

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 8 October 2003

The Council met at half-past Two o'clock

MEMBERS PRESENT:

THE PRESIDENT

THE HONOURABLE MRS RITA FAN HSU LAI-TAI, G.B.S., J.P.

THE HONOURABLE KENNETH TING WOO-SHOU, J.P.

THE HONOURABLE JAMES TIEN PEI-CHUN, G.B.S., J.P.

THE HONOURABLE CYD HO SAU-LAN

THE HONOURABLE ALBERT HO CHUN-YAN

IR DR THE HONOURABLE RAYMOND HO CHUNG-TAI, J.P.

THE HONOURABLE LEE CHEUK-YAN

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

DR THE HONOURABLE ERIC LI KA-CHEUNG, G.B.S., J.P.

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

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

DR THE HONOURABLE LUI MING-WAH, J.P.

THE HONOURABLE NG LEUNG-SING, J.P.

THE HONOURABLE MARGARET NG

THE HONOURABLE MRS SELINA CHOW LIANG SHUK-YEE, G.B.S., J.P.

THE HONOURABLE JAMES TO KUN-SUN

THE HONOURABLE CHEUNG MAN-KWONG

THE HONOURABLE HUI CHEUNG-CHING, J.P.

THE HONOURABLE BERNARD CHAN, J.P.

THE HONOURABLE CHAN KAM-LAM, J.P.

THE HONOURABLE MRS SOPHIE LEUNG LAU YAU-FUN, S.B.S., J.P.

THE HONOURABLE LEUNG YIU-CHUNG

THE HONOURABLE SIN CHUNG-KAI

THE HONOURABLE ANDREW WONG WANG-FAT, J.P.

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

THE HONOURABLE WONG YUNG-KAN

THE HONOURABLE JASPER TSANG YOK-SING, G.B.S., J.P.

THE HONOURABLE HOWARD YOUNG, S.B.S., J.P.

DR THE HONOURABLE YEUNG SUM

THE HONOURABLE YEUNG YIU-CHUNG, B.B.S.

THE HONOURABLE LAU CHIN-SHEK, J.P.

THE HONOURABLE LAU KONG-WAH, J.P.

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

THE HONOURABLE MIRIAM LAU KIN-YEE, J.P.

THE HONOURABLE AMBROSE LAU HON-CHUEN, G.B.S., J.P.

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

THE HONOURABLE CHOY SO-YUK

THE HONOURABLE ANDREW CHENG KAR-FOO

THE HONOURABLE SZETO WAH

DR THE HONOURABLE LAW CHI-KWONG, J.P.

THE HONOURABLE TAM YIU-CHUNG, G.B.S., J.P.

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

THE HONOURABLE ABRAHAM SHEK LAI-HIM, J.P.

THE HONOURABLE LI FUNG-YING, J.P.

THE HONOURABLE HENRY WU KING-CHEONG, B.B.S., J.P.

THE HONOURABLE TOMMY CHEUNG YU-YAN, J.P.

THE HONOURABLE MICHAEL MAK KWOK-FUNG

THE HONOURABLE ALBERT CHAN WAI-YIP

THE HONOURABLE LEUNG FU-WAH, M.H., J.P.

DR THE HONOURABLE LO WING-LOK, J.P.

THE HONOURABLE WONG SING-CHI

THE HONOURABLE FREDERICK FUNG KIN-KEE

THE HONOURABLE IP KWOK-HIM, J.P.

THE HONOURABLE LAU PING-CHEUNG

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

THE HONOURABLE MA FUNG-KWOK, J.P.

MEMBERS ABSENT:

DR THE HONOURABLE DAVID CHU YU-LIN, J.P.

THE HONOURABLE CHAN KWOK-KEUNG, J.P.

THE HONOURABLE CHAN YUEN-HAN, J.P.

THE HONOURABLE TIMOTHY FOK TSUN-TING, S.B.S., J.P.

PUBLIC OFFICERS ATTENDING:

THE HONOURABLE DONALD TSANG YAM-KUEN, G.B.M., J.P.
THE CHIEF SECRETARY FOR ADMINISTRATION

THE HONOURABLE HENRY TANG YING-YEN, G.B.S., J.P.
THE FINANCIAL SECRETARY

THE HONOURABLE ELSIE LEUNG OI-SIE, G.B.M., J.P.
THE SECRETARY FOR JUSTICE

THE HONOURABLE MICHAEL SUEN MING-YEUNG, G.B.S., J.P.
SECRETARY FOR HOUSING, PLANNING AND LANDS

PROF THE HONOURABLE ARTHUR LI KWOK-CHEUNG, G.B.S., J.P.
SECRETARY FOR EDUCATION AND MANPOWER

DR THE HONOURABLE YEOH ENG-KIONG, J.P.
SECRETARY FOR HEALTH, WELFARE AND FOOD

THE HONOURABLE JOSEPH WONG WING-PING, G.B.S., J.P.
SECRETARY FOR THE CIVIL SERVICE

DR THE HONOURABLE PATRICK HO CHI-PING, J.P.
SECRETARY FOR HOME AFFAIRS

THE HONOURABLE STEPHEN IP SHU-KWAN, G.B.S., J.P.
SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR

DR THE HONOURABLE SARAH LIAO SAU-TUNG, J.P.
SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

THE HONOURABLE FREDERICK MA SI-HANG, J.P.
SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY

THE HONOURABLE STEPHEN LAM SUI-LUNG, J.P.
SECRETARY FOR CONSTITUTIONAL AFFAIRS

THE HONOURABLE AMBROSE LEE SIU-KWONG, IDSM, J.P.
SECRETARY FOR SECURITY

THE HONOURABLE JOHN TSANG CHUN-WAH, J.P.
SECRETARY FOR COMMERCE, INDUSTRY AND TECHNOLOGY

PROF LAU SIU-KAI, J.P.
HEAD, CENTRAL POLICY UNIT

CLERKS IN ATTENDANCE:

MR RICKY FUNG CHOI-CHEUNG, J.P., SECRETARY GENERAL

MR LAW KAM-SANG, J.P., DEPUTY SECRETARY GENERAL

MR RAY CHAN YUM-MOU, ASSISTANT SECRETARY GENERAL

TABLING OF PAPERS

The following papers were laid on the table pursuant to Rule 21(2) of the Rules of Procedure:

Subsidiary Legislation/Instruments	<i>L.N. No.</i>
Road Traffic (Temporary Reduction of New Territories Taxi Fares) Regulation 2003 (Repeal) Regulation.....	187/2003
Road Traffic (Temporary Reduction of New Territories Taxi Fares) (No. 2) Regulation 2003 (Repeal) Regulation	188/2003
Legislative Council (Amendment) Ordinance 2003 (25 of 2003) (Commencement) Notice 2003	189/2003
Specification of Public Office	192/2003
Practising Certificate (Solicitors) (Amendment) Rules 2003.....	193/2003
Fire Services (Amendment) Ordinance 2003 (7 of 2003) (Commencement) Notice 2003	194/2003
Betting Duty (Amendment) Ordinance 2003 (29 of 2003) (Commencement) Notice 2003	195/2003
Aerial Ropeways (Operation and Maintenance) (Amendment) Regulation 2003 (L.N. 122 of 2003) (Commencement) Notice 2003	196/2003
Public Health and Municipal Services Ordinance (Public Markets) (Designation and Amendment of Tenth Schedule) Order 2003.....	197/2003
Declaration of Markets Notice (Amendment) Declaration 2003.....	198/2003

Rules of the High Court (Amendment) Rules 2003 (Repeal) Rules.....	199/2003
Tax Reserve Certificates (Rate of Interest) (No. 3) Notice 2003.....	200/2003
Foreign Lawyers Practice (Amendment) Rules 2003 (L.N. 111 of 2003) (Commencement) Notice 2003.....	201/2003
Import and Export (General) Regulations (Amendment of Seventh Schedule) (No. 6) Notice 2003	202/2003
Tax Reserve Certificates (Rate of Interest) (No. 4) Notice 2003.....	203/2003
Public Health and Municipal Services Ordinance (Public Pleasure Grounds) (Amendment of Fourth Schedule) (No. 3) Order 2003.....	204/2003
Statutes of the University of Hong Kong (Amendment) (No. 3) Statute 2003	205/2003
Declaration of Change of Title (The Hong Kong Society of Notaries) Notice 2003.....	206/2003
Airport Authority Ordinance (Map of Restricted Area) Order (Cap. 483 sub.leg. G) (Commencement) Notice 2003.....	207/2003
Air Passenger Departure Tax Ordinance (Amendment of Second Schedule) Order 2003	208/2003
Matrimonial Causes (Amendment) Rules 2003.....	209/2003
Import and Export (General) Regulations (Amendment of Seventh Schedule) (No. 7) Notice 2003	210/2003
Copyright (Amendment) Ordinance 2003 (27 of 2003) (Commencement) Notice 2003	211/2003

Dutiable Commodities (Amendment) Regulation 2003 (L.N. 136 of 2003) (Commencement) Notice 2003.....	212/2003
Statutes of The Chinese University of Hong Kong (Amendment) (No. 2) Statute 2003.....	213/2003

Other Papers

- No. 1 — Report by the Trustee of the Customs and Excise Service Children's Education Trust Fund for the year ending 31 March 2003, together with the Director of Audit's Report and the Audited Statement of Accounts
- No. 2 — Summary of the Statement of Accounts of the Customs and Excise Service Welfare Fund, together with the Director of Audit's Report and the Audited Statement of Accounts
- No. 3 — The Legislative Council Commission Annual Report 2002-2003

ORAL ANSWERS TO QUESTIONS

PRESIDENT (in Cantonese): Members and officials, today is the first Council meeting of this Session, the last of the four Legislative Sessions. I hereby wish everybody success, and that efforts made would pay off and win the recognition of the public.

Questions. First question.

Loan Guarantee Scheme for Four Industries Badly Hit by the Atypical Pneumonia Epidemic

1. **MR HOWARD YOUNG** (in Cantonese): *Madam President, the Government set up a \$3.5 billion Loan Guarantee Scheme this year as one of the relief measures for four industries, namely, tourism, catering, retail and*

entertainment, which had been badly hit by the atypical pneumonia epidemic. In this connection, will the Government inform this Council:

- (a) of the respective numbers of applications received and approved in respect of each industry;*
- (b) of the number of borrowers, or whether there are borrowers who closed down their business after having secured loans; and*
- (c) whether it has assessed the effectiveness of the Scheme; if it has, of the outcome of its assessment?*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam President, first of all, I wish to thank Mr Howard YOUNG for offering me the chance to reply to the first question of this Legislative Session. My reply to the question is as follows:

- (a) A total of 1 802 applications for the Government Loan Guarantee Scheme for Severe Acute Respiratory Syndrome (SARS) impacted industries were received. Of these, 1 559 applications totalling \$499,204,781, were approved. Together, the successful applicants employ 18 236 staff. As the lending institutions only keep statistics on approved loans by industries, we are unable to provide a breakdown of all applications by industries. A breakdown of the number and the amount of approved loans by industries is at the Annex.
- (b) As at present, we have not received any information from lending institutions about closure of businesses by successful loan applicants after their loan drawdown. Under our arrangement with the lending institutions, the loan shall be repayable over a maximum of 24 monthly instalments from the seventh month on a reducing balance basis after the date of the initial drawdown. If a business closes down and as a result the operator and the shareholder guarantor(s) are unable to repay the loan for more than 60 days, the lending institutions may request the Government to repay the loan under the government guarantee of this Scheme. So far, we have not received any such request for government payment.

- (c) This low-interest loan guarantee scheme was set up to provide short-term cash-flow relief to industries with serious cash-flow problems as a result of the significant business downturn due to the outbreak of SARS. The primary objectives were to help the needy operators tide over the difficult period and to preserve the jobs of the companies concerned. As I have just mentioned, we have not received any information from lending institutions about closure of businesses by successful loan applicants after their loan drawdown, nor have we received any request for government payment in default cases. Bearing in mind that the borrowing companies employ a total of 18 000-odd people and that the Scheme has helped them tide over the difficult period, the Scheme has achieved its intended objectives.

Annex

Number of approved loans and the respective amount by industries

<i>Type of Industry</i>	<i>No. of Approved Loans</i>	<i>Amount of Loans (HK\$)</i>	<i>No. of Employees</i>
Retail Businesses	890 (57.1%)	163,826,041 (32.8%)	4 446
Restaurants and Other Eating and Drinking Places	462 (29.6%)	267,106,792 (53.5%)	10 776
Travel Agents	151 (9.7%)	52,685,317 (10.6%)	2 339
Tourist Coach Operators	51 (3.3%)	14,498,996 (2.9%)	640
Hotels/Guesthouses	4 (0.2%)	788,000 (0.2%)	16
Karaokes	1 (0.1%)	299,635 (0.1%)	19
Total	1 559 (100%)	499,204,781 (100%)	18 236

MR HOWARD YOUNG (in Cantonese): *Madam President, when this Scheme was first launched and when the relevant industry was seeking the approval of Members, Hong Kong was at its lowest point under the rampant SARS attack. However, today, it seems that they are among the first to recover from the impact, and everybody is happy about that. However, I notice that the figure of winding up of businesses within the tourism sector has surged drastically in several months during the second quarter. Of course, the same thing would happen every year, but the figure has actually gone up. Was it due to hiccups in the initial operation of the Scheme that assistance could not be offered to these businesses which had already closed down? In particular, has the Secretary received any complaint in this respect pinpointing the shortcoming of the Scheme when it was first launched?*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): *Madam President, I believe Mr Howard YOUNG knows very well that the most difficult time was the second quarter, that is, the period between April and June, when the atypical pneumonia epidemic was hitting Hong Kong the hardest. For that reason, I believe Honourable Members understand why the number of cancellation of registration of travel agents went up. Since business was difficult during that period, the number of travel agents rise. However, the figure of the third quarter saw an obvious back. Actually, the third quarter registered 50-odd new travel agents. What I mean is, compared with the same period of last year, there were 50-odd travel agents more in the third quarter. Relatively, there was some growth in the second and third quarters. Thus it can be seen that there has been improvement in business. Furthermore, the introduction of the Scheme did help to a certain extent. Certainly, I also remember that some requirements were relatively stringent when this loan scheme was launched on 5 May, but we conducted a quick review just in three weeks and came to this Council to inform Members that certain requirements had been relaxed, such as the relaxation of guarantee from 90% to 70%, and in addition to allowing the applicant to use the balance of the loan to meet payment of staff salaries, it could also be used for payment of rents or as operating funds. I believe this flexibility can help travel agents and other industries.*

MRS SELINA CHOW (in Cantonese): *Madam President, although we can see from the main reply that around 57% retail businesses were granted loans, with*

regard to the number, only the applications of 890 businesses were approved. In fact, that number only accounts for a small number of the tens of thousands retailers in Hong Kong. Nevertheless, may I ask the Secretary, with regard to retail businesses that fail to obtain the approval, under what circumstances were their applications rejected?

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): In fact, Honourable Members can see that there were 1 800 applications in total and 1 599 cases were approved, so the success rate was 87%; and about 243 cases were rejected. Honourable Members should bear in mind that, the loans were actually approved by banks, not by the Government which was only playing the role of a guarantor. For that reason, the final decision of approving or rejecting the loan application rests with the banks. The major reasons for lending institutions rejecting these applications in the course of consideration, as far as we know, include: firstly, the trade was not included in the scope of the Scheme; secondly, the decrease in turnover or income of the applicant in April this year was less than 30% compared to the past three months; and thirdly, banks would check the record of cheque dishonouring of applicants, so if an applicant had a record of five times of cheque dishonouring, then his application would not be approved. Moreover, the bank would also examine whether 30% of the shares of the applicant are held by an overseas company. The bank would take these factors into consideration before deciding whether or not to approve a loan application.

MR SIN CHUNG-KAI (in Cantonese): *Madam President, I wish to ask the Secretary but actually I have forgotten the ceiling, it should be several billion dollars. However, now that SARS has subsided, does the Government have any plan to stop and terminate this Scheme at a certain time, or will it be launched again when SARS strikes next time? What is the arrangement for the remaining commitment?*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): I thank Mr SIN Chung-kai for his supplementary question. Honourable Members should remember that when we came to this Council to seek Members' approval for the launching of this Scheme, I pointed out that the closing date for applications under the Scheme would be 31 July. Of course,

the deadline has expired by now. For that reason, the number of applications can be seen from the main reply. However, please bear in mind that the earmarked sum is only a guarantee that the Government can undertake and the \$3.5 billion represents the maximum guarantee the Government can make, which is \$35 billion. Of course, as Members are also aware, actually the loan is \$500 million in total, in other words, the Government only guarantees \$500 million. It all depends on the size of bad debts before the Government makes any payment. As I said just now, to date, we have paid nothing, as it depends on the size of bad debts. In fact, we have paid nothing, we just provide the guarantee. In other words, those funds will be returned to the public coffers for other purposes as the Scheme was concluded on 31 July.

MR TOMMY CHEUNG (in Cantonese): *Madam President, the Secretary cited several reasons in his reply just now for banks not approving the loan applications and I am not going to repeat them. I have received telephone calls from the industry in the past few months, and most of them appreciated the loan guarantee arrangement made by the Government, while those who have their applications approved found them a great help. However, the major complaint was the lack of flexibility on the part of the relevant banks, such as the requirement on the six-month business records of applications. May I ask the Secretary if he will try to find out why some applications were not approved? In particular, some of the banks stated that the interest was too low and they could only gain a 2% profit. The original intention of the Government was good, because the interest would not be very high because of its guarantee, but as far as banks were concerned, the return was too small, therefore banks did not wish to undertake such loans even there was no risk at all. I hope the Government will think about it. Of course, I do not wish the industry had to get loans from the Government again, but I still hope the Secretary can think about conducting a review, and if the same thing happens in future, decisions of not approving loan applications should not be made by banks alone.*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam President, I thank Mr Tommy CHEUNG for the supplementary. I also believe the supplementary raised by Mr Tommy CHEUNG just now has reflected the reliable and prudent operation of banks in Hong Kong. Just as he said, the profit was guaranteed because the Government had given the guarantee, thus a 2% profit should be a good deal. Nevertheless,

banks also emphasized that it was their loans, and applicants were borrowing from them, even though the Government would act as the guarantor, the loans after all came from banks, and those banks had their own principle insofar as the lending of money was concerned. If a bank finds cheques of an applicant have been dishonoured for many times in the past, then it would consider there is risk in offering the loan. Although banks understand that the Government has provided the guarantee and the Government would pay eventually, they still consider it not prudent enough. Banks have their own way of dealing with loans, therefore we are not in a position to prescribe how they must handle them because we have to respect the banking practices. Certainly, we also hope there can be flexibility. In fact, we have ask for more flexibility with regard to restaurants and some other sectors, but I still wish to emphasize that as the loans are the loans of the banks, we could not require the banks to handle each and every case in accordance with our method.

PRESIDENT (in Cantonese): Mr Tommy CHEUNG, has your supplementary not been answered?

MR TOMMY CHEUNG (in Cantonese): *Madam President, what I wish to ask was that as banks considered the return was too small, they were reluctant to do the business. For that reason, will the Secretary think about how such loans should be handled in the future, if any? In fact, the Government is right as it hopes that we could pay a lower interest rate.*

PRESIDENT (in Cantonese): Mr CHEUNG, you may resume your seat after raising your supplementary on the unanswered part. Secretary, do you have anything to add?

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam President, for one thing, we hope there will not be any application like this in future and we need not to face such a situation again, and for another, not every bank was reluctant to offer the loan. Actually, of the 1 800 applications, almost 1 600 cases were approved, and the number of rejections was small. I believe Members can see which banks are doing business and which are not.

MR MICHAEL MAK (in Cantonese): *Madam President, we could see from the table in the Annex that the number of industries and shops was not as large as anticipated initially, and the amount of loan approved was just \$500 million, which was one seventh of the \$3.5 billion. Applications have now been closed, but only one seventh of the cases were successful. May I ask the Secretary, if the Government had consulted the sectors at the beginning to determine whether the need was so strong that such a loan guarantee amount should be put in place? Why has the success rate turned out to be so low now?*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam President, certainly we did conduct consultations. I think Members would remember that we did mention when we came to seek the approval of the Finance Committee that though the guarantee was \$3.5 billion, if Members asked me, I would rather not to get an allocation of \$3.5 billion as the less the better. It is because it could reflect the market and the need. If everybody needs the loan, then it would not be a good sign. However, of course, it really depends on the market. For example, there has been growth, eventually, in the retail sector. If Members asked me at that time — such as the situation of travel agents and the tourism industry as mentioned by Mr Howard YOUNG and Members should recall their situation was really bad, "Can anybody forecast that the number of tourists in September would bounce back so abruptly?" I believe that it could not be predicted that precisely. The most important thing is we have made the efforts and allocated some funds. Of course, deep down in our hearts, we do not wish to lend the entire loan amount, as what we wish most is the market recovering as soon as possible. Members should remember that we had launched a number of measures to stimulate consumer sentiment, and there were other measures to facilitate the recovery of the consumer market. I believe we should not judge whether or not the Scheme is a success merely on this basis.

PRESIDENT (in Cantonese): We have spent more than 16 minutes on this question. This is the last supplementary question.

MR JAMES TIEN (in Cantonese): *Madam President, the Annex showed the breakdown of industry type, but not by time. The Secretary said that the number of applications in April, May and June was exceptionally high, then may I ask*

whether there was no application at all from September to now, that is, the entire September and the first week of October, a total of five weeks, because the most severe period of the SARS outbreak has long gone? Can the Secretary inform this Council of the number of applications made in September, or how many cases were approved?

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Cantonese): Madam President, I mentioned earlier that there was a deadline for the Scheme, and the closing date was 31 July. For that reason, the Scheme virtually ended on 31 July.

PRESIDENT (in Cantonese): Second question.

Timetable for Review on Political System

2. **DR YEUNG SUM** (in Cantonese): *Madam President, will the Government inform this Council whether it will conduct public consultation on the review of the political system by the end of this year; if not, when it will commence the consultation exercise and when it plans to announce the outcome of the exercise?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, during the National Day celebration, the Chief Executive has pointed out that the people of Hong Kong expect the Government of the Hong Kong Special Administrative Region (SAR) to promote democratic advancement according to the Basic Law, and that it is the clear duty of the current Administration to pursue this.

During 2003, the Constitutional Affairs Bureau has been conducting internal research on issues relating to constitutional development after 2007. There has been continued progress in this area of work.

The Chief Executive has also indicated that public consultation on the issue of political development after 2007 will commence in 2004.

We expect that relevant local legislation on political development will be dealt with in 2006.

There are more than three years between now and 2006 to 2007. We will ensure that there is sufficient time for the public to express their views and for the legislative work to be dealt with.

Constitutional development is important to the future of Hong Kong, and naturally we are all concerned about the timing for commencement of public consultation.

I expect that the Government will make a decision before the end of 2003 on the timetable for the review on constitutional development and public consultation, and that we will report to the Legislative Council after that decision is taken.

Madam President, I would also like to take this opportunity to refer to a few major points:

- Constitutional development is a matter of concern to the whole community. It will affect the long-term development of Hong Kong. Thus, we will consult widely during the public consultation process before putting forward final proposals for the Legislative Council's consideration.
- As stipulated in the Basic Law, if there is a need to amend our electoral system of the SAR after 2007, such amendments must be made with the endorsement of a two-thirds majority of all Members of the Legislative Council. Therefore, in handling the issue of constitutional development, the Government will endeavour to widen the common ground and narrow the differences in the community with a view to enabling different political parties and Members of Legislative Council to participate actively in the process and to express their views towards building a consensus within our community.
- In dealing with this subject of constitutional development, the SAR Government will act according to the overall interest of the

community and the future of Hong Kong. During the consultation and review process, we will adopt an open and receptive attitude, in order to maximize the chances of obtaining the support of and securing consensus among two thirds of Legislative Council Members.

Madam President, although I am not able to elaborate further today on the timetable and procedures with respect to public consultation, I hope that the points I have referred to will allow us to have a better understanding of the Government's basic attitude, and will thus facilitate future co-operation between the Government and the Legislative Council in handling the issue of constitutional development.

DR YEUNG SUM (in Cantonese): *Madam President, the Secretary said earlier that constitutional development is a matter of concern to the whole community and it will affect the long-term development of Hong Kong. Everyone knows that this is a very controversial subject for the interests of many people are involved. Why can the Government not proceed with consultation on the review of the political system by the end of this year?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, I have clearly stated that the Government will make a decision before the end of this year in relation to the timetable on consultation and that we will report to the Legislative Council and embark on discussions after the decision is taken. In fact, during 2003, we have already done some preliminary work and are now conducting internal research.

I can also explain to Dr YEUNG Sum that though we have not yet formally launched the public consultation exercise, we receive feedback and views from the community on a continuous basis. I have met with several political parties and will also meet with various organizations such as Rev CHU Yiu-ming and his group, as well as Miss Christine LOH and her Civic Exchange research committee in the coming few weeks. On the one hand, I am dealing with internal research and on the other, I also welcome various political parties and organizations to present views to us. I trust such views will benefit the formal consultation exercise in the future.

MR CHEUNG MAN-KWONG (in Cantonese): *Madam President, 500 000 people took to the streets on 1 July and one of their aspirations was to fight for a democratic political system. It has been more than three months since 1 July and the Secretary for Constitutional Affairs can only put forward a vague and general timetable that lacks any substance. Even the Secretary himself admits in his reply that no further details can be given in relation to the timetable and procedures of consultation. Can the action of the Constitutional Affairs Bureau meet the aspirations for democracy of the 500 000 people who took to the streets? Is this virtually a piece of substandard homework? In that case, can it be said that the Bureau is feasting at the public crib and that it is no more than a piece of window-dressing?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): *Madam President, from the great march on 1 July, we could see that Hong Kong people love freedom and respect the rule of law. The constitutional development of Hong Kong must be founded on the institutions of freedom and the rule of law in Hong Kong, and such are the most fundamental philosophy and values. Therefore, we definitely perceive the great march of 1 July as an event of positive significance. In dealing with the subject of constitutional development, we will also fully consider the aspirations and expectations of the people. We have all along dealt with the subject of constitutional development in accordance with our established principles and policies. We have been conducting internal research during 2003 and will also embark on the work of public consultation in 2004 according to our undertaking.*

Today, I would like to tell Members that we attach great importance to the views of the public at large. After the public consultation exercise is launched, all sectors of the community will find ample opportunities to express their views. Before the consultation exercise is formally launched, we are still listening to the views of various sectors.

DR RAYMOND HO (in Cantonese): *Madam President, as regards the timetable presented by the Secretary, I am quite puzzled. The Secretary said the Government will deal with the legislative work during the period from 2006 to 2007 and the legislative work will start in 2006. If the public consultation exercise is not launched until next year and since the consultation period may be more than one year, after which, the Secretary may have to collate the views of*

the public or that of different sectors in the community, the legislation will not be submitted to the Legislative Council until 2006. And, since the scrutiny may take more than a year, how can the Secretary have sufficient time to deal with the actual legislative work in less than a year? How did the Secretary work out the timetable suggested? I am quite puzzled.

PRESIDENT (in Cantonese): Dr Raymond HO, I have to apologize to you for when the telephone rang earlier, it was beyond my control. *(Laughter)*

DR RAYMOND HO (in Cantonese): *Fine.*

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, there are still more than three years between now and 2006 or 2007. We will set aside sufficient time for public consultation, collation of views, dealing with procedures set out in the relevant annex to the Basic Law and putting forward proposals on local legislation after collating the views and conducting research. I am confident that we will have sufficient time to deal with the work on all these fronts during this period of more than three years.

DR RAYMOND HO (in Cantonese): *I was very attentive and focussed — despite the telephone— when I went through the timetable step by step in great detail with the Secretary earlier on, but he has not responded to my question on how the time required for each procedure was calculated. Will the President allow me to ask a follow-up on this?*

The Secretary said in his main reply that the consultation exercise would start next year. Though he has selectively chosen to consult a couple of organizations in the interim, it was also said in the main reply that the consultation exercise would commence next year and this might take a year or more. After that, information has to be collected and amendments to the legislation have to be dealt with for this is the first time we have the opportunity to amend the Basic Law. In other words, we can only start drafting the relevant documents in 2005 and begin the legislative process in 2006. However, it was said in the main reply that the relevant local legislation would be dealt with in 2006, so does it mean that the legislation will not be presented to the Legislative

Council until then? Since the scrutiny work may take more than one year, how will there be sufficient time for the Legislative Council to make a final decision by 2006 or 2007? May I ask the Secretary what the actual schedule is?

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, I believe I can give Dr Raymond HO a further explanation after a decision is made on the timetable before the end of this year.

I can only reiterate that there are more than three years between now and 2006 or 2007 and there is sufficient time for us to complete the work of consultation, research, collation of views and submission of legislative proposals.

Perhaps let me elaborate that since we are only amending the relevant annex to the Basic Law and the procedures for amending the annex relatively simple, and since this does not involve amendments to the provisions of the principal Basic Law, I believe the procedures for amending the relevant annex to the Basic Law will not take a very long time. We will set aside sufficient time to deal with the necessary matters on various fronts.

MS CYD HO (in Cantonese): *Madam President, for both the consultation on the 1988 direct elections and the consultation on Article 23 of the Basic Law, members of public are not satisfied with the way in which the two Hong Kong Governments have collated the views of the people. They think that the consultation exercises have not been fair and impartial. Does the Secretary think that the Government should resort to the objective method of holding a referendum to assess the findings of the consultation? If the Government does not hold a referendum, how, in the opinion of the Secretary, should the findings be assessed before it can win the trust of the people so that they will agree that the consultation exercise is fair and impartial?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, we will certainly handle the public consultation on constitutional development seriously and also summarize and sum up our past experience, so as to make this public consultation exercise as comprehensive and thorough as possible. We will deal with matters related to constitutional development in accordance with the relevant annex to the Basic Law. If we have to introduce

amendments to electoral arrangements after 2007, we must first secure the endorsement and support of a two-thirds majority of all Legislative Council Members before the mechanism for amendment can be triggered. We will deal with the relevant matters in accordance with the Basic Law.

MS CYD HO (in Cantonese): *Madam President, the Secretary has really not answered my question. Does he think that the Government should use the objective method of holding a referendum to gauge public opinions?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): *Madam President, since it is stated in the relevant annex to the Basic Law that the support of a two-thirds majority of all Legislative Council Members is required to reflect whether the relevant proposals are supported by the community, we have to work in accordance with the provisions of the Basic Law itself.*

MR LEUNG YIU-CHUNG (in Cantonese): *Madam President, in his reply to Dr YEUNG Sum's main question, the Secretary said that "I expect that the Government will make a decision before the end of 2003 on the timetable for the review on constitutional development and public consultation". Madam President, it is really rare that the public has to be consulted even on the timetable of the consultation. I cannot see any precedents in which consultations have to be made on the consultation timetable. Can the Secretary explain to us later whether there were any occasions in the past on which consultations had to be conducted on the timetable for consultation on certain issues?*

Madam President, the Secretary said that views collected through consultation would be helpful to future co-operation between the Government and the Legislative Council, but the main reply has totally failed to address the issue. The main question I would like to ask is: How can it help Members or the Hong Kong community as a whole to deal with the issue of constitutional development in future?

PRESIDENT (in Cantonese): *Mr LEUNG Yiu-chung, you have asked two questions. Since you can only ask one supplementary question at a time, which question do you want the Secretary to answer?*

MR LEUNG YIU-CHUNG (in Cantonese): *Madam President, I think the two questions are related for he said that this would help us to deal with the issue of future constitutional development. However, if consultations have to be made even on the timetable, I do not understand how this could help us to resolve the problem of constitutional development. As such, I have to ask the Secretary, if there were any cases in the past in which consultations had to be conducted even on the timetable?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, I believe Mr LEUNG Yiu-chung has misunderstood me. I did not say we have to consult various sectors of the community on the timetable. I understand that there are different views in the community: certain groups and political parties think that the public consultation exercise has to be launched immediately, but there are other groups and political parties which think that public consultations can be launched at a later date. I have listened to the views of various sectors. I said I would take the initiative to contact different groups in the next few weeks because I want to listen to their views on a wide range of constitutional development issues. I do not have any intention to consult them on the timetable.

However, I can assure Mr LEUNG Yiu-chung that we are willing to listen to the views of different political parties and groups. Therefore, all views will be respected and we also hope that everyone can deal with this crucial issue to the Hong Kong community under the principle of seeking common grounds and narrowing the differences in the community. I believe if everyone can uphold this principle, it will facilitate our work in the future.

MR LEUNG YIU-CHUNG (in Cantonese): *Madam President, I am not sure if the Secretary has answered my supplementary question. He often talks about "heeding different views". Is "heeding different views" equivalent to be "being helpful" to us today? Dr YEUNG Sum's main question is about the consultation on the substance of the whole constitutional system and is not whether he will "heed different views". I trust that the Government will certainly heed different views.....*

PRESIDENT (in Cantonese): Mr LEUNG Yiu-chung, you must be aware that our question time is very limited, so you only need to repeat the part of your question that has not been answered by the Secretary.

MR LEUNG YIU-CHUNG (in Cantonese): *I have to repeat that he said that it could help us better understand and facilitate our future discussions on constitutional development. I wonder how the reply he gave today can facilitate our understanding of and discussions on constitutional development.*

PRESIDENT (in Cantonese): Mr LEUNG Yiu-chung, please be seated. The question you have now asked is related to the Secretary's reply to your first question and this is not part of your earlier supplementary question. It is clearly provided in our Rules of Procedure that you can only say which part of your earlier supplementary question has not been answered. I only wish you to tell us clearly which part of your supplementary question has not been answered and you are not allowed to state your opinions freely. Please repeat your question.

MR LEUNG YIU-CHUNG (in Cantonese): *I did not state my opinions freely. I have only repeated what I have to say. Perhaps the Secretary has not answered my question on how it can help our understanding of the attitude and the stance he has adopted today and our discussions on future constitutional development.*

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

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, allow me to try to answer it once again. As regards the issue mentioned by me earlier in relation to the timetable for launching public consultation, I think there are actually a divergence of views both within and without this Council; there are also different views on whether our future model of election should be changed, such as whether there should be more directly elected seats and whether seats returned through functional constituencies should be retained. However, today, I would like to stress that in accordance with the Basic Law, we must have the endorsement of a two-thirds majority of Legislative Council Members before we can proceed with this matter. This means that in future, directly elected Members and those returned through functional constituencies must reach a consensus before we can proceed with and commence our work on this matter. Before we can do a good job in dealing with this important issue for the Hong Kong community, I hope everyone can

uphold the attitude of seeking common grounds, narrowing differences in the community, reaching a consensus and listening to more views.

PRESIDENT (in Cantonese): We have already spent more than 18 minutes on this question. This is the last supplementary question.

MR NG LEUNG-SING (in Cantonese): *Madam President, of the several major points mentioned by the Secretary earlier, the first and second points are related to extensive consultation and he also referred to some Basic Law provisions. May I ask the Secretary, as regards future consultation, if reference will be made to the annex to the Basic Law, such as on the establishment of a consultation committee that is similar to the 800-member Election Committee and made up of representatives from all strata and sectors of the community, in conducting this consultation exercise?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, I can tell Mr NG Leung-sing that once we formally launch the public consultation exercise on constitutional development, we will attach great importance to the views of various political parties, groups, representatives of different functional constituencies, their affiliated unions and members of various trades and industries. I believe their views are helpful to the development of the political system, preparations and collation of opinions.

PRESIDENT (in Cantonese): Third question.

Nuisance Caused by On-street Soliciting Activities in North Point

3. **MISS CHOY SO-YUK** (in Cantonese): *I have recently received many complaints about the increasing number of on-street prostitutes hanging around Sunbeam Theatre, North Point. In soliciting business from passers-by, these prostitutes have not only caused nuisance to the "kaifong" but have also affected the social atmosphere of the district. I have learnt that the police conducted a raid operation in August this year, but the situation there recurred soon after the*

operation. In this connection, will the Government inform this Council whether:

- (a) more effective actions will be taken to combat the increasingly rampant on-street soliciting activities; if so, of the details; if not, the reasons for that; and*
- (b) it is a priority task for the police to combat on-street soliciting activities; if not, of the priority of the police's task concerned?*

SECRETARY FOR SECURITY (in Cantonese): Madam President,

- (a) The police have all along been closely monitoring the problem of street prostitution in the vicinity of Sunbeam Theatre in North Point. Various measures against nuisances to neighbouring residents caused by on-street prostitutes are taken. In addition to strengthening patrol of black spots by uniformed police officers, intelligence-led enforcement actions are also conducted. Moreover, the police carry out joint operations with the Immigration Department (ImmD) against two-way permit holders who are suspected to have breached their conditions of stay.

In August 2003, the police arrested at the above black spots 10 female holders of two-way permits who were suspected of having involved in prostitution activities. In a separate joint operation with the ImmD, another five mainland women were apprehended. The police will continue to implement effective measures to arrest and prosecute on-street prostitutes who have contravened the law.

- (b) Combating street prostitution with a view to preventing control by triads and vice syndicates has all along been an important task for the police. Maintaining vigilance against crimes committed by two-way permit holders, including prostitution activities, is one of the five operational targets of the Police Force for year 2003. Various Police Districts will actively tackle the problem having regard to the law and order situation and manpower of the respective districts.

MISS CHOY SO-YUK (in Cantonese): *Madam President, the Secretary mentioned in part (a) of the main reply a police operation carried out in August, but I have already pointed out in my question that after August, the situation there recurred soon after the operation and on-street prostitutes could be found everywhere. Therefore, may I ask the Secretary if the operations have been stepped up afterwards, for example, at least to increase the frequency of operations or require that operations be taken once or even twice a week? I hope that the Government has a very clear and effective set of measures. On this point, it seems the Secretary did not give us an answer in the main reply.*

SECRETARY FOR SECURITY (in Cantonese): Madam President, concerning the timing of police raids, I believe it is not right for me to disclose it here, but I can say that the police are very concerned about this problem. In addition to carrying out raids at places frequented by on-street prostitutes, I believe the police have also a comprehensive plan to pinpoint the so-called prostitution problem, including enhancing the exchange of information, carrying out operations and exchanging intelligence with the relevant mainland units, such as the units concerned in the Public Security Bureau on the Mainland, in the hope of stemming these people at source. Moreover, to combat the illegal activities committed by these mainlanders in Hong Kong, including prostitution, the Police Force have appointed a Deputy Commissioner to head an inter-departmental team, which is comprised of members from the ImmD, the Customs and Excise Department, the Labour Department, and so on, to carry out strategic operations from time to time by raiding locations where illegal workers or prostitutes are found. Furthermore, officers of the ImmD will step up inspection at border control points so as to intercept some of these people intending to commit offences. I believe various government departments are generally all very concerned about this problem and we will take joint actions against the relevant activities.

MR YEUNG YIU-CHUNG (in Cantonese): *Madam President, the more actions we take against on-street prostitutes, the more rampant they become. In the West Kowloon district, with which I am familiar, no matter during the daytime or night-time, groups of on-street prostitutes can be seen touting for business. May I ask the Government how many vice syndicates it has busted last year? Will the Government consider amending the legislation to clamp down hard on these vice syndicates?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, I cannot get hold of the relevant figures right away, but I will provide them later. (Appendix I) I believe the Government already has effective legislation at its disposal to crack down on these vice syndicates. For example, under the Crimes Ordinance, there are provisions regulating living on earnings of prostitution of others, keeping a vice establishment, and so on. I think that adequate statutory powers are already vested in law enforcement agencies to tackle this problem of prostitution and I believe what we have to consider now is mainly the strategy. Mr YEUNG Yiu-chung said that it seemed the more we clamp down on on-street prostitutes, the greater they would become in number. I think we must bear in mind the fact that people from the Mainland are a major source of tourists. Take last year as an example, some 6 million tourists came from the Mainland, this year, the number may increase to over 8 million or there will be 8 million. If the number of people increases, the number of offences will probably also increase in some measure. However, according to our figures, if 100 000 people visit Hong Kong, the number of people found to engage in prostitution is still on the low side, accounting for only a fraction of one percentage point.

MR TAM YIU-CHUNG (in Cantonese): *Madam President, I believe the Secretary is also aware that apart from the Sham Shui Po District, which has already been mentioned, the problem of on-street prostitutes in the Tsuen Wan and Yuen Long Districts is also quite serious. The on-street prostitutes in Tsuen Wan have even moved into a number of public rest gardens. In order to effectively clamp down on prostitution, is it necessary for the Government to consider relying not just on the joint inter-departmental operations but on a permanent joint team tasked with eliminating on-street prostitution, to be established by the major departments concerned, that is, the Police Force and the ImmD?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, I think that in taking actions against on-street prostitutes, both the Police Force and the ImmD deploy their manpower with flexibility in their raids on various so-called black spots. The Tsuen Wan District, which Mr TAM Yiu-chung has mentioned, is certainly one of the black spots and the ImmD and the police have conducted quite a number of joint operations to round up on-street prostitutes. Of course, raids are only one of our many operations. I have already mentioned that we have an overall strategy and we hope to exchange information with the

relevant units on the Mainland and curb the problem at source. Secondly, officers of the ImmD will carry out interceptions at border control points. Lastly, law enforcement teams in Hong Kong will raid the black spots. Of course, the police have also other strategies, including undercover operations and intelligence-led enforcement actions. These are also some of the tasks that we do.

MR TAM YIU-CHUNG (in Cantonese): *Madam President, it seems the Secretary has not given a direct reply to my supplementary. He mentioned a lot of other measures, but I asked whether the police and the ImmD would establish a permanent, that is, a fixed joint team tasked with handling such matters, however, it seems the Secretary did not give me a direct reply. Madam President, perhaps you have to decide on this.*

SECRETARY FOR SECURITY (in Cantonese): I believe that with the present stretched public financial resources, it will be rather difficult even for the ImmD to establish a permanent team. For example, there is a special team in the ImmD tasked with combating illegal workers. However, Members all know that our resources are stretched. During festive seasons, for example, during the "golden week", in order to cope with the influx and exodus of crowds at border control points, we will redeploy some of the colleagues originally tasked to combat illegal workers to assist at border control points. Therefore, the most important thing now is to make effective use of existing resources to cope with the various types of tasks, that is, the tasks of the ImmD and the police, which of course include cracking down on vice syndicates.

MR HENRY WU (in Cantonese): *Madam President, the Secretary has mentioned earlier that in respect of law enforcement by the police, in particular in combating these so-called vice activities, there is a legal basis for it to do so, in particular, it is possible for the authorities to take action with regard to living on earnings of prostitution of others. However, with regard to another type of vice activities, that is, one-woman brothels, as far as I know, for the time being the hands of the police are tied. May I ask the Secretary what he has to say in response regarding this and whether he will consider introducing improvements to the legislation?*

PRESIDENT (in Cantonese): Mr Henry WU, the subject of this question is the problem of on-street prostitutes but that of your question is somewhat different. Can you try to make your supplementary relevant to the subject?

MR HENRY WU (in Cantonese): *Madam President, in fact, the Secretary's main reply is related to vice activities. For example, the second paragraph in part (a) has to do with vice activities. In addition, the Secretary has also mentioned living off proceeds from prostitution in his reply and this is a type of vice activity, but on-street prostitutes do not live on earnings of prostitution of others. Therefore, the Secretary has in fact pointed out a loophole in the legislation.*

SECRETARY FOR SECURITY (in Cantonese): Madam President, it is true that the so-called one-woman brothels are not illegal under the existing legislation. However, is it necessary to crack down on these so-called one-woman brothels by means of legislation? We feel that if we legislate on this, we would infringe upon personal privacy, including the right of these people to live in the flats and so on. We feel that under the present circumstances, it is not appropriate to deal with this problem of so-called one-woman brothels by way of legislation.

DR TANG SIU-TONG (in Cantonese): *Madam President, the police often carry out operations to clamp down on on-street prostitutes, however, according to past experience, if an operation is carried out in one district, the result is that the on-street prostitutes will go somewhere else, that is, no sooner had the problem died down in one district than it cropped up in another. May I ask the Secretary whether, if a raid is carried out in Sham Shui Po and the on-street prostitutes go somewhere else, such as to North Point or Yuen Long to engage in vice activities, there is any way in that case to prevent such a situation from occurring?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, we will of course carry out operations to clamp down on these on-street prostitutes at the so-called black spots. Mr TAM has mentioned that Tsuen Wan is one of the black spots. We also notice that after we have carried out a large-scale crackdown on a black spot, the area may remain calm for a period of time, but on-street prostitutes may appear in another district. Of course, on this score,

the police will continue to carry out raids at different locations or the so-called new black spots at the appropriate time by co-ordinating with various Police Districts and exchanging information.

MR LAU KONG-WAH (in Cantonese): *Madam President, an Honourable colleague has cited North Point as a black spot, and so are Tsuen Wan, Yuen Long and Sham Shui Po. It seems there are many black spots and Dr TANG Siu-tong has also said that no sooner had the problem died down in one area than it cropped up at another. However, the problem has evolved into a state where it has not yet died down in one district before it crops up in another. There is good law and order in the Sha Tin District and the Secretary also lives there. (Laughter) However, it has been found that recently, there were sporadic instances of women soliciting at the entrances of some estates, so it can be seen that the problem is deteriorating and spreading. May I ask the Secretary if, after he has assumed office, he has gone out for inspections instead of merely working in the office, and if he can make inspections in humble attire while his face is still new and see how serious the situation is?*

SECRETARY FOR SECURITY (in Cantonese): I would like to thank Mr LAU Kong-wah for pointing out that I live in the Sha Tin District. I can say to Mr LAU Kong-wah that I do walk around and make inspections because every evening, when I have the time, I will go out for a walk. However, I have not found any so-called on-street prostitutes in the housing estates in the vicinity of my home. Nevertheless, I will get in touch with the District Commander of the Sha Tin Police District again. In fact, if any on-street prostitute causes a nuisance to local residents in any district, we will always deal with it seriously, and this will not be confined to the Sha Tin District alone.

MR FREDERICK FUNG (in Cantonese): *Madam President, I hope Members will not make the Sham Shui Po District a scapegoat. Three years ago, residents in Sham Shui Po staged a rally, and so did they last year. In fact, the Secretary also told us what he has just said before, that such and such a tactic had been adopted. I wish to quote two figures provided by the police to the Sham Shui Po District Council for the Secretary's information: in June, for every 100 000 visitors from the Mainland, seven engaged in vice activities; in August,*

the figure rose to 13 in every 100 000 persons. The increase is over 80% and is nearly 100%. That is a lot of people. In June, the police arrested 400 on-street prostitutes in West Kowloon, but I can tell Members that these on-street prostitutes did not go to Sha Tin or North Point. After the arrests, just as many on-street prostitutes remained in Sham Shui Po. Therefore, the on-street prostitutes in Sham Shui Po have not been driven to the Sha Tin District, where the Secretary lives.

PRESIDENT (in Cantonese): Mr FUNG, what is your supplementary?

MR FREDERICK FUNG (in Cantonese): *Has the Secretary reviewed the approach adopted by the authorities? If the approach adopted by the Government now has remained the same as the one it told me a year ago, I can say that this approach does not work. May I know if there is any new approach that can really stamp out the problem of on-street prostitutes?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, I can tell Members that the Government, in particular the police, is very concerned about this problem. The Honourable Member has said that it seemed our approach had not been very effective all along. I can tell Members that apart from carrying out raids on the so-called black spots, the police also attach great importance to intelligence gathering. We really hope that we can carry out joint actions with the relevant Public Security Bureau units or other departments with regard to gathering intelligence. We can intercept these on-street prostitutes on the Mainland and stem them at source, or crack down at source on the syndicates that arrange for these on-street prostitutes to come to Hong Kong to engage in prostitution. In addition, we can crack down on the syndicates in Hong Kong that arrange for or help these prostitutes to come here to work. I believe that apart from pinpointing these on-street prostitutes, an equally important goal is to strike at the syndicates that control these prostitutes or arrange for them to come to Hong Kong behind the scene, so that we can curb this type of activities at root.

PRESIDENT (in Cantonese): We have spent more than 17 minutes on this question. This is the last supplementary question.

MR JAMES TO (in Cantonese): *Madam President, one of the methods suggested by the Secretary just now is to co-operate with the Mainland. I would like to ask the Secretary if he can provide some figures to us, for example, on the number of people found to have come to Hong Kong more than once among those arrested, repatriated or rounded up by the police? After co-operating with the Mainland, is there any marked change in the figures in this regard? Or has the relevant figure remained high as first timers because of the introduction of travel on individual basis or other reasons which has kept the number of mainland travellers at a high level?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, according to our figures, in 2001, the people arrested for repeatedly coming to Hong Kong to engage in prostitution stood at 146 persons. In 2002, the figure was 324 persons. For this year, the figure for the period from January to August has increased to 357 persons. In terms of figures, we can see that there has been an increase. In this regard, the ImmD and the police have contacted the relevant Public Security Bureau units on the Mainland in the hope of plugging any loopholes. According to our latest understanding, the relevant Public Security Bureau units on the Mainland have begun to install computers in the public security systems in all large cities in phases and uploaded the relevant information of local residents onto the computer network. If residents apply for two-way exit permits in these large cities, the authorities have a prescribed procedure, that is, they have to check the records on the computer network to firstly verify that they are long-term residents and secondly, to check against the so-called blacklist of the ImmD or the police that sets out the information on people who have engaged in prostitution, broken the law or were repatriated. We hope that after their computers have been linked up, the trend of people coming to Hong Kong to commit offences repeatedly using another identity or holding another two-way exit permit can be stamped out altogether.

MR JAMES TO (in Cantonese): *The Secretary did not give a reply on the proportion, since the 146 persons in 2001 and 324 persons in 2002 have to be understood in the context of the number of mainlanders who visited Hong Kong in those years. Can the Secretary tell me about the relevant proportions?*

SECRETARY FOR SECURITY (in Cantonese): I do not have these figures on hand. Perhaps I will provide them to Mr TO later. (Appendix II)

PRESIDENT (in Cantonese): Fourth question.

Fixed Penalty Notices on Littering Issued to Visitors

4. **DR RAYMOND HO:** (in Cantonese): *Madam President, will the Government inform this Council:*

- (a) *of the total number of fixed penalty notices issued since the fixed penalty for littering was increased to \$1,500 on 26 June this year, and the percentage of notices issued to tourists;*
- (b) *of the aggregate amount of fixed penalties not paid by the tourists served with the said notices before their departure, as at the end of September this year; and*
- (c) *whether it has received complaints from tourists that the authorities have not promoted awareness of the new penalty for littering; and whether the Government will enhance awareness of the penalty among tourists?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese):
Madam President,

- (a) Since the new fixed penalty for public cleanliness offences took effect on 26 June 2003, the seven enforcement departments have issued 6 267 fixed penalty notices as at 25 September, of which 205 notices (3.3%) were issued to tourists.
- (b) Over 50% of the aforesaid notices issued to tourists were already paid as at 30 September. The penalties not yet paid amounted to some \$150,000. The actual payment rate will probably be higher as the statutory time limit for payment (that is, 21 days) has yet to expire for some of the lately issued notices.

- (c) The authorities have so far received no representation from tourists complaining about inadequate publicity of the new penalty for cleanliness offences.

Publicity and education are indeed a key element of our strategy to prevent tourists from committing cleanliness offences. We have been alerting tourists to the need to keep Hong Kong clean and the heavy penalties for breaching cleanliness laws. A wide variety of publicity and educational measures have been launched by the Food and Environmental Hygiene Department (FEHD) in collaboration with the Immigration Department, Home Affairs Department, Tourism Commission, Hong Kong Tourism Board, Hong Kong Travel Industry Council, Hong Kong Association of Registered Tour Co-ordinators, Hong Kong Federation of Hotel Owners, Kowloon-Canton Railway Corporation, and so on. These measures include putting up posters and distributing leaflets in simplified and traditional Chinese characters and English; broadcasting voice messages in Putonghua, Cantonese and English at immigration control points; disseminating messages through tour co-ordinators, travel agencies and hotels; and displaying publicity materials at tourist spots. The departments and agencies concerned will keep up these tourist-oriented publicity and educational efforts.

DR RAYMOND HO (in Cantonese): *Madam President, I am not pinpointing tourists. However, in an interview on television a few days ago, it was seen that many tourists threw drinks containers all around and cigarette stubs into shrubberies. I myself have also seen some tourists — I believe they were tourists — throwing empty soft-drink cups from the Wan Chai pedestrian footbridge to the pavement below. In part (b) of the main reply, the Secretary informed us that only about 50% of penalties charged to tourist have been paid. Will the Secretary inform us if there are any mechanisms or methods to raise this percentage? Although the payment period of fixed penalty notices issued to tourists is 21 days, the tourists in question may leave Hong Kong within a few days, some mainlanders paying "flash" visits to Hong Kong on an individual basis may be even on a day-return trip. May I ask how the Government can increase the penalty payment percentage of tourists?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, I think publicity and education are indeed the principal methods that can make tourists understand that Hong Kong is a clean place. Regarding the penalties charged, we know that fixed penalty notices are generally issued to tourists because of littering, like the throwing of drinks containers and cigarette stubs, as quoted by Dr HO, which are minor littering problems. Certainly, we must step up our effort in publicity and education. As for fixed penalties charged, our colleagues will try to request the tourists concerned to provide their addresses. But this is certainly a difficult task for tourists staying in hotels may leave within a few days, thus we can hardly recover the unpaid penalties. However, we will act in accordance with the procedures specified. For instance, for tourists staying in homes of their relatives in Hong Kong or staying for a relatively longer period in the territory, it may be easier for us to recover the penalties. According to our experience last year, and after the increase in fixed penalty this year, most of the tourists (about 60%) have paid their penalties. Of course, some cannot be recovered. Our colleagues are now looking for ways to tackle the problem, and we are most willing to hear sound proposals from Members, so that we can do better in this respect.

DR RAYMOND HO (in Cantonese): *I have asked the Secretary on the measures in place to raise the percentage of penalties paid, but the Secretary said that he would have to listen to Members' views. I think he should have come up with a solution now.*

PRESIDENT (in Cantonese): Dr Raymond HO, it is now question time and you would certainly have a chance to comment on this in future.

MR FRED LI (in Cantonese): *Madam President, we have learnt from the main reply that for the time being, half of the penalties charged to tourists have not been paid, and that considerable difficulties have been encountered in enforcement. Will the Government inform us whether it has considered co-operating with the Immigration Department to blacklist those tourists who fail to pay the penalties, and to request them to pay the penalties before they are allowed to enter Hong Kong on their future visits and applying the same practice to all tourists irrespective of their country of origin?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, our colleagues have indeed considered this option. However, I think before deciding whether the policy should be adopted, we have to first consider if it is worthwhile. It is feasible for the Immigration Department to make such an arrangement. But since we wish to attract more tourists, should we consider taking this measure for only a fixed penalty of a thousand dollars or so? Until now, I still consider that better publicity and education will be more effective.

MR LAU KONG-WAH (in Cantonese): *Madam President, so far, over 6 000 fixed penalty notices have been issued. That is to say, over 6 000 fixed penalty notices have been issued within three months. Will the Secretary assess the effectiveness of the imposition of fixed penalty? Does the figure include penalties charged on repeated offences?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, the matter can be viewed from two aspects. On the issue of over 6 000 fixed penalty notices, the plan can be regarded as not running properly. But from another point of view, in the course of enforcement, many people were found aware of the offences. The littering problem should thus have been eased, and the increased fixed penalty has started to take effect. In most cases, penalties were charged on littering offences, while cases involving other causes remained relatively low, and the number of cases involving repeated offences is 34. From June to September, there were a total of 34 cases of repeated offences which mostly involve the unauthorized display of bills or posters. Among these 34 cases, two thirds of them were on unauthorized display of bills or posters.

MR MICHAEL MAK (in Cantonese): *Madam President, after raising the level of the fixed penalty to \$1,500, the number of fixed penalty notices issued remains almost the same as before. However, we find the effect has not been so encouraging, in particular, after major events. For instance, a few days ago, after the fireworks display, rubbish was found everywhere on the streets. Secretary Patrick HO expressed regret about the situation on the scene. The Secretary often says that publicity and education should be undertaken. However, have reviews ever been conducted to identify the reason for the far from satisfactory results of publicity and education policies and effectiveness of activities held?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, the increase in the number of fixed penalty notices issued should be attributed to the joint enforcement by seven departments. In addition to the police, six other departments are also responsible for enforcement, with every one of them taking a more active part in enforcing the law. In respect of publicity and education, I agree with Mr Michael MAK that we have to conduct assessments and studies continuously. Quite often, we do follow up and evaluate the effectiveness of our publicity and education work. In addition to assessments, I believe, studies on the implementation of publicity and education have to be conducted to identify the most effective type of publicity and education for different targets. We will undertake such work, but I am grateful for Mr MAK's suggestions.

MR HENRY WU (in Cantonese): *Madam President, the Secretary just said that he would like to hear Members' suggestions. Mr Fred LI has made a proposal for the consideration of the Secretary. In fact, the issue of charging penalties is also a common problem overseas. The authorities concerned usually request tourists to provide contact particulars of their country of origin, including their correspondence addresses and telephone numbers. May I ask the Secretary whether the Government will consider adopting the same approach if we really want tourists to pay their penalties?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, during my discussion with my colleagues, we also think that it is worth considering to request tourists to provide particulars of their country of origin. If the tourists concerned fail to pay the penalties, their addresses would at least provide one more channel for us to pursue the case. We will also actively contemplate other options.

MR HUI CHEUNG-CHING (in Cantonese): *Madam President, on every return flight to Hong Kong, I will see the broadcast of a short film on Hong Kong publicizing information tourists need to note on arrival. May I ask the Secretary whether the Government will produce a film to publicize the \$1,500 penalty on littering for broadcast on planes, at immigration control points and on trains?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, I do not have the information at hand as to whether or not short promotion films have been produced with tourists being the target audience. This is a good suggestion. I will ask colleagues of the relevant departments to examine whether it is feasible, and study how promotion films should be produced and where they should be broadcast in future.

MR NG LEUNG-SING (in Cantonese): *Madam President, a colleague referred in his supplementary question earlier to the disposal of rubbish left behind after the fireworks display. At Golden Bauhinia Square, similar situations and the problem of whether mainlanders visiting Hong Kong on an individual basis have properly disposed off their rubbish, such as newspapers used as seating mat, are also found. Will the Secretary consider placing more refuse collection facilities at a certain area during major festive events, such as large capacity refuse collection bins? Otherwise, I do not think people will be so "responsible" as to look for litter bins and line up to dispose of their rubbish. How can such situations be better handled? I think it is worthwhile for the Secretary to consider this after this festive event. A Member has also said earlier that Secretary Patrick HO who visited the scene felt sorry about the situation. May I ask whether communication would be established between the relevant departments in future, so that they can work together to solve the problem?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, I understand that the FEHD and other government departments will come together prior to major festive events to consider the disposal of such refuse. I know the FEHD and the Leisure and Cultural Services Department will provide a large number of refuse bins, and have undertaken a lot of education and publicity work. I consider it meritorious to conduct continuous studies to confirm the effectiveness of these measures and to consider other options to further ameliorate the littering problem during major festivals and events.

MR FREDERICK FUNG (in Cantonese): *Madam President, the reply given by the Secretary to Mr Fred LI's supplementary question makes me feel enormously*

concerned. The Secretary said that even if tourists were caught littering and left Hong Kong before paying their penalties, they would not be subject to any sanction and punishment nor be blacklisted. I think the main objective for raising the penalty level from a few hundred dollars to \$1,500 is to enhance the deterrent effect. The raised penalty will not only deter locals but also tourists from breaching the relevant legislation. Now, according to the Secretary's reply, the penalty imposed will have no deterrent effect on tourists for they would not be held liable once they have left Hong Kong. Therefore, regarding the proposal put forward by Mr Henry WU earlier, I think the Government should state clearly that it would implement instead of just considering the proposal. Take the State of Washington in the United States as an example, even for a penalty of US\$10, the authorities concerned will request the tourist concerned to provide the address of his country of origin. Written notice will then be sent to the tourist to demand payment and to inform him that failure to settle the penalty, including the interest on the penalty, will render him illegible for re-entry to the United States. He will only be allowed to enter the United States again after he has settled the penalty. Even for a US\$10 penalty, the same arrangement is applied. Thus, the HK\$1,500 penalty in question, approximately a hundred or so US dollars, is indeed a considerable amount, not so trivial as considered. May I ask the Secretary whether he will give a clear message to the public? The reply given by him earlier makes tourists become less concerned about their liability for littering. I started to feel worried, and I think this is dangerous.

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, insofar as Mr FUNG's supplementary question is concerned, I have already answered it when I gave a reply to Mr Henry WU. I already said that I would discuss with colleagues of the relevant departments to look for better options in recovering penalties, one of the proposals being to request the tourists concerned to provide their addresses in their country of origin. My reply to Mr Fred LI is obviously in response to another question. I think the proposal put forward by Mr Henry WU is feasible, and the relevant department will surely consider the implementation of this proposal.

PRESIDENT (in Cantonese): We have spent over 16 minutes on this question. This is the last supplementary question.

MR SIN CHUNG-KAI (in Cantonese): *Madam President, I would also like to follow up the question on tourists. I think it is technically feasible. I think the Immigration Department needs not draw up a blacklist, as suggested by Mr Fred LI. The department may just need a record to be kept alert to the need of checking against computer records travellers entering Hong Kong on certain types of documentation. If the record can indicate whether or not a tourist has settled the penalty payment, this can already serve as an effective measure. Will the Health, Welfare and Food Bureau co-operate with the Security Bureau to pursue development in this respect, with a view to recovering unpaid penalty from inbound?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): *Madam President, we can of course consider this proposal. However, before discussing with the Immigration Department, our bureau have to consider whether this policy suits the prevailing environment.*

PRESIDENT (in Cantonese): *Fifth question.*

Crackdown on Illegal Workers

5. **MR LAU KONG-WAH** (in Cantonese): *Madam President, regarding the crackdown on illegal workers, will the Government inform this Council of the following in the past 12 months:*

- (a) *the number of crackdown operations against illegal workers, the effectiveness of such operations, and the respective numbers of employers and illegal workers convicted;*
- (b) *the average manpower from the police and Immigration Department (ImmD) deployed in each crackdown operation against illegal workers, and whether the Government has reviewed the adequacy of the manpower deployed; and*
- (c) *whether prosecutions have been instituted against those who arranged for mainland tourists or illegal entrants to work in Hong Kong; if not, of the reasons for that?*

SECRETARY FOR SECURITY (in Cantonese): Madam President,

- (a) In the past 12 months, the ImmD mounted 4 456 operations against illegal workers, of which 93 were joint operations conducted with other departments. During the same period, a total of 4 745 persons were arrested for suspected illegal employment in Hong Kong, excluding those engaging in prostitution. Among these illegal workers, 2 708 were convicted of breach of condition of stay while 124 were convicted of hawking at places not set aside for hawking purposes or of obstruction. As regards employers, 987 were arrested for suspected employment of illegal workers and eventually 384 were convicted.
- (b) The ImmD and the police deploy their manpower according to operational needs. The ImmD mobilizes on average 35 to 65 officers for large-scale operations and five to 10 officers for regular operations. This scale of mobilization also applies to joint operations conducted with other departments. For the police, about 15 to 50 officers are deployed for regular joint operations and 170 to 330 officers for massive joint operations.

The departments concerned have been flexibly deploying their manpower to meet operational needs. There are at the moment indeed some pressures for more manpower resources to be deployed to fight illegal employment. We will regularly review and adjust the departments' manpower deployment to ensure effective actions against illegal employment on a continued basis.

- (c) The ImmD is committed to fighting illegal employment. Prosecution will be instituted against a person if there is evidence that he engages in the act of aiding, abetting or procuring others who are not lawfully employable to take up employment in Hong Kong, including the act of arranging for mainland visitors or illegal immigrants to work in Hong Kong. Persons arranging for visitors to work in Hong Kong will be charged with aiding, abetting or procuring someone to breach his condition of stay in accordance with section 89 of the Criminal Procedure Ordinance and section 41 of the Immigration Ordinance. In the past 12 months, there were a total of 182 prosecution cases, and conviction was successfully

secured in 158 of them. As regards the offence of arranging for illegal immigrants to work in Hong Kong, offenders will be prosecuted under section 89 of the Criminal Procedure Ordinance and section 38 of the Immigration Ordinance. There was no such prosecution in the past 12 months.

MR LAU KONG-WAH (in Cantonese): *Madam President, in order to protect the employment of local workers, I opine that we have to crack down on illegal workers. However, in order to crack down on illegal workers, first of all, we have to take measures against employers who employ illegal workers, which is very important. Although 300-odd people have been arrested, the maximum penalty was only \$6,000 in the past, and this can hardly have any deterrent effect at all. Is the Secretary aware of this, and does he have any improvement measures? We have been told by kaifongs of many districts that they very often notice this situation, but that they would not report immediately. Has the Secretary considered setting up an award system to encourage immediate reporting by the public, so that the authorities can strike a severe blow at the employers employing illegal workers?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, I totally agree with the opinion of Mr LAU. In order to effectively crack down on illegal labour activities, imposition of heavy punishment on employers can achieve deterrent effect. We have been discussing individual cases with the Department of Justice, and may appeal when we find that the penalties meted out in certain cases are too light. In regard to the need of setting up an award system to encourage reporting by the public, we do not have such a so-called award system for the time being. However, we have already increased the number of hotlines for reports. We used to have four hotlines, and now there are 10, representing an increase of six hotlines. We hope the public will report any illegal labour activities to us so that we can mobilize our manpower to crack down on them.

MR LAU KONG-WAH (in Cantonese): *The Secretary has not answered part of the supplementary question. I know that there is no award system for the time being, and that is why I asked the Secretary whether he would consider setting up an award system.*

SECRETARY FOR SECURITY (in Cantonese): I think that according to our existing policy, we will not consider setting up an award system for the time being. We do not reckon that the approach of cracking down on illegal workers should be similar to that of cracking down on crimes like drug trafficking at present, that an award system should be set up to induce people to report to us for the sake of the award. I think that Hong Kong citizens have the responsibility to assist us in cracking down on illegal workers. In the past, we did receive many reports made by members of the public.

MR ANDREW CHENG (in Cantonese): *Madam President, I would like to follow up the question concerning employers of illegal workers. I understand that from part (a) of the main reply that less than 30% of the employers concerned were convicted. Mr LAU Kong-wah just suggested the setting up of an award system, and if it is not to be considered by the Government, there are actually other methods. For example, now that there are many employers from the catering industry who have to apply for licences with the Government, and there are also many employers like contractors from the building industry who have to bid for government projects, so for these employers who have to apply for licences with the Government and bid for government projects, if they have past records concerning the employment of illegal workers, will the Government consider adopting administrative measures to blacklist them, revoke their licences or disallow them from bidding for government projects in future, as a means to crack down on employers employing illegal workers?*

SECRETARY FOR SECURITY (in Cantonese): As regards government projects, I understand that, if illegal workers are found on government sites, first, we will press charges; and second, this will certainly affect the contractors in their future bidding of projects. In regard to the other proposal by Mr CHENG, that is, whether we will take licensing into consideration, this is a new proposal to me, which I may consider after the meeting and discuss with other Policy Bureaux.

MR LEUNG FU-WAH (in Cantonese): *Madam President, a few weeks ago when we were selling flags on the streets to raise funds, some people complained to us that even their job of distributing leaflets had been snatched by two-way exit permit holders. The Secretary just mentioned that 4 456 operations had been*

mounted against illegal workers. And I wonder how many of them were based on reports and how many of them were self-initiated. May I ask whether there is any breakdown on the trades or categories of jobs in which the 4 745 persons were engaged?

SECRETARY FOR SECURITY (in Cantonese): I do not have the analysis in hand, nor do I know whether there is such information. Maybe after checking, I will supplement the information to Mr LEUNG later. (Appendix III)

MR IP KWOK-HIM (in Cantonese): *Madam President, the award system just suggested by Mr LAU Kong-wah is, in fact, helpful to the unemployed, which I hope the Secretary will consider instead of saying that it is not suitable right now. My supplementary question is very simple. I understand that at present, some illegal workers come to Hong Kong on business visas. I am not sure whether the situation is really like that and I hope the Secretary can verify this. Could the Secretary provide us with the information in this respect? If the situation is real, then has the ImmD notified the authorities concerned in the Mainland of this situation so that these people cannot come to Hong Kong by such means again in the short term?*

SECRETARY FOR SECURITY (in Cantonese): Mr IP's supplementary question is about whether there are two-way exit permit holders with business endorsements coming to Hong Kong as illegal workers. There is indeed such a situation and we also have some figures. We are quite concerned about this issue. Insofar as I understand it, the ImmD is in the process of studying this issue with the public security units in the Mainland, including how to curb it at source. Since the operations concerned are now ongoing, it is not appropriate for me to make any disclosure here. I think they are now conducting some investigations or arrest actions to see which provinces' or cities' local public security authorities issue these business endorsements. After analysing the information, they will report to the state public security authorities in the hope that interception can be effected at source.

MR IP KWOK-HIM (in Cantonese): *I think the Secretary has not answered a question, which is about quantity. Can the Secretary provide this information?*

SECRETARY FOR SECURITY (in Cantonese): I do not have the figures in hand, maybe I would supplement the information to Mr IP later. (Appendix IV)

MR ALBERT HO (in Cantonese): *Madam President, I understand that in many cases some employers would take the risk of employing illegal workers. If they are arrested and fined, they just take that as an additional tax and such payments have already been factored into the costs. Therefore, prosecution and fine alone are not effective enough. Thus, the Democratic Party, through the question of Mr Andrew CHENG, suggests whether the goal can be obtained by means of licensing, for instance, under certain circumstances, they will be blacklisted or barred from bidding for projects. I would like to follow up further. As a matter of fact, licences have to be obtained for many undertakings, including food establishments, and licences may have to be obtained for the premises. Has the Secretary considered some policies such as adopting the demerit point system? If the employer is found to have employed illegal workers more than once or twice, and after certain points have been deducted, the whole undertaking has to be closed or the licence revoked. Will that be more effective in curbing the employment of illegal workers?*

SECRETARY FOR SECURITY (in Cantonese): I thank Mr HO for his suggestion. Since licensing is not under the purview of my bureau, I will study the suggestion with other Policy Bureaux to determine whether it is feasible or there will be a need to amend the legislation. If the licence is cancelled or revoked, not only will the employer be affected, but the livelihood of the staff of the entire company will also be affected. I will pursue a detailed study after the meeting.

MS LI FUNG-YING (in Cantonese): *Madam President, in fact, there has been a rising trend in the number of illegal workers in recent months. May I ask the Secretary whether it is, as he said, due to rather tight manpower of the departments concerned that the crackdown on illegal workers has not been so effective, as the departments could not deal with various duties at the same time? If this is true, does the Secretary have other more effective measures that can really crack down on illegal workers?*

SECRETARY FOR SECURITY (in Cantonese): I thank Ms LI for asking this supplementary question. The number of illegal workers arrested has really been on the increase, and this can be due to several reasons. Firstly, the number of visitors to Hong Kong has remarkably increased in proportion. Secondly, in terms of raids and operations, they have been more frequent recently. Ms LI asked whether our manpower is very tight. And indeed, our manpower is very tight. However, we are also very much concerned about the work of combating illegal workers, as we do not want to see an influx of illegal workers into Hong Kong due to the liberalization of travel. Of course, I understand that the workload of our front-line staff is ever increasing. We may enhance the manpower accordingly in due course in order to support the front-line colleagues.

MR TAM YIU-CHUNG (in Cantonese): *Madam President, I would like to follow up the supplementary question asked by Mr IP Kwok-him just now, which was about some illegal workers coming to Hong Kong on business endorsements. In case they enter Hong Kong on business endorsements, if the staff of the ImmD can be more careful and there is more manpower, it is possible to discern the differences from their behaviour of entry or time of entry. It is because people coming for illegal work and for business are two different kinds of people. After certain questioning, it is actually very easy to distinguish them. In this regard, has the ImmD stepped up its immigration control so that these people can be intercepted before they enter Hong Kong?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, we have indeed taken some so-called pinpointing actions. From time to time, staff of the ImmD will take large-scale pinpointing actions at the checkpoints, particularly at land checkpoints, which include some rather in-depth cross-examining of those business endorsement holders. As far as I know, they carried out a similar large-scale action a few weeks ago, and a few hundred business endorsements holders were refused entry as a result. I think the ImmD will continue to carry out such pinpointing actions in the future.

PRESIDENT (in Cantonese): We have spent more than 16 minutes on this question. This is the last supplementary question.

MR JAMES TO (in Cantonese): *Madam President, when I listened to the Secretary's replies to the supplementary questions raised by Mr Albert HO and Mr Andrew CHENG respectively a moment ago, I felt he was suggesting that if the law-breaking employer's licence was revoked, the company might have to close down while the employees concerned would lose their jobs. This reminds me of a case a few years ago, in which someone mentioned that if a large press group was successfully prosecuted, the employees concerned would lose their jobs. I hope that the Secretary will not think it that way. We shall think from the perspectives of bidding or licensing. Has the Government ever considered such rather thorough perspectives and thought of what can be changed in the system to the effect that if an employer employs illegal workers, he will have to pay a really enormous price? Not only does he have to be put behind bars, but his business may not be carried on anymore. Has the Government considered this issue from that angle and direction, and introduced some reforms to the system?*

SECRETARY FOR SECURITY (in Cantonese): The Government is very much concerned the issue of cracking down on illegal workers, and we will certainly take all possible and legal measures against those employers who employ illegal workers. Bringing them to justice is, of course, our usual practice. A moment ago, Mr Andrew CHENG mentioned that the existing punishment seems to be rather lenient, while the imposition of a fine of a few thousand dollars seems to achieve little deterrent effect. As I also pointed out earlier, the ImmD has already reflected to the Department of Justice that for those cases in which the punishment is reckoned to be too light, we will appeal to the High Court for review. Just now, two Members suggested whether some administrative measures could be adopted to effectively crack down on employers of illegal workers. And I have already replied that I will consider the suggestion. Not long ago, Mr TO asked whether we could come up with any rather revolutionary ideas, which we are also in the process of considering. If Mr TO has any brilliant ideas, it is most welcomed that he offers them to us. Under all possible and legal circumstances, we also hope to crack down on the problem of illegal workers, so that it can be controlled or eradicated for good.

PRESIDENT (in Cantonese): Sixth question.

Government Flying Service's A&E Service

6. **MR NG LEUNG-SING** (in Cantonese): *Madam President, I would like to thank the Secretary for answering so many questions today. Will the Government inform this Council:*

- (a) *of the annual number of accident and emergency (A & E) service calls the Government Flying Service (GFS) responded to in the past two years, together with a breakdown by conditions of patients, as well as the number of non-injury cases;*
- (b) *whether it knows if the Hospital Authority (HA) has issued to the health care personnel specific guidelines on the circumstances in which such A&E services may be used; if so, of the details of the guidelines; and*
- (c) *whether it has assessed if there has been any abuse of the A & E services provided by the GFS; if the assessment result is in the affirmative, whether the Government has formulated measures to prevent such abuse and, if so, of the details of the measures; if the assessment result is in the negative, the justifications for that?*

SECRETARY FOR SECURITY(in Cantonese): Madam President,

- (a) In the past two years, the GFS has participated in 4 839 search and rescue and casualty evacuation operations. The operations are divided into the following categories:

<i>Categories of Operation</i>	<i>Number of cases between July 2001 and June 2002</i>	<i>Number of cases between July 2002 and June 2003</i>
Search and Rescue	327	319
Casualty Evacuation		
Type A+	363	308
Type A	1 484	1 666
Type B	49	323
Total	1 896	2 297

Type A+ casualty evacuations (Casevacs) are Casevacs for patients with life or limb threatening conditions.

Type A Casevacs are Casevacs for patients with emergency medical conditions that are other than life or limb threatening.

Type B Casevacs are Casevacs for patients with conditions of lesser emergency but for whom public transport is not appropriate.

Of the 646 search and rescue operations in the past two years, there were 82 non-injury cases, all involving lost hikers.

- (b) The HA has issued an Operations Circular to all concerned staff on the emergency transfer of patients from the Saint John Hospital in Cheung Chau and island clinics, which cannot be reached by land vehicles, to a major public Accident and Emergency Department (AED) in the urban area by helicopters of the GFS or police launches. The Circular sets out the transport arrangements for Casevacs, which are based on a set of interdepartmental procedures jointly prepared by the Department of Health, the Government Flying Service, the police, the Fire Services Department and the HA.

According to the Operations Circular, Casevacs are reserved for situations where, in the professional opinion of their attending doctor or nurse, the patient requires medical attention in a hospital-based A & E Department and it is not appropriate to ask the patient to make their way there by public transport. The Operations Circular classifies Casevacs into three types in decreasing order of medical urgency, as mentioned above.

In deciding on the type of Casevacs, the attending doctors and nurses would take into account a number of factors, including the clinical urgency, the need for continuous monitoring, the possibility of deterioration and the appropriateness of asking the patient to make their way to a hospital-based A & E Department by public transport.

Under the interdepartmental procedures, the GFS would respond to both type "A+ " and type "A" cases immediately, and to type "B" cases when available. In cases where the GFS is unable to provide service, police launches would be deployed to make the transfer.

- (c) A member of the public cannot directly call up the Government Flying Service to request for assistance. All search and rescue operations carried out by the GFS are in response to requests from the Hong Kong Maritime Rescue Coordination Centre (MRCC), the Police Headquarters Command and Control Centre, the Fire Services Communication Centre and the Civil Aviation Department. As for Casevac, there are internal guidelines governing the use of helicopters for such purpose. These guidelines, which set out the definition of casualty evacuation, have been worked out after consultation amongst relevant bureaux and operational departments, and would be updated and reviewed regularly to meet operational needs. We have not obtained any concrete evidence to show that there has been any abuse of the emergency evacuation services provided by the GFS. We will continue to monitor the situation to safeguard against any possible misuse of public resources.

MR NG LEUNG-SING (in Cantonese): *Madam President, I am very much concerned about part (c) of the main reply because the Secretary was very tactful in saying that "We have not obtained any concrete evidence to show that there has been any abuse of the emergency evacuation services provided by the GFS." However, we can see from the figures that, in the year that followed, the latest number of Type B cases (that is, patients with conditions of lesser emergency) amounted to six times compared to the number of such cases between July 2001 and June 2002, representing a growth of five times. There seems to be something behind it. Will the Government consider conducting any relevant investigations and studies to examine if there is any abuse in the absence of concrete evidence to show that there has been any abuse?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, members of the public cannot directly call up the GFS at present. As I have just said, all requests must be made through doctors, the Fire Services Department and the police. I believe we must respect the professional opinion of the attending doctors. They would, taking into account the conditions of the patients, classify them as Type A+ , A or B, and to make arrangements to transfer them to an A & E Department. In this connection, we would, in collaboration with relevant departments, the Department of Health and the HA, consult from time to time the views of other departments, and to update and review the guidelines to meet operational needs. Also, we would not rule out the possibility of discussing once again with the relevant departments to determine if it is necessary to revise the guidelines.

DR LO WING-LOK (in Cantonese): *Madam President, in part (b) of the main reply, the Secretary mentioned that helicopters and police launches could be deployed to perform emergency evacuations. May I ask the Secretary the cost of each trip of transporting patients by helicopter and police launch, the difference in the equipment of a helicopter and a police launch, and the mode of transport which is more suitable for the purpose?*

SECRETARY FOR SECURITY (in Cantonese): For the cost incurred in Casevacs performed by police launches, I do not have the figures on hand. However, insofar as a helicopter trip is concerned, I can only provide information on the cost involved in direct operation. The cost for direct operation comprises the expenditure on repairs and maintenance and fuel. We have two types of helicopters at present. The larger ones are called "Super Puma", while the smaller ones are "EC 155". The direct operation cost is \$14,500 per hour for the former, and \$8,900 per hour for the latter. As to whether helicopters or police launches are more appropriate for Casevacs, I believe it depends on the medical urgency of the patients. If the patient requires medical attention in an A & E Department as soon as possible, such as the abovementioned type "A+ " patients with life or limb threatening conditions, the use of helicopters would be undisputed as they can arrive in a shorter time.

Can type "B" cases be handled by police launches? Since these patients are not in life or limb threatening conditions, they should be handled by police launches. Under the existing duty roster for helicopters, they would provide services to all type "A+ " and "A" cases as far as practicable. As to type "B" cases, the GFS would respond to them where staff deployment is feasible. Nevertheless, priority would be given to type "A+ " and "A" cases. Owing to the manpower constraint in the GFS, helicopter services would not be available for requests of type "B" cases from 10 pm to 7 am, and only police launches would be deployed during that period.

DR LO WING-LOK (in Cantonese): *I would like to obtain the relevant documents later for Members' reference, so that we can compare the costs with that incurred in police launch operations.*

PRESIDENT (in Cantonese): Secretary for Security, will you provide the relevant documents?

SECRETARY FOR SECURITY (in Cantonese): Yes, we will provide the information. (Appendix V)

DR ERIC LI (in Cantonese): *Madam President, according to the Secretary's reply, the cost of each helicopter trip was about \$10,000. Also, according to the analysis he provided to this Council, in about 2 000 cases, the patients were not in life or limb threatening conditions. They were only in emergency conditions requiring urgent treatment, but not in immediate life-threatening medical condition. On this basis, we have to spend \$20 million each year for this purpose. Thus, is it worthwhile to set up clinics in nearer places, so that the patients can be given treatment sooner without resorting to an expensive mode of transport?*

SECRETARY FOR SECURITY (in Cantonese): The cost of \$14,500 per hour mentioned by me just now referred to the cost of a larger helicopter, that is, the Super Puma. For a smaller helicopter, the cost is \$8,900 per hour. As to the appropriateness of building a hospital or A & E Department in the outlying islands or Cheung Chau, we have to consider, from a different angle, if the policy would be more cost-effective. It is necessary to make extensive consideration in this situation.

DR ERIC LI (in Cantonese): *Madam President, can the Secretary inform us of the outcome of such consideration? It seemed that his reply had failed to address my supplementary question.*

PRESIDENT (in Cantonese): Secretary, are you prepared to provide the information?

SECRETARY FOR SECURITY (in Cantonese): I will relay Members' views to the Secretary for Health, Welfare and Food.

DR TANG SIU-TONG (in Cantonese): *Madam President, does the Government have any performance pledges in respect of the three types of Casevac? For instance, the average waiting time for type "A+ ", "A" and "B" cases.*

PRESIDENT (in Cantonese): Secretary for Security, do you have information to answer this supplementary question?

SECRETARY FOR SECURITY (in Cantonese): Does the Member mean whether or not we have any performance pledges?

DR TANG SIU-TONG (in Cantonese): *That's right.*

SECRETARY FOR SECURITY (in Cantonese): The GFS has a set of performance pledges in respect of Casevac. For call-outs for Type "A+ " and "A" cases, the on-scene time for locations within Island Zone is 20 minutes, and 30 minutes for all places outside Island Zone.

DR RAYMOND HO (in Cantonese): *Madam President, in the light of the considerable demand of the Island residents to the services provided by the GFS, will the Government consider stepping up the medical services provided to the outlying islands, so as to reduce their demand for services of the GFS? As far as I know, mobile medical services, such as floating clinics with doctors and nurses on board, are also available to the outlying islands. Will the service be strengthened?*

SECRETARY FOR SECURITY (in Cantonese): Madam President, I will relay Dr HO's views to the Secretary for Health, Welfare and Food.

MR MICHAEL MAK (in Cantonese): *Madam President, the Secretary pointed out in the last part of his main reply that no concrete evidence had been obtained to show that there had been any abuse of the emergency evacuation services provided by the GFS. However, as shown in the table, there was a substantial increase in the figures of type "B" cases as pointed out by Mr NG Leung-sing just now. I wonder if proper training is provided for crew members of the GFS, to assist them in identifying type "B" patients, instead of relying on doctors, nurses or the police in deciding on the type. Cases of type "A+ " and "A" would be easier to distinguish, but it seems not so clear in the cases of type "B". If crew members of the GFS are not provided with the expertise or appropriate training in case classification, the service would be opened to abuse. Will the Secretary advise whether measures have been adopted for verification? If not, patients of type "B" cases may misuse the service without the knowledge of the authorities.*

SECRETARY FOR SECURITY (in Cantonese): Madam President, as I have mentioned earlier, the main duty of the GFS is to provide emergency evacuation

services upon request. We have to rely on the professional opinion of on-scene medical staff, be they doctors or nurses, to classify patients into type "A+ ", "A" or "B". In fact, they would also decide on the appropriateness of requesting the GFS to fly patients to an A & E Department in the urban area. At present, we must still respect the professional opinion of the medical profession, that is, doctors or nurses, since the responsibility of the GFS lies with the provision of evacuation service. The existing crew members of the GFS have not received professional training to verify the professional opinion of a doctor, and I do not believe they are in the position to challenge such opinion. We have yet to reach such stage at the moment.

PRESIDENT (in Cantonese): We have spent more than 18 minutes on this question. This is the last supplementary question.

MR LAU KONG-WAH (in Cantonese): *Madam President, I would like to look at this matter from a different angle, for I note that we are sometimes unable to look after certain people's interest. The transfer of patients must be made after medical treatment or through police referral, however, for those people living in remote areas, it may take more than an hour for the police to arrive. In the absence of clinics and doctors in the area, if they cannot directly call up for the service, what are they going to do? Will they be in a more unfavourable situation?*

SECRETARY FOR SECURITY (in Cantonese): Madame President, a patient can contact us if he has a phone — he can surely dial "999" and once he is connected, both the Police Force or the Fire Services Department will contact us immediately. If they consider there is an urgent need to call up the GFS because of the location, they can make the request through the Police Headquarters Command and Control Centre and the Fire Services Communication Centre. If the patient does not have a phone, he is simply unable to contact us.

PRESIDENT (in Cantonese): Oral question time ends here.

WRITTEN ANSWERS TO QUESTIONS

Retrofitting of Air-conditioning Systems for Government Markets/Cooked Food Centres

7. **DR RAYMOND HO** (in Chinese): *Madam President, regarding the issue of air-conditioning in markets/cooked food centres, will the Government inform this Council:*

- (a) *of the total number of public markets/cooked food centres (CFCs) without air-conditioning systems in the territory, and apart from seven of these markets/CFCs which will be retrofitted with air-conditioning systems, whether there are plans to retrofit air-conditioning systems for the remaining markets/CFCs, if so, of the details;*
- (b) *as lessees of stalls in 19 public markets/CFCs have been consulted on the retrofitting of air-conditioning projects, whether stall lessees of other public markets/CFCs without air-conditioning systems had been consulted on the retrofitting works, or made requests for such works in the past three years; if so, of the percentage of lessees supporting the retrofitting works and agreeing to pay the recurrent air-conditioning charges among all stall lessees in the markets/cooked food centres concerned; and*
- (c) *if the percentage mentioned in part (b) above falls short of the 85% required by the authorities, of the authorities' measures, broken down by market/CFC, to address the issue of air-conditioning in the markets/cooked food centres concerned?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Chinese):

Madam President,

- (a) There are a total of 81 public wet markets managed by the Food and Environmental Hygiene Department (FEHD), of which 38 have a built-in CFC. Of the 81 markets, 14 are fully air-conditioned while another 10 are partially air-conditioned (that is, only the CFC portion of the market is provided with air-conditioning). The remaining 57 markets are not equipped with any air-conditioning system.

Preparations are in hand to retrofit air-conditioning to seven markets/CFCs in which over 85% of concerned stall lessees supported the retrofitting works and agreed to pay the recurrent costs involved. Upon completion of these capital works projects in the next two years, we will examine and review the issues relating to retrofitting of air-conditioning to other markets/CFCs under the FEHD's purview.

- (b) and (c)

Apart from the 19 markets/CFCs mentioned in the question, the FEHD has not conducted any consultation with the stall lessees of other markets/CFCs with regard to retrofitting of air-conditioning. Over the past three years, the Department received a total of 39 requests for ventilation-related improvements to existing markets/CFCs. For those markets/CFCs without any air-conditioning retrofitting plan, we will introduce necessary measures to improve the ventilation such as mounting additional air grilles, installing extraction systems, providing ceiling fans and exhaust ducts, and so on. The actual scope of improvement measures will be drawn up having regard to the conditions of individual markets and the views of stall lessees concerned.

Problems Arising From the Cessation of Production and Sale of HOS Flats

8. **MR LEUNG YIU-CHUNG** (in Chinese): *Madam President, regarding the cessation of the production and sale of Home Ownership Scheme (HOS) flats, will the Government inform this Council:*

- (a) *whether there are any HOS sites that are left unattended after construction works have commenced due to the authorities' decision to cease the production of HOS flats; if so, of the number of sites involved and the remedies to be made by the authorities;*
- (b) *whether due to the change in HOS policy, the authorities have failed to fulfil their contractual obligation of providing the lists of eligible HOS applicants to developers of the Private Sector Participation Scheme (PSPS) within 20 months after consent notices for pre-sale of uncompleted flats and Letters of Satisfaction have been granted; if so, of the respective numbers of such cases and the flats involved and, among them, the respective numbers of those cases brought to the Court by the developers and the flats involved; and*
- (c) *whether the authorities have assessed the aforesaid situations before deciding to cease the production and sale of HOS flats; if so, of the assessment results; if not, the reasons for that?*

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Chinese):

Madam President, my reply to the three-part question is as follows:

- (a) In November 2002, in view of the conditions of the property market, the Government and the Housing Authority (HA) decided to cease the production and sale of flats under the HOS. Notwithstanding, construction activities at HOS sites where building works had already commenced have continued as scheduled. For two sites at Valley Road and Hung Hom where piling works had been completed and building works have not yet commenced, the HA has decided to return them to the Government for consideration of alternative uses.

- (b) Subsequent to the termination of PSPS, only flats in two remaining projects require disposal, namely, Hunghom Peninsula in Hung Hom with 2 470 flats and Kingsford Terrace in Ngau Chi Wan with 2 010 flats. In both projects, the 20-month contract period, commencing from the date of pre-sale consent, for the HA to nominate prospective buyers for the flats has not yet expired. The developer of Hunghom Peninsula has filed a writ with the Court on the ground that change of the HOS policy has affected the sale arrangements for the project.
- (c) In view of increasing overlap between the HOS and private residential market amidst a gross imbalance between supply and demand, the Government and the HA decided to cease the production and sale of HOS flats. The aim is to facilitate the property market to gradually restore its balance, which in turn will help the economy and benefit the community as a whole. Before reaching the decision, the Government had thoroughly assessed possible impacts on ongoing HOS projects and unsold PSPS developments. For the two HOS sites where piling works had just been completed, the HA has executed the piling contracts. Tendering for building works has not yet started. Hence there should not be contractual disputes. As regards the two remaining PSPS projects mentioned above, the Government has commenced negotiations with the developers concerned with a view to modifying the lease to enable the latter to dispose of the flats.

Projects Under "Head 710-Computerisation" of the Capital Works Reserve Fund

9. **MR SIN CHUNG-KAI** (in Chinese): *Madam President, will the Government inform this Council:*

- (a) *of the total number of projects approved under "Head 710-Computerisation" of the Capital Works Reserve Fund since the financial year 1999-2000 to the present; and the respective numbers of projects commenced in each financial year; and*

- (b) *among the projects approved under the above Head, of those which have been completed, which are yet to commence, which have been completed ahead of schedule and which are behind schedule, and the reasons for their lagging behind schedule?*

SECRETARY FOR COMMERCE, INDUSTRY AND TECHNOLOGY (in Chinese): Madam President,

- (a) Since the start of financial year 1999-2000, 35 major computerization projects (those costing over \$10M each) have been approved under Capital Works Reserve Fund Head 710 - Computerisation. A breakdown of the projects by year is shown below:

<i>Financial Year</i>	<i>Number of Projects Commenced in the Year</i>
1999-2000	13
2000-01	8
2001-02	7
2002-03	6
2003-04 (up to the end of September 2003)	1
Total	35

- (b) All 35 projects have commenced, and of this total, 10 projects have been completed. Of the 10 completed projects, none was completed ahead of schedule, three projects were completed on schedule and seven were completed with a delay ranging from two to 12 months. The remaining 25 projects are continuing. A detailed project list is at Annex.

The main reasons for delay are prolonged tendering process, prolonged system evaluation, late delivery of products/services, changes in business requirements and organizational changes.

Implementation Status of Major Projects approved from 1999-2000 onwards
under the Capital Works Reserve Fund Head 710 - Computerisation

<i>Subhead</i>	<i>B/D</i>	<i>Title</i>	<i>Project Commenced in</i>	<i>Project Completed in</i>	<i>Delay (Yes/No)</i>	<i>Duration of Delay (month)</i>
A016XM	C&ED	Case Processing System	2000-01	2001-02	No	-
A083XS	ITSD	Secure Central Internet Gateway System	1999-2000	1999-2000	No	-
A006ZV	REO	Enhancement to the Electoral and Registration System (EARS) for the 1999 District Councils election and the 2000 Legislative Council election	1999-2000	2000-01	No	-
A027XG	C&SD	Computer Equipment and Services for the 2001 Population Census	1999-2000	2001-02	Yes	2
A028YK	IRD	Implementation of the Document Management System Phase I Project in the Inland Revenue Department	2001-02	2003-04	Yes	2
A027YK	IRD	Implementation of Information Systems Strategy Projects in the Inland Revenue Department	2000-01	2002-03	Yes	4
A005VA	LCSD	Computer Cataloguing System for the Hong Kong Film Archive	1999-2000	2001-02	Yes	6
A002VA	LCSD	Redevelopment of Recreation and Culture Computerised Booking System	1999-2000	2000-01	Yes	11

<i>Subhead</i>	<i>B/D</i>	<i>Title</i>	<i>Project Commenced in</i>	<i>Project Completed in</i>	<i>Delay (Yes/No)</i>	<i>Duration of Delay (month)</i>
A008XV (DCP)	CITB (TIB)	Electronic Data Interchange - System for Dutiable Commodities Permits	1999-2000	2002-03	Yes	11
A003ZC	BD	Building Condition Information System	2000-01	2002-03	Yes	12
A016XC	ArchSD	Enhancement of Automated Communication, Technical Information and Operations Network (ACTION) System for ArchSD	2003-04	Under Implementation	-	-
A008XV (GETS)	CITB	Electronic Data Interchange - Government Electronic Trading Service	2001-02	Under Implementation	-	-
A008XV (CM)	CITB (TIB)	Electronic Data Interchange - Cargo Manifest	1999-2000	Under Implementation	-	-
A009ZS	DH	Public Health Information System	2000-01	Under Implementation	-	-
A017XN	EMB (ED)	Infrastructure Enhancement Project for Schools and the Education Department	2000-01	Under Implementation	-	-
A018XN	EMB (ED)	Personnel Information Management System	2001-02	Under Implementation	-	-
A063XV	ETWB	System Development and Implementation of the Public Works Programme Information System	2002-03	Under Implementation	-	-
A072YU	HKPF	Office Automation for Hong Kong Police Force	1999-2000	Under Implementation	-	-

<i>Subhead</i>	<i>B/D</i>	<i>Title</i>	<i>Project Commenced in</i>	<i>Project Completed in</i>	<i>Delay (Yes/No)</i>	<i>Duration of Delay (month)</i>
A074YU	HKPF	Replacement of the Criminal Intelligence Computer System and the Enhanced Police Operational Nominal Index Computer System	1999-2000	Under Implementation	-	-
A085YU	HKPF	Communal Information System Capacity Planning for the Year 2002 to 2006	2002-03	Under Implementation	-	-
A029YF	ImmD	Hong Kong Special Administrative Region Identity Card	2000-01	Under Implementation	-	-
A033YF	ImmD	Implementation of Phase I of the Updated Information Systems Strategy for the Immigration Department	2001-02	Under Implementation	-	-
A034YF	ImmD	Implementation of Phase II of the Updated Information Systems Strategy for the Immigration Department	2002-03	Under Implementation	-	-
A025YL	JUD	Implementation of Judiciary Information Systems Strategy Phase III	1999-2000	Under Implementation	-	-
A009YP	LAD	Implementation of Information Systems Strategy Study	1999-2000	Under Implementation	-	-
A003VA	LCSD	Library Automation System	1999-2000	Under Implementation	-	-
A004VA	LCSD	Digital Library System	1999-2000	Under Implementation	-	-

<i>Subhead</i>	<i>B/D</i>	<i>Title</i>	<i>Project Commenced in</i>	<i>Project Completed in</i>	<i>Delay (Yes/No)</i>	<i>Duration of Delay (month)</i>
A010YM	LD	Occupational Safety and Health Management Information System	2000-01	Under Implementation	-	-
A007ZV	REO	Development of a new Electoral and Registration System	2001-02	Under Implementation	-	-
A011ZG	SWD	Implementation of Information Systems Strategy Phase II - Technical Infrastructure/Client Information System	2002-03	Under Implementation	-	-
A053ZN	TD	Transport Information System	2001-02	Under Implementation	-	-
A076ZN	TD	Replacement of the Vehicles and Drivers Licensing Integrated Data (VALID) III System	2001-02	Under Implementation	-	-
A027ZP	Try	Replacement of the Government Financial Management Information System	2002-03	Under Implementation	-	-
A021ZR	WSD	Implementation of the Customer Care and Billing System	2000-01	Under Implementation	-	-
A022ZR	WSD	Implementation of the Maintenance Works and Laboratory Information Management Systems	2002-03	Under Implementation	-	-

Vaccinations Against Influenza

10. **DR LAW CHI-KWONG** (in Chinese): *Madam President, the World Health Organization (WHO) has advised that vaccination is the primary means to prevent influenza and recommended that governments should provide such vaccinations for the elderly and other high-risk groups. In this connection, will the Government inform this Council:*

- (a) *of the number of elderly persons (that is, those aged 60 or above) who were given influenza vaccinations by the Department of Health (DH) last year, and its percentage in the elderly population; whether it will provide influenza vaccination for all elderly persons and other high risk groups as recommended by the WHO; if so, of the costs required; if not, the reasons for that;*
- (b) *whether it has statistics on the amount of public health care expenditure incurred in treating influenza and its complications and the number of deaths caused by such diseases each year and assessed, on the basis of these figures, the cost-effectiveness of providing vaccinations for all elderly persons and other high-risk groups; if so, of the assessment results; and*
- (c) *whether it knows the percentage in the total population of those persons who have received influenza vaccination this year; whether it has formulated specific guidelines and programmes to be implemented by public and private medical institutions, for increasing the vaccination coverage and taking measures to ensure an adequate supply of vaccine?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Chinese):
Madam President,

- (a) As institutions are more prone to outbreak of infectious diseases, and frail elders are more susceptible to complications if they become infected with influenza, the DH has since 1998 implemented an annual influenza vaccination programme for residents in residential care homes for the elderly (RCHEs). This is in accordance with the recommendations of the Advisory Committee on Immunization

(Advisory Committee), which comprises infectious disease experts in paediatrics, medicine, immunology and public health from the public, private and academic sectors. The Committee reviews the current strategy on immunization and makes recommendations to the Director of Health on future directions of the immunization programmes in Hong Kong based on the best available evidence and local epidemiology of vaccine-preventable infectious diseases. In 2002, over 49 000 elders residing in RCHEs were vaccinated by the DH.

In view of a possible seasonal return of the Severe Acute Respiratory Syndrome (SARS) which may coincide with the influenza peak season and the absence of a rapid and reliable diagnostic test to rule out SARS early in the course of illness, and in the light of the WHO's recommendations which were made with a risk-stratification approach and the local epidemiological situation, the Advisory Committee proposes an extension of this year's influenza vaccination programme to cover long-term residents in residential institutions for persons with disabilities. The aim is to reduce the chance of an outbreak in these institutions, the risk of post-influenza complications in the residents and subsequent admission to hospitals. It is anticipated that this year's influenza vaccination programme by the DH covering institutions will achieve a coverage of about 70 000 recipients. The Hospital Authority (HA) will also provide influenza vaccination to certain groups of public hospitals in-patients who are elderly or who have certain chronic illnesses.

In addition, the Government will offer free vaccination to eligible high-risk elders outside the institutional setting who lack the means and require assistance in arranging for vaccination. These include elders aged 65 and above on Comprehensive Social Security Assistance or medical waivers granted by the HA or the Social Welfare Department, and are being followed up at public clinics with chronic heart and lung diseases and assessed to be at higher risk of developing complications from influenza. Other elderly persons and persons with chronic diseases are encouraged to seek medical advice from their doctors to receive influenza vaccination for individual protection. There are also non-governmental organizations offering influenza vaccination at affordable prices.

The Advisory Committee has also advised that health workers who are occupationally exposed to a higher risk of influenza and SARS infection should receive influenza vaccination to be arranged by themselves or their employers as early as possible. In line with the Advisory Committee's recommendations, the DH and the HA will arrange influenza vaccination in the coming months for their health care staff. Employers of health care staff in the private sector and other settings should encourage their staff to receive influenza vaccination.

The costs for the above immunization programmes include vaccine cost, and staff cost and administrative backup cost of the parties concerned including the DH, the HA and the RCHEs. Breakdown of these costs is not available.

- (b) Influenza is a type of common infectious respiratory disease. The number of deaths caused by influenza in Hong Kong is between zero and six each year. Most patients will recover in several days without medication and the severity varies among people. Not all patients will seek medical advice when falling sick with flu-like symptoms. There is no available statistics on the amount of public health care expenditure incurred in treating influenza. We are therefore unable to quantify the cost-effectiveness of providing vaccinations to elders and other high-risk groups.

However, senior citizens and the disabled living in residential institutions have a relatively higher risk of being infected by an influenza outbreak and developing complications that require hospitalized treatment. Therefore, it should be relatively more cost-effective to organize influenza vaccination programmes for this group of people.

- (c) The DH's vaccination programme in 2002 covered over 49 000 elders residing in RCHEs. Comprehensive figures on the number of persons who have influenza vaccination are however not available because, apart from the DH and the HA, the private sector also provides such vaccination services.

To better prepare the community against influenza, the DH is liaising with the Hong Kong Medical Association to organize a seminar for private health care providers, and issue notices and circulars to enhance their knowledge and awareness of influenza vaccination with a view to increasing the vaccination rate among high-risk groups. The DH has ordered adequate supply of vaccine for use in its free vaccination programme as outlined in part (a) above. We have been liaising with the private sector and with suppliers and understand that a substantial supply of vaccine has been procured.

Proposal for Constructing a Station in Mong Kok West for the Kowloon Southern Link

11. **MR JAMES TO** (in Chinese): *Madam President, according to the current Kowloon Southern Link (KSL) project of the Kowloon-Canton Railway, there will be four stations along the rail line, starting at Nam Cheong Station in Sham Shui Po, running through West Kowloon Station in Jordan and Canton Road Station in Tsim Sha Tsui, and terminating at East Tsim Sha Tsui Station. The distance between Nam Cheong Station and West Kowloon Station, which covers the stretch of Mong Kok West, is longer when compared to those between other stations. That stretch now mainly accommodates four residential estates, namely Charming Garden, Park Avenue, Central Park and Hoi Fu Court, and is very densely populated, but transportation from there to Tsim Sha Tsui has always been inadequate. In this connection, will the Government inform this Council:*

- (a) *although the Kowloon-Canton Railway Corporation (KCRC) has indicated that the piece of vacant land adjacent to Hong Kong Management Association David Li Kwok Po College at Hoi Ting Road in Mong Kok West has been reserved for the construction of a community centre, it is not suitable for constructing a KSL station, whether the Government will ask the KCRC to consider constructing the station on the vacant land with the community centre on top of it; and*
- (b) *whether the KCRC has conducted a feasibility study on construction of a station beneath the above vacant land; if it has, of the findings; if it has not, the reasons for that?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Chinese): Madam President, the KCRC is aware of the suggestion for a station at Hoi Ting Road near Hong Kong Management Association David Li Kwok Po College. The KCRC has made an assessment on the transport need for a station between West Rail Nam Cheong Station and the future KSL West Kowloon Station and the technical feasibility of constructing such a station. The KCRC has concluded that the need for such a station is not strong as there is already rail service provided by the nearby MTR Olympic Station, and the total population of the four mentioned residential clusters, that is, the Central Park, Park Avenue, Hoi Fu Court and Charming Garden is only about 30 000. The technical feasibility of constructing such a station is also doubtful in view of the various constraints posed by the existing buildings, underground utilities, the Airport Railway and various highway infrastructures. Furthermore, to pursue the above suggestion of constructing a station at Hoi Ting Road will involve shifting the KSL alignment to the east and the resumption of some private buildings. The KCRC has therefore concluded that the proposal is not viable and has explained the decision to the Yau Tsim Mong District Council and parties concerned.

Nuisance Caused by Aircraft Noise to Residents

12. **MR ALBERT CHAN** (in Chinese): *Madam President, in reply to my question on 3 July last year, the Administration indicated that it had implemented a series of measures to effectively reduce the impact of aircraft noise on residents. However, I learn that during the period between 11 pm in the evening and 7 am in the following morning, aircraft noise is causing nuisance to residents living in many of the newly completed housing estates, including the Caribbean Coast, the Seaview Crescent and Park Island, thus making it difficult for residents to fall asleep. In this connection, will the Government inform this Council of:*

- (a) *the number of flights with aircraft noise levels which exceeded 75 decibels during the above hours, as recorded at the Caribbean Coast, the Seaview Crescent and Park Island in the past 15 months, and their take-off and landing times; and*
- (b) *the measures the Administration will take to minimize the nuisance caused by aircraft noise to residents living in the above estates, including measures such as plans to prohibit aircraft from using the*

eastern runways at the airport for taking-off and landing and using the north-eastern flight path during the said hours?

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Chinese): Madam President,

- (a) The Civil Aviation Department (CAD) has installed aircraft noise monitoring terminals at Fu Tung Estate near Caribbean Coast and Seaview Crescent in Tung Chung and at Ma Wan Service Reservoir near Park Island. During the past 15 months from 1 June 2002 to 31 August 2003, for the period from 11 pm to 7 am, there were 179 aircraft noise events exceeding 75 decibels recorded at the noise monitoring terminal at Fu Tung Estate (representing 0.7% of all noise events recorded at this terminal). Detailed information is set out in Annex 1. During the same period, there were 1 287 aircraft noise events exceeding 75 decibels recorded at the noise monitoring terminal at Ma Wan Service Reservoir (representing 6.29% of all noise events recorded at the terminal). Detailed information is set out in Annex 2.
- (b) The CAD has since October 1998 been implementing various noise mitigating measures to minimize the impact of aircraft noise on the communities near the flight path. For example, to avoid aircraft overflying more densely populated areas in the early hours, flights departing Hong Kong between 11 pm and 7 am are arranged to use the southbound route via the West Lamma Channel as far as possible while flights arriving Hong Kong between midnight and 7 am are arranged to land from the southwest over water, subject to flight safety not being affected. To reduce the aircraft noise impact on Tung Chung and Ma Wan, all aircraft taking-off towards the northeast are required to follow the noise abatement departure procedures prescribed by the International Civil Aviation Organization to reach a higher altitude within a shorter distance. With effect from 1 July 2002, the CAD has banned all Chapter 2 aircraft which has a higher noise level, as defined in Volume I, Part II of Annex 16 of the Convention on International Civil Aviation, from landing and taking-off at the airport.

From the air traffic safety point of view, an aircraft approaching the airport in one direction (for example, from the northeast) should depart in the same direction (for example, towards the southwest). If aircraft are prohibited from using the eastern runway and the northeastern flight path (that is, taking-off towards the northeast and landing from the northeast) between 11 pm and 7 am, it would mean all arriving flights have to land from the southwest and at the same time all departing flights have to take-off towards the southwest. This mode of operation whereby aircraft fly in opposite direction on the same flight path has serious flight safety implications, and would also jeopardize the safety of passengers. For flight safety reasons, the CAD cannot accept such measure.

Noise impact caused by aircraft take-off and landing in many parts of the world is assessed on the basis of the internationally accepted Noise Exposure Forecast (NEF) Contour. The Contour is determined after taking into account various factors including the decibel levels of aircraft noise, the tonal characteristics as well as the duration and frequency of overflying flights at different times of the day. As compared to measuring only the decibel levels, the NEF model can reflect more comprehensively and appropriately the noise impact caused by aircraft take-off and landing. Hong Kong currently adopts the NEF 25 Contour. This standard is comparable to, or even more stringent than the standards adopted in many other countries.

According to the Hong Kong Planning Standards and Guidelines, all noise sensitive developments, including residential developments, are prohibited within the NEF 25 Contour.

Although Tung Chung and Ma Wan are near to the airport, these two areas (including Caribbean Coast, Seaview Crescent and Park Island) are outside the NEF 25 Contour and the data collected at the respective noise monitoring terminals indicate that the aircraft noise impact experienced at these two locations are in compliance with current planning standards. That said, the CAD will continue to closely monitor flight paths and aircraft noise impact through the Aircraft Noise and Flight Track Monitoring System. The CAD will also continue to closely monitor international aviation technology developments and consider all possible noise mitigating measures.

Annex 1

Aircraft Noise events exceeding 75 dB

Location: Tung Chung

Period: 1 June 2002 to 31 August 2003

Time: 2300 to 0700

<i>Time</i>	<i>Number of noise events exceeding 75 dB</i>
2300 to 2400	48
0001 to 0100	70
0101 to 0200	17
0201 to 0300	4
0301 to 0400	18
0401 to 0500	3
0501 to 0600	4
0601 to 0700	15
Total:	179

Remark

Tung Chung Noise Monitoring Terminal was out of service on the following dates:

12 to 13 September 2002

18 to 20 January 2003

Annex 2

Aircraft Noise events exceeding 75 dB

Location: Ma Wan

Period: 1 June 2002 to 31 August 2003

Time: 2300 to 0700

<i>Time</i>	<i>Number of noise events exceeding 75 dB</i>
2300 to 2400	163
0001 to 0100	544
0101 to 0200	160
0201 to 0300	63
0301 to 0400	110
0401 to 0500	125
0501 to 0600	56
0601 to 0700	66
Total:	1 287

Remark

Ma Wan Noise Monitoring Terminal was out of service on the following dates:

June 2002

1 to 2; 19 to 22; 27 to 30 July 2002

3 to 7; 10 to 19 August 2002

18 to 20 January 2003

23 to 26 March 2003

Newly Procured Anti-riot Gear

13. **MS EMILY LAU** (in Chinese): *Madam President, it has been reported that the Administration procured by tender 13 000 rounds of 1.5-inch CS cartridge after the great march on 1 July this year. Such cartridge, coupled with the 9 400 new style riot helmets procured by tender before that, represented the largest quantity of anti-riot gear procured since Hong Kong's reunification. In this connection, will the executive authorities inform this Council:*

- (a) of the reasons for replacing the existing stock of anti-riot gear;*
- (b) whether the march on 1 July was one of the reasons for the Administration's decision to procure a large quantity of anti-riot gear; if so, of the details of its considerations;*
- (c) how the newly procured riot helmets differ from the existing stock in terms of functions;*
- (d) whether the newly procured CS cartridge is more powerful than that of the existing stock; if so, whether the guidelines on the use of anti-riot gear will be tightened up; if such guidelines will not be tightened up, of the reasons for that;*
- (e) of the circumstances under which the newly procured anti-riot gear will be used; and*
- (f) of the amount of public expenditure incurred in such procurement?*

SECRETARY FOR SECURITY (in Chinese): Madam President,

- (a) Back in 2001, the police started studying the replacement of riot helmets in order to meet the current international safety standards. The tendering exercise in April 2003 was the result of a series of studies and trials of various helmets available on the market. CS cartridges bear expiry dates set by the manufacturer. The police, in compliance with the safety guidelines, have to replace the existing stock which is due to expire. A tendering exercise was started in July 2003.

- (b) The background and reasons for the procurement of riot helmets and CS cartridges by the Police Force have been set out in part (a) above. The procurement bears no connection with the public procession on 1 July 2003.
- (c) The new helmets, compared to the old ones, are more refined in their specifications, offer better protection and comply with current international safety standards.
- (d) The new CS cartridges are no different from the ones currently used by the police in terms of specifications. Given this, there is no need for the police to issue new guidelines as a result of the procurement of CS cartridges.
- (e) The new helmets will be issued to front-line police officers as personal protection gear to be used in disasters response and internal security operations. The new CS cartridges will replace the ones due to expire. They will be used in internal security operations.
- (f) The exact amount of money involved is not available now as the procurement is done by open tender.

Follow-up Action Upon the Lifting of Entry and Exit Restrictions on a Particular Person

14. **MR HENRY WU** (in Chinese): *Madam President, will the Government inform this Council:*

- (a) *of the follow-up action to be taken and the procedures and time normally required by various departments concerned upon the lifting of the entry/exit restriction on a particular person; and the number of cases in which such follow-up procedures took longer time in the past three years and the respective reasons for that;*
- (b) *whether it has received, in the past three years, any complaints about the Immigration Department (ImmD)'s failure to update the information in its boundary control point computer systems, which*

affected or caused delays to the departure or entry of persons whose entry/exit restrictions had been lifted; if so, of the number of such complaints and the causes of such situations; whether it compensates those persons who suffer pecuniary loss because of such delays; if so, of the details; if not, the reasons for that; and

- (c) *whether it plans to review the follow-up procedures mentioned in part (a) above; if it has, of the details and timeframe of the plans concerned; if not, the reasons for that?*

SECRETARY FOR SECURITY (in Chinese): Madam President,

- (a) Upon knowing that the entry/exit restriction on a particular person (such as a wanted person or a person barred from leaving Hong Kong under a court order) has been lifted, the departments concerned would, in accordance with existing procedure, immediately notify the ImmD of the updated information by phone or by fax so that the latter can take follow-up actions. Since the procedures involved may directly hamper the freedom of entry/exit of the person concerned or cause inconvenience to him/her, the ImmD would accord priority to the handling of such cases, including the checking of relevant files, verification of the information and the updating of computer records. In general, the entire follow-up procedure, including the updating of information in the computer system at boundary control points, can be completed within a very short period of time.
- (b) In the past three years, there has been only one complaint relating to delay in entry/exit caused by failure to update the entry/exit restriction of the person concerned. The incident took place in September 2001 when the person concerned was leaving Hong Kong through our airport. He was intercepted by immigration officers because of an entry/exit restriction, and missed the scheduled flight in consequence. He subsequently lodged complaints with The Ombudsman and the department concerned. Investigation revealed that his exit restriction had earlier been lifted, but the department had not notified the ImmD. After examining the facts and seeking legal advice, the department concerned apologized to the person

concerned and provided compensation for the delay in his trip. The department concerned also conducted a review of the procedure to ensure more direct and effective communications on matters relating to entry/exit restrictions, and to avoid recurrence of similar incidents.

- (c) The procedure mentioned in (a) above is subject to constant review by the departments concerned to ensure that there is no delay in processing. The ImmD also has plans to enhance the existing "Immigration Control Automation System" by 2004. By then, the departments concerned will be able to use the government intranet to forward information on the imposition or lifting of entry/exit restrictions via encrypted transmission. This will allow the ImmD to process such cases more expeditiously and securely.

Matters Concerning Football Betting

15. **MR ANDREW CHENG** (in Chinese): *Madam President, regarding betting on football match conducted by the licensed football betting conductor, will the Government inform this Council:*

- (a) *of the total amount of football bets received by the conductor since it started to accept such bets;*
- (b) *of the total amount of provisional payments the conductor has paid to the Government so far;*
- (c) *whether the conductor has placed hedging bets with authorized overseas bookmakers since it started to accept football bets; if so, of the amount of hedging bets placed on each occasion;*
- (d) *of the respective numbers of operations carried out by the police against illegal football betting activities between August and September in 2002 and the corresponding period in 2003;*
- (e) *of the total number of persons who have received treatment for pathological gambling behaviour since the conductor started to accept football bets; and*

- (f) *whether it will consider discussing with the conductor the possibility of allocating additional resources and setting up more counselling centres to help pathological gamblers in Hong Kong?*

SECRETARY FOR HOME AFFAIRS (in Chinese): Madam President, my reply to the question is as follows:

- (a) The Home Affairs Bureau has approached the HKJC Football Betting Limited — the licensee for authorized football betting, for information on the total amount of football bets it has received since the commencement of its licence on 18 July 2003. According to the licensee, betting turnover figures are commercially sensitive and their disclosure might undermine its competitiveness. The licensee nevertheless plans to make public full-year turnover figures after they have been audited at the end of the first year of operation.
- (b) Under the Betting Duty Ordinance, betting duty on authorized football betting is charged on a yearly basis while provisional payments are to be made on a cumulative monthly basis. The amount of betting duty that the licensee is liable to pay in respect of a charging period can only be ascertained towards the end of the period following adjustments to the total provisional payments paid. The amount of provisional payments paid by the licensee in the middle of a charging period could not reflect its operational condition, and may be misleading and commercially sensitive. We therefore consider it more appropriate to disclose the actual amount of betting duty received after it has been ascertained at the end of the charging period.
- (c) We understand that the licensee has placed hedging bets with overseas legal bookmakers since it started to accept football bets. We agree with the licensee that figures relating to individual hedging transactions are commercially sensitive, and their disclosure might pose difficulty for the licensee to place hedging bets with other bookmakers in the future. We therefore do not consider it appropriate to disclose such information.

- (d) The police conducted five raids against illegal football gambling during the period from August to September in 2002, while three raids were conducted in August 2003. The information for the month of September 2003 is not yet available.
- (e) The Government set up The Ping Wo Fund in September 2003 to finance preventive and remedial measures for addressing gambling-related problems. They include the establishment of two pilot dedicated counselling and treatment centres for problem and pathological gamblers. The two centres would commence operation in mid-October. As the two centres have yet to start operation, we have no statistics on the number of problem and pathological gamblers who have received counselling and treatment since the licensee started to accept bets on football matches.
- (f) We plan to commission an independent organization to monitor and review the demand for, and effectiveness of, the services to be provided by the two pilot dedicated counselling and treatment centres, shortly after they have come into operation. Subject to the outcome of this review, we would consider whether there is a need to provide more counselling and treatment services for problem and pathological gamblers in Hong Kong, and if so, how best to address the demand.

Problem of Surplus Teachers

16. **MR YEUNG YIU-CHUNG** (in Chinese): *Madam President, although a large number of surplus teachers and fresh graduates of the Hong Kong Institute of Education (HKIEd) have indicated that it is difficult to secure a teaching post, I have received complaints that some schools have employed untrained university graduates as "permitted teachers" in the current school year. In this regard, will the Government inform this Council:*

- (a) *whether there are any "permitted teachers" among the new teachers in the current school year; if so, of the details and the follow-up measures taken by the authorities;*

- (b) *of the number of teaching vacancies available for application in Hong Kong in the current school year; the number of surplus teachers who have yet to secure a teaching post at present, and the employment situation of the fresh graduates of the HKIEd; and*
- (c) *how long has the over-supply of teachers existed; the supply and demand of teachers during that period, broken down by school year; and the measures taken by the authorities to prevent the recurrence of a surplus of teachers?*

SECRETARY FOR EDUCATION AND MANPOWER (in Chinese): Madam President,

- (a) In the 2003-04 school year, 307 untrained "permitted teachers" have been recruited. Most of them are degree holders. The Education and Manpower Bureau (the Bureau) issued in August a letter to all schools urging them to give priority to recruiting professionally trained teachers.
- (b) The number of teaching vacancies available in aided secondary schools in Hong Kong is about 910 in the current school year. To date, the Bureau has not received any further request for assistance from redundant teachers. We believe that the issue of redundant teachers in aided secondary schools for this year has been resolved.

The number of teaching vacancies available in aided primary schools is about 610 in the current school year. There are currently about 20 redundant teachers who have not been employed as "Special Supply Teachers" as they were not recommended in the professional interview. Some 20 other redundant teachers have declined assistance offered by the Bureau for personal reasons.

The HKIEd produced 1 043 fresh graduates through its full-time primary and secondary programmes in 2003. The number includes 406 graduates at the secondary level and 637 at the primary level. According to a survey conducted by the HKIEd between July and

mid-September 2003, to which 954 graduates responded, 77.3% (or 737 graduates) were able to secure employment, 9.3% (or 89 graduates) went on to further studies while 13.4% (or 128 graduates) were still in search of suitable employment. The survey findings were similar to those of another survey conducted at the same period last year.

- (c) In the previous five years, there have not been any surplus teachers in the overall supply and demand. The breakdown by primary and secondary levels is as follows:

Primary

<i>Year</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>
Demand	1 659	1 744	1 289	2 025	1 371
Supply	1 365	1 312	1 082	1 378	786
Difference	294	432	207	647	585

Secondary

<i>Year</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>
Demand	1 590	1 302	1 502	1 489	1 406
Supply	1 120	1 012	996	1 033	1 075
Difference	470	290	506	456	331

Reduction of classes and redundant teachers occur in individual schools for various reasons. There is no direct causal relationship between redundant teachers and the overall teacher supply and demand. The Bureau will strengthen dissemination of information on teaching vacancies through the Education and Manpower Bureau Homepage so that redundant teachers can apply direct to the schools they prefer, encourage schools to recruit redundant teachers on a job-sharing basis to enhance their employment opportunities and request school sponsoring bodies to deploy their redundant teachers to fill all available vacancies in schools under the same sponsorship.

The Bureau will continue to explore various measures to help resolve the recurrent redundant teachers problem.

Safeguards Against Power Breakdowns

17. **MR HOWARD YOUNG:** *Madam President, in view of the extensive power breakdowns in New York and London this summer, will the Government inform this Council whether:*

- (a) it has assessed or will assess the probability of such an occurrence in Hong Kong;*
- (b) it has reviewed, in collaboration with the two electricity companies, the reliability of Hong Kong's electricity supply systems, in order to ensure that there are adequate safeguards against blackouts and that emergency measures have been formulated to minimize economic losses arising from blackouts; and*
- (c) there are adequate backup power generators installed in public hospitals, the airport, the railway and tram systems to sustain normal operations during a blackout?*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR:

Madam President, my reply to the three-part question raised by the Honourable Howard YOUNG is as follows:

- (a) and (b)

The primary objective of the Government's energy policy is to ensure that the public enjoys a reliable and safe power supply at reasonable prices. The reliability index of electricity supply in Hong Kong has been 99.99% in the past three years, one of the highest in the world.

To minimize the possibility of a major power blackout in Hong Kong, the Electrical and Mechanical Services Department (EMSD)

monitors regularly the power supply by the two power companies to ensure that best operational requirements and engineering practice are complied with. Both power companies have sophisticated systems in place to minimize risk of major supply interruption and to deal with emergency situations. For instance, individual generating units are installed with power system stabilizers to enhance system stability against any transient disturbances in the power networks. The reserve capacity margins operated by the two power companies are also sufficient to ensure that the public would continue to receive electricity supply should there be unexpected load variations or failures of individual power generating units.

In light of the recent power breakdown incidents overseas, the EMSD met with the two power companies last month to discuss the reliability of installed power system protection equipment, supply network maintenance procedures, and measures to ensure the security of power supplies in Hong Kong.

- (c) Electricity supplies to hospitals, the airport and the railways (including the Mass Transit Railway, East Rail, Light Rail, Tramway and Peak Tramway) are provided from at least two different power sources by the power companies.

In the event of an electricity blackout, public hospitals have emergency power supply to support essential hospital services, such as operating theatres, intensive care units, accident and emergency departments, as well as emergency lighting and power for meeting fire safety requirements.

The Hong Kong International Airport is equipped with independent power generation for providing emergency back-up electricity

supply. This back-up electricity system is capable of providing continuous electricity to ensure uninterrupted airport operations, including 100% coverage of critical systems such as air traffic control, flight information display system and aviation security-related systems.

Both the stations and trains of the Mass Transit Railway and East Rail are provided with emergency lighting and ventilation. The emergency supply will enable the safe evacuation of passengers, even if the rail service has to cease operation.

Mainlanders Serving Sentences in Hong Kong

18. **MR LEUNG YIU-CHUNG** (in Chinese): *Madam President, will the Government inform this Council of:*

- (a) the current number of mainlanders serving sentence in Hong Kong and, among them, the number of those who were sentenced for offences under the Immigration Ordinance, broken down by gender, offence committed and term of imprisonment;*
- (b) the current average daily cost of detaining a mainlander in Hong Kong; and*
- (c) the progress of the discussion between the Administration and the mainland authorities concerned on the arrangement for the repatriation of mainland prisoners to serve their sentence in their places of origin?*

SECRETARY FOR SECURITY (in Chinese): Madam President,

- (a) There were 3 473 mainlanders serving sentences in Hong Kong as of 19 September 2003. Of these, 1 812 (52%) were sentenced

solely for offence(s) under the Immigration Ordinance (Cap. 115). Among these prisoners, 701 were male (39%) and 1 111 were female (61%). As regards the types of offences, 832 (45%) were convicted of "Breach of condition of stay", 426 (24%) were convicted of "Use or possession of forged document of identity/Forgery of a travel document or related offences", 282 (16%) were convicted of "Making false statement/representation to immigration officer/immigration assistant" and 272 (15%) were convicted of "Remaining in Hong Kong unlawfully". Concerning the length of sentence, 379 persons (21%) were sentenced to imprisonment for over one year, 757 persons (42%) for three months to less than one year's imprisonment, and 563 persons (31%) for two months to less than three months' imprisonment. The number of persons sentenced to less than two months' imprisonment stood at 113 (6%). Detailed breakdown by sex, offence and length of sentence is given at Annex.

- (b) The total expenditure incurred by the Correctional Services Department (CSD) in 2002-03 was \$2.647 billion. The average daily penal population was 12 449. In addition, there were about 3 000 discharged prisoners who were under the CSD's aftercare counselling/supervision during the year. Currently, no estimate has been compiled on the average cost of detaining a sentenced person.
- (c) The Security Bureau and the relevant mainland authorities commenced discussions on the principles and procedures on the transfer of sentenced persons arrangements between the two places in 2000. Because of the differences in the legal systems of the two places and the complexity of the issues involved, the discussions are yet to be completed. We will continue to follow up with the matter closely with a view to reaching a consensus with the mainland authorities in due course.

Mainland Prisoners Committing Only Offences against the Immigration Ordinance by Sex, by Offence and Length of Sentence
(as at 19 September 2003)

Offence	Length of Sentence															Total		
	Less than 2 months			2 months to < 3 months			3 months to < 1 year			1 year to < 2 years			2 years or above			Male	Female	Sub-total
	Male	Female	Sub-total	Male	Female	Sub-total	Male	Female	Sub-total	Male	Female	Sub-total	Male	Female	Sub-total			
Making false statement/representation to immigration officer/immigration assistant; or other related offences				2	7	9	92	177	269	1	3	4				95	187	282
Use or possession of forged document of identity/Forgery of a travel document/Conspiracy to possess a forged certificate of identity				1	1	2	159	144	303	51	70	121				211	215	426
Breach of condition of stay	58	55	113	77	475	552	21	144	165	2	0	2				158	674	832
Remaining in Hong Kong unlawfully							5	15	20	224	20	244	8	0	8	237	35	272
Total	58	55	113	80	483	563	277	480	757	278	93	371	8	0	8	701	1 111	1 812
Total number of mainland prisoners in Hong Kong																(1 844)	(1 629)	(3 473)

Note: If the prisoner was convicted of more than one offence, the principal offence (the offence for which the sentence length is the longest) will be counted.

High Mortgage Interests Borne by Negative Equity Property Owners

19. **MR ALBERT CHAN** (in Chinese): *Madam President, at present, many mortgage agreements in respect of negative equity residential properties were signed before the Asian financial turmoil. The mortgage rates were set at the best lending rate (BLR) plus 1% or 2% in many of these agreements. Given that the mortgage rates of most new loans in recent years have been set at rates lower than "BLR minus 2%", owners of properties with the previous mortgage agreements have asked the mortgagee banks to reduce the mortgage rate. However, banks often require the owners to first repay an amount equivalent to the shortfall of the negative-equity, before they will consider reducing the mortgage rates. As many owners are unable to pay the amount, they have to continue to repay the loan instalments at the high rates originally agreed upon. In this connection, will the Government inform this Council of:*

- (a) *the annual number of "repossessed flats" on sale in the market in the past three years;*
- (b) *the measures the Government has in place to help negative equity property owners in relieving the burden on mortgage interests and restructuring their debts;*
- (c) *the number, in each of the past three years, of negative equity property owners who had mortgage rates reduced by their mortgagee banks, and the magnitude of the reduction; and*
- (d) *the current number of residential mortgage agreements the mortgage rates of which are still above BLR?*

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Chinese): Madam President,

- (a) According to survey findings of the Hong Kong Monetary Authority (HKMA), about 4 000 repossessed residential properties were disposed of by authorized institutions (AIs) in the 12-month period to June 2003. Statistics prior to this period are not available.

- (b) The following steps have been taken by the HKMA to provide AIs with greater flexibility to help negative equity homeowners reduce their financial burden:
- (i) In October 2001, the HKMA issued a letter to AIs allowing them to refinance residential mortgage loans (RMLs) in negative equity up to 100% of the current market value of the mortgaged properties;
 - (ii) In November 2001, the HKMA wrote to the two industry associations to encourage their members to set up centralized units or hotlines to handle enquiries about the restructuring of loans in negative equity;
 - (iii) The HKMA also supported the initiatives taken by the Hong Kong Mortgage Corporation and other parties in arranging programmes with AIs to help negative equity homeowners to refinance mortgage loans in excess of 100% of the current market value of the properties (currently up to 140%) at a more favourable mortgage rate; and
 - (iv) In light of the rising number of negative equity loans, the HKMA wrote to all AIs in February 2003 to encourage them to continue to be accommodating towards negative equity homeowners in financial difficulties seeking loan restructuring. CE/HKMA also put out a viewpoint article in August 2003 to further encourage the AIs.
- (c) The HKMA's survey results indicate that during the 15-month period from June 2002^{Note} to August 2003, some 6 700 cases of negative equity RMLs received interest rate reductions and about 2 800 cases of negative equity RMLs had other mortgage terms restructured such as loan tenor extended.

^{Note} Regular information on RMLs in negative equity was collected only with effect from June 2002.

The weighted average interest rate on negative equity RMLs has substantially declined to the current level of 1.07% below BLR from 0.27% below BLR at end-September 2001.

- (d) As at end-June 2003, about 15% of negative equity RMLs were being charged above BLR.

Intermediary Qualifying Examinations and Licence Application

20. **MR HENRY WU** (in Chinese): *Madam President, according to the Securities and Futures Ordinance (the Ordinance) (Cap. 571), which commenced operation on 1 April this year, intermediaries who were already registered before the commencement of the Ordinance may, within the two-year transitional period, continue to carry on the regulated activities allowed by their registrations, and apply for a new licence issued under the Ordinance. In this connection, will the Government:*

- (a) *inform this Council whether it knows the current number of courses on intermediary qualifying examinations which are recognized by the Securities and Futures Commission (SFC);*
- (b) *set out in table form the organizing institution, fees, contact hours, commencement date and timetable of each of these courses, and the appropriate qualifying examinations to be taken after completing these courses;*
- (c) *set out in table form the respective organizing institutions, fees, examination dates and time, examination structure and format, as well as the entry requirements, of the various intermediary qualifying examinations;*
- (d) *compare the fees for the above courses and licence application with those in the Mainland; and*
- (e) *compare the fees for various courses, examinations and licence application with those prior to the commencement of the Ordinance?*

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Chinese): Madam President, persons who were already registered with the SFC before the commencement of the Ordinance are not required to sit for any intermediary qualifying examination nor to pay any licence application fee solely for the purpose of migration to the new licensing regime under the Ordinance to continue carrying on the regulated activities they engaged in under the old regime, provided that the application for migration is made within the two-year transitional period.

The information below relates to persons who apply for a licence under the SFO other than under the aforesaid circumstances.

- (a) The Academic and Accreditation Advisory Committee (the AAAC) of the SFC recognizes only intermediary qualifying examinations, but not courses on these examinations, for the purpose of licence application. There is no mandatory requirement for candidates for these examinations to attend any course.
- (b) As mentioned under (a) above, no course on intermediary qualifying examinations has been recognized.
- (c) Lists of recognized intermediary qualifying examinations, consisting of examinations on industry qualification and regulatory knowledge, for different types of regulated activities are set out in the Guidelines on Competence published by the SFC in March 2003, which is available on the website of the SFC at < www.hksfc.org.hk > .

For recognized intermediary qualifying examinations organized by the Hong Kong Securities Institute (the HKSI)^{Note}, information on their fees, examination dates and time, examination structure and format, as well as the entry requirements, is available on the website of the HKSI at < www.hksi.org > .

- (d) On comparison of fees for recognized courses on intermediary qualifying examinations with those in the Mainland, as mentioned under (a) above, no such course has been recognized.

^{Note} The HKSI is the only recognized examination authority in Hong Kong in respect of securities and futures related regulated activities. The AAAC has also recognized intermediary qualifying examinations on industry qualification organized by overseas securities professional bodies such as the National Association of Securities Dealers of America and the Securities Institute of the United Kingdom. They are relevant primarily to persons who have passed such examinations overseas for licensing purposes in the respective jurisdictions and would like to practise in Hong Kong.

On fees for licence application, in the Mainland, the application fee for practising qualification certificates in respect of futures representatives is RMB 30 yuan. There is currently no application fee for practising qualification certificates in respect of securities and futures firms, securities representatives and senior management personnel. As for Hong Kong, the application fees for becoming a licensed representative, responsible officer and corporation are HK\$1,790, HK\$4,740 and HK\$4,740 respectively in relation to each type of securities and futures related regulated activity. The comparison should, however, be considered in the light of the fact that securities and futures firms in the Mainland are mostly state-owned.

- (e) On comparison of fees for recognized courses on intermediary qualifying examinations, as mentioned under (a) above, no such course has been recognized.

On comparison of fees for recognized examinations, the HKSI has revamped the structure of its licensing examinations and tailored individual examination papers for respective types of regulated activities under the Ordinance, instead of requiring a candidate to sit for a set of examination papers covering all types of securities and futures related regulated activities in the pre-Ordinance regime. Comparison of fees for examinations organized by it before and after the commencement of the Ordinance is therefore not meaningful.

On comparison of fees for licence application, under the old regime whereby separate registrations are required for different types of regulated activities, the application fees for obtaining each registration by a corporation, dealing/supervising director (similar to responsible officer under the new regime) and representative in relation to securities and futures related regulated activities are HK\$4,900, HK\$4,900 and HK\$1,850 respectively. Under the new regime, a single licence allows engaging in different types of regulated activities and the application fees for becoming a licensed corporation, responsible officer and representative in respect of each type of securities and futures related regulated activities are HK\$4,740, HK\$4,740 and HK\$1,790 respectively. No separate application fee is imposed in respect of providing automated trading services if the provision is incidental to the conduct of dealing in securities and futures.

STATEMENTS

PRESIDENT (in Cantonese): Statement. The Chief Secretary for Administration will make a statement on "Legislative Programme 2003/04".

In accordance with the Rules of Procedure, no debate may arise on the statement but I may in my discretion allow short questions to be put to the Chief Secretary for Administration for the purpose of elucidating it.

Legislative Programme 2003/04

CHIEF SECRETARY FOR ADMINISTRATION: Thank you for allowing me to address the Council today on the Administration's Legislative Programme for the current Legislative Session.

Following discussions with Members earlier this year, the Administration undertakes to present to the Council, at the start of each future Session, its Legislative Programme for the year. This is not an entirely new arrangement. In the past, the Administration issued to the Chairman of the House Committee at the beginning of each Session an indicative list of major government bills to be introduced. Our objective remains to inform Honourable Members, at the earliest possible opportunity, of the Administration's legislative proposals for the year ahead, so that Members may draw up their annual work plan accordingly.

Before I introduce to Members the Legislative Programme, let me first outline the principle we follow in proposing new legislation. Law-making is a sacred and serious responsibility. It imposes new duties, requires compliance and implies enforcement. Often, it also imposes additional costs on society. The Administration takes this constitutional responsibility of preparing bills with great care and seriousness.

Within the Administration, all legislative proposals are examined carefully by a Committee chaired by the Chief Secretary for Administration, with the Financial Secretary, the Secretary for Justice and all Directors of Bureaux as members. The mandate of that Committee is to determine the Administration's legislative programme and priorities, by critically examining each bid against a set of stringent criteria. These criteria include:

- First, is the proposed legislation necessary in the public interest and is legislating the most effective or sole means to achieve that policy intent?
- Second, what are the full implications of the policy which the proposed legislation is supposed to underpin? Would the assessed impact become more onerous or more palatable to the public, if the policy were enforced by legislation?
- Third, are we satisfied that we are able to enforce the new legislation fully and effectively?
- And, fourth, how urgent is the legislative proposal? Will undesirable consequences ensue if it is not enacted within that Session?

In drawing up the Legislative Programme for the 2003-04 Session, being the last in the current Legislative Council term, the Committee notes that any bill which is not enacted before the Session ends will lapse automatically. There are altogether 20-odd bills introduced into the Council, which are at different stages of scrutiny by the Council. Set against the Council's decision not to form more than 15 Bills Committees at any one time, the Administration has to be realistic in proposing new bills for introduction in the remainder of this term. We believe that, save for unexpected events, an additional programme of 13 Bills may just be achievable before the Council rises next Summer.

We have judged that all these 13 Bills are essential and urgent. They comprise legislative proposals to implement the initiatives announced in the Chief Executive's policy address and its accompanying policy agenda in January this year; to take forward the initiatives set out in the Financial Secretary's Budget speech in March; and to honour other policy commitments of the Administration. Let me highlight some of the major proposals for Members' information.

First, on Bills which seek to implement proposals in the policy address or policy agenda.

As pledged under the "Environmentally Responsible Development" programme outlined in the policy agenda, we will introduce the Waste Disposal

(Amendment) Bill. The Bill seeks to promote the "polluter pays" principle in Hong Kong by providing for the charging of construction waste disposal at landfills, construction waste sorting facilities and public fill reception facilities. This initiative aims to provide economic incentives for waste producers to reduce and recycle construction waste in Hong Kong.

Following the Sports Policy Review, the Administration decided to put in place a new administrative structure by replacing the existing Sports Development Board with a new Sports Commission. Our objective is to create new partnerships with the sports sector and the community. In this regard, the Hong Kong Sports Development Board (Repeal) Bill seeks to dissolve the Sports Development Board in preparation of the establishment of the Sports Commission. This will set a new milestone for the development of sport in Hong Kong. Under the new administrative structure, we would be able to utilize resources more effectively, eliminate overlapping functions, and engender a closer partnership with the private sector.

Under the guiding principle of "Caring and Just Society" in our policy agenda, we have pledged to protect the public from misleading and undesirable health claims of orally consumed products. We propose to enact the Undesirable Medical Advertisements (Amendment) Bill within this Legislative Session, to impose prohibition on these claims. Once enacted, the new law would help prevent improper self-medication by members of the public and their delay in obtaining proper medical treatment.

I now turn to the Budget-related legislative proposal. Members would recall that we announced in this year's Budget the Government's plan to sell or securitize a total of about \$112 billion worth of assets in the next five years. As part and parcel of this asset disposal programme, we shall introduce the Hong Kong International Airport Bill, to enable the partial privatization of the Airport Authority. Introduction of private ownership of the Airport Authority will not only release government funds for other pressing priorities, but will also strengthen market discipline in the operation of the airport, and broaden its access to sources of outside capital. All these would be beneficial to the continual development of Hong Kong as a centre of international and regional aviation.

Let me also touch on legislative proposals to implement other major policy commitments. In pursuing our vision of Hong Kong as a world city of Asia, we

shall continue to strive to sharpen Hong Kong's global competitiveness on different fronts. For example,

- The Clearing and Settlement Systems Bill proposes to introduce an oversight regime for important clearing and settlement systems for funds or securities. The Bill also grants statutory protection for finality of settlement transactions effected through such systems. It is an essential initiative to facilitate early admission of Hong Kong dollar into the Continuous Linked Settlement System, which is a global clearing and settlement system for cross-border foreign exchange transactions in 11 major currencies, including the US dollar and the Euro.
- The Construction Industry Council Bill seeks to implement the recommendation of the Construction Industry Review Committee to establish a statutory industry co-ordinating body. The new body will be tasked to pursue continuous improvements and spearhead reform initiatives, with a view to fostering a quality culture in the local construction industry.
- The Merchant Shipping (Security of Ships and Port Facilities) Bill seeks to strengthen security measures on ships and port facilities so as to keep pace with international standards. This is a proactive measure to combat terrorism, piracy and other criminal acts in the protection of our shipping, port and logistics industries.

Turning to our labour force, Hong Kong's most precious asset and the driving force behind our economic success, we are planning to introduce in this Session two pieces of labour-related legislation:

- First, the Employment (Amendment) Bill. It seeks to provide for reinstatement or re-engagement of employees who have been unreasonably or unlawfully dismissed. The Bill, if enacted, is expected to offer more effective employment protection to employees in Hong Kong.
- Second, the Employees Compensation Assistance (Amendment) Bill. This seeks to clarify the policy intent of an existing provision concerning the scope of protection and assistance for employers

under the Employees Compensation Assistance Scheme when insurers of their employees' compensation schemes become insolvent.

Other legislative proposals are set out in the Legislative Programme 2003/04 already laid on the table for the reference of Honourable Members. I shall not go into the details of these proposals here, as the relevant Policy Bureaux will, I am sure, in line with established practice, consult the relevant Legislative Council Panels before introducing the Bills into the Council.

Honourable Members may wish to note that the Legislative Programme represents the Administration's policy intents at this juncture, and that adjustments may be required in the light of changing priorities during the course of the Session. We will, naturally, keep Members posted of any change which we have in mind.

Madam President, I hope that my presentation to the Council of the Administration's annual Legislative Programme today will go some way towards facilitating Members' planning of their legislative work in the year ahead. The arrangement demonstrates our continued commitment to strengthening the co-operation between the executive and the legislature. Directors of Bureaux and our colleagues will stand ready to explain to Members their legislative proposals in due course. We undertake to provide Members with all the necessary information in a timely manner to facilitate your scrutiny work.

With these remarks, Madam President, I look forward to another year of fruitful and productive work.

PRESIDENT (in Cantonese): Mr LEUNG Fu-wah, do you wish to seek clarification?

MR LEUNG FU-WAH (in Cantonese): *Madam President, I would like the Chief Secretary to clarify the part about the bill concerning the Hong Kong International Airport in his speech. The Chief Secretary mentioned that the Airport Authority would be privatized. Does this mean that the Government will completely privatize the operations of the Hong Kong International Airport and that there will not be any administrative intervention and management by the Government?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Regarding this plan, the Financial Secretary has explained it in this year's Budget speech, and I think the relevant panels of the Legislative Council will conduct specific studies on the details of the plan. In our opinion, this is part of our entire plan to partly privatize and partly securitize the assets now held by the SAR Government. In other words, we are introducing market discipline to the part involving market operation. Regarding the management of the airport, in particular many of the international commitments, the SAR Government will certainly continue to bear them and will not transfer them to commercial operators.

BILLS

Second Reading of Bills

Resumption of Second Reading Debate on Bills

PRESIDENT (in Cantonese): Bill. We will resume the Second Reading debate on the Supplementary Appropriation (2002-2003) Bill.

SUPPLEMENTARY APPROPRIATION (2002-2003) BILL

Resumption of debate on Second Reading which was moved on 18 June 2003

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): I now put the question to you and that is: That the Supplementary Appropriation (2002-2003) Bill be read the Second time. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

PRESIDENT (in Cantonese): I think the question is agreed by a majority of the Members present. I declare the motion passed.

CLERK (in Cantonese): Supplementary Appropriation (2002-2003) Bill.

Council went into Committee.

Committee Stage

CHAIRMAN (in Cantonese): Committee stage. Council is now in Committee.

SUPPLEMENTARY APPROPRIATION (2002-2003) BILL

CHAIRMAN (in Cantonese): I now propose the question to you and that is: That the following clauses stand part of the Supplementary Appropriation (2002-2003) Bill.

CLERK (in Cantonese): Clauses 1 and 2.

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

(Members raised their hands)

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

(No hands raised)

CHAIRMAN (in Cantonese): I think the question is agreed by a majority of the Members present. I declare the motion passed.

CLERK (in Cantonese): Schedule.

CHAIRMAN (in Cantonese): I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

CHAIRMAN (in Cantonese): I think the question is agreed by a majority of the Members present. I declare the motion passed.

CHAIRMAN (in Cantonese): Council now resumes.

Council then resumed.

Third Reading of Bills

PRESIDENT (in Cantonese): Bill: Third Reading.

SUPPLEMENTARY APPROPRIATION (2002-2003) BILL

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

Supplementary Appropriation (2002-2003) Bill

has passed through Committee without amendment. I move that this Bill be read the Third time and do pass.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Supplementary Appropriation (2002-2003) Bill be read the Third time and do pass.

PRESIDENT (in Cantonese): I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

PRESIDENT (in Cantonese): I think the question is agreed by a majority of the Members present. I declare the motion passed.

CLERK (in Cantonese): Supplementary Appropriation (2002-2003) Bill.

MOTIONS

PRESIDENT (in Cantonese): Motion. Proposed resolution under the Air Passenger Departure Tax Ordinance.

PROPOSED RESOLUTION UNDER THE AIR PASSENGER DEPARTURE TAX ORDINANCE

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): Madam President, I move that the motion standing in my name on the Agenda be passed. The motion seeks to increase the rate of the Air Passenger Departure Tax.

The purpose of the resolution is to put into effect the proposal for increasing the Air Passenger Departure Tax from the present rate of \$80 to \$120

as announced in the 2003-04 Budget. This proposal will generate \$400 million in additional revenue for the Government in a full year.

The Hong Kong International Airport, with its excellent facilities, has won acclaim from the aviation industry worldwide. Enormous resources have been invested in it by the Government.

In the Budget announced in March this year, we proposed that the Air Passenger Departure Tax be increased. The Government is encountering a huge budget deficit and there is a need to raise revenue through enhancing the base for the more stable streams of revenue. Even with the proposed tax increase, the Air Passenger Departure Tax is still a small amount compared with the air ticket fare, and thus will not hinder the development of tourism.

Because of the SARS attack, we have postponed the timetable for implementing the proposal. During that period and after SARS was put under control, the Airport Authority and the Government introduced a series of relief measures and initiatives to boost the aviation and tourism industries. These included giving concessions on airport charge and rents, and organizing a series of activities to promote Hong Kong to overseas and mainland visitors.

With the concerted efforts of various parties, the aviation and tourism industries have recovered quickly over the past two months. The latest figures show that the number of visitors using the Hong Kong International Airport in August 2003 amounted to 2.95 million, or 95% of the number in the same period last year.

The proposed increase will take effect on the date immediately following the expiry of three months from the date on which the resolution is passed. As passengers often book their tickets in advance, airlines need at least three months to give travel agents and other stakeholders advance notice, and to adjust their booking systems to cater for the implementation of the new tax rate.

An increase in the Air Passenger Departure Tax will help relieve the deficit problem without affecting people's livelihood. I appeal to Members to support the motion.

Thank you.

The Secretary for Financial Services and the Treasury moved the following motion:

"That with effect from the day immediately following the expiry of 3 months from the date on which this Resolution is passed the First Schedule to the Air Passenger Departure Tax Ordinance be amended in item 1 by repealing "\$80" and substituting "\$120"."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by the Secretary for Financial Services and the Treasury be passed.

MR HOWARD YOUNG (in Cantonese): Madam President, when I spoke in response to the Financial Secretary's Budget early this year, I talked about the proposal to raise the Air Passenger Departure Tax from \$80 to \$120. I pointed out at that time that an increase of rate of 50% was very drastic *per se*. However, I also mentioned at the time that after consulting the views of the tourism industry, we learned that members of the industry were aware that the Government was faced with a huge fiscal deficit. Therefore, although it cannot be said the increase was met with an applause, we still find the rate of increase acceptable. I also pointed out at that time that the Air Passenger Departure Tax, when increased to \$120, should have reached its maximum level under the then prevailing circumstances because according to my research, our tax rate after the increase was the second-highest in the region, just after Japan. We reminded the Government that it should also take this factor into account.

The Secretary said earlier that since the Air Passenger Departure Tax only accounts for a very small part of the air ticket fare, it should not affect the tourism industry. Though I agree that the percentage is indeed small, we should not only take a superficial view of the matter. We should compare our tax rate with that of our competitors in the neighbouring regions for this may be even more important than what percentage the tax constitutes of the air ticket fare. Therefore, I once again remind the Government that after this increase, our airport tax is already the second-highest in Asia, and only Japan has an airport tax that is higher than ours. In the early nineties, we were once notorious as the "place with the highest airport tax in the world" and I wish we would no longer maintain such a claim.

However, I have to reiterate that as members of the tourism industry sympathize with the Government for the deficit it is facing, they think that this rate of increase is acceptable. Here, I would like to talk about another tax and that is, the issue of Boundary Facilities Improvement Tax, which is under the purview of the Secretary. Members of the tourism industry have always been doubtful why a tax is levied on departures by sea and air, but not on departures by land? To date, members of the tourism industry still maintain this view, so I have also mentioned this issue in passing.

Furthermore, I agree with the Secretary that Hong Kong's airport is really a first-class airport with excellent facilities and it has won a lot of acclaim. However, I would also like to point out that the airport taxes of other countries may not be called as such under many circumstances. For example, the \$90 charged by mainland airports are "airport service charges", and all from revenue this is used to improve airport facilities to facilitate its operation. The situation of Hong Kong is, however, different. All revenue from the airport tax goes to the Government and the Airport Authority will levy other charges on the airlines. For this reason, members of the industry will invariably comment that though Hong Kong's airport is perfect, it also charges the second-highest tax in Asia after Japan.

Finally, as regards the three-month period before commencement, which the Secretary talked about earlier, I recall that when this issue was discussed at the House Committee, some Members questioned why it should be three months. I also note that the Secretary also said earlier that the airlines need time for preparations, and this is indeed a fact for this tax is very special. Taxes levied by the Hong Kong Government are usually collected from taxpayers direct, but this tax is collected through dozens of airlines over the world, or it can be said that it is collected through the airlines of hundreds of countries over the world. Not only do such airlines need to adjust their computer programmes, but the staff of the airlines of some regions, such as certain backward regions in the Third World where air tickets are still issued manually and calculators are used for making calculations, also need training and changes cannot be made at any time. Adequate notice must be given and a date must be specified so that those people will know when the legislation will come into effect for this is a very complex issue. Therefore, I think that a three-month period is a reasonable arrangement.

According to my understanding, the Hong Kong Government and the aviation industry have a standing gentleman's agreement and this is, adequate notice must be given for fare increases and implementation of other policies so that full preparations can be made and to avoid mishaps.

With these remarks, apart from voicing the opinions of the tourism industry, I also express our support for this motion on behalf of the Liberal Party.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): Secretary for Financial Services and the Treasury, do you wish to reply?

(The Secretary for Financial Services and the Treasury indicated that he did not wish to reply)

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by the Secretary for Financial Services and the Treasury be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

PRESIDENT (in Cantonese): I think the question is agreed by a majority of the Members present. I declare the motion passed.

MEMBERS' MOTIONS

PRESIDENT (in Cantonese): Members' motions. Two motions with no legislative effect. I have accepted the recommendations of the House Committee: the movers of the motions will each have up to 15 minutes for their speeches including their replies; other Members will each have up to seven minutes for their speeches. I am obliged to direct any Member speaking in excess of the specified time to discontinue.

First motion: Calling on the Chief Executive Mr TUNG Chee-hwa to step down.

CALLING ON THE CHIEF EXECUTIVE MR TUNG CHEE-HWA TO STEP DOWN

MS EMILY LAU (in Cantonese): Madam President, I move that the motion, as printed on the Agenda, be passed. Last Tuesday, at the invitation of the Student Union of The Chinese University of Hong Kong (CUHK), I attended a function called "dialogues of the night" (夜話). Many Members may also have attended this function before. The topic of discussion on that night was "Days without TUNG Chee-hwa". Madam President, the students asked us to imagine what would happen in Hong Kong without TUNG Chee-hwa. In the ensuing debate, the several Members who are going to speak can also talk about this. Today, there are also reports about the Student Union of the CUHK holding a referendum to urge the Chief Executive to step down. I think many people, like the students, are earnestly hoping that the days without Chief Executive TUNG Chee-hwa will come very soon in Hong Kong, for this will open up new horizons for Hong Kong and hence restore the confidence of the people and investors in the future of Hong Kong.

On 14 May, Madam President, a similar motion was already moved by Mr Albert CHAN. I have a good reason for choosing to move this motion on behalf of the Anti-Tung Solidarity today when the Legislative Council resumes for the first day.

Madam President, you may not have taken part in the historical march on 1 July, but you must know the demands of the people at that time — opposing Article 23 legislation, returning political power to the people and calling for TUNG Chee-hwa to step down, and the slogan chanted most loudly by the people

was "Down with TUNG Chee-hwa". After the march, the public opinion poll website of the University of Hong Kong (HKU) also pointed out that 60% of the interviewees who had taken part in the march demanded for the stepping down of Mr TUNG, and according to the latest poll results published by the HKU yesterday, 62% of the interviewees did not support TUNG Chee-hwa to be the Chief Executive, whereas his supporters accounted for a mere 22%. Apart from calling on TUNG Chee-hwa to step down, the participants of the march also demanded changes to the mode of governance and they also demanded that the democratization of the political system be expedited. So, the people are targeting their actions not only on the institutions, but also on one person. They demanded that this incompetent Chief Executive who has failed to perform his duties to step down. My motion today seeks to bring this aspiration of the people into this Legislative Council which is not democratically elected.

Madam President, the authorities have absolutely not responded positively to the people's aspirations after 1 July. Had they done so, it might be unnecessary for me to move this motion today. What have the authorities done after 1 July? They have, with Beijing's permission, withdrawn the Bill to enact laws on Article 23 of the Basic Law (Article 23) and accepted the resignations of the Financial Secretary, Antony LEUNG, and the Secretary for Security, Mrs Regina IP.

In fact, the Chief Executive must at least do two things if he wishes and is willing to respond to the aspirations of the people. The first is to immediately change the mode of governance of the Hong Kong Special Administrative Region (SAR). Since the Chairman of the Liberal Party, Mr James TIEN, has resigned from the Executive Council because of the Article 23 legislation, Mr TUNG should have seized the opportunity to reconstitute his ruling team by bringing the different voices in the Legislative Council into the top echelons of the Government. Unfortunately, he has not done so. He has only introduced changes in form but not in substance by inviting the Vice Chairman of the Liberal Party, Mrs Selina CHOW, to join the Executive Council. That he has done so is gross neglect of the public's demand in respect of the mode of governance.

Secondly, with regard to the people's most fundamental aspiration for the democratization of the political system, the Chief Executive has never ever attached importance to it over the last six years or so, and he has only stated repeatedly that consultation will be conducted next year. As this is a complex and controversial issue, it must take time for a consensus to be reached in society.

What we must do is to conduct public consultations. A vote has to be taken in accordance with the mechanism in Annexes I and II to the Basic Law. Then, permission will have to be sought from Beijing and legislation will have to be enacted, and candidates must also be given ample time for their electioneering activities (if it is a genuine election). Given that so many procedures are involved, how can there be time for genuine implementation if we do not start immediately? Madam President, many Members also put this question to the Secretary for Constitutional Affairs during the question time earlier on, but they were not given an answer. But we can see that if the question of constitutional reform is not properly addressed, the authorities may eventually follow the same disastrous path as that of handling Article 23 legislation and push through the legislation in a short time to forbid universal suffrage in the SAR. This would then provoke public anger again, driving the public, the great masses to take to the streets again.

Madam President, under Mr TUNG Chee-hwa's governance over the last six years or so, there has been retrogression in human rights, the rule of law and economic development in Hong Kong. The problems pertaining to human rights and the rule of law have been exposed by the controversies surrounding Article 23.

On the economic front, statistics have already underscored the severity of the current situation. Madam President, the problem of wealth gap has been deteriorating. The monthly income of some families is \$4,000 only, and the number of families in poverty has also risen from 85 000 during the British rule to close to 200 000 now, representing a more than double increase.

This situation has certainly reflected that the authorities have not adopted policies to eliminate poverty. As a result, many people are caused to live in grave sufferings. The problem of negative equity assets has remained serious. According to the statistics of the Hong Kong Monetary Authority, over 100 000 cases have already been recorded in the second quarter of the year.

With regard to unemployment, an issue of great public concern, the Chief Executive is also at his wits' end. The unemployment rate, which has slightly come down by 0.1% last month though, still hovers around a historical level of 8.6%. Moreover, deflation has persisted for 60 months but deposits with banks now amount to \$3,000 billion, showing that the people has no confidence in the governance of the SAR Government and they have misgivings about the future of Hong Kong and so, they neither wish to spend money nor make investments which can create job opportunities.

Madam President, after 1 July, an unprecedented crisis in governance has emerged in the SAR, and leaders in Beijing are concerned that the situation will run out of control. To stabilize society, the Central Government has taken the trouble of inviting deputations from the political sector, the business community and professional bodies to Beijing, so as to listen to their views. The Central Government has even put forward a number of proposals to help improve the Hong Kong economy, including visits by mainlanders individually and the Mainland/Hong Kong Closer Economic Partnership Arrangement, and Guangdong Province may also be requested to reduce the price of Dongjiang water.

While these policies may slightly ease tensions in society on the surface, they will nonetheless lead to greater participation and even intervention from the Mainland in the SAR. As a result, the dividing line between two systems under one country will be blurred. Worse still, the SAR Government may even be turned into a "lame duck", because in the event of future disputes, some people may simply circumvent the SAR Government and lodge their complaints with Beijing direct.

As stated by Standard and Poor's, a credit ratings agency, the growing economic integration between Hong Kong and the Mainland will blur the economic boundary between both. This may even arouse concern that Hong Kong may be subject to the influence of the Mainland not only economically, but also in other aspects.

To defend "one country, two systems", "a high degree of autonomy", and "Hong Kong people ruling Hong Kong", Hong Kong must have a Chief Executive who commands credibility and public support and who will work in the interest of Hong Kong people before the SAR can, in tandem with its growing economic integration with the Mainland, maintain the elements of its success, including human rights, the rule of law, and the freedoms of speech and information which are particularly important; and efforts must also be made to strive for a democratic system in Hong Kong.

Madam President, the report of the SARS expert committee was published last week. Many people consider that the Secretary for Health, Welfare and Food, Dr YEOH Eng-kiong, should take the responsibility and resign for having mishandled SARS. Over the past six years or so, Mr TUNG Chee-hwa has made numerous policy blunders, resulting in seething public discontent. If Dr YEOH should be required to resign, I think Mr TUNG Chee-hwa should have resigned a long time ago.

Yesterday, Madam President, voters in California of the United States made a decision on the replacement of the Governor by their votes. There is this mechanism in California, but it is a pity that we do not have such arrangement in Hong Kong. Many Hong Kong people do hope that they can replace the Chief Executive by their votes.

Having said that, however, we believe we can make Mr TUNG Chee-hwa, who is incompetent and unpopular, step down by pooling the powers of the people together. This will certainly change the entire political ecology of the SAR and inject fresh momentum into the democratization of the political system. The Anti-Tung Solidarity demands not only the stepping down of Mr TUNG Chee-hwa. We also demand the democratization of policies, so that Hong Kong people can truly become masters of their own house as soon as possible and elect the Chief Executive, all Members of the Legislative Council and all District Council members by "one person, one vote".

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

Ms Emily LAU moved the following motion: (Translation)

"That, as there has been retrogression in human rights, the rule of law and economic development in Hong Kong and democratization of the political system has remained stagnant under the administration of the Chief Executive Mr TUNG Chee-hwa, prompting the public to make repeated demands for him to step down, this Council calls on Mr TUNG to take the responsibility and resign in accordance with the wishes of the people."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Ms Emily LAU be passed.

MR ABRAHAM SHEK: Madam President, today's motion is another war cry of Ms LAU's election propaganda. One can argue whether we agree or disagree with her stand, but before that, one would first ask what good would come from it. One positive aspect is that it demonstrates to the world Hong Kong is a place where freedom of speech is prevalent; and second, it is yet another regular wake-up call for the Government, particularly for the principal officials to pull up their socks and be alert because "Big Sister is watching you."

With three years' experience of her singing over my shoulder — literally, since she sits behind me — I am used to her songs and ravings, I often find her speeches interesting, and at times, soul searching. She dares to mouth off even against protocol, and she speaks her heart without political restraint. Regardless of her personal agendas and motives, she often is a voice for the marginalized and the underprivileged. We might not agree with her or her philosophy, but we cannot ignore what she says, what she believes and what she represents. Surely, there is no harm in listening to her, and then asking ourselves whether we agree or disagree. For today's motion, I shall adopt this Socratic attitude in my debate. Madam President, I shall speak against the motion.

It is said that great leaders are made in heaven. They are great because they effect mankind and history. Who are they? Icons like Jesus Christ, Confucius, GHANDI, SUN Yat-sen, Winston CHURCHILL and MAO Zedong. Mr TUNG may not have the same stature, but should he be fired for not making this list? The answer is "No". But is Mr TUNG a good-enough leader to improve the lot of his people? I do not know. History will decide that verdict. In this instance, should Mr TUNG be dismissed before he has a chance to prove his worth as a leader? The answer is simply "No". You may then ask, in what circumstance should a Chief Executive be dismissed by his people? I would say so only when a leader is proven to be negligent, evil-minded and brings calamity to his people. Personally, I do not see how Mr TUNG can be put into these categories. So, therefore, I see no reason for subjecting him to this call for dismissal.

Every day, we call for democracy, we lobby for greater justice and fairness, and we seek the truth. Yes, the push for these ideals should never cease, but presently, we do have the fortune of enjoying more freedoms and rights, otherwise, we would not be debating a contentious subject like this one. Full democracy and universal suffrage is a goal we are working towards, as guaranteed by the Basic Law. Similarly, innocence until proven guilty is a right which we should also accord Mr TUNG and his government.

Madam President, let us take stock of what and who we are politically, socially and economically since the handover. First and foremost, let us look at the facts: Hong Kong should be proud to have Mr TUNG as the Chief Executive with his personal attributes. Personally, he is a sincere, kind, warm and generous person. He has acted with selfless attitude and diligence working for

Hong Kong — come rain or shine, in good or bad times, he is in his office from 7 am to 11 pm. As his employer, Hong Kong owes him 320 days' leave. These may not alone be qualities of a great leader, but they are the sterling quality of a good man. Politically, we may not have taken the high road to democracy, but hopefully, we should be there one day to fulfil the sacred tenets of the Basic Law which guarantee us one man, one vote. In terms of freedom, Hong Kong still ranks among the freest cities in the world, and it is in our interests to preserve and continue it. One of Mr TUNG's greatest assets is his ability to win the trust and confidence of the Central Government's leadership, thereby ensuring the realization of the "one country, two systems" concept. It has also benefited us in our time of greatest needs, like now with the CEPA agreement and the increased flow of mainland tourists.

Without Mr TUNG, things might be different, probably for the worse. Administratively, the Government is now more open than before 1997, even though it still might not be as transparent as we would like. Socially, we continue to care for society's underprivileged, as evident by the annual rise of Comprehensive Social Security Assistance recipients. More people are being rehoused in public flats, and the waiting time for government's assisted housing has been trimmed to three years. I can go on quoting more examples of caring governance, but I will let you have the luxury and enjoyment to discover yourself.

It is neither my duty nor my goal to defend the Government in this Chamber, for I would only say what I believe. Defending government policies is the prerogative of the preferred Members in the Executive Council and the pro-Government elite who can speak with more eloquence.

Madam President, one then will ask why, despite what this Government has done, vocal critics like Ms LAU, a voice in the wilderness, continue to find an audience and become the rallying cry for the 500 000 marchers on 1 July? In this regard, I would like to share my humble opinion with you.

There is nothing better than the truth, and the truth is in our Government, for in some areas, its performance is below par. It has lacked a comprehensive socio-economic and political vision for what Hong Kong can and should be. It gives a perception that it has lacked leadership and direction; has been indecisive and slow in action; lacked strategy in major policy areas, not to mention being inefficient in crisis management and awareness. In short, the Administration

has been slow to react and unable to communicate; it may be caring but it has not really shown it; benevolent but aloof, generous but unappreciated nor understood. Thank you.

PRESIDENT (in Cantonese): Mr Abraham SHEK, time is up.

MR LEUNG YIU-CHUNG (in Cantonese): Madam President, some may wonder whether there is still any point in conducting this debate. Opponents of the motion may think that since they control the majority seats in the Legislative Council, any motion that may injure the authority of the TUNG Chee-hwa Administration, such as the one on 14 May calling on Mr TUNG to step down, will stand no chance of passage. At the same time, people who do not see eye to eye with Mr TUNG may think that his governance has been reduced to a mere nominal existence after the march on 1 July, that his administration is on its last legs, and that his popularity is now inversely proportional to his public exposure and workload — the harder he works, the stronger will be the people's discontent and the lower his popularity, which is why he can only "go into hiding" and contend himself with being a "lame duck" for four more years. People hence think that it is no longer a matter of any significance whether he resigns or not.

However, Madam President, I believe that many Hong Kong people will still support Ms Emily LAU's motion, thinking that Mr TUNG must resign, and that a democratic system must be worked out to elect another Chief Executive. To them, this is the only way to answer the aspiration to returning political power to the people voiced in the 1 July march.

In fact, the motion is certainly far from being meaningless; quite the contrary, it is extremely meaningful. On this very same day when this Council debates a motion calling for Mr TUNG's resignation, students of The Chinese University of Hong Kong, as pointed by Ms Emily LAU, are also conducting a poll on whether Mr TUNG should be asked to step down, and California of the United States is also holding its Governor Recall Election. It is such a great pity that the undemocratic SAR Government does not allow the people to hold a plebiscite on the Chief Executive's administration. But this does not mean that we should thus do nothing. As an institution representing the people, the Legislative Council is duty-bound to truthfully reflect their discontent with the TUNG Chee-hwa Administration. Even though the existing undemocratic

system does not allow us to impeach the Chief Executive, we must still make him aware of the people's voices and step down voluntarily, so as to realize the people's power to impeach the Chief Executive and Article 43 of the Basic Law, that is, the requirement that the Chief Executive shall be accountable to the Hong Kong Special Administrative Region. For this reason, the motion today is definitely meaningful.

Unfortunately, some Members still argued during the motion debate in May that motions of this kind amounted to disrespect for the Basic Law, because Article 52 of the Basic Law already sets down very clearly the three conditions under which the Chief Executive must resign: (1) when he or she loses the ability to discharge his or her duties as a result of illness or other reasons; (2) when he or she twice refuses to sign a bill signed by the Legislative Council; and (3) when the Legislative Council twice refuses to pass a budget or any other important bill. These Members are of the view that a motion calling for the resignation of the Chief Executive on the ground of policy blunders should have nothing to do with these three conditions. For the last two conditions, under the existing undemocratic political system marked particularly by coterie elections, most of the functional constituencies are tailor-made by the Government for the conservative elements of society, and they are thus able to occupy the majority of seats in the legislature, so as long as they do not seek to reflect the people's opinions truthfully, it will be impossible to pass any motions against the Government. That said, I still wish to speak on the first condition, that is, the condition that the Chief Executive must resign when he or she loses the ability to discharge his or her duties as a result of illness or other reasons. I am of the view that the performance of Mr TUNG in the past six years has demonstrated that due to his own inadequacies and the constraints imposed by the political system, he simply does not have the ability to discharge his duties as the Chief Executive. Some may well argue that Article 52 of the Basic Law refers to physical inability to discharge duties, having nothing to do with competence or otherwise. But when a person not only fails to make improvement on the basis of past experience but also keeps on performing ever more poorly after doing the same job for six years, one simply cannot help wondering whether he is physically unable to discharge his duties in the literal sense.

As anticipated, government officials will certainly brag of the Chief Executive's so-called achievements, in very much the same way as how Secretary Stephen LAM sought to highlight the accountability system for

principal officials in May as a major achievement of the Chief Executive, the spirit of which was realized in the "penny stocks" and "car purchase" incidents. But the people's observation is totally different. The only thing we have seen so far is how the Chief Executive tries to harbour officials who have made blunders. The accountability system for principal officials has achieved the only result of retaining officials who confound right and wrong in the Chief Executive's team. It is small wonder that his popularity has been dropping all the way, because those who have defended him are just a bunch of Bureau Directors such as Secretary Stephen LAM, whose popularity and creditability is the lowest.

The blunders of the Chief Executive are many, and the only "positive" comment he has received so far is his defence of "one country, two systems". But unlike others, I think this is precisely the greatest blunder made by him. Mr TUNG was preordained by the highest leadership of the Central Authorities, and after five years of failed administration, he still received strong support from the Central Authorities for his second term. Then following the march on 1 July, the Central Authorities at last have realized fully how very incompetent he is, but the Chief Executive just refuses to resign as demanded by the people. As a result, the Central Authorities are forced to "step in" and do all they can to enhance his role as their puppet. The measure on allowing mainlanders to visit Hong Kong individually and CEPA are economic assistance to Hong Kong on the surface, but when viewed from another perspective, they signify that besides seeking to control Hong Kong politically, the Central Authorities are also making all-out attempts to interfere with Hong Kong's economic affairs in violation of "one country, two systems". All these are the harmful results of Mr TUNG's incompetent administration.

Madam President, the people's discontent with the Chief Executive's administration has already reached its limit. Being such an obstinate person, the Chief Executive will probably not listen to our voices. But one day, when all people in Hong Kong become the opposition camp as interpreted by Mr TUNG, when government officials who used to support him all come forward to criticize him, will Mr TUNG still be so obstinate as to refuse to give up his position and power? What is the point of this? I hope Mr TUNG can pay serious attention to the people's voices and resign voluntarily. If he does not do so, a motion calling for his resignation will only be moved in this Council year and year. I hope we do not have to say "I'll be back", the oft-repeated line said by Arnold SCHWARZENEGGER, who is now running in the California Governor Election. "I" here of course refers to all Hong Kong people. We do

not wish to bring up this topic again and again in this Council for debate. I hope Mr TUNG can know what to do. Madam President, I so submit.

MR HUI CHEUNG-CHING (in Cantonese): Madam President, Hong Kong has weathered many storms since the reunification — the Asian financial turmoil, the avian flu, the burst of the property market bubble, the soaring unemployment rate, the September 11 incident and the SARS outbreak, which swirled our already ailing economy into an abyss, and also the persistence of deflation for years in a row. Although all these adversities have come during Mr TUNG Chee-hwa's term of office as Chief Executive, they are by no means created by Mr TUNG himself. The Hong Kong Progressive Alliance maintains that the adversities faced by Hong Kong are largely caused by a global recession and the burst of its own bubble economy. It is totally unreasonable of any demagogues to put all the blame on Mr TUNG and repeatedly demand his resignation as a token of bear responsibility.

The persistent recession of Hong Kong in recent years, besides being the result of the Asian financial turmoil and the bursting of the property market bubble, has also been caused by the fact that while its operating costs continue to remain at a high level, its neighbouring places are all making persistent efforts to liberalize their markets and improve their investment environment. The relative competitiveness of Hong Kong has thus been on a constant decline. High operating costs are attributable to high land prices, and the policy of high land prices was first put in place by the colonial administration. The property market then provided impetus to all trades and industries and fostered an economic miracle in Hong Kong in the 1990s, but at the same time the seeds of recession were also sown. With the bursting of the property market bubble, Hong Kong has since lost a pillar industry.

Besides, we must not overlook the fact that Hong Kong has been undergoing an economic restructuring. Since the 1980s, the manufacturing industries of Hong Kong have been relocating northward to the Mainland. According to government statistics, the proportion occupied by manufacturing industries in the local Gross Domestic Product (GDP) has gone down from 24% in 1980 to 5.2% in 2001, showing that Hong Kong is by now almost devoid of any manufacturing industries. The 1990s saw the emergence of services industries, which have since absorbed the surplus labour. According to statistics, in 2001, services industries accounted for 86.5% of the local GDP. The economy of Hong Kong is externally-oriented, so whenever there is any

outside economic sluggishness, it will inevitably be affected. It is very unfortunate that over the past few years, with the exception of China, practically all countries in the world have been caught in recession. The United States, the locomotive of the global economy, has also been hit by recession since the bursting of the dot-com shares bubble, and the September 11 incident only aggravated the conditions of the global economy. All these external factors are beyond the control of Mr TUNG. And, despite all these acute and unexpected difficulties, Mr TUNG and his team have still tried to reverse the situation by adopting various policy approaches with an innovative mindset, in the hope of revitalizing the economy and restoring people's confidence.

Mr TUNG is fully aware that economic integration with the Mainland is the proper strategy and orientation for reviving the economy of Hong Kong. Thanks to Mr TUNG's efforts to negotiate with the Central Government, the Mainland/Hong Kong Closer Economic Partnership Arrangement, now called CEPA in short, and also the arrangement for mainlanders to travel to Hong Kong on an individual basis have both been put in place, thus giving a booster to our ailing economy. The latter arrangement can make it possible for millions of mainlanders to come to Hong Kong for consumption and sight-seeing at any time they like, thus bringing about the revival of our hotel, retail, catering and services industries, which have all been hard hit by SARS. Following the implementation of CEPA, 273 categories of "Hong Kong products" can be exported to the Mainland on zero tariff; and 18 types of professional services can benefit from lower thresholds for accessing the mainland market. All this will bring huge business opportunities to the industries and services of Hong Kong. Mr TUNG has worked hard over the past few years, and in marked contrast to the British Hong Kong Administration's indifference to co-operation with the Mainland, he has sought to promote Hong Kong's economic integration with the Pearl River Delta Region, thus laying the foundation of the joint economic growth of the two places in the future.

In the last two months, the stock market has picked up and so has the property market. The unemployment rate has also dropped, and in August, as many as 24 000 job vacancies, the highest ever in any single month, were registered with the Labour Department. These are all signs of economic recovery, giving the broad masses of people a ray of hope. Mr TUNG has successfully delivered Hong Kong from the most difficult times and won the recognition of the masses, as indicated by his rising popularity rating. At the time when the Chief Executive has successfully delivered all of us from the

economic doldrums, it is unreasonable to demand his resignation. At the time when there is a social consensus on relaunching the economy as our primary task, it is against people's wishes for anyone to put the cart before the horse and stir up any political struggles.

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

MISS MARGARET NG (in Cantonese): Madam President, it is such a great pity that the very first motion debate in the 2003-04 Session of the Legislative Council is on demanding the Chief Executive to step down.

Basically, this could have been avoided. Had Mr TUNG heeded the majority view of this Council and preserved the convention to which the public have long been accustomed, he would only have to announce his policy address in this first meeting of the Session. The atmosphere among us today would be entirely different; we would be able to work together on ways to achieve co-operation between the executive and the legislature under the principle of promoting the well-being of Hong Kong people. The meeting today would then be a solemn and delightful occasion. Unfortunately, Mr TUNG has insisted on altering the arrangement to announce his policy address in January. He is so opinionated and overly concerned about his image of dominance and authority. This very style of administration is precisely the main reason explaining the poor relationship between the executive and the legislature. Such a style, if allowed to continue, will surely not be conducive to the interest of the people and that of the Hong Kong Special Administrative Region (SAR). It can be said that I am virtually forced by the lack of any alternative to support this motion today, which calls for the stepping down of Mr TUNG.

Madam President, Mr TUNG's over-emphasis on the special status and authority of the Chief Executive has led the Government to know only authority but not the rule of law, thus creating a very serious problem. Examples illustrating such a problem abound, and there is no need to go over them again here. Ironically, the accountability system for principal officials, rushed in so high-handedly by Mr TUNG, has achieved the opposite result of making the people realize that there is no way to hold any principal officials accountable, because the Chief Executive simply refuses to hold himself accountable to the people and this Council.

The most recent example is the expert report on SARS. The subject of the experts' investigation was the handling of the SARS epidemic. Mr TUNG was the very person at the top of the chain of command at the peak of the epidemic outbreak; he was the person-in-charge. But Mr TUNG's name is not found on the list of persons interviewed by the experts. Nowhere in the entire report is the role of Mr TUNG ever mentioned. Is this a simple oversight? Or, is there a secret story behind it? Are "scholar-officials" really immune not only from penalty, but also from mere investigation, from just being questioned?

This attitude of Mr TUNG actually manifested itself before. That was at the time of the opinion poll row, when the independent commission of inquiry established by the University of Hong Kong under the chairmanship of Mr Justice POWELL from the Appellate Court invited Mr TUNG to attend its hearings. Mr TUNG flatly turned down the invitation in a similar fashion. Recently, the death of weapons expert David KELLY has aroused grave public concern in Britain, and even Prime Minister Tony BLAIR has to testify and face interrogation at the public hearings of Lord HUTTON's independent inquiry committee; in the United States, there were also many cases in which even the President was required to testify and face interrogation at public inquiry hearings. But Mr TUNG has chosen to stay above all inquiries. It is intriguing why he should adopt such an attitude. But it is certain that his behaviour has already reduced the accountability system to a mere nominal existence.

In the case of Andrew LO, Mr TUNG said that he would keep him because of his loyalty. In the case of Antony LEUNG, Mr TUNG said that he did not have to resign. Mrs Regina IP's handling of the enactment of legislation to implement Article 23 of the Basic Law triggered huge public outcries, and she subsequently tendered resignation for some other reasons, but Mr TUNG still tried hard to ask her not to leave. In connection with the recent SARS outbreak, the Secretary, Dr YEOH Eng-kiong, has already confessed to this Council that his resignation or otherwise is not a matter for him to decide. We know that the inappropriate and unwise decision originally made to put the Secretary at the helm of the expert committee was not something he would have wanted. I fear that Mr TUNG's feudal style of leadership may encumber the future of Hong Kong.

Madam President, this Council already held a debate in late May on demanding the Chief Executive to step down. I voted for the motion then, and I see no reason for any change of position today. Honestly, following the march

on 1 July, we have many things to attend to, particularly in connection with the Chief Executive election in 2007. The resignation or otherwise of Mr TUNG himself is far less important than the establishment of a democratic political system, not to speak of the fact that after the march, it now seems that Mr TUNG wishes to make amends, and he has indeed been trying hard to improve the economy according to his own ideas. The people of Hong Kong have no intention whatsoever of gainsaying his good intentions and efforts, but this will not change all those fundamental problems of our situation now. In fact, Mr TUNG has just once again shown that he still fails to realize the obvious realities: Simply by improving the economy, he cannot solve the political problems and make the people give up their aspiration to democracy.

My greatest worry about Mr TUNG is his political judgement. A Chief Executive who could decide on 5 July to "make three concessions and then legislate as scheduled" is definitely a dangerous man. Up to this very moment, he has still failed to make up his mind on starting a political review. So, he is not only incapable as the leader of the SAR, but has also become an obstacle standing in the way of its development.

Madam President, despite my very deep regret, I have no alternative but to vote for the motion, imploring Mr TUNG to vacate his office for someone more capable.

MR YEUNG YIU-CHUNG (in Cantonese): Madam President, since the reunification, some Members have indeed shown immense perseverance in nagging the Government of the Hong Kong Special Administrative Region (SAR), in particular Mr TUNG Chee-hwa, the Chief Executive. Following the Legislative Council's voting down of the "Anti-TUNG" motion moved by Mr Albert CHAN last time, in less than half a year, a similar motion is now put before us for debate in the Chamber. I can only describe this as a misery of the Legislative Council, a misery of the SAR.

Madam President, all motions debated by the Legislative Council have to undergo the process of "one person, one vote" before passage, and the Legislative Council is at the same time an elected assembly. I truly cannot understand why Ms LAU should have moved a motion on the same old topic again. Other than demagogic motives and a desire to stir up trouble and chaos, I frankly cannot think of any other better explanation.

The SAR Government has weathered many storms since the reunification. The structural problems left behind by the British Hong Kong Government, together with the impact of the decline of outside economies, have dragged the economy of Hong Kong into an unprecedented predicament. Anyone who has read some chapters of economics will agree that what an individual, and even the Government, can do is really very limited. It is extremely unfair to lay all the blame on the Chief Executive. This is not to speak of the fact that when compared with other Asian countries also battered by the financial turmoil, Hong Kong has actually done quite well. Hong Kong has not only defended its financial system successfully, but also capitalized on its advantages and forged the Closer Economic Partnership Arrangement with the Mainland, which will lead it through its economic restructuring.

Madam President, Ms LAU's claim that "there has been retrogression in human rights, the rule of law and economic development in Hong Kong and democratization of the political system has remained stagnant under the administration of the Chief Executive Mr TUNG Chee-hwa" is totally unfounded in terms of objective facts.

After the reunification, the people, political parties and the mass media are still free to criticize the Government; various organizations in society have staged "Anti-Tung" campaigns one after another; Mr TUNG has become the subject of various types of "works of art" which insult and deride him severely; radio phone-in programmes are immensely popular; assemblies and processions of varying scale are held practically every day. Even Falun Gong, which is banned in the Mainland, is also allowed to organize practice sessions, assemblies and even protests. The Government has never ever tried to forbid free speech, free assembly or free association.

Concrete statistics indicate that the number of multinational companies setting up their regional headquarters and offices in Hong Kong has been rising continuously, from 2 500 in 1997 to 3 100 last year, at an increase rate of 24%. This is the most powerful proof of foreign investors' confidence in the human rights situation and the rule of law in Hong Kong.

If ever any Members still think otherwise, they may well look at how other countries, the so-called "human rights authorities", comment on Hong Kong.

The United States-Hong Kong Policy Act Report released on 1 April 2003 reads: "There is strong respect for the rule of law and civil liberties..... the rule of law and an independent judiciary remained pillars of Hong Kong's free and open society..... there were numerous demonstrations for and against government positions on Article 23 legislation....."

In Britain, the Report to Parliament on Hong Kong released in February 2003 also highly commends the Hong Kong Judiciary, and judges are even appointed to the Hong Kong Court of Final Appeal.

The report on Hong Kong released by the European Union in August 2002 reads: "Five years on from the hand-over, Hong Kong remains a free and open society, underpinned by the rule of law....."

The Human Rights Report 2001 published by the State Department of the United States makes it clear at its very beginning that Hong Kong under Chinese sovereignty remains one of the freest cities in Asia. So, I must ask Ms LAU what justifications she has.

As for the development of the political system, we must follow the principle of gradual and orderly progress. The Basic Law already provides for the procedures governing the conduct of a political review after 2007. What is more, since the reunification, there has been a gradual increase in the number of directly elected seats in the Legislative Council, from 20 in its first term to 24 in the second term. In 2004, the number of these seats will be increased further to 30, representing half of the total number of seats in the Legislative Council.

Madam President, the economic downturn of Hong Kong since the reunification has been the result of the general external climate. Whether in terms of human rights, the rule of law or the political system, I cannot see any signs of retrogression. There must be ulterior motives behind Ms LAU's self-denigration and alarmist talk.

Actually, we know only too well that this motion will not possibly produce any more fresh impact. People are just trying to play with words; any comment is bound to be "old wine in a new bottle".

Ms LAU is perhaps much too obsessed with her own arguments to notice other opinions expressed in society. Ms LAU is so aggressively and

unblushingly demanding Mr TUNG to step down, but has she ever done any introspection herself? Can she hear a different and stronger voice in society?

Despite her status as a Member of the Legislative Council of the Special Administrative Region of the People's Republic of China, she has openly advocated the independence of Taiwan, ignoring the cardinal importance of the State's territorial and sovereignty integrity. She refers to this is only "only right and proper", saying that she "will continue to do so", showing no repentance at all. Then, she has now tried to impeach the Chief Executive in such a high profile.

MS EMILY LAU (in Cantonese): A point of elucidation. When have I ever advocated the independence of Taiwan? Thank you, Madam President.

PRESIDENT (in Cantonese): Mr YEUNG Yiu-chung, you may choose whether to make a clarification now.

MR YEUNG YIU-CHUNG (in Cantonese): I do not see any need to make a clarification.

PRESIDENT (in Cantonese): In that case, you may continue.

MR YEUNG YIU-CHUNG (in Cantonese): That a person intent on secession should be openly denouncing another person who exerts himself to uphold "one country, two systems" is altogether ridiculous. I venture to think that it will be more appropriate to change the motion title today to "Denunciation of Emily LAU". That will be more meaningful too.

Madam President, under the leadership of Mr TUNG, the economy of Hong Kong has started to turn the corner. The popularity ratings of the Government and the Chief Executive have also started to rise gradually. Stability is now of paramount importance to Hong Kong, and this is also the prerequisite for our economic development. For this reason, and with these remarks, I oppose the motion.

DR DAVID LI: Madam President, when we last debated a motion calling upon our Chief Executive to resign, the Administration responded with a strong defence, highlighting our Chief Executive's many achievements. Yet, we are back in this Chamber not more than five months later, debating a similar motion. It will not do to rehash the same arguments and the same defence. We need to look deeper. We need to look at our political culture and our system of government.

We now have a little more than six years of experience with the post-handover system of government — long enough to recognize that the system serves to emphasize discord and highlight dissent. It does not have to be this way. Our system of government, as laid down in the Basic Law, has much to commend it.

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

There is a clear separation of power between the executive and the legislature. The executive arm of government, acting with the full support of the Civil Service, is well equipped to develop policies and propose legislation. Although the legislature cannot initiate legislation, it has a very clear constitutional role to act — as a check on the executive. But, as we have learned over these past six years, the lofty ideals contained in the Basic Law are one thing; the implementation is another.

The reality is that the executive has no natural ally in this Council, yet must secure the support of this Council to enact legislation. Throughout the past six years, the difficulty of securing that support has bedevilled the Administration. The reality is that weekly meetings of this Council are dominated by our role as a watchdog over the Administration. Press coverage captures our confrontation, and glosses over the many areas of co-operation.

Before beginning his second term, our Chief Executive overhauled the executive arm in an attempt to overcome some of the present shortcomings. Under the Responsibility System, the Secretaries are the public face of their departments, helping to raise the profile of the Administration's proposals.

The Responsibility System also introduced an informal system of coalition government, with the heads of two major political parties brought in to the revamped Executive Council as "ministers without portfolio". This coalition is meant to smooth the path of legislation through this Council. But, as we know, the coalition almost broke down after 1 July this year.

We must ask the following questions:

Is the current structure of government sufficiently robust to ensure the stability and good governance that we all desire; not just today, but for the next five, 10 or 15 years?

Can the current system be strengthened?

How do we foster the development of a fully transparent system of government that enjoys the support of the people of Hong Kong?

How can we attract bold, imaginative men and women to public life?

How can we improve the working relationship between the executive and the legislature, without weakening the system of checks and balances?

It is for this and other reasons that we should move forward at the earliest opportunity with a programme of consultation on political development. This process should look both backward and forward, reviewing our experience since the handover and exploring the opportunities ahead.

With the Responsibility System, we have already embarked on major reform of our political system. It is now time to review our experience both before and after the introduction of the Responsibility System, learn from that experience, and propose how we may build on our existing framework.

As such, democratic reform is only one among the many issues that must be considered. We should not make the mistake of rushing forward with reform. Nor should we make the mistake of delaying the review and the consultation process. It is important to proceed deliberately, carefully exploring the range of options available to all of us. We should focus squarely on building for our future, in an atmosphere of cool and informed discussion. Calls for the Chief Executive to resign are irrelevant to the real task at hand.

With rich experience and full confidence in our future, now is the time for a comprehensive political review. Now is the time to aspire to a system of government that will truly let us shine as Asia's World City.

Thank you.

MR NG LEUNG-SING (in Cantonese): Madam Deputy, over the past six-odd years since the reunification, Hong Kong has been confronted with such problems as economic cycle troubles and transformation of the industrial structure. Coupled with the attack by an epidemic outbreak of the century, it can be said that Hong Kong was faced with challenges one after another. Moreover, the territory implemented the unprecedented political concepts of "one country, two systems" and "Hong Kong people ruling Hong Kong". Without a doubt, the Government of the Hong Kong Special Administrative Region (SAR) is limited in terms of experience and preparations with respect to governance. Against such a background, the making of errors in governance is, though unsatisfactory, not surprising at all. Doubtless, there was public discontent with government administration in the face of changes during a certain period of time in the past. Compared to the colonial period, however, people from all walks of life can now enjoy more freedom in making criticisms and taking part in demonstrations. All this demonstrates that, compared to the colonial past, members of the public enjoy a higher degree of participation in politics and public affairs after the reunification. At the same time, such civil rights and freedoms as making public comments, taking part in demonstrations and assemblies, and so on, continue to be safeguarded in the SAR. The work of senior officials of the SAR Government will naturally come under greater monitoring by the public, including this Council. Overall, under the administration of the SAR Government, "one country, two systems" is widely recognized as having been properly implemented. The judicial system continues to operate independently. Constitutional development, including a term-on-term increase in the number of directly elected seats of the Legislative Council, will commence under the Basic Law in a gradual and orderly manner. Thanks to the direct leadership of the Chief Executive, active promotion of the SAR Government, and full support from the Central Government, Hong Kong has recently established in a progressive manner development strategies by taking advantage of the Closer Economic Partnership Arrangement with the Mainland, so as to lay a sound foundation for the upward development of social and economic affairs in the future. With the complementary efforts and support of the Mainland in implementing a wide range of policies, I believe the persistent

efforts by the SAR Government in improving governance is worth supporting. At the same time, the community is in need of greater harmony and unity — disputes and politicization should be avoided as far as possible. Instead, we should seize this rare opportunity, and do our utmost to overcome various difficulties, so as to create the conditions required for economic recovery.

To resolve the complicated and constantly changing social and economic problems confronting Hong Kong, we must not use the simplistic and weird way of thinking adopted by Ms Emily LAU years ago when she called on the Government to consult the Council before intervening in the market for the purpose of combating speculators, not to mention relying solely on a few irrational political slogans. Calls for someone to step down have in recent years become clichés repeated *ad nauseam*. It can be said that they are no longer considered weird, because something even more weird can be found. For instance, as mentioned by Mr YEUNG earlier, a member of this Council has even gone so far as to publicly chant slogans for so-called self-determination of regional future, ignoring the constitutional requirement of "one country, two systems". If someone has to step down, I think such Members should really do so. This is because what they do is going to be destructive rather than constructive, insofar as the State and Hong Kong are concerned. Members who keep on wasting time and resources by repeating motions, very much like old wines in new bottles, will only let people see that they are incapable of resolving social and economic problems in a pragmatic manner and providing solutions to the problems. Ms Emily LAU told the media that her main objective of moving this motion is to "make criticism". If this is really the case, it is even all the more obvious to the public that this motion is worthless, apart from serving the purpose of venting one's biased hostility in an irrational manner.

Such being the case, it will be a waste of time to dwell on this totally worthless motion. With these remarks, Madam Deputy, I oppose the motion.

MR HENRY WU (in Cantonese): Madam Deputy, there is a time gap of just 147 days, or less than half a year, between the motion on "calling the Chief Executive to resign" and this motion that seeks to "call on the Chief Executive to step down". This motion is in essence like old wine put into new bottles or the same old stuff stuck with a different label. My position remains unchanged — I am still steadfastly supportive of the continuous efforts made by the Government of the Hong Kong Special Administrative Region (SAR), under the

leadership of the Chief Executive, Mr TUNG Chee-hwa, in serving the people of Hong Kong.

In speaking on the motion on 14 May this year, I devoted almost my entire speech to clearly elaborating the reasons for my opposition to the motion. So, I am not going to repeat them again today.

It is now most important for us to find ways to help Hong Kong to recover from the SARS outbreak, and to relaunch the economy. This is particularly important today when Hong Kong has just fought a battle against SARS and the confidence of the people and the economy have only begun to stabilize. The people of Hong Kong should all the more work in unity for social stability and the overall economic development, and walk hand in hand out of the economic doldrums. Although certain problems cannot be resolved overnight, Hong Kong can, given social stability, conceivably restore its prosperity rapidly, provided we can unite in a concerted effort to block actions that may otherwise divide the community.

Madam Deputy, I very much hope the SAR Government, under the leadership of Mr TUNG, can continue to step up co-ordination among various Policy Bureaux. Accountable officials are duty-bound to strengthen their role of reflecting views of different sectors of the community, particularly professional sectors such as the securities industry, to the top and ensure smooth communication.

Indeed, it can be seen lately that the leadership of the SAR Government has strived to improve communication with various sectors. In an event held in celebration of the national day, the Chief Executive even inquired with me on his own initiative and expressed concern about the businesses and operations of the securities industry, particularly small and medium broking firms. This precisely demonstrates that Mr TUNG is determined to play an exemplary role by taking the initiative to maintain close liaison with various trades and industries, and people of the community.

Here I would like to express my earnest hope that these people who oppose everything can concentrate their efforts on making constructive suggestions to the Government.

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

MR HOWARD YOUNG (in Cantonese): Madam Deputy, as pointed out by several Members earlier on, this is not a new motion topic at all. The topic was debated just in the recent past, in the last Session. I therefore agree that there is nothing new about the topic, or in the words of Mr NG Leung-sing, it is something like "old wine in a new bottle".

Ms Emily LAU's motion, though, asks for Mr TUNG's stepping down on three grounds: first, human rights and the rule of law, then the economy, and third, the democratization of the political system. I wish to say in a word that these three reasons cannot sufficiently justify the conclusion that the Chief Executive must step down.

Naturally, I am sure Members here all know how the people of Hong Kong look at the rule of law situation in Hong Kong. The fact is that over all these years since the reunification, the freedoms enjoyed by Hong Kong people have never been curtailed. Hong Kong remains a society underpinned by the rule of law, and there has been no reduction of human rights. This fact cannot be changed despite the slogans chanted by some people. I remember that before the reunification, some people — since I was in the tourism industry, I inevitably had to talk about this — said in tears that after the reunification, once they had left Hong Kong, they would not be allowed to come back. But all these alarmist talk and guesses have not turned out to be true. In fact, the freedoms of Hong Kong people, whether those enjoyed inside Hong Kong or the freedom of travel, have increased greatly. Our former Director of Immigration also knows how proud, how free and how convenient it is for Hong Kong people to travel on the SAR passport; all is much better than before the reunification. This is also a kind of freedom. If the rule of law is not upheld in our society, if there is no recognition by the international community, this will not be possible at all.

How do foreigners look at us? Of course, we Hong Kong people can make our own assessments, and we must rely on ourselves. But foreign countries do have their judgements on the rule of law, freedoms and Hong Kong. For example, in a half-yearly report on Hong Kong, the Foreign and Commonwealth Office of Britain points out that our Judiciary is still highly respected. The report reads: "We have the utmost respect for the Hong Kong Judiciary and the Lord Chancellor continues to send judges from the House of Lords to sit on Hong Kong's Court of Final Appeal." If they think that the rule of law is not upheld in Hong Kong, will they still do so? Right?

How about the United States? They frequently like to comment on the affairs of Hong Kong, and their criticisms can be rather sharp at times. But in a report on Hong Kong, that is, a United States-Hong Kong Policy Act Report, it is also pointed out that there is still a high respect for the rule of law and civil liberties in Hong Kong. The success of the Chief Executive in implementing the unprecedented notion of "one country, two systems" in the past six years is well recognized by many countries. Even United States Secretary of State Colin POWELL has recently said that he is pleased to see the successful implementation of "one country, two systems" in Hong Kong. And, during his recent visit to Hong Kong, Prime Minister Tony BLAIR also said things to this effect, recognizing the success in implementing "one country, two systems" here. So, there is simply no justification to demand a stepping-down by claiming that "one country, two systems" has not been successfully implemented in terms of human rights and the rule of law.

How about the economy? Admittedly, the Asian financial turmoil and the SARS outbreak this year have been the biggest incidents happening to Hong Kong after the reunification. These two incidents were all caused by outside factors, both being unprecedented. But should the Chief Executive thus be blamed? Have all these been of his making? I think nobody will assert so. Certainly, I am sure that even Ms LAU does not think that way. Right? Coming back to the SARS outbreak, all Hong Kong people should see that Hong Kong actually was in its worst times six months ago. But our economy has now recovered much quicker than anyone could have imagined six months ago. In this regard, should we not at least recognize the fact that all in the Government, from medical and health workers at the bottom to the Chief Executive at the top, have made lots of efforts and worked with one heart, attaching importance to harmony and with great determination, before the situation can be reversed? There are of course other reasons, and in fact Hong Kong has been highly successful in this respect. And, many people can see, and even Ms LAU has also mentioned, that the recent liberalization of individual travel by the Mainland and CEPA are good to Hong Kong. Who has made all this possible? I cannot of course give all the credit to the Chief Executive. But if he is not trusted by the Central Government, if he has not lobbied continuously, has not raised the requests repeatedly, the Central Government may not have offered such strong support which enables our economy to show signs of recovery so early.

Therefore, I think that whether in terms of human rights and the rule of law, the economy or even Ms LAU's greatest concern, that is, the political

system, one simply cannot say that there has been no progress at all. Of course, our pace may not have been as quick as that demanded by some, but we must admit that there has been an increase in the number of directly elected seats in this Council after the reunification, and the number will further increase in the next term. This is actually gradual and orderly progress. Ms LAU is surely not satisfied, as Members all know. To sum up, as already mentioned in the last debate on this topic, I personally think, and the Liberal Party also maintains, that we should not create any chaos among ourselves at this time; we should instead concentrate on improving the economy and people's living. Any attempt to seize on any incident as an excuse of demanding the Chief Executive to step down will not solve any problems, nor is it a good and positive approach at all.

With these remarks, and sticking to my long-held position, I oppose the motion.

DR YEUNG SUM (in Cantonese): Madam Deputy, under the governance of the Chief Executive, Mr TUNG Chee-hwa, Hong Kong has seen retrogression in human rights, the rule of laws and democratization of the political system. On 1 July, more than 500 000 people took to the streets, demanding Mr TUNG Chee-hwa to step down and return political power to the people, and opposing the enactment of legislation to implement Article 23 of the Basic Law (Article 23). It has now been more than three months since 1 July. Mr TUNG has regrettably chosen to evade the problems pertaining to constitutional review.

The Democratic Party has all along believed that the various problems arisen today are attributable to the absence of a democratic government. The people of Hong Kong have behaved in an extremely rational and calm manner. They understand that merely demanding their leader to step down without radically reforming the system is like making a change in name only, rendering it impossible for the fundamental problems to be tackled at root. As such, besides demanding Mr TUNG to step down, they also demanded on 1 July the return of political power to the people. The Democratic Party is always convinced that institutional reform is of paramount importance. However, this does not mean that our efforts should be concentrated merely on striving for constitutional reform. There are two reasons. First, TUNG Chee-hwa has been taking a very conservative attitude towards democracy and institutional reform. He himself in essence poses a major obstacle to democratization. In the 1 July

march, the public put forward their requests of "opposing the enactment of legislation to implement Article 23 and striving for the return of political power to the people". After the march, we could see the Government's attitude experience several twists and turns — they include the resumption of Second Reading on 9 July as scheduled; the resumption of Second Reading was forced to be postponed subsequent to the resignation of Mr James TIEN from the Executive Council; and the Government's eventual announcement of the withdrawal of the enactment of legislation on Article 23 and a renewed round of consultation owing to the political reality. Nevertheless, what has the Government done in response to the request of returning political power to the people?

It can be said that Mr TUNG has made no mention of speeding up democratization, apart from undertaking to open up channels for discussing politics and meeting with people from all walks of life regularly. Furthermore, Secretary for Constitutional Affairs Stephen LAM has indicated that the Government will not consult the public on constitutional reform until late 2004 or 2005. Such a timetable demonstrates that the Government has not genuinely addressed the public's request of "returning political power to the people". Should the voice of the people truly be heard, why has it taken such a long time before the timetable for consultation can be decided and why has public consultation yet to be held at the moment? Mr TUNG Chee-hwa's notion and his attitude towards democratization are indeed very conservative. An enormous obstacle to democratization has thus been created. Mr TUNG can hardly shirk his responsibility for his governance has even resulted in retrogression in democratization.

Second, in order to manifest the spirit of accountability, government officials who have blundered have to step down. The blunders in administration made by the Chief Executive are really too numerous to record. Despite the passage of six years, Mr Tung as a leader has remained unchanged in terms of his style and policy objectives. It was not until 1 July when more than 500 000 people took to the streets that he finally realized the magnitude of public discontent with his administration. According to the findings of a public opinion poll released yesterday by the University of Hong Kong, 62% of the respondents opposed the choice of TUNG Chee-hwa as the Chief Executive and his popularity was still relatively low. Even though he promised after the 1 July march that substantial changes would be made and the enactment of legislation on Article 23 withdrawn, the people of Hong Kong have still not regained their

confidence in him. I believe it is not because the people of Hong Kong refused to give him one more chance. Rather it is because, after the 1 July march, members of the community saw that his final decision to withdraw the Article 23 legislation had actually forced upon him by the political reality. Even after the 1 July march, Mr TUNG has made no mention of constitutional reform, turning a blind eye to the demands of the public for "the return of political power to the people". So, there are only two solutions left. One solution is that Mr TUNG gives himself a chance by introducing democratic reform expeditiously and returning political power to the people. The other one is that Mr TUNG gives the people a chance by vacating his office to a competent person.

Madam Deputy, it has unanimously been pointed out by numerous political critics and academics recently that the Government is faced with numerous obstacles in governance, particularly in dealing with the relationship between the executive organ and the legislature, the relationship between civil servants and accountable officials, the relationship between the Government and the general public, and even the relationship between the Central Government and Hong Kong. The only solution to the problems is election of the Chief Executive, within the parameters of the Basic Law, in 2007 and the Legislative Council in 2008 by universal suffrage. Should the public be allowed to elect the Chief Executive in 2007 and the Legislative Council in 2008 by universal suffrage, the Chief Executive elect will be able to, given his representativeness and acceptance, improve the relationship between the executive and the legislature gradually. All problems will be resolved if the Chief Executive elect and Members belong to the same political party. Even if this is not going to be the case, co-operation among them will definitely be improved because their notions of governance will basically be similar, given their election a system of majority vote. At the same time, the relationship between the Chief Executive and the Central Government will also be improved, for the Chief Executive, as a representative of public opinion, can effect co-ordination in the relationship between the Hong Kong Special Administration Region (SAR) and the Central Government. As such, it is particularly important for the SAR to expeditiously carry out constitutional reform.

Madam Deputy, insofar as the governance of Hong Kong is concerned, it will truly make governance more difficult if TUNG Chee-hwa continues to work as the Chief Executive. During the 1 July march, a number of people shouted at the top of their voice for TUNG Chee-hwa to step down. What is left now is

a "lame-duck government" led by a Chief Executive with no public acceptance. Finding it equally difficult to advance or retreat, the Government can hardly make a move. We have recently noted that the Government was forced to withdraw several of its policies shortly after their implementation. These policies include the keeping of pets by public housing tenants, shortening the voting hours for District Council elections, Central reclamation, and so on. These incidents have served to reflect the failure of the Government to give careful consideration in formulating certain policies and the difficulties experienced by a weak government in making progress. Should this continue, the Government will be unable to lead and reform the community. Full support from the public will not be easily secured even for the implementation of policies which are reasonable. In order to resolve the current governance crisis, the Government must prescribe the right medicine. First, Mr TUNG must step down and vacate his office to a competent person; second, institutional reform must be carried out expeditiously to enable the Chief Executive and all Members of this Council to be elected by universal suffrage expeditiously.

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

MR MICHAEL MAK (in Cantonese): Madam Deputy, this motion before us today has actually been discussed before, only that it was not supported by the majority of Members in this Council eventually. I believe today's motion enables us once again to express our views, particularly after the 1 July march. I can see that the three Secretaries of Departments and 11 Directors of Bureaux look extremely cautious, and their facial expression is gravely solemn. None of the new bureau heads wear a smile; only Secretary John TSANG is smiling faintly, and his smile looks like a "Four Characters" mahjong tile. Actually, Ms Emily LAU has been acting very cautiously too. That was the first time I saw her reading from a prepared speech. She need to tell me to throw my prepared speech away and not to speak from it. I have come to slowly appreciate what she truly meant, for I can then speak more freely as I wish. However, I will often leave out many of my major arguments as a result. I wonder if it was because Ms Emily LAU was under stress that she had to speak from her prepared speech point by point. I hope the officials can give me a response. I also hope the officials can put forward counter-arguments to explain why the Chief Executive should not step down, in order to refute Ms Emily LAU's arguments that Chief Executive TUNG Chee-hwa should do so.

The 1 July march precisely demonstrates that members of the general public have chosen to take action with their feet — the number of people should exceed 500 000. According to my calculation based on common logic or geography, I believe the number of participants should be close to 1 million. I have pointed out in this Council that the number of participants in the street protest should be close to 1 million — all demonstrators, dressed entirely in black, were holding the headline of a certain newspaper calling for the stepping-down of TUNG Chee-hwa. There were also caricatures portraying TUNG Chee-hwa along with public and direct calls for him to step down, and pleas for him to give Hong Kong a chance, as Hong Kong could be said to have "suffered badly" for years because of him. How bad? Let me explain the "bad" situation of Hong Kong in response to a remark made by Mr Abraham SHEK, a good friend of mine in this Council. Mr TUNG was described by Mr SHEK as "7-11" because he worked from seven o'clock in the morning till 11 o'clock in the night. I often doubted the necessity for a competent person to work "7-11". Does Mr TUNG really need to spend so much time on attending to so many tasks and, as a result, he is suffering from a small imbalance psychologically, spiritually and socially, and yet he can think and analyse better? It is proved that, should he really be working "7-11", he is incapable of ruling Hong Kong, and he has no confidence in the three Secretaries of Departments and 11 Bureau Directors.

Mr Abraham SHEK, you said that we owed him a leave of more than 300 days. Let me give you my figures. He owed us 299 lives. I believe Honourable Members know what I am talking about. I am referring to SARS. I am not sure whether it was under the leadership of the Health, Welfare and Food Bureau plus other Bureaux (it was mainly under the leadership and management of the Health, Welfare and Food Bureau) that 299 innocent people were killed during the battle against SARS. But I am sure that some of them died of cross-infection in hospitals. More than 300 medical and health care workers were infected in hospitals, not in the community. Furthermore, nearly 300 hospital visitors or other people concerned were infected, resulting in a total of more than 600 people being cross-infected. Does it reflect any problem? It was all because of a serious defect in infection control measures in terms of personal protective gear, separation facilities, poor environment, medication, and so on. Moreover, it was insisted that Ribavirin be administered together with steroid. Although I am no expert on medication, I can see that these two types of medication were not used in other places. At the same time, the death rates in these places were lower than that in Hong Kong; their incidence rates were lower too. The leadership of Mr TUNG Chee-hwa should really take all

the blame for the infection and the eventual death of many of those people. Compared to a loss of 299 lives, it does not really matter that we owe him more than 300 days of leave.

Let me turn to the problem of negative equity assets that emerged a couple of years ago. His "85 000" policy has turned 100 000 households into negative equity asset owners. In this respect, I think Mr Albert CHAN best understands the problem. He might list the wrongs done by the Chief Executive later. Many people, around 1 000 per year, killed themselves because of the negative equity assets problem. Two years ago, I moved a motion in relation to suicide. I still remember the Secretary serving at the time said cold-bloodedly that our suicide problem was not a problem. I believe Chief Executive TUNG Chee-hwa owes Hong Kong heavily, whether from the perspective of morality or humanity, and he owes us an explanation. Even judging solely in terms of human lives, I do not think he should hold on to his post, not to mention his wanton interference in human rights and freedoms in relation to the enactment of legislation on Article 23 of the Basic Law (Article 23). Had he done a good job, it would have been unnecessary for the Government to withdraw the Article 23 legislation, and the Government should make it clear that no legislation would be enacted for this purpose during this Legislative Session.

May I urge Mr TUNG to make a self-reflection and step down expeditiously.

MR LEE CHEUK-YAN (in Cantonese): Madam Deputy, this is the first time I ever see you sitting in that seat. Mr NG Leung-sing has said that we are again trying to "put old wine in a new bottle". It is indeed a great misery that we have to do so, because California does not need to "put old wine in a new bottle", and has instead simply replaced the "old wine" — the old Governor. Arnold SCHWARZENEGGER has just been elected Governor amidst sexual harassment allegations. I learnt of this on television just now. DAVIS has already telephoned Arnold SCHWARZENEGGER to extend his congratulations.

I agree with Mr NG Leung-sing, who says that Ms Emily LAU should not try to "put old wine in a new bottle". Well, we should not do so, but should simply dispose of the "old wine". But there is nothing we can do, and we must "put old wine in a new bottle", because there is no system in Hong Kong which can enable the people's voices to be heard. Some people have criticized the

workings of democracy in California for being too direct. No matter what, I think what is certain is that the people there can exercise their choices, but very much unfortunately, up to this very moment, Hong Kong still has to debate whether TUNG Chee-hwa should step down.

Actually, we need only one reason to decide whether TUNG Chee-hwa should step down — the wish of the people. Basically, to the people, he has in effect stepped down for a long time; all people are thinking about how they can survive the next few years. If government officials care about the people at all (All principal officials are now present), if they really bother to talk to the masses, they will hear people say that there is still several years to go, and they just do not know how they can make it through. Some people have described our situation as chaos caused by TUNG Chee-hwa, while some others have said that Hong Kong is hopeless as long as TUNG Chee-hwa is in office. Why have we come to such a state? Mr TUNG often says that this is due to the poor shape of our economy. But this is actually not, definitely not, the reason. Do not always blame the economy and regard the people of Hong Kong as mere economic beings. Actually, there is only one reason for the poor situation — the incompetent leadership of Mr TUNG.

There goes a joke that whenever Mr TUNG is offered four options, he will invariably pick the worst one, the fifth option. I do not know the origin of this joke, but there are so many similar jokes now. What do all these jokes tell us? Dr LAU Siu-kai, or Prof LAU Siu-kai, can testify that jokes of this kind can reflect the people's state of mind. From these jokes, we can notice one thing: Can Mr TUNG still command any acceptance and trust from the people as a leader of Hong Kong?

I often hear some people say that Mr TUNG is so miserable, because he has been working just so hard. I agree, and I sometimes also feel sorry for him. But I must also say this to him: "Wear not a hat that is too big for you".

The second major problem, besides the wish of the people, is that the TUNG Chee-hwa Administration is now completely devoid of any authority, so it no longer has the authority necessary for leading Hong Kong. Mr TUNG once said that there is now a ruling coalition. According to him, all in the coalition share the same conviction. Frankly speaking, I think he is the only one who believes this. Nor do I know whether he really believes this. Or, is he just making it all up? How can there be any common conviction at all?

Coming back to what I said a moment ago, I really feel very, very sorry for Mr TUNG. I think he has been reduced to a cash dispenser — not one for us, though. We cannot withdraw any cash from this cash dispenser, because he simply regards us as his opponents. A cash dispenser for whom, then? Well, it is one for all those political parties which support the Government, including that of yours, Madam Deputy. Your party has managed to withdraw the biggest amount recently. Mr James TIEN slapped him across the face, but shortly afterwards, he hastened to appoint Mrs CHOW to the Executive Council. Isn't this proof that he has become a cash dispenser? That is a cash dispenser giving out so much; people can squeeze so much from him.

The Democratic Alliance for Betterment of Hong Kong (DAB) has surely exacted a lot from him too. It must have made lots of excessive demands. Because they are asked to support the Government, they will naturally ask for rewards. This is only natural from the standpoint of the party. I do not think that they should be criticized anyway, because anyone in their position would also try to exact as much as possible. So, there is no point in criticizing them. But then, who should be criticized? What has led to all this mess today? How much authority is still left? Even after the recent resignation of two principal officials, he has still failed to regain any popularity, nor has he managed to rebuild his authority in any way.

Some also say that the very existence of Mr TUNG actually represents a virtual negation of Hong Kong's values. The values of Hong Kong are about struggles, about having the confidence to make things right for itself. But what do we see now? All we can see is that the Central Authorities are calling all the shots. Where have the values of Hong Kong gone? Where has Hong Kong people's spirit of self-reliance gone? When Hong Kong is deprived of all these values, what course can it follow?

Having stayed in office for six years, Mr TUNG has by now destroyed all the values which Hong Kong used to cling to so proudly. Mr Abraham SHEK just now talked about a leave of some 300 days, I do not know whether he was hinting that a long vacation might be the solution. Perhaps Mr Abraham SHEK is the staunchest opponent of Mr TUNG, for he has raised the simplest solution of asking Mr TUNG to go on vacation for some 300 days. I guess most people will raise no objection if they are consulted on whether taxpayers should pay him the salaries of the remaining years of his term.

If Mr TUNG really wishes to regain the people's support, he must note the very clear demand voiced in the 1 July march: Returning political power to the people. As long as political power is not returned to the people, they will not be able to exercise any real choices even if Mr TUNG steps down. That is why I think that we must ultimately follow the path of democratization. Earlier on, Mr YEUNG Yiu-chung criticized Ms Emily LAU of trying to split up the country and of attacking Mr TUNG, who is the protector of "one country, two systems". I will just let Ms Emily LAU refute him later on. But I must say I really do not know how Mr YEUNG can see through Ms LAU's mind and why he can say that she is intent on secession.

While people claim that Ms Emily LAU is intent on secession, I must say that Mr TUNG is doing exactly that, with concrete actions, because if TUNG Chee-hwa insists on not allowing Hong Kong people to have genuine direct elections, what message will he deliver to the people of Taiwan? The people of Taiwan can now elect their President in a direct election. So, if we tell them that we in Hong Kong do not have direct elections, we will in effect be telling them that reunification will take away their direct elections. If the people of Taiwan are to be deprived of the right to elect their President by universal suffrage, will they be willing to accept reunification? What message does he want to convey to Taiwan? Or, does he in fact want to tell the people of Hong Kong that they are "inferior"? Does he want to say that the people of Taiwan will still have direct elections after reunification, but the "inferior" Hong Kong will never have that? Does he want to say something like this? That is why I would say that if Mr TUNG continues with his deeds, he will be guilty of secession. Thank you, Madam Deputy.

MS AUDREY EU (in Cantonese): Madam Deputy, I rise to speak in support of the motion for two reasons. The first reason is that in terms of administration and governance, Mr TUNG lacks the abilities required of a leader. Recently, the Central Authorities have been calling upon the middle classes to take part in politics. Madam Deputy, I think you should also know that the middle classes are actually not at all keen on taking part in politics, nor do they want to stand in any elections or join any political parties either. But they do very much hope to have a strong government that can command their confidence. In this regard, Mr TUNG is a complete failure. I have just read today's issue of a paper with a substantial middle-class readership (I hear that former Premier ZHU Rongji also

reads it). There are two articles which can highlight the crux of the problem. One of the articles is by CHAN Wo-shun, who says: "In fact, the Central Government should realize that the middle classes are the keenest of all to maintain stability because they are the beneficiaries of social development. The greatest threat to Hong Kong's political stability is not the middle classes, but the Chief Executive himself, particularly his overly strong awareness of opponents and his opinionated style of administration. Shortly after the 1 July march, the Chief Executive pledged to alter his style of governance completely. But now, three months on, he has shown once again that he does not attach any importance to honouring his promises. Just look at the Victoria Harbour reclamation issue and the SARS report, and we must but admit that the Chief Executive is the greatest threat to Hong Kong's political stability."

The other article is by HUNG Ching-tin. He describes the mindset of the existing government as far removed from the realities. In the words of Mr LEE Cheuk-yan just now, even when there are just four options, he will pick the fifth option, that is the worst one. HUNG writes: "The Government's authority, image and credibility have suffered more and more, in an increasingly absurd manner, totally inconceivable. It seems that over the past six years, the SAR Government has all the time acted in contrary to the Canon of Common Sense upheld by Hong Kong for a hundred years." In brief, the Government led by TUNG Chee-hwa is anti-intellectual.

Madam Deputy, the second reason for my support of the motion is that Mr TUNG is actually the main obstacle to the democratization of Hong Kong's political system. The demand for returning political power to the people has been voiced most unequivocally during the 1 July march, but the Government has so far remained reluctant to launch the consultation on a political review. It was only when he was questioned during the Question Time today that Secretary Stephan LAM finally told us how he thought there would still be sufficient time to handle the consultation slowly. Madam Deputy, even if there is really enough time, it does not mean that the Government can delay and refrain from responding immediately to this unequivocal demand of the people. This is simply not a good reason. As the Chief Executive of Hong Kong, Mr TUNG is obligated to relay Hong Kong people's aspirations to the Central Authorities and fight for their realization. If he is not prepared to do so, he must step down as early as possible.

The main argument advanced by the apologists of Mr TUNG in this Council today is that we should appreciate that he is a good man. But a good man is not necessarily a good leader. Many people also argue that we in Hong Kong should now seek to minimize disputes. Well, let me just ask the apologists of Mr TUNG to consider this: Is not the stepping-down of Mr TUNG the best way to minimize disputes? Today, many people have also asked whether there has been any retrogression in the rule of law since the reunification.

Madam Deputy, I wish to quote from a recent newspaper article by former Bar Association Chairman, Mr Alan LEONG. The gist of the article is that there is now just a veneer of adherence to the rule of law. It seems that the law is being complied with, but in reality there is a huge departure from the rule of law. The title of the article is "Sophistry and False Reasoning". He first talks about a boy who was supposed to wash his hands before eating rice¹. When asked by the teacher why he had not done so, he replied that since he was going to noodle instead rice, he did not have to wash his hands. Mr LEONG uses this story to illustrate the situation with the rule of law after the reunification. He writes: "Resultant staff unemployment in case a newspaper proprietor was prosecuted was used to justify that prosecution would not be in 'public interest', and that the Department of Justice should refrain from initiating any prosecution; while it was clear that the seeking of an interpretation of the Basic Law from the Standing Committee of the National People's Congress would seriously injure the Hong Kong SAR's judicial independence, it was reasoned that there was no alternative, and that the act was meant for everybody's good; while it was obviously there had been a high-handed act of suppression meant to end the sit-in protest staged by Falun Gong followers outside the Central People's Government's Liaison Office in Hong Kong, it was said that arrests had to be made to clear the site under public health laws; while it was obvious that a symphony of BEETHOVEN had been played to drown the voices of protestors, it was claimed that the symphony had been played to soothe the nervous tension of police officers on duty; while it was obvious that the vehicles concerned had been intercepted with the purpose of preventing protestors from reaching the venue of ceremony, it was argued that the police were simply enforcing traffic laws; while it was obvious that the legislative proposals on Article 23 could not meet current human rights standards, it was however explained that the proposals could provide further and more effective protection of human rights; while it was

¹ Rice is the staple food of Chinese people, so they usually say "eat rice" instead of "have a meal".

obvious that the national security laws proposed had been temporarily withdrawn only as a political expedient in response to the likely failure to muster enough votes in the Legislative Council, it was said that the legislation had been withdrawn out of respect for public opinions and for the need to conduct extensive consultation; while it was obvious that an out-of-court settlement had been used to secure a permanent injunction which the Court would never grant, it was said that all was meant to be a well-intentioned move to resolve an unsettled case; and, while it is obvious that the smooth transition of the SAR and the absence of any interference from the Central Authorities is entirely attributable to the latter, it is claimed that Mr TUNG should claim the biggest credit. There have been plenty and indeed numerous such cases after the reunification, cases in which what is right and what is wrong are confounded. In order to preserve our advantage, in order to prevent our next generation from becoming people without any backbone who know only how to trim the sail, everyone one of us must stand firm before any sophistry and false reasoning, saying 'yes' to what is right and 'no' to what is wrong, regardless of who we are faced with. Only this can do good to Hong Kong, the SAR."

Madam Deputy, I so submit.

MS CYD HO (in Cantonese): Madam Deputy, a moment ago, Mr YEUNG Yiu-chung said that it was a misery to the SAR, and also the Legislative Council, that the same topic had to be debated repeatedly. I entirely agree that this is a misery to the SAR because we do not have any political system which can enable the realization of the people's wishes; this is also a misery to the Legislative Council because it is rendered unable to represent the people.

How can it be claimed that there has been no retrogression in democracy, liberties, human rights and the rule of law since Mr TUNG assumed office? The dismantling of the Municipal Councils and the increase in the number of appointed seats in District Councils are not provided for in the Basic Law, and they were implemented by the SAR Government all by itself after taking over. Can all this be considered any progress at all? If yes, then we may as well see black and white as just the same colour. The Public Order Ordinance imposes numerous restrictions on public assemblies. Strictly speaking, a peaceful assembly like the march on 1 July is already a violation of the law, a collective violation by 500 000 people. For unknown reasons, the organizer of any such event has to specify beforehand the ceiling number of participants. Mr LEE Cheuk-yan must indeed be reprimanded in the severest way possible, for he

simply underestimated the people's discontent and projected that just around 100 000 people would take part. But how can any organizer readily know how many people will turn out for an assembly? How can he specify anything? This is an unenforceable piece of legislation which will only work in the interest of selective prosecution. This legislation was passed during Mr TUNG's term of office. Is it not a retrogression?

When Mr TUNG was elected Chief Executive by the Election Committee in 1996, his popularity rating was as high as 70 points. Though people knew very well that he was totally inexperienced, they still hailed him with good hopes. They were indeed most magnanimous. But since then, his popularity has kept declining. The Government, however, has all along refused to listen to any public opinion, claiming that all trouble is stirred up by just a handful of people. Then, on 1 July, fearing that the Government really cannot hear their voices, the people finally took to the streets, just to let the Government see for itself. Honestly, I very much want to know where Mr TUNG was that afternoon. Did he watch the live broadcast on television that afternoon? What was in his mind when he was watching the live broadcast? Did he make any introspection and review? Did he hear the voices of the people?

What has life in Hong Kong been like after 500 000 people have taken to the streets? The Central Authorities have been trying positively to save Hong Kong on the economic front, turning the SAR into a "rich CSSA recipient" of the State. And, an endless stream of organizations has been invited to go to Beijing, in a bid to stabilize the position of pro-government forces. On the other hand, however, the SAR has remained very passive, adopting an appeasement policy whereby proposals are either withdrawn or amended whenever they meet with any public outcry, in the hope of reducing disputes. Some examples are the reclamation issue, the Electoral Affairs Commission's proposal on shortening the polling hours and the agreement with LUI Yuk-lin. However, all these acts of reconciliation are only superficial in nature. There has not yet been any genuine reconciliation between the Government and the people, and discontent still remains high. Why? Because Mr TUNG has simply remained his old self. After 1 July, he vowed to meet regularly with different political parties, factions and people with dissenting opinions. But the Association of Parents of Children with Right of Abode has been trying in vain for three years to meet with the Chief Executive. Organizations with a clear-cut position on promoting democracy also wish to meet with him, but the doors still remain shut on them. Even we, Members within the establishment, have managed to meet with him for

one and a half hours only. Before the meeting ended, we asked when the next meeting would be, but Mr TUNG did not give any answer at all. In regard to all those large-scale seminars on Hong Kong's political reform held by various think-tank organizations, academic institutions and the mass media, the Government's responses have also been extremely cold. This shows that the gap between the Government and the people in respect of political reform has not yet been narrowed. The Government is basically as wary of his opponents as before. The only difference is that it now tries to avoid arousing the people's discontent by adopting a passive attitude and refusing to give any response, rather than behaving aggressively, like what it did before 1 July.

(THE PRESIDENT resumed the Chair)

Actually, I do strongly believe something Mr TUNG has said: He is ultimately responsible for all affairs of Hong Kong, big or small. Mr TUNG's ultimate responsibility can be felt after the release of the SARS report, when the Secretary admitted that he did not have any say in his own resignation or otherwise. There were some more examples in the past. Mr TUNG's attempts to retain Housing Authority Chairman Ms Rosana WONG, Mr Andrew LO, Mr Antony LEUNG and even Mrs Regina IP were all marked by the same logic. But this attitude of assuming all responsibility while making no changes is certainly not helpful to Hong Kong. Some have recently said that the retention of people will retain experience, and that the experience accumulated after the making of all the blunders will be helpful to us in future administration. But the point is that Mr TUNG just seems to be having some learning obstacles, for he is repeating all the mistakes. During the march on 1 July, a man displayed a home-made slogan board which read: "Mr TUNG, have you had enough fun already?" At the beginning, the people gave Mr TUNG a chance, and later, the Government hoped that they could give him still one more chance. Now, after all the developments, it is the people who are instead asking Mr TUNG to give Hong Kong a chance by resigning as quickly as possible.

Honestly speaking, the situation now is such that the people will invariably be upset whether or not Mr TUNG is willing to speak, or whenever they hear him speak, about anything at all — even when it is just a simple "Good morning". In the case of a political figure caught in such a situation, whatever he does will inevitably achieve negative effects. This is unfair to Hong Kong and also Mr

TUNG. The Government now has very few allies, for it has alienated so many people over the past six years. I believe there is very little hope that Mr TUNG can extricate himself from this predicament, even if he wishes to do so. In the long run, we must have a democratic political system. The best option for Mr TUNG, and the most beneficial option for Hong Kong too, is his immediate resignation. Some Members said earlier on that in raising this topic for debate repeatedly, we were trying to "put old wine in a new bottle", to do something useless. But this is actually the strong aspiration of the people, only that the Government has all along refused to respond. All this shows that while Mr TUNG has failed to draw any lesson from the 1 July march and take on board any public opinion, many Members and political parties in this Council have similarly committed the mistake of ignoring the people's voices even now.

The motion has been moved with the clear knowledge that there is no chance of success at all. But we need not mind the outcome so much; every failure will form the foundation of success in the future. There is a definite need to raise this topic for discussion in this Council over and over again.

Thank you, Madam President.

MR FRED LI (in Cantonese): Madam President, further to the remarks made by DR YEUNG Sum, Chairman of the Democratic Party, earlier in the debate, that the Chief Executive is very conservative in his beliefs and in his views on the development of democracy, I would like to speak on the District Council (DC) elections to be held next month. Many Members are busy helping with the electioneering activities of other candidates or are actually contesting the election themselves. I would like to speak on the appointment system.

In fact, the district board (DB) (later renamed as DC) election has a very long history since it was first introduced in the year 1982-83. Mr Chris PATTEN of the Hong Kong-British era abolished the appointment system for DBs in 1994. The abolition took place after extensive consultation, and one of the Secretaries present here was responsible for conducting consultation on the abolition of the appointment system for DBs then. The Government decided at that time to abolish all the appointed seats, but the 27 ex-officio seats for rural committees would be retained. Although we took exception to this, we still accepted it, though reluctantly, considering that the majority of appointed seats

could be abolished. The DBs had since operated for several years until the reunification in 1997. After the establishment of the Provisional District Boards, Mr TUNG reintroduced a new group of appointed members to the DBs; and in 1999 when DCs were officially established, a new group of appointed members was also introduced. Now, as the DC elections will be held again, the District Councils Ordinance, unfortunately, still provides for appointed seats. I must ask a question: In 1994 there were no appointed seats in the DBs; the DBs were elected parliamentary assemblies, despite that there were 27 ex-officio seats in DBs in the New Territories but such seats only accounted for a small proportion. Is the Government telling us now that there is something very wrong with that term of DBs? Is it saying that after the appointed seats had been abolished, the operation of that term of DBs was plagued with problems? For that term of DBs, was its performance not as good as that of the existing DCs? Or regarding the performance of their members, did that term of DBs fare better than the other terms comprising appointed seats? No one has given answers to these questions.

As we can see, not even a single word in the terms of reference of DBs or DCs has been revised before and after 1997. There have not been any changes at all. Before the scrapping of the two Municipal Councils, many DB or DC members had been coaxed into thinking that the powers of the Municipal Councils would be devolved to the DCs after their scrapping in 2000. Mr Michael SUEN was responsible for scrapping the two Municipal Councils. But have the DCs been given more powers? No. Members of DCs were deceived by the Government into supporting the abolition of the Municipal Councils, but the powers have not been devolved to the DCs. DCs have remained as advisory bodies to which the Government has attached less and less importance, as the officials attending DC meetings now are more and more junior in rank.

The question asked by me just now has not been answered. The appointment system had once been abolished but restored later. Is it not that the Government has never been able to convince us about the need for appointed seats in DCs? There is actually only one answer to my question and that is, there is a need to appoint more supporters of the Government into the DCs, in order to counteract the democratic voices of those members returned by elections and to exercise checks on the role played by these elected DC members. The Government's explanation is pleasing to the ears, as it says that the appointment

system only serves to enable professionals, businessmen and talents who are unwilling to run in elections to be appointed to the 18 DCs, so that they can make contribution. That is the Government's explanation. But if we look at these appointees, many of them appointed by Mr TUNG are members of the DAB, Hong Kong Progressive Alliance and New Century Forum. What sort of political organizations and political parties are these? These political parties have all fielded candidates in elections. Why should people from political parties in support of the Government be further appointed to the DCs? The DCs already comprise many of these people who are elected by the people. Why should they be appointed? The answer is also simple: It is better to appoint into the DCs a few more "royalists" who support the Government, rather than seeing more democrats in the DCs, so as to make sure that the DCs can be controlled by the "royalists". This also applies to the Legislative Council. If the Legislative Council is fully open for direct elections, the only consideration and concern is whether people like us will all be elected, which will then cause great inconvenience to Mr TUNG. The reason is all the same and just this simple.

But it is quite unexpected to find that the Government has imposed such tight control even on the DCs on a district level and refused to give way. On this point, I will strongly express our dissatisfaction on this occasion when the DC elections are imminent. The 500 000 people who took to the streets demanded for the return of political power to the people. There was no mention of DCs, because the people are not too concerned about DCs. They are most concerned about the election of the Legislative Council and the election of the Chief Executive by universal suffrage. I have raised this issue today in the hope that in addition to the seats in the Legislative Council and the office of the Chief Executive, there should also be elected seats in DCs, the most fundamental tier of parliamentary assemblies. After the scrapping of the two Municipal Councils, appointed seats should not exist any more. The Government should not so blatantly appoint the "royalists" to protect the Government. Now that there is the need to protect the Government even in DCs, it only goes to show that the Government is so feeble and lacks confidence in implementing its policies.

With these remarks, Madam President, I support the motion on behalf of the Democratic Party.

MR ANDREW CHENG (in Cantonese): Madam President, this motion has been discussed in this Chamber before. When Mr TUNG took questions from Members in this Chamber, he had also been asked by my colleagues when he would resign and quit. In fact, this really has to do with Mr TUNG's performance. But today, I do not wish to spend another seven minutes to dwell on this. In fact, I have spoken so much on this that my heart breaks and my mouth stinks. I do not wish to discuss this anymore. I wish to be forward-looking and see how we can solve this problem.

In this motion today, there is a line saying that the democratization of the political system has remained stagnant insofar as Mr TUNG's performance is concerned. Indeed, 500 000 Hong Kong people have taken to the streets. We do not wish to see the democratization of the political system remain stagnant any longer. Nor do we wish to see that after this Mr TUNG stepped down, he would be succeeded by a second Mr TUNG, and after the second Mr TUNG stepped down, there would be a third Mr TUNG. If things go on like this, the people of Hong Kong can never turn the corner and will never have a leader who is truly representative of them.

Mr TUNG has indeed caused a great many jokes to spread far and wide on the Net. There is a joke that I would like to put down on record. I wonder how Mr TUNG will feel on hearing this joke. It goes like this: One day, Mr TUNG fell into the sea and three persons bravely saved him. Mr TUNG gladly said to them, "This is very kind of you. Each one of you can ask for one thing and I will give it to you as a gift." The first person said, "I hate Secretary Mrs Regina IP. Please fire her." Mr TUNG promised and Mrs IP eventually resigned. Then the second person said, "I hate Financial Secretary Antony LEUNG for he purchased a car without declaring it, so please give him the sack." Again, Mr TUNG promised. When it was the turn of the third person to make his request, Mr TUNG was afraid that he would ask for his resignation. But this person only asked Mr TUNG to give him a pair of crutches. Mr TUNG then asked him why he would like to have a pair of crutches and for what purpose they would be used. This person replied, "Mr TUNG, let me tell you this. If I go back and tell my family, friends and colleagues that you fell into the sea and that I saved you, I will certainly be beaten into a lame." So, this joke is really — Were I Mr TUNG, I would surely cry in my heart. Mr TUNG has taken office for all these years, and there are still people telling these jokes to satirize him on the Net. This shows that our political system and the Government's leadership have already collapsed indeed.

Earlier on, a colleague said — I even heard Mr YEUNG Yiu-chung say this too — that the Government under Mr TUNG's leadership had made many achievements and that Mr TUNG had been doing a very good job. If he has really done a very good job, what does a march by 500 000 people mean? If Mr TUNG has really done a very good job and if Mr TUNG has no worries at all, he can run in direct elections in future and he can even launch political reforms immediately and run in direct elections. Mr TUNG, do you have the courage to do all this? Do Mr TUNG's apologists have the guts?

Very often, we take part in elections. Mr Fred LI mentioned the DC elections earlier. I had stood for re-election in DC elections before, so I can be considered experienced in this regard. But still, Madam President, I will invariably be on tenterhooks whenever I stand for re-election, and I will also ask myself whether I have fulfilled all the undertakings made to my voters over the last few years, or how I will face my voters in my platform for the next few years. This is the beauty of democratic government. That is, even when someone is elected one day, he can still be overturned by his voters if he fails to do a good job.

Now, the "muscle man" in California is going to take office as the State Governor. His predecessor did not do a good job with the economy and a fiscal deficit has arisen. So, the people joined force to cast a vote of no confidence in him. People with poor performance will be overturned. I also remember that when the President of France stood for re-election, his opponent (I still remember that his name is LE PEN because some people think that the translation of his name sounds like LI Peng) was very conservative. In France, he is an extreme rightist disliked by many voters. Yet, many voters also disliked the incumbent President at the time. But the people had hated LE PEN more and so, many did not vote for him and the President was finally re-elected. People found the result strange, and the French media therefore interviewed voters asking them why they let the President be re-elected since they disliked him and why they had come out to vote. Many of the voters said that they voted because they did not want LE PEN to win.

So, elections, votes, the power of the people — the people will use their votes to make a decision. Sometimes, public opinions are diverse, and many different reasons may also be expressed. But this will make the Government understand the aspirations of the people. To be a leader, one must be returned by elections and must be on tenterhooks in facing his supporters or opponents.

So, I think since we have come to this stage, since the DCs are directly elected, and since the village heads can also be returned by direct elections, why should only half of the Legislative Council be directly elected, resulting in gross disharmony in the relationship between the legislature and the executive, and the lack of multi-party support for the Government in implementing its system? If the Government remains hell-bent on the existing system, then there will not only be 500 000 people taking part in the next march, because 1 million and even 2 million people will be taking to the streets, and they will again be asking for a leader who is supported by the people, elected by the people.

Thank you, Madam President.

MR CHAN KAM-LAM (in Cantonese): Madam President, the Hong Kong community has become more and more emotional. The louder one criticizes another, the more he can attract media coverage. So, those who like to hurl abuses at others have felt more and more exhilarated. This is a pity indeed.

Recently, the Government has taken a series of actions to respond to the people's aspirations. In this Council today, the Government is nonetheless criticized as weak and feeble and for not making thorough consideration in formulating policies. Conversely, if the Government insisted on the original decisions, it would be criticized of practising executive hegemony and not listening to public opinions. While we often say that government officials are used to eating their own words, now I come to see that Members also eat their own words. Regarding the allegations against the Chief Executive in Ms LAU's motion, if we study them in depth, we will find that they are simply not true. This is not in the least constructive to social and economic development. Worse still, this will unduly create greater confusion for Hong Kong's political development, thus giving rise to social unrest. No doubt this will send a negative message to the international community, impressing it that Hong Kong is not a suitable place for investment. So, this kind of remarks should be opposed.

Firstly, no one can possibly reverse the economic difficulties resulted from the financial turmoil in 1997. Even if Chris PATTEN is in office, it is still impossible for him to stop them. Not only Hong Kong has entered a long period of adjustment, the neighbouring countries and territories have also been ravaged by the financial turmoil to varying degrees and have yet been able to get

out of the economic doldrums. It is also untrue to say that the economy has gone downhill under the administration of TUNG Chee-hwa after the reunification. Hong Kong is an externally-oriented economy which, for a long time, has relied on the growth in exports to fuel economic development and create job opportunities. In recent years, the external trade of Hong Kong has gradually transformed in the direction of focusing on high value-added services. Despite a continued increase in exports, the job opportunities hence provided cannot keep pace with the rapid growth of the labour market, causing the unemployment rate to rise continually. This is a fact.

At present, the Government is faced with a huge fiscal deficit. This, coupled with the impact of external factors, the bursting of the bubble economy, economic globalization, a knowledge-based economy, and the grave challenges presented by the rising competitors in the neighbourhood and most of all, the sudden outbreak of atypical pneumonia, has aggravated the livelihood problems and economic hardships. To address these problems, the SAR Government headed by TUNG Chee-hwa has taken a series of positive measures, such as measures to relaunch the economy in the wake of the epidemic, and fostering further co-operation with Guangdong Province. In particular, in order to speed up the recovery of the local economy, the CEPA has been signed under the auspices of the Central Government, and its six annexes have also been signed recently; and there is also the relaxation of restrictions on mainlanders visiting Hong Kong on an individual basis. The implementation of these measures have not only revived the local tourism industry, but also provided momentum for the catering, hotel and retail industries to thrive, creating new room for development of Hong Kong's economic recovery and restructuring.

These efforts have now begun to bear fruits, bringing to the Hong Kong economy prosperity, vitality and hopes. These are there for all to see. Given that this structural problem is complex and deep-rooted, it is impossible for the Government to solve it in a short time however strong and mighty the Government is, and we cannot simply put the blame on a particular person. If, according to Ms LAU, replacing the Chief Executive can solve all the problems that have arisen after the reunification, I will regard it as advice tendered only after the event, aiming to deceive the people.

In fact, over the last six years since the reunification, the environment for investment in Hong Kong has remained attractive to international consortia. Many people think that positive comments on the Hong Kong economy may

perhaps be arbitrary and unfounded. But we must also consider comments on us by the international community.

Hong Kong was ranked the fifth in the global ranking of business environment for the years 1998 to 2002 published by *The Economists*. Despite the recent havoc of atypical pneumonia, we still manage to rank among the top ten at the eighth position in the global business environment ranking between 2003 and 2007. In the 2003 Index of Economic Freedom published by the Heritage Foundation and the *Wall Street Journal* of the United States, Hong Kong tops the list for nine years in a row. In the global economic freedom report published by the Cato Institute of the United States and Fraser Institute of Canada jointly with such institutes as the Hong Kong Centre for Economic Research, Hong Kong is ranked the freest economy in the world, second to none in "size of government", "freedom to exchange with foreigners" and "regulation of credit, labour and business". I must particularly mention the fact that Hong Kong has been ranked the first for seven years in a row since the economic freedom index was first published in 1996. In the 2003 world competitiveness report published by the International Institute for Management Development in Lausanne, Switzerland in May this year, Hong Kong ranks the fourth among countries or regions with a population less than 20 million, six ranks higher than our ranking last year. The ranking order is Finland, Singapore, Denmark and Hong Kong.

For the spate of monetary and economic problems that have arisen after the reunification mentioned by Ms LAU earlier, we cannot simply put all the blame on one person. So, I oppose this motion.

Thank you, Madam President.

MR ALBERT CHAN (in Cantonese): Madam President, on the last occasion when I moved a motion to topple TUNG, I summed up my sincere comments with 18 Chinese expressions, such as "一敗塗地" (a downright failure), "一塌糊塗" (a complete mess), and so on, 18 expressions in total. Now, those 18 expressions are no longer meaningful, for one single adjective will suffice and that is, "死" (dead), because TUNG Chee-hwa has remained "死不悔改" (absolutely unrepentant). Even now, he still clings to his old ways in governing Hong Kong.

On this motion today, many Members of the ruling coalition and parties with vested interests have advanced many views and arguments to oppose the motion. Having listened to their remarks and justifications, I think they were talking nonsense, talking to themselves, and treating the objective world as totally non-existent. They talked about how hard TUNG Chee-hwa has worked, arguing that he is not to blame for the problems and that the economy and the objective environment should be blamed instead. They appear to be thinking that those 500 000 people who took to the streets are stupid and that it is unjustifiable for these 500 000 people to take to the streets to call on TUNG Chee-hwa to step down.

If the DAB is so supportive of TUNG, I question them as to why they do not state explicitly in their platform in the forthcoming DC elections that they support the re-election of TUNG Chee-hwa. If they genuinely believe in what they preach, they should include this into their election platform. All their pamphlets and publication materials should clearly bear their vows to support the re-election of TUNG Chee-hwa. Let us see how members of the public will spurn the candidates sponsored by the DAB. Even their candidates who engage in community work do not dare to say this, but those in the Legislative Council have said this loud and clear. Let us see if their candidates dare to say that they support the re-election of TUNG Chee-hwa at candidates' forums in their constituencies. *(Laughter)*

PRESIDENT (in Cantonese): Mr CHAN, please face the President when you speak.

MR ALBERT CHAN (in Cantonese): I do not have that kind of emotion when I face you. *(Laughter)* Facing that side is more.....

PRESIDENT (in Cantonese): All you have to do is to argue your case with reason.

MR ALBERT CHAN (in Cantonese): Thank you, Madam President. If TUNG Chee-hwa continues to be the Chief Executive, that will be miserable not only for TUNG Chee-hwa — I do feel sad for him, and he is a tragic figure in

history. But his misery will become misery of the entire Hong Kong and will turn Hong Kong into a city of misery. TUNG Chee-hwa's governance over the past six years has plunged Hong Kong into a complete mess. If he should remain in office for another four years, it would only cause "one country, two systems" to collapse completely.

Why did I say that he would cause a complete collapse of "one country, two systems"? After 500 000 people took to the streets on 1 July, TUNG Chee-hwa has completely lost the ability to govern Hong Kong and his governing authority has gone too. After 1 July, it can be said that the Central Government has fully taken over the administration of Hong Kong. DENG Xiaoping once pointed out to members of the Basic Law Drafting Committee that the Central Authorities had no intention to intervene in the affairs of the SAR. Nor was there a need for such intervention. That was a remark made by the late DENG Xiaoping. But let us take a look at the recent "pilgrimages" by the business sector, academia and political groups. They, in each of these visits to Beijing, spoke to leaders in Beijing about the internal affairs of Hong Kong. The Real Estate Developers' Association of Hong Kong talked about the moratorium on land sale in Hong Kong during its visit to Beijing, asking the Central leaders to tell Hong Kong to put a stop to land sale. Many other deputations to Beijing all talked about issues that will invite intervention in the internal affairs of Hong Kong. All this is entirely against DENG Xiaoping's remark to members of the Drafting Committee back then. What is it if not a destruction of "one country, two systems" and a destruction of the spirit of "one country, two systems" advocated by DENG Xiaoping? Who is it if not TUNG Chee-hwa who ruined Hong Kong's autonomy and the operation of "one country, two systems"?

Mr CHAN Kam-lam has hurled criticisms at Ms Emily LAU's remarks. In fact, his criticisms will be more effective if they are directed at TUNG Chee-hwa. I have said that TUNG Chee-hwa is a tragic figure. His situation is similar to that of Emperor Guangxu in the late Ching Dynasty. But Emperor Guangxu was in a less miserable position and was braver. Emperor Guangxu had at least attempted to carry out the Hundred Days' Reform and was put under house arrest only after the failure of the reform. But what has our TUNG Chee-hwa done? Over the last six years, he has attempted to carry out many reforms. But being a person with great ambition but puny ability, he has screwed up everything that he has a hand in it. As a result, the people have been seething with anger. Let us not talk about his policy of building "85 000 flats". The implementation of civil service reforms has driven civil servants to

take to the streets; the education reforms have put pressure on teachers, and we have consistently seen many teachers suffering from emotional problems and even resorting to killing themselves due to mental disorders.

As we can see, the problems brought by TUNG Chee-hwa's governance abound. The 18 expressions starting with the character "—" mentioned by me in my last motion to topple TUNG have already laid bare these problems. He has been in office for six years; what he has done has caused immense public anger and created a complete mess. He still clings to his old style of work by stubbornly insisting on his own ways and not admitting mistakes, does he not? Back then, many problems already existed. Let us not talk about Article 23 legislation. Let us not talk about his support for Antony LEUNG. But in each and every incident, he was invariably proved to be totally wrong eventually. If things should go on like this for another four years, what it will become of Hong Kong? When Emperor Guangxu succeeded the throne, the Ching Dynasty was bogged down in internal and external problems and the authority of the Ching government was all gone. But when TUNG Chee-hwa took over, we were a prosperous cosmopolitan at that time. But to what state has Hong Kong developed over the last six years? Hong Kong has degenerated from a prosperous cosmopolitan to a city of the Pearl River Delta Region. If things go on like this, we even may not necessarily be taking the lead in the region.

So, Madam President, I know that today's motion will be negated in the end. But I believe history will pass a judgement. History will do justice to this motion of Ms Emily LAU, and history will pass a judgement on Members who vote against this motion today.

Thank you, Madam President.

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

MR ALBERT HO (in Cantonese): Madam President, during his last six years in office, Mr TUNG cannot solve the many problems faced by Hong Kong. Worse still, he has even created many problems. How will a problem-maker be capable of solving problems? He may not even understand the nature of the problems or where the problems lie. How can we expect this problem-maker to be able to solve problems?

Madam President, Mr CHAN Kam-lam stressed just now, as usual, that the plights of Hong Kong today mainly have to do with the people's emotions which are upset by the economic woes. This mentality and attitude is tantamount to burying one's head in the sand and indicative of a departure from the reality, just as what the Chief Executive has been doing. If we can really look into the cause of the seething public discontent and the cause of general public dissatisfaction with the administration of the Government, then we will find that the problem should be attributed not only to the economy. Rather, it has to do with the manner of the overall governance of the Government, its policies, and the feelings of the community as a whole under its administration. It is a problem of social cohesion, as often alluded to by Prof LAU Siu-kai. It is precisely because the Government is incompetent in its governance and it is because the Government has lost its direction and departed from society that cohesion cannot be achieved among various quarters of the community. Worse still, many people now feel more and more alienated from society and the Government and become resentful about government. As a result, they become more resistant to the policies of the Government and their confidence in the Government shrinks continuously, and mistrust has gradually found its way into the public's attitude towards the Government.

This Council has had many discussions on the policy blunders of Mr TUNG before. It is also not my wish to see that our discussion here is, as stated by many Honourable colleagues, merely a repetition of previous arguments.

I only wish to speak on the handling of the 1 July incident. We can already see clearly the Chief Executive's governing ability and philosophy of governance. Before 1 July, I believe the Government, like many political parties, was concerned about what would happen on 1 July. Even, the Democratic Party, a political party which lacks resources, had conducted some opinion polls. A number of opinion polls had been conducted, with some being conducted at our own costs and some others with assistance. So, we already knew that hundreds of thousands of people would take to the streets on that day to express their views. That was one week before the march. However, it beats me as to why this very Government with so many resources and with so many informers around would come up with an estimation which has a complete far cry from the reality, suggesting that only some 30 000 people would take part in the march.

If this report is not true, so much the better. But if it is true, what kind of a government is this? Did it intend to deceive its superiors and delude its subordinates? Or was it unwilling to face up to the reality, hoping that a signal no. 10 typhoon would strike out of the blue on 1 July, so that everything that would supposedly happen would all be swept away? It is precisely because of this attitude that the Government, when dealing with the Article 23 legislation, has completely ignored the boiling sentiments of the people and the grievances that have long accumulated among the people.

So, the Chief Executive and his ruling team have completely, truly and precisely departed from society. They are even unwilling to see this reality. This is the first point.

Secondly, Madam President, after 1 July, the fact that 500 000 people had taken to the streets has shocked the entire society, and this incident has been considered worthy of documentation in history by all parts of the world. Everyone was expecting the Government to handle it wisely, so that Hong Kong could find a way out of the crisis. However, our Chief Executive had outrageously insisted on the enactment of the national security law which was so widely criticized by all sectors of the community. Why was it handled this way? If it was not an insensible reaction in the face of danger, then it was a risky and reckless move, as no assessment had been made on the conflicts that would take place outside the Legislative Council if the legislation should be forced through. If such an attitude which neglects conflicts and crisis in society and which goes for risky and reckless moves is the attitude adopted by our Chief Executive in governing Hong Kong, how can we possibly consider it appropriate to allow this Chief Executive to remain in office and continue to discharge his duties?

Thirdly, just when he insisted on the enactment of the legislation, he found that the Liberal Party, which has all along been a member of the ruling coalition, was actually not on the Government's side. It was not until the Liberal Party openly turned its back on the Government, until James TIEN resolutely resigned from the Executive Council that he suddenly looked back and realized the situation. It was only at that time that he, in great distress, withdrew the Bill. This shows that he knows neither his enemies nor his good self.

If Hong Kong continues to be led by such a Chief Executive, and if we have to be led by him to face the future difficulties and challenges, what hopes

and future will there be for Hong Kong? I really must say that if we tolerate such an incompetent Chief Executive, we will be doing a disservice to our next generation; but if we tolerate a system which allows countless Chief Executives who may be incompetent or unrighteous to continue to govern Hong Kong, then we will be doing a disservice to the next generation and the next generation after the next.

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

(No Member indicated a wish to speak)

SECRETARY FOR JUSTICE (in Cantonese): Madam President, I wish to respond to the assertion in the motion that there has been "retrogression" in the rule of law and human rights under the administration of the Chief Executive. In fact, I have refuted similar assertions in this Council on many previous occasions, such as in the meetings of 7 November 2001 and 17 January 2003, and the last time being during a motion debate on 14 May 2003. I do not wish to repeat all that I have previously said, but I would add the following additional information.

First of all, I would like to speak on the rule of law. Recent legal issues that have been the subject of "rule of law" criticism include the conduct of the Immigration Tower case, the harbour reclamation, and Housing Authority (HA) rents. On careful analysis, it is clear that the way these issues were handled gives no cause for legal concern.

The Immigration Tower case concerns a demonstration with some scuffles, involving 200 protesters, that took place in that building on 22 April 2002. This demonstration impeded the operation of the Immigration Department and other government departments in the building. Given the previous arson attack by demonstrators in the Immigration Tower, my department sought and obtained from the Court of First Instance an interim injunction against three of those involved in the demonstration.

The interim injunction does not completely restrain the three individuals from visiting the Immigration Tower. It merely restrains them from gathering in, assembling in or conducting a protest in the building, obstructing the

entrances to the building or interfering with the use of the building by other people.

Needless to say, the rights of demonstrators are not unlimited. Other people have rights too, including those visiting or working in government departments. The Department of Justice is entitled to bringing proceedings to protect the rights of those other people. It is the independent Judiciary that decides whether it is lawful and appropriate to issue an injunction against demonstrators. In this case, the Court was persuaded that an interim injunction was lawful and appropriate.

An interim injunction is, however, only a temporary measure pending the outcome of the legal proceedings. As in many other cases, my Department suggested to the defendants that the proceedings should be settled on agreed terms, including partial payment of costs by the defendants. This offer was made in good faith and with no intention to oppress the defendants. It is regrettable that some have interpreted the offer as being oppressive. There is no basis for regarding the offer as posing any sort of threat, either to the defendants themselves, or to other potential demonstrators. This right to demonstrate in a lawful manner is not being undermined.

I am glad that an agreement has been reached for the discontinuance of proceedings upon the defendants indicating that they will not do any act that exceed their constitutional right to demonstrate peacefully or cause any nuisance or obstruction or interfere with others using the Immigration Tower, and there shall be no order as to costs. Some criticized the Government for showing weakness in the case and in not enforcing the law. I disagree. The incident involved civil proceedings, not criminal proceedings. The purpose of the proceedings was to ensure that there will be no breach of the peace at or interference with the smooth operation of the Immigration Department and obstruction to the users of services provided in Immigration Tower. This is achieved through the compromise. It is a common practice for the plaintiff in a civil case to give up a claim against the defendant if the latter has financial difficulties. This is neither a twist of the law, nor a concession to demonstrators.

I turn now to harbour reclamation. Current work in respect of Phase III of the Central Reclamation has been subject to criticism. Some have alleged that the Government is ignoring the judgement delivered by the Court of First Instance in July this year. This is not correct.

The judgement related to the Wan Chai North Outline Zoning Plan, not the Central Reclamation. The decision in respect of that Zoning Plan is being fully respected, even though the Court's interpretation of the Protection of the Harbour Ordinance is the subject of an appeal by the Town Planning Board. The Central Reclamation Plan was approved by the Chief Executive in Council on 17 December 2002, having undergone all necessary procedures mandated by the Town Planning Ordinance. The 90 days of judicial review are over, therefore the plan is now entirely lawful and remains effective until and unless it is set aside by court order. Therefore, the Government in proceeding with the reclamation work is not acting in breach of the law or being disrespectful to the judgement. Moreover, pending the outcome of the judicial review, the works carried out in respect of the Central Reclamation are being limited to those that it believes are in strict accordance with the tests laid down by the Court. The tests are that the works must meet a "compelling, overriding and present need"; there must be no viable alternative; and there must be minimum impairment to the harbour.

The Government is still acting in accordance with the judgement related to the Wan Chai North Outline Zoning Plan, until the Court of Final Appeal should have a different judgement. By taking steps to comply with the tests laid down by the Court in the judgement, the Government is demonstrating its respect for the Judiciary and its commitment to the rule of law. However, since proceedings have been instituted in respect of the reclamation works, it would not be appropriate for me to say more at this stage.

Ms Audrey EU has quoted from an article written by a barrister, Mr Alan LEONG, and I have responded to the majority of it. There are other issues such as the non-prosecution of Ms Sally AW and the incident of seeking reinterpretation of law by the National People's Congress, and so on. As I have said just now, the article is just one of the many attempts of unfairly labelling me. I hope, by comparing with what I have just said, you could find out who is telling the truth and who has twisted the logic.

The rent payable for public rental housing is another issue that has raised concern on rule of law grounds. In a judgement delivered in July this year, the Court of First Instance found that the HA is under a duty to review rent regularly and, when doing so, to abide by the median rent-to-income ratio of 10% set by section 16(1A)(b) of the Housing Ordinance. Because of the profound impact of that judgement, and in the light of legal advice, the HA has appealed against the judgement.

If the judgement were immediately implemented, but is reversed on appeal, the HA might be unable to recover the full amount of the rents that it is entitled to, but had not charged as a result of the judgement. On the other hand, if the judgement is not immediately implemented but is upheld on appeal, the tenants will be fully compensated for the rent they have overpaid.

In the light of these considerations, the HA applied to the Court of First Instance for a stay of execution of the judgement. After hearing both parties, the Court agreed to the stay, with the HA undertaking to carry out a review of rent levels according to past practice. The effect of the stay is that the HA is not obliged to comply with the judgement at this stage.

The HA's current policy of charging the rents that were payable before the Court's judgement is therefore strictly in accordance with the Court's decision to order the stay of execution. Allegations that the HA is showing contempt for the Court's judgement completely overlooks the fact that the Court itself has ordered the stay of execution.

Turning to human rights, I do not accept that there has been "retrogression" since the reunification.

There has been much rhetoric about the adverse effect that the Bill enacted to implement Article 23 would have had on human rights. However, as the Government repeatedly emphasized, in most respects it would have liberalized the current law. The irony is that the withdrawal of the Bill will prolong the existence of colonial laws on national security that are, in some respects, draconian.

In the motion debate held on 25 June 2003, I had already explained in detail how the National Security (Legislative Provisions) Bill would protect the security of our country, and that it had already struck a good balance between protecting national security and safeguarding human rights. I am not going to repeat these points here.

The other significance of the Article 23 experience is the extent and nature of the public debate on the human rights issues involved. No one who followed that debate would doubt that press freedom, and the freedoms of assembly, of procession and of demonstration are fully respected in Hong Kong.

Those freedoms, important though they are, represent only a small portion of the human rights that are covered by the six human rights treaties that apply to Hong Kong. Before the reunification, some people feared that Hong Kong would cease to report to the United Nations treaty-monitoring bodies in respect of those treaties. Those fears proved groundless. There has been no "retrogression" in that respect.

The Government of the Hong Kong Special Administrative Region (SAR) continues to submit reports, via the Central People's Government, and to attend hearings before the relevant bodies. Our efforts in helping to maintain a dialogue at the international level in respect of our compliance with human rights obligations have always been noted with appreciation by those bodies.

The concluding comments issued after the hearings on our reports contain many positive comments in respect of progress made in respect of human rights. It is true that they also contain subjects of concern. But this was the case before the reunification, and is the case for reports on all other jurisdictions. The reports do not indicate any "retrogression" in human rights. On the contrary, the Vice-Chairman of the United Nations Human Rights Committee, Mr Justice BHAGWATI, stated during a visit to Hong Kong in 2001 that "The human rights situation in Hong Kong is much more satisfactory than many parts of the world I have visited".

One area where a lack of progress was noted by two United Nations Committees was in respect of legislation against racial discrimination. However, earlier this year, the Government announced that it proposed to introduce such legislation. Subject to the approval of this Council, therefore, progress is expected in this area.

Progress on human rights is assessed not only by judging what the Government has done but also by observing the progress made in the civil society we live in. In Hong Kong, people are continually expressing their opinions on public affairs in public hearings in this Council, on radio phone-in programmes, and through the print media. They are regularly on the streets exercising their constitutionally protected freedoms of expression, assembly, procession and demonstration. All is done without any undue interference from the authorities.

A flourishing publication industry and media also bear witness to human rights progress in Hong Kong. Our bookstores and newspaper kiosks are filled

with all sorts of publications, from the purely entertaining to those critical of the Government. Hong Kong people are free to seek, receive and impart information and ideas of all kinds, save where restriction is necessary for the protection of another legitimate interest, for example, to prevent child pornography.

Another test for the Government's human rights record is the extent to which those with a human rights complaint can seek an effective remedy. The Legal Aid Ordinance helps to ensure that individuals can seek legal redress from the Courts if rights guaranteed by the Hong Kong Bill of Rights Ordinance are infringed. The right to seek remedies is only enjoyed by everyone, but there have been actual cases of them. Issues that have been brought before and analysed by the Court of Final Appeal include Hong Kong residents' liberty and security of the person, the right to freedom to travel, the right to participate in public life, freedom of expression, and rights in respect of the family. And we also have the right of abode issue. Besides, the Equal Opportunities Commission has assisted and funded litigation against the Government and other private parties in accordance with provisions of the three anti-discrimination Ordinances. That it will continue to do so is evident from a current case alleging disability discrimination in relation to building entrance design.

Madam President, human rights are constitutionally entrenched in Hong Kong. Remedies are available in our Courts for violations of those rights. Six United Nations treaty-monitoring bodies oversee our human rights record and have made positive comments. Human rights are well protected in Hong Kong, and are fully enjoyed by members of the community. Therefore, the assertion that there has been "retrogression" in respect of human rights since the reunification is without foundation.

I urge all Members to vote against the motion.

Thank you, Madam President.

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, Ms Emily LAU and other Honourable Members have spoken on matters related to the political development, and I would like to respond to them by making several points as follows.

The motion mentions that the development of the political system has remained stagnant since the reunification. This is absolutely not the truth. The truth is, since the reunification, the political system of Hong Kong has developed in accordance with the principle of gradual and orderly progress as stipulated in the Basic Law.

According to the Basic Law, the first Chief Executive is elected by the Selection Committee composed of 400 members. The second Chief Executive is elected by the Election Committee (EC) composed of 800 members. The EC represents many different sectors including the labour, social services, grass-roots, religious, professional, commercial and political sectors, and so on. This is in line with the requirement of the Basic Law that the EC has to be broadly representative.

The proportion of direct election to the Legislative Council has also increased gradually as specified by the Basic Law. The number of directly elected seats has increased from 20 in the first-term Legislative Council to 24 in the second-term Legislative Council. In the election to be held in September next year, the number of directly elected seats will be further increased to 30, accounting for 50% of the seats in the Legislative Council. Comparing this against the corresponding figure in the first post-1997 Legislative Council, that was the Legislative Council elected in the year 1998, the number of directly elected seats will have increased by 50%.

Therefore, since the reunification, the political system of Hong Kong has been moving forward steadily according to the blueprint of the Basic Law. This is a fact.

As for the development of the political system in the future, the Basic Law has already stipulated that the election system of Hong Kong shall be formulated in the light of the actual situation in Hong Kong and in accordance with the principle of gradual and orderly progress, and the ultimate aim is to implement an election system by universal suffrage. The relevant annexes to the Basic Law have also stipulated the relevant procedures for amending the election methods after 2007. We shall conduct a review of the post-2007 political development as stipulated by the Basic Law.

At the moment, we are doing some preliminary work in preparation for the review on the political development. There are two aspects of work. First,

we are meeting with various organizations in order to listen to their views on the political development. Secondly, we are continuing with some internal studies within the Bureau. We have been making progress in our work in both aspects.

For a certain period of time, I have been meeting many different organizations to collect their views through various channels. Such organizations include political parties, trade unions, scholars, chambers of commerce, professional organizations, political commentary groups, and so on.

The opinions they have presented to me can be broadly classified into two categories. The first category is opinions on the election system. Many of the political parties, political groups and organizations, in general, hope that the element of direct election can be increased after 2007. But on the other hand, among many professional organizations and other groups and representatives of other sectors, a lot of them are of the opinion that the seats of the functional constituencies should be preserved in future. These are divergent views.

Moreover, on the work of conducting public consultations, different organizations have put forward a variety of viewpoints. Some organizations think that we should conduct public consultation as soon as possible, whereas others are of the view that we should commence the work later. All the opinions, be they on the election system, or on the procedure and timetable of public consultation, are helpful to us in formulating the plans.

Madam President, as the political development will have profound impact on the future of Hong Kong, we should proceed with our work in relation to the political development in a serious and comprehensive manner. We still have more than three years before 2006 or 2007, so we shall ensure that there is sufficient time for conducting an extensive public consultation, for amending the methods and procedures of elections in light of the needs as stipulated in the Basic Law, as well as dealing with local legislation.

The Chief Executive has already stated that the Government would launch a public consultation in 2004. In my response to an oral question from Dr YEUNG Sum earlier today, I also mentioned that the Government would make a decision on the review timetable before the end of 2003, and we shall brief the Legislative Council after the decision is made.

Madam President, I have explained to Honourable Members the fundamental attitude of the SAR Government in handling the review of the political development this afternoon. On this, I am just reiterating and summarizing three points.

First, we shall listen to public opinions extensively in the process of public consultation before formulating our final proposals for the deliberation of the Legislative Council.

Second, according to the provisions of the Basic Law, if there is a need to amend the election systems of the SAR for the terms subsequent to 2007, such amendments must be made with the endorsement of a two-thirds majority of all the Members of the Legislative Council. In other words, we must extensively collect public opinions both inside and outside the Legislative Council and reach a broad consensus before we can actually implement work in this regard.

Third, the SAR Government is absolutely adopting an open and receptive attitude in collecting public opinions as it handles the work in relation to the post-2007 political development of Hong Kong. We shall endeavour to create new development dimensions so as to allow more people intent on taking part in elections and serving the people to participate in political affairs.

Madam President, Miss Margaret NG and several other Members have reminded us that the problems confronting Hong Kong are not just economic. We certainly understand this. The economic well-being is very important to Hong Kong. Therefore, the SAR Government has been striving hard to promote the economic recovery of Hong Kong. This is in line with the interests of Hong Kong. However, in the meantime, the SAR Government absolutely understands that the people of Hong Kong have aspirations and expectations on the political development of Hong Kong. Therefore, in handling the work regarding the review on the political development beyond 2007, we shall strive to seek new development dimensions, and we shall continue to work very hard on this.

Madam President, in a word, I think on the one hand the political system of Hong Kong has been moving forward steadily according to the Basic Law since the reunification. This is an undisputable fact.

On the other hand, as for the years beyond 2007, I absolutely do not wish to see the development of the political system remain stagnant. I look forward to working closely with each and every Member present in this Chamber as well as all the political parties in formulating a set of political development proposals which are compatible with the Basic Law and in line with the overall interests of Hong Kong. As long as we are willing to work together with a common goal, to strive for agreements while tolerating differences and to achieve a consensus, I believe we can do it.

Madam President, I implore Members to oppose the motion moved by Ms Emily LAU today.

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Madam President, the Secretary for Justice and Secretary for Constitutional Affairs have just spoken respectively, in response to comments made by Honourable Members, on the developments in such aspects as human rights, rule of law, political system and democracy. Now, I would like to focus on two aspects, namely, economic development and administration, as a conclusive response of the Government to oppose Ms Emily LAU's motion which demands the resignation of Mr TUNG Chee-hwa.

Ever since the reunification, Hong Kong has faced numerous tough challenges: the financial turmoil in Asia, the September 11 incident and the SARS outbreak. They came one after the other. All these were major events of our time, bringing us severe economic hardships. As more and more people are becoming unemployed, many people find that the value of their hard-earned assets has dwindled. Hong Kong unfortunately became the first to bear the brunt of the atypical pneumonia attack. In the outbreak, what saddened us most was not the damage to our economy, but the loss of valuable lives of our citizens.

The Chief Executive, Mr TUNG Chee-hwa, has fulfilled his duties most conscientiously during these few years of immense difficulties. He fully understands the duties of the Government, so he has formulated relevant policies, adjusted our directions and assisted Hong Kong in facing and meeting the challenges that have emerged one after the other.

Mr TUNG fully understands that Hong Kong's advantages are built upon its position as an international financial centre, its superior geographical location,

and its excellent tradition. Hong Kong owes its development to all these advantages, and it must continue to bring these advantages into full play.

In the Asian financial turmoil in 1998, Hong Kong successfully defended its linked exchange rate. The resolute measures adopted safeguarded the international monetary system of Hong Kong. In addition, we have not missed the opportunities for introducing a series of reforms to our financial markets, thus making our present markets more open, more solid and more progressive than ever.

Meanwhile, after many years of reform and liberalization, our country has made rapid and phenomenal economic progress, and its achievement has been spectacular. With the rise of many cities in the Mainland, Hong Kong is set to face many new challenges. While enjoying new business opportunities, we also face the situation of losing some of the traditional types of work. Hong Kong is at the crossroads of economic development, caught in the dilemma of choosing the road ahead for itself. The Chief Executive, Mr TUNG Chee-hwa, has not evaded the problem. Instead, he has actively striven to identify a broader direction for the economic restructuring of Hong Kong. The Government of the Hong Kong Special Administrative Region (SAR) has adopted a strategy of strengthening its co-operation with the Pearl River Delta (PRD) Region. After numerous efforts in negotiation, the Chief Executive finally reached a consensus with Guangdong Province and the Central Authorities for the establishment of the Greater PRD Economic Zone. This on the one hand has more explicitly established a division of labour between Hong Kong and Guangdong, thus minimizing duplicate investments to be made in infrastructure projects. On the other hand, Hong Kong and Guangdong could make full use of their respective advantages, so as to bring about a win-win situation in the co-operation and development of both places.

With the impetus resultant from the co-operation between Hong Kong and Guangdong, the free flows of people and goods between the two places have been enhanced in an increasingly smooth manner. It has also promoted the development in such sectors as tourism, logistics and transportation in Hong Kong, and created more employment opportunities for the working class who are most affected by economic restructuring. We have also capitalized on this opportunity to strengthen Hong Kong's status as an international financial centre, so as to make overseas businessmen understand better the strengths of Hong Kong in finance and trade, as well as the role of Hong Kong as a value-added

springboard to the market of Southern China, thereby attracting overseas businessmen to come here to make investments and set up companies.

Statistics indicate that our economy has continued to show good improvement. The container throughput of our port in the first half of the year has increased by 11% compared to the corresponding period of last year. Our air cargo throughput during the 12 months up to August this year has also increased by 11%. Against this background, our export growth has reached 16.5% in the first half of this year.

Among the consumer industries, such as the retail trade, restaurant, tourism, hotel and air travel, which were severely affected by the SARS outbreak several months ago, many of them have already recovered, or even seen growth over the same period last year. The situation is very encouraging. According to the statistics released by the Labour Department, the private sector has registered nearly 25 000 vacancies in August, representing a 13.3% increase over July, and the figure shows that it has 4 000 vacancies more than the corresponding period in the previous year. Many of the vacancies are offered by new employers. This is the highest figure ever recorded by the Labour Department. The unemployment rate has also stabilized, having dropped 0.1% from a higher level.

In a generally improving economic atmosphere, the performance of the tourist industry has been most spectacular. The number of visitors to Hong Kong in July has increased drastically by nearly 80%, and the figure in August has gone further up by 30% over July to 1.64 million. After the Chief Executive, Mr TUNG Chee-hwa, has conducted a successful negotiation with the Central Authorities, the travel restrictions on mainland residents are lifted now and they are allowed to apply for individual travel permits to Hong Kong. As a result, mainland residents can now travel to Hong Kong in a more convenient manner. The recovery of the tourist industry has helped promoting the prosperity of many other sectors.

Of course, Hong Kong cannot rely solely on the tourist industry for its economic recovery. Hong Kong must make good use of its advantageous position as an international financial hub to attract more mainland and overseas enterprises to come and conduct business here. This is especially true after China's accession to the World Trade Organization (WTO), making it more imperative for Hong Kong to double its efforts in developing the mainland market and attracting investments from the Mainland. Using this as the basis,

the Chief Executive, Mr TUNG Chee-hwa, with many years of hard work, finally succeeded in signing the Mainland/Hong Kong Closer Economic Partnership Arrangement, that is CEPA, with the Central Authorities. CEPA has aroused the extensive interest among investors of both the local and international communities, and is bringing tremendous financial potentials for Hong Kong and the Mainland. The implementation of CEPA will not only be beneficial to Hong Kong, but also favourable to the Mainland in making good preparations for its future needs, that is, making way for opening up the market on a much larger scale to all member countries of WTO in future.

The number of overseas enterprises coming to Hong Kong to conduct business operations has recorded positive growth as well. In July when the SARS outbreak had just subsided, 3 800 new companies were set up, representing an increase of 18% over June. Even during the time when the SARS epidemic prevailed in Hong Kong, overseas enterprises were still optimistic about the prospects of Hong Kong. During the first half of the year, 364 overseas enterprises were registered in Hong Kong, meaning an increase of nearly 10% over the corresponding period of the previous year. After the signing of CEPA, Hong Kong's status as the premium springboard to the mainland market will further be enhanced, and we have received many interested enquiries from overseas enterprises.

Although the economy has shown positive signs of improvement, the Chief Executive and the SAR Government will not feel complacent. The Government, together with all the different sectors, will still need to work hard for the economic restructuring of our society. We shall create favourable conditions conducive to our economic growth; we shall provide business opportunities and try to promote the development of various industries, thereby leading to the creation of more job opportunities. The Government will also continue to commit resources to helping our workforce to upgrade work skills, so as to meet the demands of economic restructuring.

To the SAR Government, during the past six months, the most shocking incident was undoubtedly the mass march on 1 July other than atypical pneumonia.

There were many factors that had contributed to the occurrence of the mass march. Yet the trigger was the misgivings caused by the enactment of laws to implement Article 23 of the Basic Law, as well as the discontent towards the administration by the Government.

The people of Hong Kong fully understand that the Government has a constitutional responsibility to enact legislation to protect national security. However, the people also attach the same importance to human rights and freedom. The Government has conducted consultations on many different aspects of the issue of enacting legislation and, in the light of the opinions from different sectors, also made amendments to controversial provisions or those that have aroused the concern of the people, thereby making the Bill more lenient in many aspects than many similar provisions in some Western countries. In spite of all this, the mass march demonstrated that the Government has not done its work in a more detailed, more sensitive and more in-depth manner, thus failing to dispel the worries of the people. In view of the situation, the Chief Executive in Council decided to suspend the enactment of laws and start a new process of extensive consultation.

From the mass march on 1 July, we can see that there were not just inadequacies in the process of enacting laws to implement Article 23, but there are also problems with the style of administration of the Government. Just as the Chief Executive, Mr TUNG Chee-hwa, has said to the people, the Government thought that it had already heard the voice of the people, but that was still not enough. We need to adopt a more open attitude to hear more extensive views from the people, even if such views are criticisms and condemnations. We must adopt a more humble attitude in explaining the policies of the Government. No matter how correct we think our policies are, how essential they are, we must not take it for granted to expect the people to accept them in their entirety. The Hong Kong community attaches an increasingly degree of importance to openness, freedom, positive initiatives and tolerance, so the Government must uphold the same principles in its administration.

Only if we can make such improvement that we can describe ourselves as a government that can keep abreast of the times. The people hold increasingly high demands on the Government and its officials. Our actions must be consistent with our words; we must be pragmatic and proactive, and place the interests of the people as well as the overall interests of Hong Kong as our first priorities; we must serve the community and satisfy the aspirations of the people.

The Government will implement the various recommendations made in the SARS Expert Committee Report as soon as possible for stepping up the

precautionary measures against SARS, in order to prevent this formidable virus, which was completely unknown before March this year, from causing new damages to Hong Kong. We shall continue to adopt a transparent and open attitude with a professional and swift approach to deal with any epidemic that could break out any time.

Madam President, "one country, two systems" is an unprecedented new concept. In the process of implementing it, we would inevitably meet all sorts of unexpected difficulties. Mr TUNG was charged with the responsibility of implementing "one country, two systems" in Hong Kong, which in itself is a very substantial mission. At that time, a lot of people from both the international community and Hong Kong were pessimistic about the future of Hong Kong, and some even predicted the death of Hong Kong. They absolutely did not believe that such a bold political design could become a reality in Hong Kong. They absolutely did not believe that the four pillars on which the Hong Kong success had relied could be fully preserved. The four pillars are: the internationally acknowledged judicial system, the free market with fair competition, the clean and efficient Civil Service and the free flow of information. Yet, the reality in Hong Kong today testifies that "one country, two systems" has been successfully implemented in Hong Kong, that the four pillars on which the Hong Kong success relies are upheld both by the Government and the people of Hong Kong — they are intact and sound as usual, a fact widely recognized by the international community.

The development in Hong Kong since the reunification shows that Hong Kong enjoys the advantages of both "one country" and "two systems". All these did not happen as a matter of course. Instead, they are the fruits of the tireless efforts made by Mr TUNG Chee-hwa, the SAR Government and all the people of Hong Kong, thanks to the strong backing from the Central Government. All these cannot be achieved without "one country, two systems". It is the most significant foundation stone of our future development.

Madam President, summing up what I have said just now together with the speeches of my colleagues, we have sufficient reasons to illustrate to Members that the motion of Ms Emily LAU does not agree with the facts in respect of the prevailing development of Hong Kong and that the motion is against the interest of Hong Kong. I implore Members to oppose the motion.

PRESIDENT:(In Cantonese): Ms Emily LAU, you may now reply and you still have three minutes 46 seconds.

MS EMILY LAU (in Cantonese): Madam President, I wish to thank the large number of Honourable Members and public officers who have taken part in this debate.

Regardless of whether this motion will pass or not, we do not have to deceive ourselves, or indeed others. A few Honourable Members have said earlier that nothing is left in the prestige of the SAR Government in governing the territory. Recently, a civil servant from the middle ranks told me that he was very agitated. Often times civil servants have to go to the districts to face angry members of the public. That civil servant said to me in private that the Government was devoid of any prestige in the eyes of the people, for he was often scolded by the people. Previously, it was rare for members of the public to scold civil servants, especially those from the higher ranks, in public. He said, things were completely different then. There were only those professionals from the middle ranks who propped up the Government in the SARS incident and other events. It was only these middle-level civil servants who propped up the Government. But, Madam President, how long can they continue to do this? Those Members who point their fingers at others should stop deceiving themselves, or others. This applies especially to those who are returned by coterie elections. Members from certain professional constituencies are also returned by coterie elections. Go ask your voters, see how many of them agree to your efforts in trying to prop up the TUNG administration. How many of those from the grassroots, the middle class and even those at the top of our society support the idea that TUNG Chee-hwa should continue to be the Chief Executive, and how many people would say, "Six years of disasters are enough and he should step down at once"?

Some Honourable colleagues say that we should look forward. Madam President, I would very much want to do the same, for there is not much time for me to speak and I must make all my points quickly. Recently, some people went to Beijing and some people came from the Mainland and met some people, not me of course. From what I have heard from some of these people who were received, the talks held were all about the future. The message they have got is that TUNG Chee-hwa is already something of the past. The mainland officials are worried by the notion that they are not sure what would happen when he is gone. They are not sure about it, not even if Henry TANG becomes the next

Chief Executive. They are not sure how there can be solidarity in Hong Kong and how a consensus can be reached. The fact is both Hong Kong people and the mainlanders are not blind. Now Mr TUNG rarely shows up these days. Why? He is booed whenever he shows up. Not just by us who want to see him go, but he is booed even when he comes to a football pitch. We all want to save our faces and for the millions of people in Hong Kong, what they want to save is their dignity. We all hope to lead a decent life and we all want to protect the rule of law and our freedoms. For these are the underpinnings of Hong Kong's success.

I do not think anyone should argue this with me. Secretaries of Departments and Directors of Bureaux, go back and ask the civil servants, see how much loyalty is left. Go ask the heads of departments, see how they would face the public and how they are treated by the public. I never subscribe to the idea that people should hurl abuses at civil servants. Every time when I hold a residents meeting, I forbid such acts. But now they are saying, "Nothing is left anymore." And so who else can we cheat now?

With these remarks, I hope Members will support this motion.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Ms Emily LAU be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(Members raised their hands)

Ms Emily LAU rose to claim a division.

PRESIDENT (in Cantonese): Ms Emily LAU has claimed a division. The division bell will ring for three minutes.

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

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

Functional Constituencies:

Miss Margaret NG, Mr CHEUNG Man-kwong, Mr SIN Chung-kai, Dr LAW Chi-kwong and Mr Michael MAK voted for the motion.

Mr Kenneth TING, Mr James TIEN, Dr Raymond HO, Dr Eric LI, Dr David LI, Dr LUI Ming-wah, Mrs Selina CHOW, Mr HUI Cheung-ching, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr Howard YOUNG, Mr LAU Wong-fat, Ms Miriam LAU, Mr Abraham SHEK, Ms LI Fung-ying, Mr Henry WU, Mr Tommy CHEUNG, Mr LEUNG Fu-wah, Dr LO Wing-lok, Mr IP Kwok-him and Mr LAU Ping-cheung voted against the motion.

Geographical Constituencies and Election Committee:

Ms Cyd HO, Mr Albert HO, Mr LEE Cheuk-yan, Mr Martin LEE, Mr Fred LI, Mr James TO, Mr LEUNG Yiu-chung, Dr YEUNG Sum, Mr LAU Chin-shek, Ms Emily LAU, Mr Andrew CHENG, Mr SZETO Wah, Mr Albert CHAN, Mr WONG Sing-chi, Mr Frederick FUNG and Ms Audrey EU voted for the motion.

Mr CHAN Kam-lam, Mr Jasper TSANG, Mr LAU Kong-wah, Miss CHOY So-yuk, Mr TAM Yiu-chung, Dr TANG Siu-tong, Mr NG Leung-sing, Mr YEUNG Yiu-chung and Mr Ambrose LAU voted against the motion.

THE PRESIDENT, Mrs Rita FAN, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 27 were present, five were in favour of the motion and 22 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 26 were present, 16 were in favour of the motion and nine against it. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the motion was negated.

PRESIDENT (in Cantonese): Second motion: Facing up to the transport needs of people with disabilities.

FACING UP TO THE TRANSPORT NEEDS OF PEOPLE WITH DISABILITIES

MR LEUNG YIU-CHUNG (in Cantonese): Madam President, it is with extreme reluctance that I move this motion today, for the Government has not put into full effect the motion which I moved last year on improving the transport services for the disabled. That is why I am raising the issue again for discussion today.

Last year, the motion moved by me was carried without meeting any opposition. In the motion I urged the public transport operators to offer half-fare concession to the disabled, improve the related facilities and the Rehabus service. Sad to say, the response made by the public transport operators to my request has been very slow and the attitude shown by the Government in this matter is not positive at all. The motion passed by this Council has simply been disregarded. We are of the view that the attitude shown by the Government and the transport operators is not only contempt of the Legislative Council, but also disrespect for the 300 000 disabled persons in Hong Kong. For another time the talks of sensing the urgency of the people as claimed by the TUNG Chee-hwa Administration have fallen flat. The disabled cannot help but ask whether they are considered as citizens of Hong Kong and whether their transport needs are not considered as an urgent issue. Why has the Government yet to make a concrete response to the demands after the motion has been passed for one whole year?

Madam President, during last year's debate on the motion, I accused the government officials of just knowing to put up a show. They would say that the demands would be considered, but their attitude to the disabled is one of indifference. At that time, Secretary Dr LIAO told a moving story about how she once helped a blind when she was young. She even cried in recounting the story. This episode made the Honourable colleagues in this Council feel very moved, and persons with disabilities all cherish hope that the Government would implement the three demands raised in the motion. However, as the saying goes, the greater the hope, the greater will be the disappointment. What Dr LIAO has done over the past whole year is only dashing the hope of the disabled and making their hope fall flat.

Madam President, when Dr LIAO made her reply, she said that she would discuss with the public transport operators with a view to offering half-fare concession to the disabled. She also said that she would propose to the operators to ask them to provide the same kind of concession given to the local domestic helpers. But unfortunately, what we hear are only words and nothing has been done to date. Is it because Dr LIAO was only pay lip service? Or has she never thought carefully how that policy is to be implemented?

In addition, Dr LIAO also mentioned that the ferry operators had already offered half-fare concessions to the disabled and other public transport operators would offer free rides to the disabled on the International Rehabilitation Day every year. Dr LIAO also said that this practice could be extended to other days of the year. But unfortunately, the Secretary has not tried her best to make this a reality. Four months after the debate, the Government submitted a progress report to this Council and the so-called latest progress was only a direct quotation of Dr LIAO's words and there was no progress at all during these four months. And this was put up and passed off as a report of the latest progress. Now a full year has passed and the issue has simply been assigned to obscurity. Does the Government feel any shame in this?

What infuriates me the most is that Dr LIAO admitted last year that the disability allowance was not sufficient at all for those disabled persons who had to go to work on some mode of transport. She also said that she would follow the matter up with Secretary Dr YEOH. But as we all know, not only was the disability allowance not increased but it was slashed by 11.1% on 1 October. It appears the Government thinks that the situation of the disabled is not miserable

enough and it is rubbing salt onto their wounds. May I ask the Secretary if she will ever hold herself accountable for her comments?

Maybe the Government thinks that these motions are not binding and it would not contravene the law if they are not enforced. I should like to point out, however, that a responsible government should not just be law-abiding, it should also answer the aspirations of the people. For if not, it would only be cast away in disgust by the people.

Unfortunately, the government departments have not learned the lessons from their policy failures over the past few years and they are still acting against public opinion. The surveys conducted by the organizations for the disabled some time ago have clearly shown that the disabled think that the transport fares are so expensive that they have hampered their social life. As many as 90% of the disabled demand the transport operators to offer half-fare concessions as incentives for them to go out for activities. The Government says that it would build a community where the able and the disabled live in harmony, but it has never done anything positive to this end.

During the past year, we have made repeated demands on the Government to put into full effect the motion passed last year and urge the public transport operators to offer half-fare concession to the disabled, but these have been greeted with indifference from officials in the Transport Department. The officials have pointed out repeatedly that there will be enforcement difficulties, for example, it will be difficult to identify the disabled. I have suggested that the Card for People with Disabilities issued by the Central Registry for Rehabilitation can be used as a document of proof. But an official has said to me that there is no photograph on that card and so identification would be difficult. That is really ridiculous. Given that only about 30 000 such cards have been issued, will it be that difficult to replace these cards? We are renewing the identity cards for some 7 million people of Hong Kong and that is not a difficult task, so why is it so difficult to replace the Cards for People with Disabilities to those bearing a photograph of the holder? Why can this not be done? Is it because it is not possible or is it because there is no sincerity to do so? Is the so-called notion of the able and the disabled living in harmony only a high-sounding lie?

It is an indisputable fact that the disabled are barred from integrating into society because of the expensive transport fares and the lack of facilities. As

many as 40% of the disabled persons above the age of 15 have never engaged in any economic activities, and from this we can see how grave the problem is. But the Government is only according a very low priority to helping the disabled integrate into the community and it will do some work to help the disabled only when there are surplus resources. Then how can we achieve the goal of the able and the disabled living together in harmony?

The barriers faced by the disabled in their integration into the community lie not only in the physical dimension in terms of transport, but in the psychological barrier erected by the officials. The officials think that if the disabled are not discriminated against and excluded, then there is equality. But this is in fact the most basic requirement of it all. A government which attaches any importance to social harmony and equal opportunities should not focus its attention on such a confined area. That is why our Government has the responsibility to provide more positive forms of assistance, instead of passing the buck to the private sector. When devising policies, has the Government considered the issues involved from the perspective of the disabled? In Canada, there is a practice called "disability lens", under which the government has to conduct an assessment of the impact on the disabled when it wants to formulate any policy. In so doing, the needs of the disabled in every area and level can be well taken care of. Unfortunately, in Hong Kong, when the Government is to devise a policy which will directly affect the disabled, there is no consideration of their needs at all. The situation is even worse in other policy issues. Take the Study on Planning for Pedestrians recently undertaken by the Planning Department as an example, the planning principles stress taking care of the needs of the disabled. This policy direction is agreed by various rehabilitation organizations. However, when the study is undertaken, the obstacles to the disabled are not removed. For example, the "safety islands" for road crossing purposes are removed and replaced with audible devices. These devices do not meet the needs of the disabled and as a result, the some 70 000 disabled persons in Hong Kong, especially the visually impaired, would find it very difficult to cross the roads. This also puts their lives at risk. All these practices run counter to the planning concepts of a "barrier-free city" and "people-oriented approach" proclaimed by the Government.

With respect to the transport needs of the disabled, there are really many, too many things that the Government should do, only that it has accorded a very, very low priority to the needs of the disabled. We have pointed out on many occasions that places all over the world, be they the more advanced like Europe and North America, or less developed like China, India and Brazil, have laws

which provide transport concessions to the disabled. This shows their respect for the disabled and provision of assistance in a more proactive manner. This approach has become a kind of universal value, recognized by the international community. Therefore, the Government should legislate or urge public transport operators to offer such concessions. If the Government thinks that it may be difficult to require public transport operators to offer concessions on a comprehensive basis, then it may consider starting with the Kowloon-Canton Railway Corporation which is wholly owned by it, or starting with offering concessions during non-peak hours like the case in the United States. I believe this will not increase costs but on the other hand may increase passenger patronage and hence the profits. I believe this kind of progressive improvement will certainly be an encouragement to the disabled, though it may not meet their demands entirely. The progress made will surely be more than the addition of two Rehabuses by the Government last year.

Apart from what the Government should do, and as we have pointed out repeatedly, the public transport operators should not set their eyes on profits alone. As franchised companies, they enjoy government assurance and they should therefore shoulder some measure of responsibility towards society. It is unfortunate that transport operators in Hong Kong have a very weak sense of social responsibility, but in contrast, many transport companies overseas are actually offering more concessions and facilities to the disabled on top of what they are obliged by law to offer. But no such things have ever been done by their Hong Kong counterparts.

Take the local bus companies as an example, it is only after years of fighting by the disabled that the bus companies begin to have buses fitted with super low floor and next stop public announcement systems. And it is only by 2006 that half of the bus fleet will be fitted with such facilities. No wonder many people have made the comment that bus companies will race to impose fare hikes, but they just crawl with improvement of facilities. People have to wait not just a while but ages to see improvements in bus facilities.

Madam President, recently we often hear that in a bid to revitalize the economy, the Government has been spending money like water. With the Hong Kong Harbour Fest alone, for example, as much as \$100 million has been set aside to cover any loss that may be incurred. This sum of money is four times the current annual expenditure of the Rehabus service. The situation can be vastly improved if the sum of money is put into the Rehabus service and the disabled will not have to make a booking half a year in advance before they can

use it. Unfortunately, our Government is only interested in things grandiose and not in things down to earth. And we can only propose motions like this in the Council year in and year out.

Madam President, as a disabled person once said, the road to rehabilitation is long and dreary, and it requires great determination and a spirit which never gives up in the worst of circumstances. The motion today is an embodiment of this conviction among the disabled. Our experience tells us that even if this motion is passed today, the problems faced by the disabled will not be resolved right away. At most, some hurdles are overcome in their battle against disease and impairment. However, if this is done it would give them the strength to go on. For this reason, I hope Honourable colleagues can lend their support to my motion and exert more pressure on the Government so that the disabled will not be let down once again.

Madam President, I so submit.

Mr LEUNG Yiu-chung moved the following motion: (Translation)

"That this Council expresses strong dissatisfaction with the failure of the government departments concerned to face up to the transport needs of people with disabilities and give full effect to the relevant motion passed by this Council in the 2002-03 Session, and demands the Administration to act immediately to press various public transport operators to offer half-fare concessions to people with disabilities and to improve their facilities so as to reduce the barriers to them, as well as to expeditiously improve the Rehabus service."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Mr LEUNG Yiu-chung be passed.

DR RAYMOND HO (in Cantonese): Madam President, the provision of transport facilities for the disabled in Hong Kong has all along been subject to severe criticisms. Restricted by inadequate public transport facilities, many people with disabilities encounter certain difficulties when going out. Indeed, apart from their physical handicap, they are by and large no different from us. Therefore, it is necessary for us to provide them with sound transport facilities

that will enable them to lead a normal life. In the past, I have been given the opportunity to participate in the work of a committee governing five schools for the disabled managed by the Red Cross. The experience enabled me to understand the needs of the people with disabilities.

The Hong Kong Government has made substantial improvements to the transport facilities for people with disabilities in recent years, however, as far as these people are concerned, there is still much room for improvement. For instance, though the Rehabus provides service for people with mobility difficulty, the average waiting time for the service is half a year. Right, people have to wait for six months in general. If they have to go out during this interim, they have to take the public transport on their own. Yet, do they have a lot of choices? If they take a tram, they will certainly encounter difficulties in boarding and getting through the gate. Minibuses? The floor of them is too high for wheelchair users to board. Buses? Low-floor buses are not available on all routes, so their choices are thus quite limited and they have to switch to other routes frequently for connecting. Mass Transit Railway? They can hardly board an MTR train crowded with commuters during peak hours. For these reasons, taxis become the most convenient mode of transport for them. Nonetheless, they will encounter difficulties quite often in taking a taxi, such as drivers refusing hire and overcharging fares. Given the relative low incomes of people with disabilities in general, I believe it is necessary for public transport operators to provide them with fare concessions. In addition, it is also necessary for the Government to step up regulation on the problem of drivers refusing hire, and to formulate a mechanism to assist genuine disabled persons in obtaining fare concessions.

While people with mobility difficulty will encounter many difficulties in using public transport, the barriers encountered by the blind or visually impaired cannot be overlooked. For instance, when taking buses, they hardly know the number of the on-coming bus or their whereabouts in the bus. In my opinion, the bus companies should install bus route number announcement systems and bus stop announcement systems inside the bus, so as to facilitate the blind or visually impaired in taking buses.

People with disabilities are also members of society. They should not be deprived of their rights of moving around freely and enjoying social life because of their physical disabilities. Sound transport facilities can enable them to be independent and integrate into society. In this regard, I hope the Government

can make improvements in various aspects and encourage co-ordination among public transport operators, so as to make Hong Kong a really modernized and more meaningful society.

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

MR LAU CHIN-SHEK (in Cantonese): Madam President, the provision of transport fare concessions and improved transport facilities to people with disabilities is not any form of alms or relief, but rather something that we should do to achieve the real "integration of the disabled and the able-bodied". I have many friends who are disabled, some of whom are even wheelchair-bound; these people are highly capable of becoming self-reliant, and they do try hard to integrate into the normal life, hoping to go to school and work and participate in various social functions just like others, or even spend time on voluntary work to help other people. Madam President, in order to truly achieve "equal opportunities" and the "integration of the disabled and the able-bodied", all in society must play a part. I maintain that the leadership of the Government and public organizations is indispensable.

Madam President, the legislation against discrimination, the Disability Discrimination Ordinance, was drawn up as early as 1995, and we have been talking about the "integration of the disabled and the able-bodied" for at least two to three decades. But we are so sorry and frustrated to note that even now, our disabled friends still have to stage a petition outside the Legislative Council Building, demanding the Government to address their transport needs squarely. I can only say that our society has really let them down, and so has our Government.

As pointed out by Mr LEUNG Yiu-chung in moving the motion, to properly address the transport needs of people with disabilities, we must consider what can be done in respect of transport fares, pedestrian facilities, Rehabus service, and so on. I fully subscribe to and support the views expressed by Mr LEUNG Yiu-chung and various organizations of the disabled, and I only intend to add a few words on transport fare concessions.

I have absolutely no doubt about Secretary Dr Sarah LIAO's sincerity; she is sincere in fully responding to the motion passed by this Council last year and in helping people with disabilities. But still, it must be pointed out that she has

not achieved enough in urging public transport operators to provide fare concessions to people with disabilities.

It may be argued that privately-owned public transport operators, such as the several bus companies, are not enthusiastic about offering fare concessions, but still, we can actually start with the railway corporations, which are public or semi-public organizations. The Secretary is a member of the Boards of Directors of the two railway corporations, so I hope that she can answer these questions in her reply later on. Has she ever raised these issues on the Boards of Directors of the two railway corporations? Have the two railway corporations seriously considered the offering of concessions to the disabled? Why is it impossible for the two railway corporations, which are public/semi-public organizations, to take the lead?

I must reiterate that the motion moved by Mr LEUNG Yiu-chung today represents not only the wish of the disabled and concerned organizations, but also our society's common, humanitarian aspirations to the integration of the disabled and the able-bodied, equality and mutual help. I am sure that such intense aspirations should take precedence before all commercial considerations and the Government's excuse of stringent financial resources.

Public transport operators are also part of society. They should and are also obligated to promote the common values of society. And, since they are already offering concessions to senior citizens as a token of our respect for them, why is it impossible for them to offer half-fare concession to the disabled to promote the "integration of the disabled and the able-bodied"?

With these remarks, Madam President, I render my full support to the motion.

MR YEUNG YIU-CHUNG (in Cantonese): Madam President, in October last year I spoke on the motion about the transport needs of the disabled and I expressed support for the motion. Now one year afterwards we are discussing a similar motion again today. I have done some simple research before this debate and found that after the motion last year was passed, the authorities have not stepped up their efforts in improving the facilities for the disabled. It seems that the bus companies have not felt any pressure from the Government or the motion to step up their efforts in improving facilities for the disabled. They are

only procuring additional buses with super low floor according to their original schedule. Rehab buses are only added by one or two each year according to the guidelines issued by the authorities. And nothing has been done to speed up the purchase of Rehabuses after the passage of the motion.

In addition, I have made enquiries with my colleagues working at the district level and found that over the past year the DAB has still been receiving complaints from the disabled and many are about transport problems encountered by them in their daily lives.

Two months ago, our colleagues in New Territories North got a complaint from a wheelchair user. It so happens that the road surface of the bus stop near the housing estate where he lives is uneven and he would experience great inconvenience whenever he waits for the bus there or passes by. After receiving the complaint, we talked with the Transport Department and recently that stretch of road surface was paved again. The problem was solved in a matter of two to three months.

Colleagues in our Kowloon East branch office also received a complaint about the difficulties encountered by the disabled in booking the Rehabus service. They have to take franchised buses but often they are unable to get on one with a super low floor. It is commonplace for them to spend more than an hour waiting for a bus, especially those routes of low patronage. Our colleagues have written letters on their behalf to the Office of The Ombudsman. Recently, the situation has seen some improvement after some changes were made by the Kowloon Motor Bus Company Limited. Our colleagues have also written to the Equal Opportunities Commission in the hope that the bus company will add more super low floor buses so that the disabled can find it more convenient to move about.

From the experience of our colleagues working at the district level, the complaints made by the disabled do not represent any serious accusations. They just hope that some very simple facilities can be improved, most of which are after all minor matters. The problem is that the authorities have invariably overlooked these basic needs or that they have not made enough efforts to carry out the improvement initiatives.

The problem with the Rehabus service is that it is not sufficient and this is a clear example of the authorities overlooking the needs of the disabled. Even as one or two Rehabuses are added each year, our colleagues are still getting

complaints from the disabled about failing to get the Rehabus service. We have made enquiries with the Hong Kong Rehabilitation Society and the information given shows that over the past five years, the ridership of Rehabuses rose from 1 089 passenger trips to 1 359 passenger trips daily, with an increase of close to 25%. It should be noted that the successful application rate for Rehabus service in 2002 was surprisingly the same as the rate for complaints not entertained or withdrawn, that is, about 200 cases. It seems therefore the demand for Rehabus service can never be met.

But is there a need to increase Rehabuses substantially? That may lead to the question of traffic load. In our opinion, a more effective way is to require the bus companies to acquire more buses with super low floor, so as to reduce the reliance on Rehabuses. Therefore, the authorities should look into how existing buses can be fitted with basic facilities for the disabled, instead of fitting a super low floor only to new buses.

As to the half-fare concessions mentioned in the motion, as this involves the fares charged by the transport operators and other technical issues, the matter should be worked out between the Government and the operators concerned. However, reference can perhaps be made to the existing practice of offering travel allowance to full-time students.

Lastly, we hope that the Government can face up to the transport needs of the disabled, formulate a timetable for improving the related facilities, report on the progress to the Council on a regular basis and improve the existing facilities by enhancing the understanding and communication between the disabled and the government departments.

With these remarks, I support the motion.

MS MIRIAM LAU (in Cantonese): Madam President, this is the first Council meeting after the summer recess. I believe many Honourable Members would make use of the recess to go abroad to recharge, and I am no exception. Every time when I visit a foreign place, I would pay special attention to the modes of public transport and facilities there. I find that there are no lifts in the subway stations in many places. Low-floor buses are not so common and there are no guiding paths for the blind on the train platforms. Having said that, it cannot be said that there is nothing worth mentioning about public transport operators in overseas countries. Some transport operators in foreign places, both in the

public and private sectors, would offer some concessions to the disabled and in some places public money is used to subsidize the concessions given to the disabled.

In comparison, the facilities provided by public transport operators in Hong Kong to the disabled can better meet their personal needs. Under the existing policy, a new franchised bus should be fitted with a fixed ramp to facilitate wheelchair access. As to railways, the two railway corporations would install more facilities for the disabled. For example, the MTR Corporation Limited (MTRCL) would install lifts in the existing stations and for the East Rail and the West Rail, their new train cars will have parking space for wheelchairs. From this, it can be seen that transport operators are trying to achieve the concept of "Transport For All", enabling the disabled to use public transport barrier-free.

Of course, I am not completely satisfied with the facilities presently provided to the disabled, and I believe there is still room for improvement. However, the bus companies cannot replace all their buses at one time and install low floors or fixed ramps to facilitate wheelchair access. Railways corporations cannot add lifts to every existing platform for they are restricted by their original design. We do need some time before we can build up a "barrier-free" public transport system. The Liberal Party is of the view that as the disabled have an ardent demand for transportation, so if circumstances permit, the transport operators should speed up their pace of improving the related facilities so that the disabled will find it more convenient to use public transport. I know that to many disabled persons, it is of extreme importance that there can be a barrier-free public transport system.

As to the question of offering concessions to the disabled, starting from this month, many franchised bus companies will offer a discount for long trips for a period of one year, the Kowloon-Canton Railway Corporation and the MTRCL will continue offering a free ride for every eight and 10 trips made respectively on their trains. All of these initiatives will benefit the public, including the disabled. But having said that, it should be recognized that the disabled have special needs. The Liberal Party thinks that the public transport operators should be encouraged to offer concessions to the disabled insofar as their operation and capacities permit.

As I have just said, a "barrier-free" public transport system cannot be built up within a short span of time. Moreover, not every disabled person can use

the ordinary means of public transport. For this reason, many disabled persons have to rely on the Rehabus service. Now the disabled can pay a low fee and use the Rehabus service, with the remaining cost of their fare being subsidized by the Government. Last year, the Government made a subsidy of \$27 million on the Rehabus service and if that is divided by the 490 000 passenger trips made, that would mean a subsidy of \$55 for each.

Now the Rehabus service runs rather well, but the number of buses is limited, as there are only 87 vans available. Thus the demand for the service cannot be met fully. The Liberal Party therefore suggests that the Government should undertake an in-depth study on subsidizing the use of taxis by the disabled. Previously when a debate was made on a topic similar to the one we have now, the Secretary for the Environment, Transport and Works said in her reply that this would be a win-win solution as it will benefit both the disabled and the taxi trade. She also indicated that the idea would be given active consideration. Now one year has passed, I still have no idea what the result would be.

It is common in foreign countries, especially in Britain and Australia, that the taxi service is used to meet the transport demands of the disabled. As for the mode of subsidy, in some places a fixed amount is subsidized while in other places a fixed portion of the taxi fare is subsidized. Apart from giving subsidies, some governments also lay down some code of practice for taxi drivers to ensure that a safe and comfortable service is rendered to the disabled.

The Government has described this as a win-win solution, but I would think that this is a three-win solution, for apart from the disabled and the taxi trade, the Government will also stand to benefit. For the approach can make possible a more effective deployment of resources to the benefit of the disabled. Therefore, the Liberal Party hopes that the Government can give serious thoughts to the proposal.

It is the conviction of the Liberal Party that providing more convenience to the disabled in their use of various modes of public transport will help develop a sense of belonging in the disabled and facilitate their integration into the community. For these reasons, the Liberal Party supports the motion.

Madam President, I so submit.

MS LI FUNG-YING (in Cantonese): Madam President, our society keeps on making progress. However, the progress in society often lags behind our expectations. In Hong Kong, we have a lot of crossings on the pavements, buses with low-floor design, lifts installed at some stations of the Mass Transit Railway (MTR) and the Kowloon-Canton Railway (KCR). Such facilities provide great convenience to wheelchair users. In addition, arrival announcements provided on public transport carriers and audio devices provided at traffic lights for pedestrians are undoubtedly examples illustrating the social progress essential to catering for the needs of the disabled in their daily lives. However, such facilities have lagged far behind our expectations, and are still miles away from a really barrier-free social environment.

About a year ago, the Legislative Council passed a motion to urge public transport operators to provide half-fare concessions to the disabled; to improve the facilities to provide convenience to the disabled; and to urge the Government to improve the Rehabus service. One year has passed now, none of the measures proposed by the Legislative Council have come into effect. So, we have to hold a debate on the same subject today. In fact, in the debate held last October, many Members made a lot of constructive suggestions. Let us skip the public transport operators at the moment. On the issue of the serious imbalance between the supply and demand of the Rehabus service provided by the Government, as some Members had estimated roughly that the cost per trip was about \$54, they suggested that the Government should provide the same amount of money as subsidy for those disabled persons who were not provided with such a service. This was a good suggestion, though I have never held the view that taxi rides are essential for the disabled. Yet, if they could get the same amount of subsidy when they travel on other modes of public transport, then it would solve the Rehabus shortage problem on the one hand, and also solve the problem of high transportation costs on the other.

In last year's debate on the same motion topic, the Secretary for the Environment, Transport and Works stressed in her reply that the number of buses that can be used by passengers on wheelchairs would be increased. I hope, in her reply today, she can provide a response on the progress in this regard. However, up to now, some of the major KCR stations still have not provided barrier-free passages for use by passengers on wheelchairs. Even for the present low-floor buses, the design is still very inconvenient for passengers on wheelchairs. Even if the driver has lowered the floor ramp, they would still have great difficulty in passing through the narrow passage to get into the middle

part of the compartment all on their own. In fact, it is very easy to remedy the situation. All they have to do is to install the adjustable floor ramp at the rear door of the bus. It would be very convenient for passengers on wheelchairs if they could use the rear door to board and alight the bus. In fact, for the purpose of providing greater convenience to the disabled, there is still room for improvement in the design of low-floor buses.

Of course, the management culture of bus companies also require similar improvement. Frankly speaking, nowadays, bus drivers are always on the rush, in order to make the bus trips meet the planned schedules. If bus drivers fail to keep the target times on the trip schedules, they could have all kinds of trouble. With such a management system, bus drivers are naturally not encouraged to serve passengers on wheelchairs, because in taking such passengers, the drivers will have to lower and raise the floor ramp, and he will not be able to start driving until the passenger has locked the wheelchair in place. It would inevitably take a longer time. The bus companies will feel very unhappy about this, and the bus drivers will face a lot of trouble. Therefore, on such issues, I hope the Secretary can put forward some corresponding suggestions when she holds talks with the relevant departments. We suggest that these companies should make some improvement. For example, could an index meter for the use of the floor ramp be installed, so that drivers could be acknowledged for having served passengers on wheelchairs? In return, the target times of the driver concerned could be adjusted accordingly, or even some incentives could be provided, so as to reduce the pressure on the drivers in serving passengers on wheelchairs. This is also a positive measure in response to the needs of passengers on wheelchairs.

Certainly, on the issue of fares, public transport in Hong Kong does charge very expensive fares. The problem of high fares is already a source of heavy stress for the grassroots, not to mention the disabled. Therefore, the demand for a fare reduction is not just the aspiration of the disabled.

Madam President, I so submit.

DR LAW CHI-KWONG (in Cantonese): Madam President, I have had some hesitations as to what I should speak in the motion debate today. I have taken a look at the speech I made on 30 October last year and I do not think much needs

to be changed. I might as well ask the Secretary to read the speech I made last year and that would suffice. However, that would not be a good thing to do, for this is not showing enough respect for the motion moved by Mr LEUNG Yiu-chung.

There are a few points which should be stressed. About the Rehabus service, Mr YEUNG Yiu-chung said earlier that once the number of Rehabus is increased, that could mean an increased burden on the traffic. I was very surprised to hear that for even if the number of such buses is increased 10 times, that would mean a total number of some 80 buses only. As there may only be 40 to 50 buses running on the road at the same time, and even if this number is increased by 10 times, the number is only about 400, and that would not cause any traffic jam in Hong Kong. But is this a solution? I do not think so, not even when the number of Rehabus is increased 10 times. We also know that the ideal is a barrier-free public transport system. But that topic has been under discussion for years. Last year, I mentioned that the first study on the transport needs of the disabled was made in 1983 and it is now exactly 20 years since then. In fact, the situation has improved and there has been some progress, but not to our satisfaction. The so-called barrier-free public transport environment is not created and so Rehabus has become a necessity. Rehabuses should have been a complementary measure, but now they have become the major means of transport for many disabled persons. I think the Rehabus service should be improved. But having said that, we cannot expect to see the transport needs of the disabled fully met by adding two, four or even five Rehabuses every year. The dial-a-ride service should be enhanced so that the disabled can take part in some normal day-to-day activities.

The transport needs of the disabled are not met indeed. Just imagine if we want to hire a taxi, we can call the cab station and a taxi will arrive in a few minutes. So how can we imagine the situation which the disabled will find when they have to make a booking for a Rehabus three or four months in advance if they wish to go out. How can they ever imagine who they will go to have tea with three months later? That is simply impossible. If we really want to achieve a harmonious community where everyone shares equal opportunities, what should actually be done is to enable a disabled person to have a bus to pick him up five minutes after he has made a call to request one. How should we improve the Rehabus service to make this a reality? Therefore, I agree with what Ms Miriam LAU has said earlier, that in the final analysis, we have to rely on our existing public transport network.

Often times when we take a taxi we would have the experience that we need to bend our bodies and raise our legs quickly before we can get into a taxi. If we do not do this quickly enough, the cars behind will honk at us. So we can see that for the old people, that is really a chore for them. I hope taxis in the future, especially when I get old and cannot move about so quickly, will be much taller so that I can just walk straight into them. For the disabled, this kind of taxis is also very useful. If taxis are like seven-person vans so that the whole wheelchair can actually be placed inside the cabin without having to fold it and put in the trunk, that would be perfect. For if not, everyone in a taxi will get somewhat uneasy.

I think our long-term task is to improve the taxi network. We all know that costs would actually increase by then if we wish to use vehicles as tall as a seven-person van. For the price may be \$80,000 to \$100,000 more expensive, and that is a financial problem we have to consider. But when we realize that as many as 24% of our population are elderly persons who may not be able to move about so quickly, then these taxis can in fact serve the needs of not just the disabled persons alone, but many of the elderly persons in society. And even for people from our generation, there are many people with such a need. So I think we should see how this can be done with taxis.

Let us come back to Rehabuses. I often talk about something very basic and that is, equal opportunities. It happens very often that when some disabled persons have found a job, they cannot find any regular Rehabus routes which will take them to their place of work. Their employers will not take the time to wait until a regular Rehabus route is set up. So many disabled persons have lost their jobs because of this reason. In such circumstances, I think that at least we must make sure that these people will have access to some means of transport and that is not difficult, for it can be done by using taxis. That is the kind of service we used to call the *pak pai* or charter vehicle service. That can be done by the Government these days. The Government does not have to use its own vehicles, for it can talk with the taxi companies and arrive at some arrangement on what can be done to help the disabled in need. For example, some non-governmental organizations like the Hong Kong Rehabilitation Society can talk with the taxi trade and make some arrangements with them to see how taxis can be arranged for those disabled persons who work regular hours. That can surely be done, why not? I think these ideas should really and can be explored, at least we can make sure that for those disabled persons who have found work, there is transportation to bring them to and from their place of work. That I think is very important.

Then there is the question of fare reduction or half-fare concessions. It used to be a very controversial topic more than a decade ago. But that was an issue of mindset rather than whether or not concessions should be offered. The dispute came actually from the disabled. Some of them were of the view that half-fare concessions should not be offered because they thought that everybody should be treated equal and hence their fares should not be reduced. Then this dispute gradually disappeared for it was not considered to be so proper to raise the issue. If there are really equal opportunities nowadays, then there would be no need to talk about half-fare concessions anymore. But the actual fact is that we do not have equal opportunities now. People talk about positive discrimination and it is something positive. It might not sound right when we talk about discrimination, but positive discrimination in English means assistance. When there are really equal opportunities, I do not think people will suggest giving half-fare concessions to the disabled anymore. I therefore think that insofar as this issue is concerned, the Government should take the initiative to talk with the transport operators, for in the final analysis, the Government and the operators will need to sort out the problem of fares together and that can be put onto the agenda. I hope the Government can really give serious thoughts to that. Thank you, Madam President.

DR TANG SIU-TONG (in Cantonese): Madam President, one year ago, this Council passed a motion of a similar content which urged the Government to press various public transport operators to improve their facilities and to offer half-fare concessions to people with disabilities, so as to reduce the barriers to them and help them integrate into society. However, one year has passed, the extent of improvement is quite limited, and there is still a long way to go before the transportation needs of people with disabilities could be met.

Undoubtedly, various public transport operators did make certain improvement last year as far as their facilities were concerned. For example, in my constituency, Yuen Long, old buses have already been replaced by many new low-floor buses, but the Rehabus service is still inadequate. People with disabilities still face heaps of barriers if they leave their homes to take part in social activities, and it seems that we have seen very little result in the provision of fare concessions to people with disabilities.

As we all know, from the fourth quarter of last year to the first quarter of this year, the economy of Hong Kong had been in the doldrums continually and

there was no improvement in the unemployment and deflation situation. In addition, the SARS outbreak was just another disaster to the already gloomy economy, which dealt a heavy blow to consumer-oriented trades such as tourism and retail. Other export processing industries had not been spared either. The overall unemployment situation deteriorated and deflation worsened. However, the fares of major modes of public transport have not been adjusted downward along with deflation. The travelling expenses are already too high to the general public. Needless to say, they are also a hefty burden on people with disabilities. In fact, just as I have emphasized all along, with regard to reducing the barriers to people with disabilities, the Government and various transport operators should offer fare concessions to people with disabilities along with improving the relevant facilities and enhancing the Rehabus service.

Thanks to the constant pressure of public opinion, several major public transport operators have introduced concessions one after another recently, such as a 10% or 15% fare concession for fares above a certain level, or fare concessions for a second ride on the same day; and a bus company has even offered fare concessions to elderly people aged 65 or above. However, the abovementioned concessions are just aimed at a certain age group or passengers who frequently use the facilities, there are no specific fare concession proposals for people with disabilities which will encourage them to leave their homes and engage in work or social activities. Obviously, the transportation needs of people with disabilities are overlooked.

Of course, I am disappointed that various public transport operators have failed to take the initiative to offer concessions to people with disabilities. Meanwhile, the Government has done very little to pursue follow-up actions and progress in respect of the relevant motion. I urge the Government to report to this Council as soon as possible the progress of work in respect of the relevant motion passed a year ago and take actions to expedite the improvement of Rehabus services and to offer half-fare concessions to people with disabilities in addition to pressing public transport operators to improve their facilities, including fare concessions for feeder transport service and interchange of different modes of transport. With regard to a barrier-free transport system, it is certainly the aspiration of people with disabilities, but in substance, I am afraid that it is just a mirage.

Madam President, I so submit.

MS AUDREY EU (in Cantonese): Madam President, while today is the beginning of the new Legislative Session, the two motions are old topics that have been discussed before. This motion was debated in October last year. Madam President, I think these topics are revisited not because the motions have no value *per se*. Rather, it is because there has not been any positive response from the Government. I have looked up the speech made by the Secretary on the last occasion and read the relevant progress report submitted by the Government. We can see that although the motion was passed by the Legislative Council, there has not been any substantive progress or improvement over the past year.

Today, many Members have mentioned buses with low floors. In fact, only 25% of the 6 000 buses in the territory are fitted with low floors. I am also aware that this type of bus always has problems and so the drivers often have to get off the bus to fix them. As mentioned by Ms LI Fung-ying earlier on, the drivers are unwilling to operate this type of bus because there are often complaints from passengers. Moreover, people with disabilities do not know the schedule of low-floor buses. In Hong Kong, seldom do we see low-floor buses on the road or people with disabilities waiting for such buses. Madam President, I wish to repeat a point that was already made in October last year. In 1984 when I was living in Manhattan, New York, all the buses there were already installed with low floors and they were all automated. Never had I seen bus drivers having to get off the bus to fix problems. Moreover, there was a bus-stop on every street and there were always people with disabilities waiting for a bus. Although the low floor would drop slowly for access by the disabled, the bus-drivers or passengers would never complain about this. The Government has said that Hong Kong is an economic city in which the people attach great importance to time. Is it not the same in Manhattan, New York? But why do the people there not complain about the disabled travelling on public transport?

In fact, many colleagues who have spoken today have already stated the many problems with public transport that will bring inconvenience to the disabled, and they have also given many views. So, I do not wish to repeat them here. I just want to add one point. In fact, the entire problem has to do not only with transport measures or financial affordability. Rather, it is a problem concerning the people's attitude. I believe this is not only a transport problem, but a problem of the entire society and the Government as a whole. If the Secretary can provide more public transport facilities for the disabled, she can at the same time heighten the public's awareness and educate the general

public that the disabled should enjoy the equal right as the able-bodied do in taking buses and the MTR. I remember that when the same topic was discussed in the motion debate in this Council last year, it evoked the Secretary's memory of a sad incident. We can see that the Secretary is particularly concerned about the transport needs of the disabled. I hope that the Secretary can hold on to this spirit and continue to make positive changes not only to transport measures, but also to the perceptions of Hong Kong people of the disabled, so that we can truly develop into a harmonious, barrier-free society where all can enjoy equal rights.

Thank you, Madam President.

MR MICHAEL MAK (in Cantonese): Madam President, for some people, their physical disabilities have caused them a lot of inconvenience. When coupled with the inadequate facilities for the disabled in shopping malls, cinemas and such public places, the social life of these disabled persons is also affected. If other facilities in society fail to meet their needs, their productivity will also be reduced and they will not be able to fully play their roles in the community. People in a fair society should care for each other and both the Government and the public organizations should make joint efforts to provide suitable services for the disabled so that they can lead a normal social and working life and truly integrate into the community. In this way, their confidence and self-respect can be maintained. As an international city, Hong Kong has excellent transportation networks but what has become a mockery is that for the disabled, they cannot enjoy this convenience of the transportation networks.

In October last year, Mr LEUNG Yiu-chung moved a motion on the transport needs of the disabled and it was carried with a unanimous vote. The motion urged that improvements be made to the Rehabus service. But one year afterwards, we still fail to see any concrete action done rigorously on the part of the Government to improve the Rehabus service. We cannot help but become disappointed when the Government fails to address the transport needs of the disabled and enforce a motion passed by this Council. The Secretary has high popularity ratings, but I do not see why she cannot make us feel better and be more contented. I hope the Secretary can put in more efforts in this respect and I hope that her popularity ratings will not fall as a result of this issue.

A certain organization conducted an opinion poll at the end of September and the findings show that close to 90% of the disabled persons interviewed think

that the transport facilities in Hong Kong fail to cater for their needs. According to Special Topics Report No. 28 released by the Census and Statistics Department in August 2001, it is estimated that about 270 000 people in Hong Kong have one or more types of the following disabilities: (1) restriction in body movement; (2) seeing difficulty; (3) hearing difficulty; (4) speech difficulty; (5) mental illness; (6) autism. However, there are only 87 Rehabuses in Hong Kong and the number is vastly inadequate in meeting the needs of the disabled. If a disabled person has to wait for six months to get the service, honestly I cannot imagine what might happen in these six months. As Dr LAW Chi-kwong has said, we have no idea as to what will be our needs six months in advance, so that is really a great mockery.

Information from the Hong Kong Rehabilitation Society shows that in the year 2001-02, the utilization rate of the Rehabus was 485 000 passenger trips and the total number of Rehabus was 85. For the year 2002-03, the utilization rate rose by about 11 000 passenger trips to 496 000 passenger trips, but the total number of Rehabus only increased by two to 87. Despite the increasing demand for this service, resources allocated to Rehabus over the past six years only saw an annual growth in real terms of 2.97%.

As the Rehabus is the most important means of transport for the disabled, I urge the Government to honour the pledge made by the Chief Executive in this year's policy address to build a caring society and take immediate action to increase the funding for the Rehabus service.

The Government also pledges to create a "barrier-free" city, but to date, the disabled persons still have to face lots of barriers in using public transport. The number of buses with super low floor only amounts to less than one quarter of the total fleet. The gap between the platforms in the three railways and the trains is still large and that causes inconvenience to the wheelchair users. Though the buses have a next stop public announcement system, it is installed only in the lower deck and the system is often not turned on. The upper deck is not fitted with this facility and so the visually impaired would find it very inconvenient.

Actually, fares of public transport are so expensive that even the ordinary people find their transport expenses very huge, and these add to their financial burden. Yet expensive fares exert a similar financial burden on the disabled. We hope that the transport operators, while making huge profits, can also

shoulder some social responsibility by improving the facilities for the disabled and offer them fare concessions, such as half-fare concessions.

I hope that the Government can be true to its words and take immediate steps to improve the Rehabus service. Public transport operators should also improve the facilities and offer concessions to the disabled. It is only by doing these that we can build a "barrier-free" city and live up to our reputation of being a world city. With these remarks, I support the motion. Thank you, Madam President.

MR HENRY WU (in Cantonese): Madam President, as a director of the Hong Kong PHAB Association and an honorary adviser to the Direction Association for the Handicapped, I am very much concerned about the transport needs of the disabled. I support the elimination of discrimination and barriers, and the idea that the disabled should be encouraged to integrate into the community. Having said that, however, I have some reservations about some of the strong words used in the motion.

First of all, I am totally in support of the demand that the Administration should face up to the transport needs of people with disabilities and that various public transport operators should be urged to improve their facilities so as to reduce the barriers to the disabled and that the Rehabus service should be expeditiously improved. All these are meant to create a barrier-free living environment. However, the motion also demands the Administration to act immediately to press various public transport operators to offer half-fare concessions to people with disabilities. Some friends I know are confined to the wheelchair, but they impress me with their great stamina and vitality. For them, there are some other ambitious and lofty ideals. They want to join hands with all the people of Hong Kong to realize a barrier-free city, instead of striving for some fare concessions which they think are trivial. They are clear about this goal and they are determined. They will not compromise or settle for anything less.

On the concern about people of disabilities as embodied in transport policy in general, as well as various points raised in the motion, I have had discussions with the related organizations. They think that over the years the Administration has been urging various transport operators through different channels to improve the services they provide to the disabled. Though the pace

could have been made faster, the organizations have certainly made efforts to improve gradually.

The Commissioner for Transport, Mr Robert FOOTMAN, in the current edition of *A Guide to Public Transport for People with Disabilities* recognizes the concept of "Transport For All". The booklet also sets out the way forward in that public transport in Hong Kong should be made accessible to the disabled. A "5-Betters Strategy" has been formulated under the concept of "Transport For All" to identify areas for improvement. Unfortunately, the authorities have not put forward any detailed plan for implementation or devised a timetable to make Hong Kong a barrier-free city.

Actually, in its discussions with the public transport operators, the Transport Department should be more active in urging these operators to provide barrier-free facilities and draw up a timetable which is reasonable and practicable for the improvement of facilities for the disabled. In this way, the implementation of these facilities can be monitored.

Madam President, to achieve these policy objectives speedily, the Government may appoint a co-ordinating department to be tasked with the work of building a barrier-free city, from transportation to town planning, road surface and buildings facilities, as well as co-ordinating the work of the related departments. It should also formulate a set of standards applicable to Hong Kong. When franchises are granted to transport operators, they should be required to provide effective matching facilities. At the same time, the Government should formulate a comprehensive town planning policy for the planning of a barrier-free street environment. The related advisory bodies should consult the groups concerned extensively and give full effect to recommendations that are considered workable.

Finally, I would like to point out that the public transport system can be improved in various ways. Actually, I have discussed these problems with the organizations concerned and they hope that their views can be reflected here.

With respect to bus services, according to information obtained by these organizations from the Transport Department last year — that is the information from last year, though the latest figures might differ — the most commendable operator is the New World First Bus, with 85% of its fleet having been fitted with the super low floor. Unfortunately, the Kowloon Motor Bus which has the

greatest coverage in Hong Kong lags far behind the New World First Bus with two thirds of its fleet without a super low floor. The case with Citybus is even worse as only a few percent of its fleet has a super low floor. From this, it can be seen that there is still plenty of room for improvement with regard to the super low floor feature in buses.

Another problem is that the wheelchair parking space in the bus compartments is too small. That is especially true in the new bus models for wheelchair users cannot park their wheelchairs so well inside the compartments. The bus companies should change the design of their buses so that those in need can truly benefit.

Madam President, with respect to the rail systems, although 65% of the MTR stations can provide barrier-free passage to wheelchair users to enable them to reach the street level, there are still 19 stations without such passage. I hope that the MTR Corporation Limited can make improvements expeditiously and where possible, install lifts in every station linking up the street level and the platform.

Besides, the new touch-screen ticket vending machines in the MTR stations do not have Braille characters and audio devices. They are even worse than the old vending machines with Braille characters and people with sight impairment will find it not convenient. I hope that the MTR Corporation Limited will not overlook this important concept of "Transport For All" when it introduces new technology.

For the Kowloon-Canton Railway Corporation, though there are tactile guide paths for the blind, they can only lead them to one compartment in a train. There are reports that this is due to the old design of the platforms. However, I still hope that the corporation can improve its platforms and platforms in future can be designed to facilitate barrier-free access.

With respect to ferries, wheelchair users will find the access in the piers improved, but the old-fashioned gangplanks in the Star Ferry are still a barrier for them. As far as I know, the New World First Ferries have introduced the inclined gangplanks and other ferry companies can draw reference from this.

In addition, taxis capable of serving wheelchair passengers should be introduced and guiding paths for the blind should be made a standard feature for

the streets. All in all, efforts should be made to build a completely barrier-free city. When reviewing the franchise of transport operators, the Government should add terms on the provision of facilities to the disabled so as to urge various transport operators to play an active role in the development of a barrier-free city.

Madam President, I so submit.

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

MR ALBERT HO (in Cantonese): Madam President, at the end of last year, Mr LEUNG Yiu-chung asked a written question in this Council to find out about the concessions in transport enjoyed by the disabled in Hong Kong and similar concessions offered to the disabled in foreign countries. The reply furnished by the Government was very brief, and I believe Mr LEUNG would recall the same. The reply only said that the transport concessions enjoyed by the disabled were similar to those available to the able-bodied. There was no information whatsoever on the case in foreign countries. Such a casual reply strikes me as being perfunctory. The official who has written the reply gives us an impression that he is extremely indifferent to the needs of the socially disadvantaged. What these officials should have done are simply to read more carefully the question by the Member and do some research on the Internet which I think will not take up a lot of their time but yet can yield a lot of useful information.

Since the Government did not care to do such research, I tried to find out the information myself. I found out that information was readily available and there were rich resources on the Internet. In our neighbouring Korea, the subways there show great care for the elderly and the disabled and they can take free rides. In a faraway place, New York, the transport operators also give fare concessions to people with disabilities. Even in Taiwan, the disabled can ride on many modes of transport at half fare.

Hong Kong, on the other hand, is probably the only place I know where no concessions are given to the disabled by the public transport operators, with the exception of half-fare concessions given by the Star Ferry and the New World First Ferry Services Limited. I hope the Government will show its concern for the disadvantaged and take the initiative to contact the transport operators, work

out some half-fare concession schemes for the disabled with these transport operators and urge them to agree to these schemes.

According to information from the Hong Kong Council of Social Service, the facilities for the disabled provided by the various public transport operators in Hong Kong are totally inadequate. As pointed out by Mr Henry WU earlier, more than 70% of the buses in Hong Kong do not have any low floor or fixed ramp. There are only about 200 vehicle parking spaces for the disabled throughout Hong Kong. So if Hong Kong is to become a world city, we should spare no efforts on showing our concern for the disadvantaged. For if not, what we get is only a rich and prosperous city on the surface, but deep inside is a city cold and indifferent to suffering.

If we are to care about the needs of people with disabilities, we should help them integrate into the community. We must see things from their perspective and practically consider whether or not the facilities will meet their needs. Some time ago, quite a large number of disabled people voiced their strong concern about the new audible traffic signal devices which did not meet their needs. This especially applies to those with complete loss of vision. They think that these new devices could even be traps to them. It is hard for them to identify the sound of the new devices and they cannot even cross the streets at the right place. I understand that officials of the Transport Department later took the initiative to discuss the installation of the audible devices with some visually impaired people and that these devices were subsequently adjusted. However, the matter had dragged on for almost half a year before it was finally settled.

Madam President, if only we could think in the position of the disabled, we would appreciate how difficult it is for them to lead a life in Hong Kong. As it is, Hong Kong is really miles behind the barrier-free city which Mr Henry WU has talked about. Taking public transport would mean to the disabled that they will have to pay the same expensive fares as the able-bodied and the facilities are not user-friendly at all. As I have said, many buses do not have a super low floor; there are no guiding paths in the flyovers and pedestrian subways. When they cross the roads, the new road-crossing devices are fraught with problems. I therefore implore the Government to think more from the perspective of showing care and concern for the disabled as they are a disadvantaged group. More efforts should be made on the issue of fare concessions. The Government should discuss with public transport operators and do the necessary lobbying. With respect to planning, more liaison should be made with the related

organizations to find out their needs before making decisions to help the disabled solve some problems they face in their day-to-day life. That will truly help them integrate into the community.

I so submit.

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

(No Member indicated a wish to speak)

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): Madam President, the motion moved by Mr LEUNG Yiu-chung today touches on the terms of reference of both the Environment, Transport and Works Bureau as well as the Health, Welfare and Food Bureau. So, the response I am going to make today shall include the viewpoints and part of the opinions of Secretary Dr YEOH.

First of all, I have to apologize for my coarse voice caused by the flu I have today. After hearing the criticisms made by many Honourable Members against me, I feel very upset. This is because, all along, I have been very much concerned about the transport needs of the disabled, and during the year, I have done the work to the best of my ability. As Ms Audrey EU has said just now, today is the first day of the new Session, but we have to revisit an old motion. For me, I feel that "I am a wise housewife with no rice to cook". This is because many policies involve social welfare funding. In this process, Secretary Dr YEOH and I have considered many proposals. However, because of the fiscal deficit, all our expenditures will have to be cut, instead of being increased. Therefore, we have some difficulties in taking forward many work we want to do.

One of the objectives of the rehabilitation policy is to facilitate the disabled in participating in community activities and integrating into society as far as possible. I also understand that the disabled persons have special needs in transport, therefore, we should provide assistance as much as we can. Earlier in the debate, some Members mentioned the three points of last year. First, there was the request for half-fare concessions for the disabled. Both Dr LAW Chi-kwong and Mr Henry WU have mentioned that it is a matter of principle:

Whether the resources of society should be used in granting direct subsidies, or in making effort for the provision of barrier-free transport facilities or "Transport for All". This is rather controversial. However, anyway, the Government has provided cash assistance to financially needy persons, including the handicapped to cover their basic and other special needs. Under the system, subsidies have already been provided to meet their basic needs in living. The Government also provides a disability allowance to those certified by government doctors as persons with serious disabilities, the purpose of which is to take care of the special needs arising from their daily lives. This allowance is provided without requiring the recipients to go through a means test, and the maximum monthly amount is \$2,240.

Besides, we have also been encouraging and assisting the public transport operators to facilitate the disabled persons, as far as possible, in using public transport services and facilities, and in the light of their operational circumstances, to provide fare concessions to the disabled, so as to reduce their transport expenses. On the overall fares of public transport, I believe Honourable Members must have heard me talking on this subject many times before. In today's meeting, several Members have also mentioned that, during this year, we have introduced more than 40 types of concessions, which were offered by various public transport operators, and the disabled could also enjoy such concessions.

In October last year, the Legislative Council unanimously passed a motion on the transport needs of the disabled. Since then, my colleagues and I have actively approached the various public transport operators in order to convey to them the view of the Legislative Council. Mr LAU Chin-shek asked whether I had raised the request with the MTR Corporation Limited (MTRCL) and the Kowloon-Canton Railway Corporation (KCRC). Of course I had. And I had personally done it many times, and so many that they nearly begin to avoid seeing me. We have in fact been trying very hard in the hope that public transport operators can take further measures to provide greater convenience to the disabled, so that they can use public transport in a barrier-free manner and move around more smoothly for work and social life.

Maybe I should dwell on the progress we have made in various aspects during the past two years, though in certain areas we have not succeeded completely. First of all, in implementing certain measures, in my discussion with the various public transport operators, they all told me that there were

difficulties in identifying the disabled. This is because we cannot just take care of some of the disabled persons. For persons with disabilities in their organs or the mentally handicapped persons, we cannot identify their biological weaknesses just with our eyes. We therefore propose to use card-form certificates which can be produced to the relevant staff when the disabled persons travel by bus or by MTR. Our survey reveals that there are some 270 000 disabled persons in Hong Kong who suffer from different categories of disability. After arriving at such a figure, we proceeded with our negotiation with the public transport operators. They are of the view that, as the number of disabled persons is so substantial, their duty should be the provision of more convenient facilities, instead of providing subsidies to individuals. Of course, on this point, we shall continue to argue with the operators. As a matter of fact, all that the Government can do is to motivate them to do it, but not imposing it on them in a mandatory manner.

On the other hand, if the disabled persons do have a transport need, they can call for the assistance from Rehabus. In this aspect, many Honourable Members have also pointed out the fact that this type of service is by no means adequate. Operationally, the service could only cater to the needs of a small number of people. The number of vehicles in the Rehabus service has only increased from 85 of last year to 87 now. Besides, in April this year, a computer system has been installed for the Rehabus service, thereby speeding up the advance booking arrangement. Meanwhile, a plan is in place to replace six old vehicles in the Rehabus Service by 2004 so as to improve the service. Besides, in view of the fact that most of those in the queue for Rehabus service are students of special schools, and since most of them have been provided with transport service between their homes and the schools, we shall re-assess their priorities in the waiting queue. According to our survey, there are always 60 persons on the waiting registrar, so the waiting time is quite long. As for the opinions put forward by Members for improving the Rehabus service, I shall convey them to Secretary Dr YEOH and hope that he can consider them in detail.

As for the costs for Rehabus service, the subsidy for each trip is \$54. Today, some Members have done some calculations and said that the figure should be \$55, which is similar to ours. There is a suggestion that this subsidy should be paid to cover the taxi fare. This suggestion was put forward by Ms Miriam LAU, and was agreed by Dr LAW Chi-kwong, who thought that it would be more convenient. We shall relay this suggestion to the Health,

Welfare and Food Bureau for consideration. Of course, if this could be the alternative, Members may say that we can do it since we have the money. But in fact, this is not possible, because we have to carry on with the Rehabus service. So we have to seek separate funding for the purpose. This is the reason why I said "I am a wise housewife with no rice to cook". Just because there is no rice to make a meal, so we are unable to do it. This is a major problem with our social welfare budget.

I have just spoken on the issue of fare concessions, so I do not wish to repeat the points. We hope to continue with our effort in fighting for a better wholesale concessionary deal so that even the disabled persons could be benefited.

In the area of facilities, under the supervision of the Government, the various public transport operators such as the MTRCL and bus companies have made improvement to their facilities. Now, let me report to Members the overall programme. During the past year, the MTRCL has installed additional lifts in four stations, facilitating the disabled persons in using the MTR service. The corporation, taking account of the actual circumstances, will install additional lifts in stations which still do not have such a facility.

Regarding franchised bus companies, all the three major franchised bus companies have made use of low-floor buses. However, as pointed out by Mr Henry WU just now, the New World First Bus Services Limited (NWFB) has a higher proportion of such buses than the Kowloon Motor Bus Company (KMB). The main reason is, the NWFB is really a new bus company, and their fleet comprises of newer buses. When they start buying their fleet, such buses were already equipped with the low-floor facility. But it is not feasible for the old buses to be retrofitted with this facility. We have already required the KMB to provide the low-floor facility when it acquires replacement buses in the future. Although this type of bus is not much more expensive than an ordinary bus, replacing a bus would incur a cost of about \$2 million. So in the overall operation programme, this process has to be launched in a gradual and orderly manner. Bus companies are also gradually installing bus-stop arrival announcement systems on board buses as well as providing route maps in Braille, and so on. These are the facilities that we hope the franchised bus companies can provide for the disabled. During the period between the end of last year and the middle of this year, there have been an increase of 188 low-floor buses,

bringing the total number of such buses to 2 170. Meanwhile, the number of buses installed with bus-stop arrival announcement systems have gone up by 720, bringing the total number to 2 620.

As for ferry companies, toilets for the disabled have been installed on three newly purchased ferries. The "Star" Ferry Company Limited has also installed such a facility on one of its ferries. Regarding the maxicabs, between the end of last year and the middle of this, the number of public light buses installed with the call bell has increased by 80, making up a total of 360. Since the middle of the year, the vehicle registration numbers of public light buses will be recorded in Braille on the side of the single seat closest to the gate. Vehicle registration numbers of taxis will also be recorded in Braille in the cabin, and audible fare meters will also be installed on some of the taxis. As for trams, the Tram Company has already installed a buzzer at the boarding gate to make it more convenient for the visually impaired.

In the area of public transport facilities, the Transport Department will make kerb-side ramp a standard facility to be provided at all newly-built public transport interchanges, bus terminuses and taxi stands. The Department is also constructing additional kerb-side ramps at public transport infrastructure facilities, so as to provide a barrier-free environment. Besides, the Department is now installing tactile guide paths for the visually impaired at eight spots throughout the territory for guiding such persons to travel to and from specified points, such as public transport interchanges or the MTR stations.

In the area of street facilities, just now both Mr Albert HO and Mr LEUNG Yiu-chung have mentioned that the Transport Department has installed 6 500 electronic audible traffic signals at 880 pedestrian crossings. They have made a lot of criticisms against such facilities. In fact, this is a major initiative on the part of the Transport Department with a spending amounting to \$45 million. As the existing audible signals, which provide assistance to the visually impaired, are produced by mechanical devices hitting against the pole of the traffic lights, the noise so produced at nighttime would cause great nuisances to other residents who complain that the noise is so loud that they could not sleep. Therefore, we are forced to switch off such devices at nighttime, thus making it quite inconvenient to the visually impaired. After careful consideration, I urge my colleagues to install the electronic device.

In the process, we have chosen more than 10 such models from all the systems in use in advanced countries worldwide, and invited more than 10 associations of visually impaired persons to come and try out the various models. During the trial period, they selected five models. After installing them on a trial basis, they considered them acceptable. We had already explained to them that the Government had to go through a tendering process before we could come to the selection stage, and in this process, we could not guarantee which brand would be selected because they had to go through a fair competition. Besides, Hong Kong has special requirements for its environment, as the temperature is particularly high, some facilities manufactured in Northern Europe may not be able to satisfy this requirement. In an environment which is very humid and hot, the device may run out of order if the electronic device cannot stand the humidity. Finally, we have chosen a brand which can satisfy all these requirements.

However, on installation, as the device is an electronic one, it can only be installed on the one side of the pole. So this is quite different from the mechanical audible facility in the past. As the mechanical device produces the sound from the hitting action within the pole, the noise is released in a 360-degree manner, and such an electronic device is essentially directional. In view of this, several Honourable Members and I had paid on-site visits, and I, in conjunction with some visually impaired persons, had also paid on-site visits to these devices, and all along Dr LAW Chi-kwong has been doing the co-ordination work with us. I fully appreciate the worries of the visually impaired because the change in sound makes it necessary for them to receive training again in this regard. We have arranged training for them, and we hope that after becoming familiar with the new sound, this type of road crossing audible device can really help them. This type of electronic device complies with the international standard, therefore, I believe they can make use of the device after they have become familiar with it.

In conclusion, during the past year, we have done our best to make improvement to the facilities in all aspects. Although the work still has not met Members' expectation, we shall keep on striving to improve such facilities and to build a barrier-free society. I wish to reiterate one point, that is, we all have a common goal in hoping that we can take the transport needs of the disabled into full consideration, so as to enable them to participate fully and integrate into society. Since the Legislative Council passed the relevant motion last year, various government departments have been following up the issue very seriously.

Although the effect may not be as quick as Members might have desired, I think it is very important for us to gain the understanding and co-operation of the people. Several Members have mentioned earlier that the operators of public transport in Hong Kong are fighting for every single second. In my negotiation with the franchised bus companies on buying additional low-floor buses or providing fare concessions, they said that money is a trivial issue, but time is a top priority. If the original service schedules are delayed because of the boarding and alighting by disabled persons, they will surely face complaints lodged by many passengers or be criticized in the meetings of the District Councils. I hope the people, the Government and Members can work together in this regard to assist the disabled to integrate into society, thereby making Hong Kong a fair and benevolent society.

Thank you, Madam President.

PRESIDENT (in Cantonese): Mr LEUNG Yiu-chung, you may now reply and you still have two minutes 55 seconds.

MR LEUNG YIU-CHUNG (in Cantonese): Madam President, the Secretary said that one cannot make bricks without straw and that is why many tasks have not yet been completed. But I think that half, if not 70%, of the Secretary's speech is a rehash of old ideas, as the Secretary had kept on repeating the old points. The Rehabus service, in particular, has remained unchanged other than the addition of only two buses. I feel all the more disappointed with the level of fares, for it appears that no progress has been made. Anyhow, while we hear again today those remarks made by the Secretary towards the end of her speech, we do hope that there will be substantive results. I hope she can keep up with her efforts to strive for more improvements for the disabled.

However, I wonder if the Secretary is aware that while I have had meetings with all transport operators during the year, I also have many meetings with the Secretary's colleagues from the Transport Department. I found that the attitude of the Secretary's colleagues in handling this issue is really not as positive as she has put it. Rather, they are very, very indifferent. During a meeting with them two months ago, an official asked me to put forward any views that I might have on this issue. I said that I had already told them all of

my views, but he said that he had never heard of any before because he was new to the post and he asked me to tell him my views again. A relevant motion was passed in the Legislative Council last year. Why was he still unaware of our demands? He said that he was new to the post and that I could tell him if I had any views on this issue. I really do not know if I should feel angry or funny about this. As there is such an official taking such an attitude in meeting with representatives of disability groups, does the Secretary consider this an instance of giving positive and serious consideration to our aspirations? So, I hope the Secretary can pay attention to this point.

Besides, I would like to talk about why we have asked for half-fare concessions. I do not think that offering half-fare concessions to the disabled is an insult to them. In fact, some friends with disabilities have told us that as public transport has gradually developed in a direction of not providing point-to-point services, but carrying passengers to interchanges where passengers can take other means of transport to their destinations, this has constituted a problem for them. It is because people with disabilities cannot go out alone and need to be accompanied by friends and so, they have to pay double fares. Even though the disabled are asking for half-fare concessions, they will have to pay for one and a half share of fares. To transport operators, they will, therefore, gain at least a half share of fares. So, they will not suffer any losses and instead, they will make a gain. To people with disabilities, they are not currying a favour and on the contrary, they will have to pay more. This is why I consider half-fare concessions important. In fact, without such concessions, they simply cannot afford to go out because they have to pay double fares every time. On this point, I hope that Mr Henry WU, who has left the Chamber though, can understand the reason. Indeed, there is a practical need for the disabled to be given half-fare concessions. Moreover, there is also this phenomenon with many other facilities. I hope that substantial improvements can be made in the days to come.

Madam President, I so submit.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Mr LEUNG Yiu-chung be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

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

NEXT MEETING

PRESIDENT (in Cantonese): I now adjourn the Council until 2.30 pm on Wednesday, 15 October 2003.

Adjourned accordingly at eighteen minutes past Nine o'clock.

Appendix I**WRITTEN ANSWER****Written answer by the Secretary for Security to Mr YEUNG Yiu-chung's supplementary question to Question 3**

According to the information provided by the police, most of the persons and syndicates engaging in prostitution businesses are only loosely organized. Due to issues relating to finances, manpower resources and venues, and in order to evade police's enforcement actions, most of them will only maintain short-term partnership in conducting their illegal activities. Against such background, apart from the syndicate which was successfully neutralized in the "Operation Firelily" in May 2002, it is difficult to quantify the total number of vice syndicates cracked down by the police. In the past year, the police conducted about 4 000 enforcement actions against vice activities. About 9 700 prostitutes were arrested and around 300 persons managing vice establishments were prosecuted.

Appendix II

WRITTEN ANSWER

Written answer by the Secretary for Security to Mr James TO's supplementary question to Question 3

As regards the ratio of the number of arrested mainland visitors coming to Hong Kong on another identity who were involved in prostitution activities to the total number of mainland visitors, according to the information provided by the Immigration Department, of all mainland visitors, less than 0.01% were found to have arrived Hong Kong on another identity and were engaged in prostitution activities. The detailed figures are as follows:

<i>Year</i>	<i>2001</i>	<i>2002</i>	<i>2003 (January to August)</i>
No. of arrested mainland visitors who arrived Hong Kong on another identity and were engaged in prostitution activities (A)	146	324	357
Total number of mainland visitors (B)	4 425 107	6 778 042	4 845 406
Ratio (A/B x 100%)	0.0033%	0.0048%	0.0074%

Appendix III**WRITTEN ANSWER****Written answer by the Secretary for Security to Mr LEUNG Fu-wah's supplementary question to Question 5**

Regarding the nature of jobs in which mainlanders were arrested for illegally working in Hong Kong,

- (a) in the past 12 months, a total of 4 745 mainlanders were arrested for illegally working in Hong Kong, excluding those arrested for prostitution;
- (b) the Immigration Department does not compile statistics on the detailed breakdown of the jobs or occupation categories involved. But the sampling analyses of certain cases revealed that the jobs and workplaces are mainly as follows:

Jobs:

- 1. Decorator and building maintenance worker
- 2. Restaurant labourer and food premises worker
- 3. Salesperson, hawker, scrap dealer and scavenger
- 4. Transportation labourer and cleaning worker

Workplaces:

- 1. Premises under decoration and buildings under maintenance
- 2. Restaurants and food premises
- 3. Second-hand stalls, sundry stores and street areas
- 4. Markets and wholesale markets
- 5. Commercial or residential buildings.

Appendix IV**WRITTEN ANSWER****Written answer by the Secretary for Security to Mr IP Kwok-him's supplementary question to Question 5**

Regarding the statistics on mainland visitors on business visit endorsement arrested for illegal employment, in the past 12 months, 4 745 mainland visitors were arrested for illegally working in Hong Kong, excluding those arrested for prostitution. Among them, 2 712 were visitors on business visit endorsement, representing 57% of the total.

In order to combat illegal employment in Hong Kong by mainland visitors, the Immigration Department (ImmD) will step up its communication and exchange of intelligence with the authorities concerned on the Mainland. It will also implement effective examination measures at all entry points to prevent entry of those who have broken the law in Hong Kong and, as a result, are prohibited entry. Moreover, officers of the ImmD will adopt a profiling approach and conduct intelligence-based operations in all entry points to intercept and prevent those undesirable persons from entering Hong Kong.

Appendix V**WRITTEN ANSWER****Written answer by the Secretary for Security to Dr LO Wing-lok's supplementary question to Question 6**

As regard the cost of using police launches, the hourly cost of using a police launch, which is suitable for stretcher cases, ranges from about \$3,600 to \$5,900. The cost covers maintenance fee and fuel cost.

Helicopters and police launches are very different means of transportation. Hence, a straightforward comparison of Casevacs by helicopters and police launches may not be appropriate. Moreover, each case has to be handled in accordance with established guidelines and its unique circumstances such as geographical constraints, weather, urgency of the case, the time when an incident happens, availability of resources, and so on. Another factor for consideration is that deployment of police launches to conduct Casevacs will inevitably affect the normal policing duties of maintaining law and order in Hong Kong waters and combating smuggling and illegal entry. As explained by the Secretary for Security at the meeting, according to established interdepartmental procedures, police launches are usually deployed to conduct Casevacs when the Government Flying Service is unable to provide service.