

立法會  
*Legislative Council*

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**House Committee of the Legislative Council**

**Minutes of the special meeting  
held in the Legislative Council Chamber  
at 2:30 pm on Friday, 6 June 2003**

**Members present** : Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP (Chairman)  
Hon James TIEN Pei-chun, GBS, JP  
Dr Hon David CHU Yu-lin, JP  
Hon Cyd HO Sau-lan  
Hon Albert HO Chun-yan  
Ir Dr Hon Raymond HO Chung-tai, JP  
Hon LEE Cheuk-yan  
Hon Eric LI Ka-cheung, JP  
Dr Hon David LI Kwok-po, GBS, JP  
Dr Hon LUI Ming-wah, JP  
Hon NG Leung-sing, JP  
Hon CHEUNG Man-kwong  
Hon HUI Cheung-ching, JP  
Hon CHAN Kwok-keung  
Hon CHAN Yuen-han, JP  
Hon Bernard CHAN, JP  
Hon CHAN Kam-lam, JP  
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP  
Hon LEUNG Yiu-chung  
Hon SIN Chung-kai  
Hon Andrew WONG Wang-fat, JP  
Dr Hon Philip WONG Yu-hong  
Hon WONG Yung-kan  
Hon Jasper TSANG Yok-sing, GBS, JP  
Hon Howard YOUNG, JP  
Dr Hon YEUNG Sum  
Hon YEUNG Yiu-chung, BBS  
Hon LAU Kong-wah  
Hon LAU Wong-fat, GBS, JP  
Hon Miriam LAU Kin-ye, JP  
Hon Ambrose LAU Hon-chuen, GBS, JP  
Hon Emily LAU Wai-hing, JP

Hon CHOY So-yuk  
Hon Andrew CHENG Kar-foo  
Hon SZETO Wah  
Hon Timothy FOK Tsun-ting, SBS, JP  
Hon LAW Chi-kwong, JP  
Hon TAM Yiu-chung, GBS, JP  
Dr Hon TANG Siu-tong, JP  
Hon Abraham SHEK Lai-him, JP  
Hon LI Fung-ying, JP  
Hon Henry WU King-cheong, BBS, JP  
Hon Tommy CHEUNG Yu-yan, JP  
Hon Michael MAK Kwok-fung  
Hon Albert CHAN Wai-yip  
Dr Hon LO Wing-lok  
Hon WONG Sing-chi  
Hon Frederick FUNG Kin-kee  
Hon IP Kwok-him, JP  
Hon LAU Ping-cheung  
Hon Audrey EU Yuet-mee, SC, JP  
Hon MA Fung-kwok, JP

**Members  
absent** : Hon Fred LI Wah-ming, JP (Deputy Chairman)  
Hon Kenneth TING Woo-shou, JP  
Hon Martin LEE Chu-ming, SC, JP  
Hon Margaret NG  
Hon James TO Kun-sun  
Hon LAU Chin-shek, JP  
Hon LEUNG Fu-wah, MH, JP

**Public Officers  
attending** : The Hon Donald TSANG Yam-kuen, GBM, JP  
Chief Secretary for Administration

Agenda item I

Mr Andrew H W WONG  
Director of Administration

Agenda item II

Mr John TSANG  
Head, Team Clean

Mr W H CHEUK  
Deputy Head, Team Clean

**Clerk in attendance** : Mrs Justina LAM  
Assistant Secretary General 2

**Staff in attendance** : Mr Jimmy MA, JP  
Legal Adviser

Ms Pauline NG  
Assistant Secretary General 1

Mr Watson CHAN  
Head, Research and Library Services

Mrs Constance LI  
Chief Assistant Secretary (2)5

Ms Diana WONG  
Research Officer 2

Mr Simon LI  
Research Officer 6

Miss Betty MA  
Senior Assistant Secretary (2)1

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The Chairman welcomed the Chief Secretary for Administration (CS) and the other government representatives to the meeting.

**I. Future timetable for delivering the Policy Address and the Budget**

2. CS's introductory remarks are in Appendix I.

3. Mr SIN Chung-kai pointed out that every year, after the delivery of the Budget in March and passage of the Appropriation Bill in April, Members were under pressure to scrutinize a number of revenue bills within a tight timeframe, as they had to be passed before the end of the session in July. Mr SIN said that Members belonging to the Democratic Party (DP) understood why the Administration wanted to shorten the time gap between the delivery of the Policy Address and that of the Budget. They were of the view that the Policy Address should be delivered in October, while the Budget could be presented a few months earlier, in December or January, without the need to change the definition of "financial year". In this way,

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the public and the Legislative Council (LegCo) would have more time to study and give views on the revenue bills. Mr SIN asked whether the Administration was willing to consider this option.

4. CS responded that the Administration was willing, on the condition that the time gap between the delivery of Policy Address and that of the Budget would be no more than two months, to keep under review the most appropriate long-term arrangements for delivering the Policy Address and the Budget. CS said that the most difficult task in preparing the Budget was to make precise estimates of how much revenue would be collected. CS pointed out that as the relevant data, such as revenue from income tax and profits tax, would not be available until January, the Administration considered that delivering the Budget in March was the most appropriate timeframe. CS added that if the Budget was to be delivered in December, the Financial Secretary (FS) would not have the necessary information to work on in preparing the estimates.

5. Mr SIN said that there were ways to resolve the problem of estimating revenue, if the Administration was willing to consider delivering the Budget in January. He asked in which forum should the matter be discussed with the Administration in greater detail. CS pointed out that there had been on-going discussions between the Administration and LegCo on the matter, and it could continue to be discussed using existing channels.

6. Mr TAM Yiu-chung said that he personally did not find any problems with the arrangement in 2003 of delivering the Policy Address and the Budget in January and March respectively. Mr TAM agreed that the shortened interval enabled timely reflection of the Policy Address' priorities and policies in the Budget. Mr TAM pointed out that under the past arrangement, the public might expect that after the delivery of the Policy Address in October, new initiatives would again be announced when the Budget was delivered in March, which was often not the case. Mr TAM added that he was not worried that LegCo would not have enough time to complete scrutiny of the relevant revenue bills.

7. Mr LAU Ping-cheung said that he agreed that the shorter the time gap between the delivery of Policy Address and that of the Budget the better. He also agreed with CS that it was difficult to estimate revenue precisely, and that information about the profits of big business corporations would not be available until towards the end of a financial year. Mr LAU further said that he did not see any problems with the arrangement of delivering the Policy Address and the Budget in January and March respectively. However, in the first session of a new term, the newly elected Members might not have much to do for the first three months of the session.

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8. CS responded that as he had said earlier at the meeting, he would submit the Administration's legislative programme at the first meeting of future legislative sessions, setting out a tentative list of government bills to be introduced. The Administration would also aim to introduce the bills into LegCo for Members' scrutiny as early as possible. CS pointed out that this arrangement was similar to the practice in the United Kingdom where the Queen, through her speech delivered at the beginning of a parliamentary session, outlined the government bills to be introduced into the Parliament. CS added that other than scrutinizing bills, Members had plenty of other Council business to attend to, such as monitoring and raising questions on the work of the Government.

9. Mr Andrew WONG pointed out that from 1948 to 1969, the Governor's annual speech and FS's budget speech were delivered on the same day in February or March. In 1968, a provision was made in the then Standing Orders for the Policy Address to be delivered in October and for the Budget to be delivered in March. Since then, the Policy Address and the Budget had been delivered separately for over 30 years. Mr WONG said that CS should explain to Members the problems the Administration had found with this arrangement, and provide more convincing reasons for shortening the time gap between the delivery of the Policy Address and that of the Budget. Mr WONG added that the Administration might as well consider merging the Policy Address and the Budget.

10. Mr WONG further said that as the Policy Address set out the broad directions, it should be delivered as early as possible, i.e. at the beginning of a legislative session. Mr WONG suggested that to tackle the problem of accurately estimating revenue, the Administration could, when delivering the Policy Address, also announce the revenue proposals at the same time. The revenue bills would then be introduced and passed before the Administration presented the expenditure part of the Budget.

11. CS pointed out that under Article 64 of the Basic Law, the Government of the Hong Kong Special Administrative Region (HKSAR) "shall present regular policy addresses to the Council". However, the Basic Law did not contain any provisions regarding the timetable for the delivery of the Chief Executive (CE)'s Policy Addresses. CE had the flexibility and discretion to decide on the timing for delivering his Policy Address.

12. CS further pointed out that presenting Policy Addresses and drawing up Budgets were two important functions of the Government of the HKSAR provided for under separate Articles of the Basic Law. He could not see how they could be merged and presented together, as suggested by Mr WONG. CS reiterated that the most appropriate time to draw up the Budget was in February, as the most up-to-date revenue data would not be available until January. CS added that under Article 107 of the Basic Law, the

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Government of the HKSAR should follow the principle of keeping expenditure within the limits of revenue in drawing up its budget. Every step in the budgetary process was therefore inter-related and could not be separated arbitrarily.

13. CS further said that the Policy Address together with the Policy Agenda published at the same time and the Budget should be coherent and closely inter-related. The priorities and policies announced in the Policy Address and Policy Agenda should be reflected in the Budget as soon as possible. CS considered that the shortened time gap between the two at about two months enabled the Administration to reflect promptly in the Budget the priorities and policies pledged in the Policy Address and Policy Agenda, thereby enhancing the overall efficiency of policy formulation and implementation.

14. Mr Andrew WONG said that it seemed that the Administration regarded its view on the matter as "doctrine" and CS was not engaging in a discussion with Members. As a lecturer in public administration, he was most worried that government officials who were responsible for drawing up the Budget took over the formulation of policies. Mr WONG pointed out that the Administration could always seek the approval of the Finance Committee for supplementary provisions for any new policies or programmes announced in the Policy Address which required new funding. Mr WONG further pointed out that funding for any major public works projects would have to be approved by the Public Works Subcommittee and the Finance Committee, and the Estimates of Expenditure merely reflected the expected expenditure of projects to be implemented in that particular financial year. The Administration's insistence of a shortened time gap between the delivery of the Policy Address and that of the Budget was meaningless.

15. Mr HUI Cheung-ching said that he understood the Administration's reasons for shortening the time gap. He also agreed that there was need to defer the delivery of the Policy Address from October 2002 to January 2003, as the principal officials needed time to settle in on their new jobs. Mr HUI further said that he was concerned that the third term CE, after assuming office in July 2007, would not deliver his first Policy Address until January 2008. The public might find the six months' wait too long and a waste of time.

16. CS responded that it was the view of CE, Mr C H TUNG, that the time gap between the delivery of the Policy Address and the Budget should be shortened, having regard to his five years' experience as the first term CE and the fact that Hong Kong was going through a period of fiscal consolidation. CS further said that the Administration would not be committing the third term CE to the same arrangement. As the Basic Law did not stipulate any timeframe for CE to present his Policy Addresses to the Council, it would be

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for the third term CE to decide on the most appropriate timing, having regard to the political, economic and other circumstances at that time.

17. Dr YEUNG Sum said that although the Basic Law did not stipulate the timeframe for CE to deliver his Policy Addresses, the Administration should respect the institutional arrangements of LegCo. Dr YEUNG pointed out that LegCo was responsible for monitoring the Government's work, it also sought to work with the Administration as partners; hence the Administration should not ignore LegCo's view on the matter. Dr YEUNG further said that the Administration's proposal of presenting the legislative programme in place of the Policy Address at the beginning of a session was a perfunctory response, and Members belonging to DP were of the view that the Policy Address should be delivered in October, while the timing for delivering the Budget could be advanced to December.

18. CS said that the Administration attached a lot of importance to strengthening the partnership with LegCo. He regularly met with the Chairman of the House Committee to discuss matters of mutual interest and concern. CS further said that as the accountability system for principal officials was implemented in July 2002, the newly appointed Directors of Bureaux needed time to identify their respective priorities in support of CE's Policy Address. The Administration therefore decided to defer the delivery of the Policy Address to January 2003.

19. CS added that he hoped that Members would understand that the Administration was not being dictatorial. He trusted that Members would respect the Administration's wish to draw up the Policy Address and the Budget in a serious manner, and on the basis of full information as far as practicable. CS stressed that the arrangement of delivering the Policy Address and the Budget in January and March respectively would be adopted in the short to medium term, and that the Administration was prepared to keep the long-term arrangements under review.

20. Dr YEUNG said that the arrangement of deferring the delivery of the Policy Address from July 2002 to January 2003 was extraordinary and Members understood the reasons why such an arrangement was necessary. Dr YEUNG further said that the extraordinary arrangement should not become a long-term arrangement. He was of the view that the Policy Address should be delivered at the beginning of a session, in October.

21. CS responded that as detailed in the paper prepared by the LegCo Secretariat, there had been numerous discussions between the Administration and LegCo on the matter since June 2002, and the Director of Administration had met with the Committee on Rules of Procedure on a number of occasions to explain the Administration's position and answer Members' queries. CS added that he had also answered a written question raised by Ms Emily LAU

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at the Council meeting on 28 May 2003. He hoped that there was no misunderstanding as to why the Administration had adopted the arrangement.

22. Referring to the reply given by CS to her written question raised at the Council meeting on 28 May 2003, Ms Emily LAU pointed out that CS had mentioned several times that there would be a null period between the beginning of a session and the delivery of the Policy Address. She could not see how delivering the legislative programme could address Members' concern about the null period. Ms LAU further said that the Policy Address had been delivered in October for many years, and many Members objected its delivery being deferred to January. Ms LAU asked whether the Administration was willing to change its mind.

23. CS said that Members were very conscientious in giving views on the Government's policies and monitoring its work, and did not need the Policy Address as the blueprint for carrying out their work in this respect. CS further said that he did not consider that there would be a null period between the beginning of the session and the delivery of the Policy Address. CS reiterated that he would submit the Administration's legislative programme at the first meeting of future legislative sessions. The Administration would also aim to introduce bills into LegCo for Members' scrutiny as early as possible. CS also reiterated that given that resources would be even scarcer, it was all the more important that policies and programmes were formulated with regard to resources available.

24. CS further said that he had already explained why the Budget could not be drawn up earlier than February/March, and did not wish to repeat the reasons. CS assured Ms LAU that the Administration had carefully considered all the options and Members' views before deciding that the present arrangement of delivering the Policy Address and the Budget in January and March was the only viable option in the short to medium term. CS added that different options on the Policy Address timetable would have their respective positive and negative impacts.

25. Ms Emily LAU pointed out that the relevant revenue bills had not yet been passed. She asked what actual benefits had the public gained from CE delivering the Policy Address in January and FS presenting the Budget in March 2003.

26. CS said that the public expected early implementation of the new policies and programmes announced in CE's Policy Address. If the time gap between the delivery of the Policy Address and that of the Budget was too long, there could be changes in the political and economic situation in the interim, which might affect the funding arrangement. The public would be disappointed if the policies and programmes could not be implemented as planned. However, the risks of such changes arising would be minimized if



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the time gap between the delivery of the Policy Address and that of the Budget was shortened. CS further said that the public's confidence in the effective governance of the HKSAR Government was an important consideration in deciding on the timing of delivering the Policy Address and Budget.

27. Ms LAU said that using the logic in CS's argument, the Administration could advance the presentation of the Budget, instead of deferring the delivery of the Policy Address. CS reiterated that advancing the delivering of the Budget would involve amending existing legislation to change the definition of "financial year" and "assessment year". In addition, FS would not have the most up-to-date revenue data, if he had to draw up the Budget earlier than February/March. Taking these into account, it followed that advancing the delivery of the Policy Address to January was the only viable option in the short to medium term.

## **II. Work of Team Clean**

28. CS's introductory remarks are in Appendix II.

29. Mr Frederick FUNG expressed concern about the management of those private buildings which had not set up owners' corporations (OCs). Mr FUNG said that the Hong Kong Association for Democracy and People's Livelihood had made a submission to the Government in 1996 and he had also met Team Clean recently to express his views on the matter. Mr FUNG said that the Administration should consider allowing non-government organizations (NGOs) to take up the management of private buildings. He asked whether the Administration had any timetable in this respect.

30. CS said that mandatory building maintenance and management would be considered under the work targets for phase II. Legislative amendments would be required if this was to be implemented. Property services companies or NGOs with the relevant experience could be considered for taking up such work, and that community and district participation was important.

31. Mr FUNG asked whether District Councils (DCs) would be given an enhanced role and more powers to deal with environmental hygiene matters in their districts. Mr FUNG pointed out that DCs apparently had not been consulted on the 85 priority district hygiene blackspots listed in the Interim Report to Improve Environmental Hygiene in Hong Kong.

32. CS responded that the statutory functions and powers of DCs were set out in the legislation. It was necessary to have the full participation and support of DCs in implementing the various measures to keep Hong Kong

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clean. It was expected that DCs would take a leading role in formulating plans to improve the environmental hygiene in their districts, and District Officers would be responsible for the implementation of these plans. As regards the list of district hygiene blackspots, CS explained that it was drawn up based on feedbacks from the relevant committees under DCs.

33. Dr TANG Siu-tong said that he welcomed the Government's efforts, although a bit late, to improve environmental hygiene in Hong Kong. He hoped that such efforts, which were built on the new-found momentum in the community after the outbreak of Severe Acute Respiratory Syndrome (SARS), could be sustained. Dr TANG asked whether the Government had earmarked resources on an annual basis for implementing the various measures, for example, the anti-mosquito campaign in rural areas to prevent dengue fever.

34. CS responded that the Government was now working on the estimated expenditure, for example, to recruit temporary staff, for implementing the various measures. CS said that while the Government would, under Phase I, carry out special cleansing and investigation work for private streets and private buildings which were in poor hygiene conditions, it was the responsibility of the owners and occupiers concerned to maintain their premises.

35. CS further said that there were about 12 000 buildings which did not have OCs and about 800 of them were in very poor conditions. The Government would require the owners/occupiers concerned to carry out improvement works to their buildings. If they refused to do so, the Government would carry out the necessary works first and recover the expenses from the owners/occupiers concerned. CS added that the Building Safety Loan Scheme provided a loan facility for owners of domestic or domestic/commercial buildings who required financial assistance to carry out inspection or improvement works to their buildings.

36. As regards the recurrent expenditure to implement the various measures, CS said that the relevant departments, such as Food and Environmental Hygiene Department (FEHD) and Housing Department, would review their annual provisions and seek additional resources if necessary. CS assured Members that priority would be given to such requests in the resource allocation exercise.

37. Ms LI Fung-ying asked whether the Government would recruit more temporary staff to assist in taking enforcement actions against public cleanliness offences. Ms LI said that this would create employment and help strengthen the enforcement work in keeping Hong Kong clean.

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38. CS said that additional temporary staff had been engaged in cleaning up Hong Kong. CS further said that the existing level of fixed penalty at \$600 did not provide sufficient deterrence against public cleanliness offences such as littering and spitting. The Administration therefore proposed to increase the level of fixed penalty from \$600 to \$1,500 which should be able to provide sufficient deterrence. He added that public education, community participation and social pressure were important in reducing public cleanliness offences.

39. Mrs Sophie LEUNG expressed concern that according to media reports, some food establishments still continued their unhygienic practices even after receiving summons from FEHD. Mrs LEUNG said that some small food establishments might not be aware of how to comply with the hygiene requirements, and suggested that FEHD should launch publicity programmes on the hygienic practices which should be followed by food businesses. She added that the public should be educated not to buy food from unhygienic food premises.

40. CS undertook to consider Mrs LEUNG's suggestion. CS said that while he appreciated that the food business was facing difficult times, particularly because of the SARS outbreak, it was necessary to safeguard public health. CS stressed that unhygienic practices of food business, such as display of cooked food without cover, would not be tolerated. Operators who repeatedly breached the relevant food legislation would have their licences suspended or revoked. He added that a set of guidelines had been issued at the end of May 2003 to the operators in the food business to remind them of the basic hygiene requirements.

41. Miss CHAN Yuen-han asked how Team Clean could solve the long-standing problems given that it only had a tenure of three months.

42. CS said that apart from drawing up short-term measures, Team Clean would also formulate longer term strategies and work plans which would be available at a later stage. Team Clean would also develop a sustainable system and a model for the coordination and distribution of work among District Offices and government departments in keeping Hong Kong clean. CS further said that it would be difficult to justify retaining Team Clean on a permanent basis, and the long term work would be carried out by the relevant government departments.

43. Miss CHAN further asked whether it was Government's intention to ban live poultry and how this would be taken forward. Miss CHAN pointed out that the live poultry trade preferred imposing more effective regulatory control of the premises for rearing and selling live poultry rather than banning live poultry altogether.

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44. CS said that having a large number of live chicken population in close contacts with humans in retail and wholesale markets within Hong Kong's densely populated urban environment posed risks of further outbreaks of avian flu. The Government would carefully consider, in consultation with the public, whether a ban on live poultry should be imposed. The Government would also need to consider, under Phase II, arrangements or complementary measures to allay the impact on the livelihood of members of the relevant trades.

45. Dr LO Wing-lok expressed support for the stringent measures recommended by Team Clean to improve the environmental hygiene of Hong Kong. Dr LO considered that there should be a high level monitoring body to review the work and progress made. Dr LO also reminded CS that the Government had not yet introduced the anti-smoking legislation despite on-going discussions in the past two years. He pointed out that smoking affected indoor air quality, and that there was a far greater number of people dying of diseases related to smoking than SARS.

46. CS advised that as LegCo did not have consensus on banning smoking in public places, the legislative proposal was therefore not included in the work plan of Team Clean. Dr LO remarked that it was the mainstream opinion of the community that smoking in public places should be banned.

47. Mr Michael MAK said that he supported including dog fouling in the proposed increase of fixed penalty of public cleanliness offences from \$600 to \$1,500. Mr MAK further said that consideration should also be given to issuing community service orders to offenders. CS clarified that the proposed increase in fixed penalty included fouling of street by dog faeces and not dog urine. Mr MAK said that enforcement action should be taken against people who allowed their dogs to foul the street by urinating. CS explained that there were enforcement difficulties in this respect, and this had been thoroughly discussed by the former Bills Committee on Fixed Penalty (Public Cleanliness Offences) Bill.

48. Mr MAK asked about the reason for not including public toilets in the work plan. He pointed out that the hygiene conditions of some public toilets were still not satisfactory. CS responded that while there was still room for improvement, the overall standard of cleanliness of public toilets was generally satisfactory. CS added that Team Clean would welcome suggestions on what further improvements should be made to public toilets.

49. In reply to Mr MAK's enquiry about the meaning of the Chinese term "洗太平地" (Intensive Clean-up Day), CS said that the term had originated at the end of the 19th century when mass cleansing activities were carried out throughout the territory to wipe out endemic diseases.

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50. Referring to the proposal of imposing a ban on live poultry, Mr Tommy CHEUNG commented that so far, there had not been any conclusive evidence to link the SARS outbreak to live poultry. Mr CHEUNG also expressed reservations about the proposal of publicising a list of restaurants with unhygienic kitchens and toilets. He pointed out that the conditions of public toilets were worse than those of restaurants. He wondered whether the Government had adopted double standards in this regard.

51. CS said that the Government had not adopted double standards in respect of the cleanliness requirements for public toilets and toilets in restaurants. CS further said that vast improvements had been made to many public toilets and their conditions were quite acceptable. According to feedbacks from LegCo Members and the public, the toilets in some small restaurants were of very poor hygiene conditions. He added that the outbreak of SARS at Amoy Gardens had highlighted the importance of the hygiene of toilets and common areas. He hoped that the food business would make efforts to improve the cleanliness of their toilets.

52. As regards the proposal of publicising the names of restaurants with unhygienic toilets and kitchens, CS responded that according to public opinion surveys, people attached great importance to the cleanliness of kitchens and toilets of restaurants. CS explained that under the proposal, only those restaurants convicted of cleanliness offence would be publicised. He pointed out that at present, conviction records of courts were also open to the public. He added that the Government was still considering the proposal and a decision had not been taken yet.

53. Mr IP Kwok-him expressed support that stringent actions should be taken to keep Hong Kong clean. However, he was concerned that efforts to resolve deep-rooted problems such as private streets might not be able to be sustained, as Team Clean only had a tenure of three months. Mr IP asked whether the Government would consider empowering DCs to deal with environmental hygiene matters, including problems concerning private streets, in their respective districts.

54. CS explained that Team Clean was tasked mainly to formulate the strategies and approaches for improving the environmental hygiene in Hong Kong, and to develop "modalities" for coordination among departments and districts. CS said that pilot projects undertaken in Phase I would be evaluated and, where necessary, modified to become "modalities" for dealing with similar problems in future.

55. CS further said that during the initial stage, the Administration would adopt an "act now, recover costs later" approach in cleaning up certain hygiene blackspots in private places. As the cleanliness of private places

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was ultimately the responsibility of the owner/occupiers concerned, the Government would recover the costs incurred from the relevant owners/occupiers. Nevertheless, he agreed to consider how DCs' participation in the district environmental hygiene matters could be further enhanced. He would welcome DCs' views in this regard.

56. Mr James TIEN said that sustainable efforts were necessary to keep Hong Kong clean. It was regrettable that the people of Hong Kong only became aware of the importance of personal and environmental hygiene because of the SARS outbreak. He further said that given the tolerant attitude of the Government in the past, he wondered whether the public would readily accept the "zero tolerance" approach against hygiene offences as recommended by Team Clean. Mr TIEN expressed concern that the frontline enforcement staff, especially those in plain clothes, might encounter more difficulties after the level of fixed penalty against public cleanliness offences was substantially raised from \$600 to \$1,500. Mr TIEN asked whether the Administration would consider prosecuting those offenders who assaulted or attempted to assault enforcement officers.

57. CS responded that the Government would launch publicity after the proposed resolution for the increase in fixed penalty of public cleanliness offences was passed by LegCo, and that strict enforcement would be taken. CS said that the Government would also take action against those offenders who assaulted enforcement officers. CS informed Members that in 11 cases of public cleanliness offences, the offenders were also charged for assaulting public officers, and seven of them were convicted with one sentenced to three months' imprisonment in addition to the fine.

58. Ms Audrey EU expressed concern about the problem of water seepage in private buildings, and there was no designated government department to take care of the problem. Ms EU said that although several government departments were involved in examining the problem whenever there was a complaint, very little could be done especially if the owner/occupier concerned refused to cooperate. Ms EU asked whether prosecution should be taken against the owner/occupier concerned if he/she refused to rectify the problem after repeated advice.

59. CS said that the present measures recommended by Team Clean focused on problems which posed health hazards. It would be difficult for the Government to intervene into disputes between private parties where there was no public health concern. Moreover, there was the question of whether public funds should be used to deal with problems concerning private property. CS suggested that building insurance schemes might provide an answer to the problem raised by Ms EU.

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60. Ms EU said that water/drainage seepage was a common problem in buildings and it could affect the building structure and also pose health hazard. She did not consider that the problem could be solved by building insurance. Ms EU further said that the Government should consider effective ways, such as prosecution, to assist owners/occupiers to tackle the problem. CS responded that the Government would tackle the problem if it posed serious health hazard.

61. Mr LEUNG Yiu-chung expressed concern whether "innocent" parties would be required to pay the costs incurred by the Government in cleaning up private places. He said that very often the common places in buildings and private lanes were made dirty by people other than the owners or occupiers. It would be unfair to "punish" the owners or occupiers for other people's wrongdoings.

62. CS said that it was the joint responsibility of all owners/occupiers to maintain the cleanliness of common places in their buildings. He hoped that all owners/occupiers would make concerted efforts, for example, through the formation of OCs, to solve the cleanliness and management problems of their buildings. CS further said that the Government would only intervene if the owners/occupiers were unwilling to deal with the hygiene problems by themselves.

63. In response to Mr LEUNG's further enquiry, CS said that the owners/occupiers who could not afford the maintenance costs could apply for loans available under the Loan Scheme managed by the Buildings Department.

**Concluding Remarks**

64. The Chairman thanked CS and other government representatives for attending the special meeting. The meeting ended at 4:22 pm.

2003 年 6 月 6 日

立法會內務委員會特別會議

政務司司長發言稿(1)

日後發表施政報告及財政預算案的時間表

首先，我想再次解釋政府就日後發表施政報告及財政預算案的時間表所作的決定，及背後的理據。

2. 去年六月，我透過與內務委員會主席的定期會面，提出政府更改發表施政報告時間表的計劃及理據。我當時指出，按照以往的做法，行政長官均在十月初發表施政報告，財政司司長則在下一年的三月公布財政預算案。發表施政報告與公布財政預算案，兩者相距約五個月。行政長官在施政報告中



提出需要撥款的建議，往往因而受到拖延。更改施政報告的發表時間，可縮短施政報告與財政預算兩者的時距，有助我們能盡快落實需要撥款的新政策，及早讓市民受惠，符合社會整體利益。當然，就本立法年度的施政報告而言，我們亦有實際需要，把發表時間向後延，讓第二屆特區政府及各問責局長在二零零二年七月上任後，有充足時間協助編製施政報告。

3. 我們曾承諾會在今年施政報告及財政預算案的工作完結後，參考實際的運作經驗，研究可縮短發表施政報告及財政預算案相距時間至兩個月的各個方案，從而盡快決定日後發表施政報告的時間表。

4. 我們已於四月七日向立法會議事規則委員會匯報檢討結果，並提出在短、中期內繼續沿用二零零三年的安排。因應議員提出的意見及關注，我亦曾與行政長官反覆討論，並於五月十四日就政府考慮過議員的意見後所作的決定及理據，以書面通知內務委員會主席，信件副本亦已抄送各位議員。

5. 正如我在信中指出，行政長官認為，施政報告，以及同時發表的施政綱領，必須與財政預算案前後呼應、互相緊密配合。所有在施政報告及施政綱領內公布的施政重點及政策，均須盡快反映於每年的財政預算案。考慮到立法會辯論施政報告和籌備預算案所需的時間，發表施政報告及財政預算案之間的時距不應超過大約兩個月。根據這個時間表，施政報告及施政綱領內的施政重點

及政策，可更適時地反映在財政預算案內，以便提升政府制定和落實政策措施的整體效率。

6. 我想強調，縮短發表施政報告及財政預算案相距時間非常重要，尤其是未來數年，政府的財政狀況處於整固期。在資源匱乏的情況下，政府必須在釐定施政計劃和政策時，考慮是否已取得所需資源。制定財政預算時，亦必須因應社會當前急務，集中投放資源。

7. 我們已在檢討二零零三年的安排時，研究多個可達致縮短發表施政報告及財政預算案相距時間的方案。除繼續沿用二零零三年的模式外，我們曾考慮在七月或十月發表施政報告的可行性。不過，實施這些方

案必須同時更改以往在二、三月公布財政預算案的時間。正如我們早前向議事規則委員會提交的文件上指出，這樣不但會影響政府財政收入預算的準確性，及引帶其他實際問題，更會導致有需要修訂「財政年度」及「課稅年度」的法定定義，影響深遠。因此，我們的最終結論是，如要把發表施政報告及財政預算案之間的距離維持在大約兩個月，安排在每年一月發表施政報告，實在是短、中期內唯一可行的方案。

8. 有部分議員關注到如在一月發表施政報告，則可能導致在立法會換屆時，立法會的工作在立法年度開始至施政報告發表前，出現一段真空時期。顧及到這些憂慮，我將會以政務司司長的身分，於日後每年立法會會期開始的首個會議，向立法會提交政

府當年的預算立法議程。政府亦會盡量提早向立法會提交法案，供議員審議。我們相信，透過這樣的安排，有助議員在會期開始時制定工作計劃，並馬上投入法案的審議工作。

9. 如議員認為應繼續研究長遠的安排，我們定當樂意在發表施政報告及財政預算案之間的時距維持在大約兩個月的大前提下，再考慮在十月發表施政報告及在十二月公布財政預算案的方案。

2003 年 6 月 6 日

立法會內務委員會特別會議

政務司司長發言稿(2)

「全城清潔策劃小組」的工作

行政長官在五月初委任我成立「全城清潔策劃小組」。小組立即定下了工作目標，預期在三星期及三個月內，分別制訂就改善環境衛生的第一階段及第二階段的措施。

2. 我和同事按原定的時間表，在五月底完成第一階段的工作。我在 5 月 28 日下午向立法會，發表了「全城清潔策劃小組」的中期報告書。當天晚上，我亦出席了「清潔香港」議案的動議辯論。在 6 月 2 日，「全城清潔策劃小組」也向立法會食物安全及環境衛生事務委員會，簡介中期報告書的措施及回答議員的提問。

3. 中期報告書總共列出了 70 多項立即進行的措施及 40 多個稍後跟進的長期工作項目。在第一階段的措施方面，主要的項目包括：

- 採取「絕不容忍」態度，嚴打隨地吐痰和亂拋垃圾行為，並將有關定額罰款，由\$600 提高至\$1,500
- 對屢次違反衛生守則的公屋住戶，終止租約及收回單位
- 清理 85 個公共地方衛生黑點及約 260 個公共屋邨的衛生黑點
- 清洗逾 800 幢衛生欠佳的私人樓宇的公用地方

- 為私樓及公屋檢查外部排水管
- 嚴厲執法，檢控不潔或弄污公眾地方的食肆和街市租戶，以及未能保持店鋪周邊地方清潔的店主
- 推行試驗計劃，制訂跨部門協作模式，以處理複雜的衛生黑點個案

4. 第二階段跟進研究的項目，則包括：考慮對屢次違反公共衛生法例者，增加社會服務令的懲罰；考慮硬性規定住宅樓宇，須有大廈管理；檢討城市及建築物設計；考慮公佈廚房或洗手間不清潔的食肆，及對洗手間不清潔的食肆，拒絕續牌；和禁止在市區買賣和飼養活家禽的行業。



5. 主席，在中期報告書發表的第一個星期，政府各有關部門已經積極落實各項短期措施。

- 在檢控吐痰和亂拋垃圾方面，各部門在 5 月 29 日至 6 月 4 日的一星期間，總共發出了約 770 張定額罰款/傳票。這數字比 5 月份的每星期平均約 440 的檢控數字，高出 75%
- 在加強衛生知識方面，為新來港人士及家庭傭工印制的指引，前者已經編好，後者在編制中，並會在稍後派發
- 在檢查污水渠方面，屋宇署已檢查了 11 400 幢樓宇的外渠。房屋署亦檢查了 98 座公屋 15 660 個單位的內渠

- 在清理衛生黑點方面，房屋署已清理了 200 多個黑點，其他部門則已清理了約 60 個公共地方的衛生黑點
- 在清洗舊唐樓的公用地方方面，食環署已完成了約 70 幢的清洗，並會在 6 月再清洗多 60 幢
- 在推動全民參與方面，房屋署亦已動員約 11 000 居民，協助清洗屋邨
- 在檢控不潔食肆方面，食環署已作出了 85 個檢控
- 在改善市容方面，路政署已清潔了 2 600 組交通燈、930 個路牌，並重油了 6 400 米的路面標誌及 2 條天橋

6. 措施公布後，普遍得到立法會、傳媒和社會各界的支持。社會的共識，是贊成以重典對付危害公共衛生的行為。

7. 大家見到，可以在現行的政策或法例架構下進行的措施，政府已全力施行。但是，有關增加吐痰及亂拋垃圾的定額罰款，則須由立法會經決議案作出修訂，方可實施。在這方面，衛生福利及食物局局長已在5月30日，通知立法會他將就有關議案，在6月18日的立法會會議提出動議。

8. 其後，在6月2日食物安全及環境衛生事務委員會的會議上，有幾位議員〔麥國風、李華明、勞永樂〕認為應將狗隻糞便弄污街道的定額罰款，一同提高。公眾和傳媒，亦大致支持這樣處理，並認為要將非法張貼街招或海報的定額罰款，一併提高。

9. 有鑑於此，衛生福利及食物局局長已在 6 月 3 日去信食物安全及環境衛生事務委員會主席，及內務委員會主席，表示政府會撤回原動議，及提交加入增加狗隻糞便弄污街道及非法張貼街招或海報的定額罰款之修訂議案。

10. 政府的實施時間表，是將獲通過的決議在 6 月 20 日刊憲，然後在 6 月 26 日正式實施。

11. 對違反上述潔淨條例者施以重罰，是社會共同和強烈的願望。我們很希望增加定額罰款的措施能盡早執行，以收阻嚇之效及確保市民大眾的健康。我很希望內務委員會能支持政府的建議，及支持政府要求立法會主席，豁免根據立法會議事規則第 29(1) 條所須的不少於 12 整天的預告，使議案順利在 6 月 18 日獲得通過。