

OFFICIAL RECORD OF PROCEEDINGS

立法局會議過程正式紀錄

Wednesday, 2 November 1995

一九九五年十一月二日星期三

The Council met at half-past Two o'clock

下午二時三十分會議開始

PRESENT

出席者：

THE PRESIDENT

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

主席黃宏發議員，O.B.E., J.P.

THE HONOURABLE ALLEN LEE PENG-FEI, C.B.E., J.P.

李鵬飛議員，C.B.E., J.P.

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

周梁淑怡議員，O.B.E., J.P.

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

李柱銘議員，Q.C., J.P.

DR THE HONOURABLE DAVID LI KWOK-PO, O.B.E., L.L.D. (CANTAB), J.P.

李國寶議員，O.B.E., L.L.D. (CANTAB), J.P.

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

倪少傑議員，O.B.E., J.P.

THE HONOURABLE SZETO WAH

司徒華議員

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

劉皇發議員，O.B.E., J.P.

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

何承天議員，O.B.E., J.P.

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

夏佳理議員，O.B.E., J.P.

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

劉健儀議員，O.B.E., J.P.

THE HONOURABLE ALBERT CHAN WAI-YIP

陳偉業議員

THE HONOURABLE CHEUNG MAN-KWONG

張文光議員

THE HONOURABLE CHIM PUI-CHUNG

詹培忠議員

THE HONOURABLE FREDERICK FUNG KIN-KEE

馮檢基議員

THE HONOURABLE MICHAEL HO MUN-KA

何敏嘉議員

DR THE HONOURABLE HUANG CHEN-YA, M.B.E.

黃震遐議員，M.B.E.

THE HONOURABLE EMILY LAU WAI-HING

劉慧卿議員

THE HONOURABLE LEE WING-TAT

李永達議員

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

李家祥議員，J.P.

THE HONOURABLE FRED LI WAH-MING

李華明議員

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

唐英年議員，J.P.

THE HONOURABLE JAMES TO KUN-SUN

涂謹申議員

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

黃秉槐議員，M.B.E., F.Eng., J.P.

DR THE HONOURABLE PHILIP WONG YU-HONG

黃宜弘議員

DR THE HONOURABLE YEUNG SUM

楊森議員

THE HONOURABLE HOWARD YOUNG, J.P.

楊孝華議員，J.P.

THE HONOURABLE ZACHARY WONG WAI-YIN

黃偉賢議員

THE HONOURABLE CHRISTINE LOH KUNG-WAI

陸恭蕙議員

THE HONOURABLE JAMES TIEN PEI-CHUN, O.B.E., J.P.

田北俊議員，O.B.E., J.P.

THE HONOURABLE LEE CHEUK-YAN

李卓人議員

THE HONOURABLE CHAN KAM-LAM

陳鑑林議員

THE HONOURABLE CHAN WING-CHAN

陳榮燦議員

THE HONOURABLE CHAN YUEN-HAN

陳婉嫻議員

THE HONOURABLE ANDREW CHENG KAR-FOO

鄭家富議員

THE HONOURABLE PAUL CHENG MING-FUN

鄭明訓議員

THE HONOURABLE CHENG YIU-TONG

鄭耀棠議員

THE HONOURABLE ANTHONY CHEUNG BING-LEUNG

張炳良議員

THE HONOURABLE CHEUNG HON-CHUNG

張漢忠議員

THE HONOURABLE CHOY KAN-PUI, J.P.

蔡根培議員，J.P.

THE HONOURABLE DAVID CHU YU-LIN

朱幼麟議員

THE HONOURABLE ALBERT HO CHUN-YAN

何俊仁議員

THE HONOURABLE IP KWOK-HIM

葉國謙議員

THE HONOURABLE LAU CHIN-SHEK

劉千石議員

THE HONOURABLE AMBROSE LAU HON-CHUEN, J.P.

劉漢銓議員，J.P.

DR THE HONOURABLE LAW CHEUNG-KWOK

羅祥國議員

THE HONOURABLE LAW CHI-KWONG

羅致光議員

THE HONOURABLE LEE KAI-MING

李啟明議員

THE HONOURABLE LEUNG YIU-CHUNG

梁耀忠議員

THE HONOURABLE BRUCE LIU SING-LEE

廖成利議員

THE HONOURABLE LO SUK-CHING

羅叔清議員

THE HONOURABLE MOK YING-FAN

莫應帆議員

THE HONOURABLE MARGARET NG

吳靄儀議員

THE HONOURABLE SIN CHUNG-KAI

單仲偕議員

THE HONOURABLE TSANG KIN-SHING

曾健成議員

DR THE HONOURABLE JOHN TSE WING-LING

謝永齡議員

THE HONOURABLE MRS ELIZABETH WONG CHIEN CHI-LIEN, C.B.E.,

I.S.O., J.P.

黃錢其濂議員，C.B.E., I.S.O., J.P.

THE HONOURABLE LAWRENCE YUM SIN-LING

任善寧議員

ABSENT

缺席者：

DR THE HONOURABLE EDWARD LEONG CHE-HUNG, O.B.E., J.P.

梁智鴻議員，O.B.E., J.P.

THE HONOURABLE NGAN KAM-CHUEN

顏錦全議員

IN ATTENDANCE

列席者：

THE HONOURABLE MRS ANSON CHAN, C.B.E., J.P.

CHIEF SECRETARY

行政局議員布政司陳方安生女士，C.B.E., J.P.

THE HONOURABLE DONALD TSANG YAM-KUEN, O.B.E., J.P.

FINANCIAL SECRETARY

行政局議員財政司曾蔭權先生，O.B.E., J.P.

THE HONOURABLE JEREMY FELL MATHEWS, C.M.G., J.P.

ATTORNEY GENERAL

行政局議員律政司馬富善先生，C.M.G., J.P.

MR MICHAEL SUEN MING-YEUNG, C.B.E., J.P.

SECRETARY FOR HOME AFFAIRS

政務司孫明揚先生，C.B.E., J.P.

MR CHAU TAK-HAY, C.B.E., J.P.

SECRETARY FOR TRADE AND INDUSTRY

工商司周德熙先生，C.B.E., J.P.

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

SECRETARY FOR TRANSPORT

運輸司鮑文先生，I.S.O., J.P.

MR GORDON SIU KWING-CHUE, J.P.

SECRETARY FOR ECONOMIC SERVICES

經濟司蕭炯柱先生，J.P.

MR DOMINIC WONG SHING-WAH, O.B.E., J.P.

SECRETARY FOR HOUSING

房屋司黃星華先生，O.B.E., J.P.

MRS KATHERINE FOK LO SHIU-CHING, O.B.E., J.P.

SECRETARY FOR HEALTH AND WELFARE

生福利司霍羅兆貞女士，O.B.E., J.P.

MR RAFAEL HUI SI-YAN, J.P.

SECRETARY FOR FINANCIAL SERVICES

財經事務司許仕仁先生，J.P.

MR JOSEPH WONG WING-PING, J.P.

SECRETARY FOR EDUCATION AND MANPOWER

教育統籌司王永平先生，J.P.

MR PETER LAI HING-LING, J.P.

SECRETARY FOR SECURITY

保安司黎慶寧先生，J.P.

MR BOWEN LEUNG PO-WING, J.P.

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS

規劃環境地政司梁寶榮先生，J.P.

MR KWONG KI-CHI, J.P.

SECRETARY FOR THE TREASURY

庫務司鄭其志先生，J.P.

MR KWONG HON-SANG, J.P.

SECRETARY FOR WORKS

工務司鄭漢生先生，J.P.

THE CLERKS TO THE LEGISLATIVE COUNCIL

立法局秘書：

MR LAW KAM-SANG, DEPUTY SECRETARY GENERAL

副秘書長羅錦生先生

MISS PAULINE NG MAN-WAH, ASSISTANT SECRETARY GENERAL

助理秘書長吳文華女士

MR RAY CHAN YUM-MOU, ASSISTANT SECRETARY GENERAL

助理秘書長陳欽茂先生

PAPERS

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

Subject

Subsidiary Legislation	<i>L.N. No.</i>
Television (Date of Renewal of Licence) (Asia Television Limited) Order 1995	477/95
Television (Date of Renewal of Licence) (Television Broadcasts Limited) Order 1995	478/95
Television (Royalty and Licence Fees) (Amendment) Regulation 1995	479/95
Official Languages (Alteration of Text) (Firearms and Ammunition Ordinance) Order 1995	481/95
Security and Guarding Services (Fees) Regulation (L.N. 258 of 1995) (Commencement) Notice 1995	482/95
Insurance Companies (Amendment) Ordinance 1994 (25 of 1994) (Commencement) Notice 1995	483/95
Insurance Companies (Determination of Long Term Liabilities) Regulation (L.N. 327 of 1995) (Commencement) Notice 1995	484/95
Insurance Companies (Margin of Solvency) Regulation (L.N. 328 of 1995) (Commencement) Notice 1995	485/95
Official Languages (Authentic Chinese Text) (Pensions (Special Provisions) (Customs Officers) Ordinance) Order	(C) 83/95

Official Languages (Authentic Chinese Text) (Legal Officers Ordinance) Order	(C) 84/95
Official Languages (Authentic Chinese Text) (Pensions (Special Provisions) (Hong Kong Polytechnic) Ordinance) Order	(C) 85/95
Official Languages (Authentic Chinese Text) (Pensions (Special Provisions) Ordinance) Order	(C) 86/95
Official Languages (Authentic Chinese Text) (Misrepresentation Ordinance) Order	(C) 87/95
Official Languages (Authentic Chinese Text) (Pensions (Increase) Ordinance) Order	(C) 88/95
Official Languages (Authentic Chinese Text) (Firearms and Ammunition Ordinance) Order	(C) 89/95
Official Languages (Authentic Chinese Text) (Marriage (War Period) (Validity) Ordinance) Order	(C) 90/95

文件

下列文件乃根據《常規》第 14(2)條的規定而提交會議席上省覽：

項 目

附屬法例

法律公告編號

《1995 年電視（牌照續期日期）（亞洲電視 有限公司）令》	477/95
《1995 年電視（牌照續期日期）（電視廣播 有限公司）令》	478/95

《1995 年電視（專利稅及牌照費用）（修訂） 規例》	479/95
《1995 年法定語文（修改文本）（火器及 彈藥條例）令》	481/95
《保安及護 服務（費用）規例（1995 年 第 258 號法律公告）1995 年 （生效日期）公告》	482/95
《1994 年保險公司（修訂）條例（1994 年 第 25 號）1995 年（生效日期）公告》	483/95
《保險公司（釐定長期負債）規例（1995 年 第 327 號法律公告）1995 年 （生效日期）公告》	484/95
《保險公司（償付準備金）規例（1995 年 第 328 號法律公告）1995 年 （生效日期）公告》	485/95
《法定語文（中文真確本）（撫恤金 （特別規定）（關員）條例）令》	(C)83/95
《法定語文（中文真確本）（律政人員 條例）令》	(C)84/95
《法定語文（中文真確本）（退休金 （特別規定）（香港理工學院） 條例）令》	(C)85/95
《法定語文（中文真確本）（退休金 （特別規定）條例）令》	(C)86/95
《法定語文（中文真確本）（失實陳述 條例）令》	(C)87/95
《法定語文（中文真確本）（退休金（增加） 條例）令》	(C)88/95

《法定語文（中文真確本）（火器及彈藥 條例）令》	(C)89/95
《法定語文（中文真確本）（婚姻（戰爭時期） （效力）條例）令》	(C)90/95

Sessional Papers 1995-96

- No. 15 — Hong Kong Tourist Association
Annual Report 1994-95
- No. 16 — Annual Report of the Protection of Wages on
Insolvency Fund Board 1994-95

一九九五至九六年度會期內省覽的文件

- 第 15 號 — 香港旅遊協會
一九九四至九五年報
- 第 16 號 — 破產欠薪保障基金委員會
週年報告 1994-95

ADDRESS

Hong Kong Tourist Association Annual Report 1994-95

經濟司致辭：主席先生，我謹向立法局提交香港旅遊協會（“旅協”）一九九四至九五年報，並在此簡報九四年香港旅遊業的成績、旅遊業現時的情況及前景。

回顧去年業績

去年，旅遊業仍然表現突出，香港繼續保留亞洲最受歡迎旅遊勝地的地位。九四年訪港旅客的人數高達 930 萬人次，較九三年的 890 萬增加了 4.4%。

消費方面，成績也令人滿意。九四年全年旅遊收益高達 643 億港元，較九三年上升 7.1%，佔本地生產總值約 6.3%，令旅遊業繼續成為香港賺取外匯的第二大行業。

主要市場表現

回顧去年各個主要旅客市場的表現，在長途市場如美國、歐洲等地，由於仍然受到經濟困擾，雖然旅客總數輕微上升，但整體業務未見大幅增長；至於短途市場方面，台灣及日本市場因不同的因素，來港的旅客有減少跡象。

但在其他市場，如南韓，旅客人數上升了 25.5%；中國市場的表現亦非常理想，旅客人數上升 12.2%，成為香港最大的旅客來源。

旅協海外工作重點

一九九四年，旅協繼續致力在海外進行推廣活動，除鞏固原有的市場之外，又積極開拓新市場，組織旅業代表團，去年首次前往南美洲考察；九五年初，在瑞典斯德哥爾摩成立了旅協第十八個海外辦事處，拓展北歐市場；同時，又在各個長途市場推廣香港、澳門及珠江三角洲聯合旅遊點宣傳活動等，成績令人鼓舞。

此外，推廣高收益、高增長的市場，例如在香港舉行會議、展覽、獎勵旅遊，以及開拓郵輪旅遊等活動，都是九四年的工作重點。

旅遊業 — 以“人”為出發點的行業

根據旅協在九四年進行的調查顯示，78%的訪港旅客表示將會再到香港旅遊，可見他們對香港之旅感到稱心滿意。為了不斷提升近 20 萬旅遊從業員的專業知識及服務水平，旅協經常舉辦各項切合他們需要的訓練課程和研討會。

另一方面，為了令廣大市民明白旅遊業對香港經濟的重要性，並培育旅遊業的接班人，旅協積極參與安排在中學課程開辦“旅遊與旅遊業科”，增加年青人對旅遊業的認識和了解，為日後投身這行業打好基礎。在九五年五月，這課程已第一次成為中五會考的科目。

突破局限

目前，旅遊業仍然受到多項客觀因素所局限，在未來兩、三年內的增長可能受到限制，例如：啟德機場容量問題，以及在旺季期間酒店房間間歇供求不相對的情況。

但隨¹⁹中英雙方在新機場問題上達成協議，新機場將會在一九九八年啟用，屆時，必能為香港的旅遊業，以至香港的整體發展打開新局面。同時，政府放寬酒店地積比率，再加上新機場及鐵路沿線將陸續有新酒店落成。這些利好因素，都為香港的酒店業注入了新動力，令酒店房間在旺季供應緊張的情況，在不久將來得以逐漸紓緩。

展望

綜觀香港旅遊業的發展前景非常樂觀，截至九五年八月，訪港旅客人數已經比九四年同期上升 8.6%。旅遊收益方面，單在九五年上半年，已比去年同期增加 15%。旅協展望一九九五年的旅客總數可突破 1 000 萬大關，旅遊收益更可望超過 700 億港元。

雖然面對種種挑戰，我相信香港的旅遊業仍會繼續穩健發展，使香港繼續成為亞洲首屈一指的旅遊勝地。

謝謝主席先生。

WRITTEN ANSWERS TO QUESTIONS

Joint Liaison Group Discussion on Container Terminal

1. 蔡根培議員問：就本港的貨櫃碼頭一事，中英外長既已達成共識尋求解決辦法，政府可否告知本局，是否已提交或有計劃於短期內向中方提交新建議，以便由中英聯合聯絡小組盡快商討和作出決定；若然，已於何時或將於何時提交新建議？

SECRETARY FOR ECONOMIC SERVICES: Mr President, we are encouraged by the consensus reached by the Foreign Ministers of China and the United Kingdom that progress should be made on our container terminal developments.

These are matters which we have raised consistently at the Sino-British Joint Liaison Group for the last two years.

We have been discussing with the Chinese side a number of ways in which we might be able to make progress. We are clearly anxious to establish common ground so that an early resolution to the problem can be achieved. We will continue to press for a solution and are working hard to achieve this end.

Broadcasting Bill

2. 鄭家富議員問：鑑於當局未能在上一屆會期把《綜合廣播條例草案》提交本局審議，政府可否告知本局：

- (a) 會否在本屆會期把該項條例草案提交本局審議；若然，將於何時提交；若否，原因何在；及
- (b) 是否須經中國政府同意才可把這項條例草案提交本局；若然，是否因為草案涉及外資擁有廣播機構的股權比例、跨媒體擁有權等問題？

SECRETARY FOR RECREATION AND CULTURE: Mr President, it remains the Government's intention to introduce the Broadcasting Bill for consideration by Members in the current Legislative Council Session. We cannot yet be more specific about the precise timing. This will depend on the progress of drafting and the time taken for consultation with relevant parties, including the broadcasting industry. As the bill is intended to provide a regulatory basis for the broadcasting industry extending well beyond the change of sovereignty, we intend to consult the Chinese side before finalizing it for enactment by this Council.

Applications and Enquiries with Trade Department

3. 唐英年議員問：政府可否告知本局：

- (a) 貿易署每日平均接獲的牌照申請及有關查詢各佔多少，而提出該等申請及查詢有否淡旺季之分；
- (b) 每宗申請的處理時間及每項查詢的輪候時間平均各為多久；及
- (c) 貿易署會否考慮與其他政府部門（如運輸署及政務總署）看齊，午膳時間亦照常辦公，以處理申請；若否，原因何在？

SECRETARY FOR TRADE AND INDUSTRY: Mr President, the Trade Department deals with a wide variety of licence applications, the majority of which are concerned with textiles export control.

In 1994, the Department received 1.45 million textiles export licence applications, of which 650 000 were restrained licences and 800 000 were non-restrained licences. On an average, therefore, the Department received 2 200 restrained licence applications and 2 700 non-restrained licence applications per working day. The peak seasons usually occur before the final licensing date at the end of the year, before Lunar New Year Holidays, and before and after long holidays. There can be as many as 15 000 (restrained) and 4 500 (non-restrained) licence applications in a day. The Department does not keep statistics on the number of enquiries on textiles-related services, but the number is substantial according to experience.

The target processing time for textiles export licences is two clear working days. The Department managed to achieve this target last year. As for enquiries, most are answered instantly by the relevant desk officers.

Other more significant kinds of licences processed by the Department are concerned with textiles imports, various non-textiles imports and exports, as well

as certificates of origin. In 1994, the Trade Department received about 1 480 such applications per working day. The Department was able to deal with them in accordance with its performance pledge which ranged from 24 hours to 14 days, depending on the kind of licence involved. In general, there is no peak or low season in the year for these kinds of applications.

The Trade Department does not have any plan to operate its licensing service regularly during lunch time. To keep the service counters open during lunch time, additional staff will have to be deployed. This would push up operating costs, hence licence fees. This will not be welcomed by clients. Alternatively, the existing staff resources may be re-deployed to cover the lunch hour. This would affect service to clients during the normal office hours. Given the cost consideration and the fact that licence application is part of the normal business activities of exporters, it is not unreasonable to expect them to handle their applications during the normal office hours.

Liaison Office and Preparatory Committee

4. 李鵬飛議員問：有關政府提出成立聯絡處以協調政府與籌備委員會之間的聯絡事宜，政府可否告知本局：

- (a) 該聯絡處的職權及工作範圍；
- (b) 該聯絡處以甚麼準則來決定提供哪類關於政府及政府人員的資料予籌備委員會；及
- (c) 該聯絡處會根據甚麼準則給予籌備委員會和候任行政長官所需的實際協助？

SECRETARY FOR CONSTITUTIONAL AFFAIRS: Mr President, the Liaison Office will be the designated channel of communication between the Hong Kong Government and the Preparatory Committee. Where, in the course of its work, the Preparatory Committee requires information or assistance from Policy Branches and Departments, the Liaison Office will provide a central point of contact for the Committee, and will manage the process within the Hong Kong Government.

The Liaison Office will be part of the Hong Kong Government, and will be headed by the Secretary for Constitutional Affairs and staffed by civil servants. It will report directly to the Chief Secretary and the Governor. Details regarding the operation of the Liaison Office are still being worked out. We have already approached the Chinese side to take forward discussions on the types of assistance which the Preparatory Committee will require.

In co-operating with the Preparatory Committee and, in due course, the Chief Executive (Designate), we will ensure :

- (a) that the authority and credibility of the Hong Kong Government to administer the territory until 30 June 1997 are not compromised;
- (b) that the arrangements for co-operation are fully consistent with the Joint Declaration and the Basic Law, and are in the interests of Hong Kong; and
- (c) that the morale and confidence of the Civil Service are not affected.

Elderly Bedspace Apartment Lodgers

5. 馮檢基議員問：政府承諾在一九九七年底前，為所有現時住在床位寓所的老人，提供良好居住環境的居所。因此，政府可否告知本局：

- (a) 目前居住於床位寓所的老人有多少；以及居住於板間房的老人有多少；
- (b) 政府將提供哪些類型的房屋，安置現時住在床位寓所的老人；預計未來兩年內，每年為安置該等老人而提供的各類型房屋的數字分別為何；
- (c) 政府是否有計劃安置居住於板間房的老人；若然，預計未來兩年內，每年為安置該等老人而提供的各類型房屋的數字分別為何；若否，原因為何；及
- (d) 政府所提出的“良好居住環境的居所”的定義為何？

SECRETARY FOR HOUSING: Mr President, under the Bedspace Apartment Ordinance, bedspace apartments (BSAs) are defined as premises which comprise 12 or more bedspaces under rental agreements. There are now some 150 BSAs with about 3 200 lodgers. Based on a survey conducted by the Home Affairs Department in late 1993, about 38% of the lodgers were over 60 years old. Thus, the existing elderly population living in BSAs is estimated at about 1 200.

We do not have the elderly population figure for those residing in cubicle-type apartments as the scope of the Bedspace Apartments Ordinance does not cover this type of accommodation.

Elderly lodgers, whether in bedspace apartments or cubicles, may be rehoused either in welfare institutions operated by non-government organizations, or in public rental housing including purpose-built singleton flats, and other small flats, Housing for Senior Citizens flats and refurbished flats either on a single or shared basis. A breakdown of the supply of public housing flats for elderly people in Hong Kong in the next two years is given below:

	1996	1997
Housing for Senior Citizens flats	1 430	2 000
Singleton/small flats (*)	3 850	5 090
Refurbished flats (*)	2 730	2 620
	-----	-----
Total	8 010	9 710

(*) flats suitable for housing singletons, including elderly persons

There are special schemes designed to fast-track elderly people's applications on the Waiting List. Elderly people may apply under the Elderly Single Persons Priority Scheme or the Elderly Priority Scheme for two or more elderly persons. Beneficiaries of these schemes will be rehoused in approximately two years after registration. Every year, about 3 000 elderly

people are rehoused through these priority schemes. In addition, the Housing Authority sets aside a number of flats for compassionate rehousing cases recommended by the Social Welfare Department. Each year, about 600 elderly people, some from bedspace apartments and cubicles, are rehoused in public rental housing estates through this quota.

Apart from flats provided by the Housing Authority, the Hong Kong Housing Society also provides 830 flats for elderly people.

We have launched a series of publicity and outreaching campaigns to encourage elderly people living in substandard private accommodation, including those living in both bedspace apartments and cubicles, to register on the Waiting List of the Housing Authority.

Decent accommodation refers to permanent housing with adequate living facilities, which provides a degree of privacy and basic management care.

Tax Allowance for Mortgage Repayment

6. 田北俊議員問：鑑於目前本港市民，特別是入息較低的人士，在樓宇按揭方面的負擔非常沉重，加上過去兩年購買居屋被沒收保證金（俗稱“撻訂”）的個案每年均有 300 至 400 宗之多，且有不斷上升的趨勢，政府可否告知本局會否重新考慮，在個人入息稅內增加“房屋津貼”項目，將納稅人的實質租金或按揭開支免稅額，訂為每年 2 萬元，從而減輕住屋開支龐大的人士須繳的稅款？

SECRETARY FOR THE TREASURY: Mr President, among our key revenue principles are maintenance of a low, simple and predictable tax regime and provision of tax concessions where most needed, having regard to our budgetary position. The Financial Secretary is currently consulting Members on the revenue measures for the 1996-97 Budget. Proposals for tax concessions for accommodation expenditure have been raised by Members in that exercise. We will examine these proposals carefully, having regard to the principles stated above, before the Financial Secretary formulates the revenue measures for the coming Budget.

Hi-tech Personnel

7. 田北俊議員問：政府可否告本知本局：

- (a) 目前本港工業界對產品和軟件設計等“高等技術人才”的需求情況；及
- (b) 政府在這方面的培訓工作是否足夠；以及有何長遠政策和將會動用多少費用？

SECRETARY FOR EDUCATION AND MANPOWER: Mr President,

- (a) The latest manpower information available from recent surveys indicates that our manufacturing industries' annual requirement for product design technologists is about 35 persons, who are mainly product engineers. In the area of software design, the annual demand by the industrial sector is about 35 at the managerial level and 400 at the support level.
- (b) It is the Government's long-term policy to provide a sufficient number of trained personnel to meet the industries' needs. The Government believes that its efforts to provide training in the field of product and software design are adequate. The Vocational Training Council (VTC) trains design personnel in its technical colleges and technical institutes. The VTC's two technical colleges run higher diploma and higher certificate courses in manufacturing engineering with a design stream. The planned total final year places are 70 and 60 respectively. The technical institutes also expect to turn out 238 design graduates in various diploma level disciplines. In software design, there is a total of 75 higher diploma and 90 higher certificate final year places. The technical institutes also produce about 350 diploma level graduates in computing studies.

Besides supplying new graduates, the VTC provides training to upgrade and update in-service design personnel in its Electronic Design Technology Training Centre, the Precision Tooling Training Centre, the Plastics Industry Training Centre and the Information Technology Training Centre. In total, these centres provide 3 540 places amounting to 156 500 trainee hours.

VTC expenditure on the student and trainee places indicated above amounted to \$76 million a year at 1995 prices.

Training of personnel in this field is also provided by the tertiary institutions under the University Grants Committee (UGC). In 1994-95, there were 4 310 student enrolments in programmes under the Academic Programme Category (APC) of Information Technology and Computing, at an estimated cost of \$600 million. The number of students is projected to increase in the next two years, to 4 661 in 1996-97.

Apart from the expenditure on the relevant APC, there are other projects funded from the UGC's Central Allocation Vote and under the Research Grants Council's Cooperative Research Centre scheme which are related to the development and training of personnel in information technology. These projects are: the establishment of a centre of software technology facilities, a computer integrated manufacturing facility for training and teaching of information technology and other related subjects, the establishment of an institute of micro systems to facilitate the research and training in semi-conductor and micro-electronics, and Cooperative Research Centre pilot schemes in open systems technology and the application of image technology in fabric inspection. The total funding approved for these on-going projects amounts to some \$46 million.

To ensure that Hong Kong's needs for a comprehensive system of technical education and industrial training are being met in the light of the restructuring of Hong Kong's economy, we shall soon be undertaking a review of the system of providing technical education

and vocational training. This would include the specialist areas mentioned above.

Polluting Industries in Residential Areas

8. 謝永齡議員問：就污染性工業設施（例如車房）設於住宅區的問題，政府可否告知本局：

- (a) 本港現時有多少從事污染性工業的商戶設於住宅區；
- (b) 該類工業在環境衛生方面，對附近居民有何影響及有多少居民受影響；及
- (c) 政府有何短期措施及長遠政策處理此問題，以及會否考慮安置該等商戶及給予賠償？

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President,

- (a) "Commercial establishments engaged in polluting industries", which has not been defined in the question, is not a standard industrial classification on which the Government collects statistics. Nevertheless, using the example given in the question, there are, within the purview of the Environmental Protection Department, three main types of trades which might be considered polluting industries located in residential areas. Their numbers are:

Garages/auto-repair shops	768
Petrol filling stations	86
Pig roasting shops	99

- (b) The emission of paint mist, smoke and dust, if excessive, may cause eye and throat irritation to people nearby. In addition, these shops may cause littering, traffic (in the case of vehicle repair shops), and safety problems. However, there are no statistics on the total number of residents affected.

- (c) As far as short-term measures are concerned, the current policy is that no industrial undertaking of any kind will be permitted in a building which is restricted, under the lease, to residential use. The Lands Department would take lease enforcement action against such industrial undertakings. No compensation nor relocation is offered to industrial undertakings displaced from residential buildings as a result of lease enforcement action. The Lands Department would also terminate industrial undertakings in unsuitable areas held on short-term tenancies/short-term waivers.

Pollution problems associated with industrial undertakings in residential buildings can be dealt with under the provisions of the Air Pollution Control Ordinance, Water Pollution Ordinance and Waste Disposal Ordinance.

Measures by way of negotiation with the operators are also adopted. For instance, an informal code of practice has been formulated with the vehicle repair merchant association. Should it be complied with closely by the operators, it would reduce the impact of such undertakings on the residential area.

A large number of industrial undertakings are found in older residential areas and have probably been in existence before the area came under statutory planning control. Such industrial undertakings are tolerated. However, upon redevelopment, uses of the building would need to conform with the zoning of the plan. Industrial undertakings would thus be phased out in the long term from residential areas upon redevelopment.

Other long-term measures would include identification of possible sites for accommodating potentially polluting industries in industrial buildings and disposal of suitable sites through land sales.

Seismic Hazard

9. **DR SAMUEL WONG** asked: *According to the "Code of Practice on Shock-proof Design in Buildings and Other Constructions" adopted by the Chinese Government, Hong Kong is zoned in an area with the same seismic hazard as Shanghai. It is also pointed out in independent studies carried out and published in the territory that the zoning for Hong Kong as set out in the above-mentioned Code of Practice is reasonable. In view of this, will the Government inform this Council:*

- (a) what measures the Government has taken to reduce the damage caused by seismic activity;*
- (b) whether the Government will require the relevant authorities to apply additional rules in the design of low-rise buildings; and*
- (c) whether the Government will introduce or amend building design regulations requiring the design of government or institutional buildings, as well as civil engineering projects such as bridges, power stations in the territory, to withstand a certain degree of seismic hazard?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, the answers to the three parts of Dr the Honourable Samuel WONG's question are as follows:

- (a) To reduce the possible damage caused by seismic activity, the Building (Construction) Regulations require all private buildings to be designed to withstand the dynamic motion caused by a reference wind gust of 250 km/hr, and adequately restrained in both the superstructure and the foundation in such a manner that accidental damage to any structural member will only affect the local part of a building. The motion on buildings owing to seismic risk of Hong Kong is generally covered by the design requirements on wind load and structural stability.

To help ensure adequate protective measures are put in place, the Civil Engineering and other concerned government departments regularly assess the seismic risk of Hong Kong, sometimes with the assistance of seismologists from the United Kingdom and China. During the past few years, a number of studies have been carried out on issues such as:

- (i) data of earthquakes occurring in the nearby regions;
- (ii) the tectonic setting of Hong Kong; and
- (iii) the effects of seismic loading on slopes, retaining walls, reclamations and buildings.

In addition, the Government is upgrading the local seismic monitoring network;

- (b) The structural design of each type of building/structure has to be considered on a case-by-case basis. The relevant authority will require the inclusion of seismic risk in the structural design of a building/structure as the case may be; and
- (c) The relevant Building Regulations and Codes of Practice are regularly reviewed, taking into account the latest data of the seismic risk of Hong Kong. For example, in the current review of the Code of Practice for Structural Use of Concrete, seismic effect is one of the subjects being considered by a committee including representatives from the relevant professional and academic bodies.

Structural designs of government and Housing Authority buildings follow closely the requirements of the Building (Construction) Regulations and the relevant Codes.

As regards highways, railways and facilities with special post-disaster functions, such as the new Chek Lap Kok Airport Terminal Building, seismic risk is normally included in the design as an additional factor which may affect their structural stability, that is,

they should be able to withstand earthquakes of a scale comparable to the seismic risk of Hong Kong.

Curriculum Development Institute

10. 張炳良議員問：教育統籌司去年在立法局回答有關課程發展處公開招聘職員的問題時，曾表示政府的目標是在一九九八至九九年度將課程發展處透過公開招聘辦法取錄的人選比例提高至 60%。政府可否告知本局：

(a) 目前的招聘進度如何，已取錄的人數及專業類別為何；及

(b) 來年的招聘目標為何？

SECRETARY FOR EDUCATION AND MANPOWER: Mr President,

(a) The number of non-civil service posts in the Curriculum Development Institute (CDI) has been increased to 50. Of these 50 posts, 41 have been filled as follows:

1 Assistant Director (Curriculum Development Institute);

25 as subject specialists;

9 for curricula development;

2 for research; and

4 for education television and technology.

Recruitment for the nine vacancies was conducted in October 1995. Suitable candidates have been selected and appointments are expected to be made shortly.

(b) Up to eight more non-civil service staff are expected to be recruited by the CDI in 1996-97.

Mass Transit Railway Power Failure

11. 黃偉賢議員問：地下鐵路較早時於繁忙時間發生電力故障，導致列車服務中斷數小時，就此事宜，政府可否告知本局：

- (a) 發生故障的原因為何；
- (b) 地下鐵路公司（下稱“地鐵公司”）如何防止同類情況再發生；
- (c) 地鐵公司於繁忙時間遇上嚴重事故，有何應變措施疏導人潮；
- (d) 上述(c)項措施能否有效疏導人潮；若否，會否要求地鐵公司檢討有關應變措施；並制訂新的措施；及
- (e) 地鐵公司是否會考慮購置巴士以作緊急應變之用；若然，何時實施；若否，原因為何？

SECRETARY FOR TRANSPORT: Mr President, the MTR service disruption between Kowloon Tong and Choi Hung Stations on 22 September 1995 lasted for three hours and 45 minutes. This was caused by the loss of power supply resulting from a fractured insulator supporting the overhead power line. At no time during the incident was passenger safety at risk.

The cause of the fracture is still being investigated. In the meantime, the Mass Transit Railway Corporation (MTRC) has, as a precautionary measure, replaced those insulators in that particular section of the tunnel where the fractured one was located. The Corporation has also inspected all other similar insulators and confirmed that they are in order.

In accordance with contingency procedures for dealing with a major service disruption, the MTRC alerts the Transport Department and other public transport operators immediately of the need to provide alternative transport services. The Corporation also informs members of the public of service suspensions through announcements at MTR stations and through radio and TV stations.

The above procedures were followed on 22 September. For example, in response to this emergency, the Kowloon-Canton Railway Corporation informed passengers that they should avoid changing at the Kowloon Tong Station for journeys to East Kowloon. The Kowloon Motor Bus deployed extra buses on routes linking East Kowloon with Kowloon Tong, Tsim Sha Tsui and Hong Kong Island, and carried over 80 000 additional passengers.

It is impracticable for the MTRC to acquire and maintain a fleet of buses to cater for emergencies as this has substantial costs and operational implications. Overall, co-operation from other transport operators has been readily forthcoming. Nevertheless, the Corporation will draw on the experience of this particular incident to see how such interface can be enhanced and will also consider ways to improve communication with passengers and the public about re-routing alternatives and resumption of service.

Women Employed in Industry

12. 李啟明議員問：政府可否告知本局：

- (a) 現時受僱於工業界的婦女共有多少人；及
- (b) 工業界婦女在本年內加班的人次和時數分別共有多少，其中在晚上十一時後仍需工作的又有多少人？

SECRETARY FOR EDUCATION AND MANPOWER: Mr President,

- (a) According to the statistics of the Census and Statistics Department 176 350 women were employed in the manufacturing industry in June 1995, accounting for 44% of the total number of persons employed in the industry.
- (b) The Women and Young Persons (Industry) Regulations of the Employment Ordinance regulates the employment of women in industrial undertakings in respect of the hours of employment, and

overtime employment. According to Regulation 10 of the Regulations, any employer who wishes to employ women in excess of the working hours specified under the Regulations have to notify the Commissioner for Labour in writing before such overtime employment is to begin. During the first nine months of this year, employers from 1 551 industrial undertakings reported overtime employment of women under the above Regulations. A total of 39 345 women workers and 117 620 hours of overtime employment was involved. We have no statistics on the person-times of overtime work undertaken by women in the industrial sector. However, Regulation 10(2) of the above Regulations stipulates that no woman may work overtime in an industrial undertaking for more than 200 hours in any year or two hours in any day.

According to Regulation 8 of the above Regulations, the period of employment of any women in any industrial undertaking shall neither begin earlier than 6 am nor end later than 11 pm, except with the written permission of the Commissioner for Labour. In the first nine months of this year, such permission was given to the employment of 1 658 women in the industrial sector to work beyond 11 pm.

Community Rehabilitation Network Scheme

13. **MRS ELIZABETH WONG** asked: *Will the Government inform this Council whether it supports the Community Rehabilitation Network Scheme, which is currently funded by the Jockey Club; if so, when will the Government fund the entire scheme through subvention from General Revenue; if not, why not?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, with government support, in April 1994, the Hong Kong Society for Rehabilitation was successful in its bid for a grant from the Royal Hong Kong Jockey Club for the setting up of a Clearing House and two Community Rehabilitation Network centres for two years.

We shall shortly be seeking funding from the Lotteries Fund to cover the operation of the Clearing House and the two existing centres in 1996-97. The Society is also planning an additional centre at Lei Cheng Uk Estate. We shall be bidding for funds in the resource allocation exercise for the 1997-98 financial year with the aim of subventing directly the existing services and that new centre. Thereafter, we shall discuss with the Society the need and timing for any further expansion of the scheme.

UNHCR Debts

14. 唐英年議員問：鑑於在照顧及供養越南船民方面，聯合國難民專員公署拖欠港府巨額款項，政府可否告知本局：

- (a) 聯合國難民專員公署現時就船民而拖欠的費用合共多少，預計何時可全數清還，其還款時間表為何；
- (b) 在越南船民全數遣返前，港府仍需承擔多少開支，其用途為何；及
- (c) 會否要求英國政府承擔清還該筆未能於一九九七年七月前全數清還的餘款？

SECRETARY FOR SECURITY: Mr President,

- (a) Under the terms of a Statement of Understanding, entered into with the Hong Kong Government in 1988, the United Nations High Commissioner of Refugees (UNHCR) is responsible for meeting the costs of the care and maintenance of the Vietnamese migrants (VM) in Hong Kong's camps. Since 1989, the UNHCR has only been able to reimburse a proportion of these costs and, as at 30 September 1995, owed the Hong Kong Government about \$1 billion.

As we have done in the past, we shall continue to remind the UNHCR to discharge their debt to us. The UNHCR has re-affirmed their commitment to repay the amount owed on many occasions, most recently in September this year. But the UNHCR has no independent funds and relies on contributions from the international community.

- (b) The principal costs associated with the VM problem which are borne by the Hong Kong Government relate to the operation of the detention centres, the provision of medical services and the orderly repatriation programme. These costs will amount to about \$750 million in the current financial year. The costs in future years will depend on the pace of repatriation.
- (c) The debt is owed to the Hong Kong Government by the UNHCR. The UNHCR has re-affirmed their commitment to repay the debt. The United Kingdom was not a party to the 1988 Statement of Understanding.

Petrol Filling Stations near Residential Buildings

15. 謝永齡議員問：政府可否告知本局：

- (a) 本港現時有多少個汽車電油站距離民居不足 50 米；及
- (b) 一旦油站發生火警，政府有何對策預防對民居構成的危險？

SECRETARY FOR SECURITY: Mr President,

- (a) There are, at present, 90 petrol filling stations (PFSs) located less than 50 metres away from residential buildings in the territory.
- (b) The Hong Kong Planning Standards and Guidelines (Chapter 11) provides details on planning considerations for PFSs. They should be situated on open ground, or at acceptable areas within commercial or industrial buildings, and shall not in any case be

located inside any residential buildings.

In accordance with the Institute of Petroleum Marketing Safety Code, tank openings and dispensers of PFSs should be located with their centre lines not less than 4.25 metres from any fixed source of ignition or from the boundary of the PFS. Where such safety distance cannot be provided, stringent fire protection measures will be required.

Depending on the location and layout of the PFSs, fire protection systems may include the provision of a drencher system, an automatic foam water spray system, mechanical ventilation system, portable fire fighting equipment and warning signs. Complete fire separation of the PFS from other parts of the building will also be required if the PFS is located inside a building. In addition, the design of storage tanks, pipings, pumping/dispensing systems and electrical installations have to comply with standards stipulated by the Director of Fire Services. Licensing conditions govern traffic management at PFSs, product delivery and dispensing procedures, and the actions to be taken in an emergency.

These precautionary measures and controls have proven generally effective. Nonetheless, in the event that a fire occurs at a PFS, there is a pre-determined Fire Services attendance so that well-trained operational crew will quickly attend the scene of the incident.

Deaths in School

16. 黃偉賢議員問：政府可否告知本局：

(a) 過去三年有多少學童於上課期間暴斃；死亡原因為何；及

(b) 有何措施防止上述情況發生？

SECRETARY FOR EDUCATION AND MANPOWER: Mr President,

- (a) Over the past three years, there is only one such case. This concerns the death of an eight-year-old girl during a Physical Education lesson on 10 October 1995. The cause of death is still under investigation.
- (b) Regulation 55 of the Education Regulations requires that every school should have at least one first aid box and at least two teachers trained in administering first aid. In addition, the Education Department has issued to all schools a handbook on "Safety Precautions in Physical Education for Hong Kong Schools". Annual seminars on safety precautions in Physical Education are also conducted for Physical Education teachers and the chairpersons of the subject panel.

After the exact cause of death in the present case is known, we will consider whether further preventive measures should be taken.

School Design Standards

17. 張文光議員問：就最新訂立的中、小學校舍的標準設計，政府可否告知本局：

- (a) 設計的標準為何，並請分項列出各課室、房間、各項用地和場地等的數目和面積；又新建校舍是否必須按照標準建成；
- (b) 目前仍未達到標準設計的中、小學的數目；
- (c) 就學校樓面總面積及每名學生的露天遊戲用地面積兩方面，請列出與這兩項標準相距最遠的 20 間中學及 20 間小學的名單；
- (d) 當局有否任何改善、擴建或加建時間表，使所有未達標準設計

的學校盡快達至標準；及

- (e) 就與標準相距甚遠的學校在完成按《教育統籌委員會第五號報告書》建議為現有中、小學進行的改善工程前，當局有否任何過渡安排和輔助措施，協助該等學校改善擠迫的環境？

SECRETARY FOR EDUCATION AND MANPOWER: Mr President, the Education Commission recommended in its Report No. 5 that all new schools should be built to an improved standard to provide additional space for teachers and students, and that all existing schools should be brought up to this new standard under a phased improvement programme. The Government accepted this recommendation. In November 1993, it introduced a new schedule of accommodation for building new schools. Details are at Annex A. In 1994, it commenced a School Improvement Programme to improve in stages all existing schools.

- (a) The improved standard as set out at Annex A applies to all new schools the planning of which commences after November 1993 except where because of non-availability of standard school sites and the need to meet significant shortfall of school places, schools have to be built on smaller sites.
- (b) As explained in the introductory paragraph, all existing primary (499) and secondary (369) schools in the public sector need to be brought up to the improved standard.
- (c) We are not able to provide names of those schools the designs of which fall short of the improved standard by the widest margin as we do not have precise information on the total floor area and open playground area per student of every school in Hong Kong. In general, the majority of the schools the designs of which are significantly below the latest standard have been included in the early phases of the School Improvement Programme.
- (d) We aim to bring all existing public sector schools to the improved

standard by 2003 under the School Improvement Programme; the first two phases involving 240 schools are already in progress and expected to be completed by 1997.

- (e) The majority of those public sector schools which are significantly below the improved standard have already been included in the early phases of the School Improvement Programme. For those schools found not feasible for improvement works because of physical and technical constraints, consideration would be given to upgrading the environment of these schools on a case by case basis through other appropriate measures such as reduction of school size or relocation.

Annex A

Schedule of Accommodation
for 26-Classroom Secondary School

<i>Item No.</i>	<i>Description</i>	<i>No.</i>	<i>Internal Floor Area (sq m)</i>
1	Classroom	26	1 456 (@ 56)
2	Remedial Teaching Room	3	84 (@ 28)
3	Special Room	14	2 115
4	Principal's Office	1	14
5*	Staff Room	3	224
6*	Staff Common Room	1	56
7	Career Master's Room	1	14
8	Office for Teacher of Special Responsibilities	1	14
9*	Interview Room	2	42
10	General Office	1	64
11	Medical Inspection Room	1	14
12	Printing Room	1	14
13	Pantry	1	6
14	Store Room	12	185
15	Assembly Hall	1	461
16	Dressing Room/Chair Store	1	174
17	Covered Playground	1	474

		1	292
18*	Student Activity Centre	1	176
19	PE Store	2	44
20	Changing Room	2	112 (@ 56)
21	Dark Room	1	20
22	Timber Store	1	28
23	Wet Wood Store	1	12
24	Dangerous Goods Store	1	7
25	Tuck Shop	1	20
26	Staff Toilet	NA#	NA#
27	Pupils' Toilet	NA#	NA#
28	Menial Staff Quarters	2	64 (@ 32)

Schedule of Accommodation
for 30-Classroom Primary School

<i>Item No.</i>	<i>Description</i>	<i>No.</i>	<i>Internal Floor Area (sq m)</i>
1	Classroom	30	1 680 (@ 56)
2	Remedial Teaching Room	3	84 (@ 28)
3	Special Room	4	294
4*	Library	1	112
5	Headmaster's Office	2	28 (@ 14)
6*	Staff Room	3	224
7*	Staff Common Room	1	56
8	SGO's Office	1	14
9*	Interview Room	2	42
10	General Office	1	44
11	Medical Inspection Room	1	12
12	Printing Room	1	14
13	Pantry	1	6
14	Store Room	9	87
15	Assembly Hall	1	461
16	Dressing Room/Chair Store	1	174
17	Covered Playground	1	474

		1	292
18*	Student Activity Centre	1	176
19	PE Store	2	44
20	Changing Room	2	56 (@ 28)
21	Tuck Shop	1	20
22	Staff Toilet	NA#	NA#
23	Pupils' Toilet	NA#	NA#
24	Menial Staff Quarters	2	64 (@ 32)

Note * : Additional accommodation recommended by the Education Commission Report No. 5.

: The number and size of the staff and pupils' toilets are determined by the number of latrine facilities required.

MOTIONS

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

THE CHIEF SECRETARY to move the following motion:

"That the Legal Aid (Assessment of Resources and Contributions) (Amendment) Regulation 1995, published as Legal Notice No. 353 of 1995 and laid on the table of the Legislative Council on 11 October 1995, be amended as shown in the Schedule.

SCHEDULE

1. Contributions

(1) Section 1 is renumbered as section 2.

(2) Section 2(1) is amended-

(a) by repealing "to the Legal Aid (Assessment of Resources and Contributions) Regulations (Cap. 91 sub. leg.)";

- (b) in paragraph (c), by repealing "if his application is for proceedings in which a breach of the Hong Kong Bill of Rights Ordinance (Cap. 383) is an issue and the Director is satisfied that he has a meritorious case" and substituting "if his certificate is for proceedings in which a breach of the Hong Kong Bill of Rights Ordinance (Cap. 383) or an inconsistency with the International Covenant on Civil and Political Rights as applied to Hong Kong is an issue".

- (3) Section 2(3) is repealed.

2. **Section added**

The following is added -

"1. Regulation added

The Legal Aid (Assessment of Resources and Contributions) Regulations (Cap. 91 sub. leg.) are amended by adding-

"15. Contributions for employee's compensation and common law damages

A person who is issued with 2 legal aid certificates, one for employee's compensation and the other for common law damages arising out of the same circumstances, is liable to pay only one amount of contributions for the 2 certificates."."

She said: Mr President, I move the first motion standing in my name on the Order Paper.

The Legal Aid (Assessment of Resources and Contributions) (Amendment) Regulation 1995 (the Regulation) adjusted the contributions payable by persons granted legal aid under ordinary circumstances and provided for a variation of the resources limits for persons granted legal aid for meritorious Bill of Rights cases to the Director of Legal Aid. The Regulation was gazetted on 28 July. It commenced operation on the same date as part of the subsidiary legislation of the

Legal Aid (Amendment) Ordinance 1995, which was passed by this Council on 14 June. The Regulation was laid on the table in the Council on 11 October.

I am grateful to the Legal Service Division of the Legislative Council Secretariat for raising a number of drafting issues concerning the Regulation. The Administration accepts the points made and is now proposing a number of technical amendments.

First, a necessary consequential amendment to the Legal Aid (Assessment of Resources and Contributions) Regulations (the principal Regulations) resulting from the Legal Aid (Amendment) Ordinance 1995 has been inadvertently omitted. The Regulation at present amends Schedule 3 to the principal Regulations to provide for a variation of the resources limits for meritorious Bill of Rights cases. Cases relating to any inconsistency with the International Covenant on Civil and Political Rights have been left out. The new section 2(c) of the Regulation provides that meritorious International Covenant on Civil and Political Rights cases are also included.

Secondly, Part IV of Schedule 3 has at present no direct reference to a regulation in the text of the Legal Aid (Assessment of Resources and Contributions) Regulations. The new section 1 of the Regulation repeals Part IV of Schedule 3 and transposes it as the new regulation 15 of the principal Regulations.

Mr President, I beg to move.

Question on the motion proposed, put and agreed to.

CRIMINAL PROCEDURE ORDINANCE

THE CHIEF SECRETARY to move the following motion:

"That the Legal Aid in Criminal Cases (Amendment) (No. 3) Rules 1995, made by the Chief Justice on 14 October 1995, be approved."

She said: Mr President, I move the motion standing in my name on the Order

Paper.

The Legal Aid (Amendment) Bill was passed by this Council on 14 June and received the assent of the Governor on 15 June. Under sections 9 and 9A of the Criminal Procedure Ordinance, the Chief Justice made the Legal Aid in Criminal Cases (Amendment) (No. 2) Rules 1995 after the Bill has been passed into law. The Ordinance and its subsidiary legislation, including the Rules, came into effect on 28 July.

Rule 16 of the Legal Aid in Criminal Cases Rules provides that the Director of Legal Aid may require a person granted legal aid to pay a contribution towards the sums payable on his account by the Director. It has now been found that as a result of the earlier amendment, Rule 16 now covers only legal aid applications for proceedings in which a breach of the Hong Kong Bill of Rights Ordinance is an issue and has possibly omitted legal aid applications under ordinary circumstances. The present amendment to Rule 16, as amended in the Legal Aid in Criminal Cases (Amendment) (No. 2) Rules 1995, is required to ensure that the ordinary applications for legal aid in criminal matters are covered, as well as Bill of Rights cases.

In accordance with sections 9 and 9A of the Criminal Procedure Ordinance, the Chief Justice has made the Legal Aid in Criminal Cases (Amendment) (No. 3) Rules 1995 on 14 October. The Rules now require the approval of this Council by resolution.

Mr President, I beg to move.

Question on the motion proposed, put and agreed to.

BILLS

First Reading of Bills

COSTS IN CRIMINAL CASES BILL

EMPLOYMENT (AMENDMENT) (NO. 4) BILL 1995

LANDS TRIBUNAL (AMENDMENT) BILL 1995

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

Second Reading of Bills**COSTS IN CRIMINAL CASES BILL**

THE ATTORNEY GENERAL to move the Second Reading of: "A Bill to provide for costs in criminal cases."

He said: Mr President, I move that the Costs in Criminal Cases Bill be read a Second time.

The purpose of this Bill is to reform the existing law and practice governing the award of costs in criminal cases by removing anomalies and inconsistencies and by providing a clear set of principles applicable to all levels of criminal courts.

Defence costs

I will deal, first, with the Bill's proposals concerning defence costs. At present, in the magistrates court, costs may be awarded to a defendant who has been acquitted only if the magistrate is satisfied that the proceedings ought not to have been instituted or pursued. But in the High Court and District Court, a different test applies, in that costs are normally to be awarded to an acquitted defendant unless there are positive reasons for their not being so awarded, namely, that he has brought suspicion on himself and has misled the prosecution into thinking that the case against him is stronger than it is. If the defendant is legally-aided, then any award of costs will be limited to the extent of any contribution he has made towards the costs of his defence.

Thus, Mr President, in the magistrates courts, an acquitted person carries the burden of demonstrating that the prosecution is at fault; in the District Court and High Court, he will normally be awarded costs unless he is at fault or the

acquittal turns on a technicality.

It is difficult to justify the different principles applicable in the award of costs in criminal proceedings. The Bill, therefore, provides that the same guiding principles for the award of costs should apply in all the courts, and that the court should be given a complete discretion on the question of costs. That discretion should normally be exercised in favour of the acquitted person unless there should be positive reasons for not so doing. To remove the different principles governing the award of costs to an acquitted defendant in the magistrates court and superior courts, Part II of the Bill provides that courts at all levels have a complete discretion on awarding costs to a successful defendant at trial or otherwise, and on appeal.

Clause 3(2) of the Bill provides that costs in the magistrates court should not exceed \$15,000 unless they are to be assessed by an official of the court or have been agreed by the prosecution and the defence. The amount of \$15,000 represents a substantial increase from \$5,000, which was set as long ago in 1981.

Clause 6 gives courts at all levels a discretion to award costs in favour of a defendant where he is charged with multiple offences but is acquitted of one or more offences.

Clause 9(2)(b) empowers the Court of Appeal to award costs to a defendant where it substitutes on appeal a sentence substantially at variance with that passed by the court below. Although such costs may not have been occasioned through any fault of the prosecution, but rather because the trial judge imposed an inappropriate sentence, the defendant should not be left out of pocket when he has been obliged to appeal against a sentence which is held to be flawed.

Prosecution costs

Mr President, I turn now to that part of the Bill dealing with the prosecution costs. Part III of the Bill provides for costs to be ordered in favour of the prosecution in summary proceedings (clause 11), indictable proceedings (clause 12), and where a judge or the Court of Appeal dismisses an unmeritorious appeal lodged by a defendant, that is, clause 13.

I should make it clear that it will not automatically be the case that the prosecution will ask for or be awarded its costs where there is a conviction. Generally speaking, the prosecution will not seek costs in relation to any defendant or appellant who has a Legal Aid Certificate. However, in other cases where the prosecution is satisfied that the defendant or appellant is financially capable of paying costs, the prosecution may seek an order for costs. Of course, discretion must be used and if it is considered that there is no prospect of enforcing the order, there is not much point in making any application for costs.

Similar to clause 3(2), clause 11(2) increases the costs limit in the magistrates court from \$5,000 (set in 1981) to \$15,000; again, costs may only exceed that amount if they are to be assessed by an official of the court or have been agreed by the prosecution and the defence.

Clause 16 of the Bill provides that liability for costs of a legally-aided defendant should not exceed his contribution paid or payable to the Director of Legal Aid towards the costs of his defence.

Wasted costs

Mr President, at present, there are no provisions governing wasted costs in criminal cases, so that where loss or expense is caused to any person by the unjustifiable conduct of criminal litigation by either side's lawyers, there is no remedy. Mr President, that cannot possibly be right. Clause 18 of the Bill arms the courts with an effective remedy for the protection of the injured. That clause enables the court to order the legal or other representative to pay the whole or part of wasted costs. Clause 2 of the Bill defines wasted costs to mean any costs incurred by a party to criminal proceedings as a result of an improper, unreasonable or negligent act or omission on the part of his legal or other representative, or where, in the light of any such act or omission occurring after such costs had been incurred, it is unreasonable to expect that party to pay. I should make clear that the court's power to make a wasted costs order would extend to the prosecution as well as to the defence.

In order to allay the concern that the interests of the legal or other representatives may not be adequately protected if the court intends to order wasted costs against them, clause 18(2) provides that no wasted costs order shall

be made unless the legal or other representatives concerned have been given a reasonable opportunity to appear before the court to show cause why the order should not be made. It is intended that rules will be made under clause 22 of the Bill to make detailed provision for this safeguard.

Appeals

The Bill also provides for avenues for appeals against costs orders made by the court. Where any of the parties to the proceedings is not satisfied with an order for costs, he or she can appeal against that order under clause 19, or apply under clause 20 for those costs to be assessed by the court, or apply under clause 21 for a review of that assessment.

Mr President, the Bill sets out a fair and coherent set of principles governing the award of costs in criminal proceedings. It arms the courts with the power to prevent persons from suffering losses and expenses as a result of unjustifiable conduct on the part of lawyers. The Bill makes significant improvements to the administration of criminal justice and I commend it to this Council.

Question on the motion on the Second Reading of the Bill proposed.

Debate on the motion adjourned and Bill referred to the House Committee pursuant to Standing Order 42(3A).

EMPLOYMENT (AMENDMENT) (NO. 4) BILL 1995

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

教育統籌司致辭：主席先生，我動議二讀《1995年僱傭（修訂）（第4號）條例草案》。

《僱傭條例》（第57章）及其附屬法例，即《職業介紹所規例》、《僱用兒童規例》和《婦女及青年（工業）規例》內所訂各種罪行的最高罰款額，在一九八八年曾作出修訂。我們提出本條例草案的目的，是調整上述各項法例內所訂的最高罰款額，以顧及通脹因素、加重對違例者的處罰，及使最高罰款額與《1994年刑事訴訟程序（修訂）（第2號）條例》所訂明的罰款級

別相符。

我們在條例草案中，建議將各種罪行分為“輕微”、“嚴重”及“非常嚴重”，以釐定最高罰款額。“輕微”罪行的建議最高罰款額是 1 萬元，相等於《1994 年刑事訴訟程序條例》所訂的第三級罰款。舉例來說，不按《僱傭條例》的規定保存僱傭紀錄，便屬“輕微”罪行。

我們建議“嚴重”罪行的最高罰款額是 5 萬元，相等於《1994 年刑事訴訟程序條例》所訂的第五級罰款。舉例來說，僱主未有提供法定福利，例如年假、長期服務金等，便屬“嚴重”罪行，最後，我們建議“非常嚴重”罪行的最高罰款額是 10 萬元，相等於《刑事訴訟程序條例》所訂的第六級罰款。這類罪行包括非法解僱，以及侵犯僱員加入職工會和參與工會活動的權利。

我們亦建議，當僱主觸犯《僱傭條例》第 33(4B)條，即在僱員放取有薪病假時，終止他的僱傭合約，便會被判處罰款，罰款級別定於“非常嚴重”的水平，即最高罰款額可達 10 萬元。

我們今次提議的修訂，不但令各項罰款額更合時宜，更藉此機會提醒僱主他們應有的責任，如果觸犯有關條例，可能會被重判罰款。

謝謝主席先生。

Question on the motion on the Second Reading of the Bill proposed.

Debate on the motion adjourned and Bill referred to the House Committee pursuant to Standing Order 42(3A).

LANDS TRIBUNAL (AMENDMENT) BILL 1995

THE SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS to move the Second Reading of: "A Bill to amend the Lands Tribunal Ordinance."

規劃環境地政司致辭：主席先生，我動議二讀《1995 年土地審裁處（修訂）條例草案》。

上述條例草案是根據《土地審裁處條例》第 8(7)條給予土地審裁處明確的司法管轄權，以租賃終止為理由，可藉依據《業主與租客（綜合）條例》第 IV 或 V 部送達的終止租賃通知書，作出收回空置情況下的管有的命令。

條例草案說明，土地審裁處被視為一直具有這樣的司法管轄權。這是為了解決上訴庭在一九九三年一宗民事上訴所作的判決所引起的、關於司法管轄權的問題，上訴庭在該案件裁定土地審裁處沒有上述的司法管轄權。在這個判決之前，土地審裁處是被認為具有這樣的司法管轄權的。

我們亦藉此機會修訂《土地審裁處條例》委任土地審裁處成員的情況，以反映現時安排。

主席先生，我建議各位議員考慮通過上述條例草案。

謝謝主席先生。

Question on the motion on the Second Reading of the Bill proposed.

Debate on the motion adjourned and Bill referred to the House Committee pursuant to Standing Order 42(3A).

BANK NOTES ISSUE (AMENDMENT) BILL 1995

Resumption of debate on Second Reading which was moved on 18 October 1995

Question on the Second Reading of the Bill proposed, put and agreed to.

Bill read the Second time.

Bill committed to a Committee of the whole Council pursuant to Standing Order 43(1).

TAX RESERVE CERTIFICATES (AMENDMENT) BILL 1995

Resumption of debate on Second Reading which was moved on 18 October 1995

Question on the Second Reading of the Bill proposed, put and agreed to.

Bill read the Second time.

Bill committed to a Committee of the whole Council pursuant to Standing Order 43(1).

Committee Stage of Bills

Council went into Committee.

BANK NOTES ISSUE (AMENDMENT) BILL 1995

Clauses 1 to 10 were agreed to.

TAX RESERVE CERTIFICATES (AMENDMENT) BILL 1995

Clauses 1 to 3 were agreed to.

Council then resumed.

Third Reading of Bills

THE SECRETARY FOR FINANCIAL SERVICES reported that the

BANK NOTES ISSUE (AMENDMENT) BILL 1995

had passed through Committee without amendment. He moved the Third Reading of the Bill.

Question on the Third Reading of the Bill proposed, put and agreed to.

Bill read the Third time and passed.

THE SECRETARY FOR THE TREASURY reported that the

TAX RESERVE CERTIFICATES (AMENDMENT) BILL 1995

had passed through Committee without amendment. He moved the Third Reading of the Bill.

Question on the Third Reading of the Bill proposed, put and agreed to.

Bill read the Third time and passed.

MEMBER'S MOTIONS

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

MR RONALD ARCULLI *to move the following motion:*

"That the Noise Control (General) (Amendment) Regulation 1995, published as Legal Notice No. 426 of 1995 and laid on the table of the Legislative Council on 11 October 1995, be repealed."

MR RONALD ARCULLI: Mr President, I move the motion standing in my name on the Order Paper. The motion seeks to repeal the Noise Control (General)(Amendment) Regulation 1995 under section 34(2) of the Interpretation and General Clauses Ordinance.

A Subcommittee under my chairmanship was formed to scrutinize this Regulation and 153 other items of subsidiary legislation gazetted from 30 June to 6 October 1995. Only a small number of items of subsidiary legislation dealt with fee increases. The Subcommittee studied these items carefully and decided to support those relating to film censorship and gambling licences and not to support the other 12 items of fee increases. One item of subsidiary legislation, the Port Control (Cargo Working Areas) (Amendment) Regulation 1995, was repealed by this Council at the last sitting. At this sitting, I will move motions to repeal 10 of them and to partly repeal one of them.

The Subcommittee shared the view that a freeze on the increase of fees and

charges would be appropriate because of the economic slowdown, unemployment rate, inflation and the lack of consumer confidence. Furthermore the Government could well afford the revenue lost in view of our sound fiscal condition and huge reserves. The Subcommittee's recommendation is that we freeze increase for the year and is not meant to be abandoning the user pays or the cost recovery principles. Indeed if the economy and unemployment improve before 12 months the Government can always bring these increases back to this Council.

The first of the 11 items is the Noise Control (General)(Amendment) Regulation 1995. Published as Legal Notice No. 426 of 1995 and laid on the table of the Legislative Council on 11 October 1995, the Regulation increases the fee payable for a construction noise permit from \$150 to \$180 with effect from 9 November 1995.

Mr President, in accordance with the Subcommittee's recommendation which, I believe, was supported by the House Committee that the fee should remain at the existing level, I move to repeal the Regulation.

Question on the motion proposed.

規劃環境地政司致辭：主席先生，《1995年噪音管制（一般）（修訂）規例》的目的，在於調整申請兩種建築工程許可證的費用。第一種是一般使用機動設備的建築工程，第二種是撞擊式打樁工程。

根據《噪音管制條例》，任何在夜間或假日使用機動設施的建築工程，或進行撞擊式打樁工程，都必須向環境保護署申請許可證，工程才可以進行。此舉旨在確保業內人士在進行嘈吵的建築工程時，能夠符合環保署所訂的標準，減低對鄰居造成的噪音滋擾。

申請許可證的費用，是根據一九九三年，即兩年前的價格水平釐定，收費遠遠較成本為低。我們這次所建議的增幅，只是為了反映一九九四年和一九九五年共 17.8%的通脹率。這次收費調整只會為業內人士，如建築工程承辦商和公用事業機構，帶來十分輕微的影響。所增加的費用只會令整個行業每年多支出 8 萬元。但假如這次收費調整不獲通過，則會導致現在已經偏低

的收費水平再相對下降，與政府的“污染者自付”原則大相逕庭。因此，我希望各位議員重新考慮我們加費的建議，反對這項議案。

劉千石議員致辭：主席先生，我會就夏佳理議員這項議案及以下各項議案一併發言。

主席先生，政府有關四千多項服務收費和利潤的準則，早於一九九三年本局通過否決政府的隧道加價建議後，已經在一個議案辯論中詳細討論過。當時政府答應檢討收費和利潤的準則，但卻只在去年年底對五項公用事業的利潤回報計算準則作出建議，其餘四千多項服務收費政策則仍未有任何檢討。事實上，本局的同事已經多次要求政府把所有服務分門別類，指出何種屬於補貼服務，何種要收回成本，何種要利潤回報，何種有徵稅意義等。但政府至今沒有交出一張清單，讓議員可以深入討論有關服務的收費準則是否合理。我希望庫務司能在不久將來向本局提供服務收費準則的分類名單，使我們可以全面評估政府服務的收費政策。

主席先生，今日的香港社會正面對持續高企的通脹，面對嚴重的失業情況，面對經濟不景。毫無疑問，立法局須要作出回應，提出解決方法，使在職人士和普羅市民可以在惡劣的經濟環境下鬆一口氣。在此前提下，我認為要凍結各項公共服務收費來遏抑通脹、保障民生。我本來期望立法局可達致共識，為了遏抑通脹、保障民生而要求全面凍結所有政府服務收費、公屋租金、差餉及所有公用事業的收費，甚至凍結各級議會的議員酬金和高級公務員薪酬。但如果缺乏這種共識，只凍結一些和一般市民民生關係不大的工商業經營項目收費，而當一些影響民生的公用事業提出加價時又予以支持的話，則所謂凍結收費、改善民生，根本並不正確，對改善經濟亦沒有多大幫助。

主席先生，今天本局表決的 11 項服務收費議案，大多純粹是與民生無關的工商業經營項目，其加價只是向工商界收回成本，有些更與環境保護的目的有關；當中只有涉及驗車表格收費及車輛廢氣檢驗費兩項，包括向非商用私家車在內的所有車輛收費，因此，這兩項不算是純粹的商業服務。故

此，我對於夏佳理議員提出的 11 項凍結收費議案，除了對第八和第十一項有關《道路交通條例》附屬法例的議案投贊成票外，對其餘九項議案，我會投反對票。

主席先生，我謹此陳辭。謝謝。

羅祥國議員致辭：主席先生，民協議員上次已投票支持夏佳理議員動議凍結或否決一項收費，而上一次我在有關總督施政報告的辯論上發言時，亦清楚提出民協對該次決定的立場。我可以重複一遍，我們當時表示否定並不是因為有技術性的原因，而是因為我們希望向政府提出一個清楚的訊息，就是現時 9%的通脹已十分高。政府長期以來將各項收費政策與通脹掛鉤，是延續高通脹的主要原因之一，民協並不贊成這項政策。

對於今日夏佳理議員剛提出的議案，以及下述多項收費建議，民協的立場與劉千石議員剛才所持的立場非常接近。我們覺得這次增加的費用絕大部分是牌照費和許可證費用，全部都與做生意有關，對民生的直接影響卻非常有限。雖然，有議員提出“羊毛出自羊身上”的論據，民協卻絕對不同意，亦認為沒有任何證據顯示有這種關係。

在 11 項收費建議之中，民協支持政府的十項建議，只有一項關於車輛廢氣測試的收費屬例外。我覺得這項收費與所有私家車車主有關，而且，每當警方看見某些車輛出現黑煙，即使最終證明車輛沒有問題，私家車車主亦需要繳費，所以我們反對政府收取這項費用。

我要再次強調，民協並不要求政府凍結所有收費，但是，如果政府的收費與民生有關，例如：公屋加租，以及其他與民生有直接關係的收費，我們一定會在議會內反對。

謝謝主席先生。

MRS ELIZABETH WONG: Mr President, I rise to make three points.

First, I would like to make the point about caring for our people.

We exist on the periphery of economic change. There is unemployment unacceptable at an all time high of 3%. This percentage, if I recall correctly, was recently claimed by the Chief Secretary at a CNN TV interview to be "good". With due respect to the Chief Secretary for whom I have the greatest respect, I must beg to differ. Whilst this percentage may be regarded as good by the standards of any other country, it is certainly not acceptable here. Hong Kong is not like any other country. For one thing, we are undergoing political change the likes of which we have not seen before.

Additionally, our unemployment problem is compounded by our high rate of inflation, still running at an uncomfortable 8%. We should do everything we can to resolve these problems.

Secondly, we should protect our environment.

The Secretary's impact analysis tells us that today's fee proposals are for environmental protection, with very little impact on inflation or on the consumer. I am convinced by his arguments.

On the subject of environmental protection, I share everybody's concern.

We all live on the same planet and there is only one planet to live on. Here in Hong Kong, we remove mountains and fill our seas. We have a highly polluted harbour: our harbour was once described as the Fragrant Harbour, now it is "fragrance" of another kind.

We are now paying a high price for this neglect of our environment.

However, to really care for our environment, I think we should spend more on environmental protection; and through environmental protection, we can create new jobs and be more creative about jobs.

Let us, indeed, work for a greener and better Hong Kong.

Thirdly, I shall refer to the new order.

We now have a fully elected Council. Every single one of us in this

Council speaks for the people whom we represent. On a practical and realistic basis, we should work in partnership with our executive-led Government. This partnership, I hope, is what the Governor meant in his October address entitled "Our work together", on which there is pending a vote of thanks later on this afternoon.

On the subject of fees and charges, the Government could start, for example, by working with this Council to withdraw altogether all increases in fees and charges for at least six months until the economy turns better.

Here, I should ask the Government to pluck the wax from their ears and listen to the voice of the people.

Otherwise, the Gubernatorial personages will suffer the inevitable disaster of finding themselves either shipwrecked or drowned in the eddy-whirls of change. Now to follow the Financial Secretary's own penchant for classical allusion, I call on him not to think about the Siren but to think of Scylla and Charybdis instead.

Mr President, I appeal to the Government to do what is right. By withdrawing for future reference proposals for fee increases until the economic climate is right and until the Government can properly rationalize the fees and the categories just now mentioned by Honourable LAU Chin-shek and then to discuss them with us as I suggested at a similar debate.

黃震遐議員致辭：主席先生，我代表民主黨談談有關這 11 項收費的建議，我想談談各項收費。上一次我已提到我們的看法，去年四月，民主黨曾經提出這項建議，就是希望政府因應香港的惡劣通脹情況，而凍結三鐵加費、公共事業加費、以及公屋收費和政府收費的增加。上一次我亦提過，我們覺得這樣做可紓緩通脹，幫助民生，亦對香港經濟有利。

上星期，一位經濟學家曾提出一個重要的觀點，就是造成香港的通脹的其中一個因素是預期因素，就是人人都預期通脹會持續下去，於是人人都要求加價或加薪，因而令到通脹壓力不斷持續。如果政府自願停止加價、凍結加價，其實可以抑止預期通脹的心理，這樣做對於香港的通脹情況會有更大幫助。我再次希望政府自動凍結政府收費的增加。

至於加費方面，政府剛說應由污染者自付，這話題似乎與環保有關。但細心一想，今次增加的主要是牌照費及許可證費用，想得實際一點，如果由 150 元增加至 180 元，難道就能夠令到噪音減少？如果能夠的話，將處理廢物的收費提高，難道就能夠令到香港的廢物消失？肯定不能夠，這說法只會混淆視聽，使人產生錯覺。實際上，這些只是牌照費和許可證費用，不是對污染者的懲罰，或是污染者製造多些污染，就向他們收取較昂貴的費用。政府的收費政策，並不是規定所製造的噪音多十分貝就多收 50 元。這種說法根本是混淆視聽，純粹與通脹有關，與環保全無直接關係。

我希望政府下星期向財經事務委員會解釋政府收費時，詳細解釋政府收費的準則及政府怎樣計算每一項收費。因為政府計算出來的通脹數字與一般通脹數字不合，似乎政府是有另一套計算方法，為甚麼會這樣呢？我希望政府到時候解釋為甚麼政府不是年年加價，卻是每隔一段時間加價，亦請政府向我們解釋。哪些是與民生有關的加費，哪些是與環保有關的呢？希望下星期，即十一月十日，有關官員能備妥有關資料，以便向我們提供。

在此，我亦想提及在水污染的一般管制方面可以看到的一種現象。這次，政府說我們凍結這項收費，會令政府的財政收入減少，也會令政府可能考慮加稅，政府已提出這個觀點。其實，在水污染這件事上，我們可以看出，其實，政府幾年來都沒有加價，為甚麼今次要多加一些呢？因為要從九一年的收費開始向上調整，這豈不是“只准州官放火，不准百姓點燈”？多年來，政府自動凍結收費，不想加價，今次立法局只是凍結政府今年的加費，政府卻有怨言了。由此可見，政府反對立法局凍結政府的收費，並不是基於財政因素，主要是因為行政主導的問題，就是立法局有權阻止政府制訂立法局議員認為不當的行政政策。因此，民主黨反對政府加費，我們會支持夏佳理議員的議案。

田北俊議員致辭：主席先生，這個小組的主席是夏佳理議員，我是唯一來自自由黨的其他成員。在小組討論的該次會議上，有其他民主各派的同事出席。最初我以為不用發言，我想，如自由黨與民主派的意見不同，可能就要多做些功課和說些話了。以往，如果論題是插民主派旗幟，就沒有人敢妄動，最近，我卻發覺有人比民主派更厲害，原來那人就是政府的財政司。最近，所有報章的社論都把矛頭指向整個立法局，都說整個立法局為甚麼會做

出凍結政府加價這種不合理的事。有些報章說自由黨變了免費午餐派，有些又說民主派被工商界牽■鼻子走，我想以上說法都不對。

主席先生，就今天提出的多項加價，我只想提出一點：今天，誰是這個社會最富有的人呢？全世界的社會，除了共產黨以外，就只有三個人——政府、工商界和市民。當然，共產黨搞國營企業，工商界就等於政府。在香港的情況下，政府有錢、工商界有錢，市民也有錢。今天，我認為市民沒有錢，工商界有一點錢；至於政府，對不起，總督先生，你最有錢。

為甚麼我會這樣說？外匯基金已多於 4,000 億元；至於儲備金，一九九一年，政府與中方達成協議，在一九九七年留給特區政府的儲備會由 50 億元增至 250 億元，今天就已經有 1,500 億元的儲備。香港政府理財特別出色，去年的回報率是 12%，若以 1,500 億元為基礎計算，一年已有 180 億元的回報。

我們並非不支持政府所說的量入為出（**Prudent Spending**）的做法，即“小心花錢”，我們都支持這做法。但是，在現時量入為出的情況下，是不是要在“量”方面盡量入，在“出”方面盡量少出？

我們覺得，今時今日，如果政府是富有的話，是不是可以放緩在政府儲備方面的增長？但我們不是要求不增長。如果說，今時今日我們提出凍結加價會引致有 20 億元的影響，在大約 1,800 億元的總數之中，這並不是個大數目。

我們不可以否決三月份的財政預算。政府提到千多億元，我們不可以叫政府立即停頓下來。立法局唯一可以做的，則只可以就這十多廿億元與政府商討，看看是否有今天還錢於民的構思。如果這些錢仍在工商界和市民手中，是不是有兩個好處？如果市民有多些錢的話，他們會用來花，工商界便有生意做；工商界有錢的話，便可給工人加薪，又或者減低加價幅度。當然，我留意到劉千石議員的論點，在公共事業方面，我們不可以不支持。我的想法是這樣的，如果今天政府帶頭凍結 4 000 項加價的話，公共事業方面的成本增幅遲早會減少，加價理由也遲早會減少。

主席先生，此外，我想談談通脹由誰帶頭的問題，這就像“雞和雞蛋”

的問題一樣。誰先起帶動作用呢？如果今天政府將這 4000 項加價完全凍結，對我們工商界的成本增加，多少也會有幫助。對六個月後或一年後的通脹數字是否一定會有幫助呢？我認為是。

如果政府老是說，現在增加 8%是為了追上通脹，使公務員可以加薪，根據這個理論，通脹這個循環一定會繼續存在，一直不可間斷，該由誰人帶頭中止這種情況呢？我認為政府最有錢，倒不如就由政府帶頭。政府不收取這 20 億元不會有問題。反過來看，我們現有的 1,500 億元儲備金，並不是投資在香港，而是用來購買外國證券或“treasury bond”那一類東西，可以說全部都是用來刺激外國經濟，而是不會刺激本港經濟。但是，如果將這 20 億元留在香港工商界或市民手上，市民花費會對工商界有利，工商界擴充生意亦會對市民有利。在這方面，我希望勞方朋友想一想，是不是有這種方法可以阻止政府多收費用。我們可以合力使政府自動減少增幅，減低通脹，改善經濟情況，令工商界可提供更多就業機會。

主席先生，我謹此陳辭，支持夏佳理議員的議案。

MR PAUL CHEUNG: Mr President, like my colleagues in this Council, I am concerned about the state of our economy. However, I fail to see how freezing the fees and charges under today's motions would help the economy.

Today's motions are at best symbolic. The amount of money involved is not significant regardless of which side one stands on this issue. There must be other ways to make the point and there must be better ways for us to work with the Administration to improve our economy. I am a firm supporter of the user pays principle. The Administration is merely proposing the increases on the basis of catch up inflation adjustment. For example, some fees have not even been adjusted for several years. As I do not want to stand up during each motion, I am making these remarks to cover the rest of the 10 motions. I shall be voting "No" against the proposed motion.

陳鑑林議員致辭： 主席先生，我們已在上次會議時表態，我們是審慎考慮過那幾項政府加費的，我認為政府應在這個時候帶頭遏抑通脹，而不應追趕通脹。政府目前的加費顯然是為了追上通脹，收回成本，或取得一些收費去彌補其他支出。我覺得政府在現時整體經濟放緩的時候，應該做更多事情以

壓抑通脹，這是相當重要的。

我們認為這些收費雖然未必與民生有直接關係，但加重工商業方面的成本，同樣亦會造成更多民生方面的支出。至於有些議員認為噪音製造者及污染者要自付費用，我非常贊成。但如果加費能夠令噪音製造者及污染者收斂，我會贊成。可惜，這次加費卻與噪音製造者及污染者完全沒有關係。我認為今次加費不會令環境變得更加清靜，所以，總括而言，我支持夏佳理議員的議案。

謝謝主席先生。

周梁淑怡議員致辭：主席先生，本來我並不打算發言，但剛才聽了劉千石議員所說的話，我覺得有必要作出回應。我覺得今次財政司應該恭喜自己，他在游說方面，無論在游說議員或媒介方面都做了很多工夫，亦得到相當成績。可惜，我覺得他得到的成果非常差，有非常負面的效果。他進行游說的論據，是把經濟與民生分開成為兩個不同的加費基礎。然後，他把這些加費說成：經濟方面的加費是為了工商界的好處，而與經濟無關的加費，則是為了市民的好處。所以，如果是關心民生的話，就不應給予工商界好處。這個論據相當危險，對於香港這個重視經濟的社會，一切以經濟為基礎，使社會有經濟能力才能改善民生。這樣說是相當危險的，這樣做會使我們的社會分裂。

我們的社會的情況是唇亡齒寒，做生意的人和工人一定要聯合起來，大家互相關懷，息息相關。不能說這事情是為了民生的，我們就不考慮做生意的人會有甚麼困難；對於只是關乎民生的事，我們就要理會，對於做生意的人，我們就不能夠理會，不理他們的死活。

其實，現在已經有這種情況。我可以告訴各位，我代表的零售批發界完全支持我們原則上要政府凍結收費加幅一年。可能在計算方面，公說公有理，婆說婆有理，有些人說這樣加費實質上會影響生意，做生意的人絕對可以告訴各位，這樣做是絕對有影響的。因為，不但成本價格會提高，通脹亦會提高。有些人說這是做生意的人的事，不是關乎民生的事。但是，經濟與民生是絕對息息相關的，沒有可能毫無關係。試問增加經營成本，又怎會不影響消費者需付的價錢呢？細想想都會發覺這說法不合理！

現在做生意艱難，外界的人也相當清楚這一點。因為當時說要污染者自付，於是令排污費大幅增加，有些酒樓便無法繼續經營，結果受苦的又是工

人，因為他們會失業。這事證明我們是唇齒相依的，做生意的人和工人同坐一條船，必須同舟共濟。我希望政府不要以這個論調為根據，將每一件事情分隔，引導做生意的人和工人有分隔的想法，來分化這個社會。

主席先生，我支持夏佳理議員的議案，希望其他同事亦能夠支持。

MISS CHRISTINE LOH: Mr President, with your indulgence, I would also like to speak just once and highlight all the 11 items of charges today.

The question that we are really considering today is: Should taxpayers further subsidize polluting industries or should the industries themselves foot the bill? The motion is asking us to freeze charges on licence fees to polluting industries and pass the cost on to the general taxpayers. I cannot agree with the motion. The public should not subsidize the cost of ensuring that a waste disposal operator complies with the law, or for that matter, that a company meets the legal requirements to discharge waste into the harbour or dump sludge into the sea, or for that matter, use a more appropriate jack-hammer.

I feel some of my honourable colleagues have misunderstood that these are environmental penalties; listening to Dr HUANG Chen-ya, he seems to think so. But if we just take the first example of noise control, we are really talking about a permit fee for using a percussive piling equipment, and we are increasing the charge from \$150 for that permit to \$180. So, if indeed a particular company uses these percussive instruments and exceeds noise control, there is other legislation to control that excess. This simply deals with the licence fee for the permit of using the equipment. So I do not think we should look at these necessarily as environmental charges as such.

Last week, Mr President, I voted against the Government's proposed increased charges for port services because I did not think the Administration adequately informed us about the composition of those charges. This week, however, the Government has provided sufficient information, first of all in the letter they sent us on 26 October. And further I have had extensive discussion with the relevant officers in the Government to ask for further information because I think it is important for us to understand how these charges are made up. I only wish that the Government could have provided all legislators with

more information. And in looking at the totality of all the charges, 10 out of the 11 proposals would only bring to the Government no more than \$1 million a year. That is really very little. Even if we added on the 11th proposal, which is an increase of what seems to be a very large increase of 58.5%, the total increase to government coffers is only about \$2 million extra from the old charges.

So I really find the argument about inflation and unemployment staggering because, again, we are really looking at licence fees increase in some cases from \$120 to \$145. There is no way that any one can convince me that a construction company would go down the tubes for paying an extra \$25 a year for that licence fee, or for that matter, that they would hire fewer employees.

So on this basis, Mr President, I will be voting in favour of the Government's proposal. Thank you.

陳偉業議員致辭：主席先生，今次，我純粹是以個人身分發言，並不是代表民主黨發言。我想澄清兩個問題：其中一個是收費問題。剛才，幾位議員提到有些收費與環保有關。我做了六年環境諮詢委員會成員，陸恭蕙議員也是環境諮詢委員會的成員，對於她對這個問題有所誤解，實在令我感到震驚。剛才，她引用的例子是有些噪音牌照的申請費用由 150 元增至 180 元。我剛計算過，建造一幢 30 層高的樓宇，按每呎 600 元計算，600 呎單位的興建成本是 8,600 萬元。牌照費增加 30 元，對環境究竟有何影響？

條例草案審議委員會在審議條例草案時亦曾考慮這個問題，我也曾提到環境保護方面的問題。如果將來政府提出的加費，真正與環境保護有關的話，正如我在當時的會議上所表示的一樣，我們會特別審慎地處理有關環境保護的問題。但今次這 11 項收費，包括與環境條例有關的收費，純粹與收回成本有關。從環境保護方面來看，我很肯定亦很清楚地指出這樣做在環境保護方面毫無實際作用。希望各位議員仔細閱讀文件，不要繼續用環保為理由而誤導香港市民。

此外，我想談談條例草案審議委員會討論問題的過程。我對劉千石議員到了昨日才公開表示反對，感到很失望。我和劉千石議員共事多年，過去數星期，由收到文件開始至條例草案審議委員會開會，直至個多星期前內務委

員會會議過後，劉千石議員都沒有對我說他會反對委員會的決定及反對加價。

我覺得整個立法局是層疊式運作的，有問題的時候，我們會成立專責委員會審議有關條例。不論是審議條例或是由小組委員會審議附屬法例，總有一個運作過程。我清楚記得上屆會期臨近尾聲時，劉健儀議員曾就議員利益問題大發牢騷，會後我立即到門外向她道歉，對她表示不好意思。因為，去年我沒有跟進問題，到最後決定時我要投反對票，對她來說，這樣做很不公道。

我覺得作為一個議員，一定要用機制去處理問題。關於這個收費問題，一個月前各位已收到文件，如果各位閱讀文件之後認為有問題，是當時就已經知道的。關於夏佳理議員主持的那次會議，報章已多次報道該小組委員會的討論和決定，由始至終只有黃秉槐議員曾對我表示他不贊成我們的決定，但如果其他很多議員，特別是民主派和民主黨的議員，以及我們經常有接觸的議員有如此強烈的意見，我希望他們能夠派代表參加小組委員會，請他們在與我們見面時表達意見；如果他們在整個過程中也不爭取，又是否履行了立法局議員應有的職責呢？

我剛才寫了一張字條給李卓人議員，表示今次我對工盟的表現很不滿，由始至終，工盟的立法局議員沒有向我們這個小組委員會或在內務委員會提出這個意見，昨天卻高姿態地招待記者。主席先生，我今天閱報始知道他們反對，真是感到十分不滿。民協的羅祥國議員是新議員，他可能不大清楚這個過程，這是可以理解的。但至於一些舊有的議員，我希望他們可以盡量利用這個機制。在機制之內，大家辯論，將正反雙方的意見拿出來討論，然後一起作出一個理智的決定，這樣立法局的運作才會較為成熟。

現在，立法年度剛剛開始，我們還有 20 個月，不知道以後能否做得到，但現在仍然會開會。至少在未來 20 個月中，大家應尊重這個制度；如果大家用這個模式辦事，以後小組委員會就不用開會了，以後就在大會討論和投票吧，那用得着討論呢？我有點牢騷，亦有類似劉健儀議員去年年底時的感受，希望大家能夠尊重這個制度，也尊重自己作為立法局議員的身分。謝謝主席先生。

葉國謙議員致辭：主席先生，政府今次以“用者自付”為理由，對政府所提供的 12 項服務大幅增加收費，民建聯原則上是支持“用者自付”的原則，不過，“用者自付”並不是、亦不應該是考慮通過提高收費的唯一標準。如

果“用者自付”是考慮問題的唯一標準，那麼公屋的租金、學校的學費肯定不是現時的水平。民建聯今次反對，只是認為政府在現時經濟不景、通脹高企的情況下提出加費，無論用意是如何正確，但手法始終很差。因為此舉會向公眾傳遞一個錯誤的信息，以為是政府帶頭加價，當公共機構跟隨政府的做法，提出高於通脹的加幅時，試問政府又如何能夠有力而又令人信服地去拒絕呢？

一些人認為受到今次加價影響的只是使用那些政府服務的人，主要是商戶，故此市民沒有理由去資助這些商戶。民建聯同意此項原則，但政府是否要急急收回成本呢？可否以更長的時間及更溫和的加幅去逐步收回成本呢？到現時為止，民建聯仍然未聽到一個合理的加價計劃及論據。

本人謹此陳辭，支持凍結增加 11 項收費。

李卓人議員致辭：謝謝主席先生。本來我不打算發言，但剛才聽了多位議員發言，我想作出回應。

剛才陳偉業議員說寫了一張字條給我，我現在把劉千石議員遞給我的那張字條讀出，他說他昨天沒有舉行記者招待會，另一方面，較早前他已把意見通知動議人夏佳理議員，也有通知民主黨主席。我最想回應的是剛才田北俊議員說報章或政府精於分化立法局議員。我想清楚指出，我是從財政司處偷師的，我用“蠟”塞¹⁰耳朵，當政府說話時，我不會讓它妖言惑眾，我在這方面效法財政司。

但工盟今次為何採取這種態度？不是因為政府游說我們，坦白說，政府沒有和我談論過，也沒有與劉千石議員談過，根本不是他們作出游說；而是這是一個具體很重要的問題，便是自由黨在這件事上，是站在民生抑或工商界的立場而要求凍結收費。剛才周梁淑怡議員屢次說不可以將經濟和民生分開，但具體而言，歷史教訓我們，自由黨是把它們分開的。當談到民生方面時，自由黨常說香港是一個商業社會，我們不可以凍結公共事業加價，令到商業機構沒有收益，我們一定要通過加價。我覺得在民生問題上，自由黨卻是在工商界利益發言，在今次事件中，相反地，又怎可以要我們相信自由黨是為民生呢？如果自由黨對我們說贊成凍結公屋租金，贊成凍結所有公共事業加價——雖然他們可能會說這並不是今天討論的事，但只要清楚表明立場，謂立法局議員團結遏抑通脹，保障民生，我會有完全不同的看法。但若非如此，如果在民生問題上，自由黨不是站在我們這方時，我會問究竟在今次凍結收費事件上，自由黨說是保障民生，我則要研究是否屬實。坦白說，

我研究後所得結論，是今次事件與民生關係很微小。當然，周梁淑怡議員會說我分開了民生問題。但自由黨曾否站在我們這方？所以，我覺得在今天的討論後，可能值得做的是大家再討論，有沒有一個共同的打擊通脹、保障民生的政策。如果大家有共同的政策，將來如果政府說增費，我們可以再討論是否凍結所有收費，其中當然包括公共事業加價和公屋租金。如果有共同立場的話，我真的覺得我們今天在這裏坐下來討論政府收費是為了保障民生，否則，我會覺得在一些事件中，自由黨是選擇性地以民生為旗幟，“打民生牌”，說要凍結收費是選擇性的，如果不是選擇性而是“一刀切”的話，我立即和自由黨“一刀切”；但如果是選擇性的話，我又會有所選擇了。

今天，我作出選擇後的決定，便是我們反對政府第八和十一項的加費。我會作少少解釋，因為其中很技術性，而且和政策有關，我希望運輸署能聽聽。第八項是關於黑煙車輛的驗車制度，我們反對政府加費是因為整個黑煙車輛驗車制度是不公平的。第一個不公平的地方是，很多時候是依靠肉眼斷定車輛是否排出過多黑煙。剛才羅祥國議員說是由警方進行，其實不是警察，而是一些義工，例如鍾楚紅小姐也有協助進行，我不是覺得她做得不好，但很多時候未經訓練的人用肉眼觀察，然後挑中那輛車，那輛車便要檢驗，這是問題的關鍵。其次，最大的問題是驗車費由 170 元增至 200 元，如果那個職業司機的車噴黑煙，他驗車後，證實是超過水平，他要付款，我們無話可說，但職業司機的反應便是即使驗車後，證明沒有噴黑煙，他們同樣要繳付 170 元（或現在增至 200 元）；即是說如果是冤枉的話，他同樣要花時間駕車去檢驗，浪費了時間之外，還要付款。這是唯一我們希望政府在這方面能改變政策。如果是噴黑煙車輛的司機要付款，實屬無可厚非，我覺得是應該的，因為他是一個污染者。如果他不是，他是被冤枉的，我們覺得應該豁免其驗車費用。如果是這樣，政策便會比較公平，被冤枉的職業司機或私家車車主毋須受罰，這便是我們為甚麼反對第八項的增費的原因。謝謝主席先生。

李鵬飛議員致辭：主席先生，其實我在上星期的發言，已提過要求政府凍結加價，並不是凍結收費，但有些人所得印象是凍結收費。我今天要提出三點，但不想駁斥李卓人議員謂自由黨如此他們就如此等等，因為他們之所以如此並非基於原則性的決定。

第一，本港經濟今天是否存在問題？政府官員曾說沒有問題，總督也謂沒有問題。大家認為今天的香港社會是否面臨一個經濟問題，須否振興？當然政府不欲表白出來，但等到第四季經濟報告發表時，大家就會知道本港經濟正在滑落，而財政司將來亦會承認，如何從第一季的 5.9% 滑落下去，現在面對何種環境？明年又面對何種環境。

誰最有錢？田北俊議員曾說香港政府“水浸”，錢從何來呢？那些錢就是市民的稅收、繳費而令政府有盈餘，積聚鉅資，這些錢是屬於香港人的。但現在卻要加價，任何香港人，無論是否做生意，也要繳費給政府。香港政府今天是否需要錢？有需要的，我們支持。當然，政府運作是需要錢的。我今天親口問過財政司很多次，但我的結論是今天的香港政府並不需要利用加價來增加稅收的。政府用“收回成本”、“用者自付”等理由，聽來很有原則性，其實全部都是稅收，沒有分別。政府任何的收入都是稅收，有些人以“用者自付”來哄騙我們，有些則用“收回成本”，假若如此，今天所有人的子女讀書、就醫，都一樣要“用者自付”，為何不能夠呢？鄭明訓議員是生意人，難道他也不明白嗎？所有收入都是相同的，是屬於政府的，錢收夠了就應該用之於民，這是我們應該催促政府做的事情。

為何自由黨在總督未發表施政報告前便去見他呢？因為我們想振興香港的經濟。現在經濟有問題，政府應起帶頭作用，唯有政府帶頭才能夠遏抑通脹，不加價。我亦曾說過，一九九一年政府曾凍結加價九個月，通脹便開始下降，當時很多議員現在也在本局內。政府今天不想做，便採取另一番論調。

我認為這不是政治鬥爭，而是一場經濟的鬥爭，我們是否要挽救香港的經濟呢？究竟今天失業率高企，問題出在何處呢？是因為輸入勞工嗎？若停止了輸入勞工，而經濟依然有問題的話，到時我會指摘劉千石議員。所以，我認為政府現在要帶頭。關於公共事業，政府是有合約的，我希望他們考慮加幅若干及應否加價時，應考慮政府已帶頭凍結加費，與社會共同進退，這才是原則。李卓人議員要求我們今天“一刀切”，這是不可能的，我們沒有此權力，但我們可以與他們商榷，我們認識他們是誰？要政府帶了頭，別人才願意跟隨，而且有很大機會他們是會跟隨的，所以我希望李議員重新考慮。

今天民主黨議員支持凍結加價，我亦覺得非常高興，為甚麼呢？因為至少他們了解到經濟運作上，加費對香港會產生大問題。難道要待一九九六年

見到經濟滑落才開始補救嗎？所以立法局應此時催促政府，假若政府不聽，繼續將加費建議提交本局，我們就否決它，這才是一個正式的訊息。所以，自由黨的議員一直對此問題立場堅定，不單是因為我們了解經濟運作，也因為我們希望政府發揮領導的職責。今天自由黨會支持夏佳理議員的議案。

馮檢基議員致辭：主席先生，根據政府給我們的資料，今天的 11 項加價建議會帶來 3,117,500 元的額外總收入。究竟三百多萬元可令經濟增長多少呢？我真的看不到。減少多呢？又真的看不到。但唯一可能清楚的，是一個訊息，就是政府不要帶頭加價，而這個訊息，我記得上星期討論貨物裝卸區時，已經談論過了。我們其實也希望局內的政黨和其他人士都能將這訊息放在自己的立場裏，希望政府和公共事業，在這一年裏都不要加價，我們希望有這個承諾。

在過去十多天裏，游說我最多的不是政府，政府官員只是給我來了一個電話，游說我最多的，是局內的同事，他們希望我們黨內立場一致，和其他黨一致要求政府和公共事業都不要加價。我們上星期和今次反對政府提出加價的目的，是要帶出一個強烈的訊息；但我自己也感到失望，因為我從其他同事，特別是劉千石和工盟的同事，還有今天田北俊議員的演辭中，得悉自由黨並不太強烈反對公共事業提出加價。至少剛才田北俊議員也說，當政府不加價時，公共事業也自然不加價的。但我不理會公共事業加價與否，我會理會自由黨是否和我們一齊，至少在立場上，在價值判斷上，除了政府的加價外，都一致反對公共事業加價，這個訊息才是最重要的。而這個訊息亦是我們和劉千石議員討論後，決定要信守、要堅持下去的。當自由黨認為要等公共事業提出加價時，才作考慮，我們便覺得這個訊息弱下來了。當這訊息弱下來，自由黨覺得要分項考慮時，我們便要作出分項考慮了，我這番說話不能代表劉千石議員或李卓人議員的立場，但我感覺到我們有共同的理解。

在今次的加費建議上，我有第二點要提出，就是越關於周梁淑怡議員提出的意見，雖然她現時不在這裏。她說過現在的酒樓業十分蕭條，是由排污費引致，“污染者自付”這原則，令到酒樓業因排污費而越來越不景氣。但我記得當年政府提出排污費時，率先支持的便是自由黨。民主黨雖然不滿收費訂得太高，但亦勉強可以接受。當時唯一反對的是民協。但今天討論這個問題時，自由黨舊事重提，謂“污染者自付”排污費誤事。那為何自由黨當日卻支持呢？所以，我覺得剛才李卓人議員所說的一番話十分重要。如果自由黨今天在議會內能夠告訴我，在未來一年內，他們都會和我們一起反對政

府和公共事業的加價，那麼民協也可立刻跟大家一樣，一起反對。但假如自由黨不可以承諾，那我只好分項考慮，與民生有關的，我們會支持夏佳理議員，與民生無關的，便加以反對。

我們覺得今次的加幅其實是由 4.5 元至二千多元不等，我們完全沒有誤會，我們不會認為這 4.5 元至二千多元可以令污染問題得到解決。這 4.5 元至 2,000 元只不過是令到公務員發出牌照的時候，收回基本的成本。這成本其實和上次有些不同，上次討論貨物裝卸區碼頭時，政府說要包括建築成本，而且要三年回本。這方面我們和政府是有爭拗的，為何要三年呢？為何不是五年、七年？為何不像房委會那樣 40 年呢？在這爭拗過程中，大家可以討論，究竟要多少年才回本。但今次建議增收的大部分是一些經常性開支上的成本。因此，稍後自由黨若再有同事發言的話，我真的很希望聽到他們說自由黨同意凍結所有政府和公共事業的加價，由我們 60 位議員，一齊來爭取這件事。謝謝主席先生。

PRESIDENT: Mr Paul CHENG, do you have a point of order or a point of elucidation or explanation to make?

鄭明訓議員：我想就李鵬飛議員的發言作出回應。

PRESIDENT: Mr Paul CHENG, under Standing Orders, you are not permitted to speak for a second time.

詹培忠議員致辭：主席先生，從今日要求政府凍結加費這件事，我們可以看到，政黨或代表自己的議員都各懷鬼胎，並沒有為那件事表達正義的意見。主席先生，我希望在座的 59 位議員，都有權各自表達意見，其他議員對別的議員的意見，不好作出回應。事實上，議員發言後不用別人作回應，因為他有權利表達自己的看法。因此，我希望以後，特別是屬於政黨的議員，因為你們佔大多數，不要干預其他議員發表意見，亦不用你們作出回應，應由社會對他們的發言作出回應。

主席先生，我們必須明白，香港的通脹情況並不是獨有的，世界各國同樣須面對這問題。我以前也曾說過，通脹是進步社會四大因素之一，是無可避免的。首先，我們要了解，本局要求政府從今以後的一段時間，如六個

月、九個月或者一年，暫時凍結各項公共收費，這是最主要的一個目標。如果你們說不是這幾項，這豈非不公平？又如何算得上是公道呢？

主席先生，最重要的是，一個議會要平衡發展。如果兩個黨派的議員加起來已超過議席數目的 50%，換言之，已變相成為執政黨。執政黨在評估任何事情時，都必須很小心處理。因為如果這樣下去，執政黨可利用議會，令香港這個以行政為主導的政府受到很大挑戰。綜觀本局今年各事務委員會主席和副主席的安排，自由黨和民主黨已經取得協調，大家已有默契。基本上可說是壟斷所有席位。一位醫生作為能夠充分代表香港財經事務的委員會主席，處理財經事務委員會的一切工作.....

PRESIDENT: Mr CHIM Pui-chung, may I remind you that you have to stick to the substance of the motion.

詹培忠議員：主席先生，我只是說出一個事實，就是如果兩個政黨可以控制一個議會，它們必須很小心評估力量，發揮它們為整個社會的平衡力，而不應為了一件事，試探政府的力量。如果政府不與它們商量，以後就利用這件事試一試政府是否低頭，來表達他們政黨的代表性。

主席先生，我希望它們進行任何事情之前，必須評估未來的形勢。為了一己之慾，造成香港整個社會政治的變幻或無形的變更，我相信這並非是市民所樂見的。

主席先生，我謹此陳辭。

庫務司致辭：較早前規劃環境地政司已經向各位解釋了這項收費調整的理由，我在此再次呼籲各位議員在決定是否凍結收費之前，審慎考慮此決定對香港長遠的影響。

在上星期三關於公眾貨物裝卸區加費的辯論裏，我們已詳細解釋過以凍結政府收費的方法去對付通脹或者失業問題，在香港整體經濟環境而言是不適當的，亦不可能發揮任何效用，我不打算在此重複這些解釋或理據，但既

然有幾位議員強調通脹的問題，我想指出，正如我們以往曾提及，每年政府收費的調整對甲類消費物價指數的影響少於 0.1%。不過，主席先生，自從議員提出凍結各項收費以來，在不同場合的討論裏，亦在今天的討論裏，我看到有不少議員及市民是支持政府的“用者自付”及“收回成本”的原則，這令我們感到非常欣慰。

最近立法局內務委員會議決，由有關的事務委員會詳細研究政府服務釐定收費這課題，剛才劉千石議員及另外一兩位議員亦提出過類似的意見，我們很樂意向該事務委員會及各位議員提供詳盡的資料及協助，希望亦可趁這機會澄清一部分議員對政府收費準則的誤解。這樣做肯定是務實及向前看的做法。

此外，財政司正在就一九九六年度財政預算案收入建議諮詢各位議員，我希望各位議員善加利用此兩個途徑表達意見，我深信此做法比今天下午在立法局逐一提出議案凍結各項收費的片面做法更為有用及更有建設性，對市民的裨益亦更大。

各位議員，我希望你們能夠勇於前瞻，否決這項及以下十項凍結收費議案。

MR RONALD ARCULLI: Mr President, I do not want to labour on the history any more, but I do want to say one thing. The motion that I am moving today is not on my own behalf nor on behalf of the Liberal Party. It is a motion that was precipitated by the decision of the Subcommittee formed to examine the 154 items of subsidiary legislation, and secondly, endorsed by the House Committee. I think if it did not receive the endorsement of the House Committee, I suspect I would not be speaking here today.

Secondly, in terms of some of the comments which some of my colleagues have made, I would like to say that in terms of the freezing of the increase of charges, I repeat again as I did last week, the Government chose to freeze charges in 1991 and did not tell me that was because of inflation if it had no impact on

inflation. The fact remains that it can be done, worthy of the amount of goodwill that exists. And we hear a lot of words today about partnership. I think the first lesson this Council ought to learn is amongst all 59 Members we should try and work as closely as possible and we should try and bridge the differences between our political science, if we are to be able to use at least a majority, if not a collective voice, to persuade our partners in the Government to our point of view. So, I would really ask that we restrain ourselves from too exorbitant or extravagant a sort of language when we debate points like the way we are doing. So, I am grateful that most of the colleagues who sat on the Subcommittee and their respective political parties have stuck to the position that they took at the time.

Mr President, I would not bore my colleagues any more. Thank you very much.

Question on the motion put.

Voice vote taken.

PRESIDENT: Council shall proceed to a division.

PRESIDENT: Will Members please first register their presence by pressing the top button and then proceed to cast their votes by pressing one of the three buttons below?

司徒華議員：主席先生，我的燈壞了。我尚未按鈕，那“棄權”燈已自動亮起來。

PRESIDENT: Press it again.

司徒華議員：所有燈都壞了，只亮■“棄權”燈。

PRESIDENT: Members, I will now register Mr SZETO Wah's vote. Mr SZETO Wah, what is your vote?

司徒華議員：贊成。

PRESIDENT: You are for the "Ayes". I have a total of 55 Members voting. That tallies with the head count. If I discover that the "print-out" shows that Mr SZETO Wah's vote is an abstention vote, I will have the vote corrected accordingly.

PRESIDENT: Before I declare the result, Members may wish to check their votes again.

PRESIDENT: Are there any queries? Any more queries? The result will now be displayed.

Mr Allen LEE, Mrs Selina CHOW, Mr Martin LEE, Mr NGAI Shiu-kit, Mr LAU Wong-fat, Mr Edward HO, Mr Ronald ARCULLI, Mr Miriam LAU, Mr Albert CHAN, Mr CHEUNG Man-kwong, Mr Michael HO, Dr HUANG Chen-ya, Miss Emily LAU, Mr LEE Wing-tat, Mr Fred LI, Mr Henry TANG, Mr James TO, Mr Howard YOUNG, Mr WONG Wai-yin, Mr James TIEN, Mr CHAN Kam-lam, Mr Andrew CHENG, Mr Anthony CHEUNG, Mr CHEUNG Hon-chung, Mr CHOY Kan-pui, Mr Albert HO, Mr IP Kwok-him, Mr LAW Chi-kwong, Mr LEE Kai-ming, Mr LEUNG Yiu-chung, Mr LO Suk-ching, Mr SIN Chung-kai, Mr TSANG Kin-shing and Dr John TSE voted for the motion.

Mr CHIM Pui-chung, Mr Frederick FUNG, Mr Eric LI, Dr Samuel WONG, Dr Philip WONG, Miss Christine LOH, Mr LEE Cheuk-yan, Mr CHAN Wing-chan, Miss CHAN Yuen-han, Mr Paul CHENG, Mr CHENG Yiu-tong, Mr David CHU, Mr LAU Chin-shek, Dr LAW Cheung-kwok, Mr Bruce LIU, , Mr MOK Ying-fan, Miss Margaret NG, Mrs Elizabeth WONG and Mr YUM Sin-ling voted against the motion.

Mr SZETO Wah and Mr Ambrose LAU abstained.

THE PRESIDENT announced that there were 34¹ votes in favour of the motion and 19 votes against it. He therefore declared that the motion was carried.

PRESIDENT: I note that there are two abstentions in the display. Normally when I declare the result, I do not declare the abstention, but since Mr SZETO Wah rose to say that he voted for the "Ayes", if the "print-out" shows that he is with the abstentions, I will have the vote corrected.

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

MR RONALD ARCULLI *to move the following motion:*

"That the Noise Control (Air Compressors)(Amendment) Regulation 1995, published as Legal Notice No. 427 of 1995 and laid on the table of the Legislative Council on 11 October 1995, be repealed."

MR RONALD ARCULLI: Mr President, I move the motion standing in my name on the Order Paper. The motion seeks to repeal the Noise Control (Air Compressors) (Amendment) Regulation 1995 under section 34(2) of the Interpretation and General Clauses Ordinance.

The Noise Control (Air Compressors)(Amendment) Regulation 1995, published as Legal Notice No. 427 of 1995 and laid on the table of the Legislative Council on 11 October 1995, increases the fee payable for an application for a noise emission label from \$120 to \$145 with effect from 9 November 1995.

Mr President, in accordance with the Subcommittee's recommendation which was supported by the House Committee that the fee should remain at the existing level, I move to repeal the Regulation.

¹ The President, having checked the "print-out" which recorded that the Honourable SZETO Wah had abstained, corrected the "print-out" to indicate that there were 35 votes in favour of the motion, 19 votes against it and one abstention.

Mr President, I hope that in this particular exercise, the Government's persuasive power in lobbying does not extend to the Honourable SZETO Wah's voting machine. (*Laughter*)

Question on the motion proposed.

規劃環境地政司致辭：主席先生，《1995 年噪音管制（空氣壓縮機）（修訂）規例》的宗旨，是要調整申請空氣壓縮機噪音標籤的費用。《噪音管制條例》規定在所有工程中，使用空氣壓縮機必須向環境保護署申請噪音標籤，以證明空氣壓縮機是符合環境保護署所定下的噪音標準，而每一部空氣壓縮機只須要申請一個標籤。

政府的收費政策是以“污染者自付”為原則，現在申請標籤的費用是以一九九三年的價格水平來釐定，今次我們所建議的加幅只是為了反映一九九四年和一九九五年兩年的通脹，而且是不能抵銷成本的。根據“污染者自付”的原則，任何有機會製造污染的人士，應該自費去確保或減輕其運作對於環境可能產生的影響。發牌制度是要確保操作符合環保標準的一個方法。基於這個原因，我們希望要求污染行業承擔處理他們的牌照申請的行政費用。有議員表示加費不能改善環保，但我想向議員指出，這是一個原則問題，便是污染者要自付。環境保護署的人員在接到申請的時候，一定要處理這個申請，如果他們不用處理這個申請的話，當然那些資源可以用於其他地方，更加直接保護環境。其實，如果行政費用增加了，而牌照費不予增加的話，在某程度上，我們實在是正津貼產生噪音的人士。

同樣地，我希望向議員指出，即使這次的加費被凍結了，我們亦看不到能對民生作何改善。今次的收費調整若被凍結，反而會令到現在的收費水平再度下降，間接進一步增加市民對這些污染者的資助。再者，這次增加的收費，對於這些噪音標籤的申請者，例如空氣壓縮機的入口商和建築工程的承辦商來說，可謂並無影響，因為我們現在所提議增加的 25 元，只會使所有有關行業，每年總共額外支出約 9,400 元，與他們的工程營運費比較，簡直微不足道，兼且亦與減輕民生苦況毫無關係，所以，我希望議員今次對於這項議案投反對票。

MR PAUL CHENG: Mr President, since I used English earlier in my previous comment, maybe that is why the Honourable Allen LEE did not quite get the gist of what I meant. What I said is, like my colleagues in this Council, I am also concerned about the state of economy. All I am saying is that I fail to understand how freezing these particular fees and charges under today's motion would help the economy. There must be other ways and we should choose other occasions to make the point and not under today's motions and that is what the gist of my comments were, and I hope the Honourable Allen LEE would now understand what I have said.

李鵬飛議員致辭：問題不是數百萬元，而是凍結加價一年，事實上對通脹是有關係，如果鄭明訓議員不明白，會後我會向他慢慢解釋，無謂在此浪費大家的時間。

PRESIDENT: Mr LEE, please be reminded that you should address your observations to the President.

田北俊議員致辭：主席先生，政府剛才說那種牌費是 25 元一個，總計為九千多元。我希望這麼小的數目，政府不要嚇唬議員，說如果今日不通過，政府工作便似乎放寬了，管制不到那些承造商。如果銀碼是這麼小的話，我希望政府在鉅額盈餘之中，撥一個很少的百分比出來，便可以做到這項管制工作。

今天有這麼多項加價建議，真是有機會發言幾次。但有一點是我想談一下的。我們所有人都支持政府所謂“收回成本”的概念，即使全部收回成本（full cost recovery），我們也全部支持。但其中的弊處，是政府沒有表明要多久才收回所有成本，如果好像供樓一樣，20 年收回所有成本，年年加少少通脹，這樣還有一個梗概。但政府現在發出很多指引，都限定一些部門要盡快收回全部成本。今天，我們不是討論其他的事，但我們出口這一行業便知道，出口證從一九九二年的 65 元加到現在 188 元，原因是要在幾年內收回所有成本。

我想指出，基於香港經濟不好，如果想要刺激我們的競爭能力的話，政府是否可以稍為放緩收回全部成本的速度呢？若減慢些少的話，工商界運作當然較容易，也可以聘請多些人，或者加多少少人工。謝謝主席先生。

Question on the motion put.

Voice vote taken.

THE PRESIDENT said he thought the "Ayes" had it.

DR PHILIP WONG: I claim a division.

PRESIDENT: Council shall proceed to a division.

PRESIDENT: Will Members please first register their presence by pressing the top button and then proceed to cast their votes by pressing one of the three buttons below?

PRESIDENT: Mr SZETO Wah?

司徒華議員：我的投票機依然是損壞的。

PRESIDENT: Mr SZETO Wah, you may register your division vote by standing up and telling me whether you have voted for the "Ayes" or the "Noes" or for the abstentions?

司徒華議員：我投“贊成”票。

PRESIDENT: Before I declare the result, Members may wish to check their votes.

PRESIDENT: Any queries? Any further queries? The result will now be

displayed.

Mr Allen LEE, Mrs Selina CHOW, Mr Martin LEE, Mr NGAI Shiu-kit, Mr LAU Wong-fat, Mr Edward HO, Mr Ronald ARCULLI, Mrs Miriam LAU, Mr Albert CHAN, Mr CHEUNG Man-kwong, Mr Michael HO, Dr HUANG Chen-ya, Miss Emily LAU, Mr LEE Wing-tat, Mr Fred LI, Mr Henry TANG, Mr James TO, Mr Howard YOUNG, Mr WONG Wai-yin, Mr James TIEN, Mr CHAN Kam-lam, Mr Andrew CHENG, Mr Anthony CHEUNG, Mr CHEUNG Hon-chung, Mr CHOY Kan-pui, Mr Albert HO, Mr IP Kwok-him, Mr LAW Chi-kwong, Mr LEE Kai-ming, Mr LEUNG Yiu-chung, Mr LO Suk-ching, Mr SIN Chung-kai, Mr TSANG Kin-shing and Dr John TSE voted for the motion.

Mr CHIM Pui-chung, Mr Frederick FUNG, Mr Eric LI, Dr Samuel WONG, Dr Philip WONG, Miss Christine LOH, Mr LEE Cheuk-yan, Mr CHAN Wing-chan, Miss CHAN Yuen-han, Mr Paul CHENG, Mr CHENG Yiu-tong, Mr David CHU, Mr LAU Chin-shek, Dr LAW Cheung-kwok, Mr Bruce LIU, Mr MOK Ying-fan, Miss Margaret NG, Mrs Elizabeth WONG and Mr YUM Sin-ling voted against the motion.

Mr SZETO Wah and Mr Ambrose LAU abstained.

THE PRESIDENT announced that there were 34² votes in favour of the motion and 19 votes against it. He therefore declared that the motion was carried.

PRESIDENT: But I have to add here that if the "print-out" shows that Mr SZETO Wah's vote is not as he wished, then the vote will be corrected accordingly.

² The President, having checked the "print-out" which recorded that the Honourable SZETO Wah had abstained, corrected the "print-out" to indicate that there were 35 votes in favour of the motion, 19 votes against it and one abstention.

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

MR RONALD ARCULLI *to move the following motion:*

"That the Noise Control (Hand Held Percussive Breakers) (Amendment) Regulation 1995, published as Legal Notice No. 428 of 1995 and laid on the table of the Legislative Council on 11 October 1995, be repealed."

MR RONALD ARCULLI: Mr President, I move the motion standing in my name on the Order Paper. The motion seeks to repeal the Noise Control (Hand Held Percussive Breakers) (Amendment) Regulations 1995 under section 34(2) of the Interpretation and General Clauses Ordinance.

The Noise Control (Hand Held Percussive Breakers) (Amendment) Regulation 1995, published as Legal Notice No. 428 of 1995 and laid on the table of the Legislative Council on 11 October 1995, increases the fee payable for an application for a noise emission label from \$120 to \$145 with effect from 9 November 1995.

In accordance with the Subcommittee's recommendation which is supported by the House Committee that the fee should remain at the existing level, I move to repeal the Regulation.

Question on the motion proposed.

規劃環境地政司致辭：主席先生，《1995年噪音管制（手提破碎機）（修訂）規例》旨在調整申請手提破碎機噪音標籤的費用。

根據《噪音管制條例》——我想提醒議員這條條例是立法局通過的，任何手提破碎機在使用前，必須向環境保護署申請噪音標籤，以證明這些手提破碎機是可以符合環境保護署所訂下的標準。這種做法是為了確保業內人

士能使用符合標準的工具。環境保護署每年大約須要發出 1 000 個標籤。正如我剛才提過的空氣壓縮機噪音標籤一樣，手提破碎機的噪音標籤收費調整，也旨在反映一九九四和一九九五年通貨膨脹，收費是遠遠低於成本的。現在建議增加 25 元收費，只會使到有關行業每年總共額外支出 23,600 元。我們絕對相信並不會對標籤申請人，例如，工具入口商或工程承辦商等構成影響，又或者會對香港的通脹構成影響。

主席先生，我早在兩星期前向立法局議員就總督施政報告作簡報會時，曾受到議員質詢為何政府在一些環境方面的收費不可以收回成本，以及我們預算何時增加這些收費？言猶在耳，我們今天的辯論是凍結政府只是希望可以增加通脹引致的收費成本。如果這些收費今天被凍結，會使到本來已很低的收費水平再相對下降，間接增加市民對污染者的資助，也會對各位以前（我希望現在仍然）支持“污染者自付”的原則造成反效果。故此，我請求各位議員對這項議案投反對票。

Question on the motion put.

Voice vote taken.

THE PRESIDENT said he thought the "Noes" had it.

FINANCIAL SECRETARY: Under Standing Order 4C(3), I claim a division.

PRESIDENT: Council shall proceed to a division.

PRESIDENT: Will Members please register their presence by pressing the top button and then cast their votes by pressing one of the three buttons below?

PRESIDENT: Before I declare the result, Members may wish to check their

votes. I understand that Mr SZETO Wah has a query, which is the same query as for the last two divisions. I will now ask Mr SZETO Wah to rise in his place and vote by stating whether he has voted for the "Ayes" or the "Noes" or he has abstained.

司徒華議員：贊成。

PRESIDENT: The result will now be displayed.

Mr Allen LEE, Mrs Selina CHOW, Mr Martin LEE, Mr LAU Wong-fat, Mr Edward HO, Mr Ronald ARCULLI, Mrs Miriam LAU, Mr Albert CHAN, Mr CHEUNG Man-kwong, Mr Michael HO, Dr HUANG Chen-ya, Miss Emily LAU, Mr LEE Wing-tat, Mr Fred LI, Mr Henry TANG, Mr James TO, Mr Howard YOUNG, Mr WONG Wai-yin, Mr James TIEN, Mr CHAN Kam-lam, Mr Andrew CHENG, Mr Anthony CHEUNG, Mr CHEUNG Hon-chung, Mr CHOY Kan-pui, Mr Albert HO, Mr IP Kwok-him, Mr LAW Chi-kwong, Mr LEE Kai-ming, Mr LEUNG Yiu-chung, Mr LO Suk-ching, Mr SIN Chung-kai, Mr TSANG Kin-shing and Dr John TSE voted for the motion.

Mr CHIM Pui-chung, Mr Frederick FUNG, Mr Eric LI, Dr Samuel WONG, Dr Philip WONG, Miss Christine LOH, Mr LEE Cheuk-yan, Mr CHAN Wing-chan, Miss CHAN Yuen-han, Mr Paul CHENG, Mr CHENG Yiu-tong, Mr David CHU, Mr LAU Chin-shek, Dr LAW Cheung-kwok, Mr Bruce LIU, Mr MOK Ying-fan, Miss Margaret NG, Mrs Elizabeth WONG and Mr YUM Sin-ling voted against the motion.

Mr SZETO Wah and Mr Ambrose LAU abstained.

THE PRESIDENT announced that there were 33³ votes in favour of the motion

³ The President, having checked the "print-out" which recorded that the Honourable SZETO Wah had abstained, corrected the "print-out" to indicate that there were 34 votes in favour of the motion, 19 votes against it and one abstention.

and 19 votes against it. He therefore declared that the motion was carried.

PRESIDENT: Mr SZETO Wah's vote will be handled in a manner similar to the last two divisions.

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

MR RONALD ARCULLI *to move the following motion:*

"That the Waste Disposal (Forms and Fees for Licences) (Amendment) Regulation 1995, published as Legal Notice No. 429 of 1995 and laid on the table of the Legislative Council on 11 October 1995, be repealed."

MR RONALD ARCULLI: Mr President, I move the motion standing in my name on the Order Paper. The motion seeks to repeal the Waste Disposal (Forms and Fees for Licenses)(Amendment) Regulation 1995 under section 34(2) of the Interpretation and General Clauses Ordinance.

The Waste Disposal (Forms and Fees for Licences) (Amendment) Regulation, published as Legal Notice No. 429 of 1995 and laid on the table of the Legislative Council on 11 October 1995, increases the fees for:

- (a) a waste collection licence for provision of a waste collection service or for collection of waste; and
- (b) a waste disposal licence for the provision of a waste disposal service or for disposal of waste.

by about 18% with effect from 9 November 1995.

In accordance with the Subcommittee's recommendation which is supported by the House Committee that the fee should remain at the existing level, I move to repeal the Regulation.

Question on the motion proposed.

規劃環境地政司致辭：主席先生，《1995 年廢物處理（表格和收費）（修訂）規例》是調整根據《廢物處理條例》所發出的廢物收集和處理者牌照費用。

牌照制度是《廢物處理條例》的主要管制措施，規定收集和處理廢物的人士必須申請牌照及依從牌照的指定要求適當處理廢物，以保障公眾安全。現在申請廢物收集牌照主要是收集化學廢物和廢油的人士。申請廢物處理牌照者，包括處理化學廢物、從電鍍溶液提煉貴重金屬和把廢潤滑油重新處理再用的工場。第一次發出的牌照有效期是一年，換領牌照的有效期則為兩年，所以牌照持有人毋須每年都申請續牌。根據政府的政策，政府收費的水平通常定於足以收回提供有關服務的全部成本。

現在的收費水平是以一九九三年的成本釐定，今次的建議增幅是 17.8%，也只是為了反映一九九四和一九九五年的通脹。政府估計在今個財政年度要發出大約 70 個牌照，總收入大概是 70 萬元。調整收費後，每一個牌照費用只是增加 300 元至 3,000 元不等。有關行業每一年須額外繳付約 125,000 元，我們認為這個微不足道的增幅不會影響業內人士，更加不會影響市民大眾。如果維持現在的收費，政府反而要從其他收入補貼這些從事商業活動的持牌人，這樣對於其他納稅人並不公平，而且根據“污染者自付”的原則，任何有機會製造污染的人士應自費確保或減輕其操作對環境的可能影響。因此，我希望各位能夠重新考慮我們的加費建議，反對這項議案。

Question on the motion put.

Voice vote taken.

THE PRESIDENT said he thought the "Ayes" had it.

The Financial Secretary and Dr Philip WONG claimed a division.

PRESIDENT: Council shall proceed to a division.

PRESIDENT: Mr Allen Lee.

MR ALLEN LEE: Mr President, I just want to clarify one point. Can the Financial Secretary who is not a Member of this Council claim a division?

PRESIDENT: Mr LEE, the answer is yes, but I have to look up the right Standing Order. Standing Order 4C(3), "Subject to clause XXIB(2) of the Royal Instructions, the Chief Secretary, the Financial Secretary and the Attorney General may attend any sitting of the Council, committees of the whole Council and other committees and subcommittees, and when attending sittings of the Council or committees of the whole Council, these Standing Orders, except Standing Orders Nos. 1 (Oath or Affirmation), 3 (Presiding in Council and in Committee of the Whole Council), 4AA (Attendance of the Governor), 4B (Attendance of Public Officers), 6(1) (Proceedings at First Sitting of Session), 10 (Quorum), 13 (Presentation of Petitions), and the Standing Orders in Part J (Voting), shall apply to them as they apply to a Member."

In short, apart from the more technical provisions, the Chief Secretary, the Financial Secretary, the Attorney General and public officers designated by the Government to attend sittings can speak on any motion and on any question but cannot vote on the questions.

PRESIDENT: Will Members first register their presence by pressing the top button and then cast their votes by pressing one of the three buttons below?

PRESIDENT: Before I declare the result, Members may wish to check their votes and I am given to understand that Mr SZETO Wah has a similar problem to the last three divisions. Mr Szeto Wah, how do you vote?

司徒華議員：我投“贊成”票。

PRESIDENT: Mr SZETO Wah's vote will be recorded and checked against the "print-out". If the "print-out" shows the wrong vote, then the "print-out" will be

corrected accordingly.

PRESIDENT: The result will now be displayed.

Mr Allen LEE, Mrs Selina CHOW, Mr Martin LEE, Mr LAU Wong-fat, Mr Edward HO, Mr Ronald ARCULLI, Mrs Miriam LAU, Mr Albert CHAN, Mr CHEUNG Man-kwong, Mr Michael HO, Dr HUANG Chen-ya, Miss Emily LAU, Mr LEE Wing-tat, Mr Fred LI, Mr Henry TANG, Mr James TO, Mr Howard YOUNG, Mr WONG Wai-yin, Mr James TIEN, Mr CHAN Kam-lam, Mr Andrew CHENG, Mr Anthony CHEUNG, Mr CHEUNG Hon-chung, Mr CHOY Kan-pui, Mr HO Chun-yan, Mr IP Kwok-him, Mr LAW Chi-kwong, Mr LEE Kai-ming, Mr LEUNG Yiu-chung, Mr LO Suk-ching, Mr SIN Chung-kai, Mr TSANG Kin-shing and Dr John TSE voted for the motion.

Mr CHIM Pui-chung, Mr Frederick FUNG, Mr Eric LI, Dr Samuel WONG, Dr Philip WONG, Miss Christine LOH, Mr LEE Cheuk-yan, Mr CHAN Wing-chan, Miss CHAN Yuen-han, Mr Paul CHENG, Mr CHENG Yiu-tong, Mr David CHU, Mr LAU Chin-shek, Dr LAW Cheung-kwok, Mr Bruce LIU, Mr MOK Ying-fan, Miss Margaret NG, Mrs Elizabeth WONG and Mr YUM Sin-ling voted against the motion.

Mr SZETO Wah and Mr Ambrose LAU abstained.

THE PRESIDENT announced that there were 33⁴ votes in favour of the motion and 19 votes against it. He therefore declared that the motion was carried.

PRESIDENT: Mr Edward HO.

⁴ The President, having checked the "print-out" which recorded that the Honourable SZETO Wah had abstained, corrected the "print-out" to indicate that there were 34 votes in favour of the motion, 19 votes against it and one abstention.

MR EDWARD HO: A point of order. Mr President, when you gave the explanation to Mr Allen LEE on the Standing Orders whether government officials can seek a division, you referred to 4C(3) and I believe that under that provision, the Standing Orders in Part J (Voting) actually are included as exceptions. In other words, apart from those exceptions, they can do things that Members can do. So if you look at Part J, the matter of asking for divisions is in 36(4) and therefore I believe that government officials do not have the right to claim divisions. I now seek your clarification, Mr President.

16.46 pm

PRESIDENT: I will take a break.

17.30 pm

PRESIDENT: Members, Mr Allen LEE and Mr Edward HO were entirely correct in reading Standing Order 4C(2) and Standing Order 4C(3) to mean that all public officers including the Chief Secretary, the Financial Secretary and the Attorney General are not permitted to claim divisions. This is because reference to Part J includes all Standing Orders in Part J, and certainly Standing Order 36(4). This again is a most anomalous situation as it would only be fair to allow all those who had taken part in the deliberations to claim a division so as to have the votes recorded. But Members, my hands are tied. I will have to declare the division invalid.

Members, the division on the fourth motion was claimed by Dr Philip WONG and was voted. Although there were other Members who indicated their wish to claim a division on the third motion, that division was in fact claimed by the Financial Secretary. The division is hereby ruled invalid. Members will recall that before we proceeded to the division on the third motion, I said "I think the "Noes" have it". We will now take it up from there. In other words, Members who wish to claim a division on the third motion, that is, the motion on Noise Control (Hand Held Percussive Breakers) (Amendment) Regulation 1995, will have to so do immediately after I repeat "I think the "Noes" have it".

PRESIDENT: I think the "Noes" have it.

MR RONALD ARCULLI: Mr President, I claim a division.

PRESIDENT: Council shall proceed to a division.

PRESIDENT: May I remind Members that the division is on the third motion, that is, Noise Control (Hand Held Percussive Breakers) (Amendment) Regulation 1995. Will Members please register their presence by pressing the top button and then cast their votes by pressing one of the three buttons below?

PRESIDENT: We are one short of the head count. Before I declare the result, Members may wish to check their votes.

PRESIDENT: Are there any queries? The result will now be displayed.

Mr Allen LEE, Mrs Selina CHOW, Mr Martin LEE, Mr NGAI Shiu-kit, Mr SZETO Wah, Mr LAU Wong-fat, Mr Edward HO, Mr Ronald ARCULLI, Mrs Miriam LAU, Mr Albert CHAN, Mr CHEUNG Man-kwong, Mr Michael HO, Dr HUANG Chen-ya, Miss Emily LAU, Mr LEE Wing-tat, Mr Fred LI, Mr Henry TANG, Mr James TO, Dr YEUNG Sum, Mr Howard YOUNG, Mr WONG Wai-yin, Mr James TIEN, Mr CHAN Kam-lam, Mr Andrew CHENG, Mr Anthony CHEUNG, Mr CHEUNG Hon-chung, Mr CHOY Kan-pui, Mr Albert HO, Mr IP Kwok-him, Mr LAW Chi-kwong, Mr LEE Kai-ming, Mr LEUNG Yiu-chung, Mr SIN Chung-kai, Mr TSANG Kin-shing and Dr John TSE voted for the motion.

Mr CHIM Pui-chung, Mr Frederick FUNG, Dr Samuel WONG, Dr Philip WONG, Miss Christine LOH, Mr LEE Cheuk-yan, Mr CHAN Wing-chan, Miss CHAN Yuen-han, Mr Paul CHENG, Mr CHENG Yiu-tong, Mr David CHU, Mr

LAU Chin-shek, Dr LAW Cheung-kwok, Mr Bruce LIU, Mr MOK Ying-fan, Miss Margaret NG, Mrs Elizabeth WONG and Mr YUM Sin-ling voted against the motion.

Mr Ambrose LAU abstained.

THE PRESIDENT announced that there were 35 votes in favour of the motion and 18 votes against it. He therefore declared that the motion was carried.

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

MR RONALD ARCULLI to move the following motion:

"That the Waste Disposal (Chemical Waste)(General)(Amendment) Regulation 1995, published as Legal Notice No. 430 of 1995 and laid on the table of the Legislative Council on 11 October 1995, be repealed."

MR RONALD ARCULLI: Mr President, I move the motion standing in my name on the Order Paper. The motion seeks to repeal the Waste Disposal (Chemical Waste) (General) (Amendment) Regulation 1995 under section 34(2) of the Interpretation and General Clauses Ordinance.

The Waste Disposal (Chemical Waste) (General) (Amendment) Regulation 1995, published under Legal Notice No. 430 of 1995 and laid on the table of the Legislative Council on 11 October 1995, increases the fees for the registration of a chemical waste producer and for a certified copy of an entry of the registration in the register by about 18% with effect from 9 November 1995.

In accordance with the Subcommittee's recommendation which is supported by the House Committee that the fees should remain at the existing level, I move to repeal the Regulation.

Question on the motion proposed.

規劃環境地政司致辭：主席先生，除了我剛才提到的廢物處理和收集牌照，《廢物處理條例》亦要求所有化學廢物產生者在環境保護署註冊，以便政府進行監管，保障安全。這些化學廢物產生者包括電鍍和印刷電路版的製造業、車房等等。

現時化學廢物產生者註冊費的收費水平，是以一九九三年的成本釐定。我們現時建議的增幅是 17.8%，以反映一九九四年和九五年的通脹情況。調整收費並不會影響已經註冊的化學廢物產生者，因為辦理註冊是一次過的手續，毋須續期。

政府估計，在這個財政年度，約有 450 個新的化學廢物產生者須註冊。我們相信，一次過的 285 元註冊費，對於化學廢物產生者的經營成本並沒有影響。正如我剛才所說，如果我們維持現行收費，政府便要從其他收入補貼這些化學廢物產生者，對其他納稅人並不公平。此外，根據“污染者自付”的原則，任何有機會製造污染的人士，應該自費確保或減輕他們的操作對環境可能造成的影響。因此，我希望各位重新考慮我們的加費建議，反對這項議案。

Question on the motion put.

Voice vote taken.

THE PRESIDENT said he thought the "Ayes" had it.

DR PHILIP WONG: I claim a division.

PRESIDENT: Council shall proceed to a division.

PRESIDENT: Will Members please register their presence by pressing the top button and then cast their votes by pressing one of the three buttons below?

PRESIDENT: We are one short of the head count.

PRESIDENT: We are still one short of the head count. All Members present have voted. Before I declare the result, Members may wish to check their votes.

PRESIDENT: Are there any queries? The result will now be displayed.

Mr Allen LEE, Mrs Selina CHOW, Mr Martin LEE, Mr NGAI Shiu-kit, Mr SZETO Wah, Mr LAU Wong-fat, Mr Edward HO, Mr Ronald ARCULLI, Mrs Miriam LAU, Mr Albert CHAN, Mr CHEUNG Man-kwong, Mr Michael HO, Dr HUANG Chen-ya, Miss Emily LAU, Mr LEE Wing-tat, Mr Fred LI, Mr Henry TANG, Mr James TO, Dr YEUNG Sum, Mr Howard YOUNG, Mr WONG Wai-yin, Mr James TIEN, Mr CHAN Kam-lam, Mr Andrew CHENG, Mr Anthony CHEUNG, Mr CHEUNG Hon-chung, Mr CHOY Kan-pui, Mr HO Chun-yan, Mr IP Kwok-him, Mr LAW Chi-kwong, Mr LEE Kai-ming, Mr LEUNG Yiu-chung, Mr SIN Chung-kai, Mr TSANG Kin-shing and Dr John TSE voted for the motion.

Mr CHIM Pui-chung, Mr Frederick FUNG, Dr Samuel WONG, Dr Philip WONG, Miss Christine LOH, Mr LEE Cheuk-yan, Mr CHAN Wing-chan, Miss CHAN Yuen-han, Mr Paul CHENG, Mr CHENG Yiu-tong, Mr David CHU, Mr LAU Chin-shek, Mr Bruce LIU, Mr MOK Ying-fan, Miss Margaret NG, Mrs Elizabeth WONG and Mr YUM Sin-ling voted against the motion.

Mr Ambrose LAU abstained.

THE PRESIDENT announced that there were 35 votes in favour of the motion and 17 votes against it. He therefore declared that the motion was carried.

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

MR RONALD ARCULLI to move the following motion:

"That the Water Pollution Control (General)(Amendment) Regulation 1995, published as Legal Notice No. 431 of 1995 and laid on the table of the Legislative Council on 11 October 1995, be repealed."

MR RONALD ARCULLI: Mr President, I move the motion standing in my name on the Order Paper. The motion seeks to repeal the Water Pollution Control (General) (Amendment) Regulation 1995 under section 34(2) of the Interpretation and General Clauses Ordinance.

The Water Pollution Control (General) (Amendment) Regulation 1995, published as Legal Notice No. 431 of 1995; and laid on the table of the Legislative Council on 11 October 1995, increases the fees for issue of licences under the Water Pollution Control Ordinance by about 59% with effect from 9 November 1995 to cover increases in costs since the last revision in November 1990.

In accordance with the Subcommittee's recommendation which is supported by the House Committee that the fees should remain at the existing level, I move to repeal the Regulation.

Question on the motion proposed.

規劃環境地政司致辭：主席先生，《水污染管制（一般）（修訂）規例》的目的，是調整根據《水污染管制條例》發出的各項牌照及續牌費用。

正如大家所知，《水污染管制條例》將香港劃分為數個水質管制區。每個水質管制區內的工商機構排污者都須向環境保護署申領一個排放污水的牌照。這個牌照旨在確保在全港各地排放的污水，都能夠達到各個不同水質管制區的水質指標及標準，以確保香港的水質不會持續惡化，以及保障市民的健康。在簽發這些牌照時，環境保護署的人員往往須就每個申請者的具體情況作實地考察，或進行其他調查後，才能夠發出牌照。現在按條例所收取的各項牌照費用，都是用來支付這些工作的行政費用。

這些牌照的各項收費，在一九八七年以象徵式收費的形式引入，對上一次調整為一九九零年十一月，即約五年前。我們這次建議的增幅，是為了反

映多年來的通貨膨脹。新建議收費的百分比雖然接近六成，但大部分申請者實際上只須額外多繳付 300 元。估計在一九九五至九六年度，將會有 6 600 個牌照申請者，包括新牌及續牌，須繳付新收費。同時，即使根據建議新收費的調整，政府仍然在每一項收費中給予 80%至 30%的補貼；換句話說，亦即新收費依然未能完全收回政府發牌的成本。這些補貼已經使工商界排污者在領取牌照時得到其他納稅人的資助。

本局議員，包括今日提出議案的夏佳理議員，在不同的場合中都一直強調支持污染者自付的原則。然而，當政府提出排污者應更適當地承擔社會責任時，議員卻想改變一貫的立場，減輕排污者應付的責任，將這些成本轉嫁給一般市民大眾，我覺得這是極不恰當的。我們相信，各位議員在近日的公眾言論中也可察覺得到，社會及傳播媒介都認為這個理據不可接受。我希望各位議員三思。

再者，這些牌照都是以兩年為期，即使以較高的一項增幅為例，即住宅自建的污水處理廠，如錦花園，申領牌照費只是由 3,000 元增至 4,750 元，增幅為 1,750 元。以一個幾十萬元的設施而言，在兩年間只是增加一千多元的牌照費，實在不會對營運有影響，更加不會對消費者造成打擊。故此，凍結這些收費的增幅，明顯地不會如議員所說，可降低生活指數。我相信大部分議員的眼睛都是雪亮的，可以看透這一點。

最後，我懇請各位議員不要再在環境保護問題上因小失大，“開倒車”，放棄社會大眾對本局在環境改善及保護方面的期望。我覺得我們應該同心合力，攜手貫徹實行污染者自付的原則。我希望各位議員對這項議案投反對票。

黃震遐議員致辭：主席先生，我只想指出一件事，就是有關收費自一九九一年至今都沒有加以調整。其實政府由一九九一年直至去年為止，已因沒有調整收費而沒有收回 165 萬元的費用；換句話說，政府一直將收費凍結了四年。為何政府自動凍結收費而又不知會立法局呢？為何不向市民解釋呢？為何自己凍結收費便是天公地道呢？“州官放火”沒有問題，但我們因通脹問

題而要求凍結收費時，政府卻大造文章。因此，我認為這並不是可否凍結收費的問題，也不是財政的問題，而是政府認為行政主導最重要。它喜歡收費便收費；喜歡凍結就凍結。假如立法局不許凍結收費，政府又會說另一番說話來了。

陳偉業議員致辭：主席先生，我只想簡單回應剛才規劃環境地政司提及環保措施和環保信息的問題。

我剛才提過，其實整項加費措施與環境保護絕對無關，但政府卻不斷製造很多言論，包括向立法局議員提交很多文件，都提及環境保護問題。如果政府真的如此關注環保，如果政府真的想利用發牌來管制環境污染，則很多會導致污染的活動，無論是牌照或一些與噪音有關的特別牌照，牌照費都不應跟隨通脹增加，而應增收懲罰性的污染費用。如要申請額外打樁牌照的，要付出 10 萬元、20 萬元或 100 萬元，這才是真正的環保措施。政府只是增加數十元或數百元的牌照費，但整項工程往往數以億元計或數以千萬元計。用這種理據不斷誤導市民，誤導立法局，我覺得是很不負責任的。我希望政府在處理這個問題時，能客觀地拿出數據來，而非單用這些詞句來瞞騙市民。

Question on the motion put.

Voice vote taken.

THE PRESIDENT said he thought the "Ayes" had it.

DR PHILIP WONG: I claim a division.

PRESIDENT: Council shall proceed to a division.

PRESIDENT: Will Members please register their presence by pressing the top button and then proceed to vote by pressing one of the three buttons below?

PRESIDENT: Before I declare the result, Members may wish to check their votes.

PRESIDENT: Are there any queries? The result will now be displayed.

Mr Allen LEE, Mrs Selina CHOW, Mr Martin LEE, Mr NGAI Shiu-kit, Mr SZETO Wah, Mr LAU Wong-fat, Mr Edward HO, Mr Ronald ARCULLI, Mrs Miriam LAU, Mr Albert CHAN, Mr CHEUNG Man-kwong, Mr Michael HO, Dr HUANG Chen-ya, Miss Emily LAU, Mr LEE Wing-tat, Mr Fred LI, Mr Henry TANG, Mr James TO, Dr YEUNG Sum, Mr Howard YOUNG, Mr WONG Wai-yin, Mr James TIEN, Mr CHAN Kam-lam, Mr CHAN Wing-chan, Miss CHAN Yuen-han, Mr Andrew CHENG, Mr CHENG Yiu-tong, Mr Anthony CHEUNG, Mr CHEUNG Hon-chung, Mr Albert HO, Mr IP Kwok-him, Mr LAW Chi-kwong, Mr LEE Kai-ming, Mr LEUNG Yiu-chung, Mr SIN Chung-kai, Mr TSANG Kin-shing and Dr John TSE voted for the motion.

Mr CHIM Pui-chung, Mr Frederick FUNG, Dr Samuel WONG, Dr Philip WONG, Miss Christine LOH, Mr LEE Cheuk-yan, Mr Paul CHENG, Mr David CHU, Mr LAU Chin-shek, Mr Bruce LIU, Mr MOK Ying-fan, Miss Margaret NG, Mrs Elizabeth WONG and Mr YUM Sin-ling voted against the motion.

Mr Ambrose LAU abstained.

THE PRESIDENT announced that there were 37 votes in favour of the motion and 14 votes against it. He therefore declared that the motion was carried.

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

MR RONALD ARCULLI to move the following motion:

"That the Air Pollution Control (Specified Processes) (Amendment) Regulation 1995, published as Legal Notice No. 432 of 1995 and laid on the table of the Legislative Council on 11 October 1995, be repealed."

MR RONALD ARCULLI: Mr President, I move the motion standing in my name on the Order Paper. The motion seeks to repeal the Air Pollution Control (Specified Processes) (Amendment) Regulation 1995 under section 34(2) of the Interpretation and General Clauses Ordinance.

The Air Pollution Control (Specified Processes) (Amendment) Regulation 1995, published as Legal Notice No. 432 of 1995 and laid on the table of the Legislative Council on 11 October 1995, increases the fees payable for licences for conducting a specified process by about 18% with effect from 9 November 1995.

In accordance with the Subcommittee's recommendation which is supported by the House Committee that the fees should remain at the existing levels, I move to repeal the Regulation.

Question on the motion proposed.

規劃環境地政司致辭：主席先生，《1995年空氣污染管制（指定工序）（修訂）規例》的目的，是要調整多項指定工序的牌照費。《空氣污染管制（指定工序）規例》訂明一共31項對空氣質素有不良影響的工業，如焚化爐、化學工程及氣體工程等。透過發牌制度，環境保護署可對這些工業的日常操作進行管制，以減低它們對鄰近居民的滋擾，以及對空氣的不良影響。

今年環境保護署大概會發出140個有關的牌照，這些牌照須每兩年續領一次。發牌制度可使環境保護署監管有關工序的操作，以及有效地執行空氣質素的改善措施。再者，現時的190元收費，只可象徵式地收回一小部分處理及簽發牌照的行政費用。現行收費是根據一九九三年的價格水平釐定。今次建議的增幅只是為了反映一九九四及九五年度的17.8%通脹。我們所建議的225元新收費仍然遠遠低於成本。

雖然財政收費很微，但如果這次收費調整未能獲得通過，便會增加政府對申領牌照的指定工序操作的補貼，這與各位議員曾經聲稱支持的“污染者

自付”原則背道而馳。其次，這次收費調整所建議的實質收費，相差最大的只是 35 元。這數目絕對不會對有關行業構成影響，更不可能令失業問題惡化。再者，受到這項收費調整影響的並非普羅大眾，而只是空氣污染的製造者。我們絕對沒有理由增加市民大眾對這些污染環境的作業的補貼。我希望各位議員能夠重新考慮我們的加費建議，反對此項議案。

Question on the motion put.

Voice vote taken.

THE PRESIDENT said he thought the "Ayes" had it.

DR PHILIP WONG: I claim a division.

PRESIDENT: Council shall proceed to a division.

PRESIDENT: Will Members please proceed to vote?

PRESIDENT: Before I declare the result, Members may wish to check their votes.

PRESIDENT: Are there any queries? The result will now be displayed.

Mr Allen LEE, Mrs Selina CHOW, Mr Martin LEE, Mr NGAI Shiu-kit, Mr SZETO Wah, Mr LAU Wong-fat, Mr Edward HO, Mr Ronald ARCULLI, Mrs Miriam LAU, Mr Albert CHAN, Mr CHEUNG Man-kwong, Mr Michael HO, Dr HUANG Chen-ya, Miss Emily LAU, Mr LEE Wing-tat, Mr Fred LI, Mr Henry TANG, Mr James TO, Dr YEUNG Sum, Mr Howard YOUNG, Mr WONG Wai-yin, Mr James TIEN, Mr CHAN Kam-lam, Mr Andrew CHENG, Mr

Anthony CHEUNG, Mr CHEUNG Hon-chung, Mr Albert HO, Mr IP Kwok-him, Mr LAW Chi-kwong, Mr LEE Kai-ming, Mr LEUNG Yiu-chung, Mr LO Suk-ching, Mr SIN Chung-kai, Mr TSANG Kin-shing and Dr John TSE voted for the motion.

Mr CHIM Pui-chung, Mr Frederick FUNG, Dr Samuel WONG, Dr Philip WONG, Miss Christine LOH, Mr LEE Cheuk-yan, Mr CHAN Wing-chan, Miss CHAN Yuen-han, Mr Paul CHENG, Mr CHENG Yiu-tong, Mr David CHU, Mr LAU Chin-shek, Dr LAW Cheung-kwok, Mr Bruce LIU, Mr MOK Ying-fan, Miss Margaret NG, Mrs Elizabeth WONG and Mr YUM Sin-ling voted against the motion.

Mr Ambrose LAU abstained.

THE PRESIDENT announced that there were 35 votes in favour of the motion and 18 votes against it. He therefore declared that the motion was carried.

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

MR RONALD ARCULLI to move the following motion:

"That the Road Traffic Ordinance (Amendment of Schedule 10) Order 1995, published as Legal Notice No. 433 of 1995 and laid on the table of the Legislative Council on 11 October 1995, be repealed."

MR RONALD ARCULLI: Mr President, I move the motion standing in my name on the Order Paper. The motion seeks to repeal the Road Traffic Ordinance (Amendment of Schedule 10) Order 1995 under section 34(2) of the Interpretation and General Clauses Ordinance.

The Road Traffic Ordinance (Amendment of Schedule 10) Order 1995 published as Legal Notice No. 433 of 1995 and laid on the table of the Legislative Council on 11 October 1995, increases the fees payable for

designation or renewal of designation of a place as a vehicle emission testing centre, and for supply of form of certificate of compliance for the testing of motor vehicles by about 18% with effect from 9 November 1995.

In accordance with the Subcommittee's recommendation which is supported by the House Committee that the fees should remain at the existing level, I move to repeal the Order.

Question on the motion proposed.

規劃環境地政司致辭：主席先生，《1995 年道路交通條例（修訂附表 10）令》的目的，是要調整有關申請成為指定車輛廢氣測試中心的費用、進行車輛廢氣檢驗及提供合格證明書表格的費用。

缺乏妥善維修的車輛，往往會排出令人討厭的黑煙，造成空氣污染。根據現行法例，一些經環境保護署認可的人士，可以檢舉在路上排放黑煙的車輛。被檢舉的車輛須遵從環境保護署的指示，前往指定車輛廢氣測試中心進行檢驗。如果驗車合格，便會獲發合格證明書，而未能獲發合格證明書的車輛則會遭停牌。

為確保車輛檢驗能達到法定標準，只有指定的廢氣測試中心才可以簽發驗車合格證明書。要成為或繼續成為指定的測試中心，須向環境保護署提出申請，並須繳交所需費用。指定的測試中心須每三年再次申請。現在共有 18 所指定的車輛廢氣測試中心。測試中心所繳交的申請費，可以透過收取驗車服務費而全部收回。

被檢舉排放黑煙的車輛，須事先作出妥善的維修，然後再前往指定的測試中心進行檢驗，並且要繳付法定的驗車費，政府亦會向指定驗車中心收回提供證明書表格的費用。我必須澄清一點，就是可以檢舉排放黑煙車輛的人士，全部都曾接受環境保護署訓練，並經認可，方可成為檢舉員。被檢舉排放黑煙的車輛，主要是因為缺乏維修。經過妥善維修的車輛是不會被檢舉的，亦毋須驗車。

增加驗車費的目的，旨在防止缺乏維修的車輛繼續污染空氣。受這項服務影響的，只是排放過量黑煙的車輛，而驗車費用則可以透過妥善維修車輛

而得以避免。因此，增加驗車費並不會影響民生。

排放黑煙車輛一旦被檢舉，便須自行安排適當的維修，再往指定的驗車中心再行檢驗。經過維修之後，大部分車輛都會驗車合格。至於一些認為是遭誣告的排放黑煙車輛，則可前往環境保護署的驗車中心檢驗。這項檢驗毋須繳交費用。我再補充一點，以往的紀錄顯示，很多被檢舉的排放黑煙車輛，往往遭很多不同的檢舉員在不同時間檢舉。

政府一般的收費政策，是以“用者自付”為原則，將收費水平定於足以收回提供有關服務的成本。以改善環境為大前提的各項政策，更是以“污染者自付”為依歸。現在申請成為指定廢氣測試中心的收費和車輛檢驗的收費水平，是以一九九三年的成本釐定，目前分別是 1,205 元和 170 元。今次建議的增幅，只是反映一九九四年和一九九五年共 17.8% 的通脹。再者，我們建議的車輛檢驗費用是 200 元，遠較測試中心向政府提出的 330 元為低。如果以現時每年處理六項申請成為或者繼續成為指定驗車中心的個案，以及每年發出 44 000 張合格證書來計算，這個收費水平只會為整個行業帶來約 142,000 元的額外支出。

多位議員日前曾以本港現時的經濟情況和保障市民現時的生活水平為理由，通過凍結政府的收費，但我想強調，這項建議收費和其他收費性質不同。受收費調整影響的不是普羅大眾，而是空氣污染的製造者，也是那些缺乏妥善維修而排出令人厭惡黑煙的車輛。如果政府不向那些污染製造者收取合理的行政費用，而將這項財政負擔間接轉嫁給那些已經受空氣污染所害的市民，無形中是資助污染者繼續破壞環境。這個安排不太合乎社會公義，我相信市民大眾不會認同這種做法。

再者，這次收費調整極之輕微，對於香港經濟不會構成影響，或導致失業問題惡化。因此，立法局若通過這次收費調整，不會有違各位議員希望保障市民生活水平的良好出發點。

如果今次收費調整不獲得通過，則以現時的收費水平，指定的測試中心甚者可能不會繼續經營，至少亦不可以維持經濟。換而言之，現在為改善空氣質素而對排出黑煙車輛進行的驗車工作，亦可能會受到影響，從而令市民受害。

主席先生，我希望各位議員重新考慮我們的加費建議，反對這項議案。

Question on the motion put.

Voice vote taken.

THE PRESIDENT said he thought the "Ayes" had it.

Dr Samuel WONG claimed a division.

PRESIDENT: Council shall proceed to a division.

PRESIDENT: Will Members please proceed to vote?

PRESIDENT: Before I declare the result, Members may wish to check their votes.

PRESIDENT: Are there any queries? The result will now be displayed.

Mr Allen LEE, Mrs Selina CHOW, Mr Martin LEE, Mr NGAI Shiu-kit, Mr SZETO Wah, Mr LAU Wong-fat, Mr Edward HO, Mr Ronald ARCULLI, Mrs Miriam LAU, Mr Albert CHAN, Mr CHEUNG Man-kwong, Mr Frederick FUNG, Mr Michael HO, Dr HUANG Chen-ya, Miss Emily LAU, Mr LEE Wing-tat, Mr Fred LI, Mr Henry TANG, Mr James TO, Dr YEUNG Sum, Mr Howard YOUNG, Mr WONG Wai-yin, Mr James TIEN, Mr LEE Cheuk-yan, Mr CHAN Kam-lam, Mr CHAN Wing-chan, Miss CHAN Yuen-han, Mr Andrew CHENG, Mr CHENG Yiu-tong, Mr Anthony CHEUNG, Mr CHEUNG Hon-chung, Mr Albert HO, Mr IP Kwok-him, Mr LAU Chin-shek, Dr LAW Cheung-kwok, Mr LAW Chi-kwong, Mr LEE Kai-ming, Mr LEUNG Yiu-chung, Mr Bruce LIU, Mr MOK Ying-fan, Mr SIN Chung-kai, Mr TSANG Kin-shing, Mr John TSE and Mr YUM Sin-ling voted for the motion.

Mr CHIM Pui-chung, Dr Samuel WONG, Dr Philip WONG, Miss Christine LOH,

Mr Paul CHENG, Mr David CHU, Mr LO Suk-ching, Miss Margaret NG and Mrs Elizabeth WONG voted against the motion.

Mr Ambrose LAU abstained.

THE PRESIDENT announced that there were 44 votes in favour of the motion and nine votes against it. He therefore declared that the motion was carried.

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

MR RONALD ARCULLI to move the following motion:

"That the Dumping at Sea (Fees) Regulation, published as Legal Notice No. 434 of 1995 and laid on the table of the Legislative Council on 11 October 1995, be repealed."

MR RONALD ARCULLI: Mr President, I move the motion standing in my name on the Order Paper. The motion seeks to repeal the Dumping at Sea (fees) Regulation under section 34(2) of the Interpretation and General Clauses Ordinance.

The Dumping at Sea (Fees) Regulation, published as Legal Notice No. 434 of 1995 and laid on the table of the Legislative Council on 11 October 1995, increases the fees payable for a permit to load for dumping and to dump spoil or sewage sludge and substances or articles other than spoil or sewage sludge by about 18% and to set a new fee for a copy of an entry in the register compiled by the Authority with effect from 9 November 1995.

In accordance with the Subcommittee's recommendation which is supported by the House Committee that the fees should remain at the existing levels, I move to repeal the Regulation.

Question on the motion proposed.

規劃環境地政司致辭：主席先生，《海上傾倒物料條例》是透過簽發許可證的制度，管制在海上傾倒廢物，禁止任何人在未領牌前進行傾倒廢物入海的活動。在決定是否發出許可證前，環境保護署須考慮那些活動對海洋環境和生物資源的影響，並且確保這些影響可以接受，並減至最低。申請許可證的主要是進行挖泥和傾倒淤泥工程的承建商。許可證的有效期由一個月至半年不等。

《海上傾倒物料條例》亦規定環境保護署署長必須編訂一份登記冊，記載其發出的許可證的詳情。環境保護署須把這份登記冊免費提供予公眾人士查閱，並在任何人繳付訂明的費用後，將登記冊中有關某許可證的記錄事項的副本交予該名人士。

現時簽發許可證的收費水平是以一九九三年的成本釐訂。今次建議的增幅為 17.8%，以反映一九九四及九五年的通脹。副本的收費定為 150 元，與其他同類收費相同。我們估計，本財政年度約有 120 宗許可證申請，總收入為 150 萬元。調整收費後，業內人士申請每個許可證須多付 1,300 元，最高是 2,700 元。整個行業每年的額外支出為 27 萬元。許可證的收費只佔業內人士的經營成本很小部分，因此，我們相信調整收費並不會對有關行業造成很大影響，更加不會影響一般市民。

如果我們維持現時的收費，政府便要從其他收入補貼從事這類商業活動的人士，對其他納稅人並不公平。況且，根據“污染者自付”原則，任何有機會製造污染的人士，須自費確保他們可以減輕其操作對環境可能造成的影響。因此，我希望各位議員重新考慮我們的加費建議，反對這項議案。

Question on the motion put.

Voice vote taken.

THE PRESIDENT said he thought the "Ayes" had it.

DR PHILIP WONG: I claim a division.

PRESIDENT: Council shall proceed to a division.

PRESIDENT: Will Members please proceed to vote?

PRESIDENT: Before I declare the result, Members may wish to check their votes.

PRESIDENT: Are there any queries? The result will now be displayed.

Mr Allen LEE, Mrs Selina CHOW, Mr Martin LEE, Mr SZETO Wah, Mr LAU Wong-fat, Mr Edward HO, Mr Ronald ARCULLI, Mrs Miriam LAU, Mr Albert CHAN, Mr CHEUNG Man-kwong, Mr Michael HO, Dr HUANG Chen-ya, Miss Emily LAU, Mr LEE Wing-tat, Mr Fred LI, Mr Henry TANG, Mr James TO, Dr YEUNG Sum, Mr Howard YOUNG, Mr WONG Wai-yin, Mr James TIEN, Mr CHAN Kam-lam, Mr Andrew CHENG, Mr Anthony CHEUNG, Mr CHEUNG Hon-chung, Mr Albert HO, Mr IP Kwok-him, Mr LAW Chi-kwong, Mr LEE Kai-ming, Mr LEUNG Yiu-chung, Mr LO Suk-ching, Mr SIN Chung-kai, Mr TSANG Kin-shing and Dr John TSE voted for the motion.

Mr CHIM Pui-chung, Mr Frederick FUNG, Dr Samuel WONG, Dr Philip WONG, Miss Christine LOH, Mr LEE Cheuk-yan, Mr CHAN Wing-chan, Miss CHAN Yuen-han, Mr Paul CHENG, Mr CHENG Yiu-tong, Mr David CHU, Mr LAU Chin-shek, Dr LAW Cheung-kwok, Mr Bruce LIU, Mr MOK Ying-fan, Miss Margaret NG, Mrs Elizabeth WONG and Mr YUM Sin-ling voted against the motion.

Mr Ambrose LAU abstained.

THE PRESIDENT announced that there were 34 votes in favour of the motion and 18 votes against it. He therefore declared that the motion was carried.

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

MR RONALD ARCULLI to move the following motion:

"That the Ozone Layer Protection (Fees)(Amendment) Regulation 1995, published as Legal Notice No. 435 of 1995 and laid on the table of the Legislative Council on 11 October 1995, be repealed."

MR RONALD ARCULLI: Mr President, I move the motion standing in my name on the Order Paper. The motion seeks to repeal the Ozone Layer Protection (Fees) (Amendment) Regulation 1995 under section 34(2) of the Interpretation and General Clauses Ordinance.

The Ozone Layer Protection (Fees) (Amendment) Regulation 1995, published as Legal Notice 435 of 1995 and laid on the table of the Legislative Council on 11 October 1995, increases the fees for applications for registration and for a licence to import or to export a specified consignment of a scheduled substance by about 18% with effect from 9 November 1995.

In accordance with the Subcommittee's recommendation which is supported by the House Committee that the fees should remain at the existing levels, I move to repeal the Regulation.

Question on the motion proposed.

規劃環境地政司致辭：主席先生，《1995年保護臭氧層（費用）（修訂）規例》的目的，是調整申請進口或出口受管制物質的註冊和許可證的收費。根據一九八五年的《維也納公約》和一九八七年的《蒙特利爾議定書》，香港必須承擔國際責任，保護臭氧層，其中包括管制生產耗蝕臭氧層的物質和含有這些物質的產品進出口。透過註冊和發出進出口許可證，環境保護署可以有效地管制耗蝕臭氧層的化學物質或產品的數量、使用、儲存和處置。這些物質只是用於防火設備、空調和冷凍設施，以及工業用的清潔溶劑。目前，只有214個註冊商可以進出口含有這些物質的產品。註冊須每兩年續期，而每個進出口許可證只可使用一次。

政府的收費政策，訂定註冊費和牌照費均以“用者自付”為原則，將收費水平訂於收回提供有關服務的全部成本；而針對以保護環境為大前提的各項政策，我們以“污染者自付”原則為依歸。現時的收費水平是以一九九三年的成本釐訂。今次建議的增幅是為了反映一九九四和九五年的17.8%通脹。目前，每年處理約一百多宗成為或繼續成為註冊商的申請，以及一千多

宗出入口許可證的申請。這次的收費調整，每個牌照申請者只須多付 270 元，整個行業亦每年因此而多付 175,000 元。我再次強調，這次收費調整非常輕微，而有關註冊和許可證費用，只佔這些商業活動日常營運費的一個小部分，實質增加更是微不足道。此外，受到這項收費調整所影響的，並不是普羅大眾，而是針對一些可能破壞環境的經營，我們絕對沒有理由增加市民大眾對它們的間接資助。

主席先生，這篇是我今天十次致辭的最後一篇演辭，我對本局剛才那九項議案的決定，感到有些失望。凍結有關項目的收費，對於香港的整體經濟，可說是毫無幫助。如果調整收費，將全部十項收費調整建議加起來，所有行業每年只須多付 310 萬元。即使由全港市民平分這個數字，每人每年只須付五角錢。因此，對於剛才有些議員認為凍結收費可以刺激經濟的論點，我覺得很難成立。反過來說，如果我們這次凍結收費，就會令全港 600 萬市民每人津貼這些製造污染行業的經營者五角錢。我覺得這樣做會對香港市民發出一項錯誤的訊息，嚴重打擊“污染者自付”或“用者自付”的原則，令人誤以為應由納稅人補貼產生污染的商業活動。

我們相信輿論對這次凍結收費的決定，不一定支持。很多報章和社評曾指出，凍結收費對於刺激經濟或遏抑通脹沒有甚麼幫助，既不會使失業者受惠，也不會減輕納稅人的負擔。這樣做更違反了一貫“用者自付”，收回成本的非福利性公共服務收費的原則，得益的只是那些要繳付費用的人或企業，納稅人反而成為凍結收費的最大輸家。因此，最後我希望各位議員再三考慮我們的收費建議，反對這項議案。

Question on the motion put.

Voice vote taken.

THE PRESIDENT said he thought the "Ayes" had it.

DR PHILIP WONG: I claim a division.

PRESIDENT: Council shall proceed to a division.

PRESIDENT: Will Members please proceed to vote?

PRESIDENT: Before I declare the result, Members may wish to check their votes.

PRESIDENT: Are there any queries? The result will now be displayed.

Mr Allen LEE, Mrs Selina CHOW, Mr Martin LEE, Mr SZETO Wah, Mr LAU Wong-fat, Mr Edward HO, Mr Ronald ARCULLI, Mrs Miriam LAU, Mr Albert CHAN, Mr CHEUNG Man-kwong, Mr Michael HO, Dr HUANG Chen-ya, Miss Emily LAU, Mr LEE Wing-tat, Mr Fred LI, Mr Henry TANG, Dr YEUNG Sum, Mr WONG Wai-yin, Mr James TIEN, Mr CHAN Kam-lam, Mr Andrew CHENG, Mr Anthony CHEUNG, Mr CHEUNG Hon-chung, Mr HO Chun-yan, Mr IP Kwok-him, Mr LAW Chi-kwong, Mr LEE Kai-ming, Mr LEUNG Yiu-chung, Mr LO Suk-ching, Mr SIN Chung-kai, Mr TSANG Kin-shing and Dr John TSE voted for the motion.

Mr CHIM Pui-chung, Mr Frederick FUNG, Dr Samuel WONG, Dr Philip WONG, Miss Christine LOH, Mr CHAN Wing-chan, Miss CHAN Yuen-han, Mr Paul CHENG, Mr CHENG Yiu-tong, Mr David CHU, Mr LAU Chin-shek, Dr LAW Cheung-kwok, Mr Bruce LIU, Mr MOK Ying-fan, Miss Margaret NG, Mrs Elizabeth WONG and Mr YUM Sin-ling voted against the motion.

Mr Ambrose LAU abstained.

THE PRESIDENT announced that there were 32 votes in favour of the motion and 17 votes against it. He therefore declared that the motion was carried.

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

MR RONALD ARCULLI to move the following motion:

"That the Road Traffic Ordinance (Amendment of Schedule 8) Order 1995, published as Legal Notice No. 453 of 1995 and laid on the table of the

Legislative Council on 11 October 1995, be amended in section 2 by repealing -

"(c) Fee payable for supply of each form of a certificate of roadworthiness -

(i) Private car \$53

(ii) Light goods vehicle \$63".

MR RONALD ARCULLI: Mr President, I move the motion standing in my name on the Order Paper. The motion seeks to repeal part of the Road Traffic Ordinance (Amendment of Schedule 8) Order 1995 under section 34(2) of the Interpretation and General Clauses Ordinance.

The Road Traffic Ordinance (Amendment of Schedule 8) Order 1995, published as Legal Notice No. 453 of 1995 and laid on the table of the Legislative Council on 11 October 1995, increases by about 9% the fees charged by Car Testing Centre (CTCs) for initial examination of private cars and light goods vehicles, re-examination of such vehicles within 14 days of initial examination and issue of a duplicate copy of a Certificate of Roadworthiness in respect of such vehicles. The order also increases the fee charged by the Government for the supply of each Certificate of Roadworthiness form to the CTCs by 9% to reflect the increase in costs since its last revision in November 1994. These increases are to take effect from 9 November 1995.

The CTCs are private garages designated by the Commissioner for Transport for the inspection of private cars and light goods vehicles. The fees involved were last revised in November 1994. As the examination fees charged by Government Vehicle Examination Centres (GVEC) had been revised in June 1995 with a similar 9% increase, the CTC fees, with a 9% increase, would remain on a par with the fees charged by the Government Vehicle Examination Centres. In view of this consideration, the Subcommittee decided to support the increases for the CTCs but not the increase in fees charged by the Government for the supply of each Certificate of Roadworthiness form.

In accordance with the Subcommittee's recommendation which is supported by the House Committee, I move the motion to amend section 2 of the Order by repealing subsection (c) which sets out the revised fees for supply of each form of Certificate of Roadworthiness in respect of private cars and light goods vehicles.

Question on the motion proposed.

SECRETARY FOR TRANSPORT: Mr President, the fees for the inspection of private cars and light goods vehicles at Government Vehicle Examination Centres were increased in June this year. The Road Traffic Ordinance (Amendment of Schedule 8) Order 1995 seeks to bring to the same level the fees for similar inspections at CTCs which, although privately owned, are designated by the Government under the Road Traffic Ordinance to provide vehicle testing facilities. The Order also seeks to adjust the fees payable for Certificates of Roadworthiness.

It is only fair and to be expected that a vehicle owner should pay the same fee to have his vehicle inspected either at a GVEC or a CTC. In this respect, I am glad that the Honourable Ronald ARCULLI has accepted this and has not sought to amend section 2 subsection (b) of the Order which seeks to standardize these fees.

Section 2(c) of the Order seeks to revise the fees for Certificates of Roadworthiness. This is the mechanism through which the Administration recoups costs in respect of providing staff to administer the CTC scheme. Our team qualifies CTC vehicle testers and is responsible for checking the facilities at and monitoring the quality of service provided by CTCs. Such monitoring is necessary to ensure that the standards of vehicle examinations are uniform.

The fact is that vehicle owners do not pay anything extra for roadworthiness certificates. It is the CTC operators who pay the Administration out of the fees that they will collect. Indeed the schedule of charges already include administrative costs. I therefore see no logic nor justification whatsoever in seeking to repeal section 2(c) of the Order.

Mr President, if the Motion is adopted, this will result in a distinct element of inconsistency on the Council's part. May I respectfully remind Honourable Members that in adopting in 1994 the Public Accounts Committee recommendations on the Audit Report on "Fees for Vehicle Examinations", Members specifically expressed the firm view that fees for vehicle examination services should be set on a full recovery basis and that the level of fees should be revised annually to avoid substantial adjustment at irregular intervals.

Mr President, to support the motion now under consideration would in effect mean that Honourable Members are vetoing what they themselves so strongly advocated should be the practice that the Administration should follow in reviewing and adjusting vehicle inspection fees. I therefore urge Members to vote against this motion.

田北俊議員致辭：主席先生，在今日眾多項議案中，這是最後一項。政府就各項議案的回應都是說為了要保護環境，所以要收費。

我想指出，工商界絕對支持保護環境，但現時的收費，對工商界或用者來說，根本不能達到“污染者自付”的目標。他們只將收費當作交稅，無論政府收取百多元抑或二百多元，他們照樣繳付，對於改善環境完全沒有幫助。如果反過來說，增加對違例人士的罰款額，然後政府將所得罰款進行應做的事情，我反而會支持，並希望自由黨的同事支持。假如政府提出這項建議，我們會重新考慮。但政府現時的牌照費，每個申請者也須同樣支付，完全不能起阻嚇作用。申請者只會把費用當作稅項繳交，對環保絕對沒有幫助。

多謝主席先生。

庫務司致辭：主席先生，運輸司已就《道路交通條例》的收費建議作出解釋，較早前我亦提出我們對凍結收費的看法，所以我不打算在此重複我的論點。

我們現時討論的這項運輸收費建議，是將向指定驗車中心提供驗車合格證明表格的費用，由 48.5 元增加至 53 元，即增加 4.5 元。這 4.5 元的增幅是由驗車中心繳付的，對民生根本不可能產生任何負面影響。因此，我希望

各位議員慎重考慮，反對凍結這項收費的議案。

Question on the motion put.

Voice vote taken.

THE PRESIDENT said he thought the "Ayes" had it.

DR PHILIP WONG: I claim a division.

PRESIDENT: Council shall proceed to a division.

PRESIDENT: Will Members please proceed to vote?

PRESIDENT: Before I declare the result, Members may wish to check their votes.

PRESIDENT: Are there any queries? The result will now be displayed.

Mr Allen LEE, Mrs Selina CHOW, Mr Martin LEE, Mr NGAI Shiu-kit, Mr SZETO Wah, Mr LAU Wong-fat, Mr Edward HO, Mr Ronald ARCULLI, Mrs Miriam LAU, Mr Albert CHAN, Mr CHEUNG Man-kwong, Mr Michael HO, Dr HUANG Chen-ya, Miss Emily LAU, Mr LEE Wing-tat, Mr Fred LI, Mr Henry TANG, Mr James TO, Dr YEUNG Sum, Mr WONG Wai-yin, Mr James TIEN, Mr LEE Cheuk-yan, Mr CHAN Kam-lam, Mr CHAN Wing-chan, Miss CHAN Yuen-han, Mr Andrew CHENG, Mr CHENG Yiu-tong, Mr Anthony CHEUNG, Mr CHEUNG Hon-chung, Mr Albert HO, Mr IP Kwok-him, Mr LAU Chin-shek, Mr LAW Chi-kwong, Mr LEE Kai-ming, Mr LEUNG Yiu-chung, Mr LO Suk-ching, Mr SIN Chung-kai, Mr TSANG Kin-shing, Dr John TSE and Mr

YUM Sin-ling voted for the motion.

Mr CHIM Pui-chung, Mr Frederick FUNG, Dr Samuel WONG, Dr Philip WONG, Miss Christine LOH, Mr Paul CHENG, Mr David CHU, Dr LAW Cheung-kwok, Mr Bruce LIU, Mr MOK Ying-fan and Miss Margaret NG voted against the motion.

Mr Ambrose LAU and Mrs Elizabeth WONG abstained.

THE PRESIDENT announced that there were 40 votes in favour of the motion and 11 votes against it. He therefore declared that the motion was carried.

MOTION OF THANKS

Resumption of debate on motion which was moved on 25 October 1995

PRESIDENT: Council will now resume the debate on the Motion of Thanks.

FINANCIAL SECRETARY: Mr President, in his policy address, the Governor said that the Civil Service, no matter how effective its performance, never expects headlines in the press to read "Government does a great job". He also predicted that the response of this Council to his address, to the Progress Report and to the Policy Commitments, would be a blend of fair-minded appreciation of what has been achieved and demands for higher standards, new policies and greater accountability. He was right in the case of a selected number of speeches that I heard on Wednesday and Thursday last week, but the focus of many others seemed to have fallen elsewhere.

Before I respond to the many specific proposals advanced by Members in their contributions to this debate, I would like to take up two important general

issues. The first concerns the assertion, made specifically by several Members and implied by many others, that the Government does not listen hard enough to the views of this Council or to the community.

Let me emphasize just how seriously the Hong Kong Government takes your comments and criticisms.

Many of the 471 outstanding Policy Commitments from the Governor's first three policy addresses had their origins in suggestions from Members of the Legislative Council.

Many of the 343 new initiatives announced by the Governor this year also have their origins in ideas and suggestions from Members of the Legislative Council.

The consultations on the Budget, which began before the summer recess, is a six-month process of listening to the views of Members of this Council to ensure that the Budget addresses the real concerns of the community. As Members know, I have recently started the second stage of this vital exercise.

Of course the Government listens. And the Government also responds. This is the second general point I wish to make. Over the past three years, there has been a revolution in the culture of our public service. The principles of performance and service are now the very essence of the relationship between the Civil Service and the community. I hope Members will not lose sight of this essential fact of Hong Kong's political and administrative life as they make their contributions to the many important debates which lie ahead of us in this Session.

The Chief Secretary will have more to say on the subject. Suffice it for me to say briefly that the totally transparent way my colleagues have spelt out our policy commitments and evaluate the results every year has given a whole new meaning to public administration.

In his policy address last month, the Governor stressed that the Government and the Legislative Council must work together, otherwise any plans to improve our services will amount to nothing more than good intentions. The Administration takes this policy to heart. My colleagues and I attach great

importance to the views of this Council in shaping our proposals to Members. Of course, there will be differences of opinion. Of course, the Government will sometimes express its views very forcefully. Of course, there will be vigorous debate. But our guiding principle, our shared guiding principle, must be the best interests of the community we serve. Equally, the community has the right to know in full the arguments for and against the policy proposals under debate in this Council.

It falls on me to start the Government's response to the many important points made by Honourable Members last week. For me as Financial Secretary, the single most important issue was a very real concern which Members expressed over their perceptions on the current state of Hong Kong's economy.

I have been presented with a very substantial agenda. Members have asked me to produce packages to stimulate the economy, and to reduce inflation, unemployment, the income gap and taxes. In themselves, these are all laudable objectives, which the Administration is fully prepared to discuss further with Members. I will address these issues individually today and, in more detail, during the separate debates in this Council scheduled for next week.

The economy

Let me start with the general state of Hong Kong's economy. I have heard Members use the term "recession" to describe its present or projected condition. I do not believe that "recession" is an appropriate way to describe our economy, which is growing this year at a rate of 5% in real terms. A commonly accepted definition of a recession is when the actual level of an economy's GDP has fallen — I repeat — fallen over a continuous period of, at least two consecutive quarters. We are scarcely in such a situation. In the first quarter of 1995, the economy grew by 5.9% , due to a particularly strong rise in export levels. As some Members have pointed out, it is simple arithmetic that in forecasting a 5% growth for the year, the growth rate is likely to moderate to below 5% during the latter part of the year. But, for the year as a whole, I would still expect the economy of Hong Kong to achieve real growth of around 5%. This is very much in line with the forecast trend growth rate on which the Government bases its revenue and spending plans.

I acknowledge that this growth rate represents a slower pace of economic

expansion than we had forecast at the start of the year. But I do not accept that a reduction in our forecast growth rate for the year from 5.5% to 5% justifies the more lurid media reports of doom and gloom that have accompanied the release of recent economic data. By no stretch of the imagination can Hong Kong be described as in recession or even threatened by recession. What we are seeing now is a moderation of the very rapid speed at which our economy grew in the latter part of the eighties.

The present rate of 5% growth would be the envy of many industrialized countries, which understand the full meaning of the term "recession" because they have suffered sustained declines in GDP. Through hard work and some good fortune, Hong Kong, like many of this region's economies, has remained largely untouched by the latest global recession.

While we should never be complacent about our own performance, we must accept that even for resilient and entrepreneurial Hong Kong, an open economy means that, we cannot escape completely from the consequences of major shifts in the market-place of cyclical downturns of the global economy. This means, from time to time, the pace of growth will slow down. Let me emphasize that it is the pace of growth that may decline. But I do not expect that, even in a global recession, Hong Kong's GDP will fall in actual terms. I base this confidence on Hong Kong's record of unbroken annual growth in GDP for the past 35 years.

At the moment we are in the phase of the business cycle which brings lower growth. We are currently experiencing a slow-down in domestic consumption after several years of remarkable buoyancy. A period of consolidation of the stock and property markets began somewhat earlier and has also affected local sentiment and consumption and, of course, reduced the "feel good" factor.

However, let us place all this in context. We continue to perform well on the external trade front. In the first nine months of the year, domestic exports, re-exports and exports of services all grew in real terms, with the last two in particular registering double-digit increases over the same period in 1994.

The growth in investment activity has also been impressive over this

period. Investor confidence has remained solid. Retained imports of capital goods were up by 28% in the major sectors for the first nine months of this year.

With significant injections of public and private funds taking place in such infrastructure projects as the Airport Core Programme over the next few years, and potential projects, such as the Railway Development Strategy, on the drawing board, a high level of investment looks set to continue well into the next century.

Short-term economic stimulus

These facts scarcely point to a recession. But I must repeat: we are not complacent about our economic performance, and I am grateful for Members' suggestions about ways to overcome our current problems and improve our future performance. But there are limits to which what can be done. Before we embark on new policies, we must be certain that proposals for changes:

- are necessary, and not just short-term gestures which could do lasting harm;
- must be effective, and not just a matter of throwing taxpayers' money at problems; and then
- must be within the Government's proper responsibility and not just an excuse for clumsy intervention in the economy.

I have more to say on this and on our longer-term economic strategy during the motion debate on the economy next week. But, in general, I would ask Members to bear in mind the experience of advanced economies elsewhere that short-term measures designed to "kick-start" the economy can be costly, are often of doubtful usefulness and can have harmful consequences over the long term.

Members have suggested that the Government should set up an Economic Development Board, Council, Committee, or smaller agency, with public participation. This new body would be tasked with steering Hong Kong's economic development in the "right direction", winning more foreign inward

investment, tackling our economic problems and making us more competitive. These are all worthwhile endeavours.

But it is not immediately clear to me whether Members are proposing policy-making and executive powers for this body or whether it would function simply in an advisor capacity. If the latter, I doubt whether the formation of such a body would add much more than an extra layer of redundant bureaucracy to the existing and well-tried network of advisory committees, boards and committees. These already provide the Government with valuable views and suggestions on economic and related issues. The Governor's Business Council and my own Economic Advisory committee are two such examples.

If, on the other hand, the intention is that we should give this body powers to make and implement policies for economic development, I would have serious reservations. So I think would a majority of Members of this Council. First, this would derogate from the Government's existing duty to formulate policies on economic issues. Second, such a body would lead us to stray from our fundamental economic strategy which leaves the private sector to generate our economic growth free from government direction and interference. This reliance on the private sector has served us well during more than three decades of sustained economic growth. It is generally accepted by the community. I am by no means convinced that a radical departure from our well-tried economic principles would be in Hong Kong's best interests.

Revenue measures

I am grateful for Members' suggestions regarding possible taxation measures that we might adopt in order to advance our economic interests. As I mentioned earlier, I am now in the process of consulting Members on the revenue measures for the next Budget exercise. This consultation exercise is an important part of the next Budget. I can assure Members that we will be considering their views and advice in detail and with great care before I formulate my proposals for the next Budget.

I am sure that Members will wish me to consider their ideas for tax cuts with one eye on our established fiscal policies and the other on our actual budgetary position. We will need first to ask ourselves two questions: First, can we afford the concessions? Second, will the lower taxes provide relief where it

is needed most? And, while tax concessions are superficially attractive, they can have very serious and wide-ranging implications for our economic performance as a whole.

On a matter of budgetary strategy, I would also like to remind Members that the Governor in his policy address proposed a convincing way to reassure Hong Kong and our trade and investment partners of our commitments to financial stability and to an open economy. This would be for Members to endorse the simple rule that government expenditure should increase over time only in line with the trend growth rate of economic growth. I hope Members will give further careful consideration to this suggestion.

Members have also expressed their and the community's legitimate concerns about inflation, unemployment and the gap between the rich and poor. They deserve, and receive, our continued attention.

Inflation

Our current level of inflation remains relatively high. However, allowing for some short-term volatility in consumer prices, the underlying trend during the course of the year has been downward. The year-on-year rate of increase in Consumer Price Index (A) was 9.5% in the first quarter, 9.2% in the second and 8.6% in the third. As the US dollar gathers strength, inflationary pressures from imports are falling. Locally-generated inflationary pressures are also easing up. We have stabilized the property market through the package of measures we announced last year. We have also stepped up our efforts to provide more land for development.

Inflationary pressures generated by the labour market have eased. So we move from a manufacturing to a service-based economy, we have experienced a structural change in the labour market, resulting in a temporary skills mismatch. In addition, the labour supply is growing this year more rapidly than demand for workers as more former residents return to Hong Kong and new immigration quota brings in young people of working age from China.

Land and labour are the key resources of our overall productive capacity. By ensuring a larger and more stable supply of both for the future, we will help

to stabilize costs, contain inflation and maintain our competitive edge.

Unemployment

There is of course a less welcome side to any slackening of the labour market. I am well aware of the impact of increased unemployment on those who lose their jobs and on their families. We regard the rise in the unemployment rate as a matter for serious concern. The Governor held a summit in June to discuss unemployment with union and business representatives. That led to immediate measures to tackle the problem which had aggravated the situation: illegal employment and skills training and matching. The Governor has organized a second summit for next Thursday. I am sure its deliberations will make a further valuable contribution to tackling this issue.

The Secretary for Education and Manpower will have more to say on the steps being taken. I would simply like to point out that from the perspective of the Government, the private sector and the employee, that it is clearly in the best economic interests of Hong Kong to have a workforce that is stable, well-trained and fully employed, and one that enjoys a good working relationship with its employer. Industrial harmony has been a notable feature and important contributor to Hong Kong's economic success over the past years. It is essential for the maintenance of our future growth.

Income gap

Members have also drawn attention to the problem of the growing gap between the rich and poor. This is a long-term social issue rather than one related to short-term fluctuations in the economy. Over the past 10 years or so, those at the higher end of the income spectrum have enjoyed faster rises in income than those at the lower end. The lower income groups, nevertheless, have recorded considerable income increases over the period. This means that their well-being has also been improving in real terms, although at a slower rate.

In a free market economy such as ours, we do not set ourselves the objective of a completely even distribution of income. Instead, we set ourselves the objective of trying to ensure that everyone benefits from economic success. That is why we have gradually refined our tax system to assist the less well - off.

That is why our public housing programme provides highly-subsidized accommodation for nearly half of all our households. That is why we have adopted substantial welfare measures and have increased welfare spending within our overall spending guidelines. And that is why in the past three years, we have increased the average monthly Comprehensive Social Security Assistance payments by 60%. Provided we can afford them, we will continue to make improvements to the scope and level of social welfare assistance in our community.

Conclusion

Overall, Hong Kong is an economy in good shape. We are not staring at a recession. Our sound economic policies have served us well for many years and look set to do so for many years to come. Market forces have effectively corrected the earlier over-heated property sector and are already working on the apparent over-supply of labour. Inflation is coming down. At the same time, we are channelling resources, in accordance with the principle of "living within our means", to help those who are most in need of them.

I said at the beginning of my speech that the Government listens and the Government responds. In closing, I should like to assure Members we are indeed here to listen and respond to their views. We look forward to forging a close effective partnership with them in the service of the people of Hong Kong in the challenging times that lie ahead.

政務司致辭：主席先生，

平等機會

在今年的施政報告辯論中，多位議員都提出了平等機會這個課題。我首先指出的，是政府一向都全力支持“人人機會平等”這項大原則，而通過按部就班方式加以落實。三個月前當本局通過《性別歧視條例》和《殘疾歧視條例》後，因個人的性別、婚姻狀況、懷孕和殘疾而加以歧視，都被界定為不法行為。而港人不論性別或是否殘疾，在這方面所享受到的法律保障程

度，與其他先進社會所享有的大致相同。

“歧視”這一個社會問題，必須推行教育，讓市民大眾正確了解“人人機會平等”這個概念才能解決。故此自從這兩項條例頒布後，我們已積極向市民推廣及幫助他們認識有關法例條文。我們又撥出額外資源，加強有關平等機會的大眾教育，而公民教育委員會亦已推出多項以此為主題的活動。

平等機會委員會

為求早日實施《性別歧視條例》和《殘疾歧視條例》，我們已着手籌備成立獨立於政府的平等機會委員會。有關工作進行順利，我們期望平等機會委員會於本年年底左右展開工作。委員會明年所需的經常開支，約為 6,500 萬元。有關的撥款提案，短期內將提交財務委員會考慮。

關於家庭地位及性取向的研究

本年 7 月政府承諾進行關於年齡、家庭地位和性取向歧視的研究，並會在本立法年度內向立法局報告研究結果。有關年齡歧視的研究，現正由教育統籌科着手進行。我的同事教育統籌司會另外解釋該科在這方面的工作。

政務科已開始研究家庭地位及性取向兩方面的歧視，工作包括借鏡外國的經驗，並與關注團體進行一連串的討論，以找出問題及確定可行的解決方法。

有關性取向研究方面，當局已經完成一項民意調查，以助了解公眾在這方面的看法。有人懷疑是否需要進行這項調查，甚至懷疑政府在這事上的動機。我想簡單解釋一下政府在這方面的立場。社會人士曾廣泛討論因家庭狀況受歧視的問題，但未有集中討論因性取向而遭受歧視情況。我們相信在這個範疇必須先行充分了解社會人士所關注的各方面問題，才可清楚而深入討論這事。進行民意調查，有助我們了解這問題。而我們進行這項調查之前，曾經諮詢有關人士，包括同性戀者的意見。

當我們完成各項研究及評估之後，我們會歸納所有可行的、解決各項問題的方案，包括立法形式，於本年年底發表諮詢文件，諮詢公眾意見，為期兩個月。倘若在諮詢工作完成後，所得的結論是應該採用立法的方式，我們便會致力在今屆立法局會期結束前，將有關條例草案提交本局審議。

胡紅玉議員在上屆立法局會議上，提出有關平等機會的非官方議員條例草案，部分議員有意重提這些建議。我希望各位議員明白，在促進平等機會方面，議員和政府有共同的目標。政府有需要進行這些研究工作，以確定能

充分了解各有關事項。我們並已制定了一個緊湊的時間表，以完成這些研究工作。我促請各位議員給予政府時間，以便完成所需的研究工作，然後才考慮是否自行就這個範疇提出立法建議。

婦女權益及《消除對婦女一切形式歧視公約》

有議員提議設立一個中央機構，統一處理所有與婦女權益有關的事務。政府現時的運作形式，是以工作性質為本，安排由不同的政府部門和資助機構，積極推行各項與婦女事務有關的政策及服務。例如工人再培訓、家庭、健康，以及其他的支援和輔導服務，都是分別由勞工處、生署及社會福利署各司其職，負責執行。另設機構以處理婦女問題，只會導致工作重疊繁複。政務科在婦女問題方面一向都肩負起統籌職責，我們相信此項職責會透過我們於本年九月參加第四屆世界婦女大會之後而加強。自會議舉行以來，我們已與非政府機構維持更緊密的合作和聯繫，這有助於推行在北京舉行的會議上所採納的行動綱領。

要落實行動綱領的建議，將會是一項持續的工作，必須由政府及非政府機構共同承擔，努力不懈，才可付諸實行。在這方面，政府多個部門都需要參與，而政務科作為統籌婦女事宜的政府機關，早已開始與各婦女團體展開討論，聽取他們對推行行動綱領的意見。

至於婦女權益方面，我們亦希望早日引進《消除對婦女一切形式歧視公約》。我們在九四年六月曾公開表示，希望把這條公約引用於香港，並就此與英國政府進行磋商。由於英國當時正檢討這條公約下的保留條文，故暫時擱置有關討論。本年九月，英國代表在出席北京世界婦女大會時，宣布擬取消對有關公約所訂的多項保留條文。其後我們即着手研究撤銷有關保留條文會對香港所造成的影響。目前，我們已初步擬定應延用於香港的保留條文，並會盡早就這些條文，與英國政府達成共識，最早可望於年底得出結果。一俟達成協議，我們將透過中英聯合聯絡小組諮詢中國政府。

《人權法案條例》

有議員提及預委會法律小組的建議。該小組建議廢除《人權法案條例》部分條文及還原一些因《人權法案條例》而經修訂的法例。這些建議在社會上已引起廣泛的反對。政府這方面的立場是十分明確的。我們認為透過法治制度、獨立的司法機構及《人權法案條例》來保障人權，是非常重要的。《基本法》第三十九條清楚訂明，《公民權利和政治權利國際公約》得通過香港

法律予以實施。預委會提及的六項法例所作的修訂，目的是要使有關法例不會與《公民權利和政治權利國際公約》有所牴觸。《人權法案條例》並無牴觸《中英聯合聲明》及《基本法》，因此，我們認為沒有理由需要作出該小組所建議的修訂。社會人士已清楚表示，預委會的建議被認為是一項倒退，會引起極度的不明朗和嚴重打擊公眾的信心。在本星期召開的中英聯合聯絡小組會議中，我們已與中方就這個問題交換意見，並會繼續透過正式渠道向中方據理力爭。

鄉郊規劃及改善策略（鄉郊策略）

有議員認為鄉郊策略計劃下的工程施工進度緩慢，並對此表示關注。

我可以向各位議員保證，政府是全力支持鄉郊策略計劃，並承諾在原定時間表內，於一九九九至二零零零年完成鄉郊策略計劃下的各項工程。整項計劃所獲的撥款為 50 億元，其中 34 億元是留作進行大型工程，而 16 億元則留作進行小型工程。大型和小型工程的分別是，支出超過 1,500 萬元的為大型工程，由拓展署署長負責；而在 1,500 萬元以下的則屬小型工程，由政務總署負責。

政務總署於去年八月接手負責鄉郊策略小型工程計劃。由於我們與鄉郊居民一直保持密切的聯繫，所以我們在加快小型工程的進度方面，工作相當順利。在接手負責這項計劃後，我們並引進了一個雙層委員會制度，以鼓勵當地人士和鄉郊居民更積極參與小型工程計劃。這個制度的第一層是中央督導委員會，由政務總署署長擔任主席，成員包括新界各區議會的主席、鄉議局代表和各個有關政府部門的高級官員，負責監督鄉郊策略小型工程計劃的實施，並提供意見和協助，使這個計劃能夠加快推行。在地區層面，新界各區都設立一個地區工作小組，由當地的政務專員擔任主席，而成員則包括地區領袖和政府部門的代表，負責監督區內的工程計劃、釐訂各項工程的先後次序，及協助調解因施工而引起的反對和其他紛爭。

新移民

最後，我想轉談我們為內地新移民所提供的各項服務，並且解釋一下我們打算怎樣監督和評估這些服務，以切合他們的需要。

新移民最經常遇到的問題，包括：教育需要、語言訓練、社會服務，以及他們對香港普遍缺乏認識。政府一直致力協助新移民融入社會。為達致這個目標，我們已向香港國際社會服務社提供資助，在九龍火車站開設旅客服

務處，協助剛抵港的移民與親屬聯絡，並向他們提供有關社會服務的資料。國際社會服務社亦在人民入境事務處設立辦事處，讓新移民在申領香港居民身份證時，可以尋求協助及獲得轉介服務。

由於大多數新移民的子女都面對適應香港教育制度的問題，所以我們特別在教育服務方面開辦英語入門及英語輔導課程。同時，在有需要時，由各學校提供輔導教學及特殊輔導服務。

除了上述措施外，政務總署署長亦負責監察及評估新移民服務，為此已成立了一個督導委員會，以便各提供服務的機構，包括各有關部門和其他非政府機構能集思廣益，確保為新移民提供切合他們需要的服務。為了配合督導委員會的工作，各區政務處會收集和整理區內新移民的資料，監察和評估為他們提供的各項服務，以及透過督導委員會把評估結果向有關部門及機構反映。這樣可確保能以全面及協調得宜的方法照顧新移民的需要。

我們希望這些新措施能有助新移民更快融入社區，適應香港的生活，從而為香港社會作出貢獻。

多謝主席先生。

SECRETARY FOR HEALTH AND WELFARE: Mr President, I wish to thank Members for their useful comments and views on health and welfare matters and welcome this opportunity to reply to some of them.

Let me start with health issues

On the promotion of primary health care, our objectives are clearly defined. The main health problems in our community are addressed through a comprehensive programme of promotional, preventive, curative and rehabilitation services. In collaboration with the private sector, we provide a wide range of primary health care services.

Demographic characteristics and medical needs of the target community are the key factors which we take into account in providing clinics and centres. My Policy Commitment already sets out our plan to increase primary health care centres, as well as elderly health centres and women health centres. Other than these, in disease prevention, our immunization and health education programmes for children are on-going and we have introduced a new Student Health Service. The establishment of a Health Care and Promotion Fund further illustrates our

commitment to increasing health promotion, preventive care and associated research.

Dr the Honourable LEONG Che-hung suggested the development of a proper dental care policy. In oral health care, our emphasis is on prevention. Our policy on dental care therefore aims to improve the oral health of the population by promoting oral hygiene and oral health awareness in the community, targeting in particular our young people. Basic dental care is provided to some 380 000 primary school children through the School Dental Care Service.

Curative service is provided to specific groups on a need basis. We provide emergency dental service to the community at 11 dental clinics throughout the territory. Curative service is also provided to hospital patients as well as the mentally and physically handicapped persons. Comprehensive Social Security Assistance (CSSA) recipients can obtain an allowance under the CSSA for private dental services.

Some Members spoke about the Government's monitoring mechanism of the Hospital Authority. The Government monitors the Hospital Authority's operation through a combination of statutory provisions and administrative arrangements. The Hospital Authority is required by law to furnish me with all relevant information relating to its operation and the facilities for verification of such information. The law further provides for a copy of its accounting statement and annual report to be tabled in this Council. Quarterly meetings are also held between the Government and the Authority to review its performance against agreed targets. The Hospital Authority Board, comprising mainly unofficials and including two Members of this Council, on which I am also represented, plays a very important role in the planning and management of hospital services. I shall of course continue to keep in view the effectiveness of the monitoring mechanism which is currently in place.

With regard to the roles of the public and private health care sectors, we see a clear need for both. Our policy is to encourage collaboration to ensure quality and continuity of patient care. In this respect, the Hospital Authority is in dialogue with private doctors and hospitals on how closer collaboration can be effected through a better referral system. The aim should be to make the best

use of both public and private sector resources to meet community needs.

The Honourable Michael HO has asked for an assurance that adequate staff will be recruited to avoid possible delays in the commissioning of new hospitals. Adequate manpower is fundamental to the provision of health care services. We are mindful of the need to recruit adequate health care staff, particularly nurses, to ensure the timely commissioning of our new health care facilities. A planning process is in place to work out in advance the projected manpower requirements and to draw up corresponding training and recruitment plans.

Some Members have expressed concern over the improper use of drugs by medical practitioners. To address this matter, the Hong Kong Medical Council, together with the Department of Health and the Hong Kong Medical Association has set up a working group to see how the medical profession's code of practice on the improper use of drugs can be tightened. The outcome of the working group's deliberations is expected by early 1996.

Mr President, the Government's health policy is clear. It is that no one should be denied adequate medical treatment through lack of means. With increasing demand and escalating costs, there is understandably a growing concern over the community's ability to finance our health care system. We are not alone in this. Many developing countries are facing this very same situation. We will be consulting Members in due course on proposals for a long-term health care financing strategy, including the issue of itemized charging about which several Members have spoken. One key issue that first needs to be resolved is how to improve public sector services while containing costs and recognizing the role of the private sector.

Welfare issues

I should now like to turn to welfare issues raised by Members and will start with social security payments. The Governor announced significant

increases in the CSSA standard rates for adults and elderly persons living in a family unit with effect from April next year. This is a proposal which will cost about \$300 million to implement and will benefit about 52 000 people. We estimate that it will increase the average payment to a family of four to \$9,180 per month.

Members have raised a series of specific concerns relating to this announcement which I should like to address today.

Many expressed the view that CSSA standard rates should be increased still further — especially those for the elderly — and some suggested that reference should be made to the recommendations in Professor MacPHERSON's Report of June 1994.

We gave a considered response to that Report at a meeting of this Council's Welfare Services Panel on 7 September 1994. The approach adopted in that Report was to provide a level of financial support to the vulnerable to enable them to enjoy a certain lifestyle. This approach inevitably involved certain subjective judgements as to what type of lifestyle should be assumed to be appropriate, especially in terms of recreational and social activity.

Our approach to social security is different. We consider it to be a safety net. It is this fundamental difference in approach which has led us to arrive at different payment levels. The level of payments in our system are set to cover basic needs for food, clothing, housing, fuel, light, water and transport as well as for household goods. In addition, payments are made to meet the education expenses of children. Medical treatment for recipients at public clinics and hospitals is free.

Whereas our basic philosophy is different from that adopted in that Report, our methodologies are not that far apart. But we have one key advantage in that we have been able to use the statistics produced by the first six months of the latest Household Expenditure Survey (HES). This has enabled us to compare our CSSA standard rates with what CSSA recipients say they spend and with what people in lower income groups also say they spend monthly. These statistics showed us quite clearly that the CSSA standard rates for certain groups of recipients were too low. As a cross-check on the results of this HES-based methodology, we also built up a basic needs budget for each category of CSSA

clients. Although more work needs to be done to refine further this approach, the preliminary results broadly supported the conclusions we reached using the HES method.

I shall pause here to address a technical point raised by some Members about our methodology. For comparison purposes, we looked at the expenditure patterns of those in the lowest 5% income group, that is, the income group immediately above those on CSSA. We did so because we consider it natural to compare CSSA recipients, the most vulnerable in our community, with the group nearest to them in terms of financial resources. For those uncomfortable with this approach, I can offer some further elaboration.

The result of this exercise, I can confirm, would have been the same even if we had used the lowest 15% income group. In other words, the monthly expenditure of all persons in the lowest 15% income group was lower than the CSSA standard rate payment for all categories other than adults and elderly persons living in a family. I fully understand Members' surprise regarding some of these data, especially those relating to the elderly. But we cannot simply ignore what the Survey tells us.

When our comprehensive review of the system is completed next year, we shall present all our recommendations to this Council and there will then, no doubt, be an important and fully informed debate on them.

Our review covers much more than just assessing the level of standard rates. Even that assessment is not complete yet because we still need to examine carefully the full 12-month data from the HES and to refine further our cross-check methodology of building up a basic needs approach. Other issues being considered in the review could also have a major impact on the level of support provided to CSSA recipients.

Before leaving this subject, I should like to comment on a specific proposal made by some Members who suggested that CSSA rates should be pegged to 30% of the median wage. This would be totally contrary to our philosophy of assessing payments against individual needs. In our system, very few recipients receive exactly the same payment because standard rates vary according to the age of recipients and the payment of special grants vary according to the precise nature of their special needs. If our safety net is to

address needs, such an approach is necessary. To set rates by reference to a percentage of the median wage would be too rigid to address needs; it should also be borne in mind that the median wage can drop in times of recession. At such times it would not necessarily be wise to decrease welfare payments as well. We do already have a mechanism for regularly increasing all CSSA rates in line with a special inflation index to ensure their real value is maintained. It may be of some academic interest to note that the average CSSA payment for a single elderly person already represents about 29%, and for a family of four represents 95%, of the median wage.

Some Members have called for an increase in the level of assets a person should be able to hold while being eligible for CSSA payments. I believe this recommendation is connected to wider concerns Members have expressed about the plight of the unemployed and how the CSSA scheme can be revised to address their problems. Of course an unemployed person is eligible for CSSA support if his financial situation meets the eligibility criteria. But I would strongly caution against any attempt to “hijack” the CSSA scheme to address problems it was never intended to address, whether this be unemployment or, indeed, retirement protection. The CSSA is a non-contributory scheme created to provide a safety net to meet basic needs. In other places, schemes have been devised to provide unemployment benefits or old age pensions but these schemes are normally contributory. Indeed, the mandatory provident fund scheme to be set up here is a contributory scheme designed to provide financial support in retirement. These schemes are often designed to support a lifestyle well above the basic needs level we seek to maintain in our safety net.

On a point also related to social security, I note the Honourable LAW Chi-kwong’s request that social security and welfare services should be funded from separate accounts. I assume that the objective behind this suggestion is to make it easier for us to increase spending on both simultaneously. But we must be realistic. The size of welfare spending as a part of the overall government spending can only be so large and can only increase so fast. Within the limits of welfare spending, it is important to strike the right balance between spending on social security and on direct welfare services. Spending on social welfare has been growing rapidly; this year it will have increased by 24% in real terms over last year. Since 1991-92, as a proportion of total recurrent public expenditure, our expenditure on social welfare has grown from 7.8% to 9.2%. This is good news, but we must be careful not to allow the lion’s share of this increased

expenditure to go on social security funding instead of on the necessary sustained upgrading and expansion of welfare services. Even a minor upward adjustment in social security payments can lead to a very significant increase in recurrent expenditure. Getting the balance right is a key issue. When we come to examine the full recommendations of the CSSA Review, we must bear in mind that the total funding available for welfare is limited. There is inevitably, therefore, a trade-off; greatly increased expenditure on social security could, indeed, mean relatively less for expanding welfare services.

In the case of the elderly in particular, this balance between financial support and the provision of welfare services merits careful consideration. The Governor's address highlighted the major initiatives in hand to meet the service needs of the elderly. Yes, we have suffered some minor delays in the provision of some services and we are doing all we can to meet our targets. We must remember, however, just how ambitious some of those targets are. For example, by the end of this financial year, we will have provided an additional 4 400 residential places, 35 social centres and six multi-service centres for the elderly. I understand Members' desire to see these programmes completed even more quickly, but I would hope that this desire would not blind them to the significance of what has already been achieved.

The Honourable Christine LOH highlighted the need for more outreach and home help services for the elderly. I could not agree more. I should like to see such services expanding more quickly and will be considering how to develop our existing programmes more effectively in this respect, and in particular, by building on the Older Volunteers Programme which is still at only its early stages of development. We shall also be assisted in developing new ideas in this regard by a constancy study on the needs of the elderly which we aim to commission early next year.

Much of our recent rapid expansion in services for the elderly has been funded through the Lotteries Fund and I note the concern of the Honourable LAW Chi-kwong that this Fund may be depleted by 1997-98 when the \$2.3 billion injected into it in 1992 has been used up. On 29 March this year, I assured this Council that the General Revenue Account will be able to absorb after 1996-97 all the recurrent welfare expenditure currently provided from the Fund. This has already been taken into account in our current financial forecasts.

I should like to conclude by referring to another important point raised by Members, which is the need for us to continue to nurture with care the co-operation and partnership between the Government and the non-government sector which is critical to the successful provision of services to meet the welfare needs of our community.

To nurture is not, however, to freeze that relationship. It must be allowed to grow and respond to changing times. A constructive dialogue is currently in hand regarding how we might modernize our subvention systems to allow our partnership with the NGO sector to grow stronger and flourish well into the next century. The Subvention Consultancy Study will, I hope, make some fundamental recommendations for change. Those changes are likely to give the NGO's much greater freedom to deploy resources provided by the Government in a more effective way to meet the standards of performance required in all service areas. If, working together, we achieve this goal, we shall have made a significant change for the better in the provision of welfare services in Hong Kong.

On that point of hope for the future, Mr President, I should like once again to thank Members for their support and for their comments. I look forward to working with them in this Session to improve the provision of health and welfare services for the community.

Thank you.

教育統籌司致辭：主席先生，在這次總督施政報告致謝議案辯論中，多位議員就教育及人力問題發表寶貴的意見，我謹此向他們致謝。

教育

由於施政報告未能提及所有重要的教育事項，因而可能產生一些誤會，即是在政府的整體政策中，教育已降至較次要的地位。事實上，情況絕對不是這樣。教育一直是政府優先處理的首要事務，將來亦是一樣。最好的證明是在過去五年，教育是政府最龐大的經常開支項目，約佔總開支的 20 至 22%。以金額計算，教育的開支，由一九九一至九二年度的 166 億元，增至一九九五至九六年度的 303 億元，增幅是 82%，即 26% 的實質增長。雖然高等

教育的開支增幅較大，而這是因為我們要完成在一九八九年開始的擴展計劃，不過，在同一期間，基本學校教育的開支，亦由 113 億元增至 186 億元，增幅是 64%，亦即 13.3% 的實質增長。與此同時，基本教育的學生人數減少了 5 萬人，即 5.2%，因此，實質增幅其實比增長率的數字更大。事實上，我們因此而得以繼續進行持續的改善計劃，包括：

- 為中、小學提供額外教師，減少每班學生人數；
- 採取特別措施，協助成績欠佳及無心向學的學生；
- 推行提升中、小學教師職位職級的計劃；
- 開展龐大的建築計劃，以改善學校的授課與學習環境；
- 成立香港教育學院，提高師資培訓的水準；
- 推行一系列提高學生整體質素的措施，例如教學語言的政策、學校課程多元化、以學校管理新措施和目標為本課程等。

儘管我們已推行這些改善措施，我們並非如一些議員在發言時暗示，已感到自滿。其實我們一直努力不懈，為發展二十一世紀的高質教育，奠下鞏固基礎。我們在這方面的工作，包括：

- 大學教育資助委員會將在一九九六年年初，向政府提交檢討高等教育發展報告書，訂定高等教育在下一世紀的發展方向和目標；
- 預計教育統籌委員會（即“教統會”）會在本年年底，提交期待已久的語文能力報告書。這份報告書對如何提高學生中、英文的語文能力和普通話的掌握能力，應可提供全面性的策略建議；
- 教統會接下的另一項迫切工作，是在一九九六年完成有關學校教育質素的報告，以及發表關於學校經費運用的諮詢文件；
- 教育委員會現正分別檢討九年強迫教育及特殊教育的制度，預期可在 1996 年首半年完成這兩項檢討；
- 教統會在一九九六年年初，會接手檢討中四或類同程度以上的教育，以便完成對學校教育的全面檢討。

上述各項檢討的結果，加上預期幼稚園教育工作小組在一九九五年年底提出的建議，不單可使政府對本港教育制度有全面的了解，更重要的是，可讓我們發展下一世紀具連貫性和有遠見的教育政策和策略。

我希望剛才我所說的話，足以令議員相信，政府是決意繼續發展和改善在教育方面的服務。我知道一些議員關注到本港學生的語文水準，我希望教統會的語文能力報告書，可提供對這個問題的解決辦法。在這方面，我亦知道有建議指出，我們應加快在全港學校教授普通話的工作。我完全贊同這個建議。我已在政策大綱中作出承諾——全港所有學童都可由一九九八年開始，修讀正規的普通話課程。我們這個時間表，是考慮到須預留最少兩年時間，以便編訂課程及出版所需的新編普通話課本。不過，讓本港兒童學習普通話是刻不容緩的工作。因此，我們將於本月向財務委員會申請非經常撥款 3,000 萬元，以便在一九九六、九七及九八年，開辦暑期普通話班。

現在，我想回應議員提出的其他意見：

課程

多位議員促請政府擴大學校課程的範圍，以配合社會不斷轉變的需要。檢討課程是一項不斷進行的工作。舉例來說，我們今年將會評估各個電腦科目，確保課程能反映最新的科技轉變和電腦的應用趨勢。另一個例子是，我現正修訂公民教育指引，這項工作將於一九九六年完成。儘管如此，對於議員認為學校課程必須不斷發展的想法，我十分贊同。我會把議員的意見轉告課程發展議會，從而及時提醒該會在這方面應扮演的角色。

小學學位教師職位

有議員關注到小學學位教師職位數目不足，無法達到《教育統籌會第五號報告書》所建議，到二零零七年時，這類職位應佔全港小學教師職位 35% 的目標。提供學位教師的職位，是政府提高小學教育質素的眾多措施之一。我們明白這項措施的重要性。在過去兩年，我們已提供 360 個學位教師職位，並會在一九九六至九七年度再提供 300 個。政府察覺到在二零零七年前，持有學位的小學教師數目或會出現供求不協調的情況，所以在教育統籌科內已成立工作小組，研究這個問題和建議解決辦法。預期工作小組會於本年年底前完成檢討工作。

特殊教育

一些議員對特殊教育表示關注。本局在今年六月曾進行一次動議辯論，

詳細討論這個問題，因此我不打算在此複述詳情，只希望強調兩點。第一，幫助特殊兒童融入主流教育，是本港特殊教育政策的宗旨。為貫徹這項政策，我們多年來已建立一套完善的服務網絡，確保能盡量讓有特殊教育需要的兒童，有機會像其他兒童在普通學校接受教育。第二，我們期待早日收到教育委員會在檢討特殊教育後作出的建議，以便可以積極考慮。

在我結束教育這個話題之前，我想重申教育的兩大重要目標，第一是培育青少年的良好品格和協助他們發揮潛能，使他們可過充實、有意義和有尊嚴的生活。第二是培訓大量具備所需知識和技能的人才，以應付本港經濟和整體社會日益增加的需求。這就把我的話題帶到人力方面。

人力

一些議員認為我們並沒有人力政策。我不同意這個說法。政府在這方面的政策，是確保本港有穩定和幹勁十足的勞動人口，足以支持我們的經濟增長。此外，我們亦要確保本港工人的待遇，可媲美那些經濟發展和社會文化與本港相若的鄰近地區的工人。

我們的政策，旨在應付本港經濟的短期和長遠需要。為達致這個目標，教育統籌科會定期進行人力研究，以評估工作人口應接受何種類別的教育。這些研究會就人力供應和按教育程度劃分的人力需求，提供預測的統計數字，目的是評估政府現時和準備提供的各種教育，所供應具備不同教育程度的人力組合，能否大致配合本港經濟未來的需要。一九九四年發表的報告，已對本港直至二零零一年的人力需求作出預測。我現正考慮有否實際需要，在一九九六年人口普查前，修訂這些預測的數字。

職業訓練

為確定香港的整體人力需求，其中一個方法是由職業訓練局（“職訓局”）透過其轄下的訓練機構，每兩年一次對不同行業的人力需求進行調查。職訓局會根據這些研究所提供的確實資料，為學生編訂課程。去年，職訓局開辦的課程，共提供了約 10 萬個學額。明年，我們會撥出 14 億元，讓職訓局開辦課程，提供約 11 萬個學額。

在人力供應方面，職訓局一直作出重大的貢獻。不過，我們不應鬆懈。我們必須確保青少年會繼續獲得切合本港不斷轉變需要的全面工業教育和工業訓練。因此，我打算委託顧問公司檢討職訓局的工作，包括各項訓練計

劃。我們在進行這項重要檢討時，會與職訓局密切合作。

僱員再培訓局

香港的成功，是企業家積極進取和工人努力不懈的成果。本港經濟在五十年代起飛，我們的工廠所製造的產品，從那時起便開始暢銷全球。工廠工人技術純熟、工作勤奮、生產力強以及處事靈活，這些因素有助香港發展成為今天這個繁榮和蓬勃的都市。很多參與建設這個充滿活力的經濟地區的工人，現時仍在盛年。我們有需要提高在職工人的技能，也有需要讓那些因經濟轉型而失業的工人學習新技能。僱員再培訓局正是為實現這些目標而於一九九二年成立。在成立後的短短數年間，該局已提供超過 8 萬個培訓學額。這個現象反映出再培訓局所提供的課程廣受歡迎，而本港工人亦非常渴望提高本身的技能。

我深信再培訓局會繼續是本港整體人力供應的重要一環。我亦確信，該局有能力為本港工人提供更理想的服務。因此，我們應對現時的情況進行評估，並探討一些更深入的問題。對於委託顧問公司，檢討本港再培訓計劃的未來路向和策略一事，我已開始與再培訓局商討。這項顧問研究和對職訓局所進行的研究，均會在明年年初完成。這兩項研究會為政府和兩個有關機構提供非常有用的資料，有助我們制訂未來五年以至十年的政策。

輸入勞工

我和本局議員一樣，都很關心現時失業人士在尋找工作時所遇到的困難。因此，我們在今年四月已推行就業選配計劃，並能為超過半數的參與者找到工作，成績令人滿意。有人認為，全面禁止輸入勞工能解決失業問題。我們認為這並非解決問題的辦法。作為一個開放和靈活運作的經濟地區，香港必須保留聘請外地勞工的政策，以便在有需要的情況下，補充本地勞動力的不足。這種對勞工需求迅速作出回應的能力，是維持及增強本港競爭力的一個主要因素。此外，亦有一些職位，由於本身的工作性質，對本港現時要求較高的工人，可能已失去吸引力。

一般輸入勞工計劃於一九八九年推出，當時的勞工市場與現時的極為不同。我們已對這項計劃進行徹底檢討，並建議終止計劃，由一項大幅削減名額的補充勞工計劃取代。批評補充勞工計劃的人士聲稱，這項計劃實質上與

一般輸入勞工計劃一樣，是“換湯不換藥”。這批評既不公平亦不合理。我們建議的計劃，與現行的計劃最少在三大方面有所不同。第一，這項計劃不會為個別行業設立配額，輸入勞工的每一宗申請，將按個別情況來考慮。第二，有關的申請在獲得進一步處理前，必須通過三關，就是公開招聘、勞工處的就業選配計劃，以及能否透過再培訓局，成功訓練所需工人。第三，勞工顧問委員會（即“勞顧會”）及本局的人力事務委員會，將會監察整個計劃的運作。簡單來說，我們的建議是要確保本地工人獲得填補職位空缺的優先權和每一個機會。我懷疑會否有人可以提出一個更開放、公平及嚴謹的計劃。或許正是這個原因，一項獨立民意調查所得的公眾意見，以及傳媒發表的意見，一般都表示十分支持政府這項建議。現在我很高興告訴各位議員，勞顧會在今天中午的討論中，原則上同意監察這計劃的運作。審核申請和監察的程序會因應勞顧會委員的意見作出修訂。這些程序是非常嚴謹和具透明度的。

我知道，輸入勞工是一項相當敏感的問題，政府亦十分了解失業人士的困難。但我要重申，建議的補充勞工計劃的唯一目的，是輸入有限數目的外地勞工，擔任在本港不能找到本地工人做的工作。到目前為止，我還未聽到合理的論據，解釋為何在這情況下，以及在終止一般輸入勞工計劃後，我們不應保留可以讓我們僱用有限數目的外地勞工的政策。作為一個政府，我們不能忽略社會的整體利益。事實上，從過往幾個星期的討論中，我理解到政府與許多議員的立場基本上沒有衝突，彼此最關心的，是如何確保本地工人的就業機會不會被剝削。我促請各位議員從正面的角度來研究政府這項建議。我重申，在這個問題上，政府的立場是積極和有彈性的，我希望立法局議員都會抱同一的態度，使我們能夠盡快解決這個問題。

在我結束輸入勞工這個話題前，我想再次清楚說明，我們的檢討並不包括新機場及有關工程的特別輸入勞工計劃。這項計劃對新機場能否如期落成，至為重要，而政府亦訂有足夠措施，保障本地工人擔任有關職位的機會。因此，我們無意修改這項特別輸入勞工計劃。

工業安全

較早前，我提到訓練及再培訓的重要性。除了提高本港工作人口的技術水平外，我們亦須確保社會人士更注意工作安全。我們需要加倍努力，減低工業方面令人難以接受的傷亡數字，尤其是建造業工人的工傷意外。我們在七月發表有關工業安全的諮詢文件，提出一連串改善工作安全的措施。我們已完成諮詢公眾的工作。我很高興告訴各位，市民普遍支持新建議，就是在我們的工作場地推行安全管理的制度。我們亦將建議加強政府的監察及執法

的任務。我們現正對政策建議作出審訂，我將在一九九六年提交立法建議，供各位議員審議。

年齡歧視

我想談談就業方面的年齡歧視問題。我們並沒有忽視這個問題，我已成立一個工作小組來研究此事，工作小組會：

- (i) 確定年齡歧視在就業方面所帶來的問題；及
- (ii) 考慮政府應否採取或應採取甚麼措施來處理這個問題。

工作小組現正研究多個海外地方有關年齡歧視的行政及立法措施。我們想研究的地方，包括那些毋須透過立法解決問題的地區，也包括依循立法途徑來處理問題的地區。

在本月較後時間，我們會選出顧問，對此事作出實況調查。我們會把這項調查的結果，以及我們對海外情況所作的評估，歸納於一份文件中，並在一九九六年年初徵詢市民的意見。在此之前，我將繼續促請僱主在招聘職員時，不要以“年齡”作為聘用的一項考慮因素。我會定期向立法局人力事務委員會匯報情況，如有需要，會邀請委員會參與這項重要工作。

勞資關係

主席先生，在致辭完畢之前，我想重申剛才財政司所說，香港的成功建基於我們極其融洽的勞資關係。這種良好關係，於增強人們對香港在工商業的信心，以至對整個社會的和諧及安定，有莫大幫助。在處理勞資問題上，本港現行的機制，是由勞資雙方磋商，政府從中協調。多年來，這個機制在香港發揮了非常理想的效果。我們應該繼續採用這個證實有效的模式。政府的政策是，致力改善工人的權益，以期與本港的經濟增長同步並進，並達到社會人士的期望。我們會繼續在僱主的利益和工人的福利之間求取平衡。無論是從長遠還是短期來看，我認為兩者之間並沒有基本衝突，相反，是相輔相成的。

立法局在決策過程中，扮演非常重要的角色。我會致力與本局議員，在勞工事務上通力合作。我期望大家能衷誠合作，解決問題。我深信只要我們懷¹⁹誠意和開放的態度，同心協力，我們便能繼續改善本港勞動人口應得的

權利和福祉。

多謝主席先生。

財經事務司致辭：主席先生，在第二天的致謝動議中，有一位議員表示十分歡迎我們在施政報告中把鼓勵債券市場發展列為工作重點，但這位議員對政府的承諾卻似乎有些懷疑。他指出，看不到政府會如何落實建議，施政報告中既沒有提及投入資源，也沒有列出時間表。我在此要多謝這位議員對香港資本市場前景的關注。如果我們能夠刺激債券市場的發展，對於維繫香港國際金融中心地位，必然大有幫助。大家都知道，香港的金融市場，無論在股票、期貨和外匯方面，已經發展成熟。債務市場雖然起步較遲，但近年也有良好的發展。一九九四年在香港發行的債務達 185 項，估計共值 550 億港元，較一九九三年有接近三倍的增長。此外，香港金融管理局由一九九零年起推行外匯基金票據和債券，截至一九九五年九月底，未償還的票據和債券的總額達 570 億港元。金融管理局轄下的中央債務結算系統，自一九九四年開始，已把結算和保管服務擴展至私人發行的債務工具，截至今年九月底，已有 233 項的債務工具，估值超過 628 億港元；而使用中央結算系統，每日平均成交量達 2.83 億港元，約為九二年二月每日平均成交量的 26 倍。由此可見，香港債務市場的發展，潛力相當深厚。除此之外，政府對於這方面的進一步發展，其實已經有具體建議，並不是如那位議員所說只是流於空談。我亦希望各位議員對政府的具體建議能夠予以支持。

各位議員也許依然記得，在今年七月，立法局通過《強制性公積金計劃條例》。在該條例下，香港可以設立一個健全的退休保障制度，協助在職人士有系統地儲蓄，以備退休之用。這制度不單只幫助解決香港日益老化的人口的退休保障問題，更在本港的資本市場發揮非常積極作用，因為這制度會大大提高香港的退休儲備，而這些累積資產正好為香港日益增長的債務市場，提供雄厚的資本。強制性公積金制度的設立，一定能夠強化和深化香港的債券市場，而進一步奠定香港作為一個金融中心的地位。如果強制性公積金制度能夠順利推行，我們預計在這制度下累積的總資產，根據 95 年的價值計算，將從二零零零年的 1,460 億港元，增加至二零二零年的 29,000 億港元。每一年的供款額大約相等於本地生產總值的 4%，累積的儲蓄與銀行體系的港元資產是相若的，而這一筆可觀的資產將深化香港的債券市場。為了發展一套審慎和周詳的公積金監管制度，我們稍後將會向立法局財務委員會申請撥款，以進行草擬附屬法例和其他準備工作。我們希望各位議員能夠以香港的利益為大前提，考慮和支持我們的撥款要求。

我們亦留意到曾經有議員提出現時樓價已經放緩，而政府在一九九四年實施的遏抑投機炒賣措施亦明顯奏效，七成住宅貸款上限或應考慮放寬。我的同事房屋司稍後會就議員對樓市方面的意見作出全面回應。我現僅從財經角度就七成貸款上限說幾句話。七成貸款上限是銀行在一九九一年為管理風險而自願採取的指引。指引的目的是限制每項按揭貸款額不超過物業估價市值的七成。這項指引已成為業內的住宅按揭貸款標準，而且得到政府全力支持。

七成按揭指引是銀行控制風險的重要措施，而風險管理的一項重要原則，是銀行貸款不宜過度集中於某個行業或某個市場。就香港而言，與物業市場有關的銀行貸款，佔銀行本地貸款大約 40%，以國際標準衡量，這個水平可以說是偏高。此外，物業貸款一般屬長期性質的貸款。但由短期資金，例如存款，提供所需資金，容易造成銀行的業務經營出現所謂“存短貸長”期限錯配的情況。

雖然香港住宅樓宇按揭貸款的壞帳比率非常低，但由於以上原因，銀行需要為樓宇按揭貸款設上限，從而在樓市萬一大幅下跌時減低風險。因此，政府支持繼續以七成按揭上限作為長期政策。這政策對維持銀行制度的穩定非常重要。有關上限已包括在香港金融管理局向銀行發出的物業貸款指引中。我們相信這個上限指引，在一九九一年以來的物業市場高峰和低潮期間，對銀行的風險管理極為有用，所以不應在市場情況出現可能只屬某個時期的轉變時，隨便取消或更改這個上限。

不過，有關指引有一定的靈活性。金融管理局不反對銀行和發展商推出聯合貸款計劃，讓貸款者透過發展商所提供的所謂“補足”貸款，獲得相等於物業價值七成以上的貸款。

但是，類似的創新計劃，不應過分越軌。維持銀行按揭上限的完整性，是非常重要的原則。最近有一個聯合貸款計劃，補足貸款的部分由另外一間銀行以樓宇作按揭的私人貸款形式提供。我們認為這種安排超越了可以接受的範疇。我們雖然不打算訂立詳盡的規則，約束銀行的運作；但銀行參與的聯合貸款計劃，基本上必須符合三項原則：

第一，銀行提供樓宇按揭貸款的部分，不可以超過樓宇市值的七成；

第二，補足貸款不得由其他銀行提供；

第三，提供樓宇按揭的銀行必須小心評估貸款人償還整項債務的貸款包括補足貸款的能力。

我相信以上三項原則可保障銀行和貸款人的利益。銀行如果不清楚某一個計劃應否推行及是否符合聯合貸款的基本原則，應先諮詢金融管理局才考慮是否參與或推行有關計劃。

謝謝主席先生。

工商司致辭：主席先生，經濟轉型的影響，繼續受到政府、本局和社會人士的關注，這是可以理解的。因此，我很高興看見各位議員對於政府致力促進服務業發展的政策，都表示支持。為進一步提高香港作為國際服務中心的地位，財政司轄下的一個專責小組，現正研究本港個別服務行業的優勢和困難，以及考慮制訂措施，創造一個有利服務業進一步發展的內在環境。專責小組會在未來數個月，廣泛諮詢商界人士和有關專家的意見。

不過，我想清楚說明，我們進行這些研究，並不表示我們為了發展服務業，就會減少對製造業的扶助。這樣的想法是完全錯誤的。關於這個問題，一些議員曾表示，本港製造業的未來，繫於我們能否採用高科技的生產工序和製造高增值的產品，政府對這個意見深表贊同。

不過，對於政府在提高本港工業質素方面應扮演何種角色，不少議員的看法，卻令我感到莫名其妙。幾乎所有曾論述這個題目的議員，或是明言、或是暗示，都提倡政府採取干預的方式。一個極端的例子是，有一位議員指出，本港鄰近國家成功的原因，是這些國家的政府“效法日本勢力強大的通商產業省的做法，為了國家利益而輔導某些專門行業的公司爭取卓越的成就，甚至幾乎壟斷市場。”過去數十年，香港成為世界經濟奇蹟，關鍵在於香港能夠維持一個自由開放的經濟體系。要求改變這個體系，改由官僚指導企業活動，是一種錯誤和令人驚訝的想法。

我們絕對相信政府所採取的最少干預、盡量支持的政策是正確的。對此政策，我是完全無悔的。我們堅信，政府的角色基本上應限於保持總體經濟穩定、創造一個世界上最有利商業發展的環境、為本港工作人口提供教育及訓練，以及興建所需的實體基礎建設，以輔助本港的經濟活動。我們完全相信，在宏觀層面上，政府不應試圖引導或控制經濟；而在個別層面上，則不應支配個別市場或企業家的活動，因為企業家比官僚更能作出較佳的商業決

定。事實上，本港經濟活動的模式能取得這麼大的成效，關鍵在於我們信賴市場的自由發展，並讓經濟作主導。簡而言之，亞當·史密夫提出的市場“無形之手”，遠較政府官僚用“僵化之手”去干預市場更為可取。

除了維持一個有利商業和經濟發展的環境外，政府亦對一些特別為提高工業質素而制訂的計劃，作出投資。

- 我們設有三個工業園，提供地方給那些能為香港引進新的或更好的科技或產品、但不能在多層建築物作業的工廠。我們將會研究是否有需要設立第四個工業園。
- 香港生產力促進局及其附屬公司網絡，提供多元化的服務，協助製造商提高生產力和科技水平。
- 已在今年啟用的工業科技中心，為專門發展科技的新業務提供地方、支援和各類服務。我們將會研究設立第二個工業科技中心的可能性。
- 政府已撥出 2 億元，供進行應用研究和發展之用。
- 此外，我們亦已設立一個工業支援資助基金，目的是為一些旨在提高製造業科技以及促進製造業技術轉移的計劃提供資助。在首兩年，即一九九四至九五年度，以及一九九五至九六年度，政府先後將 1.8 億元及 2.1 億元注入該基金。如財務委員會批准，該基金於一九九六至九七年度，可獲撥款 2.5 億元。
- 工業署推行外來投資計劃，目的在於吸引一些能為香港引進有用和合適科技的海外投資者。

興建科學園的建議獲得多位議員支持。各位議員都知道，我們已完成一份顧問研究報告，並正徵詢各有關方面的意見。我們期待在本月較後期間，與本局的貿易及工業事務委員會討論這個計劃。

一些議員亦提到，我們應加強與中國的合作，以協助本港工業科技的發展。其實，這方面的工作已在進行。我們已設立一個應用研究局，資助本港企業家與中國主要研究機構共同進行的應用研究和發展項目。上月我訪問北京時，曾與國務委員兼國家科技委員會主任宋健先生，討論是否可以採取措施，鼓勵及協助香港的企業家與大陸科學家進一步合作。宋先生對此大表支持，因此，我對雙方進一步合作的前景，感到樂觀。

至於競爭政策方面，我必須重申，政府致力促進競爭，因為這是維持經濟效益和確保消費品價格合理的最佳保證。如有需要，我們會採取合適及務實的措施，以糾正任何不當的營商手法、維持競爭及保障消費者的利益。

正如各位議員所知，我們已向消費者委員會撥款，進行一連串的特定行業競爭情況研究。直至目前為止，消委會已完成對銀行、超級市場和氣體供應等行業的研究。政府對這些研究報告的反應，積極而有建設性，並已就消委會的銀行業和超級市場業競爭情況研究報告，作出回應。我們對家用燒水及煮食燃料市場競爭研究報告的回應，將於明年年初準備就緒。此外，消委會將於今年年底完成對電訊業、廣播業和住宅物業市場的競爭研究。至於有關本港整體競爭情況的研究，亦預期可於一九九六年年年初完成。

我們將參照這些研究的結果，考慮是否有需要採取其他行政或立法措施，以促進良性競爭。我要強調，我們正採取循序漸進及務實的方式來制訂最合適的架構，以便在本港經濟的不同範疇，促進良性競爭。至於香港應否制訂競爭或公平交易法例，在現階段，我們仍未有定論。

規劃環境地政司致辭：主席先生，在今次總督施政報告辯論中，多位議員曾談及我負責的政策範圍內的事宜。其中大部分議員對政府未有在這些事宜上採取積極行動提出質疑；一些則認為總督的施政報告正文沒有提及這些事項，顯示總督對這些事項關注不足。我很多謝議員提出寶貴意見，但我必須再次澄清，我們已在政策大綱中，闡述他們所指的事項，而政策大綱實際上是施政報告的一部分。此外，我亦已在施政報告簡布會上，就議員提出的大部分問題作出回應。不過，我仍會藉此機會，更詳細地回應各位議員發言時所提出的各點。

新界區的水浸問題

首先，讓我談談新界區的水浸問題。事實上，政府很關注此問題，我們現在分三方面處理這個問題：

- (a) 在長遠措施方面，我們會進行改善河道及鄉村防洪計劃等基礎工程；

- (b) 在短期措施方面，我們會改善有關地區的排水設施，並進行保養工作，以防止出現淤塞情況；及
- (c) 在立法和制度管理方面，措施包括正式規定須進行排水影響評估，以及執行《土地排水條例》的規定。

我現就以上三方面的工作，作出詳細的解釋。

在基礎工程方面，政府已展開一項有關防洪和改善排水設施的大型基本工程計劃。單是在新界北部及西北部推行有關排水設施的計劃，所涉及的開支，以今天的價格計算，超過 50 億元。這些計劃包括：

- (a) 深圳河治理計劃：第一期工程於本年五月開始，現時進展順利，預計可於一九九七年完成第一期工程。與此同時，我們已開始第二期工程的籌備工作。我們多次與深圳有關當局會晤，雙方現正努力工作，力求盡快展開第二期工程。計劃中，第二期工程的前期工程，將於一九九六年年中開始，而主要工程會接續於一九九七年上半年展開；及
- (b) 擴闊、疏濬及拉直新界北部及西北部的主要河流：早在一九九三年，我們已開始在山背河及錦田河進行工程。至於錦田河中游的工程，則會在下月展開。

上述工程完成後，新界北部及西北部容易發生水浸的情況，將有很大改善。

此外，我們現正進行與牛潭尾河、梧桐河及錦田河上游工程有關的籌備工作，並會在完成這些工作後，立刻展開各項工程。

我們亦正在多條鄉村推行防洪計劃。這些計劃包括在位於低窪地區和容易發生水浸的鄉村周圍興建防洪堤，以及設置抽水站。我們已完成 15 條鄉村的防洪計劃，並正在 12 條鄉村進行籌備工作。松柏朗的工程將於本年年底動工，接着是沙埔村，工程會在明年年中展開。由於我們收地時遇到問題，並需要先完成環境影響評估，工程因而有點受到延誤。我們現正研究可採取甚麼方法，來解決收地所遇到的問題，以及加快完成有關程序，以便盡快展開工程。我們亦會研究，是否可以在那些位於近期受水浸影響的鄉村附近的河流和溪流，進行一些緊急工程。

至於短期措施，政府在一九九四至九五年度動用了 6,500 萬元，整修河道和雨水渠，以免河道和雨水渠受到阻塞。在一九九五至九六年度，我們將再動用 7,500 萬元進行這方面的工作。此外，我們還會耗資超過 2.2 億元，根據鄉郊規劃及改善策略，進行整修工程和小型工程。

在立法和制度管理措施方面，由於以往不受控制的發展影響了排水，令水浸問題惡化，我們現時已規定私人發展商和政府部門，如打算在新界進行工程，事前須先進行排水影響評估。此外，政府人員以往難於進入私人土地，整修流經這些土地的水道，是個存在已久的問題。現時這問題可望解決。在憲報刊登根據《土地排水條例》制定的排水監管區圖則，將賦予政府權力，可派人員經由私人土地進入有關地點，清除在主要河道的阻塞物。其中一份圖則已獲行政局批准，並於最近在憲報刊登；至於其他圖則，將於一九九六年陸續分階段制定。

海港填海計劃

本局有些議員談到填海工程，這項課題最近引起廣泛爭議。很多人對於填海工程存有一些疑問，而政府正設法消除他們的疑慮。但重要的一點是，我們須緊記，香港是不斷地發展的。我們在人口、交通、經濟和工業活動方面的發展，都對本港的有限土地資源有很大的需求。政府建議進行填海工程，並不是為了要填海，而是填海工程可以在適當的時間和適當的地方，為我們提供土地。舉例說，我們不能在新界興建新機場鐵路的中環站。我們須透過填海和重建計劃增闢土地，才可應付都會區在房屋、辦公室、酒店、社區設施等方面日益增加的需求。填海工程亦提供了“可紓緩問題的用地”，方便重整都會區，從而改善環境和加強香港整體的效率。

香港海港內現正進行七項填海工程，另有其他七項則處於策劃階段，只能說是本港長遠發展規劃的一部分。事實上，我們預期這些工程大部分都不會在本世紀末或下一世紀之前動工。香港政府和特區政府均未有就進行這些工程作出任何承擔。但我們必須做的，是詳細研究這些工程計劃，以便日後有足夠的資料和數據作出決定。我們須審慎進行研究，分析所涉及的環境、運輸、工程和其他方面的情況，亦必須聆聽公眾對我們的建議所提出的意見。當然，最終是否進行這些工程，須視乎立法機關是否通過訂立各項工務工程項目和批准撥款。

小型屋宇政策

有部分議員對新界小型屋宇政策提出一些意見。我想告知各位議員，大

約 180 位地政主任及地政督察，即這兩個職系職員總數的整整 17%，已被調派全職處理小型屋宇的申請。法律諮詢及田土轉易處和測繪處亦已增加人手處理這方面的工作。我相信地政總署不可能無限度地增派人手處理近期增加的申請，而又能不影響該署其他工作的效率。不過，政府總能制訂方法，改善有關制度。最近通過簡化程序，我們所處理的批地申請，大幅增加。由一九九三至九四年度的 792 宗，增加至去年的 1 733 宗，而地政總署將盡量加速處理各有關申請。

市區重建

我已得知各位議員對市區重建的意見，然而，對於部分議員在公眾諮詢期尚未結束時，便批評政府未能制訂新政策，我感到少許失望。諮詢期曾因應議員要求予以延長。我知道立法局已訂於十一月十五日議案辯論此事，我希望在政府草擬新政策之前，能聽取議員對此重要問題的意見。

環境

關於環境問題，我希望先就我們的環境計劃作一總體交代，然後再回應議員提出的若干個別意見。雖然以往我也曾作出類似的交代，但從某些議員所發表的意見看來，卻明顯地有需要再說一次，以便讓大家知道我們在環境計劃方面實際的進展。

香港亦如許多其他大城市一樣，須面對重大的環境問題。這些問題的產生，與香港數十年來經濟及人口的急劇增長，和在以往環境策略作出的投資，有很直接的關係。不過，自從我們於一九八九年公布第一份環境白皮書後，已經在減低污染及更正過往的失誤方面，取得極大的進展。

試舉一例，我們在提供在環境上可接受而又合乎成本效益的廢物處理設施一事上，有良好的進展。這樣一來，使我們能夠成功地關閉了許多殘舊污染的設施。此外，我們更開始大量投資，以期能適當地處理污水、化學廢物和減低新界禽畜廢物的污染。另一方面，對於削減噪音污染，我們亦已取得重大的進展。關於預防措施方面，我們更動用大量資源來改善規劃，避免重蹈覆轍，提高環保意識，並在立法局支持下，逐步落實“污染者自付”原則。

現在我想特別就議員對減低汽車廢氣污染及排污費的意見，作出一些回應。我們現正就最近發表的“柴油轉汽油”計劃的建議，及具體細節作廣泛

諮詢，與運輸業代表、環保團體及其他社會人士交換意見。諮詢期將在本年年底結束，我們將會在審慎考慮各方面的意見後，才會作出決定。我更希望在十一月底的動議辯論中，能夠更深入聽取各位議員的意見。透過我們共同的努力，我相信我們一定可以釐訂一套更有效和更能得到市民支持的改善空氣政策。

數位議員亦說到排污費的影響比政府預期的為高，及對飲食業者造成很大的壓力，因而會間接造成很多飲食業者失業等問題。我在六月二十一日回答田北俊議員的口頭提問時，已詳盡解答了議員的問題。現在讓我再向各位議員解釋。

首先，我想引述幾段說話。

“一般市民是應分擔清理環境的責任。” “我們贊同‘污染者自付’的原則，也希望市民支持環保。”

“要求大眾各盡所能，去清理我們周遭的污水，只要所索求是市民可以負擔的代價，我覺得港人會視這樣積極參與環保的做法為榮，尤其是考慮到如果人人都抱「叫他人去支付」的心態，則只會令香港每一個人都繼續生活在污水包圍小島之上。”

"I fully support the polluter pays principle. We all contribute to water pollution and we must all play a part, and pay a price, to clean our water. The amount we pay should obviously relate to the amount we pollute. Those who pollute more should pay more."

"It is a mistake to think that only industry pollutes. Householders also pollute. It is a misconception that the water which we use to wash and clean in our bathrooms and kitchens are non-polluting. They are. Domestic sewage makes up 60% of our waste water."

主席先生，以上的說話並不是政府發表的，而是立法局議員以前在辯論“污染者自付”原則、排污服務條例及收費規例的發言。政府對立法局的支持，表示萬二分謝意，更希望將來我們可以堅持這個正確的方向，繼續要求污染者負擔自己的一份責任。

其次，關於排污費的經濟影響問題，在一般排污費方面，政府曾在本局作出估計，說約 50%的家庭每月所繳交的排污費少於八元，而 85%的家庭每

月的排污費少於 18 元。在正式收取排污費時，我們現已看到政府在這方面並沒有作出失實的估計。另外，今年九月本港一份報章亦舉出一例來說排污費昂貴，但據我們分析，這個家庭一家七口上季用水 81 立方米，排污費只是 82.8 元，亦即每月約 20.7 元，這和政府的估計大致相同。所以我希望大家認清事實。許多人經常說排污費實際比政府所說昂貴，大部分都是基於誤解及沒有事實根據的。

此外，在飲食業方面，政府曾解釋，排污費收費率有差異是因每間食店的大小及所在地點等不同因素所致，排污費及工商業污水附加費只佔一間食店的經營成本 0.46%至 1.19%。大部分業內人士亦認為這些數字中肯，只是有些卻要將排污費跟毛利或純利相比，因而得出一個更高的數字。這種比較方法，只是一種手段，以求將一個不準確的訊息傳達出去。在本局休會期間，大家或許在報章上看見一些報導說，有些飲食業者因排污費的原因而要大幅裁員或“關門”。據政府分析這些個案，排污費並非任何一個個案的主因。在這些事件中，有很多裁員或“關門”的個案是早在徵收排污費以前發生的。有些是因為這些飲食業者在其他地方投資失利；有些是因為設施太陳舊，無法更新，變成拆卸重建更為有利；有些則是因為租金太高，生意不前，以致“關門”或裁員。在每個個案中，排污費都被證明不是主因。雖然我們也很關注近來經濟情況導致部分飲食業不景，但希望本局能清楚了解實情，不要只求方便而隨便找一個理由，導致我們在環境保護工作方面有所倒退。

另一方面，政府和飲食業已達致共識，於本年十月二日展開了為期約六週的污水化學需氧量研究，以便看看飲食業有否因為排污費推動的關係，而減低了排出污水的濃度。在研究有了結果後，政府會考慮是否需要調低飲食業污水的化學需氧量，從而降低工商業污水附加費的收費額。但無論如何，當香港島面向維多利亞港的北岸在九六年被宣布成為水質管制區後，全港將會以水質管制區內較低的收費額劃一收費，這樣會令飲食業的工商業污水附加費收費額，由非水質管制區內的每立方米 9.12 元，降至水質管制區內的每立方米 3.78 元。相信這亦有助紓緩飲食業面對的問題。

主席先生，我希望我以上所說的，已就各議員對施政報告中一些主要問題及意見，作出進一步的解釋。如果議員仍有其他問題，我及我的同事將會十分樂意在立法局各委員會上與議員作更詳細的討論。

謝謝主席先生。

工務司致辭：主席先生，我想就議員對改善斜坡安全的意見作出回應。

加快進行現有的防止山泥傾瀉措施計劃

我想向各位議員再次保證，我們決意把鞏固斜坡列為更須優先處理的工作。各位議員已經知道，政府已撥款 13 億元，將列於一九七七至七八年編訂的現有斜坡紀錄冊上的有潛在危險人造斜坡進行勘察及必需的改善工程。此外，我們自上一財政年度起，已批准增設約 160 個職位，以便加快進行防止山泥傾瀉措施計劃，並於本財政年度批准再增設 25 個職位。在增加人手後，我們將可在二零零零年前為列於現有紀錄冊上的斜坡完成所有勘察工作及必需的改善工程。我們很明白議員關注到這些工程的迫切性，我們將會竭盡所能，盡快完成各項必需的工程。

我們正採取更務實的態度，進行防止山泥傾瀉措施計劃。在加速推行該計劃時，當局會更優先處理靠近繁忙道路和行人路的斜坡。

事實上，在上述所提及的 13 億元撥款中，有 1 億元是用以改善一些未列入現有紀錄冊內，但有一定程度危險的斜坡。

修訂斜坡紀錄冊

列於一九七七至七八年所編訂的斜坡紀錄冊上的斜坡約有 10 800 個。我們預計會再找出大約 25 000 個在土力工程處未成立前建成的斜坡，並列入紀錄冊內。斜坡數目大幅增加的原因，主要是由於在一九七七至七八年編訂的紀錄冊中，當時是集中記錄港島和九龍市區的人造斜坡；至於新界區方面，則只有面積較大的人造斜坡才會列於紀錄冊上。若新界區亦採用市區人造斜坡的登記標準，則載入紀錄冊的額外斜坡數目便會大大增加。我們計劃在下一財政年度增撥資源，以便在有需要時對斜坡進行勘察及改善工程。

此外，在土力工程處成立前建成的人造斜坡，屆時亦會列於紀錄冊上。

天然斜坡

天然斜坡佔香港土地總面積大約 60%。將全港天然斜坡的土地特徵全部列於紀錄冊內，是不切實際的做法，但我們已展開顧問研究工作，以編製一份紀錄冊，利用航空照片載列全港天然斜坡上曾出現山泥傾瀉的地點。這項研究預期在一九九六年三月完成。

編訂這份紀錄冊，可以評估天然斜坡山泥傾瀉的風險。我們估計約需 1

年時間完成，隨後便會採取必需的跟進行動。

其他措施

除了表示有需要加快進行斜坡的改善工程外，議員亦要求政府詳細說明施政報告所提及的其他措施，並建議應修訂風險評估準則。現在我想簡略報告以下工作的進展。

系統化確定維修責任計劃

在確定人造斜坡的安全責任方面，土力工程處現正協助地政總署編訂一份斜坡業權目錄。這是對全港可登記斜坡進行的一項系統化確定維修責任計劃，預期於一九九六年年初展開，並於一九九八年完成。在確定斜坡的維修責任後，政府可更有效地確保各有關人士對斜坡進行必需的維修或改善工程。

立例管制

政府亦會修訂現行法例，規定對可能影響斜坡穩定性的地下排水管進行勘察，並確保不會有水管敷設在斜坡附近，以免影響其安全。此外，政府亦會考慮訂定其他新法例，規定對斜坡及地下排水設施定期進行視察及維修。其他措施包括要求私人物業的業主證明已登記須由其負責維修的斜坡是符合安全的。

風險評估準則

在風險評估方面，土力工程處進行了有關斜坡山泥傾瀉後果分類制度（前稱“風險分類制度”）的檢討。此外，亦就防止山泥傾瀉行動檢討了有關的優先分類制度，以便選定一些斜坡進行勘察和改善工程。土力工程處已採取步驟，就有關建議徵詢土力工程界的意見，並打算在適當時間徵詢立法局規劃地政及工程事務委員會的意見。

結論

我們相信，上述所提及的各點應可解答議員對斜坡安全的關注。我們完全明白到，一般市民對斜坡的安全亦同樣關注。我們會繼續致力完成上述計劃，並推行其他措施，俾能以有效率、有系統及符合成本效益的方式，改善斜坡安全。

SECRETARY FOR TRANSPORT: Mr President, I am very grateful to those

Honourable Members who have spoken on transport issues in this debate. No doubt their comments reflect public views and aspirations and provide the Administration with a clear indication of what they believe the priorities, in transport terms, should be. The fundamental message seems to be to urge the Administration to plan ahead and speed up projects. A study of the Progress Report clearly illustrates that action is in fact already in hand in respect of many of the suggestions put forward by Honourable Members. We have a full and ambitious programme and are very much on target in meeting our commitments.

All major cities have transport problems and face congestion during rush hours. Hong Kong is no exception but we should not be shy in recognizing that we have one of the best transport systems in the world. That said, I am amongst the first to acknowledge that there is no room for complacency and that there is scope to do better. Indeed, we are looking ahead and will spend some \$30 billion in the coming five years to expand our infrastructural network and enhance traffic management schemes.

Let me now try to put into perspective some of the major points that Honourable Members have made:

Northwest New Territories and Tuen Mun Road

With a population of over 700 000 in the Northwest New Territories, I agree 100% that the present transport network is over stretched. There are many reasons for this but I believe there is little to be gained in attempting to identify what went wrong. Rather, and more important, we should focus our energies on practical measures to cope with present and future demands. This is precisely what the Administration is doing.

The past two to three years have seen the completion of major projects. The New Territories Circular Road has been widened and improved thus providing for better access from the east. The Tuen Mun/Yuen Long Eastern Corridor was opened in 1993, and the Yuen Long Southern Bypass in November 1994. Other measures such as bus-only lanes, the improvement of the Au Tau Roundabout and the provision of more ferry services are also in hand. In addition, certain sections of Castle Peak Road are being widened and, in this respect, I can assure Honourable Members that thorough traffic impact assessments will be conducted in respect of proposals for development projects.

Looking further ahead, Route 3 is now under construction and we are pursuing the implementation of the Western Corridor Railway. There are also plans to provide additional lanes along Tolo Highway — we expect work to commence towards the end of 1998.

The closure of Tuen Mun Road resulted in a horrendous nightmare. Let me again, on behalf of the Administration, apologize for the considerable inconvenience and frustration that this caused to the tens of thousands of residents in Tuen Mun and Yuen Long. The Government firmly believes that, given the advice of experts that there was a real danger of landslips, we had no choice but to close the highway and that it was the correct decision. There was no question of subjecting commuters to any risk of injury or fatality. We did our level best to alleviate transport problems through special traffic arrangements by providing additional buses and ferries. There are of course lessons to be learnt and we shall certainly draw on the experience to improve contingency arrangements. We are now considering how best to complete the climbing lanes along Tuen Mun Road with minimal disruption to traffic. The district boards concerned and the Legislative Council Transport Panel will be fully briefed and consulted before work proceeds.

Railways

I now turn to railways. Many Members have urged us to accelerate the completion of the three top priority projects identified in the Railway Development Strategy. As Honourable Members know, the Kowloon-Canton Railway Corporation (KCRC) and the Mass Transit Railway Corporation (MTRC) have been invited to submit detailed proposals for the construction of the Western Corridor Railway (WCR) and the extension to Tseung Kwan O respectively. As for the third priority, we have just engaged consultants to advise on an intermediate capacity system from Ma On Shan to Tai Wai, coupled with the loop from Hung Hom to Tsim Sha Tui.

At this point let me deal with the repeated request from this Council as well as district board members to extend the WCR line from Tuen Mun North to Tuen Mun Town Centre. As promised, we have asked the KCRC, to examine this option when extending the invitation and providing them with the brief to undertake this project. Although the Administration awaits a formal submission from KCRC, I am pleased to be able to advise Honourable Members that the

Corporation considers that, based on its preliminary investigations, such an extension is technically feasible and can be provided by 2001. I can assure Honourable Members that the Administration will adopt a positive approach in studying the proposal to bring the railway to Tuen Mun Town Centre. Indeed, the recent experience arising from the closure of Tuen Mun Road underlines the urgency to provide an alternative transport mode.

Insofar as the WCR is concerned, I should also highlight the fact that we see the need for a new passenger terminal at Lok Ma Chau. This is being discussed with the Chinese side under the Infrastructure Co-ordinating Committee. But Lo Wu will continue to be the crossing point for through trains, eventually linking up with the WCR to provide a direct freight service to the container port as well as an alternative route for international passengers with a terminus at West Kowloon.

Some Members have urged the early implementation of a number of other railway projects, such as MTR extensions on Hong Kong Island and other railway proposals in Southeast Kowloon. Such possible alignments have been identified in the Railway Development Strategy. We shall constantly review these projects but it would be totally unrealistic to accord them higher priority than the three rail projects which I have outlined. Apart from substantial costs, I doubt very much that either we or the railway corporations have the manpower or other resources to take on yet additional railway schemes all at the same time.

We should not forget the Airport Railway. Construction is in full swing with the opening scheduled for 30 June 1998 at the latest. With the MTRC's excellent track record on project management, we are confident that the Airport Railway will come into operation on target.

The Lantau Line of the Airport Railway will, of course, also serve Tung Chung New Town and provide an alternative rail link from Tsuen Wan to Central, thus relieving pressure along the Nathan Road Corridor.

Traffic congestion and public transport services

I now turn to congestion on our roads and the importance of public transport services.

I have often said, and make no apologies for repeating yet again, that we

simply cannot build our way out of congestion. Our fundamental policy is clear-cut: to manage road use and improve the availability and quality of public transport. The public consultation exercise and debate in this Council earlier this year on measures to address traffic congestion demonstrated strong support for the adoption of the user-pays principle through the implementation of an Electronic Road Pricing Scheme. The Transport Department is now drawing up and finalizing a study brief. We expect to invite tenders for a consultancy by the middle of next year. This shall be followed by a pilot scheme before full implementation. We shall brief and consult this Council and district boards as the exercise progresses.

Although fiscal measures to alleviate congestion did not find favour with many Honourable Members, past experience has proven that such measures do have an immediate impact. The substantial growth in the number of private cars up to the early part of this year was particularly worrying. Although the market has self-adjusted for now, the stark reality is that our road systems, even with the substantial investment in infrastructural projects which are planned, cannot cope with an annual growth of more than 2% to 3%. That is why, unpopular though it may be, the Administration has to be ready to take action should circumstances so warrant. We are now drafting legislation to provide the Administration with the requisite powers to increase Annual Licence Fees and impose passenger taxes at the tunnels and expect to submit Bills to this Council for consideration early in the New Year. If and when the Administration believes that such fiscal constraints actually need to be imposed, Honourable Members will of course be consulted and have the opportunity to examine and vet the proposals in detail.

It is no fluke that in Hong Kong we have one of the best public transport systems in the world. We have a wide range of transport modes at affordable prices. We have a successful formula: key factors are that public transport is provided by operators who run their business on commercial principles, there is no government subsidy and we have an effective regulatory framework.

We encourage private sector participation by allowing transport operators to obtain a fair and reasonable return on their investment. This is a pre-requisite, if operators are to re-invest in service improvements to meet public demand for higher standards of comfort and reliability. They in turn depend on fare increases to meet increasing costs. Indeed, the inevitable cycle of submissions for fare adjustments from transport operators has commenced. Such

submissions will be scrutinized by the Administration before Members are consulted.

A number of Honourable Members have expressed concern about ferry services and the importance of ferries as an alternative transport mode. In the past two years, there have been significant improvements in services to the Northwest New Territories. For example, three new high speed catamarans have been deployed on the Tuen Mun route to cater for the morning rush. Two new routes have also been introduced — one from Tuen Mun to Wan Chai and one from Gold Coast to Central. Special feeder buses and green minibuses have been provided to connect ferry piers with residential areas and these services will be strengthened. In the next 12 months, peak hour capacity between Tuen Mun and Central will be increased by 10% through the provision of one more catamaran. Some Members have suggested a shuttle service, at least during rush hours, between Tuen Mun and Tsuen Wan. This will be explored. But it must be recognized that ferry services can only be viable if there is adequate patronage.

Mr President, the Administration will continue to review its policy on ferry services and take steps to encourage investment. For example, we are finalizing the detailed terms of a pier development package with the Hong Kong and Yaumati Ferry which would enable the ferry company to implement service improvements to the Northwest New Territories and the outlying islands with fares kept at reasonable and affordable levels.

On taxis, the Transport Advisory Committee completed a comprehensive review in early 1994. Many measures to combat malpractices have been implemented. These include stiffer penalties and the display of ID cards by taxi drivers. I believe the Council is also aware that we have introduced cross-harbour taxi stands on a trial basis for the greater convenience of both passengers and taxi operators. Separately, the Transport Advisory Committee has just embarked on a full review of public light bus policies to see how these services can be improved. My colleague, the Secretary for Planning, Environment and Lands has referred to proposals to require taxis and public light buses to switch from diesel to petrol. The views of the trade will be fully taken into account as part of the public consultation exercise now in hand.

Parking

Several Members have referred to "park and ride" in the context of congestion. This proposal was advocated during our consultation exercise. We are actively looking for suitable "park and ride" sites. Indeed, the Town Planning Board has recently approved an MTRC proposal to develop a transport interchange at Choi Hung MTR Station that will incorporate such facilities. We have earmarked \$60 million as the Government's contribution for this project and will be seeking funding support from the Finance Committee in 1996.

We also have two related studies, progress on which, unfortunately, has slipped somewhat because of the very heavy workload in Transport Department. The Parking Demand Study is nearing completion and should be ready by the end of this year.

We recognize the existing shortfall in the provision of goods vehicle parking spaces. This is being addressed in the Freight Transport Study. Sites are difficult to obtain. One possible long-term solution is the provision of permanent multi-storey lorry parks near the container port and in industrial areas. In the shorter term, we will do our best to provide lorry parks on short-term tenancy sites.

Mr President, my colleagues and I look forward to working closely with the Transport Panel of this Council in the year ahead. I am particularly pleased that the Honourable Mrs Miriam LAU and the Honourable WONG Wai-yin have been re-elected as Chairperson and Vice-Chairman of the Panel and that another 17 Members have joined the Panel. This demonstrates the tremendous interest and concern in the transport portfolio. We all share the same goal of improving transport services both in qualitative and quantitative terms. To achieve this, we need to work in partnership.

Thank you, Mr President.

SECRETARY FOR HOUSING: Mr President, the Housing Branch was set up less than a year ago to co-ordinate and direct our housing policy, and to ensure that the Government's ambitious targets for increasing the production of flats in the public and private sectors could be met. As I said in my introduction to this year's Policy Commitments, we have been able not only to demonstrate

significant progress towards meeting our production targets, but also to focus on the quality of our housing stock, and particularly on the quality of our public rental housing.

This year we have made another 36 policy commitments relating to public rental housing, subsidized home ownership and private housing. We need the co-operation and support of this Council, the Housing Authority, the Housing Society and the private sector in achieving all our targets. I welcome the comments and suggestions made by Honourable Members last week, and would like to respond to some of the main issues raised.

Public rental housing

First, I shall deal with public rental housing. Despite the increasing aspirations of the community to home ownership, there is no doubt that public rental housing remains one of the main pillars of our social policy. The total supply of public rental housing flats up to 2001 will be in the order of 240 000. This figure comprises the 141 000 new flats to which we are committed, and about 100 000 flats to be vacated by tenants and then refurbished for re-allocation. This increase in supply should be sufficient to reduce the average waiting time for public rental housing for eligible applicants from seven years at present to just under five years by 2001, without compromising our ability to meet other commitments in respect of redevelopment, squatter and Temporary Housing Area clearances, compassionate rehousing and overcrowding relief.

Some Members have cast doubt on our ability to achieve such a substantial reduction in waiting time. As the Governor said in his policy address, this will be no easy task. But we are determined to use our best efforts to achieve it. Against the background of our flat availability position which I have just mentioned, we shall be helped by the historical trend that the number of persons who join the General Waiting List but are eventually found not eligible, or who are rehoused through other schemes or quotas, accounts for about half of all applicants on the list. We shall also be able to increase the number of flats to be allocated to successful waiting list applicants from 1998 onwards, after our existing Temporary Housing Area residents and urban squatters on Crown land have been offered rehousing.

I also note that some other Members, far from regarding our target as

over-ambitious, have asked us to reduce waiting time still further by allocating more land to the Housing Authority for the construction of more public rental flats. I would like to make our position clear on this. We have already allocated to the Housing Authority some 223 hectares of land, comprising new and redevelopment sites, to meet the target of building 141 000 new rental flats. In addition, about 185 hectares have been allocated or earmarked for building 148 000 home ownership scheme flats. These amounts of land are sufficient to achieve our present targets. Whether or not these targets need to be modified will depend on the outcome of our comprehensive assessment of housing demand in the next 10 years, which is now approaching its final stage. This assessment will take into account factors such as population growth, the timing of redevelopment and the market price of private housing. Should an increase in demand be indicated, we will use our best endeavours to make additional land available as expeditiously as possible. We will also follow up Members' suggestion of increasing the plot ratio of public housing sites, so as to make the best use possible of our limited land resources. This suggestion ties in very well with our own thinking.

A few Members expressed concern about our pledge to privatize gradually public rental housing estate management. The fact is that our experience with similar arrangements in Home Ownership Scheme courts has shown that customer satisfaction with private management agencies is high. In addition, savings can be achieved, and scarce human resources can be released for redeployment elsewhere in the public sector where they are needed for new or improved activities. Having said this, I should make it clear that we do not intend to proceed precipitately. We shall carry out a pilot scheme in three selected rental estates, beginning in early 1996. Residents will themselves be able to monitor the performance of private management agencies both directly and through the Estate Management Advisory Committee Scheme.

I wish also to respond briefly to the comments of some Members on the subject of better-off tenants. The reason for the proposed policy was clearly stated by the Governor in his policy address: it is plainly wrong that public rental housing should continue to accommodate tenants who have the financial resources to meet their own housing requirements. We must ensure that heavily subsidized housing is enjoyed by those who need it most. Where tenants can afford to buy their own homes, whether at subsidized or market prices, or to rent accommodation in the private sector, they should make way for others whose

only hope of finding decent accommodation lies with public rental housing. This is a case where the need to make the best use of scarce housing resources and the basic considerations of fairness point at the same direction.

Temporary housing

Turning to temporary housing, some Members have criticized the Government for not honouring its pledges on Temporary Housing Areas (THAs). I would like to reiterate publicly that we will honour in full the three pledges. We are well on target to fulfilling these pledges. Indeed we will be able to go one step further, that is, by the end of 1997, all THA residents as at the end of September this year will be offered rehousing in public rental estates.

Separately, as a result of future clearances and increased immigration from China, there will still be a genuine need to retain some THAs in the foreseeable future. This is why we have announced the need to retain and refurbish 13 THAs after 1997 for new residents, but we are determined to improve the living conditions by a renovation programme and improved management. I am grateful to the Honourable LEE Wing-tat for his suggestion that some older rental blocks in the urban fringe areas should be retained for use as vertical THAs. This is, in fact, one of our new policy commitments. These high-rise blocks will have many advantages over the conventional wooden THA units. They will be in more convenient locations and offer better security, fire safety and environmental conditions. A pilot scheme has already been implemented in one public rental block, and we will expand this programme in 1996. In addition, new designs of temporary accommodation, with more space and better quality living standards, will gradually be introduced to replace the existing type of temporary housing.

Home ownership

I referred earlier on to some Members' differing views on our flat production targets for public rental housing. I detect the same ambivalence with regard to home ownership and, in particular, to our subsidised home ownership schemes. Some Members would prefer us to take a left-hand path (so to speak), and others a right-hand one. In fact, it is misleading to compare directly our public rental and home ownership production figures. These two different types of public housing are needed to achieve two different social

objectives. Public rental housing is intended for those who are in genuine need and have not yet reached the stage where home ownership is a real possibility. On the other hand, our subsidized home ownership schemes are designed to meet the increasing aspirations of a high proportion of our low and middle income families to own their own homes. In fact, we will build over 175 000 Home Ownership and Sandwich Class Housing flats by 2001, a significant increase on last year's announced target. Loans will also be provided to over 16 000 families to help them buy their own homes in the private sector. We believe that this home ownership programme for over 190 000 families is not only important in meeting increasing demand from individual families, but is also desirable in itself as a means of fostering social stability in Hong Kong. I sincerely hope that we can make up lost ground in achieving our original target of "just under 60%" for home ownership by 2001.

I would like to acknowledge the views of some Members in support of the sale of public rental flats to existing tenants as a means of increasing home ownership. We will certainly examine ways to make it easier for tenants of public rental flats to own their own homes, including the option of selling public rental flats to existing tenants.

I would emphasize that the increase in our subsidized home ownership programme will not be at the expense of public rental housing production. Based on present targets, the public rental housing to home ownership scheme ratio by the end of this century will still be seven to three. This is a high proportion of public rental housing by international developed territory standards; even much higher, for example, than in Singapore, Taiwan or England.

Private sector

I turn now to the private sector. We rely on private sector developers to meet about 40% of our total target production of over half a million new flats over the next six years. I am fully aware of the difficulties which developers sometimes face in acquiring land and in obtaining all the government approvals required before they can deliver flats to the market. For this purpose, we have set up a Housing Project Action Team to facilitate this process for any major development — major in the sense that it will contribute 500 or more flats to our production target. Developers are encouraged to approach me or my colleagues in the Housing Branch with projects where they are experiencing

difficulties. Members may wish to know that we are already monitoring or fast-tracking in this way over 50 projects, involving more than 120 000 flats throughout the territory.

While we recognize and, indeed, actively support the role of the private sector in achieving our housing production targets, we must be careful to resist the Siren's calls (if I may borrow a phrase from my colleague the Financial Secretary) of those who ask us to relax significantly or even abandon our measures to contain speculation in the residential property market. As several Members have rightly pointed out, the measures introduced by the Government in June last year have successfully dampened speculation and stabilized property prices. The residential property market is now dominated by end-users who actually purchase property from developers first-hand. Developers realistically react to changed market sentiment by cutting down on prices and offering attractive sales packages and supplementary financing. Housing affordability has also improved. We are satisfied that the anti-speculation measures are achieving the desired results without undue interference in market forces. We do not intend to introduce further restrictive measures, but we must still guard against the rekindling of speculation. Hence, we will keep a close watch over developments and will continue to review the situation on a regular basis.

Meanwhile we have received proposals to increase the operational flexibility of both developers and purchasers so as to facilitate property transactions within the existing regulatory framework. We are examining these proposals with great care, to see whether some operational flexibility can be allowed, without giving rise to speculative activities and without compromising the integrity of our price-stabilization package.

Long Term Housing Strategy

Mr President, I shall shortly be embarking on a review of our Long Term Housing Strategy. I am pleased that several Members have welcomed this. Let me say a few words about the scope of the review. We will consider all major aspects of housing policy, and will determine the way in which we manage the enormous resources required to provide decent and affordable housing for the community. To give some key examples:

- (a) we will project housing production targets forward for the next 10

years to 2005-2006, taking into account our latest projections of housing demand;

- (b) we will examine carefully the appropriate split between flat production in the private, public rental and subsidized home ownership sectors;
- (c) we will review public housing policies regarding eligibility, subsidy, redevelopment and clearance; and
- (d) we will identify gaps in provision.

We have already set up an inter-departmental working group in the Housing Branch to conduct research and produce background materials and papers. To give the review direction and focus, a high-level steering group will shortly be formed, chaired by myself, and including people from the public and private sectors in their personal capacities. Very shortly, I shall invite Members of this Council to meet with me and to give their views on possible future direction. Views from interested groups will also be welcomed. We will then consider all these views during our review before compiling a report for public consultation. Mr. President, this review will take time to complete, but it is an important exercise. We must get it right. I look forward to lively and constructive debates on all the issues involved over the months ahead.

Thank you, Mr President.

保安司致辭：主席先生，香港的繁榮穩定，是建基於一個治安良好的社會。香港市民對於維護法紀和公眾安全，向來極為關注。香港政府也同樣認同這一方面的重要性。毫無疑問，政府決心維持香港作為一個在法治下有好秩序的社會。不論在現時或是一九九七年之後，我們都會在撲滅罪行和保障市民生命財產方面，竭盡所能，爭取最好的成績。我們會不遺餘力，維繫市民對紀律部隊的信心和敬重。今天，我藉¹⁰這個辯論的機會，向各位議員解釋我們的政策方針，以及我們為實現一些具體目標所承諾的計劃和措施。

我們的政策方針，主要分為三方面。第一，我們務求達到滿足市民日益提高的期望。第二，我們務求與時並進，一方面實施管理改革，同時又更多採用現代科技，盡量提高工作效率。第三，我們務求與中方合作，以解決一些有助順利過渡九七的重要事務。

達到市民的期望的政策方針

撲滅罪行

每天晚上，正當我們大部分的人都已回家與家人共⁷天倫，或當我們出外歡度假期時，警務人員依然在街上，努力不懈地執行撲滅罪行的任務。執行前線任務的警務人員，共有 21 000 名，佔整個警隊的 78%。除了穿¹制服在街上巡邏或執行特別巡邏任務的警員外，還有很多其他的便衣警探，負責防止罪案及有關調查工作。除此之外，更有其他警務人員執行必需的工作，譬如打擊邊防偷渡活動或海上走私活動。無論如何，政府十分理解，社會人士希望能見到更多警察，在街上執行滅罪任務，並阻嚇不法之徒犯案。正如總督在施政報告所提及，現時在街上執行職務的警務人員，較一九九二年增加了 800 名。我們已達致去年政策大綱所訂的目標，如期增派 400 名警務人員執行前線任務。在一九九六至九七年度，我們會再增派 220 名警務人員加入前線工作。

過去三年的整體罪案率雖然上升了 5%，但暴力罪案方面，香港則有別於其他大都市，實際下跌 11%，而持械行劫案更劇減 62%。當然，我們不會因此而自滿。今年，我們已加強了有組織罪案及三合會調查科和刑事情報課的人手；明年，我們會增加相當資源，提高各總區和分區反黑組的實力。這些措施，連同本局所制訂的《有組織及嚴重罪案條例》，當可讓警方成功逮捕有組織罪案集團的骨幹分子。

部分議員關注到扒竊、有組織店舖盜竊和青少年罪案有所增加。我在這裏向各位保證，警方會增派人手和加強有關犯罪活動的情報工作，繼續致力打擊及防止這類罪行。關於青少年罪行方面，本年五月，我們已發表由撲滅罪行委員會委託香港大學所完成的《青少年犯罪社會成因研究報告》。我們已收到社會人士和有關團體的意見，並正草擬一份行動計劃，實施報告書所提出的各項建議，內容涵蓋教育、社會福利、懲教事務、警務及研究等多方面的工作。這份行動計劃書可在本年年底備妥。我深信，憑¹多個政府部門和其他有關團體的同心協力，定能控制青少年犯罪問題。

消防及救護車服務

除了維護社會的治安及法紀之外，市民亦希望政府能加強實力，保障生命和財產的安全，免受火警和緊急事故的危害。我們會增設 66 個職位，加強現有消防局的人手。在一九九六至九七年度，將有兩間新的消防局投入服務，增設 161 個職位。我們亦會在本立法年度內提出新法例，改善舊式商業大廈的防火措施。此外，我們剛完成了緊急救護車服務的顧問研究，以更好落實有關緊急救護車的服務承諾。我們已開始實施研究報告內的建議，預期可在明年間見到改良服務的水準。

僱用非法勞工

至少有六位以上的議員呼籲政府加強執法行動，打擊僱用非法勞工的情況。僱用非法勞工不但有損我們的入境管制措施，並對香港市民的就業機會，構成威脅。我們會堅決採取嚴厲的措施，對付這個問題。今年，到目前為止，我們所執行的掃邊行動，較去年同期多出 86%。結果，被拘捕的僱主和非法勞工數目，分別增加了 12%和 19%；被檢控的僱主增加了 6%，而被檢控的非法勞工，則增加了 54%。上個月，人民入境事務處特遣隊的人手增加了一倍，現時共有 92 人，因此，在未來數月，我們可以進行更多針對性的掃邊行動。

未來數月，我們會提出多項行政和法律改革措施，以便當局較容易檢控違例者，特別是無良僱主，將他們繩之於法。這些措施包括：向外籍的家庭傭工簽發的身分證，號碼前頭將加上“W”字母，以便易於識別他們的身分；規定合約工人在合約屆滿時，把身分證交還人民入境事務處註銷；以及規定僱主檢查合約工人的旅行證件，在聘用他們之前，澄清他們是否可以合法聘用。我們並建議提高罰款額，以懲罰僱用非法勞工和其他出入境罪行的違例者。這項建議已提交本局審議，並希望獲得各位議員的支持。我們會透過多項措施，以加深市民對僱用非法勞工問題的認識：例如派遣人民入境事務處人員前往各工商機構，進行探訪和解釋，以及透過政府宣傳短片和其他宣傳資料，宣揚打擊僱用非法勞工的信息。我謹響應議員的呼籲，促請市民協助我們打擊僱用非法勞工。市民可透過人民入境事務處所設立的電話和傳真熱線，舉報僱用非法勞工的活動。

懲教事務

由於加強了執法行動，對付罪案和非法僱用勞工，預料會加劇懲教所收容額短缺的情況。監獄擠迫的問題，由來已久。雖然自從一九九四年年初以來，已增加了 970 個懲教宿位，但可惜到了今天，擠迫問題依然存在。在今後三年內，我們打算增加至少 1 000 個懲教宿位，以便紓緩監獄擠迫情況，同時減輕員工的壓力。我們會繼續努力，找尋如何增加額外懲教宿位的方

法。

一個現代化和合乎人道的懲教服務，不再單求將犯人關進牢房便了事，而亦要重罪犯的改過自新。懲教署已成功開辦各類自新康復計劃，特別以吸毒者和青少年罪犯為對象。今年，我們已立法推出監管釋囚計劃，對象是服刑期滿的釋囚，好讓他們重新融入社會。明年，我們打算提出法例，賦予長期囚禁覆檢委員會法定權力，可以有效地處理正在服長期或無期徒刑的犯人。

紀律人員的形象

在轉談到第二個政策方針之前，我覺得有需要回應本局議員對紀律人員，特別是警務人員貪污問題的關注。多年來，我們已成功地為香港的紀律部隊，建立了廉潔公正的聲譽。政府有百分之一百的決心保持這項清譽，而廣大市民亦當會要求我們這樣做。儘管紀律部隊當中有少數害群之馬，觸犯貪污和其他罪行，但整體紀律部隊的名譽和形象，卻不應因少數不良分子的罪行而蒙污。廉政公署將竭力調查所有貪污案件，近期更額外抽調 30 名人員，專責處理紀律人員貪污事件。我謹向各位議員保證，警隊管理階層有決心全力撲滅貪污和不法行為。而事實上，最近偵破的數宗貪污和刑事案件，就是經警方調查而發現的。警方最近設立了一個高層的反貪污策略督導委員會，成員包括廉政公署代表，其職責範包括制訂一套操守準則，和加強反貪污培訓。在覆檢警務程序和各級警員培訓中，防止貪污是一個特別重視的要點。此外，警隊高層會向各級指揮官發出內部指引，協助他們鑑別和監察因生活方式不檢而易於貪污的警務人員。警務處處長許淇安先生和我本人將會應本局保安事務委員會的邀請，出席十一月十三日的會議，更加詳細地商討這個問題。

我完全同意議員的意見：一個有公信力的投訴警察制度，會加強市民對警隊的信心。我們已推行一系列措施，以提高投訴制度的透明度，例如授權投訴警方獨立監察委員會可以接見證人，以及在投訴警察課辦事處內，裝設閉路電視，可用錄影或錄音方式套取口供。我們亦把本港的投訴警察制度與其他國家的投訴警察制度比較，以汲取外地的經驗，看看還可以作出怎樣改善。一個由投訴警方獨立監察委員會、警務處和保安科聯合組成的考察團，剛剛訪問了北美洲五個警區；而另一輪外地考察訪問，將於明年年初進行。同時，我們亦與投訴警方獨立監察委員會商討，研究怎樣實施非官職觀察員計劃。按照該項計劃，投訴警案課進行調查時，會由正直的獨立人士從旁觀察。我們還與該獨立委員會商討借調一名首長級政務官，協助委員檢討及改善投訴警察課的工作程序。此外，我們正在草擬一項條例草案，賦予獨立委

員會法定地位。我期望這一切努力，來年可見到成果。

我深信各紀律部隊大部分同事，都不會做出不智的行為，損害他們在市民心目中的尊崇地位。他們有高度專業水準，往往不顧自身的安危，挺身保護市民，撲滅罪行，救困扶危。他們的表現是值得市民大眾的感謝和鼓勵。

與時並進：提高效率和改善服務的政策方針

隨¹社會日益進步，市民期望日高，要求提高服務質素亦屬勢所必然。這正好帶出了我們的第二個政策方針——就是“與時並進”。保安科轄下所有紀律部門，都決意繼續探索新方法，務求提高工作效率，為市民提供更妥善的服務。

人民入境事務處清楚知道，有需要研究新措施，以縮短處理證件及出入境管制程序的時間，使市民在申請證件時得到更大的方便，在通過出入境管制站時更為暢順。入境處已經採取多項措施，簡化申請簽證手續，以縮短處理申請的時間。由一九九四年十月起，有關居留、投資、就業和升學的簽證申請，可直接遞交香港人民入境事務處辦理。由明年二月起，這項便捷的安排，更會推廣至大多數國家的人士申請旅遊簽證和過境簽證。透過簡化手續，我們已把處理台灣旅客許可證的時間，由七個工作天縮短至五個工作天。為了加強工作效率，其中一項策略是更廣泛運用資訊科技。在出入境管制站設有電腦系統和光學辨認字體閱讀機之後，如果旅客持有可以用機器閱讀的護照，便可每次減省了 20 秒的審查時間；在檢查身分證方面，亦減省了四秒的時間。我們研究可否推行一項“聰明咭”系統，讓旅客能在各出入境管制站，更快完成出入境手續。另外，透過簡化手續，處理申請入籍成為英國屬土公民的時間，亦由 12 個月縮短至八個月。資訊系統策略全面推行後，預期可減省約 600 個職位。

消防處現正引進新設備，以改善通訊及指揮系統。新近添置的設施，包括一套數碼地圖資料系統，可讓消防車更快速、更準確地取得火警現場的地理環境資料，可以更快進行滅火救人的工作。消防處亦正制訂一套防火資料系統，以改善防火組與轄下分區辦事處，在防火資料方面的通訊統籌工作。此外，消防處最近聘請了顧問公司，為救護車服務進行研究。研究的其中一個目標，是制訂一套可利用個人電腦運作的模擬系統，以便策劃日後的救護車服務。制訂模擬系統的工作，現正逐步實施。

懲教署亦已着手裝設現代化設備。最近裝置了服刑犯人紀錄資料系統，提高了紀錄處理的效率。我們還致力使懲教機構的保安系統現代化，以提供一個更安全的環境，同時提高懲教署的工作效率。

我們極度重視警隊的現代化和高效率。一九九二年開始進行的警隊管理及編制檢討，已於去年完成。期間審慎研究過警隊內部的指揮制度、科技運用和人手編制，從而作好適當準備和部署，應付日後的挑戰。今年，我們已開始進行檢討報告的部分建議，並會在未來數年，逐步研究和推行其他的建議。此外，推行警方資訊科技策略後，目前由人手擔任的工作，將改由電腦操作，這樣便可調派更多警員出外執勤。當局又擬訂計劃，使警署的報案室和接見室更趨現代化，讓市民前往報案時，也感到較為舒適自然。

面對九七 — 邁向九七以及以後的政策方針

除了要不斷迎合市民的期望外，我們還要積極地策劃未來。我們會與中方緊密合作，解決過渡期間一些重要的課題。各位議員都非常關注中英會談的進展，尤其是居留權、特區護照和本港市民外遊方便等問題。及早圓滿解決這些對本港社會至為重要的問題，可以加強信心。我們定當繼續與中方合作，使其他國家確信香港特區護照是高質素的旅行證件，符合國際標準，得以被國際間接受為可靠的旅行證件。我們很快便會向立法局申請撥款，用來發展一套先進電腦系統，準備從一九九七年七月一日起簽發特區護照。我們會竭力與中方達成協議，盡量令本港居民在九七年後旅遊時，可以得到最多的方便。我們亦會繼續與中方磋商居留權問題，讓有關人士只須辦理簡單手續，便可保留或取得永久居留權。

除了這些重要的出入境事務外，我們今後還有與順利過渡九七息息相關的很多其他計劃，以下是其中幾項：

首先，我們正在作好準備，將防務工作順利移交中國中央政府。由一九九七年七月一日起，香港特別行政區的防務工作便會由人民解放軍負責。中英聯合聯絡小組去年達成的軍事用地協議，正好為這方面奠下良好的基礎。政府和快將撤出的駐港英軍，會加強與中國當局的合作，確保這項工作能夠及時順利進行。

第二，通過與中方密切磋商，我們正着手制定一系列安排，對付國際間的越境犯罪活動。例如，我們現正與多個第三國家商討，以簽訂新的一九九七年後仍然有效的雙邊交還逃犯協議。我們又與多個第三國家磋商其他雙邊協議，在刑事方面互相提供法律協助。此外，我們會與中方磋商，然後向本局提交有關法例，務使這些新協議及早生效。

第三，我們會透過香港國際刑警組織和各邊境聯絡途徑，繼續與中方保持聯絡，合力打擊中港間的越境罪案、走私、偷渡及其他出入境罪案。這些工作的成績，有目共睹，即如名貴汽車失竊案在近年已劇減；又如多個月前在澳門噴射船上發生的劫案，很快便偵破。此外，在本年首九個月內，持雙程證來港分娩的孕婦，人數已告大減。我們亦正與廣東省當局磋商，討論有關粵港邊境管理線的問題，務求澄清海陸邊界的不明確之處，從而與我們的鄰近區域達致更和諧的工作關係。

第四，我們剛剛與中方達成原則性的協議，與第三國家商討跨越一九九七年的囚犯移送安排。這些協議將取代現時以英國為基礎的安排。根據這些安排，任何人若在其他國家被判入獄，可遵照協議的條件返回其原居國家或地區服刑。

主席先生，我現在回應本局議員，以至全港市民特別關注的另外兩個具體問題。

撲滅毒禍

對付濫用藥物問題，特別是青少年吸毒問題，是政府的首要任務之一。初次呈報的青少年吸毒者人數，由去年上半年的 1 600 人減至今年同期的 1 108 人，但我們不會因這些數字下降而就此自滿，因為呈報的青少年吸毒者總人數仍然上升。自從本年三月總督主持了關注毒品問題高層會議後，我全力以赴，務求達到未來工作計劃所訂下的目標，以及實施參加高層會議人士提出的多項有用的建議。關於實施這些計劃及建議的第二季進度報告將於短期內公布，屆時各位議員將會更清楚地知道我們工作的進展過程。不過，關於議員所關注的一些問題，醫務委員會與藥劑業及毒藥管理局現正討論可以採用的新措施，以加強管制醫務及藥劑業的違法行為和非法售賣藥物的情況。

為了遏止售賣軟性毒品給青少年，每月巡查藥房的次數已由 560 次增至 700 次，而且亦已成立特別職務組，協助檢控違法的藥物零售商。藥房非法或不當地售賣藥物的最高刑罰，最近亦予以提高。我們加強了警方禁毒組的實力，並且修訂了清洗販毒得益的法例，以便加緊執法打擊毒販。教育署已採取一系列步驟，以加強禁毒教育。除學生外，家長亦是禁毒教育的對象。此外，教育署現在為學校和教師推行支援及訓練計劃，以便他們能更有效地執行教育學生遠離毒品的重要任務。社會福利署亦已成立了經過特別訓練的社工隊伍，協助濫用藥物的青少年。

至於戒毒治療及康復服務方面，醫院管理局已於本年設立了六間物質濫用診療所。我們現正一手增設兩間住院戒毒治療中心，以收容濫用鴉片類藥物的青少年，及在新界開辦一間新的精神科藥物濫用者輔導中心。

多位議員對總督在施政報告所宣布設立的禁毒基金，表示歡迎。該基金可為各項有意義的反吸毒計劃，提供可觀的額外經費來源。所有非政府機構，包括福音戒毒機構，都可以向該基金申請撥款，資助各項工作計劃。我相信這些措施的整體成效，定能發揮作用，拯救更多青少年脫離毒品的禍害。

越南船民問題

最後，我要回應一些議員所關注的越南船民問題。我們十分理解社會人士的期望，希望早日可以解除這個包袱。我們一定會繼續致力盡快解決這個問題。

現時在留中心的船民，全部都是在一九八八年六月香港實施了甄別政策後才抵港的。這批船民都經過審慎而詳細的甄別，被界定為非難民。一九八九年，七十多個國家（包括中國）通過了綜合行動計劃，作為處理船民問題的策略。按照這項計劃，所有被界定為非難民的越南船民，必須返回越南，別無其他的途徑。事實上，已有四萬七千多名越南船民，透過自願遣返或有秩序遣返計劃返回越南，而不再留在船民營內，蹉跎歲月。

很可惜，近幾個月來，船民因為受到一些有機會重新甄別移居海外的誤導，我重申，是“誤導”，使自願遣返計劃受阻。在這個時刻，提出任何可以令船民存有幻想而事實上無法實現的建議，對於滯留本港的 21 000 名越南船民的遣返工作，只有百害而無一利。美國國會議員的立法提案，已使我們飽受其害。提出要由英國政府接收一九九七年七月可能仍滯留在港的船民，即所謂“包底”的做法，只會加深對遣返船民計劃所造成的損害，與政府、

市民以至國際社會所極力爭取的目標，完全適得其反。

雖然自願遣返計劃，目前正陷入低潮，但我們不應灰心。我們正與聯合國難民專員公署和美國政府緊密聯絡，而據我們了解，美國政府已努力化解國會議員提案所造成的損害。就在我講話的這一刻，美國政府一個代表團已在河內，與越南政府商討重新加快自願遣返的措施。我們期望自願遣返行動，可以短期內全面恢復。同時，我們會加快執行有秩序遣返計劃。過去多月來所發生的事件，顯示執行有秩序遣返的工作實非容易。我們的懲教人員和警務人員，在執行遣返任務時往往身陷險境，但仍能勇敢克制，表現出典範的專業精神，實在值得市民的嘉許。

有幾位議員質疑第一收容港的政策。我知道短期內可能會有一次關於這個政策的動議辯論，屆時我會詳盡答辯。今日我想先說明一點：當前最迫切的問題並不是越南船民湧入本港，而是怎樣更快遣返滯留本港的 21 000 名船民。故此，取消第一收容港政策，不單止於事無補，反而只會有損香港作為一個人道社會的聲譽，令我們更難爭取國際支持和協助解決當前困境。這個後果肯定不是大家所願見到的，特別是因為目前最迫切的任務，是透過聯合國難民專員公署以及參與綜合行動計劃的國家，大家通力合作，盡快將所有經甄別為非難民的船民遣返越南。現時的情況難免令人感到不滿、有挫敗感，這點是可以理解的，但我們不應讓感情取代理性的思考，尋找可實現我們的共同目標的最佳辦法。

終結辭

主席先生，我希望我已經詳盡說明在保安工作範疇上，我們全力積極進取，既有清楚的政策方針，又有可以實現的目標和承諾。我們的政策和規劃，是超越一九九七年的。我們訂定了長遠的目標，並期望本局和市民都予以支持，使目標得以實現。對於有建設性的批評，我們必定積極接受，因為我們決意竭盡所能，向市民提供最高的服務水準。最主要的是，各紀律部隊男女隊員都以服務市民為榮，今日如此，直到二十一世紀亦是如此。

多謝主席先生。

CHIEF SECRETARY: Mr President, this afternoon my colleagues have attempted to respond positively to the many comments and suggestions made by

Honourable Members during this debate. I hope it will be clear from their speeches that far from being a "sunset Government", we have made significant progress in a wide range of government activities since 1992. Furthermore we have ambitious plans to improve both the range and quality of our services in the years to come. As some Members have recognized, these programmes are set out in impressive detail each year in the Policy Commitments issued by each Branch Secretary, and reported on each year in our Progress Report. In the later report, we have acknowledged both our successes and our failures as part of a sustained effort to make the Administration more open and more accountable. I believe we are unique in the world in doing this.

As my colleagues have already noted, the Policy Commitments provide the answers to many of the complaints and criticisms made in this Council last week. In particular, they show that our programmes extend well into the future, beyond 1997, often into the next century. This should not be surprising. Hong Kong will not come to an end on 30 June 1997. Nor will its Administration. Even though there may be a few changes of personnel — as the Governor has often pointed out, there must be at least one! — the vast majority of civil servants will be at their desks, doing the same jobs and implementing the same policies, on the next working day after the transfer of sovereignty.

Co-operation with the Legislative Council

Many Members commented on what the Governor had to say about co-operation between the executive and the legislature. Unfortunately, most focused on the three sentences in which he referred to his constitutional power to refuse assent to legislation, and ignored the context into which he put this. Some even complained about "executive dictatorship", a concept which I find rather hard to accept when the Administration has no votes at all in this Council.

Let me remind Members what the Governor actually said. He made it clear that the Administration is committed to working together with Members of this Council on behalf of the community we both serve. But he also recognized that the buck ultimately stops with him, and that if he honestly felt that it was necessary in the best interests of Hong Kong, he would have to make use of the constitutional powers granted to him. This was no more than a recognition of the

constitutional position. And it certainly was not meant as a threat.

Many Members have expressed their concern that the Administration is not serious about co-operating with this Council, and that we do not take enough account of Members' views and suggestions. This is simply not true. We are fully committed to co-operating with this Council. How could it be otherwise, when we have to obtain your approval for every one of our legislative and financial proposals, without a single vote of our own to rely on? Almost every piece of legislation enacted by this Council reflects the valuable input of Members. Many of the policy commitments are based on the initiatives and priorities of this Council. Of course, we may not always be able to accept every point that Members put to us. In such cases, we have a duty to do our best to explain our position. But it is wrong to suggest that the Administration must be at fault whenever it does not fully meet the Legislative Council's wishes. Neither of us can claim to have a monopoly of wisdom. The important thing is that we should respect each other's constitutional role, and seek to foster a better mutual understanding and co-operation. Co-operation is, after all, a two-way process. At the end of the day, the executive has to decide what proposals it wishes to put forward, and the legislature has to decide whether or not it is prepared to accept them.

Two specific areas in which the Governor suggested that co-operation would be useful were in considering whether there was a need for more formal channels of communication between the executive and this Council, and in relation to the programme of legislation that we have put forward for the 1995-96 Session. I have already written to the Chairman of the House Committee to set out the issues relating to the handling of government business in the Legislative Council that we would wish to discuss with Members. I understand that the Subcommittee on Procedural Matters will be considering these next week, and I look forward to receiving their views. But I want to repeat now what the Governor said three weeks ago — our hope is that we can move forward by consensus whenever possible, rather than on parallel tracks, and we will spare no efforts to try and achieve this consensus.

Co-operation with China

I turn now to our relationship with China. Many Members have called for

intensified efforts from the Administration as we move into the final phase of the transition. And rightly so. With only 20 months now left before 30 June 1997, there are still many issues important to people's livelihood, and to the economic and social developments of Hong Kong, they need to be resolved quickly. Let me re-affirm our commitment to co-operate fully with China to ensure that these issues are resolved and that there is as smooth a transition as possible.

It goes without saying that we will continue to work towards the successful resolution of all items still on the Joint Liaison Group (JLG) agenda. In this respect, I am glad that we have made some progress in JLG XXXIV, which has just ended in Peking earlier today. On economic issues, we reached full agreement on the Intellectual Property regime to be applied to Hong Kong after 1997, including the localization of Hong Kong's Registered Designs law, Patents law and Copyright law and the continued application of the Patent Co-operation Treaty after 30 June 1997. While CT9 still remains to be resolved, the Foreign Ministers agreed last month that both sides should intensify their efforts to develop Hong Kong's container port. We will continue to work for a satisfactory resolution of this long-standing problem.

On legal issues, we agreed on the continued application to Hong Kong of two important civil aviation treaties on the carriage of goods by air, on one international convention on telecommunications which completes the arrangements for guaranteeing Hong Kong's continued participation in the International Telecommunication Union, and on a bill to localize the United Kingdom legislation on whaling. We have also agreed a model text for bilateral treaties relating to the transfer of sentenced persons. Much still remains to be done, but I am sure it is the wish of both sides to intensify co-operation so that the important issues still remaining on the agenda can be resolved.

Many Members also spoke of the need to co-operate fully with the Preparatory Committee. As the Governor has made clear in his policy address, we will offer every practical assistance to the Preparatory Committee. The Committee will play an important role in the establishment of the future Special Administrative Region Government. It is important, therefore, that there should be close co-operation between the Hong Kong Government and the Preparatory Committee. We will do our best to ensure that this is the case.

Some Members expressed concern that the Preparatory Committee might develop into a second power center or that civil servants might be placed in a situation where their loyalties were divided. I would like to reassure Members that we too are aware of these potential problems. In co-operating with the Preparatory Committee, we will ensure that whatever we do is fully consistent with the Joint Declaration and the Basic Law, that the Hong Kong Government's power of administration is not compromised in any way and that civil servants are not subject to conflicting loyalties. Within these parameters, however, we are prepared to be flexible and we stand ready to offer any assistance necessary to ensure a smooth and efficient transition. We have, in fact, already begun to discuss with the Chinese side what sort of assistance the Preparatory Committee will require. I can assure Members that our dealings with the Preparatory Committee will be based on the important principles of openness and transparency, and that members of the community and Members of this Council will be briefed regularly on our exchanges.

Let there be no misunderstanding. This Administration will continue to govern Hong Kong until 30 June 1997. There can be no question of a parallel government, or of the Hong Kong Government shirking its responsibility. We are fully committed to taking all action necessary to ensure that after 1997 the Hong Kong SAR enjoys the high degree of autonomy pledged to it in the Joint Declaration and the Basic Law.

The Civil Service

I turn now to the Civil Service. Only a few Members felt it necessary to comment on the Civil Service in last week's debate. I very much hope that this was because Members of this Council recognize that the Civil Service is performing well, and that it is maintaining its high standards of service to the community. Indeed, some Members spoke highly of the Civil Service's professionalism.

A few Members also referred to the need to maintain morale in the Civil Service, and I was grateful that this issue was recognized. I am sure that Members agree that maintaining a strong Civil Service is critical to achieving a smooth transition in 1997. We recognize of course that many civil servants are

worried about 1997. One way to alleviate these worries is for them to get to know their Chinese counterparts better — at all levels. Some Members still seem to believe that there is limited contact between Hong Kong and People's Republic of China officials. The truth is very different. At working level, many departments have literally daily contact with the Chinese side on both day to day and more important issues. And a large and increasing number of officials from both sides visit the territory of the other on familiarization tours, fact-finding missions and sponsored visits.

Nevertheless, whilst many of our Secretaries and Heads of Departments have working contacts with their Chinese counterparts, we accept that there is scope for these to be broadened and deepened. We were therefore very pleased when the two Foreign Ministers announced last month that there would be informal get-togethers, in Hong Kong, between senior Hong Kong civil servants and officials of the Chinese Government. This will enable both sides to get to know each other better, not only in the work context but also at a personal level. Both sides are keen to begin this process, and we have now agreed with the Chinese side on the detailed format of the get-togethers. I hope that it will be possible for the first meeting to take place later this month.

Another way of maintaining morale in the Civil Service is to ensure that we are well prepared for the transition, in terms of our understanding of China and its systems and by increasing the use of Chinese, including Putonghua. We have therefore embarked on a major programme to provide training on China related issues and to improve our ability to work and communicate in Chinese. Our aim, as Members will know, is to become a biliterate and trilingual Civil Service. But it is very important that, in our quest to upgrade our standard of Chinese, we do not allow our high standard of English to slip. And we must ensure that our expatriate colleagues are given the opportunity to continue to contribute to Hong Kong's development. We have some way to go before we achieve our goal. But Members' approval last week of \$112 million for the purchase of computer equipment and the provision of related training will help us considerably.

Corruption

Finally, I would like to say a few words about corruption and the work of the Independent Commission Against Corruption (ICAC). Members made

various comments about the current and future role of the ICAC, its powers, transparency, accountability and resources. The public has also told us through surveys that they are concerned about the future of the ICAC beyond 1997. I would like to make three points:

- (a) The Basic Law provides for the continuation of the ICAC after 1997;
- (b) We are determined to continue to fight corruption in Hong Kong both before and after 1997, as successfully as we have done in the past 20 years; and
- (c) The ICAC was established as a result of public demand in 1974. Continued public support will see the Commission through 1997 and into the 21st century.

The Commissioner of the ICAC recently visited the Hong Kong and Macau Affairs Office in Peking. Officials there made it clear that the Chinese Government wanted the fight against corruption in Hong Kong to continue vigorously both before and after 1997, to maintain confidence in Hong Kong and ensure that it continues to be an international financial and business centre. They also stressed the importance of co-operation between the ICAC and the anti-corruption authorities on the mainland, a view entirely shared by the Commissioner.

The Administration shares Members' views that the ICAC must have sufficient powers to combat corruption. As Members will know, these powers were reviewed in 1994 by the ICAC Review Committee. The Committee's recommendations were accepted by the Government and the legislative proposals necessary to put them into effect are the subject of a Bill currently before this Council. The recommendations of the Committee for increased transparency in the ICAC and for changes to some of the ICAC's Advisory Committees were also agreed and are being implemented. In particular, Members of this Council will continue to be appointed to the Advisory Committee on Corruption, the main advisory committee for the ICAC.

The Commissioner believes that, despite the increase in reports of corruption, he has sufficient resources for the time being. If he sees a need for additional resources, he will seek them. Corruption in the public sector,

particularly in the disciplined services, will continue to be the prime concern of the Commission. But the education of young people about the evils of corruption is not being overlooked. The ICAC will soon be holding a major conference to launch a Youth Ethics Programme. The Administration will continue to place great importance on the work of the ICAC.

To conclude, Mr President, let me re-affirm the Administration's determination to work constructively with Members of this Council and with the community in achieving the ambitious goals we have set ourselves. Together we can demonstrate that Hong Kong is ready for a fully elected legislature, a legislature that can contribute towards stability and a smooth transition whilst at the same time creating wealth so that we can continue to make social progress. This must be our common objective. Members of this Council play a vital role in our system of government and my colleagues and I look forward to working closely with all Members as part of an Administration in which hopefully the sun never sets.

Thank you, Mr President.

22.16 pm

PRESIDENT: At the request of Members, I now suspend the sitting briefly for five minutes to enable Members to deliberate in private before they proceed to vote on the Motion of Thanks.

22.30 pm

PRESIDENT: Council will now resume.

Question on the motion put.

Voice vote taken.

THE PRESIDENT said he thought the "Ayes" had it.

MR ALLEN LEE: Mr President, I claim a division.

PRESIDENT: Will Members please first register their presence by pressing the top button and then proceed to cast their votes by pressing one of the three buttons below?

PRESIDENT: Before I declare the result, Members may wish to check their votes.

PRESIDENT: Are there any queries? The result will now be displayed.

Mr Martin LEE, Mr Albert CHAN, Mr CHEUNG Man-kwong, Mr Michael HO, Dr HUANG Chen-ya, Miss Emily LAU, Mr LEE Wing-tat, Mr Fred LI, Mr James TO, Dr Samuel WONG, Dr YEUNG Sum, Mr WONG Wai-yin, Miss Christine LOH, Mr Andrew CHENG, Mr Anthony CHEUNG, Mr David CHU, Mr Albert HO, Mr LAW Chi-kwong, Mr LEE Kai-ming, Miss Margaret NG, Mr SIN Chung-kai, Mr TSANG Kin-shing, Dr John TSE and Mr YUM Sin-ling voted for the motion.

Mr Allen LEE, Mrs Selina CHOW, Mr Edward HO, Mr Ronald ARCULLI, Mrs Miriam LAU, Mr Frederick FUNG, Mr Henry TANG, Dr LAW Cheung-kwok and Mr LO Suk-ching voted against the motion.

Dr Philip WONG, Mr CHAN Kam-lam, Mr CHAN Wing-chan, Miss CHAN Yuen-han, Mr CHEUNG Hon-chung and Mr IP Kwok-him abstained.

THE PRESIDENT announced that there were 24 votes in favour of the motion and nine votes against it. He therefore declared that the motion was carried.

ADJOURNMENT AND NEXT SITTING

PRESIDENT: In accordance with Standing Orders, I now adjourn the Council until 2.30 pm on Wednesday 8 November 1995.

Adjourned accordingly at twenty-five minutes to Eleven o'clock.