

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, 2 July 2004**

Members present : Hon Miriam LAU Kin-yee, GBS, JP (Chairman)
Hon Fred LI Wah-ming, JP (Deputy Chairman)
Hon Kenneth TING Woo-shou, SBS, JP
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 Martin LEE Chu-ming, SC, JP
Dr Hon Eric LI Ka-cheung, GBS, JP
Hon NG Leung-sing, SBS, JP
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-yee, GBS, JP
Hon James TO Kun-sun
Hon CHEUNG Man-kwong
Hon CHAN Kwok-keung, JP
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, JP
Hon Andrew WONG Wang-fat, JP
Hon WONG Yung-kan, JP
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Howard YOUNG, SBS, JP
Dr Hon YEUNG Sum
Hon YEUNG Yiu-chung, BBS, JP

Hon LAU Chin-shek, JP
Hon LAU Kong-wah, 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, GBS, JP
Hon TAM Yiu-chung, GBS, JP
Dr Hon TANG Siu-tong, JP
Hon Abraham SHEK Lai-him, JP
Hon LI Fung-ying, BBS, JP
Hon Henry WU King-cheong, BBS, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Michael MAK Kwok-fung
Hon Albert CHAN Wai-yip
Hon LEUNG Fu-wah, MH, JP
Dr Hon LO Wing-lok, JP
Hon WONG Sing-chi
Hon Frederick FUNG Kin-kee, JP
Hon IP Kwok-him, GBS, JP
Hon LAU Ping-cheung, SBS
Hon Audrey EU Yuet-mee, SC, JP
Hon MA Fung-kwok, SBS, JP

**Members
absent** : Dr Hon David LI Kwok-po, GBS, JP
Dr Hon LUI Ming-wah, JP
Hon HUI Cheung-ching, SBS, JP
Dr Hon Philip WONG Yu-hong, GBS
Hon LAU Wong-fat, GBS, JP
Dr Hon LAW Chi-kwong, JP

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

Agenda item I(a)

Mrs Pamela TAN
Director of Home Affairs

Mr Gregory LEUNG
Director of Food and Environmental Hygiene

Mr Marco WU
Director of Buildings

Mr Patrick LAU
Director of Lands

Mr Eddy CHAN
Deputy Secretary for Health, Welfare and Food

Mr CHENG Yan-chee
Deputy Secretary for Education and Manpower

Mr K H LAU
Deputy Director of Housing

Mr Vincent LIU
Principal Assistant Secretary for Health, Welfare and Food

Mr Eddy YAU
Assistant Director of Leisure and Cultural Services

Mr K S SO
Administrative Assistant to the Chief Secretary for
Administration

Clerk in attendance : Mrs Justina LAM
Assistant Secretary General 2

Staff in attendance : Mr Jimmy MA, JP
Legal Adviser

Mrs Constance LI
Chief Council Secretary (2)5

Miss Lolita SHEK
Senior Council Secretary (2)7

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

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I. Meeting with Mr Donald TSANG, GBM, JP, Chief Secretary for Administration

(a) Progress of measures to improve environmental hygiene in Hong Kong

(LC Paper No. CB(2) 2979/03-04(01))

2. CS and the other government representatives gave a powerpoint presentation on the progress of the various measures taken by different government departments in improving Hong Kong's environmental hygiene.

3. CS said that under the charge of the Steering Committee on Team Clean Follow-up, good progress had been made in respect of the various Team Clean initiatives. There were obvious improvements in the environmental hygiene in the districts, and there was also an enhanced awareness among the general public of keeping the environment clean. There was, however, no room for complacency and the Government needed the continuous support and concerted efforts of the community to sustain high standards of personal and community hygiene.

(Post-meeting note : The presentation materials were tabled at the meeting and forwarded to those Members who did not attend the special meeting vide LC Paper No. CB(2) 3037/03-04 dated 6 July 2004.)

4. Mr IP Kwok-him said that some District Council members had reflected to him that while the environmental hygiene of the "Wan" streets had generally improved, there were still problems, such as pools of stagnant water were always found on these streets. Mr IP asked what further measures, such as regular inspections, would be taken to deal with the hygiene problems in these areas.

5. The Director of Home Affairs (DHA) responded that the "Wan" streets were one of the worst hygiene blackspots. The hygiene problems there, such as broken drains and leakages of pipes, could not be solved overnight, and continuous efforts were being made to tackle the problems. The phase one measures, which included desludging of the 10 flooded light wells, had been completed. The phase two improvements works, which were more complex and involved many buildings, had already commenced and were expected to be completed by August this year.

6. DHA further said that as the "Wan" streets were on private lots and the buildings involved were private buildings, it was the responsibility of the owners and residents concerned to deal with the hygiene problems in these streets and buildings. So far, the tenants and owners concerned had been cooperative in making improvements to the hygiene conditions of these streets. DHA added that the Government had adopted a new approach whereby the

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improvement works would be undertaken first, and the expenses recovered from the owners concerned at a later stage.

7. The Director of Buildings (D of Bldg) supplemented that under the phase two improvement works, the defective vertical drains in the Wan Tat Building were being repaired. Similar problems involving over 30 light wells would be dealt with under the phase three improvement works. D of Bldg pointed out that as the repair works on the defective underground drains would affect some of the shops on the ground floor, the cooperation of the shop owners/tenants concerned was necessary.

8. Mr Albert CHAN expressed concern about the mosquito breeding problem and the recent Japanese encephalitis cases. Mr CHAN considered it ineffective to tackle the mosquito breeding problem by issuing warnings only. Mr CHAN urged Government to discuss with the private developers, who owned large pieces of deserted farmland in the New Territories, ways to tackle the mosquito breeding problem in the deserted farmland. Mr CHAN also urged the Government to take concrete measures to improve the poor hygiene conditions of septic tanks in village houses as these had caused or aggravated the mosquito breeding problem. CS took note of Mr CHAN's concerns and suggestions.

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9. Miss CHAN Yuen-han expressed agreement that there had been improvements in the environmental hygiene in the districts. Miss CHAN, however, expressed concern that the Government had done little to improve the hygiene conditions and air quality of the wet markets under the management of the Housing Authority and the Food and Environmental Hygiene Department (FEHD). Miss CHAN said that it was very hot inside some markets, such as the Ngau Chi Wan Market, and the Government had previously undertaken to improve the ventilation of these markets. Miss CHAN asked about the Government's improvement plans for these public markets.

10. CS responded that some public markets were of old design and there were physical constraints on making improvements to these markets. However, it was not possible to demolish all these markets at the same time. Having regard to the changes in people's shopping habits over the years, the Government was encouraging private sector participation in the management of the public markets, in order to enhance their competitiveness and improve their environment.

11. Miss CHAN said that many stalls in the public markets were small businesses. She was worried that private sector management of the public markets would lead to monopoly by a few large companies or operators. CS noted Miss CHAN's comments.

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12. Mr Andrew WONG said that the hygiene conditions in many areas, such as Argyle Street and Sai Yeung Choi Street, had improved. Mr WONG enquired about the effectiveness of the Territory-wide Cleansing Day on 27 June 2004 in actually improving environmental hygiene. Mr WONG also commented that there was not much publicity about the campaign, and he did not see any banners in the districts publicising the campaign. DHA explained that one of the main objectives of the Territory-wide Cleansing Day on 27 June 2004 was to encourage community participation in environmental hygiene. With publicity beginning as early as 12 June, more than 5 000 volunteers were successfully attracted to take part in the Day's activities.

13. Miss CHOY So-yuk said that it was difficult to tackle problems such as dog fouling at back lanes, as it was not always possible for FEHD staff to identify the dog owners. Miss CHOY considered that the installation of closed circuit television (CCTV) at hygiene blackspots would facilitate enforcement against such offences and help improve the hygiene conditions of these blackspots. She asked whether the Government would consider installing CCTV at more locations, such as Kam Ping Street in North Point, if this had the support of the local residents.

14. DHA responded that a pilot scheme was being carried out to monitor hygiene blackspots by CCTV in five districts, including the Eastern District, and the scheme had so far been effective in improving the hygiene conditions of these blackspots. A report on the scheme would be made to the respective District Councils, and consideration would be given to extend the scheme to other locations in consultation with the District Councils concerned. DHA said that if Miss CHOY's suggestion was technically feasible and had the support of the Eastern District Council, CCTV could be installed at more locations in North Point.

15. As regards the concern raised by Mr Andrew WONG and Miss CHOY So-yuk about the water seepage problem in private buildings, CS said that although the Government had made much efforts in tackling the problem, there were practical difficulties as each case involved at least two private properties. The Chairman suggested that the subject matter be followed up in a separate forum.

16. Mr Fred LI said that loopholes in the existing legislation made it difficult for the Government to effectively tackle hygiene problems such as stagnant water and refuse dumping in private buildings. Mr LI pointed out that under the existing law, prosecution could only be taken against the owners' corporations concerned, and not the management companies, for environmental hygiene offences. This meant that the Government could not instigate prosecution if the relevant building did not have an owners' corporation. Mr LI requested the Government to study how more effective enforcement actions could be taken against environmental hygiene offences. CS took note of Mr

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LI's request. CS said that he welcomed Members' suggestions of specific measures to enhance deterrence against such offences. CS added that Members had divergent views as to whether community service orders should be imposed on repeat cleanliness offenders.

Clerk

17. The Chairman said that there was insufficient time for Members to ask questions on this topic as the Administration's presentation had taken about 35 minutes. The Chairman added that the allocation of time for the Administration's presentation and for Members to ask questions at future special House Committee meetings should be reviewed.

(b) The business sector's involvement in political development and policy-making
(*LC Paper No. CB(2) 2979/03-04(03)*)

18. The Chairman said that some Members had requested that the issue of constitutional development in Hong Kong should also be discussed under this topic.

19. CS highlighted the salient points of his speech made at the luncheon of the Hong Kong General Chamber of Commerce (HKGCC) on 16 June 2004, in which he appealed to the business community to take a proactive role in the political development and policy-making in Hong Kong. CS said that he had made the same appeal to other sectors of the community, including grass root organisations, professions and employees.

20. Dr YEUNG Sum said that 530 000 people participated in the mass procession on 1 July this year, and they demonstrated strong aspirations for full democracy in Hong Kong. Dr YEUNG further said that CE indicated that he had clearly heard the demands of the participants of the procession for democratic development. Dr YEUNG asked whether the Constitutional Development Task Force (the Task Force) led by CS would, in the light of such demands, request the Standing Committee of the National People's Congress (NPCSC) to review its decision made on 26 April 2004 that the election of the third term Chief Executive (CE) in 2007 and the election of the fourth term Legislative Council (LegCo) in 2008 should not be by means of universal suffrage.

21. Mr Fred LI and Mr LEE Cheuk-yan also asked how the Government would respond to the clear demands from the people for greater democracy. Mr Fred LI said that while the mass procession this year did not protest against any specific policies of the Government, it had conveyed a strong and single demand for universal suffrage for the elections of CE and LegCo in 2007 and 2008 respectively. Referring to the last sentence of CS's speech made at HKGCC, Mr LEE Cheuk-yan urged the Government to respond proactively to people's demand for universal suffrage.

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22. CS responded that the procession on 1 July this year was conducted peacefully and perhaps with a touch of joyousness as shown by some participants. CS noted that most participants demonstrated much enthusiasm in demanding for greater democracy and better governance in Hong Kong. CS said that it was also the Government's objective to improve governance and broaden the representativeness of the selection of CE and the formation of LegCo, and that the Government would continue its efforts in these aspects.

23. CS explained that NPCSC had reached its decision on 26 April 2004 after considering the various views expressed by the people in Hong Kong, including those who advocated universal suffrage, as well as having regard to the long term interests of Hong Kong Special Administrative Region (HKSAR) and the relevant provisions in the Basic Law. CS pointed out that the ultimate goal of selecting CE and electing all LegCo members by universal suffrage, which was provided for in the Basic Law, remained unchanged. CS further said that the decision of NPCSC had allowed room for amendments in the electoral methods for the 2007 and 2008 elections, such as broadening the representativeness of the electorate of the two elections.

24. CS said that the Government would adopt a pragmatic approach in responding to the demands of the participants of the mass procession. The Task Force had been gauging the views of the different sectors of the community to identify suitable options for amending the electoral methods for the selection of CE and the election of LegCo in 2007 and 2008 respectively. CS further said that the second forum on constitutional development was held on 11 June 2004. Focus group discussions were also held with participants from various sectors to seek their views on the way forward and to look for common ground. Furthermore, views would be invited from the district communities, professionals and the young people. CS added that the Government would try to achieve broad consensus within the community on a political system that would serve the best interests of the people of Hong Kong as a whole.

25. Dr YEUNG Sum and Mr Fred LI urged the Task Force to provide a report to NPC or the Central Authorities to reflect the demands of Hong Kong people for universal suffrage and to request for a review of the decision of NPCSC made on 26 April 2004 in respect of the elections in 2007 and 2008. Dr YEUNG stressed that the Central Authorities should be made aware of the recent developments in Hong Kong and people's aspirations for full democracy as demonstrated in the mass procession on 1 July 2004.

26. CS responded that the Central Authorities were fully aware of the demands of the mass procession on 1 July 2004, and that it was not necessary to further explain to the Central Authorities. CS reiterated that Hong Kong public would understand that the Administration had to act in a pragmatic and

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practical fashion. And this was to formulate a plan, based on the NPCSC's decision made on 26 April 2004, for introducing amendments to the electoral methods in 2007 and 2008, which would have the support of various sectors of the community and the Central Authorities.

27. Mr CHEUNG Man-kwong said that it was reported in some newspapers that an official of the Liaison Office of the Central People's Government in HKSAR had commented that the slogans chanted by some participants of the mass procession on 1 July 2004 were improper and were against the common wishes of most people who sought stability, development and harmony in Hong Kong. Mr CHEUNG asked whether the Government agreed with such comments.

28. CS responded that he noted that different slogans and placards were used by participants of the mass procession on 1 July 2004 and this clearly demonstrated the freedom of expression in our open society. Yet naturally, participants among themselves might have different interpretation of even the same slogan used by other participants. He believed that the public and participants valued the good relationship with the Central Authorities. All were striving hard to build a peaceful and harmonious atmosphere in Hong Kong.

29. Mr CHEUNG Man-kwong asked what messages CE and the Government had heard from participants of the mass procession on 1 July 2004, and what specific improvements would they make in response.

30. CS said that it was most pragmatic for the Government to improve the governance through formulation and implementation of policies. In this connection, the Government would carefully evaluate the public views expressed and whether its policies were meeting the people's demand. The Government would also fully explain to the public the rationale behind the policies before implementation. CS further said that in addition to these the Government would enhance communication and exchange views with the public, LegCo Members and district organizations, through both official and unofficial channels. At the district level, the Home Affairs Department had already established district focus groups to expand the networks for collecting public views. In the coming months, more people from the middle-class and professional sectors would be appointed to advisory bodies as part of the Government's initiative to improve partnership with the community.

31. Mr CHEUNG asked whether the Government had seriously reviewed or reflected on its policies in the light of the demands and messages put across by participants of the mass procession on 1 July 2004. CS responded that the demands of participants of last year's mass procession were focused on specific policies and issues, such as handling of the SARS epidemic, negative equity or proposed legislation under Article 23 of the Basic Law. CS said that he had

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the impression that people joined the procession this year to defend their freedom and to demand for better governance and greater democracy. The participants did not focus on any specific policies or issues.

32. Ms Emily LAU said that it was the Government's position that political parties represented only sectional interests and not the public interest. This had discouraged the development of political parties in Hong Kong, and many people in Hong Kong including the business sector and the media resisted political parties. Referring to paragraph 17 of the speech made by CS at the luncheon of HKGCC on 16 June 2004, Ms LAU further said that she welcomed CS's appeal to the business sector to enhance its communication with political parties, nurture and support political parties and establish research institutes or think-tanks. Ms LAU also noted that CS considered that a more vocal and transparent business lobby would garner public trust and dispel any misconceptions about collusion of business and political interests.

33. Ms LAU asked whether the Government had changed its attitude towards political parties and wanted to encourage the development of political parties in Hong Kong. Ms LAU also asked whether CS would further explain to the business sector that democracy was not something to be feared, and that the democratic camp would champion the causes of the business sector if they were reasonable.

34. CS said that the Basic Law had already stipulated universal suffrage as the ultimate goal in the selection of CE and election of LegCo Members. CS further said that to achieve the goal of universal suffrage, it would need to reach a broad consensus on the electoral methods through an accommodating instead of a confrontational approach. CS explained that the functional constituencies would have to evolve with the process towards universal suffrage, and the business sector could no longer rely on its traditional, conservative approach in meeting the challenge. CS said that he had made some suggestions in his speech at the luncheon of HKGCC for the business sector to prepare for the change. CS considered that the business sector, with its resources and influence on economic development, should play a more proactive role in the political development in Hong Kong and in the shaping of public policies. In this connection, he suggested that the business sector should work in partnership with political parties.

35. CS suggested that the political parties themselves could explain to the business sector that the democratic process would not disrupt the capitalist economy in Hong Kong. CS hoped that such efforts would help in working out the best arrangements for greater democracy.

36. Ms Emily LAU said that political parties were mild and rational in championing their causes before and after 1 July 1997. She asked whether the Government still had mistrust of political parties, or whether the Government

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had changed its attitude towards political parties because universal suffrage was stipulated in the Basic Law.

37. CS clarified that the Government had never been antagonistic towards political parties. CS said that the existence of political parties was a political reality. It was inevitable in any democratic process.

38. Ms Audrey EU said that participants of the mass procession had put across a very clear message that they demanded for universal suffrage in the 2007 and 2008 elections, but the Government did not appear to take heed of people's demand. Referring to CS's speech at the luncheon of HKGCC on 16 June 2004, Ms EU asked whether CS agreed that the most effective way to encourage the business sector to participate in political development was to abolish functional constituencies as soon as possible.

39. CS responded that his personal views on whether the functional constituencies should be abolished were not important. In determining the political development in Hong Kong, the views of the general public, and also those of the people and groups represented in the elections were the most important. CS reiterated that the functional constituencies would need to evolve as Hong Kong headed for universal suffrage, and the Government would take a pragmatic approach in meeting the needs of the community.

40. The Chairman thanked CS for attending the special meeting.

II. Report of the Subcommittee on four items of subsidiary legislation relating to the installation of passenger protection equipment on all newly registered public light buses
(*LC Paper No. CB(1) 2292/03-04*)

41. The Chairman, in her capacity as the Chairman of the Subcommittee, reported that the Subcommittee had completed scrutiny of the following four Commencement Notices which were related to the installation of passenger protection equipment on all newly registered public light buses (PLBs) -

- (a) Road Traffic (Construction and Maintenance of Vehicles) (Amendment) (No. 2) Regulation 2002 (L.N. 147 of 2002) (Commencement) Notice 2004;
- (b) Road Traffic (Safety Equipment) (Amendment) Regulation 2002 (L.N. 148 of 2002) (Commencement) Notice 2004;
- (c) Fixed Penalty (Criminal Proceedings) (Amendment) Regulation 2004 (L.N. 103 of 2004) (Commencement) Notice 2004; and

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- (d) Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) - Resolution of the Legislative Council (L.N. 114 of 2004) (Commencement) Notice 2004.

42. The Chairman said that the PLB trade had expressed concern that a major vehicle supplier of liquefied petroleum gas (LPG) PLBs had indicated that the new short wheel base vehicles would not be available until November/December 2004 due to changes in the manufacturing process to provide for the passenger protection equipment on new PLBs. Owners of diesel PLBs were worried that they might not be able to obtain the one-off grant of \$60,000 under the incentive scheme to encourage owners to replace their diesel PLBs with LPG PLBs before the end of 2004.

43. The Chairman further said that the Administration had agreed to extend the period for PLB owners to obtain the grant under the incentive scheme, if they had placed purchase orders for LPG PLBs on or before 31 December 2004 for replacing the diesel PLBs. The PLB trade accepted the arrangement.

44. The Chairman added that the Subcommittee agreed that the new safety requirements should come into effect on 1 August 2004 to enhance the safety of PLB passengers.

45. The Chairman said that this was the last House Committee meeting of the term, and she thanked Members and the LegCo Secretariat for their support.

46. There being no other business, the meeting ended at 4:00 pm.