

# OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 23 November 1994

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 MR MICHAEL LEUNG MAN-KIN, C.B.E., J.P.

THE FINANCIAL SECRETARY

THE HONOURABLE SIR NATHANIEL WILLIAM HAMISH MACLEOD, K.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.

THE HONOURABLE MARTIN LEE CHU-MING, Q.C., 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 TAM YIU-CHUNG

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

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

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

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

THE HONOURABLE MARVIN CHEUNG KIN-TUNG, O.B.E., 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 LEE WING-TAT

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

THE HONOURABLE MAN SAI-CHEONG

THE HONOURABLE STEVEN POON KWOK-LIM

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

THE HONOURABLE TIK CHI-YUEN

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

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

THE HONOURABLE MOSES CHENG MO-CHI

THE HONOURABLE EMILY LAU WAI-HING

THE HONOURABLE JAMES TO KUN-SUN

DR THE HONOURABLE PHILIP WONG YU-HONG

**IN ATTENDANCE**

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

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

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

MR HAIDER HATIM TYEBJEE BARMA, I.S.O., J.P.  
SECRETARY FOR TRANSPORT

MR NICHOLAS NG WING-FUI, J.P.  
SECRETARY FOR CONSTITUTIONAL AFFAIRS

MR CANICE MAK CHUN-FONG, J.P.  
SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS

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

THE CLERK TO THE LEGISLATIVE COUNCIL  
MR LAW KAM-SANG

**PAPERS**

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

*Subject*

Subsidiary Legislation	<i>L.N. No.</i>
Aerial Ropeways (Fees) (Amendment) (No. 2) Regulation 1994 .....	598/94
Ancillary Dental Workers (Dental Hygienists) (Amendment) Regulation 1994 .....	599/94
Dentists (Registration and Disciplinary Procedure) (Amendment) Regulation 1994 .....	600/94
Electricity (Registration) (Amendment) Regulation 1994 .....	601/94
Electricity (Wiring) (Amendment) Regulation 1994.....	602/94
Enrolled Nurses (Enrolment and Disciplinary Procedure) (Amendment) Regulation 1994 .....	603/94
Gas Safety (Gas Supply) (Amendment) Regulation 1994.....	604/94
Gas Safety (Registration of Gas Installers and Gas Contractors) (Amendment) Regulation 1994 .....	605/94
Gas Safety (Registration of Gas Supply Companies) (Amendment) Regulation 1994 .....	606/94
Lifts and Escalators (Safety) (Fees) (Amendment) (No. 2) Regulation 1994 .....	607/94
Medical Practitioners (Registration and Disciplinary Procedure) (Amendment) Regulation 1994 .....	608/94
Midwives (Registration and Disciplinary Procedure) (Amendment) Regulation 1994 .....	609/94
Nurses (Registration and Disciplinary Procedure) (Amendment) Regulation 1994 .....	610/94

Travel Agents (Amendment) Regulation 1994.....	611/94
Dangerous Drugs Ordinance (Amendment of Second Schedule) (No. 2) Order 1994.....	612/94
Dangerous Drugs Ordinance (Amendment of Fourth Schedule) Order 1994 .....	613/94
Military Installations Closed Areas (Amendment) (No. 2) Order 1994 ....	614/94
Official Languages (Alteration of Text) (Domestic Violence Ordinance) Order 1994.....	615/94
Solicitors Disciplinary Tribunal Proceedings (Amendment) Rule 1994 .....	616/94
Solicitors' Practice (Amendment) Rules 1994.....	617/94
Trainee Solicitors (Amendment) (No. 4) Rule 1994 .....	618/94
Companies Ordinance (Amendment of Eighth Schedule) (No. 3) Order 1994 (L.N. 570 of 1994) (Commencement) Notice 1994 .....	619/94
Professional Accountants (Amendment) Ordinance 1994 (96 of 1994) (Commencement) Notice 1994.....	620/94
Official Languages (Authentic Chinese Text) (Legal Aid Ordinance) Order .....	(C)29/94
Official Languages (Authentic Chinese Text) (Domestic Violence Ordinance) Order .....	(C)30/94

#### Sessional Papers 1994-95

- No. 39 — Hong Kong Council on Smoking and Health Annual Report 1993-1994
- No. 40 — Sir Edward Youde Memorial Fund Report of the Board of Trustees for the Period 1 April 1993 to 31 March 1994
- No. 41 — The Prince Philip Dental Hospital Hong Kong Report by the Board of Governors for the Period 1 April 1993 - 31 March 1994

- No. 42 — Report on the Administration of the Immigration Service Welfare Fund from 1 April 1993 to 31 March 1994 Prepared by the Director of Immigration

## ORAL ANSWERS TO QUESTIONS

### Drainage Problem in West Kowloon

2. MRS SELINA CHOW asked (in Cantonese): *Recently there have been several occasions when serious flooding occurred in West Kowloon after torrential rains. The Drainage Services Department has indicated that it will not be until December 1995 at the earliest before there is any hope of resolving the flooding problem in the district. The reason is that the drainage capacity of the existing system has been reduced as a result of large scale reclamation works being carried out in West Kowloon. As the Government has started to examine this problem in June this year, will the Government inform this Council:*

- (a) *whether the drainage problem has been taken into account at the time of studying the reclamation works in West Kowloon: whether the present situation is due to an underestimation of the importance of the problem; or whether the works still went ahead notwithstanding that the problem could not be resolved within a short period of time;*
- (b) *of the reasons why studies on how to improve the drainage system were not undertaken until June this year after the commencement of the reclamation works; and*
- (c) *whether the Government will, in the light of experience gained, make appropriate arrangements well before any reclamation works are to commence in the future?*

SECRETARY FOR WORKS: Mr President, the Honourable Member suggests that the drainage capacity of the existing system has been reduced as a result of the large-scale reclamation works being carried out in West Kowloon. This assumption is not correct, since the planning and the execution of the reclamations has at all time been predicated by the need to avoid reducing the existing drainage system.

The problem of existing drainage has been taken into account. However, the drainage pipes and channels in the West Kowloon areas were built many years ago. They are deteriorating, and have inadequate capacity to cater for increasing urbanization. Even without the reclamation works in West Kowloon,

these areas are at risk of flooding under exceptionally heavy rainfall such as we have experienced this year.

When the West Kowloon Reclamation Project was conceived, the problem of the existing drainage capacity due to the presence of the reclamation was not ignored or underestimated. The effect of the Project on the existing drainage system was identified in 1990 in the West Kowloon Reclamation Feasibility Study, well before the commencement of the reclamation. Detailed studies then followed and engineering solutions were devised. The aim was to maintain at least the existing capacity of the drainage system and, where site conditions permitted, to take the opportunity of the works to increase the capacity further. The first contract for these drainage improvement works was awarded three years ago, and before the next rainy season arrives, a large part of these works will be complete, thus reducing the risk of serious flooding in these areas.

The consultancy study referred to by the Honourable Member that started in June this year is separate from the problems associated with the reclamation works. It is an investigation, which may result in substantial improvement works being proposed to bring the whole of the old system up to modern standards. We are also considering whether similar investigations should be undertaken in other parts of the territory as part of the continuing programme to improve our drainage infrastructure.

Finally, Mr President, may I say the Government has gained valuable experience from the recent large-scale reclamation projects. Let us remember, during these few years of port and airport developments, total area reclaimed amounts to an increase of some 35% of all previous reclamations. Our techniques for assessing the drainage impact of a reclamation project on its surrounding area have been improving, along with our assessments of the environmental and the traffic impacts. Learning from the results thus far, appropriate measures to counteract such adverse impacts will be utilized in every opportunity to bring about improvements in the future.

Thank you.

MRS SELINA CHOW (in Cantonese): *Mr President, has the Secretary for Works suggested in paragraphs 1-3 of his reply that the reclamation works in West Kowloon have neither aggravated nor alleviated the problem of flooding there? In other words, does he mean that the reclamation works are not in any way related to the occurrence of serious flooding there? The Secretary has mentioned about the consultancy study which was started in June in paragraph 4 of his reply. However, he has not mentioned how long the improvement work will take. Does it mean that West Kowloon will still be subjected to the risk of long term flooding?*



PRESIDENT: Have you got the first part of that question, Secretary?

SECRETARY FOR WORKS: Mr President, as regards the first part of the question, what I am trying to say is that the impact of the reclamation works on the existing drainage system in the area was taken into account in the planning of the reclamation works. On the actual implementation of the reclamation works, the resident site staff for the Government would have ensured that the planning measures introduced into the design for the execution of the works would have been carried out by the various contractors involved. Therefore, those measures were designed to ensure that the existing system was able to perform at least to the best of its possible standards. The existing system was able to deal with exceptional rainfall. However, as I have said also, Mr President, the system itself has a number of inadequacies; it is old, it is deteriorating. The purpose of the study which is now in hand is to identify means to improve the drainage system as a whole for the area and therefore to obviate in the future problems with flooding during exceptional rainstorms.

As to the extent and the process of the present study, the timing for that, Mr President, I am afraid I will have to reply in writing. But since the study is in hand, it will be a focus study and I will give a written answer to that question. (Annex I)

MR ALBERT CHAN (in Cantonese): *Mr President, it is obvious that there are defects in the planning and co-ordination work of the drainage system in West Kowloon. As regards the sewerage system in West Kowloon, the Director of Audit has recently pointed out that the utilization of the sewerage system lags far behind the designed capacity of the system with the actual utilization rate representing only 48% of the designed capacity. However, the stormwater drainage system is obviously inadequate and this has led to flooding in the area. In view of the inadequacy of the existing stormwater drainage system, what specific improvement measures will the Government take in the coming year (1995-96 financial year) to increase manpower and resources so that the problem can be alleviated?*

SECRETARY FOR WORKS: Mr President, first of all, as far as co-ordination throughout the planning and implementation stage is concerned, as I have said, the adequacy of the existing system has been at the very least maintained during the execution of the reclamation works and we have in some areas been able to find means to improve. This has necessitated carrying out the reclamation itself in a series of carefully planned areas, such that the existing drainage system through the existing seawalls could be kept alive until such time as the extension of the existing drainage system, through the new reclamation, could be brought into use. This has required a great deal of co-ordination and a great deal of control on the site, and I can assure you that planning, co-ordination and control

has been as high as it could possibly be and that the quality of work done has been as expected.

As to the capacity of the existing system, once the study which is now in hand is complete, then that, Mr President, will tell us how and where the existing system can be upgraded, as I said, to meet the increasing needs of urbanization and also where it has deteriorated, to bring it up to a standard where flooding in the future can be obviated.

PRESIDENT: Not answered, Mr CHAN?

MR ALBERT CHAN (in Cantonese): *Mr President, my question is whether the Government has any plan to increase resources or manpower in the coming year (1995-96 financial year) so as to alleviate the problem? To keep on saying that the report of the study is awaited means that the Government will not devote any new resources to abating the problem in the coming year. If this is the case, then improvement to the situation would be totally impossible. We should note that it is time now to apply to the Financial Branch for funds in respect of works to be undertaken in the next financial year. Has the Secretary applied for additional funds and manpower to cope with the problem?*

SECRETARY FOR WORKS: Mr President, I have indicated in the answer that the present works which are in progress will be completed during the 1995-96 period but as I have said, that maintains the existing status quo. As to the works which are now the subject of study, any works which arise from that study will have to be put into our programme, and at this point in time, I do not believe that those works would be carried out during the 1995-96 year. However, I will undertake to give a further clarification in writing to that particular point. (Annex II)

MR HOWARD YOUNG: *Mr President, the Secretary, in his reply in paragraph 4, points to an increase of some 35% in reclamations over the last few years whilst noting in paragraph 1 that drainage capacity has not been reduced. Can he tell this Council whether in fact the drainage capacity has been able to at least keep up with the pace of this 35% increase in reclamation, in particular, with regard to West Kowloon?*

SECRETARY FOR WORKS: Mr President, specifically dealing with West Kowloon, clearly there was extensive flooding during this year, but clearly there was also very exceptional rainfall this year. The point is that there would have been flooding due to this exceptional rainfall even without the reclamation works for West Kowloon being in place. It is rather a subjective question as to whether the reclamation has created more flooding this year than would

otherwise have been the case. But if it is possible to give that answer I will look into it and provide a reply. But I believe that what has been done on the ground to deal with the problem has been fully in accordance with our planned expectations and has been attempting to provide at least a partial solution during the construction phase to an existing system that itself requires to be upgraded as a whole.

MR EDWARD HO: *Mr President, frankly the long answer to Mrs CHOW's question told us nothing and I would recommend that this matter be discussed at the Legislative Council Panel meeting because I do not think you will allow us to have so many questions.*

*The question that I would like to ask is that, for instance, the Secretary just said "planned expectations", what does he mean? Did he mean that the planned expectations were that there would be more flooding during the reclamation, therefore it is not something to be alarmed about? And also in his reply, he said the problem of existing drainage has been taken into account. Does it mean that the problem would be left there and it is only after the consultancy study has been done and the old system upgraded that we can see any improvement?*

SECRETARY FOR WORKS: Mr President, the question does blur the two subjects that the Honourable Member has just raised. First of all, during the reclamation works that we have been carrying out, the whole intention has been to maintain an existing system to the limits of its present capacity. That I am satisfied has been done during the execution of the works. As to whether the existing system itself needs to be upgraded in capacity as a whole and what can be done to implement that upgrade, that is the subject of the consultancy study that has now begun.

### **Reviews of Franchised Bus Companies**

3. MR LEE WING-TAT asked (in Cantonese): *When the Kowloon Motor Bus Company (KMB) raised its fares last time, the Government undertook to review (i) the relationship between the income arising from land sales of franchised bus companies and their fare adjustments; and (ii) the renewal of the franchise of KMB upon its expiry in 1997 and the related Profit Control Scheme. In this connection, will the Government inform this Council:*

- (a) *of the progress of the two reviews mentioned above; and*
- (b) *whether the Government will consult the public widely on the findings of these reviews?*

SECRETARY FOR TRANSPORT: Mr President, in approving Kowloon Motor Bus Company (KMB)'s fare increase in March 1994, the Governor-in-Council directed that, in processing future applications for bus fare increase, the Administration should consider taking into account land sale proceeds of franchised bus companies. The Governor-in-Council also asked the Administration to consider abolishing KMB's profit control scheme.

The Administration has commenced a review and has started discussion with the franchised bus operators concerned. Our intention is that when bus depot sites are sold, a portion of the profit should go towards a fare stability fund. Since this exercise involves legislative amendments to the Public Bus Services Ordinance, it will take some time to complete but I expect to be able to introduce a bill to this Council in April 1995 with a view to its enactment during the current Session. In the meantime, I can assure Honourable Members that the Administration will not consider any further applications for the disposal of depot sites until this exercise has been completed.

Members will recall that among the four franchised bus companies, only KMB is still subject to a formal profit control scheme. The Administration's intention is to abolish this scheme for KMB as soon as possible. However, since the scheme is enshrined in the KMB franchise, we cannot abolish it unilaterally. We have started discussing the matter with KMB. Whilst the scheme permits a maximum rate of return of 16% on average net fixed assets, this does not guarantee such a level of return for the Company. This is illustrated by the fact that in the last two years, KMB fare increase applications were determined according to a number of factors such as performance, commitment to further investment in service improvements, operating costs, inflation levels and public acceptability. These factors will continue to be adopted by the Administration in assessing future fare increase applications.

Mr President, the Administration will consult the Transport Advisory Committee and the Transport Panel of this Council on proposals to amend the Public Bus Services Ordinance to deal with the issues of land sale profits and abolition of the profit control scheme.

MR LEE WING-TAT (In Cantonese): *Mr President, the second paragraph of the Secretary's reply referred to the Administration's intention to set aside a portion of KMB's land sale proceeds to a fare stability fund. I support this new idea which is a response to the request for fare stability made by the Democratic Party and the public. Will the Administration inform this Council whether it would consider the following two points when discussing this stability fund with KMB:*

- (1) *the fund should have sufficient money to stabilize KMB's rates of fare increase over the long term; and*

- (2) *could the fund help to limit the rate of KMB's annual bus fare increase to a level below the rate of inflation as far as possible?*

SECRETARY FOR TRANSPORT: Mr President, may I first thank the Honourable Member for supporting the proposals that we have in mind and indeed thank him for his suggestions in this regard.

We are now in the middle of negotiations with the bus companies, both KMB and CMB, and it is not possible at this point in time to state precisely what proportion of profits from land sales will go into this fund. Not surprisingly, the bus companies are not very enthusiastic about this proposal since they consider that the whole concept of ploughing back land sales profits is a major departure from free market principles. We therefore have to agree the formula with them and, as I have said, it is premature to state what proportion of profits should be ploughed back and therefore I cannot give the assurances that Mr LEE has sought as to whether the fund will have sufficient monies in future when we consider applications for bus fare increases.

But I do reiterate that our intention is that a portion of the land sales profits will be put into a fund to stabilize bus fares and that this fund should be used to benefit bus passengers.

MRS MIRIAM LAU (in Cantonese): *Mr President, the Secretary has just referred to the Government's intention that when bus depot sites are sold, a portion of the profits should go to a fare stability fund. Will the Secretary inform this Council how that "portion" of the profits is to be decided? Would it involve discussion with the bus operator concerned? This exercise involves legislative amendments to the Public Bus Services Ordinance and such amendments will be presented to this Council for consideration at a certain stage. If we are not in favour of the "portion of profits" jointly decided by the Administration and the bus operator, could we move any amendment?*

PRESIDENT: Some of this is hypothetical but insofar as you can answer, Secretary, would you try?

SECRETARY FOR TRANSPORT: Thank you, Mr President. Indeed I think some of the questions are hypothetical, but the basic approach that we hope to adopt and the factors that will be taken into account in deciding what proportion of the funds should be put into this fund will include past permitted returns on the land and buildings which are to be disposed of and the costs of providing and maintaining replacement depots.

I think, Mr President, it has also to be recognized that, at present, the legislation does not provide for the Administration to require the bus companies to plough back profits from sales of land into any fund and therefore we have to negotiate this with the companies and ensure that what we propose to do has the backing of the legislature and is enshrined in legislation. Certainly, as I have said, this Council will be consulted. When we have the package, there will be ample opportunity to discuss this.

MR WONG WAI-YIN (in Cantonese): *Mr President, we are glad to learn from the third paragraph of the Secretary's reply that the Administration intends to abolish KMB's profit control scheme as soon as possible. In order to enable the public to enjoy more comfortable and reasonably priced bus services in a competitive market, will the Administration consider inviting other bus operators to provide bus services in Kowloon and the New Territories after KMB's profit control scheme has been abolished so that with the existence of fair competition, the public could then have more choices? Thank you, Mr President.*

PRESIDENT: We are beginning to stray from the question. Secretary, can you answer?

SECRETARY FOR TRANSPORT: Mr President, although the KMB still has a profit control scheme, the reality is that this is in fact pretty academic because, as I have explained in my main reply, we do not guarantee KMB a maximum permitted return.

Insofar as future bus services on the Kowloon side and the New Territories are concerned, when we negotiate KMB's franchise renewal we will certainly take into account their performance. But at this stage, it is far too early to say whether new bus companies will be allowed to enter into the market. I do believe, Mr President, that KMB's performance is in fact, in overall terms, pretty satisfactory.

MR LAU Chin-shek (in Cantonese): *Mr President, will the Secretary inform this Council of the number of bus depot sites which might be sold by the various bus companies at present; and whether the Administration has received any further applications for the disposal of depot sites by the bus companies? Will the Administration consider deferring the processing of bus fare increase applications until the bus companies promise to accept the proposed fare stability fund? Thank you, Mr President.*

PRESIDENT: Secretary, are you in a position to answer?

SECRETARY FOR TRANSPORT: Mr President, only KMB and CMB have sites which they have acquired themselves on the open market for use as depots. As for the two other bus companies, Citybus and the New Lantao Bus Company, their depot sites have been provided through short-term tenancies. KMB has some seven sites which they have acquired themselves and CMB has three. I shall be happy to provide Members with the details of these sites (Annex III) and as I said in my main reply, we shall not be prepared to consider applications for disposal of sites until the exercise has been completed.

### Home Ownership Scheme

4. MR HUI YIN-FAT asked (in Cantonese): *According to the eligibility criteria for green form applicants of Home Ownership Scheme (HOS) flats, successful applicants are required, inter alia, to surrender their existing public rental flats upon occupation of HOS flats. Will the Government inform this Council:*

- (a) *of the total number of HOS flats (including Private Sector Participation Scheme flats) produced between 1978, when the Scheme was first introduced, and the time the most recent phase of HOS flats was put on sale; how many of these flats have not been sold and what measures does the Government have to ensure that full use is made of those flats which remain unsold;*
- (b) *of the total number of public rental flats repossessed by the Government during the same period, and whether the Government has taken measures to closely monitor the operation of the whole set of procedures and formalities relating to the surrender of such flats; and*
- (c) *whether the Government is aware of any green form applicants who have been living in HOS flats for years without surrendering their public rental flats and who continue to pay monthly rents to the Housing Department?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President,

- (a) From the introduction of the Home Ownership Scheme (HOS) in 1978 up to the most recent Phase 16A, a total of some 200 800 flats have been put up for sale, including HOS, Private Sector Participation Scheme (PSPS), and the Middle Income Housing Scheme. All the flats have been sold.

- (b) A total of some 73 400 flats have been sold to sitting tenants who are required to surrender their rental units to the Housing Authority. The Housing Department closely monitors the situation when a tenant is successful in his application to buy a HOS/PSPS flat to ensure that the rental flat will be recovered. The tenant purchaser is required to undertake to surrender his rental unit within two months from the date of taking over the HOS flat.
- (c) Neither the Government nor the Housing Authority is aware of any successful Green Form applicants who have been living in HOS flats for years without surrendering their public rental flats.

MR HUI YIN FAT (in Cantonese): *Mr President, in answering part (b) of the question, the Government only said that 73 400 flats have been sold to sitting tenants. But my question is how many public rental flats have been repossessed by the Government after the Home Ownership Scheme (HOS) flats have been sold. According to Mr MAK, 73 400 flats should have been repossessed. May I know whether this figure is the correct answer?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Yes, Mr President, it is correct.

MRS PEGGY LAM (in Cantonese): *Mr President, could the Government inform his Council whether it is aware that housing officers of different public housing estates are adopting different approaches in handling the formalities relating to the surrender of public rental flats, resulting in serious slips in the sub-urban districts and the New Territories?*

PRESIDENT: Was that a hypothetical question, Mrs LAM?

MRS PEGGY LAM (in Cantonese): *This is not a hypothetical question. I think this situation does exist. Officers in the Housing Department of different estates are either not adopting consistent approaches to recover the flats, or not provided with any guidelines issued by the Housing Department to follow, as a result, quite a number of cases slipped by in the sub-urban areas or the New Territories. Will the Secretary inform this Council whether the Government is aware of the abundance of such case?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): According to the existing set of formalities of Housing Department, when a tenant is successful in his application in obtaining a HOS flat, the office responsible for HOS would inform the tenant's Housing Manager. The Housing



manager would then recover possession of the tenant's flat. According to the present formalities, the office — responsible for HOS would have two chances of informing the Housing Manager. The first time is when a tenant is successful in his application to buy a HOS flat, the Housing Manager would be informed. And as I have said in my main reply, the successful applicant would have two months' time to vacate the rental flat. After he has surrendered the flat, the office responsible for HOS would inform the Housing Manager again. Hence, the situation as described by Mrs Peggy LAM should not exist and I have no idea of the existence of such. All estates are following the same set of formalities.

MR FRED LI (in Cantonese): *Mr President, when the HOS was implemented in 1978, one of its objectives was to encourage sitting tenants to buy the HOS flats and then surrender their public rental flats to the Housing Department for re-allocation to those in need. However, relevant figures indicate that only 37% of the purchasers of HOS flats are tenants of public rental units. Could the Secretary inform this Council whether the prices of HOS flats have exceeded the affordability of such tenants; and whether the Government is satisfied with the proportion of this 37%?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Mr President, I believe that the 37% referred to by Mr LI is obtained by dividing the 73 400 flats by 200 800 flats as mentioned in my main reply. Mr President, with regards to the proportion of Green Forms and White Forms, the existing policy of the Housing Authority is to allocate two thirds of the HOS application forms to Green Form applicants and the remaining one third to White Form applicants. According to this policy, the percentage of Green Form applicants should, of course, exceed 37%. However, since its implementation in 1978, HOS has adopted many allocation methods in addition to the one referred to just now, hence resulting in the situation I have just mentioned. The existing policy of the Housing Department is to allocated two thirds of the forms to the Green Form applicants and the remaining one third to the White Form applicants, the objective is to encourage the tenants of public rental flats to purchase HOS flats and vacate their rental flats for allocation to those who are more in need. I believe this present policy is gaining effect, but and the Housing Authority would keep on reviewing this policy in the light of actual situations.

PRESIDENT: Not answered, Mr LI?

MR FRED LI (in Cantonese): *I would like to know is it that the Government is not satisfied with the proportion of 37% and therefore switches to the existing policy of allocating two thirds to Green Form applicants and one third to White Form applicants. I hope the Administration could provide a specific reply as to*

*whether it has reviewed this ratio and upon finding its appropriateness, has thus come to such a consequence?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Mr President, as I have just mentioned, the ratio has been changed for several times. Since the implementation of the HOS in 1978, Hong Kong has been ever-changing and the demands on HOS flats are therefore changing as well. The Housing Authority has been making adjustments according to prevailing circumstances instead of adopting a hard-and-fast ratio. I am sure the Housing Authority would keep on reviewing the appropriateness of the ratio in the light of prevailing circumstances.

MRS ELSIE TU: *Mr President, the Secretary said that the Government and the Housing Authority are not aware of Green Form tenants not occupying their HOS flats and having not vacated their Housing Authority flats. Since he is not aware of that, I wonder if the Secretary could ask the Housing Department Managers to investigate why so many flats on estates are either rented out illegally, used for storage or just left empty while other tenants are overcrowded?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, my reply refers specifically to the surrender of rental units back to the Housing Authority once an applicant is successful in applying for an HOS flat and I said that neither the Government nor the Housing Authority is aware of any successful Green Form applicants who have been living in HOS flats for years without surrendering their public rental flats. But, of course, Mr President, there are other reasons why public rental flats remain vacant or are used as storage, as the Honourable Member refers, and I am sure the Housing Authority will look into these cases once they are discovered and take the appropriate action.

MR EDWARD HO (in Cantonese): *Mr President, the Secretary pointed out in his reply that a tenant who has purchased a HOS flat would be required to surrender his rental unit within two months. Will the Secretary inform this Council whether he has discovered any tenants who have not moved out within two months and how long the delay has been? What penalties will be levied on those who fail to surrender their rental units within two months?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Mr President, the two-month period is set to allow time for the successful applicant to decorate his new flat and to make arrangements for any matters relating to his removal. Certainly, no two successful applicants' situation will be the same, but all applicants could apply to their Housing

Managers for leave to extend the removal period if required. As to the number of such applications received and the lengths of the extension periods granted, I am sorry that I do not have those figures at hand, but I will try my best to provide Mr HO with such information in writing if he wishes (Annex IV).

### **Registration of Electors**

5. MR HENRY TANG asked (in Cantonese): *The Boundary and Election Commission has made new regulations regarding registration of electors for the nine additional constituencies in the 1995 Legislative Council Election. Under these new regulations, the personal particulars of registered electors will be classified according to their respective functional constituencies, employers and other groupings and will be made available for public inspection so that the accuracy of the particulars of electors can be monitored by the public. In view of this, will the Government inform this Council how it can on the one hand encourage the public to fulfil their civic duty and come forward to register as electors, and on the other ensure that in making public the personal particulars of electors, the individual electors' right to privacy is safeguarded?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Mr President, in connection with the Legislative Council elections to be held in September 1995, the Boundary and Election Commission (BEC) has to devise arrangements for the registration of electors for the nine new Functional Constituencies (FCs). The Commission's objective is to make the registration process as simple and user-friendly as possible, so as to encourage and enable eligible persons to fulfil their civic duty and register as electors in the nine new FCs. On the other hand, the Commission has to ensure that the information included in the voter register is transparent enough to facilitate public scrutiny in order to prevent abuse.

The simple registration process involves the Registration Officer (RO) writing to employers requesting them to provide him with the names and identity card numbers of their employees as of a certain date. The RO would also seek confirmation from the employers about their main line of business. He would then send a notification to inform eligible employees who are already registered on the General Electoral Roll (GER) that they would be registered in one of the nine new FCs in accordance with the main line of business of their employers.

An employee who receives a notification can declare any change in circumstances, for example, change of employer or to make a choice of his FC if he is eligible for registration in more than one FC. He may of course choose not to register as a FC elector.

As regards those employees who are not already registered on the GER, registration forms which enable them to register both as a general elector and as a FC elector will be sent to the employers concerned for distribution to their employees who can then return the completed forms to the RO direct. Self-employed and other eligible persons can become electors in a new FC by making an application directly to the RO. And of course, application forms will be made available at many venues.

The actual registration process will be explained in greater detail to the public from January 1995 onwards by a publicity campaign co-ordinated by the BEC. Eligible persons have until 1 June 1995 to become registered.

To address Mr TANG's point about striking a balance between encouraging those who are eligible to register and safeguarding the individual's right to privacy, I would like to stress that the electors register will include only information which is absolutely necessary in establishing the identity of an elector and in indicating the appropriate FC to which he should belong. The elector's information will thus be listed under the appropriate new FC and will consist of information identical to that already existing in the GER, that is name, sex, ID card number and residential address. The only additional information to be included will be the name and address of the company in which the elector is employed.

The inclusion of the name and address of the employer has in fact been put forward by the Bills Committee set up by this Council to study the Second Stage Bill on electoral matters for the FCs and Election Committee. The BEC agrees with Members of the Bills Committee that this arrangement will considerably enhance the transparency of the registration process. It facilitates public scrutiny of the register and discourages abuses. Such transparency is essential in ensuring the integrity, openness and fairness of the voter registration system.

The BEC Regulation which provides a statutory framework for the voter registration exercise will be introducing safeguards and legal sanctions against any misuse of the information on the registers, which may only be used for the purposes of voters registration and elections and there will be legal sanctions against those who misuse the information.

MR HENRY TANG (in Cantonese): *Mr President, I do agree that the voter register should include appropriate information in order to assist candidates in conducting electioneering activities and in distributing information of candidates, but I think a record of the names and addresses of the electors would suffice for this purpose. To safeguard the individual's right of privacy and to prevent any abuse of information, I think there is no need to disclose the sex and the identity card number of electors. Has the Government considered discontinuing the practice of disclosing such information? Furthermore, since the implementation of the legislation providing legal sanction against the abuse*

*of information obtained from the voter register, has the Government attempted to and successfully prosecuted anyone for committing such offences?*

PRESIDENT: Secretary, two questions there.

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Mr President, just now I mentioned that information included in the voter register is that most basic and essential information which allows candidates and the public to clearly establish the identity of electors. Names and addresses are of course necessary. With regard to identity card number, I believe all of us know that many people have identical names. If we open a telephone directory, there may be quite a number of popular names. Therefore, we have no way to ascertain whether the information is accurate or not if there is not any guide to ascertain the identity of electors. The identity card number serves as a convenient and important guide. As to the question of sex, I do not believe it to be a very private piece of information. For many years in the past, such information has been included in the voter register. Candidates or relevant political parties did feel that they need such information in order to conduct electioneering activities.

As regards the second question raised by Mr TONG about the number of successful prosecutions made against the abuse of information, I will obtain the relevant data from the Registration and Electoral Office (REO) and make a written reply to Mr Tang. (Annex V)

DR YEUNG SUM (in Cantonese): *Mr President, in connection with the registration of electors for the newly added Functional Constituencies (FCs), basically, it is done by requesting employers to provide a namelist of their employees. This method may enable registration to be conducted more easily. However, we are concerned about the abuse of information mentioned just now. Although there are laws to prevent the abuse of electors' information, will the Government inform this Council specifically how such cases of abuse of information can be prevented? As it seems that many people have been abusing information obtained from the voter register for commercial purposes, such a situation may be more evident with the addition of nine FCs. Will the Government pay attention to this situation? What measures will the Government actually adopt to prevent abuse of information? Can this be stated more specifically? Thank you. Mr President.*

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Mr President, basically we have two major channels to prevent the abuse of information. First, through public monitoring and supervision. Therefore, we need to include adequate information in the voter register so as to enhance this monitoring and supervision. I said that basic information need to be included in

the voter register just now. One of the purposes for doing so is to let the public monitor and supervise the accuracy of the information included in the voter register. Second, the Government will of course check the information at random so as to ensure accuracy. In this respect, the REO will, taking into consideration the availability of manpower, check information recorded in the voter register at random to see if it is accurate. Once inaccurate information is discovered, prosecution will be instituted and the relevant legislation has provided legal sanction against violation. Currently, the maximum penalty recommended by the REO is a fine of \$5 000 and 6 months' imprisonment.

PRESIDENT: Yes, Dr YEUNG Sum, not answered?

DR YEUNG SUM (in Cantonese): *Mr President, the answer given by the Secretary is not clear. He mentioned about random checking of information recorded in the voter register but this only serves to ensure accuracy of the information. My question is how to avoid the misuse of information. I am not talking about electors supplying false information but the possibility that the information given by electors to the Government will be misused for commercial purposes such as sending insurance or credit card materials. This is the problem that I am concerned about but not the accuracy of information. Thank you, Mr President.*

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Mr President, besides monitoring and supervision by the public, the Government will of course have to rely on reporting in order to get to know that information is being abused. The government will only be able to know abuse has occurred when such case is being reported. Otherwise, how will it be possible for the Government to know that such case of abuse of information has occurred?

MR RONALD ARCULLI: *Under the system proposed, it is the employer who would have to supply the name and address of his employees; forms will be sent to the employers for distribution. Would it be possible for the employer simply to give a number to the BEC to say that "I have 95 people working for me", get 95 forms, and distribute them to his staff? Then it is entirely a matter for them whether they wish to register or not — without disclosing their name or address. What is the point of disclosure if in fact the staff choose at the end of the day not to have registration?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS: Mr President, I hope I explained in my answer that what we require from the employer is no more than the name and identity card number of the employees. We do not require from the employer the residential addresses of their employees. So what we

propose to do is that once we get the data, once we get the name and identity card number of the employees from a certain employer, we will run the data against our computer record of the registered voters for the geographical elections. Those who are already registered on our General Register will of course have their residential address on our record, and then the Registration and Electoral Office would approach them direct and ask them to confirm or refuse otherwise their registration in a particular functional constituency.

Now the problem remains with those who are not already on our General Register. They can get a general application form from post offices, banks or district offices to register both for the geographical election and for the functional constituency election according to the employer's main line of business. But in order to facilitate, in order to help this group, albeit a small group now, this group of employees who are not yet registered to come on to the register, we propose one way of reaching them is to send a stack of forms to their employer and ask their employer to pass on the forms to them. Then it is entirely up to them to return the forms and entirely up to them to register. But I stress, we have not and we will not ask employers to provide residential addresses of their employees.

MR CHIM PUI-CHUNG (in Cantonese): *Mr President, although the present 21 seats from the FCs have been disputed by some people, the descriptions of such constituencies are in fact very clear and therefore will not give rise to any other disputes. However, as regards the nine newly added FCs, the Secretary mentioned in the second part of his main reply that employers will be asked to provide information on behalf of their employees. For example, a driver being employed in a bank may put down "financial services" as his profession whereas in fact he is a driver. Consequently, the driver will certainly not accept that he is working in the financial sector. Can the Government accurately refer to him as the nine FCs as practitioners and employees of such FCs? So, in the above example, although the driver is an employee in the financial sector, his actual capacity is an employee whose work does not involve finance. Hence, this employee should not be obliged to register in order to comply with requirements laid down by Government.*

PRESIDENT: Where is the question, Mr CHIM? (Laughter)

MR CHIM PUI-CHUNG (in Cantonese): *Mr President, my question is that would this result in the employee being regarded as having failed to comply with Government requirements for the reason that his duties do not match? In the second part of the Secretary's main reply, it was mentioned that employer would be asked to provide on behalf of his employees their names and identity card numbers. In order to define the position of an employee more clearly, will the Government agree to add the words "(and) employees" to the titles of the nine FCs?*

PRESIDENT: Secretary, have you got the question?

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Mr President, I will try to answer Mr CHIM's question but I may not be able to give a satisfactory reply because I do not fully understand his question. What I want to stress is that when this Council discussed the composition and arrangements for the nine new FCs, it was pointed out in detail that in the classification of the new constituencies, we should look principally at the major line of business of the employers rather than the capacities or professional qualifications held by the employees themselves. Often simple examples, such as the driver Mr CHIM referred to, were cited. If the driver is employed in the manufacturing sector such as in a factory, he will join the Manufacturing Functional Constituency rather than the Transport and Communication Functional Constituency. Let me give another example. If a driver is serving in an import and export firm, then he will belong to the Import and Export Functional Constituency, but still not the Transport and Communication Functional Constituency. Therefore the classification of the nine new FCs is based on the main line of business of the employer rather than the position of the employee. So, the kind of problem mentioned by Mr CHIM should not arise.

PRESIDENT: We have to move on, I am afraid.

#### **24-hour Clearance at Lok Ma Chau**

6. DR TANG SIU-TONG asked (in Cantonese): *In view of the introduction of 24-hour clearance service for goods vehicles at the Lok Ma Chau border crossing point as from 3 November this year, will the Government inform this Council whether:*

- (a) *the deployment of manpower in the departments concerned has been affected by the above measure;*
- (b) *special arrangements have been made to prevent cross-border smuggling activities between midnight and dawn when fewer officers are on duty;*
- (c) *consideration has been given to extending the 24-hour service to passengers clearance counters at the border crossing point; if so, when will this take effect; if not, what the reasons are; and*
- (d) *the Government has taken into consideration the noise nuisance which the introduction of 24-hour service at the border crossing point will cause to the residents nearby; if so, what are the measures to solve the problem?*



SECRETARY FOR SECURITY: Mr President,

- (a) The necessary manpower has been provided for the 24-hour opening of the Lok Ma Chau Control Point. Two immigration and two customs kiosks are operated overnight, from 10.00 pm in the evening to 7.00 am in the morning. The Immigration Department has created nine additional posts for this purpose, the Customs and Excise Department 16 posts. The police deploy four extra men at Lok Ma Chau to provide coverage round the clock.
- (b) The Customs and Excise Department maintains the same level of control, day and night, over the cross-border movement of vehicles and cargo. The present manpower is adequate for the present volume of traffic.
- (c) The crossing point is closed to buses from nine o'clock each evening, and there is no demand for passenger services through the night. However, the situation is kept under review and we will consider providing a 24-hour service at the passenger counters if a demand exists.
- (d) The Government appointed consultants last year to study the potential noise impact of the initial phase of the 24-hour opening of the Lok Ma Chau Crossing. The study indicated that some residents at Lok Ma Chau, Chuk Yuen Tsuen and Choi Yuen Estate would be affected. The noise mitigation measures recommended by the consultants include:
  - (i) laying of a quiet road surface near Choi Yuen Estate;
  - (ii) installing noise barriers on the flyover near Choi Yuen Estate;
  - (iii) installing noise barriers on San Shan Road; and
  - (iv) installing noise barriers on the section of the New Territories Circular Road near Chuk Yuen Tsuen.

The Government accepted the recommendations and the noise mitigation measures have been completed. These measures have helped to mitigate noise problems resulting from the initial phase of 24-hour opening of the Lok Ma Chau Crossing.

The Government has also commissioned another consultancy study to look into the potential noise impact of increased cross-border traffic at night in the longer term. The study will identify the necessary noise mitigation measures along the road network leading to the crossing points,

particularly along the section of the New Territories Circular Road from Lok Ma Chau to Sha Tin.

DR TANG SIU-TONG (in Cantonese): *Mr President, the Government mentioned in paragraph (d) of the main reply that it had appointed consultants last year to study the noise problems and four improvement measures were recommended by the consultants. The Government has already implemented those measures but residents of the North District are still complaining about serious noise problems. Would this situation imply that the improvement measures recommended by the consultants were inadequate? Will the Secretary inform this Council of the remedial measures that the Government is going to take; and whether the consultants have been negligent in this respect?*

SECRETARY FOR SECURITY: Mr President, I wonder if I could ask the Secretary for Planning, Environment and Lands to take this question.

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Mr President, as far as we know, with the implementation of the measures recommended by the consultants, the noise levels in certain areas have reduced greatly. Take Choi Yuen Estate as an example, the noise level, which was as high as 77 decibels before, has dropped to 74 decibels after the measures had been implemented. Certainly, larger volume of traffic could be resulted from the introduction of 24-hour clearance service, and the noise level would in turn increase alongside the increase in the volume of cross-border traffic. The Secretary for Security said in his reply that the Government had commissioned another consultancy study to look into the potential noise impact on the circular road in the long term when the volume of traffic reached a high level (particularly along the section from Shatin to Lok Ma Chau). If necessary, we would take further action to mitigate noise.

REV FUNG CHI-WOOD (in Cantonese): *Mr President, although the Government has taken a number of noise mitigation measures, the noise level at Choi Yuen Estate still greatly exceeds the level set by the Hong Kong Planning Standards and Guidelines. Currently, the noise even continues late into the night when people are sleeping. Although the Government has commissioned a study, it will take a year to complete. After that, it will take another four to five years to apply for funds, as well as to design and construct the facilities. Only after then could the public have a chance to sleep peacefully. I would like to know the reasons why the Government cannot consider the relevant projects immediately so that noise mitigation facilities could be provided in areas which are most affected, for example, Choi Yuen Estate and in Wan Tau Tong of Tai Po as mentioned earlier, to allow the residents in those areas to sleep peacefully.*

SECRETARY FOR TRANSPORT: Mr President, this subject was discussed in the Legislative Council Transport Panel two weeks ago. During that discussion, I assured Members that although we are now undertaking a new consultancy to assess the noise impact, we will not await the conclusion of this consultancy before taking further measures. If the Honourable Member or other Members concerned have specific sites identified, then after assessment by Highways and Environmental Protection Department officials, we will try and implement additional noise mitigation measures as soon as practicable.

MR TIK CHI-YUEN (in Cantonese): *Mr President, the Secretary for Planning, Environment and Lands has just informed this Council that after the completion of the quiet road surface work and the construction of noise barriers in Choi Yuen Estate, the noise level had dropped from 77 to 74 decibels. Does it mean that the maximum level was 77 decibels while the average level is 74 decibels now? If so, it does not represent a drop of 3 decibels. I wish to have a clear understanding on this point, because according to our information, the noise level had, on average, only dropped by 1 decibel after the measures had been taken. How effective are these measures and how many decibels had been reduced on average?*

SECRETARY FOR PLANNING, ENVIRONMENT, AND LANDS (in Cantonese): Mr President, perhaps I should speak on the question of decibels again. According to our tests, the maximum noise level recorded at Choi Yuen Estate was 74 - 77 decibels before the measures were being taken, which was tested again after taking such measures and the noise level has dropped to 71 - 74 decibels. Hence, the maximum noise level which I referred to earlier might have been recorded in an instant, that is, it was 77 decibels at that point of time when vehicles went past. However the noise level has now dropped to 74 decibels.

PRESIDENT: Not answered, Mr TIK Chi-yuen?

MR TIK CHI-YUEN (in Cantonese): *Mr President, I would like to have a clear answer on the relevant figures. After the measures had been taken, how many decibels were reduced on average? I wish to have a specific answer in terms of decibels and not a comparison between different periods of time.*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Mr President, the answer which I have just given was the highest level recorded. I am afraid I do not have the figures on the average decrease in decibels at hand, but am happy to provide in writing the answer to Mr TIK Chi-yuen. (Annex VI)

MR WONG WAI-YIN (in Cantonese): *Thank you, Mr President. The last paragraph of the reply mentioned that the Government had commissioned a consultant agency to conduct another study on noise. Before the introduction of 24-hour clearance service at the Lok Ma Chau Control Point, the Democratic Party and many other groups have already pointed out the problem of noise nuisance. Now that the four recommended measures have been implemented near the roads and housing estates near Lok Ma Chau, it seems that places further away have been neglected. Another study is only conducted after the introduction of the service as a remedial measure, could it be that the Government' has made an erroneous assessment on the noise level caused by the 24-hour clearance service, hence resulting in the problem that residents in places further away have to suffer noise nuisance as well? The study which is underway has paid special attention to the section from Lok Ma Chau to Shatin, but many vehicles would return to Hong Kong from China via Tolo Highway and Tuen Mun Road. Hence, residents in Western New Territories, Yuen Long and Tuen Mun will also be affected by these noises. Why is the noise problem in Western New Territories not included in this study?*

PRESIDENT: Secretary, do you have the answer?

SECRETARY FOR TRANSPORT: Mr President, the Administration anticipated that there would indeed be some noise problems, that is why before the opening of the 24-hour border crossing we did engage a consultant and what we did was to implement noise barriers at the four major points that the consultants identified.

During the discussion at the Legislative Council Panel, some Members, including the Honourable WONG Wai-yin, did point out additional areas where they felt that further mitigation measures should be introduced. These are being looked at as a matter of priority and if our consultants and if our experts from the Environmental Protection Department so advise, we will certainly take immediate steps as fast as possible to provide such mitigation measures.

As for the Northwest New Territories, I shall consider the Honourable Member's request to appoint consultants to assess the noise levels there too.

PRESIDENT: We shall have to move on, I am afraid.

### **Processing of Visas for Visitors from Overseas**

1. MR MARTIN BARROW asked: *Mr President, may I firstly apologize for being late at the beginning of this session. Regarding the processing of visas for visitors from overseas, will the Government inform this Council:*

- (a) *what steps will the Government take to speed up the processing of these applications;*
- (b) *of the reasons why the nationals of certain countries, for example, Lebanon, can obtain visas to the United Kingdom in six hours while it takes six weeks to obtain visas for Hong Kong?*
- (c) *whether the Government will consider issuing new pledges with improved performance; and*
- (d) *whether it will review further abolition of visit visa requirements?*

SECRETARY FOR SECURITY: Mr President,

- (a) Hong Kong has a liberal visa regime. Nationals from over 170 countries do not require visas for short visits to Hong Kong. Where visit visas are required, the Immigration Department usually can issue visas within four weeks, although six weeks is normal where more thorough security checks are required. We do regularly seek ways to improve our efficiency in visa processing. For example, we plan to issue machine readable permits for Taiwan visitors at the end of this year, to reduce both processing and clearance time. We plan to accept applications for visit visas direct from overseas applicants in mid-1995; this will enable the processing time to be shortened.
- (b) I understand that the difference in terms of processing time between the United Kingdom and Hong Kong is not as great as the question suggests. The United Kingdom generally takes between two and three weeks to process a visa, but this can extend up to six weeks in the case of certain Middle East nationals. This is similar to the length of time it presently takes us to process applications from those Middle East nationals whose countries fail to control terrorism.
- (c) The Director of Immigration has established a Users' Committee. This Committee monitors and reviews the performance of his Department. New targets are set where appropriate. For example, the performance pledge for 1995 will include, inter alia, an improved processing time for the issue of visas and visit permits.
- (d) Our visa policy is reviewed regularly, having regard to our political, economic and security factors. Changes in the requirements for a specific country will be made if warranted. We are intending to review the present requirements for certain Middle East countries, such as Lebanon. But I make no commitment that such a review will in fact lead to an easing of requirements.

MR MARTIN BARROW: *Mr President, the Government's restrictive policy fails to recognize the Middle East as a source of trade and investment. Unfortunately, the Secretary has been given incorrect information as I have written confirmation from two British Embassies that they can issue United Kingdom visas for Lebanese in six hours compared with Hong Kong's six weeks. Could the Secretary enlighten us as to what goes on during the six-week delay and would he not agree that with modern communication technology and access to international watch lists, these delays which are such a major irritant to traders and investors in Hong Kong could be eliminated?*

SECRETARY FOR SECURITY: Mr President, unfortunately the matter is not as simple as Mr Martin BARROW suggests. The database on which these decisions are made does not exist purely in the form of a name list. It is therefore not simply a mechanical process of checking an application against a name list, some application of human brainpower is also required to do research and to make an assessment. We do not have the database in Hong Kong and the time taken therefore to obtain this information is not entirely within our control.

However, I do take Mr Martin BARROW's point. His question has made me realize that we ought to look at this again with a view to seeing if we can at least reduce the processing time, particularly for regular visitors to Hong Kong.

PRESIDENT: Yes, Mr BARROW, not answered?

MR MARTIN BARROW: *I do not think you answered my question. What I was trying to get at was the difference between the United Kingdom and Hong Kong. I think you mentioned that brainpower was used. I cannot believe you are suggesting that Hong Kong brains work more slowly than brains in the United Kingdom. Could you please explain why there is such a dramatic difference between the two?*

PRESIDENT: As a matter of order, the question should be addressed to the Chair, Mr BARROW.

MR MARTIN BARROW: Yes, Mr President.

SECRETARY FOR SECURITY: Mr President, as I have said in my main answer, I do not believe the difference is as great as Mr Martin BARROW suggests, and the additional time taken between here and the United Kingdom is due largely to the fact that we have to refer these applications abroad for information. We do not have the database in Hong Kong on which we can make

these assessments and decisions ourselves, therefore we do generally refer them to the United Kingdom and it is the United Kingdom's time to respond that determines largely the amount of time taken to process these visas.

MR MAN SAI-CHEONG (in Cantonese): *Mr President, in order to facilitate foreigners, especially tourists and businessmen, visiting Hong Kong, will the Secretary for Security, prior to 1997, further make an increase on the 170 odd countries which do not have visa requirements by Hong Kong? Will the Secretary for Security explain in detail on what political criteria the Government has devised its policy on the issuance of visa? Is the 1997 issue being included as one of the political criteria for consideration?*

PRESIDENT: Secretary, are you able to answer?

SECRETARY FOR SECURITY: Mr President, the answer to that question is no; I think, 1997 is not really a consideration here. In the case of the Middle East countries, there are six countries where we do require visas. The reason for this is, as I have said, because we believe that nationals of those countries can pose a security threat because those countries do not adequately control terrorism. That remains our up-to-date assessment and it is not likely to change in the foreseeable future. If it did change, then we might change our visa requirements for those countries. As regards other countries, for very few other countries do we require visit visas and they include largely countries or territories which the United Kingdom does not recognize and which we do not recognize.

PRESIDENT: Mr MAN Sai-cheong, not answered?

MR MAN SAI-CHEONG (in Cantonese): *Mr President, the Secretary for Security has not answered my question. My question is what political factors have the Government based on when considering and devising the visa regime? Will the Secretary for Security reply in detail as to what political factors have been considered by the Government?*

SECRETARY FOR SECURITY: Mr President, as I said in my answer, they are based on security considerations in the cases referred to in this question.

MR VINCENT CHENG: *Mr President, can the Secretary inform this Council of the form of communication between the Hong Kong Government and the United Kingdom Government on these applications? Is it by fax or by airmail because six weeks is an awful lot of time for such communication?*

SECRETARY FOR SECURITY: Mr President, I believe it is generally by telegraph. It is not the communication that takes six weeks, as I have said, it is the research and assessment of these cases which is something largely outside our control.

MR HOWARD YOUNG (in Cantonese): *Mr President, in his reply to Mr Martin BARROW's question on speeding up the processing of visa application, the Secretary for Security said that they would take into consideration security, economic and political factors. I do understand we should consider security factors. However, in order to speed up the procedure, will the Administration granting visitors from Taiwan visas on arrival or allowing them to stay here for seven days without a visa provided that the visitor concerned can prove that he/she has the valid documents to travel to a third place just as the case of the Chinese nationals? In this way, we can save the time needed for the processing of visa application.*

SECRETARY FOR SECURITY: Mr President, no, we do not intend to issue visas to visitors from Taiwan on arrival. That would simply exacerbate the problems of delay at Kai Tak; it would not be a positive move at all. It is much better for these visas to be issued beforehand and then for people to be able to get through the airport relatively quickly. We have though, in fact, in recent years made significant changes to the visa requirements for visitors from Taiwan which enable them to obtain the necessary entry permits much quicker than used to be the case and with a much longer validity than used to be the case.

MRS SELINA CHOW (in Cantonese): *At the end of the first paragraph and in the third paragraph of his reply, the Secretary for Security has mentioned that the time needed for the whole procedure may be reduced. I believe that everybody who is concerned about Hong Kong's status as an international city will surely find it desirable. How long is the targeted processing time? How long time will it take as compared with the current six weeks time after the measures to reduce the processing time are implemented?*

SECRETARY FOR SECURITY: Mr President, to the extent that we can without compromising the essential security requirements.

PRESIDENT: Mrs CHOW, not answered?

MRS SELINA CHOW (in Cantonese): *My question is how much time the Government is expected to reduce. I am not expecting a reply which fails to serve as an answer.*



SECRETARY FOR SECURITY: I can only repeat, Mr President, that we will try to shorten it as much as we can while maintaining our essential security interests. I cannot give a definite time for that at the moment.

MR MARTIN BARROW: *Mr President, the People's Republic of China (PRC) visitors in transit are allowed to stay seven days in Hong Kong without a visa. Will the Secretary inform this Council if he will also eliminate visa requirements for PRC visitors on short visits to Hong Kong only, and if not why not?*

SECRETARY FOR SECURITY: Mr President, the great majority of short-term visitors to Hong Kong from China in fact travel on two-way permits issued by the Chinese authorities and they do not require an additional visa for Hong Kong. I think, though, Mr BARROW is probably asking whether we could extend that to persons who travel to Hong Kong on other sorts of Chinese travel documents, particularly passports, rather than two-way permits. The answer to that is yes, this is certainly something that we would be prepared to consider and discuss with the Chinese authorities.

## WRITTEN ANSWERS TO QUESTIONS

### Centralized Incineration Facility

7. DR LEONG CHE-HUNG asked: *Regarding the studies on the building of a Centralized Incineration Facility for treating clinical waste, will the Administration inform this Council:*

- (a) *of the progress of the studies;*
- (b) *what is the estimated cost, the scheduled time for commencement of operation, and the amount of clinical waste to be incinerated by this Facility;*
- (c) *whether the Administration has adopted any definition of clinical waste and categorization of the types of clinical waste that need to be incinerated; if so, what are the details; and*
- (d) *whether there is any difference between the definition and categorization referred to in (c) and those in the code of practice adopted by the Hospital Authority and the Hong Kong Medical Association?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President,

- (a) The studies on the development of a Centralized Incineration Facility (CIF) started in June 1991. Phase I of the consultancy study covered an investigation of the technical and environmental feasibility of the proposed site for the CIF, an outline design, a comparison of contract options, financial assessments and a review of the local, regional and international practice on classification and disposal of clinical waste. Phase II of the study, commencing in July 1993, includes a clinical waste arising survey, an Environmental Impact Assessment (EIA), tender preparation and assessment, as well as the development of a legislative control framework. The consultants have completed the waste arising survey and a draft report on the EIA of the CIF. They are now preparing the necessary tender documentation.
- (b) The latest estimated capital cost of the CIF is \$259 million (October 1994 prices). Construction work for the CIF is scheduled to commence in late 1995 and the facility would become operational in early 1997. The estimated quantity of clinical waste to be incinerated at the CIF will be 21 tonnes per day when the facility is commissioned in 1997.
- (c) Under the Administration's categorization, the following types of waste will be classified as clinical waste requiring incineration:
1. Contaminated sharps including syringes, cartridges, contaminated broken glass and any other sharp instruments;
  2. Unsterilized laboratory stocks and cultures of infectious agents;
  3. All human tissues and animal carcasses, whether infected or not, and items heavily contaminated with blood or blood products;
  4. Infectious material from patients under strict isolation;
  5. Soiled surgical dressings, swabs and all other contaminated waste from treatment areas and isolation rooms, assessed to be of significant risk by health care personnel;
  6. Cytotoxic drugs in bulk and all cytotoxic drug ampoules or bottles after use; and
  7. Pharmaceutical and chemical wastes arising from clinical sources.

- (d) The definition and categorization detailed in (c) is essentially the same as those adopted by the Hospital Authority and the Hong Kong Medical Association except that the latter does not include pharmaceutical and chemical wastes.

Phase II of the consultancy study covers the development of a legislative control framework, including the categorization of clinical waste. This framework is expected to be ready for consultation with relevant parties by mid-1995.

### **Election of Village Representatives**

8. MR CHEUNG MAN-KWONG asked (in Chinese): *The Government has earlier indicated support for the reform of the electoral arrangements for the election of village representatives in the New Territories, including such aspects as advocating voting rights for both men and women, lowering the voting age to 18 and imposing a tenure limit for elected representatives. In connection with this, will the Government inform this Council:*

- (a) *of the progress of the implementation of the reform proposals since then;*
- (b) *whether the reform will be completed as scheduled by the end of March next year, when the rural committees of all districts will be re-elected for a new term; if not, what the reasons are and who should be held responsible; and*
- (c) *how will the Administration monitor that the reform is carried out promptly in all villages and whether it will consider introducing legislation to require that the three principles mentioned above must be followed in the election of village representatives, so as to ensure that the election will become more democratic?*

SECRETARY FOR HOME AFFAIRS: Mr President, the existing village representative (VR) system has been in existence for over 40 years. It has evolved from a system of selection by nomination among heads of households to the present system where basically VRs are elected, albeit on a limited franchise. Hitherto, it has been widely accepted among the rural sector.

Nevertheless, the Heung Yee Kuk (HYK), which is a statutory advisory body to the Government on New Territories affairs, recognizes that the system of VR election will have to change to meet present day circumstances. And the HYK announced earlier this year the adoption of new rules for VR elections to be held on the basis of one-person, one-vote, with voter's age being lowered to 18 and with all VRs serving a four-year term. While the Administration

welcome the HYK's initiative in this regard, we recognize that to effect this change, the HYK needs the co-operation of the villagers concerned, because it takes time to change attitude and tradition. We recognize also that this can only be achieved through persuasion and education to ensure that there is willing acceptance of the new rules, if the change is to be effected smoothly.

The HYK has made a good start in persuading villagers to adopt the new rules. In this connection, the specific replies to the question are as follows:

- (a) We understand from the HYK that more than half of a total of 555 villages under the 25 Rural Committees (RCs) have conducted elections or will conduct elections according to the new rules before 31 March 1995. The above figures do not include villages coming under the Tai Po and Sha Tin RCs as at the time of the HYK's announcement, the two RCs were already in the process of arranging for the elections of VRs within their districts. The HYK is working rigorously to persuade the rest to adopt the new rules.
- (b) As it takes time to change attitude and tradition, and as the HYK has already made a good start in effecting the change as indicated in (a) above, the HYK is stepping up its effort to extend the new rules to the remaining villages. The HYK has not made any commitment regarding the timing for extending the new rules to all the elections.
- (c) The HYK is taking a lead in promoting the new rules amongst villages. The Administration works closely with the HYK particularly in the area of promotion to get the new rules adopted as quickly as possible. To encourage the adoption of the new rules, the Administration, through the district offices, has put up posters and distributed handbills in all villages. In addition, the district offices have assisted and will continue to assist any village which wishes to hold an election under the new rules. Such assistance includes posting the electoral rolls, helping with new voter registrations, and supervising the election. The question of introducing legislation for future VR elections will be considered in the light of the actual outcome of the coming elections.

### **Out-patient Service in Tin Shui Wai**

9. MR TANG SIU-TONG asked (in Chinese): *Currently, Tin Shui Wai already has a population of approximately 100 000 and yet there is only one health centre providing daytime out-patient service in the district. In view of this, will the Government inform this Council:*

- (a) *what is the daily quota for out-patient service at the Tin Shui Wai Health Centre and whether such quota is sufficient to cater for the need of the residents in the district; and*

- (b) *whether the Government has any plan to introduce evening out-patient service at the centre; if so, when will such service commence; if not, why not?*

SECRETARY FOR HEALTH AND WELFARE: Mr President,

- (a) The daily quota for out-patient consultation at the Tin Shui Wai Health Centre is 215. This quota is not always fully utilized. The existing level of provision of service is considered adequate. Nevertheless, the situation is being closely monitored and appropriate adjustments will be made where necessary.
- (b) The provision of evening out-patient service for a district or region is dependent on a number of factors including utilization of existing services, availability and accessibility of medical and health services in the voluntary and private sectors as well as operational constraints. As evening clinic service is already available in Tuen Mun clinic and Yuen Long Jockey Club Health Centre, there is at present no plan to introduce evening out-patient service at the Tin Shui Wai Health Centre.

### **Relocation of Cement Factory**

10. MR LEE WING-TAT asked (in Chinese): *As the cement factory adjacent to Greenfield Garden on Tsing Yi Island will be relocated soon, will the Government inform this Council of the following:*

- (a) *when will the cement factory be relocated;*
- (b) *whether its relocation date is behind schedule; if so, what the reasons are; and*
- (c) *what measures has the Government put in place to effectively monitor the pollution caused by the cement factory prior to its relocation so as to reduce the effect on the residents of Greenfield Garden?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President,

- (a) Under the Conditions of Exchange executed on 19 November 1993, the cement factory has to be decommissioned by 30 June 1996.
- (b) At present, there is no indication that the relocation exercise is behind schedule.

- (c) The Environmental Protection Department has issued five Air Pollution Abatement Notices and one Noise Abatement Notice to the cement plant under the provisions of the Air Pollution Control Ordinance and the Noise Control Ordinance. These Abatement Notices require the plant owners to implement certain dust and noise control measures to contain pollution. The Abatement Notices are still in force and any violation of the requirements stipulated in the Notices will result in prosecution actions.

A dust monitoring programme has been in place since 1991 to measure the ambient dust levels at Greenfield Garden. The purpose is to monitor the impact of emissions from the plant on the air quality. The programme will continue until the plant is relocated.

In addition, and starting from 26 November 1994, the cement plant is required to apply for a licence under the Air Pollution Control Ordinance. The licence will set down terms and conditions which must be met if the operator is to avoid being liable for prosecution.

### **Integrity of Police Officers**

11. MISS EMILY LAU asked (in Chinese): *Will the Government inform this Council whether:*

- (a) *the recruitment requirements for police officers specify that applicants should not have criminal records;*
- (b) *there are serving police officers who have criminal records; if so, what is the breakdown of such officers by rank, what are the types of criminal offences committed by these officers and what is the number of officers under each type of offence?*

SECRETARY FOR SECURITY: Mr President,

- (a) It is the policy of the Police Force not to recruit persons with a record of criminal conviction, although this is not stated explicitly in published recruitment requirements.
- (b) Five serving officers have been convicted of criminal offences. These include one Senior Inspector, one Inspector and three Police Constables. The details are:

<i>Type of offence</i>	<i>Number of officers (rank)</i>
Disorderly Conduct	one (Senior Inspector)
Common Assault	two (Inspector and Police Constable)
Shop Theft	one (Police Constable)
Aiding and Abetting the making of a false statement to an Immigration Officer	one (Police Constable)

### **Fund Management Companies**

12. MR ALLEN LEE asked (in Chinese): *In view of the high operating costs and the shortage of manpower in the territory, as well as the preferential policies adopted in other Asian countries such as Singapore, many fund management companies have made known their intention to move their operation centres to other Asian countries. In the light of this, will the Government inform this Council:*

- (a) *whether the Administration has formulated contingency plans to cope with the effects on the local economy and financial market arising from a large-scale transfer of funds under the management of these companies; and*
- (b) *what positive measures will the Administration adopt so as to encourage these companies to retain their operation centres in the territory?*

SECRETARY FOR FINANCIAL SERVICES: Mr President,

- (a) There is no evidence of many fund management companies moving their bases to other Asian countries. It is natural that some might have the intention to diversify their operations. Possible contributing factors include the growth in the Association of Southeast Asian Nations countries, as well as companies' own corporate goals. However, the notion that fund managers are moving off-shore is not substantiated by statistics. On the contrary, so far this year, the Securities and Futures Commission has received applications for approval of 10 new fund management companies. The number of authorized funds and approved fund management companies in Hong Kong are both at record high levels. We have no reason to expect a massive relocation of the fund management

companies at a time when Hong Kong's economy continues to flourish.

It is also relevant to note that Fortune Magazine recently ranked Hong Kong as the best city in the world for conducting business, notwithstanding our high commercial rent and other operating costs.

In any event, the relocation of the operation centres of individual fund managers would not necessarily involve the withdrawal of funds from the local market. Fund managers will continue to invest in those markets which offer optimal returns, necessary liquidity and availability of funds. Moreover, given Hong Kong's position as an international financial centre with no exchange control, there is bound to be significant inflow and outflow of funds. We now have in place a reliable and robust monetary management mechanism to ensure exchange rate stability in the face of these capital flows, as evidenced by the very small deviation of the market exchange rate from the linked rate of \$7.80 even in period of large capital flows. We do not see any need for contingency plans.

- (b) Hong Kong offers a favourable investment environment that facilitates the development of the financial markets. We intend to maintain the policies that have made Hong Kong an attractive market, including the low and simple tax regime. The effective and responsive regulatory framework is also widely cited as adding to the attractiveness of Hong Kong as a fund management centre. It is not the policy of the Hong Kong Government to offer preferential treatment to lure business.

### **Squatters on Private Land**

13. MR STEVEN POON asked: *In his recent policy address, the Governor stated that the Government was committed to rehousing all urban squatters on government land before 1997. However, no mention was made of any plan for rehousing those living in squatter areas on private land. In view of this, will the Government inform this Council of the following:*

- (a) *how many squatter areas are located on private land;*
- (b) *what is the total population in these squatter areas;*
- (c) *whether there is any plan for rehousing these squatters; and*
- (d) *whether Lai Chi Yuen, Hau Wong Miu New Village and Ho Kar Yuen in Kowloon Tong are regarded as squatter areas on private land; if so, when will the squatters living in these areas be rehoused?*



SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, in his 1992 policy address, the Governor pledged to rehouse all urban squatters on government land by 1996. As regards squatters on private land:

- (a) there are now 22 squatter areas on private lots mingled with government land — nine in Kowloon and 13 on Hong Kong Island,
- (b) the total population in these squatter areas is estimated at about 22 000;
- (c) clearance of these squatter areas could not proceed until the private lots have been resumed for a public purpose; and
- (d) Lai Chi Yuen, Hau Wong Miu New Village and Ho Kar Yuen are situated on private land mingled with government lots. Their clearance and rehousing would have to wait until the private lots have been resumed for a public purpose.

### **Children Falling from Heights**

14. MR WONG WAI-YIN asked (in Chinese): *Accidents involving children falling from heights in public housing estates have been of frequent occurrence, and residents in these estates have persistently questioned the height of corridor railings being too low which makes it easy for children to climb over them. In view of this, will the Government inform this Council:*

- (a) *what measures have been taken by the authority concerned to prevent the occurrence of such accidents;*
- (b) *whether the authority concerned will step up measures to clear sundry articles such as furniture items discarded along the railings, or advise residents not to place any articles such as bicycles along the railings so as to avoid causing potential danger; and*
- (c) *whether, in the long run, the height of railings in public housing estates will be raised; if so, what the specific plan is; if not, what the reasons are?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, in all public rental housing blocks, the height of the corridor railings is higher than or in line with the statutory Building Regulation standard of 1.1 m.

At present, the Housing Department's estate staff patrol the common areas inside housing blocks as part of their daily management duties and cleansing contractors will dispose of any abandoned furniture found in the corridors.

Moreover, tenants are advised not to place any articles in corridors through the help of mutual aid committees; regular notices displayed on notice boards; ad hoc cleansing campaigns; estate newsletters and the Housing Authority's bimonthly newsletters. Tenants are also advised to remove any articles including bicycles left in the corridors. If the owner cannot be identified, warning notices will be posted on the articles requiring the removal of the article within a specified period, failing which the article will be removed by the management. The Housing Department has also stepped up operations to clear obstruction in corridors of rental housing blocks. The above measures will help to prevent the occurrence of accidents involving children falling from heights in public housing estates.

Notwithstanding these measures, the Housing Authority shares tenants' concern and have plans either to raise the height of railings or to install louvres and windows at corridor ends and staircase landings where it is practical to do so. An improvement programme is being implemented in phases.

### **The Hong Kong Institution of Biotechnology**

15. MR STEVEN POON asked: *In view of the publicly reported financial difficulties facing the Hong Kong Institution of Biotechnology (HKIB) of the Chinese University, will the Government inform this Council whether:*

- (a) *the Government has evaluated that the funds contributed by the Royal Hong Kong Jockey Club to the HKIB have been well spent;*
- (b) *the Government will provide public funds to assist HKIB in resolving its current difficulties;*
- (c) *the Government has a supervising or monitoring role, directly or indirectly; and*
- (d) *this incident will affect any government programme regarding biotechnology research and development in the territory?*

SECRETARY FOR EDUCATION AND MANPOWER: Mr President,

- (a) It would not be appropriate for the Government to evaluate whether funds contributed by the Royal Hong Kong Jockey Club to the Hong Kong Institution of Biotechnology (HKIB), which is a non-government institution, were well spent. It is also in the nature of research institutes that their achievements should be measured with a longer-term perspective.

- (b) The Government has no plan to subsidize the normal recurrent expenses of the HKIB. The HKIB is a privately-funded institution and the accounts of the Institute are separate from those of the Chinese University of Hong Kong.
- (c) There is a Board of Overseers whose members are appointed by the Chief Secretary. Both the Secretary for Education and Manpower and the Secretary for Trade and Industry serve as ex officio Members on the Board. The Board advises on the general direction, financial management and policy of the Institute and helps ensure that the funds solicited are disbursed in accordance with their intended purposes.
- (d) The Government will continue to provide support for research and development in the field of biotechnology through project funding from the industrial support scheme. In 1994-95, 12 biotechnology and related projects were supported, involving expenditure of \$24 million over a period of three years. In addition, the University and Polytechnic Grants Committee and the Research Grants Council are also providing funding support for research projects in various fields, including biotechnology. The HKIB can, therefore, compete through these established channels for more funds.

### **Patients Undergoing Pituitary Hormone Treatment**

16. DR HUANG CHEN-YA asked: *As the Creutzfeldt-Jakob disease, which is a form of severe degenerative brain disease, can be transmitted to some patients undergoing pituitary hormone treatment, will the Government inform this Council:*

- (a) *how many patients have been treated with pituitary hormone in hospitals managed by the Hospital Authority and private hospitals respectively in the past three years;*
- (b) *what steps are being taken by the Government to ensure that such patients are adequately followed up so that those developing Creutzfeldt-Jakob disease can be detected; and*
- (c) *whether the Government will consider following the safety precautions recommended by the Ministry of Health of the United Kingdom for patients undergoing brain and spinal cord operations or pituitary hormone treatment?*

SECRETARY FOR HEALTH AND WELFARE: Mr President,

- (a) In the past three years, there were approximately 85 patients each year in public hospitals receiving pituitary hormone treatment. Similar data at private hospitals is not readily available.
- (b) All pituitary hormones used in Hong Kong are produced by synthetic techniques and are thus free from contamination with the transmissible agent responsible for the Creutzfeldt-Jakob disease. Patients undergoing pituitary hormone therapy will continue to be followed up in endocrine clinics.
- (c) The safety precautions recommended by the Ministry of Health of the United Kingdom are mainly concerned with the safe handling of human and animal tissues, categorization and containment of hazards, control and containment of the infection, health surveillance, de-containment as well as waste disposal. These precautions will be adhered to in public hospitals as part of the good infection control and medical waste disposal practices.

### **The Zhuhai-Tuen Mun Bridge Project**

17. MR ALFRED TSO asked (in Chinese): *In his 1994 policy address, the Governor touched on the strengthening of cross-border cooperation on infrastructure between Hong Kong and China. He also mentioned that plans for Hong Kong's infrastructure and development should not be drafted in isolation from Guangdong. It was also learnt that the city of Zhuhai in Guangdong announced in 1993 the construction of the "Zhuhai-Tuen Mun Bridge". In view of the tremendous benefits which this project will bring to the transport and economic development in the New Territories particularly in Tuen Mun, will the Government inform this Council:*

- (a) *whether the Government has officially approached the Chinese side for details of the project; if so, whether the project is feasible and whether it will be conducive to the development of the New Territories; and*
- (b) *whether the Government has incorporated the project into the district planning and the road network development plan of the Western New Territories.*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President,

- (a) We have not received any formal proposals from the Chinese authorities regarding the project so far. Until the status of the project is more clearly established and more details are available,

we are unable to evaluate the feasibility of the project and examine its impact on the development of the New Territories. As Members are probably aware, we are now discussing with the Chinese side on the mode of improving the exchange of information regarding major cross-border infrastructural projects. We hope to arrive at a mutually acceptable mechanism soon.

- (b) For the reasons explained above, it is not possible for us to incorporate the project into the district and transport planning of the Western New Territories. Since the project would have a major impact on the infrastructure and development of Hong Kong, we will conduct comprehensive studies to examine its viability if and when details of the project are available.

### **Tax Disputes**

18. MR LAU WONG-FAT asked (in Chinese): *At present, if there is a dispute between a taxpayer and a government department over the amount of tax to be paid, the taxpayer is required to pay the amount first, otherwise a surcharge may be imposed for late payment. In view of this, will the Government inform this Council of the following -*

- (a) *in cases of dispute between taxpayers and the Inland Revenue Department and the Rating and Valuation Department over the amount to be paid, what is the average time taken for the departments concerned to determine the correct amount payable;*
- (b) *what is the time required for the departments concerned to refund the amount overpaid by taxpayers; and*
- (c) *whether consideration has been given to paying taxpayers who are overcharged an amount as compensation calculated according to the interest rate paid on bank deposits prevailing during the period between the date of payment and the date of refund?*

SECRETARY FOR THE TREASURY: Mr President, at the outset, I should clarify that if a taxpayer disputes his tax liabilities, the Inland Revenue Department (IRD) does not in all cases require him to settle the tax payment first and impose a surcharge on late payment. In respect of certain tax types, for example, salaries tax and profits tax, IRD has a well-established system of allowing holdover of tax in dispute. In brief:

- (i) where IRD considers that the taxpayer has a prima facie case for objection to the Department's assessment, IRD will order a holdover of that portion of the tax demand under dispute until a revised assessment is available. Most objections fall into this category.

- (ii) where an objection does not appear to have any merit on the basis of available information, IRD will not allow any holdover of tax payment. This seeks to prevent taxpayers from making use of the objection channel to defer payment of tax.
- (iii) where IRD considers that the objection has some merit, but that the balance of probability based on available information does not weigh definitely in favour of the taxpayer, IRD will allow a holdover on the condition that the taxpayer purchases tax reserve certificates to cover the amount of tax in dispute. When a decision is made on the dispute, the taxpayer will settle the tax payable with the tax reserve certificates purchased. IRD will refund any excess amount to the taxpayer, together with the interest thereon.

For some other minor taxes and charges such as rates, we maintain a simple system whereby taxpayers pay the tax or charges due pending the resolution of the dispute.

On (a)

In the case of IRD, there is no statutory time limit for processing tax objections. How long it takes to resolve a tax dispute depends, to a large extent, on the complexity of the issues involved and the co-operation of the taxpayers and third parties in furnishing relevant information. For simple cases where taxpayers dispute the estimated assessments made by IRD in the absence of tax returns, IRD will require the taxpayers to submit a fresh return, on the basis of which the Department will immediately decide whether to uphold the original assessment. IRD can settle these cases quickly. For individual taxpayers whose objections make up over 60% of all objections, IRD's records indicate that of the objections settled during the period April to October 1994, 70% were settled within four months and 92% within eight months.

By contrast, the Rating Ordinance stipulates the period within which the Rating and Valuation Department (RVD) must process objections by ratepayers to the Department's assessment of rateable values. A ratepayer may make an objection in April and May of any year. For objections lodged immediately following a General Revaluation, RVD must issue its decisions before December of that year. For objections made in other years, RVD must finish processing them before September of the same year.

On (b)

IRD will refund any overpaid tax to the taxpayer concerned upon settlement of the dispute. As regards rates, if the decision on the rates objection results in a reduction in rates payment, RVD will refund the overpayment either by means of a credit adjustment in the next quarterly rates demand or, upon request, by cheque immediately.

On (c)

As mentioned above, taxpayers who obtain permission from IRD for conditional holdover of tax are required to purchase tax reserve certificates to cover the tax in dispute. If in the light of the decision on the dispute, the amount of tax reserve certificates purchased exceeds the outstanding tax payable to IRD, IRD will return the balance together with the interest thereon to the taxpayer. At present, the interest rate for tax reserve certificates is pegged to the six-month deposit rate offered by major banks. As for rates, we do not see a need for any change to the existing arrangements in view of the statutory requirement for RVD to resolve disputes with ratepayers within a short period of time.

### **Emission of Radon Gas**

19. DR LAM KUI-CHUN asked (in Chinese): *In view of the finding that radon gas emitted from construction materials may pose a threat to the health of people inside artificially ventilated sealed buildings, will the Government inform this Council whether:*

- (a) *any safety standard has been set regarding the effect of radon gas on human health;*
- (b) *any tests have been carried out to measure the radon gas concentration in artificially ventilated sealed buildings in the territory; if so, whether the concentration is at a level that may affect the health of people inside such buildings; and*
- (c) *there are any regulations requiring the central ventilation systems of such buildings to be regularly inspected to ensure that their operation and the interflow between indoor and outdoor air are in compliance with statutory standards; if so, whether the effect of radon gas on human health has been taken into consideration in the formulation of such regulations?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President,

- (a) The World Health Organization has adopted a guideline of 200 Becquerels per cubic metre (Bq/m<sup>3</sup>) for indoor radon concentration level. The Environmental Protection Department (EPD) follows this standard.
- (b) In 1993, the EPD conducted a survey on indoor radon concentration levels in Hong Kong. The average radon concentration level for the 829 premises covered by the survey was 98 Bq/m<sup>3</sup>. It was also

discovered that about 5% of the residential and 10% of the non-residential premises covered by the survey had radon levels exceeding 200 Bq/m<sup>3</sup>. Overseas research suggests a link between exposure to high radon concentration and lung cancer. The EPD will soon issue an information leaflet advising on simple mitigation measures to reduce radon level in premises.

- (c) Under the Building (Ventilating Systems) Regulations of the Buildings Ordinance, building owners are required to keep the ventilation systems in safe and efficient working conditions at all times and to engage a registered ventilation contractor to inspect the ventilation systems at least once a year. As the effect of radon gas on human health was not the main concern when the Regulations were prepared, the Administration proposes to carry out a comprehensive study on indoor air quality, including the problem of radon concentration, next year.

### **Allocation of Land to the Housing Authority**

20. MR FREDERICK FUNG asked (in Chinese): *The Housing Authority has asked the Government to allocate an extra 58 hectares of land for developing 50 000 public housing units, and so far 30 hectares have been allocated by the Government. Will the Government inform this Council when the remaining 28 hectares will be allocated to the Housing Authority?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, it is the Government's policy to provide the Housing Authority with sufficient land for public housing development. In 1993 alone, the Government approved the allocation of over 50 hectares of additional land to meet an identified shortfall of that order. Earlier this year, the Task Force on Land Supply and Property Prices recommended granting an extra 30 hectares of land to the Housing Authority for building 20 000 additional flats between 1998 and 2000. These sites, together with those already allocated to the Authority, will go a long way towards meeting the housing demand in the context of the Long Term Housing Strategy.

The Housing Authority's request for more public housing land is being examined in the context of a comprehensive assessment of housing demand. An inter-departmental Working Group on Housing Demand led by the Planning Department is actively working on this assessment. The Housing Department, through its membership in the Working Group, is providing major input into this exercise. It is expected that the outcome of the assessment will be available in early 1995. Subject to the findings of the Working Group and their acceptance, the Government will identify and allocate sufficient sites to the Housing Authority to meet the assessed demands.



**MOTION****INTERPRETATION AND GENERAL CLAUSES ORDINANCE**

THE SECRETARY FOR HOME AFFAIRS moved the following motion:

"That, with effect from 1 December 1994 —

- (a) the functions exercisable by the Secretary for Home Affairs by virtue of the enactments specified in column 2 of Schedule 1 in relation to the provisions specified in column 3 of that Schedule be transferred to the Director of Home Affairs;
- (b) the enactments specified in column 2 of Schedule 1 be amended in the provisions specified in column 3 of that Schedule by repealing "Secretary for Home Affairs" wherever it appears and substituting "Director of Home Affairs";
- (c) the Marriage Reform Ordinance (Cap. 178) be amended -
  - (i) in section 21(1) and (2), by repealing "Secretary for Home Affairs" wherever it appears and substituting "Director of Home Affairs";
  - (ii) in section 23, by repealing "Secretary for Home Affairs" and substituting "Director of Home Affairs";
- (d) the functions exercisable by the Regional Secretary (Hong Kong and Kowloon) by virtue of the enactments specified in column 2 of Schedule 2 in relation to the provisions specified in column 3 of that Schedule be transferred to the Director of Home Affairs;
- (e) the enactments specified in column 2 of Schedule 2 be amended in the provisions specified in column 3 of that Schedule by repealing "Regional Secretary (Hong Kong and Kowloon)" wherever it appears and substituting "Director of Home Affairs";
- (f) Schedule 6 to the Interpretation and General Clauses Ordinance (Cap. 1) be amended by repealing "Regional Secretary (Hong Kong and Kowloon)" and substituting "Director of Home Affairs";
- (g) section 2 of the Public Health and Municipal Services Ordinance (Cap. 132) be amended in the definition of "Secretary for Home Affairs" by repealing "Regional Secretary (Hong Kong and Kowloon)" and substituting "Director of Home Affairs";

- (h) the functions exercisable by the Regional Secretary (New Territories) by virtue of the enactments specified in column 2 of Schedule 3 in relation to the provisions specified in column 3 of that Schedule be transferred to the Director of Home Affairs;
- (i) the enactments specified in column 2 of Schedule 3 be amended in the provisions specified in column 3 of that Schedule by repealing "Regional Secretary (New Territories)" wherever it appears and substituting "Director of Home Affairs";
- (j) Schedule 6 to the Interpretation and General Clauses Ordinance (Cap. 1) be amended by repealing "Regional Secretary (New Territories)";
- (k) section 2 of the Public Health and Municipal Services Ordinance (Cap. 132) be amended in the definition of "Secretary for Home Affairs" by repealing ", the Regional Secretary (New Territories)".

#### SCHEDULE 1

##### FUNCTIONS OF SECRETARY FOR HOME AFFAIRS TRANSFERRED TO DIRECTOR OF HOME AFFAIRS

Item	Enactment	Provision
1.	Pleasure Grounds (Regional Council) Bylaws (Cap. 132 sub. leg.)	Bylaw 5(3)(a).
2.	Pleasure Grounds (Urban Council) Bylaws (Cap. 132 sub. leg.)	Bylaw 18(5)(a).
3.	Mining Ordinance (Cap. 285)	Section 6(2).
4.	Emergency Relief Fund Ordinance (Cap. 1103)	Section 5(2).

#### SCHEDULE 2

##### FUNCTIONS OF REGIONAL SECRETARY (HONG KONG AND KOWLOON) TRANSFERRED TO DIRECTOR OF HOME AFFAIRS

Item	Enactment	Provision
1.	District Boards Ordinance (Cap. 366)	Section 2, in the definition of "Designated Officer".
2.	Electoral Provisions Ordinance (Cap. 367)	Section 2, in the definition of "Designated Officer".

### SCHEDULE 3

#### FUNCTIONS OF REGIONAL SECRETARY (NEW TERRITORIES) TRANSFERRED TO DIRECTOR OF HOME AFFAIRS

Item	Enactment	Provision
1.	New Territories Ordinance (Cap. 97)	Section 2, in the definition of "Secretary for Home Affairs" and section 3(1).
2.	Air Armament Practice Ordinance (Cap. 194)	Section 4(3) and the Second Schedule.
3.	Defences (Firing Areas) Ordinance (Cap. 196)	Section 4(3), the Second Schedule and paragraph 5(d)(ii) and (iv) of the Third Schedule.
4.	Smuggling into China (Control) Ordinance (Cap. 242)	Section 8(1)(a) (b).
5.	District Boards Ordinance (Cap. 366)	Section 2, in the definition of "Designated Officer".
6.	Electoral Provisions Ordinance (Cap. 367)	Section 2, in the definition of "Designated Officer".

He said: Mr President, I rise to move the motion standing in my name.

As a consequence of the reorganization of the City and New Territories Administration into the Home Affairs Branch and the Home Affairs Department, which was approved by the Finance Committee of this Council on 18 November 1994, a number of minor amendments are necessary to effect the transfer of certain functions from the Secretary for Home Affairs, the former Regional Secretary (Hong Kong and Kowloon), and the former Regional Secretary (New Territories), to the new head of department, the Director of Home Affairs.

Mr President, I beg to move.

*Question on the motion proposed, put and agreed to.*

## **BILLS**

### **First Reading of Bills**

#### **EMPLOYMENT (AMENDMENT) BILL 1994**

#### **EMPLOYEES RETRAINING (AMENDMENT) BILL 1994**

#### **DUMPING AT SEA BILL**

#### **MARINE PARKS BILL**

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

### **Second Reading of Bills**

#### **EMPLOYMENT (AMENDMENT) BILL 1994**

THE SECRETARY FOR EDUCATION AND MANPOWER moved the Second Reading of: "A Bill to amend the Employment Ordinance."

He said: Mr President, I move the Second Reading of the Employment (Amendment) Bill 1994.

This Bill seeks to improve the amount of severance payment and long service payment for long serving workers, and to rectify some ambiguities in the provisions for maternity leave and sickness allowance under the Employment Ordinance.

A Bill serving similar purposes was first introduced into this Council on 15 December 1993. It was defeated at its Third Reading on 6 July 1994. The Administration undertook to consult the Labour Advisory Board again and to submit a new Bill to this Council as soon as possible. The present Bill incorporates modifications to the proposal made in the previous Bill in respect of amendments to severance payment and long service payment provisions. The Labour Advisory Board has endorsed the revised proposal by consensus.

At present, an employee's entitlement to severance payment and long service payment is calculated at the rate of two-thirds of a month's wages for each year of service, subject to a maximum limit of 12 months' wages or

\$180,000, whichever is the less. This arrangement has the effect of limiting the reckonable service of an employee to 18 years.

To enable long serving employees to earn severance payment and long service payment beyond 18 years, we proposed to remove the ceiling of 12 months' aggregate wages, but the maximum payment of \$180,000 will remain unchanged. This maximum amount would be reviewed periodically, taking into account inflation and general wage movement. To cushion the financial impact on employers, we also propose to recognize half of an employee's service over and above 24 years accrued before the amendment Bill comes into operation when calculating severance payment and long service payment. This is a further improvement to the entitlement of long serving employees as the previous Bill only proposed that half of an employee's service beyond 18 years should be counted. This proposal would increase the total wage bill of employers by 0.033% in 1994.

At present, a female employee who has been employed by the same employer under a continuous contract for a period of not less than 26 weeks shall be entitled to maternity leave. However, the law is silent on how to count the 26 weeks when the pregnant employee is about to take maternity leave. We propose to remove this ambiguity by specifying in the law that the 26-week period should be counted backward from the expected date of commencement of maternity leave. To improve protection to pregnant employees, we also propose to make late payment of maternity leave pay an offence liable to a maximum fine of \$10,000.

Under the existing Employment Ordinance, an employer is not liable to pay sickness allowance to an employee unless the day of sickness is specified in an appropriate medical certificate issued by a medical practitioner. However, a medical certificate issued by a registered dentist is not regarded as an appropriate medical certificate. An employee having encountered a dental injury or received a dental surgical operation requiring a few days' sick leave is at present unable to receive sickness allowance. To improve this situation, we also propose to include the medical certificate issued by a registered dentist as a valid document for the purpose of claiming sickness allowance. Thank you.

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

## **EMPLOYEES RETRAINING (AMENDMENT) BILL 1994**

THE SECRETARY FOR EDUCATION AND MANPOWER moved the Second Reading of:  
"A Bill to amend the Employees Retraining Ordinance."

He said: Mr President, I move the Second Reading of the Employees Retraining (Amendment) Bill 1994.

This Bill seeks to introduce a number of technical amendments to the Employees Retraining Ordinance to bring it in line with the present need.

When the Employees Retraining Ordinance was enacted two years ago, the Employee Retraining Board has not yet come into existence. The administrative duties of vetting the applicants for retraining have therefore been placed on the Commissioner for Labour. Now that the Employees Retraining Board is in full operation, we propose that the duty of vetting the applicants for retraining should be transferred to the Executive Director of the Board, who may, if necessary, delegate this power to the staff of the training bodies or training providers.

We also provide for "supplementary retraining programmes" in the Bill to enable the Board to introduce suitable retraining programmes such as the On-The-Job training scheme.

Other technical amendments proposed in the Bill serve to clarify certain definitions. These amendments include extending the meaning of "employee" to cover housewives and disabled persons in sheltered employment who may not fall within the definition of an "employee" under the existing Employment Ordinance and also amending the Chinese title of the Board.

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

## **DUMPING AT SEA BILL**

THE SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS moved the Second Reading of: "A Bill to control the disposal of substances and articles at sea and the dumping of substances and articles in the sea and under the sea-bed, and for connected purposes."

He said: Mr President, I move the Second Reading of the Dumping at Sea Bill. The Bill seeks to localize the provisions of the Dumping at Sea Act 1974 (Overseas Territories) Order 1975 so that existing control on marine dumping activities can continue after 30 June 1997. It also addresses deficiencies in the operation of the existing control scheme and the need to increase penalties.

The dumping of waste at sea is governed by the London Convention on the Prevention of Marine Pollution by the Dumping of Wastes at Sea, an international treaty extended to Hong Kong by Her Majesty's Government through an Overseas Territories Order in 1975. Since then Hong Kong has been carrying out its obligations under the London Convention by applying the provisions of this Order. The Bill enables us to replace the 1975 Order by local legislation.

The Bill contains several major provisions. Part IV of the Bill specifies that the waste producer should apply for a permit from the Authority before commissioning a dumping or incineration act at sea. The operator engaged by the waste producer to carry out the dumping should not take on board waste for dumping unless he is satisfied that the waste producer has a permit as required. Part VIII of the Bill provides for a right of appeal against a decision or direction of the Authority.

The Bill also seeks to address several deficiencies in the operation of the control scheme based on the 1975 Order, and to increase penalties.

Firstly, Part V of the Bill enables the Authority to serve abatement notices in respect of marine pollution resulting from dredging, borrowing, marine stockpiling and other maritime construction activities. Failure to comply with the abatement notice will be an offence. We will promulgate a technical memorandum establishing the procedures for issuing abatement notices. We intend to implement these controls within two years of the Bill becoming law and after consultation with affected parties.

Secondly, powers are now provided in Part VI of the Bill to enable enforcement officers to take action against impending offences. For instance, in cases where a barge is loaded with waste materials without a dumping permit and without reasonable explanation that the materials are intended for purposes other than dumping, the enforcement officers would be empowered to stop and detain a vessel in order to make investigations and to prevent an offence from being committed.

Thirdly, clause 25 of the Bill raises the level of the existing penalties from \$5,000 plus six months' imprisonment to \$200,000 plus six months' imprisonment. This increase is commensurate with the seriousness of the offence and will bring the penalties in line with those under other environmental legislation, such as the Waste Disposal Ordinance and the Water Pollution Control Ordinance.

Mr President, the Bill aims to enable existing control on dumping of waste at sea to continue after 30 June 1997. At the same time it addresses deficiencies in the existing control arrangements and increases penalties. I commend the Bill to Members for their favourable consideration.

Thank you, Mr President.

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

## **MARINE PARKS BILL**

THE SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS moved the Second Reading of: "A Bill to provide for the designation, control and management of marine parks and marine reserves, and for purposes connected therewith."

He said: Mr President, I move that the Marine Parks Bill be read the Second time.

The aim of the Marine Parks Bill is to protect valuable sea areas identified as ecologically important by designating them as marine parks or marine reserves. Members were briefed last October on this proposal after the Executive Council had agreed to it in principle and had also agreed that new legislation should be prepared. Accordingly, the Bill has been prepared.

Under the proposed legislation, the Director of Agriculture and Fisheries will be the Authority who will control and manage parks and marine reserves in consultation with the Country Parks Board. Because of this extension of its role, the Board will be renamed as the Country and Marine Parks Board.

The procedures for the designation of marine parks or marine reserves under the new law will be similar to the procedures set out for the designation of country parks under the Country Parks Ordinance. The Governor in Council will direct the Authority to prepare a draft map of a proposed marine park or marine reserve. The Authority will publish the notice in the Gazette and newspapers, and make the draft map available for public inspection.

From the time of publication of the draft notice in the Gazette up to when the Governor in Council approves or rejects the draft map, the new law will not allow new development to be carried out within a proposed marine park or marine reserve without the prior approval of the Authority. After the area is approved and designated, development will continue to be controlled.

The proposed legislation will provide for procedures for objections. Anyone who objects to a draft map may send a written statement to the Authority within 60 days of the date of publication of the notice in the Gazette. Hearings will be conducted by the Board. Within a six-month period starting from the last day allowed for objections, the Authority will be required to submit the draft map to the Governor in Council for approval, accompanied by a schedule of objections and the Authority's representations, as well as a schedule of amendments made pursuant to directions from the Board to meet objections heard.

After a decision has been made by the Governor in Council, the Authority will be required to place a notice in the Gazette, notifying either a refusal to approve or the deposit of the approved map.



There will be provisions for the making of regulations for the proper control and management of marine parks and marine reserves. It is intended that no fishing activities will be allowed in marine reserves. If this results in loss of fishing grounds, ex gratia payments will be made to any fishermen affected. The Authority may grant a licence or permit for fishing and other controlled activities with or without conditions.

Mr President, the proposed legislation will enable conservation of important marine areas in Hong Kong and will provide a legal basis for the protection and management of important marine resources. This is a piece of legislation that should be welcome by all. It is a significant step in our efforts to protect the environment — not only for our own benefit but also for future generations. In preparing the drafting instructions for this Bill, we have consulted members of green groups and other interest groups as well as members of local communities. We are pleased to have their support for the proposed marine parks programme.

After the Bill's passage by this Council, it is our intention to implement the programme immediately. It will begin with the designation of two marine parks at Hoi Ha Wan and Yan Chau Tong and one marine reserve at Cape D' Aguilar.

Thank you, Mr President.

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

## **PRIVATE MEMBER'S MOTION**

PRESIDENT: I have accepted the recommendations of the House Committee as to time limits on speeches for the motion debate and Members were informed by circular on 21 November. The movers 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.

## **PRE-PRIMARY EDUCATION**

MR TIK CHI-YUEN moved the following motion:

"That this Council urges the Government to expedite the implementation of measures for improvement of pre-primary education, including:

- (a) early allocation of funds for putting into full implementation as from 1995 the recommendations in the report of the Ad Hoc Subcommittee on Pre-primary Education under the Board of Education, concerning direct subsidy to kindergartens; and

- (b) formulation of a long-term strategy and a specific time-frame to achieve the target of unification of pre-primary services such as kindergartens and child care centres."

MR TIK CHI-YUEN (in Cantonese): Mr President, as early as the 1980s, the *Green Paper on Primary Education and Pre-primary Services* had discussed the topic of government subsidy for kindergarten education, and the *Education Commission Report No. 2* further recommended that the unification of pre-primary services should be the long-term goal. Unfortunately, the Government is still marking time on the question of improvement on pre-primary education.

In recent years, pre-primary education is becoming part of universal education. At present, nearly 200,000 school children are attending kindergartens, and those attending child care centres are more than 35,000 in number. They constitute 95% of children of the relevant age group. The overwhelming majority of parents hope that their children can receive pre-primary education. Therefore, the Government should no longer treat pre-primary education as "non-essential" to attempt to justify the lack of reasonable commitments.

Mr President, although we now have 90% of school children receiving kindergarten education, government expenditure on pre-primary education is still kept at a very low level. Take the year 1991-92 as an example. Expenditure on kindergarten education was about \$130 million, which was 1% of the total expenditure on education; for the year 1994-95, whilst the expenditure has been increased to about \$200 million, it is less than 1.4% of the total expenditure on education. Since the Government has made insufficient financial commitment, kindergarten education is now facing a lot of difficulties and these include:

1. Parents have to pay high fees

Kindergarten fees have sharply increased to almost twice as much over the past four years. The average fee chargeable by half-day non-profit-making kindergartens is \$632 a month per pupil; for full-day ones, it is as much as \$1,384. Comparing with the fees chargeable for Hong Kong's free universal education at present, fees chargeable by kindergartens are really too high.

2. No improvement has been made to the quality of pre-primary education

At present, all kindergartens are privately operated and cost is always a factor to be considered. Owing to insufficient resources, the necessary improvements regarding teachers and facilities could not be effected. Let us take teachers as an example. In all the kindergartens of Hong Kong, less than 70% of them had 40% or more trained teachers on their teaching staff.

3. There is a lack of motive for teachers to be trained

Concerning teachers of kindergartens, although the Government has been making an effort to provide opportunities for in-service training, few teachers have attended these courses. For example, in 1992-93, less than 50% of serving kindergarten teachers attended the training courses. The situation was the same in 1993-94. The main cause for this is that privately operated kindergartens are simply unwilling to employ trained teachers at the salary level proposed by the Government as this will entail extra cost. As the salary is unreasonably low, the motive for teachers to attend the training courses is thus diminished.

The Government has emphasized that a kindergarten fee remission scheme has been introduced to help promote kindergarten development. But we should be aware that this scheme only gives assistance to parents who are in difficulties, and it does not provide additional resources to kindergartens to encourage them to improve on quality.

The Board of Education set up an *ad hoc* subcommittee on kindergartens in December last year with the objective of studying problems in kindergarten education and to submit to the Government recommendations for overall improvements. After four months' discussion, and having examined the submissions from 10 organizations and held two public seminars to consult the public's views, the subcommittee eventually completed its report and made a number of recommendations on the manner of subsidizing kindergartens, teacher training and quality of teaching. These recommendations represent, to a certain extent, the consensus of organizations in the private sector.

The Board of Education was also aware that the Government's Finance Branch normally decides on the following year's financial allocation of funds for various departments in July. In order that the Education and Manpower Branch would be able to have access to sufficient information and have the time to request for funding from the central government to subsidize kindergarten education, the Board of Education hastened to have the report completed by April. The report together with the recommendations concerned was submitted to the Education Commission and the Education and Manpower Branch for consideration.

In the course of discussions and on many other occasions, government officials had made it clear time and again that they were basically agreeable to the principle of subsidizing kindergartens.

Regrettably, in this year's policy address, the Government has made no specific commitments on kindergarten education. It merely proposes to improve on teacher training for kindergartens. As such, we feel very disappointed.

The Secretary for Education and Manpower attempted to explain the partial commitments to kindergarten education outlined in the policy address. The explanation was that it was due to lack of sufficient resources and to the question of implementation details. In our view, such grounds cannot in any way stand to reason:

1. We feel very disappointed with the fact that in spite of the priority given to kindergarten education by the Education and Manpower Branch for this year's financial estimate, still it could not get the funding. With just an extra \$8.5 million allocation and the recommendations by the Board of Education could have been implemented by 1995. In view of the Government's sound financial situation, it can never stand to reason for the Secretary for Education and Manpower to say that resources are not sufficient.
2. As to the implementation details, members of the *ad hoc* subcommittee under the Board of Education had already submitted to the relevant government departments the report in as early as April this year, and the subcommittee had held some in-depth discussions on the implementation details of the recommendations. Government officials were also present on the occasion. We regret it very much that the Secretary for Education and Manpower did not make a thorough study after he had received the report, and to delay fund allocation on the grounds of technicality subsequently.

After the publication of the policy address, the education subcommittee of the Democratic Party made an appointment to meet the Secretary for Education and Manpower right away. The Secretary for Education and Manpower subsequently promised to save on expenses economize wherever possible after the implementation of details with regard to subsidizing kindergartens were worked out towards the end of the year, and subsidy to kindergarten education would be implemented, as a matter of priority, by utilizing the resources thus saved.

We welcome this move. Our view is that subsidization of kindergartens by the Government will be the first important step in improving the quality of pre-primary education. According to information released by the Government, only 96 out of the 661 kindergartens (about 15%) in the territory are able to pay trained teachers the basic salary and increments. We think that the Government should take the initiative in providing subsidy so that kindergartens will have sufficient resources to employ trained and qualified teachers at a reasonable salary. This is because the provision of government subsidy will avoid the extra cost being passed onto parents. On the other hand, it can encourage more teachers to take up training courses. We believe only by working along both lines such as these can we effectively improve the quality of kindergarten education. Therefore, we ask the Government not to have further delays but to fulfill its commitment to subsidize kindergartens on a full scale by 1995.

Mr President, we ask the Government that, apart from subsidizing kindergartens, it should also formulate a long-term strategy and a timetable to implement and co-ordinate the goal of unification of pre-primary services.

The recommendation to merge child care centres with kindergartens had already been mentioned in the *Education Commission Report No.2*. Subsequently, the Government set up a working party under the Education Department. Unfortunately, the working party has not undertaken any study as regards the unification of pre-primary services. We find it rather regrettable that the Government has just been marking time concerning the study on the unification of pre-primary services over the past eight years with absolutely no progress made.

For many years, the failure to unify pre-primary services in Hong Kong has led to many problems that are easily discernible:

1. Many parents arrange to have their children attend child care centres at the age of two and have them transferred to kindergartens when they reach the appropriate age. That young children who have to adapt to two different environments in a short span may fail to be adjustable, which way then an adverse effect on their growth.
2. At present, child care centres mainly provide "caring" service whereas kindergartens provide "educational" service. From the experience of other countries, training given to children should be both "caring" and "educational". At present, these services in Hong Kong come under the administration of two different departments. This would give rise to confusion and would also have an impact on the growth of young children.
3. As there is a difference between the two in terms of conditions of subsidy and facilities requirements, it has lead to administrative inconvenience for the operating organizations.

The Democratic Party and other educational organizations had initiated a joint signature campaign on the issue of unifying pre-primary services. Mr President, I have a joint declaration at hand which is a jointly signed declaration by 129 bodies and educational organizations. This declaration shows that educators in the pre-primary sector, former educators, organizations and parents are well aware of the urgent need for unification and that they are very dissatisfied with the Government's continuous stalling on this issue. Therefore, we now ask the Government specifically to put the welfare of children as a priority and set up a mechanism consisting of representatives from the Education and Manpower Branch, the Health and Welfare Branch, the Education Department, the Social Welfare Department, educators and education workers, parents and organizations in the private sector, to discuss measures concerning pre-primary services including service standards, entry requirements, teacher training, remunerations and curricula, with the outcome

of the discussions to be presented in a report by April 1995 for public consultation with a view to achieving the goal of unification of pre-primary services. It is our belief that the merging of child care centres and kindergartens would definitely be beneficial to the quality of service, management and the many aspects of children's growth. We find it intolerable that the Government continues to delay on the unification of pre-primary services. The Government must immediately address the problem positively.

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

*Question on the motion proposed.*

MR HUI YIN FAT (In Cantonese): Mr President, we all know that manpower resources is the most important asset of Hong Kong. However, in so far as manpower training is concerned, Government plans have all along been demand-oriented and there is simply no concept of an all-round education. As reflected in its policies and systems, the Government has never attached importance to pre-primary education. Nine years' free education is all that the Government can conceive of.

It has been the Government's constant belief that pre-primary education is not a step that every child has to go through. But the fact is that last year over 95% of the children of relevant age were receiving education either from kindergartens or child care centres. This demonstrates that either the Government has failed to recognize what the in reality is or it is lagging behind parents' aspirations and global education trends. I believe that apart from the endeavour of the education profession and the social work profession, human rights organizations and the legal profession should work together to investigate whether the current policies are in contravention of the Bill of Rights or the United Nation's Convention on the Rights of the Child which is only introduced into Hong Kong recently.

Apart from the shortage of Government's financial commitment and a clear policy, pre-primary education in Hong Kong also faces the problem of service standardization in terms of mode of service and standards. Experts believe that education and care are the two major elements of pre-primary education and neither one can be dispensed with. But the mode in Hong Kong is that kindergartens are responsible only for the education part, while the child care part is left to the child care centres. The two services are distinct from one another.

To gloss over its shortcomings, this system has been described as providing services according to the varying ages of the children and needs of the parents. In fact, neither the children nor the parents can get the education and the care they need from one single institution. As a result, the children have to adapt to two entirely different kinds of learning environment within a short period of time, hence confusion and negligence are bound to occur.

Furthermore, since kindergartens and child care centres vary in their teacher training, staffing ratio, basic provisions and service standard, their operational stability is seriously hampered, particularly with regard to staffing and continuity in terms of teaching experience and quality.

In fact, in the *Education Commission Report No. 2* (ECR2) published in 1986, the Administration clearly pointed out that the rationale for maintaining a distinction between kindergarten education and child care education was very fragile indeed. Therefore the Report recommended that the long-term goal should be to combine them. However, eight years have passed by, only to find that the Government has only been marking time in this respect. This definitely should not be the way the Government conducts its business, particularly when it claims to be an open-minded and progressive government.

"Rome is not built in a day." Neither can manpower training achieve this. As Hong Kong is facing more and more competitors, the laying of a good and fair education foundation for children should be high on the Government's list of priorities. I have the following views as regards the way to achieve the goal of unification:

- (1) Unification means the combination of kindergarten education and child care centre education to address the overall development needs of children aged between three and five.
- (2) In the course of unification, first priority should be given to teacher training and the development of a common core curriculum which will cover both elements of education and child care such that the training programme will eventually be recognized by both the Education Department and the Social Welfare Department. Following that, the gap in service standards between the two institutions should be narrowed so as to arrive eventually at a set of standard regulated by law.
- (3) The sort of institution to emerge after unification is yet to be named, but whatever this will be, the new institutions will only be subject to a unitary set of regulations. They will have a common curriculum and they will receive the same subsidies from the Government. In addition to this, teachers' qualification, staffing ratio, remuneration and basic provisions should also be standardized upon unification;
- (4) Based on the above premise, I think the Government should establish an *ad hoc* committee comprising government officials, while teachers, people engaging in children care work and parents should also be invited to take part in preparing study reports regarding the monitoring mechanism on standardization of pre-primary education.

Finally, I have to advise the Government that leading the whole citizenry to build for the future is not merely the Government's responsibility but a long lasting mission. Therefore, there should not exist any idea of 1997 being a deadline. The Government should take steps as soon as possible to move towards the goal of standardizing pre-primary education.

With these remarks, I support the motion.

MRS PEGGY LAM (in Cantonese): Thank you, Mr President. As a legislator and an educator, I very much regret to see the state of development of pre-primary education in Hong Kong.

I feel regret not only because of the financial commitment by the Government to pre-primary education has hitherto been insignificant, as the policy address of this year has stated that funds committed to the training of kindergarten teachers is less than 1% of the whole education budget. What is more, the Government has neglected the needs of 95% of the children of the relevant age group who are now attending child care centres and kindergartens, in that it fails as yet to include pre-primary education as part of formal education.

Child care centres and kindergartens are the grounds of initial enlightenment for the children. It is just like a seedling which has to be cultivated in a nursery before it can grow into a large tree. Pre-primary education is an important stage of a child's growth in terms of physical, psychological, intellectual, linguistic, social, emotional and moral development.

A child's entry into a child care centre represents the very first step of formal education. The very first word and very first complete sentence learnt has a direct effect on the attitude of study and ability to learn in the next 10 years or so. Therefore, the importance and necessity of pre-primary education has been affirmed. What we have to consider at this stage is how to improve the quality of teaching.

I think pre-primary education ought to be included as part of formal education to become the preparatory education for primary schooling. Unification of child care centre and kindergarten services is our top priority task in improving education standard.

It is generally believed that child care centres are responsible for "looking after" children whereas kindergartens are shouldering part of the "education work". In promoting the principle of comprehensive education and the balanced development of moral, intellectual, physical, social and aesthetic education, the unification of child care centre and kindergarten services by combining the nature of the two into one would become an indispensable stage of learning for children before they begin their primary schooling by the age of six.



Therefore, the current administrative policy whereby the Social Welfare Department and the Education Department supervise child care centres and kindergartens respectively should be amended. The Government should set up an inter-departmental working group to co-ordinate and formulate a policy that will allow diversified development. This policy will not have to follow strictly the current administrative policy for primary schools, but the curriculum concerned will have to converge with that of primary schools in order to achieve coherence and continuity for the whole set of pre-primary education.

Besides, it is necessary for professional qualifications to be standardized and standards to be mutually recognized so as to avoid overlaps in training and waste of resources. Also, the setting of salary scales to commensurate with professional qualifications can minimize wastage of kindergarten teachers. These are very important things. According to a survey conducted by the Education Department last year, wastage of kindergarten teachers constitutes 19.8% of the overall wastage of teachers, with job-switching accounting for as high as 49.4% of wastage. This shows that although kindergarten teachers cherish zeal and love for their job, they will have lost confidence in child care work in the face of low pay and a shortage of promotion prospects. Wastage of kindergarten teachers has a direct effect on the quality of education and it is wasteful of the resources which the Government has spent in training these kindergarten teachers.

At present, there are less than 70% of the kindergartens with the requisite 40% trained teachers on their teaching staff, the main reason being that most of the child care centres and kindergartens are privately run. Statistics have it that 73% of the child care centres are subsidized by the Government and are non-profit-making, with the rest being independently operated. As for kindergartens, 44% of them are private-run, and 56% of them are run by welfare organizations and are non-profit-making. Since there is need to consider the question of operation costs, private operators lack the drive to improve when it comes to employing qualified kindergarten teachers and enhancing existing school facilities.

My view is that apart from improving the quality of training for kindergarten teachers, we should provide direct subsidy to non-profit-making institutions in order to improve the remunerations for teachers employed as well as the teaching facilities of the institutions, and also to increase the teacher to pupil ratio and activity space, so that these institutions will not have to sacrifice education quality because of financial difficulties.

As for private-run child care centres and kindergartens, they may opt either to change into non-profit-making institutions and receive subsidies from the Government, or to continue in their independent operation in benign competition with subsidized institutions. All this will help improve the quality of education.

At present, the Government's subsidy to pre-primary education includes the provision of training to kindergarten teachers, the payment of rent and rates for non-profit-making kindergartens and a fee remission scheme introduced for needy parents. This shows that the Government's concept of pre-primary education is still staying put at the giving out of "charitable benefits" and there has been a lack of vision from the "education" point of view as well as of long-term strategy.

Unification of pre-primary services was mentioned in the *Education Commission Report No. 2* in 1986. But it is still "mere fanfare" to date and implementation has yet to be realized. I would like to call on the Government to work out a specific schedule for pre-primary education so as to include pre-primary education as part of formal education. It is only in this way that the carefully cultivated seedlings can healthily grow.

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

MR MARTIN LEE (in Cantonese): Mr President, I would like to ask my colleagues in the Council and the senior government officials present here today: Is there anyone among you and the friends you know who does not send their children to pre-school? I believe that the answer is surely "no one", as everyone attaches great importance to education and would arrange to have their children receive the best pre-school education early.

If I further ask Members: What do you think the best pre-school education should be like? The answer will certainly be: That which would enable the children to grow up lively, happily and healthily in the environment of a good school under the direction and care of professionally trained teachers who respect and love their job. However, as Members all can afford the high tuition fees so Members probably would have no cause for worry. Nevertheless, many non-profit-making or private-owned kindergartens, with a clientele of middle or lower income parents, dare not charge high fees even though they are operating under great difficulties. As high tuition fees would lower the competitiveness of these schools, so kindergarten teachers are asked "to tighten their belts" and to put up with the meagre pay in order to maintain the operation of the kindergartens.

Mr President, this pre-school education stage that almost all children go through is, to put not too fine a point on it, being maintained by exploiting the kindergarten teachers. But the Government is brazening it out with total indifference. The Government is even trying to put off or get away from the question of subsidization by playing with the argument as to whether kindergarten education is necessary. I feel sorry for the kindergarten teachers. At the same time, I am also worried that they would become so frustrated that they would leave this profession. The loss of experienced kindergarten teachers will have a serious and adverse effect on the overall quality of kindergarten education.

Over the past few years, while struggling to get by on meagre pay, the kindergarten teachers have repeatedly voiced their demands and heart-felt wishes to the public and the Government. How could the Democratic Party ignore this? The subsidization of kindergarten education comes high on the Democratic Party's list of priority items which demand resources from the Government. It is because we can see the importance of the issue. We do not wish to see the pre-school education of Hong Kong lagging behind other countries or regions; neither do we want to base society's responsibility of educating the children on an unreasonable education system which exploits our kindergarten teachers.

Every time when the Democratic Party goes to Government House to express our expectations about the policy address and the Budget, we remind the Government time and again to formulate a policy of subsidizing kindergarten education and to provide adequate funds to subsidize the salary of kindergarten teachers so as to improve the quality of our pre-school education. In his policy address this year, the Governor still failed to commit the Government to a kindergarten subsidization programme. As a result, the Democratic Party was forced to come to a "showdown" with the Governor. I made it clear to the Governor that if the Government did not subsidize kindergarten education, all Democratic Party Members of the Legislative Council would not consider voting in favour of the policy address. It was only then that the Secretary for Education and Manpower promised in his reply to study the details of the subsidization of kindergarten education and to fight for an earlier allocation of funds by one year, that is, in 1995.

Here, the Democratic Party hopes that the Government will keep its promise of formally implementing the subsidization programme in 1995 to impose a minimum salary guarantee for kindergarten teachers. However, to further improve pre-school education, we must continue to go about it through the standardization of pre-school education so that education of children, be it in the kindergarten or child care centre, will be subsidized and monitored by the Government. Education quality can thus be guaranteed. We will also see to it that the teachers who teach and serve in kindergartens and child care centres will have reasonable salaries, and that the Government will set up more pre-service, certificate and degree courses in the training of kindergarten teachers to raise the employment qualifications, experience and professional status of pre-school education workers.

It is, without doubt, the responsibility of the Government to pay due attention to pre-school education, properly manage kindergartens and child care centres and ensure that children aged two to six receive proper care and appropriate guidance. The Legislative Council Members from the Democratic Party accord absolute support to the kindergarten teachers' fight for subsidization. We also sympathize with child care centre workers' worry that after the kindergartens receive subsidization, due to the fact that they are on a different establishment, they would be put at a disadvantage with respect to their salary and job prospects. Therefore, the Democratic Party will continue to

urge the Government to formulate a long-term policy and a specific timetable in order to achieve the standardization of pre-school education services consisting of kindergarten and child care centres so that all pre-school education workers who devote the same amount of love and care to the children will have equally bright futures.

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

MRS ELSIE TU: Mr President, in one of his poems William WORDSWORTH said:

"The Child is Father of the Man".

He had experienced that the quality of adulthood depends upon the quality of childhood, that childhood is the root and foundation of every man and woman. What we provide for the child, therefore, will decide the product of the future adult generation.

Psychologists tell us that the character of a person is formed by the age of seven, and I have every reason to believe that to be correct. It is therefore imperative that we should concentrate our efforts on children of pre-primary age, because when the child enters primary school, the foundation of his character as well as his education has already been laid.

A good government, like a good parent, should nurture the child from his earliest years with the sense of security that comes from a smooth and well-organized course of child care and training.

But what, in actual fact, do we give our children in Hong Kong? We provide a hit-or-miss system under two separate departments, the Education and Social Welfare Departments, which provide different teacher training if any at all, different regulations, different quality of equipment and varying aims. By the time the children reach the age to enter primary school, their basic skills, understanding and social awareness are widely different from those of their peers. The result is that some children get a head-start, while others are disadvantaged by the time they are six years old.

It is now 12 years since the Education Commission noted that the distinction between nurseries and kindergartens was weak. But what has been done to co-ordinate the two systems? We have introduced a hotch-potch scheme of fee assistance for children in need. We have provided an inadequate training system for some of the teachers, with little or no incentive in terms of equal remuneration for equal work. Inequality in training and inequality in remuneration have emphasized but not solved the problems. The real victims are the children who miss out on any advantages that may exist in the unequal system.

Unless the Government is prepared to face the pre-school problem fairly and squarely, we shall continue to see children entering Primary I already handicapped because they have had training inferior to that of their peers. Some of those children are therefore already on-course for failure, lack of motivation, and in extreme cases, ready for triad influence and eventually crime.

I hope the Education and Social Welfare Departments will tell us what they have in mind to co-ordinate pre-primary education in order to give every child an equal opportunity during the most impressionable years of life, and avoid the problems the child in particular, and the parents and teachers in general, now face because of the chaotic system that exists.

Mr President, I support the motion, especially the second part which calls for the formulation of a long-term strategy to unify pre-primary services such as kindergartens and child care centres.

This long-term strategy should include training teachers how to guide young children to learn by exploring their surroundings, thinking through their problems, interacting and socializing with their peers, and gaining confidence in themselves. High quality teaching is by no means easy to attain, and requires a two-year course which should include a period of teaching practice to test the suitability of teachers for this important task of child care. I urge the Departments concerned to delay no longer in tackling this important responsibility. Thank you.

MR TAM YIU-CHUNG (in Cantonese): Mr President, the Board of Education completed the *Report of the Ad Hoc Sub-committee on Pre-primary Education* this April, which recommends that direct subsidy be introduced to more than 300 non-profit-making kindergartens. This recommendation is in fact an embodiment in a consolidated form of views of different political parties and education bodies in Hong Kong. Although it is still quite some way from the proposal of the Democratic Alliance for the Betterment of Hong Kong (DAB) to introduce direct subsidy to more than 600 profit-making and non-profit-making kindergartens, it is nevertheless the first step. However, in the Governor's policy address this October, even this step has been retracted. We feel extremely disappointed that the Administration has only proposed to upgrade the training of kindergarten teachers, but not with specific commitments.

I certainly will not oppose Mr TIK Chi-yuen's motion which urges for an early allocation of funds for full implementation of the recommendations of the Board of Education concerning direct subsidy to kindergartens in 1995. But I would like to point out that if direct subsidy is only introduced to non-profit-making kindergartens, there may well be some adverse effects.

Among the 600-odd kindergartens in Hong Kong, only 300-odd are non-profit-making kindergartens and more than 40% are profit-making. If the Administration only introduced direct subsidy to non-profit-making kindergartens, it would surely result in polarization. Since there is a common lack of resources in all the kindergartens, although the Administration has laid down certain standards regarding the facilities of kindergartens, there are only 70% of the kindergartens with trained teachers constituting 40% or more of their teaching staff. Once the Administration starts to introduce direct subsidy to non-profit-making kindergartens, these kindergartens will have to comply with the recommended salaries of trained teachers. Under keen competition, teachers of high quality will move to non-profit-making kindergartens. This will seriously jeopardize the quality of profit-making kindergartens whose operation will be affected.

The DAB therefore considers that the Administration should take reference from the direct subsidy scheme implemented in some of the private secondary schools. Following the mode of operation of that scheme, all kindergartens, whether profit-making or non-profit-making, can apply for the "direct subsidy scheme" as long as they have reached a certain standard. It will be up to the kindergarten operators to decide whether or not to apply. And once joined, the school can also decide when to withdraw.

According to the proposal of DAB, the kindergarten direct subsidy scheme should start from September 1995. The applicants should comply with the following ratio of trained to untrained teachers. The proportion of kindergarten teachers who have received two years', twelve weeks' or no training should be 3:3:4. For some kindergartens which cannot comply with the above standard, in order to introduce direct subsidy for improvement of their teacher quality, we suggest that kindergartens with trained teachers ratio of 2:2:6 can also receive part of the subsidy. However, these school operators, after joining the scheme, will have to raise the ratio of trained teachers to 3:3:4 in two years' time to meet the basic requirement. And, the Administration should continue to increase the proportion of trained teachers step by step.

Also, the ratio of teacher to student in 1995/96 should be 1:20 at the minimum, and the salaries of teachers should not be lower than the level proposed by the Administration.

In addition, after the implementation of the direct subsidy scheme, kindergartens with a high proportion of trained teachers will have to increase the salaries to a recommended standard in order to obtain government subsidies. They will therefore have to increase school fees drastically to cover the cost. According to the estimates of some in the profession, if kindergartens were to implement the direct subsidy scheme recommended by the Board of Education, they would have to increase their school fees by 100% in two to three year's time to cover the increase in teachers' salaries.

The Administration should take appropriate measures to ease parents' burden after implementing the kindergarten direct subsidy scheme, including expansion of the present Kindergarten Fee Remission Scheme to provide help to families with financial difficulties.

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

MR TIMOTHY HA (in Cantonese): Mr President, improvement on the quality of pre-school education has long been the demand of the education sector and parents alike. However, government policy has so far limited itself to providing financial assistance to parents in the payment of school fees, and to reimbursing rents and rates to non-profit-making kindergartens. When it comes to directly subsidizing kindergarten (KG) education and unifying pre-school services such as kindertartens and child care centres, the government has been stalling.

Among all factors affecting the improvement of the quality of pre-school education, teacher quality stands out as the most important. In this year's policy address, the Government has indeed made some breakthroughs, which, however, is only limited to KG teacher training. For example, the Government has undertaken to spend \$163 million to improve KG teacher training, raise basic qualifications of KG teachers, and to run full-time courses for new teachers. Although improving teacher training may enhance the quality of education, a reasonable salary is needed to attract people to join as KG teachers. In the case of a trained KG teacher, no matter how highly qualified he is academically, and how experienced he is, the maximum monthly salary he can get is just \$18,000, which is equivalent to what is paid to a Graduate Master with little teaching experience. Statistics shows that in 1992, 1 500 KG teachers, some of them trained, left the profession. This indicates that the low pay for KG teachers fails to attract people to joint the profession. Hence, at the same time as the Government improves training for KG teachers, it should directly subsidize KG education so as to raise the salary for KG teachers. Otherwise, the wastage problem will worsen. Another consequence could be that in order to retain expertise, kindergartens would be forced to increase school fees to such an extent that they become unaffordable to parents. Recently, the Government undertook to implement a scheme for direct subsidy as from September 1995, which I am glad to learn about. Talking about the way subsidy should be given, I recall that I expressed the following idea before: During those times when the Government is affluent, such as in these few years, it may set aside a certain amount to set up a pre-school education fund. Thereafter, a certain proportion of the return-on-investment from the fund as is deemed fit may be used to increase subsidies given to pre-school education, thereby rendering budgetary control for subsidy given to pre-school education easily manageable. One feasible means of subsidy is to give each KG teacher a certain amount of monthly assistance to be fixed by the Government, taking into consideration its financial ability.

Furthermore, the Government must solve the problem of the unification of pre-school education with a view to improving the quality of the same. The proposal to unify kindergartens and child care centres was mentioned in the *Education Commission Report No.2*. The issue, however, was avoided in the Governor's policy address. Under present policy, pre-school education is separately headed by the Education Department and Social Welfare Department. This results in quite a large amount of overlap and confusion, thereby adversely affecting the quality of service provided and giving parents and the public the wrong impression that the Government only values kindergartens but ignores child care centres. If the Government only focuses on improving the quality of kindergartens or giving assistance to KG teachers, one result will be that most of the child care centre staff will change to work at kindergartens. Ultimately, it is the children who will suffer. A couple of days ago, more than 300 child-care staff held a demonstration to demand better staff qualification and salary, indicating the seriousness of the problem.

In addition, I note that, currently, the Education Department and the Colleges of Education are charged with the responsibility of training KG teachers while the Social Welfare Department and the Hong Kong Polytechnic that of training child care centre teachers. However, most of the curriculum for training the two kinds of teachers is the same and the children they serve are of similar age. Nevertheless, the two kinds of teachers are distinctly separated in terms of their qualifications and scope of work. This artificial split should not be allowed to continue.

In summary, the Government should without delay set up a better mechanism to address a unified problem. It should formulate measures and a time-table to realize unification in all aspects of child education, such as administration, training, teacher qualification, service, subsidy and so on.

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

MR SIMON IP: Mr President, there was an actor in ancient Greece who never let any other actor, however, untalented he might be, to make his appearance on stage before he did. This was because, as he put it, "spectators get fond of those they hear first". In his discussion of pre-primary education, the great philosopher ARISTOTLE noted the wisdom in this actor's point of view. Children become fond of that with which they are most familiar, which is usually that which they have learned the earliest.

ARISTOTLE was led to say, then, that "Children must be kept from an early familiarity with anything that is low and must be nurtured in good habits that will serve them well later in life". This was accomplished in his day through home education, which fortunately or unfortunately, is not a possibility for us today in Hong Kong. But this in no way absolves us of our duty to provide for the kind of early education today that will ensure the well-being of our children tomorrow.



We must accept this responsibility by assuring our children that what "they hear first" will be of the highest quality and value for their later academic and professional careers. As Chairman of the Governing Council of the Hong Kong Institute of Education (HKIEd), I can think of no better method of achieving this than to ensure that our pre-primary educators themselves are of the highest calibre.

I welcome and support the Government's initiatives in teacher education and have confidence that we can meet the 40% trained teacher target set out for 1995-96. Given the necessary funding, the HKIEd is fully prepared to mount a full range of courses to upgrade pre-primary teacher education from next September.

These courses can be offered in line with the Governor's intention and are based on the recommendations of the Board of Education Ad Hoc Subcommittee's report on pre-primary education, as well as those of the Advisory Committee on Teacher Education and Qualifications. The HKIEd will offer new in-service courses for upgrading serving QAKTs to the QKT level, and QKTs to the same certificate education level as their primary counterparts. The Institute will mount a new full-time course for Secondary V graduates leading to a Certificate in Kindergarten Education. Improvements do not end here, however, and more degree courses to provide development opportunities for kindergarten teachers are planned for the near future.

Apart from improvements in pre-primary teacher education, I strongly support early implementation of direct subsidies to kindergartens to put them on par with primary and secondary levels. Generous subsidies can be a proper reflection of the importance given to pre-primary education by the overwhelming majority of Hong Kong parents. Public financing will enhance the working environment and career incentives of the sector and will complement and reinforce the improvements in kindergarten teacher education generally.

In summary, I welcome and support the Government's attempts to upgrade pre-primary education. As Council Chairman of the HKIEd, I wish to assure the Government that the Institute is fully supportive of these measures and is prepared to contribute in the ways I have outlined.

Mr President, I support the motion.

MR HENRY TANG (in Cantonese): Mr President, in today's motion debate, we are making frequent and repeated reference to the term "kinder" which in the present instance means "young age and newly born". In fact, we are talking about devising a comprehensive, far-sighted, education-and-care-oriented pre-primary system for our new generation. I do not think anybody will confuse the term "kinder" with another connotation in Chinese, that is to say, "having childish or immature views".

However, if we look back on the history of pre-primary education of Hong Kong, we will find that the whole process has, over a long period of time, been staying at a very "kinder-like" or "childish" stage, by which I mean childishness or immaturity as otherwise connoted by the term "kinder". "Kinder-like" or "childish" in the sense that the Government lacks long-term planning for pre-primary education. "Kinder-like" or childish also in the sense that the Government lacks financial commitment to it.

Since the 1970s, the education community has started to pay regard to the issue of pre-primary education. Providing full subsidy, setting up a training institute for kindergarten teachers, unifying child education services, increasing pay and improving quality are all topics under constant discussion. But over the past 20 years, the Government has just been doing patching-up work within this sector without making any specific commitment to it.

At present, more than 96% of the children in the relevant age group are receiving pre-primary education service of one sort or another. The Government is forced to listen to voices in society. Apart from the recommendations in the *Report of the Ad Hoc Subcommittee on Pre-primary Education*, the policy address has also come up with a "limited" commitment of \$163 million - it is a small step but is still better than marking time, today's debate is precisely the right occasion to remind the Government of keeping its word and to take "immediate" action so that it will not fall back to the way as it did in 1986 with the Report No. 2 where its pledge to unify pre-primary services has been stalled for eight years without any headway.

A glance at the annual expenditure the Government allocates for pre-primary education will indicate what a shame it is. Never has the expenditure in this regard exceeded 1% of the recurrent education expenditure. We always say that the education system in Hong Kong is "top-heavy" and abnormally developed. We expand tertiary education all the time, leaving the basic education sector undernourished. If we take a wider view, we will see that pre-primary education is just like the thin legs of the Third World children with small bound feet like those women in feudal China, struggling to support the body of a giant. How terrible it is!

When compared to other Southeast Asian countries in terms of pre-primary education, we have but barely started. In order to benefit our new-born generation, we urge the Government to expedite the implementation of the following proposals for improving the quality of pre-primary education.

(1) *To unify pre-primary services without delay*

The problem with pre-primary education here in Hong Kong is that it is both inadequate and uneven. The kindergarten teachers and child care workers are both educators in pre-primary services. I cannot see why the Government insists that they should come under two different departments. Education and care are indeed two

important and inseverable elements of pre-primary education. To keep the integrity of early childhood education and to curb the wastage of child care workers, the imperative task is to merge the two services together as one. Mrs Selina CHOW of the Liberal Party will later elaborate on this important concept.

(2) *To strengthen teacher training*

I am of the opinion that pay subsidization and training for teachers should proceed simultaneously and by way of balanced development.

Regarding teacher training, the Ad Hoc Subcommittee has formulated a time-frame for increasing the number of trained teachers. I hope the Government can adhere to the set schedule and legislate to strengthen the monitoring power of the Education Department. As for progressively setting up certificate and degree courses, the Government should negotiate with bodies of the teaching profession in pre-primary education and the tertiary institutions interested in providing the relevant courses to work out the implementation details.

Meanwhile, the Government should come up with a more specific budget for the year 1995 for teacher training in this regards. According to the proposals in the *Report of the Ad Hoc Subcommittee on Pre-primary Education*, from 1995 to 2000, for teacher training alone, we need \$288 million at a rough estimate. It is a long way from the \$163 million to be allotted in four years as mentioned in the policy address.

(3) *To launch a subsidy scheme as scheduled*

Although the Ad Hoc Subcommittee has proposed a "mixed mode" of subsidy, the Government still says that it is an issue of complexity and a decision has not yet been made. I hope that despite the hesitations, the Government can still keep its word and launch the subsidy scheme for kindergartens in 1995 as scheduled.

It is a long and arduous path from childishness to maturity. But it is a phase which our education system must go through.

Therefore, with the full support of four children aged three to six in my home, and on behalf of the Liberal Party, I support Mr TIK Chi-yuen's motion.

MR CHEUNG MAN-KWONG (in Cantonese): Mr President, recently I read a book about kindergarten education. There was a note written by a juvenile delinquent while serving his term in prison. It said, "It is said that a person's

character and personality are formed before he is five years old. If measured against a whole life's time, five years are merely a period. But if it is a period in which one forms his character which will influence his whole life, how important these five years are! But parents are usually so neglectful of these five years!"

I find these words very touching because present-day parents are attaching more and more importance to these five years, but not all the parents are in a position or have the ability to do so. Therefore, our society has the responsibility to safeguard all the children from being neglected during these five years. Nowadays, people in society have fully realized that a child's future would be affected if he or she missed out on the early stage of education, namely kindergarten education. The educationists have raised the cry that kindergarten education is the basis of basic education. It will have a direct effect on a child's school life in the ensuing 10 or more years. However, the Government still adopts an indifferent attitude. It is unwilling to be committed to the financial responsibilities and treats kindergarten education lightly. The children in Hong Kong are, through no fault of their own, neglected by the Government during this important stage of education. Today, we should, on behalf of our children, denounce the Government for its serious or even irreparable mistake.

Mr President, as regards subsidizing and unifying pre-school education, there were proposals put forward by the *White Paper on Primary Education and Pre-school Services* of 1981; and an *Advisers' Report in 1982 by an International Panel on the Prospect of the Education in Hong Kong*. In the *Education Commission Report No. 2 of 1986*, there were the following recommendations: the Government should subsidize the kindergartens to a certain extent, establish a working group to formulate specific schemes in achieving the unification of pre-school education, to set a standard salary scale for kindergarten teachers, and to ensure a minimum of 40% of kindergarten teachers being trained by 1990 or even increasing to 60% by 1994.

Therefore, the subject of the motion which we are debating today in fact already had a drawn conclusion in the research reports 10 or more years ago. The kindergarten students 10 or more years ago have now completed their secondary education. But the problem of pre-school education has been put off up to now without any improvement in the aspects of subsidization and unification. The target of having 40% of trained teachers in all kindergartens by 1990 will not be accomplished even by the end of 1994. Time has passed, with regard to the salary scale drawn up for kindergarten teachers, it can now be described as a fictitious cake to allay one's hunger because it is a proposal without any binding effect. Those kindergartens which have difficulties in their operations cannot afford to pay the requisite salaries of trained teachers. I have a friend who is a teacher. One of his students has become a kindergarten teacher earning \$2,900 a month. Mr President, I did not get it wrong. It is \$2,900 — not even comparable to the salary of a Filipino maid. Today, our society has a ridiculous phenomenon. That is, the children are being spoiled in

terms of material enjoyment while kindergarten teachers are paid poorly. It is really the tragic part of kindergarten education.

There are many sad cases in the field of kindergarten education. Those who have been trained dare not admit it for fear that no kindergarten will employ them. There is a continuous loss of veteran kindergarten teachers because there is no guarantee for their prospects and emoluments. The number of trained teachers cannot reach the targeted number because the professional status of kindergarten teachers is not being highly regarded. It gives no incentive to the teachers to upgrade their qualifications. The quality of kindergartens is totally unguaranteed because the Government regards it as unimportant and non-essential.

The gentle kindergarten teachers have tolerated the situation silently for many years. They persisted in providing good kindergarten education to our children. They worked with a humble salary but without any complaint. They stood fast to their posts conscientiously as the guide for the children. During my service in this Council in the past few years, I have always regarded the improvement of kindergarten education as a first priority. I can very well understand that some of the teachers do not want to show their faces in public because they seem to be shy when asked to join the campaign to ask the Government for subsidy. However, kindergarten teaching is definitely not and should not be regarded as an inferior profession. To safeguard their professional status and pay, some of the teachers are still willing to come forward repeatedly to ask for fair treatment from society.

Early last year, when I moved the motion on subsidy for kindergarten education, the teachers' requests were basically accepted unanimously by all Members in this Council. Their voices have been conveyed to Government House several times and they have also directly requested the Financial Secretary for an appropriation. As regards the methods of subsidization, there are a number of schemes to choose from among the many proposed by the public including the one I put forward. The Kindergarten Education Working Group and the Education Committee of the Education Department have put forward a proposal after an in-depth study. The proposal in question has been endorsed by the Education Commission.

Under the circumstances, when all available arguments having been advanced and all available resolutions passed, the Governor has done no more than mentioning the training of teachers, but not the subsidization of kindergarten education, in his recent policy speech. The requests of the teachers for reasonable pay and improvement in kindergarten education have still been ignored. A moment ago, at the entrance of the Legislative Council Building, all colleagues received a pretty cartoon placard with love as the theme which is hand-made by the kindergarten teachers. They hope that the debate in this Council will generate love and goodwill and that the Government will be urged to implement as soon as possible the subsidy scheme for kindergarten education

in 1995 and to start the strategic research in respect of the unification of pre-school education services.

Today, there is a banner outside the Legislative Council Building stating that "kindergarten education is a must, subsidy for kindergartens cannot be delayed". This is the aspiration of numerous kindergarten teachers as well as the wish of 200 000 parents. Subsidizing kindergarten education is the starting point of improving pre-school education. I strongly urge, in this Council, the Government to take this important step forward by promising in unequivocal and specific terms that it will appropriate sufficient money to subsidize kindergarten education next year. And this will be followed by improvement in other aspects including the unification of pre-school education services, training of teachers and so on, so that a more substantial breakthrough and a greater measure of reform to pre-school education could be brought about.

Mr President, with these remarks, I support the Honourable TIK Chi-yuen's motion.

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

MRS SELINA CHOW (in Cantonese): Madam Deputy, adage has it that "the 80-year-old man had his character determined when he was three". Whilst this may sound a little bit exaggerating, it shows precisely how far-reaching the effect of growth during one's childhood will be on the future development of adulthood. Not only does a child grow physically, but childhood is also the fastest stage of development for the formation of the subconscious self, intellectual development as well as thinking, linguistic and moral enlightenment. However, not only have I to point out today how important the preschool stage is to the development of individual, a yet more pressing task before me is to demonstrate that pre-school education is just as important to the overall development of society.

If we say that Hong Kong's success in the past depended on Hong Kong people's hard working and agile enterprising spirit, then the future of Hong Kong will have to depend on the upgrading of the educational standard of Hong Kong people plus a planned and active manpower training programme. For the sake of cultivating our next generation so that they will be of high calibre, we must not overlook the fact that pre-school education is the foundation education for the nurturing of talents.

I am pleased to see that the Ad Hoc Subcommittee on Pre-primary Education (AHSPE) under the Board of Education has completed the relevant recommendations. It can be seen as a breakthrough in facing up to the importance of pre-primary education. Among the recommendations, I think it is particularly important to note the one that argues for unification of pre-primary services. This is also an aspect that requires urgent and positive action. We

ought to be well aware that the present pre-primary education services in Hong Kong are provided by kindergartens and child care centres supervised by the Education Department and the Social Welfare Department respectively. The service targets and emphases of these two kinds of institutions are different. My view is that the merger of the two kinds of institutions should start their unification from the concept of pre-primary education.

Apart from preparing young children for their primary school life, it is more important that the aim of pre-primary education should be to educate and to care, which is what is known as "educare". On one hand, it is to develop young children's intellect through academic development, and on the other hand, it is also in nature a form of social service to speed up the children's adaptability to society. It is in this way that children's potential can be explored and given full play, which in turn will improve the overall quality of education services. The report of the AHSPE under the Board of Education has made quite a number of recommendations on the improvement of kindergarten education quality. On the contrary, it has no specific recommendation to make as regards improvement of child care centres under the supervision of the Social Welfare Department. It is just like what it was 10 years ago when no attention was paid to kindergarten teachers and the quality of kindergarten education. I urge the Government not to follow the same old failing path. I propose that the Government should likewise conduct a study with respect to child care centres which will be relative to that undertaken by the Board of Education and devise proposals to improve the quality of child care centre education as well as conditions of service for educators of child care centres that are fair and based on parity. This is because if the difference between kindergartens and child care centres in relation to entry requirements, salary scales, nature of work or even the curricula is too great, it would undoubtedly cast a shadow of uncertainty over the stability and balanced development of pre-primary education in general. This would lead to wastage of manpower in child care centres and decline in morale, which in turn would hamper the intellectual and mental development of children and the continuity in education.

I agree with and I am in support of speeding up the overall implementation of the recommendation made in the report of the AHSPE under the Board of Education concerning direct subsidy to kindergartens. However, I think this alone is not enough. In respect of the worries of educators of child care centres, as well as to the children of these centres and their parents, we must accord them adequate consideration and concern so that they will be treated fairly.

As far as pre-primary education is concerned, kindergarten and child care centre are just like a duet which must be played together. One cannot go about it without the other or with the other playing a minor part. They must be synchronized so as to make a perfect and harmonious musical piece. In view of this, I think our top priority is to find out how we can expedite standardizing child care centre and kindergarten services, thus synchronizing the two both in terms of teacher training and subsidy. In view of the fact that the Government

is making insufficient resources commitment and that the training mechanisms are yet to be unified, what we can do now is, first of all, to unify the targets of pre-school services, which enable young children of whatever background to enjoy the best of opportunities in respect of health, academic, social, moral and mental development. Initially, the Education and Manpower Branch and the Social and Welfare Branch can work together with organizations to devise a set of target guidelines which will allow existing child care centres and kindergartens to voluntarily follow the common target. Supervision can be carried out later on when the working group is set up. And the overall service standards, professional qualifications, teacher training, remunerations, flexibility in curricular development, the subsidy concerned and so on can then be worked out. The same kind of code of practice can be used for the management of child care centres and kindergartens.

Madam Deputy, we know that the beautiful rose garden infrastructure will be in place here before 1997, which will help the long-term development of Hong Kong. However, we are also hoping that we can have a long-term and unified development in pre-primary education plus subsidization of same before 1997 which will be conducive to the training and cultivation of talents in Hong Kong for the healthy development of the manpower infrastructure.

With these remarks, I support the motion.

DR TANG SIU-TONG (in Cantonese): Madam Deputy, it is undeniable that pre-primary education is an indispensable element in basic education. Although "what one is at the age of three may not have determined what one will be at the age of 80", high-quality pre-primary education is surely conducive to laying a firm foundation for children before they receive primary education. The first White Paper on Education Policy published by the Government in 1965 has clearly outlined in the sections on pre-primary education that it has "to rely for the time being on voluntary organizations and private enterprise to provide kindergarten education". The lack of concern on the part of the Government is clearly reflected in the extent of the so-called "for the time being", which lasts for a total lapse of 30 years from 1965 up to the present.

Nearly 45% of the 700-odd kindergartens at present are privately-operated. Although we cannot obliterate the fact that some private organizations do operate schools with the ideal of nurturing a new generation of ability, it is also observed that a number of profiteering kindergartens are operating as a business that generates windfall profits. These kindergarten businesses not only charge excessive school fees, but also exhaust every possible means to charge all sorts of miscellaneous fees: stationery fees, party fees, uniform fees, to name just a few. They are quick to come up with ingenious excuses to charge fees while getting slack when it comes to the quality of education. Since the Government has neither given specific guidelines on the requirements for pre-primary education nor has it put in place a monitoring mechanism, the problems of pre-primary education are becoming blatantly



obvious, for instance, the widely different quality of schools, the inadequate qualification of teachers and the lack of continuity in the curriculum.

Teacher qualification is the primary factor that affects education quality. According to present requirements, the minimum entry requirement for kindergarten teachers is Secondary III. The objective of pre-primary education is to assist the young children in getting themselves attuned to group life and in securing a balanced development in terms of psychology, emotion and intelligence. Therefore, it is imperative that kindergarten teachers possess proper knowledge about the growth of young children and be equipped with suitable techniques to facilitate their effective handling of emotional and behavioural problems of young children. Can a kindergarten teacher of no higher than Secondary III standard and having received no kindergarten teacher training be competent in the job? Although pre-service and in-service training is provided to kindergarten teachers, the percentage of teachers receiving training stands at only 52%. More to that, some private kindergartens even discourage serving teachers from attending the training courses for fear that salary increase will be demanded by the trained teachers subsequent to an upgrading in qualification, which will then increase the operating costs of kindergartens.

A survey conducted by the Statistics Section of the Education Department has found that, among the 718 kindergartens, the number of established posts for kindergarten teachers is 8016 while the number of vacancies stands at 66. However, it is observed that the number of teachers leaving the service is as many as 1527, representing a wastage rate of 19.8% which tops the wastage rate of teachers in primary schools, secondary schools and special schools. The survey has further found that the major reason for the wastage of kindergarten teachers is job-switching, which accounts for 49.4% of teachers leaving the service, while pursuit of further studies only accounts for 9% of teachers quitting. People in the profession point out that the high wastage rate of kindergarten teachers is primarily due to the low level of salary relative to the high level of responsibility required. The attractiveness of pursuing a career in kindergartens therefore compares less favourably with other professions. That said, people in the profession still believe that if the Government is willing to implement the recommendations in the *Report of the Ad Hoc Sub-committee on Pre-primary Education* submitted to the Board of Education regarding the improvements to the salaries and working environment of kindergarten teachers, the wastage rate can be lowered and those who quitted may even rejoin the profession.

With the aim of upgrading the quality of kindergarten education, the Board of Education offers recommendations in three different aspects, namely, kindergarten teacher education, government financial assistance to kindergarten education, and measures to improve the quality of pre-primary education. Although the new initiatives on pre-primary education as set out in the policy address have been by way of response to the five recommendations made by the Board of Education, the Administration stays put at the stage of examining the

possibility of subsidizing kindergartens. Moreover, the new initiatives have also evaded some improvement measures suggested by the Board of Education, such as reducing the class size of kindergartens, aiming at higher space requirement for whole-day kindergartens, improving the linkage between pre-primary and primary levels of education and producing more instructional materials particularly in the area of language teaching. It is even more disappointing to note that the Government has not responded positively to the unification of the two types or merger of institutions offering pre-primary services.

Madam Deputy, the upgrading of the quality of pre-primary education has been procrastinated for almost 30 years. I can find no excuse for the Government to continue turning deaf ear to this pressing issue. I believe that the Government should, along with the efforts of strengthening the training provided to kindergarten teachers, introduce direct subsidies to the non-profit-making kindergartens and those independent kindergartens which are inclined to switch to non-profit-making, as well as applying a salary supplementation scheme to subsidize the salaries of kindergarten teachers, so that the kindergartens are capable of recruiting trained and qualified teachers, improving teaching facilities and upgrading education quality as a result. The fee remission scheme should also be expanded correspondingly with a view to further relaxing the eligibility for applicants, thus benefiting more parents by lessening the burden of school fees on them. The scheme of organizing a full-time course for new teachers from September 1997, as promulgated in the policy address, should be advanced to September 1995 to coincide with the reform of pre-primary education and to attract more new comers to join the team of kindergarten teachers.

Another issue in relation to the upgrading of the quality of pre-primary education is the unification or merger of the two types of institutions currently offering pre-primary services, namely, child care centres and kindergartens. Under the existing mechanism, child care centres and kindergartens are under the auspices of two different departments — child care centres come under the Social Welfare Department while kindergartens are registered with the Education Department. The primary objective of the former is to provide care whereas in the case of the latter, the primary objective is to provide education and to disseminate knowledge. Under such mechanism, the objectives of pre-primary education become increasingly nebulous. It is observed that the two types of institutions are widely different in terms of the staff to child ratio, the floor space requirement per child and the development of the curriculum. This is not in the interests of the young children. Moreover, child care workers are worried that once the Government offers direct subsidies to kindergartens and applies the salary supplementation scheme, a majority of child care workers will switch to kindergartens. Child care centres usually operate as full-time day nurseries. The wastage of workers will have a direct impact on the public who need these services. To avoid such an impact and to rectify the difference between child care centres and kindergartens, the urgent task before us is the unification or merger of the two institutions in pre-primary education and the upgrading of the qualifications and salaries of child care workers.

In view of the need to improve the quality of pre-primary education, to offer the parents more choices and to ensure better care and education be provided to our children, the Government should act immediately by speedily implementing the recommendations proposed by the Ad Hoc Sub-committee on Pre-primary Education under the Board of Education, and formulating long-term strategies, so as to achieve the target of unifying pre-primary services.

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

MR LEE WING-TAT (in Cantonese): Madam Deputy, since 1986 when the *Education Commission Report No. 2* recommended making improvements to kindergarten education, the community has been waiting eagerly for the Government to introduce a set of measures which are really meant to upgrade the quality of kindergarten education, enhance the training of kindergarten teachers and raise the qualification of teachers.

Yet, during these years, the Government has only done two things, namely the implementation of the Kindergarten Fee Remission Scheme and the increase in the intake of kindergarten teachers for on-the-job training. In fact, these measures fail to address the crux of the problem pertaining to kindergarten education, let alone being conducive to the development of quality education in kindergartens.

The crux of the problem lies in "people". Our community is in need of a team of teachers, who are well-trained, who love and care for children, and whose livelihood is stable enough for them to be happy with working in the field of pre-primary education, so that they can properly handle the work of administrative planning and classroom teaching. On the other hand, it is necessary for the community to care for and respect this team of kindergarten teachers who are hard working and dedicated to their work by giving them reasonable emoluments to safeguard their livelihood.

Insofar as emolument subsidy for kindergarten teachers is concerned, the Government has not made any substantive progress during these years. The 1992 *Education Commission Report No. 5* pointed out that vacancies in training courses for kindergarten teachers are waiting to be filled annually. Part of the reason is that kindergarten teachers who have been trained are not guaranteed of a corresponding adjustment in their salaries. Besides, some kindergartens do not want to recruit qualified kindergarten teachers at comparatively reasonable salaries for fear that their competitiveness would be weakened by a drastic increase in school fees. This vicious circle is in fact a crucial factor which has discouraged kindergarten teachers from taking up training courses, given rise to the relatively high rate of wastage, and has held back improvement in the quality of kindergarten education.

In fact, the key to solution is to increase the salary of trained teachers and guarantee that they will be paid salaries at the rate recommended by the Government. Having studied the problem in detail and having drawn a comparison with other districts and put together the opinions of education experts, the Ad Hoc Subcommittee on Pre-primary Education of the Board of Education submitted a full proposal on subsidies for kindergarten education. It recommended that the direct subsidy received by non-profit making kindergartens monthly from September 1995 onwards should be around \$20,000, being the minimum salary of one trained kindergarten teacher plus 5% of the income generated from school fees. Meanwhile, during the three-year transitional period, private and independent kindergartens should also be subsidized as to teachers' salary increments.

The subsidy as recommended by the Board of Education is only a kind of partial subsidy, which is on par with that provided for child care centres by the Social Welfare Department. Such meagre subsidies are only meant to assist kindergartens in the payment of salaries to which kindergarten teachers are entitled. If a comprehensive range of improvements is to be made to kindergartens in respect of environment, education facilities, teachers' qualification and so on, more resources should in fact be allocated by the Government. However, it is absolutely necessary to settle the problem of emoluments for kindergarten teachers first. Therefore, today, we are not urging the Government to grant full subsidies. We are going about it step by step. We are being pragmatic by asking the Government for the minimum provision.

However, as far as kindergarten education is concerned, the Governor's policy address in October this year did no more than mentioning once again the Fee Remission Scheme and training for kindergarten teachers. It is very disappointing that no undertaking was made specifically as to how and when the provision of direct subsidy to kindergartens would be realized to enable kindergarten teachers to be paid salaries at the rate recommended by the Government.

Madam Deputy, the community has been constantly putting forward suggestions for the improvement of kindergarten education for over a decade, during which more than 500 000 children have gone through kindergarten education where government resources and regulation have both been lacking. This phenomenon should not continue any longer because our children are the ones to suffer ultimately. This is unacceptable at all.

On the other hand, the report recently released by the Board of Education has brought up again the recommendation made in the *Education Commission Report No. 2*, calling on the Government to set the unification of pre-primary services as its long-term target and establish an inter-departmental organization to monitor the unification of pre-primary services. In fact, subvented child care centres are also straining to operate on limited resources. They also face the same problems of manpower shortage and wastage. Therefore kindergartens and child care centres are actually in the same boat. In the course of pressing

the Government to subsidize kindergarten education, the Democratic Party calls on all lady teachers and staff of kindergartens to unite.

It is time that the problem of the overall improvement of the quality of pre-primary education as well as the unification of kindergartens and child care centres should be solved. As both of them serve the same target group, it is an unfit arrangement for them to come under two different establishments, thus creating unnecessary comparison and competition. Therefore, after the problem of subsidies for kindergarten education is settled, there will be a better foundation on which comprehensive planning can proceed as to how to improve child care services and kindergarten education in order to lead step by step to the complete unification of pre-primary services. In that case, children aged between two and six will have better care and education.

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

MR HOWARD YOUNG (in Cantonese): Madam Deputy, today's motion calls for government subsidy to pre-primary education. Mr TANG Ying-yen, on the Liberal Party's behalf, has just called for more financial commitment on the Government's part; Mrs Selina CHOW LIANG Shuk-ye has also explained the importance of standardized mechanism for regulating kindergartens and child care centres. So I will not repeat these points.

Looking back at the development of child education, the longer-serving Members of this Council may recall that such education was something that very few people had the chance to enjoy, to the extent that even very few Hong Kong people knew about it. It might as well be described as a kind of privilege. Even when we look back at our own childhood, child education would appear to be something very remote, which, for the majority of people, was a chance hard to come by. But as society progresses, child education is no longer a privilege today. It is not the education that only an "elite child" can receive. It has become commonly accessible. Child education is not only for the sake of education itself, nor is it merely for the sake of providing a good foundation for children in preparation for their further education in primary school, secondary school and tertiary school. It also addresses the need of society. With shortage of labour in all kinds of trade and profession, the children must be taken care of during day time if the housewives want to have an opportunity to devote themselves to work in society. Otherwise, their aspirations will only be left unfulfilled. Such being the case, I view it as obligatory for the Government to take child education as a kind of social demand, something that every member of society should have access to with equal opportunity.

A while ago, friends in front of the Legislative Council Building asked me: "Howard YOUNG, are you for subsidizing child education?" I said: "Yes, I am." And then they asked: "Are you for the unification of child care centres and kindergartens?" To which I also replied: "Yes, I am." They asked again: "Do you support the implementation of one single standardized policy?" My

answer was that I support it." Their fourth question was: "Do you agree that the teaching materials should also be standardized?" This time I said: "I need to consider it." I am not really for this. This is because in my opinion education should be as diversified as possible. I do not agree that standardization should go beyond standardization of financial matters, monetary appropriation, administrative measures and guidelines to the extent that all the teaching materials of the kindergartens should also be standardized. Such a system, I believe, would only bring harm to our pluralistic society, where we are free to choose.

Madam Deputy, apart from a standardized mechanism for monetary appropriation that was mentioned by many Members, I think it is essential for us to recognize the fact that child education is not simply a question of taking care of children and laying down a good education foundation for them. The task in fact is to nurture our next generation to instil into them civic awareness and moral concepts. I therefore hope that in the future when the Government issues guidelines to child education institutions, these guidelines will cover not only academic or administrative matters but also the way recruitment of new pupils is to be conducted. I used to hear stories about student admission conducted by some so-called elitist primary schools. I did not actually witness it, but I have heard about them. The stories had it that when new pupils applied for enrolment, the primary schools in question would note if the children had servants accompanying them, or note what the make of the cars were which took the children there to take the entry test — these being factors that would affect the school's decision whether to accept the child or not. I believe that this is no longer the case today, as school places are being allotted through computer. However, I do suspect that this kind of unfair phenomena still exist in some kindergartens. I remember clearly that ten-odd years ago when my daughter applied for kindergarten, there was a test question asking what was wrong with the picture that was being shown to her. Drawn in the picture was a car that had a wheel missing. I was upset at hearing the question. Superficially the question aimed to test the child's intellect or common sense, but, in fact, hidden behind it all was an element of unfairness. Was it not being unfair to those children whose families did not own a car, may I ask? Therefore, I believe that apart from enhancing subsidy and guidance to child education, the Education Department should strengthen its guidelines as regards student recruitment and policy orientation, so that on the day when children start schooling they can really enjoy fair and equitable child education.

Madam Deputy, I support the motion.

Mr FREDERICK FUNG (in Cantonese): Madam Deputy, pre-primary education is an important aspect of our education system. This year's policy address mentioned that 86% of children aged three to five were already studying in kindergartens for the year 1994-95. Indeed, when a child enters primary one, the school will assume that he or she has completed kindergarten. That has made kindergarten education an integral part of our education system and, like

primary, secondary and even university education, kindergarten education has become part of the formal education. Hence, the Government is obliged to develop kindergarten education so as to ensure that all children have the chance to receive kindergarten education.

If the Government gives full subsidies to kindergartens so that they can employ qualified teachers at a reasonable salary, I believe kindergartens do not have to raise school fees in order to employ qualified teachers, the burden of which would otherwise have shifted to parents. What the Government intends to do is to spend \$163 million to set up a "kindergarten teachers fund" and provide training courses for kindergarten teachers so as to improve the quality of teaching. Besides, all kindergartens which have at least 40% trained teachers will receive government subsidies. Apparently, the Government has failed to take any initiative to improve the remuneration of kindergarten teachers, nor has it taken any positive steps to help kindergartens solve the problem of extra expenditure arising from paying teachers according to the recommended pay scale. Madam deputy, some kindergartens may have to raise school fees to meet the pay rise of teachers and the financial burden will eventually be shifted to parents. The Government's Fee Remission Scheme given to parents is, unfortunately, inadequate. The assessment of "the level of fee remission according to family income" cannot directly alleviate the burden of parents. The Secretary for Education and Manpower earlier promised that the Education and Manpower Branch would cut down on expenditure as far as possible and the money thus saved would immediately be used on the improvement and subsidization of kindergarten education. Madam Deputy, I am very pleased to hear of this kind of promise made by the Government. However, how much money will be saved? Does the Government know in advance? To adopt a more practical approach, I think the Government should be specific as to the amount of fund to be allocated.

The policy address has merely discussed the question of kindergartens without touching on child care centres. That shows that the Government is not sufficiently concerned with the question of child care centre. There are a wide range of pre-primary services in Hong Kong and the standard of their service and teaching vary greatly. Worse still, because some kindergartens and child care centres aim at money-making, they provide extremely commercialized services. Kindergartens and child care centres differ in many respects, including the quality of teachers, fees charged, facilities and supervision provided and the content of courses, making it rather difficult for parents to choose.

If the quality of services provided by kindergartens and child care centres can be standardized, every child will receive the same standard of pre-primary education and parents will have fewer problems in choosing an institution. At present, as kindergartens and child care centres are managed by different departments (kindergartens are managed by the Education Department whereas child care centres are managed by the Social Welfare Department), hence the first step to standardize pre-primary education will be to put kindergartens and

child care centres under the control of a single inter-departmental group to facilitate the implementation of plans. Second, the salaries of teachers of the two kinds of institutions should also be standardized. Teachers can then pay undivided attention to teaching under an equal pay for equal work environment and their morale will not be adversely affected because of differences in remuneration. This suggestion was also mentioned in the *Education Commission Report No. 2* in which a standard pay scale for teachers of kindergartens and child care centres was recommended for the Government's reference to make the salaries for both kinds of teachers comparable to each other. Further, the range of services provided can also be standardized so that every child will receive education of a similar standard and pay school fee of a similar amount.

Madam Deputy, pre-primary education greatly affects the intellectual and psychological development of a child. Although there is as yet no conclusive evidence of the extent of its influence, pre-primary education should certainly be considered as part of formal education regardless of any reservations one may have about its achievements. Besides, any step to improve pre-primary education should not impose pressure on children who should receive a happy and relaxed pre-primary education in a learning environment, free of worries and stress.

We have already discussed the question of pre-primary education for 10 years which is a very long period of time. I think action should now be taken.

With these remarks, I support the motion.

MR FRED LI (in Cantonese): Madam Deputy, pre-primary education is becoming part of universal education in recent years. The great majority of parents in Hong Kong would like their children to enter kindergartens or child care centres in order to let them get used to their future primary school life earlier. As a matter of fact, specialists who study the course of children's growth would agree that pre-school childhood is a very important stage in a person's life in terms of physical, psychological, intellectual, linguistic, social and moral development. There is the saying that "the child is father of the man", which means that the childhood stage has a pivotal bearing on a person's growth in the years that follow.

Therefore, countries all over the world, such as Southeast Asian countries, have set very high standards in respect of the quality of pre-primary educators because they understand that educators for pre-school children are not just responsible for teaching pre-school children simple basic knowledge as ABC, but rather that in the process of teaching ABC, pre-school children are made to understand how to get along with others; that they are made to understand the rules of society and know how to express their ideas.



However, looking at what it is like in Hong Kong, despite the fact that our economic development is quite advanced, we have lagged behind the fact in terms of the importance attached to pre-primary education.

Although members of the public have all along been asking the Government to give direct subsidy to pre-primary education and work out strategies for the unification of pre-primary services — and they have even asked for the consolidation of the service objectives of kindergartens and child care centres — yet over the past 10 years or so the Government has never taken the matter of pre-primary education seriously, and it has virtually "handed in an unanswered examination paper" as regards the unification of pre-primary services.

Let me now bring up old scores again. The Government set up a working party in 1989, in response to the recommendations of the *Education Commission Report No. 2* which was published in 1986, to study the problem of pre-primary education. Yet, we understand that since the setting up of the working party, the subject of pre-primary education has never been put on the agenda for discussion; besides, there has not been any meeting held during the past year, and the working party virtually exists in name only.

Madam Deputy, it is undeniable that the Government has been dodging the issue of pre-primary education for many years. This stalling tactic of the Government has already given rise to a lot of problems concerning pre-primary education policies.

The most notable one of these problems concerns children's ability to adapt. The Honourable TIK Chi-yuen has mentioned that the quality of service of most child care centres at present is higher than that of kindergartens generally. This is because almost 80% of staff of child care centres have received formal training. For this reason, many parents would arrange for their children to enter child care centres. Later on, the parents would need to have their children attend kindergartens where emphasis is placed on the curriculum so that the children will be able to adapt to primary school life. Thus, children at a very young age are made to adapt to two different kinds of learning environment in a short time span, and indeed, this will bring about adverse effects.

We hope that full-scale and quality pre-primary services can be provided to our next generation. The Government should be pragmatic enough to have the sincerity to study and work out measures for the unification of pre-primary services.

I understand that quite a number of views on the unification of kindergartens and child care centres have been aired recently by organizations and bodies that are concerned about pre-primary services and are fighting for the same cause. They are concerned about how measures for the unification of pre-primary services can be hammered out through an effective mechanism.

Over the past years, people engaged in pre-primary services had been working silently. They had been hoping that the Government would help improve the quality of existing services. Now that the Government is starting to pay attention to kindergartens subsidization and teacher training, we hope that the government officials concerned will bear in mind that child care centre service is yet to be improved.

At present, over 30 000 children are attending child care centres whereas child care centre workers are over 3 300 in number. Child care service is being co-ordinated by the Social Welfare Department. However, it has never been given fair treatment for many years.

We hope that the Government can take its first step towards the goal of unifying pre-primary services. We believe that only by doing so can the pay and conditions of service for pre-school educators be taken seriously; other areas in relation to the unification of pre-primary services that ought to be co-ordinated and looked into, such as service standard, content of curricula and teacher training, can hence be addressed.

Unification of pre-primary services is the goal fought for by the education sector for over 10 years. The Government has been sitting back and doing nothing, which is most regrettable. We hope that there will be new hope as from today on and that the Government will really take action, listen to the voice of the public and organizations in the private sector and immediately set about devising measures for the unification of pre-primary services.

Madam Deputy, with these remarks, I support the Honourable TIK Chi-yuen's motion.

DR YEUNG SUM (in Cantonese): Madam Deputy, pre-primary education is the transition which takes a child from the family to the school. It is the starting-point for all forms of formal education. What the child learns at this initial stage is the basis on which the child grows. Hence, pre-primary education is not just taking care of the child but it helps develop potential of the child physically and mentally. This is where the significance of it lies. Regrettably, however, the Government has all along let this sector of schooling to survive on its own. There has never been adequate commitment or effective monitoring. Whilst the Government is boldly expanding tertiary education, it is shirking its responsibility towards pre-primary education. It still fails to face up to the pre-primary sector's significance to overall education.

Back in 1980, the Government had in fact come up with a Green Paper on the review of pre-primary education, affirming the importance of kindergarten education and at the same time pointing out that kindergarten and child care centre education should be consistent. In the *Education Commission Report No. 2* then published in 1986, there was a recommendation that there should be unification of pre-primary education services with same monitoring standards

and measures. However, up to the present moment, how much has the Government done in terms of unification and reform of pre-primary education? What commitment has been made by the Government?

Madam Deputy, for more than 10 years, we have waited in vain for a sound system of pre-primary education. How much more time do we have to waste before the recommendations in the Report will be implemented? Look at the rapid development in various sectors of education. Why is it that the Government is still turning a deaf ear to the fragmented system of pre-primary education?

Pre-primary education now in Hong Kong has two components - kindergartens and child care centres. But they come under two different government departments and are supervised under two sets of legislation. As a result, in respect of teacher training, salary and standard of service, there are two sets of standards, giving rise to a number of problems with regard to the transition from one to another. Therefore, to improve pre-primary education, the urgent task in front of us is to unify the different aspects of pre-primary education and implement the following three items of standardization.

Firstly, salary should be standardized for the kindergarten teachers and child care workers. At present, their salaries are based on two completely different pay scales which differ both in entry point and maximum point. For example, for kindergarten teachers who have received training under the two-year part-time scheme or the one-year full-time scheme, the entry point and maximum point proposed by the Government are 10 and 18 respectively. For child care workers with the same training, the entry point is six points lower while the maximum is five points lower. More importantly, child care workers have longer working hours and fewer holidays when compared to kindergarten teachers. It is therefore not surprising to see a high wastage of child care workers. In this regard, the Government should formulate a standardized pay scale which applies to both kindergarten teachers and child care workers according to their qualifications, working experience, daily working hours and days of leave. With unification and standardization of salary, we can recruit and retain qualified professionals who can dedicate themselves to pre-primary education.

Secondly, teacher training programmes for kindergartens and child care centres should be standardized. The Government should set up a uniform pre-school teacher training programme. This will, apart from enhancing the overall training for pre-primary school teacher, enable the trainees to have qualifications that will be recognized by both kinds of institutions. Besides offering the trainees more options, this will fit in with the standardized salary scale and facilitate pay computation.

Thirdly, school premises and level of teaching should be standardized for kindergartens and child care centres. To achieve this, the Government should review and consolidate current legislation with regard to the monitoring of pre-school

education and also formulate a set of unified standards of service for kindergartens and child care centres to ensure that the size of activity areas, the number of classes, teacher-student ratios and so on are of a consistent standard of service.

However, Madam Deputy, given the present fragmented monitoring framework of our Government, if we want to achieve unification, we can only do that through a coordinating body. At the present moment, conditions are obviously inadequate for that purpose. Therefore, the priority task now confronting us is to set up an inter-departmental working group with representatives from various government departments concerned and from the kindergarten and child care centre sectors so that they can review in an overall manner the pre-primary education policy and implement the relevant recommendations. That will be taking a positive and constructive first step for the future of our children.

With these remarks, I support Mr TIK Chi-yuen's motion.

SECRETARY FOR EDUCATION AND MANPOWER: Madam Deputy, I would like to first of all thank all the Members who have spoken and expressed their views in this debate. They indicate once again the priority and importance Members and the wider community attach to pre-primary education. We share a lot of common ground with many Members in this debate. It is indeed the Government's aim to improve the quality of our pre-primary education to match rising community expectations.

#### *Improvements to kindergarten education*

It is the Government's policy that pre-primary education should remain non-compulsory and that it should continue to be provided by the private sector. Within this broad policy framework, the Government is committed to a programme of support and improvements which aim to facilitate children of the relevant age group to have access to quality kindergarten education.

We have already done quite a lot in this direction. Financial assistance has been provided to non-profit-making kindergartens by way of reimbursement of rents and rates. To improve the quality of their teachers, basic and advanced training courses were organized, curriculum guidelines produced, and normative salary scales recommended for adoption by kindergarten operators. Legislation was also introduced to provide for a minimum teacher to pupil ratio; and a fee remission scheme introduced for needy parents. As a result of these improvement measures, the wastage of kindergarten teachers has been considerably reduced, from 30% a few years ago to less than 20% last year.

But we accept that we need to do more. In the context of this year's policy address and in response to the recommendations submitted by the Ad Hoc Subcommittee of the Board of Education on Pre-primary Education earlier in the year, the Government has embarked on more initiatives. These include:

- (a) Spending 54% more on the fee assistance scheme to enable 4 000 more children to benefit;
- (b) Raising the minimum qualifications for kindergarten teachers from completion of Secondary III to completion of Secondary V with at least two passes in the Hong Kong Certificate of Education Examination;
- (c) Spending \$163 million in the next four years to improve and expand training for kindergarten teachers, including the provision of additional training courses for 1 130 serving teachers in 1995-96, and the introduction of a new certificate course in the same year. We are working closely with the Hong Kong Institute of Education on these courses, and I welcome the assurance given to this Council by the Honourable Simon IP, in his capacity as Chairman of the Institute; and
- (d) We also require each kindergarten to have at least 40% of their teachers who have completed basic training by September 1995 and by September 1997 we will require at least 40% of the teachers should have completed advanced training.

In addition, we have undertaken to examine the question of directly subsidizing kindergartens and take a decision on this matter in 1995.

This last commitment has been the subject of lively discussion in this Council and the wider educational community since it was announced.

The case for introducing direct subsidy to kindergartens has been well argued by Members who have spoken. An important objective of this proposal is to enable kindergartens to pay their trained teachers at salaries recommended by the Government so that they may retain expertise, reduce wastage, and hence improve the quality of kindergarten education. We accept the logic of this argument. However, given the wide range of kindergartens in operation — half-day and full-day; profit-making and non-profit-making; and the widely different levels of fees chargeable — the formulation of a suitable subsidy scheme is a complex exercise. An exercise not made easier by the fact that a large number of kindergartens are not paying their trained teachers recommended salaries; not made easier by the fact that individual kindergarten fees range from a few hundred dollars at one end of the spectrum to a few thousand dollars at the other end with vast variations in between; and above all by the need to take full account of the repercussions on the levels of fees which kindergarten operators would have to charge in order to pay their trained

teachers at recommended salaries. Also, another area we must examine carefully is the implication of such subsidy on the operation of our child care centres, an important aspect which Members would not wish us to overlook.

We are, at the moment, examining this complex subject urgently with a view to devising an appropriate and workable subsidy scheme as soon as practicable. Thereafter, provided that the necessary policy approval can be obtained and funding secured, we hope to make a start on the scheme in September 1995. This is the best we can plan to achieve under the present circumstances.

#### *Unification of pre-primary services*

I now turn to the proposal to unify pre-primary services.

The question of unification of kindergartens and child care centres was considered by the Executive Council in October 1989 in the context of examining the recommendations in the Education Commission Report No. 2. The view of the Administration then was that child care centres and kindergartens served different functions. In the case of child care centres, the primary objective was to provide care for and to meet the developmental needs of the very young children whose parents cannot look after them during the day. In the case of kindergartens, the primary objective is to provide pre-school education, albeit of an informal and non-academic kind. This role differentiation remains a reality at present.

To follow up the recommendations in the Education Commission Report No. 2, a Working Party was established in 1990, under the chairmanship of the Deputy Director of Education, to advise on improvements to kindergartens and on the practicalities of unifying all pre-primary services. As stated in its terms of reference, priority was given to improvements to kindergartens as the latter aim is a long-term goal. As a result, the Working Party has yet to look at the practicalities of unification.

Unification of pre-primary services in terms of common regulatory standards and requirements, financing mode, staff qualification and salary, staff training programme and curriculum will have wide implications on both types of institutions. This is recognized by successive working parties appointed to examine the issue. Invariably, they have concluded that unification should be approached with great care and that it should be a long-term goal.

Irrespective of these past studies, we see the need to address this difficult issue early as we seek further improvements to the kindergarten sector. We have therefore decided to take a fresh look at the problem. In this regard, the recommendations from the Ad Hoc Subcommittee of the Board of Education on Pre-primary Education should serve as a good starting point. As Members may be aware, this Subcommittee has recommended that priority consideration should be given to the development of a common curriculum comprising both

education and care; the provision of common teacher training courses; and the narrowing of the gap in the standards of provision applicable to both kindergartens and child care centres. These sound reasonable starting points. I shall therefore ask the said Working Party to start work on these issues as soon as possible.

Following consultation with the Secretary for Health and Welfare, we shall strengthen the Working Party by appointing to it four additional members, namely:

- one representative from the Social Welfare Department as co-chairman;
- two representatives from the child care sector; and
- one representative from the Health and Welfare Branch.

These additional appointments, plus the existing members which include one representative from the Education and Manpower Branch and two representatives from the kindergarten operators, should provide the breadth and depth of experience and expertise required to take this important task forward. But I have to point out once again that unification of these two types of institutions is a very complicated subject affecting thousands of staff and more than 200 000 children. We must not therefore sacrifice prudence for speed. I expect the Working Party to submit its recommendations to the Secretary for Health and Welfare and to myself before the end of 1995.

Mr President, while we are working as quickly as we can on the question of direct subsidy, a policy decision has yet to be taken and the funding has yet to be secured. So while the Administration is in principle in support of measures to further improve the quality of kindergarten education and we have also accepted the need to address the question of unification of kindergartens and child care centres, it would not be appropriate for us to commit the Government to this motion at the present stage. *Ex officio* Members will therefore abstain from voting on this motion.

THE PRESIDENT resumed the Chair.

PRESIDENT: Mr TIK Chi-yuen, do you wish to reply? You have four minutes and 25 seconds out of your original 15 minutes.

MR TIK CHI-YUEN (in Cantonese): Thank you, Mr President. First of all, I would like to express my gratitude to the 16 Members who spoke. That the Members have been so keen to speak on the motion serves to demonstrate the vast concern we have with regard to the issue of pre-primary education. The

following points of consensus can be detected from the speeches that have been delivered by the Members:

Firstly, we hold that pre-primary education is a necessity; not only is it necessary, it is of extreme importance.

Secondly, we agree that the Government's commitment to pre-primary education is far from sufficient — the deficiency manifests itself in the absence of a long-term strategy and the lack of financial commitment.

Thirdly, faced with the Government's repeated delay in improving pre-primary education, we have been driven to the limits of forbearance. We have been kept waiting for over a decade. We may have to take further action if we are told that we will have to keep on waiting.

Fourthly, the Government must immediately implement the following: 1) start subsidizing kindergartens from 1995 because we hold that the provision of training to teachers and the provision of subsidies to schools must proceed by way of a two-pronged approach if the current problem is to be resolved; 2) unify pre-primary services so that Child Care Centres may develop at the same pace as do kindergartens through the unification process.

I am pleased with one of the points raised by the Secretary in response to the Members' speeches when he said that the Administration shared a lot of common ground with Members in that both aim at improving the quality of our pre-primary education. In his speech, the Secretary also mentioned some of the specific measures undertaken by the Government in recent years. We have to, of course, concede that some improvements have been achieved but the Government must also be aware that the improvements still lag far behind the expectations of both the Members and the education workers.

We agree that a number of practicalities are involved in offering subsidies to kindergartens but I would like to inform Members that the Board of Education has in fact held a lot of discussions on overcoming these technical problems and we hope that these discussions will not be futile endeavours. I hope that the departments concerned can go over the record of these meetings and buckle down to dealing with the practicalities involved as soon as possible. We welcome the Government's undertaking that priority will be given to coping with the technicalities, but I must emphasize that the presence of technicalities should not be the pretext for any further delay in the launching of a subsidy scheme for kindergartens. We still have time to resolve the technical problems but it is our ardent hope that implementation of the subsidy scheme will start in 1995. I am glad to hear from Mr LAM Woon-kwong just now that the Government also cherishes the same hope. This is, however, a post-dated cheque. Let us wait and witness the honouring of such a cheque.



The unification of pre-primary services is of course very complicated. Yet the complexity should not deter us from taking the first step forward. It is never our wish to balk at complex problems whenever they crop up; on the contrary, we must be poised to take the first step forward in spite of complex problems.

The Secretary also referred to the strengthening of the Working Party. I feel that, without the Education and Manpower Branch and the Health and Welfare Branch playing the leading role, the Working Party may not be effective enough when it comes to facilitating the policy changes. I request the officials of the Education and Manpower Branch and the Health and Welfare Branch currently sitting on the Working Party to pay special attention to this particular point.

The timetable of the Government suggests that the recommendations be submitted before the end of 1995. Such timing is a far cry from what the educationists expect. We expect the recommendations be put forward by mid-1995, that is, around April next year. We would continue to follow-up this matter with the Government. Why should the report be submitted as late as the end of 1995?

When we walked into the Legislative Council Building a while ago, we were presented with some pretty cartoon placards by the education workers. On these placards, .....

PRESIDENT: Mr TIK Chi-yuen, you should not display any material that is not necessary for your presentation.

MR TIK CHI-YUEN (in Cantonese): I thought these placards are so lovely that I would be allowed to display them. There is an important message inside the placard — the earnest hope that the Government will improve pre-primary education in a positive manner. This is also the earnest hope of the Democratic Party. The last sentence inside the placard spells out the hope that we will persist in the course. On this issue, the Democratic Party vows to persist in the course.

Thank you, Mr President.

*Question on the motion put and agreed to.*

**ADJOURNMENT AND NEXT SITTING**

PRESIDENT: In accordance with Standing Orders I now adjourn the Council until 2.30 pm on Wednesday 30 November 1994.

*Adjourned accordingly at five minutes past Six o'clock.*

*Note:* The short titles of the Bills/motions listed in the Hansard, with the exception of the Employees Retraining (Amendment) Bill 1994, the Dumping at Sea Bill and the Marine Parks Bill, have been translated into Chinese for information and guidance only; they do not have authoritative effect in Chinese.

**WRITTEN ANSWERS****Annex I****Written answer by the Secretary for Works to Mrs Selina CHOW's supplementary question to Question 2**

The consultancy study, entitled West Kowloon Stormwater Drainage Improvement Study, commenced in June 1994 and will take 16 months to complete. The study covers the whole West Kowloon hinterland drainage basin, from Tsim Sha Tsui in the south up to Mei Fu in the north. The aim of the study is to investigate the aging drainage system, to assess its capacity to cope with existing and anticipated future demands and to recommend improvements to the system to achieve a 1 in 200 years flooding protection standard.

When the study is completed in October 1995, the design and construction of improvement works will follow based on an accepted implementation programme. The consultants will recommend a prioritized scheme of improvement works for staged implementation to bring about improvement as soon as possible, taking into account the difficulties of upgrading an extensive drainage system in a congested urban environment. It is expected that construction works will start in mid-1997 and be completed in stages over the period 2000 to 2003.

While we will have to wait some time before satisfactory improvement to the drainage system materializes, the drainage works now being constructed in association with the West Kowloon reclamation project will reduce the flooding risk of the area significantly when they are largely completed at the end of 1995.

**Annex II****Written answer by the Secretary for Works to Mr Albert CHAN's supplementary question to Question 2**

The Government has devoted considerable resources and manpower in 1994-95 and 1995-96 financial years in commissioning the consultancy study entitled West Kowloon Stormwater Drainage Improvement Study, which aims to investigate and recommend comprehensive improvements to the drainage system of the whole West Kowloon area. The study, costing some \$16 million, has commenced in June 1994 and will be completed in October 1995. Following on that, we will seek the necessary resources to carry out the improvement works recommended by the study.

**WRITTEN ANSWERS — *Continued***

Drainage works are already being constructed in association with the West Kowloon reclamation project. These works amount to several hundreds of millions and represent a considerable investment devoted to drainage. Although these works are primarily meant to maintain the capacity of the existing drainage system, they are constructed in such a way that, where site conditions permit, they will as far as possible improve the drainage system. When these works are largely completed at the end of 1995, the flooding risk in the area will be much reduced.

**Annex III****Written answer by the Secretary for Transport to Mr LAU Chin-shek's supplementary question to Question 3**

The following is a list of existing depot sites that KMB and CMB currently have.

**KMB Depots**

	<i>Location</i>	<i>Acquisition</i>
1.	Kwun Tong KTIL 240	Public Auction
2.	Lai Chi Kok NKML 3	Purchase in Open Market from a Private Seller
3.	Tuen Mun TMTL 80	Public Auction
4.	Tuen Mun TMTL 81	Public Auction
5.	Tuen Mun TMTL 82	Private Treaty Grant
6.	Sha Tin	Public Auction
7.	Kowloon Bay	Private Treaty Grant

**WRITTEN ANSWERS — *Continued*****CMB Depots**

	<i>Location</i>	<i>Acquisition</i>
1.	Heung Yip Road AIL No. 401	Private Treaty Grant
2.	Wong Chuk Hang Road AIL No. 338 and 339	Public Auction
3.	Chai Wan Road CWIL No. 88	Surrender and Regrant

**Annex IV****Written answer by the Secretary for Housing to Mr Edward HO's supplementary question to Question 4**

According to the Housing Department, in the past year, around 430 successful tenant purchasers applied for extension to surrender their public rental units beyond the two-month stipulated period mostly on grounds of delay in decoration work or repair done to defects in the Home Ownership Scheme flats. Some asked for extension in order that their children could complete the school term before moving out. The average extension period for these cases is 1.9 months. No penalties were levied on these purchasers. However, they were required to pay rents for their rental units during the extension period.

**Annex V****Written answer by the Secretary for Constitutional Affairs to Mr Henry TANG's supplementary question to Question 5**

Legal sanction against the misuse of information obtained from the voter register is a new provision in the two Boundary and Election Commission Regulations gazetted on 11 November and introduced into the Legislative Council on 16 November. These two Regulations have not come into operation yet as they are still under the Legislative Council's scrutiny. Hence, there has not been any prosecution of such offences.

We are also not aware of information obtained from the voter register being misused in the past, although media reports at time mentioned such a possibility, but we have no record of any formal allegation.

**WRITTEN ANSWERS — *Continued*****Annex VI****Written answer by the Secretary for Planning, Environment and Lands to Mr TIK Chi-yuen's supplementary question to Question 6**

According to the measurements taken at Choi Yuen Estate, the average noise levels before and after the provision of noise mitigation measures was 72.4dB(A) (measured on 31 August and 1 September 1993 from 9 pm to 7 am) and 67.9dB(A) (measured on 8 and 9 November 1994 at the same time period) respectively. In other words, there has been a reduction in the average noise level of 45 dB(A).

