly, under the current policies, care and attention homes under the Social Welfare Department auspices are catering for elderly people who require only two and a half hour's nursing care, while those who need constant nursing care would be put into infirmaries under the Hospital Authority. There is no unified assessment criteria. At the end of the day doctors will have to come up with their own "assessment" to shepherd those old folks into what they regard as a right place for them.

Proper placement, Mr President, at the very first place can cut the number of unnecessary transfer among care and attention homes and infirmaries. It also cuts down the unnecessary attention to casualties and readmission to acute hospitals.

Secondly, there is a lack of co-ordination among the medical, health and welfare sectors. Communication is also lacking between the private and public sectors.

Old clients are being kicked around among various sectors. Let me also sound a note of warning. The setting of a new category of elderly services — the nursing homes — yet under another department, the Department of Health, may further complicate communication problems unless properly handled. Ironically, such nursing homes are supposed to fill the gap existing between the care and attention homes and infirmaries.

Thirdly, there is a lack of community support services and a long-term negligence of primary health care.

When people have to wait for at least three years for a placement, they will need other support for them to fall back on during their twilight years.

Yet, our community care network lacks the flexibility to cope with the changing needs of society. It fails to deal with the rising number of singleton frail elderly people left by migrated family members. The operating hours of day care centres are unrealistic time for working-class families. More, there are insufficient numbers of day hospitals for the sick elderly during their rehabilitation process.

Neither does the Administration act fast enough to come up with a proper primary health care system. It has been nearly three years since a government-appointed task force advised on, amidst others, providing health education and regular health checks for the elderly. Yet, the preparation work is still moving at a snail's pace, and even then, only on a pilot scheme.

What then are the stopgap measures and long-term solutions? I would suggest:

For the short-term measures, the following should be done:

1. There should be a proper district network for continuing care for the elderly, which should cut across the professional and organizational boundaries of various medical, health, and welfare institutions in both the government, subvented, and private sectors.
2. There should be sufficient out-reaching teams to each district to provide nursing care and health assessments for all, including those even outside the waiting lists.

It is a good move that the Government supports the Hospital Authority's pilot scheme of setting up geriatric assessment teams composing doctors, nurses, physiotherapists, occupational therapists and social workers, but there should be more.

I urge the Administration to extend without delay the services to all parts of the territory, and to ensure that each team would have sufficient resources to cope with their needs.

3. The Administration should tap the rich resources of private homes through bought-place scheme to alleviate the present shortfall. At present, some 80% of the private homes are catering for infirmary cases.

It would be a gross waste if the Administration were to just allow private homes with potential quality to close down due to failure to meet the forthcoming legislative requirements, leaving our old clients homeless.

The Government should consider setting up nursing teams or physiotherapist teams on rotation basis to support private homes which show the potential to join the bought place scheme.

On the long-term basis, Mr President, increasing the number of long-term care residential places is a must; there is also a very important dire need to review the present arbitrary separation of care and attention homes and infirmaries.

A proper projection of demand is essential for planning purposes. At present, the ratio of five infirmary beds to every 1 000 elderly persons aged over 65 and above was set a decade ago. Its authenticity is questionable. Hong Kong lacks adequate data on the disability and mobility of our elderly population.

A government with vision should invest more in community care for both abled and frail elderly people, and in preventive health care for them. Such investment would certainly bear fruit.

Mr President, our senior citizens deserve more than a residential place. If at the end of the day life to them is an incurable disease, if life to them is not a spectacle nor a feast but a predicament, then, we fail in our reputation as a caring society with advanced development.

MR FREDERICK FUNG (in Cantonese): Mr President, owing to the aging population and the financial difficulties confronting families which have to take care of the elderly, certainly the public will press ever vigorously for more public expenditure on welfare for the elderly. The Association for Democracy and People's Livelihood including myself fully supports the increase of welfare services for the elderly provided that other welfare expenditures will not correspondingly be cut down. I support Mr HUI Yin-fat's motion which urges the Government to expeditiously increase places in care and attention homes because I believe that the elderly are badly in need of nursing service. If an old man in need of care and attention is not offered a place in a care and attention home but forced to live in a home for the aged or an ordinary residential unit without any nursing facilities, just imagine the ordeal he has to undergo in his day-to-day living, to say the least, the trouble he is subject to when he wants to go to toilet. In the absence of any care in this respect, the elderly will only have a greater sense of helplessness and worthlessness under the pressure of survival.

They may feel tired of life and some may even take their own life. We surely cannot allow such miseries to go on.

It is obvious that geriatric services are interrelated. Just as Mr HUI pointed out, the acute shortfall of infirmary beds in hospitals will, for instance, lead to a growing demand for places in care and attention homes. Such shortage has a knock-on effect. For this reason, when the Government increases the number of care and attention homes, it should, at the same time, improve other hostel nursing services for the elderly. Failing to do so, it will commit the same mistake again of treating symptoms but not the disease. In this connection, it is necessary to conduct a comprehensive review.

I would also like to point out here that efforts to strengthen hostel services must be made in conjunction with stronger community support. We should note that responsibilities to take care of elderly people with nursing need are still largely foisted upon their families. In such families, it is usually female members who have to look after the elderly. For this reason, the Government must also identify ways to bring relief to such families in its review of nursing services for the elderly.

I hope that the Government's Working Group on Care for the Elderly would carry out a comprehensive review of its policy for the elderly and the policy could be carried out in such a way that the government departments concerned would have better co-ordination and, as a result, the elderly who have dedicated their prime life to the good of our community can enjoy a dignified and comfortable old age.

With these remarks, I support the motion.

MR MICHAEL HO (in Cantonese): Mr President, demands for geriatric services have increased dramatically with the ageing of our population and the gradual replacement of the extended family by nuclear family. Among the various types of welfare services, demands for care and attention homes for the elderly and infirmary places have been the most pressing.

We support the proposal in the Governor's policy address to increase the number of infirmary places. Old people need different degrees of care as a result of their physical degeneration, but they are not ill and do not need hospitalization. While I support the Governor's proposal, I must state clearly that I support providing nursing services for old people rather than setting up the proposed nursing homes which, under the existing framework, would be placed between infirmaries and care and attention homes.

The Government's proposed framework and idea are open to question. The problem of the existing three-tier institutional care for the elderly lies in its loose internal co-ordination whereby old people of different degrees of degeneration are rigidly defined into three tiers. There is an absence of

integrated care. If we should add a fourth tier of nursing homes on top of this "compartmentalized" framework, we would only be reinforcing the incoordination. In the end, old people will become "human balls" among these four tiers of services and will probably be kicked from one tier to another.

As one gets older, the more frail one becomes. This is a natural rule. For those aged between 60 and 70, they may still be able to look after themselves. They can live in an ordinary home for the aged. But when they are over 70, they may need a walking aid or a wheelchair. Then they should live in a care and attention home. And at an even older age, they may become so weak that they would be bed-ridden. Then a place in a nursing home or even an infirmary place will be a must. The institutional transfer arrangements necessitated by deteriorating health will have significant impact on old people. When they need to be transferred from an institution of one tier to an institution of another, it would appear they are being "demoted". It could strike home among them the message that their health is progressively deteriorating and their days are numbered. These psychological threats will make old people feel depressed and dampen their spirit. Another effect of switching institutions is compelling old people to leave other inmates whom they have known for years and the staff who have been looking after them. Switching institutions at such age and under such physical and psychological conditions, together with the prospects of a new environment and the need to adapt to some new staff, could be a great psychological burden on them. I have been a volunteer in the field of geriatric services for more than a decade. I have come across many cases in which old people under institutional integrated care were unwilling to be transferred even from one room to another. They do have the feeling of being "demoted" as I just now mentioned. What I would like to emphasize is that we need to look after the old people not only in the physical aspect, but also the psychological aspect of their health. We would only have our job half-done if we should be keen on their physical well-being while neglecting their psychological health altogether. I appeal to the Government to review anew its overall policy on geriatric services. Dr the Honourable YEUNG Sum will elucidate the details of our proposal later.

As regards the nursing staff of care and attention homes, I find the situation very unsatisfactory in some institutions where only enrolled nurses are employed. As a professional nurse, I have to remind the Government that nursing is more than looking after the old persons' daily needs. A nurse has to look after their mental health, assess their health conditions and tailor for them an appropriate nursing service as well. The assessment and decision as to what kind of services is needed by individual inmates must be made at least by registered nurses in order to ensure that the quality of nursing services for inmates could maintain at a certain level.

I hope the Government will review as quickly as possible the existing services, giving particular consideration to the integration of various types of institutions so as to put in place some integrated caring services. The manpower situation also warrants a review which should include of course an examination

of the remuneration of nurses in some institutions, in order to ensure a sufficient number of nurses and other pertinent staff to provide services.

Finally, I should like to say a few words in response to a suggestion made by the Honourable Peggy LAM earlier with regard to allowing nurses who obtained their qualifications on the mainland to work in Hong Kong. I think that this suggestion should not be accepted in haste. Should mainland-trained nurses be allowed to work in Hong Kong, the Government would have an excuse to refrain from improving the lot of the local nursing profession in earnest. This might convey to local nurses the message that their profession is no longer highly regarded, thus leading immediately to a massive wastage. The consequences could be devastating. Should that be the case, it would be of little help even if we could increase nursing student's places for it is already difficult to fill the yearly 1 000 places. I think that the Government should, with a sense of urgency, examine what problems local nurses are facing now and address them at source.

With these remarks, I support the motion.

THE PRESIDENTS DEPUTY, MRS ELSIE TU, took the Chair.

DR LAM KUI-CHUN (in Cantonese): Madam deputy, it is common anywhere in the world that when a debate on social welfare is held, people would always say, firstly, that services are inadequate and, secondly, that they are not good enough. In the context of the care and attention home services in Hong Kong, there is agreement, which is rare, among the general public, the pressure groups and the Government that care and attention home services are neither adequate nor good. They also agree on the causes of the problems. Well then, in today's debate, we should focus our attention on what the solutions should be.

The wording of the motion suggests that the problems have been given urgency by the tabling of the Bill on care and attention homes before this Council. This Bill serves a warning to unqualified care and attention homes and infirmaries that they will be ordered to stop operating. When this happens, the serious shortage of places may get worse.

I think that minimum health and safety standards should be set for care and attention homes in the interest of their elderly inmates. However, the new Bill threatens to out-law privately operated care and attention homes now accommodating a total of 15 000 elderly inmates. For this reason, at the initial stage, the standards for care and attention homes must not be too harsh by any means. Until there are enough care and attention places to take care of the needy elderly, the provisional licensing rules should be flexible in favour of those care and attention homes that are not yet up to par. After all, the intent of the Bill is not to turn their elderly inmates out into the streets.

Right solution must be found for these inmates, as well as for the about 10 000 elderly people waiting for care and attention places under the auspices of the Social Welfare Department. About this, I have three hackneyed points to make.

The first point is that of qualified personnel. The bill on care and attention homes sets certain qualification requirements for the nursing staff of such homes. I find these requirements reasonable. However, given the global shortage of nurses, it is unlikely that our care and attention homes are able to recruit enough nurses. The next best thing is to hire health assistants, and 500 will be needed industry-wide. But, there are only 210 trained health assistants in the territory. I suggest that the Government, to solve this problem, should allow China-trained nurses living in Hong Kong to be hired after they have successfully completed certain retraining courses. Retraining foreign-trained nurses takes less time than training student nurses. We should utilize these resources as best we can.

The second point is that of location. I know that people want the care and attention homes where their elderly family members live to be close to where they live to facilitate visits. About half of Hong Kong's population now lives in public housing estates or Home Ownership Scheme estates. Ideal locations for care and attention homes are therefore in these estates. Many public housing tenants are property owners. But they still keep their public housing rental units, either using them as their second residences or unlawfully subletting them for gain. A Housing Department survey last year found that about 13% of the public housing tenants (or 74 000 households) were property owners. The Administration should conduct some painstaking investigation into the situation and take resolute measures to repossess public housing rental units from tenants found to have broken the rules, while the law-abiding tenants should then be allowed to move to better units or be paid compensation for moving out. In so doing, it should not be difficult to find a few thousand suitably located vacant units in public housing estates to make way for care and attention homes.

In the long run, new care and attention homes should be built. This requires talks with China about land grants and co-ordination with the Hospital Authority in the context of its plan for new infirmaries. We will then be able to solve fully the shortage of care and attention homes and infirmaries.

The third point is that of money. The Government has an inescapable responsibility for solving the shortage of care and attention homes for the elderly members of middle and low income families. However, if drastic increase in the proportional share of any department in the distribution of public fund is to be avoided, the Government must make fuller use of other kinds of resources. I suggest that the Government should consider using money from the well-endowed Lottery Fund. In addition, public housing rental units from disqualified tenants should be repossessed to make way for more care and attention places. Where a new care and attention home is set up and managed by a non-profit making body, its operation will not have to be subsidized by the

Government. All the operating funds that it needs will come from the families of the elderly persons who choose to live in it. This arrangement will bring benefits to both the elderly concerned and the service providers. It is expected that this would encourage the building of more care and attention homes.

As to privately run care and attention homes are concerned, their role in providing needed social services should be recognized until they are replaced by government-operated homes providing enough care and attention places. Now they will be affected by the new bill. Some of them, though not fully up to standard, may have made substantial improvements. If additional improvements — or large-scale refurbishment — are required from them, these requirements should not be too harsh and the grace period should not be too short. Otherwise, their fees will go up to a level unaffordable to some elderly. However, I will not rule out that some privately operated care and attention homes, particularly the inexpensive "mini-homes", may be unable to comply with the minimum requirements and be driven out of business. Should that be the case, their inmates will have to re-accommodated.

The Government must provide enough care and attention places to meet the contingency of elderly people rendered homeless by the closure of privately operated care and attention homes. The Government should also expand its scheme of buying places from privately operated care and attention homes. Firstly, this will enable alternative accommodations to be provided to those elderly people who are affected, through no fault of their own, by the harsh Bill. Secondly, it will shorten the waiting line for care and attention places under the auspices of the Social Welfare Department. Thirdly, it will encourage privately operated care and attention homes to improve their services and physical conditions.

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

DR SAMUEL WONG: Madam deputy, elderly folk requiring care and attention are by definition "in distress". A hundred and fifty years ago, Horace MANN said, "To pity distress is but human; to relieve it is Godlike." It will be sad if the best we can do today is to be "but human" and simply pity.

As stated in the motion, we are dealing with a case of supply and demand. We are also dealing with standards, training, and compassion.

Let us first identify the extent of the demand. The authorities hold an unofficial list of existing nursing homes which suggests that currently 11 000 elderly people are supported by some kind of care and attention outside their families. According to a reliable government source, about 80% of these receive unsatisfactory care, and much of the remainder are provided by charities. The bulk tend to be in private nursing homes, which charge around \$4,000 per month and minimize staff to maximize profits. When the Government prepared legislation some years ago to license such premises, many

were put on the property market for sale because the operators knew there was no way they could profitably meet any reasonable standards of care. The old folk had nowhere else to go; so the legislation was shelved and the homes were duly taken off the market.

I related to this Council, once before, the case of TANG Kwok-wah. He was 74 years old and terminally ill. The Social Welfare Department sponsored him to go to an old people's home. He was found five months later in a bunk bed on the roof, with a corrugated plastic cover but no sides. He was alone. His colleagues had already died. He was told it was temporary. After eight months of loneliness, he died in that same bunk bed on the roof. An only too typical case of inadequate care.

My conclusion is that about 9 000 elderly people in nursing homes are inadequately cared for and will form a major part of the demand should licensing be enforced.

In addition, and I stress in addition, there is said to be another 11 000 on the waiting list, being inadequately cared for in families. There may be some doubt about this figure, as some families may be trying to get rid of their elderly who are not strictly in need of care and attention. The government working party should find out the number more reliably, but this could take nine months.

The similarity of the two figures could cause confusion. So let me repeat. There are 11 000 already in care and attention, of whom some 9 000 will form new demand if licensing is introduced. There are another 11 000 on the waiting list of whom, let us guess, about half are genuine cases. The potential demand is therefore about 14 000 whatever the findings of the working party.

The White Paper *Towards Better Health* states that those of the population over the age of 65 were 8.8% in 1991, rising to 11.6% in 2001. A demand of 14 000 now will therefore be bigger in five years. I mention five years because last week Hong Kong proudly opened the unique Cheung Muk Tau Holiday Centre for the Elderly, with 20 places for care and attention or infirm, and that took five years to complete.

So much for the demand. What about the supply? The Governor announced in his policy address in October that an additional 800 care and attention home places would be provided over the next two years. It is a drop in the ocean! Eight hundred places to meet a demand of at least 14 000, which the government working party might well find to be more! That is less than 6% of what is needed.

Actually, it is not so illogical as it sounds. What the figure of 800 does is to more or less account for the increase in care and attention places needed over the next two years due to the aging population. It takes no account of the backlog, which, as I say, is about 14 000. I hope the Government is not going

to wait nine months for confirmation of this figure before embarking on the provision of the 800 places, which could take five years rather than two.

Just a word about training. Four months ago, an elderly patient was admitted to Queen Elizabeth Hospital with a broken hip. He was 89 and had senile dementia, though was not incontinent. Because he was unable to explain his needs, the nursing staff, inadequately trained to deal with geriatrics, inserted a catheter and gave him a bladder infection which kept him in hospital three times as long as the broken bone. What assurance have we that the standard of training is any better in care and attention homes than it is in the hospitals?

It is not enough for this Council or the Government to pity or even measure the distress of the elderly and infirm. It seems we need action worthy of the gods to relieve this appalling canker on Hong Kong's care for them.

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

MR WONG WAI-YIN (in Cantonese): Madam deputy, Hong Kong's elderly population keeps growing and the geriatric problems are getting worse. Colleagues have repeatedly raised questions and called for debates on elderly welfare and elderly care services in this Council and the Social Welfare Advisory Committee. But the Government has rarely given positive and substantive responses. Mr HUI Yin-fat is moving a motion today on the perennially severe shortage of care and attention homes and infirmaries. He is urging the Government to act quickly to review the correlation between the inadequacy of services on one hand and the shortage of staff and facilities on the other. Meeting Point fully supports his motion and hopes that the Secretary for Health and Welfare will in his reply put forward more substantive improvement measures.

I used to hear a saying when I was a boy that "an old person in the family is like a treasure to the family". However, in the wake of our socio-economic developments, big families have gone out of fashion. People have become more affluent. Younger generation, after getting married, form families of their own. Elderly parents are no longer like treasures to these families. In most cases, they are on their own. As we have yet to establish a sound retirement protection system, life is particularly difficult for the retired elderly. If they have no children to take care of them and are unable to survive on their own, they have to go to homes for the aged. For those of them who are not physically sound enough to look after themselves, care and attention homes are the only choice. But the severe shortage of care and attention homes and infirmaries has been a long-standing problem. Many elderly people waiting for places can only be resigned to their fate. Some of them even meet their death before their turn comes. I am not exaggerating when I use the term "severe shortage". According to the figures I sought from the Government yesterday, about 10 000 elderly people are waiting for care and attention home places, and more than 5 000 for infirmary places. Evidently, the shortage is quite severe. In the foreseeable future, the waiting line will get longer as the elderly

population grows larger. Secondly, the waves of emigration from Hong Kong have had serious consequences. Statistical evidence shows that, since the tragedy of 4 June 1989, the number of emigrants has been sustained at a high level. It was 42 000 in 1989. In 1990, the figure was 62 000 and remained at 60 000 in both 1991 and 1992. In most cases, when a family emigrated, the elderly parents, for various reasons, did not want to emigrate with their children. These elderly parents have remained in Hong Kong and it is likely that they would be, sooner or later, in need of residential elderly care services. As a related issue, Dr M H NGAN of the City Polytechnic published in June this year a study on emigration and community care for the elderly. This study noted that over 60% of the interviewed elderly inmates of ordinary homes for the aged were in a state of depression because their children had emigrated. This had affected their mental as well as physical health. They would soon become persons in need of care and attention home places. This problem is far more common among elderly people whose children have emigrated than among those who have children in Hong Kong.

Undoubtedly, the long-standing severe shortage of care and attention homes and infirmaries is due to the Government's wrong projection of demand. The problem also stems from the Government's failure to carry out programmes according to its original schedule. However, side by side with the severe shortage of places, there is an anomaly. I know of isolated cases in which care and attention homes have admitted elderly people who are healthy rather than those who are not physically sound. These care and attention homes, while admitting healthy people, turn away others who are in need of care and attention. This is a waste of resources where such places are concerned. Evidently, the Social Welfare Department is toothless when it comes to supervision.

The shortage of care and attention homes and infirmaries produces not only a long waiting list but also other problems. Firstly, according to statistical evidence, more than 200 old people commit suicide each year. In most cases, this happens to those who suffer from chronic illness but receive no proper care. Therefore, I believe that, if we have a more adequate number of care and attention home and infirmary places, many of these tragic cases could have been averted.

Secondly, many old people waiting for residential services are living with their children pending the availability of places. In most cases, their applications for Higher Disability Allowance would not be approved. Their families, on whom the burden of elderly care has fallen, cannot afford to hire help to look after them. In some cases, their families have to quit their jobs in order to stay home to take care of their elderly parents. Such care on a long-term basis (especially for old parents who are wheelchair bound or suffer from incontinence problems) is stressful to the children's families. War of words or clashes among family members will easily arise. To reduce such stresses and domestic quarrels, the provision of more care and attention home and infirmary places cannot brook one moment's delay.

The inadequate residential service has an even more serious repercussion which has to do with hospital beds. As care and attention homes and infirmaries are in severe short supply, people would, by hook or by crook, try to send their elderly parents who are in need of such services to hospitals. After succeeding in doing so, they then provide false addresses. When an elderly parent sent to a hospital in such a manner is ready to be discharged, his children either cannot be reached or, if contacted, will not quickly pick up their parent. The elderly parent then remains in the hospital, taking up a general ward bed for an indefinite period of time. According to statistics available, the operating cost is about \$170 a day for a care and attention home place, about \$910 per day for an infirmary place but about \$2,100 a day for a general ward bed in a hospital. In this connection, some old people, in the absence of the necessary services, who need to be sent only to comparatively less costly care and attention homes or infirmaries, would have to take up hospital beds, which are more costly. This is a waste of public resources.

Over the past 10 years, many private care and attention homes have come on line in Hong Kong in the light of the enormous demand for care and attention home places. There are now 480 of them, providing 13 000 places. These private care and attention homes are not under proper supervision. Their quality varies and often draws complaints from members of the public.

In response to the severe shortage of care and attention homes and infirmaries, the Governor has promised to make improvements, including providing 5 000 additional places in care and attention homes and homes for the aged and building seven nursing homes. But this serious problem will not go away. Therefore, it is imperative that the Government must act quickly to make short-term improvements and find long-term solutions.

As an interim measure, support services should be improved for those families which are taking care of their own elderly members so that more elderly people could receive proper care and attention at home. Secondly, law should be made expeditiously to put private care and attention homes under supervision to ensure their quality. Certainly, the Government may also wish to consider buying more places in private care and attention homes. This will give the private care and attention homes an incentive to provide better services. As to the shortage of nursing staff, training should be stepped up. In addition, nurses from China after training.....

The buzzer sounded a continuous beep.

PRESIDENTS DEPUTY: Mr Wong, you have to discontinue.

DR YEUNG SUM (in Cantonese): Madam deputy, I am delighted at Mr HUI Yin-fat's moving a motion today on care and attention homes. I would like to preface my speech by telling colleagues the following real-life cases:

- (1) Ms CHAN, 80, was sent to a hospital by her family, from which she was then transferred to another hospital. Meanwhile, she was found to be suffering from cancer. But the doctors advised against surgery. Twenty days later, the second hospital wanted to discharge her. Yet, her family asked the hospital to make available a bed where she could receive adequate care. Nothing came of this request. The patient was sent back to the first hospital. Three days later, the hospital wanted to discharge her. Again, no arrangements were made at all for her to receive suitable care because there were not enough infirmary beds. In the end, Ms CHAN's family sent her back to a private care and attention home.
- (2) In another yet more typical case, Ms YEUNG, 75, originally lived in a home for the aged in Kowloon. She had a heart disease record. One day in May 1993, she was found unconscious in the home. She was thereupon taken to a hospital. Five days later, the hospital's social worker contacted the head of the home to inform him that, because the patient had made no progress, the hospital intended to send her back to the home as soon as possible. Ms YEUNG, who had suffered from cerebral haemorrhage, was by then half-paralysed and unable to speak with clarity. The head of the home was of the view that the home would just not be suitable for her since it had no doctors or nurses. He suggested that it would be better for the hospital to send Ms YEUNG to an infirmary. But in view of the shortage of bed spaces in infirmaries, the request was denied. A further problem was that Ms YEUNG's physical condition was too poor for her to meet the admission requirement of a care and attention home. A few days later, the hospital again wanted to discharge her. The head of the home again asked the hospital to send her to an infirmary to no avail. In the end, the home accepted the patient. The head of the home explained to Ms YEUNG's family that this was done out of humanitarian consideration. He added that the home was just not suitable for Ms YEUNG because it could not provide adequate medical or nursing care.

The above cases were not exceptional. In the Government's estimate, among inmates of private care and attention homes, 30% of them or 3 220, are infirmary cases requiring special attention. They should be in infirmaries. But infirmaries are severely short of bed spaces. Old and infirm people therefore are forced to go to private care and attention homes or live at home. Yet now there is no way to ensure the quality of a private care and attention home. A patient may not be able to receive suitable medical or nursing care there; his condition will then be prone to deteriorate. If his condition deteriorates, he will

have to be taken to a hospital. Many elderly people are now caught in such a dilemma. Some even die in transit. One wonders what is happening to our community. Even as he boasts of Hong Kong's prosperity and economic growth, the Financial Secretary is at his wits' end about how to ease the agony of the unfortunate elderly. They are forced to live in care and attention homes or homes for the aged, where they receive no suitable medical or nursing care, and wait quietly for what may be the end of their lives.

The crux of the problem today is the shortage of infirmary places and care and attention home places. The Government has recognized the severity of the problems and is trying to find remedies. At a meeting of the Social Welfare Advisory Committee this year to discuss infirmary and care and attention home services, the Government has recommended that each care and attention home should set up an internal infirmary unit so that those who are in need of urgent attention could be taken care of. This will momentarily ease the shortage of infirmaries. In the Governor's policy address in October, the Government promised to build seven nursing homes in the coming four years, providing 1 400 beds. We are appreciative of what the Secretary for Health and Welfare has done. Still, the problems remain unsolved.

First of all, the effectiveness of setting up an infirmary unit in each care and attention home is very questionable. Such a unit will not have an adequate supply of professionally trained nursing staff to deal with the more serious cases. (It will consist of just one registered nurse and four enrolled nurses.) A patient will not receive the kind of medical care that he could in an infirmary. More importantly, care and attention homes themselves are in dire shortage of places. If those who should have been sent to infirmaries are put in care and attention homes, they will take up places at the expense of others already on the waiting list. This would produce a knock-on effect on other services and ultimately affect services in the care and attention homes.

The United Democrats of Hong Kong is very supportive of the plan to build seven nursing homes. However, they will provide only 1 400 places, hardly meeting the need of the 5 361 applicants on the central waiting list of the infirmaries. I think that, to tackle the problems, the most important thing to do is to review the planned ratio between infirmaries and nursing homes, with a view to increasing services expeditiously. As to the seven new nursing homes, the Government must do some thinking now at the planning stage, about how they could co-ordinate with other services to forestall any recurrence of co-ordination problems. I have some suggestions to offer concerning plans for nursing home services. I hope that the Secretary for Health and Welfare will take them into serious consideration.

(1) Mode of service provision:

I think that the general trend in the area of social services is towards the integrated mode. A case in point is the children and youth service centre, which has been the subject of a study this year. A similar integrated mode should be

used as the basis for the planning for the provision of geriatric care and rehabilitation services.

(2) Specific suggestions:

1. Integrated services should include the services provided by a home for the aged, a care and attention home and a nursing home. An integrated centre should be established to bring these different types of services under the same roof.
2. Each integrated centre should have some service-related connection with a district hospital. It should co-ordinate with, and refer patients to, the hospital.
3. Suppose that an elderly person normally living in an ordinary hostel is hospitalized. Upon discharging him, the hospital should review his condition and make a recommendation as to what kind of place will be best for him. As different types of places are available in each centre, he has only to change rooms, moving from one wing to another or from one floor to another. There is no need for him to move back and forth among the hospital, the home for the aged and the care and attention home. This means that the elderly would not have to deal with adjustment, which is difficult for them.
4. The nursing home places in each centre should be managed by the Social Welfare Department. Professional medical services, such as doctors' rounds of visits, should be performed by doctors under the Hospital Authority.
5. It may not be possible, in the immediate future, to convert the existing three different facilities into integrated centres. However, in the long run, integrated centres should be the basic mode when new services are planned.

By the United Nations' definition, Hong Kong has officially become an aged community. Old people are increasingly in need of support and care in different aspects of their everyday life. As citizens of the community, they are entitled to such support and care.

I hope expansion of the services of the government-operated and subsidized institutions and the new mode of services will free the elderly from the mental and physical agony they are now subject to when they try to secure care and attention services. I also hope that action will be taken to mitigate the impact of the possible closure of some care and attention homes when the Bill on private-run care and attention homes is enacted into law.

The Governor's policy address mentioned that a working group which would report directly to him had been set up. I hope that it will quickly put the question of elderly care on its agenda and make public any improvements it recommends.

With these remarks, I support the motion.

DR TANG SIU-TONG (in Cantonese): Madam deputy, according to the 1991 census, the number of elderly people aged 65 or above was 500 000 or 8.8% of the total population. The ratio is expected to rise to 11.6% by year 2001 when there will be 710 000 elderly people. The ratio of people aged 70 and over will rise even faster to 7.8%, with their number increasing to 480 000.

The average life expectancy of the population has become longer. This is a welcome trend as it indicates that the community is advancing in the direction of better health, greater stability, higher social progress and increased prosperity. However, under the impact of utilitarianism, the social climate has changed. Extended families are no longer favoured. In the past, it was said that "having an elderly member in a family is like having a treasure". However, the virtue of respecting the old and being filial to one's parents is diminishing. Instead of caring for and showing affection to their elderly parents, many people now consider them to be a burden. Of course, in most cases, this does not mean an absence of love in the family. There is an objective need for people to be busy at work in order to earn a living. Though they want to, they really cannot attend to their parents if they are bedridden or need special care. It is true that, as the Chinese saying goes, "even good children will become less attentive if their parents suffer from prolonged illness". Care and attention homes thus become homes for many elderly people. While children may be criticized for putting their parents in such homes, it is an undisputed fact that such homes are needed in the community. What is regrettable is that care and attention services are woefully inadequate. The sick elderly have no alternative but continue to live in despair.

At present, the care and attention homes subsidized by the Social Welfare Department and operated by non-profitmaking voluntary agencies provide 3 749 places for the elderly people who require a minor degree of nursing care. The number of care and attention places will increase to 4 660 by 1996. But there are nearly 9 000 elderly people on the waiting list. It takes two to three years before they can be admitted. As for infirmary beds, which provide long-term residential nursing care to the elderly, there are just over 1 100 of them. But there are as many as 5 400 people on the waiting list. With a shortfall of 3 400 beds, the demand has far outstripped supply.

At the beginning of this year, the Government published *A Report of the Working Party on Residential Nursing Care for the Elderly*. The Report recommended that "patients with a better chance of recovery should have higher priority in the assignment of places." This recommendation makes places harder

to get for elderly patients in need of long-term care and attention. It will be more difficult for them to be admitted into infirmaries to receive professional nursing care. I take strong exception to the above recommendation. The way to solve the problem of shortage is to provide more services. Prioritizing people in need of services while failing to deal with the problem of inadequacy is like trying to solve the problem by pretending that it does not exist. It is a shirking of responsibility on the part of the Government. Birth, ageing, illness and death are inevitable phases of life. Everybody will get sick and grow old. But it now seems to be a sin to get sick or grow old. Children do not want or are not able to take care of their elderly parents. Now, the Government is refusing to give the elderly a helping hand. What are the sick elderly to do? Should they not have the attention of the community?

After five years of study, the Residential Care Homes (Elderly Persons) Bill was finally gazetted in early October. The Bill, when enacted, is sure to affect private residential care homes. There are now 528 care and attention homes in Hong Kong, providing nearly 30 000 places. About 400 of them are privately operated, providing about 12 000 places. With the introduction of the new Ordinance, private homes will face difficulties in meeting the requirements in terms of space, staff ratio and safety. The lack of professional nursing staff will also pose a problem. If private homes are to remain in business, they must sharply raise their charges. This will be a heavy financial burden to the clients who are now using their services. I wonder how many of them will continue to be able to afford their places. People in the industry estimate that about two thirds of the private homes will face the imminent threat of closing down. Should this really happen, the shortage of care and attention places in government-operated and non-profitmaking institutions would become even more pronounced. Unless the Government acts quickly to find short-term solutions to provide more places, it will be hard to prevent many elderly people from being rendered homeless by the failure of private homes.

Anyone who involves himself in elderly services would realize that the Government's paying attention solely to the supervision of private nursing homes is not the basic solution for these problems. Tighter supervision will only cause homes to raise their charges or lead to their closures, with the result that more elderly people will be unable to find places in private homes. At the end of the day, it will be the elderly who are most affected. The Government should supervise private homes but must not shift its responsibility for looking after elderly people onto the private sector. The long-term solution is for the Government to become fully involved in the provision of services for the elderly. It should make a comprehensive plan for elderly services. This will be the basic cure for the problems.

In this year's policy address, the Government acknowledges that the ageing population is creating an acute shortage of elderly care services. But the measures proposed by the Government are like a drop in the ocean which will have little effect in solving the present problem. I do not think that the Government has faced up to the problem squarely or showed the determination

to solve it. According to the figures from the Samaritan Befrienders, the number of elderly suicide cases rose markedly from 1988 to 1992. In 1988, there were 40.73 suicides for every 100 000 elderly people aged 70 and over. In 1992, the number jumped to 51.98, an increase of 27.6%. The rising figures are nothing to be proud of. They are social tragedies. I hope that the Government will take a square look at the various problems that are due to the ageing of the population and then do something to enable the elderly people to lead a secure and comfortable life.

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

MR MOSES CHENG: Madam deputy, over the last two years, I have taken several opportunities, especially when discussing budgetary considerations, to herald the need for assuring a "dignified and comfortable old age" for all of Hong Kong's elderly population. Today's motion debate brings their plight into direct focus, and can, if pursued correctly and cost-effectively, lead to both immediate and long-term improvements in the health care options that they encounter in the autumn of their lives.

It is fitting and proper that the Government takes the lead, in the short term, to stimulate growth and expansion of care and attention homes, infirmaries, as well as homes for the aged. With a shortage of nearly 5 500 beds and a rapidly aging population, it is clear that not enough has been done to date to accommodate and consistently plan for the current and imminent demands. The dearth of infirmaries is in fact so critical that many care and attention homes and homes for the aged are now doubling their role to act as infirmaries, even though they lack the training, skills, and manpower to carry out these very distinct duties. This situation is simply inadequate and reflects poorly on the Government's standing and long-term commitment to care for our elderly, who deserve much better.

Because of the shortcomings that have befallen the foresight of planners and led to this crisis, the immediate need for temporary or short-term solutions must be considered with a sense of urgency. Too many people, in need of long-term care and attention, hospices or infirmaries for the aged, are occupying hospital bedspace, and displacing those in need of legitimate hospital stays. The net effect has been an undesirable ripple, felt across the healthcare system, which has hindered the Hospital Authority's performance as a provider.

I am repeating the call of my Liberal Party colleague who spoke before me that significantly more nurses, both enrolled and registered, as well as qualified workers are needed to cope with the specialized needs of the aged and infirm. There is no valid reason that the tasks of caring for the elderly should be left to unqualified and unskilled workers by default, when there is a verifiable surplus of mainland-trained nurses, already resident in Hong Kong, yearning to apply themselves and alleviate this burden. Furthermore, the licensing and accreditation system for nursing in general should be reviewed to

see if foreign-trained but qualified candidates can be licensed specifically to work in healthcare services for the aged. Allow me to suggest that our pragmatism and good sense should prevail over excessive paperwork and bureaucracy in order to address this crisis with the urgency it deserves.

Significantly more places are also needed and interim measures will have to be designed and adopted to cope with this crisis in scale. We should seek to make the best out of an already bad situation by maximizing the experience of the private sector and responsibly regulating its role in a way that stimulates expansion and new growth with elevated standards of care and safety. If we act now to involve the private sector in manner that allows these valued services to proliferate and mature, then it is reasonable and possible to expect both public and private providers to complement each other's services and stay ahead of projected demand.

Private sector participation is positive in that the incentives and disincentives are readily available for the Government to institute and uniformly elevate standards, which creates more choice for consumers and concerned families who are forced to seek care, attention and housing for their aging loved ones. While these homes must be regulated and monitored enough to show compliance with good healthcare and safety standards, a stable balance in regulation must be sought to allow them to flourish and serve such a useful function for our citizens.

Meanwhile, the Bought Place Scheme, in which the Government is purchasing private sector bedspace from qualified providers, is proving successful in sharing responsibility and spreading higher standards and should be expanded as a stopgap measure. Imminently, of course, we should aim to foster a mature, developed, and stable private industry of high quality that provides capacity on demand for care and attention homes, infirmaries, and homes for the aged. While this vision may be several years from realization, the current crisis and aging demographics suggest that it is not too soon to lay the foundation for it today.

In summary, the current crisis of bedspace and treatment facilities for the most venerable members of our society must serve as a catalyst for firm resolve, innovative thinking and a plan of action in both the short and long term. Among the many practical steps that should be taken immediately are measures designed to stem the shortages of nursing care and space for the elderly and infirm. These measures can be pursued by rolling back excess bureaucracy and cost-efficient co-operation with the private sector. Overall, we must seek both qualitative and quantitative increases in the provision of care and attention to our elderly. For the long term, we must commit ourselves to a new consensus that puts principle over and above politics so that we may equitably and evenly make available resources to all our people.

Assistance to the elderly in achieving their right to a "dignified and comfortable old age" is not contingent upon popular politics, but rather the

compassion, reverence, and respect that are due to these people for their labour during their lifetime.

Madam deputy, with these remarks and this call for action, I support the motion.

SECRETARY FOR HEALTH AND WELFARE: Madam deputy, our policy on elderly services is to encourage the care of elderly people by family members within a family context and to strengthen support for caregivers. The broad aim is to promote the well-being of elderly people through care in the community and by the community. To this end, a range of services are provided to enable elderly people to remain at home for as long as possible and to provide support and assistance to caregivers. These services include, for example, home help service, social centres, multi-service centres, day care centres and facilities, community nursing service and community psychiatric nursing service.

It is, however, recognized that the needs of elderly people vary and that residential care may be required for some elderly people who cannot be taken care of at home. Our approach to long-term residential care for elderly people is that it should only be provided to those who have a genuine need for such care. Elderly persons living in institutions often feel abandoned by their families and isolated from society. Elderly people should be enabled to lead an independent and dignified life as part of the community and not in isolation in an institution.

For those who cannot be cared for at home, a range of residential care facilities are provided including, self-care hostels, homes for the aged, care and attention homes and infirmaries.

With the growth of the elderly population in Hong Kong in recent decades, the demand for residential care services for elderly people is increasing. As a result, the considerable expansion of residential care services in recent years has not been able to meet demand. The solution in the long run is to provide a system of integrated care based primarily in the community to enable elderly people to continue to live at home with their families. As an interim measure, more residential care places will be provided and new initiatives will be implemented.

As announced by the Governor in his annual address to this Council on 6 October 1993, an additional 800 care and attention places will be provided during the next two years in addition to the 5 000 care and attention home and home for the aged places pledged in his 1992 annual address. The target set in the 1991 White Paper *Social Welfare into the 1990s and Beyond* will be fully met by 1997.

For elderly people who need residential medical and nursing care, but not necessarily in a hospital, infirmary services are provided. A total of 1 400 infirmary places are currently provided by the Hospital Authority. Our present plans are to provide an additional 1 200 places by 1997. We have, however, 5 400 people already on the waiting list. To better meet demand, the Governor has announced that a network of elderly nursing homes with medical and nursing facilities will be developed. These nursing homes will care for elderly people who would otherwise have to remain in hospital or in an infirmary. We are planning for an initial seven nursing homes to provide 1 400 places for such elderly clients. The homes are planned to be in operation by 1997. The new nursing homes are intended to bridge a gap between infirmaries and care and attention homes. As the department responsible for registering and supervising nursing homes under the law, the Department of Health is best placed to oversee the establishment of these homes. With reference to Dr LEONG's comment on health centre for the elderly, I wish to point out that the Department of Health is actively working on the development of this service and the first health centre for the elderly will be opened in 1994.

In line with our efforts to reach out to the community, we have plans to set up initially four community geriatric teams in 1994 to provide outreach medical services to elderly people in the community by providing medical, nursing and specialist support. These teams will provide pre-admission assessment for people on the waiting lists for care and attention homes and infirmaries in order to ensure that they are provided with the appropriate type of care. Medical support services are also provided to prevent deterioration in their health conditions and to reduce their need for hospitalization.

With increasing demand, there has been a considerable expansion in recent years in the number of residential homes for elderly people. While private homes also make a significant contribution to caring for the elderly, their quality of service is not always satisfactory. There is a need to control the standards of residential care homes in Hong Kong.

To provide a uniform regulatory framework on these homes, the Residential Care Homes (Elderly Persons) Bill was introduced into this Council on 3 November 1993. The proposed legislation provides for the control of homes through a licensing system. A set of minimum standards in respect of location and design, staffing and space, safety precautions and other requirements will be applied to all residential care homes for elderly people. The legislation will prohibit new homes which cannot meet the licensing standards from entering the market. As regards the existing homes, we expect that most of them would be able to comply with the licensing conditions or to improve their services according to the conditions imposed under their certificates of exemption. We will arrange alternative accommodation for all residents affected by closure of substandard homes. The Bought Place Scheme will be expanded for this purpose.

In order to plan for the future, a Working Group on Care for the Elderly has been appointed by the Governor to conduct a general review of services for elderly people and to advise on the formulation of a strategy for the development of future policies and services. The Working Group is responsible directly to the Governor and will report by August 1994. The Working Group will evaluate the demand for and the supply of each service for elderly people, including care and attention homes and infirmaries. The relationship between care and attention homes, nursing homes and infirmaries will be looked at. It will also examine new and cost-effective ways to meet the demand for these services, a means of improving co-ordination of services between care and attention homes, nursing homes and infirmaries. Members of the public have been invited to submit their views to the Working Group by the end of the year.

In concluding, I would like to assure Members that the Government is fully committed to improving the quality of life of our elderly people. The appointment of the Working Group is a proof of this commitment. The Government will spend about \$6 billion on services for elderly people this year. A wide range of community support services and residential care facilities are now available on a district basis. Our elderly people will be assisted to lead a fulfilling and dignified life and to remain active and independent for as long as possible. Our aim is "to add years to life and life to years". Thank you.

THE PRESIDENT resumed the Chair.

PRESIDENT: Mr HUI, do you wish to reply?

Mr HUI Yin-fat indicated that he did not wish to reply.

Question on the motion put and agreed to.

GREEN PAPER ON EQUAL OPPORTUNITIES FOR WOMEN AND MEN

MRS PEGGY LAM moved the following motion:

"That this Council urges the Government to make efforts in promoting equality between the two sexes in Hong Kong, introduce into the territory as soon as possible the United Nations' Convention on the Elimination of All Forms of Discrimination Against Women, and establish a statutory Women's Commission to co-ordinate the implementation of the Convention, and monitor the enactment and enforcement of anti-sex discrimination legislation."

MRS PEGGY LAM (in Cantonese): Mr President, the motion I am moving today consists of two major parts. The first point is urging the Government to introduce into the territory as soon as possible the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Then, to ensure that CEDAW be implemented practically in Hong Kong, I would go on to ask the Government to establish a statutory Women's Commission to co-ordinate the relevant work and to monitor the enactment and enforcement of anti-sex discrimination legislation.

This Council held a motion debate as early as 16 December 1992 on the need for an extension of the CEDAW to Hong Kong. 15 Unofficial Members, including myself, spoke on that occasion. We all agreed to urge the British Government to take all necessary steps at once to extend CEDAW's applicability to Hong Kong. With the exception of the three Official Members who abstained, all the other colleagues of this Council supported the motion unanimously.

Now, a year later, the Government still appears to have quite some reservations about the introduction of CEDAW into Hong Kong. During this period, the Government issued the *Green Paper on Equal Opportunities for Women and Men*. In Paragraph 152 of the consultation paper, the Government indicated: "To a large extent, the extension of CEDAW and the introduction of anti-sex discrimination legislation should only be pursued if the community views it in a positive light that such action would be effective and justifiable having regard to the overall impact on society and the resource implications."

I hope that, when the consultation period is over, the Government will keep its promise to comply with public opinion and quickly set the legislative process in motion to ensure better protection for the rights of the 2.85 million women of Hong Kong in the political, economic, social, cultural and employment realms. These women will then have equal opportunities to make contribution to the community.

In fact, if the Government had been respectful of this Council's wishes, the legislative process could have been started a year ago. As it is, we have already wasted a year's time. After the Green Paper was published, political parties and concerned groups were quick to issue statements. Judging from their comments as well as press commentaries, there is a very clear community consensus, that is, the women of Hong Kong are still being discriminated against in many ways and that CEDAW must be introduced into Hong Kong as soon as possible to put right the injustices.

A number of organizations have formed a joint conference to voice their dissatisfaction with the Government's indecision. They have launched signature campaigns in support of the two-point demand I make today. Meanwhile, nearly 150 district board members, municipal council members and Legislative Council Members have formed a Coalition of Councillors for the Promotion of Equality between Women and Men striving for the same objectives.

The day before yesterday, an Alliance for Grassroots Women's Rights petitioned the Legislative Council Complaints Unit to speak their minds. In addition to urging for the immediate extension of CEDAW to Hong Kong, they voiced support for the establishment of a Women's Commission. They demanded that importance be attached to the roles of housewives, and that district women's development centres be set up. They also demanded a square look be taken at women's difficulties in finding jobs, so that effective retraining programmes can be devised. They called for the repeal of provisions of law discriminating against women. These requests were supported by Members present at the Complaints Unit that day.

The Hong Kong Federation of Women (HKFW), of which I am a representative, also fully supports the introduction of CEDAW into Hong Kong and the establishment of a Women's Commission.

It is imperative that government officials should consult the public on major issues. However, if they use public consultation as an excuse for inaction, then they will be shirking responsibility and muddling through their work.

The Government today should indeed adopt an open-minded approach to the community's vociferous call for the protection of women's legitimate rights. It should immediately give a positive response to this call. CEDAW must be introduced into Hong Kong as soon as possible. This is a matter that can brook no delay. It must not be put off yet again.

At the debate a year ago, the Secretary for Constitutional Affairs said that the Government had strong doubts as to whether introducing CEDAW into the territory was the most effective way to eliminate all forms of discrimination against women in Hong Kong. He stressed that extending the convention to Hong Kong would necessitate enacting legislation applicable to both the public and private sectors.

The then Secretary for Constitutional Affairs added that, because CEDAW prescribed standards for almost all aspects of life, the new legislation enacted would have to cover a wide range of things. Therefore, he said that the Government might have to intervene extensively in the operations of the labour market, taking flexibility away from recruitment practices.

This I cannot agree. The term "flexibility" in this context is actually just a euphemism invented by the officials involved. If "flexibility" is based on injustice to women, then such "flexibility" is grossly unacceptable. That recruitment practices obviously discriminating against women are represented as maintaining the flexibility of the labour market is not only an insult to women, but also a slur against all fair and open-minded employers. In fact, when this Council unanimously passed the motion a year ago, the casters of the "aye" votes included Members representing the business community.

That government officials are inhibited by their fear of the possible extensive repercussions of the introduction of CEDAW into Hong Kong is in itself an indication of the severity of the situation. If we lack in Hong Kong so many rights and safeguards for the women which are internationally recognized by 120 countries, there is all the more reason for us to act quickly to introduce CEDAW into Hong Kong so as to put an end to these widespread injustices.

The Green Paper suggests that consideration could be given to developing a Charter for Women, setting out the principle of equality of the sexes and the rights of women, thereby providing a reference for members of the public as well as the Government to work together. The proposed Charter for Women could be promulgated through voluntary public declarations of support.

This is nothing but a self-deceiving suggestion. Certainly, the individuals and institutions that are now responsible for injustices to women will not choose to be signatories to the Charter for Women. The only effective way to solve the problem is to introduce CEDAW into Hong Kong and to set up a statutory body to monitor progress in all related matters.

The Government has also raised the question of resources in respect to this issue. The Green Paper says that a CEDAW-linked Women's Commission, irrespective of its status, terms of reference or operation would require executive support in order to function effectively. The consultation paper cites an example from the United Kingdom, saying that its Equal Opportunities Commission, vested with wide executive powers, has an establishment of 168 full-time staff and with a budget of nearly (E002)5 million in 1991-92.

What it means to say is that a similar body in Hong Kong will be a heavy financial burden on the Government expenditure-wise. However, we must not forget that the United Kingdom commission is responsible for dealing with everything in the country involving injustices to women. Hong Kong, in contrast, is just a city. The workload of Hong Kong's commission cannot compare with that of the United Kingdom. More importantly, if the Women's Commission succeeds in upholding justice for women, who account for half of Hong Kong's population, it will certainly be worth all the reasonable expenditure it requires. This Council and the general public will fully support it.

The Government enacted the Hong Kong Bill of Rights Ordinance in 1990, thereby affirming in principle equality between the sexes. However, this Ordinance is binding only on government departments and the public sector. It fails to provide comprehensive protection for women's rights or raise their status.

Equality between the sexes is enshrined as a principle in the constitution of many countries. In the United Kingdom, which does not have a written constitution, the idea of equality between the sexes gained recognition only through the United Kingdom Government's recognition of the United Nations Charter, the Human Rights Declaration, and more recently, CEDAW.

Therefore, HKFW, including myself, urges the Government to make a serious commitment to equality between the sexes and to honour it. The most specific way of doing so is to introduce CEDAW into Hong Kong and to set up a statutory commission to monitor the progress of its implementation.

Hong Kong's present sovereign is a signatory to CEDAW. Our future sovereign, China, has signed CEDAW, too. In fact, CEDAW was the first international convention ever signed by the People's Republic of China. And China has been working hard to carry out CEDAW's articles ever since.

Paragraph 151 of the Green Paper mentions that, if applied to Hong Kong, CEDAW would confer new international rights and obligations affecting Hong Kong which would continue to apply after 1997. Therefore, the Government must consult the Chinese Government about this. During a visit to Beijing the other day, I consulted Director LU Ping of the Hong Kong and Macau Affairs Office about the matter. He quickly responded that he was in favour of introducing CEDAW into Hong Kong. Therefore, the Hong Kong Government needs not worry about China not supporting the move.

On the political reform issue, the Government has acted in haste. It has unnecessarily rushed to table the electoral bill at this Council. If the Government intends to put in place a fair mechanism for Hong Kong, it should quicken its pace in promoting equality between the sexes, which is a matter of greater urgency. Each day's delay will see one more day's injustice done to half of Hong Kong's population.

The HKFW, to which I belong, recently held a seminar and conducted a questionnaire survey on the Green Paper. I am glad that I can share some of its findings with you all so as to supplement our debate today. HKFW thinks that equality is a basic human right, a part of self dignity that everybody possesses. It opines that no one should be discriminated against because of one's gender. An amelioration of women's rights is a step forward for mankind. In the course of consultation, it was found that women's biggest obstacle is their inhibited thinking and the shortage of services. As the principal bearer of chores in relation to looking after the family, women often have to sacrifice career opportunities in order to attend to their domestic duties. Therefore, the Government should take practical steps to honour its commitment to promoting equality between the sexes. In the areas of political participation and participation in community affairs, HKFW is in favour of "competition in excellence." Women should improve their personal qualifications and quality to win more seats in various tiers of the representative government. Additional seats should be strived for, but not at the expense of quality. In the

New Territories, HKFW requests that village offices and village committees be more open to give women opportunities to participate in their affairs. HKFW suggests that Heung Yee Kuk should set up a women's committee or a women's group, so that women may have opportunities to take part in deliberations on New Territories affairs. In addition, HKFW proposes lifting the prohibition against women in voting in villages and running in the election of village representatives. With regard to New Territories women's inheritance rights, we think that female survivors should have inheritance rights equal to those of male survivors in cases of intestacy. HKFW suggests that the Government should delete section 11 of the Intestates' Estates Ordinance instead of amending the New Territories Ordinance and let the court exercise discretion in accordance with social development, instead of rigidly adhering to traditions and conventions. I am very glad to note that the Law Reform Commission and its Report No. 15 have made a similar suggestion.

During my visit to Beijing at the end of last month, I specifically asked Director LU Ping of the Hong Kong and Macau Affairs Office whether lifting the restrictions on New Territories women's inheritance rights would contravene the Basic Law. The answer I received was that Article 40 of the Basic Law protects the lawful traditional rights and interests of all New Territories indigenous inhabitants, including both men and women. Director LU supported equal inheritance rights for all New Territories indigenous inhabitants.

In the employment area, HKFW is in favour of removing all employment restrictions on women. I think that education on the idea of equality between the sexes should start with the youths. Schools and the media have a responsibility for sending the right messages to put an end to traditional concepts of different roles for women and men.

With these remarks, Mr President, I move the motion under my name.

Question on the motion proposed.

MR ALLEN LEE (in Cantonese): Mr President, the Liberal Party is of the view that women should enjoy equal opportunities like men in education, employment, community participation and political treatment. Men and women should not only have equal status at home but also equal treatment and similar promotion prospects at work. This is the belief of the Liberal Party which has been clearly laid down in our party platform. As a result of universal schooling and economic and social development, the role of women has become increasingly important. In the past, women were confined to homes but now they have the opportunity to serve the community with their expertise. Therefore, it is only natural that they ask for equal footing as men. As far as the community is concerned, equality between the sexes should be a principle upheld by everybody, be it the Government or private individual, man or woman. "Women hold up half the sky" is a commonly used phrase to express

our strong approval for the achievements of women and I believe nobody would object to it. However, time and again, we have heard complaints from women that they have not been treated equally. This is a very strange phenomenon indeed. Since it is beyond doubt that women have made great contributions to their families and society, why then do they feel that they have not been given equal treatment? Where does the problem lie? This is a question that merits our careful consideration.

Recently, the Liberal Party conducted a questionnaire survey on the Government's *Green Paper on Equal Opportunities Women for and Men*. The respondents more or less shared the same view on the following issues: 92% of the respondents were in favour of legislative amendment to ensure equal succession rights for both men and women; 80% were in support of the introduction of the United Nations' Convention on the Elimination of All Forms of Discrimination Against Women; 79% were in support of legislation for equal work and equal pay for men and women. The most interesting of all is that, with regard to the setting up of the Women's Commission, many people were of the view that its functions should include the handling of complaints. This may be due to the fact that people generally feel that women have nowhere to lodge their complaints. Such a feeling should be faced squarely and dispelled. We must not allow such discontent to grow.

Some time ago, the issue of rights of succession to lands in the New Territories caused widespread concern in the territory. This Council also had a debate on this issue. Given their historical background and traditions, people of the New Territories have their own stance on this issue. The Honourable Peggy LAM just then said that she had consulted Mr LU Ping, the Director of Hong Kong and Macau Affairs Office, on the issue of succession rights during her visit to Peking. Mr LU's views were that Article 40 of the Basic Law protects the legitimate traditional rights and interests of all New Territories residents and not just those of male indigenous villagers. He also said that he supported equal succession rights for female indigenous villagers. This implies that China also endorses the principle of equality between the sexes and that it shares the same view with the Liberal Party.

In December last year, this Council had a debate on the introduction of the Convention on the Elimination of All Forms of Discrimination Against Women. In October this year, this Council moved a motion on women's succession rights. Now we have a debate on the *Green Paper on Equal Opportunities Women for Women and Men*. All these shows that this Council attaches great importance to the need to protect women and raise their status.

The Honourable Selina CHOW and Miriam LAU of the Liberal Party will speak on the actual needs of women in the 1990's and the Liberal Party's stance on the enactment of legislation to protect women respectively.

Nowadays, equality between the sexes should no longer be a problem in Hong Kong. We should not only dispel outmoded concepts but also take concrete actions to show that Hong Kong is a society where men and women are equal.

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

MRS SELINA CHOW (in Cantonese): Mr President, throughout history, women have made significant contribution to society. Regrettably, history books have little to say about women's accomplishments. Thus, we lose a valuable part of history. During the last decade, the community of Hong Kong has begun to pay more attention to women's situations and the problems they encounter. Towards the end of August, the Government published a *Green Paper on Equal Opportunities between Women and Men* and invited comments from the public. The Liberal Party fully supports the proposition that women should fight for equal treatment and equal opportunities in all areas. In the following, I will endeavour to comment on the Green Paper from the angle of the real needs of a woman of the 1990s, with a view to offering some constructive suggestions for study, and possibly adoption, by the relevant policy branches of the Government.

The Green Paper seems to have painted a very upbeat picture, portraying women as already enjoying equal opportunities with men in the areas of employment, political and community participation and in access to education, health care and social welfare. However, as I see it, the reality is quite different from the Green Paper's version. Discrimination against women, as an attitude and as a fact, is still widespread in the Hong Kong community. This is indeed disappointing.

In career, for instance, women face many obstacles in job entry, in promotion and in access to training, and their pay and benefits are generally not as good as men's. Many employers, in recruiting workers, say explicitly that only men need apply (for posts such as skilled workers). Employers tend to think that women's physique is not as strong as men, or that they are unfit for physically demanding work. They also tend to doubt women's dedication to their job, as in their opinion, women have to take care of families and bear and raise children. As to the separation of trades, professionals such as doctors, engineers, surveyors and architects are mostly men. All in all, if your occupation requires a university degree, then you are more likely to be a man than a woman, of course with the exception of "housewife". Of course, some women do have opportunities to work outside their homes. They are mostly clerks or secretaries. In the labour market, there is indeed sex discrimination because of conventions and habits and gender role stereotyping.

Moreover, many women are afraid to participate in community affairs and politics. This is undoubtedly a self-strangling of their own opportunities to make contribution to the community and to develop individual potentials.

For a married woman to become a successful "strong woman", she has to pay a high price. She has to be "a good cook and presentable on social occasions." She must also be a "career maniac." But most important of all, she must have a husband who is understanding and who is not a male chauvinist.

In the area of education, traditional norms about the different roles of the two sexes have influenced men and women in their education endeavours and in their choice of disciplines. For example, most men choose to major in sciences or engineering, while women in the arts. These differences have a direct bearing on their advanced education opportunities, career development and socio-economic status.

As regards health care and social welfare policies, studies have shown that medical and nursing personnel have failed to provide women patients (particularly the older ones) with suitable environments that could cater for their psychological and physiological needs. Nor does Hong Kong's social welfare policy pay special attention to women's needs. This, too, shows that women are at a disadvantage both in the family and in their relationship with men.

The inequality between the sexes can be attributed to role stereotyping by families, by schools and by the media. In TV commercials, for example, a woman is always "a good wife and a good mother." This concept of stereotyping the roles of men and women has contributed, to a certain degree, to inequality between the sexes.

Now that we know that sex discrimination does exist in the community, we must do more than criticizing it rationally. We must go one step further to address the problem squarely and to suggest specific and feasible ways to remove obstacles to the promotion equality between the sexes.

Firstly, a consensus must be reached within the Government to know the Green Paper's commitment, such as setting up a Women's Commission, introducing the United Nations Convention on the Elimination of All Forms of Discrimination against Women and legislation. The Government should take the lead in ensuring that the women of Hong Kong will enjoy equal opportunities and treatment with men. Of course, full equality between the sexes cannot be achieved solely by introducing anti-sex discrimination legislation. Active steps must also be taken to correct prejudices throughout the community. This, however, does not mean that legislation is not necessary. Legislation may not change people's attitudes immediately. Still, it is the first step in changing people's behaviour.

I will now briefly look at modern women's real needs in various areas.

Firstly, I will talk about career, political participation and participation in community affairs. If women are to be encouraged to take an active part in community affairs, not only must there be legal safeguards for women's rights,

but the Government must also provide support services to enable more women to return to the community and join the production forces. More nurseries and creches should be set up with extended opening hours, so that working women can be benefited and work without distraction. Besides, the Government must also provide more opportunities of vocational training for women, particularly retraining courses. The emphasis of these training and retraining programmes should be on business and practical subjects, so that more women could be equipped. Suitable training should be provided for women (for example, housewives) intent on rejoining society to work, so that they can meet the realistic situation and market requirements. This series of actions will gradually narrow the salary gaps between men and women and let more women, particularly married women, actively participate in community affairs and take up employment.

Moreover, schools, families, the media and civic education authorities all have very important roles to play in changing the traditional stereotyped roles of men and women. They are helpful to dispelling the traditional concept that women are "caretakers" of their family. This could be achieved, for example, by reviewing textbooks and publications which deal with the pass-on of ideas.

I will now look at the health care area. The life expectancy of women now is generally longer than men. This means that the Government must provide more health care services to elderly women. By the same token, the Government must build additional clinics or invest in specialized health care services for women.

In short, we and the community expect a lot from the Government. In the legislation and policy areas, for instance, the Government must show a firm and clear-cut position and take the lead in eliminating all forms of discrimination against women in society. It must not be conservative. It must not be indecisive. Therefore, I urge the Government to show that it is sincere in correcting the irrational inequality between the sexes.

Mr President, I support the motion.

MR HUI YIN-FAT (in Cantonese): Mr President, today's debate may be regarded as a sequel to the motion passed by this Council on 16 December last year to urge the Government to extend to Hong Kong the United Nations Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), to the opposition of the Administration. It is true that the Administration has fulfilled its promise made in the last debate by publishing the *Green Paper on Equal Opportunities for Women and Men* in late August, yet such move still did not live up to the expectations of colleagues in this Council, feminist groups and the general public. Against this background, today's motion is moved to make a similar request again with an aim to urge the Government to extend CEDAW to the territory and establish a Women's

Commission to receive women's complaints and to monitor the implementation of CEDAW by the Government.

The Green Paper provides details on gender equality in terms of political and community participation, employment, education, health care, social welfare, battered wives and the discrimination against indigenous women in the New Territories. I consider it a rather successful paper. This demonstrates at least that the Government is finally willing to face the reality and lay bare details of sex inequality. The Government even goes so far as to acknowledge that inequalities are quite widespread in the community. Take for an example, the Green Paper points out that women's political participation and their participation in public boards and committees is not high. In terms of employment, in the low-income group, women workers outnumber their male counterparts but the opposite is true in the high-income group. Moreover, recipients of social welfare services and public assistance are mostly women.

However, it is baffling that now the Government has recognized the existence of gender inequalities as reflected in its own statistics. Still, it is complacent about the *status quo* and finds the extension of CEDAW, the enactment of relevant legislation and the establishment of a Women's Commission unnecessary. Take social welfare, a field with which I am most familiar, as an example. Recipients of various assistance and welfare services are mostly women. Behind such phenomenon lies the real problems which have to do with women's unequal status in traditional families and their unfavourable position in the labour market. All this explains well why women find it difficult to attain financial independence and have to seek public assistance in times of difficulty. However, the Government takes pride in the situation at its face value and is of the view that women's interests have already been adequately taken care of.

Mr President, I have already pointed out clearly in the last debate that there is no explicit discrimination against women under the existing public policies and that women's status is quite prominent in the upper social class and indeed in the highest social echelons. Yet unequal status and opportunities are common in the middle and lower strata where deep-seated traditional ideas and concepts prevail. That is why I supported the extension to Hong Kong the convention and the establishment of a Women's Commission. My standing has remain unchanged. I believe that *bona fide* equality between the sexes could only be achieved through the institutionalization of the proposals such that the Government would be empowered to enforce the law. In this way, we may remove radically the misconception of the general public and further eliminate all forms of discrimination against women before *bona fide* sex equality could be achieved. I deeply regret that the Administration is complacent about the *status quo* and even refrains from enacting relevant legislation to appease the employers. It is hoped that the Government will truly observe the spirit of its performance pledges.

With these remarks, I support the motion.

MRS MIRIAM LAU (in Cantonese): Mr President, should the United Nations Convention on the Elimination All Forms of Discrimination against Women (CEDAW) be introduced into Hong Kong? I believe that this Council gave a clear answer in the affirmative to the Government towards the end of last year. More recently, this Council unanimously recommended to the Government that a Women's Commission be set up. The position of the Legislative Council, which speaks for the people, is therefore clear. Still, the Government thinks that public consultation is needed before a decision could be made. This is perplexing. Even so, I feel that any response from the Government is better than none at all. The good news is that, since the publication of the *Green Paper on Equal Opportunities for Women and Men*, we apparently have not heard a single voice opposing the Legislative Council's position. The substance of the Green Paper reflects the Government's usual approach to the issue of inequality between the two sexes, that is, watering down the issue as much as possible. The Green Paper cites an abundance of statistical evidence to show that inequality between the sexes does exist in Hong Kong. However, the Government subjectively assumes that this is due to personal choices, personal preferences and physiological differences. No attempt is made at all to find objective explanations as to the social causes, such as subconscious old-fashioned thinking, stereotyped roles and so on, contributing towards these phenomena. This is disappointing. Conversely, the Green Paper stresses that women's situation in Hong Kong is now quite good, comparable with that in advanced countries of the world. It goes on to say that women's status in Hong Kong is better than that in neighbouring Asian countries. I think that such comparison is unnecessary and pointless, and no more than a case of an inferior person laughing at others who are even more inferior. The Government's complacent attitude in thinking that nothing more needs to be done is indeed a major obstacle to promoting equality between the sexes in Hong Kong.

The truth is that women nowadays are still subject to all kinds of restrictions, which deny them opportunities equal to those of men. In everyday life, things that are taken for granted may not in fact be true at all. For instance, it is taken for granted that women's job is to look after children and do domestic chores. Conventional wisdom has it that "men work outside; women work at home" and that "it is a woman's virtue to be ignorant." Such traditional concepts have affected women's attitude in educational pursuits and in choosing disciplines on the one hand, while restricting their opportunities in developing their potentials on the other. I think that the Government should provide better community support services, so as to free more women from their heavy domestic duties, thereby giving them opportunities to develop their interest and skills. Such services are essential to women whether they choose to continue with their roles as housewives or to join the workforce.

In the employment area, the Green Paper acknowledges that a salary gap exists between men and women. It thinks that this gap is caused by differences in qualifications, seniority of service and physical ability. In fact, if one compares men and women in the same job classification, one may find that there is a salary gap between men and women even if they have identical

qualifications and experience and work equally hard. Even in jobs normally filled by women, such as clerks and professional assistants, men are generally paid higher salaries. The gap in this case is obviously not due to differences in qualifications, experience or physical ability. The Government must take a square look at the problem. The Government says that equal pay legislation will be hard to enforce in Hong Kong, given the relatively small scale of business. The truth is that the Government lacks the resolve and sincerity to study and issue guidelines to small and medium-sized businesses, so as to make compliance less difficult.

There are statutes and systems that fail to protect women or which are discriminatory against women. A case in point is inheritance rights in the New Territories. Women have long complained about the unfairness in this case. But the Government seems to have evaded its responsibility by pretending to be deaf and blind. This clearly should not be the attitude of a government that pays lip service all the time to equality between the sexes. In the past, some people worried that a revision of the New Territories Ordinance might be in violation of Article 40 of the Basic Law which seeks to protect the lawful traditional rights of the indigenous inhabitants of the New Territories. I am very glad that the Hong Kong Federation of Women, which visited Beijing recently, has brought back the news that Mr LU Ping, Director of the Hong Kong and Macau Affairs Office, confirmed that Article 40 of the Basic Law sought to protect not only the traditional rights of male indigenous inhabitants but also the equal inheritance rights of female indigenous inhabitants. I hope that this will stand as the right interpretation of Article 40 of the Basic Law. I have never believed that the Chinese Government, which attaches importance to equality between the two sexes, would protect unequal inheritance rights as if they were legitimate. I respect the New Territories indigenous inhabitants' wish to maintain the integrity of "tso tong" property and thereby to maintain the continuity of the clan. But the issue of "tso tong" can be resolved through the setting up of specific trusts or other ways. The need to maintain the continuity of the clan should not be used as an excuse for preserving unequal inheritance rights.

I agree that the Government should delete section 11 of the Intestates' Estates Ordinance, so that male and female survivors may have equal inheritance rights provided for under the law when the deceased did not leave a will.

Mr President, equality between the sexes is an important principle which the Government has an inescapable responsibility for carrying it out. For the ideal of equality between the sexes to be attained, members of the public must be educated patiently over time. Their conventional thinking about the two sexes should be changed with the help of appropriate legislation and continuous encouragement. All these require sincere promotion by the Government. I think that the Government should begin by correcting some of its own mistakes in treating the question of equality between men and women in the past. It should discharge with resolve its responsibility as the prime mover. Meanwhile,

action must be taken quickly to introduce CEDAW into Hong Kong as the basis for policies, legislative initiatives and relevant measures to be taken. In addition, a Women's Commission should be set up to monitor the practical implementation of CEDAW and to offer advice to the Government in policies towards women. When the basic conditions are met in these three areas, it can then be said that Hong Kong has taken the first step towards real equality between the sexes.

The Government has no more excuse for delaying the introduction of CEDAW into Hong Kong. While CEDAW does no more than spelling out the idea of promoting equality between the sexes, its actual implementation depends on suitable programmes and legislative initiatives on the part of the Government to terminate discrimination against women. In this connection, the Government should consider enacting equal pay legislation and anti-sex discrimination legislation. This will be the beginning. The next step is to review all the existing statutes and policies and, by deleting provisions that are discriminatory against for women, make them conform with the spirit of CEDAW. I think that the continuity of the Women's Commission should be ensured. Therefore, it should be a statutory body. Its members should include not only representatives of the public but also representatives of government departments, for women's problems involve the policy areas of many government departments. There must be co-ordination among all departments of the Government if the work for promoting equality between the sexes is to be carried out successfully.

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

MR CHEUNG MAN-KWONG (in Cantonese): Mr President, in the past, some people might think that as long as women became economically independent, equality between the sexes would not be far away. Today, in Hong Kong, many women have already gained economic independence for a long time, yet equality between the sexes is still a long way off. Instead, what has increased is their workload. Besides the household chores, they are also laden with the burden of working in society. Therefore, to achieve genuine equality between the sexes, we should not only start with the economic aspect, but also the education, conceptual and cultural aspects.

Nevertheless, there are still a lot of sexist ideas in favour of men in our education system. As far as textbooks are concerned, what we see is a male-oriented world. A study conducted by the Chinese University reveals that there are about 3 000 figures which appear in the Chinese history textbooks of junior secondary level. Among these figures, only 100 are women and that represents a rate of 1/30. Of course, in a male-dominated era, such a rate is hardly surprising. What is really regrettable is that these women are either described as sirens who brought about the downfall of the empire such as Daji and Baosi or autocratic and dictatorial empress dowagers like Empress Lu of Xihan and Wuzetian of the Tang Dynasty. Mr President, if the many strong women of today's society were born in ancient China, I am afraid they would not be able

to escape the fate of being described as sirens and despotic empress dowagers through no fault of their own.

If we open a Primary I Chinese language textbook, there is always a chapter on a happy family. What is a happy family? A happy family is one in which the father is reading newspaper on a sofa, the children are playing in the living room while the mother is cooking in the kitchen. Obviously, she is toiling and moiling, but she still wears a satisfied smile. In the health education textbooks, the doctor is always a man while the nurse is always a woman. There is a joke in real life. A girl had an aunt who was a doctor. Once she was asked to answer a multiple choice question, that was whether "she, he, it" is a doctor. Since her aunt was a doctor, naturally she picked "she" as the answer. However, her teacher said that her answer was wrong and told her to choose "he" instead. The girl simply could not understand why her aunt had become a man. I believe that Mr Michael HO of this Council would not understand that either. If only female could be a nurse, he would have to change his profession.

Mr President, in the minds of ordinary people, textbooks mean knowledge and teachers represent authority. If teachers cannot get rid of sexism in favour of men, how can they be expected to educate the next generation to fight for equality between the sexes? They will only pass the traditional and unconscious concepts of dominance of men over women onto the next generation, making such concepts the culture of our race, and our blood until the end of time.

In fact, education has also moulded the inclinations and predetermined the occupation of men and women. The most obvious is that in many schools, domestic science, metalwork and woodwork lessons are scheduled to be conducted at the same time. While the female students are having domestic science lessons, their male counterparts are taking metalwork. Similarly, when students select their subjects in Form IV, male students will feel inferior if they have chosen arts subjects while female students will feel superior if they have chosen science subjects. Since in the minds of ordinary people, those studying science are elites or "FOV" brandy in long neck bottles that stand taller than others. Such a tendency and such a rift strengthened by people extend all the way to tertiary education and even career developments.

Take the education profession as an example. Male dominance over female is also a mainstream phenomenon. Education is a mainstream profession for Hong Kong women. Although there is a large proportion of women in the education community, the ones who are in charge of administrative duties and in the head positions are mostly men. Headmasters of primary and secondary schools are predominantly male, and so are the vice-chancellors of the seven tertiary institutions. The Secretary for Education and Manpower and the Director of Education are male. The President of Hong Kong Professional Teachers' Union, that is me, CHEUNG Man-kwong is also male.

Mr President, the fight for equality between the sexes is a long process which involves reformation of law, convention, economy, education, culture, concepts and thought. However, as the saying goes, "It is often easier said than done." If we do not start immediately and persist to the end, then equality between the sexes would just be a dream which can never come true.

Mr President, reforms should come from within. The 13 UDHK members in the Legislative Council are all male and that is not good enough. Therefore, we welcome female Legislative Council Members to join the UDHK so as to increase our strength and, more importantly, enhance the prowess of the UDHK. Nevertheless, we dare not ask too much of them. The only thing we ask of them is to support full direct election in 1995.

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

REV FUNG CHI-WOOD (in Cantonese): Mr President, at the 20 October 1993 meeting of the Legislative Council Sub-committee on Women's Affairs, a representative of the Hong Kong General Chamber of Commerce acknowledged that sex discrimination did exist in the private sector, for instance, in the areas of pay, benefits and advancement opportunities. He was in favour of legislating against such injustices. A representative of the Federation of Hong Kong Industries, while agreeing that sex discrimination existed, said that its extent was small. But he worried that anti-sex discrimination legislation might add to the operating costs of small companies with nine or fewer employees because these companies would have to engage consultants to devise hiring procedures to comply with provisions on equality between the sexes. However, they were not against equal pay legislation.

Mr President, the business community has voiced support for equal pay. The Hong Kong General Chamber of Commerce is in favour of legislation. The Federation of Hong Kong Industries is not against it. What, then, is the Government waiting for? Now that both employers and employees are in accord on the issue, the Government should delay no more and act expeditiously to enact equal pay legislation.

More than a year ago, the Legislative Council In-house passed a resolution urging the Government to set up an advisory Women's Commission. The United Democrats of Hong Kong (UDHK) at the time called for a Women's Commission with only an advisory role. This was to prevent the Government from refusing to set up such a Women's Commission on excuses such as lack of manpower and financial resources. Still, regrettably, senior government officials were totally unmoved. That was very disappointing. Several months later, this Council passed a motion urging for the introduction of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) into Hong Kong. The Government thereupon undertook to publish a Green Paper to invite public comments.

When the Government said that it would issue a Green Paper, I thought it was finally getting serious in addressing the question of equality between the sexes. I little expected that the Government would tell this Council on 20 October that, with regard to setting up the Women's Commission, an extensive survey would be conducted early next year to find out public views about the Green Paper. The Government's motive in suddenly deciding to conduct a survey is most obvious. I believe the majority of comments on the Green Paper received during the consultation period urge the Government to set up the Women's Commission, to introduce CEDAW into Hong Kong and to legislate against sex discrimination in the areas of employment, advertising and education. In order to offset such lop-sided comments, the Government must resort to a measure that nobody can refuse — a public opinion survey. I recall that something similar happened in 1987. There was an argument then over whether or not direct elections should be introduced into the Legislative Council in 1988. After representations were received from members of the public, the Government found the public opinion to be adverse (they were in favour of direct elections in 1988). So it conducted a carefully devised public opinion survey to produce findings diametrically opposite to public opinion. These findings then gave the Government the excuse to refuse to introduce direct elections into the Legislative Council in 1988. Is the Government now trying to rig the same trick? This Council has requested for a discussion on the design of the survey questionnaire. Government officials at first agreed, but nothing more has been heard since.

When the consultation period is over, the Government simply regards comments received during that period as public opinion. There is no need to conduct a separate survey. To say that a separate survey is needed is to mean that the comments offered by members of the public during the consultation period are worthless and meaningless. Nor has the Government played fair in announcing the survey plan two months into the consultation period rather than at the very beginning, for it would have known the thrust of people's comments. I am very disgusted with such an approach by government officials. They are toying with the views of the public. They are making fools of Members. They are deceiving the public. The government officials concerned should ask themselves some good questions. Why can they not do more for equality between the sexes? If there is any difficulty, why do they not come out and say so frankly? The Government's taking the lead in toying with public opinion and in abusing opinion surveys is a great insult to democracy. The Patten administration says that it supports democracy. If so, it should set a good example of respecting the game rules of democracy.

Mr President, the UDHK support the motion. The two demands made in the motion have always been what we wanted in this Council. The only difference is that the motion calls for the establishment of a statutory Women's Commission. A statutory Women's Commission will of course be more credible than a non-statutory one, but it may not have sufficient powers or extensive terms of reference. Since we want CEDAW to be introduced into Hong Kong, the Women's Commission to be established eventually should not

only be a statutory body but also have the powers to monitor the local implementation of CEDAW and to monitor relevant laws to be enacted in future, such as the enforcement of anti-discrimination legislation.

The consultation period on the *Green Paper on Equal Opportunities for Women and Men* will be over by the end of this month. I urge the Government to announce immediately thereupon the comments that it has collected and, on the basis of these comments, proceed to introduce CEDAW into Hong Kong. It should also proceed immediately to draft anti-discrimination legislation, and to make preparations for the setting up of a Women's Commission with sufficient powers and commensurate terms of reference. Hence we do not need to wait for a public opinion survey next year, as such a survey will waste another half a year's time. I hope that everything that needs to be done will be completed within a year or two. Hong Kong will then become a community where women's rights are better protected and where there is equality between the sexes.

With these remarks, I support the motion.

PRESIDENT: Yes, Mr TIEN?

MR JAMES TIEN: Mr President, may I seek leave to raise a point for clarification with the Rev FUNG Chi-wood? Earlier in his speech, the Rev FUNG mentioned something to the effect that representative of the Hong Kong Federation of Industries had reservations on this motion. I am the representative of the Federation and I fully support this motion although I do not intend to speak. Would the Rev FUNG please clarify as to who this representative he mentioned was?

PRESIDENT: Yes, Rev FUNG, it is of course entirely up to you whether you will elucidate any part of your speech.

REV FUNG CHI-WOOD (in Cantonese): I did refer to the minutes of meeting when I prepared my speech. At the meeting on 20 October this year to look into the setting up of the Sub-committee on Women's Affairs, a representative of the Hong Kong Federation of Industries indicated that it did not oppose to introducing legislation on "equal work equal pay". Their attitude was that they neither supported nor opposed it, or it could be said that they "did not object to it". I had put the question very clearly at the meeting.

MR FREDERICK FUNG (in Cantonese): Mr President, I think the *Green Paper on Equal Opportunities for Women and Men* published by the Government on 26 August could be summed up "insufficient sincerity, shallow analysis". First

of all, the Green Paper gives a lot of space to showing that opportunities for men and women in Hong Kong are already quite equal; that there is no serious or blatant discrimination against women and that women in Hong Kong are compared favourably with those in other advanced countries. But this is the veneer that hides behind it many things that are kept from the public. The Green Paper speaks of "equal opportunities" only in the sense that, legally and officially, women are supposed to have equal opportunities. The truth, however, is not told to the public. Where there is real inequality between the sexes, the Government holds that it is due to "natural" differences between the sexes and has nothing to do with discrimination against women. Another thing is that the Government has shown no sincerity about extending the international convention to Hong Kong. As I see it, the purpose of the Green Paper is not to consult members of the public about whether the convention should be extended to Hong Kong. Rather, it has drawn a foregone conclusion that the convention is not suitable for Hong Kong. I am deeply disappointed at such a conclusion.

Firstly, I would like to talk about sex discrimination in workplace. The Green Paper seems to paint a picture to show that there are generally equal employment opportunities. Yet the truth is that one can find examples of unequal treatment on the front everywhere. A case in point is the advertisement of job vacancies. Many advertisements not only specify that men or women are preferred but usually also specify age preferences. Yet the Green Paper does not consider such advertisements to be discriminatory. Another thing is that there are less working women than their male counterparts. An explanation for this is, I guess, that women must play their stereotyped role of "home-makers". The Government, in the Green Paper, does not advise housewives any alternative ways of taking care of their children to allow those who cannot afford domestic help to go out to work.

The Green Paper attributes the pay gap between the sexes to nature of work and the female applicants' credentials. I feel that this is probably an evasion of the issue. Nor is a careful analysis made of the reasons behind the pay gap, such as discrimination in the area of education and thus making women the major social welfare recipients. The Government says that equal pay legislation, if enacted, will require it to "intervene with individual employers and with the operations of the labour market". This is on such an excuse that the Government put forward the idea that such legislation is unsuitable for Hong Kong. The truth is that the Government is already exercising controls over, and intervening with, Hong Kong's labour market in one way or another. A case in point is the importation of foreign workers. The Government indicates that it is averse to legislating equal pay for equal work. This shows that it is not serious about achieving equal opportunities between men and women. It also shows its unwillingness to commit resources to the easing of the difficulties faced by women, who account for half of the local population, in their workplaces.

The Green Paper says that women use more health care and social services than men do. This certainly is a reflection of women's real needs. Yet, the Government fails to notice that it is usually women who would do the housekeeping. Without first making a careful analysis of the background, the Government rushes headlong into taking the position that the existing family mode should be encouraged and consolidated. This is in disregard of the existence of inequality between the sexes in family relationships. The Government should take positive measures to help women to lighten their housekeeping and child care burden. Women should be provided with a broader scope for playing roles outside of their homes.

Now that we have mentioned unequal family relationships, I think violence in the family is a cause of concern. However, the Government says that "protecting women from injuries due to domestic violence is not within the scope of discussion of the Green Paper". The truth is that domestic violence including wife abuse and sexual assault is a reflection of social injustice and the existence of violence between the sexes. How can the Government turn a blind eye to these problems?

In the area of political and community participation, the Green Paper says on one hand that voter turnout in elections does not indicate a significant difference in political participation between the sexes and that evinces women's interest in participating in politics and in community affairs. On the other hand, the Green Paper notes that the number of women participating in our representative government has always been on the low side. The Government merely points out that the situation is similar in other countries and that it is commonplace. However, the Government fails to explain how the problems are caused and how they can be solved.

Let me illustrate. Where rural elections in the New Territories are concerned, in the election of the chairmen of rural committees, the Green Paper states that there is no discrimination against women. Yet the Green Paper adds that, so far, only men have been elected rural committee chairmen. Why is this so? The Green Paper does not give a clear explanation. In the election of village representatives, the system is that only "heads of households" can vote. This means that, in most cases, only men can vote. Has the Government done anything to redress such an injustice? Nor does the Government pay attention to problems that it regards as trivial but which have far-reaching consequences, such as the image of women projected by the media, sexual assault and sexual harassment.

I think that the Government should extend the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) to Hong Kong. CEDAW embodies a relatively complete set of principles. It requires signatories to enact legislation and formulate social policies in accordance with these principles, so as to protect women's equal rights in political, economic, social and cultural areas. In a debate in December 1992, this Council passed a motion stating that CEDAW should be extended to

Hong Kong. If the Government obstinately delays the extension of CEDAW to Hong Kong under the pretext of public consultation in the hope that the matter will be forgotten, this will deal a blow to the legislators' representativeness and credibility and disappoint members of the public.

I think that other measures should be taken in tandem with the extension of CEDAW to Hong Kong. They include the establishment of a statutory Women's Commission and other improvement measures. In the area of employment, the existing statutes for the protection of women and children should be reviewed and equal pay for equal work legislation should be enacted. On the education front, existing curricula and text-books should be reviewed to see if there are any problems and equal educational opportunities should be promoted. In the social welfare area, elderly care and child care services should be beefed up so that women may be relieved of some of their domestic duties. Finally, I want to stress that, if any measure is to be really effective for safeguarding women's rights, the Government must make additional funding commitments.

With these remarks, I support the motion.

DR HUANG CHEN-YA (in Cantonese): Mr President, many people say: "Frailty, thy name is woman." This is actually a very big mistake. Statistical evidence shows that the life expectancy of women worldwide is longer than men.

In modern living, women in many families actually have to go out to work in the day and then to return to take care of things at home. This is like having two jobs. Their burden is as heavy as men's if not heavier. Indeed we should say: "Strength, thy name is woman." Yet, for thousands of years up to and including today, women's social status has been lower than men's. This, I believe, can be attributed to the following causes:

first, prejudices and customs stereotyping the roles of the two sexes;

second, lack of safeguards for women's financial capability; and

third, lack of full statutory protection for women's human rights.

As Mr CHEUNG Man-kwong noted a moment ago, textbooks are biased in favour of men. Under school rules, boys have to take up carpentry and girls, domestic science. In addition, TV programmes put women in certain fixed roles. All these make women, when they are still very young, develop an insular outlook on their choices regarding occupations and roles in life. This is why women usually fill low-pay positions requiring a low level of skill, thus the financial dependence on their husbands. They are also easily replaced by younger workers. They are also the first to lose their jobs during the structural transformation of the economy. They have no bargaining power in the labour

market, while having to tolerate equal work but unequal pay. These are important factors contributing towards their unequal status in the community and at home.

To ensure equality between the sexes, we must change our concepts about the stereotyped roles of the two sexes. We must provide women with sufficient training that enables them to earn a living. The Government must provide need-based vocational training to women whose children have grown up. It must then help them find jobs so that they may become a significant workforce in Hong Kong.

I must point out that home-makers actually play a very important role. They play the teacher's role and they are cornerstones of social stability. Yet their importance in this occupation is given no recognition by our legal system or tax system. If we want real equality between the sexes, we must give recognition to the economic value and social roles of home-makers in our retirement protection system, tax system and so on.

I believe that women today should not play roles that are at men's disposal, as described by SU Tong in the movie *Raise the Red Lantern*. Nor do I hope that equal women will be like the new women in IBSEN's work, who must insist on giving up their families before they could find their own identities.

I believe that equality between the sexes means that men and women should have equal opportunities in making choices that will decide their fates. No woman should be discriminated against or excluded because of her gender. No woman's development of her potentials should be hindered by her gender.

The Government published in August this year a *Green Paper on Equal Opportunities for Women and Men*. The paper invites comments from members of the public on the promotion of participation in economic and political activities by women and on changes to be made in restrictive social conventions concerning women. I find that women's rights indeed are not fully protected in these areas. For example, in the New Territories, women have no inheritance rights under the restrictive terms of the New Territories Ordinance. Part-time workers, most of whom being women, are not protected by law. Nor has the Government made equal pay legislation.

In the social services area, the Government's failure to provide adequate child care and elderly care services has compelled most married women to stay home, where they are solely responsible for the well-being of their families. This deprives them of opportunities to participate in social activities.

The above examples show that obviously gender equality has yet to be achieved in the Hong Kong community. Explicit or implicit discrimination against women still exists in all areas of the community. To ameliorate this unfair situation, I believe we must do something in the following aspects:

Firstly, women's rights and equal opportunities for women and men must be safeguarded by law. Therefore, the Government should actively take the following steps:

- (i) to introduce immediately the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) into Hong Kong;
- (ii) to set up a Women's Commission to make recommendations to the Government on how policies affecting women should be improved and to monitor the implementation of CEDAW;
- (iii) to make a comprehensive amendment to section 13 of the New Territories Ordinance and repeal the Qing Law, thereby enabling all New Territories women to enjoy equal inheritance rights; and
- (iv) to enact anti-sex discrimination legislation, thereby enabling victims of discrimination in employment to sue for compensation.

Secondly, in the policy area, the Government should use the education system to inculcate school children with the idea of equality between the sexes. Concepts and contents hinting on gender role stereotyping must be expunged from textbooks. Moreover, while child care services, nursing home services, public assistance policy and health care policy have failed to meet the community's demands, the consequences of these shortfalls have been borne by women. Therefore, the Government should conduct a comprehensive review of its existing social policies and welfare services which affect women, with a view to giving women greater freedom and power to choose their own courses. Both of them are essential. We must give statutory protection to women's rights, while turning women around from their present disadvantages in terms of concept and social policies.

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

MR SIMON IP: Mr President, before I start delivering my arguments for this motion, I can foresee the headlines in tomorrow's newspapers announcing "CALLS FOR SEX EQUALITY REJECTED" or "EXTENSION OF CEDAW DISMISSED". This Council has repeatedly urged the Government to introduce the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, and to establish a Women's Commission, but the Government has expressed reservations on the extension of CEDAW to Hong Kong. Despite calls from all corners of society, the Government continues to procrastinate in enacting suitable measures to ensure equal rights for men and women.

Hong Kong women know inequalities — inequalities which the *Green Paper on Equal Opportunities for Women and Men* attributes to traditional norms and values. These, it says, cannot be tackled by legislation. Well, I disagree. The fact of the matter is that if the Government really wanted to tackle the problem of gender discrimination, it should rely primarily on legislative tools. Legislation would have been the means to do away with outmoded inheritance laws in the New Territories, had the Government taken the matter more seriously. Does the Government forever intend to shirk its obligations to a just society through the pretense of traditional cultural norms?

I do not want to label the Government a "male chauvinist", but it seems to content itself with the saying that "女子無才便是德" ("it is a woman's virtue to be ignorant"), and it has reinforced that there is little it can do to change the stereotyped role of women.

Gender inequality is demonstrated through the disparity of median incomes between female and male employees. Women's median income is 77% of that of men's. While it may be true that this disparity may be due to differences in specific job requirements, physical capabilities, educational attainment and tenure, women constantly face lower salaries and dimmer promotion prospects, especially in times of economic slowdown. According to the latest information, only 24.2% of managers and administrators are women, while 68.6% of clerks are women. The proportion of male managers and administrators to female is more than 2:1. But the ratio of female to male clerks is more than 3:1. Can we dare call "equality" a situation where most women are permanently relegated to the ranks of underlings?

The Green Paper argues that equal pay legislation is difficult to enforce, and that it would entail a certain degree of government intervention in the labour market. In fact, this misleading argument was rebutted in last year's motion debate on CEDAW. There it was suggested that the establishment of an Equal Opportunities Commission and informal tribunals would be adequate guarantees for facilitating the enforcement of the legislation. Government action to eradicate discrimination need not constitute an unnecessary restriction on the business sector. Our self-adjusting labour market ought to be able to adjust to the introduction of equal pay legislation. The problem lies, then, not in the feasibility of equal pay legislation, but in the will and commitment of the Government to introduce it.

Flipping through the job advertisements in the daily newspapers, a sensitive person cannot help but be amazed at the blatant discrimination displayed through these ads. 30% to 40% specify gender requirements. Ads looking for female clerks, female sales executives, or male drivers and male computer operators are rampant, as if to imply that a female computer operator or a female driver might be less capable than the opposite sex. The Green Paper recognizes the presence of sex discrimination in job ads, and affirms that gender role bias does influence employers' choice of candidates and "indirectly" affects

women's choice of jobs. It has lightly touched on the subject, but it considers it too trivial a matter to be discussed at length.

And so here we are. The Green Paper has been issued. But now that this long-awaited policy tool is in our hands, how can we hope to use it? The Paper itself provides little in the way of direction. Thus, we must look elsewhere for leadership in the cause of Hong Kong women. It is imperative for the Government to take immediate action to promote equality between women and men. I fear that the Government may rely on the excuses it gives itself in the Green Paper. Like the excuse that in extending CEDAW, there might be duplications with other international agreements. Both China and Britain have adopted CEDAW, and both have also set up Women's Commissions for policy development, co-ordination and monitoring. Why should Hong Kong be any different?

Finally, the Government maintains that the establishment of a Women's Commission would involve a lot of financial resources. Though I question this assertion, I would simply ask whether equal rights might not be something worth paying for.

Many of us in the Council have been saying all along that nothing is more urgent than the introduction of CEDAW and a Women's Commission to promote sexual equality in our territory. I hope when I read the papers one day, the headline will read like this: "WOMEN'S GROUPS LAUD GOVERNMENT SUCCESSES IN FIGHT AGAINST DISCRIMINATION." I firmly believe that the equality I hope for is attainable not merely in some utopian vision, but here — and in the near future — right here in Hong Kong.

With these words, Mr President, I support the motion.

MR LAU CHIN-SHEK (in Cantonese): Mr President, I believe the essential prerequisites to real equality between the sexes are equal employment opportunities for men and women and elimination of discrimination against, and harassment of, women in their workplaces. It is because in modern society only by maintaining true gender equality in respect of employment can we, in return, foster women's financial autonomy. This forms a firm foundation upon which gender equality in other areas can, as a result, be promoted.

The Government has kept saying that females generally enjoy the same opportunities as males in respect of employment. Yet the fact remains that women are always subject to unfair treatment. I would like to elucidate my point by citing the bus companies' recruitment of female drivers as an example.

There has all along been a wrong impression in the community that women are not strong enough to do jobs requiring greater physical strength and, for this reason, many such job advertisements specify gender requirements. This conceptual stereotype in relation to sex, however, very often does not

agree with the facts. In recent years, Citybus and Kowloon Motor Bus started to recruit female drivers because of a shortage of drivers. Female drivers thus recruited, in fact, have proved as competent as their male counterparts. However, sex discrimination is still prevalent in this regard. Up to now, the China Motor Bus Company is still unwilling to employ female drivers with a very ridiculous reason — the company is disinclined to build some more female toilets in their depots! It is true that the Kowloon Motor Bus Company has already had female drivers in its employment. However, it does not permit them to drive double-deck buses, whilst Citybus has already allowed female drivers to drive double-deck buses long ago. This shows that sex discrimination still exists.

The total elimination of the community's sex discrimination and a rectification of the related misconception certainly call for an ongoing education and publicity drive. As a matter of fact, the Government also has the obligation to ensure women's rights in employment and to eradicate discrimination against women in their workplaces through legislation and implementation of various related policies. I now reiterate several salient requests which local concern groups on women's rights in employment have put forward to the Government:

1. formulation of equal employment opportunities law and equal pay law;
2. introduction of full pay maternity leave;
3. organizing in-service training and retraining programmes for women;
4. provision of sufficient child care and community support services;
5. extension of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) to Hong Kong;
6. establishment of a Women's Commission; and
7. formulation of minimum wage law.

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

MR FRED LI (in Cantonese): Mr President, the motion debate moved by the Honourable Peggy LAM today is in response to the Government's current public consultation over the *Green Paper on Equal Opportunities for Women and Men*. Although this debate has been moved against such background, I am glad that Mrs LAM is urging the Government direct to make efforts in promoting equality between the sexes in Hong Kong rather than following the Government's simple logic by using "equal opportunities" to word her motion.

Not long after the publication of the consultation document, Meeting Point commented that the Green Paper had put the cart before the horse by using "equal opportunities" as its focus to explore whether or not women are enjoying the same opportunities available to men in respect of, among others, political participation, employment, education, welfare, legal rights and family. The paper then pointed out that there were no blatant discrimination against women in these areas and thus there was little the Government could do.

Contrary to what is claimed in the Green Paper, in actual fact, there are obvious differences between women and men in terms of education attainment, distribution of occupations, level of income, promotion prospects and proportion of political representation. The Green Paper attributed this problem to three factors, namely, physiological differences, personal preferences and social pressure. It added that deep-seated cultural values could not be changed overnight. Hence the Government also said there is little it can do.

The question of equality between women and men in fact involves a lot of traditional and cultural values, and social institutions which have much to do with traditional values. These values and institutions have certain effects on the stereotyping of roles played by women and men. And the restrictions these effects brought on the two sexes' character building and their social opportunities can be easily overlooked. To achieve the objective of equality between women and men, we need to make publicity and education efforts at the cultural level and improve the social institutions (such as support services) in order to rectify inequalities brought about by sex stereotyping and sex discrimination.

Women find themselves generally in an unfavourable position relative to men as regards their various social participation and their social status. Therefore to achieve sex equality, it is necessary to examine the factors hindering women's development in various aspects, so that appropriate measures can be taken to enhance the development opportunities for women. Meeting point has formed the view that since women account for half of the population, it is important to ensure that they could enjoy the same opportunities as men do as it is a realization of the protection of human rights and an important yardstick to measure social progress.

The Green Paper's emphasis on the availability of opportunities, thus asserting that women and men are enjoying equal opportunities in areas of political participation, employment, education, health care and welfare services, is only taking a simplistic view towards the question, grossly neglecting other support women need before they can gain access to these opportunities.

The so-called equal opportunities should not narrowly be interpreted as the opening of opportunities. To give effects fully to equal opportunities, it is necessary to put in place relevant measures to ensure women the rights to actually enjoy equal opportunities.

Next I will concentrate on looking at equal opportunities for women and men in terms of women's community and political participation. My Meeting Point colleague in this Council, the Honourable TIK Chi-yuen, will look at women's right to employment, while the Honourable WONG Wai-yin will put forward proposals on measures to promote women's status and sex equality.

Under a democratic political system, institutional protection must be put in place to ensure equal right of participation and efforts should be made to encourage involvement by all social sectors.

Since the introduction of direct elections at different tiers of government, in the 1991 district board, municipal council and Legislative Council elections, for example, the turnout rate of women voters has been as good as that of their male counterparts. It reflected that the political maturity of women is no less than that of men. But the number of women running for seats at the higher tier of government (the central one in particular) is comparatively small. And the number of them returned is even smaller.

Recently, my Meeting Point colleague, Tuen Mun District Board member Ms TSEUNG Yuet-lan initiated a Members' Alliance for Promotion of Equality between Women and Men. She called a press conference in my constituency, Kwun Tong, to announce the establishment of the alliance because Kwun Tong District Board has the greatest number of women members among the 19 district boards. By "the greatest" it means seven. Kwun Tong District Board has a total of 36 members. I do not think seven members out of a total of 36 a big figure at all. Yet it is already the highest in the territory. Perhaps this evinces that there may be many obstacles to women's participation in politics. These obstacles, after all, cannot be removed simply by making available "equal opportunities".

Meeting Point has come to the view that women's political participation and community involvement calls for appropriate social service support, as well as general acceptance and support for women taking on the role of political leaders. On the other hand, existing community activities and services are rarely geared towards women. We feel that more community centres should be set up specifically for women, through community activities, to train among them leaders and to encourage them to raise the level of their involvement.

With these remarks, Mr President, the four male Legislative Council Members from Meeting Point support this motion which urges the Government to make efforts in promoting equality between the sexes in Hong Kong, introduce into the territory the United Nations' Convention on the Elimination of All Forms of Discrimination Against Women, and establish a statutory Women's Commission.

MR MAN SAI-CHEONG (in Cantonese): Mr President, this Council has more than once debated about the equality between men and women. I remember that we had a debate in the last Session on the introduction of the United Nations Convention on the Elimination of All Forms of Discrimination against Women and the motion was supported by the whole Council. A year has elapsed, but it seems that the Administration has not done anything for the introduction of that Convention except giving a few paragraphs to this matter in the *Green Paper on Equal Opportunities for Women and Men*. The Green Paper has mentioned some measures that can be taken. On the introduction of the convention, the Green Paper has said that the existing legislation has to be amended, an organization has to be set up to co-ordinate the implementation of the Convention, and the Chinese Government has to be consulted. It has even said that the existing legislation can already protect women from being discriminated against. All these give the impression that the authority concerned does not want any trouble and that the introduction of the convention will bring them a lot of work. I hope that the Administration can pay attention to this matter. To promote equal opportunities for women and men, the officials of the authority concerned, instead of sitting with their arms folded, have to do more to really implement the objective of equality between women and men. If we think that this objective is correct, then the Administration should implement the introduction of the Convention and enact legislation on anti-discrimination and the equal work, equal pay principle. It should also strengthen the assistances for working women, single parents and battered wives, instead of finding various sorts of pretexts to hinder the introduction of the convention.

I would now like to talk about the serious problem of sexual abuse of women. In 1991, there were on average one rape case in every three days and three indecent assault cases per day. There are evidences that such cases are obviously on the increase. In 1992, the hotlines of the Family Planning Association and other women centres received 201 calls about rape cases, but only 116 such cases were reported to the police. In the first two months of 1993, these hotlines received 165 calls of this nature but only 11 cases were reported to the police. This situation can be said to be very serious and the victims were not willing to report to the police. It may be out of social pressure that they were not willing to do so. I urge that the Administration and the authority concerned to squarely face this problem. In particular, more should be done on the security of newly completed public housing estates. The victims of these cases should also stand out to report to the police, otherwise more cases of this nature will happen in our society.

The problem of sexual harassment is also very common, especially that of subordinates by their superiors. Some female subordinate staff dare not report or simply tolerate the sexual harassment of their superiors because of their authority in the office. That is not the right way to handle this kind of problem. These women should be brave in standing out to seek justice. We know that sexual harassment happens even in the disciplinary forces and the law enforcement agencies. Such a situation is utterly intolerable. Law enforcement agencies like the ICAC must make a public announcement of whether there has

been any oppression of subordinate female staff. Irrespective of the answer, we should be given an explanation, otherwise the image of ICAC will definitely be damaged seriously. The Legal Department should also explain to the public why it has ceased the investigation of the sexual harassment case concerning the ICAC in order to prevent its reputation of impartiality from being blemished. If even the government departments and the law enforcement agencies are tolerant of the existence of sexual abuse and sexual harassment within themselves, then what is the point of talking about equality between women and men

PRESIDENT: Yes, Attorney General?

ATTORNEY GENERAL: Mr President, if I can ask Mr MAN to elucidate that remark he made about the Attorney General's Chambers interfering with the investigation. What basis does Mr MAN have for making such an assertion?

PRESIDENT: Mr MAN, it is up to you whether you elucidate.

MR MAN SAI-CHEONG: Mr President, I would prefer to continue.

MR MAN SAI-CHEONG (in Cantonese): What is the point of protecting women's rights? If the problem of sexual abuse cannot be dealt with reasonably and legally, how can the public be convinced of there being justice? I hope that the Administration can pay more attention to this problem. But given the current situation, no wonder many people of Hong Kong would like to see the rebirth of "Bao Qingtian" (an ancient Chinese official renowned for his impartiality).

Furthermore, discrimination against women is common in Hong Kong in terms of employment. Women usually earn less than men for the same kind of job and their promotion prospect is not as good as their male colleagues. Besides, most part-time workers in Hong Kong are female. The median income of women is only 70% of that of men. The reason for such a phenomenon is that while most of the women work before marriage, many of them stop working or only undertake contracted out or part-time work after marriage in order to take care of the family. Their income is therefore not stable and changing job is common among them. As the concept of "men should be the bread winners while women be the housewives" is still prevalent, many women will sacrifice their career for their families. The income, fringe benefits and protection that part-time jobs can offer are generally poorer and most part-time jobs are not stable. For such reasons, the authority concerned should take care of these part-time or semi-employed female workers by including them into its scope of protection. The legislation on equal pay for equal work between the

two sexes or equal employment opportunities is a matter that can no longer wait. I also hope that more attention can be given to retraining in order to protect these part-time female workers.

Finally, the problem of domestic violence is very serious in Hong Kong. The problem of battered wives is caused exactly by the imbalance of power with men being stronger than women. In order to take care of the family, many women have to depend on their husbands financially, but should their husbands abuse them, they will then be placed in a helpless position. In Hong Kong, the community services for women are in serious shortage of resources, and this has rendered our women particularly vulnerable. If they are abused, they will not have the support of the necessary social services, legal protection and the already insufficient community facilities. Therefore, I hope that the Administration can address the problem of battered wives, which is essentially a problem of inequality between women and men, by strengthening the support for the Harmony House Limited, increasing the number of social workers responsible for this kind of cases, establishing women centres and stepping up the community support for battered wives.

I so make my submission.

MR TIK CHI-YUEN (in Cantonese): Mr President, the employment rate of women has been rising steadily over the past 30 years. It went up from 36.8% in 1961 to 49.5% in 1991. One cause of this is Hong Kong's growing economy, which creates an increasing demand for workers. Another cause is women's interest in adding to the family income and in developing a career of their own.

Meeting Point thinks that women should be free to choose. They should be free to choose between being full-time housewives and going out to work. In either case, their contributions to society should be recognized.

What worries us is this: Are women really free to choose their occupations? Do they have difficulties in finding jobs?

Statistical evidence shows that the labour force participation rate for women begins to drop significantly in the 25-29 age group. The rate of employment for women aged between 30 and 54 varies between 43% and 59.5%, which is about 60% of that for men in the corresponding age group. This shows that child bearing and family roles have a direct impact on women's employment.

Conventional wisdom says that child bearing and the management of domestic chores are the duties of married women. This conventional wisdom greatly restricts women's freedom in choosing their occupations. This ideology is manifested in the Government's social welfare policy. The Government thinks that child care and family supporting services are each family's own business and that the Government has an obligation to help only when a family

is in distress. Child care services and family supporting services are woefully inadequate, thanks to such a principle. In families where no other members of the family can help and which cannot afford to hire a domestic helper, women have to devote all their time in looking after their families.

The figures provided by the *Green Paper on Equal Opportunities For Women and Men* are very sketchy. According to the Green Paper, in 1992, a total of 35 398 places were provided by the 333 child care centres run by the Government and non-government agencies. However, there are about 440 000 children in the 0 to 6 age group who are eligible for child care services. This means that the Government and private institutions are providing child care services to only 8% of all eligible children.

Mr President, as many women are carrying the heavy burden of running their families, they have to make adjustments accordingly in their career and employment patterns. In some cases, women go out to work at part-time jobs or do piece-rate contract work at home when their children are in school. In other cases, women leave the labour market after giving birth to children and do not return until the children have grown up.

Existing social policy does not seek to deal with women's unstable employment patterns. Existing law does not protect part-time workers or those who do piece-rate contract work at home. Even the retirement protection scheme, on which the public consultation period has just come to an end, is designed for full-time workers. It gives no thought to old age protection for housewives and women with unstable employment patterns. Another problem is the inadequacy of adult education programmes, particularly the inadequacy of retraining programmes and part-time skill-training courses for women.

When women are temporarily absent from the labour market for family reasons, their careers will of course suffer. Without the benefit of retraining, ordinary housewives can only find low pay jobs when they return to the labour market.

The economy of Hong Kong is undergoing a structural transformation. Recently, the Government tries to ease the problem of the shortage of labour by importing foreign workers. Meeting Point thinks that the Government should have begun by setting clear standards and measures for the importation of foreign workers, so as to avoid impairing the interests of local workers.

We think that, before the existing labour importation policy was made, no thought had been given to encourage more women to join the work force.

Mr President, after the Green Paper was published, Meeting Point's women's affairs group conducted a survey on women's employment rights. Our findings are very similar to the findings of similar surveys conducted by other organizations. We find that most women are willing and hope to take up employment. For women who are not working, the most common cause is they

have to stay at home to take care of their families. The women in such cases think that they would take up employment if their circumstances allow them to do so. In fact, they had been working until they got married or until they began to have children. They want to rejoin the labour force when their children have grown up or when their families need extra income.

We find that there is another very important problem. It is that, in most cases, where a woman has been absent from the labour market for a long time, she is diffident about rejoining it. Not only does she doubt her own ability, but, more importantly, she has to face the reality, which is that it is exceedingly hard for an unskilled woman aged 30 or above to find work. If she is hired, her pay will be low and her job will be insecure. This will be the case if she is hired as an hourly-paid worker in a fast food restaurant or a supermarket.

The Green Paper says that the shortage of workers in Hong Kong makes it difficult for employers to resort to discriminatory hiring practices. But the truth is that we see everywhere, in newspapers and in street posters, job advertisements in which employers set age limits on female applicants. Why? Are we to assume that women aged 30 or over cannot work?

Moreover, we often see in advertisements for managerial position vacancies that only men need apply. If this is not discrimination, what else is it?

Mr President, what can be done to relieve women of their traditional role and to lighten their burden of house work, so that they may go out to work and remain in touch with the community? This is a question to which we must all pay close attention. I would like to make a specific suggestion for solving the shortage of family supporting services. I suggest that the Government should set up a family supporting centre in every neighbourhood. The purpose of such a centre is to promote domestic harmony, to assist women in developing their potential and to provide family supporting services. These services can include counselling, child care, group work, hobby classes, career development planning and community participation. Existing family supporting services in most cases are confined to case work or major programmes that lack depth. They are not effective for preventing domestic problems or assisting women in the development of potential. In fact, many institutions, using their own resources, are trying out family supporting centres like the kind that I have suggested above. We feel that the Government should actively support these centres with direct grants. It should also make a comprehensive policy to enable such centres to be set up in all neighbourhoods to assist the women and families there.

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

MISS CHRISTINE LOH: Mr President, where prejudice exists, public policy must seek to eliminate it. Men have as much an interest and a duty in this as women. By reducing discrimination against women, we increase the dignity, freedom and the potential happiness of society as a whole.

The Government's *Green Paper on Equal Opportunities for Women and Men* is a disappointing consultation document. I regret to say that it is statistically illiterate, badly researched, poorly written and with an intellectual content of near nil. Mr President, these are very strong criticisms, but the document is certainly not adequate to form the basis, on its own, for an informed public discussion.

Carrying out gender research in Hong Kong is not very easy. The collection of data by the Government is gender insensitive, reflecting its general attitude that gender issues are unimportant. I suggest that the Government move quickly to correct its method of statistics gathering.

Nonetheless, based on the information contained in the Green Paper, the most important concrete issues, as I see them, must be: firstly, is equal pay legislation desirable and feasible; secondly, what more can be done to provide women who are not in employment to expand their knowledge and skills; and thirdly, is there anything which can be and should be done to correct the forms of discrimination which are peculiar to the New Territories and which are disguised in the form of respect for traditional custom?

On equal pay, the moral and social case is clear cut: we cannot talk about "equal opportunities" if the opportunity afforded to women is merely one of doing the same job for less money.

The Government's main arguments against equal pay legislation are that it would impose an unreasonable bureaucratic burden on small firms, and that market forces should not be inhibited.

The Green Paper only spells out the difficulties but devotes no time to finding ways to overcome them. What about giving some energy to finding solutions?

Why not, for example, have a two-tier system: a statutory regime for larger firms (say, more than 10 employees) enforceable through the courts or a specially set up Equal Opportunities Tribunal; and something else for smaller firms, perhaps a five-year moratorium for them to sort themselves out, or a relatively modest financial penalty?

Then, when women are paid as much as men in larger firms, market forces will put pressure on smaller firms also to raise women's wages. Otherwise, they will lose their best woman workers to larger firms.

I focus particularly on the issue of equal pay legislation because I believe it is key to equal opportunity. I believe that other benefits would flow from it. Employers who are obliged to pay men and women equally would come to take a more unprejudiced view of skills. They would be less inclined to consign women to low-paid, low-skilled jobs, and more inclined to hire and promote for all jobs on merit alone.

There are those who will argue that, in countries where equal pay legislation exists, those countries have not achieved equality. It is wrong, however, to conclude that equal pay legislation does not work. True, it has not removed inequality. But equally, we do not suggest that laws against murder and theft are without value merely because acts of murder and theft continue to occur in defiance of the law. The question is: Does the law make things better than they would otherwise be? Obviously, I think it does.

Some might argue that what is really needed is much more public education. Yes, of course, we need more public education on just about everything from sewage to health, to exercising one's vote, to discrimination. But let that not be an excuse for not doing what is right. In this case, employers who yield only reluctantly to equal pay legislation are at least yielding more than they would in the face of purely moral pressure. Equal pay legislation also influences the behaviour of working women and gives them the recourse which they need in order to challenge oppressive or unfair employers.

We should also give some thought to women who are not employed, many of whom are keen to learn skills which will either help them to find employment in the future, or which will give them a sense of achievement and accomplishment. The Government should examine how to increase the number of women centres in the community.

The last issue which I wish to highlight is the New Territories Ordinance. Its effect is virtually to exclude women from succeeding land upon the death of a landowner.

The New Territories Land (Exemption) Bill should be supported, but it only seeks to rectify any defects in title to land which might have arisen as a result of registration of probate, letter of administration or customary succession from a deceased landowner. It does not deal with the problem of the long outdated custom which discriminates against rural women.

How can we allow the continuation of such discrimination for a section of our community? What possible reason has the Government got for such discrimination? The Government cannot now even hide behind the Basic Law. China has stated that it does not condone discriminatory succession practices against women.

The Government should amend the New Territories Ordinance with all speed. I suggest an amendment to section 13 of the Ordinance to the effect that custom should be applied except where doing so would have the effect of infringing rights protected under the International Covenant on Civil and Political Rights. This is the quickest and the cleanest way to get rid of a most miserable custom.

It would be encouraging therefore when the government representative stands up to speak that he gives a firm commitment that the Government will legislate immediately to stop the prejudice against the wives and daughters of indigenous villagers in the New Territories.

A further important consequence of introducing equal pay legislation and amending the New Territories Ordinance would be that Hong Kong could then fulfill the essential conditions set down in CEDAW. Signing CEDAW would send the right message to women here: it would show that their special needs were being recognized, and it would commit the Government to a continued fight against discrimination and prejudice.

Women have particular experiences in society. By setting up a high-powered, independent, statutory Women's Commission, the Government can better tap those experiences to help public policy making. Our top policy makers are mostly men; their decisions will be better balanced with an infusion of the feminine perspective.

Mr President, I support the motion.

MS ANNA WU: Mr President, I find it absurd that the Government should, under the banner of respecting public opinion, profess to take a neutral stance on the matter of gender discrimination. The Government's position can more accurately be described as varying from resolutely opposed to upsetting the *status quo* to pretending that the problems do not exist.

Under the disguise of a consultation exercise the Government seems to be going out of its way to avoid taking responsibility for gender discrimination. The Government can remain blameless if the public should advise that no discrimination exists or that no steps need be taken; and if the public should turn out to be wrong, then the public was at fault not the Government.

I find it equally absurd that the Government should be saying in the *Green Paper on Equal Opportunities for Women and Men* that women had equal opportunity to participate in political and community activities, in taking jobs of their choice, in receiving education and in participating in other spheres of life.

Regarding equal pay legislation, the Government says that in most economic sectors women earn less than men and this can be explained by a number of variables. These are:

- differences in specific job requirements;
- in physical or other capabilities;
- in education attainment; and
- in length of service and experience.

You cannot have a more robust defence for the perpetuation of pay disparity.

This may be a more polite way of expressing the sentiments regarding women in *Yes Minister* but is not much better.

In the Chapter on "Equal Opportunity" women are considered to be different from men in the following ways:

bad for teamwork — they put strains on a team by reacting differently from men;

too emotional — they are not rational like men;

cannot be reprimanded — they either get into a frightful bate or start blubbing; can be reprimanded — some of them can be but are frightfully hard and butch and not in the least bit attractive;

prejudices — they are full of them;

silly generalizations — they make them;

stereotypes — they think in them.

In fact, just to make sure that the public understands what it is getting nto, the Government says that "equal pay legislation and its associated egulatory framework could induce rigidities into what has been a highly ompetitive and self-adjusting market". No mention is made of the increase in hoice and competition in the labour market that equal opportunity laws would rovide.

In the case of political rights of our New Territories women, the Green Paper even says, "there is no discrimination against women in the election of rural committee chairmen under the constitutions". But it continues to say that, "at present all the rural committee chairmen in the New Territories are male".

Statistics tell us that women do not get certain jobs. Statistics also tell us that there is a significant gap between pay for women and for men.

The Oxfam brochure for International Women's Day says women,

- are half the world's population;
- comprise more than a third of the official labour force;
- perform two-thirds of the world's working hours;
- receive a tenth of the world's income; and
- own less than a hundredth of the world's property.

In a report prepared by Baptist College at the end of 1992, it was found on average boys had more pocket money than girls. It was \$9.4 for a boy and \$6.4 for a girl.

The findings of the Government Working Party on Sex Discrimination in Employment, published in 1992, listed the following reasons against the introduction of sex discrimination legislation in Hong Kong:

- legislation was likely to involve a high degree of government intervention in the operation of the labour market;
- legislation would be difficult to enforce because objective evidence was not easily obtainable; and
- legislation was unlikely to be effective unless there were resources for enforcement.

It is difficult to see how the positions taken by the Government can be regarded as objective, reasonable or defensible. They reflect obvious bias.

Given deeply entrenched social attitudes, discrimination against women can only start to change if there is a co-ordinated and concerted effort to raise the awareness of discrimination and of the need to protect women against discrimination.

One would have thought that, given the compelling reasons cited by this Council time and time again and by both men and women, the case for domestic legislation and for extension of the Convention on the Elimination of All Forms of Discrimination Against Women to Hong Kong and for establishing a Women's Commission were clear and un rebuttable.

Indeed, one would argue that the Government should provide the resources for litigation to be undertaken against discrimination. To provide for rights without giving the resources to enforce those rights makes the rights hollow.

Mr President, I support the motion.

MISS EMILY LAU (in Cantonese): Mr President, I rise to support Mrs Peggy LAM's motion. I moved a similar motion in this Council a year ago and won colleagues' unanimous support. I trust that today's voting result will be more or less the same and perhaps the Government is going to abstain again. Mr President, I recall that in last year's debate, the Government sent a female official to this Council to reply to a motion moved by a female Member, on sex discrimination. Mr John CHAN, the then Secretary for Education and Manpower took leave on purpose on that day so that Miss Christine CHOW might attend the debate as the Acting Secretary and confront us.

Mr President, woman affairs fell within the purview of the Constitutional Affairs Branch last year but now the Governor assigns the job to the Secretary for Home Affairs. The message is clear. Woman affairs are like orphans or hot potatoes — just like the issues of human rights and freedom — which no policy branch is willing to handle. All the relevant matters are now thrust upon the Secretary for Home Affairs. I do sympathize with him and hope that he will have the full support of the Governor and the Government in general. In taking up such duties, he must see to it that they must be discharged. Do not make him a scapegoat in case things go wrong while denying him the necessary authority in implementation.

I earnestly hope that the Government will stop dragging its feet. As a matter of fact, one whole year has elapsed since last year's debate. In the meantime, what has been done by the Government? It has merely published a Green Paper, a paper which is under heavy fire by our colleagues today and extremely disappointing in the eyes of the feminist groups. Last year, some feminist groups predicted that the Government was not going to take any action but to hold things off. The Government's action in the last year verified their prediction. The issue has been dragged on for one more year and now we are moving another motion debate on the same subject again. This Council is tantamount to a broken gramophone record of which certain lyrics are played over and over again. I cannot help asking the Government: How many times does this record have to play before it will take heed of Members' views?

Mr President, the record has been played so many times that I am not going to waste Members' time any more by repeating the points. Still, there is one thing I would like to point out, that is, the consultation exercise the Government said it would carry out. Will the Government enlighten me whether any consultations were carried out before the introduction of other international conventions in the past? This certainly includes the two

international conventions mentioned in the Sino-British Joint Declaration. If my memory does not fail me, the Government did not conduct any consultation exercise at all. Even when the Joint Declaration was promulgated in 1984, it was the first time that people were told the extension of these two conventions into Hong Kong. However, the Government now makes a gesture and announces that it will carry out a consultation. This makes people more convinced that the Government does not really want a consultation and it is merely a delaying tactic. Feminist groups have been repeatedly making clear the same request to the Government over the past few years but the Government still finds a consultation exercise necessary. I sincerely hope that the Secretary for Home Affairs will give us a Christmas present in his reply (it is time for Christmas presents, is it not?) by telling us (both men and women because every Member in this Council support this international convention on women) that the relevant convention will be extended into Hong Kong as soon as possible.

Certainly, I hope that the Government will make an early decision to establish a Women's Commission expeditiously to receive complaints and even to institute legal proceedings. I further hope that the Government will encourage universities to conduct researches on women's affairs such that it may become an academic subject.

Mr President, I do not wish to take Members' time any longer. I only hope that the Government will make realistic promise this time. One whole year's time has been wasted. Women in our community find it disappointing whereas Members in this Council are very upset about it.

With these remarks, I support the motion.

DR YEUNG SUM (in Cantonese): Mr President, with the change of the global trend, developing countries are now heading for the target of open society. Neighbouring countries of Hong Kong, like Taiwan and South Korea, are also moving towards democracy. The traditional authoritarianism has been gradually giving way to the values of human rights and freedom to the extent of being replaced by an ideology and system which respect personal dignity and value.

Mr President, my speech on today's motion of equality between women and men will concentrate on asking the Administration to legislate in order to remove all the customary rules and ordinances which discriminate against women in the New Territories to the effect that the female indigenous inhabitants will have the rights to inherit land and properties and participate in village affairs. It is really unthinkable that Hong Kong, while developing towards a democratic society, should retain the Qing law and customary rules which deprive the female indigenous inhabitants of the New Territories of their succession rights of land and properties. In the perspective of equality between women and men, the ordinance and customary rules discriminating against women in the New Territories must be repealed, because it is a substantive act

of discrimination against women to deprive the female indigenous inhabitants of the New Territories of their succession rights such that they cannot inherit land and properties like the male indigenous inhabitants do. From the viewpoint of protecting personal rights and dignity, this Ordinance and the customary rules are unacceptable.

However, the Administration has all along failed to address the fact that the New Territories Ordinance and the customary rules are discriminating against the female indigenous inhabitants. Instead, it has adopted an evasive approach by way of a bill which excludes the applicability of the New Territories Ordinance from the developed new towns of the New Territories. Such a self-deceptive measure which turns a blind eye to the discrimination against the female indigenous inhabitants of the New Territories is unacceptable.

Mr President, some people have said that no dispute has so far arisen in the villages of the New Territories. There have been very few complaints by female indigenous inhabitants against the Ordinance and customary rules and very few court cases about the succession rights of female indigenous inhabitants, so they consider that the New Territories Ordinance and the customary rules should be retained for the reason of respecting the tradition and custom. Mr President, I cannot agree to this viewpoint. That there have been very few court cases on this subject cannot in itself prove that the Ordinance and the customary rules are reasonable and fair. It is easy to understand that under group pressure very few female indigenous inhabitants are willing to raise objection to the Ordinance and the customary rules. But in the perspective of public interests and justice, we should examine the New Territories Ordinance and the customary rules to see if it is reasonable and fair to deprive the female indigenous inhabitants of their rights to inherit land and properties. Before 1971 when the Qing law had not been amended, polygamy was allowed in Hong Kong and it was not illegal for men to have concubines. Nevertheless, this does not mean that the law at that time was fair and reasonable to women. Subsequently in 1971, under the liberal pressure of our society, the Qing law which allowed polygamy was finally amended to the effect that men and women were entitled to equal rights as far as marriage is concerned.

Mr President, if we examine the New Territories Ordinance and the customary rules in the light of the Bill of Rights Ordinance, it will be easy to note that section 22 of the Bill of Rights Ordinance provides that everybody, being equal before the law, is entitled to the protection of the law without being subject to any discrimination. Equality before the law means everyone is entitled to equal treatment before the law. This refers to the procedural fairness which nevertheless does not necessarily mean that the law itself is fair and reasonable. But another part of section 22 states that nobody should be subject to discrimination and equal protection of the law is for everyone.

Mr President, the New Territories Ordinance and the customary rules have obviously deprived the female indigenous inhabitants of the

New Territories of their rights to inherit land and properties. That is a substantial discrimination against women. Currently, the law has basically no protection for the interests of the female indigenous inhabitants of the New Territories. Therefore, I demand the Administration to take appropriate actions to give legislative protection to the basic interests of the female indigenous inhabitants of the New Territories.

Besides being unable to inherit land and properties, these female indigenous inhabitants, living in 200 odd villages, mostly cannot stand for the election of the village representative. According to the provision of the Bill of Rights Ordinance on electoral rights, such discrimination against women should be removed.

Mr President, although the Basic Law was promulgated before the Bill of Rights Ordinance came into effect, according to the Sino-British Joint Declaration and the Basic Law, the laws enacted before 1997 should basically continue to be used after 1997. Moreover, the Basic Law has incorporated two international covenants on human rights, one being section 26 of the International Covenant on Civil and Political Rights the content of which is the same as section 22 of the Bill of Rights Ordinance. Therefore, it can be supposed that the Basic Law does not allow any discrimination against women in Hong Kong.

Mr President, my speech today has concentrated on the interests of the female indigenous inhabitants of the New Territories. The United Democrats of Hong Kong (UDHK) have all along upheld the equality between women and men. The other Members of the UDHK will speak on other areas, so I will not pre-empt them.

With these remarks, I support the motion.

DR TANG SIU-TONG (in Cantonese): Mr President, equality between the sexes has been a matter of popular concern in the world wide climate of upsurging human rights and woman's rights. It is encouraging to note that during the past year, equality between women and men has been a topical issue within and without this Council, and even in all the streets and lanes. It is good community education for the public to care about equality between the sexes because this would make more people care about the issue that sex discrimination should not exist.

According to the existing legislation, women and men enjoy equal rights and opportunities of community involvement. In theory, sex inequality does not exist in Hong Kong. However, as a result of individual choices, personal perceived values and inadequate community education, a small gap still remains between the sexes as far as equality is concerned. I would like to raise several points for discussion.

Firstly, let us look at some social phenomena:

- (1) Some people still harbour the notion that "men are superior to women" which has restricted women's opportunities of participation in society, in particular married women.
- (2) At present, many advertisement still use women as their medium to bring out the selling point, degrading women as a result.
- (3) Social support provided by the Government at district level, such as family service, child care service and youth service, is so inadequate that women have to stay at home to look after their family, resulting in women being indirectly deprived of their opportunities to employment and community involvement. This situation is most obvious in new towns.
- (4) Some women went into self-seclusion after marriage and became unwilling to get involved in community or remain in contact with society. To change these personal choices and wrong attitudes, we must start with the overall social climate, publicity and education.

Next, we will look at the question of community involvement and political participation.

According to information provided in the Green Paper, the voter registration and turn-out rates for the two sexes are very close. And in previous elections, women on the electioneering teams outnumbered men. This reflected that women are as good as men in meeting their civic obligations and in the extent of indirect participation in political activities. However, women still accounted for a relatively small number in candidature and in being elected in past elections for various tiers of representative government. Some women members opined that these phenomena have been a result of discrimination against women. But I see it slightly differently. I believe the possible reasons are: (1) Women in general regard looking after their family as the prime task, worrying that participation in representative government may affect their family; (2) the lack of enthusiasm among women to stand for election is related with personal interest and wish; (3) the lack of incentive publicity by the Government; and (4) insufficient social service support has denied women, who have to look after their children and family, the time for community involvement, hence a subdued interest to participate in politics.

Finally, let us look at the employment question:

- (1) Female employees are obviously treated to "equal work unequal pay" whereby they are offered salaries lower than those of men holding the same positions.

- (2) As regards job advertisements, positions open to women generally lack promotion prospects and offer little opportunity for them to demonstrate their capabilities. Some employers even decline to take on married women. This phenomenon exists not only among private organizations. Even the Police Force specifies the requirement of being "single" for recruitment of woman police officers.
- (3) The wage level in new towns is generally lower than that in the urban area. It is even lower for female employees. This situation is common in the western New Territories.

While the phenomena are not at all uncommon in Hong Kong, the Green Paper has failed to examine them in depth, thus attracting criticisms from many sectors.

Here I should like to say a few words in response to some Members' reference to the New Territories Ordinance. I think the Honourable LAU Wong-fat is in the best position to speak on this subject. But since he is in Beijing for a meeting today, I would comment on this briefly. I am in deep appreciation of the Honourable Miriam LAU and Peggy LAM who mentioned that there is no problem with inheritance of ancestral properties and that the current practice is reasonable. But this has nothing to do with the question of inequality between women and men. The Hong Kong Federation of Women suggested that it would not be necessary to amend the New Territories Ordinance if section 11 of the Intestates' Estates Ordinance were repealed. Since I have read little law, I would refer this opinion to Heung Yee Kuk for discussion. Some Members, such as the Honourable Frederick FUNG and Dr YEUNG Sum, said some women are deprived of the opportunity to stand for elections in the New Territories. Elections in the New Territories are conducted mainly on the basis of the "head of household" principle, that is with household as a basic unit. I have not participated in rural affairs, but as far as I know, the head of household can be man or woman. The one to act as the representative of the household is to be decided by the husband and wife in consultation with their children. Therefore, it is untenable to say that women cannot be the representative. I believe there may be some misunderstanding in this respect.

Mr President, legislation alone may not be the most effective way to change the social phenomenon of inequality between the two sexes. Careless handling of this matter might give rise to more inequalities, or opposite effect when things are carried to extremes. Therefore, I think that the Government should take active steps to promote public education, inculcate among the people a sense of equality, and encourage women to care about and join the community, so that the two sexes can enjoy equal opportunities and treatment in all aspects.

Mr President, I so submit.

MR WONG WAI-YIN (in Cantonese): Mr President, towards the end of last year, this Council had a debate on the United Nations Convention on the Elimination of All Forms of Discrimination against Women. But it was unexpected that when this Council had reached a consensus in that debate, the Administration should adopt the policy of procrastination by insisting on the publication of a Green Paper for public consultation. And then we had waited for eight whole months before the Green Paper was published. During the following four months, many members of the public have expressed their views, pointing out that the discrimination and difficulties that women encounter in the matter of employment and the serious shortage in family support services and community facilities have hindered the developments of women. My colleagues of Meeting Point Mr Fred LI and Mr TIK Chi-yuen have already spoken on this problem. Despite the consultation already done, the Administration is now saying that it is still not enough and a questionnaire survey has to be conducted, the preliminary result of which cannot be known until March next year. I remember that last year when the Administration said that a Green Paper had to be published, our colleague Miss Emily LAU gave the Administration a piece of her mind. Now that the Administration has indicated that a questionnaire survey has to be conducted, I wonder whether the Administration intends to exasperate our Emily to no end. Besides, shortly after the Green Paper was published, the Administration has told reporters that no White Paper will be published after the consultation exercise. This is contrary to the Administration's general practice of public consultation. If no White Paper will be published, how can the public know about the Administration's interpretation of their views? And how can they know what and when measures will be taken to improve the situation concerning equality between women and men? Now that the Administration is going to conduct a questionnaire survey to see whether sex discrimination or inequality between women and men really exist in Hong Kong, does that mean that the Administration still does not believe that there is inequality between the sexes in Hong Kong? Since the preliminary result of the survey will not be known until March next year, does it mean that we have to wait for another six to 12 months before we know the Administration's decision? I hope that the Secretary for Home Affairs can give a definite answer to these questions in his reply later.

As regards the measures for the promotion of equality between women and men, Meeting Point has the following suggestions:

- (1) The United Nations Convention on the Elimination of All Forms of Discrimination against Women should be introduced into Hong Kong. That Convention was passed by the United Nations in 1979 and up to July this year, there have been 126 signatories including China and the United Kingdom. The convention, which puts forward a set of principles and guidelines on the improvement of women's status and position, is a common undertaking by the international community to protect women's interests. Meeting Point considers that Hong Kong, being a part of the international community, should be active in promoting human rights.

- (2) Legislation for ensuring equality between the sexes have to be enacted and existing provisions with a discriminatory nature amended. Concerning the legislation for ensuring equality between the sexes, the Green Paper proposes to introduce an equal pay legislation but at the same time considers it very difficult to enforce the legislation, and queries the effectiveness of such a legislation. Meeting Point considers that legislation is the basic protection that can be provided to human rights in Hong Kong and should be given further consideration. Meeting Point would also like to point out that when the United Kingdom first introduced into Hong Kong the international covenants which are now still applicable, including the International Covenant on Economic, Social and Cultural Rights and many covenants of international labour organizations, it excluded the applicability of many provisions on equal pay for both sexes. Meeting Point urges the Administration to ask as soon as possible the United Kingdom Government to remove such exclusions.

The Green Paper points out that the Civil Service now adopts an employment policy of equal treatment of male and female employees and there are no restrictions in terms of sex on recruitment. We welcome that the Administration has set an example on equal employment policy. But if we stop here, then does it mean that we can have equality in the Civil Service but not in the private sector? Is it not ridiculous? We know that rights are not something given; they are to be striven for. Years ago, had the female civil servants not striven for equal pay, the Administration would not have implemented the equal pay policy in 1975 (before then the salaries of female civil servants were only 75% of those of their male colleagues of the same rank). After the success of the equal pay campaign, the female civil servants continued to strive for equality in other benefits like housing and medical allowances and so on. The first Chinese female Chief Secretary Mrs Anson CHAN, who is now with us here in this Chamber, was the chairman of the Association of Female Senior Government Officers at that time who led the female senior civil servants to strive for equality. Today, female civil servants can enjoy equality, but I hope that our Chief Secretary will not forget that there are still many female workers in our society who are subject to unequal treatment. They have voiced their demand for equality and the Administration should no longer turn a blind eye to them.

In addition, there are provisions in existing laws which discriminate against women. The most obvious example is the New Territories Ordinance which adopts the traditional succession rules of the patriarchal society which only allow male indigenous inhabitants to inherit ancestral properties. Such a practice is utterly unfair to the female indigenous inhabitants. In this regard, I have already pointed out the ridicule of the New Territories Ordinance in the

motion debate concerning this Ordinance in October this year. This ordinance not only discriminates against the female indigenous inhabitants of the New Territories, but also divides all females in our society into two categories, the one being the female non-indigenous inhabitants who can enjoy equality in terms of succession rights and the other being the female indigenous inhabitants who have to tolerate the discriminatory treatment.

Since the applicability of the New Territories Ordinance is now geographically determined which means that even the female non-indigenous inhabitants of the New Territories have to be subject to the feudal rule of "only sons can inherit and daughters cannot". It is only until very recently that the Administration remedied this administrative error, which had existed for many years, by hastily introducing the New Territories Land (Exemption) Bill which provides that the New Territories Ordinance is only applicable to rural land. Such a practice is only narrowing down the scope of the problem but has not addressed or changed the problem itself, namely the discrimination against women. Meeting Point considers that the New Territories Ordinance discriminates against women and is unacceptable in a civilized society. It should be amended immediately.

The Green Paper has also listed some existing provisions which contain unequal treatment for men and women, including those which impose limitations on women in overtime work and their entering some dangerous occupations. The Green Paper considers that to achieve equality between women and men, review should be conducted to see if it is necessary to remove such limitations. Meeting Point considers that the objective of equality between women and men should be implemented on the basis that the welfare of male workers is equally protected and the standard of industrial safety is improved. The objective of equality between women and men should be to bring improvements to our society and not "equal" retrogression of the interests of women and men.

- (3) A Women's Commission should be established, and its members should include those who are concerned about and are working for women's interests. The terms of reference of this committee should include providing advice on public policy from the women's point of view, conducting investigations and studies, accepting complaints about discrimination against women, promoting the concept of equality between women and men, and exploring different feasible measures in this regard.

- (4) Social services like child care service, family support service, occupational retraining and so on should be improved such that women can have sufficient support and really enjoy equal opportunities and freedom of choice.
- (5) School and public education exercises should be conducted to promote the concept of equality between women and men, pointing out that stereotyping the roles of women and men will distort the character development of the two genders. The education exercises should also pursue the various feasible ways of implementing equality between women and men.

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

MR JAMES TO (in Cantonese): Mr President, I would like to make only two points in supplement to the comments made by other Members from the United Democrats of Hong Kong. Firstly, as it stands, no women have ever been employed as Fireman and Ambulanceman with the Fire Services Department. My office had questioned the Fire Services Department if it would review this policy. An official of the department replied that women would not be recruited to take up these two positions in the near future. I hope that the department's policy of recruiting male Fireman and Ambulanceman is only a question left over by history rather than a question of the concept that women cannot cope with this kind of duties in terms of physical strength and ability. For example, we can see from the performance of women in the United States armed forces that many of the concepts that "women cannot do this, or should not do that" are nothing but prejudices. If women can meet the requirements in physical strength and in other aspects, they should then be given the opportunity to engage in jobs they are capable of. They should not be denied opportunities to bring into play their personal strengths just because this is a question left over by history.

The second institution I would like to talk about is the Correctional Services Department. Since male and female convicts are jailed in separate prisons, the management staff is of course divided into women and men. While this may be understandable, the Correctional Services Department is nevertheless obviously strengthening the supposed roles of either sex in its correction of inmates. Whereas woman inmates are assigned jobs traditionally supposed to be done by female such as sewing, man inmates are assigned their traditional jobs such as furniture making and repairing air-conditioners. This is similar to the school environment where male students will learn carpentry and female students domestic science, similarly strengthening the supposed roles of either sex. In fact, personal abilities and interest should no longer be restricted by sex. Therefore, I urge the Correctional Services Department to reconsider revising its existing policy, in order to give equal treatment to inmates of both sexes.

On the other hand, some women's organizations pointed out that in some cases of women abuse, the law enforcement officers have not treated domestic violence seriously. In an adjournment debate initiated by the Honourable Moses CHENG several months ago, I also mentioned about this. I would just like to urge the respective policy branch again to consider amending relevant provisions in the existing Domestic Violence Ordinance, so that this Ordinance may really help abused wives and their children.

Dr TANG Siu-tong mentioned just now that he has not participated in rural political activities and that he is not clear about these questions. But he tried to explain at the same time the rural election system, saying that there has been in fact some sort of misunderstanding on our part. Then I cannot help asking: Is he clear about these questions or not? It would only deepen our misunderstanding if he is not clear about it but tries to offer some explanation. The misunderstanding he referred to earlier should indeed mean both men and women in a household can be nominated by the household to vote in elections. This, I agree. But he did not mention that there are in fact some specific restrictions on women in the respective rules. I should like to invite him onto the Constitutional Development Panel and look up past records and information. In fact these situations are mentioned clearly in the official archives.

With these remarks, I support the motion.

SECRETARY FOR HOME AFFAIRS: Mr President, I am most grateful to Honourable Members for raising the very important question of equality between the sexes for a motion debate today. It is most timely as we are well into the last month of our public consultation period over the *Green Paper on Equal Opportunities for Women and Men*, published in August this year. I have listened to the views expressed by Members very carefully and I have found them very useful and persuasive. The message has come over loud and clear: the well-being of women in Hong Kong is now a matter for community concern and the focus of public attention.

On the question of promoting equality between the sexes in Hong Kong, the Government has already taken the initiative to put in place measures to achieve this objective. And we have a sound track record to give a good account of our work. For example, we have taken the lead to introduce equal pay and equal treatment in the Civil Service. We have instituted separate taxation for married women and men. We have been reviewing legislation to remove improper differential treatments between the sexes and indeed work is now proceeding on a number of Ordinances and these include the Affiliation Proceedings Ordinance, the Separation and Maintenance Orders Ordinance and other marriage related Ordinances. However, I entirely accept Honourable Members' contention that we should be doing more.

In a way, this is one of the reasons for publishing the *Green Paper on Equal opportunities for Women and Men* in August this year. Because we want

public endorsement of the measures to be taken to further foster equal opportunities between women and men. Another reason for choosing to do it this way is to use it as an education tool to raise public awareness and generate discussion on the subject. I feel that this is an important process whereby we get people involved personally in the discussion so that they would have a clearer picture of what they want and also a clearer idea of their own priorities.

The Green Paper exercise has certainly achieved the important objective of educating the public. This has been done through their participation in public forums, their involvement in the organization of activities, such as signature campaigns and through comprehensive reporting in the media. As a result, they are now much more aware of the issues involved and become more articulate on this subject.

Since the publication of the Green Paper, we have seen many lively debates: within this Council, at district boards and government advisory committees, among voluntary agencies, women groups, employer and employee associations as well as amongst individuals. We have taken an active part in most of these discussions. The extension of CEDAW to Hong Kong and the setting up of a Women's Commission, the subject matters of today's debate, are clearly the two most mentioned topics in which people have shown a keen interest.

The well-being of women in Hong Kong is another topic which has come up during the course of the present consultation exercise. I have heard many views expressed on the services presently provided for women. These include the provision of government subsidized child care facilities and measures to improve the Employee's Retraining Programme, topics which Members have mentioned here today. I have already taken these matters up with my colleagues in the relevant policy branches for them to consider what timely action that is required to be taken as appropriate.

CEDAW imposes wide ranging obligations upon States Parties to eliminate discrimination against women; such obligations fall upon both the government and the public. As evidenced by the experience of other States Parties to CEDAW, we will need to institute measures which may be legislative or non-legislative in nature in order to implement the provisions of the Convention. Legislative measures will set out in some detail acceptable standards of behaviour while non-legislative measures will seek to influence people's attitudes and norms.

Honourable Members have left me in no doubt as to their stance in this important matter. The strength of your conviction, the force of your argument and the persuasiveness of your presentation will have an important bearing for me to shape up my recommendation to the Executive Council on the way forward.

The proposal to set up a statutory Women's Commission was first raised last year when Honourable Members suggested that an advisory commission should be set up to provide a focus for deliberating women's matters. However, I am not surprised to find that both within this Council and elsewhere views on this are now more diverse and there are more options to consider. These cover the full range of options foreshadowed in the Green Paper, that is to say, an advisory body, a research-oriented organization, a complaints receiving agency and a CEDAW-linked commission.

We will consider all the suggestions that have been put forward.

For now, let me emphasize once again that I look forward to receiving more comments from the public at large on this important issue of equality between the sexes before the expiry of the consultation period by the end of this month.

PRESIDENT: Mrs LAM, do you wish to reply? You have 1 minute 18 seconds.

MRS PEGGY LAM (in Cantonese): Mr President, first I would like to thank all male and female Members of the Council for commenting actively on this issue and voicing their opinions in support of equality between the sexes, the extension of CEDAW and the establishment of a Women's Commission.

I believe that the Secretary for Home Affairs has listened well to the many views expressed by Members of this Council. He also said that the Government "should be doing more". I hope that by "doing more" he meant to extend CEDAW to Hong Kong and submit our views to the Executive Council, rather than to give consideration to our suggestions only. We want implementation of the suggestions so as to account to the public. After the consultation period, I hope that the Secretary will introduce CEDAW to Hong Kong and establish the Women's Commission as soon as possible.

Mr President, I so submit.

Question on the motion put and agreed to.

Private Bill

Second Reading of Bill

BISHOP OF THE ROMAN CATHOLIC CHURCH IN HONG KONG INCORPORATION (AMENDMENT) BILL 1993

Resumption of debate on Second Reading which was moved on 10 November 1993

Question on the Second Reading of the Bill proposed, 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.

BISHOP OF THE ROMAN CATHOLIC CHURCH IN HONG KONG INCORPORATION (AMENDMENT) BILL 1993

Clauses 1 to 3 were agreed to.

Council then resumed.

Third Reading of Bill

MR RONALD ARCULLI reported that the

BISHOP OF THE ROMAN CATHOLIC CHURCH IN HONG KONG INCORPORATION (AMENDMENT) BILL 1993

had passed through Committee without amendment. 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.

Adjournment and next sitting

PRESIDENT: In accordance with Standing Orders I now adjourn the Council until 2.30 pm on Wednesday 15 December 1993.

Adjourned accordingly at two minutes to Eight o'clock.

Note: The short titles of the Bills/motions listed in the Hansard, with the exception of the Consumer Goods Safety Bill, Protection of Wages on Insolvency (Amendment) (No. 2) Bill 1993 and Bills of Lading and Analogous Shipping Document Bill, have been translated into Chinese for information and guidance only; they do not have authoritative effect in Chinese.

