

# **OFFICIAL RECORD OF PROCEEDINGS**

**Wednesday, 27 June 2001**

**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 DAVID CHU YU-LIN

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.

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

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

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

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

THE HONOURABLE NG LEUNG-SING

PROF THE HONOURABLE NG CHING-FAI

THE HONOURABLE MARGARET NG

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

THE HONOURABLE JAMES TO KUN-SUN

THE HONOURABLE CHEUNG MAN-KWONG

THE HONOURABLE HUI CHEUNG-CHING

THE HONOURABLE CHAN KWOK-KEUNG

THE HONOURABLE BERNARD CHAN

THE HONOURABLE CHAN KAM-LAM

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

THE HONOURABLE WONG YUNG-KAN

THE HONOURABLE JASPER TSANG YOK-SING, J.P.

THE HONOURABLE HOWARD YOUNG, J.P.

DR THE HONOURABLE YEUNG SUM

THE HONOURABLE YEUNG YIU-CHUNG

THE HONOURABLE LAU CHIN-SHEK, J.P.

THE HONOURABLE LAU KONG-WAH

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

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

THE HONOURABLE AMBROSE LAU HON-CHUEN, 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

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

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.

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.

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.

**MEMBERS ABSENT:**

THE HONOURABLE JAMES TIEN PEI-CHUN, J.P.

THE HONOURABLE CHAN YUEN-HAN

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

DR THE HONOURABLE LO WING-LOK

**PUBLIC OFFICERS ATTENDING:**

MR MICHAEL SUEN MING-YEUNG, G.B.S., J.P.  
THE CHIEF SECRETARY FOR ADMINISTRATION

MR STEPHEN IP SHU-KWAN, J.P.  
THE FINANCIAL SECRETARY

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

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

MR DOMINIC WONG SHING-WAH, G.B.S., J.P.  
SECRETARY FOR HOUSING

MR LAM WOON-KWONG, G.B.S., J.P.  
SECRETARY FOR HOME AFFAIRS

MRS LILY YAM KWAN PUI-YING, J.P.  
SECRETARY FOR THE ENVIRONMENT AND FOOD

MRS REGINA IP LAU SUK-YEE, J.P.  
SECRETARY FOR SECURITY

MRS FANNY LAW FAN CHIU-FUN, J.P.  
SECRETARY FOR EDUCATION AND MANPOWER

MS SANDRA LEE SUK-YEE, J.P.  
SECRETARY FOR ECONOMIC SERVICES

MS AU KING-CHI, J.P.  
SECRETARY FOR FINANCIAL SERVICES

**CLERKS IN ATTENDANCE:**

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

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

MS PAULINE NG MAN-WAH, ASSISTANT 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>
Public Health (Animals and Birds) (Chemical Residues) Regulation.....	146/2001
Estate Agents (Licensing) (Amendment) Regulation 2001.....	147/2001
Harmful Substances in Food (Amendment) Regulation 2001.....	148/2001
Dangerous Drugs Ordinance (Amendment of First Schedule) Order 2001.....	149/2001

## Other Papers

No. 93 — Report by the Trustee of the Correctional Services Children's Education Trust for the period 1st September 1999 to 31st August 2000

No. 94 — Report of the Independent Police Complaints Council 2000

No. 95 — Audited Statement of Accounts of the Director of Social Welfare Incorporated together with the Director of Audit's Report for the year ended 31 March 2000

No. 96 — The Thirteenth Annual Report of the Ombudsman, Hong Kong (June 2001)

Report of the Panel on Home Affairs 2000/2001

Report of the Panel on Housing 2000/2001

Report of the Panel on Welfare Services 2000/2001

Report of the Panel on Information Technology and Broadcasting  
2000/2001

Report of the Panel on Environmental Affairs 2000/2001

Report of the Bills Committee on Immigration (Amendment) Bill 2000

## **ADDRESSES**

**PRESIDENT** (in Cantonese): Addresses. Mr Eric LI will address the Council on the Report of the Independent Police Complaints Council 2000.

### **Report of the Independent Police Complaints Council 2000**

**MR ERIC LI:** Madam President, on behalf of the Independent Police Complaints Council (IPCC), may I present the Report of the Independent Police Complaints Council 2000.

The IPCC, which is an independent body appointed by the Chief Executive, has a mission to monitor and review the investigation conducted by the Complaints Against Police Office (CAPO) of the Hong Kong Police Force into such complaints to ensure impartiality and thoroughness. When examining the investigation reports, the IPCC can ask the CAPO to clarify areas of doubt or request the CAPO to re-investigate a complaint if it is not satisfied with the investigation result. In exceptional cases, for the removal of doubt and ambiguity, the IPCC can also interview witnesses including the complainants, the complainees and professionals, such as forensic pathologists, for further information or expert advice. A case will not be finalized until the IPCC has endorsed the CAPO's investigation results.

In 2000, the IPCC reviewed and endorsed a total of 3 548 complaint cases involving 5 934 allegations, an increase of 353 cases and 549 allegations when compared with the corresponding figures of 3 195 and 5 385 in 1999. Allegations of assault, misconduct/improper manner/offensive language, and neglect of duty constituted 80.2% of the complaints, representing a slight

increase of 2.1% when compared with the figure of 78.1% recorded for 1999. Of the 5 934 allegations endorsed, 136 were classified as substantiated, 85 were substantiated other than reported, 54 were not fully substantiated, 1 087 were unsubstantiated, 470 were false, 374 were no fault, 30 were curtailed; 1 712 were withdrawn, 561 were not pursuable, and the remaining 1 425 allegations which were of a very minor nature, such as impoliteness, were resolved by informal resolution, for example, mediation by a senior police officer who is at least at the Chief Inspector of Police rank in the complainee's division. The substantiation rate in relation to the 2 206 fully investigated allegations in 2000 was 12.5%.

In 2000, the IPCC raised 1 150 queries on the CAPO's investigation reports, asking for clarifications on ambiguous points or questioning the results of investigations. Subsequently, 118 allegation results were changed. Arising from the investigation results endorsed by the IPCC in 2000, criminal proceedings, disciplinary and other forms of internal action were taken against 374 police officers. Suggestions on improvements to complaint inducing procedures were also made to the Force where appropriate.

To provide a higher level of service, the IPCC has promulgated a set of performance pledges in terms of standard response time in handling public inquiries and monitoring complaints against the police. The performance of the IPCC in meeting its pledges in 2000 was highly satisfactory. 98.5% of normal cases were endorsed within the pledged period of three months. In addition, 98.2% of complicated cases and 94.7% of appeal cases were endorsed within the pledged period of six months. With the experience gained from past years' operation, the IPCC will strive to maintain a high level of performance in future.

Although the IPCC plays no part in the actual investigation, which is the responsibility of the CAPO, IPCC Members and Observers, through the IPCC Observers Scheme, can conduct schedules and supply observations for the CAPO's investigations in person.

To further enhance the IPCC's monitoring role in the Police Complaints System, an additional batch of 29 community leaders were appointed in 2000 as Lay Observers under the Expanded IPCC Observers Scheme, thus bringing the total number of Lay Observers to 57. Together with the IPCC Chairman and 18 IPCC Members, there are now 76 Observers. In 2000, 204 observations were arranged under the IPCC Observers Scheme. The Observers observe the



investigation work of the CAPO, for example, statements taking from complainants, witnesses or complainees, and report to the IPCC whether the view concerned is thorough and fair. Their feedback has been useful for the IPCC in monitoring the complaint cases.

To enhance public confidence in the Police Complaints System, the IPCC has organized a series of programmes during 2000 to publicize its functions, work and image. An exhibition booth was set up at the Education and Careers Expo 2000 held in February 2000. The IPCC also organized 16 briefings at the meetings of nine District Councils and seven District Fight Crime Committees with a view to providing IPCC Members with an opportunity to introduce the work of the IPCC and to exchange views with the participants on how to further improve the Police Complaints System. In addition, the IPCC held 25 talks at secondary schools, as part of its on-going publicity programme to promote the awareness of the IPCC's work among the younger generations.

It is also worth mentioning that in 2000, the IPCC commissioned a research firm to conduct a public opinion survey on 3 000 respondents. The survey aimed at finding out the level of public awareness and understanding of the IPCC's work and gauging public opinion on the Police Complaints System in Hong Kong. The findings indicate that there is an increase of community awareness in the work of the IPCC. The public also see the work of the IPCC in a most positive light.

Madam President, to sum up, 2000 was a busy and successful year for the IPCC.

**PRESIDENT** (in Cantonese): Mr LI, please stop for a while. Whose mobile phone is ringing?

**DR LUI MING-WAH** (in Cantonese): Madam President, I am sorry. I forgot to turn off my mobile phone.

**PRESIDENT** (in Cantonese): Mr LI, please continue.

**MR ERIC LI:** Madam President, details of the activities of the IPCC and some complaint cases of interest are given in the Report of the Independent Police Complaints Council 2000. We shall continue to keep up the high standard of thoroughness and impartiality in our monitoring and review of investigations into public complaints against the police, and to enhance public confidence in the integrity of the Police Complaints System. Thank you, Madam President.

**PRESIDENT** (in Cantonese): Mr Andrew CHENG will address the Council on the Report of the Panel on Home Affairs 2000/2001.

### **Report of the Panel on Home Affairs 2000/2001**

**MR ANDREW CHENG** (in Cantonese): Madam President, in my capacity as Chairman of the Panel on Home Affairs I now report on the work of the Panel during the 2000-01 Legislative Council session.

In the past year, the Panel has discussed a number of issues which are of public concern. I will now report briefly on a few major ones.

Madam President, the Panel held meetings with the Administration and concern organizations to discuss the initial report by the Hong Kong Special Administrative Region (SAR) on the International Covenant on Economic, Social and Cultural Rights (ICESCR). Some members expressed disappointment that the Administration had maintained to adopt an incremental approach in taking measures to realize the rights recognized under the Covenant. They were also dissatisfied with the Administration's slow progress in implementing the recommendations made earlier on by the United Nations Committee on Economic, Social and Cultural Rights in its Concluding Observations. Members will later follow up the latest Concluding Observations issued by the United Nations Committee in May.

The Panel also took an active interest in discrimination issues. It conducted discussions with the Administration and concern organizations the issues of discrimination on the ground of sexual orientation and racial discrimination. Later on, the Panel will discuss with the Administration the report presented by the SAR under the International Convention on the Elimination on All Forms of Racial Discrimination.

Madam President, the Panel discussed with representatives from religious bodies and the Administration the definition of religious bodies, as well as the views of the different religions on "evil cult". Members shared the view of most of the religious bodies that there was adequate legislation against illegal activities of religious bodies. Thus, the Government did not need to legislate on religion. In addition, members urged the Administration not to do anything to compromise religious freedom in Hong Kong.

The Panel has always supported the efforts of the Administration in developing a sports culture and also in planning state-of-the-art sports facilities. Members discussed the Administration's plan to upgrade sports facilities. Upon the completion of the consultancy study on the requirements for major new sports and recreation venues, the Panel also received a briefing by the Administration on the recommendations of the consultant.

Members felt strongly that plans of sports facilities must dovetail with sports policy. Since a sports policy review was underway, the Administration should not make any decision on building major new sports and recreation venues. The Administration assured members that the findings of the consultancy study would be considered in the context of the overall sports policy review and wide public consultation on sports development strategies would be conducted.

On district and rural affairs, Madam President, the Panel discussed the functions of District Councils (DCs) and honorarium and allowance for DC members with the Administration. Members urged the Government to realize its promise to strengthen the role of DCs. Moreover, Members were also of the view that the Administration should provide DC members with additional support to help them discharge their enhanced duties. The Administration undertook to consider carefully the opinions of Members in the overall review of the role and functions of DCs.

Madam President, the Panel was also concerned that the judgment of the Court of Final Appeal (CFA) concerning the right of two non-indigenous inhabitants in village representative (VR) elections would affect VR elections significantly. Members requested the Administration to expedite the consultation and legislative process in devising a new system for VR elections

which was compatible with the CFA judgment. The Administration assured members that it would work out as soon as possible a formulation which would comply with the CFA judgment and protect the lawful traditional rights and interests of indigenous inhabitants. The Panel will follow up the discussion when a preliminary proposal on the new system is available.

Madam President, I so submit.

**PRESIDENT** (in Cantonese): Mr CHAN Kam-lam will address the Council on the report of the Panel on Housing 2000/2001.

### **Report of the Panel on Housing 2000/2001**

**MR CHAN KAM LAM** (in Cantonese): Madam President, in my capacity as Chairman of the Panel on Housing I now present the 2000-01 report on the work of the Panel during the 2001-01 session. I would like to highlight a few major points contained therein.

The Panel on Housing set up a working group to follow up on the excessive uneven foundation settlement in Tin Chung Court, the piling problems at Shatin Area 14B Phase 2, the suspected use of rejected substandard reinforcement in Tung Chung Area 30 Phase 3 and the suspected use of substandard construction materials in the Redevelopment of Shek Yam Estate Phase 2. To find out the causes of the building problems in the four incidents, the working group considered that an independent and comprehensive inquiry on the matter was necessary. A Select Committee was subsequently set up by resolution passed at the Legislative Council meeting on 7 February 2001.

Since the Administration had confirmed that the unusual settlement in certain housing estates of Tseung Kwan O was caused by the construction of the Harbour Area Treatment Scheme (formerly known as the "Strategic Sewage Disposal Scheme") tunnel, the Panel considered that the Government should be responsible for compensating the residents affected by the settlement. An independent arbitration mechanism should be set up and independent experts should be engaged to determine the liability of the parties concerned.

Rehousing arrangement for residents affected by clearance operations of the Government had been a concern of the Panel. A Subcommittee on Rehousing Arrangements for Residents Affected by Clearance of Temporary Housing Areas, Squatter Areas and Cottage Areas was set up under the Panel with a view to providing necessary assistance to the affected residents. The Panel also followed up actively the clearance of illegal rooftop structures and the resiting arrangements for tenants affected by the redevelopment of housing estates.

As regards the administrative arrangements introduced by the Housing Authority (HA) as a result of a review of the policy on the provision of overcrowding relief to overcrowded households, the Panel felt that such arrangements could not fully address their problems, particularly in relation to queue-jumping by families which became overcrowded as a result of addition of family members from the Mainland. To ensure fairness, the Panel urged the Administration to consider separating tenants seeking overcrowding relief into two queues, one on living density and the other on waiting time; a "scoring" system should also be established to determine the priority for overcrowded relief.

Moreover, the Panel was dissatisfied that the HA had announced the reduction of the income and asset limits by 20% and 14% for Home Ownership Scheme and 7.5% and 6% for Waiting List respectively without first consulting fully the public and the Legislative Council. The Panel therefore passed a motion reproving the HA and demanded that the HA should suspend the implementation of the new limits.

To encourage more tenants to buy the Tenants Purchase Scheme (TPS) flats, the Panel was of the opinion that the HA should ensure satisfactory completion of the repairs and maintenance works before these flats were put up for sale. It should also consult prospective buyers in the preparation of deed of mutual covenant for the TPS estates.

Regarding the pilot scheme for Rent Allowance for the Elderly, the Panel supported in principle the provision of rental subsidies for eligible elderly applicants who had been on the Waiting List for at least two years and were due for flat allocation, and for those due to be rehoused under the development clearance, redevelopment and compassionate rehousing categories as an alternative means of public housing provision. However, the Panel emphasized

that the scheme should be intended as an interim measure to address the housing needs of elderly households pending allocation of public rental housing flats. The ultimate solution would be for the Administration to step up the production of specially designed public rental housing flats for the elderly.

An account of the other major issues discussed by the Panel is given in the Report presented.

Madam President, I so submit. Thank you.

**PRESIDENT** (in Cantonese): Mr LAW Chi-kwong will address the Council on the report of the Panel on Welfare Services 2000/2001.

### **Report of the Panel on Welfare Services 2000/2001**

**MR LAW CHI KWONG** (in Cantonese): Madam President, in my capacity as Chairman of the Panel on Welfare Services I now present to the Legislative Council the report on the work of the Panel during the year 2000-01. I would like to highlight a few major issues discussed by the Panel.

The Panel was very concerned about family welfare services, and the study of such services the Administration had commissioned the University of Hong Kong to conduct. Members felt that changes in traditional Chinese family values and structures coupled with such factors as immigration, population mobility, an ageing society, economic recession, and so on, had caused family problems to become increasingly complex. Thus, members welcomed the Social Welfare Department's plan to encourage the development of district-based services and programmes with the participation of non-government organizations, residents and local organizations to promote networking, volunteerism and formation of mutual help groups targeted at local need to assist families in crisis.

Members noted that the Social Welfare Department would commission a non-government organization to set up a Family Crisis Support Centre in 2001-02 to act as a focal point for tackling family crises at an early stage. Open at all hours, the Centre would provide a hotline service as well as crisis intervention, overnight accommodation and temporary retreat. The Administration would also launch a publicity campaign to encourage families in distress to seek early professional advice and promote positive ways to cope with adversity.

Services for the elderly was another issue of concern to the Panel. The Administration briefed the Panel on the implementation of the Standardized Care Need Assessment Mechanism for Elderly Service, regulation of residential care homes for the elderly, the development of integrated services for elders, as well as the progress of the pilot scheme for contracting out home care and meal services.

Members felt that the Administration should take further initiatives to improve service standards of private residential care homes, including enhancing training for staff of these homes and instituting prosecution against non-compliance with licensing conditions.

As regards home care and meal services, members were of the view that there was a need to integrate the existing fragmented home care and meal services provided under different service modes. The Administration explained that it was also its objective to make such services more integrated.

The Panel was also concerned about services for the disabled. Early this month, the Administration briefed the Panel on its implementation plan for the new initiatives to assist people with disabilities. The plan embraced a package of measures to address the basic needs of the disabled, improve their employment prospects and help them realise their potential. Members expressed support for the proposed expenditure initiatives.

Regarding the policy and procedures for allocating new social welfare services, the Administration believed that all elderly services, from home care to residential care, were suitable for private sector participation. It therefore intended that competitive bidding should be applied to these services.

Members were worried that the quality of elderly care services would be compromised if the private sector participated in the provision of such services. The Panel thus passed a motion opposing the participation of profit-making bodies in the provision of subsidized elderly care services.

As a detailed account of the other issues is already given in the Report, I am not going to repeat them here.

Thank you, Madam President.

**PRESIDENT** (in Cantonese): Mr SIN Chung-kai will address the Council on the report of the Panel on Information Technology and Broadcasting 2000/2001.

### **Report of the Panel on Information Technology and Broadcasting 2000/2001**

**MR SIN CHUNG-KAI** (in Cantonese): Madam President, in my capacity as Chairman of the Panel on Information Technology and Broadcasting (the Panel) I now present the report on the work of the Panel during the year. The Panel has discussed a number of issues of public concern. As details of these issues are already given in the Report, I will only highlight a few major ones.

The Panel was extremely concerned about the licensing framework for the third generation (3G) mobile services and had actively exchanged views with the Administration, members of the trade and other parties. The Panel generally agreed that licensing arrangements must be able to encourage fair competition and prevent collusive activities. In view of the novelty of the hybrid licensing method, that is, "screening first, auction next", particularly the bidding method based on royalty percentage, members urged the Administration to be cautious.

The Panel stressed that to avoid possible legal proceedings in the future, the relevant legal provisions must be clear. As for the auctioning details and the Information Memorandum, members urged the authority to conduct adequate consultation and to promulgate early the specific arrangements for the auction which could serve as a guidance for interested bidders.

The Panel supported in principle the requirement that future 3G operators should lease at least 30% of their network capacity for access by non-affiliated mobile virtual network operators, as this would promote market competition at the content and service level. The Panel nevertheless urged the Administration to consult fully the industry so as to ensure that the arrangement would be fair to both the licensees and the network leasees.

Regarding interconnection of telecommunications network, the Panel discussed issues arising from the interconnection between the three new fixed telecommunications network services (FTNS) operators and the dominant FTNS operator. As the Administration had made it a target that by the end of 2002, at least 50% of residential customers could choose to have the service provided by one of the new FTNS operators. Members were particularly concerned whether this target could be met as scheduled and would continue to follow up the work of the Government in this respect.



The Panel deliberated on the key initiatives of the Government's "2001 Digital 21 Strategy", such as the development of E-Government, stepping up training for local talents, and so on. Members also felt that students' competency in English should be enhanced so that they could better master information on the Internet.

The Panel was deeply concerned that due to the difficulties they encountered in using information technology, certain disadvantaged groups in society were unable to benefit from the development of information technology. In order to narrow the digital gap, the Panel asked the Government to actively consider the needs of the socially disadvantaged groups and to give them more support in terms of facilities and technology. The Administration has undertaken to furnish a reply on the concerns of the Panel for its further consideration.

On the Cyberport project, the Panel received periodic briefings on progress reports presented by the Administration. The Panel was much concerned as to whether the Cyberport could serve its purpose of creating a strategic cluster of leading information technology and services companies. Moreover, it also requested the authority to look into ways to make available more office space and to ensure that the future mechanism for selecting tenants would be fair and reasonable. The Panel will further follow up the progress reports in its regular meeting in July.

As regards broadcasting services, the Panel would follow up the findings of the public consultation on "Digital Terrestrial Broadcasting", and would continue to examine such issues as future compatibility of local digital terrestrial television standard with that of the Mainland, and simulcast of analogue and digital services, and so on. Members were also concerned about the effect of convergence in technologies on the regulation of telecommunications and broadcasting services.

I believe the Panel will continue to keep a close watch on the development of the various major issues in future. I should like to take this opportunity to thank Members, the Administration and the Secretariat for their support, without which the Panel would not have carried out its work smoothly.

Madam President, I so submit.

**PRESIDENT** (in Cantonese): Prof NG Ching-fai will address the Council on the report of the Panel on Environmental Affairs 2000/2001.

### **Report of the Panel on Environmental Affairs 2000/2001**

**PROF NG CHING-FAI** (in Cantonese): Madam President, in my capacity as Chairman of the Panel on Environmental Affairs (the Panel) I now present the 2000-01 report on the work of the Panel. I would like to give a brief account of several major issues contained therein.

The Panel has all along been monitoring closely the progress of the Harbour Area Treatment Scheme (HATS) (formerly known as the "Strategic Sewage Disposal Scheme"). In view of the public concern over the delay in HATS Stage I, the preferred treatment level and discharge arrangements, the Government finally appointed a new International Review Panel (IRP) in April 2000 to re-examine the subsequent stages of the HATS. The IRP recommended that Hong Kong should go for a higher level of wastewater treatment with a short and low dilution outfall, and that Biological Aerated Filters (BAF) treatment should be applied to all HATS flows.

To ascertain the viability of using BAF technology in Hong Kong, the Panel sent a delegation comprising four Members of the Panel to visit a number of prominent sewage treatment plants using BAF technology in London, Hamburg, Herford, Cologne, Wiesbaden and Paris during the period from 4 to 12 April 2001. The delegation concurred in principle with the IRP that BAF technology was viable for Hong Kong in view of its compactness and small land area requirement. However, pilot plan study and water quality analysis should be carried out to determine the type of BAF treatment process to be adopted, taking into account the salinity of sewage in Hong Kong resulting from the use of seawater for flushing. Given the lack of agricultural land for disposal of sewage sludge in Hong Kong, and that existing landfills only have a life span of five or six years, the delegation was of the opinion that we could consider drawing on the European experience and switch to incineration for treating sewage sludge. Of course, since the salinity of the sewage sludge of Hong Kong was relatively high, there must be strict scientific data to prove that upon treatment, flue gas generated from the incineration technology to be adopted could not only meet but surpass the stringent emission and odour standards prescribed by the European Union.

On water quality improvement, the Panel considered that the Administration should take more vigorous actions to prevent livestock keepers from illegally disposing of livestock wastes into rivers and coastal waters. Regarding the Trade Effluent Surcharge Scheme, although the Panel supported the "polluter pays" principle, it had reservation about the use of Chemical Oxygen Demand as the parameter for the strength of effluent and the application of generic values for effluent strength to all trades. In view of the fact that the Administration was considering ways to revise the proposals on reassessment of Chemical Oxygen Demand, the Panel urged that it should consult the relevant trades before making any decision.

With regard to air quality improvement, the Panel supported the implementation of the five-year improvement plan to control vehicle emissions. Regarding the proposal to control idling engine, the Panel held that the adoption of an advisory approach using published guidelines should only be intended as an interim measure; the use of enforcement legislation should be the way forward in the long term.

On the issue of waste management, in view of the anticipated shortfall in public filling capacity and landfills, the Panel stressed the need for waste reduction and recycling, particularly in respect of construction and demolition waste. The landfill charging plan should also be implemented as soon as possible.

As far as noise control was concerned, the Panel considered that while stepping up enforcement actions to combat the sounding of horns in silent zones, speeding, converting of motor vehicles to high-speed vehicles and car racing, the Administration should also consider installing double-glazed windows and air-conditioning for residents affected by noise.

The main points of the other issues discussed by the Panel have been summarized in the Report presented. Madam President, this is my first and may be the last time to present reports to the Legislative Council on behalf of the Panel, I would like to take this opportunity to thank Members of the Panel for their co-operation and support. Moreover, I should also like to thank the staff of the Secretariat, and particularly Miss Becky YU, for their fine service. I so submit. Thank you.

**ORAL ANSWERS TO QUESTIONS**

**PRESIDENT** (in Cantonese): Questions. I would like to inform Members that question time normally does not exceed one and a half hours, with each question being allocated about 15 minutes. Again, I have to remind Members that supplementaries should be as concise as possible and Members should not make statements when asking supplementaries, while only one question could be asked in each supplementary.

First question.

**Insurance Intermediaries Qualifying Examination**

1. **MR AMBROSE LAU** (in Cantonese): *Madam President, to raise the professional status and enhance the local insurance intermediaries' knowledge in insurance, the Insurance Intermediaries Quality Assurance Scheme (IIQAS) was launched on 1 January last year. Under the IIQAS, all persons engaged in the insurance intermediary business, other than those exempted, are required to pass the Insurance Intermediaries Qualifying Examination (IIQE), and non-exempted in-service intermediaries have to pass the Examination within a grace period of two years. It has been reported that up to the middle of last month, the passing rate of the IIQE stood at about 50%. In this regard, will the Government inform this Council:*

- (a) *of the average passing rate for each paper since the launch of the IIQE;*
- (b) *whether it plans to take measures to assist and ensure that all the insurance intermediaries can pass the IIQE before the deadline; if so, of the details; if not, the reasons for that; and*
- (c) *whether it will consider extending the grace period so as to allow sufficient time for the insurance intermediaries to pass the IIQE?*

**SECRETARY FOR FINANCIAL SERVICES** (in Cantonese): Madam President, could any staff member give me a wooden stand for resting my speech text?

**PRESIDENT** (in Cantonese): Steward, please give the Secretary for Financial Services a wooden stand.

**SECRETARY FOR FINANCIAL SERVICES** (in Cantonese): Madam President,

- (a) The IIQE comprises three parts, a compulsory paper, two optional papers and one independent paper. For the period from the introduction of the IIQE in the second half of 1999 to 8 June 2001, the average passing rates and relevant figures in respect of the relevant examination papers were as follows:

		<i>Number of persons taking the examination</i>	<i>Number of persons passing the examination</i>	<i>Passing Rate</i>
Part I	<i>(Compulsory Paper)</i>			
	Principles and practices of Insurance	65 973	29 023	44%
Part II	<i>(Optional Paper)</i>			
	(a) General Insurance	21 220	8 903	42%
	(b) Long Term Insurance	56 776	30 153	53%
Part III	<i>(Independent Paper)</i>			
	Mandatory Provident Fund (MPF) Schemes	65 365	48 533	74%

Unless otherwise exempted, insurance intermediaries must pass Part I of the IIQE and at least one paper from Part II, depending on the type of insurance products they would be selling. In addition, insurance intermediaries would need to pass Part III for marketing MPF Products.

- (b) The purpose of introducing the IIQE is to ensure that insurance intermediaries possess the basic qualifications and attain the relevant professional standard. Hard work and perseverance are essential. There is no measure which would ensure all insurance intermediaries could pass the examinations before the deadline.

In assisting the insurance intermediaries to sit for the IIQE, the Government and the organizations concerned have already made appropriate arrangements. Firstly, the Office of the Commissioner of Insurance (OCI) has taken a series of special measures to assist the candidates in preparing for the IIQE. Based on the syllabus of the examinations, it has published study notes for each of the IIQE paper. Examples of examination questions are set out in the study notes as reference for the candidates. The examination questions are set on the basis of the content of the study notes. The OCI has distributed the study notes to all insurance companies free of charge, with a view to facilitating their agents' preparation for the examination. Such notes can also be downloaded from the OCI's website. They are available in both English and Chinese to help candidates understand better the requirements of the IIQE.

Secondly, the OCI has been in constant contact with the industry and insurance companies to encourage them to provide sufficient training for their agents, with a view to helping those who intend to stay in the industry to prepare for the examination. In fact, many insurance companies have already taken positive steps to enhance the training for their agents so that they could obtain the relevant qualification within the grace period.

Thirdly, as the examination authority, the Vocational Training Council (VTC) also assists in arranging examination sessions for candidates expeditiously. At present, under normal circumstances, candidates can receive their examination results within five working days after taking the examination. Those who fail in the examination can enrol again immediately and can normally re-sit the examination within three weeks.

- (c) The IIQE is an important element of the IIQAS. The purpose of implementing the IIQAS is to provide better protection for policyholders, by enhancing the professionalism and quality of services of insurance intermediaries. Improving the overall standards of insurance intermediaries could further Hong Kong's status as an insurance centre in the Asian-Pacific region and facilitate the development of our insurance industry. Hence, both the OCI and the industry fully recognize that there is a practical need to implement the IIQAS.

Before implementing the IIQAS in 1999, the insurance industry was consulted extensively, through the Steering Committee of the IIQAS. The industry indicated support for the details of the Scheme, including the two-year grace period.

Since the announcement of the IIQAS in May 1999, the Commissioner of Insurance has initiated a series of measures to publicize the IIQAS. These included the publication of publicity materials and making announcements in the OCI's website, through the mass media and at the various activities organized by the industry, to remind insurance intermediaries to take the IIQE as early as possible.

According to the information provided by the self-regulatory bodies, there are approximately 48 000 individual insurance intermediaries. About 13 000 are exempted from the IIQE, representing about 27% of the total number. The remaining 73% (about 35 000) will need to pass the IIQE to continue to practise in the industry. Although we do not have the exact figures, we can derive from the number of intermediaries who have passed both the Principles and Practices of Insurance and the Long Term Insurance papers that at least 29 000 persons have passed the IIQE. We therefore believe that more than 80% of the insurance intermediaries have either been exempted from or passed the IIQE, and can continue to practise in the industry.

The VTC now holds an average of 70 examination sessions per week, catering for about 3 000 candidates. On this basis, about 80 000 candidates can attend the IIQE in the coming 26 weeks. The VTC is capable of providing more examination venues and arranging for more examination sessions to be held where necessary to cater for the needs of the candidates.

In view of the above arrangements and the feedback from the industry, we believe that the grace period of two years is appropriate. With the training provided by the industry, those who want to take the IIQE should have adequate time to do so in the latter half of the year. We do not consider it necessary to extend the grace period.

**MR AMBROSE LAU** (in Cantonese): *Madam President, I thank the Secretary for furnishing us with a detailed reply. In the third paragraph of part (b) of the main reply, the Secretary mentioned that many insurance companies have already taken steps to enhance the training for their agents. I would like to ask the Secretary whether the Administration has taken any positive steps to assist the industry in designing some training courses which can meet the needs of the examination?*

**SECRETARY FOR FINANCIAL SERVICES** (in Cantonese): Madam President, I thank Mr LAU for his question. Through the Steering Committee that I just mentioned, the OCI will maintain close contact with the industry. For example, it will see whether the industry has any difficulties in interpreting and understanding the study notes concerned. According to the OCI, many insurance companies are currently providing training courses for their own staff. Of course, apart from these companies there are also other educational institutions providing relevant courses. For example, institutions like the VTC, the School of Professional and Continuing Education of the University of Hong Kong and the Lingnan University all provide insurance-related courses for members of the industry.

**MR BERNARD CHAN** (in Cantonese): *Madam President, in part (c) of the main reply the Secretary mentioned that about 35 000 people would need to pass the IIQE to continue to practise in the industry. I would like to ask the Secretary whether these 35 000 people include those from outside the insurance industry, such as travel agents who will also promote travel insurance when selling air tickets or automobile agents who will also sell insurance products? If so, have they passed the IIQE, and what is their passing rate?*

**SECRETARY FOR FINANCIAL SERVICES** (in Cantonese): Madam President, I thank Mr CHAN for his question. The purpose of launching the IIQE is to ensure that the intermediaries of the industry attain a basic professional standard. In other words, all those who engage in the selling of insurance products in the insurance industry are required to pass the IIQE. Just now Mr CHAN mentioned about the employees in the tourist industry and the automobile industry. If these employees are involved in the selling of insurance products, they are also required to pass that IIQE. As regards those 35 000 people, I do



not have the breakdown on hand showing whether they include those engaging in selling car insurance, travel insurance, marine insurance or fire insurance. However, I believe that these people are also included.

**DR LUI MING-WAH** (in Cantonese): *Madam President, from part (a) of the Secretary's main reply we can see that the passing rates of Part I and Part II of the IIQE are quite low, just about 44% and 53% respectively. Given the low passing rates, there is no doubt a waste of our society's resources. May I ask the Secretary how the Government is going to increase the passing rates of the IIQE so as to ensure the qualifications of the professionals?*

**SECRETARY FOR FINANCIAL SERVICES** (in Cantonese): *Madam President, I thank Dr LUI for his question. On the face of it, the passing rates of the IIQE seem to be on the low side. But please allow me to quote some overseas figures to show that our passing rates are not really too low. For our neighbouring regions, for instance, in mainland China, the passing rate is 20%. As regards Singapore, the passing rate is 43%.*

Dr LUI asks whether we have taken any measures to help those who want to continue their practice in the insurance industry to pass the IIQE. As I mention in the main reply, on top of the study notes we have already published, the industry has also some training arrangements while relevant courses are offered by tertiary institutions. Hence I believe that those who wish to enter the industry or continue their practice in the insurance industry will have enough opportunities to attain self-improvement and then pass the IIQE. Besides, I wish to emphasize that even the grace period has passed, it is not the end of the day. As a matter of fact, there are infinite opportunities, because so long as you have passed the IIQE, whether in the following year or the year after, you may then join the industry.

**MR HENRY WU** (in Cantonese): *Madam President, according to the Secretary's main reply, different passing rates have been recorded for Parts I, II and III of the IIQE, with the passing rate of Part III, which is approaching 75%, being relatively more satisfactory. I would like to ask the Secretary whether any review has been conducted in the light of these passing rates to look into the reasons why the passing rates of certain parts of the examination are so low? Is*

*it because the duration of examination was too short while the questions were too long; or because the examination was in the form of fill-in-the-blanks rather than in the form of multiple-choice questions?*

**SECRETARY FOR FINANCIAL SERVICES** (in Cantonese): Madam President, I thank Mr WU for his question. From the figures concerning the passing rates, we can clearly see that the passing rate of one part of the examination is relatively high, the possible reason for this is that part of the IIQE was conducted in August 1999. If you may recall, it was the time when the MPF products were first introduced. At that time, no grace period was set for that part of the IIQE, and thus those who wanted to practise in the industry might have actively prepared for the IIQE in order to obtain the qualification as soon as possible, so that they could enter the industry and strive for as many transactions as could be during that prime period. This may explain why the passing rate for that part of the examination is relatively higher. As regards the other parts of the examination, we have not done any substantial analysis.

Mr WU is also interested in the form of the IIQE. With regard to the content of the examination, the consultants participating in designing the examination questions are well experienced in the area concerned, and they have also designed the examination questions for Singapore and the United Kingdom. For the examination papers concerned, they were in the form of multiple-choice questions.

**PRESIDENT** (in Cantonese): The Council has already spent more than 15 minutes on this question, but since the Secretary has spent about nine minutes to give a very detailed reply to the main question a moment ago, I will allow two more Members to raise their supplementary questions.

**MISS CHOY SO-YUK** (in Cantonese): *Madam President, the Secretary said in the last paragraph of the main reply that the grace period would not be extended, albeit the passing rates of the IIQE were indeed on the low side. There may be people who really want to practise in this industry but have failed in the examination for one to two times. In this connection, could the Secretary inform this Council whether the Administration has imposed any restriction on the number of unsuccessful attempts made by candidates, such as disqualifying*

*candidates failing a certain number of times from sitting for the examination again? If there is such a situation, will the Government adopt a more flexible approach as far as the grace period is concerned?*

**SECRETARY FOR FINANCIAL SERVICES** (in Cantonese): Madam President, I thank Miss CHOY for her question. As I said earlier, there is no limit as to the number of times the examination is to taken. For those who want to practise in the insurance industry, if they should fail in the examination, they could apply to sit for the examination later again. As regards the question whether the Government will give more allowance to those who have failed in the examination, we do not think there is any of such need as the opportunities for taking the examination are unlimited.

**PRESIDENT** (in Cantonese): Last supplementary question.

**MR HOWARD YOUNG** (in Cantonese): *Madam President, the low passing rates of the examination mentioned by the Secretary in the main reply are indeed worrying, as I believe the majority of those who have taken the examination are members of the insurance industry. Mr Bernard CHAN mentioned a moment ago that some front-line members of the tourist industry also have to sell insurance products upon tourists' requests, and such products are simple insurance products. Could the Secretary inform this Council whether the Government would consider designing some specific examination papers for non-members of the insurance industry, so that when they pass the examination, they can only sell certain insurance products but not others? Otherwise, I am afraid the result of members of other occupations in the examination would be even worse, seeing that the passing rates of even members of the insurance industry in the IIQE were so low.*

**SECRETARY FOR FINANCIAL SERVICES** (in Cantonese): Madam President, I thank Mr YOUNG for his question. In fact, I have seen the mock examination papers. As I said earlier in the main reply, the purpose of the IIQE is mainly to ensure that the insurance intermediaries can attain the basic qualifications and the basic professional standard. No matter what products are the intermediaries selling, including marine insurance, fire insurance, travel

insurance or car insurance, the intermediaries should have some basic knowledge. We cannot say that they can sell the insurance products without of such basic knowledge. We have listened to the views from the industries concerned, and referred to the regulatory arrangements of the neighbouring countries. We note that the practice of our neighbours is the same as ours, that is, the people concerned should have a pass in the basic knowledge, while individuals who wish to sell certain products should sit for the examinations concerned.

**PRESIDENT** (in Cantonese): Second question.

### **Progress of Port Development Strategy Review**

2. **MR NG LEUNG-SING** (in Cantonese): *Madam President, the Administration initiated the latest Port Development Strategy Review (PDSR) in May last year with the objective of formulating an updated planning framework for the provision of port facilities, so that the Government could reserve land and marine sites well in advance for the future development of port facilities to enhance various value-added services. The review was expected to be completed by mid-2001. In this connection, will the Government inform this Council:*

- (a) *of the progress of the review; if it has been completed, of its findings;*
- (b) *whether reference has been made in the review to the developments of the ports in neighbouring countries and regions and their port development strategies; if so, of the details; and*
- (c) *how Hong Kong's port development strategy will tie in with China's imminent accession to the World Trade Organization (WTO) and its policy to vigorously develop the Western Region, and how the ports in Hong Kong will be enhanced in terms of service quality and cargo handling capacity so as to strengthen the territory's position as the leading transportation and logistics hub in the region and in the world?*

**SECRETARY FOR ECONOMIC SERVICES** (in Cantonese): Madam President,

- (a) The main objective of our port policy is to ensure a realistic planning of port-related infrastructure and a timely provision of port facilities to handle Hong Kong's forecast cargo throughput. The PDSR is an exercise carried out in support of this objective. Since the completion of the Port and Airport Development Strategy (PADS) Study in 1989, we have undertaken such reviews from time to time, to ensure that adjustments can be made to reflect updated information and that our port development strategy can meet the needs of the changing environment. The last PDSR was completed in 1998 and we are conducting the fourth one.

Every PDSR will include an update on the productivity of container terminal berths so as to give a better estimation of the timetable for new container terminal facilities. The scope of PDSR covers not only container port facilities but also other cargo handling facilities and ancillary port facilities, inter-modal links and related supporting facilities.

As the current update exercise will translate the Port Cargo Forecasts (PCF) findings into demand for cargo handling facilities as a basis for reviewing the need for new port facilities, the PDSR could only be conducted when the findings of the PCF are available.

The latest PCF was completed in March 2001, the main findings are:

- (i) our total throughput over the last five years has sustained an annual growth of 6.6%;
- (ii) cargo demand for the Hong Kong container port in the next 15 years will grow at an annual rate of 5%, which is faster than the forecast in the previous study in 1997 which was 4.6%; and

- (iii) the cargo source from for the Pearl River Delta (PRD) is expected to continue to grow at a high rate fuelled by an expected general increase in world trade and increase in foreign direct investment on China's accession to the WTO;
  - (iv) Although ports are being developed in Northern Mainland and there are increasing competitions from the Shenzhen ports, the Study has concluded that cargo from Southern China will grow sufficiently fast to support the planned expansion of ports in the region, including Hong Kong and Shenzhen. The port throughput of Hong Kong is expected to grow from 18.1 million TEU in 2000 to 30 million TEU in 2010 and over 40 million TEU in 2020.
- (b) We are now updating the fourth PDSR based on the above PCF findings.

The PDSR will assess various major factors affecting Hong Kong's port development and consider how the port development Strategy should be supported to meet the changing circumstances. These factors include port development plans in neighboring ports. Our Port and Maritime Board (PMB) maintains contacts with the mainland authorities responsible for port planning in Shenzhen and Guangdong as well as the State Development Planning Commission and the Ministry of Communications to exchange views and information on port planning matters to enhance both sides' understanding of our respective port development plans and forecasts. Our recently completed PCF was produced after information exchange with our counterparts in the Mainland. We believe these contacts and information exchange is helpful to our formulation of realistic port development plans.

- (c) The PDSR will also assess a range of factors, apart from the impact of China's accession to WTO; the development in the Western Region and Mainland's port development; we also focus on enhancing Hong Kong's position as an international and regional transportation and logistics hub; expanding our connectivity with the Mainland; and improving Hong Kong's freight handling productivity.

Another factor that we need to take into account in our PDSR is how to develop the port as an integrated element in the overall supply chain management. Logistics services span over sea, air and land transport, and involve various policy areas. To ensure a "through train", they also require the support of the public and private sectors at different stages of the supply chain. Recognizing this point, in the past year, the Committee on Logistics Service Development (CLSD) under the PMB has studied the necessary measures to strengthen the three pillars for logistics development, namely physical infrastructure, human resources and cyber and regulatory infrastructure.

In order to formulate a comprehensive outline development plan covering the port, the airport and the logistics sector, we are conducting three studies. They are the PDSR that I mentioned earlier, the Strategic Overview of Major Airport Development (SOMAD) Study and the Logistics Study to strengthen Hong Kong's role as the preferred transportation and logistics hub. These three studies are expected to be completed before the end of the year.

The PDSR is in progress. We will be happy to brief the Panel on Economic Services of the Legislative Council on the findings when they are available.

**MR NG LEUNG-SING** (in Cantonese): *Madam President, I thank the Government for furnishing us with such a detailed reply even when the entire PDSR has yet to finish. In paragraph (ii) of part (a) of the main reply, the Secretary made this forecast: Cargo demand for the Hong Kong container port in the next 15 years will grow at an annual rate of 5%, which is faster than the forecast in the previous study in 1997. I should like to ask the Secretary on what basis or grounds is the Government making this forecast which is far beyond that made in 1997, when the Asian economy is still being affected by the financial crisis?*

**SECRETARY FOR ECONOMIC SERVICES** (in Cantonese): *Madam President, the most basic reason is that the Government believes that the future trade development of China and the cargo from Southern China will grow speedily. Under the circumstances, the forecast concerned has attained the annual rate of 5% that I mentioned earlier.*

**MR ERIC LI** (in Cantonese): *Madam President, in paragraph (iv) of part (a) of the main reply the Secretary pointed out that our forecast was obviously based on the development of the ports in Southern China as well as the cargo growth of the Mainland. And in part (b) of the main reply, the Secretary also stated that the main data came from the exchange of information between Hong Kong and the Mainland. Since such information seems to be all about the development of the Mainland, I should like to ask the Secretary whether the Government has conducted any reliable and independent test, inspection or verification when using these figures as the basis of forecast, so that we can be assured that these figures can be used as the basis of our forecast?*

**SECRETARY FOR ECONOMIC SERVICES** (in Cantonese): *Madam President, we do not rely solely on the information exchanged between Hong Kong and the Mainland, as we have also assessed the future economic growth of Hong Kong. Apart from using the information provided by the Mainland, our consultants also referred to other research data before making the decision concerned.*

**MR ALBERT CHAN** (in Cantonese): *Madam President, the Secretary mentioned in the main reply that the scope of the PDSR also covered cargo handling facilities and ancillary port facilities, and I welcome the scope of review. However, as we can see from the present situation, some mid-stream operators, for example, are overcharging and thereby tarnishing Hong Kong's international reputation. Could the Secretary inform this Council whether the Government would take into account the unscrupulous practices of such operators which adversely affect the reputation of Hong Kong when conducting reviews in future, and then tighten the monitoring over these organizations through the conditions for land grants, so that the reputation of Hong Kong will not suffer any unnecessary damage?*

**PRESIDENT** (in Cantonese): *Secretary for Economic Services, do you have the related information on hand to answer this question?*

**SECRETARY FOR ECONOMIC SERVICES** (in Cantonese): *Madam President, I have already answered this question in the Panel on Economic*



Services. First of all, I have to state clearly that mid-stream operation is a kind of commercial operation. As Members possibly know, we have already spent a lot of time on the mediation work of various aspects. I also stated on that day that the Government would not regulate or determine the continuous operation or otherwise of a company by means of land grants or lease terms.

**MRS MIRIAM LAU** (in Cantonese): *Madam President, in part (c) of the main reply, the Secretary mentioned that logistics services spanned over sea, air and land transport, and involved various policy areas. In the case of Hong Kong, air transport is under the jurisdiction of the Airport Authority, land transport is under the Transport Department, while sea transport is the responsibility of the PMB which is under the Economic Services Bureau, and the PMB actually has no real power. As I understand, governments of other places in the world are very much concerned about the development of logistics services. Their practice is that the matters concerned will normally be handled by units on a par and have real power. Taking Hong Kong as an example, the Airport Authority and the PMB belong to such units. However, in Hong Kong, not only are the matters concerned being handled by different departments or bureaux, the departments concerned or part of the departments are also vested with no real power. Does the Secretary agree that the existing system of Hong Kong inevitably hinder the development of logistics services? Besides, in reviewing and formulating the master-plan for future development, will the Secretary deal with matters in that respect?*

**SECRETARY FOR ECONOMIC SERVICES** (in Cantonese): Madam President, regarding the study of logistics services, actually we have already invited some consultants to furnish us with recommendations. As far as the framework is concerned, logistics services involve various policy areas. Not only is the handling of such matters a duty of government policy bureaux or departments, it also requires co-operation between public and private institutions on different levels. We hope that the institutions concerned can provide us with information and recommendations so that we can launch and implement more useful and effective measures and enhance the status of our logistics centres.

**PROF NG CHING-FAI** (in Cantonese): *Madam President, according to the Government's forecast, the port throughput of Hong Kong is expected to grow. Since the majority of the goods are being handled by container terminals, does the Government have any plan to construct new container terminals in certain sites?*

**SECRETARY FOR ECONOMIC SERVICES** (in Cantonese): Madam President, we will also study whether we need to construct other container terminals upon the completion of Container Terminal 9. If there is such a need, we will further study how we are going to identify the sites. Preliminarily, we have chosen four sites, and each site has its pros and cons. They are Tuen Mun West, Lantau West, Lantau East and southwest of Tsing Yi Island. Apart from identifying the sites, we have to understand that no matter what the decision will be in the future, any development should be in consistence with our target of sustainable development. The above-mentioned are only some sites preliminarily identified by us. If our study later concludes that we need to construct more container terminals, we have to conduct more in-depth site identification studies, including study on draught. We have to know the extent of the capacity of container ships in the world will increase in the future, and the depth of any new container terminal has to be up to correspondingly.

**MR ABRAHAM SHEK:** *Madam President, in the Secretary's reply, there is no mention of the rail freight development study as part of the Port Development Strategy Review. Can the Secretary advise us whether the development of a specialized railway line linking the present and future container terminals with the Mainland is part of our future port development strategy?*

**SECRETARY FOR ECONOMIC SERVICES:** Madam President, I can confirm that the study is on-going about using the rail to connect the container ports with our cargo terminals.

**PRESIDENT** (in Cantonese): The Council already spent more than 15 minutes on this question. This will be the last supplementary question.

**MR KENNETH TING** (in Cantonese): *Madam President, the Secretary estimates that the cargo demand for the Hong Kong container port will grow at an annual rate of 5%. But as far as we know, the level of charges of Hong Kong container terminals is the highest in the world. Has the Secretary considered how to maintain the competitiveness of Hong Kong in the cargo industry while the target can be achieved at the same time? Does the Secretary have any measures to enhance the transparency in this regard with a view to improving the competitiveness of Hong Kong?*

**SECRETARY FOR ECONOMIC SERVICES** (in Cantonese): Madam President, we also understand that as far as the cost of operation is concerned, the charges of our container terminals are affecting the competitiveness of Hong Kong. However, in the past few years, the discrepancy between the charges of Hong Kong and those of the port of Yan Tian has been narrowed. As a matter of fact, we have also studied how the non-cost factors can help sharpen and maintain Hong Kong's competitive edge. We must not forget that the frequency of vessels is a very important factor. For instance, the frequency of vessels in Shenzhen is around 50 trips per week, while Hong Kong vessels make 380 trips to 500 different places in the world per week. Therefore, we will attach much importance to the frequency of vessels of the Hong Kong port. As in regards mechanism, such as customs and excise and other soft-ware accessories, we have also studied how to increase the productivity of the Hong Kong port through certain means and technology. Besides, as a financial centre, Hong Kong can also provide related services. Therefore, not only do we study the issue of costs, we also study other means to strengthen Hong Kong's competitiveness.

**PRESIDENT** (in Cantonese): Third question.

### **Safety of School Transport Vehicles**

3. **MR ANDREW CHENG** (in Cantonese): *Madam President, the Guidelines for Ensuring Safety of Pupils on School Transport Vehicles, issued by the Education Department for school bus services operators to observe, stipulate that escorts must be provided on school buses with 17 or more seats while carrying primary and kindergarten pupils and, if possible, seat belts should be fitted and used in respect of a near side front seat. Regarding the safety of school transport vehicles (STVs) carrying primary and kindergarten pupils to and from school, will the Government inform this Council:*

- (a) *of the current number of STVs issued with a valid Passenger Service Licence and, among them, the number of those with less than 17 seats;*
- (b) *of the number of traffic accidents involving STVs and the resultant casualties in each of the past three years, together with a breakdown of such casualties by STV drivers, escorts and pupils; and*

- (c) *whether it will consider stipulating that each seat on STVs be fitted with a seat belt, that the driver and the escort must ensure that all pupils have fastened their seat belts before the STV is allowed to move, and that escorts be provided on STVs with less than 17 seats; if not, of the reasons for that?*

**SECRETARY FOR TRANSPORT** (in Cantonese): Madam President, there are 4 506 licensed vehicles with student service endorsement in their Passenger Service Licence Certificates. Of these, 1 196 (26.5%) have a seating capacity of 16 or below.

In the past three years, the numbers of traffic accidents involving licensed vehicles with student service endorsement were 210, 242 and 230 respectively. The numbers of drivers injured in these accidents were 25, 38 and 17 and the numbers of passengers injured were 207, 292 and 265. However, we do not have accident statistics broken down by different types of passengers. In addition, the majority of school transport vehicles are permitted to carry other passengers during weekdays and public holidays under their Passenger Service Licence Certificates, and we do not have separate statistics on accidents and casualties involving these vehicles when they were not carrying school children.

As one of the measures to enhance passenger safety, the Administration has been taking a step by step approach in extending the seat belt legislation to cover passengers of different vehicle types. The latest extension involved rear seat taxi passengers. We are now working on similar legislative proposals for public light bus passengers. We are also examining different measures to further enhance the safety of school children using school transport, including the need for and the effectiveness of rear seat belts for school children and the provision of escorts on vehicles with a seating capacity of less than 17. Such proposals would obviously have significant cost implications. We are now conducting a questionnaire survey to solicit views from parents and the transport trade.

The Panel on Transport of the Legislative Council would be consulted once we have completed a review of the technical, operational and financial requirements for the provision of escorts and the installation of seat belts for rear seat passengers on school transport vehicles.

**MR ANDREW CHENG** (in Cantonese): *Madam President, the Secretary mentioned in the second paragraph of his main reply that there were more than 200 traffic accidents in the past three years, with an average of two accidents every three days. The Secretary also pointed out in the third paragraph of his main reply that the proposal of requiring school children to use seat belts on STVs would obviously have significant cost implications. Why did the Secretary not interpret the implementation of such proposal as a form of greater assurance for the safety of school children? Even though it may have significant cost implications, for the sake of the safety of school children will the Bureau make an undertaking to expeditiously draw up legal provisions within the coming legislative session to stipulate that STVS should be fitted with seat belts for school children?*

**SECRETARY FOR TRANSPORT** (in Cantonese): Madam President, before the Government implements a new policy, we would take into consideration the influences and elements from different perspectives. Mr Andrew CHENG may have overlooked the sentence in the main reply, which said, "We are also examining different measures to further enhance the safety of school children using school transport, including the need for and the effectiveness of rear seat belts for school children". In fact, it was on the basis of this objective that we studied the proposals for requiring school children to wear seat belts and the provision of escorts. These new proposals will inevitably pose influences on the trade and its overall operation. For this reason, we need to consider carefully the influences concerned before putting forward any proposals.

**MR ANDREW CHENG** (in Cantonese): *Madam President, the thrust of my question is whether the Bureau would undertake to expeditiously draw up legislation within the next legislative session to require all STVs to install seat belts for school children. I certainly understand the meaning of the sentence cited by the Secretary, but I believe that it is most desirable if the safety of the school children would be secured by some cost implications.*

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

**SECRETARY FOR TRANSPORT** (in Cantonese): Madam President, please allow me to express my gratitude to the Members for their encouragement. If by the time we have finished our review, the proposal is well-received by the transport trade, parents and the organizations concerned, thereby bringing about cost implications due to the requirement that back seat passengers should wear the seat belts, I hope Members will actively support the proposal, so that we can implement it in due course.

**MISS CYD HO** (in Cantonese): *Madam President, the Secretary mentioned that they would consider the proposal for installing seat belts. In fact, there were already 210 accidents cases recorded three years ago. The figure should have caused the Government to conduct a research into the matter, but why would it take so long to do so? In cases when there were a sudden stop or minor bumping of the STVs over the past three years, would the Bureau consider an escort could sufficiently do the job of 17 seat belts and secure the safety of those 17 school children? Madam President, may I ask the Secretary why the study has to take so long to complete? In fact, I am urging him to speed up the process. Could the Secretary inform this Council whether it would be possible for the Government to put forward the relevant bill to the Council within the next legislative session, so that we can start work in this respect sooner?*

**SECRETARY FOR TRANSPORT** (in Cantonese): Madam President, the study is going full steam ahead. With regard to the implementation of the proposal, however, in addition to cost implications, technical difficulties are also problems that cannot be resolved easily. In fact, these include certain very delicate issues. For instance, the current practice of having three children to occupy two seats will need to be dealt with. If Members could remember, considerable controversy was aroused when the proposal to have three children counted as two was put forward. The problem we are facing seems to be rather simple on the surface, but the considerations involved are actually much more complicated. Nonetheless, we are going full stream ahead with the study.

**PRESIDENT** (in Cantonese): Miss HO, which part of your supplementary question has not been answered yet?

**MISS CYD HO** (in Cantonese): *The Secretary has not answered the part of my supplementary on how an escort can do the job of 17 seat belts.*

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

**SECRETARY FOR TRANSPORT** (in Cantonese): Madam President, we do not mean that the presence of an escort would eliminate the need for 17 seat belts. In fact, even if STVs are required to install rear seat belts in future, we may still consider the need for accompanying escorts to ensure that the children, especially infants, can fasten their seat belts properly. If seat belts are installed but no one is there to ensure that the children know how to or will really fasten their seat belts, the installation would just be in vain. Therefore, the two proposals should be considered simultaneously.

**DR YEUNG SUM** (in Cantonese): *Madam President, children may be climbing up and down in the STVs. In the event that there is a sudden stop of the vehicle, the children may fall like bowling pins. I am glad to know that the Government has studied different measures to enhance the safety of the children on STVs, and I believe this will involve cost implications. In this connection, could the Secretary inform this Council whether the Government has any specific timetable for completing the study and introducing technical amendments?*

**SECRETARY FOR TRANSPORT** (in Cantonese): Madam President, we are going on full steam with the study. As I mentioned before, we are conducting a questionnaire survey, with a view to putting forward a bill in a year's time, that is, within the next legislative session if there is any need for new legislation in this respect. However, this would depend on how the technical difficulties are being dealt with and the results of our consultations with the transport trade and other people concerned.

**MR LAU KONG-WAH** (in Cantonese): *Madam President, conducting questionnaire survey to find out whether the parties concerned agree with the proposal is one possible option. However, as the number of casualties is quite high, I believe the Transport Bureau should also analyse the figures for the past few years. Will the fitting of seat belts really help to reduce the number of casualties? Will things really turn out this way?*

**SECRETARY FOR TRANSPORT** (in Cantonese): Madam President, the result of the analysis conducted before the implementation is in the affirmative. However, no one would know about the results after the implementation.

**MRS MIRIAM LAU** (in Cantonese): *Madam President, the Secretary mentioned in his reply that the Transport Bureau would examine the need for the fitting of rear seat belts to enhance the safety of the school children. In fact, we have also commenced a study a few years ago to examine issues relating to the installation of seat belts. However, the seat belt model proposed then was not suitable, as the seat belt would tie up the school children and make it impossible for them to free themselves. Could the Secretary inform this Council whether the seat belt currently under study by the Government are one of the models which could be easily unfastened by school children on their own? In addition, would special attention be given to whether the seat belts could enhance the safety of school children rather than increasing the danger concerned? In other words, the seat belts should not tie down the children, and in the event of accidents, would not entail additional danger to the children who cannot unfasten their seat belts.*

**SECRETARY FOR TRANSPORT** (in Cantonese): I am grateful to Mrs LAU for her detailed explanation on the technical aspects which we should take into consideration. In fact, we are studying such considerations. The type of seat belts we are studying on is the lap belts developed from the "three-point seat belt" in the past. Actually, there are still a lot of technical issues we need to take into consideration. However, the basic concern is that school children will be better protected after the installation of seat belts. There is no point in implementing the measure if it is even more unsafe for school children after the STVs are fitted with seat belts.

**MR HENRY WU** (in Cantonese): *Madam President, I believe everyone is concerned about the safety of school children. Many parents have also expressed their hope to me that the proposal could be implemented as soon as possible to help enhance the safety of school children. The figures of traffic accidents quoted by the Secretary involve all STVs. In this connection, could the Secretary provide this Council with information on traffic accidents involving STVs with a seating capacity of more than 16 and less than 16 respectively?*



**SECRETARY FOR TRANSPORT** (in Cantonese): Madam President, the existing basic passenger capacity STVs is 17 or less. We do not allow STVs to carry more than 17 passengers. School buses would be of a different category, as they are of different sizes. Generally speaking, school buses carry more than 17 passengers. Regarding the number of accidents involving vehicles carrying school children, 22% involve STVs while the remaining 78% are related to school buses. However, I wish to emphasize that accidents involving school buses do not always happen at the time when they are carrying students. There are many cases in which school buses are involved in traffic accidents on Saturdays or Sundays when carrying other passengers on local tours, but we have not broken down the figures in this respect.

**PRESIDENT** (in Cantonese): Fourth question.

#### **List of Target Buildings Maintained by Home Affairs Department**

4. **MR FREDERICK FUNG** (in Cantonese): *Madam President, the Home Affairs Department (HAD) maintains a list of "target buildings" in various districts with potential fire and safety hazards for building management improvements. In this connection, will the Government inform this Council:*

- (a) *of the name of each of the buildings on the "target buildings" list, the district in which it is located and the date it was included in the list, and the number of buildings that have been removed from the list, as at 31 March this year;*
- (b) *of the reasons for some buildings not having been removed from the list after more than five years; and*
- (c) *whether it will consider making a performance pledge to undertake to assist each target building in improving its management up a level that would allow its removal from the list within certain number of years after being listed?*

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): Madam President,

- (a) Buildings on the "target buildings" list usually have management and maintenance problems, though the problems may not be so

serious as to pose an immediate danger. The HAD will, in collaboration with the relevant departments, liaise with the owners or owners' corporations of the "target buildings" to help and encourage them to improve the management and maintenance of their buildings.

As at 31 March this year, there were 916 buildings on the "target buildings" list. Their names, the districts in which they are located and the dates they were included in the list are tabulated in the Annex. Most of the buildings are located in Wan Chai, Eastern, Central and Western, Kwun Tong, Kowloon City and Sham Shui Po.

Since the "target buildings" scheme was initiated in 1985, the management of 578 buildings had been improved, and the buildings met the statutory requirements in respect of clearance of unauthorized structures and upgrading of electrical installations and so on. These buildings were thus removed from the list.

- (b) Some buildings are not yet removed from the list after having been listed for more than five years mainly because:
  - (i) the owners' corporations fail to reach a consensus on the implementation of major improvements work such as repairs of external walls, overall upgrading of electrical installations, and so on which may require huge amounts of money. If the owners' corporations fail to reach a consensus on these issue or contact individual owners, the commencement, progress or completion of the improvement works will be delayed. As a result, the buildings concerned are not removed from the "target buildings" list; and
  - (ii) the owners are not keen to clear unauthorized structures that do not pose an immediate danger: most of the "target buildings" have unauthorized structures. If they pose an immediate danger, enforcement action will be promptly taken by the relevant departments. Structures that do not pose an

immediate danger will have to be cleared by the owners or owners' corporation themselves. If they are not keen or determined to clear these structures, the problem will remain unsolved for a long time and thus the buildings are not removed from the "target buildings" list.

In view of the above two situations, the HAD and its District Offices will continue to liaise with the owners and encourage them to make concerted efforts to clear the unauthorized structures in their buildings, as well as to commence, implement and complete major improvement works as early as possible.

- (c) The HAD and the relevant departments will spare no effort to help improve the management and maintenance of each target building so that it can be removed from the list. For instance, the Buildings Department (BD) and the relevant departments will promptly take enforcement action against unauthorized structures that pose an immediate danger. As for whether the problem can be solved and the time needed to delist the "target buildings", it will depend not merely on the efforts of government departments. In fact, the owners are responsible for managing and maintaining their own buildings which are private properties. The role of the Government is to help and encourage owners to take the initiative to carry out their responsibilities. In this connection, we will provide more resources so that the HAD can carry out its work in this area more effectively.

The "target buildings" scheme is essentially different in nature from the services directly managed or provided by the Government. Hence, we do not consider it appropriate for the Government to make a "performance pledge" to improve the management of all "target buildings" to the extent that they will be delisted within a certain number of years. That said, the relevant departments will take prompt action against buildings that pose an immediate danger. Enforcement action will also be taken more frequently against buildings with unauthorized structures that have existed for a long time.

## List of "target buildings" in Eastern District (as at 31 March 2001)

<i>Serial No.</i>	<i>Name of Building</i>	<i>Address</i>	<i>Date put on List</i>
1.	King's Towers	478B-480C King's Road	5.1985
2.	King's View Court	901-907 King's Road	5.1985
3.	Tung Fat Building	21-61 Kam Ping Street	5.1985
4.	Tai On Building	57-87 Shau Kei Wan Road	7.1998
5.	State Theatre Building	279-291 King's Road	1.1986
6.	Tai Lung House	123 Quarry Bay Street	1.1986
7.	-	72-78 Pan Hoi Street	1.1986
8.	Lai Wah Building	867-881 King's Road	4.1987
9.	Maylun Apartments	442-456 King's Road	4.1987
10.	Shau Kei Wan Mansion	27-29 Factory Street	4.1987
11.	Kam Shan Building	1015-1021 King's Road	4.1987
12.	Tai Hing House	124 Quarry Bay Street	4.1987
13.	Artland Court	392 Chai Wan Road	4.1987
14.	Tai Sing House	122 Quarry Bay Street	1.1988
15.	On Lok Building	15 Shau Kei Wan Main Street East	1.1988
16.	Eastway Towers	59-99 Shau Kei Wan Main Street East	1.1988
17.	Chung Hing Mansion	5 Pan Hoi Street	1.1988
18.	Hang Lung Bank Eastern Branch Building	391-393 King's Road	3.1989
19.	Ho King Building	134 Shau Kei Wan Main Street East	3.1989
20.	迦南樓	2-4 Gordon Road	3.1989
21.	Sun Sing Building	290 Shau Kei Wan Road	3.1989
22.	Westlands Gardens	14 Westlands Road	3.1989
23.	Chung Lam Mansion	163 King's Road	3.1990
24.	Wah Hong Mansion	6-8 Fort Street	3.1990
25.	North Point Mansion	692-702 King's Road	3.1990
26.	Wah Po Building	334-346 Shau Kei Wan Road	3.1990
27.	Tor Po Mansion	19-25 Hoi Hong Street and 18-24 Hoi Kwong Street	3.1990
28.	Yee On Mansion	55-77 Chun Yeung Street and 8A-8D North Point Road	3.1990
29.	Wah Yu Court	8 Hong Ping Street	3.1990
30.	Capital Mansion	195-201 Shau Kei Wan Road	3.1990

<i>Serial No.</i>	<i>Name of Building</i>	<i>Address</i>	<i>Date put on List</i>
31.	Tung Po Mansion	4, 8 and 10 Shau Kei Wan Main Street East	3.1990
32.	Yalford Building	44-58 Tanner Road	3.1990
33.	Winner Centre	333 Chai Wan Road	3.1990
34.	Ming Court	19-23 Ming Yuen Western Street	6.1991
35.	Tai Chow House	121 Quarry Bay Street	6.1991
36.	Hung Lee Building	30-50 Ngoi Man Street	6.1991
37.	-	51-53 King's Road	6.1991
38.	Mong Lung House	10-12 Mong Lung Street	6.1991
39.	Shaukiwan Centre	407-409 Shau Kei Wan Main Street East	6.1991
40.	Lai King Building	883 King's Road	6.1991
41.	Golden Horse Mansion	21-39 Mansion Street	6.1991
42.	Yen Dack Building	93-113 Chun Yeung Street	6.1991
43.	Tai Foo House	6 Hong Cheung Street	6.1991
44.	Cheong Shing Mansion	33-39 Wing Hing Street	6.1992
45.	Yip Ning Building	92-102 Shau Kei Wan Road	6.1992
46.	-	943-945 King's Road	6.1992
47.	-	947-949 King's Road	6.1992
48.	King Fai Building	94-112 Shau Kei Wan Main Street East	6.1992
49.	Lai Wan Building	55 Shau Kei Wan Road	6.1992
50.	Kai Yuen Mansion (Block A)	2-12 Upper Kai Yuen Lane	6.1992
51.	Kai Yuen Mansion (Block B and Block C)	1-19 and 14-22 Upper Kai Yuen Lane	6.1992
52.	Tung On Building	428-432 Shau Kei Wan Road	6.1992
53.	Ming Hing Building	9-11 Gordon Road	6.1993
54.	Yik Hon Building	72-78 Java Road	6.1993
55.	Yick Fat Building	1048 King's Road	6.1993
56.	Man Wah Building	7 Sui Man Road	6.1993
57.	Sing Kung Lau	80-86 Electric Road	6.1993
58.	Aldrich House	369-373 Shau Kei Wan Road and 1-3 Aldrich Street	6.1993
59.	Fok Cheong Building	1044 King's Road	6.1993
60.	Yick Cheong Building	1046 King's Road	6.1993
61.	Fu King Building	416-426 Shau Kei Wan Road	6.1993
62.	-	55-57 King's Road	6.1993
63.	-	187-193 Tsat Tsz Mui Road	6.1993
64.	Ying Wah Court	486-488 King's Road	6.1994
65.	Kam Wai Building	12-18 Kam Wa Street	6.1994

<i>Serial No.</i>	<i>Name of Building</i>	<i>Address</i>	<i>Date put on List</i>
66.	Oceanic Mansion	1026 King's Road	6.1994
67.	Montane Mansion	1028 King's Road	6.1994
68.	Kava Mansion	29-31 Fort Street	6.1994
69.	Garland House	21-21A Java Road and 14A-C North Point Road	6.1994
70.	泰寧樓	88-90 Shau Kei Wan Road	3.1995
71.	Hoi Ching Mansion	5 Hoi Ching Street	3.1995
72.	Millan House	2 and 4 North Point Road	5.1995
73.	Kam Sing Mansion	230-232 Shau Kei Wan Road	8.1995
74.	Kin Ming Court	2A and 2B Kam Hong Street	1.1996
75.	-	484 King's Road	1.1996
76.	North Point Mansion	692-702 King's Road (Blocks C, D, G, H)	3.1996
77.	Wah Hing Building	449-455 King's Road	3.1996
78.	Hoi Ning Building	82-90 Sai Wan Ho Street	5.1996
79.	Kam Wa Building	128E and F Shau Kei Wan Main Street East 2-10 Kam Wa Street	5.1996
80.	King's House	969-971 King's Road	7.1996
81.	Tai Chung Building	116-120 Shau Kei Wan Road	12.1996
82.	Wah Sing Building	9-15 Hoi An Street	12.1996
83.	Tung Tai House	144-148 Shau Kei Wan Main Street East	2.1997
84.	Chung Chai Building	67-71 Nam On Street	5.1997
85.	Dollar Building	152-154 Shau Kei Wan Road	5.1997
86.	-	8A-B Wing Hing Street	6.1997
87.	Triumphant Court	17-19 Wing Hing Street	6.1997
88.	Hing Yue Mansion	21-23 Wing Hing Street	6.1997
89.	Tobacco House	4-6 Wing Hing Street	8.1997
90.	Tsing Fung Building	10-12 Tsing Fung Street	8.1997
91.	Wing Hing Building	25-31 Wing Hing Street	8.1997
92.	Hoi Foo Mansion	240-242 Shau Kei Wan Road	12.1997
93.	Lok Kwan House	280-288 Shau Kei Wan Road	12.1997
94.	Mansion Building	846 King's Road	12.1997
95.	-	48-50 Marble Road	3.1998
96.	On Ning Building	425-431 King's Road	3.1998
97.	大昌大廈	473-475 King's Road	3.1998
98.	Fat Cheong Building	63-81 Electric Road	11.1998
99.	-	465-467 King's Road	11.1998

<i>Serial No.</i>	<i>Name of Building</i>	<i>Address</i>	<i>Date put on List</i>
100.	Fung Wah Mansion	21-23 Cheung Hong Street	11.1998
101.	Tai Wah Building	132-140 Electric Road, North Point	3.1999
102.	Fok Sing Building	234-238 Shau Kei Wan Road	3.1999
103.	Ko Mong Building	142-146 Shau Kei Wan Road	3.1999
104.	-	98-100 Chun Yeung Street	3.1999
105.	Gordon House	84 Hing Fat Street, Causeway Bay	7.1999
106.	Kin Wah Mansion	176-178 Tung Lo Wan Road	7.1999
107.	Man On Building	19-21 Shing On Street, Sai Wan Ho	7.1999
108.	Bo Ming Court	14 Tin Hau Temple Road	7.1999
109.	-	64-70 Pan Hoi Street, Quarry Bay	11.1999
110.	-	88-94 Pan Hoi Street, Quarry Bay	11.1999
111.	-	24-38 Pan Hoi Street, Quarry Bay	11.1999
112.	-	56-62 Pan Hoi Street, Quarry Bay	11.1999
113.	-	80-86 Pan Hoi Street, Quarry Bay	11.1999
114.	Pak Shing Building	168-174 Tung Lo Wan Road	3.2000
115.	-	40-46 Pan Hoi Street, Quarry Bay	3.2000
116.	Pak Ling Mansion	5-11 Miu Tung Street, Shau Kei Wan	3.2000
117.	-	48-54 Pan Hoi Street, Quarry Bay	3.2000
118.	Wing Yue Yuen Building	74-80 Sai Wan Ho Street	6.2000
119.	瑞士樓	16-22 Pan Hoi Street, Quarry Bay and 983-983A King's Road	6.2000
120.	新金龍臺	5-7 Dragon Road, Causeway Bay	6.2000
121.	-	210 Shau Kei Wan Road, Sai Wan Ho	6.2000
122.	Happy House	5 Ching Wah Street, North Point	9.2000
123.	瑞士樓	985-987 King's Road	9.2000
124.	Lee Ga Building	129-133 Sai Wan Ho Street	9.2000
125.	Fok Wah Mansion	17 and 19 Kin Wah Street, North Point	9.2000
126.	Tung Fai Building	159-167 Shau Kei Wan Main Street	12.2000
127.	United Building	135-145 King's Road, North Point and 3 Oil Street	12.2000
128.	Princess Mansion	165-175 King's Road, North Point	12.2000
129.	Kwok Hing Building	1 Nam Hong Street and 51-59 Nam On Street	12.2000
130.	Asia Mansions	390 King's Road, North Point	3.2001

## List of "target buildings" in Wan Chai District (as at 31 March 2001)

<i>Serial No.</i>	<i>Name of Building</i>	<i>Address</i>	<i>Date put on List</i>
1.	Lok Ku House	118-124 Jaffe Road	1988
2.	Hong Kong Building	137-147 Lockhart Road	1995
3.	King Tao Building	94-100 Lockhart Road	1989
4.	Leigyinn Building	62-62A and 64-64A Leighton Road	1989
5.	昌明大廈	53-59A Sing Woo Road	1989
6.	229-231 Lockhart Road	229-231 Lockhart Road	1989
7.	Siu Fung Building	9-17 Tin Lok Lane	1989
8.	Bay View Mansion	21 Moreton Terrace	1989
9.	Thai Kong Building	480-482 Hennessy Road	1989
10.	Hin Wah Building	446-450 Hennessy Road	1989
11.	Spring Garden Mansion	29-41 Spring Garden Lane	1989
12.	Shui Cheung Building	223-229 Queen's Road East	1989
13.	Kwong Ah Building	114 Thomson Road	1989
14.	Senior Building	191-193 Johnston Road	1989
15.	Diamond Mansion	462-468 Lockhart Road	1989
16.	Chak Tong Building	4 Kwong Ming Street	1989
17.	Kwong On Building	8-14 Yee Wo Street	1989
18.	60-66 Tung Lo Wan Road	60-66 Tung Lo Wan Road	1990
19.	Sing Woo Building	10 Sing Woo Road	1990
20.	454-456 Hennessy Road	454-456 Hennessy Road	1990
21.	Fu Yuen	39-49 Wan Chai Road	1990
22.	Sun Hey Mansion	68-76 Hennessy Road	1990
23.	Rita House	123-125 Leighton Road	1990
24.	Hang Tang House	7-19 Tang Lung Street	1990
25.	Salson House	3-3B O'Brien Road	1990
26.	Friendship Mansion	345-351 Hennessy Road	1990
27.	Po Wing Building	108-120 Percival Street	1990
28.	36-38 Amoy Street	36-38 Amoy Street	1990
29.	Comfort Mansion	59-61 Wong Nai Chung Road	1990
30.	Percival House	83 Percival Street	1990
31.	Hop Yee Building	474-476 Lockhart Road	1990
32.	Sun Tao Building	12-18 Morrison Hill Road	1990
33.	32-38 Wan Chai Road	32-38 Wan Chai Road	1990
34.	Overseas Building	417-421 Hennessy Road	1990
35.	Malahon Apartments	509 Jaffe Road	1990



<i>Serial No.</i>	<i>Name of Building</i>	<i>Address</i>	<i>Date put on List</i>
36.	Tung Shing Building	272-274 Lockhart Road	1990
37.	Kam Tak Mansion	88-90 Queen's Road	1990
38.	13-17 Warren Street	13-17 Warren Street	1991
39.	3-5 Yuen Yuen Steet	3-5 Yuen Yuen Street	1991
40.	Lin Fung Mansion	410-412 Lockhart Road	1991
41.	Thai Wah Building	262-268 Lockhart Road	1991
42.	75-79 Lockhart Road	75-79 Lockhart Road	1991
43.	Lei Ka Court	17 Caroline Hill Road	1991
44.	Ming Yin Mansion	390-396 Lockhart Road	1991
45.	Tung Shing Building	118-120 Queen's Road East	1991
46.	On On Mansion	123-125 Lockhart Road	1991
47.	Leishun Court	106-126 Leighton Road	1991
48.	East South Building	475-481 Hennessy Road	1991
49.	Ko Wah Building	285-295 Lockhart Road	1991
50.	Heung Hoi Mansion	121-123 Jaffe Road	1991
51.	City Mansion	491 Jaffe Road	1991
52.	171-173 Hennessy Road	171-173 Hennessy Road	1991
53.	6A-6B O'Brien Road	6A-6B O'Brien Road	1991
54.	渣菲大廈	518-520 Jaffe Road	1991
55.	Pak Ling Building	368-374 Lockhart Road	1991
56.	Johnston Apartments	7 Lee Tung Street and 86-90 Johnston Road	1991
57.	Tak Fung House	251 Wan Chai Road	1992
58.	David House	37-39 Lockhart Road	1992
59.	Hung Yip Building	234-236 Wan Chai Road	1992
60.	Yuk Chun House	220 Johnston Road	1992
61.	Tai Kwun Mansion	442-452 Lockhart Road	1992
62.	Wai Tak Building	414-430 Lockhart Road	1992
63.	169-170 Gloucester Road	169-170 Gloucester Road	1992
64.	King Cheung Mansion	5 King Kwong Street	1992
65.	Po Wah Building	46-56 Queen's Road East	1992
66.	Yue King Building	1-7 Leighton Road	1992
67.	Tai Fat Building	25-27 Morrison Hill Road	1992
68.	名豪大廈	51-55 Wan Chai Road	1992
69.	Hennessy Road Court	213-219 Hennessy Road	1992
70.	銅灣樓	50-58 Tung Lo Wan Road	1992
71.	Fu Yuen Building	1-7 Cross Street	1992

<i>Serial No.</i>	<i>Name of Building</i>	<i>Address</i>	<i>Date put on List</i>
72.	Lee Shun Building	157-159 Lockhart Road	1992
73.	Island Building	439-445 Hennessy Road	1992
74.	Peace House	29 Wong Nai Chung Road	1992
75.	Lei Ha Court	13-15 and 13A-15A Haven Street	1992
76.	Luen Lee Building	4-10 Lun Fat Street	1992
77.	Ying Lee Mansion	323-331 Hennessy Road	1992
78.	Tang Fai Building	40 Tang Lung Street	1992
79.	Central Mansion	527-531 Jaffe Road	1993
80.	Lee Tung Apartments	63 Lee Tung Street	1993
81.	Hang Tat Mansion	161-165 Lockhart Road	1993
82.	Four Sea Mansion	254-260 Lockhart Road	1993
83.	Lai Shan Mansion	19-21 Morrison Hill Road and 1 Sharp Street West	1993
84.	Lok Yau Building	336-342 Lockhart Road	1993
85.	Man Hing Mansion	193-195 Wan Chai Road	1993
86.	Po Foo Building	1-5 Foo Ming Street	1993
87.	Yuet Wah Court	19-21 Shelter Street	1993
88.	Wai Man House	133-133A Queen's Road East	1993
89.	Linfond Mansion	187-193 Hennessy Road	1993
90.	Sze Lai Building	241-243 Hennessy Road	1993
91.	Hennessy Apartment	488-490 Hennessy Road	1993
92.	Kai Ming Building	364-366 Hennessy Road	1993
93.	Fook Gay Mansion	375-379 Lockhart Road	1993
94.	Chong Hing Building	265-267 Hennessy Road	1993
95.	Chin Hung Building	1-15 Heard Street	1993
96.	Lap Hing Building	275-285 Hennessy Road	1993
97.	Lee Wing Building	156-162 Hennessy Road	1993
98.	Glory House	172-174A Hennessy Road	1993
99.	Cheong Lok Building	222-229 Wan Chai Road	1993
100.	Cathay Mansion	3-17 Tung Lo Wan Road	1993
101.	Kiu Hong Mansion	3-5 Tin Lok Lane	1994
102.	Nam Shing Building	47-49 Johnston Road	1994
103.	Grand View House	41-51 Tung Lo Wan Road	1994
104.	Evone Court	24-28 Yik Yam Street	1994
105.	Po Hon Building	24-30 Percival Street	1994
106.	Hang Tak Building	1-15 Electric Road	1994
107.	46-48 Tung Lo Wan Road	46-48 Tung Lo Wan Road	1994

<i>Serial No.</i>	<i>Name of Building</i>	<i>Address</i>	<i>Date put on List</i>
108.	Shing Ping House	67-67A and 67B Sing Woo Road	1994
109.	Lockhart House	451-453 Lockhart Road	1994
110.	City Centre Building	144-149 Gloucester Road	1994
111.	Sun Kai Mansion	38-46 Hennessy Road	1994
112.	Yue King Mansion	35-39 Tung Lo Wan Road	1994
113.	Hoi Deen Court	276 Gloucester Road	1994
114.	Jade House	210-214 Hennessy Road	1994
115.	Diamond Building	6-18 Tin Lok Lane	1994
116.	East Asia Mansion	23-29 Hennessy Road	1994
117.	42-43 Sun Chun Street	42-43 Sun Chun Street	1994
118.	Wing On Mansion	7-9 Bowrington Road	1994
119.	Yen Ying Mansion	215-225 Jaffe Road	1994
120.	Paul Yee Mansion	346 Jaffe Road	1994
121.	Lei Wen Court	27-29A Haven Street	1994
122.	Sai See Mansion	20-22 Wun Sha Street	1994
123.	Ming Sun Building	94-96 Tung Lo Wan Road	1995
124.	Main Pole House	149-151 Hennessy Road	1995
125.	Yen Lai Building	14-18 Yik Yam Street	1995
126.	Johnston Apartments	14-16 Johnston Road	1995
127.	458-460 Lockhart Road	458-460 Lockhart Road	1995
128.	Chun Fai Building	1-11 Spring Garden Lane	1995
129.	Sik King House	9 Moreton Terrace	1995
130.	Wai Hay Mansion	201-203 Wan Chai Road	1995
131.	Sun On Mansion	20-28 Cannon Street	1995
132.	Fortune Building	150-158 Lockhart Road	1995
133.	Golden Jubilee House	389-399 Lockhart Road	1995
134.	Po Tak Mansion	3 Wang Tak Street	1995
135.	Se-Wan Mansion	43 Happy View Terrace	1995
136.	Pao Woo Mansion	177-179 Wan Chai Road	1995
137.	Lai Yee Building	44A-D Leighton Road	1995
138.	Mountain View Mansion	2-10 Swatow Street	1995
139.	4A-4D Wang Fung Terrace	4A-4D Wang Fung Terrace	1995
140.	Antung Building	8-16 Tai Wong Street West	1995
141.	Hong Kong Mansion	1 Yee Wo Street	1995
142.	King's Court	14-16 Village Road	1995
143.	Tsui Man Court	76 Village Road	1996
144.	Johnston Apartments	32-34 Johnston Road	1996

<i>Serial No.</i>	<i>Name of Building</i>	<i>Address</i>	<i>Date put on List</i>
145.	Waldorf Mansions	2-6 Causeway Road	1996
146.	Ming Fung Building	136 Wan Chai Road	1996
147.	Fine Mansion	32-40 Village Road	1996
148.	New Spring Garden Mansion	47-65 Spring Garden Lane	1996
149.	Great George Building	27 Paterson Street	1996
150.	Morrison Building	20-30 Morrison Hill Road	1996
151.	Paterson Building (Blocks A and B)	47 Paterson Street	1996
152.	Henning House	385-391 Hennessy Road	1996
153.	Paterson Building (Blocks C and D)	37 Paterson Street	1996
154.	Tung Shing Building	138 Queen's Road East	1990
155.	Wan Fung Mansion	245-251 Lockhart Road, Wan Chai	1997
156.	Po Chui Building	Morrison Hill Road, Wan Chai	1997
157.	Wai Sun Building	392-402 Jaffe Road, Wan Chai	1997
158.	Hoi To Court	271-275 Gloucester Road, Causeway Bay	1997
159.	Hoi Kung Court	264-269 Gloucester Road, Causeway Bay	1997
160.	11-13 Lin Fa Kung Street West, Lin Fa Kung	11-13 Lin Fa Kung Street West, Lin Fa Kung	1997
161.	Leigyinn Building	58A-60A Leighton Road	1997
162.	Leigyinn Building	60B-C and 62B-C Leighton Road, Causeway Bay	1997
163.	Fu Yuen Building	1-7 Cross Street	1997
164.	Shu Tak Building	22-30 Tai Wong Street East, Wan Chai	1997
165.	Lee Loy Building	208-214 Jaffe Road	1998
166.	2-4 Sun Wui Road	2-4 Sun Wui Road, Causeway Bay	1998
167.	Tai Hang Terrace	5 Chun Fai Road	1998
168.	Tak Fai Building	17-19 Percival Street	1998
169.	Lei Ha Court	9-11A, Haven Street	1998
170.	Lei Wen Court	23-25A Haven Street, Causeway Bay	1998
171.	Lei Wen Court	31-33A Haven Street, Causeway Bay	1998
172.	Kam Shing Building	14-24 Stone Nullah Lane	1998
173.	Siu On Mansion	183-185 Hennessy Road	1998
174.	292-294 Lockhart Road, Wan Chai	292-294 Lockhart Road, Wan Chai	1998
175.	Yen May Building	11-21 Swatow Street	1998
176.	Lai Chi Building	50-56 Leighton Road, Causeway Bay	1998

<i>Serial No.</i>	<i>Name of Building</i>	<i>Address</i>	<i>Date put on List</i>
177.	Fook Cheung House	34-38 Cross Street, Wan Chai	1999
178.	1-6 Sau Wa Fong	1-6 Sau Wa Fong	1999
179.	Wealthy mansion	7-11 Tai Wong Street East	1999
180.	Wah Ying Building	14-20 Shelter Street	1999
181.	Shining Building	481 Jaffe Road	1999
182.	Sun Fai Court	37-39 Yik Yam Street	1999
183.	Bright Star Mansion	532-534 Leighton Road	1999
184.	Jet Foil Mansion	421 Jaffe Road	1999
185.	Hong Chiang Building	141-147 Johnston Road	1999
186.	Kingstown Mansion	313-323 Jaffe Road	1999
187.	On Hing Mansion	156-164 Queen's Road East	2000
188.	Everwin Mansion	18 Johnston Road	2000
189.	Kanfield Mansion	42-49 Sun Chun Street, Tai Hang	2000
190.	Top View Mansion	10 Canal Road West	2000
191.	Yee Hong Building	212-214 Wan Chai Road	2000
192.	Kam Kwok Building	377 Jaffe Road	2000
193.	Kam Fook Mansion	148-156 Jaffe Road	2000
194.	Hing Bong Mansion	113-121 Lockhart Road	2000
195.	National Building	12-32 Marsh Road	2000
196.	Kwong Sang Hong Building (Block A)	298 Hennessy Road	2000

## List of "target buildings" in Central and Western District (as at 31 March 2001)

<i>Serial No.</i>	<i>Name of Building</i>	<i>Address</i>	<i>Date put on List</i>
1.	Sunrise House	21-31 Old Bailey Street	9.1988
2.	Garble Garden	2-3 Seymour Terrace	9.1988
3.	-	247-249 Des Voeux Road West	9.1988
4.	Lai On Building	2-2C Water Street	11.1988
5.	New Central Mansion	39-49 Gage Street	1.1989
6.	Sun Fung House	52-60 Lyndhurst Terrace	4.1989
7.	Ming Hing Building	268-270 Des Voeux Road West	4.1989
8.	Yue On Building	78-86 Catchick Street	4.1989
9.	-	100 Caine Road	7.1989
10.	-	102 Caine Road	10.1989

<i>Serial No.</i>	<i>Name of Building</i>	<i>Address</i>	<i>Date put on List</i>
11.	Winly Building	1-5 Elgin Street	10.1989
12.	Des Voeux Building	25 Des Voeux Road West	10.1989
13.	Kwong Fook Building	85 Caine Road	10.1989
14.	Pit Fat Building	58 Belcher's Street	10.1989
15.	Tse Lan Mansion	39-43 Sands Street	1.1990
16.	Man Fung Building	102 Connaught Road West	1.1990
17.	Central Mansion	270-276 Queen's Road Central	3.1990
18.	-	39-41 Cadogan Street	3.1990
19.	Sing Fai Building	8-12 Wilmer Street	3.1990
20.	Fu Lam House	45-47 Pok Fu Lam Road	6.1990
21.	-	94, 94A and 96 Robinson Road	6.1991
22.	-	23-25 Sands Street	6.1991
23.	Tai Ping Mansion	208-214 Hollywood Road	6.1991
24.	Kam Ho Mansion	159-163 Hollywood Road	9.1991
25.	Nam Cheong Building	48-52 Hill Road	9.1991
26.	Po Hing Mansion	20 Rutter Street	12.1991
27.	Kin Yuen Mansion	139 Caine Road	3.1992
28.	Kam Tong Mansion	139-153 Belcher's Street	3.1992
29.	-	230-232 Des Voeux Road West	3.1992
30.	Tai Shing House	203-209 Queen's Road West	6.1992
31.	Silver Jubilee Mansion	62-72 Po Hing Fong	9.1992
32.	Hang Fai Building	67-83 Belcher's Street	6.1993
33.	Siu Yee Building	590-596 Queen's Road West	6.1993
34.	-	27-29 Seymour Road	9.1993
35.	Kam Fai Building	125-129 Belcher's Street	9.1993
36.	-	16-20 Pok Fu Lam Road	9.1993
37.	Tung Hing Mansion	41-55 Belcher's Street	12.1993
38.	-	406D-E Des Voeux Road West	12.1993
39.	寶樹樓	35-37 Sands Street	3.1994
40.	-	406B-C Des Voeux Road West	3.1994
41.	-	406-406A Des Voeux Road West	3.1994
42.	-	408-408B Des Voeux Road West	6.1994
43.	-	408C-D Des Voeux Road West	6.1994
44.	-	62-64 Centre Street	6.1994
45.	Johnson Mansion	428-440 Queen's Road West	6.1994
46.	Shing Kai Mansion	13-15A Babington Path	9.1994
47.	Shing Tai Building	70-76 Catchick Street	9.1994

<i>Serial No.</i>	<i>Name of Building</i>	<i>Address</i>	<i>Date put on List</i>
48.	-	501-511 Queen's Road West	1.1995
49.	Shing Po Building	16-20 Ko Shing Street	1.1995
50.	Yuen Ming Building	13 Caine Road	1.1995
51.	Fook On Mansion	23-25 North Street	4.1995
52.	Felicity Building	38-44 Peel Street	4.1995
53.	Cordial Mansion	15 Caine Road	4.1995
54.	Nam Wah Mansion	5-9 South Lane	7.1995
55.	Hung Lee Building	29-31 North Street	7.1995
56.	Tung Tat Building	390-392 Des Voeux Road West	7.1995
57.	-	49 Elgin Street	10.1995
58.	Ko Leung Mansion	572-574 Queen's Road West	10.1995
59.	-	276-278 Des Voeux Road West	10.1995
60.	On Lok Mansion	586-588 Queen's Road West	1.1996
61.	Wing Tai Mansion	7-9 Sands Street	1.1996
62.	Fook Chi House	22-24 Gage Street	3.1996
63.	Tai Fat Building	31-43 Ko Shing Street	3.1996
64.	Kelley Court	9-15 Catchick Street	3.1996
65.	Hing Wah Mansion (Block M)	1 Babington Path	6.1996
66.	Rockson Mansion	371-379 Queen's Road West	6.1996
67.	Luen Wah Mansion	518-520 Queen's Road West	6.1996
68.	Sea View Mansion	82-87 Connaught Road West	9.1996
69.	Kam Chuen Mansion	59-61 Des Voeux Road West	9.1996
70.	King Yue Mansion	82-84 Belcher's Street	9.1996
71.	Tai Hing House	132-134 Hollywood Road	12.1996
72.	Tin Hing Building	295-305 Des Voeux Road West	12.1996
73.	Tai Tak House	1-5 Hau Wo Street	12.1996
74.	Lyndhurst Building	23-41 Lyndhurst Terrace	3.1997
75.	Hang Lok Building	128-130 Wing Lok Street	3.1997
76.	Sands House	10-18 Sands Street	3.1997
77.	Winsome House	154-158 Wing Lok Street	6.1997
78.	Sun Fat Building	12S-T Smithfield	6.1997
79.	Kuk Fung Building	46-60 Catchick Street	6.1997
80.	On Lok House	39-43 Hollywood Road	9.1997
81.	Lop Po Building	42-44 Ko Shing Street	9.1997
82.	標準大廈	316-320 Des Voeux Road West	9.1997
83.	-	416-418 Queen's Road West	12.1997
84.	-	107-109 Belcher's Street	12.1997

<i>Serial No.</i>	<i>Name of Building</i>	<i>Address</i>	<i>Date put on List</i>
85.	Tai Lee Building	15-19 Elgin Street	3.1998
86.	Fung Shing Building	168 Connaught Road West	3.1998
87.	Sun Lee Building	43-49 Wellington Street	6.1998
88.	Nam Cheong House	129-135 Second Street	6.1998
89.	Fu Wah Building	53-55 Pok Fu Lam Road	6.1998
90.	Kam Shek House	38-42 Eastern Street	9.1998
91.	Hing Yip Building	5-23 First Street	9.1998
92.	Kennedy Mansion	165 Belcher's Street	9.1998
93.	Sze Yap Building	73-79 Des Voeux Road West	12.1998
94.	-	32A-B Belcher's Street	12.1998
95.	-	85-87 Belcher's Street	12.1998
96.	Winner Building (Block B)	8-10 Wing Wah Lane	3.1999
97.	-	14-18 Staunton Street	3.1999
98.	Yue Tak House	7-11 Pok Fu Lam Road	3.1999
99.	Winner Building (Block A)	27-39 D'Aguilar Street	6.1999
100.	Tak Yan Building	132-136 Des Voeux Road West	6.1999
101.	Koon Wah Building	420-424 Queen's Road West	6.1999
102.	Wing Wa Mansion	10-12 Hospital Road	9.1999
103.	Shing Wan Building	66-68 Des Voeux Road West	9.1999
104.	Hang Sing Mansion	48-78 High Street	9.1999
105.	May Sun Building	1-15 Smithfield	9.1999
106.	-	23-25 South Lane	12.1999
107.	Sui Wah House	39-45 Western Street	12.1999
108.	Cheong Fai Building	17-21 Catchick Street	12.1999
109.	-	25-27 Staunton Street	3.2000
110.	On Wah Building	76-78 Des Voeux Road West	3.2000
111.	-	419L-Q Queen's Road West	3.2000
112.	-	98-100 Queen's Road West	6.2000
113.	Luen Kat Building	33-35 Catchick Street	6.2000
114.	-	17-21 Gough Street	6.2000
115.	-	25-27 Aberdeen Street	9.2000
116.	Wing Fat Mansion	179-181 Des Voeux Road West	9.2000
117.	-	11-13 Old Bailey Street	9.2000
118.	Lee Wang Building	133-134 Connaught Road West	12.2000
119.	-	26A-28 Peel Street	12.2000
120.	Ming Fat House	9A-B Tai Ping Shan Street	12.2000
121.	-	15-17A South Lane	3.2001
122.	The First Building	47-53 First Street	3.2001



## List of "target buildings" in Southern District (as at 31 March 2001)

<i>Serial No.</i>	<i>Name of Building</i>	<i>Address</i>	<i>Date put on List</i>
1.	Aberdeen Harbour Mansion	52-64 Aberdeen Main Road	8.1999
2.	On Tai Building	1-3 Wu Nam Street, Aberdeen	8.1999
3.	-	166-168 Aberdeen Main Road	8.1999
4.	Kin Fai Building	18-20 Aberdeen Main Road	8.1999
5.	Ocean House	64-70 Old Main Street, Aberdeen	12.1999
6.	Yee Hing Building	150 Main Street, Ap Lei Chau	12.1999
7.	Billion Court	147 Main Street, Ap Lei Chau	12.1999
8.	Wah Lee Building	15-17 Tsung Man Street, Aberdeen	12.1999
9.	Ka Wo Building	14-22 Ka Wo Street, Aberdeen	4.2000
10.	-	13-15 Wai Fung Street, Ap Lei Chau	4.2000
11.	Manly House	105-113 Main Street, Ap Lei Chau	8.2000

## List of "target buildings" in Kwun Tong District (as at 31 March 2001)

<i>Serial No.</i>	<i>Name of Building</i>	<i>Address</i>	<i>Date put on List</i>
1.	Mai Hing Industrial Building (Block A)	16-18 Hing Yip Street	1988
2.	Mai Hing Industrial Building (Block B)	16-18 Hing Yip Street	1988
3.	Kwun Tong Industrial Centre (Block 3)	472-484 Kwun Tong Road	1988
4.	Kwun Tong Industrial Centre (Block 4)	472-484 Kwun Tong Road	1988
5.	Kiu Sun Factory Building	41 King Yip Street	1989
6.	Sunray Industrial Centre	610 Cha Kwo Ling Road	1989
7.	Yen Fu Mansion	121-141 Hip Wo Street	1990
8.	Keysky Industrial Building	151 Wai Yip Street	1990
9.	Good Year Industrial Building	191-121 How Ming Street	1990
10.	Camel Paint Building (Blocks 1 and 2)	62 Hoi Yuen Road	1991
11.	Hong Ning Building	105 Hong Ning Road	1991
12.	Shui Ning House	38 Shui Ning Street	1991
13.	Morning Star Mansion	42 Wan Hon Street	1991

<i>Serial No.</i>	<i>Name of Building</i>	<i>Address</i>	<i>Date put on List</i>
14.	Howard Factory Building	66 Tsun Yip Street	1991
15.	Wai King Building	3 Jordan Valley North Road	1991
16.	恒安唐樓	23 Hang On Street	1992
17.	Yau Tong Industrial Building (Block 3)	2 Sze Shan Street	1992
18.	Siu King Building	6 On Wah Street	1992
19.	Cheung On Mansion	78 Shui Wo Street	1992
20.	House of Corona	50 Hung To Road	1992
21.	Foo Yue Building	93 Ting Fu Street	1993
22.	Wai Yip Industrial Building	171 Wai Yip Street	1993
23.	Wang Yip Building	2 Ka Lok Street	1993
24.	King Yip Factory Building	59 King Yip Street	1993
25.	Hung Shing Industrial Building	27 Tai Yip Street	1993
26.	Kwong Fai Building	24 Mut Wah Street	1993
27.	Hong Ning Building	79 Hong Ning Road	1993
28.	Morning Light Building	9 Hong Ning Road	1993
29.	Gee Luen Factory Building	316 Kwun Tong Road	1993
30.	Chilcott Industrial Building	97 Wai Yip Street	1993
31.	King Wan Industrial Building	54 Hung To Road	1994
32.	Wah Shun Industrial Building	4 Cho Yuen Street	1994
33.	Ting Yip Building	30-42 Ting Yip Street	1994
34.	Wing Ming Building	114 Ting On Street	1994
35.	Draco Industrial Building	46 Lai Yip Street	1994
36.	Mai Hong Industrial Building	160 Wai Yip Street	1994
37.	Yau Fook Building	167-175 Cha Kwo Ling Road	1994
38.	Chung Nam House	78-83 Hip Wo Street	1994
39.	Yip Win Factory Building	10 Tsun Yip Lane	1994
40.	Liven House	61-83 King Yip Street	1994
41.	Yen Ning Building	19 Ting Yip Street	1995
42.	Mai Gar Industrial Building	146 Wai Yip Street	1995
43.	Viet Luen Factory Building	126 Wai Yip Street	1995
44.	Hung Fat Building	27 Tung Ming Street	1995
45.	康華樓	38 Hong Ning Street	1995
46.	Kai Tak Mansion	53 Kwun Tong Road	1995
47.	Yip Fat Factory Building	77 Hoi Yuen Road	1995
48.	Mai Tak Industrial Building	221 Wai Yip Street	1995
49.	Kai Tak Mansion	53A Kwun Tong Road	1995

<i>Serial No.</i>	<i>Name of Building</i>	<i>Address</i>	<i>Date put on List</i>
50.	Lin On Building	17-23 Luen On Street	1995
51.	On Ning Building	55-79 Mut Wah Street	1995
52.	Yau Tong Industrial Building (Block 1)	2 Shung Shun Street	1995
53.	Wing Hing Lee Industrial Building	32 Hung To Road	1995
54.	Wah Yee Building	2-8 Yan Oi Court	1996
55.	Roomy Mansion	85 Fu Yan Street	1996
56.	Chung Hing House	15-33 Yan Oi Court	1996
57.	10-24 Yan Oi Court	10-24 Yan Oi Court	1996
58.	Winful Industrial Building	15-17 Tai Yip Street	1996
59.	Kai Tak Mansion (Block 3)	55 Kwun Tong Road	1996
60.	Kai Tak Mansion (Block 4)	55A Kwun Tong Road	1996
61.	On Cheung House	311-315 Kwun Tong Road	1996
62.	On Cheong Factory Building	19 Tai Yip Street	1996
63.	Viet Shing Factory Building	145 Wai Yip Street	1996
64.	Luen On House	25-31 Luen On Street	1997
65.	Yuen Cheong Building	2-4 Fan Wa Street	1997
66.	Kin Fung Building	2-8 Fu Yan Street	1997
67.	Nam Wah Mansion	91-95 Shung Yan Street	1997
68.	Gemmy Industrial Building	12 Hung To Road	1997
69.	Ting Fu House	105-119 Ting Fu Street	1997
70.	Chi Cheong Building	2-4E Yee On Street	1997
71.	Yuet Yiu Building	41-47 Shui Wo Street	1997
72.	Wah Lee Industrial Building	11 Sze Shan Street	1997
73.	Wing Ying Industrial Building	95 Wai Yip Street	1997
74.	Kiu Cheong Mansion	12-16 Hong Ning Road	1998
75.	Fook Hing Court	37-47 Wan Hon Street	1998
76.	Nam Kiu Mansion	85 Wan Hon Street	1998
77.	141-143 Cha Kwo Ling Road	141-143 Cha Kwo Ling Road	1998
78.	145-147 Cha Kwo Ling Road	145-147 Cha Kwo Ling Road	1998
79.	Chit Wong Mansion	301-309 Kwun Tong Road	1998
80.	Lap Hing Building	37 Ting On Street	1998
81.	Sheung Heu Building	94-98 Ting On Street	1998
82.	Ting On Building	53-61 Ting On Street	1998
83.	Wanda Industrial Building	328 Kwun Tong Road	1998
84.	Nam Ning Mansion	59 Wan Hon Street	1999
85.	Nam On Mansion	28-48 Shui Wo Street	1999

<i>Serial No.</i>	<i>Name of Building</i>	<i>Address</i>	<i>Date put on List</i>
86.	Kwong Sen Mansion	23-33 Shui Wo Street	1999
87.	135-139 Cha Kwo Ling Road	135-139 Cha Kwo Ling Road	1999
88.	Luen Lee Court	6M-6N Yee On Street	1999
89.	海珠樓	189-193 Cha Kwo Ling Road	1999
90.	Wing Wah Building	28-38 Fan Wa Street	1999
91.	Luen Hing Building	40-42 Fan Wa Street	1999
92.	Kam See Building	177-183 Cha Kwo Ling Road	1999
93.	Yau Tong Industrial Building (Block 4)	18-20 Sze Shan Street	1999
94.	Tak Kee House	251-255 Kwun Tong Road	2000
95.	Tak Ming Building	271-275 Kwun Tong Road	2000
96.	71-79 Ting Fu Street	71-79 Ting Fu Street	2000
97.	Fu Shing House	10-24 Fu Yan Street	2000
98.	Kwan Sen Mansion	19-29 Mut Wah Street	2000
99.	17-19 Yee On Street	17-19 Yee On Street	2000
100.	Fu Yan Building	87-99 Fu Yan Street	2000
101.	Yue Wah Mansion	407-431 Kwun Tong Road	2000
102.	Cheoy Lee Building	4-10 Hang On Street	2000
103.	Mai Tong Industrial Building	22 Sze Shan Street	2000

## List of "target buildings" in Wong Tai Sin District (as at 31 March 2001)

<i>Serial No.</i>	<i>Name of Building</i>	<i>Address</i>	<i>Date put on List</i>
1.	-	5-7 Kam Fung Street	9.1998
2.	Yuk Wah House	1-11 Fong Wah Lane	9.1998
3.	Che Cheung Building	2 Po Tin Lane	12.1998
4.	Wong King Industrial Building	2 Tai Yau Street	12.1998
5.	Cho Keung Building	45-47 Yuk Wah Crescent, Tsz Wan Shan	3.1999
6.	Cheong Tai Building	83-97 King Fook Street, San Po kong	3.1999
7.	Wan Wah Mansion	26 Yuk Wah Crescent	6.1999
8.	Startex Industrial Building	14 Tai Yau Street, San Po Kong	6.1999
9.	-	78-81 King Fuk Street	9.1999
10.	On Keung Building	51-65 Hong Keung Street	9.1999
11.	Tontex Industrial Building	2-4 Sheung Hei Street	12.1999

<i>Serial No.</i>	<i>Name of Building</i>	<i>Address</i>	<i>Date put on List</i>
12.	Tak Wen Building	47-49 Tsui Fung Street	12.1999
13.	Shung Ling Building	65-89 Shung Ling Street	3.2000
14.	Fung Kam House	37-43 Wan Fung Street	3.2000
15.	Che Wah House	145-151 Po Kong Village Road	6.2000
16.	Fung Tak House	67-69 Fung Tak Road	6.2000
17.	Lead On Industrial Building	18 Ng Fong Street	9.2000
18.	Fung Cheung House	5-33 Wan Fung Street, Tsz Wan Shan	9.2000
19.	Foo Yuen Building	25 Yin Hing Street, San Po Kong	12.2000
20.	-	59-61 King Fuk Street	12.2000
21.	觀鳳樓	26-28 Sheung Fung Street, Tsz Wan Shan	3.2001
22.	On Luen Building	7 Foo Yuen Street, San Po Kong	3.2001

## List of "target buildings" in Kowloon City District (as at 31 March 2001)

<i>Serial No.</i>	<i>Name of Building</i>	<i>Address</i>	<i>Date Put on List</i>
1.	Tung Hing Building	251-259 To Kwa Wan Road	4.1989
2.	Nga Tsing Wai Building	20 Tak Ku Ling Road	4.1989
3.	Pak Tai Mansion	22-28A Pak Tai Street	4.1989
4.	Mei King Mansion (Phase II)	241-247B To Kwa Wan Road	4.1989
5.	Fuk Shing Mansion	89-93A Ma Tau Wai Road	7.1989
6.	Shing Tak Mansion	15 Peace Avenue	10.1989
7.	Po Kwong Building	2C Ma Hang Chung Road	9.1989
8.	Whampoa Building	15 Ming On Street	10.1989
9.	Kiu Yu Mansion	90 Lok Shan Road	10.1989
10.	Fook Yue Mansion	272-274 Ma Tau Wai Road	1.1990
11.	Fuka Building	8-16 Cooke Street	9.1989
12.	Fook Sing Mansion	16-22 Shun Yung Street	1.1990
13.	Yan On Building	28-30 Ma Tau Chung Road	4.1990
14.	Yick Fu Building	89-91 Ha Heung Road	8.1990
15.	Yue Sun Mansion	177 Wuhu Street	1.1991
16.	Tung Po Building	60 Pak Tai Street	3.1991
17.	-	110A-100B Argyle Street	3.1991
18.	Cheong Hing Building	28-30A Ha Heung Road	7.1991
19.	Yick Fat Building	73 Waterloo Road	6.1991

<i>Serial No.</i>	<i>Name of Building</i>	<i>Address</i>	<i>Date Put on List</i>
20.	Woon Tin Mansion	62-68 Kai Tak Road	10.1991
21.	Victory Mansion	14F-14G Victory Avenue	10.1991
22.	Lucky Building	142 Pau Chung Street	10.1991
23.	Sang On Building	542A Bulkeley Street	1.1992
24.	Lai Ming Court	19 Cheung Ning Street	1.1992
25.	On Hang Building	495-499 Chatham Road North	4.1992
26.	Tung Hoi Building	66 Pak Tai Street	7.1992
27.	-	30,32A-32B Kowloon City Road	7.1992
28.	Chung Yuen Mansion	71A-71B Waterloo Road	10.1992
29.	-	50 Wing Kwong Street	1.1993
30.	Ngan Hon Mansion	15 Ngan Hon Street	1.1993
31.	-	73-77A South Wall Road	1.1993
32.	Chuen Fat Building	5-13 Valley Road	4.1993
33.	-	80-86 Baker Street, 19-21C Whampoa Street	7.1993
34.	Check Bo House	76-78 South Wall Road	7.1993
35.	Kam Tong Building	12-34 Mok Cheong Street	11.1993
36.	-	2, 2A, 2B, 4 Whampoa Street	2.1993
37.	-	1K-1N Lok Shan Road	3.1994
38.	-	63-69 South Wall Road	6.1994
39.	-	22-24 Whampoa Street, 88-90A Baker Street	6.1994
40.	-	19-21 Peel Street, 1-3 Wan Lok Street	9.1994
41.	Chung Nam Mansion	2-4 Mok Cheong Street	12.1994
42.	Shing Fai Building	54-58 South Wall Road	3.1995
43.	-	2-4, 6-8 and 10-12 Baker Court	6.1995
44.	-	41-45 Pau Chung Street	6.1995
45.	-	87-91 Tak Ku Ling Road, 47-51 Carpenter Road	9.1995
46.	-	26-28 Whampoa Street, 83 Baker Street	9.1995
47.	Mei King Mansion (Phase I)	2 Mei King Street	12.1995
48.	-	2-6 Sze Chuen Street	12.1995
49.	-	20-22 Wan Fuk Street, 19-21 Wan Shun Street	3.1996
50.	-	69-71A Kai Tak Road	3.1996
51.	豐盛樓	7-9 Hau Wong Road	6.1996
52.	Yick Kwan House	244-248 Chatham Road North, 2A-2B Cooke Street	6.1996

<i>Serial No.</i>	<i>Name of Building</i>	<i>Address</i>	<i>Date Put on List</i>
53.	-	1 Wan King Street, 2 Wan Shun Street, 18-20 Wan On Street	9.1996
54.	太子唐樓	376-378 Prince Edward Road	9.1996
55.	Menon Mansion	18-20 Ho Man Tin Street	1.1997
56.	-	48-48A Nga Tsin Long Road	1.1997
57.	-	1-3 Wan Fat Street, 2-4 Wan Hing Street	4.1997
58.	Shun King Building	33-35 Tak Ku Ling Road	4.1997
59.	-	6-8 Gillies Ave South	6.1997
60.	Yee King Court	67E Waterloo Road	6.1997
61.	Luen On Building	65-67 Hau Wong Road	9.1997
62.	-	35,35A and 37 Whampoa Street	9.1997
63.	Jenford Building	2-6 South Wall Road	12.1997
64.	-	36-38 Hung Fook Street	12.1997
65.	Hang Shing Building	2-10 Tam Kung Road	3.1998
66.	-	80 South Wall Road, 53-55 Carpenter Road	3.1998
67.	-	34-36 Whampoa Street	6.1998
68.	-	21-23 South Wall Road	6.1998
69.	Yue Luen Mansion	2-4 Junction Road	9.1998
70.	-	198-200 Kowloon City Road, 17-19 Lung To Street	9.1998
71.	-	78-80 Nga Tsin Long Road, 28 Nam Kok Road	1.1999
72.	Hill Main Mansion	35-47 Ha Heung Road	1.1999
73.	-	38-40 Whampoa Street	3.1999
74.	-	61-67 Carpenter Road	3.1999
75.	福興樓	178-180 Ma Tau Wai Road	6.1999
76.	-	11-13 Nam Kok Road	6.1999
77.	興富樓	19-23 Nam Kok Road	9.1999
78.	-	122 Ma Tau Wai Road	1.2000
79.	-	13-13A Sheung Heung Road	1.2000
80.	Hing Wah Building	157-171 Wuhu Street	3.2000
81.	-	83 Kai Tak Road	3.2000
82.	輝美樓	64-66 Tak Ku Ling Road	6.2000
83.	Kin On Mansion	34-38 Tam Kung Road	9.2000

## List of "target buildings" in Yau Tsim Mong District (as at 31 March 2001)

<i>Serial No.</i>	<i>Name of Building</i>	<i>Address</i>	<i>Date put on List</i>
1.	Chungking Mansion	36-44 Nathan Road	6.1985
2.	Mirador Mansion	54-64B Nathan Road	6.1985
3.	Pollock Building	9-10 Tak Hing Street	3.1987
4.	Alpha House	27-31 Nathan Road	9.1990
5.	-	150-160 Reclamation Street	6.1992
6.	Wai On Building	1 Austin Road	7.1995
7.	Kam Fai Building	20 Waterloo Road	7.1996
8.	Wing Lok House	1-3A Lock Road	10.1996
9.	Cheng Hong Building	47-57 Temple Street	10.1996
10.	Friends' House	4B-4D, 6A-6H Carnarvon Road	1.1997
11.	Austin Mansions	15A Austin Avenue	4.1997
12.	Wing Sheung Building	172-176 Reclamation Street	9.1997
13.	Lee Loy Mansion	332-338 Canton Road	10.1997
14.	Portland Building	101-107 Portland Street	1.1998
15.	Bow On Building	32-38 Bowing Street	1.1998
16.	Tai On House	820 Canton Road	4.1998
17.	Garden Building	312-320 Canton Road	4.1998
18.	Po Cheung Building	260-264 Reclamation Street and 27D-E Pitt Street	10.1998
19.	Kwun Chung Building	44, 44A, 44B, 46 and 48 Kwun Chung Street	2.1999
20.	Mercantile House	184A-188 Nathan Road	2.1999
21.	Fook Kiu Mansion	34-36 Cameron Road	4.1999
22.	Parkes Building	17-23 Parkes Street	6.1999
23.	Minden Apartments	1, 1A, 1B, 2, 2A and 2B Minden Row	6.1999
24.	Fook Sing Building	52-58 Reclamation Street	9.1999
25.	Parkes Mansion	1-11 Parkes Street	12.1999
26.	Excelsior Building	344-366 Nathan Road	2.2000
27.	-	407-417 Shanghai Street	4.2000
28.	Wah Fung Building	17-23 Minden Avenue	7.2000
29.	Mee King Building	458-460 Nathan Road	10.2000
30.	-	104, 104A and 106 Portland Street	1.2001
31.	Kam Ma Building	16 Cameron Road	1.2001
32.	Far East Bank Mongkok Building	11 Nelson Street	9.1986
33.	Peony House West Block	Tai Kok Tsui — 8-22 Foo Kwai Street, 7A-21 Pok Man Street, 34-46 Hoi King Street	9.1986



<i>Serial No.</i>	<i>Name of Building</i>	<i>Address</i>	<i>Date put on List</i>
34.	Wing Shun Building	53-67 Larch Street	10.1989
35.	Man Lin Building	96-100 Prince Edward Road	12.1992
36.	Shun King Building	330 Ferry Street	1.1995
37.	Kwok Hong Building	94-98 Lai Chi Kok Road	3.1995
38.	-	15-17 Ka Shin Street, Tai Kok Tsui	7.1995
39.	Chung Hing Building	33 Chung Wui Street	1.1996
40.	Wah On Building	201-203 Tong Mi Road	7.1996
41.	Wong Choy Mansion	80-86 Hak Po Street	10.1996
42.	Fa Yuen Mansion	211-215 Fa Yuen Street	1.1997
43.	On May Mansion	595-599A Shanghai Street	4.1997
44.	Fuk Wo Mansion	46 Bedford Road	10.1997
45.	Yuen King Building	26-36 Sai Yeung Choi Street	10.1997
46.	Cam Key Mansion	489-495 Shanghai Street	4.1998
47.	Tat Ming Building	20-20A Tung Choi Street	7.1998
48.	Sun Hing Building	603-609 Nathan Road	10.1998
49.	Lee Man Building	104-116 Tung Choi Street	10.1998
50.	Asia Mansion	326-328 Sai Yeung Choi Street	2.1999
51.	Fu Tor Loy Sun Chuen (Phase 1)	34 Cherry Street	4.1999
52.	Wah May Building Block A	36 Shantung Street	6.1999
53.	Kiu Hay Mansion	245-251 Sai Yee Street	9.1999
54.	Wah Mei Building	191-197 Fa Yuen Street	9.1999
55.	Prince House	48-52 Nullah Road	12.1999
56.	Hang Tung Building	1112-1122 Canton Road and 22-28 Bute Street	2.2000
57.	Kam Mong Building	37-39 Fa Yuen Street	4.2000
58.	Cheung Fung Mansion	2-6 Tung Chau Street and 85-95 Tong Mi Road	4.2000
59.	Chung Kin Building	80 Kok Cheung Street	7.2000
60.	Wang On Building	73-81 Argyle Street and 93 Tung Choi Street	10.2000
61.	Kwong Yu Building	37 Kam Lam Street	1.2001

## List of "target buildings" in Sham Shui Po District (as at 31 March 2001)

<i>Serial No.</i>	<i>Name of Building</i>	<i>Address</i>	<i>Date put on List</i>
1.	-	2 Kim Shin Lane, 586 Fuk Wa Street, 475-475A Castle Peak Road	6.1989

<i>Serial No.</i>	<i>Name of Building</i>	<i>Address</i>	<i>Date put on List</i>
2.	Sunning Mansion	203-209 Pei Ho Street	5.1990
3.	-	570-572 Fuk Wa Street, 16-18 Kim Shin Lane	1.1991
4.	-	574-576 Fuk Wa Street, 12-14 Kim Shin Lane	7.1991
5.	New Pei Ho Building	178 Apliu Street	9.1991
6.	Wai Bun Building	126-130 Pei Ho Street	9.1991
7.	大安樓	145-149A Cheung Sha Wan Road	11.1991
8.	-	553-555 Fuk Wing Street, 21-23 Kim Shin Lane	1.1992
9.	Sheung Wing Building	187-189 Fuk Wing Street, 143-149 Kiu Kiang Street	5.1992
10.	明興大廈	174-176 Fuk Wing Street, 149A Kiu Kiang Street	7.1992
11.	Man Hoi Mansion	80-82 Cheung Sha Wan Road	9.1992
12.	Cheung Shing Building	1-5 Cheung Sha Wan Road, 41A-41D Boundary Street	11.1992
13.	Ka Wui Building	7 Fuk Wing Street	11.1992
14.	Un On Building	128-134 Camp Street, 154-160 Un Chau Street	2.1993
15.	Fat Tseung Building	290 Castle Peak Road, 7C-7E Fat Tseung Street	2.1993
16.	Sheung Fook Building	92-98 Fuk Wing Street, 143F-H Kweilin Street	2.1993
17.	Fuk Wing Mansion	226 Fuk Wing Street, 149-155A Pratas Street	5.1993
18.	Federal Mansion	544-560 Fuk Wing Street, 463-471 Castle Peak Road	5.1993
19.	金陵大廈	80-82 Fuk Wing Street	7.1993
20.	Maple Mansion	9-13 Maple Street	9.1993
21.	九福大廈	148A-B Kiu Kiang Street, 170-172 Fuk Wing Street	9.1993
22.	Golden League Building	76-82 Castle Peak Road	11.1993
23.	-	101-103 Kweilin Street, 281 Yu Chau Street	11.1993
24.	Cheong Fat Factory Building	265-271 Un Chau Street, 344-348 Fuk Wing Street	1.1994
25.	Cheong Fat Factory Building	265-271 Un Chau Street, 344-348 Fuk Wing Street	1.1994

<i>Serial No.</i>	<i>Name of Building</i>	<i>Address</i>	<i>Date put on List</i>
26.	Wing Shun Building	1-7 Wing Lung Street	7.1994
27.	永泰樓	280-286A Yu Chau Street	7.1994
28.	更新大廈	186-188 Cheung Sha Wan Road	9.1994
29.	Hung Yu Mansion	155-181 Castle Peak Road, 162-164 Un Chau Street	9.1994
30.	Shun King Building	114-118 Yee Kuk Street	11.1994
31.	Lung Fung Building	151-155 Kiu Kiang Street, 131-135 Un Chau Street	11.1994
32.	Winsum Industrial Building	588-592 Castle Peak Road	2.1995
33.	Charming Building	72-74 Cheung Sha Wan Road	3.1995
34.	Yen Li Mansion	222-224 Yee Kuk Street	5.1995
35.	-	Tai Po Road	7.1995
36.	Kwong Hing Building	52-54 Cheung Sha Wan Road	7.1995
37.	Kam Hoi Mansion	243 Hai Tan Street	9.1995
38.	Golden Jade Heights	482-492 Un Chau Street	9.1995
39.	-	75-81 Kweilin Street, 333-337 Tai Nan Street	11.1995
40.	Mei Kei Mansion	457-463 Castle Peak Road, 501 Un Chau Street	1.1996
41.	Kaming Factory Building	688-690 Castle Peak Road	3.1996
42.	Wing Hing Industrial Building	499 Castle Peak Road	3.1996
43.	Ying Fuk Building	212-214 Fuk Wing Street, 118-122 Camp Street	7.1996
44.	Tung Shing Building	155-167 Apliu Street	7.1996
45.	Sham Tsung Court	17-19 Wong Chuk Street	9.1996
46.	-	205-211A Hai Tan Street	9.1996
47.	鑽石樓	154-156 Cheung Sha Wan Road	11.1996
48.	Por Mee Factory Building	500 Castle Peak Road	1.1997
49.	Wah Hing Building	16-18 Yen Chow Street	3.1997
50.	Ka To Factory Building	2 Cheung Yue Street	3.1997
51.	Ming Chu Building	195-201 Apliu Street	5.1997
52.	Kam Yuen Building	15 Boundary Street	5.1997
53.	South Ocean Building	126 Kiu Kiang Street	8.1997
54.	Pao Fung Mansion	54 Nam Cheong Street	8.1997
55.	New Un Chau Building	151-153 Un Chau Street	9.1997
56.	Koon Wing Building	353 Un Chau Street	11.1997
57.	Yuk Chuen Building	113-117 Pei Ho Street	1.1998
58.	Hung Cheong Factory Building	742-748 Cheung Sha Wan Road	3.1998
59.	Ample Building	1-13 Who Chai Street	5.1998

<i>Serial No.</i>	<i>Name of Building</i>	<i>Address</i>	<i>Date put on List</i>
60.	Wah Kiu Mansion	76-84 Tai Po Road	7.1998
61.	Kam Fai Building	264 Cheung Sha Wan Road	7.1998
62.	Lai Luen Building	236 Lai Chi Kok Road	9.1998
63.	Bao Hua Building	276-278 Cheung Sha Wan Road	11.1998
64.	Sunning Court	29-39 Shun Ning Road	1.1999
65.	-	38C-38D Kweilin Street, 254-256 Yu Chau Street	3.1999
66.	Kwong Tai Factory Building	750 Cheung Sha Wan Road	3.1999
67.	-	2 Wong Chuk Street, 157-159 Tai Nan Street	5.1999
68.	Kiu Fai Building	2-8 Kiu Yam Street	7.1999
69.	Rondall Building	168-176 Tai Po Road	7.1999
70.	Po Cheung Building	148-154 Nam Cheong Street	9.1999
71.	Wa Hing Building	146-150 Un Chau Street	9.1999
72.	宇宙大廈	136-138 Yu Chau Street, 10-12 Shek Kip Mei Street	12.1999
73.	Tat Ming Building	242-244 Castle Peak Road	12.1999

## List of "target buildings" in Kwai Tsing District (as at 31 March 2001)

<i>Serial No.</i>	<i>Name of Building</i>	<i>Address</i>	<i>Date put on List</i>
1.	Mei Kei Industrial Building	23-29 Wing Kei Road, Kwai Chung	12.1991
2.	Golden Dragon Industrial Centre, Block I	152-160 Tai Lin Pai Road, Kwai Chung	5.1996
3.	Golden Dragon Industrial Centre, Block II	162-170 Tai Lin Pai Road, Kwai Chung	7.1996
4.	Golden Dragon Industrial Centre, Block III	172-180 Tai Lin Pai Road, Kwai Chung	10.1996
5.	Golden Dragon Industrial Centre, Block IV	182-190 Tai Lin Pai Road, Kwai Chung	10.1996
6.	Chiop Luen Industrial Building	30-32 Kung Yip Street, Kwai Chung	2.1997
7.	Kingswin Industrial Building Block I	45-50 Lei Muk Road, Kwai Chung	6.1997
8.	Kingswin Industrial Building Block II	32-40 Lei Muk Road, Kwai Chung	8.1997
9.	Tak Cheong Building	1001 Kwai Chung Road, Kwai Chung	8.1997

<i>Serial No.</i>	<i>Name of Building</i>	<i>Address</i>	<i>Date put on List</i>
10.	Kingsway Industrial Building Block I	166-171 Wo Yi Hop Road, Kwai Chung	10.1997
11.	Kingsway Industrial Building Block II	166-171 Wo Yi Hop Road, Kwai Chung	12.1997
12.	Win Fong Heights	180 Hing Fong Road, Kwai Chung	12.1997
13.	Yam Hop Hing Industrial Building	40-44 Kwai Wing Road, Kwai Chung	2.1998
14.	Mai Ning Building	22 Shun Fong Street, Kwai Chung	4.1998
15.	Tai Tak Industrial Building	2-12 Kwai Fat Road, Kwai Chung	6.1998
16.	Lion Building	113 Shek Yam Road, Kwai Chung	6.1998
17.	Milo's Industrial Building	2 Tai Yuen Street, Kwai Chung	8.1998
18.	Shing Wah Building	23 Shing Fong Street, Kwai Chung	8.1998
19.	Yuet Bor Building	10 Shun Fong Street, Kwai Chung	9.1998
20.	Sung Kee Industrial Building	18 Kwai Ting Road, Kwai Chung	9.1998
21.	Tak Tai Building	19 Tai Ha Street, Kwai Chung	12.1998
22.	Tai Tung Industrial Building	7 Lam Tin Street, Kwai Chung	12.1998
23.	Yen Ya Building	5 Tai Ha Street, Kwai Chung	1.1999
24.	Kam Fu Factory Building	97 Ta Chuen Ping Street, Kwai Chung	4.1999
25.	Man Lee Industrial Building	13 Kin Hong Street, Kwai Chung	6.1999
26.	King Po Mansion	19 Shing Fong Street	6.1999
27.	Kin Hing Industrial Building	17 Shek Kin Street, Kwai Chung	8.1999
28.	Hip Tak Building	1 Che Fong Street, Kwai Chung	8.1999
29.	Kwai Fung Building	192 Hing Fong Road, Kwai Chung	10.1999
30.	Kwai Fook Building	15 Lai Fong Street, Kwai Chung	12.1999
31.	Foon Tak Building	40 Shing Fong Street, Kwai Chung	12.1999
32.	Yuet Loong Building	40 Shun Fong Street, Kwai Chung	2.2000
33.	Victory Court	38 Shun Fong Street, Kwai Chung	2.2000
34.	Kwai Cheung Building	103 Wing Fong Road, Kwai Chung	4.2000
35.	Cheong Hung Mansion	8 Mei Fong Street, Kwai Chung	5.2000
36.	Kwai Lok Building	79 Wing Fong Road, Kwai Chung	8.2000
37.	Mai Fung Building	8 Yan Fong Street, Kwai Chung	8.2000
38.	Man Shing Building	113 Wo Tong Tsui Street, Kwai Chung	10.2000
39.	Kwong Fai Building	7-9 Kwong Fai Circuit, Kwai Chung	10.2000
40.	Profit Industrial Building	1-15 Kwai Fung Crescent, Kwai Chung	10.2000
41.	Kwai Shun Industrial Centre	51 Container Port Road, Kwai Chung	10.2000
42.	Mai Kwai Mansion	87 Wo Tong Tsui Street, Kwai Chung	12.2000
43.	Mai Chung Mansion	89 Wo Tong Tsui Street, Kwai Chung	12.2000
44.	Kwai Wo Building	85 Wo Tong Tsui Street, Kwai Chung	2.2001

## List of "target buildings" in Tsuen Wan District (as at 31 March 2001)

<i>Serial No.</i>	<i>Name of Building</i>	<i>Address</i>	<i>Date put on List</i>
1.	Lok Shun Factory Building	6-28 Chai Wan Kok Street	10.1989
2.	Po Yip Building Block A	62-70 Texaco Road	6.1995
3.	Po Yip Building Block B	62-70 Texaco Road	8.1995
4.	Lung Shing Factory Building	142-148 Texaco Road	6.1996
5.	Sun Fung Industrial Building	8-12 Ma Kok Street	9.1996
6.	Metropolitan Industrial and Warehouse Building No. 2	216-218 Texaco Road	10.1996
7.	Golden Bear Industrial Centre Block A-D	66-82 Chai Wan Kok Road	4.1997
8.	Golden Bear Industrial Centre Block E-H	66-82 Chai Wan Kok Road	6.1997
9.	Young Ya Industrial Building	381-389 Sha Tsui Road	8.1997
10.	Symphone Industrial Building	88-96 Texaco Road	10.1997
11.	Richwealth Industrial Building	144-146 Yeung Uk Road	12.1997
12.	Victory Industrial Building	71-75 Chai Wan Kok Street	4.1998
13.	Glee Industrial Building	77-81 Chai Wan Kok Street	4.1998
14.	On Yue Building	130 Tsuen Wan Market Street	6.1998
15.	Kong Nam Industrial Building (Block A)	603-609 Castle Peak Road	9.1998
16.	Kong Nam Industrial Building (Block B)	603-609 Castle Peak Road	9.1998
17.	Kapok Mansion	123-131 Castle Peak Road	10.1998
18.	Southeast Industrial Building	611-619 Castle Peak Road	12.1998
19.	On Foo Building	36 Lo Tak Court	12.1998
20.	Houston Industrial Building	32-40 Wang Lung Street	2.1999
21.	雅緻樓	9-14 Sze Pei Square	4.1999
22.	Tak Po Building	12 Tai Pei Square	4.1999
23.	Fortune Mansion	1 Cheong Tai Street	6.1999
24.	Cheong Wah Building (Block A)	55 Lo Tak Court	8.1999
25.	Cheong Wah Building (Block B)	293 Castle Peak Road	8.1999
26.	-	21-23 Yi Pei Square	10.1999
27.	-	25 Yi Pei Square	10.1999

<i>Serial No.</i>	<i>Name of Building</i>	<i>Address</i>	<i>Date put on List</i>
28.	Kam Shing Building	33 Heung Wo Street	12.1999
29.	On Hong Building	37 Tai Pa Street	4.2000
30.	Dao Shing Building	31 Heung Wo Street	4.2000
31.	Metex House	24-32 Fui Yiu Kok Street	6.2000
32.	Excelsior Building	68 Sha Tsui Road	9.2000
33.	Leader Industrial Centre	188-202 Texaco Road	9.2000
34.	Kwong Ming Building	120-130 Sha Tsui Road	12.2000
35.	Shing On Building	44-50 Ham Tin Street	12.2000

## List of "target buildings" in Tuen Mun District (as at 31 March 2001)

<i>Serial No.</i>	<i>Name of Building</i>	<i>Address</i>	<i>Date put on List</i>
1.	Kam Men Mansion	15 Tseng Choi Street	10.1998
2.	Rich Building	6 Tsing Min Path	10.1998
3.	Lai Bo Building	2 Tsing Ho Square	10.1998
4.	Dorboa Building	9 Tsing Chui Path	10.1998
5.	Far East Consortium	11 Tat Yan Square	1.1999
	Tuen Mun Central Building		
6.	Kar Wah Building	11-17 Castle Peak Road, San Hui	4.1999
7.	Ming Wai Building	4-26 Tuen Mun Heung Sze Wui Road	4.1999
8.	Mai Kei Building	126-148 Ho Pang Street	6.1999
9.	Fu Hang Building	26 Yan Ching Street	6.1999
10.	Kam Fat Building	9 Tseng Choi Street	8.1999
11.	Tuen Mun Fa Yuen	6 Tsing Hoi Circuit	10.1999
12.	Hing Tai Building	45 Yan Oi Tong Circuit	12.1999
13.	Bamboo Court	87 Castle Peak Road, San Hui	2.2000
14.	Man Shing Building	3 Kai Fat Path	4.2000
15.	Lucky Building	95-107 Castle Peak Road	6.2000
16.	Victory Building	199 Castle Peak Road, San Hui	8.2000
17.	Orchid Court	32 Yan Oi Tong Circuit	10.2000
18.	Mei Hang Building	15-45 Kai Man Path	12.2000
19.	Man Cheong Building	5 Tsing To Path, Tseng Choi Street	2.2001

## List of "target buildings" in Yuen Long District (as at 31 March 2001)

<i>Serial No.</i>	<i>Name of Building</i>	<i>Address</i>	<i>Date put on List</i>
1.	Tak Cheung Building	D. D. 124 Lot 4177 Castle Peak Road	9.1999
2.	Chun Chu House	1 Castle Peak Road, Yuen Long	9.1999
3.	Kin Sing Building (Block East)	1-7 Mau Tan Street	9.1999
4.	Kingston Court	71-79 Kau Yuk Road	2.2000
5.	Po Yik Building Phase 2 (Block E-H)	7 On Leung Lane, Yuen Long	2.2000
6.	Kuen Yick Building	18 Chun Yin Square	2.2000
7.	Hung Yip Building	253-263 Castle Peak Road, Yuen Long	2.2000
8.	Man Yip Building	89 On Ning Road	6.2000
9.	Po Yik Building Phase 1 (Block A-D)	7 On Leung Lane, Yuen Long	6.2000
10.	Kin Sing Building (Block West)	1-7 Mau Tan Street	6.2000
11.	Yuen Tung Building	10-12 Sai Tai Street	6.2000
12.	Chuk Bun Building	1 Tat Fai Path	10.2000
13.	Mau Tan Mansion	25-29 Mau Tan Street	10.2000
14.	Tai Tong Mansion	29-33 Tai Tong Road	3.2001
15.	Shung Tak Building	14-18 Kik Yeung Road	3.2001

## List of "target buildings" in Tai Po District (as at 31 March 2001)

<i>Serial No.</i>	<i>Name Of Building</i>	<i>Address</i>	<i>Date put on List</i>
1.	Tai Wan Building	10-22 Tai Kwong Lane, Tai Po	8.1999
2.	Wing Cheung Building	6-14 Fu Shin Street, Tai Po	7.1999

**MR FREDERICK FUNG** (in Cantonese): *Madam President, the HAD is specialized in liaising with tenants and organizing mutual aid committees and owners' corporations. It should be the BD which specializes in the maintenance of buildings. The HAD has on its own prepared a list of target buildings. Some of the buildings in the Sham Shui Po District, for example, have been on the list for over eight years. That is why I asked in the main question whether*



*there are still many buildings remaining on the list for over five years. Now that the BD has started to prepare their list of target buildings for the year, should the HAD then channel their resources to liaison work with owners' corporations and leave the target buildings to the BD to handle?*

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): Madam President, the work of the HAD focuses mainly on finding ways to help improvement works with owners or owners' corporations, depending on what problems plague the buildings. The BD, however, focuses mainly on the structural safety of the buildings and unauthorized structures that caused profound effects on the building structures, which are by nature slightly different from the management issues being attended to by the HAD. Both the BD and the HAD have very close contacts with each other in their daily work. In fact, many of the buildings in the Co-ordinated Maintenance of Buildings Scheme (CMBS) to be launched by the BD are among those buildings already included in the list of target buildings prepared by the HAD.

**MR CHAN KWOK-KEUNG** (in Cantonese): *Madam President, could the Secretary inform this Council whether the Government has sufficient manpower to inspect buildings for which improvement works are required?*

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): Madam President, there are numerous departments doing inspection work as necessitated by problems in multi-storey buildings. Such departments include the BD, the HAD and the Fire Services Department. We certainly cannot conduct frequent inspections on all buildings for a long period of time due to insufficient manpower, but we will set priorities. The relevant departments will target at high-risk buildings by carrying out more frequent inspections. At present, we think manpower is tight but we can still cope.

**MR JASPER TSANG** (in Cantonese): *Madam President, though the Secretary said the Government should not use public funds for the maintenance of private buildings, the Government does provide target buildings with assistance in their maintenance and management. This necessitates extra resources and the use of public funds. I have looked through the list of target buildings and found that*

*over 150 of them have been on the list for more than 10 years. Is it a waste of public funds to allow the buildings to remain on the list for a long time? What will the Government do about the buildings that have not been removed from the list for a long time?*

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): Madam President, I do agree with the Honourable Member in that it is unhealthy for some buildings to remain on the list for a long time. However, we are not focussing on ways to punish the owners because our main objective is to help owners solve their management problems. Some problems can be dealt with by enforcing the law, such as problems relating to the blocking of fire escape routes and problems on building safety. Some other problems, however, cannot be solved easily. For example, in some buildings with problems, owners there have long-drawn-out disputes or even deadlock in personal conflicts, making it difficult for us to give assistance. Nevertheless, our fundamental consideration is safety for the tenants. Therefore, if a target building poses an immediate danger to its tenants, the relevant department will not hesitate to enforce the law. If, however, poor management exists purely because of disputes among tenants, it would be difficult for us to act on their behalf. Members may recall that under sections 40B and 40C of the Building Management Ordinance, I am empowered to enforce the Ordinance when the relevant building is in danger. However, I think I would so enforce only under very extreme conditions. In other words, only when there is danger or risk of danger to the occupants or owners of the building arising from the management or maintenance of the building will we consider invoking the power. Of course, I will consider exercising the power conferred upon me under the two sections when such need arises.

**MR LAU PING-CHEUNG** (in Cantonese): *Madam President, the Secretary said they prepared the blacklist not for punishing the owners. But the fact is the blacklist is a punishment because, once released, it will make people regard the buildings as problematic ones. Could the Secretary inform this Council whether, before they wrote down the list, there were any objective benchmarks for assessment and whether owners were informed after the assessment?*

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): Madam President, as we set out to assess the buildings, there were a set of objective criteria and the list was prepared after some inter-departmental discussions. Our criteria included fire hazards and safety, safety of wiring and electrical accessories and building structure, unauthorized installations that are harmful to the environment affecting the sanitary conditions of the buildings, other sanitation issues such as garbage at staircases, canopies and lightwells, sewage seeping from worn-out pipes, security and management of the building, and management of private lanes, if any, at the relevant buildings and so on. Before we released the names of the target buildings, we would certainly inform their owners or the owners' corporations. Our aim is to highlight the problems so that the owners concerned will take bolder steps to handle their problems.

**MR CHAN KAM-LAM** (in Cantonese): *Madam President, many buildings have been on the list for over 10 years. The Secretary said the Government and relevant departments would spare no effort to help improve each building so that it can be removed from the list as soon as possible. However, has the Government tried to find out whether the problems at buildings exist out of some internal problems among owners, as pointed out by the Secretary, or whether better co-ordination by government departments is needed? For instance, the BD must set a priority for the buildings with problems. Some of the buildings may have eliminated the problems, but for those which are not high on the priority list, the authorities have not issued any demolition order or repair order so that the buildings remain on the list for a long time. Will the Government review the work procedures for some departments in this respect?*

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): Madam President, after having several departments work in co-operation, we think we are now doing better in terms of co-ordination, compared with what we did in the past. Of course, in some cases where we can improve on some procedures, we would be pleased to do so, and we welcome suggestions from Members or owners. In fact, the 900-odd buildings do not stay on the list all the time. After working on them for some time, we were able to remove several hundred buildings from the list since 1985 due to improvements already made. We are however bewildered at some of the buildings which have remained on the list over a long period of time. We may need to work harder on the buildings.

**DR TANG SIU-TONG** (in Cantonese): *Madam President, in paragraph (ii) of part (b) of the main reply, the Government said the owners were not keen to clear unauthorized structures that did not pose an immediate danger. It seems the Government could do nothing about it. Furthermore, the last sentence in part (c) of the main reply reads: "Enforcement action will also be taken more frequently against buildings with unauthorized structures that have existed for a long time." I would like to know what these enforcement actions are. Will the relevant department join hands with the BD to enforce laws requiring immediate repair work to be done, such as requiring the relevant department to register an order against the relevant property?*

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): Madam President, we are now taking steps to improve the management of multi-storey buildings. Because the HAD has obtained more resources this year to strengthen support for improvement on the management of multi-storey buildings, among the measures adopted is the establishment of Building Management Co-ordination Teams in 18 districts and of more Building Management Resources Centres to provide free professional advice and suggestions for owners. Moreover, to tackle buildings with possible dangers in building structure, the BD has formed an inter-departmental group to launch the CMBS, which draws up the criteria for selection and categorization of target buildings with safety problems for action. However, management problems for multi-storey buildings in Hong Kong are indeed huge ones. As our buildings age, more buildings will have problems. Thus, we must continue our efforts in coping with the problems.

**PRESIDENT** (in Cantonese): Though the Council has spent more than 17 minutes on this question, I would allow one more Member to ask a supplementary question.

**DR RAYMOND HO** (in Cantonese): *Madam President, there have been so many buildings on the list of target buildings. In the past, we had a \$500 million Building Safety Improvement Loan Fund and a \$200 million Fire Safety Improvement Loan Fund, both having merged to form a \$700 million fund recently. Has the HAD told the relevant owners about the funds so that more people know how to use them, instead of just granting \$10 million-odd to the relevant people as it had been doing in the past?*

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): Madam President, to answer in short, we have. We, together with the BD, have tried very hard to introduce the funds to owners in multi-storey buildings and have simplified the administrative procedures to facilitate application by owners when necessary. However, Madam President, our experience shows that buildings remain on the list of target buildings for a long time because there has been unnecessary delays in the works needed due to apathy of owners towards their buildings or uncooperative attitudes held by some owners who are unwilling to invest in the maintenance of their buildings. However, those are their properties. We will enforce the law only in an emergency. We can only hope that owners will understand that their properties will depreciate further if they continue to hold a negative attitude.

**PRESIDENT** (in Cantonese): Fifth question.

### **Fire Safety in Residential Care Homes for the Elderly and School Dormitories**

5. **MR MICHAEL MAK** (in Cantonese): *Madam President, regarding fire safety in residential care homes for the elderly (RCHEs) and school dormitories, will the Government inform this Council:*

- (a) *of the total number of RCHEs and school dormitories, including those of nurseries, kindergartens, primary schools, secondary schools and tertiary institutions, in Hong Kong at present;*
- (b) *of the fire safety requirements for RCHEs and school dormitories, such as the installation of automatic sprinkler systems; whether it regularly inspects such fire services installations, and whether the responsible persons concerned are required to regularly arrange testings on these fire safety systems and conduct fire drills; and*
- (c) *whether the staff members in RCHEs and school dormitories are required to receive training in fire safety and fire drills?*

**SECRETARY FOR SECURITY** (in Cantonese): Madam President,

- (a) At present, there are 684 RCHEs and 11 residential child care centres in Hong Kong. In addition, there are 439 non-residential child care centres and 789 kindergartens, some of which provide short-sleep accommodation. Thirty primary and secondary schools provide dormitories and 51 dormitories are provided by tertiary institutions.
- (b) Under the Buildings Ordinance, all buildings under construction must, with reference to the approved building plans, be installed with fire safety installations and built with fire safety construction according to their different uses so as to protect the safety of the occupants. These fire safety requirements include:
- the minimum fire service installations and equipment;
  - means of escape;
  - fire resisting construction; and
  - means of access for firefighting and rescue.

If, when submitting the plans, it is specified that the buildings are to be built for use as RCHEs, child care centres, schools or school dormitories, the plans must prescribe the appropriate fire safety measures for such specified purpose. Generally these fire service installations include fire hydrant, fire hose reel system, portable fire extinguisher, manual fire alarm system, emergency lighting, exit signs, and so on. Regarding the fire safety construction, it is most important that the buildings are provided with adequate protected means of escape for the evacuation of occupants in case of fire. Under the Code of Practice for Minimum Fire Service Installations and Equipment 1987, premises which exceed 230 sq m in gross floor area must be installed with an automatic sprinkler system and areas used for residential or short-sleep purposes must be additionally installed with a smoke detection system. Moreover, a height limit is imposed on premises used as child care centres, kindergartens, secondary and primary schools.

Besides, all the premises mentioned above are regulated by the relevant legislation:

- RCHEs are regulated by the Residential Care Homes (Elderly Persons) Ordinance with the Director of Social Welfare (the Director) as the supervisory authority;
- child care centres are regulated by the Child Care Services Ordinance with the Director as the supervisory authority;
- secondary and primary schools as well as kindergartens are regulated by the Education Ordinance with the Director of Education as the supervisory authority; and
- tertiary institutions are autonomous bodies and regulated by the dedicated legislation in respect of the tertiary institutions.

Apart from tertiary institutions, all such premises are required to apply to their respective supervisory authority for a licence or registration. Before the issue of a licence or granting registration, the supervisory authority will consult the relevant departments to ensure that the premises are in compliance with all the relevant fire safety requirements. This procedure is particularly important if such premises are not located in a purposely built building. For example, the Fire Services Department (FSD) will take into account the location of the premises and the characteristics of the buildings and check all the fire service installations and equipment installed in the premises. If the location and the buildings are found to be acceptable, the FSD will issue the applicant with appropriate fire safety requirements according to the actual use of the premises concerned. The applicant must ensure that his premises comply with these fire safety requirements before he can be issued with a licence or granted registration.

The Fire Service (Installations and Equipment) Regulations require that fire service installations or equipment installed in any premises shall be inspected by a registered fire service installation contractor at least once every 12 months and issued with a certificate certifying that the equipment is in normal condition. The certificate shall be

forwarded to the FSD for record and made available for random inspection.

In addition, RCHEs are required to renew their licences every year. Before the renewal of a licence, the FSD will send officers to the premises concerned to ensure that all the fire safety requirements are complied with and that all the fire service installations in the premises are properly maintained and are in good working order. Only then will a fire service certificate required for the renewal of a licence be issued. The relevant authority will consider the application for renewal only after the applicant has obtained the fire service certificate.

For child care centres, schools, and so on, which do not have to renew their licences after registration, the FSD will also conduct regular random inspections to ensure that their fire service installations are kept in good working order and that the premises are provided with adequate fire precautions.

As regards fire drills, the Codes of Practice for Residential Care Homes (Elderly Persons) (the Codes) issued in accordance with the Residential Care Homes (Elderly Persons) Ordinance requires RCHEs to draw up an evacuation plan in consultation with the FSD and have the plan submitted to the Director. The Codes also stipulates that fire drills shall be conducted at intervals of not less than once every six months.

Under the Child Care Services Regulations, the supervisor of child care centres has to draw up a practical scheme for the evacuation of the centre premises in case of fire. The Social Welfare Department (SWD) will consider the scheme and make appropriate recommendations. Furthermore, all staff shall conduct fire drills at least once a month, and the evacuation of the premises to the point of egress at ground floor once every year.

Under the Education Regulations, school principals shall draw up a practical scheme for fire evacuation and ensure that fire drills including the use of all exits from the school premises are carried



out by the teachers and pupils at least once every six months, and keep a record of such drills in a school log book which shall also record the time taken to evacuate the school premises in each drill for the inspection of the Education Department.

All tertiary institutions are statutory autonomous institutions which have the responsibility to ensure that their safety facilities are in compliance with the prevailing legislation. They also have to put in place and maintain appropriate measures and procedures as required by the law to protect the health and safety of all those in the institutions. These include conducting regular fire drills in the dormitories.

- (c) RCHEs, child care centres and schools are required to conduct regular fire drills in accordance with the above legislative provisions or internal arrangements. In conducting the fire drills, the persons in charge of the premises can solicit the support and guidance of the fire stations of their respective districts. The SWD also holds regular talks for the staff members of RCHEs and child care centres to enhance their understanding of fire safety.

The officers of the Community Relations Division of the FSD often go to different districts to arrange fire safety talks for various organizations, helping them to conduct fire drills and giving them professional advice. When conducting random inspections or discharging other duties, the officers of the Licensing Division of the FSD will give staff members of the premises professional advice on fire safety measures, fire drills and other related matters to ensure that all of them have a chance to receive proper training in fire safety and fire drills as far as possible.

**MR MICHAEL MAK** (in Cantonese): *Madam President, in view of the fact that some elderly persons residing in the RCHEs are unable to move around freely, and that some others who are not in their right minds have to be tied up, does the Government have any contingency measures in place, particularly with regard to manpower ratio, so that the safety of these inmates can be guaranteed in case of accidents such as fire?*

**SECRETARY FOR SECURITY** (in Cantonese): Madam President, just as Mr MAK said, since inmates of the RCHEs are mainly elderly people requiring special assistance, the Residential Care Homes (Elderly Persons) Ordinance has thus laid down clearly the minimum manpower ratio requirement for each type of staff of the RCHEs for all time slots. For example, for RCHEs providing great attention and care, during the period from 7 am to 6 pm, there must be one assistant for every 40 elderly. From 7 am to 3 pm, there must be one care worker for every 20 elderly; from 3 pm to 10 pm, there must be one care worker for every 40 elderly; from 10 pm to 7 am of the following day, there must be one care worker for every 60 elderly. Moreover, from 7 am to 6 pm, there must be one health worker or nurse for every 30 elderly; from 7 am to 6 pm, there must be one nurse for every 60 elderly, and from 6 pm to 7 am of the following day, there must be any two of the above mentioned staff on duty. The Residential Care Homes (Elderly Persons) Ordinance has therefore guaranteed that there will be sufficient manpower at the different time slots.

In addition, the SWD regulates the running and operation of the RCHEs through the licensing system. During the process of licensing, the FSD has to make sure that they have sufficient fire protection facilities in place. Besides, fire safety inspectors of the Licensing Office under the SWD will also inspect the RCHEs on a regular basis. For example, during 2000, 910 inspections of the RCHEs were carried out, and 14 of them were found to have failed to clear their fire escapes, resulting in fire escape blockades, thereby violating the Fire Services Ordinance. With regard to these circumstances of violating the law, the fire safety inspectors concerned have right away issued verbal warning to people in charge of those RCHEs. These responsible persons have taken immediate action to clear their fire escapes properly. In other words, it is through enforcing the provisions of the Ordinance and the licensing requirements, as well as through conducting regular inspections that the authority concerned guarantees that fire safety of those elderly requiring assistance is taken care of.

**PRESIDENT** (in Cantonese): We now move on to the sixth question. As the Honourable HUI Cheung-ching who is to ask this question has not yet arrived, and he has not requested in advance that another Member is to ask this question on his behalf, according to Rule 26(6) of the Rules of Procedure, this question will therefore be treated as a question for which a written answer has been sought.

Question time ends here.

**WRITTEN ANSWERS TO QUESTIONS****Helicopter Services between Hong Kong and Mainland**

6. **MR HUI CHEUNG-CHING** (in Chinese): *Madam President, regarding the operation of helicopter services between Hong Kong and the Mainland, will the Government inform this Council:*

- (a) *whether it has discussed with the mainland authorities the introduction of regular helicopter flights between Hong Kong and the Mainland; if so, of the details; if not, the reasons for that; and*
- (b) *of the measures to attract investors to operate such services, to boost the business and tourism activities between Hong Kong and the Mainland?*

**SECRETARY FOR ECONOMIC SERVICES** (in Chinese): *Madam President, my reply to the two parts of the Honourable HUI Cheung-ching's question is as follows:*

- (a) In general, air services can be classified as scheduled and non-scheduled services. Scheduled services usually refer to flights operated by airlines in accordance with the capacity and routing provisions in the relevant air services agreements or arrangements. Non-scheduled services usually refer to air services other than scheduled services, that is, chartered flights.

As the air services arrangement between Hong Kong and the Mainland does not cover helicopter services, there are no scheduled helicopter services between Hong Kong and the Mainland. However, qualified operators may still apply to the relevant authorities in Hong Kong and the Mainland for operating chartered services.

Recently, some helicopter companies have indicated interest in operating scheduled helicopter services between Hong Kong and the Mainland. We have started initial discussions with the relevant mainland authorities regarding a series of issues. These include

the need to expand the air services arrangement between the Mainland and Hong Kong, draw up helicopter flight routes in the Pearl River Delta and provide other supporting facilities, such as immigration, customs and quarantine arrangements.

- (b) Although the operation of helicopter services between Hong Kong and the Mainland is a commercial decision, the Government and the Airport Authority (AA) will provide supporting facilities as far as possible. We have in fact taken a series of initiatives in two areas to complement the development of commercial helicopter services.

The first area is in the provision of the required land and ground handling facilities. The AA has provided helipad facilities at the Hong Kong International Airport (HKIA) for cross-boundary services. In conjunction with other relevant organizations such as ground handling agents, the Civil Aviation Department (CAD), the Immigration Department and the Customs and Excise Department, it has also worked out a set of operating procedures for handling helicopter services. Starting from September 2000, the AA has reduced helicopter landing and parking charges by up to 80%.

Apart from the facilities at the HKIA, the Hong Kong Macau Ferry Terminal also has helipad, immigration, customs and quarantine facilities to cater for cross-boundary helicopter services. We have also leased out a site at Kwun Yam Shan in Yuen Long and part of the former Kai Tak Airport to helicopter companies for use as parking and maintenance bases.

The second area concerns technical arrangements and support for helicopter services. For example, the CAD regularly reviews the air traffic control arrangements for helicopter services with a view to enhancing flight safety and operational efficiency. Before helicopter companies introduce new helicopter type or facilities, the CAD will also explain to them the relevant requirements.

The Government is mindful of the expanding economic ties between Hong Kong and the Pearl River Delta and the need to enhance various transport links with the Pearl River Delta. As far as helicopter services are concerned, the CAD is conducting a

consultancy study which will assess the short-term and long-term demand for different types of helicopter services as well as the feasibility and potential locations for developing new heliport facilities. The study will also examine the financial and management arrangements for all proposed facilities as well as their cost-effectiveness. The study is expected to be completed by the end of this year and its findings will assist us in considering how to further facilitate the development of helicopter services.

### **Construction of New Television Transposers**

7. **MR SIN CHUNG-KAI** (in Chinese): *Madam President, some residents in certain districts in the territory, such as Kau Wah Keng Village in Lai Chi Kok, cannot have clear viewing of local free television programmes because the reception of radio signals in these districts is obstructed by slopes or buildings. In this connection, will the Government inform this Council:*

- (a) *of the number of complaints received in the past three years about problems in the reception of radio signals of free television programmes, together with a breakdown by districts and, among them, the number in which the reception problems were caused by the obstruction of radio signals by newly-completed buildings; and*
- (b) *how the Office of the Telecommunications Authority (OFTA) coordinates the construction of new television transposers across the territory; of the factors in deciding the construction of new transposers, and the time required from planning to completing the construction of these transposers?*

**SECRETARY FOR INFORMATION TECHNOLOGY AND BROADCASTING** (in Chinese): Madam President,

- (a) In the past three years, the number of complaints received by the OFTA about problems in the reception of radio signals of domestic free television programmes is set out below:

<i>Year</i>	<i>Number of Complaints</i>
2001 (January to May)	44
2000	137
1999	106

A breakdown of the above figures by districts is at Annex. Of the total of 287 complaints, 112 were caused by the obstruction of radio signals by buildings. As for the number of cases concerning reception problems caused by newly-completed buildings, the OFTA has no statistics of such nature.

- (b) At present, signals of domestic free television programmes are receivable in most parts of Hong Kong. However, the mountainous topography and continuous development of the territory may give rise to reception problems in some areas. Upon receipt of complaints about reception problems, the OFTA will conduct site investigations to ascertain whether there is signal interference and, if so, identify possible solutions.

Generally speaking, reception problems of free television programmes may be solved by adjusting the direction or position of receiving antennas, installing television signal amplifiers or constructing new TV transposers. Regarding the reception problem encountered by some residents of Kau Wah Keng Village in Lai Chi Kok, the OFTA is studying the case with a view to identifying suitable remedial measures.

On the feasibility of constructing new transposers, the OFTA will take full account of the following factors, among others, before making a recommendation thereon to the Broadcasting Authority (BA):

- (i) whether it is technically feasible to construct a new transposer, including the availability of suitable local frequency channels in the television broadcasting band for the operation of the new transposer and the availability of a suitable site for constructing the transposer; and
- (ii) whether the population within 3 km of the affected location exceeds 2 000.

If the BA endorses the OFTA's recommendation, the Authority will direct the domestic free television programme service licensee concerned to construct the new transposer. The OFTA will provide the necessary technical co-ordination in the process.

Considerable resources and time are required for the construction of a new transposer. The project has to go through numerous steps from site selection, design, application, approval, tender, installation to technical trial. The selection of the site is subject to the consent of the property owner concerned and the time required may range from some 18 months to four years, depending on individual districts and situations.

Annex

A Breakdown of Complaints by Districts about Reception Problem of Domestic Free Television Programmes

<i>District</i>	<i>No. of Complaints</i>		
	<i>1999</i>	<i>2000</i>	<i>2001 (Jan to May)</i>
Central and Western	17	11	6
Wan Chai	3	14	4
Eastern	9	11	3
Southern	0	3	1
Yau Tsim Mong	2	6	3
Sham Shui Po	0	1	3
Kowloon City	1	1	0
Wong Tai Sin	1	1	1
Kwun Tong	1	2	2
Tsuen Wan	3	11	1
Tuen Mun	5	3	0
Yuen Long	8	18	7
North	5	4	1
Tai Po	6	6	0
Sai Kung	10	8	1
Sha Tin	14	7	4
Kwai Tsing	7	17	3
Islands	14	13	4
Total	106	137	44

**Foreign Domestic Helpers Denied of Statutory Salaries and Benefits**

8. **MISS LI FUNG-YING** (in Chinese): *Madam President, it has been reported that, according to the findings of a survey, some employment agencies aided and abetted employers in exploiting or reducing their foreign domestic helpers' (FDHs) statutory salaries and benefits, and Indonesian domestic helpers were the worst treated. In this connection, will the Government inform this Council of:*

- (a) *the number of complaints received by the Labour Department (LD) from January 2000 to May this year about such exploitation or reduction of FDHs' salaries and benefits, together with a breakdown by their nationality, the amount of salaries underpaid, the number of days of statutory holiday and other benefits reduced;*
- (b) *the number of complaint investigations concluded during the same period and, in respect of such cases, the number of employers involved, the number of FDHs whose complaints were substantiated, and whether the employment agencies involved were punished; if not, of the reasons for that; and*
- (c) *the measures the relevant departments will take to ensure that FDHs are given their statutory labour rights and benefits?*

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

(a) and (b)

From January 2000 to May this year, the LD received 3 210 claims which involved FDHs. During the same period, 3 112 cases were processed. The LD does not maintain statistics on the breakdown of the cases by nationality and amount of claims, and so on.

The LD may provide the breakdown by cause on the 3 112 claims for which conciliation has been completed:



- Dismissal/Termination of contract	2 449
- Arrears of wages	243
- Retrenchment	74
- Underpayment of wages	74
- Non-payment or underpayment of holidays/annual leave/rest days or sickness allowance	57
- Others	215

Among those claims for which conciliation has been completed, a total of 1974 claims were settled. The outstanding claims have to be referred to the Labour Tribunal or the Minor Employment Claims Adjudication Board for adjudication, according to the amount of the claim.

The Employment Ordinance provides that an employer would commit an offence if he wilfully and/or without reasonable excuse defaults payment of wages or underpays wages or other employees' benefits. In processing claims, the LD would consider whether the cases concerned would involve contravention of the Employment Ordinance or other relevant labour legislation and would institute prosecution action against the offending employer where there is sufficient evidence. From January 2000 to May this year, the LD has prosecuted three FDH employers who were suspected of having contravened the Employment Ordinance. One employer was convicted of arrears of wages and annual leave pay and was fined \$8,000. The prosecution against one employer was offered no evidence because the FDH concerned gave up to act as prosecution witness. One employer was not convicted because his grounds of defence were admitted by the Court. For the remaining claims, the LD did not institute prosecution because no FDH was willing to act as prosecution witness, or, having sought legal advice, the employer concerned was considered to have reasonable excuse.

On the other hand, from January 2000 to May this year, the LD received five complaints lodged by FDHs, complaining five employment agencies of overcharging commission, abetting employers to underpay their wages or charging service charges higher than the statutory level. The LD has completed the

investigation into the above five complaints. Having obtained legal advice, the LD considered that there was no sufficient evidence to prove that the employment agencies in three of the complaints have overcharged commission and abetted employers to underpay wages. In this connection, no disciplinary action was taken against the employment agencies concerned. Separately, the employment agencies involved in the other two complaints were prosecuted for charging FDHs services charges higher than the statutory level. They were eventually convicted and were fined \$5,000 and \$30,000 respectively. The Commissioner for Labour has exercised her authority under section 53(1) of the Employment Ordinance to revoke the licences of the employment agencies concerned.

- (c) At present, FDHs enjoy the same rights and benefits under the Employment Ordinance and other labour legislation as local employees. Such protection includes, among other things, requirements under Part XII of the Employment Ordinance and the Employment Agency Regulations regarding business practices of employment agencies, which protect FDHs and local employees from being overcharged. Apart from this, FDHs also enjoy the rights and benefits under the standard employment contract.

The LD has taken the following measures to ensure that FDHs are given their statutory labour rights and benefits:

- (i) FDHs are provided with advisory services which assist them to understand their entitlement of various rights and benefits. Conciliation services are also offered to FDHs in case of employment related disputes. Should conciliatory efforts fail to settle the disputes, the LD will refer the cases to the Labour Tribunal or Minor Employment Claims Adjudication Board for adjudication. Where evidence is established, the LD will institute prosecution against the offending employer.
- (ii) If FDHs are found undertaking non-domestic duties during inspection of workplaces conducted by labour inspectors, the cases will be referred to the Immigration Department immediately for their action so as to combat employers' exploitation of the rights and benefits of FDHs by deploying the latter to undertake non-domestic duties.

- (iii) Employment agencies are regularly inspected to ensure that they are operating in compliance with the law. If an employment agency is suspected to have contravened the relevant requirements, investigations will be made immediately. If there is sufficient evidence, prosecution actions will be taken and the Commissioner for Labour will exercise her power to revoke the licence of the agency concerned or reject the renewal of the licence.
- (iv) FDHs are introduced to the various rights and benefits under the labour legislation and employment contracts through various publicity channels, such as the publication of "Practical Guide for Employment of Foreign Domestic Helpers" written in five different languages (namely Chinese, English, Tagalog, Thai and Indonesian). These Practical Guides are available at various offices of the Labour Relations Division of the LD, the Public Enquiry Service Centres of District Offices of the Home Affairs Department, relevant consulates, employers' associations and labour unions. Staff of the Immigration Department will also distribute the Practical Guides to the FDHs when the latter apply for Hong Kong Identity Cards.
- (v) The LD maintains close liaison with related consulates, employers' associations and trade unions to host seminars for FDHs, employment agencies and employers on labour legislation. FDHs are encouraged to promptly report any unlawful acts of employers or employment agencies through trade unions.

### **Examination Arrangements for Disabled Persons**

9. **MISS CHAN YUEN-HAN** (in Chinese): *Madam President, it has been reported that a candidate in this year's Hong Kong Certificate of Education Examination (HKCEE), who suffers from hearing impairment and mild spastics, has complained about the improper arrangements made by the Hong Kong Examinations Authority (HKEA), alleging that he had not been provided with suitable auxiliary aids and allowed additional examination time for taking the*

*examinations. Regarding the arrangements for disabled candidates sitting public examinations, will the Government inform this Council:*

- (a) of the number of disabled candidates in public examinations (including the HKCEE and the Hong Kong Advanced Level Examination (HKALE)) in each of the past five years;*
- (b) of the number of complaints received by the HKEA from disabled candidates about the examination arrangements for them over the past five years, and the details of such complaints;*
- (c) whether disabled candidates are required to take the examinations at designated venues where auxiliary aids are available, or whether the necessary auxiliary aids are sent to the examination venues concerned according to the needs of individual candidates;*
- (d) of the criteria adopted by the HKEA in determining the additional examination time to be allowed for each disabled candidate; and*
- (e) whether the HKEA has considered increasing or replacing the auxiliary aids for disabled candidates; and whether the authorities will review the existing examination arrangements for such candidates; if it will, of the specific timetable; if not, the reasons for that?*

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

- (a) The HKEA has always made special examination arrangements for disabled candidates. The numbers of disabled candidates sitting for the HKCEE and the HKALE over the past five years are set out in Annex 1.
- (b) In the past five years, the HKEA has only received 13 complaints from disabled candidates. The figures are as follows:

	<i>HKCEE</i>	<i>HKALE</i>
1997	0	0
1998	0	0
1999	2	2
2000	1	4
2001	2	2

The complaints received were mainly about insufficient examination time and poor radio reception quality in listening tests.

- (c) In general, the HKEA will arrange disabled candidates to take examinations at special venues and provide them with relevant auxiliary aids. Candidates who require special assistance can also make their requests when applying to sit for the examinations, so that appropriate arrangements can be made by the HKEA. For example, in this year's HKCEE, special examination venues, both on Hong Kong Island and in Kowloon, including 10 for written examinations and five for oral examinations, have been set up for disabled candidates. Besides, special invigilators have been sent to oversee the examinations at these venues so as to provide disabled candidates with appropriate assistance during the examinations.
- (d) The HKEA will determine the additional examination time to be allowed for physically disabled and visually impaired candidates according to the circumstances in each case.

The "Guidelines on the Extension of Examination Time for Candidates with Physical Disabilities" requires physically disabled candidates to take a writing speed test before any decision is made on the additional time to be allowed for them to take the written examinations. The test consists of two parts, one in Chinese and the other in English. The additional time allowed for these candidates to complete a written examination normally will not exceed 75% of the original examination time. Where additional time is allowed for answering long questions, extra time will also be granted for answering multiple-choice questions, but normally the extended time for the latter will only be half of that for the former. Candidates who are allowed additional time may have a break if the

examination lasts for more than 90 minutes. Depending on the conditions of individual candidates, there will usually be a five-minute break for every 45 minutes of examination time or a 10-minute break for every 90 minutes of examination time. During the breaks, candidates are not allowed to continue writing.

The "Guidelines on the Extension of Examination Time for Candidates with Visual Impairment" stipulates that for blind candidates, an extra 45 minutes may be allowed for every hour of examination time for answering long questions, while an additional 15 minutes for every hour may be granted for answering multi-choice questions. As for visually-impaired candidates, the time extended for each examination hour for answering long questions and multi-choice questions are 30 minutes and 15 minutes respectively. Moreover, the HKEA will provide visually-impaired candidates with examination papers printed in braille or larger font size.

- (e) At present, the auxiliary aids provided by the HKEA to disabled candidates for meeting their needs include braille-writer, personal computer and CCTV magnifier. Since all existing auxiliary aids are functioning well, the HKEA has no intention to make more purchases or to replace them. However, it will monitor any technological developments in this respect, conduct regular reviews and make new procurement as required.

In 2000, the Committee on Processing of Applications for Candidates with Disabilities was set up under the HKEA to handle examination issues concerning disabled candidates so as to make better arrangements for disabled candidates and to provide them with proper supporting services as well as relevant aids. The Committee conducts annual reviews on relevant guidelines and examination measures and submits reports to the School Examinations Board for approval. It also examines, with reference to the relevant guidelines, the recommendations put forward by the Secretariat on special arrangements for individual candidates, such as extended examination time and examination papers printed in larger font size or braille.

Number of Disabled Candidates Sitting for HKCEE and HKALE  
in the Past Five Years

	<i>HKCEE</i>					<i>HKALE</i>				
	<i>1997</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>1997</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>
Candidates with physical disabilities	56	62	74	72	75	9	14	15	29	34
Candidates with visual impairment	33	38	38	41	29	14	6	12	10	12
Candidates with hearing/speech impairment	159	178	179	179	163	21	29	41	37	39
Total	248	278	291	292	267	44	49	68	76	85

### Financing of Small and Medium Enterprises

10. **MR KENNETH TING** (in Chinese): *Madam President, it has been reported that due to the recent shortage of capital outlets, local banks have become more active in furnishing loans to small and medium enterprises (SMEs). In this connection, will the Government inform this Council whether:*

- (a) *there is an obvious upward trend in the total amount of unsecured loans furnished by local banks to the commercial and industrial sectors; if so, of the specific statistics;*
- (b) *it will regularly compile and publish the statistics mentioned in item (a) above; if so, of the arrangements concerned; if not, the reasons for that; and*
- (c) *it knows if banks, in vetting and approving the loan applications of SMEs, have gradually lowered the requirements on the financial documents to be submitted; if that is the case, of the details?*

**SECRETARY FOR FINANCIAL SERVICES** (in Chinese): Madam President, my reply to parts (a) and (b) is as follows:

Based on feedback to the Hong Kong Monetary Authority (HKMA) from a number of banks that are active in SME lending, there are noticeable signs that banks have devoted more efforts to expanding this business. The majority of these banks indicated that their lending to SMEs had grown in the past year. We have no information as to whether the loans were unsecured. Some banks indicated that they had relied less on collateral and had been willing to extend unsecured credit to an SME which had good business prospect and sound financial position.

To promote SME lending, some banks have established separate business units that focus exclusively on lending to SMEs. Such moves have helped simplify and speed up the credit approval process. Others have increased marketing efforts to attract SME business, such as through advertisements on newspapers and the Internet, promotional pamphlets and participation in seminars organized by the Hong Kong Trade Development Council and the Hong Kong Productivity Council.

At present, the Government does not compile and publish regularly statistics on bank lending to SMEs. Moreover, different definitions for "SMEs" according to individual banks' policies will make compilation of statistics difficult. From the HKMA perspective, the statistics now collected from banks are adequate for the purpose of prudential supervision.

My reply to part (c) is as follows:

Banks have continued to seek comprehensive information from borrowers for making prudent lending decisions. They try to obtain applicants' audited financial statements. Nevertheless, they do not rely solely on such statements in assessing their loan applications.

### **Agreement on Transfer of Sentenced Persons**

11. **MISS CYD HO** (in Chinese): *Madam President, it was reported that the mainland authorities and the Hong Kong Special Administrative Region (SAR) Government would be able to sign an agreement on the transfer of sentenced*



*persons next year at the earliest. Upon the signing of the agreement, some 500 Hong Kong residents serving sentences in the Mainland and more than 3 000 mainland residents serving sentences in Hong Kong might apply of their own volition for transfer to their respective places of residence to serve the remainder of their sentences. In this connection, will the Government inform this Council:*

- (a) of the statistical breakdown of the Hong Kong residents serving their sentences in the Mainland, and the mainland residents serving their sentences in Hong Kong, according to their terms of imprisonment, as follows:*
  - (i) less than two years;*
  - (ii) two years to less than seven years;*
  - (iii) seven years to less than 10 years; and*
  - (iv) 10 years or more;*
- (b) whether, in the absence of an agreement on the transfer of sentenced persons, the SAR Government has been notified by the mainland authorities in the past five years of requests from Hong Kong residents serving their sentences in the Mainland for transfer to Hong Kong to serve the remainder of their sentences; if so, of the total number of such applications referred by the mainland authorities and, among them, the number of those which have been rejected as well as the reasons for rejection;*
- (c) whether, in the absence of an agreement on the transfer of sentenced persons, the SAR Government has received in the past five years any applications from mainland residents serving sentences in Hong Kong for transfer to the Mainland to serve the remainder of their sentences; if so, of the total number of such applications received and the number of those referred to the mainland authorities for follow-up actions, as well as the number of applications which have been rejected and the reasons for rejection; and*

- (d) *whether, in formulating the terms of the above-mentioned agreement, the authorities concerned have made reference to the United Nations' Model Treaty on the Transfer of Supervision of Offenders Who Have Been Conditionally Sentenced or Conditionally Released to ensure that the terms of the agreement comply with the standards as provided for in the international human rights treaties; if not, of the justifications for that?*

**SECRETARY FOR SECURITY** (in Chinese): Madam President, at present, the arrangements for the transfer of sentenced persons between the SAR and the Mainland are still under discussion. It is premature to say when both sides can reach a consensus over the arrangements or when implementation legislation will be introduced. Our reply to Honourable Cyd HO's question is as follows:

- (a) As at 8 June 2001, there are 2 806 mainlanders (including Two-Way Exit Permit holders and illegal immigrants) serving sentences in Hong Kong. Their respective terms of imprisonment are as follows:

<i>Terms of Imprisonment</i>	<i>No. of people</i>
Less than two years	2 137
Two years to less than seven years	560
Seven years to less than 10 years	44
10 years or more	65
Total	2 806

It is understood that there are about 500 Hong Kong people currently serving sentences in the Mainland. Comprehensive information on their sentences is not available.

- (b) The SAR Government has not been notified by the mainland authorities in the past five years of any requests from Hong Kong residents serving sentences in the Mainland for transfer to the SAR to serve the remainder of their sentences.

- (c) According to our records, in the past five years, 12 mainlanders serving sentences in Hong Kong have written to the Security Bureau expressing their will to be transferred to the Mainland to serve the remainder of their sentences and making related inquiries. We have explained to each of them that as the arrangements for the transfer of sentenced persons between the Mainland and the SAR are still under discussion and the Transfer of Sentenced Persons Ordinance only provides for transfer arrangements between the SAR and places outside China, their requests cannot be entertained at the moment. Once the transfer arrangements between the two sides are finalized, we will notify the eligible sentenced persons so that they may make transfer applications according to their own will.
- (d) The United Nations' "Model Treaty on the Transfer of Supervision of Offenders Who Have Been Conditionally Sentenced or Conditionally Released" only covers those persons who have been found guilty of an offence by the court and have been placed on probation, given a suspended imprisonment sentence, a parole or an imprisonment sentence which has been conditionally suspended in whole or in part. They are different from those who are convicted and sentenced to imprisonment by the Court, who are the subject of our current discussion with mainland authorities. Our view is that the Model Treaty does not apply to the arrangements for the transfer of sentenced persons.

### **Disposal of Contaminated Mud in Mainland Waters**

12. **MISS CHOY SO-YUK** (in Chinese): *Madam President, the Environmental Protection Department (EPD) had issued a loading permit to the contractor of Container Terminal 9 (CT9) for the disposal of highly contaminated mud in mainland waters between July and September last year. Thereafter, the EPD refused to grant a new permit to the contractor. As a result, the contractor lodged an appeal against the EPD's decision with the Appeal Board under the Dumping at Sea Ordinance (Cap. 466). The Appeal Board dismissed the appeal at the end of last month. In this connection, will the Government inform this Council:*

- (a) *of the reasons for the EPD granting the permit to the contractor last year;*
- (b) *whether it has re-assessed if the granting of the permit constituted dereliction of duty on the part of the EPD, and whether the EPD will make a public apology for that matter;*
- (c) *whether the EPD or the contractor has put forth any remedial measures in respect of the mainland waters contaminated by the mud; if so, of the relevant details; if not, the reasons for that; and*
- (d) *of the experience and lessons learned from the incident, as well as the measures it will adopt to prevent the recurrence of similar incidents?*

**SECRETARY FOR THE ENVIRONMENT AND FOOD** (in Chinese):  
Madam President,

- (a) According to international practice, cross-boundary transfer of dredged mud for marine dumping is acceptable provided that there is prior consent between the authorities involved. The contractor for the CT9 project had obtained a permit from the relevant mainland authority for disposal of the dredged mud arising from the project in mainland waters. On this basis, the EPD issued two permits for the months August and September 2000 to permit the contractor to load the materials dredged in Hong Kong for transportation into mainland waters for dumping.
- (b) The EPD staff had handled the case based on their understanding of the legislation at the time. There was no dereliction of duty on the part of the EPD in issuing the loading permits.
- (c) The Erzhou dumping ground is within the jurisdiction of the Mainland. At present, we do not have sufficient information to assess the environmental impact at Erzhou caused by the dumping operation by the CT9 contractor.

- (d) Since 4 October 2000, the EPD has revised its practice in issuing permits for loading dredged mud in Hong Kong for dumping in waters outside Hong Kong. The EPD now only issues a loading permit if contractors could provide evidence and information to show that the proposed mud dumping operations outside Hong Kong are environmentally acceptable and have obtained a permit for mud dumping from the relevant authority at the receiving end. This new practice will help us avoid similar incidents in future.

### **Use of Mobile Phones in Border Areas**

13. **MR SIN CHUNG-KAI** (in Chinese): *Madam President, it is learnt that because the radio signals of the mobile phone networks in the Mainland (mainland networks) are stronger than those of the local mobile phone networks (local networks) in the border areas of Hong Kong, such as Lo Wu, Sheung Shui, Tung Ping Chau, Kat O and Ap Chau, mobile phone users in these districts are often automatically connected to China roaming services provided through the mainland networks. As a result, they have to pay the exorbitant fees chargeable on China roaming services when they make or receive local calls. In this connection, will the Government inform this Council:*

- (a) *of the respective numbers of such complaints received by the Office of the Telecommunications Authority (OFTA) and the Consumer Council over the past three years;*
- (b) *whether it has measured the strength of radio signals of the mainland networks in border areas; if it has, of the details;*
- (c) *whether it has discussed with the relevant mainland authorities with a view to solving this problem; if it has, of the details, progress and outcome of the discussion; and*
- (d) *of the measures to improve the reception of radio signals of the local networks in border areas?*

**SECRETARY FOR INFORMATION TECHNOLOGY AND BROADCASTING** (in Chinese): Madam President,

- (a) On faulty roaming within the territory of Hong Kong arising from too strong mobile phone network signals from the Mainland, the OFTA and the Consumer Council have received and dealt with six cases and five cases of complaints respectively over the past three years.
- (b) Owing to geographical proximity between Hong Kong and Shenzhen, coverage of the mobile phone networks of the two places inevitably overlaps. This is a matter of concern to both the OFTA and the Shenzhen Radio Administrative Committee (SRAC). To resolve the issue, the authorities and mobile phone networks operators of the two places have jointly reviewed and evaluated the coverage of spilled-over signals since May 1995. Analysis showed that only certain areas in the northern part of Hong Kong near the boundary might have received signals from Shenzhen and hence resulted in faulty roaming. Various measures have been taken by both authorities to tackle the issue, details of which are given in part (c).
- (c) Whilst maintaining effective operation of the networks on both sides of the border, the authorities and mobile phone operators concerned have drawn up the related standards and other feasible measures to reduce the strength of cross-boundary signals upon completion of various studies. The authorities of both sides have agreed on the locations and method of measurements, and also reached initial targets on the acceptable strength of cross-boundary signals. Since last year, both sides have made adjustments to the emission characteristics of the base stations in the border area. The joint monitoring work has produced initial improvements. The authorities in Hong Kong and Shenzhen will continue to follow up to reduce possible faulty roaming brought by the spilled-over signals.
- (d) To solve the problem of faulty roaming, the Government has not only undergone continued discussion with the mainland authorities but also encouraged and assisted the local mobile phone service operators to build new base stations in country parks and remote

areas. By extending coverage and increasing signal strengths within the territory of Hong Kong, it is aimed to reduce the occurrence of faulty roaming. For this purpose, the mobile phone operators have already lodged applications for the construction of common radio base stations at government premises in the border area such as Lo Wu, Man Kam To, Sha Tou Kok and Lok Ma Chau and so on. Through the co-ordination of the OFTA, the departments concerned (such as the Police Force, the Immigration Department as well as the Customs and Excise Department) and the operators have held discussions on the details of the base station construction projects. At this stage the operators are amending their proposals in accordance with the advice of the relevant government departments. The OFTA will closely monitor the situation and provide co-ordination where necessary.

Moreover, the OFTA have also reminded the public that they should beware of the roaming status of their handsets when they are near the border area. When necessary, they should select their networks manually so as to avoid faulty roaming.

### **Declaration by Public Officers of Purchase of Properties**

14. **MISS EMILY LAU** (in Chinese): *Madam President, regarding the declaration by public officers of their purchase of properties, and the receipt of preferential treatment by them in purchasing properties, will the executive authorities inform this Council:*

- (a) *of the existing mechanism for public officers to make the above declarations, as well as the ranks of public officers who are required to make the declarations;*
- (b) *of the arrangement made for members of the public to read the particulars declared by public officers;*
- (c) *whether they have found public officers to have received preferential treatment from real estate developers, such as purchasing properties at prices below market values or enjoying priority in purchasing properties, in the past 10 years; if so, of the details and whether they*

*have assessed if the receipt of preferential treatment by public officers constitutes a breach of the laws of Hong Kong or the internal guidelines of the Civil Service; and*

- (d) *whether they have assessed if it is necessary to ask the Independent Commission Against Corruption (ICAC) to investigate the cases stated in (c) above; if it is assessed to be unnecessary, of the reasons for that?*

**SECRETARY FOR THE CIVIL SERVICE** (in Chinese): Madam President, the Administration's reply is set out below, in the same order:

- (a) Under existing civil service declaration rules which were promulgated in 1995 and refined over the years, the holders of certain posts are required to declare their private investments on a regular basis. These civil service posts are classified into two tiers. Tier I consists of 27 strategic posts, including those filled by civil servants at the Bureau Secretary level. Tier II posts include all directorate posts and posts designated by Bureau Secretaries/Heads of Department as carrying high risk of exposure to conflict of interest situations. At present, there are about 3 100 Tier II posts.

Officers holding Tier I and II posts are required to report their private investments, including any interest in land or buildings in Hong Kong, annually and biennially respectively. Between the annual or biennial declarations, they have to report, within seven days, any single investment transaction which is equivalent to or exceeds \$200,000 in value.

Individual bureaux/departments may, in the light of their specific circumstances and operational needs, prescribe supplementary declaration requirements for compliance by their staff.

As regards public servants who are not civil servants, first, they are bound by the relevant provisions in the Prevention of Bribery Ordinance (PBO). Secondly, they are also subject to the staff management and discipline rules prescribed by the public body which they serve on or work in, including rules related to



declaration of investments. The public bodies are responsible for administering these internal staff management and discipline rules.

- (b) Civil servants holding Tier I posts are required to register their financial interests annually including their interest in land or properties. In the case of transactions between the annual declarations, the register will be up-dated. This register is kept in the Civil Service Bureau and open to public inspection on request.

It is for individual public bodies to promulgate their own arrangements for members of the public to read the particulars declared by public servants who are not civil servants.

- (c) Under existing civil service rules, all civil servants are required to avoid any real or potential conflict of interest between their private investments and official duties, and to make a report as and when any such conflict arises.

By virtue of the Acceptance of Advantages (Chief Executive's Permission) Notice, a civil servant may accept priority in purchasing a property and he may, in circumstances matching those described in para. 4(1) in the Notice, purchase a property at a discount without having to obtain special permission from the Chief Executive provided that the preferential treatment is equally available on equal terms to persons who are not civil servants and that the officer concerned has no official dealings with the tradesman or the company that offers the advantage. In other circumstances, the officer must seek special permission for soliciting or accepting the preferential treatment. Failing that, it may constitute a breach of section 3 of the PBO.

If such as advantage is a reward for an officer abusing his official position, the officer may be subject to prosecution under section 4 of the PBO.

According to statistics kept by the ICAC, they had in the past 10 years received three reports relating to civil servants accepting advantages in the form of internal subscription or a discount in purchasing properties. The allegations in two reports were found

unsubstantiated while the remaining one was not pursuable due to lack of sufficient information. The ICAC had not received reports of a similar nature relating to public servants who are not civil servants.

- (d) Under existing civil service guidelines, civil servants are required to report to the ICAC (or the police) all instances of attempted bribery (or other crime/alleged crime) which they may come across in the course of their duty. Specifically, where there is a *prim facie* case to suspect a breach of the provisions in the PBO, it should be reported to the ICAC. Officers have no discretion in deciding which case to report.

### **Enforcement Against Unlicensed Hawkers in TPS Estates**

15. **MR LAU KONG-WAH** (in Chinese): *Madam President, regarding the enforcement against unlicensed hawkers in the Tenants Purchase Scheme (TPS) estates, will the Government inform this Council:*

- (a) *of the names and the total number of TPS estates where unlicensed hawking activities are rampant;*
- (b) *whether enforcement operations against unlicensed hawkers in such estates are conducted regularly; and*
- (c) *whether enforcement operations against unlicensed hawkers within TPS estates by the Housing Department (HD) and the Food and Environmental Hygiene Department (FEHD) respectively differ from the operations carried out by these two departments respectively within public rental housing estates; if so, of the details?*

**SECRETARY FOR HOUSING** (in Chinese): Madam President, the Housing Authority does not keep a record of names or total number of TPS estates where unlicensed hawking activities are rampant. A survey conducted by the HD staff on 22 June 2001 identified the following TPS estates as having had more than one unlicensed hawker on the premises:

<i>District</i>	<i>Estate</i>	<i>Hawkers</i>
Tai Po	Tai Wo Estate	7
	Fu Heng Estate	12
Sheung Shui	Tin Ping Estate	6
Chai Wan	Fung Wah Estate	2
Tuen Mun	Leung King Estate	9
Aberdeen	Wah Kwai Estate	5

Enforcement against unlicensed hawkers is conducted on a need basis, for example, if hawker problems persist, or if hawkers congregate in large numbers, or if hawkers sell cooked food.

Enforcement operations against unlicensed hawkers within TPS estates are conducted by the HD staff or property management agents in accordance with the Deeds of Mutual Covenant, with the help of officers from the FEHD as necessary. Arrests and prosecutions are made by the FEHD officers under the Public Health and Municipal Services Ordinance (Cap 132). For public rental housing estates, the HD staff take similar action and make arrests and prosecutions under delegated authority under the Public Health and Municipal Services Ordinance.

### **Malfunctioning of Screening Devices for On-the-spot Breath Tests**

16. **MISS EMILY LAU** (in Chinese): *Madam President, at present, the Police require drink-driving suspects to undergo breath tests on the spot. It has been reported that the portable screening devices used for such tests (commonly known as "breathalysers") have been found defective and the alcohol concentration readings indicated have far exceeded the actual concentration. In this connection, will the executive authorities inform this Council:*

- (a) *of the details and causes of the malfunctioning of such screening devices;*
- (b) *how they handle queries raised by drivers undergoing breath tests on the results of such tests, and how they ensure that, where the actual alcohol concentrations in the breath specimens have not*

*exceeded the prescribed limits, the drivers concerned will not be wrongly prosecuted for drink-driving; and*

- (c) *how they ensure that such portable screening devices operate properly and accurately?*

**SECRETARY FOR TRANSPORT** (in Chinese): Madam President, in the course of the investigation into a traffic accident in May 2001, the police noticed that there were discrepancies in the readings provided by a "portable breath screening device" and the more sophisticated "breath analyzing instrument" at a Police Station. The police immediately requested the manufacturer's agent to conduct a thorough examination on the "portable breath screening device" in question. It was later confirmed that the reading on the "portable breath screening device" was erroneous and that it was due to a damage of the electro-conductive film layer, which served to screen off radio interference, inside the main cabinet of the device. According to the manufacturer's agent, since the device was usually placed in the pannier of a traffic police motorcycle, strong bumps and jumps of the motorcycle might have loosened the internal component circuits of the device, thus causing damage to the film layer and hence the erroneous reading.

At present, every "portable breath screening device" is equipped with an internal "self-test function" which will run automatically every time the device is switched on. In order to enhance the reliability of this test function, the manufacturer has, after the incident, installed a piece of non-conductive insulation rubber inside the cabinet of every device to prevent short-circuit in case the internal circuits become loose. The software installed within the device has also been upgraded to enable the detection of defected component parts. Besides, to ensure the accuracy and normal operation of the device, the manufacturer's agent is required by contract to conduct an examination for each of the breath screening devices in use every six months.

Under the current arrangement for detecting suspected drink driving offences, a driver may be requested to undergo a screening breath test using "portable breath screening device". However, the result is taken only as a preliminary assessment of the alcohol level of a suspected drink driving driver and will not form part of the evidence for prosecution against drink driving. If the result shows that the alcohol level of a driver exceeds the prescribed limit

under the Road Traffic Ordinance (Cap. 374), he will be directed to an approved Breath Testing Centre (BTC) in one of the appointed police stations where he will undergo another test using the more sophisticated "breath analyzing instrument". The findings of the "breath analyzing instrument" will then be used as evidence to substantiate any drink driving prosecution.

### **Promotion of Octopus System**

17. **MR LAU KONG-WAH** (in Chinese): *Madam President, regarding the promotion of the Octopus system, will the Government inform this Council whether it knows:*

- (a) *the number of public light buses (PLBs) installed with Octopus processors, together with a breakdown of such PLBs by the routes they serve;*
- (b) *if the operator of the system (that is, the Creative Star Limited (CSL) has studied the feasibility of installing Octopus processors on taxis; if it has, of the details; and*
- (c) *if the operator plans to install Octopus processors and add-value machines at large supermarkets, post offices, fast food chains and other food premises; if so, of the details?*

**SECRETARY FOR TRANSPORT** (in Chinese): Madam President,

- (a) By the end of June 2001, 941 PLBs are expected to have equipped with the Octopus facility, serving 117 routes. Details of PLB routes with Octopus facilities are set out at Annex.
- (b) During the "Quality Taxi Forum" held in January this year, the CSL introduced the idea of installing Octopus in taxis. The CSL has since been in discussion with taxi associations to study issues relating to the feasibility of Octopus installation in taxis including the need to redesign taxi meters and the design of a suitable Octopus processor which will give passengers the choice of whether to pay tips or not.

- (c) The primary focus of the CSL is to adequately meet the demand for Octopus applications in the public transport industries. For non-transport applications, the company will focus on small value, high-volume transactions. Octopus has already been extended to retail services like convenience stores, fast food shops, cake shops and vending machines. Value-adding machines are also available on these premises. The CSL is in discussion with supermarket operators and the Post Office on the possibility of using Octopus for small value transactions.

Annex

## Green Minibus Routes Using Octopus as at 30th June 2001

<i>Route No.</i>	<i>Route</i>	<i>No. of buses</i>
4A, N4A	Aberdeen — Causeway Bay	90
4B	Aberdeen — Wan Chai	
4C, N4C	Aberdeen — Causeway Bay (Lockhart Road)	
5	Aberdeen — Causeway Bay (Tang Lung Street)	
6	Shousan Hill — Central (Star Ferry)	
7	Mt Nicholson Gap — Central (Star Ferry)	
8	Baguio Villas (Lower) — Central (Star Ferry)	
35M	Aberdeen — Wan Chai (Johnston Road)	
52	Shek Pai Wan — Ma Hang	10
58	Aberdeen — Kennedy Town	22
59	Pok Fu Lam — Sham Wan	
39C	Aberdeen — Lei Tung	42
39M	Tin Hau — Yue On Court	
40, N40	Causeway Bay — Stanley	
45A	Robinson Road — Sai Ying Pun	
56	North Point — Robinson Road	
63	South Horizons — Queen Mary Hospital	

<i>Route No.</i>	<i>Route</i>	<i>No. of buses</i>
27, 27A	Ap Lei Chau (Wai Fung Street) — Aberdeen (Sai On Street)	9
29	Ap Lei Chau Estate — Wong Chuk Hang	
29A	Ap Lei Chau Estate — Ocean Park (Tai Shue Wan)	
54	Central Ferry Piers — Mt Davis Road	17
55	Central MTR Station (World Wide House) — Queen Mary Hospital	
49M	Tin Hau Station — Braemar Hill	12
50	Yiu Tung Estate — Sai Wan Ho	
43M	Fung Wah Estate — Chai Wan MTR Station	39
44M	Chai Wan MTP Station — Siu Sai Wan Estate	
47M	Chai Wan MTR Station — Siu Sai Wan Phase III	
48M	Pamela Youde Nethersole Eastern Hospital — Chai Wan MTR Station	
1	Central — The Peak	49
1A	Central (Star Ferry) — Mac Donnel Road	
2	Central (Lung Wui Road) — Old Peak Road	
3	Central (Lung Wui Road) — Po Shan Road	
28	Causeway Bay — Upper Baguio Villa	
37	Ap Lei Chau — Lei Tung Estate	18
38	Lei Tung Estate — Aberdeen	
36	Aberdeen — Causeway Bay	
36R	Ap Lei Chau — Wan Chai	
36A	Ping Lan Street — Stewart Road	
14M	Causeway Bay — Moorsom Road	24
21M	Causeway Bay — Tai Hang Drive	
21A	Causeway Bay — Lai Tak Tsuen	
23B	Yan Oi Court — Cha Kwo Ling	24
23M	Yan Oi Court — Lam Tin MTR Station (Sin Fat Road)	
24	Sam Ka Tsuen Ferry — Lam Tin	
24M	Lam Tin Transport Interchange — Sam Ka Tsuen Ferry	

<i>Route No.</i>	<i>Route</i>	<i>No. of buses</i>
12	Tai Tung Sun Chuen — Pak Tin Estate	9
2	Whampoa Garden — Tat Chee Ave	40
6	Whampoa Garden — TST	
10M	Yan Oi Court — Well On Garden (TKO)	23
69	Laguna City — Lion Rock Road	5
71A	Sau Mau Ping — Lam Tin MTR Station	7
71B	Kwun Tong — Lam Tin Estate	
50	United Christian Hospital — Yue Man Square	5
1	Star Ferry Pier — TST East	20
105	To Kwa Wan — Tseung Kwan O	
65	Tse Wan Shan — Chuk Yuen	
66S	Mong Kok — Hammer Hill	
3	TST — Tai Tung Sun Chuen	34
8	TST — Ho Man Tin Estate	
17M	Prince Edward — Kowloon Tong	16
25M	Kowloon Tong — Tong Tau Estate	
70	Diamond Hill MTR Station — Olympic Station	14
72	Grand View Garden — Festival Walk	6
13	Kowloon Tong (Broadcast Drive) — Hung Hom Ferry	5
27M, 27MS	Lok Man Sun Chuen — Mong Kok MTR Station	33
28M	Kowloon City — Mong Kok MTR Station	(expected by
29A	Kowloon Tong MTR Station — Broadcast Drive	end of June)
29B	Kowloon Tong MTR Station — Beacon Hill	



<i>Route No.</i>	<i>Route</i>	<i>No. of buses</i>
59	Tsui Ping Estate (Phase 7) — Hip Wo Street	7 (expected by end of June)
9M	Upper Pak Tin Estate — Shek Kip Mei MTR Station	7 (expected by end of June)
403	Shek Li — Sha Tin Wai	22
403A	Shek Li — Sha Tin Wai (via On Yam Estate)	
481	Fo Tan — Tsuen Wan Central	21
482	Sha Tin Central — Tsuen Wan Cental	
806M	Fo Tan — Wong Tai Sin MTR Station	10
46	Lai Kong Street — Lai King Station	57
47M	Wonderland Villas — Lai King Station	
90M	Mei Foo Station — Lai King Headland	
91	Tsuen Wan — Lai Kong Street	
91A	Lai Kong Street — Kwai Shing Circuit	
92M	Mei Foo Station — Wah Yuen Chuen	
93	Wah Yuen Tsuen — Tsuen Wan	
401	Tsing Yi Ferry Pier — Shek Yam	17
402S	Cheung Hang — Chung On Street	
308M	Tsuen Wan (Sea Crest Villa) — Tsing Yi Station	
309M	Tsing Yi Station — Lantau Link Visitor's Center	
83	Tsuen Wan (Chuen Lung Street) — On Yam Estate	30
83A	Tsuen Wan (Chuen Lung Street) — On Yam Bus Terminal	
85	Tsuen Wan (Shiu Wo Street) — Fu Yung Shan	
86	Tsuen Wan (Yuen Tun Circuit) — Shek Lei Estate	
86A	Tsuen Wan (Chuen Lung Street) — Shek Lei Bus Terminal	
86M	Tsuen Wan Station — Shek Lei	

<i>Route No.</i>	<i>Route</i>	<i>No. of buses</i>
410	Shek Yam East — Princess Margaret Hospital	32
310M	Tsing Yi Station — Riveria Gardens	
99	Tsuen Wan Pier — Riveria Gardens	
46	Tuen Mun Town Center — Lingnan College	
140M	Tuen Mun — Tsing Yi Station	
141	Tuen Mun — Tsuen Wan Pier	
77	Tin Shui Wai — Lok Ma Chau Public Transport Interchange	
1	Sai Kung — Kowloon Bay (Telford Garden)	65
1A	Sai Kung — Choi Hung Public Transport Interchange	
1M	Sai Kung — Choi Hung MTR Station	
1S	Sai Kung — Choi Hung (Night Service)	
2	Sai Kung — Ho Chung	
7	Pak Tam Chung — Hoi Ha	
9	Sai Kung — Lady Mac Lehosé Holiday Village	
97	Wonderland Villas — Tsuen Wan Ferry	12
97A	Wonderland Villas — Cheung Sha Wan (Cheung Fat Street)	
80	Tsuen Wan (Chuen Lung Street) — Chuen Lung	80
95	Tsuen Wan Centre — Tsuen Wan Ferry Pier	
95A	Tsuen Tak Garden — Tsuen Wan MTR Station	
95M	Tsuen Wan MTR Station — Tsuen Wan Centre	
96	Tsuen Wan (Hoi Pa Street) — Tsing Lung Tau	
96A	Yau Kam Tau Village — Tsuen Wan MTR Station	
96B	Belvedere Gardens — Tsuen Wan MTR Station	
96M	Tsuen Wan MTR Station — Tsing Lung Tau	
409	Cheung Hang — Tsuen Wan Market Street	8
Total:		941

**Impact of Sand-dredging Operations on Marine Ecosystem**

18. **MISS CHOY SO-YUK** (in Chinese): *Madam President, it was reported that the Civil Engineering Department (CED) had recently directed a contractor to undertake sand-dredging operations in the waters west of Po Toi Island without first completing the water quality impact assessment. In this connection, will the Government inform this Council:*

- (a) *whether the sand extracted will be used in the reclamation project for the Hong Kong Disneyland;*
- (b) *how the Department can ensure that the sand-dredging operations will not affect the corals in the nearby waters; and*
- (c) *of the contingency measures the Department will adopt if the results of the water quality impact assessment confirm that extracting sand in large quantities in the waters concerned will have an impact on the marine ecosystem there?*

**SECRETARY FOR WORKS** (in Chinese): Madam President,

- (a) The Government is currently planning to use sand obtained from West Po Toi as one of the sand sources for the reclamation for Hong Kong Disneyland.
- (b) West Po Toi is a designated Marine Borrow Area which has been used to provide sand fill for major reclamation projects in Hong Kong between 1993 and 1995. For re-commencement of the sand borrowing activities there, the CED has completed a water quality model which assessed that the sand dredging works would not adversely impact the environment if appropriate mitigation measures are in place. The sand dredging work carried out at West Po Toi between late May and early June is a trial. Its purpose is to enable us to take field measurements to enhance the accuracy of the parameters used in the water quality model. The trial has taken into account the results of water quality model and is subject to stringent restrictions, mainly on the dredging rate and the number of dredgers with a view to minimizing its impacts on the environment.

To ensure that no substantial impact will be made on the environment, the CED has implemented a comprehensive environmental monitoring and audit programme, which includes baseline monitoring before the trial and regular monitoring during the trial, including monitoring the changes in the concentration of suspended solids, level of dissolved oxygen in water and turbidity. Additionally, the monitoring programme puts in place field inspection of corals on a weekly basis, audited by an independent specialist in marine ecology from a tertiary institution. All these are to enable us to take timely mitigation measures such as checking the performance of dredgers, adjusting the dredging rate or suspending the dredging works where necessary.

- (c) The water quality model assessed that dredging up to a specified rate would not have an adverse impact on the marine ecology if appropriate mitigation measures are taken. Before proceeding to next stage of sand dredging works, the CED will consider the assessment derived from water quality model completed earlier together with the information collected during the trial and will impose appropriate working constraints with a view to minimizing the impact on the environment. The CED will also strictly implement the environmental monitoring and audit programme and will implement the above-mentioned mitigation measures as necessary.

### **Inclusion of Practical Subject in Secondary School Curriculum**

19. **MR ERIC LI** (in Chinese): *Madam President, will the Government inform this Council whether, to enable young people to cope better in their daily lives, it will consider including in the secondary school curriculum a practical subject covering topics such as the harms of abusing psychotropic substances and drugs, as well as proper handling of personal finance; and whether it will put in place measures to ensure that the school authorities and students will attach due importance to the subject?*

**SECRETARY FOR EDUCATION AND MANPOWER** (in Chinese): Madam President, the Government attaches great importance to educating students about the harmful effects of abusing psychotropic substances and drugs as well as the proper handling of personal finance. Relevant themes and topics have been included in the school curriculum of various subjects, such as General Studies, Social Studies, Religious Studies, Economic and Public Affairs, Economics, Science, Chemistry and Human Biology, at various levels of primary and secondary education.

The current curriculum reform aims at promoting the whole-person development of students, including developing the necessary knowledge, skills as well as values and attitudes for coping with future life and work, using a holistic and integrated learning approach. Great emphasis is put on healthy living and the development of positive values among students. The aims of the Personal, Social and Humanities Education, which is a Key Learning Area (KLA) of the school curriculum, are to enable students to attain healthy personal development and cultivate positive values towards life. The learning objectives of this KLA include helping students to develop self-esteem and self management skills, and to lead a healthy lifestyle. Students will also acquire the knowledge, skills and attitude for making rational consumer decisions as well as saving and financial plans. In formulating the school curriculum, the advice of the relevant experts has been taken into account. All students should obtain learning experiences which incorporate the above elements throughout their school education.

Education on the undesirable consequences of drug abuse and the importance of proper handling of personal finance is further strengthened through moral and civic education in schools. A moral and civic education curriculum that adopts the "life event approach" is being developed. Issues on drug abuse and handling of personal finance have been incorporated into the school curriculum. Students will be given more opportunities to learn about these issues and develop a positive attitude towards life through the new moral and civic education curriculum.

### **Enhancing Support for Impoverished Children**

20. **MR AMBROSE LAU** (in Chinese): *Madam President, it has been reported that, according to the findings of a survey conducted by the Hong Kong Council of Social Service, about 355 000 local children are currently living*

*below the poverty line, and they account for about one fifth of the total child population in Hong Kong. In this regard, will the Government inform this Council:*

- (a) whether it has statistics on the current percentage of impoverished children in the total child population in the territory; if so, how this percentage compares to those of other countries and regions with economic situations similar to those of Hong Kong;*
- (b) whether the existing policies on education, welfare, culture and recreation and other relevant areas have specifically catered for the needs of impoverished children by providing them with additional support; if so, of the details; and*
- (c) of the long-term strategies in place for enhancing the support for impoverished children and formulating a more comprehensive welfare policy for children?*

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

- (a) The survey in question was conducted by the Hong Kong Council of Social Service in 2000 and the statistics regarding children currently living below the "poverty line", are 1998 figures. Low-income families to whom the children referred to in the survey belong, were defined in the survey as households with income equal to or less than half of the median income of households of the corresponding size.

Poverty is a complex issue. There is no universally agreed and objective definition of poverty. The definition of poverty is subject to contextual variables of time, place and prevailing social conditions. Some organizations, such as the World Bank, set the poverty line at a minimum subsistence level (US\$1 to US\$2 per day per person). Others define poverty in relative terms and focus on a more equitable distribution of income. However, the known approaches in defining poverty tend not to take account of the assets held by individuals, usually only reflects the position at one

particular point in time and takes no account of intangible income derived from government spending on key social services such as housing, health and education, welfare and so on. They therefore understate the economic effectiveness of these services in improving the situation of low income families.

Our social security system ensures that the basic needs of low income families can be met. And fundamentally, the best approach to tackling poverty is to tackle the issue at source by focusing efforts on achieving strong economic progress and providing educational opportunities for all. This, combined with specific measures which help people to support themselves, through for example, the creation of jobs and the development of training and re-training programmes provides avenues for upward mobility in our society.

Official data on the current percentage of "impoverished children" in the total child population of Hong Kong, for comparison purposes is not available since there is no agreed definition of the term "impoverished children".

- (b) We are concerned about the difficulties faced by disadvantaged groups including children in low-income families. Policies and measures are in place to provide them with relief and to help alleviate poverty at source. These include:

#### *Welfare Services*

An extensive range of welfare services are provided for children, including those in low income families to ensure that their welfare needs are adequately addressed. These services include:

#### Financial Assistance

The Comprehensive Social Security Assistance (CSSA) Scheme provides a safety net and ensures that children in low income families have sufficient means to meet their basic and essential needs. The standard rates of CSSA for children are higher than those for adults to take account of their developmental needs. On top of

standard rates, CSSA recipients are entitled to special grants to cover rent, water charges and child-care centre fees and so on. CSSA recipients are also entitled to free medical treatment at public hospitals/clinics.

School children on CSSA are eligible for:

- grants to cover school fees, fares to school and fees for major public examinations;
- grants to cover school-related expenses; and
- meal allowance for full-day students taking lunch away from home.

In addition, cash grants from major charitable trust funds, can be arranged to help individuals and families overcome any temporary financial hardship.

#### Child Care Services

Low income families enjoy a wide range of child care services provided or subvented by the Government. These include day creche, day nurseries, occasional and extended hour child care services and the associated financial assistance scheme.

#### Services for school children and young people

The After-school Care Programme provides half-day supportive care services for children aged six to 12 whose parents are unable to care for them after-school hours due to work or other reasons. CSSA recipients and low-income families may apply for full or half-fee remission.

Fees for core youth services provided by Children and Youth Centres, Integrated Teams, and Community Centres as well as Group Work Units, are heavily subsidized or waived for those in need including young people from low-income families.



## Family Service Centres

The extensive network of 65 family service centres run by the Social Welfare Department and non-governmental organizations provides counselling service and practical assistance to disadvantaged families and children.

## *Education*

No student is deprived of education for lack of financial means. Nine years of free education is provided. Financial assistance is also available to needy students at all levels including:

- kindergarten tuition fees under the Kindergarten Fee Remission Scheme;
- remission of tuition fees under the Senior Secondary Fee Remission Scheme for Secondary Four to Seven students in public sector schools, and remission of examination fees under the Examination Fee Remission Scheme for Secondary Five and Seven students sitting for the Hong Kong Certificate of Education Examination and the Hong Kong Advanced Level Examination respectively;
- grants for the purchase of textbooks and other school-related expenses under the School Textbook Assistance Scheme for primary and secondary students in public sector schools and local private schools under the Direct Subsidy Scheme; and
- travel subsidies under the Travel Subsidy Scheme for primary students aged below 12 attending public sector schools outside their residing Primary One Admission Nets, and students aged 12 or above who have not completed their first-degree studies and are living beyond 10 minutes' walking distance from their schools.

### *Culture and Recreation*

The Government provides arts, heritage, library and leisure services which are heavily subsidized with fees pitched at reasonable and affordable levels.

#### Arts

Many of the cultural programmes suitable for children are staged free of charge at playgrounds, community halls and open spaces. For ticketed events, students are entitled to a concessionary rate of 50% of the normal charge. In addition, students can apply for remission of fees for training programmes and the Music Camp run by the Leisure and Cultural Services Department.

#### Heritage

As regards the 13 museums managed by the Leisure and Cultural Services Department, admission is free for small branch museums. For major museums, concessionary rates at 50% of the admission fees are offered to individual full-time students, and students in groups of 20 or more are admitted free. In addition, activities organized by the Antiquities and Monuments Office for school children, such as archaeological workshops and field studies are also free of charge.

#### Library Services

The 67 public libraries provide free admission. Moreover, children also enjoy access to children's libraries, a toy library (at the Hong Kong Central Library), and multi-media computer facilities in the public libraries free of charge.

#### Recreation facilities

The Government provides a wide range of recreational facilities, some of which mainly cater for children, such as playgrounds, play rooms and leisure pools. For most of these facilities, the Government maintains a balanced provision of paid and free

facilities. Children below the age of 15 and full time students are entitled to a concessionary rate of 50% of the normal charge.

### Recreation and Sports Programmes

The Government organizes a wide range of recreation and sports programmes many of which, mainly cater for children. These include the progressive swimming scheme, children dance workshops, play leadership scheme and mini-tennis. These programmes are already heavily subsidized, and concessionary rates at 50% of the normal programme fees are offered to children. In 2000-01, 300 programmes including sports fun days, carnivals and so on were offered free of charge.

- (c) A comprehensive policy is in place to address the multi-faceted needs of children, especially those in low-income families. Protecting the best interests of the child is the paramount consideration in our policy formulation and implementation process. This policy which extends to those in low-income families, is explicitly stated in the 1991 Social Welfare White Paper "Social Welfare into the 1990s and Beyond". Our major objectives are to provide assistance to strengthen the family so that they may provide a suitable environment for the development of their children. Also, to provide assistance to disadvantaged or vulnerable children who are not adequately looked after by their families.

These key objectives are supplemented from time to time. To take one example. It is clear that children's needs are best met from within the family. To improve the delivery of welfare services to families, especially those in vulnerable groups such as children in low-income families, we have commissioned the University of Hong Kong to carry out a consultancy study to review the provision of family services in Hong Kong. The Consultants have recommended adoption of the principle of "Child-centred, Family-focused and Community-based" as the long term direction in providing family services, so as to meet changing family needs in a holistic and integrated manner. Being child-centred, a major direction in future will be to support parents, strengthen the institution of marriage, and reduce the risk of family breakdown.

**BILLS****First Reading of Bill**

**PRESIDENT** (in Cantonese): Bill: First Reading.

**NOISE CONTROL (AMENDMENT) BILL 2001**

**CLERK** (in Cantonese): Noise Control (Amendment) Bill 2001.

*Bill read the First time and ordered to be set down for Second Reading pursuant to Rule 53(3) of the Rules of Procedure.*

**PRESIDENT** (in Cantonese): Since the Secretary for the Environment and Food is not in this Chamber now and the Second Reading of the Bill must be moved by the Secretary, I now declare the meeting suspended. I hope the Secretary can return to the meeting as soon as possible.

4.25 pm

Meeting suspended.

4.30 pm

Council then resumed.

**Second Reading of Bill**

**PRESIDENT** (in Cantonese): Bill: Second Reading.

**NOISE CONTROL (AMENDMENT) BILL 2001**

**SECRETARY FOR THE ENVIRONMENT AND FOOD** (in Cantonese): Madam President, I move the Second Reading of the Noise Control (Amendment) Bill 2001.

Noise problems are an increasing concern in the community. Despite vigorous enforcement action, the doubling of the maximum fine levels under the Noise Control Ordinance (NCO), and efforts to promote good practices through seminars and regular meetings, there are still many noise complaints and cases.

Violations of the NCO by bodies corporate are considerably more serious than that of individual proprietors. More than 90% of noise offence convictions last year related to construction and commercial/industrial activities involving bodies corporate. Over the past three years, 39 bodies corporate were convicted five times or more. They include one body corporate which has been convicted 27 times and another two 24 times each.

The Bill seeks to add new provisions to the NCO to state explicitly that when a noise offence is committed by a body corporate, the management of the body corporate commits a like offence. The proposed amendments do not seek to increase the existing maximum fine levels or impose heavier penalties on either the body corporate or the management of that body corporate. The objective is to ensure that the management discharge their duty to take all practical measures to prevent noise offences.

Under the Bill, directors who are holding non-executive posts and are not concerned in the management of the body corporate will not be held responsible.

The proposed amendments also provide for a due diligence defence if they can demonstrate that a proper system has been established and was in effective operation to prevent noise offences. However, this will not apply to offences related to the carrying out of noisy construction activities during restricted hours without a construction noise permit. The construction noise permit system has been in operation for more than 10 years and the management of bodies corporate should comply with this basic requirement.

To enable the management of bodies corporate to put in place a proper system for the prevention of noise offences, the Noise Control Authority, that is, the Director of Environmental Protection (DEP), will issue a Code of Practice to provide practical guidance. The proposed amendments will be brought into operation on a date to be appointed by notice in the Gazette. We have largely reached a consensus with the trade and professional groups concerned over the Code of Practice. We will continue to consult them over this issue. We will allow a reasonable period for the trade to be familiarized with the Code of Practice before bringing the amendments into effect.

We understand the trade's concern that the management might be prosecuted for violations of the NCO at the sites for which they have no reasonable knowledge of. We have proposed in the Bill that the DEP should give a written warning to the directors and top management concerned of a body corporate when the body corporate has committed a noise offence at a particular site. If the body corporate commits any further offence under the NCO at the same site after the warning, the DEP would prosecute the directors and top management concerned without further warning.

As Owners' Corporations registered under the Building Management Ordinance are voluntary organizations, they are not regarded as bodies corporate in the Bill.

The amended NCO will help reduce noise nuisance caused by various trades and provide a quieter living environment for the community. I urge Members to support the Bill.

Thank you, Madam President.

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the Noise Control (Amendment) Bill 2001 be read the Second time.

In accordance with the Rules of Procedure, the debate is now adjourned and the Bill referred to the House Committee.

### **Resumption of Second Reading Debate on Bill**

**PRESIDENT** (in Cantonese): We will now resume the Second Reading debate on the Immigration (Amendment) Bill 2000.

### **IMMIGRATION (AMENDMENT) BILL 2000**

#### **Resumption of debate on Second Reading which was moved on 18 October 2000**

**PRESIDENT** (in Cantonese): Mr Ambrose LAU, Chairman of the Bills Committee on the above Bill, will now address the Council on the Committee's Report.

**MR AMBROSE LAU** (in Cantonese): Madam President, as Chairman of the Bills Committee on the Immigration (Amendment) Bill 2000, I will report on the deliberations of the Bills Committee.

The Bill seeks to empower the Director of Immigration (the Director) to require genetic tests to be conducted to establish claimed parentage in applications for Certificate of Entitlement (C of E) if the Director is not satisfied with the documentary proof submitted. The genetic test should be conducted in such manner as the Director may specify by notice published in the Gazette.

According to the genetic test procedure as set out in the draft Gazette notice provided by the Administration, where an applicant for a C of E is residing in the Mainland, officers of the Exit-entry Administration Division of the Guangdong Provincial Public Security Department will be responsible for taking the tissue specimens of the applicant and his mother (or father) residing in the Mainland, and the test will be conducted by the Criminal Technology Division of the Guangdong Provincial Public Security Department, the designated laboratory for conducting such tests in the Mainland. The Immigration Department (ImmD) will be responsible for taking the tissue specimens of the applicant's father (or mother) residing in Hong Kong and the test will be conducted by the Government Laboratory.

Some members are worried that the testing of tissue specimens of an applicant and his claimed parent by two laboratories in two places may give rise to possible errors of wrongly rejecting a true parentage or wrongly confirming a claimed parentage. It is an international practice that genetic tests of the tissue specimens of members of the same family unit are conducted by the same laboratory. They are also concerned about the reliability and accuracy of the test results, as the designated laboratory in the Mainland is not an internationally-accredited laboratory for conducting genetic tests.

Some other members, however, consider that the proposed arrangement of the genetic tests being conducted in two places is appropriate and such an arrangement would also facilitate the monitoring of the testing process by both sides.

The Administration has stated that single-lab testing is not the only reliable method. Conducting genetic tests in two places is one of the viable options in terms of technology. The Administration has informed members that the

Government Laboratory is accredited by the American Society of Crime Laboratory Directors for forensic serology and DNA analysis. The Administration has explained that although the Criminal Technology Division of the Guangdong Provincial Public Security Department is not an internationally-accredited laboratory, it will adopt the same technology and procedure as that used by the Government Laboratory. Both laboratories will also adopt comprehensive quality assurance measures to ensure the reliability and accuracy of test results, and to prevent corrupt and dishonest acts.

The Administration considers that the proposed arrangement is in the interest of the applicants as the tests are directly monitored by the SAR Government and the mainland authorities and the results of the prescribed genetic test will be accepted by both the Government of the Hong Kong Special Administrative Region (SAR) and the mainland authorities for the purpose of their respective processing of C of E and One-way Permit applications.

Madam President, for C of E applicants residing in the Mainland, a fee will be charged for the genetic test conducted in Hong Kong for the applicant's claimed parent. The fee payable for the test conducted in the Mainland shall be paid to the mainland authorities. Under the Bill, the Director may specify the fee charged for the genetic test by notice published in the Gazette, but the Bill specifies that the Gazette notice in respect of the genetic test procedure and the fee for the test is not subsidiary legislation.

Some members have pointed out that the Criminal Technology Division of the Guangdong Provincial Public Security Department, being the designated laboratory in the Mainland, is not an internationally-accredited laboratory and that the Personal Data (Privacy) Ordinance does not apply to the mainland authorities. In order that the public would have confidence in the proposed procedure, these members consider that the Gazette notice in respect of the genetic test procedure should be subsidiary legislation so that any change in the procedure will be subject to the scrutiny of the Legislative Council. In addition, they are of the view that the Gazette notice on the fee for the test should also be subsidiary legislation so that any increase in fee will be subject to the scrutiny of the Legislative Council.

As there were divided views among members of the Bills Committee, a vote was taken and it was agreed that I would move an amendment on behalf of the Bills Committee to the effect that the Gazette notice in respect of the genetic test procedure should be subsidiary legislation.



Madam President, the Bill also empowers the Director to draw adverse inferences from the failure of a C of E applicant or his claimed parent to undergo the prescribed genetic test as he considers proper.

Some members have expressed reservations about the proposed provision. These members have pointed out that there may be many reasons that could result in the failure of an applicant or his claimed parent to undergo the genetic test. It would not be fair to an applicant if an adverse inference is drawn on him merely because he or his claimed parent refuses to undergo the prescribed genetic test.

Having considered members' concern, the Administration has agreed to amend the Bill to the effect that the Director may draw any inference from the failure of an applicant or his claimed parent to undergo the prescribed genetic test as he considers proper based on the circumstances and facts of the individual case.

Members have also discussed whether an applicant may submit results of genetic tests conducted by another laboratory as evidence to substantiate claimed parentage. The Administration has advised that the Bill does not have the effect of preventing an applicant or his claimed parent from refusing to undergo the prescribed genetic test or preferring a similar test by another laboratory. However, once the applicant and his claimed parent accept that they are required to undergo the specified test, that test can only be conducted in the manner specified by the Director by notice in the Gazette. The Director would not refuse to consider any application submitted with documentary evidence to support a claimed parentage which may include the result of a self-arranged test. He would consider, among other things, the reasons for not taking the prescribed genetic tests, the integrity of the test procedure as well as the accuracy and reliability of the test results obtained through a self-arranged procedure, and draw an appropriate inference.

Some members consider that restrictions should not be imposed on an applicant or his claimed parent such that he must undergo a genetic test in the manner as specified. Some members have pointed out that the provision as presently drafted could be interpreted as an applicant or his claimed parent must undergo the genetic test in the manner as specified by the Director, and cannot take a self-arranged test.

A member proposes that the Bills Committee should move an amendment to the effect that in establishing the claimed parentage, the Director may request an applicant or his claimed parent to undergo a genetic test and the Director may specify the manner of a genetic test, but without requiring the genetic test to be conducted only in the manner specified. This suggestion is supported by the majority of members. I will move an amendment to this effect on behalf of the Bills Committee later.

The Administration does not agree to the amendment. Nevertheless, the Administration will move an amendment to the Chinese version of the provisions to better tie in with the English version.

The Bills Committee supports the resumption of the Second Reading debate of the Bill.

I so submit as Chairman of the Bills Committee. Dr TANG Siu-tong will speak on the Bill on behalf of the Hong Kong Progressive Alliance later. Thank you, Madam President.

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

**MR LAU KONG-WAH** (in Cantonese): Madam President, in January 1999, the Court of Final Appeal made a number of judgements relating to the right of abode of mainland residents in Hong Kong. A greater concern in the community then was the judgement that children born out of wedlock to Hong Kong people in the Mainland are entitled to the right of abode (ROA) in Hong Kong. According to the judgement of the Court of Final Appeal, there are four categories of mainland residents who are entitled to the ROA in Hong Kong by virtue of their status as children born to Hong Kong people.

The first and second categories are children born within wedlock. With regard to the first category, either of their parents were already Hong Kong permanent residents born in Hong Kong or having resided in Hong Kong for seven years at the time of their birth. For the second category, their parents were granted permanent resident status after they were born. The third and fourth categories are children born out of wedlock.

The Court of Final Appeal ruled that these four categories of people shall be entitled to the ROA in Hong Kong. However, children born out of wedlock in the third and fourth categories are required to prove that they are born to parents either of whom is a Hong Kong resident, and it may not be easy for them to provide credible evidence. In fact, children born out of wedlock and those born within should be given equal rights as far as legal principles are concerned. But the point is that for people who are entitled to ROA in Hong Kong by virtue of their status as children born to Hong Kong people, we must effectively verify the authenticity of their status. In view of this, the Government tabled this Bill which proposes that if the Director, in processing an application for a C of E, considers that the documentary evidence provided by the applicant cannot substantiate his parentage claim, the Director is empowered to require the applicant and his claimed parents to undergo a specified genetic test. The Democratic Alliance for Betterment of Hong Kong (DAB) supports this measure of verifying parent-child relationship by way of scientific methods.

The DAB supports the resumption of the Second Reading debate of the Bill. Thank you.

**DR TANG SIU-TONG** (in Cantonese): Madam President, I speak on behalf of the Hong Kong Progressive Alliance (HKPA) on the Immigration (Amendment) Bill 2000. The HKPA supports the arrangement proposed in the Bill of empowering the Director to require an applicant for a C of E and his claimed parent to undergo a genetic test in the manner as the Director may specify by notice in the Gazette if the Director is not satisfied with the documentary proof submitted.

The HKPA considers that the genetic test procedure and the fee for the test are specific operational and administrative matters only, and as the fee will not be unreasonable for it will be set purely on a full cost-recovery basis, specification of the relevant arrangements by way of a Gazette notice is sufficient for the public to understand the procedure, and provides clear guidelines for compliance by applicants undergoing the genetic test. Further enactment of subsidiary legislation on these specific matters will only complicate the legislative provisions. Moreover, the requisite legislative procedures will take time and can be completed only in the next Legislative Session, in which case the implementation of the entire genetic test mechanism would be delayed for almost half a year. Furthermore, any amendment to the subsidiary legislation that may

be proposed by the Legislative Council in future will require further discussion between the Government and the Mainland, and will inevitably affect the implementation date of the genetic test. On the other hand, the Government has already undertaken to consult the Legislative Council Panel on Security prior to each revision of fee for the genetic test. This shows the importance that the Government attaches to the Legislative Council.

In fact, the Bill cannot prevent applicants or their claimed parents from refusing to undergo the genetic test as specified by notice in the Gazette. They may still prefer a similar test by another laboratory. The Director will carefully consider the integrity of the test and also whether the test is duly recognized according to the circumstances of individual cases, with a view to ensuring that applications for a C of E are handled in a reasonable manner. Any applicant who does not agree with the Director's decision can lodge an appeal with the Immigration Tribunal. Therefore, the HKPA considers that the arrangements proposed in the Bill have striven to be fair, reasonable and flexible.

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

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

**MISS MARGARET NG** (in Cantonese): With your leave Madam President, I should declare an interest first. I represent some people in some Court cases who claim to have the ROA in Hong Kong.

Under Article 24 of the Basic Law, persons of Chinese nationality born outside Hong Kong of permanent residents of Hong Kong shall have the ROA in Hong Kong.

On 29 January 1999, the Court of Final Appeal (CFA) ruled that "children" include children born within wedlock and out of wedlock. Both categories, it was ruled, should be accorded the same treatment. These children may exercise their ROA if it can be proved that they are born of permanent residents of Hong Kong. The Government of the Special Administrative Region (SAR) had intended to request the Standing Committee of the National People's Congress (NPCSC) for an interpretation of the Basic Law to overturn

the ruling of the CFA, but it eventually discarded the idea. The reason is simple enough. Under both mainland laws and international covenants signed by China, the status of children born within wedlock and out of it is completely the same. No discrimination is allowed. The interpretation of the NPCSC on 26 June 1999 will not in any way affect the ruling of the CFA on children born out of wedlock. Therefore, the SAR Government is duty-bound to draft the necessary laws and procedures to implement the rights conferred by the Basic Law.

Madam President, under the Immigration Ordinance, persons claiming to be children of permanent residents of Hong Kong are responsible for providing evidence to the Director to substantiate their parentage claims. In general, proof will not be a big problem for persons born under a legitimate marriage, but proof will not be free of problems either, especially if parents and children are on different sides of the boundary. In the case of children born out of wedlock, many of their relationships are kept secret and hence more difficulties exist, which makes it all the more scientific and logical to employ genetic tests to establish claimed parentage.

The explanatory memorandum of the Immigration (Amendment) Bill 2000 says:

"Certain persons who claim to be permanent residents of the Hong Kong Special Administrative Region under paragraph 2(c) of Schedule 1 to the Immigration Ordinance (Cap. 115) have to apply for a certificate of entitlement before they can establish their status as such residents. The purpose of this Bill is to empower the Director of Immigration to require the relevant parties in an application for a certificate of entitlement to undergo a genetic test to establish parentage relationship. The Director may charge a fee for the test."

The purpose, objective and principle of the Bill doubtless merit our support. In fact, many of those who claim to have the ROA have self-arranged to undergo genetic tests and submitted the test results to the Director to prove that they are born of permanent residents of Hong Kong.

I think it is acceptable for the Director to request that the law enables the setting up of government-prescribed genetic tests for applicants whose parentage

relationship is in his opinion not sufficiently substantiated by other information so that he can determine their cases. For the general public, tests prescribed by the Government to the satisfaction of the Director can obviate the need of finding alternative laboratories which must be reliable, and such tests should even be much welcomed.

Madam President, why then did the scrutiny of the Bill take such a long time and encounter so many difficulties? Parents have longed for an early decision on the application procedures. Why were there some Members who insisted that the Government must amend the original Bill?

The reason is there are numerous differences between the detailed arrangements contained in the Bill and what is stated in the explanatory memorandum read out by me just a short while ago. According to the original text of the Bill, the Director may require that an applicant undergo a genetic test prescribed by the Government. Refusal by the applicant may mean that the Director may draw such adverse inferences from the refusal in spite of any test done at another laboratory with the best reputation in the world. This requirement, which lacks flexibility, is both unnecessary and unreasonable.

More so, since the test proposed by the Government is the first of its kind in the world — a test conducted in two places, Hong Kong and the Mainland. The Bills Committee has listened to comments from many experts. While there are some who think the test, which is unique, should be reliable, there are some more who raise many doubts against it. Certainly, no one would regard it as the best arrangement from a scientific point of view.

Furthermore, many people are worried about varying standards in mainland laboratories, corruption in the Mainland and hence lose faith, despite the emphasis made by the Government that government-prescribed tests can prevent fraudulent tests or reports. If mainland tests prescribed by the Government are the only channel, I believe many people will be ill at ease.

Another problem with government-prescribed tests is that the resources provided by the Government can serve only 3 000 persons per year. Government statistics show that long queues are possible and so are lengthy delays of up to several years, barring applicants from enjoying rights conferred by the Basic Law.

Madam President, the Government has raised strong objections to the amendment proposed by the Honourable Ambrose LAU, Chairman of the Bills Committee. However, the amendment is meant to rectify an error in the Bill.

During the course of scrutinizing the Bill, the Government, after being questioned repeatedly by many Members, finally admitted that if an applicant refuses to undergo the prescribed genetic test and instead has the test conducted at another laboratory, the Director should not refuse to consider the report and result of the test. That is because under the legal principles of the Basic Law, in exercising his power to accept or reject an application, the Director has a duty to consider all relevant information and factors provided by the applicant in a fair and impartial manner; otherwise the Court may overrule his decision.

In fact, if the Director, regardless of the consequences, ignored the results of another test and forced his way through a rejection of an application, the applicant could exercise his right to lodge an appeal with the Immigration Tribunal. At the appeal stage, the Tribunal has to consider the report and result of the test. The Government cannot use procedural means to remove any rights conferred by the Basic Law.

Since the Administration has to accept the reality, the provisions in the Bill should reflect the reality in a fair manner, rather than misleading the people. If the Bill is passed in its original form, a prejudice caused is that it would at least make people believe they must undergo the tests prescribed by the Director, otherwise their application would receive adverse treatment. The worst scenario that may result is that substantive rights are removed by procedural means.

My experience tells me that should a dispute arise the Director may have a defence in Court by saying that the legislature may stipulate policies through an Immigration (Amendment) Bill restricting children born of permanent residents in Hong Kong to undergo an only genetic test and so the Director has the right to exclude other tests. I would not be surprised by that argument. I trust that this is a major reason why some Members insist that the Government should amend the Bill.

Mr Ambrose LAU, on behalf of the Bills Committee, has put forward a simple amendment to enable the Ordinance to reflect clearly a policy that is right, reasonable and legitimate. The purpose of the amendment is to allow the

Director to prescribe a genetic test without prejudicing the right of an applicant to undergo another in an alternative laboratory. The Director must still consider the test in a fair manner.

There are other flaws in the Bill. One of them is that the procedure, being an extremely important one, should be stipulated by means of subsidiary legislation so that it is regulated by the legislature and subject to inspection by the people. In particular, since the quality assurance provided by the Government — including the assurance that only one laboratory in the Mainland may conduct the test and set fee levels — is a prerequisite for this Council to accept tests prescribed by the Director, we should not let the Director determine freely or change things randomly by way of notice.

Unfortunately, the Government insists on rejecting to give Gazette notice of the procedure in the form of subsidiary legislation. Thus, Mr Ambrose LAU will propose an amendment later on behalf of the Bills Committee.

I will support two of the amendments to be proposed by the Government, amending the phrase "may require" to "may request" in the English text. I will, however, strongly object to another amendment under clause 2AB(7)(a) which hints at restricting genetic tests to government-prescribed ones.

With these remarks, I support the resumption of the debate on the Second Reading of the Bill. Thank you, Madam President.

**MISS CYD HO** (in Cantonese): Madam President, I support that children born in the Mainland to Hong Kong people be allowed to come to Hong Kong for family reunion. I also support putting in place a mechanism that sets out proper rules and procedures for this cause. So, if the Government has tabled this Bill for the purpose of genuinely resolving applications for ROA not supported by sufficient documentary evidence for parentage claims and therefore introduced a genetic test to make up for the insufficiency of documentary proof, I will throw weight behind it. However, the Bill in effect may not necessarily serve the purpose of assisting applicants to obtain such right. On the contrary, it carries the effect of axing such applications immaturely by empowering the Director to require an applicant to undergo a genetic test.



I said this because first, the original intent of the relevant provisions is that the Director may draw adverse inferences from an applicant's refusal to undergo the genetic test. But the Government had not considered the fact that under certain circumstances, the applicants' parents in Hong Kong may not wish their children to come to the territory and will, therefore, refuse to undergo the test. In this connection, the Government has accepted the proposal of the Bills Committee to delete the word "adverse" from "adverse inferences".

Madam President, the second reason — a reason that I always cannot accept — is that many applicants had actually undergone DNA tests on their own initiative, and had submitted the test results to the Administration to substantiate their parentage claims, but these positive results did not expedite the processing of their applications in the end. Nor were they helpful to their applications for the ROA in Hong Kong. From past experiences, even if an applicant had undergone a genetic test with positive results, it would not be helpful to his application for ROA. But the Bill, if passed, will even become a useful weapon to veto their applications.

Some residents have written to Members of this Council, asking them to pass the relevant procedure, regardless of the contents of the Bill, so that they can apply for the ROA in Hong Kong. It is because the authorities have stated that applications for ROA would not be accepted for the time being, pending finalization of the entire system and application procedures. Mr Timothy TONG, Deputy Secretary for Security, even told journalists yesterday that over 500 people were waiting to apply for the ROA in Hong Kong. But Madam President, accepting applications and starting to examine documents have no conflict with the fact that legislation on genetic testing has yet been enacted. There used to be no legislation in this regard, but documents relating to such applications were examined still. The only difference between having legislation in place and not having any at all is that in the event of insufficient documentary evidence to substantiate an applicant's parentage claim, the Director has the power to require the applicant to undergo a genetic test. But even if the Director does not have this power, we would not be issuing more C of E either, for those applications would then be pushed over to one side. If an applicant failed to provide sufficient evidence to substantiate his claim for ROA, the Government will not grant such right to the applicant. Objectively speaking, the biggest difference is that it may add to the administrative workload of the Immigration Department, for cases which have yet been resolved and clarified would be accumulated. Once the legislation is enacted and if the test is

conducted in such manner as proposed by the authorities, I am worried that the legislation would in effect deprive many applicants who cannot promptly substantiate their parentage claims of their ROA in Hong Kong, and the purpose of the Government in tabling this Bill is solely to facilitate the work of the executive authorities.

Madam President, while the Government has consistently emphasized that Hong Kong is a knowledge-based society, this Bill is a downright irony. The testing methodology proposed by the Government, that is, conducting separate tests in two places within one country, is grossly unwise. Prof Frederick LEUNG of the University of Hong Kong raised this point in his comments in *South China Morning Post* on 17 July 2000. In describing the arrangement of conducting separate tests in two places within one country, he said, and I quote, "It goes against all technology and common sense". This is the view of an academic on conducting tests in two places within one country. He has also written to us in the name of other international institutions to share his views with us. I will read out these views later in the joint debate.

Madam President, I will support the Second Reading of this Bill. But I will not support the Bill if the amendments proposed by us in the Bills Committee and that Mr Ambrose LAU, Chairman of the Bills Committee, agreed to move on behalf of the Bills Committee, are negatived. I will make an effort to explain to the relevant residents that this piece of legislation will do them more harm than good if those amendments are negatived. I have also received letters from them and I have explained this to them and so, they will accept this. Therefore, I hope that the Government will not refuse to accept applications for ROA on the ground that this Bill is negatived. I hope that the Government will not mislead the applicants.

Madam President, that is all I wish to say for now.

**MR HOWARD YOUNG** (in Cantonese): Madam President, since the interpretation of the Basic Law by the National People's Congress at the request of Hong Kong, which formally put into effect the arrangement for the C of E whereby mainland children born to Hong Kong residents can come to Hong Kong in an orderly manner, mainland children born out of wedlock to Hong Kong residents, who are also entitled to the ROA in Hong Kong, have been waiting for the mainland authorities and Hong Kong Government to agree on the

details of implementation, and therefore cannot exercise their rights. The Immigration (Amendment) Bill 2000 tabled in this Council today seeks to specifically put into effect the identity verification arrangement agreed by the Mainland and Hong Kong. Under this arrangement, a genetic test that meets international standards will be conducted both in the Mainland and Hong Kong to verify the identity of the applicant. This arrangement is reasonable and scientific. I believe the Bill, if enacted, will facilitate the early arrival of mainland children born out of wedlock to Hong Kong residents within the parameters of the established procedures.

Madam President, with regard to the amendments proposed by the Bills Committee responsible for the scrutiny of the Bill, the main contention is whether it is necessary to have the genetic test conducted by the Government Laboratory and the relevant authorities in the Mainland separately. After detailed studies of the two proposals, the Liberal Party considers the original proposal put forward by the Government more agreeable to us.

We have two main considerations. The first is the original intent of this Bill. The Bill empowers the Director to require a C of E applicant and his/her claimed parents to undergo a specified test where necessary. Since the parents and the child are residing separately in Hong Kong and the Mainland, and considering the factor of "one country, two systems", it appears to be reasonable and sound for the genetic test to be conducted by the relevant authorities in the Mainland in accordance with international standards, and subject the test results to a cross-checking process.

The second consideration is whether the current proposal of the Government will drastically limit the choice of C of E applicants. In fact, the Bill only puts forth a specified test which is accepted by both the Mainland and the Hong Kong Government, and applicants have the right to refuse to undergo such test. Applicants who chose not to take the specified test and disagreed with the decision of the Immigration Department (ImmD) may lodge an appeal and even seek judicial review through appropriate channels. I note that the Government, at the final stage of scrutiny, made an amendment to section 2AB (7)(a) by deleting the word "須" in the Chinese text, and I believe the purpose is to highlight the applicants' right to choose.

Furthermore, apart from the technicalities of the genetic test, other security arrangements are also involved. For instance, security measures are

required for the verification of the applicant's identity and to provide against frauds by swapping test results. From the applicants' viewpoint, if there are testing institutions recognized both by Hong Kong and the Mainland, I believe they will give priorities to these institutions and will not make other choices, for this can save a lot of unnecessary troubles.

The Government has not rejected non-specified tests, but on the contrary, the amendment proposed by the Bills Committee will require the Government to accept non-specified tests. In that case, the ImmD will need to put in extensive manpower and resources to verify the authenticity of each and every testing report, and to examine whether the test procedure meets the security requirements. This will consequently slow down the processing of C of E applications and expend massive manpower and resources. Since the applicants come from Hong Kong and the Mainland, and the ROA is granted by the Hong Kong Government, establishing stringent and credible test procedures by Hong Kong and the mainland authorities is not only logical, but also an effective means to ensure the reliability of the genetic test.

The amendment also proposes to write the genetic test procedure and the fee for the test into subsidiary legislation. We consider that this will cause the mainland Government to worry that changes in the procedure will affect the implementation of the programme. In fact, many people are waiting anxiously for the implementation of the programme. Under this proposal, the legislation may become overly complicated and impractical. Moreover, this Council may require the Security Bureau to clarify the test procedure and the fee for the test anytime for monitoring purpose. For these reasons, we do not support the amendments proposed by the Bills Committee, but we will support the Second and Third Readings of the Bill.

**MR LEUNG FU-WAH** (in Cantonese): Madam President, the ROA of mainland children born to Hong Kong residents has been a problem disturbing Hong Kong for many years. Fortunately, the current legislation is explicit, and the relevant authorities in the Mainland, as well as the Bureau of Exit-entry Administration of the Guangdong Provincial Public Security Department have enhanced the transparency of the One-way Permit queuing system. The points system has also been adjusted in recent years in the light of the objective environment. This shows the sincerity of both the Guangdong and Hong Kong Governments to address this issue properly.

The Bill under discussion today involves the technical aspects of verifying the identity of mainland children born to Hong Kong residents. As the Court of Final Appeal has ruled that children born to *de facto* marriage are also entitled to the ROA in Hong Kong, genetic tests are a reliable means to substantiate the parentage claims when no legitimate proof is available.

The Bill provides that the test should be "conducted in such manner as the Director may specify by notice published in the Gazette". In other words, the ImmD may request the applicant to undergo the specified genetic test. The Security Bureau explained that the specified test will be conducted by the Government Laboratory in Hong Kong and its counterpart in the Mainland, the Criminal Technology Division of the Guangdong Provincial Public Security Department. It stands to reason that government departments be made responsible for the verification of identity. But with regard to the amendment put forward by the Bills Committee, which allows an applicant to undergo non-specified tests and acceptance of test results from private laboratories, I do not agree to it. If the amendment is proposed because of misgivings about or distrust of the validity of the test procedure conducted by either side, I do not see how a private laboratory will be a better safeguard? What are the justifications for asserting that commercial private laboratories are more reliable than government departments? If the reason is related to the fee level, I cannot see any justification in the proposed amendment to prove that a private laboratory will charge less than the Government?

Family reunion carries a significant meaning to people who have long been separated from their families. With the assistance of scientific technology, the problems of identity verification can be solved. Similarly, I believe legislative amendments should be handled with a rational and scientific attitude, and should not be based on sheer assumptions.

In regard to the fee for the test and the test procedure, I share the views expressed by Dr the Honourable TANG Siu-tong and the Honourable Howard YOUNG earlier on, and I support the original Bill and the Government's amendments.

With these remarks, Madam President, I support the motion. Thank you.

**PRESIDENT** (in Cantonese): Does any other Member wish to speak? (*Pause*)  
If not, I will call upon the Secretary for Security to reply.

**SECRETARY FOR SECURITY** (in Cantonese): Madam President, the object of the Immigration (Amendment) Bill 2000 is to empower the Director of Immigration (the Director) to specify a genetic test procedure by notice in the Gazette for compliance by persons who claim ROA under paragraph 2(c) of Schedule 1 to the Immigration Ordinance. The specified genetic test procedure will apply only when the Director, in the process of handling applications for a Certificate of Entitlement (C of E), is not satisfied on the basis of the evidence submitted that the claimants are born to a Hong Kong resident. The Bill also empowers the Director to charge a fee for conduct of the genetic test in Hong Kong and to determine the amount of the fee by notice in the Gazette.

I wish to take this opportunity to thank the Chairman of the Bills Committee, Mr Ambrose LAU, and other members of the Committee. The Bills Committee conducted detailed studies and held thorough discussions on the contents of the Bill and matters incidental to it, and it also put forward much valuable suggestions to the Government. After eight meetings, the Government and the Bills Committee reached a consensus over some specific areas. I shall move the relevant amendments a moment later.

Under the proposal of the Government, the genetic test procedure will be specified by notice in the Gazette. If a mainland applicant is involved, the test procedure will be jointly conducted by the SAR Government and the mainland public security authorities. The Government Laboratory will conduct the genetic test on the applicant's father or mother or both in Hong Kong, and the Technology Division of the Guangdong Provincial Public Security Department will be responsible for conducting the genetic test on the applicant and his/her mother (or father) residing in the Mainland. The test results of both sides will be exchanged for collaborative analysis independently, and the findings of such analysis will again be exchanged for cross checking before conclusions on the claimed parentage is drawn. Both Hong Kong and the Mainland will put in place a set of comprehensive and stringent quality assurance measures to ensure the stringency and impartiality of the test procedure, and the reliability and accuracy of the results. The Government Laboratory and the mainland authorities have conducted some mock tests in accordance with the specified genetic test procedure. The findings obtained by both sides are exactly identical.

When processing applications for a C of E, the Immigration Department will take into account the relevant test results and other documentary proof. The public security authorities of the Mainland will also accept the results of the specified genetic test when processing One-way Permit applications.

At meetings of the Bills Committee, some Committee members raised a number of concerns and other proposals which the Government had not accepted. Mr Ambrose LAU will, as Chairman of the Bills Committee, move a number of amendments later on. But the Government does not accept these amendments.

First, some Members have expressed the concern that under the Bill, the applicant for a C of E is not given any choice in regard to the specified genetic test. I wish to state very clearly here that such an interpretation is not correct. As we pointed out repeatedly at the meetings of the Bills Committee, the applicant and his claimed parents may decide whether they are going to undergo the specified genetic test required by the Director under the proposed section 2AB(7)(a). This means that the Government has definitely not deprived them of their right to choose, but their choices are limited to whether or not they are going to undergo the genetic test specified by the Government. Once they have decided to undergo the specified genetic test, it must then be conducted in strict accordance with the manner set down by the Director by notice in the Gazette. We must stress the importance of the specified test, because the procedure will be conducted under the direct monitoring of the SAR Government and the mainland authorities for the purpose of preventing forgery and ensuring the reliability and accuracy of analysis findings. Tests conducted in any other manner will not be treated as the specified test.

In case an applicant and his claimed parents refuse to undergo the specified test, they may choose not to undergo any genetic test, or they may arrange a genetic test with a private laboratory; this is commonly referred to as a non-specified genetic test. The fact is that under the proposal of the Government, even if the applicant submits the results of a non-specified genetic test as evidence, the Director will not refuse to consider his application. But the legal status of a non-specified genetic test will not be the same as that of the specified genetic test, because the former is conducted in the absence of any government monitoring.

The Bills Committee's proposed amendment to the Bill may be taken to suggest that the specified genetic test may not necessarily be conducted in accordance with the procedure required by the Director. This will defeat the original intent of the Bill, that is, to specify a genetic test procedure for compliance by the relevant persons. Besides, since a non-specified genetic test will not be conducted under the direct monitoring of the government authorities concerned, we must seek to ascertain its authenticity and credibility. In contrast, the reliability of the specified genetic test has already been established. The amendment proposed by the Bills Committee may mislead the applicant to think that a non-specified genetic test enjoys the same status as that of the specified genetic test. But it may take a longer time to ascertain the credibility of a non-specified genetic test, and this may lead to delays in the vetting of C of E applications.

Second, the Bills Committee proposes to specify the genetic test procedure in subsidiary legislation. We do not think that this is an appropriate proposal. The genetic test procedure is just a technical, administrative arrangement; its publication by notice in the Gazette is thus more appropriate. What is more, it suffices to enable the affected parties to understand the procedure and to follow it. The legislative approach will lead to inflexibility and make the ordinance unnecessarily cumbersome.

In addition, the genetic test procedure applicable to C of E applicants residing in the Mainland will require the co-operation of both sides, and its implementation must therefore require prior mutual agreement. We had worked with the relevant mainland authorities for more than a year before we reached an agreement. If the procedure is to be specified in subsidiary legislation, and if the Legislative Council subsequently introduces any amendment, the Government will need to renew its negotiations with the Mainland. This will affect the implementation date of the genetic test.

Third, the Bills Committee also proposes to specify the fee for the genetic test in subsidiary legislation. We consider this amendment unnecessary. The fee for the specified genetic test will be charged in accordance with the principle of full-cost recovery, as there is no question of overcharging. Besides, the Government will also consider the granting of fee remission on a case-to-case basis.



We understand that Members may well be concerned about the rates of fee adjustment in the future. For this reason, I promise that before any fee revision in the future, and before we implement any new fee, we will consult the Legislative Council Panel on Security.

Madam President, I now wish to respond to some of the points raised by Members earlier. First, let me point out that the government-operated laboratory in the Mainland is actually a subordinate organ of the Criminal Technology Division of the Guangdong Provincial Public Security Department; its status is comparable to that of the Government Laboratory of the SAR. The Public Security Department of the Mainland runs only one laboratory, and it adopts the same testing standards as those of our Government Laboratory. So, contrary to Miss Margaret NG's claim, there is definitely not any lack of uniform testing standards there. Moreover, each and every step of the test is subject to strict monitoring to prevent corruption. In contrast, in private laboratories where there is no monitoring at all, it is very difficult to prevent corruption.

Furthermore, with the adoption of a uniform testing procedure by the Government and the Criminal Technology Division of the Guangdong Provincial Public Security Department, their respective test results will be accepted by both sides. This will speed up the processing of applications. If the proposal of Miss Margaret NG and Miss Cyd HO is accepted and the applicant is permitted to arrange for a genetic test of his own, then it will be very difficult to prevent forgery, and not only this, the test results may not be accepted by the exit-entry authorities of the Mainland. In the end, this will adversely affect the interest of the applicant, as he may have to wait for a longer period of time.

I hope that Members can support the Bill and the Committee stage amendments I shall be moving later on, so that those affected C of E applicants can undergo the specified genetic test to establish their claimed parentage and come here to live with their parents as soon as possible.

Thank you, Madam President.

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That the Immigration (Amendment) Bill 2000 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): Immigration (Amendment) Bill 2000.

Council went into Committee.

### **Committee Stage**

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

### **IMMIGRATION (AMENDMENT) BILL 2000**

**CHAIRMAN** (in Cantonese): I now propose the question to you and that is: That the following clauses stand part of the Immigration (Amendment) Bill 2000.

**CLERK** (In Cantonese): Clause 1.

**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): Clause 2.

**SECRETARY FOR SECURITY** (in Cantonese): Madam Chairman, I move the amendments to proposed section 2AB(7)(a), section 2AB(9) and section 2AB(8) under clause 2(b), as set out in the paper circularized to Members.

We propose to replace the word "require" with "request" in the English version of proposed section 2AB(7)(a), and the word "requires" with "requests" in the English version of the proposed section 2AB(9). The purpose of these two amendments is to bring the English and Chinese versions of the relevant provisions more in line with each other.

We also propose to amend proposed section 2AB(8) by replacing "恰當的不利於有關申請的推論" with "恰當的推論". The English version will be amended accordingly.

Under the original provisions, the Director of Immigration may draw such adverse inferences from the failure of an applicant or a person of whom an applicant claims to be born to undergo a specified genetic test.

After considering the views of the Bills Committee, the Government has agreed to amend proposed section 2AB(8), empowering the Director of Immigration to draw any inference from the failure of an applicant or a person of whom an applicant claims to be born to undergo a specified genetic test. And, the Director of Immigration is required to make the relevant inference on the basis of the facts relating to the case or the reasons for refusing to undergo the test.

The above amendment proposals were scrutinized and endorsed by the Bills Committee. Thank you, Madam Chairman.

*Proposed amendment*

**Clause 2 (see Annex)**

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

**MR JAMES TO** (in Cantonese): Madam Chairman, the Democratic Party agrees to the amendments proposed by the Government.

However, I wish to say that as many Members perhaps had not taken part in the scrutiny of the Bills Committee, I am concerned that they, as from what I have observed, may have the misconception that if the provisions proposed by the Government (not to mention the amendments to be moved by Mr Ambrose LAU on behalf of the Bills Committee) are passed, the Government would then draw adverse inferences from other non-prescribed or non-government tests.

As Members of this Council will receive many inquiries from applicants (whether they be local or mainland applicants), it would be wrong if we give such comments to those applicants. This is my observation, and I hope Members will pay attention to the fact that irrespective of which amendment is passed, elucidation or explanation must be given in accordance with the legal provisions, for Members will come into contact with many people. From the speeches made by a number of Members earlier in the debate, I note that some Members do have this misconception.

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

(No Member responded)

**CHAIRMAN** (in Cantonese): Secretary for Security, do you wish to speak again?

(The Secretary for Security indicated that she did not wish to speak)

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendments moved by the Secretary for Security be passed. 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): The Secretary for Security and Mr Ambrose LAU have separately given notice to move further amendments to proposed section 2AB(7)(a) under clause 2(b) relating to the manner of conducting genetic test.

**CHAIRMAN** (in Cantonese): Committee now proceeds to a joint debate. I will first call upon the Secretary for Security to move her amendment.

**SECRETARY FOR SECURITY** (in Cantonese): Madam Chairman, I move that proposed section 2AB(7)(a) under clause 2(b) be further amended by deleting everything after "一項" and substituting "按處長以憲報公告指明的方式進行的基因測試，以確立所聲稱的父母子女關係；及"， as printed on the paper circularized to Members. The purpose of this amendment is to bring the Chinese and English versions of the proposed section more in line with each other.

Thank you, Madam Chairman.

*Proposed amendment*

**Clause 2 (see Annex)**

**CHAIRMAN** (in Cantonese): I now call upon Mr Ambrose LAU to speak on the Secretary for Security's amendment and his own amendment. However, Mr Ambrose LAU cannot move his amendment at this stage.

**CHAIRMAN** (in Cantonese): Mr Ambrose LAU, do you wish to speak?

(Mr Ambrose LAU indicated that he did not wish to speak)

**CHAIRMAN** (in Cantonese): Members may now debate the amendment moved by the Secretary for Security and Mr Ambrose LAU's amendment.

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

**MISS MARGARET NG** (in Cantonese): Madam Chairman, from the speeches made by some Members earlier in the Second Reading debate of the Bill, they seem to have some misunderstandings about the original text of the Bill and also the amendments to it. They hold the view that if the Government's amendment is passed, it will mean that if an applicant does not undergo the test specified by the Director but undergoes some other tests instead, the Director will not have to consider those tests at all. But this view is entirely wrong. From the earlier speech of the Secretary and our deliberations of the Bill, it is clear that irrespective of which amendment is passed or even if the Bill as it now stands is passed, the Director cannot refuse to accept or consider reports by other laboratories.

Madam Chairman, in the course of the scrutiny of the Bill, the Bills Committee had formally put a question to the Government in writing about whether adverse inferences could be drawn continuously and what adverse inferences could be drawn. The reply of the Secretary for Security is very clear. Madam Chairman, as some Members had not participated in the work of the Bills Committee, I wish to read out the original text of the reply. This is the Administration's reply to the Legal Service Division on 8 February 2001 in respect of question (a). Let me read out the second paragraph therein:

"When an applicant submits a test result from a non-prescribed genetic test procedure even though by an accredited laboratory, the Director would still assess and consider, among other things, the integrity of the test procedure as well as the accuracy and the reliability of the test result. A proper accreditation as mentioned in the question is only one of the considerations to be taken into account. There are other important considerations, such as whether the samples were taken properly, whether the samples tested belonged to the parties involved in the application, the authenticity of the document setting out the test results, and so on. It is necessary for the applicant to establish a clear chain of evidence in the test procedure to ensure the integrity of the test."

This paragraph has clearly stated that if results of non-prescribed tests are submitted to the Director, the Director will certainly consider them. Moreover, in his consideration the Director will also take into account such factors as the integrity, reliability and accuracy of the test procedure, the reliability of the test results, whether the laboratory is internationally accredited, and so on. Other than the integrity of the test itself, the Director will also consider the authenticity of the documents setting out the results. Applicants must give a detailed and clear explanation of the test procedure step by step, and submit evidence to prove that the test results genuinely relate to himself. This reply does not only state that the Director must consider the results of non-prescribed tests, but also sets out the scope of his consideration and the factors to be considered.

Madam Chairman, some Members consider that the contents of the amendment carry the meaning that the Director will not consider or is not required to consider reports from other laboratories submitted by the public. This is not correct. In its reply that I have just read out to Members, the Bureau has clearly stated that the Director cannot refuse to consider results of other tests. If Members think that this amendment carries the meaning that the Director has the liberty to ignore the results of any other tests taken by an applicant other than the specified test, that is a sheer misconception. I see no reason for us to subscribe to this view.

Madam Chairman, this Bill targets at the procedure of application for the Certificate of Entitlement (C of E), and the C of E concerns not only mainlanders. Any person who claims to be a child born to Hong Kong residents in places outside Hong Kong and claims to have the ROA in Hong Kong by virtue of Article 24 para 2(3) of the Basic Law is required to apply for a C of E. If proof of parentage is required and if the Director considers that the documents submitted are insufficient, the applicant will have to undergo a genetic test. While the genetic test under discussion today largely targets at mainlanders, it does not only concern mainlanders. But if children born in overseas countries (such as Canada) to Hong Kong residents are all required to undergo this test which will be conducted in two places, it would be utterly ridiculous. Therefore, we have put forth many practical circumstances to expound that the proposed test is inappropriate. Since there is no intention to exclude other tests, I think the amendment proposed by the Bills Committee is fairer and more beneficial to applicants in the long run. Certainly, Madam Chairman, irrespective of whether other channels for conducting the test are available, if the test to be conducted by the Government is fast, accurate, and inexpensive, surely

many people will automatically undergo the test specified by the Government. I have no doubt about this. However, if the provision is so inflexible and makes people mistakenly think that the Director will not consider reports by other laboratories, then I will consider this amendment of the Government undesirable. Thank you, Madam Chairman.

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

**MISS CYD HO** (in Cantonese): Madam Chairman, as we are at the Committee stage, I believe it is appropriate to say a few words about why we do not agree to a test specified by the Government.

The authorities have proposed in the Bill the arrangement of conducting the genetic test in two places within one country, which means that the applicant's father or mother shall undergo the test in Hong Kong, whereas the applicant and his other parent shall undergo the test in the Mainland. As I have said earlier on, an academic questioned the technical reliability of such an arrangement after the Government unveiled this proposal. It is because the test should be conducted in the same laboratory; if the test is conducted in two laboratories separately, discrepancies may be resulted due to variations in such details as air temperature, humidity or the speed of the machine printing out the test results, and so on. To ensure accuracy, I have written to two internationally-accredited institutions, namely, the American Association of Blood Banks and the National Association of Testing Authorities of Australia, to seek their professional opinions. Here, I wish to read out their opinions in brief to Members who had not participated in the Bills Committee on Immigration (Amendment) Bill 2000.

In its reply, the American Association of Blood Banks advances an important principle, that is, single-lab testing is the best process. From this, it is clear that conducting the test in two places pales in comparison with single-lab testing in terms of accuracy. The National Association of Testing Authorities of Australia takes a more moderate view, stating that separate testing by two laboratories is also acceptable, provided that the two laboratories must be recognized internationally as being qualified to perform parentage testing.



Local academics, including Prof Frederick LEUNG of the University of Hong Kong whom I mentioned earlier today, have also expressed their views. They think that if we specify through legislation a testing methodology that is more prone to human errors, the test results may consequently open the way to challenges in court. But during our discussions, all that the Government could say was this is a viable option, but it could not tell us whether this methodology is more accurate than those suggested by the two international institutions.

Madam Chairman, to government officials, this may just be a laboratory test that has to do with right of abode and family reunion. But to the people concerned, this is something that will have lifelong implications on them. They have waited for years. Applicants certainly wish to have an accurate and the best testing methodology to substantiate their parentage claims. If the test procedure proposed by the Government is just a viable but not the best and the most accurate method, why can the Government not accept the amendment proposed by the Bills Committee to stipulate in the legislation that applicants are allowed to choose alternative testing methods?

Madam Chairman, the Government has also stated that the laboratory under the Criminal Technology Division in the Mainland and the Government Laboratory of Hong Kong will adopt the same test procedure. Although the Government Laboratory of Hong Kong is internationally accredited, it has no authority to accredit other institutions where laboratory procedures are performed. The Government Laboratory of Hong Kong can only vow solemnly and keep on assuring us that the laboratory in the Mainland adopts the same set of procedure. But assuming that the mainland laboratory cannot measure up to the required standard, and when there are discrepancies in the details, what can the SAR Government do? I hope the Secretary can explain this to us later.

Besides, as Miss Margaret NG has said earlier, the Director is obliged to consider those test results. Certainly, we can seek a court ruling. But to institute legal proceedings, one has to be wealthy or recipient of Comprehensive Social Security Assistance, for it is indeed very difficult for the general public to resolve their case through legal proceedings. So, I very much hope that express provisions can be made in the Bill to allow applicants other choices.

In its letter to Members on 20 June to lobby Members' support for its proposal, the Government stated that it would not refuse to consider the relevant applications with which results of other tests are submitted, but an in-depth assessment of each case is required in respect of the sampling requirements, quality, test procedures, authenticity of reports, and so on. We have no reason to object these. However, if the laboratory conducting the test is internationally accredited, which will certainly endeavour to guarantee its reputation, and while the Government has to study if bribery, corruption or fabrication of test results is involved and also assess its testing quality and qualifications, is the Government even more authoritative than this institution? I do have doubts about this. Madam Chairman, I hope that the Secretary can give us a reply as to what the Government will do if an applicant undergoes a self-arranged genetic test other than that as prescribed and if there is discrepancy between the results of the self-arranged test and those of the one prescribed by the Government? Madam Chairman, I hope that the Secretary can clearly explain this in her reply.

**MR LAU KONG-WAH** (in Cantonese): Madam Chairman, the Democratic Alliance for Betterment of Hong Kong (DAB) considers a specified test important, necessary and essential. We cannot accept using alternative tests or tests conducted in places other than those specified as proof.

To prove one's identity is a solemn and serious process which allows no flexibility. I cited this example before. If a person is suspected of possessing a counterfeit passport when clearing at an immigration counter, how can we verify that the passport is a counterfeit? We have to rely on the Government Laboratory of Hong Kong to verify its validity. If that person proposed that he return to his place of origin and have another laboratory to verify the authenticity of his passport, will he be allowed to do so? That is impossible. So, I think specifying the place and procedure of test can prevent frauds. Certainly, we must ensure that the entire procedure is very strict and stringent.

Miss Margaret NG said earlier that there may be institutions with the best reputation elsewhere in the world and so, why can we not commission those institutions to conduct the test? She is right in saying so. But there may also be testing institutions with the worst reputation elsewhere in the world. Since there are so many institutions worldwide, what can we do then? So, why can we not have faith in the laboratory specified by Hong Kong to conduct the test?

Throughout the whole course of deliberations in the Bills Committee on Immigration (Amendment) Bill 2000, Miss Cyd HO had worked very hard and found plenty of information, and I had also exchanged views with her. If we write to the United States asking them whether it is better to conduct the test in two places or in one place, they will definitely say that the latter is better. Just as the Americans cannot imagine why we need to have our identity cards and home visit permits checked when we go to Shenzhen, since Hong Kong and Shenzhen belong to the same country. In fact, the system in the United States is different from our "one country, two systems" in Hong Kong, and it is precisely because of the practice of "one country, two systems" that there is this arrangement, that is, conducting separate tests in two places followed by cross-checking of the test results. Indeed, I think this is a more secure method, because it will be difficult to tell whether collusion is involved if the test is conducted in just one place. The cross-checking mechanism will, in my view, ensure a greater degree of accuracy.

Of course, some Members mentioned earlier in the debate the varying standards of mainland institutions, which I admit is true. In fact, there will always be discrepancies in the standard of institutions conducting such tests in any place. But it is precisely because of the varying standards that we have to specify one institution, one that is reliable, trustworthy, and recognized by the Government. Let us not forget that genetic technology in China is among the best in the world. I believe you, Madam Chairman, will not forget that the human genetic code was mapped out this year and China was one of the participating countries. Therefore, unless we have no faith in genetic technology, I think it is entirely acceptable under "one country, two systems" for parents and children to undergo the genetic test at specified institutions in Hong Kong and the Mainland separately and then have the test results cross-checked.

For these reasons, Madam Chairman, the DAB will oppose the amendment proposed by the Bills Committee. Thank you.

**MR JAMES TO** (in Cantonese): Madam Chairman, when I listened to the speech of the Honourable LAU Kong-wah just now, I reckon there may be some misunderstandings here. It is because he said that as the DAB considered the specified test is very important, it therefore could not accept other test results as proof. If that is the standpoint of the DAB, then they should move a Committee stage amendment (CSA), or they should even reject the Government's

amendment, in order to show that the specified test shall be the only acceptable procedure. However, it seems that they have not moved a CSA, as a result, I do not understand what they are talking about.

I have to clarify the position of the Democratic Party here. No matter which amendment is carried, even the Government's amendment is carried and the amendment of Mr Ambrose LAU is negatived, we have no intention to tell the public that they had better arrange for the test themselves and not to undergo the Government's test. We will not do that absolutely. We even consider that if the public finds the present proposal viable, we may try to put that into practice, and the only thing involves is nothing more than the cost. We have also discussed the matter with many people running this kind of private laboratories. According to our understanding, when we compare the fees of the test to be conducted by local and mainland laboratories with private laboratories, the fees charged by private laboratories are really not that inexpensive at all. If a member of the public asks me whether he should undergo the government test, I feel that it is harmless to try. Of course we will not tell him not to adopt the procedure of the Government as there would be corruption and abuses. We will not do that absolutely. However, the problem is, if an applicant adopts the Government's testing procedure and passes it, he will basically say nothing else because his application is successful. Certainly, he will consider the Government's testing procedure effective. However, if his application is rejected because he has failed the test, the problem mentioned by Miss Cyd HO earlier will then emerge.

Now that the Government has eventually changed the attitude it held in the early deliberation stage of the Bill and says that it is willing to consider the results of other tests. In fact, this will happen only after the applicant has undergone the specified test procedure and feels that the result should be "positive", but the result turns to be "negative". As a result, in order to avoid giving the applicant the feeling that he has channel of redress, he will be given at least another chance of undergoing another test. Of course, he should produce other evidence to substantiate his application.

In fact, even if applicants are allowed to do so, problems may still arise at that point. I can imagine that maybe there are compulsions in some cases. That is, some people may make false accusation against mainland public security officials for taking bribes or asking for money secretly or they will fail the test.

These applicants will probably make sworn statements to the Immigration Department (ImmD) and ask the Director of Immigration to consider their cases — some may even claim that certain mainland officials have told them something somewhere in China, but they may not recall the names of the officials. In the end, they will enclose the test reports conducted by some private laboratories. So I can imagine a dozen of circumstances. However, no matter what we do at that time, the problem will still remain unresolved. The Director of Immigration will surely come across a lot of these unsuccessful cases. Perhaps in some cases, bribery may have actually been involved as applicants may fail the tests if they do not bribe the officials. However, in some cases, such failure probably owes to the quality control problem under the "one country, two tests" system, which is not necessary due to a poorer testing standard in the Mainland, and it is possible that the tissue specimen provided is not up to standard and made the test impossible. For these reasons, we have to leave some leeway to these people as these test results may make them feel at ease and content with their destiny and affect their whole life, and they will have great influence to their future and open up a new path for them. I hope Honourable Members will understand their thoughts and difficulties.

Furthermore, I wish to cite two more examples, hoping Members will understand that we are not negating the specified test procedure of the Government. We are only concerned about the following situations (in fact, according to the cases at hand, some applicants are worried and the concerned group has been maintaining discussions with us all along): firstly, if the parents of the applicants (they should be residing in Hong Kong) are unwilling to undergo the test because of moral, ethical, family or even pecuniary reasons, their children in the Mainland will feel that despite their grievances, they will have no channel of redress because their parents are unwilling to undergo the test to be conducted by the Government Laboratory, so that they are unable to undergo the government test. Of course, if you ask me whether there is any remedy merely from my own perspective, I can tell you that there are remedies, but they will be very complicated and the rules for the submission of proof will be very stringent. Some people have mentioned whether private detectives can be employed to obtain some human tissue specimens for future use. Of course this should only be carried out under very strict control in order to convince the Director of Immigration, but this is not impossible. As a result, under some circumstances, it is actually impossible to carry out the tests in two places as suggested by the Government.

Secondly, some of those children in the Mainland have quite interesting concepts. I do not know whether they have bias or misunderstandings, but perhaps some of them have had some arguments with local officials before, as children born out of wedlock had never been allowed to lodge applications in the past, thus they have become hostile to the public security and officials for a long time, or even consider the public security and officials will nail them forever and ensure that their applications will not succeed. They therefore have a feeling that they will surely not get a fair treatment in the first place. Of course, it is not necessary unfair, but they just have that kind of feeling. Some of them even are thinking of applying for a two-way permit in order to come to Hong Kong (I can tell the Government that they are really prepared to do this), and they wish the Government Laboratory can really open up and let them submit their tissue specimens in person. Since they are already in Hong Kong, photographs of them can even be taken in order to facilitate the entire specified procedure.

However, I have been given to understand that the Government Laboratory is unwilling to do so. I have no idea of the reason for that, perhaps Government Laboratory officials feel that they will compete with civilian agencies for profits, or we can say that they will compete indirectly with the Mainland for profits, because the specified test procedure has to be conducted in two places, therefore the mainland authority may charge each test a fee. Perhaps the fee to be charged in the Mainland is nothing more than cost recovery, which is non-profitable. But anyway, if the Government Laboratory in Hong Kong is opened up (that is, willing to accept those specimens), it will cause a drop in the income of its mainland counterpart, or even raise the issue of standing. As a result, I have been told initially that the Government is unwilling to accept such specimens. However, I find that in the past, the Government had accepted personal requests of conducting tests in the Government Laboratory, with a view to assisting in the submission of evidence criminal proceedings in certain Court of Final Appeal cases that eventually saw the accused acquitted. As the Government has done that before, if it refuses to do that for another case, then I believe the Government will be in deep trouble, because those people will surely question the Government for the reason of refusal, and they may even carry out protests and petition in front of the Government Laboratory. I only wish to remind the Government to be prepared that such things may happen in future.

Furthermore, if the children in the Mainland do not trust the local public security authorities, they may wish that the laboratory in Hong Kong can carry

out stricter testing procedure, and some of them may even ask Honourable Members to be their witnesses. I figure that at that time, Members of the Democratic Party and I will be "in deep trouble", since a lot of people may ask us to testify that both specimens are sealed off, and if there is any doubt, they will agree to conduct the test again or find some other laboratories to carry out the task. They will probably request us to act as their witnesses because we are reliable. Perhaps not only us, I believe many people will approach the DAB for help, because people in the Mainland have become accustomed to seeing the faces of DAB members due to their regular exposure on television screens. I think a lot of people will ask the Honourable Jasper TSANG to be their witness, thus a lot of problems will follow.

On the other hand, their parents in Hong Kong might have thought about disclosing the identity of their children born out of wedlock to the public security authorities in the Mainland. However, they are concerned that mainland authorities are not good enough in keeping confidentiality, then they may become targets of the Government as a result of the test conducted by the authorities. However, I can tell them that even their children born out of wedlock come to Hong Kong and pass the test, the mainland authorities will eventually issue the one-way permit to their children. In fact, parents concerned also know that they will have to let the cat out of the bag, however, perhaps they think that to let the cat out of the bag at the end is different from disclosing it in the beginning, as mainland authorities may have more time to target at them. Of course, these are the concerns of people living in the Mainland, which I do not have to worry for them. Nevertheless, those children born out of wedlock may possibly know that their parents are really concerned, that is why they are willing to spend thousand of dollars to apply for a two-way permit in order to come to Hong Kong and submit the specimens when visiting their relatives.

Finally, I have to speak about a *bona fide* case, that is, some parents living in Hong Kong feel that the ImmD is charging too much, but I have to make it clear here that the charges are actually not that expensive. However, some people said that the Government likes to increase the charges and fees from time to time, perhaps the charges will go up later, and therefore they said they would rather go back to the Mainland for the test. I asked them: "you only have one child born out of wedlock at most, you do not have that many, right?" As the test will be one-off, it is meaningless to make it that complicated and cause the Director of Immigration headaches. As a result, I do not encourage them to do that.

However, I still wish to put this on record: due to misunderstanding, lack of knowledge or whatsoever reasons, some people have great doubts about the only system at present. I only hope that when the public come to seek advice from Honourable Members in future (especially a lot of mainlanders will discuss the issue by writing or in person when they visit Hong Kong), Honourable Members should do more preparatory work to construe the legal connotation of the amended legislation with a neutral and unbiased attitude. I feel that this is most constructive to the entire system.

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

**MR HOWARD YOUNG** (in Cantonese): Madam Chairman, the arguments of the Liberal Party have already been explained earlier in the Second Reading debate. Now I must emphasize that we are discussing matters relating to applications from children born out of wedlock for admission to Hong Kong under "one country, two systems". I think we must face the reality that most of these people, or we can say an overwhelming majority of them, are Chinese citizens in the Mainland, apart from those born in Canada or other places as mentioned by Miss Margaret NG earlier on. The Basic Law stipulates that under "one country, two systems", mainland residents are required to seek approval from the mainland authorities before they can come to Hong Kong. I think that this system must not only be accepted by the Hong Kong Government. It must also be accepted by the mainland Government, or else it is not going to work. So, while this issue may be unprecedented, it can serve as a good precedent since the Government has reached an agreement with the mainland authorities to work together in handling this issue. I also hope to see collaboration between mainland authorities and government departments in Hong Kong in more aspects, so that both sides can work in concert on some issues in the interest of the people concerned.

However, I am interested in knowing this: Can the Secretary respond to the point raised by Miss Margaret NG earlier, that is, children born out of wedlock may not be born in the Mainland, but in Canada? How will they be handled? They may not be taken care of under the Bill. I believe Members may also be interested in knowing this.



Besides, under the current proposal, the Government will designate a department or an institution in the Mainland to conduct the test. But as far as I understand it, more can be added to the list if conditions so permit. At present, there is only one institution in Guangdong Province. In future, there may really be many children born out of wedlock asking Members to be their witnesses. If one institution cannot cope with the demand and is deemed inadequate, an additional testing institution will be required. I hope that the Government will consider this.

**CHAIRMAN** (in Cantonese): Does any Member wish to speak? *(Pause)* Mr LAU Kong-wah, speaking for a second time.

**MR LAU KONG-WAH** (in Cantonese): Madam Chairman, earlier on the Honourable James TO said that he did not quite understand what I had said. So, I wish to take this opportunity to elucidate my views again. Meanwhile, I also wish to respond to a number of points raised by Members.

I do not believe that any person encountering difficulties can get things straightened out simply by turning to Members. That is impossible. Whether they turn to Mr Jasper TSANG or the Honourable Martin LEE, their problems just will not be resolved. So, I think this is not where the problem lies. Besides, I found that what Mr James TO had said just now is somewhat misleading. He seemed to be suggesting that if we endorse the Government's amendments to the Bill but oppose the other amendments, applicants are still allowed to undergo other tests. Madam Chairman, just take a look at the Bill and you will see that the official Chinese text of section 2AB(7)(a) reads, "測試須按處長以憲報公告指明方式進行". The word used is "須", which means that alternative tests are not accepted. Of course, the Government may receive the results. But will they be accepted? Under the Bill, they will not be accepted, and that is what the word "須" means. Therefore, we cannot say that the submission of the results of other tests is tantamount to their acceptance. Earlier on, Miss Margaret NG also mentioned — and she seemed to be even implying — that other tests will be considered. But as far as I understand it (of course, the Government may clarify this point later), the word "須" means "必須". So, the provision is crystal clear, and when this amendment comes into effect, it means that the specified test procedure must be conducted by the specified institution, and this specified procedure is supported by the DAB. It has been stated very clearly here. Thank you, Madam Chairman.

**CHAIRMAN** (in Cantonese): Does any Member wish to speak? *(Pause)* Mr James TO, speaking for a second time.

**MR JAMES TO** (in Cantonese): Madam Chairman, I have a very simple point to make. But this point is very important indeed, and I hope that the government official will not be too wary of offending anyone in her reply. It is because if there is really something wrong, she must point it out. During the many rounds of deliberation, and according to what is stated in writing, as read out by Miss Margaret NG, it is clear that even if this amendment of the Government as moved by the Secretary for Security is passed, the results of other tests can still be submitted. But as the Secretary for Security said earlier, there is no guarantee of the standard of non-prescribed tests for they are not regulated, but the Government must still consider them in accordance with the law. As to whether the Director of Immigration mostly would not approve of results of tests other than the prescribed test, or whether the Director would consider them below substandard and unacceptable, just as Mr LAU Kong-wah thinks (although they have not actually said so, they are already of the view that most of the other tests will not be approved), I do not think so. Mr LAU Kong-wah further said that if I told members of the public that way, I would be misleading them. In fact, I have not misled them, for that is the actual effect of the law. I hope that friends from the DAB can read it clearly. If they consider that the provisions are not clear enough, perhaps they can join hands to oppose the Third Reading of the Bill and ask the Government to propose another version providing for the only specified way of conducting the test as they wish. They may still be able to do this in time. Otherwise, if the amendment is passed, the situation then may not be in line with their position.

**CHAIRMAN** (in Cantonese): Secretary for Security, do you wish to speak again?

**SECRETARY FOR SECURITY** (in Cantonese): Madam Chairman, I wish to make a brief response to the points raised by some Members earlier on.

First, let me explain the position of the Government in respect of non-specified genetic tests. As pointed out by Miss Margaret NG, the Director of

Immigration (the Director) will not completely ignore the findings of non-specified genetic tests. But our position in regard to the specified test is as follows: first, the Government cannot and will not stop applicants from undergoing any non-specified genetic tests of their own accord, nor can it or will it stop them from submitting the results of such non-specified tests to the Director as evidence. But the Government will definitely not encourage applicants to do so. If the applicant really does so, and if he also requests the Government to agree to accord equal legal status to specified and non-specified tests, it will become pointless to draw up any legislation. The legislative intent of the Government is to establish a clear legal basis for the specified test, so that it can be legally distinguished from non-specified tests. If the purpose of the Bills Committee's proposed amendment is to accord equal legal status to non-specified and specified tests, then I must say that the amendment is against the legislative intent of the Government, and the ordinance so enacted will become entirely meaningless.

The Government has agreed to consider and vet all applications in detail, including those submitted with the results of non-specified tests. But that does not mean that the Government has at any time agreed that its legislative intent covers non-specified tests. It also does not mean that the results of non-specified tests can enjoy the same recognition in law as that of the specified test. This is certainly not the legislative intent of the Government.

I also wish to say a few words in response to Miss Cyd HO's remarks. Miss HO questioned the technical feasibility of "one country, two tests", and she also mentioned the comments of the American Association of Blood Banks, and so on. Actually, the Government already gave its detailed responses to these comments during the scrutiny of the Bill by the Bills Committee.

The Bills Committee has listened to the professional opinions of many different organizations and individuals, and it cannot find any proof that refutes the feasibility of conducting two separate tests technically. Quite the contrary, a very important message conveyed by many independent professional opinions is that as long as there are sufficient quality assurance measures, it is absolutely feasible to conduct two separate tests; besides, the tests conducted separately will yield results which are as reliable as those obtained by single-lab testing. Such independent professional opinions were given by both the American Association of Blood Banks and the National Association of Testing Authorities, Australia.

Experts from the Government have also pointed out that the specified test will be as accurate as those conducted by other institutions, with an error rate of one 500 000th only.

I also wish to reply to the questions raised by some other Members. A Member asked what we would do if the results of the tests conducted in the two places on the same case are different. For cases like this, Hong Kong and the Mainland have already agreed to make joint efforts to work out mutually acceptable results. And, what are we going to do if the results of a specified test and those of a non-specified test do not agree? Well, in that case, the Director will consider all these results and all relevant information before making a decision. The authority rests with the Director.

Another Member asked a question on the arrangement for Certificate of Entitlement applicants who live overseas, in Canada, for example. We have made it very clear that such children living in places other than mainland China, Macao and Taiwan can undergo a genetic test at the Government Laboratory of Hong Kong. Mr Howard YOUNG asked if the number of testing institutions in the Mainland would be increased granting the need in the future. Our answer is "yes". When necessary, we will definitely increase the number of testing institutions in the Mainland, but the most important pre-condition is that strict supervision must be maintained.

Lastly, I wish to respond briefly to some of the points raised by Mr James TO. The fact is that if the parents concerned refuse to undergo the specified test, we are sure that they will not be prepared to undergo any non-specified tests either. If an applicant makes it clear that he cannot undergo the specified test because of reasons too difficult to disclose, the Director will make an appropriate inference on a case-to case basis, taking into account the grounds submitted with the application. This is precisely the underlying spirit of the relevant legislation.

Thank you, Madam Chairman.

**CHAIRMAN** (in Cantonese): Mr James TO, speaking for the third time.

**MR JAMES TO** (in Cantonese): Madam Chairman, I just wish to briefly respond to a point made by the Secretary, that is, if the parents concerned refused to undergo the specified test, they should, by logical inference, also refuse to undergo non-specified tests. Here, I wish to cite an example to show the Secretary categorically that there are indeed cases in which the parents refuse to undergo any test. But as their children consider that these results concern their well-being, even though they may not have the results of the specified test, they may still try to obtain the cells or genes of their parents (that is, persons whom they regard as their parents) for the test by hiring private detectives or resorting to other means. It is therefore important coherence of evidence. Otherwise, one can say that any person can arbitrarily make claims from the test results. In fact, many people have already made plans to do so. Parents may be afraid that revealing the truth will lead to family discord and therefore steadfastly refuse to admit the relationship, fearing that admitting it may cause troubles. While security measures are stringently enforced in both places, it still cannot allay their fears. However, some children are even thinking collecting strands of hair of their parents for the purpose of the test, because the blessing that comes with this status is indeed too important to them.

**MISS MARGARET NG** (in Cantonese): With your indulgence, Madam Chairman, I should like to make a brief response to the remarks made by the Secretary. The Secretary said earlier that if the amendment proposed by the Bills Committee was passed, then legislation on this would become meaningless. I do not think it will become meaningless at all. For without this enactment, the Director of Immigration will have no power to set up any prescribed test, nor does he have the authority to require people to undergo a genetic test. So, as I pointed out in reading out the extract of the explanatory memorandum, there is a need for legislation if the Director wants to set up a prescribed test and requires the applicants to undergo such a test. What is the amendment proposed by the Bills Committee? Do the prescribed test and the non-prescribed test both enjoy the same status? Will they have the same legal effect? I do not think we need to determine this today because they are a matter of quality of evidence. Whether a piece of evidence will be accepted or not depends on the merits of each of the tests. Since our amendment only says that the Director may prescribe one such test, so in fact the original objective of the Bill can be met, and that is, the Director is vested with such power. I would like to give a word of comfort to the Secretary now. In the event that the amendment proposed by the Bills Committee is passed, she needs not think that this legislative exercise has become meaningless. Thank you, Madam Chairman.

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

(No Member indicated a wish to speak)

**CHAIRMAN** (in Cantonese): Secretary for Security, do you wish to speak again?

(The Secretary for Security indicated that she did not wish to speak)

**CHAIRMAN** (in Cantonese): Before I put the question to the Committee on the amendment moved by the Secretary for Security, would the Committee take note again that if the amendment moved by the Secretary for Security is carried, then Mr Ambrose LAU may not move his amendment.

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by the Secretary for Security be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(Members raised their hands)

Miss Margaret NG rose to claim a division.

**CHAIRMAN** (in Cantonese): Miss Margaret NG has claimed a division. The division bell will ring for three minutes.

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

**CHAIRMAN** (in Cantonese): Mr WONG Sing-chi, is there something wrong with your buttons?

**CHAIRMAN** (in Cantonese): Are there any Members who have not yet cast their votes? Fine, all Members have cast their votes.

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

Mr Kenneth TING, Dr Raymond HO, Dr LUI Ming-wah, Mr NG Leung-sing, Prof NG Ching-fai, Mrs Selina CHOW, Mr CHAN Kwok-keung, Mr Bernard CHAN, Mr CHAN Kam-lam, Dr Philip WONG, Mr WONG Yung-kan, Mr Jasper TSANG, Mr Howard YOUNG, Mr YEUNG Yiu-chung, Mr LAU Kong-wah, Mr LAU Wong-fat, Mrs Miriam LAU, Mr Ambrose LAU, Miss CHOY So-yuk, Mr Timothy FOK, Mr TAM Yiu-chung, Dr TANG Siu-tong, Mr Abraham SHEK, Miss LI Fung-ying, Mr Henry WU, Mr Tommy CHEUNG, Mr LEUNG Fu-wah, Mr Frederick FUNG, Mr IP Kwok-him and Mr LAU Ping-cheung voted for the motion.

Miss Cyd HO, Mr Albert HO, Mr LEE Cheuk-yan, Mr Martin LEE, Mr Fred LI, Miss Margaret NG, Mr James TO, Mr CHEUNG Man-kwong, Mr LEUNG Yiu-chung, Mr SIN Chung-kai, Dr YEUNG Sum, Mr LAU Chin-shek, Miss Emily LAU, Mr Andrew CHENG, Mr SZETO Wah, Mr LAW Chi-kwong, Mr Michael MAK, Mr Albert CHAN, Mr WONG Sing-chi and Ms Audrey EU voted against the motion.

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

THE CHAIRMAN announced that there were 51 Members present, 30 were in favour of the motion and 20 against it. Since the question was agreed by a majority of the Members present, she therefore declared that the motion was carried.

**MRS SELINA CHOW** (in Cantonese): Madam Chairman, in accordance with Rule 49(4) of the Rules of Procedure, I move that in the event of further divisions being claimed at this meeting in respect of the other clauses or amendments of the Immigration (Amendment) Bill 2000, this Council do proceed to such divisions immediately after the division bell has been rung for one minute.

**CHAIRMAN** (in Cantonese): I now propose the question to you and that is: That the motion moved by Mrs Selina CHOW be passed.

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

(No Member indicated a wish to speak)

**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 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.

I order that in the event of further divisions being claimed at this meeting in respect of the other clauses or amendments of the Immigration (Amendment) Bill 2000, this Council do proceed to such divisions immediately after the division bell has been rung for one minute.



**CHAIRMAN** (in Cantonese): As the amendment moved by the Secretary for Security has been passed, Mr Ambrose LAU may not move his amendment as it contravenes the decision already made by the Committee. I have granted Mr Ambrose LAU leave to revise the wording of his amendment to proposed section 2AB(7)(a) under clause 2(b) that adds "as subsidiary legislation" after "published".

**MR AMBROSE LAU** (in Cantonese): Madam Chairman, I move that proposed sections 2AB(7)(a) and 2AB(12) under the amended clause 2(b) be amended to specify that notice specifying the manner in which the genetic test is conducted is subsidiary legislation, as set out in the paper circularized to Members.

*Proposed amendment*

**Clause 2 (see Annex)**

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

**MISS MARGARET NG** (in Cantonese): Madam Chairman, the Secretary explained in her earlier speech why she opposes the incorporation of the relevant procedure and fees into subsidiary legislation, for she thinks that this will make the ordinance cumbersome. She is of the view that this is only an administrative arrangement and the use of public notice in the Gazette would suffice. Madam Chairman, as a matter of fact, in many ordinances that involve some important issues, the fairness of the procedures and the rights themselves are almost commensurate. For if the procedures are unsound or if there are any inadequacies, the bias procedure-wise may deprive people of their due rights. Let me just quote a simple example. When we renew our identity cards, there is an enabling provision in the Registration of Persons Ordinance which sets out where people should go to apply for an identity card, how they should apply and what kind of questions the Government may ask, and so on. All these are regulated by provisions set out in subsidiary legislation. So if the amendment proposed by the Administration is passed, and when the prescribed procedures and prescribed test are placed in such an important position, the question is, is that test a sound one? I think all these should be subject to monitoring by the legislature. In particular, the Secretary has also mentioned earlier that only one

laboratory is being discussed at present, and it is to enjoy the same status as the Government Laboratory. It may be due to this reason that many Honourable Members are very confident about this laboratory, but if this laboratory is to expand the scale of its operation, then what will be the situation? So in my opinion, if all these are set out in subsidiary legislation, that will ensure the stringency of the procedures and that they are supported by this Council. That will be a better approach to take, especially when some ordinances such as the Privacy Ordinance are involved. Are we able to ensure that privacy is respected? In what manner can we ensure that privacy is respected? How are increases in fees going to be made? The Secretary made an undertaking that she would discuss the matter with this Council before raising the fees. If we can accept this approach, then why can we not accept the making of subsidiary legislation for these matters? Is it really that difficult to make subsidiary legislation?

In fact, the Legislative Council scrutinizes a lot of subsidiary legislation. When the need arises, Madam Chairman, you must know that we in this Council work very hard and we have always worked closely with the Government in many respects and we often accommodate the Government time-wise. Therefore, I think we do not need to have any reservations about these respects. Subsidiary legislation is a more civilized approach to take, it shows more respect to the rights of the applicants and the rule of law. So I hope Members can support this Committee stage amendment proposed by me to incorporate the procedure into subsidiary legislation. Thank you, Madam Chairman.

**CHAIRMAN** (in Cantonese): Secretary for Security, do you wish to speak?

**SECRETARY FOR SECURITY** (in Cantonese): Madam Chairman, I only wish to reiterate very briefly the position of the Government. We really think that incorporating the specified test procedure into subsidiary legislation will definitely make the procedure both inflexible and cumbersome. Since the genetic test procedure is only a technical administrative arrangement, an announcement by notice in Gazette will be a more appropriate alternative, and this is already sufficient to enable the affected persons to understand and comply with the procedure required. The legislative approach lacks flexibility and makes the ordinance unnecessarily cumbersome. There are precedents in which administrative measures are set down by notice in Gazette; procedures as

important as those for application for Certificates of Entitlement are also published in the form of Gazette notices.

Besides, there are many other cases in which various administrative measures are published as Gazette notices instead of subsidiary legislation. Examples include the guidelines on film censors published under the Film Censorship Ordinance, the details and documents required for the application for permits published under the Electronic Transactions Ordinance and the code of practice published under the Fire Service (Installations and Equipment) Regulations.

The genetic test procedure applicable to Certificate of Entitlement applicants residing in the Mainland would require the co-operation of both sides, and its implementation must therefore require prior mutual agreement. We had worked with the relevant mainland authorities for more than a year before we finally reached an agreement. If the procedure is to be gazetted as subsidiary legislation, and if the Legislative Council subsequently introduces any amendment, the application procedures for Certificates of Entitlement will be held up because the Government must re-open negotiations with the Mainland. This will affect the implementation date of the genetic test and the procedure as a whole.

**CHAIRMAN** (in Cantonese): Mr Ambrose LAU, do you wish to speak again?

(Mr Ambrose LAU indicated that he did wish to speak)

**MR JAMES TO** (in Cantonese): Madam Chairman, the wraps have finally come off. The Secretary for Security disclosed the underlying reason only in the last 10 seconds of her speech. In the Bills Committee, we had repeatedly asked why these could not be incorporated into subsidiary legislation. Mr TONG, Deputy Secretary for Security, who was in charge of the discussions with the Bills Committee, had always spoken evasively and had not divulged the reason behind.

The Secretary is far more candid, as she always is. She has clearly stated the reason. Now we know that it is because the Government is concerned that the matters agreed would be vetoed by the Legislative Council. They are concerned that many problems might ensue and the progress of the measure

would eventually be held up. However, I hope the Government will understand that even agreements concluded between Hong Kong and other countries, such as those concerning legislation on mutual legal assistance or the surrender of fugitive offenders, are in the form of Orders which are subsidiary legislation. I have scrutinized seven or eight such Orders in my capacity as the Chairman of the Panel on Security. So, I think the Government must not treat everything in connection with the Mainland as if they are "untouchable", invariably exercising executive hegemony, ignoring everything else, and even dismissing procedural justice. I think currying favour with this mentality and seizing these opportunities to bare loyalty are detestable.

Honestly, on some issues, we were able to reach agreements with overseas countries only after lengthy negotiations. We would also scrutinize them in detail, and sometimes the process might be held up by some problems. For instance, when working on the Switzerland Order, we had asked the Government to further discuss with the Swiss Government on certain privacy issues. Ultimately, both sides reached an agreement, settling the matter expeditiously; and the Order was subsequently passed by the Legislative Council. So, I do not wish to see that on matters involving the Mainland, the Government ignores even the procedural justice embodied in subsidiary legislation. I think this is improper.

**MR FREDERICK FUNG** (in Cantonese): Madam Chairman, I have earlier voted in support of the motion. Basically, I agree with the mechanism proposed by the Government that the authorities which conduct the tests should be specified. However, I do not agree with the Government's view on whether it should be made subsidiary legislation. I believe that, firstly, being the legislature, the Council should be empowered to discuss important issues. Just as the Secretary has mentioned, the Government has already established an agreement with the Mainland, therefore, further discussion would only cause delay. However, Members may make reference to significant treaty such as the Maestricht Treaty of the European Union. The treaty was signed after discussions with individual countries, and meetings were held to follow up these discussions. The treaty has to be passed by the parliament or by one-person-one-vote in different countries, but they have all successfully signed the treaty.

I believe that apart from the basic authority vested with the Council, we are also responsible for monitoring the work and policies of the Government, therefore, on this issue, I support Mr Ambrose LAU's amendment.

**SECRETARY FOR SECURITY** (in Cantonese): Madam President, I thank Mr James TO for his compliment on my "candidness". He said he had made a great discovery, but I believe he missed part of my speech just now. Actually, as soon as I started my speech just now, I already talked about what he later regarded as a great discovery; I certainly did not talk about all that until as late as the last 10 seconds or so of my speech. At that time, I pointed out that the genetic test procedure applicable to Certificate of Entitlement applicants residing in the Mainland would require the co-operation of both sides, and its implementation must therefore require prior mutual agreement. I also said that we had worked with the mainland authorities for more than a year before we finally reached an agreement. I did mention this point right at the beginning, but Mr James TO might not have caught that.

Mr James TO also hinted that Mr TONG, Deputy Secretary for Security, might have been "not candid enough", saying that he had never talked about all that before. But Mr TONG told me that at meetings of the Bills Committee, he had actually spoken on all the problems mentioned by Mr James TO, only that Mr TO was not present on those occasions. (*Laughter*)

I also wish to add one point. Mr TO has, like his usual self, raised the matter to the higher plane of principle and second-guessed the motives of the SAR Government. According to him, if we do not negotiate with the mainland Government, then we must be trying to curry favour with it, or we must be under the influence of a classical "shoe-shinning" mentality. I wish to say that it is simply inappropriate to compare the genetic test procedure with examples such as the Swiss Order under the Mutual Legal Assistance in Criminal Matters Ordinance. The reason is that, as Mr TO must be aware, there are very few criminal cases which involve mutual legal assistance between us and Switzerland every year. There may be fewer than five cases in 10 years. In case of these countries, we can take our time, or even start our discussions all over again. But the genetic test is different, for as many as 500 people are already waiting to be tested. I frequently receive letters urging the Government to enact the relevant legislation as quickly as possible. To be frank, some of these letters even complain very bluntly against some Members for delaying the passage of the relevant legislation. That is why I do not think that the example quoted by Mr James TO is at all appropriate.

Let me reiterate that if the Legislative Council passes the amendment, which seeks to make the specified procedure of genetic test subsidiary legislation,

then the specified procedure may be brought to a halt. In that case, the Government will need to negotiate again with the Mainland. And, if the Mainland thus becomes doubtful and distrustful of the SAR Government, we may need to spend an even longer time on the negotiations. The interests of the Hong Kong people will suffer in the end.

**MR JAMES TO** (in Cantonese): Madam Chairman, the Secretary just mentioned that we could take our time in discussing other Orders, such as the one on the extradition of suspects. However, I believe that it should not be a comparison of which cases could be discussed later. In fact, some of the cases have already been discussed, some have even been under discussion for years. They can be further discussed at any time as subsidiary legislation. In some cases, both governments believe that it involves major cases for extradition. As far as I know, the United States aims at drafting legislation on extradition, and the Government insisted that it should be made subsidiary legislation as it is a major issue of procedural justice.

We are currently working on the feasibility of incorporating the item into subsidiary legislation. In fact, the Council has established a satisfactory record in the scrutiny of subsidiary legislation. During the course of discussion with the Government, we may arrange for more meetings if we consider one meeting is not enough. In our scrutiny of subsidiary legislation, the Government often suggests that the scrutiny be completed within a certain timeframe. It has become a form of invisible pressure on us. However, for those subsidiary legislation submitted by the Government for our scrutiny, we would finish with a delay of one week at the most, as in the case of the legislation on the collection of DNA evidence by the Independent Commission Against Corruption and the police. Therefore, it shows that the Council holds a good record in working with the Government in the scrutiny of legislation and passing legislation as necessary at appropriate times. With regard to the current amendment exercise, the Council has been blamed as Members proposed to have the amendment prescribed in subsidiary legislation, the Government claimed that the longer the delay the more hitches it brings, and the Council has been accused of obstructing the process. In fact, the amendment moved by the Government may not be passed, as there may not be sufficient votes, which we are unable to help. If the Government wants to secure sufficient votes, it should allow the Council to scrutinize the procedures. Unless Members find major problems during the process, which is an exceptional case, it may take about one to two weeks at the

most, or two to three weeks. However, in the case when major problems are revealed, the Government will have no other option but to withdraw the Bill for further discussion.

As such, whether by notice in Gazette or as subsidiary legislation, it depends on whether or not the Government is willing to take up the obligation and give Members a chance of scrutiny. It is as simple as this. If the Government is not willing to provide the opportunity for the Members to have the final scrutiny in such an important issue of procedural justice, we could just leave such procedural justice behind our mind. I hope it would not become a premonitory precedent for administration by the SAR Government in the future.

**MISS MARGARET NG** (in Cantonese): Madam Chairman, I am very sorry, but there is one point which is really very important and I would like to make a brief comment on it. That is the point made by the Secretary earlier. I think that is very important and I do not agree to it, that is, the Secretary said that the amendment would involve a lot of people and there was a pressing need for it, and any delay would lead to undesirable results and the rights of some people would be affected. So the making of subsidiary legislation would therefore be undesirable. But if the number of people involved was few — I hope I have not misinterpreted her point — that is to say, there would not be many cases which would touch on this Ordinance in a year, then we would still have much time to discuss the matter and the approach of subsidiary legislation could be adopted.

Madam Chairman, this principle is wrong. In my opinion, the greater the amount of fundamental rights involved, the more careful we should be in enacting legislation. The reason why the Secretary has made such remarks may be due to the unsatisfactory timetable for the amendment and the Secretary is very anxious, that is why she is saying that. However, I would like to state a principle and that is, we need to be sure that we do not enact laws or adopt the approach of subsidiary legislation because things have to be done quickly or that the number of people involved is great. For legislation is not a luxury or a kind of window dressing. Nor is it something we do just because we have nothing to occupy ourselves with. I have spoken to make this principle clear.

Thank you, Madam Chairman.

**CHAIRMAN** (in Cantonese): Secretary for Security, do you wish to speak again?

**SECRETARY FOR SECURITY** (in Cantonese): Madam Chairman, I also wish to say a few words. I do not intend to comment in detail on the remarks of Miss Margaret NG and Mr James TO.

I only wish to say that I reckon (I hope my impression is wrong) some Members wish to incorporate the procedure and fee for the genetic test into subsidiary legislation mainly because they do not trust the SAR Government and the mainland Government, in particular. I find this very much a pity. As pointed out by some Members just now, the implementation of "one country, two systems" is unprecedented in history, and so is "one country, two tests". With "one country, two systems", we must have the courage to try out new concepts, to foster communication between the two sides, to draw up mutually acceptable procedures and to put them into practice. We do not think that it is advisable to endorse the passage of the proposed approach purely out of suspicion.

Although two Members have said that the Legislative Council will pass any consequential amendment as quickly as possible, I still wish to raise a point about the scrutiny of the Bill. The Court of Final Appeal passed its relevant judgement in January 1999; two years have passed. We tabled the Bill before the Legislative Council in October last year, and since then 18 meetings have been held on it, and it was also discussed in the Panel on Security. But quite a number of Members still wish to continue the discussions on the Bill. For this reason, if any further amendment is to be introduced, such as an amendment to the effect of making the test procedure and fee subsidiary legislation, then it will be very difficult to control the pace of progress. That said, I can assure Members that in case there is a major revision of the procedure concerned, we will definitely consult the Panel on Security — even if the proposal on subsidiary legislation is not passed today.

**MR FREDERICK FUNG** (in Cantonese): Madam Chairman, I disagree with the Secretary's remark that Members who have spoken and those who opposed the motion distrusted the two governments. I dare not speak for other Members but I at least support "one country, two systems" and trust the two governments despite the fact that the two governments may not like me. Yet, they do not completely distrust me.



In respect of such a relationship, it is hard for us to determine on the basis of one single vote whether Members have faith in a certain government. But I wish to tell the Secretary that this is democracy. Under a democratic system, we have to spend money and time lobbying most people, especially Members, so that they will agree to and accept certain points, and the democratic system will then operate smoothly. The whole process may take very long but so long as the issues advocated by us are approved by Members in this Chamber one day, it may be smoother and may encounter less opposition and resistance as compared with other issues that have not been discussed in this Chamber. Therefore, I do not accept one of the reasons given by the Secretary for not adopting the subsidiary legislation approach. She has said that as some Members may disagree if a discussion is held in this Council, the Government would have to discuss with the mainland Government again and it would thus take longer. But if the views of certain Members are agreeable to most of the other Members, why do they not merit further discussion? Why is it not worthwhile to spend the time? I do not think that explains why the subsidiary legislation approach should not be adopted. Conversely, I agree with Miss Margaret NG that the more important the matter, the more necessary it is to discuss the matter in this assembly. Regardless of whether some Members agree or disagree, the most important point is to give other Members a chance to speak and express their views. As most Members agree to this amendment, therefore, it is impossible for us not to discuss the issue with the mainland Government again. With these remarks, I wish to convince the Secretary not to "beat" all Members so soon. Thank you, Madam Chairman.

**CHAIRMAN** (in Cantonese): Does any Member or official wish to speak?

(No Member or official indicated a wish to speak)

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr Ambrose LAU be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(Members raised their hands)

Miss Margaret NG rose to claim a division.

**CHAIRMAN** (in Cantonese): Miss Margaret NG has claimed a division. The division bell will ring for one minute.

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

**CHAIRMAN** (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, Mr LAW Chi-kwong and Mr Michael MAK voted for the motion.

Mr Kenneth TING, Dr Raymond HO, Dr LUI Ming-wah, Mrs Selina CHOW, Mr HUI Cheung-ching, Mr CHAN Kwok-keung, Dr Philip WONG, Mr WONG Yung-kan, Mr Howard YOUNG, Mr LAU Wong-fat, Mrs Miriam LAU, Miss LI Fung-ying, Mr Henry WU, Mr LEUNG Fu-wah, Mr IP Kwok-him and Mr LAU Ping-cheung voted against the motion.

Geographical Constituencies and Election Committee:

Miss 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, Miss 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, Mr NG Leung-sing, Prof NG Ching-fai, Mr YEUNG Yiu-chung and Mr Ambrose LAU voted against the motion.

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 21 were present, five were in favour of the motion and 16 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 negatived.

**MR AMBROSE LAU** (in Cantonese): Madam Chairman, I move that proposed sections 2AB(11) and 2AB(12) under clause 2(b) be further amended to specify that the notice on genetic test fee amount is subsidiary legislation, as set out in the paper circularized to Members.

*Proposed amendment*

**Clause 2 (see Annex)**

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

**MR FREDERICK FUNG** (in Cantonese): Madam Chairman, I speak in support of the amendment proposed by Mr Ambrose LAU.

If the notice on the amount of fee for the specified genetic test is not subsidiary legislation, the Government will determine all the future adjustments, both increase and decrease, in test fee, and I am very worried about this.

Two aspects of the Bill are enormous concerns to me. The first is time and the second is money. In respect of time, I am worried if the Government has sufficient manpower to conduct such tests so that the applicants can get the results as soon as possible. In respect of money, since I have become a Legislative Council Member, I have often heard the Financial Secretary mention the "user pays" and "cost recovery" principles. If the notice on specified test fee is not subsidiary legislation, there may be a state of non-regulation in future. Actually, I have all along opposed the "user pays" and "cost recovery" principles.

Madam Chairman, the "cost recovery" principle seems right nominally and theoretically. Given that the Government has provided the services and spent so much, the public should pay certain fees. However, the test fee is not inexpensive and it costs \$2,000 to \$4,000. Can we adjust this cost price?

The "user pays" principle means that those who use the services have to pay. I often query if the fees charged by the Government on the basis of the "user pays" principle are reasonable. Why have I asserted that the fee will be unreasonable before the Government even tells us the fee for the genetic test? Many examples in the past illustrate that. Let me take a fee I often mentioned as an example. It is stated in the latest Budget that the Immigration Department charges \$6 for a photocopy but only \$0.3 is charged for a photocopy made in Shum Shui Po. Regardless of how the Government explains the "user pays" principle, it cannot convince me that the fee of a photocopy can be \$6, 20 times of \$0.3. If the Government collects the fee for genetic test according to the "user pays" principle, I wonder if it would include the costs of different grades of civil servants from cleansing workers to secretaries and directors. If so, the fee collected according to the "user pays" principle will certainly be very high.

I have just explained why discussions can be held in this Chamber and I guess the Government will certainly collect the fee according to the "user pays" and "cost recovery" principles if it is given freedom in determining the fee. Therefore, if the fee of genetic test is determined by way of subsidiary legislation, we Legislative Council Members will at least have a chance or the right to discuss whether the fee proposed by the Government is reasonable, or whether the fee proposed in accordance with the "user pays" principle is reasonable.

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

**MR JAMES TO** (in Cantonese): Madam Chairman, this amendment proposes that the notice specifying the fee for the genetic test is subsidiary legislation. Compared with the last amendment concerning the genetic test procedure on which a vote is already taken, the arguments held by the Government in support of its view that the notice needs not be subsidiary legislation or the Legislative Council has no power to scrutinize this fee are actually even more flimsy. Apparently, of the many government fees and charges, the Legislative Council has no power to monitor only a small minority of them. I am referring to government fees and charges, for what we are discussing now is also an item of government fees.

I think it all boils down to a political issue again. The Government considers that if the Legislative Council is given the power to scrutinize this fee, the implementation of the legislation may be hindered. But I do not know why the Government does not understand some very important principles. That is, particularly in respect of fiscal management, the Legislative Council has the power to decide on the increase or reduction of some fees and charges. This fee is just one of the many items of fees for government services. We find it difficult to see what difference there is between this fee and other fees in nature or in principle that makes the Government to exert itself to wrangle with all Members, arguing that the notice specifying this fee should not be subsidiary legislation. I hope the Government can offer us some better justifications and tell us what principles there are backing it. Otherwise, we can only infer that this is again a beginning, for we do not know whether this is a prelude of the Government not allowing Members to scrutinize its fees. If this is not the intention of the Government, or if this is not a precedent, I hope that the Government will explain in detail its principles. If the Government does have this intention, then the power of the Legislative Council to scrutinize government fees and charges will be gradually taken away.

Therefore, I hope that Members of the Liberal Party, the Hong Kong Progressive Alliance, the Democratic Alliance for Betterment of Hong Kong and other Members must clearly figure out whether this issue is one concerning the fee-charging principle or a prelude instead. Members have always been very concerned about revisions of government fees and charges, and this is an issue of principle which carries great significance and importance.

**CHAIRMAN** (in Cantonese): Secretary for Security, do you wish to speak?

**SECRETARY FOR SECURITY** (in Cantonese): Madam Chairman, I wish to give a brief reply only.

First, there will be no question of overcharging. The fee for the specified genetic test will be determined in accordance with the principle of "full-cost recovery". That is why there will be no question of overcharging. I have also said that the Government may consider fee remission on a case-to-case basis. We have clarified quite a number of times that the fee for the Hong Kong test will be in the region of HK\$2,600 and HK\$2,700. The Mainland will charge another RMB\$2,000. The total sum is by no means astronomical, nor is it in any way unreasonable. As pointed out also by Mr James TO, this amount will not be any much higher than the fee charged by the private sector.

Also, I have made an undertaking to consult the Panel on Security beforehand. We understand that Members may well be concerned about the rates of fee adjustment in the future. For this reason, I promise that before any fee revision in the future, and before we implement any new fee, we will consult the Panel on Security.

Lastly, let me point out that making the notice on the fee for a specified genetic test subsidiary legislation will delay the legislative process for as long as five months at least. This will in the end affect the waiting time of those who are eligible to come to live in Hong Kong.

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr Ambrose LAU be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(Members raised their hands)

Miss Margaret NG rose to claim a division.

**CHAIRMAN** (in Cantonese): Miss Margaret NG has claimed a division. The division bell will ring for one minute.

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

**CHAIRMAN** (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 CHAN Kwok-keung, Mr SIN Chung-kai, Mr WONG Yung-kan, Mr LAW Chi-kwong, Mr Michael MAK and Mr IP Kwok-him voted for the motion.

Mr Kenneth TING, Dr Raymond HO, Dr LUI Ming-wah, Mrs Selina CHOW, Mr HUI Cheung-ching, Mr Bernard CHAN, Dr Philip WONG, Mr Howard YOUNG, Mr LAU Wong-fat, Mrs Miriam LAU, Miss LI Fung-ying, Mr Henry WU, Mr Tommy CHEUNG, Mr LEUNG Fu-wah and Mr LAU Ping-cheung voted against the motion.

Geographical Constituencies and Election Committee:

Miss Cyd HO, Mr Albert HO, Mr Martin LEE, Mr Fred LI, Mr James TO, Mr CHAN Kam-lam, Mr LEUNG Yiu-chung, Mr Jasper TSANG, Dr YEUNG Sum, Mr LAU Chin-shek, Mr LAU Kong-wah, Miss Emily LAU, Miss CHOY So-yuk, Mr Andrew CHENG, Mr SZETO Wah, Mr Albert CHAN, Mr WONG Sing-chi, Mr Frederick FUNG, Ms Audrey EU and Mr YEUNG Yiu-chung voted for the motion.

Mr TAM Yiu-chung, Dr TANG Siu-tong, Mr NG Leung-sing, Prof NG Ching-fai and Mr Ambrose LAU voted against the motion.

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present, eight were in favour of the motion and 15 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 26 were present, 20 were in favour of the motion and five 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.

**CLERK** (in Cantonese): Clause 2 as amended.

**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.

**CHAIRMAN** (in Cantonese): Council now resumes.

Council then resumed.



**Third Reading of Bill**

**PRESIDENT** (in Cantonese): Bill: Third Reading.

**IMMIGRATION (AMENDMENT) BILL 2000**

**SECRETARY FOR SECURITY** (in Cantonese): Madam President, the

Immigration (Amendment) Bill 2000

has passed through Committee with amendments. I move that this Bill be read the Third time and do pass.

**MR JAMES TO** (in Cantonese): Madam President, when the process comes to this stage, the Democratic Party will abstain from voting, because, especially after listening to the Secretary's explanation, and as far as our own understanding goes, under the existing law, the Director of Immigration is not permitted to consider only the genetic test specified in the law and refuse to consider the applications of those who wish to undergo other genetic tests. This means that there will be an alternative for applicants to satisfy the Director of Immigration in extreme cases.

For this reason, although the fee and procedure for the genetic test will not be made subsidiary legislation, we will not negative the Bill at this stage lest this may render the large number of waiting applicants unable to undergo the test. Therefore, we will choose the lesser of the two evils. We will continue to monitor the situation, but now we will abstain from voting.

**PRESIDENT** (in Cantonese): Does any Member or government official wish to speak?

(No Member or government official responded)

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That the Immigration (Amendment) Bill 2000 be read the Third time and do pass.

**PRESIDENT** (in Cantonese): I now put the question 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)

Miss Margaret NG rose to claim a division.

**PRESIDENT** (in Cantonese): Miss Margaret NG 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.

Mr Kenneth TING, Dr Raymond HO, Dr LUI Ming-wah, Mr NG Leung-sing, Prof NG Ching-fai, Mrs Selina CHOW, Mr HUI Cheung-ching, Mr CHAN Kwok-keung, Mr Bernard CHAN, Mr CHAN Kam-lam, Dr Philip WONG, Mr WONG Yung-kan, Mr Jasper TSANG, Mr Howard YOUNG, Mr YEUNG Yiu-chung, Mr LAU Kong-wah, Mr LAU Wong-fat, Mrs Miriam LAU, Mr Ambrose LAU, Miss CHOY So-yuk, Mr TAM Yiu-chung, Dr TANG Siu-tong, Miss LI Fung-ying, Mr Henry WU, Mr Tommy CHEUNG, Mr LEUNG Fu-wah, Mr Frederick FUNG, Mr IP Kwok-him and Mr LAU Ping-cheung voted for the motion.

Miss Cyd HO, Mr Albert HO, Mr Martin LEE, Mr Fred LI, Miss Margaret NG, Mr James TO, Mr CHEUNG Man-kwong, Mr SIN Chung-kai, Dr YEUNG-sum, Miss Emily LAU, Mr Andrew CHENG, Mr SZETO Wah, Mr LAW Chi-kwong,

Mr Michael MAK, Mr Albert CHAN, Mr WONG Sing-chi and Ms Audrey EU abstained.

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

THE PRESIDENT announced that there were 47 Members present, 29 were in favour of the motion and 17 abstained. Since the question was agreed by a majority of the Members present, she therefore declared that the motion was carried.

**CLERK** (in Cantonese): Immigration (Amendment) Bill 2000.

### **Resumption of Second Reading Debate on Bill**

**PRESIDENT** (in Cantonese): We will resume the Second Reading debate on the Post Secondary Colleges (Amendment) Bill 2001.

### **POST SECONDARY COLLEGES (AMENDMENT) BILL 2001**

#### **Resumption of debate on Second Reading which was moved on 6 June 2001**

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

**MR YEUNG YIU-CHUNG** (in Cantonese): Madam President, I support the Post Secondary Colleges (Amendment) Bill 2001 on behalf of the Democratic Alliance for Betterment of Hong Kong (DAB). Although some minor amendments are being made to the relevant ordinance, the significance lies in that the amended ordinance will allow post secondary colleges to confer degrees with the prior approval of the Chief Executive in Council. This amendment makes an important step in promoting the development of private universities and lays another landmark in the development of tertiary education in Hong Kong. There were only public universities in Hong Kong in the past but private universities have now been established, so we can imagine how enormous the changes have been.

The DAB always support promoting the establishment of private universities and we have made great efforts in this regard. It is unbelievable that there is no private university in such a cosmopolitan and diversified society as Hong Kong. Compared to other regions and countries, the tertiary education system adopted by Hong Kong in the past was too unitary. Hong Kong should give the younger generation more opportunities of tertiary education. Moreover, Hong Kong was restrained by the strait jacket that only 18% of students at appropriate age could enrol in university courses. With the establishment of private universities, we can break through the 18% ceiling and give students more opportunities and choices of tertiary education.

Recently, the Government has strongly promoted tertiary education with the hope of achieving the objective of a 60% tertiary education popularization rate within 10 years. We should be concerned about how the relevant courses can dovetail with bachelor's degree courses and the enactment of the Bill can solve the problems related to the dovetailing of the relevant courses with degree courses to a certain extent.

With these remarks, I support the amendment.

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

(No Member responded)

**SECRETARY FOR EDUCATION AND MANPOWER:** Madam President, I would like to thank members of the Panel on Education and the House Committee for supporting the resumption of the Second Reading debate of this Bill, without recourse to the Bills Committee. This will enable the Bill to be passed in the current legislative session so that the Hong Kong Shue Yan College can launch the degree programmes in September this year. And as the Honourable YEUNG Yiu-chung pointed out, the Bill is an important step towards the establishment of private universities in Hong Kong.

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That the Post Secondary Colleges (Amendment) Bill 2001 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): Post Secondary Colleges (Amendment) Bill 2001.

Council went into Committee.

### **Committee Stage**

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

### **POST SECONDARY COLLEGES (AMENDMENT) BILL 2001**

**CHAIRMAN** (in Cantonese): I now purpose the question to you and that is: That the following clauses stand part of the Post Secondary Colleges (Amendment) Bill 2001.

**CLERK** (in Cantonese): Clauses 1, 2 and 3.

**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.

**CHAIRMAN** (in Cantonese): Council now resumes.

Council then resumed.

### **Third Reading of Bill**

**PRESIDENT** (in Cantonese): Bill: Third Reading.

### **POST SECONDARY COLLEGES (AMENDMENT) BILL 2001**

**SECRETARY FOR EDUCATION AND MANPOWER:** Madam President, the

Post Secondary Colleges (Amendment) Bill 2001

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 Post Secondary Colleges (Amendment) Bill 2001 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): Post Secondary Colleges (Amendment) Bill 2001.

### **Resumption of Second Reading Debate on Bill**

**PRESIDENT** (in Cantonese): We will resume the Second Reading debate on the Employment (Amendment) Bill 2001.

### **EMPLOYMENT (AMENDMENT) BILL 2001**

#### **Resumption of debate on Second Reading which was moved on 6 June 2001**

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

**MR CHAN KAM-LAM** (in Cantonese): Madam President, the Democratic Alliance for Betterment of Hong Kong (DAB) will abstain from voting on this Bill.

I would like to give a simple explanation. In 1995, when we scrutinized the bill on the Mandatory Provident Fund (MPF) schemes, we discussed in great detail the offsetting of long service payment by MPF and we explained very clearly the reasons for our disagreement. When an employee leaves the company he has served for quite a long time, the company should give him long service payment. However, after the MPF System has been established, the employee will not get the long service payment when the company runs in trouble or when he leaves the company because the long service payment would be offset by MPF.

Such an arrangement will virtually give employees less protection. Under the MPF System, an employer should, within the duration of an employee's service, make a monthly contribution equivalent to 5% of the salary of the employee. We think that the MPF should not be mixed up with the long service payment. Long service payment should be calculated separately from the MPF contributions made by the employee or his employer within the duration

of his service. We opposed the motion when we voted on the passage of the principal legislation. We in principle think that the purpose of passing this Amendment Bill today is definitely to plug the loopholes in the existing legislation. We would not raise our opposition as we did back in 1995, and we would only abstain from voting. It is mainly because we do not wish to create legal loopholes by opposing the motion. Hence, we would abstain from voting during the Second Reading and also the Third Reading. Thank you, Madam President.

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

**MR LEE CHEUK-YAN** (in Cantonese): Madam President, although this amendment is technical, I still wish to discuss the problem of principle. I wish to tell the Government again that this arrangement for long service payment and severance payment to be offset by MPF is very ridiculous and it would mix up two different purposes. The purpose of severance payment is to solve the livelihood problem of an employee who has been suddenly dismissed or laid off, while MPF seeks to protect the livelihood of an employee after retirement. Under this arrangement, an employee who was originally entitled to receiving MPF payments may get nothing upon retirement after he has received severance payment for a few times, thus, the problem of retirement protection still remains not solved. Hence, we wish to restate that it is in principle unreasonable for there to be an arrangement for long service payment, severance payment or terminal payments to be offset by MPF.

Frankly speaking, we would also like to oppose the technical amendment. However, even if we succeed in obstructing it, we would only have "acted stealthily". As we will mostly be unsuccessful even if we "have acted stealthily", we might as well determine not to "act stealthily". However, I hope the Secretary will know what our principles are and that the Secretary would expeditiously review the whole legislation again and propose amendments to solve these problems of principle and to sever the link between MPF and severance payment. Thank you, Madam President.

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

(No Member responded)



**SECRETARY FOR EDUCATION AND MANPOWER:** Madam President, when the Mandatory Provident Fund Schemes Ordinance and the subsidiary legislation were enacted in 1995 and 1998 respectively, there was thorough discussion on the offsetting arrangement. The views of the employers and labour union representatives were very different in this regard. But the arrangement provided under the existing legislation is the result of protracted discussion and has balanced the interests of employers and employees.

I do appreciate the sentiment expressed by the Honourable CHAN Kam-lam and the Honourable LEE Cheuk-yan regarding the existing offsetting arrangement. However, we must respect the agreement reached before. We are prepared to review the arrangement at an appropriate juncture after full implementation of the Mandatory Provident Fund System.

Madam President, as the amendment that we are proposing to this Bill is purely technical in nature, it does not concern or touch upon the overall offsetting policy. It is necessary to plug an existing loophole in the Ordinance and I urge that Members approve the Bill.

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That the Employment (Amendment) Bill 2001 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): Employment (Amendment) Bill 2001.

Council went into Committee.

**Committee Stage**

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

**EMPLOYMENT (AMENDMENT) BILL 2001**

**CHAIRMAN** (in Cantonese): I now purpose the question to you and that is: That the following clauses stand part of the Employment (Amendment) Bill 2001.

**CLERK** (in Cantonese): Clauses 1 to 5.

**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.

**CHAIRMAN** (in Cantonese): Council now resumes.

Council then resumed.

**Third Reading of Bill**

**PRESIDENT** (in Cantonese): Bill: Third Reading.

**EMPLOYMENT (AMENDMENT) BILL 2001**

**SECRETARY FOR EDUCATION AND MANPOWER:** Madam President,  
the

Employment (Amendment) Bill 2001

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 Employment (Amendment) Bill 2001 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): Employment (Amendment) Bill 2001.

**MEMBERS' MOTIONS**

**PRESIDENT** (in Cantonese): Members' motions. Two motions with no legislative effect. I have accepted the recommendations of the House Committee as to the time limits on speeches for the two motion debates. Members should be very familiar with the rules on the time limits on speeches;

therefore I will not repeat them here. I only wish to remind Members that I am obliged to direct any Member speaking in excess of the specified time to discontinue.

First motion: Increasing the opportunities for tertiary education.

## **INCREASING THE OPPORTUNITIES FOR TERTIARY EDUCATION**

**MR CHEUNG MAN-KWONG** (in Cantonese): Madam President, I move that the motion, as printed on the Agenda, be passed.

Madam President, Mr TUNG Chee-hwa mentioned in his policy address that Hong Kong has to achieve a 60% tertiary education popularization rate within 10 years. Being the representative of the education sector, I certainly hope that more young people can receive higher education. However, at the same time, I am also concerned about the quality of higher education and the prospect of students.

In the past 20 years, education in Hong Kong has undergone two important developments. In the '80s, the Government promoted universal basic education comprehensively; and then in the '90s, the Government promoted university education vigorously. Governments around the world are keen on pursuing quantity in education, for a higher rate of universal education or a larger number of university students will be an extra honour to these governments. Education surely serves the purpose of self-satisfaction, however, while these governments are pursuing quantity, they should also pursue quality. Students without quality can hardly come to the fore in a highly competitive society and become talents of exceptional qualities.

Although the nine-year universal education in the '80s was free, the quality of education was embarrassing. The half-day schooling system has been operating for 50 years, and the size of each class is very close to or even has exceeded the 40-student threshold. Today, numerous students are still studying in crowded, shabby and poorly lit classrooms. Funding for each secondary and primary student is very small. As teachers are working in poor conditions, the difficulties and pressures they face are readily conceivable, not to mention all the piling up work as a result of education reform.

By the time the public started to question substantially the quality of universal education, the Government has turned to the development of tertiary education. For university education in the '90s, as the Government was bent on achieving the target of 18% of popularization within a short period of time, the four-year system was converted into a three-year system, causing a decline in the quality of university education. Although university education is already accounting for one third of the total education funding, it still fails to thoroughly remould students of not less than satisfactory quality, who were brought up by universal education. To our surprise, universities nowadays have to spend huge funding on helping students to make up for their Chinese and English language deficiency. This is consummate proof of the sad state of university education as well as the failure of basic education. Eventually, the Secretary for Education and Manpower has made a saddening conclusion on that, that is, "nothing to pick and choose at all".

Drawing on this painful experience, our education reform has re-focused on basic education. The Education Commission (EC) fully understands the close relationship between basic and tertiary education; unsuccessful basic education means failure in tertiary education. The provision made by the Financial Secretary for education has been tilting towards basic education in recent years, but in his policy address, Mr TUNG Chee-hwa suddenly made an ambitious plan of achieving a 60% tertiary education popularization rate within 10 years. However, the blueprint for its implementation is empty, for there are only slogans, no plans, no progress chart, no tertiary certification and accreditation mechanism, no bridging programmes for tertiary and university students; it is a downright hollow tertiary education proposal in every sense of the word. Even the authority in charge, the Education and Manpower Bureau, has been flustered by Mr TUNG's ambitious flash in the plan and forced to table an immature enforcement proposal, which has been extensively questioned by the public. Under the pressure of this Council and public opinions, the proposal has been patched up here and there, yet it still has to take shape. This is another classic example of indiscreet expression of will by His Honour.

Madam President, I have to reiterate that I support that young people be given more opportunities of further studies, but such plans must be sound and pragmatic. This is no place for glib-talk. As a result, I wish to raise three questions on the tertiary education blueprint of Mr TUNG Chee-hwa; these questions are not tantamount to denying the proposal, in fact, they seek to improve the proposal with a view to materializing it.

The first question, which is also the biggest concern of the public, is the quality of tertiary education. The present quality of university education has already been the target of severe public criticism. The quality of the newly introduced associate degree programme has caused an even greater concern. The idea of the Government is that the academic qualification of associate degree holders is equivalent to first-year student going up to second year in university. The Hong Kong Council for Academic Accreditation (HKCAA) plans to adopt a "lenient entry, stringent exit" principle to ensure the quality of associate degree programme graduates. However, I have contacted the Executive Director of the HKCAA, Ms WONG Wai-sum. She suggested that the minimum admission requirement for associate degree programme is five passes in the Hong Kong Certificate of Education Examination (HKCEE), excluding Chinese and English languages. Madam President, is the admission requirement for associate degree programme not too broad and lenient so that it is actually offering unconditional admission? How can we assure that students enrolled in associate degree courses with this academic qualification be thoroughly remoulded in three years and able to take on year-two programmes in university? If the "lenient entry, stringent exit" principle for associate degree programme is a reality, but the admission requirement is so relaxed, would it not be just making a large number of students fail to graduate from the programme, eventually allowing programme organizers to make money and at the same time wasting the time of the students? The biggest mistake for such unconditional admission is to make the public look down on the qualification of associate degree, making it inferior to matriculation and defeating the purpose of post-secondary education. Haste makes waste, and so doing is nothing more than making up the number, giving tertiary education the form but not the substance. This is indeed worrying.

Prof TSANG Wing-kwong of the Chinese University of Hong Kong (CUHK) even raised a set of realistic figures to question the likelihood of achieving a 60% tertiary education popularization rate. He pointed out that "in the past five years, only 50% or so of students managed to get five passes in the HKCEE". I have asked the Hong Kong Examinations Authority (HKEA) for the relevant figures. It then confirmed that the percentage was largely correct. Even if we refer to the latest information released by the HKEA for the year 2000, yet less than 60% of students can get five passes; the figure will be even lower if the subjects of Chinese and English languages are included. Even if all of these students were admitted to universities or tertiary institutions and graduated under the "lenient entry, stringent exit" principle, it is still unable to achieve the target of 60% tertiary education popularization rate proposed by the

Chief Executive. As a result, the most important task for Mr TUNG Chee-hwa for now is to raise the quality of basic education in a realistic and fundamental manner so that at least the percentage of students obtaining a full school certificate can be improved, otherwise, the 60% tertiary education popularization rate is nothing more than an impossible dream; not because we are unwilling to do it, but we are simply unable to achieve this target.

Madam President, my second question is about the attraction and prospect of the associate degree. The Government has abandoned the rigid policy proposed earlier by allowing 1% of associate degree holders to advance to the second year in local universities, which is about 145 students annually. I fully agree that there are many excellent talents among associate degree holders and universities should give them a second chance. But the Government must study seriously whether or not 145 places are too few, only a drop in the bucket? When the number of associate degree places increases by two or three thousand places every year, will the Government draw up a more appropriate ratio to absorb the cream of associate degree holders to allow them to advance to bachelor's degree courses in local universities?

Prof Enoch YOUNG, Director of School of Professional and Continuing Education (SPACE), University of Hong Kong said that in the United States, over 40% of associate degree holders would advance to university. Certainly, given that the associate degree programme in Hong Kong has only just begun, and that our quality of universal education is yet to pick up, it is impossible to achieve such a high popularization rate. However, the Government should realize that young people enrolled in the associate degree programme generally aspire to receiving university education. If the associate degree programme is nothing but a dead alley, or the chance of advancing to university is very slim, how can 30 000 youngsters be attracted to enrol in the programme every year? Therefore, the Government should expand the admission of associate degree holders by local universities in conjunction with the increase in associate degree places, so as to given them prospects; otherwise, students applying for associate degree programme places will be so few and far between that self-financing institutes will find it hard to operate, and the smart plan of Mr TUNG Chee-hwa in achieving a 60% tertiary education popularization rate can hardly materialize. Madam President, if we wish the associate degree programme to be successful, we must ensure the quality, qualification, and prospects for further studies and employment for associate degree holders. Failing any one of these four, the plan will simply not work.

Madam President, my third question is that we cannot achieve the cause of education with the mentality of achieving greater, faster, better and more economical results. Hong Kong needs talents; we need not only talents with matriculation and post-secondary qualification, but also talents with university qualification. It is hard to understand why the tertiary education blueprint of Mr TUNG Chee-hwa only focuses on the expansion of associate degree places, not university places. The only explanation can be university places are expensive with government subvention being at more than 80%, so the Government has to apply the brake on publicly-funded development of universities, and to make self-financing open universities, private universities and education institutes organizing associate degree programmes take on the task of expanding tertiary education in future. If this assumption is true, the proportion of publicly-funded universities students will only be maintained at the level of 18% in the next decade, that is, at the level of 14 500 students per year, or just to make very limited expansion on that basis. The future number of university graduates, even if it is complemented by graduates from open universities and the anticipated private universities, is still a far cry from filling up future vacancies of 30 000 university graduates in the manpower demand and is unable to meet the demand of economic development of Hong Kong; the only saving is in the coffers of the Government. Without making additional university funding in the next decade, the Government will be able to double the number of post-secondary students to 60%. Even though the quality of these students is still open to question, their number will already double that of the present.

However, I must remind the Government that "achieving greater, faster, better and more economical results" is the slogan of the Great Leap Forward, but education should not seek to "achieve greater, faster, better and more economical results". Basic education in the past was defeated by the policy of "achieving greater, faster and more economical results", eventually, the goal of "achieving better result" had lost. Nowadays, tertiary education should not pursue the myth of "achieving greater, faster, better and more economical results", otherwise, we will eat our bitter fruit in a decade's time. Mr TUNG Chee-hwa told us in the Question and Answer Session in this Council that "the Government mainly concentrates in two areas: primary and secondary education reform, and the promotion of tertiary and university education, so as to increase the age participation rate of tertiary education to 60%." In other words, to Mr TUNG Chee-hwa, the way forward for education is the comprehensive development of tertiary, secondary and primary education. If this is the case, Mr TUNG



Chee-hwa should increase the education budget considerably, and to take care of both the quality and quantity aspects when developing tertiary, secondary and primary education, in order not to follow the same old disastrous path of "achieving greater, faster, better and more economical results" of education in the past 20 years; this is exactly the crux between success and failure.

Madam President, both the Democratic Party and the Hong Kong Professional Teachers' Union fully support the amendment of Mr YEUNG Yiu-chung, that is, the Government should actively promote the development of private universities. I fully agree that universities in Hong Kong need diversification, but if we are to develop private universities, we should also consider the burden of students, as well as the possible divergence between the burden of students in private universities and publicly-funded universities. In future, we may have two categories of students: those receiving heavy subsidization from the Government, and those who have to bear the tuition fee in full; even if the Government provides them with loans, they may have to bear even more debts. This is a point we must note in the development of private universities.

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

**Mr CHEUNG Man-kwong moved the following motion: (Translation)**

"That, with regard to the Government's plan to achieve a 60% tertiary education popularization rate within 10 years, this Council urges the Government to:

- (a) provide sufficient educational resources to ensure that while tertiary education is being developed, the quality of basic education will continue to be enhanced;
- (b) ensure that the qualifications and quality of the various degrees conferred by the tertiary institutions, including the bachelor's degree, the associate degree, the professional diploma and the higher diploma, are recognized;
- (c) ensure that the new associate degree courses dovetail with the local and overseas bachelor's degree courses, and provide more university places so that the increasing number of graduates from associate degree courses can enrol in university degree courses;

- (d) formulate a progression schedule to ensure that local tertiary education places are increased annually, in order to realize the target tertiary education popularization rate; and
- (e) provide adequate assistance to students, so that young people who have the ability to receive tertiary education will not fail to complete their studies due to financial difficulties."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the motion moved by Mr CHEUNG Man-kwong be passed.

**PRESIDENT** (in Cantonese): Mr YEUNG Yiu-chung will move an amendment to this motion, as printed on the Agenda. In accordance with the Rules of Procedure, the motion and the amendment will now be debated together in a joint debate.

I now call upon Mr YEUNG Yiu-chung to speak and move his amendment.

**MR YEUNG YIU-CHUNG** (in Cantonese): Madam President, I move that the Honourable CHEUNG Man-kwong's motion be amended, as set out on the Agenda.

Madam President, I support the motion moved by Mr CHEUNG Man-kwong. However, in talking about increasing tertiary education opportunities, we should not forget the significance of private universities because they can play an important role in this respect. This is why I move an amendment to make the original motion more comprehensive and more practical.

As forecast in the Report on Manpower Projection to 2005, 85 500 more people with qualification at Secondary Six or post-secondary level and 31 400 more people with qualification at or above the level of bachelor's degree will be required. It can thus be seen that there is a serious shortfall of people with qualifications at the tertiary level and above. To transform into a knowledge-based economy, Hong Kong has to nurture more talents who have completed tertiary education so as to improve the overall quality of the population. The

Democratic Alliance for Betterment of Hong Kong (DAB) supports that we should move in the direction of increasing tertiary education opportunities. In our opinion, the target tertiary education popularization rate of 60% should be seen as a flexible objective, subject to timely review and revision in the light of the constant development of the situation.

Madam President, the success of the associate degree courses will depend on three major elements: quality, recognition and articulation. At the initial stage, in order to build up people's confidence in associate degree holders, the DAB thinks that a stricter and more prudent approach should be adopted in offering associate degree courses. Except for self-accrediting institutions such as the continuing education units operated under the eight major tertiary institutions, other providers interested in offering associate degree courses must be accredited by the Hong Kong Council of Academic Accreditation (HKCAA) before they can offer such courses. As to whether this will dampen the enthusiasm of some non-governmental providers to organize associate degree courses, we think that they seek accreditation by the HKCAA by demonstrating their strength if they really want to normalize from "guerrillas" to "regular armies". As the saying goes, "true gold fears no fire".

Insofar as recognition is concerned, the Government has accepted the HKCAA's recommendation of rating associate degree as equivalent to higher diploma. The only key issue left is the articulation of associate degree graduates with bachelor's degree courses offered by local and overseas universities. The Government has refused to increase the number of second-year places in universities. In order to address the articulation problem, it has merely agreed that about 700 university places, comprising 500-odd places spared as a result of dropouts and 145 places created by over-enrollment by 1%, will be reserved for associate degree graduates. In our opinion, this is not enough. If the ratio of associate degree graduates advancing to universities is too low, the articulation arrangement will become meaningless. Although most associate degree graduates will prefer working, sufficient channels should be made available to enable some of those with outstanding results to enroll in university courses. In doing so, associate degree students will have the opportunity to progress and prospects. On the other hand, we can introduce healthy competition for university students. According to the briefing made by some experts, 60% of associate degree graduates in the United States can enrol in university programmes. Although Hong Kong cannot compare with the United States, the relevant proportion cannot be too low. Otherwise, associate degree graduates will become "dead-end graduates".

Madam President, the Government has all along undertaken to allow 18% of students of the relevant age group to enrol for the first-year bachelor's degree programme in universities. However, the actual rates were below 17% in the last few years while only 16.1% was recorded in the previous school year. The explanation given by the Government was that "there are no more suitable students for it to choose". I propose the Government to allocate at this stage the 1 711 places, that is, 1.9% of the quota allocated to students of the suitable age group, to associate degree graduates for pursuing second-year studies in universities. The Government should be able to do it for these unused places and resources will not involve any additional places or resources. I hope the Secretary for Education and Manpower can respond to this proposal later.

Why does the Government hesitate and find it difficult to provide more second-year places in universities? This is because the Government will need to allocate enormous resources for the places are subsidized. Since private universities operate on a self-financing basis and the number of places offered are not subject to any upper ceiling, they can play an important role in facilitating the articulation of associate degree courses with bachelor's degree courses. On the one hand, the problem resulting from limited resources can be relieved. On the other hand, the community can be mobilized to play an active role in optimizing the utilization of social resources to provide more university places, thus attracting more students to pursue their studies in local universities and promoting the development of tertiary education. So what is the sense of not doing that?

Actually, the development of private universities will not only provide more tertiary education opportunities, but also promote the diversification of tertiary education and give students more choices. Compared with many countries and regions, the tertiary education system in Hong Kong is excessively uniform, far from being diversified. For example, there are a total of 86 universities in Taiwan. Half or 43 universities are publicly run and another half privately run. Moreover, up to 60% of university students are enrolled in private universities. In recent years, the authorities in Taiwan have even been increasing university grants yearly and relaxing various restrictions to give private universities more room for development. The Japanese Government has also given substantial assistance to private universities. Among the best five universities recognized in Japan, namely the University of Tokyo, Kyoto University, Tohoku University, Waseda University and Keio University, the last two are private universities. As for such private universities in the United States as Harvard, Yale and Princeton, they are also world-renowned elite

universities. It has also been mentioned in the education reform proposals made by the Education Commission that "a conducive environment should be provided for the development of private universities/higher education institutions."

However, to give impetus to the development of private universities, it requires more than lip service from the Government. It must render support and introduce matching policies as well as providing resources. Without the government funding of \$4.7 million for accreditation, how can the Hong Kong Shue Yan College possibly secure funding for accreditation by the HKCAA and successfully offer bachelor's degree courses in four faculties? The DAB proposes that the Government should provide financial assistance to non-governmental providers in applying for accreditation of associate degree and bachelor's degree courses. As for the construction of facilities in private universities such as campuses, libraries, laboratories, and so on, the Government should also offer assistance or interest-free loans to help improve teaching facilities. In particular, private universities should be allowed to apply for research grants to provide funding for professors working at these universities to conduct academic researches. In doing so, the academic status of private universities can be upgraded, and the quality of teaching and learning also improved. In addition, the Government should draw up specific tax relief policies to encourage private or institutional donations to universities.

Madam President, while I hold that the Government should actively develop private universities, I disagree that such leading universities in Hong Kong such as the University of Hong Kong and The Chinese University of Hong Kong should be converted into private universities. This is because the opportunities for poor students to study in famous universities will be reduced in violation of the principle of equity if leading public universities are to turn into private universities. In fact, the conversion of public universities into private universities is not easy at all. A number of universities have demanded astronomical sums before they are willing to "be weaned from government funding and change their systems". Such news has already caused confusion. I hope the Government can clarify its position.

In increasing tertiary education opportunities, the Government should attach equal importance to quality and quantity. In this connection, the key lies in improving the quality of basic education so as to allow more eligible secondary school leavers to progress to tertiary education.

With these remarks, I beg to move.

**Mr YEUNG Yiu-chung moved the following amendment: (Translation)**

"To delete "and" after "in order to realize the target tertiary education popularization rate;"; and to add "; and (f) actively promote the development of private universities" after "due to financial difficulties"."

THE PRESIDENT'S DEPUTY, MRS SELINA CHOW, took the Chair.

**DEPUTY PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the amendment moved by Mr YEUNG Yiu-chung to Mr CHEUNG Man-kwong's motion, be passed.

**MISS EMILY LAU** (in Cantonese): Madam Deputy, I speak in support of the motion moved by Mr CHEUNG Man-kwong and the amendment moved by the Honourable YEUNG Yiu-chung. I believe no one will object to increasing the opportunities for receiving higher education, but I am indeed very worried. Two Members have already said just now, in case "not many could be chosen from" the fresh secondary school leavers, then we would fail to achieve the target 18% of university participation rate, and as Mr YEUNG Yiu-chung said earlier there was only 16.1%. So, not to speak of the future, even now, who can we allow to enroll in the associate degree programmes? The figures provided to us by the Government are: 3 700 places in the 2000-01 academic year; and the estimated number of places will reach 9 200 in the 2001-02 academic year. So, how about the quality? In fact, we have had numerous discussions about this in the relevant panel. I also feel that if the students are forced to enroll in universities even though they are not up to the required standard, do we have to force them to graduate? By then, many people such as parents, employers and the students themselves will feel very depressed because money and time have been spent but what do they get in return? Is it for the purpose of meeting the target of 60% within 10 years? I trust we must ponder it over. The Government set this target and the Secretary for Education and Manpower later said this was a long-term target. So, I believe it is a very long way to go before we can achieve this target. No one will object this major principle. However, if we "pull the cow up the tree" by all means, this will simply not worked. Therefore, I would like the Secretary to tell us clearly that in selecting students, only those qualified and competent students will actually be

allowed to enroll in the relevant programmes so that they can benefit from them. In addition, the programme providers also need to prove that they have sufficient abilities and staff in running these programmes. Without this assurance, I trust I will have much reservations when the Government submits the relevant document to the Finance Committee (FC) for approval later.

In fact, we have discussed the issue in the relevant panel for a number of times and a Subcommittee was particularly formed to follow up. In principle, many colleagues support the proposal. However, as many colleagues have just said, if those problems cannot be solved and we are asked to show our support blindly, I believe this is improper and we will fail taxpayers, fail Hong Kong. As we have held a number of meetings, I trust the Secretary may not have any new perspectives to tell us in the response she gives later or at the FC in future. I feel that even the direction is correct, the figure should be lowered slightly if there is no quality assurance, so that the students can either enroll in universities or find employment upon graduation, as what Mr CHEUNG Man-kwong has said. In this way, all people will feel a little bit happier. Otherwise, those students may question what they have actually learnt after graduation. By then, they will grumble and blame the Government. This is the last thing I wish to see. Therefore, I feel that the pace can be slowed down a little bit. The target of 60% must not necessarily be reached within 10 years. Certainly, we all hope to achieve the target and compete with other places. However, we must acknowledge the problem concerning quality. Just as Mr CHEUNG Man-kwong has just said, we must invest more resources in basic education and refrain from changing the policies all the time.

Why do I always say our education system is under fire from all quarters? I have recently engaged in discussions with many parents, principals and teachers who always "shake their heads" and say the authorities have issued a big bunch of guidelines. After flipping through the guidelines, even the teachers cannot understand what they are, nor do they figure out what is actually happening. Besides, we can see several thousand people queuing up for enrollment in international schools. If China accedes to the World Trade Organization in October, many foreign companies will come to Hong Kong. Their staff will be very angry by then because their children cannot study in international schools. Why? The reason is local students will have occupied all the places in international schools and they will not leave because their parents are not sent here to work by foreign companies, nor will they leave in a few years. Therefore, Madam Deputy, I feel that we must address this problem squarely.

If we have handled primary and secondary education properly, we can then discuss matters relating to associate degree holders or others, and I will also give my full support. However, if we force the proposal through, I will raise objection.

Madam Deputy, I would also like to raise another point. Is the associate degree programme modelled on the community colleges in the United States? If yes, that will be very interesting. Community college is part of universal education in the United States, so the tuition fees are very cheap. Even for their state universities, the tuition fees are very cheap too. However, the tuition fees for community colleges are even much more inexpensive. Nevertheless, we have just modelled on one part of it, but not the other. Graduates of associate degree programmes certainly will not excel university graduates but they must take full responsibilities financially. As for students from extremely poor families, grants will be provided to them after undergoing asset tests. For the most needy students, low-interest loans will be provided to them after a means test while others will be provided with non-means-tested loans. After this group of students have finished their courses, they are not really first degree holders, yet they will be mired in debts. Therefore, I really would like to ask this question: Should we show more commitment to education? Earlier on, in a meeting with the Financial Secretary, Miss Cyd HO and I also mentioned that if associate degree programmes must be offered, taxpayers may have to pay more. However, I reiterate that we must be given a specific assurance in terms of the quality of students, sponsoring bodies running the courses in future, staff, and so on. Or even when the proposal is submitted to the FC for funding approval, I believe Members will also have great difficulties in granting the approval. I feel that the direction may be correct but there are still a lot of problems. I hope the Secretary will "go slowly" or she will "stumble" if she runs too quickly, and this will make the entire Hong Kong lose face. I so submit.

**MR AMBROSE LAU** (in Cantonese): Madam Deputy, under the general trend of globalization of economic activities, the competition faced by Hong Kong has been intensifying. To reinforce the position of Hong Kong as a financial centre, trading centre, and an international cosmopolitan, it is essential to increase the opportunities of tertiary education for students in Hong Kong. Comparing Hong Kong with other places of a similar level of development, the target of 60% is not exceptionally high. Therefore, the Hong Kong Progressive Alliance (HKPA) agrees with the Government in popularizing tertiary education so as to



lay a good foundation for the future development of Hong Kong. However, the HKPA must stress that the expansion in the provision of tertiary places is just one part of improving the quality of manpower in Hong Kong. Without support from the Government in other aspects such as improved basic education, we will still fail in realizing the objective of improved the quality of manpower even if we commit a lot more resources to tertiary education. To make tertiary education a success with equal importance being attached to "quality" and "quantity", two tasks definitely should not be overlooked by the Government.

Firstly, the Government should continue to invest sufficient resources for improving basic education in Hong Kong. Knowledge is accumulated little by little and there is no shortcut. As the saying goes, "it takes ten years to grow trees but a hundred years to bring up people." The nurturing of talents cannot be done overnight. If our students fail to nurture their abilities in language proficiency, thinking and learning when they are in primary and secondary schools, they will not be able to cope with the requirements of tertiary education, and we will be in short supply of qualified students. In the '90s, university education was rapidly developed in Hong Kong. However, there were already many problems with the basic education at that time. Secondary school leavers were substandard and subsequently pulled down the quality of universities. In order to avoid making the same mistake, the Government must upgrade the standard of basic education with measures which include incorporating kindergarten education into regular education; lowering teacher-student ratio in secondary and primary schools; improving school premises and teaching facilities; pushing forward curriculum reforms so that students can have more comprehensive learning experiences and developments; enhancing students' abilities in biliteracy and trilingualism; promoting teacher training, and so on. To achieve all these objectives, the Government must work persistently by providing support in terms of more investment in manpower and financial resources.

Secondly, the Government must ensure the curriculum of tertiary education can really meet the actual needs of the Hong Kong community, and that its quality meets the required standards. The programmes offered should be designed for training talents in shortage in Hong Kong, such as financial services, business management, information technology, innovation and technology, and so on. In connection with this, the communication between the Government, various educational institutions, the business and professional

sectors should be enhanced, so that the curriculum can be carefully drawn up to cope with the actual needs at work. In a knowledge-oriented economy, students must also possess sound abilities in mastering languages, thinking, problem-solving, data processing, information technology proficiency, self-learning, and so on in addition to grasping professional knowledge and skills. These "transferrable skills" can enable students to cope with the rapidly changing needs at work and to prepare students for lifelong learning. Madam Deputy, apart from the curriculum, quality is also crucial in determining whether the relevant qualification will be recognized by society, the business sector and overseas educational institutions. "Quality" and "level of recognition" complement each other. Therefore, the Government must establish a strict mechanism for quality assurance and put in place standardized and strict evaluation on associate degree programmes in respect of their admission criteria, objectives and curriculum, learning results, exit qualification, and so on. It is especially important to ensure the standard of graduates can meet the relevant exit requirements and the objective of "lenient entry, stringent exit" can really be achieved.

Madam Deputy, increasing the provision of tertiary places will have far-reaching implications on the long-term interest of the education system and society in Hong Kong. Therefore, the Government must have thorough and comprehensive consideration in planning, implementation, resource deployment, and so on. We absolutely cannot neglect the support in other aspects, in particular the need of basic education, in pursuing the objective. With these remarks, I support the original motion and the amendment.

**PROF NG CHING-FAI** (in Cantonese): Madam Deputy, as everybody knows, the level of development of a country/region is closely related to the quantity and quality of its tertiary education, which is especially true when we are stepping into an era of a knowledge-based economy.

In the policy address of this year, Mr TUNG Chee-hwa mentioned the aspiration to increase the post-secondary age participation rate from the current 30% to 60% within 10 years. As the proposal was put forward quite unexpectedly and was a little bit loose, many people in society including colleagues of the education sector took it to mean that current university places would be increased by slightly more than two folds. Hence, people questioned the feasibility of this proposal.

The intention of the Government to give youngsters more learning opportunities, no matter we view it from a moral perspective, from the angle of the future economic development of Hong Kong, or from the angles of employment/unemployment and the long-term stability of Hong Kong, is worthy of our support. The crux of the matter lies in: What is the quality of the associate degree programmes? What are the employment prospects and probability of advance to university? How much resources will actually be entailed and will the pace of reform for basic education be affected? And will they adversely affect the existing resources and quality of tertiary education, and so on? This series of questions are awaiting answers from the Government.

From the available information provided by the Government, developing associate degree programmes on a large scale is only the beginning. Therefore, the original motion moved by Mr CHEUNG Man-kwong and the amendment moved by Mr YEUNG Yiu-chung are well founded and I support them.

I would like to express my views just on several issues here.

- (1) I think the curriculum of the associate degree programmes still require further studies. If they are regarded as the first part of a university programme, the subjects should not be confined merely to Arts, Business and Social Sciences, courses on Natural Sciences should also be covered. In addition, with reference to the experiences in the United States, some associate degree programmes are strongly vocation-oriented, so as to let graduates go direct into the employment market. So, what is the difference between this type of associate degree programmes and the diploma and higher diploma courses available now? One of the implications that follows will be: If subjects on Natural Sciences and Information Technology are involved, the funding will naturally be increased accordingly.
- (2) Basically, the associate degree programmes are designed for an academic structure of six-year secondary education and four-year university education. In the current situation of Hong Kong, the admission criteria have failed to achieve consistency. Which level of students should actually be admitted, Secondary Five, Secondary Six or Secondary Seven? Secondary Five students are a little bit too green; under the present academic structure, Secondary Six is

not the end of a certain stage; and for Secondary Seven, time is unfortunately not used economically. Thus, it is all the more necessary to implement an academic structure of six-year secondary education and four-year university education as soon as possible. I hope the Government will not waste any more time in this respect. The 6+4 system should be implemented at the earliest time possible so that the overall academic structure will be made more rationalized, and improvements in quality and quantity can be made quickly.

- (3) We must admit that developing associate degree programmes alone cannot be considered as equivalent to developing tertiary education. However, considering that university places under a four-year academic structure is fewer in number and higher in costs, it would be a viable option to allow some young people to take the first part of a university course in the form of a community college, and let some students further their studies by taking the latter part of a university course afterwards. As a result, some will seek employment first and decide later on their own whether or when they should take the remaining course. By so doing, more room is created for students and society, which is very much consistent with the principle of lifelong learning. In fact this is also the advantage of introducing the associate degree programmes.

However, I also have to point out that associate degree places will increase significantly in future, so the development of campus facilities must tie in with this. The Government must the educational institutions give support by providing land and funding for the development of campuses to provide quality education. The Government has planned to provide interest-free loans to school sponsoring bodies, which has a very positive impact on subsidizing the costs in running the usual courses. However, if the cost of constructing school premises relies solely on loans, then tuition fees will have to be increased substantially. As a result, students with financial difficulties will definitely be affected. Therefore, I propose that the Government should make one-off grants to school sponsoring bodies for the construction of school premises and acquisition of additional teaching facilities, especially if courses requiring the installation of very expensive equipment and facilities are offered.

Madam Deputy, we should seek real quality tertiary education from among institutions in Hong Kong. In fact, significant development has been seen in tertiary education in Hong Kong in the last 10 years or so. Now, we have actually come to a harvest stage. Unfortunately, for the sake of pursuing the so-called "enhanced productivity", the Government has cut funding again and again mechanically, causing a slow-down in some projects with rapid development while some others with vast development potentials must be given up. The morale of the staff in tertiary institutions is low and the contracts for some brilliant teachers employed on a contractual basis have been terminated. With an unknown future, some have initiated to leave Hong Kong. All these are really very saddening, especially in a time when the whole community is shouting for attracting talents to Hong Kong and expedite the efforts on nurturing local talents. We just find this very ridiculous and helpless. My question is: What manor owner would have "blown the whistle" at harvest time, announcing the harvest be stopped?

Of course, Hong Kong society as a whole will suffer the greatest loss. Therefore, by means of this debate, I would like to call upon the Government to go back to the level of funding for the "triennium", and then reduce the burden of the Government through increasing community participation in higher education. The Government definitely cannot reduce its existing support for tertiary institutions owing to the development of associate degree programmes. On the contrary, in order to allow some associate degree graduates to enrol in the latter part of a first-degree course, the number of second-year university places, as suggested by other Members, should be increased in accordance with the actual circumstances because the number of places the Government has undertaken to increase now is on the low side.

Madam Deputy, the introduction of the idea of developing associate degree programmes is basically conducive to the continuous development of Hong Kong, and it ties in with the long-term interests of the territory. With this idea, we still need a precise system analysis that will take all the relevant parameters into consideration to work out a more complete proposal or concrete plans.

Madam Deputy, what the Government has given us to date is a splash-ink painting, so it may be time it gave us a Chinese painting with delicate strokes.

I so submit.

**MR SZETO WAH** (in Cantonese): Madam Deputy, in the Question and Answer Session in this Council on 14 June, Mr TUNG Chee-hwa, the Chief Executive, made the following remarks when replying to a question on education raised by an Honourable Member:

"The whole society, I think, also agrees that the education reform should be conducted. However, if the pace of the education reform is too fast, it will arouse much unease and anxiety. There have been a lot of criticisms on the education reform lately. We know that it is not easy to make the education reform a success. We also know that if we want the education reform to succeed, the Government must enhance its communication with the school sponsoring bodies, principals, teachers and parents, bring the spirit of partnership into full play and build up mutual trust. In addition, as teachers are standing at the front line, the pressure faced by them is the greatest. Therefore, we must give teachers the maximum support, co-operation and care; improve their teaching environment and lighten their workload, so that they can give full play to their abilities and increase their sense of satisfaction at work. With respect to the education reform, the whole society would make special efforts in this respect in future."

The Chief Executive also said that efforts were all put in primary schools and secondary schools and other efforts would be put into promoting the 60% participation rate of post-secondary or university education. (Where can there be any other efforts when all the efforts are put here?)

Let me summarize the above views into the following points:

- (1) the present focus of education is raising the quality of basic education;
- (2) the pace of education reform should not be too quick;
- (3) communication with all concerned parties should be strengthened; and
- (4) teachers are the most vital link and their workload should be reduced to increase their sense of satisfaction at work.

I hope the above is the position of the Government and its policy, instead of merely the personal views of Mr TUNG Chee-hwa.

When there is no solid foundation, the superstructure is likely to crumble and collapse. That is why I have to sound a warning here that when the Government proposes to make it possible for 60% of the young people to receive post-secondary or university education in 10 years' time, more attention must be paid to basic education at the same time. When the superstructure of the education hierarchy is expanded.

Irrespective of whether the views on education advanced by Mr TUNG Chee-hwa represent the position and view of the Government, his views show that firstly, the pace of education reform is too quick; secondly, there is insufficient communication with the concerned parties, especially the teachers, plus an absence of mutual trust; and thirdly, teachers have an excessively heavy workload and they have no sense of satisfaction at work. To raise the quality of basic education, all these key issues must be resolved. But how? There are no concrete and effective measures to date. The remark of putting all efforts in primary and secondary schools remains nothing but empty words.

In the debate on the Budget last year, I proposed "five don'ts" to the Education Commission and the Education and Manpower Bureau. These five don'ts are: first, don't say no to everything; second, don't try to address every problem; third, don't give rash orders; fourth, don't incite hatred among the masses; and fifth, don't apply economic laws blindly and rigidly to education. These five pitfalls have not been rectified so far. If these pitfalls are allowed to exist when efforts are being made to increase the opportunities of tertiary education for the young people, then the eventual quagmire will be even worse than the situation of the education reform today. One must learn the lesson of history and avoid repeating the mistake.

As for the increase in tertiary education opportunities, that is, the addition of associate degree places and the plan to achieve a 60% tertiary education popularization rate within 10 years, I have the following brief comments to make:

- (1) There must be plans and steps, especially at the initial stages, and quality and quantity should be equally important. Orderly progress is preferred to blind efforts in meeting the targets;

- (2) There must be outlets of advancement for associate degree graduates. Academic programmes and curricula should be carefully devised in accordance with market needs and chances of pursuing further studies. The ratio of graduates entering the job market or pursuing further studies should be subject to control; and
- (3) The quality of basic education must be raised in order that the popularization of tertiary education can be achieved. More resources must be allocated to primary and secondary schools and the morale of teachers in such schools must be given a boost.

Madam Deputy, I so submit.

**MR LEUNG YIU-CHUNG** (in Cantonese): Madam Deputy, this is not the first that when the Legislative Council discusses the issue of the development of tertiary education within this Legislative Session. It was one of the topics when we deliberated on the motion on human resources policy in this February. Besides, a number of colleagues in this Council spent a lot of time discussing the issue of tertiary education in the Budget debate in March. The Honourable SZETO Wah said earlier that on that occasion, he also brought up scores of opinions on the development of tertiary education and education reform. Although we have discussed this issue for several times, it does not mean that another round of discussion today is unnecessary. It is precisely because this issue is very important that this discussion today is even more important.

However, Madam Deputy, the first time I saw the topic of this motion, I cannot help exclaiming whether it was a mistake, and wondered why we had to discuss only tertiary education again. It was because when the Government announced the introduction of associate degree programmes earlier, many of my colleagues teaching in secondary schools and I asked the same question: What on earth was the Government doing this time? Was the Government trying to carry out the "85 000 flats" or "the Great Leap Forward" campaign in the education sector? None of the comments on that measure were positive. Just as a lot of Honourable colleagues have presented their precise and clear arguments earlier, the major reason for their negative responses is that the current so-called basic education is not just bad, and put it strongly, it is really a complete mess. Everybody can see that both the academic performance and the conduct of students have been the objects of public criticism. The recent



release of information by the Hong Kong Examinations Authority (HKEA) tells us that 25 000 secondary school students got zero score in the Hong Kong Certificate of Education Examination. This is enough to reflect a continuous decline in the quality of our secondary education, and the system no longer fits the need of the contemporary society. Unfortunately, the Government has not conducted any genuine review of this; on the contrary, it has only formulated a number of piecemeal policies that make both students and their parent find adaptation difficult.

Before these problems are solved, the Government is making harangues about education reform and the launch of associate degree programme. Just as the Honourable Miss Emily LAU has said, we have no objection to the general direction, but the most important question is implementation. Now that the Government is not only reluctant to address the current problems with kindergartens, primary and secondary schools, worse still, it is planning to introduce a large number of associate degree places. We think that it is really disappointing. The move made by the Government adds more pressure on secondary school teachers like us. A lot of university lecturers have pointed out recently that the quality of secondary school students advancing to universities is already very poor, and that their standard in English and Chinese language is also very poor. Such criticism exerts great pressure on secondary school teachers. At the same time, primary school teachers have to bear a lot of pressure, too. It is because secondary school teachers think the quality of primary school pupils advancing to secondary schools is very poor, too. Given that one level is shirking the responsibility to another level, has the Government ever considered seriously how improvement can be made to basic education?

Madam Deputy, I read a recent news report. It was reported that when the Secretary for Education and Manpower was delivering a speech in a gathering with some students, she had to break off and ask the students to keep quiet three times. In fact, this just reflects the current circumstances in secondary and primary schools. What the teachers are facing in class is very similar to the experience of the Secretary. Why is there such a phenomenon? It is just because the teacher-and-students ratio in secondary schools is so big that teachers are unable to take care of the different needs of their students, a problem of constant criticisms from me. Why is the Government unwilling to allocate more resources to bring the ratio down, so as to allow teachers like us to truly have more room to communicate with our students and improve the quality of education? Why is the Government so reluctant to do that?

Madam Deputy, this is a problem of resource allocation. Unfortunately, the Government has made no consideration for this. The Government only announces some hollow plans so as to answer to the people. The Government will tell the public that secondary education is going well, answering many questions, such as the introduction of the nine-year free education and students all have the chance to receive nine-year free education. Despite the foregoing, can all the students completing a nine-year free education achieve the quality and standard of such education? Madam Deputy, the answer is negative. The high-sounding remarks of the Government are completely meaningless. This is equivalent to the Government's move in offering a large number of associate degree places, but in future, the students will only have an associate degree in name, but not the substance. What significance does it really have?

Another example is the present Youth Pre-employment Training (YPT) Programme, and the Government has spent a lot of public funds on its promotion. Why does the Government have to do that? It is because some students are not doing well in school and they are unable to find a job or a way out, so the Government has to spend money and launch the programme. I consider it meaningless and a waste of public money. Why does the Government not spend the money to improve basic education, so that these students do not have to leave the school this way? By the same token, if the Government offers too many associate degree places in the future, I do not know what kind of programme similar to the YPT programme will the Government introduce later, in order to help those associate degree holders to pursue further studies or to seek a job. What sense will it make?

I have no objection to today's motion. However, I feel that in respect of resource allocation, we should make improving our basic education the prerequisite, not to turn head over heels on the education system in Hong Kong, because it is very easy to collapse. At the same time, I feel that the resource allocation mentioned by the Government is nothing but empty talk. It is because an allocation of \$20 billion over 10 years is only approximately \$200 million per annum. What use is it in education? The budget for university education is more than \$10 billion per annum, what is the use of a meagre \$200 million? It can help nothing at all. I think the Government is doing nothing but putting up a show. If it really wishes to talk of education reform, it will only make it significant if the Secretary for Education and Manpower can conduct a complete review beforehand, and not just to conduct any superficial and piecemeal discussion. I do not wish to see a scenario where we have to

discuss the issue of tertiary education today, secondary education tomorrow, and primary education the day after tomorrow. Discussing them in such a piecemeal manner will do no good to the education reform at all.

Madam Deputy, I so submit.

**DR RAYMOND HO** (in Cantonese): Madam Deputy, I would like to make a declaration first. I used to be the Chairman of the Board of Directors of the City University of Hong Kong and Chairman of the Board of Directors of the former City Polytechnic of Hong Kong, and I am a member of the School Management Committee of Ng Yuk Secondary School currently.

The education system in Hong Kong has all along been seriously criticized by people. In the '80s, the Hong Kong Government popularized basic education with the implementation of the nine-year compulsory and free education. In the '90s, the Government made great efforts in developing university education with the objective to achieve the target of 18% university education popularization rate. Initially, the popularization of education is worthy of commendation. But the problem is that the quality of students has been worsening to a worrying situation. Take the profession of lawyer as an example. The English level of Law Faculty graduates has traditionally been approved in general. But the English level of new lawyers in recent years has been a disappointment. Take a recent case as an example. Last week, it was reported in the news that a lawyer's English was so poor that the judge criticized lawyers directly for their poor standard of English nowadays. Apart from the language problem, the thinking and creativity of Hong Kong students including university students have all along been called into question, and the root of the problem is closely related to the mode of education in Hong Kong.

The spoon-feeding education in Hong Kong has long been criticized by various sectors. From kindergarten to upper secondary, the curriculums lay emphasis merely on rote-learning. Even though the activity approach of teaching has been promoted by the Government for many years, and parents have been urged not to increase their children's learning and examination pressure, however, primary pupils still need to do a lot of homework while secondary students must cope with an extensive curriculum. So, how can they learn in a relaxed manner and find time to think over what they have learnt in classes? The curriculums of tertiary and university education are comparatively better

because they basically encourage students to think. However, generally speaking, the ability of thinking of current tertiary and university students is beyond our satisfaction. In fact, the training of a youngster's thinking ability must start when they were young. Unfortunately, local students are restrained by the traditional mode of teaching. If parents want to release their children's abilities in thinking, they can only send their children to international schools to study. In fact, many parents in Hong Kong have already abandoned local schools and sent their children to international schools to study, which reflects the failure of the education system in Hong Kong. What a pity indeed.

Within these 20 years, the Hong Kong Government has been actively promoting education, and making strenuous efforts especially in tertiary education. The Government has been investing resources in establishing universities and upgrading several tertiary institutions to universities, in keeping with the development towards a knowledge-based economy. However, are the resources invested by the Government value for money? Substantial resources are required to train a tertiary or university student in Hong Kong, and the former Financial Secretary, Mr Donald TSANG, said we had better send university students overseas for training instead of training them with substantial resources in Hong Kong. Does it mean the Government has admitted that the education system in Hong Kong is a total failure?

In fact, the popularization of higher education is inevitable. With the continuous advancement in society and the rising expectations of people, the enhancement of tertiary education is imperative in order to maintain the competitiveness of Hong Kong in the international arena. But the point is while it develops tertiary education, the Government must also assure the quality of graduates at the same time. Popularization of tertiary education simply means that every person can have the opportunity to receive tertiary education, but it does not mean the admission criteria can be lowered so as to allow a sufficient number of secondary school leavers to receive tertiary education, or allow students who have failed the assessments to graduate. Should this be the case, then popularization of tertiary education would not only be meaningless, but also a waste of resources.

To achieve the objective of popularizing tertiary education, the Government has provided Secondary Five and Secondary Seven school leavers in recent years with one more path to receive tertiary education, that is, the associate degree programmes. The Government has earlier announced the

recognition of associate degree qualifications, which is very helpful to promoting tertiary education. However, I believe the demand for first-degree places from associate degree graduates will definitely increase in future. Therefore, I hope the Government can assure the articulation of associate degree programmes with first-degree courses in local and overseas universities. At the same time, I also hope the Government can cater to the needs of society when offering associate degree programmes and design courses that meet the needs of the local community, so as to avoid an oversupply of graduates or failure to seek employment after graduation. Several months ago, the Government announced the unlimited admission of talents in information technology and finance. In the last 10 years, Hong Kong has been expanding the provision of tertiary and university places. But why is there still a shortage of talents? Is it because the programmes have failed to meet the needs of society? Or the Government has failed to understand the actual needs of society in developing tertiary education? Hence, the Government should be wary of repeating the mistake.

The proposal to develop private universities does merit our consideration. While public universities are confined by government resources and policies, private universities can on the contrary develop freely. However, the funding required is extremely enormous. If the Government wants to promote the conversion of public universities into private universities, or encourage more people or organizations to establish private universities, the Government must ensure that the relevant university is provided with sufficient resources. Otherwise, financial and administrative problems will arise in future to the disbenefit the quality of teaching.

In view of the fact that the economy of Hong Kong is developing into a knowledge-based and high-technology economy, it will be more difficult for people with low educational attainments to make a living. Besides, in order to meet the needs of the development of society, there is an actual need for Hong Kong to expand tertiary education. By and large, in this development of tertiary education, emphasis should not be put on "quantity" alone, and "quality" must also be taken care of at the same time. Otherwise it would be futile for the Government to invest the resources, and Hong Kong, the "Pearl of the Orient" will also lose its lustre by then.

Madam Deputy, I so submit. Thank you.

**MR TOMMY CHEUNG** (in Cantonese): Madam Deputy, there are many tasks to be completed as far as the education reform in Hong Kong is concerned and there are a lot of arguments. Soon after the arguments over the funding for education have subsided, there are arguments over the associate degree places. The focus of this debate is on the quality of the associate degree programmes, articulation and the progressive increase in places. The Liberal Party is most concerned about whether associate degree courses can keep up with the times, and whether the skills training offered can meet the needs of practical application in the business world, and whether these graduates can meet the human resources demand of society.

The design of the associate degree programme is actually modelled on the courses offered by community colleges in the United States that aim at giving students who are not admitted by universities a chance to receive tertiary education. One of the advantages is inexpensive tuition fees and easy admission and students with outstanding results can then enrol in university courses. The associate degree itself is an independently valid qualification and the contents of its courses are rather practical, so, it will lay a solid foundation for the employment of students in the future. According to the experience of the United States, 70% of the students would join employment in society after graduation.

With the economic transformation, there is a mismatch in the local labour market in which there is an oversupply of and serious unemployment of workers with lower academic qualifications, and yet the supply of workers with high academic qualifications and special skills falls short of demand. The Government has shown foresight in proposing that a 60% tertiary education popularization rate be achieved within 10 years. But then it brings out this question. Do these people have high academic qualifications both in name and in reality? In their search for a job after graduation, will these people with high academic qualifications take up lower positions? This will not only waste the students' time but also public money, and it will not be helpful to enhancing the competitiveness of Hong Kong as a whole.

I recall that when Mrs Fanny LAW, the Secretary for Education and Manpower, gave a speech earlier on, she called upon the business sector to financially support education. In fact, the business sector makes investment in tertiary education every year, but donations are made mainly for the naming of

buildings on the campus. The experience and views of the business sector are very important to the design of associate degree courses by the Government and Mrs LAW should step up communication and contact with the business sector in order to create "community colleges" together. This would ensure those who have received training to meet the needs of various trades and industries.

Taking the catering industry and the fashion design industry as examples, these industries are fully equipped for the development of a Chinese catering centre or international fashion design centre in Hong Kong. The Government can co-operate with these industries to establish a community college with the catering industry as the theme. It can not only provide training courses to the new recruits, as that is the work of the existing Chinese Cuisine Training Institute, but also provide working people with self-enhancement training. As it will also offer associate degree courses, workers can take up further studies and continuously upgrade and improve their skills. A fashion community college can also be established to specifically cater for the needs of the industry. The design of the courses should match the development of the industry so that a fashion centre of international influence can also be established.

To establish such community colleges, the Government must co-operate with the business sector and invite members of the sector to design the courses together with government officials. Although the business sector can tell the Government their ideas and views, they are not going to formulate or implement education policies. The Government can precisely give them support in terms of human resources, compile and collate the views of the business sector, work out a proposal and implement it.

In the past, the Government hastily upgraded the polytechnics into universities in order to increase the number of students of bachelor's degree courses. The Liberal Party thinks that this was inappropriate and it would only change the former mode of training different talents by polytechnics and universities. The curriculum structure of polytechnics that mainly comprised practical subjects has since changed into one that mainly comprises academic subjects, thus greatly reducing the places and opportunities of practical training. The Liberal Party suggests that the Government can consider restoring the mode of training of polytechnics and establishing close contact between the faculties and the business sector in designing the courses.

As to the articulation of associate degree courses with the local and overseas bachelor's degree courses, the Government only suggests that universities can make use of the places vacated by students who have withdrawn or suspended their studies to enrol the graduates of associate degree courses. Given that the graduates of associate degree courses will rapidly increase in number, this is after all not a long-term solution. We suggest that the Government should set up a formal channel of advancement for the graduates of associate degree courses, establish the qualifications of local associate degree holders and review at the same time whether it is necessary to increase local university places.

Mr YEUNG Yiu-chung has proposed in his amendment that the Government should actively promote the development of private universities. This is agreeable to the Liberal Party in principle. The Government's subsidies for local degree courses exceed 80% of the total cost, more than those of a lot of higher countries, but they constitute a heavy financial burden on the Government. Under the premise of enhancing competitiveness and improving quality, it is a viable option to promote the development of private universities. Nevertheless, overseas universities have a lot of personal donations. For instance, the long-standing Ivy League succeeds in establishing close contact with the business sector, so the universities in Hong Kong should draw reference from it.

In the long run, the Government should create ripe conditions and provide assistance after a comprehensive consultation with various institutions to expeditiously promote the development of private universities.

With these remarks, Madam Deputy, I support the amendment and the original motion.

**DR YEUNG SUM** (in Cantonese): Madam Deputy, education is very important to personal development and overall social progress. This investment in human resources training is indispensable to all developing countries or cities. In his policy address last year, the Chief Executive, Mr TUNG Chee-hwa, put forward the objective that 60% of senior secondary school leavers should receive tertiary education within 10 years. The Democratic Party thinks that it is a good direction, but we cannot just sit there looking at the rosy picture of our future. We need specific changes and complementary resources in order to achieve the objective progressively.



Just as the Democratic Party has repeatedly criticized, in the last triennium, the Government requested universities to reduce the overall unit cost per student by 10% and to offer more postgraduate courses. However, this was not coupled by increased funding for postgraduate courses, as a result, a shortfall of \$1 billion arose and universities incurred a double loss of \$3 billion. With tightened resources university staff had to shoulder a lot of administrative work and heavy research commitment in addition to redoubled teaching tasks. Examples of class sizes ranging from 60 students to even 300 are not uncommon. Earlier on, there were newspaper reports that lack of teaching staff as a result of the reduction in resources, because of the tutorials were no longer offered to students of the University of Hong Kong and The Chinese University of Hong Kong who were not majoring in certain subjects. Besides, the tutors no longer distributed handouts and students were told instead to print out the relevant materials on-line. Therefore, teaching staff and students became victims and the teaching quality of universities was seriously affected. While the Government emphasizes increasing the opportunities for tertiary education, it should not stress quantity to the neglect of quality. While it wants to save money, it also wants to provide quality education; but it simply cannot have the cake and eat it. As a first step to safeguard the teaching quality of universities, the Democratic Party urges the Government to undertake to plough back \$3 billion university funding at once.

With respect to the increase in the places for tertiary education, the Government has laid the greatest emphasis on the associate degree by substantially increasing the places of associate degree courses. The Secretary for Education and Manpower has also announced that the number of associate degree places will progressively increase to 30 000 within 10 years. However, for the entire plan, the Government plans to spend only \$20 billion on grants and loans for students as well as loans to tertiary institutions for the construction or purchase of premises. The balance will be met by tertiary institutions on a self-financed basis. Thus the tuition fees would then be very expensive. It is estimated that the annual tuition fee would range from \$30,000 to \$50,000, which is not affordable by ordinary families. Of course, the Democratic Party is not saying that the Government should heavily subsidize associate degree courses as it does with bachelor's degree courses. Nevertheless, would the Government consider allocating more resources to support students who enrol in associate degree courses in order to lighten their burden?

Apart from financial support, the Government should also increase the number of bachelor's degree places in tertiary institutions. In the past 10 years, the Government has maintained the level of enrolment at 14 500 students per year, but the figure is already out of tune with the growth of our population. In the years 2000-01 and 2001-02, the number of such places only accounted for around 16% of students of the appropriate age, falling far short of the Government's 18% objective. To increase the opportunities of tertiary education, the Government should not offer associate degree courses only and it should also increase the number of bachelor's degree places. It should at least work towards the objective of achieving the 18% university education participation rate. To offer associate degree courses, the Government has to earmark some of the 14 500 university places for the associate degree graduates or increase university places for articulation purposes. The Government has so far declined to specify whether university places will be increased to allow associate degree graduates to enrol in university degree courses. The Democratic Party is worried that the associate degree graduates may only be able to choose the courses offered by overseas or private universities, yet, their academic qualifications may not necessarily be recognized. After a student has spent over \$100,000 and completed the whole course, he may ultimately waste the education received over the years.

For the above reasons, it is imperative that the relevant qualifications be recognized. Though the Government was the first to recognize the qualifications of associate degree, the response of the business sector and overseas institutions has yet to be confirmed. For associate degree courses to be successful and of value, students who have completed the courses must have prospects, and they should not have studied for the sake of studying. For the associate degree to be recognized, quality assurance is very important. With the quality of university students being the subject of criticisms in recent years, how can the Government ensure that the teaching quality will not "lose shape" when it plans to substantially increase the number of associate degree places? If the existing eight tertiary institutions are made to take charge of such courses, they will probably take advantage of their experience and resources to handle the new courses with an effort. What if the courses are run by private organizations? How can we ensure that different participating organizations can provide the same standard of training? The Government does not have any specific proposal yet. The Democratic Party hopes that the Government will bear in mind that while it substantially increases the places in tertiary institutions, quality monitoring and assurance is equally important. The quality of basic

education really needs to be enhanced without delay, so, the Government should not increase the opportunities for tertiary education just to make up the number. Otherwise, our human resources will ultimately have the quality of "rubbish coated in gold and jade".

With these remarks, I support the motion.

**MR BERNARD CHAN:** Madam Deputy, there have been numerous remarks made by the business sector that Hong Kong may lose out to a mainland city such as Shanghai, and our key concern is the competent level of our students.

The Government's plan to enable 60% of our youths to receive tertiary education in 10 years should boost our manpower training, and this is good news for employers who would like to recruit more locally educated graduates to work for them.

However, simply setting a target or shouting numerous slogans is not adequate. It simply is not possible to meet the target of 60% post-secondary education without a substantial increase in government funding. Asking institutes to achieve that target on a self-financed or donation-based system, I am afraid, is not realistic, unless there is a consolidation of our universities.

It is essential that more money should be placed into the primary, secondary and tertiary systems. It is not an either/or situation, but a both/and situation.

Without strong primary and secondary education, it is difficult for universities to fully accomplish what needs to be done.

A reform into the education system is required. There have been talks about tightening the matriculation education by eliminating Form 7. The development of the associate degree course may actually be useful in speeding up this process, especially if the degrees did not have to be totally self-financing as is currently the case.

I agree that the Government should ensure that the qualifications and quality of the various degrees are recognized.

The Government can play a very important role in leading the way to recognize the associate degree as a qualification higher than Form 7 but lower than a bachelor's degree. It is good news that the Government goes in this direction and such a degree should be recognized by the Civil Service Bureau. If the Government does not do this, business is unlikely to follow. This added incentive is necessary for students, even more so given the self-financing requirement.

Having said the above, Madam Deputy, I believe it is important that the associate degree will not be seen as a money-spinner. It should not be a "back door" entrance for poorly qualified students to be admitted to further university study. We have to use the associate degree course as a high quality learning and educational experience.

A gradual increase of local tertiary education places is needed. This is essential to prevent chaos. A proper vision is necessary to prevent sudden starts, rapid surges or contractions.

Without a proper schedule, universities and even secondary schools are not clear where the "goal posts" should be set, thus creating confusion.

Thank you.

**MR CHAN KWOK-KEUNG** (in Cantonese): Madam Deputy, with the unemployment rate standing at a high level in the past few years, older people have found it hard to land a job, and unemployment is also a very serious problem among the young people. The statistics published by the Census and Statistics Department show that there is a falling tendency in the rate of employment of youths aged between 15 and 24. Obviously, it is becoming more and more difficult for the youths who lack working experience and academic qualifications to find a job in this rapidly changing society.

No doubt, it is right for the Government to increase the opportunities for tertiary education within the next 10 years and to increase the popularization rate to 60% because the young people are after all our future. A person with a higher academic qualification is more competitive in society today. At present, only 18% of the students of the appropriate age can receive university education. This ratio is undoubtedly lower than that in our neighbouring regions such as Singapore, Taiwan and Shanghai. The Government also noticed this fact and

that is why the Chief Executive set this objective in his policy address in 2000. The Hong Kong Federation of Trade Unions (FTU) welcomes the Government's plan, but we think it should also examine some questions at greater depth.

For instance, the Government announced earlier that there would be an additional 5 000 places for associate degree courses in the coming academic year and the number would progressively increase to 30 600 a decade later. However, the Government has after all declined to make financial commitment with regard to the number of students to be subsidized in the interim eight years. This will only give people an impression that the Government has determined to substantially increase the opportunities for tertiary education before it has worked out a complete and specific proposal. How could this empty talk convince the public? Associate degree courses are after all novel in Hong Kong and few people know anything about them. Therefore, the Government should give a detailed explanation.

In respect of employment, there are no independently recognized conditions of employment and remuneration for associate degree holders. The Education and Manpower Bureau has recently taken the lead to recognize that an associate degree is equivalent to a higher diploma and associate degree holders can apply for eight civil service positions. This is encouraging. But it is also reported that some private organizations think that an associate degree is hardly comparable to a professional higher diploma because a higher diploma is after all more professional. Therefore, the Government should actively urge private organizations to recognize the status of associate degree. More importantly, it must establish a complete and fair mechanism for qualification assessment to ensure the relevant academic standard and quality such that employers will not doubt the quality of associate degree holders.

Another concern is that not all associate degree holders can be assured of admission to the original universities. The Government has so far failed to explicitly require universities to set the ratio of admission of associate degree holders, thus, it is uncertain whether associate degree holders can pursue further study. Those who have completed a two-year associate degree course can be admitted to the second-year courses of universities, but according to our experience, universities seldom admit associate degree holders who would join the class in the middle of a term. While the University of Hong Kong has admitted 31 higher diploma holders this year, the Hong Kong University of Science and Technology will admit only a few students to join the class in the middle of a term every year. Without explicit indicators, how can these

students feel at ease? The idea of associate degree originates from the community colleges in the United States, while 40% of the associate degree holders in the United States can enrol in university courses, why can Hong Kong not follow suit? Although every place has its features, would it not be better for the Government to increase university places and specify that a certain ratio, for instance, 10% to 20%, of associate degree holders must be admitted?

We notice that the Government is willing to increase the number of tertiary education places but why has it declined to increase university places? The increase in university places in Hong Kong is in fact restrained by high costs. The Government should set up a task force and make tackling the high costs of local universities a priority task. Despite the fact that the authorities should put in more resources, the Government has reduced university funding this year. Does it not run counter to upgrading the quality of universities and promoting their development? The Education and Manpower Bureau also thinks that the places of second-year and third-year courses of universities can be increased, but how can places be increased with reduced funding?

Lastly, the FTU is of the view that, if associate degree holders do not have prospects after graduation, lifelong learning will be meaningless. It will also have significant impact on human resources development and talents training. Educating, training and nurturing the youths so that they can develop their respective skills to meet the needs of employers and society is essential to our economic development. Moreover, it will be very helpful to enhancing the value of human resources in Hong Kong.

Madam Deputy, I so submit.

**MR DAVID CHU** (in Cantonese): Madam Deputy, at a time information technology boom, knowledge is power and outstanding talents have contributed a lot to the success of Hong Kong. Therefore, the SAR Government has proposed increasing the opportunities for tertiary education for local students and this is perfectly consistent with the long-term interest of Hong Kong. The Hong Kong Progressive Alliance (HKPA) supports the Government's idea to develop tertiary education and urges the Government at the same time to make comprehensive planning.

Associate degree courses must be given a clear positioning so that students and the community, especially employers, will be clear about the objective of

associate degree courses and the standard of graduates. The Government has said that associate degree should be equivalent to higher diploma, but what are the differences among associate degrees, higher diplomas and other professional diplomas? The Government owes us an explanation. Actually, the Hong Kong Institute of Vocational Education, the Hong Kong Polytechnic University and the City University of Hong Kong offer different kinds of higher diploma and diploma courses and the graduates can enrol in the courses of local or overseas universities. From the employer side, most employers accept that holders of higher diplomas can take up such positions as technical officers and para-professionals. So apart from the difference in name, what are the differences between associate degrees and these diplomas? How should students make a choice? In terms of the objectives and contents of the courses, do associate degree courses provide training in general knowledge or expertise? Would students be prepared for employment or further study? We have to carefully consider and clarify these points to avoid causing confusion among students and employers confused.

Madam Deputy, the community is after all most concerned about how the quality of students can be maintained as we should not emphasize quantity to the neglect of quality. A crucial point is that the community has also been criticizing the quality of basic education in Hong Kong. The HKPA strongly supports the ideal of popularizing tertiary education but the fundamental problem at present is that we have to upgrade the standard of basic education and train more quality recipients of tertiary education.

Madam Deputy, we cannot achieve the objective of training talents by merely increasing the places of associate degree courses without improving basic education. With these remarks, I support the original motion and the amendment. Thank you, Madam Deputy.

**MS AUDREY EU** (in Cantonese): Madam Deputy, in his policy address last year, the Chief Executive, Mr TUNG Chee-hwa, outlined a very beautiful blueprint for the development of tertiary education and he also put forward the objective that 60% of our senior secondary school leavers should receive tertiary education within 10 years. We should support these ambitious plans of the Government. However, on the basis of the information provided by the Government, I am worried that the objective would only involve figures and that the Government may implement the new policy rashly before making any careful consideration and detailed planning.

The Government has really given people an impression of "hastiness" in substantially increasing the number of associate degree places. Firstly, why has the Government sought to increase only the places of associate degree courses but not those of bachelor's degree courses? While the Government has vowed to develop a knowledge-based economy and comprehensively enhance the quality of human resources in Hong Kong, why does it not train more university students but choose the second best instead? Most ironically, the Government has recently reduced university funding and refused to promise to increase university places to achieve the original target 18% of age participation rate for university education.

To make associate degree courses a success, the Government must first establish for students a clear ladder for further study and professional development, that is, it should provide them with ample opportunities of further study and employment. With respect to further study, the Government has said that it does not intend to substantially increase university places at the moment, therefore, associate degree holders who wish to enrol in university courses locally can only pinch their hope on the university places vacated every year by students who have withdrawn. Taking the year 1999-2000 as an example, such places only totalled 590.

While the Government reduces university funding, it suggests that various institutions should admit 1% more new students. It has become a "rich miser" but various tertiary institutions have to shoulder additional responsibilities. This will definitely affect the teaching quality. Representatives of university teaching staff and students who attended a meeting of this Council said that a lot of tutorial classes had comprised more than 40 students as a result of the shortage of funding. This completely violates the principle of a tutorial class, that is, "less students and more opportunities for expression and discussion".

With respect to employment, although the Government has taken the lead to recognize that an associate degree is equivalent to a higher diploma and that associate degree holders can apply for the positions of eight grades including Police Inspector, Immigration Officer and Chinese Language Officer. However, given the continual shrinking of the employment market, a lot of university graduates also compete for such positions and it is not easy for associate degree holders to have a share.



The business sector has not yet stated clearly their position on the qualification of associate degree and they wish to understand clearly the quality of the courses and the standard of students first. Though every university has a good self-accreditation mechanism, people are indeed concerned whether the quality of associate degree courses can be assured after a substantial increase in the number of places. The minimum entry requirement of a three-year associate degree course is five passes in the Hong Kong Certificate of Education Examination, which is even lower than that for matriculation classes, therefore, people cannot help worrying about the quality of the students of associate degree courses.

I hope that the Administration will closely monitor the quality of associate degree courses, make regular evaluation of the standards of students and set an objective standard for the professional qualification of associate degree holders such as the professional grade for which they are qualified, for employers' reference. More importantly, it should make a corresponding increase in the provision of university places to give associate degree holders opportunities of further study.

I support Mr CHEUNG Man-kwong's motion on the planned and progressive realization of the target tertiary education popularization rate. I also hope that the Government can positively consider Mr YEUNG Yiu-chung's amendment on active promotion of the development of private universities. While the Government urges rich businessmen to invest in Northwest China, it should also encourage them to donate more to local universities and even subsidize private universities. The specific measures certainly include granting tax concessions for donations for education.

Hong Kong people always worry about the quality of students. In fact, a lot of local students studying overseas have made excellent achievements and they are more outstanding than the students from other countries. Evidently, the problems with education in Hong Kong do not originate from students but the environment and methods. The Government should take measures to attract sponsoring bodies from overseas to establish universities, secondary and primary schools in Hong Kong. "Competition brings progress" and so long as there is a sound quality assurance mechanism, promoting the development of private universities and schools in Hong Kong will undoubtedly give students and parents more choices.

With these remarks, I support Mr CHEUNG Man-kwong's original motion and Mr YEUNG Yiu-chung's amendment.

**MR JASPER TSANG** (in Cantonese): Madam Deputy, there were already two major mistakes when the then Hong Kong Government first implemented the nine-year universal basic education programme more than 20 years ago. The first mistake, which has been mentioned by a number of Members just now, is emphasizing quantity to the neglect of quality. As regards the second mistake, it is the Government's completely wrong policy towards private schools.

The so-called mistake of emphasizing quantity to the neglect of quality refers to the fact that the then Government failed to draw a bottomline for the quality of universal basic education and held fast to it before considering the amount of resources required to provide universal basic education at this bottomline standard and working out the minimum time required to achieve the quantified target. At that time, the Government only determined the date and quantified target, and then strove to achieve the quantified requirement with the least resources. During the '60s, the Government refused to hasten the development of universal basic education, pointing out clearly that the policy of the Government was not to provide cheap education. So, this was the original idea then. From this we can see that the Government in the '60s attached great importance to the quality of education, and that it would not provide cheap education as a means to hasten the development of universal basic education. Heaven knows the Government would make an about turn in just 10-odd years. In order to implement the nine-year free education policy, the Government was practically providing cheap education.

At that time, primary schools were forced to switch to bisessional operation, with 30 classes sharing only 24 classrooms. What is more, by implementing the extended day system, under which some students went to school earlier in the morning while some others finishing their classes at later hours in the afternoon, school buildings were being overloaded and put to excessive use to help achieve the target. Further still, school buildings constructed during that period were all of the same design and equipped with facilities meeting only the lowest required standards, so that resources could be saved as far as possible through standardization.

As we have seen, however, once the pressure of universal education was eased, things could not be changed overnight to achieve quality enhancement. We have been discussing measures to enhance the quality of basic education for more than a dozen years, but since quantity was emphasized to the neglect of quality in the past, the situation has become too grave to be reversed. It is until

today when we are talking about the expansion of tertiary education that we become aware of this serious problem. Now that not many of the secondary school graduates are really up to par, what can we do?

Madam Deputy, the Government is now talking about expanding tertiary education and increasing the number of places in tertiary institutions, I cannot help but worry that it will repeat the mistake as it did in developing basic education in the past. Firstly, regarding the students who have completed basic education, as I asked just now, are they qualified for receiving tertiary education? There is a lack of confidence in this respect among members of the community. Secondly, as already pointed out by a number of Members, on the one hand the Government is talking about increasing the opportunities to tertiary education, yet on the other hand it is cutting its funding for tertiary education. Moreover, so far the Government has not announced any plan to undertake to vote more funding for tertiary education. Tertiary education will surely be expanding in the coming 10 years, but is there any assurance of the availability of the resources required?

What is more worrying is that the Government has all of a sudden kept talking about associate degrees, as if the provision of associate degree courses is the only way to achieve the 60% tertiary education popularization rate within 10 years. What on earth are associate degrees? So far nobody seems to be able to offer a clear account. It seems that the Government believes the hope of our tertiary education development in the future lies in associate degrees, albeit it has yet to work out the positioning of such degrees.

According to the Government, an associate degree is equivalent to a higher diploma. In that case, why should associate degrees be introduced at all? Is there any difference between the two? If taking the meaning of associate degree as its name suggests, the completion of an associate degree course should enable students to move onto bachelor's degree courses. Otherwise, what does "associate" mean? Why can associate degrees not be upgraded to "normal" degrees? Is that what the Government trying to say? With higher diploma courses, student will be awarded a relevant diploma upon completion of their courses. Regardless of whether they will pursue further study or go into employment, graduates of higher diploma courses have at least completed a stage of education. I should like to ask the Government this question: Does it imply that students who have completed an associate degree course are qualified to enroll in the regular bachelor's degree courses? But then, as pointed out by

many Honourable colleagues earlier, the Government does not have any plans to increase the provision of university places to accommodate associate degree holders. That being the case, what does the Government want to do with associate degrees? Why does the Government come up with this new idea all of a sudden? Would it be possible that the Government is introducing the associate degree courses to achieve the "quantified" target, bearing in mind that it has resorted to implementing the floating class system, bisessional schooling and extended day systems to make up the number of school places? This is indeed worrying.

I do not have enough time to discuss in detail the issue of private schools. When implementing the policy of universal education in the past, the Government had made full use of private schools before weeding them out eventually. The approach adopted by the Government was very short-sighted, as it bought places from private schools at very low prices and then weeded out all private schools after it had constructed enough subsidized schools. Now the Government is bent on developing tertiary education, I just hope that it will not tread the same old path of encouraging the development of private universities when there are not enough places, but eventually weeding the private universities out step by step rather than helping them to upgrade their standards.

THE PRESIDENT resumed the Chair.

**MR SIN CHUNG-KAI** (in Cantonese): Madam President, first of all, as a Member of this Council representing the information technology constituency, I would like to urge the Government to think about not only how to achieve a 60% tertiary education popularization rate, but also what kind of graduates, it wants to produce and what kind of skills it wishes to train them. In associate degree programmes, in particular, I believe there is great room to train up more information technology personnel. There are in fact many kinds of technology personnel. Apart from those who have masters and doctorate degrees, I often quip that in this age of technology, even those doing the most mundane work, just like those who made artificial flowers some decades ago, will also need a lot of skills. They do not have to hold university degrees. If associate degree courses are offered, it would provide a channel for the public to start a career in information technology and these people may enrol in part-time courses and later in university programmes and even masters degree courses. That is a sensible

approach to take. I hope that when the Government takes forward the programme on so many fronts, it can achieve the 60% tertiary education popularization rate and solve the problem of the shortage of information technology personnel. Our target of training up talents is to help them find a job. Certainly, the Honourable Henry WU, who represents the financial services sector, will say that the financial services sector also needs to train more talents. I think a discussion on the training of local talents is more appropriate than arguing whether workers should be imported from overseas or whether professionals should be admitted from the Mainland.

I would like to talk about the issue of promoting the development of private universities. There are in fact two factors that have not been mentioned by the Honourable Jasper TSANG earlier. The first factor is, as mentioned by the Honourable Ms Audrey EU, that there are many tycoons in Hong Kong. Apart from developing China's Northwest region, these tycoons may follow the example of their counterparts in other countries to donate a large part of their estate to some funds. This is one possible way. However, it would depend on whether or not these tycoons are willing to do so. As far as I know, the endowment of a couple of private universities in other countries amounts to US\$20 billion, in other words, they have set up funds of more than HK\$100 billion. Such universities can operate just on the interest earnings from these funds, and the tuition fees they charge would only be half or less than half of the total costs. It is not an easy thing to operate a private university after all.

Apart from this, the voucher system should also be considered. This is the second factor. Of course, it would be a very complicated issue if the voucher system is used in primary schools and secondary schools. But in degree, associate degree and vocational training education, the Government may consider adopting the voucher system and the training voucher system, for this will help the development of the private sector market. For example, in terms of unit costs, a student in the Vocational Training Council now spends \$80,000 in tuition each year while a university student spends \$150,000 in tuition each year. If the Government is bold enough to revamp the existing system, then it can give each of the eligible students a voucher valued at \$150,000 so that they can study in a local university. That may spark off another debate on the reforms in university education for the next 10 years. Prof the Honourable NG Ching-fai is staring so hard at me, I do not know if he is very much opposed to universities adopting such an idea. *(Laughter)* Sorry, Madam President, I think this idea may cause some nervous reaction from the universities. But I think

this does some thinking. Sorry, Madam President, I must apologize to Prof NG. That is really something we should think seriously about. Is the voucher system a taboo, something which we must never mention at all? At present, the Government gives each of the some 500 trainees taking summer courses in information technology a sum of \$10,000 as a subsidy for their studies. Since the Government is willing to try out a scheme like this in vocational training, it may well consider the above proposal.

I support the amendment moved by Mr YEUNG Yiu-chung on promoting the development of private universities. That is certainly a good thing, but there must be people willing to make the donations in the first place. If no one makes the donations, the Government may consider giving vouchers of a similar amount of costs, say \$150,000, to students to enrol in these programmes. Apart from these two approaches, is there still a third one around? The Government can study into this question again. But it must never refuse to consider it. If the amendment is passed in this Council, the Government should give serious thoughts to it. Private universities will not just come out of nothing and developments in this area will not be made possible if we just think and do nothing about it. The voucher system is one of the methods that merit consideration.

Sorry, Madam President, I must offer my apology to Prof NG yet again.

**MRS SELINA CHOW** (in Cantonese): Madam President, I have often been distressed by what many people, especially employers, said about the university graduates of Hong Kong in the last eight to 10 years: Their standards are getting lower and lower and many of them have high ambition but little talents; their job application letters are not grammatically correct, while the ones written in English are even worse. As a matter of fact, my alma mater would write to invite me to give a speech to the students or ask me to do the school a certain favour. However, in most cases I have found the invitation letters not grammatically correct. I could not help but wonder when on earth did this begin. But then, in retrospect, it seems that this can be dated back to the '80s, rather than the '90s, when the number of places in universities was increased tremendously all of a sudden. Naturally, because of the implementation of the nine-year free education policy, members of the community have set their aims higher and many are looking forward to enrolling in university degree courses. At the same time, rather than requiring students to demonstrate a certain standard

of language ability in order to qualify for entry, universities have lowered their language requirement for entry during the '80s. As a result, some students whose language ability was well below par were admitted into universities. Although these students might have tried to remedy their shortcoming upon entering the universities, it was just too late. Sometimes I do wonder whether such students are aware that they are not up to par and wish to make improvement. Perhaps I may never know the answer. Nevertheless, if someone is to be blamed, I will not blame the students. On the contrary, I will put the blame on those tertiary institutions. This is because the tertiary institutions are free to determine the requirements of entry, and it is also their sole responsibility to determine the level at which their graduates will be educated.

These institutions always insist on their autonomy and that they should be free of the influence of the opinion or even intervention of any parties. I certainly understand that tertiary institutions should enjoy autonomy. But then, are they doing a good job with their autonomy in genuinely fulfilling their responsibilities and catering for society's expectations? Have the tertiary institutions set any high standard and require their students to achieve that standard in order to graduate?

Recently, I attended an internal review meeting of a university. I had thought I could not find any time to attend the meeting, but eventually I made an effort to attend a part of it. I asked the Dean of the Arts Faculty this question: "What academic standard do you expect your graduates to achieve?" I was so disappointed that he just could not give me an answer. So, a tertiary institution, which is a rather well-known one, does not have any expectation or even idea of the standard or level its students should have achieved when they graduate. In my view, tertiary institutions should have their own ambitions and targets.

On the other hand, the tertiary institutions in Hong Kong do not have any specialities for which they are distinguished. Taking the universities in the United States as an example, we can name the speciality of a certain university or the field which another university excels in. As regards tertiary institutions in Britain, we can also point out the subjects a certain technical institute or art school does best in, or the best subjects of a certainly university. Indeed, the different schools and faculties of a university should have their respect specialities. On the home front, however, can we tell which are the best subjects of the various universities in Hong Kong? Perhaps I do not know

enough about our local universities; but then again, their specialities are not so prominent either. Otherwise, we could, say, immediately recommend the university at which students should enroll if they wish to study a certain subject, and recommend another university for students who wish to study another subject. Why cannot our universities have their respective specialities? This may be attributable to the fact that universities did not set a target as to which subjects they should specially do well when they first started operation. Among the universities on the Mainland, whereas Beijing University does best in arts subjects, Qinghua University excels in science and technology studies. Back home, do Members know the respective studies the various universities in Hong Kong excel in? I am afraid I do not know.

Further still, do the tertiary institutions in Hong Kong wish to continuously better themselves or raise their standards? Is continuous improvement a perpetual pursuit for them? Judging from the standards of their graduates, at least, I am afraid I can see not a hint of that. Diversification is not one of the problems facing the universities in Hong Kong, but standardization is. They just keep asking in one voice for increase in bachelor's degree courses. In this connection, some of the Members in this Chamber may perhaps have been accomplices, for we have not raised strong objections to their demands. In retrospect, we finally realize that something has gone wrong. Today, students studying at technical institutes will be awarded a bachelor's degree like students who study at universities. But then, should there not be any difference in the mentalities between students enrolling in degree courses at universities and students enrolling at a technical institute or art school? Certainly, their ultimate aim is identical: to be awarded a bachelor's degree. I therefore hold that our tertiary institutions should ponder over earnestly what they wish to give their students. What will the students have acquired after completing a three-year or four-year course? First of all, they will have accomplished some sort of personal enhancement and acquired more knowledge, their salary level may also be raised as well. But how about other aspects? Their quality of life, cultural life and moral standard should also be raised as well. Besides, they should also have greater and higher ambitions.

I just hope the tertiary institutions in Hong Kong can seriously think about these questions, and that our Government will place "quality" before its "quantified targets". Thank you, Madam President.



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

(No Member responded)

**PRESIDENT** (in Cantonese): Mr CHEUNG Man-kwong, you may now speak on Mr YEUNG Yiu-chung's amendment. You have up to five minutes to speak.

**MR CHEUNG MAN-KWONG** (in Cantonese): Madam President, I am in full support of the amendment moved by Mr YEUNG Yiu-chung. It is because one of the very important links in the development of tertiary education is, as proposed in the amendment, the development of private universities to make them a vital component of tertiary education in Hong Kong. It requires certain preparations before we can develop private universities, such as enacting relevant laws on private universities and formulating a policy on assisting private universities. The kind of policy on assisting private universities is very different from a policy on giving subsidies. For private universities cannot by virtue of their very nature obtain similar amounts of subsidies as the publicly-funded universities. However, even as there is no comparable amount of subsidies for private universities, it does not mean that they should not be given any assistance. This is especially true in Hong Kong where land, buildings and some facilities can be very expensive. If private universities are considered to be universities that should take care of everything by themselves, then it would be very difficult for private universities to excel the publicly-funded universities, given the latter's competitive edge at present. That is why we need to study how private universities can be given assistance.

I am concerned about two important issues related to private universities. First, we must set up an independent accreditation system for private universities. Just as many Honourable Members have mentioned earlier, it is our hope that the students trained in private universities are well-qualified. That is why not only the academic level and the teaching staff in private universities should be accredited, there must also be stringent control over its self-accreditation system. The quality of many universities is questioned nowadays because they have a short history. In Hong Kong, there are few universities with a long history, for most of them are recently established. If we expect too much, then it can be said that we are being excessively demanding. Having said that, the self-

accreditation system in a private university must be very stringent, for if not, as the university expands, this will become a pitfall to the detriment of its quality.

The second issue is the affordability of students. In moving the motion earlier on, I said that two kinds of university students may emerge in future. One kind is those students who study in a university funded by the Government and the amount of subsidy they receive is 80% of their education costs. Frankly, such expenses have become a long-term commitment on the part of the Government. However, for those who study in private universities, they have to bear very expensive tuition fees. They may even have to borrow money to complete their studies. So when they graduate, they may have borrowed some loans which they have to repay over a long period of time. That is another kind of unfair treatment to these students of private universities. Therefore, with regard to the issues of fairness in university education and the development of private universities, I implore the Government to study carefully the voucher system as proposed by the Honourable SIN Chung-kai earlier. With the voucher system, it does not mean that students are given a very expensive voucher. Consideration should be given to such factors as the prevalent economic condition and the commitment of the community. These will decide the amount in the voucher to be given to these young people studying in private universities. If this can be put into practice, I think the financial disparity between those students who study in publicly-funded universities and private universities can be narrowed down to the minimum. This is a very important point, especially in a market where self-financing or where the user-pays principle applies.

It remains of course that in this whole tertiary education reform, the most important word is "quality". If one cannot hear this word mentioned in the debate we have today, then one has failed to catch the essence or the most important or fundamental spirit of this debate. Thank you, Madam President.

**SECRETARY FOR EDUCATION AND MANPOWER** (in Cantonese): Madam President, the Chief Executive has proposed in his 2000 policy address to raise the tertiary education popularization rate to 60% within 10 years. On 15 May and 1 June 2001, the Education and Manpower Bureau and the relevant education bodies explained in detail the idea behind this policy, implementation strategies and short-term work plans to the Subcommittee on increase in post-secondary education opportunities. I welcome the moving of this motion by Mr

CHEUNG Man-kwong in drawing the attention of all Members and triggering discussion among Members on this issue which has far-reaching impact on the future development of tertiary education in Hong Kong. I would also like to thank all the Members who have spoken in this debate. Their concerns and advice merit the Government's attention and reference.

#### *Expansion of tertiary education*

To start with, let me explain the justifications for expanding tertiary education. Mr CHEUNG Man-kwong expressed the concern that the drawbacks appeared in the '90s when the number of university places was rapidly expanded would repeat subsequent to a substantial expansion of tertiary places. Though his worry is understandable, I must point out that, at present, only some 30% of young people falling in the age group of 17 to 20 have access to tertiary education. Yet the number of secondary school leavers who are eligible to advance to the Secondary Six far exceeds this figure. Therefore, many students have to repeat Secondary Five or join the workforce. Actually, as Hong Kong economy gradually moves towards knowledge-based development, it has become increasingly apparent that Secondary Five qualification is unable to cope with the needs at work. A survey on the supply and demand of manpower conducted last year indicates that the supply of manpower of tertiary level or above will experience a serious shortfall of more than 110 000 in 2005, with 80 000 falling in the associate professional group having a qualification equivalent to sub-degree level. This answers Ms Audrey EU's question of why the Government has chosen to increase the number of sub-degree places instead of university places. We actually need to establish a diversified, multi-level and multi-access tertiary education system to enable more secondary school leavers to further their studies through an appropriate channel in the light of their own interests and abilities.

#### *Allocation of education resources*

We propose that the additional tertiary places should be operated in a self-financing manner. This is not aimed purely at saving. On the one hand, this can ensure that the curriculum contents and design will tie in with the needs of society since course providers should cater to such needs. On the other hand, this can help raise the initiative of students for they will be required to pay tuition fees. It is definitely untrue that we aim at "more, fast and economical", as remarked by Mr CHEUNG Man-kwong. For young people who do not have

the means but aspire to further studies, the Government will give them tuition grants and provide them with low-interest loans. I will give a detailed explanation on this later.

Accounting for some 22% of the Government's total annual expenditure, education is the policy area that takes up the largest share of government resources. Over the past five years, education expenditure grew from \$37.9 billion in 1996-97 to \$55.3 billion in 2001-02, representing an increase of 46%. In this, basic education expenditure has risen dramatically by 52%. The expenditure on basic education as a proportion of the total education expenditure has also steadily risen from 66% five years ago to 69% now. In recent years, the Government has actively upgraded the quality of education, put emphasis on the effectiveness of basic education in particular. In catering to the needs of basic education, we cannot, however, give up providing secondary school leavers with opportunities of advancing to higher education. I must remind Honourable Members that apart from expanding post-secondary education, we have also catered to the needs of students whose academic results are less satisfactory. The Project Springboard is a good example. I would like to ask Honourable Members this question. What will the future of these students look like if we do not give them a helping hand even though their academic standard may be below par?

We are convinced that basic education and post-secondary education must develop simultaneously. While the Government aims at giving basic education full assistance, it will spend 10 years — not in haste — gradually expanding the number of post-secondary places. Moreover, it will act prudently in providing assistance to poor students in a selective manner. Insofar as distribution of resources is concerned, priority will also be given to basic education. Mr LEUNG Yiu-chung and Miss Emily LAU have separately expressed many negative views on the education reform. However, many of their observations are not correct, probably because they are not given a full picture of the education reform. I will be most willing to explain to Members in detail at an appropriate time.

### *Quality assurance*

We have repeatedly stressed that it is essential to ensure the quality of curriculum and students while expanding the number of post-secondary places. At present, seven universities in Hong Kong are self-accrediting institutions for

they have already put in place stringent and proven quality-assurance mechanisms for their university and continuing education units. We demand that sub-degree courses run by self-accrediting universities should, like publicly-funded university programmes, be subject to stringent quality-assurance mechanisms set up internally. Apart from this, the University Grants Committee (UGC) has tentatively decided that the scope of the "review of the quality of teaching and learning" be extended to cover the continuing education units of universities in addition to degree courses to ensure that the sub-degree courses provided by the units on a self-financing basis meet the requirements with respect to teaching quality.

Non-self-accrediting institutions are required to be accredited by the Hong Kong Council for Academic Accreditation (HKCAA). The accreditation process will be composed of two parts: institutional accreditation and curriculum accreditation. Institutional accreditation aims at determining whether the framework, operational procedures and academic environment of an education institution are suitable for running tertiary programmes and whether the required standards can be maintained. Accredited items will include management framework, establishment, qualification of teaching staff, enrollment policies, student support and quality assurance mechanism. On the other hand, curriculum accreditation aims at determining whether proposed courses are up to specific or international standards. Accredited items will cover the objectives and goals of the courses, course structure and content, entry requirements, teaching arrangement, and so on. In addition to the HKCAA, recognized professional bodies can accredit relevant professional courses though they are not allowed to conduct institutional accreditation.

The Government will compile a register of accredited courses to distinguish accredited courses from those not yet accredited so as to enable the public to acquire accurate information when selecting post-secondary programmes. We hope this quality-labelling system can prompt providers to actively upgrade the quality of their courses to meet accreditation requirements. The Government will also consider subsidizing the curriculum accreditation costs to alleviate the burden of the institutions. However, reimbursement will only be made upon the accreditation of the courses. Furthermore, we propose that financial assistance offered to students and education institutions be restricted to accredited courses in future. This will provide institutions with an additional incentive to upgrade the quality of their courses.

As new sub-degree courses will be operated on a self-financing basis, the relevant providers will need to face the market in order to remain self-supporting. Such elements as the quality and reputation of the courses, students' prospects and employers' appraisals will determine whether a course is up to the desired standard and whether it can survive. Market force will therefore help upgrade curriculum quality. I also believe that a mechanism combining academic accreditation, student assistance and market force can effectively guarantee that the new sub-degree courses are of the required quality and meet the needs of the community.

As regards the quality of students, Mr CHEUNG Man-kwong pointed out that, at present, only 50% of Secondary Five leavers have gained passes in five subjects. This figure is accurate. Nevertheless, the Government's plan is to raise the tertiary education popularization rate to 60% in 10 years. Following the gradual improvement in the effectiveness of basic education and the progressive emergence of different types of senior secondary colleagues with distinctive features, I believe we would have more and more students qualified to receive post-secondary education.

I would also like to point out solemnly that students' abilities should not be assessed merely on the basis of their academic results. Though the general scores of participants of Project Springboard in the Hong Kong Certificate of Education Examination range from zero to six points, they are delighted to take the courses offered by the project and find them very useful. Moreover, they are highly motivated to continue their studies.

The extramural courses organized by various providers and private post-secondary institutions have, over the years, provided numerous secondary school leavers with access to tertiary education. The fact that a great number of these students have already completed their studies with good results reflects that some students simply cannot adapt to conventional teaching methods. I concur with Ms Audrey EU who said earlier in the debate that our students are not too bad in essence. However, not all of them can adapt to the traditional teaching methods practised in the Sixth Form and secondary schools. When we criticize the young people, we must understand the actual situation and take into consideration the multi-intelligence development of human beings.

Matriculation education should not be the only channel of access to post-secondary education. Young people have different aptitudes and abilities. Under the current system, students are selected mainly through matriculation education that is biased towards academic ability. Actually, a lot of talented students might be overlooked as a result. Associate degree courses will provide young people who aspire to furthering their studies with a new alternative channel to upgrade their personal quality and employability.

### *Accreditation*

I think I have to clarify that sub-degree includes associate degree, higher diploma and professional diploma. All these three qualifications are considered as sub-degree.

Associate degree is introduced into Hong Kong only in recent years. A lot of concerns have been aroused for it is not familiar to the people of Hong Kong. The Government has worked in collaboration with the HKCAA and the Federation for Continuing Education in Tertiary Institutions (the Federation) to formulate a set of common indicators for associate degree courses. The indicators cover programme objectives, learning effectiveness, course structure, entry requirements, quality assurance and professional qualifications. In formulating the indicators, the Federation and the HKCAA have made reference to international practices and the local situation. All members of the Federation and the HKCAA will adhere to the indicators in designing and accrediting associate-degree programmes. Concerning the doubt raised by Mr Jasper TSANG earlier in relation to the qualification of associate-degree courses, I will provide him with a set of common indicators for reference.

### *Employment*

The Government announced last week that holders of associate degree can apply for civil service posts and non-civil-service contract posts with general entry requirements set at higher diploma level. This announcement will play a leading role in persuading the industrial and commercial sectors to recognize associate degree. Furthermore, with the introduction of the system whereby associate degree courses can be accredited by professional bodies and educational institutions being encouraged to invite people industry participants to take part in formulating curriculum content, more professional bodies and industries are expected to follow the Government to recognize the qualifications attained through these courses.

*Articulation*

As for articulation with higher-level education, associate degree graduates can choose to further their studies in non-local universities or local universities, such as the Open University of Hong Kong and UGC-funded institutions. According to my understanding, all institutions providing associate degree programmes have established articulation and credit-transfer systems with a number of local and non-local universities. For instance, more than 10 universities have agreed to directly admit associate degree graduates from the Hong Kong Baptist University (HKBU) to their degree programmes. Similarly, 32 universities, including the University of Hong Kong (HKU), have agreed to accept enrolment applications from graduates of associate degree programmes of the HKU School of Professional & Continuing Education for their degree courses.

Dr YEUNG Sum is of the view that it is not appropriate to allow associate degree graduates to further their studies overseas. However, I would like to point out that some students have chosen the associate degree courses run by the HKBU simply because those courses can dovetail with a course named "2+2" offered by the Michigan University. By this means, students will have a chance to further their studies overseas. As a matter of fact, they have chosen these courses of their own accord. Those who have returned to Hong Kong after completing their studies have demonstrated that they have fared better in their work.

Mr CHEUNG Man-kwong wrongly believes in a remark made by a professor from the HKU that 40% of students from community colleges in the United States can further their studies in universities. Actually, we have studied the statistics compiled by the American Association of Community Colleagues in the United States and the findings have shown that only 22% of the college graduates have enrolled for certain credits or subjects in universities. But not all of them have succeeded in attaining a university degree. Even the United States does not have figures on the number of students who have advanced from community colleges to universities and eventually obtain a degree.

I understand that Honourable Members are particularly concerned with the pursuit of further education by associate degree holders locally. In the short run, UGC-funded institutions will provide associate degree holders with places



through the following channels: first, making use of places vacated by dropouts; second, discretionary over-enrolment without prejudicing quality; and third, offering additional bachelor top-up degree courses on a self-financing basis. Moreover, associate degree holders are free to enrol in degree courses organized by local institutions on a self-financing basis. For instance, the Hong Kong Shue Yan College plans to organize four bachelor's degree courses on a self-financing basis next year.

In the medium-to-long term, the Government will explore the arrangements needed for articulating associate degree courses with bachelor's degree courses while examining ways to implement the credit accumulation and transfer system more extensively. We will also explore ways to give more room to providers and examine the feasibility of admitting students to the second-year programme of bachelor's degree courses with greater flexibility. The measures to be taken will include considering offering more second-year places for bachelor's degree courses in the next and its following fiscal years for the admission of qualify associate degree holders.

I hope members of the community can understand that associate degree is an independent exit qualification. People possessing such qualification can choose to work, further their studies or enrol in relevant professional training courses. There is no doubt that society needs people with different specialties and academic qualifications. Many employers do not necessarily need to employ university graduates. Mr SIN Chung-kai has mentioned earlier that not all talents working in the information technology (IT) sector need to possess bachelor's degrees or master's degrees. On the contrary, many employers hope to recruit staff who have qualifications equivalent to the associate professional or associate degree level. In a knowledge-based economy, we aim to nurture talented people specializing in one particular field and with definite basic abilities. At the same time, lifelong learning opportunities will be provided to graduates at different stages to enable them to continue with their studies on a part-time basis after taking up employment or to go back to school to enrich themselves after working for a certain period of time.

### *Progression Schedule*

Mr CHAN Kwok-keung suggested the Government to formulate a progression schedule to ensure a progressive year-on-year increase in tertiary places and the achievement of the target 60% tertiary education popularization

rate within 10 years. I would like to emphasize once again that 60% is a planning objective and a long-term indicator. The pace of development will depend on the actual supply and demand situation of tertiary places, including whether the quality of students can meet the minimum entry requirements. As the additional places are not directly funded or provided by the Government, it is impossible to accurately set the actual number of additional places in the next decade. The actual number of students will depend on the learning desire of students, the demand of the labour market and the ability of institutions in organizing courses. Notwithstanding this, in projecting expenditure for student assistance and loan programmes in the next decade, we assume that the number of associate degree places will increase year-on-year on a straight-line basis. In other words, an average of 3 000 or so additional places will be provided each year.

So far, various tertiary institutions have reacted positively to associate degree courses. According to the latest information, it is forecast that in 2001-02, the intake to full-time and self-financing associate degree courses will reach 6 000. To a certain extent, quality is guaranteed for most of these places are offered by the Federation.

Insofar as demand is concerned, information provided by the Federation has indicated that, taking the 2001-02 school year as an example, the number of applicants for sub-degree courses is 22 times the number of places available, reflecting the keen demand for such courses.

### *Student assistance*

The Government pursues a long-standing policy of ensuring that qualified students will not be deprived of the opportunities of receiving tertiary education because of lack of means. To support the gradual increase in tertiary education opportunities, the Government has proposed to provide students with three types of assistance, including means-tested grants or loans, non-means-tested loans, and travel subsidy.

Under the proposal, local students aged 25 or below and who are pursuing courses at the level of or above higher diploma, associate degree or professional diploma will be offered means-tested assistance. Eligible courses must be self-financing, full-time and accredited courses. The amount of subsidy will be calculated on the basis of a formula adopted under the Local Student Finance

Scheme (LSFS). Qualified students may receive a maximum annual grant of \$60,000 whereas students not qualified for full subsidy may apply for loans. We propose to set the upper ceilings of the grants and loans at the same level, that is, \$60,000. In order to encourage students to complete the whole course, grants will be released to the students in the form of a loan. On completion of the course, the students will be exempted from the repayment of the grants. During the studying period, no interest will be charged on the loans. However, an interest of 2.5% per annum will be charged upon the completion of the course.

In addition, we propose that all sub-degree students should be qualified for applying for non-means-tested loans to meet their basic expenses. The upper ceiling of the loan will be the same as the upper ceiling of the daily expense loan offered under the LSFS. Today, the upper limit of the loan stands at \$33,400, subject to review annually.

In order to give students and institutions more choices, we propose to expand the scope of the student finance scheme mentioned above to cover accredited courses organized outside the territory by local institutions or accredited courses organized in the territory by overseas providers. Furthermore, the Government has tentatively proposed to launch an overseas education scheme on a trial basis. The courses selected by subsidized students should fall into the fields where there is manpower shortage or subject areas, such as IT, where it is impossible for local places to be expanded substantially. We are discussing with the HKCAA in a bid to compile a list of approved courses, which is expected to be published by end 2001.

Funding applications with respect to the various assistance schemes will be submitted to the Finance Committee of the Legislative Council in the near future. If the funding is approved, students can expect to benefit from the schemes at the beginning of the coming 2001-02 school year.

### *Private universities*

Mr YEUNG Yiu-chung has moved his amendment in the hope that the Government can actively promote the development of private universities and to establish a diversified, multi-channel and flexible tertiary education system. In this connection, the Government has, through amending the Post Secondary Colleges Ordinance, permitted the Hong Kong Shue Yan College to organize

degree courses starting from September this year as an important step for the College to become a private university. The Government will also consider allowing universities currently under subsidy to become private universities on a voluntary basis and with the upgrading of the quality of tertiary education as a whole as a prerequisite. We will definitely not induce subsidized universities to convert into private ones at all costs.

We are now reviewing ordinances related to post-secondary education in a bid to develop a regulatory framework suitable for the development of private universities. We hope to introduce relevant amendment bills in the next legislative year to open up new horizons for the long-term development of post-secondary education.

Madam President, I hope the speech delivered by me today can help Honourable Members to understand that, in endeavouring to achieve the goal of 60% tertiary education popularization, the Government has long-term planning as well as various medium- and short-term matching measures that take into account the needs of the entire community and the aspirations of the young people. At the same time, emphasis will be placed on both quality and quantity in the hope of making progress step by step.

I feel very sorry that some people have accused the Government's proposal of being "insincere, huge and empty". With the constant progress of society and the global economy, our education system should also keep pace with the times. The expansion of tertiary places is a 10-year grand project. It seeks to gradually provide more opportunities of higher education for aspiring young people and nurture talents in various fields for the new knowledge-based society in order to enhance our competitive edge in the long run. I earnestly hope that this Council and various sectors of the community can treat the young people with an active and positive attitude, and work in collaboration with the Government to provide the younger generation with opportunities and hopes, as well as working jointly with the Government in overseeing the quality of education. After all, education is a cause of conscience. If education providers and teachers choose to perform their duties half-heartedly rather than in the interest of the students, there can be no quality assurance whatever regulatory system is put in place.

Madam President, I so submit.

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That the amendment, moved by Mr YEUNG Yiu-chung to Mr CHEUNG Man-kwong's motion, 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 amendment passed.

**PRESIDENT** (in Cantonese): Mr CHEUNG Man-kwong, you may now reply and you have up to one minute 23 seconds.

**MR CHEUNG MAN-KWONG** (in Cantonese): Madam President, I only wish to say that it would be a good thing if the target of achieving a 60% tertiary education popularization rate within 10 years could be turned into a soft indicator, since targets in this respect can never be achieved forcibly. If this target was a decision made by the Chief Executive then, we will treat it as the hope of a beneficent person and give it our warmest welcome. Nevertheless, it remains that in tertiary education, the most important word, which is also the point emphasized by many Honourable Members in their speeches today, is "quality". Quality is the soul of education. I therefore believe that Members and representative councils will be most concerned with quality when taking forward the development of tertiary education. By the word "quality", I refer of course to not only the academic achievements of students but the overall capability of a student. But then, we still should not deny the importance of academic ability, which is a basic requirement of students. After all, since tertiary education is our subject of discussion, it is simply unrealistic to overlook the basic abilities and academic ability of students. Thank you, Madam President.

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That the motion moved by Mr CHEUNG Man-kwong, as amended by Mr YEUNG 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 as amended passed.

**PRESIDENT** (in Cantonese): Second motion: Through train to Shenzhen.

## **THROUGH TRAIN TO SHENZHEN**

**MR LAU KONG-WAH** (in Cantonese): Madam President, I move that the motion, as printed on the Agenda, be passed.

Madam President, during the Easter holidays last year, a media report said this: "On the first day of the Easter Holidays, large numbers of people rushed to Lo Wu to cross the border to the Mainland. Despite the authorities' claim that preparations were made properly, the situation was still chaotic. Many people waited more than four hours before they could cross the border. For a time, tens of thousands of people were stuck at Lo Wu and grievances were thus heard everywhere." So, crossing the boundary at Lo Wu is a traffic congestion issue.

In December last year, prior to his retirement, the Deputy Director of Immigration, Mr P T CHOY, made this heartfelt statement: "The Lo Wu Control Point is like a stretched rubber band, no one knows when it will break.

In the event that the floods of people cannot be streamed, the Lan Kwai Fong tragedy could repeat any time." Crossing the boundary at Lo Wu is therefore an issue of personal safety as well.

In May this year, the Honourable James TIEN moved in this Council a motion on attracting eligible persons from the Mainland to invest and spend money in Hong Kong. One of his proposals suggested the Government "examining whether the current entry restrictions on mainland visitors can be relaxed, particularly the issuance of multiple entry permits to high-income earners in the Pearl River Delta Region, thereby facilitating their coming to Hong Kong to travel and spend money". However, the multiple entry permits will just be useless if the roads are badly congested. Crossing the boundary at Lo Wu is also an issue of economic benefits.

Madam President, I move the motion today in the hope that a Sheung Shui-Shenzhen express rail line can be opened. The Government always tells the Council, including the Panel on Transport, that it expects many problems to be resolved upon the completion of the Lok Ma Chau Spur Line. However, during the Panel meetings, many Members kept asking the Government what it would do in the interim years even if the Lok Ma Chau Spur Line could really be completed on time.

The motion moved by me today raises a further question on the actions that should be taken after the completion of the Lok Ma Chau Spur Line. According to government statistics, the volume of passenger traffic will increase 12% annually in the coming few years. In that case, the accumulated rate of increase will reach 100% in about five years' time. At present, a total of some 230 000 to 240 000 passenger crossing trips are recorded daily, and the figure will rise to 350 000 during peak seasons. If the total passenger crossing trips will double in five years' time, there will be over 400 000 travellers crossing the border then. Even if the Lok Ma Chau Spur Line could handle some 150 000 to 200 000 passenger trips upon its completion in 2004-05, the remaining 200 000 to 300 000 passengers would still need to cross the border at Lo Wu. In other words, the situation will remain unchanged even after the completion of the Lok Ma Chau Spur Line, as the issues of congestion, personal safety and economic benefits I referred to just now are still not addressed.

Certainly, while the Government may perhaps be considering a number of resolutions at the moment, members of the public have also put forward many suggestions, such as increasing the number of immigration clearance counters. However, as we all know, there is a limit to which the Lo Wu Control Point can be expanded, and that limit is now reached. We have already approved the Immigration Department's proposal to recruit 100-odd new staff towards the end of the year, and the Government has also commenced the recruitment exercise. However, the additional manpower will be absorbed very soon. What can we do by then? There has been a suggestion that an additional control point be constructed next to the Lo Wu Control Point. As Members can imagine, there are not any suitable sites in the vicinity of the Lo Wu Control Point; besides, it is not advisable to have all the travellers crossing the border at the same place. Recently, the Government has suggested that a regional express rail line be constructed to provide a non-stop through train service between Shenzhen and the urban areas. The total travel time of this service will be around 17 minutes. But then, Madam President, it normally takes more than 10 years to complete a rail line like this. The question I raise now is: What can be done in the several years following the completion of the Lok Ma Chau Spur Line in 2005? If we do not give thought to this question now, we are bound to make mistakes in future.

I therefore put forward two proposals today. The first proposal is to operate a Hung Hom-Shenzhen through train service. At present, a total of 10 service trips is running between Hung Hom and Lo Wu every hour. However, during long weekends and festive holidays, the frequency will be reduced to four trips per hour due to the congestion problem at Lo Wu. As such, the remaining six service trips actually have the capacity to run non-stop between Hung Hom and Shenzhen to help stream the passengers. So, this is the first proposal. Certainly, this proposal, if implemented, will occupy the existing rail track for local service. That is why my another proposal suggests using the piece of land in the vicinity of the Sheung Shui Station to construct a rail track to be linked with the existing rail track leading to Lo Wu, so that a through train service to Shenzhen can be provided. Since this piece of land is an open area not earmarked for any purpose, the Government does not need to resume any private land. The merit of this proposal is that it is cost-effective and will not affect the existing local line rail track because the new track only links Sheung Shui with Lo Wu. Under the circumstances, I believe the Government should take this proposal into consideration. If this proposal should be implemented, shuttle



train services can be provided using the new track. According to my conservative estimation, if 3 000 passengers can be carried in one trip and four trips can be operated per hour, some 12 000 passengers can be streamed in an hour's time. During the busiest 10 hours, this proposed service can help to stream more than 100 000 passengers. This is indeed very helpful.

Certainly, there has also been a proposal for operating a 24-hour control point. Yet this proposal cannot help to alleviate the problem of the 10 busiest hours. This is because if most of the passengers choose to cross the border between 3.00 pm and 4.00 pm, they will not use the control point at 3.00 am or 4.00 am even if should be opened until then. So, the question remains how we are going to resolve the congestion problem during those 10 busiest hours. I believe my proposal could make the best use of the existing resources. This proposal also has one very important economic consideration. Just think, if in future multiple entry permits are issued to mainland high-income earners, and if these people live in Guangzhou, they can reach Sheung Shui in slightly more than an hour. This is because it only takes these people an hour to travel from Guangzhou to Shenzhen, where they can take our non-stop through train to reach Sheung Shui in just three to five minutes.

Madam President, the border control points all over the world will bring prosperity to the cities on the both sides of the border, with the only exception of the Lo Wu Control Point. Compared to Shenzhen, which is so prosperous, Sheung Shui on this side of the border is more on the slack side. If this proposal could be implemented, it should be able to give a boost to the economic activities there. Given that the Shenzhen Railway Station is linked to the various provinces and cities across the Mainland, the Lok Ma Chau Spur Line, which is linked with only the underground railway service at Futian, just cannot compare. So, from an economic point of view, this proposal will naturally benefit the development of Sheung Shui in North District and give a boost to the economic activities there.

After putting forward this proposal, I have contacted many government departments throughout the entire consultation process, including the Transport Bureau, Security Bureau, Highways Department and even the relevant authorities on the Mainland to have a round of discussion or two. I am grateful to the various government departments for their earnest and in-depth study of my proposal. I certainly understand that there are bound to be technical difficulties

as the relevant facilities and rail line proposed are new ones rather than being part of the original design. Nevertheless, throughout the entire consultation, not a single government department told me that the proposal would not be feasible at any rate. In other words, provided the difficulties concerned can be overcome, my proposal should merit further consideration by the Government.

Madam President, I hope this motion can bring along some new ideas for Members' discussion. I also hope that Members will support my proposal. Thank you, Madam President.

**Mr LAU Kong-wah moved the following motion: (Translation)**

"That this Council urges the Government to consider exploring with the relevant mainland authorities the feasibility of operating a Sheung Shui-Shenzhen express rail line and a Hung Hom-Shenzhen through train service, with a view to relieving the congestion caused by the increase in travellers crossing the border between Lo Wu and Shenzhen."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the motion moved by Mr LAU Kong-wah be passed.

**PRESIDENT** (in Cantonese): Mr WONG Sing-chi will move an amendment to this motion, as printed on the Agenda. The motion and the amendment will now be debated together in a joint debate.

I now call upon Mr WONG Sing-chi to speak and move his amendment.

**MR WONG SING-CHI** (in Cantonese): Madam President, I move that Mr LAU Kong-wah's motion be amended, as printed on the Agenda.

Madam President, contacts between the Mainland and Hong Kong are becoming more and more frequent. People have to queue up at the Lo Wu Control Point even on ordinary weekdays. During weekends, public holidays or long holidays, waiting queues are extremely long. So, the issue has become so urgent that the Government should no longer stick to the existing planning schedule and proceed slowly.

Last year, the Government released the Railway Development Strategy 2000. One of the six major railway proposals, the Northern Link (NOL), is a trunk railway line connecting the West Rail at Kam Sheung Road to East Rail at Kwu Tung and to the boundary crossing point at Lok Ma Chau. It will provide cross-boundary passenger service for the western part of the New Territories. Though the railway line will provide a great relief to cross-boundary traffic, it will only be completed by 2016 at the latest, according to the present planning of the Government. The Democratic Party has maintained that this is an unacceptable arrangement. Just as the Kowloon-Canton Railway Corporation has pointed out, the Lo Wu Station will reach full capacity by 2004, and we believe this may come even earlier; we therefore think that the only option is to construct an additional rail line. Up to now, the alignment of the Lok Ma Chau Spur Line has not yet been finalized. Despite the completion of the appeal hearings on Sunday, we still do not know when the Spur Line can be completed. I guess the chances of it being completed in 2004 are very slim. All these circumstances make the NOL an even more desirable option, and it should thus be constructed much earlier to cater for the rapid increase in cross-boundary passenger traffic. Moreover, according to its planned alignment, the NOL will start from San Tin and branch to Lok Ma Chau and Lo Wu via Kwu Tung, bypassing the Long Valley, the subject of so many environmental controversies. With the NOL, passengers may travel south to Tsuen Wan and north to Tuen Mun and Yuen Long. Residents in the vicinity need not change to the East Rail before crossing the boundary at Lok Ma Chau or Lo Wu. This will serve as a very important means of passenger streaming for the East Rail. Thus, its completion by 2016 at the latest will certainly come too late to relieve the existing congestion problem of cross-boundary traffic. This is also not a reasonable plan for the residents in southwestern and northwestern New Territories. It is for this reason that I have moved the amendment in this motion debate to request the Government to consider the idea of advancing the completion of the NOL. It is hoped that the NOL can thus solve cross-boundary traffic problems in the long term.

In his motion, the Honourable LAU Kong-wah urges the Government to consider the possibility of exploring with the relevant mainland authorities the feasibility of operating a Sheung Shui-Shenzhen express rail line and a Hung Hom-Shenzhen through train service. The Democratic Party supports the latter suggestion, that is, a Hung Hom-Shenzhen through train service. The reason is that the idea of the service is the same as a regional express line. After its expansion, the Hung Hom Station should have adequate facilities for this rail line.

We need, however, to examine whether we should construct this spur line within the existing trunk rail lines or construct another rail line as a regional express line. This is a point that warrants thorough consideration. In addition, we also need to find out whether the facilities at Shenzhen can absorb the added through train service. In regard to the former suggestion, that is, a Sheung Shui-Shenzhen express rail line, we would think that it should require some deliberation first. We do not oppose such an express rail line, but if the suggestion is just for a Sheung Shui-Shenzhen express rail line, we will have to ask: Is Sheung Shui the most suitable site? Mr LAU Kong-wah showed me some photographs before the meeting today, telling me that he found Sheung Shui the only suitable site. That of course was only the information Mr LAU provided. If the Government does go ahead with his suggestion, I am sure that there may still be other suitable sites elsewhere. We do not think that the information provided by Mr LAU alone can establish that Sheung Shui is the best site. Moreover, if, after further studies, Sheung Shui is found unsuitable, we may have no other alternative, and we cannot urge the Government to consider sites other than Sheung Shui for an express rail line going straight through to Shenzhen, bearing in mind that only Sheung Shui is mentioned in the motion. Therefore, the Democratic Party maintains that if there is going to be a study, it must cover all possibilities, not just Sheung Shui alone. Is there any existing railway station that may be more suitable than Sheung Shui? Along the existing rail line, are there other sites which, though not adjacent to a railway station, are also able to accommodate an express rail line through to Shenzhen to relieve the congestion at the boundary checkpoint? We must conduct studies on a more extensive scale.

Moreover, the original motion is not backed up by any estimate or detailed studies on the proposal's effect on the traffic flow at Sheung Shui and on the services being enjoyed by residents living along the East Rail. From the statistics supplied to us by Mr LAU, we notice that there will be some 120 000 passenger trips per day to Shenzhen during the busiest 10 hours each day, on the basis that there are four through train trips per hour from Sheung Shui to Shenzhen. In other words, once the Sheung Shui Station is used as a starting point and a terminal station for the express rail line, and if Mr LAU's figures are valid, 100 000-odd passengers may be commuting to Sheung Shui via the East Rail or other transport means for an express train to Shenzhen. Some of these passengers may be residents of northwestern New Territories going to Sheung Shui by other transport means or by train. Will the present or future transport network in Sheung Shui be able to cope with such a heavy traffic flow? This is questionable.

Next, many people now return to Hong Kong via Lo Wu each morning. Trains are already very much crowded when they reach Sheung Shui. If the express rail line is to terminate at Sheung Shui, providing direct train service between Sheung Shui and Shenzhen, and if passengers going to work in Kowloon also need the service of the East Rail, then the morning passenger volume will far exceed the capacity of the railway.

Is Sheung Shui the most suitable site? We need to conduct further studies to answer this question. Certainly, if all these problems can be resolved, if traffic at Sheung Shui can remain very smooth and if Sheung Shui can absorb an enormous traffic flow, I do not think it is a bad idea to construct an express rail line there. In that case, we would not object to Mr LAU Kong-wah's motion.

At any rate, if the Government is to consider the construction of an express rail line, it should not consider Sheung Shui alone. It should consider other locations along the railway line and it should refrain from acting rashly.

Lastly, to conclude, our stance on operating new rail lines across the boundary is that the Government should conduct a study on all feasible through train proposals as soon as possible and then evaluate carefully the impact of each proposal on domestic traffic in Hong Kong.

With these remarks, I beg to move.

**Mr WONG Sing-chi moved the following amendment: (Translation)**

"To add ", to relieve the congestion caused by the increase in travellers crossing the border between Lo Wu and Shenzhen," after "That"; to add "advancing the completion date of the Northern Link, and" after "this Council urges the Government to consider"; to add "the feasibility of providing other additional cross-border passenger rail lines, including" after "exploring with the relevant mainland authorities"; to delete "a Sheung Shui-Shenzhen" after "the feasibility of operating" and substitute with "an"; to add "between Sheung Shui or other districts and Shenzhen," after "express rail line"; and to delete ", with a view to relieving the congestion caused by the increase in travellers crossing the border between Lo Wu and Shenzhen"."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr WONG Sing-chi to Mr LAU Kong-wah's motion, be passed.

**DR RAYMOND HO** (in Cantonese): Madam President, in recent years, whenever it comes to long weekends and long holidays, the conditions at the Lo Wu Control Point will become the focus of media coverage. Sometimes chaos will arise when the number of people crossing the boundary is too great. Passengers may complain when the waiting time is too long. These problems are mentioned in the Railway Development Strategy 2000 (RDS 2000) released by the SAR Government last year. A paragraph in the report says that "The annual cross-boundary passenger traffic has been growing at 18-20% since mid 1996. The daily average number of cross-boundary passengers at Lo Wu now reaches 220 000. Should the present growth rate continue, it may be necessary to start planning the Regional Express Line early in order that this new rail corridor could be provided in a timely manner."

As we all know, that the cross-boundary passenger traffic in Hong Kong and Shenzhen has been growing rapidly in recent years is mainly due to the increasing number of Hong Kong people working in the Pearl River Delta and some Hong Kong people have relocated to Shenzhen and other nearby areas. In addition, many Hong Kong people like to do shopping across the boundary. Of these cross-boundary passengers, many will depart and return within a single day. That exerts enormous pressure on the cross-boundary passenger transport and the Lo Wu Control Point. Moreover, there are many indications showing the existing arrangement has failed to cope with the increase in the number of cross-boundary passengers, causing great inconvenience to those who travel frequently across the boundary.

According to the current government planning, the problem of congestion in cross-boundary passenger traffic will be eased initially with the completion of the Lok Ma Chau Spur Line at the earliest. However, considering the increasingly close economic and social links between Hong Kong and Guangdong and the Pearl River Delta Region, there is a need to have more cross-boundary passenger rail links. Such rail links are discussed in the RDS 2000, including the Northern Link and the Regional Express Line (REL). The former will provide passenger service to New Territories North and cross-boundary passenger service to the western parts of the territory. The latter will

provide fast domestic service with few stops, and a through train service may also run on the REL.

Since these two proposed rail links will help ease the problem of congestion in cross-boundary passenger traffic, the authorities concerned should make an in-depth study into these rail links as soon as possible. Apart from technical considerations, the SAR Government should also discuss relevant issues with the Shenzhen authorities as the plans would involve cross-boundary passenger arrangements and other matching facilities on the Shenzhen side. This will facilitate co-ordination in planning. In addition, as the two rail links would involve domestic service, the authorities concerned should also try to evaluate the demand for domestic service so that the railway lines will not only help ease the congestion in cross-boundary passenger traffic, but also improve domestic services on a regional level.

The operation of a Hung Hom-Shenzhen through train service may be a practicable short-term relief measure to cope with the problem of congestion in cross-boundary passenger traffic. It will also enable passengers to travel to and from Shenzhen in a more comfortable and direct manner. I hope that the authorities concerned can look into the technical feasibility of the proposal and discuss with the authorities in Shenzhen on the exit-entry arrangements.

Madam President, with the increasingly close ties between the Hong Kong and the Guangdong Province as well as the Pearl River Delta Region, the SAR Government and the authorities concerned must address the problem of congestion in cross-boundary passenger traffic and to devise plans to ease the congestion. With these remarks, I support the amendment and the original motion. Thank you, Madam President.

**PRESIDENT** (in Cantonese): Honourable Members, it is now 9.56 pm. I think the Council will be able to complete all the items on the Agenda this evening. We will continue with our meeting.

**MR ANDREW CHENG** (in Cantonese): Madam President, just now Mr WONG Sing-chi moved an amendment to the motion on behalf of the Democratic Party and explained our rationale for the amendment. Now, I should like to expound on the Democratic Party's ideas on the overall railway development policy and the importance of the Northern Link (NOL) in this.

On the front of traffic and transport policies, having regard to such considerations as environmental protection and economic benefits, the Democratic Party agrees that priority should be given to the development of railway transport systems. Yet at the same time, a "circular railway" system should be introduced to enable the various railway developments in different parts of Hong Kong to be linked with each other, so that members of the public can reach their destinations by a most convenient and least time-consuming means.

On the basis of this idea, we support the Government developing the NOL to link with the West Rail and the East Rail, and even link up Lo Wu and Lok Ma Chau, with a view to joining the railway development in the Mainland to form a cross-boundary and trans-region railway network.

Madam President, given that the NOL and the Lok Ma Chau Spur Line will link up Lo Ma Chau with Huanggang upon completion, it could effectively facilitate the development of the feeder transport services between the two places if the completion date of either of them could be advanced. With regard to Huanggang, perhaps its matching transport facilities still could not be as well developed as those in Lo Wu in the next few years, bearing in mind that members of the public there can visit Shenzhen and other places within the Guangdong Province by railway, by bus, by minibus or by taxis. But then, the development potentials of Shenzhen are indeed enormous. Besides, the underground railway station at Huanggang Crossing will also be completed shortly, by then the residents of Hong Kong may cross the boundary at Lok Ma Chau conveniently without any worries about link transport. Moreover, it can be expected that the transport network of the area would be further enhanced upon the development of the NOL and the Lok Ma Chau Spur Line. Therefore, insofar as the overall railway development strategy is concerned, both the NOL and the Lok Ma Chau Spur Line play an important role in streaming the cross-boundary traffic.

Certainly, we hold that we had better hold a wait-and-see attitude towards the Lok Ma Chau Spur Line before the Long Valley issue is resolved. But for the NOL, given that no difficult environmental issues are involved there, the Government should all the more consider advancing the completion date of the NOL at this juncture when the Lok Ma Chau Spur Line has yet to be finalized. In fact, those people who will benefit most from the Lok Ma Chau Spur Line, if completed, would mainly be residents living in New Territories East and the urban areas who have all along been riding the East Rail, as they could choose to



cross the border at Lo Wu or Lok Ma Chau. To the residents of New Territories West, however, the appeal of the Lok Ma Chau Spur Line is not comparable to that of the NOL. This is because they can travel to Lo Wu or Lok Ma Chau by taking the NOL, which will be linked with the West Rail and the Light Rail Transit system. That means they no longer have to take the trouble to first travel to Kwu Tung in order to switch to the Lok Ma Chau Spur Line. As New Territories West has a population of over 1.8 million, the NOL should be a highly cost-effective railway that can provide a stable source of income for the Kowloon-Canton Railway Corporation on the one hand, and bring about new transport development opportunities for Northwest New Territories on the other.

With these remarks, Madam President, I support the amendment.

**MRS MIRIAM LAU** (in Cantonese): Madam President, the number of visitors travelling to the Mainland through Lo Wu has been growing at a double-digit rate in recent years. Every day, as many as 220 000 passengers will travel by rail to Lo Wu to cross the boundary, and the number will be much higher during the periods before and after long holidays. It is expected that Hong Kong will expedite its business and financial integration with the Pearl River Delta Region in future. This together with the development of the tourism industry will naturally cause the passenger traffic between the two places to become much busier.

In order to cope with the ever-increasing number of passengers crossing the boundary, the work to construct a second cross-boundary passenger rail line should not be delayed any more. Unfortunately, it remains doubtful whether the construction of the Lok Ma Chau Spur Line could be completed in 2004 as scheduled, since the Director of Environmental Protection has refused to issue the environmental permit. Hence, there is a need for us to identify other ways to alleviate the congestion problem at the Lo Wu Control Point.

During long holidays when the Lo Wu Control Point and the platforms of the Lo Wu Station are filled with a large number of passengers, a quota system will be implemented by the railway corporation to limit the number of people reaching Lo Wu. Where necessary, the frequency of train service to Lo Wu will be reduced. During the last Easter Holidays, for example, the frequency of train service between Hung Hom and Lo Wu was once reduced to four trips per hour, representing a reduction of six trips compared to the normal frequency of 10 trips per hour.

From this we can see that the crux of the problem lies not in the carrying capacity of the East Rail but in the fact that the bottleneck at the Lo Wu Control Point has made it impossible for the East Rail to carry passengers to Lo Wu continuously. To bypass the bottleneck, the proposal to operate a Hung Hom-Shenzhen through train service should be a financially and technically viable option, granting co-operation from the Shenzhen authorities. Given that there are already through train services between Hung Hom and places like Dongguan, Guangzhou, and so on, and that the Hung Hom Station is equipped with passenger departure and arrival halls, the Hung Hom-Shenzhen through train service can enter into operation once the necessary additional immigration counters and train platforms are ready. Moreover, since Hung Hom is situated in the city centre of Hong Kong, both the general public and visitors from the Mainland will find it a convenient location. If this proposal could be implemented, it would help to alleviate the bottleneck at Lo Wu immediately and achieve quick results.

Certainly, the Liberal Party does not object to the proposal for providing a new exit-entry control point at Sheung Shui and operating a through train service between Sheung Shui and Shenzhen. No doubt this is one of the possible methods to resolve the congestion problem at Lo Wu. But then, we must take into consideration a number of points. To begin with, a slow remedy cannot meet urgent needs. According to the estimation made by the Democratic Alliance for Betterment of Hong Kong, it would take at least two years' time for the Sheung Shui Control Point to complete. As such, the proposal cannot provide any immediate relief to the congestion problem at Lo Wu.

Secondly, bearing in mind that both the Lok Ma Chau Spur Line and the Northern Link of the West Rail are pointing to the need for a new exit-entry control point at Lok Ma Chau, will there be any duplication of resources if another new control point should be established at Sheung Shui? This is an issue we must consider.

Thirdly, on top of the existing local rail services, through train services and freight services, the East Rail will be providing train services between Hung Hom and Lok Ma Chau after the Lok Ma Chau Spur Line enters into operation. That being the case, we need to consider carefully whether the various East Rail systems, including its platforms and other matching facilities, are able to cope with the heavy uses if a through train service between Sheung Shui and Shenzhen should be opened.

Taking a long view, since Lo Wu is one of the busiest immigration control points in the world, handling about 87% of the total number of cross-boundary passengers daily, there is indeed a need for us to stream the passengers crossing the border at Lo Wu to other control points. As regards the amendment proposed by Mr WONG Sing-chi, which urges the Government to advance the completion date of the Northern Link (NOL), it is also a "slow remedy". But since the Liberal Party supports the development of rail systems, we will also support completing the NOL at an early date to provide a more convenient channel for residents of New Territories West to commute between Hong Kong and the Mainland. That way, the congestion problem at Lo Wu will also be alleviated.

Actually, if the Government had enough foresight, it would have paid regard to the increase in the volume of cross-boundary passenger traffic and commenced the construction of the NOL together with the first phase of the West Rail project to provide a new direct access linking New Territories West and the border. In that case, it would not have to face the current headache of solving the problem of too many passengers crossing the border at the same control point. Therefore, the Government should expeditiously draw up plans and bring into operation an express rail line linking up the urban areas and the border to ensure that a third cross-boundary rail service can be provided promptly. Otherwise, the problem it is now facing will just emerge again.

With these remarks, Madam President, I support the original motion and the amendment.

**MR WONG YUNG-KAN** (in Cantonese): Madam President, the number of Hong Kong and mainland residents commuting between the two places has been on the increase since the Mainland started reforming and opening up. During long weekends and public holidays, residents of Tai Po and New Territories North who wish to visit the Mainland by rail have to queue in streams in order to buy the tickets. Besides, as the railway station is badly overcrowded, people can hardly squeeze into any train compartments. At present, the Lo Wu Control Point has to handle some 300 000 passenger trips daily during public holidays. To cope with this heavy workload, the Immigration Department has to put almost each and every staff member on duty. However, the cross-boundary passenger handling capacity of the Department is greatly constrained because the Lo Wu Control Point is overcrowded and the platforms are too small

to accommodate such a great number of passengers. As a result, passengers have to wait in tightly packed serpentine queues for hours to cross the border at the crossing point which normally takes slightly more than 10 minutes to pass through. The chaos thus created is not only a waste of resources, but also a dangerous time bomb. If any hasty passengers should trip over when hurrying to the clearance counters, tragedies similar to the Lan Kwai Fong incident would take place again. Moreover, passengers must take extra care to beware of pickpockets. As the Lo Wu Control Point is having difficulty coping with the existing cross-boundary passenger traffic, how can it handle the situation four years later when the daily passenger trips will rise to over 400 000? For these reasons, it is a most urgent task to design a rail line that can help to stream the cross-boundary passengers at the Lo Wu Control Point.

Besides, the number of passengers crossing the border at Shenzhen during the first quarter of the year has increased by 19.1%, compared to the same period last year. In this connection, the rate of increase recorded at Lok Ma Chau is as high as 95.4%. In the view of the Democratic Alliance for Betterment of Hong Kong (DAB), the serious congestion problem at the Lo Wu Control Point is one major reason causing cross-boundary passengers to switch to the immigration facilities at Lok Ma Chau. This point is proven in the opinion survey conducted by the DAB in April this year. According to that survey, about 39% of the people interviewed have switched to Lok Ma Chau for fear of being trapped in the congestion at Lo Wu. From this we can see that the Government is merely shifting the heavy cross-boundary passenger traffic from Lo Wu to Lok Ma Chau; but then the facilities there can hardly meet the basic needs.

With regard to the proposal for a through train service between Sheung Shui and Shenzhen put forward by Mr LAU Kong-wah, the DAB holds that this through train service is a cost-effective streaming project. According to the Government's forecast on the passenger trips that Lo Wu has to handle in 2005, the number of passengers passing through Lo Wu will increase by 12% annually. To me, an annual increase of 12% is a rather conservative forecast. But then even if the Government's forecast turns out to be accurate, there will be more than 400 000 passengers crossing the border at Lo Wu every day. The proposed rail line project is recommended in the light of the cross-boundary traffic-related problems facing the Lo Wu Control Point in future. If this proposal is implemented immediately and completed in two to three years' time, the heavy cross-boundary passenger traffic at Lo Wu could be alleviated properly

without putting in many financial or land resources. Given that this is indeed a cost-effective project, the DAB can see no reason why the Government does not give it a go.

The proposed rail line project is very simple and will not cause much inconvenience to the residents of North District, since it will comprise only the construction works for an arrival and departure hall and a train platform, as well as extending the existing rail track. Besides, since the location of the project works will be confined to the area surrounding the existing bus depot, the environment of the adjacent residential areas will not be affected.

Another merit of this proposed through train service is that the existing rail track can be put to optimal use. At present, the design capacity of the signalling system of the East Rail can handle 24 Hung Hom to Lo Wu service trips hourly, but since Lo Wu is congested with travellers crossing the border, only 10 service trips can be operated every hour. During peak seasons like public holidays, the Lo Wu Control Point and the station platforms are so badly overcrowded that the frequency has to be further reduced. During the last Easter Holidays, for example, the frequency was reduced to four trips per hour. Since the majority of the service trips were running between Hung Hom and Sheung Shui, the rail track between Sheung Shui and Shenzhen was just lying idle. As the East Rail is unable to make optimal use of the rail track between Sheung Shui and Shenzhen, not only these resources have been wasted, the company's ability to handle a greater passenger capacity has also been suppressed artificially.

Earlier, the East Rail tried to get at its 3 million passengers with its proposal for fare increases. At the same time, it also explained to the public that it has no choice but increase the fare rates. In the view of the DAB, increasing the fare rates is actually a measure that cures the symptoms but not the disease. It will only add to the burden of the public, without fundamentally helping the East Rail to resolve its issues. The DAB holds that introducing new services is the ultimate cure. Given that this is also a win-win solution to both the East Rail and its passengers, the East Rail should actively consider operating the proposed through train service between Sheung Shui and Shenzhen.

Last but not least, the relevant mainland authorities will raise the existing daily quota of 1 500 mainland residents visiting Hong Kong as tourists to 2 000 in September this year, thereby causing the number of southbound visitors from

the Mainland to increase tremendously. Of the railway stations in Hong Kong, Sheung Shui Station is the closest one linking to the Shenzhen railway station, which in turn links with the railway stations of provinces and cities across the Mainland. In other words, when mainland visitors come to Hong Kong, the first place they set their feet on will be the Sheung Shui Station. Given that Sheung Shui Station is the first place in Hong Kong that visitors from the Mainland will come into contact with, it should be in the best interest of Hong Kong to develop the rail line and immigration facilities in the vicinity. We should make it possible for visitors to go sightseeing and shopping in the northern area of Hong Kong — Sheung Shui — which is the first district they visit, as well as at the different stops along the rail line. For these reasons, the DAB hopes that the Government will take this proposal into due consideration. We also wish to take this opportunity to put forward more specific .....

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

**DR TANG SIU-TONG** (in Cantonese): Madam President, the Hong Kong Progressive Alliance (HKPA) hopes that the authorities will finalize the many new rail corridors proposed in the Railway Development Strategy 2000, in particular the Northern Link, to facilitate domestic and outbound traffic. The various proposals on railway development will not only ease the saturating passenger and freight traffic capacity of the Northwest New Territories and the Mainland, they will also reduce traffic congestion along the proposed lines in Northwest New Territories, as well as strengthening the economic and social links between Hong Kong and the Mainland, in particular Guangdong Province and the Pearl River Delta. With the imminent accession of China to the World Trade Organization, plus the need of industries in Hong Kong like import and export, tourism, retail, technological processing and for greater co-ordination with the development of the Pearl River Delta, our railway development strategy should not just cater for our domestic demands but it should also take into account the planning of cross-boundary exchanges.

As we all know, on every festive occasion and long holidays, the Lo Wu Control Point will be packed with people. With the growth in the number of clearance counters and officers failing to catch up with the growth in the number of passengers, there may be possibilities of disturbances when the crowd becomes impatient waiting for clearance and the situation will be much worse

should a fire or such like emergencies happen. The Lok Ma Chau Spur Line of the Kowloon-Canton Railway should be able to help reduce the crowds at Lo Wu, but the controversies surrounding the Long Valley wetlands have caused prolonged delays to the proposed extension and the project has yet to be finalized. The passenger-carrying capacity of the East Rail has reached saturation and it would be impractical if passenger flow was further increased. Therefore, the authorities should look for other ways to ease the pressure on the Lo Wu Control Point. The original motion proposes streaming the cross-boundary passengers heading for Lo Wu at Sheung Shui and operate a Sheung Shui-Shenzhen express rail line. It also proposes to build a boundary control point near the present Sheung Shui Station and to set up counters in the Shenzhen railway station for exit-entry clearance. All these proposals should be carefully considered by the SAR Government and the mainland authorities.

However, the HKPA thinks that despite the constructive nature of the original motion, it would not be easy to attract cross-boundary passengers to get off at the Sheung Shui Station and transfer to the Shenzhen railway station. It is because as the cross-boundary passenger traffic volume is growing steadily, even if the Sheung Shui control point can run successfully, the place would be very congested. Unless a lot of time is saved when passengers make a transfer trip from Sheung Shui to Shenzhen than departing from the territory at Lo Wu, the idea of setting up a cross-boundary point at Sheung Shui would not be very attractive to the passengers. In addition, those who take the train and cross the boundary at Lo Wu often have old people and children travelling with them and they also carry luggage, so when there are only two stops from Fan Ling, which is one stop ahead of Sheung Shui, to Lo Wu, would passengers carrying luggage want to get off early at Sheung Shui and spend more time on a transfer? More importantly, the Shenzhen railway station and the Lo Wu terminal are very close to each other, and that in fact makes no difference to those passengers who seek to do shopping at the shopping malls in Lo Wu or other places in Shenzhen. Unless crossing the boundary at the Shenzhen railway station would facilitate passengers's access to other places which cannot be otherwise reached by using the Lo Wu crossing point, I do not think they will take the trouble of making a transfer at Sheung Shui.

In any case, however, the authorities should actively consider exploring new rail lines to stream the crowds at Lo Wu.

Madam President, I strongly demand that the Government should commence the construction of phase II of the West Rail, that is, the Northern Link. It would be best if this project could be completed at the same time as phase I of the West Rail. The Northern Link will make use of the West Rail and passes through Yuen Long, Fairview Park, San Tin and crosses the border at Lok Ma Chau. It will enable residents of New Territories West, Kowloon West and Hong Kong Island to use a new route to cross the boundary, thereby alleviating the congestion at Lo Wu. In my opinion, the new route is more effective than the extension which passes through Long Valley, for not only can it offer a new cross-boundary access and ease the passenger flow of the East Rail, it can also make use of the passenger-carrying capacity of the West Rail to facilitate residents living in the western part of the territory for cross-boundary travel. The Administration should also note that all along the passenger traffic between the territory and the Mainland has been adversely affected by the inconvenience in customs clearance procedures and the inefficient transport planning. That has not only led to congestion along the railway lines in Hong Kong, but has also greatly raised the costs of trading between Hong Kong and the Mainland. The SAR Government should study the problem together with the Shenzhen Government and improve the clearance procedures and ease the problem of traffic congestion so that trade between the two places can benefit.

With these remarks, Madam President, I support the original motion and the amendment.

**MR CHAN KWOK-KEUNG** (in Cantonese): Madam President, this Monday will be the Reunification holiday, and I believe many members of the public will visit the Mainland for entertainment. By then, there will be long queues of people waiting to cross the border at Lo Wu. The number of people of Hong Kong visiting the Mainland keeps increasing tremendously every year. During those busy days like public holidays, weekends and Sundays, the Lo Wu and Hung Hum Stations will be filled with hundreds of families visiting the Mainland for holiday-making and other entertainment purposes. Given that the passenger traffic between Hong Kong and the Mainland is getting more and more busy every day, the governments of the two places should co-operate closely in respect of transport and town planning, and expeditiously study the feasibility of alleviating the problem of overcrowding at the Lo Wu Control Point.



The Hong Kong Federation of Trade Unions attaches great importance to the development of Hong Kong and the Mainland to create more employment opportunities and step up the constant co-operation between the two places, with a view to eliminating the difference between them. The proposal put forward by the Democratic Alliance for Betterment of Hong Kong (DAB) to operate a through train service and to construct a new control point to help facilitate border crossings should be one of the desirable and practical suggestions. On the other hand, business and trade activities between Hong Kong and the Mainland will increase in the wake of China's accession to the World Trade Organization, and the trend of Hong Kong residents commuting between their homes in Hong Kong and their workplaces in the Mainland will certainly intensify. At present, since members of the grass-roots sectors going to the Mainland mainly travel by train and exit Hong Kong at Lo Wu, the capacity of the Lo Wu Control Point has already reached saturation point. In the coming few years, the immigration facilities at Lo Wu will not be able to cater for the increasingly heavy passenger flow, thus impeding the economic activities of the two places. As indicated in the government statistics, the number of passenger trips at Lo Wu is increasing by 12% annually. Hence, by 2005, the Lo Wu Control Point will be handling some 400 000 passenger trips daily, representing an almost 100% increase compared to the present level of 230 000 passenger trips daily. For this reason, the construction of a new control point and the operation of an express rail line between Sheung Shui and Shenzhen will be an attractive idea to the residents of the two places.

As pointed out by the Hong Kong-China Relation Strategic Development Research Fund, it is now a common practice for the people of Hong Kong to "live in the Mainland and work in Hong Kong". Besides, the number of Hong Kong people buying real estate properties in the Mainland has been on the increase. On Sundays and public holidays, property developers will make arrangements for lines of coaches to carry members of the public to the Mainland to visit the demonstration flats there. What is more, the location of such real estate properties is not confined to areas in the vicinity of Shenzhen. There is therefore a need for the Hong Kong Government to consider together with the relevant mainland authorities whether it is possible to first operate an express rail line between Sheung Shui and Shenzhen and a Hung Hum-Shenzhen through train service.

In view of the tremendous increase in passenger flow and the increasingly busy economic activities between Hong Kong and Shenzhen, the DAB believes

that it is most expedient and convenient to first operate an express rail line between Sheung Shui and Shenzhen. At present, on top of the 10 to 12 scheduled train trips to Shenzhen daily, seven runs of rail line services to Guangdong will depart at Hung Hum every day. These services are by no means sufficient to cope with the enormous demand during peak seasons like public holidays; the Lo Wu Control Point and the platforms of the railway station there will just be crowded with people. Therefore, if a new control point could be provided at Sheung Shui and an express rail line service opened between Sheung Shui and Shenzhen, it would help to stream the passenger flow at Lo Wu and thus effectively alleviate the problem of overcrowding at the Lo Wu Control Point. Further still, it would also give a boost to the long-term development of the cities along the border and create more job opportunities for those cities, thus benefiting the development of the economy as a whole. It is indeed killing two birds with one stone.

Taking a long view, Madam President, given the increasingly heavy traffic and exchange between Hong Kong and the Mainland, and the fact that railway is the most environmentally friendly mode of public transport, the Government should speed up the implementation of its railway transport strategy in Hong Kong. Apart from that, the Government should also expeditiously conduct studies together with the relevant mainland authorities to look into the feasibility of linking the railway systems of the two places and co-operate further to draw up long-term transport development plans, with a view to facilitating the economic development of the two places and creating more employment opportunities.

With these remarks, Madam President, I support the original motion.

**MR NG LEUNG-SING** (in Cantonese): Madam President, the fact that the Lo Wu Control Point will invariably become overcrowded during long holidays in recent years indicates that the ties between Shenzhen and Hong Kong have become increasingly close. Coupled with the continuous rise in the number of Hong Kong people spending across the boundary, the handling capacity of the Lo Wu crossing is now near the limit. It is easy to imagine that the number of travellers crossing Lo Wu will only continue to rise in future, and the increase will remain at a relatively high level too. It is therefore imperative for the Government to formulate effective measures to relieve the congestion of Lo Wu crossing as a matter of long-term planning.

The proposal of operating a Sheung Shui to Shenzhen through train service put forward in the original motion for the purpose of addressing the congestion problem faced by the Lo Wu Control Point merits examination. The merit of the proposal is that a completely new alternative crossing involving comparatively easy planning and construction work can be provided by making use of the existing effective railway network. Additional room will also be available for future extension to the New Territories, Kowloon and even Hong Kong Island. This concept is similar to that of the existing Airport Express Line.

However, this proposal involves the separate construction of a new exit-entry control point in Shenzhen and Hong Kong. It is worth considering that the governments of the two sides must reach a consensus planning-wise in determining whether the plan can be implemented shortly for the purpose of addressing the pressing problem of congestion currently beleaguering Lo Wu. Furthermore, as the objective of the proposal is to relieve the congestion at Lo Wu, the new exit-entry control point to be set up at the Shenzhen railway station must be so designed as to accommodate an enormous throughput. Otherwise, the bottleneck where congestion occurs will be extended to the Shenzhen railway station. Considering the huge flow of mainland travellers currently handled by the station, we must carefully examine the practicability of the proposal. Furthermore, we should note that the Sheung Shui to Lok Ma Chau Spur Line is included in the railway network planning. The Spur Line, when completed, will connect the East Rail to a new control point at Lok Ma Chau. To avoid overlapping of resources, we have to consider and examine the feasibility of operating the Sheung Shui to Shenzhen express rail line from the angle of overall planning effectiveness.

Actually, I think the most efficient and effective solution is to expand the existing immigration facilities of the Lo Wu Control Point. The bottleneck at Lo Wu crossing is now at the immigration checkpoints. Because of the failure to ease the flow of passengers rapidly, travellers can usually be found crowded in the departure hall and platforms. Sometimes, the railway corporation even needs to reduce train frequency as a relief measure. If the expansion works are proved to be technically feasible, the Lo Wu Control Point will be able to handle more immigration clearance work and the relief brought as a result will be doubled. In addition, we can also consider carrying out expansion works to the platforms of the Lo Wu Station to cope with the rising number of travellers in future. The biggest obstacle to this proposal lies in how the expansion works

can be implemented smoothly and quickly without undermining normal immigration clearance at the Lo Wu Control Point. Otherwise, the already strained boundary crossing situation will become even worse.

Madam President, I so submit.

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

(No Member responded)

**PRESIDENT** (in Cantonese): Mr LAU Kong-wah, you may now speak on Mr WONG Sing-chi's amendment. You have up to five minutes to speak.

**MR LAU KONG-WAH** (in Cantonese): Madam President, first of all, I would like to thank Mr WONG Sing-chi for proposing an amendment. We have exchanged our views on the issue before the meeting and I would like to put forward my views on the speech delivered by him a while ago.

Mr WONG is concerned primarily about two points. The first is why should the proposed through train service depart from Sheung Shui instead of other places such as Tai Po, Fan Ling or Sha Tin? As a matter of fact, when I was thinking up this motion, I made a visit to the various places concerned. If a rail line for through trains is to be built, a few factors must be considered. These are: first, a terminal must be constructed and that has to be large enough to serve the purpose of immigration control; second, there should be a platform for the trains; and third, there must be a third rail line for the Lo Wu-bound trains. In Tai Po, for example, some space is available there, but as the passengers on a through train cannot be mixed with those other passengers on the platform, so land should be set aside to build a separate platform. However, there is no government land along the rail line which can be used for building a customs building and a platform. Only Sheung Shui can meet such requirements. Besides, a trip from Sheung Shui to Shenzhen will not occupy the domestic rail lines at all. That is a very important point. If the through train departs from Sha Tin, it will occupy the domestic line for Sha Tin, Tai Po and Fan Ling. This is the last thing I wish to see. Of course, the through train service from Hung Hom to Shenzhen will occupy the domestic rail lines, but that can be considered as a short-term measure.

The second point raised by Mr WONG Sing-chi is that if there is a new station that can attract 100 000 passengers, then compared to the domestic rail service, trains departing from that station would be very crowded. Honourable Members have mentioned this situation earlier on. However, the real situation will just be the opposite. Precisely because the present cross-boundary passenger volume is more than 200 000 people daily, and there will be more than 300 000 people making a trip to Shenzhen every day in future, and because these passengers cannot clear the border quickly, we need to build a new station to facilitate clearance and to route the crowds via Sheung Shui to Shenzhen. The remaining passengers will cross the boundary at Lo Wu. This is precisely why a new station should be built.

Third, an Honourable Member mentioned earlier that the new through train service would cause some adverse impact on train service during the morning rush hours. At present, during the morning rush hours, passengers are unable to board a train in Fan Ling and some people would take the train to Sheung Shui in the opposite direction and make a transfer to the urban areas. Why? It is because some people would go to Sheung Shui after they have cleared the customs at Lo Wu, and that will also affect the domestic train service to a certain extent. Please imagine if there is a new station, those people who will go to Sheung Shui direct after clearing the customs at Lo Wu and hence causing adverse impact on those passengers using the domestic service, may go to Sheung Shui directly before they clear the customs at Shenzhen. The crowds can be dispersed because they can use the bus services in Sheung Shui which will then be available to take them to other places. This is a better solution to the problem of congestion in Sheung Shui passengers using the domestic service are stucked. So the fact will be just the opposite of what some Honourable Member may worry about. So I would think Mr WONG Sing-chi's concern will not be a problem after all.

Conversely, some people may ask, what are we going to do when the Northern Link and the Lok Ma Chau Spur Line are complete? This is an important question that must be addressed. My proposal does not aim at merely solving the problems before the Lok Ma Chau Spur Line is completed, for I think the same problem would still remain for a few years after the Spur Line is completed. Do we wish to see such a situation? So in any case, I hope very much that government officials can think over my motion carefully. Thank you, Madam President.

**SECRETARY FOR TRANSPORT** (in Cantonese): Madam President, I am very grateful to Honourable Members for their valuable suggestions on ways to address the congestion problem of the Lo Wu Control Point. Thanks to the increasingly close socio-economic ties between Hong Kong and the Mainland, the number of cross-boundary travellers has been rising constantly in recent years. The number of travellers passing through the five boundary control points, namely Lo Wu, Lok Ma Chau, Man Kam To, Sha Tau Kok and Hung Hom, has risen from 49.9 million in 1995 to 117 million in 2000. In the first five months of this year, the average number of travellers passing through Lo Wu has exceeded 240 000, making Lo Wu one of the busiest boundary control points in the world. On festive occasions, the number of travellers will even exceed 300 000.

The Government's long-standing policy is to provide fast and efficient transport services and facilities to satisfy the need of cross-boundary passengers. As the ties between Hong Kong and the Mainland are getting closer and closer, the rising tendency of cross-boundary passenger flow is bound to continue. Therefore, I greatly share Members' view that we must employ every possible means to relieve the congestion at Lo Wu. In this connection, we have formulated a three-pronged strategy. In the short run, a number of measures are now undertaken to improve the Lo Wu crossing, including flexible deployment of manpower and adoption of tidal movement of crowd control to ease passenger flow. In the medium-to-long term, the Government has proposed to construct the Sheung Shui to Lok Ma Chau Spur Line to link up with another boundary crossing at Lok Ma Chau and interchange with the mass transit railway in Shenzhen. Insofar as long-term development is concerned, the "Railway Development Strategy 2000" published in May 2000 has mapped out a macro-development strategy, which includes, *inter alia*, construction of the Northern Link and the Regional Express Line.

In considering the development of cross-boundary rail, the Government must take into account a number of factors, including transport demand, land development, population distribution, railway operation, technical requirements, environmental protection, impact on the community, and so on. Before putting the railway plans into implementation, we must carefully assess these factors to ensure effective utilization of public resources and promote sustainable development.

Therefore, in examining various options to relieve congestion at Lo Wu, we must consider various relevant elements, including the required construction period, technical and operational feasibility, effectiveness, and so on. A preliminary study and analysis have been conducted on the proposal of operating a Sheung Shui to Shenzhen through train service and the findings show that there are a number of technical and operational problems.

In the technical aspect, the implementation of this proposal necessitates the construction of a branch rail from the East Rail. Although it has been proposed that part of the U-turn section of the Sheung Shui line of the East Rail be made use of for this purpose, that section is in fact preserved for the construction of the southbound line of the Sheung Shui to Lok Ma Chau Spur Line.

On the operational front, according to a preliminary evaluation made by the Kowloon-Canton Railway Corporation (KCRC), the part of East Rail serving the area north of Tai Po Market is expected to run on a busy schedule subsequent to the commissioning of the Lok Ma Chau Spur Line. As a result, the East Rail signalling system may not be able to support the increased frequency. Apart from this, as the trains running to and from Shenzhen have to cross and make use of part of the track of the East Rail, the East Rail service is likely to be affected and its frequency may need to be reduced. This will definitely cause inconvenience to the residents living along the East Rail and commuters. Furthermore, problems associated with passenger safety and crowd control will definitely arise because of limited space.

The findings of a preliminary study on the proposal of building an immigration terminal in Sheung Shui show that the closure of San Wan Road will be required for the purpose of paving a new rail. However, the closure will hinder ambulance access to premises in the vicinity. Meanwhile, the two trunk sewers in San Wan Road will have to be relocated. Even these technical problems can be resolved in terms of land utilization and design, detailed planning and design, public consultation and a number of statutory procedures must be completed before an infrastructure project can be carried out. The entire project is therefore expected to take at least five to six years.

At present, no facilities and manpower are available at the Shenzhen railway station to handle cross-boundary passengers. It takes time to negotiate with the Shenzhen authorities on the relevant details and support measures if it is decided that the proposal of operating a through train service to Shenzhen be pursued.

There is also the question of whether it is possible to provide an express rail line between Shenzhen and other regions. As no suitable land along the existing railway can be found for the construction of a new immigration terminal and platform facilities, a number of technical and operation problems similar to those mentioned above will arise in other regions as well.

As for the proposed Hung Hom to Shenzhen through train service, it will, to a certain extent, affect the East Rail service since the same railway track will be used. The KCRC used to operate a Hung Hum to Shenzhen through train service. However, experience showed that there was little public demand for this service. The through train service was eventually terminated because of the lack of passengers. Now the KCRC will only provide a limited Hung Hom to Lo Wu chartered through train service on festive occasions. We believe the operation of a Hung Hom to Shenzhen through train service will also meet similar difficulties. Therefore, insofar as the proposed Hung Hom to Shenzhen through train service is concerned, we must consider the relevant operational problems and negotiate and co-ordinate with the Shenzhen authorities. Apart from these, the actual demand for such a through train service is also doubtful.

Our first and foremost task is to actively put the planned Lo Wu improvement works into implementation. For the purpose of providing short-term relief to the congestion experienced by travellers crossing the boundary at Lo Wu, we have embarked on a number of improvement works to ease passenger flow and expand the handling capacity. If necessary, we can exercise tidal movement crowd control by making use of a pair of escalators built in the departure hall in 1999. To enhance operational efficiency, we have provided eight additional departure counters in the departure hall and most counters have been converted from facing sideways to facing the front. In addition, six more turnstiles have been provided last year to facilitate passenger flow. These measures have proved to be useful in providing short-term relief to congestion.

We have also actively planned to introduce a series of interim relief measures at the Lo Wu Station. These measures include widening the approach leading to the departure hall of the Lo Wu Control Point, widening the footbridge at Lo Wu, gradually replacing the existing four automatic escalators with high-speed automatic escalators, and replacing 47 automatic turnstiles with wide turnstiles. These measures will be instrumental in easing passenger flow and



relieving congestion at the bottlenecks of the control point. In addition to carrying out construction works, the Government will allocate additional resources to the Immigration Department to boost manpower at the Lo Wu Control Point and study other effective relief measures together with the Shenzhen authorities.

In the medium term, the Sheung Shui to Lok Ma Chau Spur Line, one of the priority projects identified in the Railway Development Strategy 1994, will connect the East Rail with a new control point at Lok Ma Chau. In the initial period, the control point is expected to have a daily handling capacity of 150 000 passenger trips. Upon the completion of the second-phase expansion project, its handling capacity will rise to 300 000. The Sheung Shui to Lok Ma Chau Spur Line, on completion, will provide a great relief to the congestion currently faced by Lo Wu and cope with the increasing number of cross-boundary railway passengers. The statutory procedures of the relevant railway project are now underway. Construction works will commence upon the completion of these procedures.

The Northern Link and the Regional Express Line are among the railway projects proposed in "Railway Development Strategy 2000". The timetables for the implementation of the two projects are, to a large extent, dependent upon the actual growth of cross-boundary passenger traffic. The Northern Link, if implemented, will provide mass transit service for the Strategic Growth Area in Ngau Tam Mei, San Tin and Au Tau. On the other hand, the Regional Express Line can enable the public to reach the boundary control area from the urban areas more quickly.

Preliminary planning of the alignment of these two railways is being carried out and the demand for and growth of cross-boundary passenger traffic is kept under close surveillance. Such advance preparatory work can enable us to embark on planning and design and other procedures expeditiously when the need to implement these two railway projects arises.

In conclusion, we must consider in detail the various factors explained by me earlier when examining the expansion of cross-boundary passenger rail lines. We are introducing a number of measures to relieve congestion at Lo Wu one after another in order to raise its handling capacity. Upon the completion of

these improvement measures, the Lo Wu Station should be able to cope with the growth in cross-boundary passenger flow in the short term. In order to cope with the demand in the medium-to-long term, we will, pending the completion of the requisite statutory procedures, embark on the construction of Sheung Shui to Lok Ma Chau Spur Line for the purpose of providing a second cross-boundary railway. Since the Spur Line will link up with the mass transit railway in Shenzhen, it will definitely relieve congestion at Lo Wu upon its commissioning. We will also examine whether it is necessary to expedite the implementation of the Northern Link and the Regional Express Line proposed in "Railway Development Strategy 2000" as an expedient measure. As regards the need to construct other trunk railways, we will constantly review the demand for cross-boundary passenger transport and the development of facilities so that corresponding measures can be contemplated.

Thank you, Madam President.

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That the amendment, moved by Mr WONG Sing-chi to Mr LAU Kong-wah's motion, 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 amendment passed.

**PRESIDENT** (in Cantonese): Mr LAU Kong-wah, you may now reply and you have four minutes 25 seconds.

**MR LAU KONG-WAH** (in Cantonese): Madam President, I would like to thank Honourable Members for their speeches and the Secretary for Transport for his response. Basically, I do not expect the motion moved by me today to be readily accepted by the Secretary. Nevertheless, I find the preliminary study very satisfactory. The Secretary has raised the point that there are technical and operational problems with both proposals. This is absolutely normal, particularly so when we propose to add something new to the original design. There are bound to be difficulties. However, I gather from the speeches delivered earlier that these difficulties are not insurmountable. The crux of the problem rather lies in essentiality. In fact, I have discussed the rail section mentioned by me earlier with the Kowloon-Canton Railway Corporation. If the whole alignment can handle 27 trains per hour, it will be able to handle approximately 17 trains running from Sheung Shui to Lo Wu or Shenzhen every hour. There is still enough room for the Sheung Shui to Shenzhen line since only 10 trains are handled every hour on ordinary week days at present.

The next point is: Can the Lok Ma Chau Spur Line address the problem? Members are somewhat divided on this. Of the 100 million or so travellers crossing the boundary every year, 90% travel via Lo Wu, and 10% via Lok Ma Chau. Of course, passengers are expected to cross the boundary by train rather than by bus in future. The ratio will probably become 7:3 instead of 5:5 because most travellers will still prefer to cross the boundary through Lo Wu. I reach this judgement simply because Lo Wu has the advantage of being situated nearest to the Shenzhen railway station. This is what the Lok Ma Chau Spur Line is unable to compare with.

In any case, Madam President, the current situation is: We have 200 000 people crossing the boundary for spending, shopping and taking up residence in the Mainland every day. On the other hand, the total number of mainlanders crossing the boundary to Hong Kong through various crossings is only 10 000. Under such a situation, more channels should be provided to encourage mainlanders to cross the boundary for spending and shopping in the interest of the overall economy. In any case, the amendment has been passed today. I hope the relevant Bureau can continue to give active consideration to various options. Thank you, Madam President.

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That the motion moved by Mr LAU Kong-wah, as amended by Mr WONG Sing-chi, 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 as amended passed.

## **NEXT MEETING**

**PRESIDENT** (in Cantonese): I now adjourn the Council until 2.30 pm on Wednesday, 4 July 2001.

*Adjourned accordingly at a quarter to Eleven o'clock.*

**Annex**

## IMMIGRATION (AMENDMENT) BILL 2000

**COMMITTEE STAGE**Amendments to be moved by the Secretary for SecurityClauseAmendment Proposed

- 2(b)
- (a) In the proposed section 2AB(7)(a) -
    - (i) by deleting everything after "一項" and substituting "按處長以憲報公告指明的方式進行的基因測試，以確立所聲稱的父母子女關係；及";
    - (ii) by deleting "require" and substituting "request".
  - (b) In the proposed section 2AB(8), by deleting "such adverse inferences" and substituting "any inference".
  - (c) In the proposed section 2AB(9), by deleting "requires" and substituting "requests".

## IMMIGRATION (AMENDMENT) BILL 2000

**COMMITTEE STAGE**Amendments to be moved by the Honourable Ambrose LAU Hon-chuenClauseAmendment Proposed

- 2(b)
- (a) In the proposed section 2AB(7)(a) -
    - (i) by adding ", which may be" after "test";
    - (ii) by adding "as subsidiary legislation" after "published".
  - (b) In the proposed section 2AB(11), by adding "as subsidiary legislation" after "published".
  - (c) In the proposed section 2AB(12), by deleting ", (7)(a) or (11)".