

## **OFFICIAL RECORD OF PROCEEDINGS**

### **立法局會議過程正式紀錄**

**Wednesday, 10 January 1996**

一九九六年一月十日星期三

**The Council met at half-past Two o'clock**

下午二時三十分會議開始

### **MEMBERS PRESENT**

**出席議員：**

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., LL.D. (CANTAB), J.P.

李國寶議員，O.B.E., LL.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.

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

梁智鴻議員，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 NGAN KAM-CHUEN

顏錦全議員

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

## **PUBLIC OFFICERS ATTENDING**

### **出席公職人員：**

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 RECREATION AND CULTURE

文康廣播司周德熙先生，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.

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 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.

**MISS DENISE YUE CHUNG-YEE, J.P.**

**SECRETARY FOR TRADE AND INDUSTRY**

工商司俞宗怡女士，J.P.

**MISS JACQUELINE ANN WILLIS, J.P.**

**SECRETARY FOR EDUCATION AND MANPOWER**

教育統籌司韋玉儀女士，J.P.

**MRS CARRIE YAU TSANG KA-LAI, J.P.**

**SECRETARY FOR SECURITY**

保安司尤曾嘉麗女士，J.P.

**CLERKS IN ATTENDANCE**

列席秘書：

**MR RICKY FUNG CHOI-CHEUNG, SECRETARY GENERAL**

秘書長馮載祥先生

**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):

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## 文件

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### Sessional Papers 1995-96

- No. 49 — Report of Changes to the Approved Estimates of Expenditure approved during the second quarter of 1995-96  
Public Finance Ordinance: Section 8
- No. 50 — List of Revised Works approved by the Urban Council for the quarter ended 30 September 1995
- No. 51 — Hong Kong Council for Academic Accreditation  
Annual Report 1994-95

### 一九九五至九六年度會期內提交的文件

- 第 49 號 — 一九九五至九六年度第二季  
獲批准對已核准的開支預算作出更改的報告  
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第 50 號 — 市政局截至一九九五年九月三十日止的  
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## ADDRESSES

### **Hong Kong Council for Academic Accreditation Annual Report 1994-95**

**SECRETARY FOR EDUCATION AND MANPOWER:** Mr President, I have pleasure in presenting a report of the highlights and main features of the Hong Kong Council for Academic Accreditation's (HKCAA) fifth Annual Report.

The HKCAA's role and responsibilities were to validate degree programmes and review the general academic standards of Hong Kong's four non-university degree awarding tertiary institutions during 1994-95. Also, it provided authoritative advice on the standards of qualifications; monitored and disseminated information on higher education, quality assurance and academic standards at home and abroad and continued to develop links with quality assurance bodies throughout the world.

During the year, the HKCAA carried out accreditation exercises and related work with the Hong Kong Academy for Performing Arts, the Open Learning Institute, the Lingnan College and the Hong Kong Institute of Education. Seven exercises were conducted, including two institutional reviews, two validations, two revalidations and the monitoring of requirements placed on one degree programme which had been previously validated. As a result of its institutional review of the Open Learning Institute of Hong Kong, the Council was pleased to be able to recommend the institute be awarded self-accreditation, subject to the completion of a transition period of one year during which final arrangements for the transfer of full responsibility for academic accreditation could be made.

As the initiator of the International Network for Quality Assurance Agencies in Higher Education, the HKCAA had administered the Network since its inception in 1991. The Network had developed considerably with 80

member organizations from 38 countries, and it was considered time for others to play a leading role. Thus, in July 1995, the HKCAA passed that responsibility to the New Zealand Universities Academic Audit Unit.

The Council values its strong links in the region and in October 1994 received a delegation from the State Education Commission of the People's Republic of China (PRC). Five more key liaison events with China occurred during the year, in particular a Council delegation in June 1995 to Beijing to meet the State Education Commission and to visit institutions and discuss higher education and its evaluation. Furthermore, the HKCAA continued its work with the Chinese Society of Higher Education Evaluation to organize an international conference, to be held in Beijing, on Quality Assurance and Evaluation in Higher Education.

The Council's role in the provision of advice and information on academic accreditation and the comparability of standards increased significantly during the year, particularly in response to requests from various Government Branches and departments. For instance, during the year, the HKCAA considered over 200 cases from the Civil Service Branch of which around 90% related to qualifications of prospective government employees which were obtained in the PRC and Taiwan.

I should like to report briefly on the HKCAA's financial position for the year ending March 1995. The HKCAA is non-profit-making and is tax exempted. It is funded through fees approved by the Government for its activities. Its actual income of \$8.839 million closely followed the budget of \$8.85 million. On the expenditure side, there was a saving of just over \$2 million owing to general cost containment and a lower than planned level of accreditation activities resulting in the post of the Deputy Executive Director being unfilled for part of the year. Total expenditure, however, fell short of the budgeted provision by \$1.56 million which was financed by the Council's accumulated reserve.

Finally, I would like to take this opportunity to thank the Chairman and members of the HKCAA for their services to the Council and their continued contributions to the development of tertiary education in Hong Kong.

**PRESIDENT:** I have given consent to Mr CHAN Kam-lam, who was the Chairman of the Subcommittee appointed by the House Committee, to study the Road Traffic (Public Service Vehicles) (Amendment) (No. 5) Regulation 1995, and Mr WONG Wai-yin, to address the Council on the Regulation which was tabled in this Council on 13 December 1995. I just wish to remind Members that under Standing Order 14(5), no debate may arise on the addresses, but I may permit short questions seeking elucidation of the addresses.

### **Road Traffic (Public Service Vehicles) (Amendment) (No. 5) Regulation 1995**

**黃偉賢議員致辭：**主席先生，對於是次市區及新界的士申請8.5%的車費加幅，民主黨表示支持。

一直以來，我們都非常關注加價後的士司機的實際收入是否有所改善。以往曾聽過很多的士司機表示，加價後車租又立即增加，而加價會導致乘客數目在加價初期減少，令他們的收入不單不會因加價而有所改善，反而令他們的收入減少。即使好運有得賺，利潤也很微，完全不能改善的士司機的整體收入。因此，很多租車司機寧願選擇不加價，這樣才有較多乘客，收入亦會較佳。事實上，以往在的士新收費實施後不久，車行或車主便會立即提高車租。從運輸署給予立法局的資料文件中可見到，如果加價後車主立即提高車租，則大部分加價所得的利潤就會落入出租的士車主的口袋裏，反而租車司機的實際收入並沒有很大改善。

今次民主黨建議成立小組委員會，審議的士加價問題。我們在會議上很高興聽到的士車主與租車司機達成了協議，就是車主願意在今次的士加價後，待的士生意回復正常時才考慮調高車租，即可能在數月後才考慮調高車租，目的是保障租車司機不會因加價而收入減少。民主黨歡迎這項協議。民主黨建議成立小組委員會，審議的士加價問題，總算為的士司機爭取到較為合理的收益，這也是我們成立這小組委員會的其中一個目的。不過，民主黨促請車主一定要信守諾言，待市民不再因加價而在短期內拒絕乘搭的士，而的士司機的收入真正有改善時才考慮調整車租。

同時本人亦要求的士車主在調整車租時，必須考慮到租車司機的負擔能力，和他們的家庭負擔，特別是在現時經濟不景、高通脹和高失業率的情況下，不要提出高於通脹的車租增幅，以減輕的士司機的生活負擔。

此外，本人亦促請政府與的士業內人士多接觸和溝通，致力改善的士現時的服務質素，以吸引更多市民願意乘搭的士。當服務質素有所改善，乘客自然增加，而的士司機的生意也會好轉，收入自然有所改善。因此，無論是乘客抑或的士司機，雙方均會因服務質素的改善而直接受惠。

對於業內那些經常想盡辦法改裝咪錶、濫收車資或“冚旗”載客的的士司機，本人希望業內人士能多與政府緊密合作，協助揭發這些罪行，清除這些業內的瘀血，令整個行業不會因這小撮人的惡行而經常為市民所詬病，影響整個的士行業的聲譽。

主席先生，本人謹此陳辭。

**陳鑑林議員致辭：**主席先生，經你的批准，我謹就《1995年道路交通（公共服務車輛）（修訂）（第5號）規例》發言。

上述規例建議市區的士“落錶”後首兩公里的收費由13元增至14元，以後每0.2公里的收費由1.1元增至1.2元；新界的士“落錶”後首兩公里的收費由11元增至11.8元，以後每0.2公里的收費由一元增至1.1元。兩種的士每分鐘等候時間的收費都是0.1元。新收費的建議生效日期是一九九六年二月四日。

本局成立了一個小組委員會，研究這項規例，我獲選為主席。小組委員會曾經與政府當局及的士行業的代表會晤。

政府當局解釋，建議的市區及新界的士收費增幅是8.5%，比通脹率稍低。當局審議的士加價一事時，會顧及3個因素。第一，是必須確保的士服務在財政上可行的情況下經營；第二，是市民對建議收費的接受程度；第三，是必須令的士服務維持於可接受的水平。加價初期，乘客通常會產生抗拒心理，的士從業人士的收入會因此受到影響。但由於新收費在農曆新年前生效，希望加價只會對乘客量造成輕微的即時影響。

小組委員會注意到，由於經營成本上漲，加上其他交通工具，如綠色專線小巴帶來的競爭，的士業人士對行業的盈利能力遭受蠶食感到憂慮。過去一年，本港經濟放緩，的士從業人士的收入已減少10%至15%，因此確有需要藉調整價格來維持生計。小組委員會大部分成員與的士業人士持相同意見，認為這次的建議增幅合理。



由於出租車主在加價後通常會即時提高車租，因此，議員擔心加價後，實際得益的只會是出租車主而非租車司機。關於這點，的士業代表向小組委員會解釋，業內人士已取得共識，出租車主只會在的士司機的收入回復穩定後，才會酌量調整車租。

主席先生，我謹此陳辭，支持這項規例。

## ORAL ANSWERS TO QUESTIONS

### Recovery of Alimony

1. 羅致光議員問：主席先生，近年多個婦女團體向本局議員表示，離婚婦女在追討贍養費時常遇困難，其中不少婦女因財政困難，失去經濟依靠而須申請綜合社會保障援助。有見及此，政府可否告知本局：

- (a) 過去三年，因追討贍養費而申請法律援助的個案有多少；當中有多少個案已獲處理或在處理中；
- (b) 過去三年，在申請綜合援助的個案中，有多少個案是基於離婚婦女未能追討贍養費的情況下而提出申請的；及
- (c) 有否任何有效的措施，協助有經濟困難的離婚婦女追討贍養費？

政務司答：主席先生，香港政府跟社會各界一樣，關注離婚配偶沒有遵守贍養令的情況。政務科現正協助社會福利署編製資料小冊，說明當局為面對婚姻問題或因離婚而面對困境的人士所提供的服務，以及這些人士可以怎樣在法律上獲得援助。有關追討贍養費的問題，小冊亦清楚介紹現有的補救方法和服務。同時，我們正在檢討如何提高現時執行贍養令方面的法例規定的成效。現在我轉談羅致光議員提出的質詢。

- (a) 據法律援助署資料顯示，過去三年來，因婚姻訴訟而申請法律援助的個案，每年約有9 000宗。不過，該署未有把這些個案分類統計，故此，很難估計究竟有多少宗是關於追討贍養費的申請。

- (b) 根據社會福利署估計，現時約有200個單親家庭因前度配偶未能支付贍養費，以致經濟出現困難，需要接受綜合社會保障援助。這類人士佔所有接受綜合援助的單親家庭總數不足3%。至於在過去三年內，離婚婦女因上述理由而申請綜合援助的，則未有確實統計。
- (c) 法庭通常會發出裁決傳票，來執行贍養令。這樣可迫使拖欠贍養費的一方，出庭接受收入調查。法庭若認為拖欠贍養費的人士是蓄意拖欠的，便有權判處該人入獄。其他執行贍養令的法庭行動，包括發出命令，禁止拖欠者離開香港，或着令以拖欠者的財產作為支付贍養費的保證。如該人仍欠付贍養費，法庭可着令動用其財產的收益支付贍養費。

為了加快執行贍養令的裁決傳訊程序，司法機構最近開始預留家事法庭的檔期，專門處理有關贍養令的傳訊。司法機構政務長表示，自實行此做法後，有關裁決傳訊的輪候時間已由三個月縮短至兩個月。

正如我剛才所說，政務科正在考慮應否修訂法例，以便更有效地執行贍養令。現正研究的其中一項建議，是讓法庭有權着令從拖欠贍養費者的收入或退休金中，扣除應付的贍養費，然後將該筆款項直接繳交經法庭裁定的債權人。首席大法官委任專責檢討婚姻訴訟的常規和程序的一個工作小組，將於短期內提交報告，並且極可能提出上述建議。當我們收到工作小組的報告後，便會考慮實行適當的措施，以確保能有效地執行贍養令。

羅致光議員問：主席先生，我覺得有些奇怪，因為如果法律援助署沒有這方面的資料，而司法機構最近卻開始預留一些檔期，則司法機構應該是有資料顯示追討贍養費的個案數目的。況且，司法機構政務長提到，現時已經能夠將排期由三個月縮短至兩個月。請問司法機構何時實行這做法，及司法機構有否這些追討贍養費的資料？此外，政務司的答覆最後提到，政務科考慮修訂法例，而工作小組只檢討程序，請問有否考慮在法庭轄下設立一個特別的工作小組處理這些個案，令輪候期減至更短，並可減少法律程序所產生的龐大開支？

政務司答：主席先生，羅議員提出好幾項質詢，我希望能夠一一解答。第一是有關個案的問題。正如我在主要答覆所說，根據法律援助署的資料，因婚

姻訴訟而申請法律援助的個案每年有9 000宗，但該署的分類統計並沒有提到是由於甚麼婚姻情況而引致這些訴訟。當然，其中有些是因為申請贍養費，或有人沒有執行贍養令。不過，我們沒有詳細數字，分開計算有多少宗。因此，我們知道有這些個案，但卻不能告知羅議員究竟有多少宗。如果要這些數字，我們可翻查過去三年，每年9 000宗的個案。也許我們慢慢翻查，就會找到有關的數字。不過，我覺得這對於我們了解現時的情況，並沒有多大幫助。

第二，該工作小組現正考慮很多有關程序的問題。但解決拖欠贍養費這問題，最重要是看那人有否能力支付贍養費。如果有能力，例如他經常有工作，有薪金收入，或者他已退休，有退休金。我們現正考慮的其中一個方法，就是可否直接在他的薪金或退休金內扣除贍養費，交給經法庭裁定的債權人。這樣就可確保那筆贍養費能夠交到債權人手上。

至於輪候時間，他們現在做得似乎很有成效，因為他們在兩方面進行。其一是在法律援助方面，他們將處理程序特別加快，即縮短審查他們是否合資格獲得法律援助的時間。此外，在法庭的輪候時間方面，正如我剛才在答覆中所說，由於家事法庭預留了一些檔期考慮這些申請，因此，輪候時間可由三個月減至兩個月。

**PRESIDENT:** Mr LAW Chi-kwong, are you claiming that your question has not been answered?

羅致光議員問：主席先生，不好意思，可能我的質詢太長，所以政務司並不明白我的質詢。我的第一項質詢是問司法機構有否資料。我已經明白到法律援助署並沒有資料，但既然司法機構預留了檔期，輪候時間又可以由3個月縮短至兩個月，即司法機構應該是知道有關情況的，所以我問司法機構有否資料。第二項質詢就是在檢討過程中，有否考慮在法庭之下成立一個特別小組，我不是說現已進行檢討的小組，而是說成立一個新的小組，去執行處理有關的程序，使整個法律程序得以縮短。我不是說進行檢討的小組，而是一個新的小組，在日後處理追討贍養費的問題。

政務司答：主席先生，羅議員的主要質詢是有關申請法律援助的個案，所以我的答覆也是根據他原本的質詢，引用有關的資料。如果羅議員現在希望得

到其他資料，對不起，我手邊沒有這些資料，我會以書面解答。(Annex I)

第二項質詢是問及現時我們有否考慮設立一個新的小組，考慮如何加快程序。我們現時並沒有這樣做。我們現時所做的，是我剛才所提及的小組。如果其後我們發覺仍未能解決問題，又或社會大眾認為我們所提出的方法不能解決問題的話，我們屆時才就新提出的問題作出解決辦法。

何俊仁議員問：主席先生，剛才政務司的答覆也有提及法律改革的問題。請問政府有否考慮將一些無理拖欠繳付贍養費的行為刑事化，並且訂定刑法的標準？我提出這改革建議，有以下優點：第一，對當事人具警醒及教育意義。如果當事人知道要履行.....

**PRESIDENT:** May I remind you that you are not supposed to be engaged in arguments in asking a question.

何俊仁議員問：我所建議的改革是，如果當事人沒有向他須繳付贍養費的太太或丈夫交代，又或沒有向法院申請寬免的話，他就是觸犯了刑事法例，這樣警方就可以簡單執行，而毋須經過複雜的法律程序。請問政府有否考慮這方面的法律改革？

政務司答：主席先生，如果我對這問題沒有理解錯誤的話，事實上，現時的法律程序已經對無理拖欠有足夠的保障。如果當事人有能力但卻不願意繳交贍養費，這拖欠情況是可以法律程序追討的。正如我剛才所說，第一個步驟是發出裁決傳票，要求他出庭解釋。如果他不出庭的話，我們可以向法庭申請出庭令，要求他出庭答問。如果他不理會出庭令，法庭就可以發出拘捕令。在發出拘捕令之後也可以發出扣押令，判他入獄，或要求他直接繳付款項。因此，在現時的法例下，我們已經有這些罰則及規例，不容許無理拖欠贍養費。

周梁淑怡議員問：主席先生，為了防止那些不負責任的人拖欠贍養費，政府在考慮修訂現行法例時，會否考慮規定要當事人以自動轉帳形式繳付贍養費？

政務司答：主席先生，我們可以考慮這方法，但其中也有問題。第一，他要有一個銀行戶口；第二，戶口內要有錢才可以轉帳。因此，我們會就這建議作出考慮，但也要顧及其中所牽涉的實際問題。

李華明議員問：主席先生，很多婦女也曾到我的辦事處向我作出申訴，說她們在離婚後被迫要拿取綜援金，因為她們只間中收到贍養費，有時又只取得一部分，在追討後才可以取得多些。這樣糾纏下去，對離婚婦女，特別是那些有數名子女的婦女，十分困擾。現時這些婦女大多投訴無門，也不知道怎樣做，所以來我們處申訴。我希望政務司現時能夠清楚說明，有何快捷簡單的行政方法，可讓她們追討贍養費，而不用在法庭慢慢排期。我希望政務司能說得清楚些，因為主要答覆中所見的都只是官樣文章。政務司不如現在直接說明那些婦女如何可以即時追討被拖欠的贍養費。

政務司答：主席先生，大家都希望能夠以很簡單的行政方式來解決這問題，但正如各位議員所說，情況是有人蓄意無理拖欠贍養費，所以以行政方式並不能處理問題，而一定要經過法律程序。正如我剛才所說，在法律規限之下，現時的法律程序已經足夠。我們只是要如何令受困擾的人士知道他們的權利，並知道如何進行這些程序。我剛才也提到，我們現已着手編印一份小冊子，說明當局對面對這困擾的人士所提供的服務，以及他們可以依據甚麼法律程序，來追討他們的贍養費。我們希望大約在一、兩個月內，能夠編制成這些小冊子，讓他們知道如何進行所需的步驟。

## Unemployment

2. 李卓人議員問：主席先生，過去一年，失業率持續高企，而平均失業時間有延長趨勢；對此，政府可否告知本局：

- (a) 在過去兩年每一季的失業數字中，失業人士的失業時間長短與其行業及職業類別背景、學歷、性別及年齡分佈等因素的關係分別為何；
- (b) 去年由總督召開兩次的就業問題高峰會中提出的多項措施至今的成效分別為何；及

(c) 政府有何其他新措施以改善失業問題？

**SECRETARY FOR EDUCATION AND MANPOWER:** Mr President,

- (a) On the duration of unemployment, the median duration of unemployment (MDU) is the most commonly used statistical measure. The statistics gathered by the Census and Statistics Department through the General Household Survey indicate that the MDU during the period from the fourth quarter of 1993 to the third quarter of 1995 ranged from 61 to 80 days (around two to two and a half months). The detailed breakdown of the quarterly MDU statistics during this period has been tabled for Members' reference.

From the statistics available, it is apparent that people with lower educational attainment; of more advanced age; previously working in the manufacturing sector; and with lower skill levels spend more time in between jobs. This pattern was broadly stable during the past two years including the past few months when the unemployment rate increased.

The statistics reflect that our labour market's requirements have become more sophisticated. People with higher level of skills and educational attainment are more competitive in filling job vacancies. It also indicate that displaced workers previously working in the manufacturing sector are facing more difficulty in finding jobs in other sectors. As for age, while younger people have a shorter MDU, their unemployment rate is considerably higher than those aged 30 and above. This suggests that younger people are more mobile in the labour market.

- (b) The Governor convened two Summit Meetings on Employment last year. At both meetings, there had been positive and useful exchanges of views between both employers' and employees' representatives on how to tackle the unemployment problem and, in particular, on how to redress the "mismatch" between demand and supply in the labour market. Employers and employees were united in their resolve to deal with this problem in a spirit of co-operation.

In tackling unemployment, the Government's objective is to assist the unemployed to re-enter the workforce. To this end, we have made good progress on the package of measures promulgated at the two Summit Meetings.

We have stepped up our employment service. The Job Matching Programme which started as a Pilot Programme in April last year and operated at full force from last August onwards has proved to be a very effective means of matching the unemployed with job vacancies. As of 3 January 1996, the Programme has found jobs for over 2 800 job-seekers, representing a success rate of 70%.

Through our promotion efforts, some employers have now adopted a more flexible and pragmatic attitude in their recruitment of local workers.

Our Employees Retraining Scheme (ERS) has been providing more unemployed persons with suitable retraining courses and as a result, a greater number of retrainees have successfully re-entered the workforce. We are also commissioning a consultancy study on how to make the ERS more effective.

We have strengthened our efforts in clamping down firmly on illegal employment and have stepped up enforcement actions against abuses of labour importation schemes.

We have completed a comprehensive review of the General Labour Importation Scheme and yesterday announced the termination of the Scheme and its replacement by a Supplementary Labour Scheme as from 1 February 1996. Our policy objective is to ensure that local workers have priority in employment and that their salaries and benefits are safeguarded, employers must accord priority to fill available job vacancies with local workers. If employers have genuine difficulties in finding suitable staff locally, they can import workers to fill such vacancies.

We have enhanced the scope of our statistical surveys so as to obtain more detailed information about the profile of the unemployed and the job vacancies.

We are finalizing the arrangements for the appointment of a consultant to conduct a fact finding study on the alleged problem of age discrimination in employment. We will also visit Australia and New Zealand later this month to find out how their legislation work in practice. The public will be consulted on the way ahead.

We will continue to work closely with employers' and employees' representatives and Members of this Council to work out solutions on the unemployment problem in the days to come.

- (c) Since the last Summit, we have also introduced several new initiatives to strengthen the effectiveness of the various measures taken to help the unemployed to rejoin the labour market and to enhance their employment opportunities.

*First*, computerization of the operations of the Job Matching Programme (JMP) of the Labour Department. As the JMP has proved to be very effective in helping the unemployed to enter the job market, we have computerized the operations of the JMP to further enhance the efficiency of job-matching. Steps are also being taken to computerize the operations of the Local Employment Service of the Labour Department.

*Second*, to expand the JMP and to set up a job matching centre. The existing JMP is intended for job-seekers aged 30 or over. From 1 February 1996 onwards, the JMP will be expanded to all job-seekers irrespective of age. With this expansion, we will set up a Job Matching Centre in the Hennessy Centre in Causeway Bay as a centralized one-stop unit so that the JMP now available in all nine LES offices can be better co-ordinated. This Job Matching Centre will also serve as an application office of the Supplementary Labour Scheme when it starts operation in February next month.



*Third*, to set up an Airport Core Programme (ACP) Job Centre. The Government has recently reached an agreement with the Airport Authority (AA) and the Mass Transit Railway Corporation that they will jointly set up this Job Centre. This Centre will be used for displaying ACP vacancies, receiving applications for ACP jobs, conducting recruitment interviews and making arrangements for signing of employment contracts. The Labour Department and concerned labour unions will each have an office in the Centre to deal with enquiries and complaints from workers and contractors. Our objective is to open the Centre within this month. This is a new initiative whereby we can further ensure that the priority of employment will be given to local workers.

Table 1: Median Duration of Unemployment by Age, Sex and Educational Attainment

	<i>Q4 1993</i>	<i>Q1 1994</i>	<i>Q2 1994</i>	<i>Q3 1994</i>	<i>Q4 1994</i>	<i>Q1 1995</i>	<i>Q2 1995</i>	<i>Q3 1995</i>
	<i>(Days)</i>	<i>(Days)</i>	<i>(Days)</i>	<i>(Days)</i>	<i>(Days)</i>	<i>(Days)</i>	<i>(Days)</i>	<i>(Days)</i>
<b>Age Group</b>								
15-19	54	76	49	51	76	78	78	57
20-29	72	51	61	50	71	60	54	60
30-39	76	62	72	68	74	57	73	79
40-49	70	79	107	117	84	76	86	111
50-59	80	87	91	167	145	96	116	162
60 or over	96	37	56	378	106	31	59	213
Overall	70	65	72	61	80	66	74	77
<b>Sex</b>								
Male	73	67	71	60	78	60	70	78
Female	64	58	77	65	83	77	80	76
Overall	70	65	72	61	80	66	74	77

## Educational Attainment

No schooling/ Kindergarten	89	114	55	47	76	129	118	121
Primary	76	64	85	115	110	60	85	107
Secondary/ Matriculation	68	64	68	62	73	64	72	76
Tertiary								
- non-degree	69	95	46	44	76	52	36	53
- degree	64	50	78	46	76	95	51	54
Overall	70	65	72	61	80	66	74	77

Table 2: Median Duration of Unemployment by Previous Major Industry

	<i>Q4 1993</i> (Days)	<i>Q1 1994</i> (Days)	<i>Q2 1994</i> (Days)	<i>Q3 1994</i> (Days)	<i>Q4 1994</i> (Days)	<i>Q1 1995</i> (Days)	<i>Q2 1995</i> (Days)	<i>Q3 1995</i> (Days)
Previous Major Industry								
Manufacturing	84	81	78	88	84	88	84	106
Construction	48	54	52	51	76	43	69	69
Wholesale, retail and import/ export trades, restaurants and hotels	79	49	82	67	87	54	75	78
Transport, storage and communication; Financing, insurance, real estate and business services; Community, social and personal services	59	65	78	62	66	66	67	76
Overall @	70	65	72	61	80	66	74	77

Note: @ Covering all unemployed persons, including first-time job-seekers and re-entrants to the labour force.

Table 3: Median Duration of Unemployment by Previous Major Occupation

	Q4 1993 (Days)	Q1 1994 (Days)	Q2 1994 (Days)	Q3 1994 (Days)	Q4 1994 (Days)	Q1 1995 (Days)	Q2 1995 (Days)	Q3 1995 (Days)
Previous Major Occupation								
Administrative and managerial workers, professionals and associate professionals	76	57	89	63	43	74	50	82
Clerks	82	39	60	56	72	77	61	61
Service workers and shop sales workers	68	55	76	60	93	48	81	82
Craft and related workers	70	68	55	57	77	51	72	80
Plant and machine operators and assemblers	78	82	83	114	121	75	80	104
Overall @	70	65	72	61	80	66	74	77

Note: @ Covering all unemployed persons, including first-time job-seekers and re-entrants to the labour force.

李卓人議員問：謝謝主席先生，關於政府答覆的(b)及(c)所提供的資料，其實問題是問政府有何方法來應付失業？我相信政府的答覆非常清楚告訴我們政府是沒辦法，因為它所有的方法都是說幫助失業人士找工作，即使新的三項措施都只是替人找工作。請問政府、教育統籌司或其他司級官員，究竟有何方法創造更多的就業機會給予本地工人，尤其是總督在高峰會中其中一個建議，是有一個專責小組檢討整個服務業的發展，究竟那專責小組有何良方使服務業更加蓬勃，以吸納由製造業淘汰出來的工人，使香港工人有更多就業機會？

**SECRETARY FOR EDUCATION AND MANPOWER:** Mr President, I do not agree with the comment that we have run out of ideas. The measures that I have outlined in my main reply are practical measures and are helping those who are unemployed to re-enter the workforce.

As regards the work of the task force, may I, with your permission, Mr President, refer this matter to the Secretary for Trade and Industry.

工商司答：主席先生，這個專門研究服務行業如何可更進一步發展的特別工作小組正進行有關工作。這個小組的工作的主要目的，是希望可以探討一些實際的行動，以幫助香港的服務業更進一步發展，因此，可以說是與失業問題沒有直接的連帶關係。但是大家都知道，香港的服務行業在香港經濟中有舉足輕重的作用，所以，如果香港的服務行業可以更進一步發展的話，應該可以使香港經濟亦更進一步發展。如果香港經濟的增長率可以提高或更進一步發展，我相信對創造新的就業機會肯定有正面和積極的作用。謝謝主席先生。

何敏嘉議員問：主席先生，在回答問題(c)部分，關於政府有何新措施來改善失業問題時，政府提出了三個範疇。政府可否告知本局，你們有沒有考慮過支持我的條例草案，以控制、減低或停止輸入外地勞工來幫助改善失業問題呢？

**PRESIDENT:** I think I have to rule that under the anticipation rule, since you are going to introduce a bill on the same subject at this sitting, the Secretary does not have to answer your question.

劉千石議員問：謝謝主席先生，資料顯示中年以上的工人學歷低，故失業的時間比較長，超過 100 天。政府會否考慮設立一些基金來推動就業合作社的模式，好讓這些在市場難於找尋工作的工人有多一個途徑獲得工作呢？

**SECRETARY FOR EDUCATION AND MANPOWER:** Mr President, we

have no plans for setting up any funds of the nature suggested by the Honourable LAU Chin-shek.

劉千石議員問：謝謝主席先生，我知道教育統籌科有一個小組正準備往紐西蘭和澳洲考察.....

**PRESIDENT:** Mr LAU Chin-shek, you are not supposed to ask a second supplementary. I thought you were claiming that your question has not been answered.

劉千石議員問：不是，我只是跟進，至於第二條.....

**PRESIDENT:** You are not supposed to be engaged in a second supplementary, Mr LAU Chin-shek.

劉千石議員問：請你聽我發問，你可能是未聽完我的發問，因該科正準備往澳洲和紐西蘭考察年齡歧視的問題，而紐西蘭是有這一類的合作社的。請問教育統籌司會否前往觀看他人的合作社怎樣運作，回港再作考慮呢？

**PRESIDENT:** You have slipped that one through.

**SECRETARY FOR EDUCATION AND MANPOWER:** The purpose of our visit to Australia and New Zealand is to find out the reasons behind these two countries enacting legislation to deal with age discrimination in employment. We also intend to find out how that legislation works in practice. That is the scope of the study.

陳婉嫻議員問：主席先生，我想透過你問一問政府，若按照問題三方面的答覆，有關政府部門上次在人力事務委員會會議提到，並且接受我們的意見的是現時的就業選配計劃，如果是為 30 歲以上人士求職而設，則似乎和現在的失業情況非常不合。我還記得當天的官員應承修訂選配計劃，不僅限於 30 歲以上人士，原因是我們看見失業人士愈來愈年青。希望政府官員能回答這問題。

另外一個問題是，這些 30 歲以上的人士實際上很需要政府一些具體的

協助，這些包括一些人士想當鐘點女傭。政府不應局限於這三項新措施，應該開設一些就業輔導服務。

**SECRETARY FOR EDUCATION AND MANPOWER:** Mr President, I am not sure what the question is from the Honourable Member, but I note that she has suggested there should be more placement assistance and I shall certainly refer her suggestions to my other colleagues for consideration as appropriate.

陳婉嫻議員問：主席先生，教育統籌司沒有回答我的問題。她沒答問題便說她.....

**PRESIDENT:** What was your question, Miss CHAN, part-time jobs?

陳婉嫻議員問：我的問題是我們覺得為 30 歲以上人士設的計劃不足夠，因現在實際情況是失業人士年輕化。勞工處的官員上次回答時，已經接納我們把 30 歲以上改為 30 歲以下的建議。由於教育統籌司剛才回答的三方面，仍然按 30 歲以上的人士而作出，但上次有關官員已接納取消 30 歲以上的限制。

**SECRETARY FOR EDUCATION AND MANPOWER:** Mr President, I am still rather puzzled about the question.

**PRESIDENT:** It is on the issue of JMP for job-seekers aged 30 or over and Miss CHAN is asking whether or not you would relax that to 30 and under.

**SECRETARY FOR EDUCATION AND MANPOWER:** Yes, Mr President, that is very clear now. The existing JMP assists those who are aged 30 and above. As I mentioned in my main reply, we intend to expand that service to working people of all age groups. So it will deal with those who are below the

age of 30.

### **List of Hong Kong Government Property Assets**

3. **MISS CHRISTINE LOH** asked: *With reference to the list of property assets owned by the Hong Kong Government which was handed over to the Chinese Government in November 1994, will the Administration inform this Council when it will make the list available to this Council?*

**SECRETARY FOR THE TREASURY:** Mr President, we have recently updated the list of property assets owned by the Hong Kong Government to show the position as at 1 November 1995. A copy of this list has been deposited with the library of this Council for Honourable Members' information.

**MISS CHRISTINE LOH:** *Mr President, I must ask your indulgence to perhaps elaborate a little bit because the full answer to my questions is in fact here and because the Secretary said he is now making it available to Members of this Council and therefore to the public through our library. These sets of documents that were delivered to us were dated today, so I think it would be right to say that as of today the list of assets is made available to the public.*

*Mr President, if I may go on, just very shortly, the list in these four volumes are really quite interesting because I think if I do not elaborate a little bit, Mr President, I am afraid none of my colleagues will be able to ask any follow-up questions. So if I could have your indulgence to go on a bit. Now we are told that this .....*

**PRESIDENT:** What is your question? Are you trying to address the Council or are you going to ask a question about the list?

**MISS CHRISTINE LOH:** *I am going to ask questions, but Mr President, since the answer from the Administration is so short, I do not think any of my colleagues will be able to follow up to ask any questions. These lists have only*

*been handed in today and I myself have only had a chance to obviously take a very brief look, around 40 minutes ago.*

**PRESIDENT:** May I suggest to you that Members may wish to set it down at some future date after studying the list.

**MISS CHRISTINE LOH:** *Well, in that case, I would like to at least ask the Administration since the Secretary knows exactly what is in all of these volumes.*

*To the extent that the assets in the list are not recorded, because I am not sure if this is the full list, will the Government explain why they are not so recorded, and can they provide an estimate of the cost or current values? Also, none of these figures have any value in it, does the Government intend to tell us what is the value of, in fact, the Government's total assets?*

**SECRETARY FOR THE TREASURY:** Mr President, the list is intended to cover all the property assets owned by the Government as at 1 November 1995. It is not clear to me what is the basis of the Honourable Member's question about assets not recorded. If there are detailed questions concerning the list, I would be quite happy to respond to them outside this Council meeting.

As to the second question about the valuation, most of these property assets are not saleable assets, such as prisons, police stations and so on. Therefore, it is not our practice to put a value on each of those because such a valuation would not be very meaningful.

**PRESIDENT:** I suppose including this building, Secretary for the Treasury.

### **One-way Permit**

4. 馮檢基議員問：主席先生，自政府於一九九五年七月一日增加持單程證來港人士的配額後，每年會約有 55 000 名中國新移民到港，對此，政府可否告知本局：



- (a) 近三年持單程證來港人士的數目，以及他們的年齡、性別及在本港居住的地區分佈情況為何；
- (b) 政府是否知悉中國當局批准內地人士持單程證來港作永久居留的準則為何；
- (c) 政府有否與中國當局商討在批准內地人士來港時，考慮以家庭作為單位（例如批准母子一同來港），以免持單程證來港的兒童乏人照顧；及
- (d) 政府有否制定政策（包括在房屋、教育、醫療、社會福利等各方面），協助新移民適應居港的生活方式？

保安司答：主席先生，我將會按次序回答這四部分的問題。

- (a) 附表載有過去三年內，持單程證來港的人數，並按年齡和性別加以劃分，供各位議員參閱。我們並沒有他們在本港居住的地區分佈情況的分析，但政務總署將於本月稍後進行調查，以了解新近持單程證來港的人士居住在哪些地區。
- (b) 單程證是由中國政府發給中國公民，以便他們來港定居的。他們來港，主要是為了與家人團聚。中港雙方達成共識，由一九九五年七月一日起，將每天的配額增加至150個，並且同意將其中某些配額，撥給子女和配偶。
- (c) 我們曾向中方提出，在分配單程證時，應盡量以整個家庭作為一個單位，避免把家庭分隔兩地。在香港人民入境事務處處長與中國公安部出入境管理局局長的定期會議中，我們曾重申對分開發出單程證予同屬一家庭的配偶或子女的關注。
- (d) 我們的目標，是讓中國新移民盡快融入本港社會。在他們抵港以後，便成為我們社會中一分子，各有關決策科是從整體策劃和提供服務層面，照顧他們的一般需要。大部分新移民在融入本港社會方面，並沒有太大的困難。但我們亦知道有些新移民需要特別援助。政務總署負責統籌和評估政府部門和志願機構所提供的新移民服務。所得的資料將交予各決策科參考，有助他們為新移民策劃和提供各種服務。

一九九三年至一九九五年間由中國來港的合法移民（按年齡及性別劃分）

年齡組別	一九九三			一九九四			一九九五		
	男	女	總數	男	女	總數	男	女	總數
0-4	1 137	938	2 075	1 550	1 339	2 889	2 298	2 098	4 396
5-9	1 895	1 423	3 318	2 629	1 980	4 609	3 654	3 309	6 963
10-14	1 748	1 255	3 003	2 059	1 599	3 658	2 299	2 140	4 439
15-19	1 439	837	2 276	1 484	956	2 440	1 231	832	2 063
20-24	1 510	1 661	3 171	1 452	1 850	3 302	1 030	2 011	3 041
25-29	1 412	3 319	4 731	1 249	4 494	5 743	1 012	4 636	5 648
30-34	1 139	2 903	4 042	1 113	3 933	5 046	796	3 693	4 489
35-39	1 035	2 635	3 670	855	2 724	3 579	655	2 512	3 167
40-44	720	1 836	2 556	650	2 277	2 927	530	2 345	2 875
45-49	391	1 018	1 409	359	1 217	1 576	286	1 278	1 564
50-54	202	605	807	183	612	795	141	556	697
55-59	198	509	707	146	444	590	147	416	563
60-64	164	346	510	189	317	506	176	326	502
65+	186	448	634	201	357	558	142	387	529
總數	13 176	19 733	32 909	14 119	24 099	38 218	14 397	26 539	40 936

馮檢基議員問：主席先生，我想就(d)項質詢提出補充質詢。我的質詢是，政府有否就房屋、教育、醫療和社會福利等各方面的政策，為新移民作出特別的安排。記得在五個星期前，本局有同事向房屋司提出一項質詢，問及總督施政報告內提到的二零零一年輪候公屋時間由七年減至五年的計劃如何。當時房屋司告知我們，政府仍然採用每天105個新移民數額來計算縮短輪候時間，其實現時配額已是150個。這些人口增加對房屋需求會造成壓力，請問政府有否積極計劃批地，增加興建公屋，以解決這問題？

保安司答：根據我所得的資料顯示，由於這些來港的中國移民大多是與家人團聚，所以在最近的將來對建屋目標不會構成太大影響，最少對2001年的建屋目標影響不大。不過，在長遠策劃方面，房屋司當然會把新移民的數目和

預算納入策略和評估範圍之內。據我所知，這方面的數字會納入長遠房屋策略的檢討範圍內，一併作出考慮。

張文光議員問：主席先生，我曾接到一宗個案，就是當中國政府批准一些兒童來港與家人團聚時，只批准三名兒童來港與其父親團聚，但卻不批准他們的母親一同來港。如果中國政府批出單程證的主要目的是為了讓他們能與家人團聚，則上述個案的兒童一方面可與家人團聚，但另一方面卻遭遇另一種分離，這絕對不是香港和中國政府所想見的現象。政府在這問題上只提出關注，請問我們能否直接要求中國政府接受一個中港雙方的共識，即當它批出單程證給兒童來港時，必須同時批准他們的母親（如有的話）同來，令團聚成為一個整體，而不是一方面使他們得與家人團聚，另一方面則製造分離。

**PRESIDENT:** That was not phrased as a question. Are you asking whether or not the Government will consider that or raise it with the Chinese authorities?

張文光議員問：主席先生，我的問題是，我要求香港政府對這個問題不單表示關注，還應與中國政府直接討論，使其成為一項政策。請問政府是否願意這樣做，即制訂一項母親必須與子女同來的政策？

保安司答：主席先生，簽發單程證的權力在於中國政府。我當然願意將張文光議員的意見向中國政府反映，但中國政府是否願意將其制訂成為一項政策，則應由中國政府自行決定。

羅致光議員問：主席先生，我的跟進質詢有三部分，第一就是.....。

**PRESIDENT:** Three parts or three questions?

**MR LAW CHI-KWONG:** Three follow-ups on the same set of answers.

**PRESIDENT:** I am afraid you can only have one follow-up, Mr LAW Chi-kwong.

羅致光議員問：主席先生，那麼我提出有關最後那部分的跟進質詢，即剛才保安司給予令人頗為驚訝的答覆，說子女和配偶來港團聚的配額並不會製造房屋的需求。政府是否告訴本局，在房屋政策中，結婚並不會製造房屋需求？

保安司答：主席先生，我並不是說不會製造房屋需求，而是說對建屋目標影響不會太大。

### Overseas Offices of Trade Development Council

5. 詹培忠議員問：香港政府及香港貿易發展局分別在世界各地設立辦事處，促進及拓展香港的經濟及貿易利益，政府可否告知本局：

- (a) 政府設立的海外辦事處共有多少間，在過去三年，每年支出費用合共多少；
- (b) 貿易發展局設立的海外辦事處共有多少間，在過去三年，每年支出費用合共多少；及
- (c) 政府有否考慮將該等分別由政府與貿易發展局設立的海外辦事處合併，令資源得到更佳運用；若否，原因為何？

工商司答：主席先生，

- (a) 政府在海外設有十個香港經濟貿易事務處。除兩個分別在一九九五年七月和十月於新加坡和悉尼設立的事務處外，其餘的事務處在過往三年的每年總開支分別為：

一九九二至九三年	1.6億元
一九九三至九四年	1.74億元

一九九四至九五年 1.83億元

- (b) 貿易發展局共設有51個海外辦事處，其中25個是分區辦事處，職員為該局人員，另26個是由顧問負責的辦事處。這些辦事處在過往3年的每年總開支分別為：

一九九二至九三年 5.431億元

一九九三至九四年 5.956億元

一九九四至九五年 6.981億元

- (c) 鑑於香港經濟貿易事務處和貿易發展局的海外辦事處主要任務和職能並不相同，政府認為不宜將這些辦事處合併。

經濟貿易事務處是香港政府在外國的官方經濟貿易團，主要職能是代表香港向當地政府和國際組織爭取香港在經濟和貿易上的利益，促進外來投資，以及為香港政府策劃宣傳活動，宣揚香港在亞太區的首要商業位置。他們也與當地政府就某些貿易問題進行游說和談判，以及協助在香港工作的人員商談貿易協議。經濟貿易事務處涉及的政府之間的工作，不能由一個非政府機構進行。

貿易發展局各海外辦事處的主要職責，是為香港產品開拓和擴大市場，一方面幫助當地的貿易商和香港商人做生意，另一方面幫助香港公司打入當地市場。這些職能由一個非政府組織負責，較為恰當。

雖然，政府的經濟貿易事務處和貿易發展局的海外辦事處的任務及主要職能有所不同，但由於兩者同以促進香港的利益為目標，因此雙方經常保持密切聯繫。兩組辦事處在宣傳和推廣方面的工作，亦相輔相成，所以在一些大型的海外推廣運動中，例如一九九五年九月在日本舉行的推廣香港活動，以及本年六月將在美國舉行的推廣活動，雙方職員群策群力，通力合作。這些活動都旨在提高香港作為蓬勃的商業及旅遊業中心的形象。

香港政府的經濟貿易事務處與貿易發展局的海外辦事處，會盡可能

設在同一地點，以盡量善用資源、為香港建立更鮮明的形象，以及為各自的客戶提供更方便、更快捷的一站服務。

詹培忠議員問：主席先生，多謝工商司相當詳盡的介紹，但是在她的答覆中亦有矛盾，起初說沒有可能合併，後來卻說辦事處盡可能設在同一地點。我個人的意見是，除了香港的外交問題在一九九七年之前由英國負責，一九九七年後則由中國負責外，在商業方面，為甚麼不能由一個辦事處代表整個香港政府的形象呢？其實毋需由政策科或貿易發展局或香港旅遊協會個別設立辦事處，才能讓外國有關人士了解香港多一些，因為貿易發展局，甚至旅遊協會在不同地方設立辦事處可能會引起混淆。所以，我的問題是，政府以後會否更積極地盡力將辦事處設在同一地點，使外國有關人士和國民了解香港多一些呢？

工商司答：主席先生，剛才我在主要答覆中已解釋了香港政府海外辦事處的角色和主要職責，與貿易發展局的角色和主要工作是極不相同的。但我可以向詹議員保證，在可能範圍之內，我們會盡力把這兩個不同組織的海外辦事處，設在同一地點，幫助各辦事處替各自的客戶提供更方便、更好的服務。

**MR PAUL CHENG:** *Mr President, I am delighted that my honourable colleague, Mr CHIM Pui-chung, asked this question because this is certainly an area that I have been following for some time. I totally share his view that there are areas where we can better utilize taxpayers' money in terms of setting up facilities abroad, be it government offices or TDC. Although the Secretary clearly .....*

**PRESIDENT:** Mr CHENG, please come to your question.

**MR PAUL CHENG:** *I have a specific question. Take London as an example — and I am ready to stand to be corrected on this if my facts are not absolutely correct — but I understand that the government offices have been down-sizing in the last few years from a hundred-and-some people down to a targeted*

*twenty-some people by July this year, so they must have a lot of extra space in their offices. On the other hand, the TDC recently bought a whole building in London and their existing lease still has three years to run; and then we are holding on to a new building in London — whether they are renting it out temporarily or not. Now I just want to ask the Government, is this the best way to utilize government funds?*

工商司答：主席先生，在倫敦方面，鄭議員的資料大部分是正確的。貿易發展局在去年三月決定在倫敦購買一座建築物，這座建築物暫時會作出租之用，到一九九八年，貿易發展局倫敦的辦事處便會遷入這自置物業。定於一九九八年的原因，是現在貿易發展局倫敦辦事處是租用他人的物業來運作，而業主拒絕按貿易發展局的要求提早終止租約。至於香港政府在倫敦的辦事處，鄭議員剛才提到我們已經把倫敦辦事處的編制逐年縮減，所以倫敦辦事處所在的地點現在有多餘地方，而倫敦辦事處的專員已經在當地僱用了地產代理，希望可以把部分多餘地方分租給其他機構使用。此外，香港政府亦正與香港旅遊協會進行磋商，希望旅遊協會可以把其倫敦辦事處遷入香港政府倫敦辦事處所在的同一建築物。

**MRS ELIZABETH WONG:** *Mr President, in the interests of fulfilling the objective of promoting Hong Kong as a premier business centre, will the Government inform this Council whether in such promotions it intends not only to promote trade but also Hong Kong services and also local artists?*

**SECRETARY FOR TRADE AND INDUSTRY:** Mr President, in promoting Hong Kong as a premier place to do business, we do promote trade in merchandise goods as well as trade in services. The services sector is all pervasive and it does include the promotion of local arts. I can recall that in 1994 the Hong Kong Government, together with the Hong Kong Trade Development Council, the Hong Kong Tourist Association and other major Hong Kong related organizations, mounted a major promotional campaign in Europe and in the context of that campaign, I believe there was also a Hong Kong Film Festival component in it. So the promotion of arts and culture to overseas markets is very much part of Hong Kong Government's overall promotional strategy.

**MR PAUL CHENG:** *Mr President, I would like to ask the Government whether the Government agrees that it is a good idea to have a Hong Kong House in all major cities around the world so that we have a co-ordinated image and a co-ordinated effort to promote not only trade but tourism and investment enquiries? And if the Government agrees, does it plan to have such a policy and get everybody together to implement such a policy?*

**SECRETARY FOR TRADE AND INDUSTRY:** Mr President, this is certainly the Government's intention and indeed I think we are looking forward to seeing the first two being set up. The first one will be set up in San Francisco where the same building will house not just the Hong Kong Government Office in San Francisco, but also that of the Trade Development Council and the Hong Kong Tourist Association. The second one will be in Sydney where the Government has recently purchased a building with funds approved by the Finance Committee of this Council. That building will also house not only the Hong Kong Government Office in Sydney but also that of the TDC and Tourist Association.

### Privately Purchased Medical Items

6. 莫應帆議員問：主席先生，鑑於醫院管理局（“醫管局”）最近向轄下 41 所公立醫院發出一份備忘錄，要求公立醫院將病人須“自費購買的醫療用品”劃一限定為十項，政府可否告知本局：

- (a) 在此之前，有多少間醫管局轄下的醫院已有向部分病人收回使用醫療器材、藥物及醫療服務的成本；
- (b) 上述(a)項所述的醫院如何釐定何種醫療服務需要依循“收回成本”原則，以及病人所付的費用佔該等服務成本的百分比為何；及
- (c) 為何醫管局在完全沒有諮詢公眾的情況下，便劃一定出公立醫院病人須“自費購買的醫療用品”的項目？

衛生福利司答：主席先生“自費購買的醫療用品”一詞，通常是指病人接受



公營醫院治療時所須購買的外科植入物、消耗品及其他即用即棄器材，而這類治療主要是由大型急症醫院提供。要求病人支付某些醫療用品費用的做法，即使在醫管局於一九九一年成立之前，已經採用。

這個制度是因應科技的迅速發展而演變出來，目的是使病人不致因為醫院沒有這類物品而得不到新科技所帶來的醫治方法。一般來說，自費購買的用品在剛推出時，是醫療新科技引入的昂貴產品，用以植入個別病人體內，或只用於病人身上一次。由於這些物品價格高昂，故不屬於公營醫院的一般存貨。近年來，我們考慮到病人服務對象、財政問題及治療過程的影響，已逐步削減“自費購買的用品”的清單。不過，由於每宗個案的性質各有不同，故此很難計算病人購買醫療用品的費用，佔醫療成本的比率有多少。

有鑑於市民及本局議員的關注，我已在去年5月作出承諾，撤銷長期病患者須自費購買的某些醫療用品、放寬撒瑪利亞基金的審查準則，以及在全面檢討健康醫護資助制度有結果之前，暫緩實施新的收費項目。醫管局在一九九五年十一月二十五日發出的通告，只是正式公布有關的安排，而非增加訂立新的收費項目，因此毋須徵詢公眾意見。

莫應帆議員問：主席先生，衛生福利司迴避了我的質詢，特別是有關(b)部分。我問的不是個別個案，而是那十項用品，即例如心律起搏器已在很多醫院，即那41間醫院使用，病人現時須自費購買。請問衛生福利司可否向我提供這方面的數字？如果衛生福利司今天沒有資料，我希望她在會後會以書面答覆。

衛生福利司答：主席先生，雖然我不大清楚莫議員想獲得哪一類數字，但我會盡量以書面提供他所需的數據。(Annex II)

莫應帆議員問：我希望獲知現時那十項用品的費用，佔成本的百分比為何？我的主要質詢已寫得很清楚。

衛生福利司答：我會盡量以書面提供這些資料。

羅祥國議員問：主席先生，我想跟進莫應帆議員的質詢。政府的答覆說很難

計算到購買這些醫療用品的費用佔總體醫療成本多少，我覺得很奇怪，因為如果沒有這些數據的話，政府整體的醫療成本策劃應該會構成疑問。即使政府現時沒有這些數據，請問會否考慮設立一個機制，計算這些比例和數字？

衛生福利司答：這些自購物品的價錢是很不一致的。我試舉一些實例，例如心律起搏器的費用可以由 8,000 元至 15,000 元不等，所以病人可以自行選擇他認為最適合的那類物品。人造心瓣亦有很多種類，費用也由 10,000 元至 30,000 元不等。此外，又有一類較為昂貴的物品，即 PTCA，費用由 12,000 元至 70,000 元不等。這些都是病人可以自行選擇購買的物品，所以很難估計佔成本多少。

陳榮燦議員問：主席先生，現時自費購買的醫療用品限為十項，我想簡單問一問，未來的計劃還會否有更多醫療用品須病人自費購買呢？

衛生福利司答：主席先生，這些自費購買的醫療用品，是因為科技發達進步，發明了很多新的醫治方法，所以病人可自費購買治病。將來我們也希望香港可以利用最新的科技，所以一定會有新的自費購買項目，以及新的醫治方法。

**MRS ELIZABETH WONG:** *Mr President, my question is whether such privately purchased medical items are the same as itemized charges?*

衛生福利司答：主席先生，這些自費購買的物品與逐項收費可說是兩回事，因為這些物品是在病人有需要時才會購買。不過，很多時，很多用詞都不大清楚，很多人都把它當作逐項收費。事實上，醫院根本不是收取這些費用，而是病人自行購買的。

**MRS ELIZABETH WONG:** *Mr President, if not, are these not the same charges as those charges which were gazetted for patients of first-class beds? Is this now a new policy which in fact means extension of the gazetted charges to*

*the non-first-class beds? And if so, would it not also mean a breach of sections 4(d) and 18 of the Hospital Authority Ordinance?*

衛生福利司答：主席先生，這並不是新的政策，也不是新收費。在醫管局成立前，已有醫院作出類似方法，所以這並不會違反有關醫管局的條例。

## WRITTEN ANSWERS TO QUESTIONS

### Government Land Licence

7. 劉皇發議員問：鑑於新界地區目前仍有根據政府土地租用牌照建造的房屋，其中部分存在已久，政府可否告知本局：

- (a) 該等房屋在新界地區的現存數目、分佈區域和居民人數為何，以及最早在何年建成；
- (b) 重建該等房屋所用的材料有否限制，以及有否其他重建限制；
- (c) 該等房屋的住戶可否申請公共房屋或居屋；及
- (d) 根據過往政策，持有上述牌照達十年以上的居民可向政府申請改建該等房屋為永久房屋，藉以改善居住環境和保障家居安全，政府其後取消該政策，原因為何，以及會否考慮恢復該政策？

**SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS:** Mr President,

- (a) Information compiled by the Lands Department in 1993 indicated that 18 000 Crown Land Licences (CLLs) had been issued. Over half of the structures were located in Yuen Long, North District and Islands District. We have not kept information on the total number of residents living in these structures. Most of these structures were first built in the early 1960s;

- (b) These temporary domestic structures may be rebuilt, subject to the usual planning and environmental considerations. We allow rebuilding in permanent materials in areas other than layout areas (areas covered by outline zoning plans, outline development plans and other layout plans) and potential development/intensive squatter areas. Within layout areas and potential development/intensive squatter areas, we allow rebuilding in temporary materials (that is, those other than brick, stone, concrete and reinforced concrete). When approving rebuilding in permanent materials, Short Term Tenancies (STTs) are issued to replace the CLLs. These STTs will, subject to a rental, be for a term of five years certain and thereafter yearly subject to three months' notice at any time. The maximum permitted area and the height of all rebuilt structures in permanent materials are 37.16 sq m and 5.18 m respectively and no balcony and/or stairhood are allowed upon rebuilding.

For a temporary domestic structure covered by a 10-year or longer CLL, a different rebuilding policy is applicable. Subject to the usual planning and environmental considerations, the structure can be rebuilt to a maximum dimension of 37.16 sq m in area and two storeys/5.18 m in height with permanent materials, provided that it has been covered by a CLL and continuously held by the licensee or his immediate family for at least 10 years and there are no valid local objections to the proposed rebuilding. If rebuilding does not fall within the "Village" zone in a Development Permission Area/Outline Zoning Plan, a section 16 application under the Town Planning Ordinance may be required in respect of the rebuilding. As a general guideline, the areas of rebuilding should exclude all catchment areas, country parks and military ranges.

Under this rebuilding policy, only one balcony, one canopy and one stairhood with a roof are permitted, subject to restrictions in their form and dimensions. Standard health requirements are also imposed. The rebuilt structure will remain temporary in nature and will still be covered by a CLL;

- (c) People living in the structures can apply for public rental housing through the General Waiting List or home ownership flats by using

"white" forms; and

- (d) The policy of allowing the structures to be "converted" into permanent houses was discontinued in 1979 mainly because it led to an unsatisfactory effect of scattered distribution of village houses. This said, structures can still be rebuilt under the policy mentioned in (b) above. We have no intention to reinstate the former policy.

### Water Charges

8. **MR HOWARD YOUNG** asked: *It has recently been reported that a public housing estate tenant has been billed for water consumption at a level which is hundreds of times higher than the previous consumption level. In this connection, will the Government inform this Council:*

- (a) *of the number of requests for water-meter checks made by consumers, as well as the respective numbers of cases resulting in adjustment of the charges after checking, in the past two years; and*
- (b) *what are the most common causes for adjusting charges after checking, and what avenues of appeal or review are available to consumers who consider that the consumption level shown on the water bills is out of line with their past pattern of actual consumption?*

**SECRETARY FOR WORKS:** Mr President,

- (a) (i) the number of requests for water-meter checks made by consumers in recent years are listed below:

<i>1993-94</i>	<i>1994-95</i>	<i>1995-96 up to 30.11.95</i>
3 809	4 021	2 202

- (ii) the number of cases where charges were adjusted after checking are as follows:

<i>1993-94</i>	<i>1994-95</i>	<i>1995-96 up to 30.11.95</i>
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1 070	897	498
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- (b) (i) The most common cause for adjusting charges after checking is due to a defective water-meter.
- (ii) Customers who receive water bills substantially out of line with past consumption are advised to check the condition of their inside services first. If there is no leakage, they may appeal by submitting a dispute of water charges claim to the Water Supplies Department (WSD) by post or in person at their consumer service counters, or more conveniently, over their telephone hotline number 2824 5000. The WSD will look into the matter and take appropriate follow-up actions. If considered necessary, or requested by the consumer, the Water Authority shall test the water-meter. The result of the test shall be binding on the Water Authority and the consumer under Waterworks Regulations 30(1).

## Directorate Medical Staff

9. 何敏嘉議員問：本人於一九九五年五月十七日在本局要求政府提供各間公立醫院各首長薪級的職位數目，而衛生福利司的回應僅概述顧問醫生的總數，並沒有提供所需資料。有見及此，現請政府按以下分類臚列每間主要公立醫院（包括依利沙伯醫院、瑪麗醫院、瑪嘉烈醫院、威爾斯親王醫院、葵涌醫院、青山醫院、廣華醫院及明愛醫院）在列出年度的高級醫生和首長級薪級第 1 至 4 級的各級職位的數目，以及病床數目：

九一至九二	九二至九三	九三至九四	九四至九五
(截至九二年	(截至九三年	(截至九四年	(截至九五年
三月三十一日)	三月三十一日)	三月三十一日)	三月三十一日)

醫院名稱：

高級醫生職位數目：

首長級薪級第一級職位數目：

首長級薪級第二級職位數目：

首長級薪級第三級職位數目：

首長級薪級第四級職位數目：

病床數目：

**SECRETARY FOR HEALTH AND WELFARE:** Mr President, the information requested is provided below:

1991-92      1992-93      1993-94      1994-95  
(as at 31 March each year)

*Queen Elizabeth Hospital*

Number of staff at Senior

Medical Officer level	85	93	95	108
Number of staff at D1 level	1	0	0	0
Number of staff at D2 level	36	36	40	48
Number of staff at D3 level	15	12	13	12
Number of staff at D4 level	7	8	9	10
Number of hospital beds	1 849	1 989	1 989	1 989

*Queen Mary Hospital*

Number of staff at Senior

Medical Officer level	52	55	57	62
Number of staff at D1 level	1	0	0	0
Number of staff at D2 level	10	12	14	22
Number of staff at D3 level	4	2	3	6
Number of staff at D4 level	5	7	7	8
Number of hospital beds	1 368	1 364	1 368	1 368

*Princess Margaret Hospital*

## Number of staff at Senior

Medical Officer level	54	65	67	63
Number of staff at D1 level	1	0	0	0
Number of staff at D2 level	26	28	27	28
Number of staff at D3 level	8	9	5	6
Number of staff at D4 level	5	5	9	11
Number of hospital beds	1 327	1 327	1 137	1 137

*Prince of Wales Hospital*

## Number of staff at Senior

Medical Officer level	48	52	44	40
Number of staff at D1 level	1	0	0	0
Number of staff at D2 level	3	7	14	22
Number of staff at D3 level	0	0	0	0
Number of staff at D4 level	0	0	0	1
Number of hospital beds	1 388	1 388	1 335	1 335

*Kwong Wah Hospital*

## Number of staff at Senior

Medical Officer level	(Note)	34	37	40
Number of staff at D1 level	(Note)	0	0	0
Number of staff at D2 level	(Note)	18	19	18
Number of staff at D3 level	(Note)	3	5	9
Number of staff at D4 level	(Note)	0	0	0
Number of hospital beds	1 471	1 427	1 427	1 427

*Caritas Medical Centre*

## Number of staff at Senior

Medical Officer level	24	30	30	29
Number of staff at D1 level	1	0	0	0



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Number of staff at D2 level	13	12	10	17
Number of staff at D3 level	3	4	5	4
Number of staff at D4 level	0	0	1	1
Number of hospital beds	1 489	1 439	1 439	1 439

*Kwai Chung Hospital*

Number of staff at Senior Medical Officer level	6	5	6	7
Number of staff at D1 level	0	0	0	0
Number of staff at D2 level	2	2	4	5
Number of staff at D3 level	2	2	1	1
Number of staff at D4 level	1	1	2	2
Number of hospital beds	1 551	1 581	1 581	1 581

*Castle Peak Hospital*

Number of staff at Senior Medical Officer level	6	6	6	7
Number of staff at D1 level	0	0	0	0
Number of staff at D2 level	1	1	4	3
Number of staff at D3 level	2	2	3	3
Number of staff at D4 level	1	1	1	1
Number of hospital beds	1 933	1 933	1 741	1 741

Note: In the specific case of Kwong Wah Hospital, the number of staff members for 1991-92 are not available since manpower statistics were kept for all medical institutions managed by the Tung Wah Group of Hospitals as a whole before establishment of the Hospital Authority.

**Hospital Authority Staff Cost and Establishment**

10. 何俊仁議員問：鑑於醫院管理局（“醫管局”）的員工開支及編制引起社會廣泛關注，政府可否告知本局：

(a) 目前醫管局以甚麼機制和準則決定開設顧問醫生的職位；及

(b) 顧問醫生透過何種機制，從首長級薪級第二級晉升至第三級或以上；有何等人士參與晉升的決定；有否獨立人士，如醫管局的委員，參與監察？

**SECRETARY FOR HEALTH AND WELFARE:** Mr President, creation of new consultant posts is required to meet operational needs arising from the commissioning of hospital development projects and introduction of service improvement programmes. All these proposals and the associated staff mix will first be examined by the Hospital Governing Committees concerned. The cost and benefit of these proposals are also submitted to the Hospital Authority Board for endorsement. The Head Office will further scrutinize the justifications for the actual creations of posts.

The annual promotion exercise for consultant doctors is conducted by a special selection board chaired by the Chief Executive and attended by two members of the Hospital Authority Board. Vacancies are open to applicants from all public hospitals who will be shortlisted for interview by the selection board. Suitability for promotion will be assessed, drawing reference from the track record of performance as well as achievements in clinical practice, staff development, quality improvement and management reforms.

### Civil Service Entry Requirements

11. 葉國謙議員問：現時某類公務員職位的入職條件要求入職者的中文水平為中學會考中國語文科合格，政府可否告知本局，有否考慮提高該等職位的中文水平入職要求；若否，原因何在？

**SECRETARY FOR THE CIVIL SERVICE:** Mr President, let me begin by emphasizing that for many years, both Chinese and English language requirements have been set for entry to many grades in the Civil Service based on

operational need.

However, in view of the growing need for Chinese language in the efficient operation of an increasingly open Civil Service, a review of language requirements was conducted in the early months of last year. The outcome of that review was to articulate more clearly the Government's long-term goal of a biliterate (Chinese and English) and trilingual (Cantonese, English and for directorate officers at least, Putonghua) Civil Service.

To this end, it was recognized that civil servants entering the permanent and personable establishment should have basic proficiency in the Chinese language. Various benchmarks were considered. A pass in Chinese Language in the Hong Kong Certificate of Education Examination provided the best solution for three main reasons:

- (i) first, there was no convenient higher benchmark because Chinese Language is not commonly taken in the Hong Kong Advanced Level Examination or the Hong Kong Advanced Supplementary Level Examination;
- (ii) secondly, a pass in Chinese Language in the Hong Kong Certificate of Education Examination establishes a sufficient working knowledge that can be improved upon through practice and, where necessary, training of a higher level if required as an officer becomes more senior or his job comes to require a higher standard of Chinese than before; and
- (iii) thirdly, a higher entry standard would narrow the field of suitable candidates and debar from the public service otherwise very suitable applicants with a workable basic knowledge of Chinese but who lacked the higher proficiency required.

The Civil Service Branch accordingly issued a circular last May, requiring Heads of Department to introduce this Chinese language proficiency requirement for appointment to the permanent establishment in respect of all grades requiring

a pass at HKCEE or above. The circular made it quite clear that where a higher standard of Chinese language proficiency was justified having regard to the job nature of the grade in question, then another standard could be agreed with the Civil Service Branch.

In the context, it should be noted that, in addition to setting a general entrance qualifications, individual grades may also set written examinations to test applicants' proficiency. For example, six grades requiring at least a university degree for entry, also require applicants to sit the Common Recruitment Examination, namely, the Administration Service, the Executive Officer Grade, the Labour Officer Grade, the Trade Officer Grade, the Management Service Officer Grade and the Information Service Officer Grade. The Common Recruitment Examination tests a range of aptitudes, including proficiency in the both the Chinese and English languages.

Given the recent introduction of an across-the-board Chinese language requirement and the flexibility Heads of Department have to set higher standards where necessary, it is not intended at this stage to raise the basic entry requirement above a pass in Chinese Language in the HKCEE. However, we will keep the situation under close review as our plans for a biliterate and trilingual Civil Service develop.

### **Converted One-person Flats**

12. 朱幼麟議員問：鑑於公共屋邨“改建一人單位”（俗稱“劏房”）的同屋住客經常發生衝突，而此類衝突甚至演變成暴力事件，政府可否告知本局：

- (a) 現時全港共有多少個此類“改建一人單位”；
- (b) 在過去一年房屋署分別收到多少宗有關“改建一人單位”住客不和的投訴及發生在這些單位內的暴力事件數字為何；
- (c) 房屋署現時有否特別措施去排解這些單身人士的糾紛；及
- (d) 政府在制訂長遠房屋策略時，會否考慮以獨立一人單位取代此

類“劏房”？

**SECRETARY FOR HOUSING:** Mr President, there are 5 900 converted one-person flats in public rental housing estates.

In the past year, 247 complaints concerning disputes among tenants of such flats were received by the Housing Department: 21 cases involved serious disputes and were reported to the police.

The role played by Housing Department staff in these disputes is primarily one of mediator. They attempt to help tenants to resolve disputes peacefully. Where necessary, cases are referred to professional social workers for counselling or assistance. In more serious cases, the Housing Department will arrange for the relevant parties to be transferred to other suitable accommodation.

The Housing Authority intends to phase out converted one-person flats when the supply of standard one-person flats becomes sufficient to meet demand. The present stock of converted one-person flats will gradually be converted back to their original function of allocation in accordance with prevailing space standards.

The Long Term Housing Strategy Review will examine the demand for types of housing and will assess the needs of special groups, such as single persons and the elderly.

### Language Policy

13. 李家祥議員問：具中英雙語能力的工作人口是本港的有利競爭條件，政府可否告知本局，除了加強學生在課堂的語文訓練及中英語文課外閱讀外，會採取何種措施，鼓勵有良好語文修養人士編寫和翻譯高質素的書籍，以維持甚至加強本港工作人口的雙語能力？

**SECRETARY FOR EDUCATION AND MANPOWER:** Mr President, the

Administration is taking active steps in encouraging the translation of quality books or publications at three levels, namely, the school education, tertiary education and the community level.

At the school education level, we have in place the Chinese Textbooks Incentive Award Scheme. The aim of the Scheme is to encourage publishers to produce good quality Chinese textbooks and reference books in a variety of subjects to support the use of Chinese as the medium of instruction in secondary schools. In the first three phases of the scheme implemented between 1987 and 1992, a total of 92 sets of books covering 32 subjects at Secondary I to VII level were produced, of which 25% were translated through the equivalent textbooks in English. Phase 4 of the scheme, which is currently in progress, aims to produce by both writing and/or translating an additional 43 sets of books for use in the 1998-99 school year. The financial assistance awarded to publishers under the first three phases amounted to \$15.3 million and that for phase 4 is estimated at \$54.5 million.

At the tertiary education sector, with the exception of the Hong Kong University of Science and Technology, all the institutions offer courses in translation either at sub-degree, undergraduate and/or postgraduate level. These courses help to equip the graduates with the necessary language skills and knowledge for writing and translating books and other written materials. It is understood that most of the graduates have found employment in translation. In addition, some of the institutions including the Chinese University of Hong Kong, the Hong Kong University of Science and Technology and the Hong Kong Baptist University have established translation centres to promote bilingualism.

At the community level, the Language Fund was established in 1994 with an initial injection from the Government of \$300 million to fund projects to raise standards in Chinese and English. One of the important areas for which projects are invited from the community is in the field of translation. Although so far few projects in this area have been submitted and only one such project has been approved for funding, it is hoped that more will be received in future. Also, the Language Fund Advisory Committee is in the process of mapping out further proactive measures to encourage projects on strengthening bilingual proficiency in general and for the workforce in particular.

### **Negative Growth in Power Demand**

14. 劉千石議員問：中華電力有限公司（“中電”）於一九九四年的最新預

測是未來數年每年中電本地系統最高需求量的增幅為 5.1%，但一九九五年中電的本地系統最高需求量卻出現負增長；就此，政府可否告知本局：

- (a) 知否去年出現負增長的原因為何；
- (b) 政府會否要求中電重新對本地系統未來的最高需求量增幅作出更合理的修訂預測；及
- (c) 鑑於本地系統實際需求量增幅遠低於預測，政府會否修訂中電的未來發展計劃，以避免中電不合理擴大固定資產而令用戶受損？

**SECRETARY FOR ECONOMIC SERVICES: Mr President,**

- (a) The China Light and Power Company forecast in October 1994 that the local maximum demand on its system would grow at an average annual rate of 5.1% from 1995 to 1999, with maximum demand in 1995 expected to be 4 920 megawatts. The actual local maximum demand for electricity on the Company's system in 1995 was 4 720 megawatts, some 4% less than forecast. The decline was due to the relatively cooler summer in 1995, slower economic activity and the continuing decline of electricity consumption in the manufacturing sector of Hong Kong.
- (b) On the basis of the turn-out in 1995, the Company now expects annual sales to grow at between 3.5% and 5% in the next few years. Consequently, maximum demand for electricity is now forecast to grow at about 4.4% a year, as compared to the previous forecast of 5.4%, over the next few years.
- (c) The Company has revised its future development programme to take account of the lower forecast of maximum demand. The total capacity expansion plan for 1992 to 1999 has been revised from one which cost \$60 billion in the Company's 1992 Financing Plan to \$52 billion in the latest forecast. This reduction has been achieved by rescheduling transmission and distribution projects, deferring completion of the last two units of Black Point Power Station and

introducing other cost-cutting measures. These actions have reduced capital expenditure by \$1.2 billion and operating expenses by \$281 million between 1992 and 1995 and are expected to save a further \$6 billion in capital expenditure and \$1.17 billion in operating expenses from 1996 to 1999.

### Working Hours of Employees

15. 鄭家富議員問：根據一九九五年三月一項工資統計的調查報告，本港某些行業的僱員每天工作時間超逾八小時，如金融、商業服務、保險及護行業，部分僱員工作時間更長達 11 小時，政府可否告知本局：

- (a) 過去三年，西方國家與香港從事工業與服務業的僱員每年的每天平均工作時間分別為何；
- (b) 政府會否修訂現行的《婦女及青年（工業）規例》，或另行制訂新法例，以規定所有僱員的最長工作時間及計算超時工作金額的準則；
- (c) 若(b)項的答案為肯定，法例的立法時間表為何；及將於何時諮詢公眾；及
- (d) 若(b)項的答案為否定，當局將如何保障須經常超時工作的僱員，使他們獲得合理的待遇？

**SECRETARY FOR EDUCATION AND MANPOWER:** Mr President,

- (a) According to statistics provided by the International Labour Office, Geneva and the Census and Statistics Department, the hours of work per week for workers in the industrial and service sectors in Hong Kong and some developed western countries are set out in the following tables.

### Manufacturing

Type	Country	1992	1993	1994
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Hours actually worked per week	Hong Kong	43.0	44.9	44.6
	France	38.7	38.6	Not available
	United Kingdom*	43.2	43.1	43.4
Hours paid for per week	Canada	38.3	38.6	Not available
	United States	41.0	41.4	42.0
	Germany	40.7	40.9	38.0

\* Including quarrying.  
Construction

<i>Type</i>	<i>Country</i>	<i>1992</i>	<i>1993</i>	<i>1994</i>
Hours actually worked per week	Hong Kong	42.0	43.0	43.3
	France	Not available	Not available	Not available
	United Kingdom	45.0	44.7	Not available
Hours paid for per week	Canada	36.7	36.6	Not available
	United States	38.0	38.4	Not available
	Germany*	42.3	41.8	Not available

\* Male workers only.

Wholesale and retail trade, restaurants and hotels

<i>Type</i>	<i>Country</i>	<i>1992</i>	<i>1993</i>	<i>1994</i>
Hours actually worked per week	Hong Kong	48.0	48.2	48.1
	France*	39.0 (40.5)	39.02 (40.55)	Not available
	United Kingdom	39.4	39.6	Not available
Hours paid for per week	Canada	26.0	26.2	Not available
	United States	Not available	Not available	Not available
	Germany	Not available	Not available	Not available

\* Figures without brackets are the hours of work per week in wholesale and retail trade.

Figures with brackets are the hours of work per week in restaurants and hotels.

#### Transport, storage and communication

<i>Type</i>	<i>Country</i>	<i>1992</i>	<i>1993</i>	<i>1994</i>
Hours actually worked per week	Hong Kong	45.9	46.7	46.6
	France	Not available	Not available	Not available
	United Kingdom	46.9	46.5	Not available

Hours paid for per week	Canada	36.5	36.2	Not available
	United States	Not available	Not available	Not available
	Germany	Not available	Not available	Not available

## Financing, insurance, real estate and business services

<i>Type</i>	<i>Country</i>	<i>1992</i>	<i>1993</i>	<i>1994</i>
Hours actually worked per week	Hong Kong	41.4	43.3	43.2
	France*	38.79 (38.05)	38.80 (38.02)	Not available
	United Kingdom	36.8	36.9	Not available
Hours paid for per week	Canada	27.7	27.7	Not available
	United States	Not available	Not available	Not available
	Germany	Not available	Not available	Not available

\* Figures without brackets are the hours of work per week in financial institutions.

Figures with brackets are the hours of work per week in insurance.

## Community, social and personal services

<i>Type</i>	<i>Country</i>	<i>1992</i>	<i>1993</i>	<i>1994</i>
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Hours actually worked per week	Hong Kong	44.6	45.0	45.5
	France	Not available	Not available	Not available
	United Kingdom	36.5	36.6	Not available
Hours paid for per week	Canada	27.7	27.7	Not available
	United States	Not available	Not available	Not available
	Germany	Not available	Not available	Not available

*Notes:*

## Hours actually worked:

Hours actually worked should include all hours actually worked during normal periods of work, overtime, time spent at the place of work waiting or standing by, short rest periods including tea and coffee breaks.

## Hours paid for:

Hours paid for generally comprise, in addition to hours actually worked, hours paid for but not worked such as paid annual vacation, paid public holidays, paid sick leave and other paid leave.

Sources: Year Book of Labour Statistics 1994 published by the International Labour Office, Geneva.

Supplement of the Bulletin of Labour Statistics (1995-1, 1995-2 and 1995-3) published by the International Labour Office, Geneva.

Bureau of Statistics, International Labour Office, Geneva.

General Household Survey Section, Census and Statistics Department, Hong Kong.

- (b) The Labour Department is currently reviewing the Women and Young Persons (Industry) Regulations. Although there is no plan at this stage to introduce legislation to regulate the maximum working hours of all employees and the basis for calculating over-time payment, the subjects will be kept under review.
- (c) We intend to consult the Labour Advisory Board on the results of the review on the Women and Young Persons (Industry) Regulations in mid-1996. If legislative amendments are required, it is our intention to submit the proposed (Amendment) (Regulations) into the Executive Council in late 1996. The actual legislative timetable, however, will depend on the outcome of the consultation process.
- (d) Not applicable

### **Traffic Accidents Caused by Overloading Vehicles**

16. 蔡根培議員問：政府可否告知本局：

- (a) 自一九九二年至今，有多少宗交通意外是因物件從車上墮下引致的；造成多少人傷亡；及發生意外的車輛以何種類別為主；
- (b) 在同一期間內，有多少宗意外是因車輛超載或不符載物規定引致的；及政府一共對多少宗涉及該類車輛的個案提出檢控；及
- (c) 政府有否檢討目前的法例及懲罰對該類車輛是否有阻嚇作用，及政府有何其他措施防止上述(a)項所提及的意外發生？

**SECRETARY FOR TRANSPORT:** Mr President,

- (a) During the four-year period between 1992 and November 1995, 32 traffic accidents were caused by objects that fell from vehicles. There were 43 injuries. The types of vehicles most frequently involved were light and medium goods vehicles.
- (b) During the same period, 145 accidents involved overloaded vehicles.

93 prosecutions were instituted.

107 accidents involved vehicles with insecure loads and 58 prosecutions were instituted.

- (c) The Administration last reviewed the penalties for overloading and other vehicle loading offences in 1994. This resulted in increases in the fixed penalties from \$280 to \$450 for insecure loading and from \$450 to \$1000 for overloading. In addition, an amendment was made to the Road Traffic (Traffic Control) Regulations to impose strict liability on owners of goods vehicles for overloading offences.

Other measures which the Administration has put in place to prevent overloading and insecure loading of vehicles include:

- the installation of additional weighting facilities — a new weighstation was opened in Tai Lam Chung in early 1995;
- the publication of a Code of Practice on the loading of vehicles and pamphlets to educate and inform the trade about the best way to load a vehicle;
- regular meetings between the Transport Department and goods vehicle operators at which the message of safe loading is emphasized;
- continuous publicity about the danger of such offences; and
- the provision of a telephone hotline at the Transport Department to encourage the public to report instances of overloading and insecure loading.

The police have deployed more manpower to tackle the problem of overloading and have stepped up enforcement action since the increase in the fixed penalty for overloading offences. For the 11-month period from January to November 1995, 24 077 fixed penalty tickets were issued for such offences.

The Administration is continuously monitoring the situation. Other measures, such as the introduction of demerit points for convictions of vehicle overloading and other loading offences, will be considered.

### **Suspects Committing Suicide under Police Custody**

17. 周梁淑怡議員問：政府可否告知本局：

- (a) 過去三年，每年在警方逮捕後或拘留期間，自殺或企圖自殺的疑犯數目分別是多少；及
- (b) 事後警方會有甚麼跟進行動及措施以防止同類事件再發生？

**SECRETARY FOR SECURITY:** Mr President, the answers to the two parts of the question are set out below:

- (a) The number of suspects who have committed suicide during police custody or detention in the past three years is as follows:

<i>1993</i>	<i>1994</i>	<i>1995</i>	<i>Total</i>
1	2	3	6

There were 19 cases of attempted suicide in 1995. The figures for 1993 and 1994 are not available.

- (b) The police have conducted thorough investigations immediately following each incident and the investigation reports need to be submitted to the coroner's court. Under section 7 of the Coroners Ordinance (Cap. 14), whenever any person dies whilst in official custody, a coroner shall inquire into the cause of death with a jury of three persons. The police are fully aware of their responsibility to ensure the safety of persons under their custody. Apart from deploying cell guard constables to maintain regular checks on all detainees, and putting detainees with known suicidal tendencies

under constant observation, the police are carrying out a number of new measures to prevent detainees from committing suicide. These include -

- identifying suitable tear-proof blankets to prevent detainees from using torn-up blankets to hang themselves in the detention cells; and
- conducting a pilot project with a view to covering all cell bars with XPM wire mesh, a material which can stop detainees from fastening anything to cell bars to hang themselves. If the pilot project is successful, XPM wire mesh will be installed in all police cells.

### **Gifted Pupils**

18. **DR DAVID LI** asked: *The Fung Hon Chu Gifted Education Centre, which is the territory's first centre for gifted pupils, was opened in December last year. Will the Government inform this Council of the following:*

- (a) *what is the total number of pupils in the territory who are identified as "gifted";*
- (b) *what is the definition of "gifted" in the context of this Centre;*
- (c) *what criteria are adopted in placing pupils in this Centre; and*
- (d) *how will "gifted" pupils benefit from the facilities of this Centre?*

**SECRETARY FOR EDUCATION AND MANPOWER:** Mr President,

- (a) "Gifted" children generally refers to those who show exceptional achievement or potential in academic performance, creativity, leadership, psychomotor ability, visual or performing arts. To ascertain the number and distribution of academically gifted



students in Hong Kong, the Education Department has commissioned a research study by a team of researchers from the University of Hong Kong, Chinese University of Hong Kong and Hong Kong Polytechnic University between 1992 and 1995. Using a sample of 81 primary schools, the initial finding of the study reveals that around 1 240 students or about 2% of the students in these schools could be classified as academically gifted. This finding is in line with the percentage of academically gifted students identified in other developed countries. On this basis, we estimate that there are around 20 000 academically gifted students aged between six to 18 in Hong Kong.

- (b) In the context of the Fung Hon Chu Gifted Education Centre, "gifted" refers to academically gifted students, that is, those who show exceptional achievement or potential in one or more of the following areas:
  - (i) high level of intelligence, as measured on standardized intelligence tests;
  - (ii) specific academic aptitude in one or more subject areas; or
  - (iii) high ability in creative thinking.
- (c) The purpose of the centre is to provide students who are identified as academically gifted with enrichment programmes or extended learning programmes at the centre to supplement their normal curriculum in their own schools. Selection of students for a particular programme is based on the following criteria:
  - (i) the nature and objectives of the programme;
  - (ii) ability of students in meeting the selection criteria for the particular programme;
  - (iii) the wish of the parents and the recommendations of teachers;
  - (iv) the cognitive and affective needs of the students; and

- (v) the interest, talent and commitment of the students.
- (d) As mentioned in (c) above, children identified as academically gifted can attend additional courses or programmes conducted at the centre. They can also use the various facilities provided therein such as library, computer room, language laboratory and so on to pursue their independent learning goals. The centre is also a venue for gifted students and their teachers from various schools to take part in joint projects to share experience as well as to receive mutual support. Teachers and parents concerned can also get resource support in this centre, which in turn further fosters the potential of gifted students. The centre will form the basis for the long-term development in gifted education.

### Personal Data of Senior Civil Servants

19. 李鵬飛議員問：鑑於最近中英雙方在聯合聯絡小組會議席上未能就高級公務員個人資料檔案移交問題達成共識，政府可否告知本局：

- (a) 港府在此問題上所採取的立場；
- (b) 中英雙方在移交該等檔案安排上出現甚麼分歧；及
- (c) 港府怎樣將高級公務員個人資料分類，以決定何種資料可以移交中方，何種資料要運回英國？

**SECRETARY FOR THE CIVIL SERVICE:** Mr President, there is a significant measure of agreement between the Chinese and British sides over civil service issues. Both sides attach considerable importance of a stable Civil Service with good morale to a smooth transition for Hong Kong. Both sides have agreed that informal get together should be held in Hong Kong to enable Chinese Officials and senior Hong Kong civil servants to get to know each other better. Three such gatherings have been held to date — to the satisfaction of both sides.

As to the question of files containing personal data on senior civil servants, our position is very clear. Such files are no different from any other files in the Hong Kong archives. In accordance with the agreement reached between the Chinese and British sides in 1990, the British side will transfer to the Chinese side all archives necessary for the proper administration of the future Special Administrative Region. There will be no physical movement of the files. Files containing personal data of civil servants will be dealt with no differently from other files. No categories of material in these personnel files will be sent to Britain.

As we have stated previously, in order to enable the Chief Executive (Designate) to nominate Principal Officials for appointment, we will provide him with access to the necessary personal files and information well before 1997. As for providing the Chinese side with information on senior civil servants, we are already handing over detailed biographical notes on all those officers who are and will be attending the informal get togethers. We believe these to be comprehensive and useful.

### **Bus Stop Shelters**

20. 李華明議員問：就九龍巴士公司（“九巴”）興建巴士站上蓋事宜，政府可否告知本局：

- (a) 興建上蓋由計劃至工程完成，一般需時多少；
- (b) 九巴在一九九五年興建多少個巴士站上蓋，該數目能否達致預期目標；若否，原因為何；
- (c) 為何政府批准九巴在觀塘碧雲道巴士站興建上蓋，事前沒有周全的策劃，及至承建商掘開路面才發覺地下藏有電纜，令工程不能進行；及
- (d) 政府會否全面檢討興建巴士站上蓋的策劃以改善各方面的配合？

**SECRETARY FOR TRANSPORT:** Mr President,

- (a) The time taken from the planning of a bus stop shelter project to its

completion is about one year. This process includes the examination of proposals, consultation with district boards and all the relevant government departments (including the Geotechnical Engineering Office, Highways Department, Lands Department and police), site investigation and construction.

- (b) The KMB's tentative programme was to construct about 400 shelters between mid-1995 to mid-1996. After circulation of the proposals and consultation, the number has had to be reduced to 206 because of local objections and site constraints such as the presence of underground utilities which cannot be shifted. Work on these shelters is in progress and they should be completed by mid-1996.
- (c) The provision of bus shelters takes into account passenger need and local conditions. Before actual construction, trial pits are dug on site to establish the best position for the foundation of the bus shelter and to identify possible site problems, for example, the presence of underground utilities, which may need to be resolved before construction.

The particular problem regarding the site for the bus shelter at Pik Wan Road could not have been anticipated before trial pits were dug. The underground cables were found to be too close to the proposed foundation of the bus shelter. The KMB is now looking into various ways of overcoming this particular problem.

- (d) The Government regularly reviews the guidelines and procedures for the planning and construction of bus shelters. The last review was conducted in September 1994. The Transport Department will continue to work closely with the franchised bus companies to monitor progress and to identify new sites for bus shelters.

## MOTIONS

### CRIMINAL PROCEDURE ORDINANCE

*THE ATTORNEY GENERAL to move the following motion:*

"That the Application for Dismissal of Charges Contained in a Notice of Transfer Rules, made by the Chief Justice on 4 December 1995, be approved."

He said: Mr President, I move the resolution standing in my name in the Order Paper. The resolution is to the effect that the Application For Dismissal of Charges Contained in a Notice of Transfer Rules, made by the Chief Justice on 4 December 1995, be approved.

The Criminal Procedure (Amendment) Ordinance 1995 introduced a number of new procedures to enable vulnerable witnesses in criminal cases to give their evidence without fear and without suffering unnecessary emotional distress. One of these procedures is to prevent child or mentally handicapped witnesses from being required to give evidence in court twice in relation to serious abuses — once at the committal proceedings and again at the trial. Committal proceedings will not be needed when the Director of Public Prosecution issues a "notice of transfer" certifying that the evidence is sufficient for the accused to be committed for trial. While the "notice of transfer" procedure aims to save child and mentally handicapped witnesses from having to give evidence twice, a defendant to whom a "notice of transfer" relates may make an application to the High Court for dismissal of the charges contained in the notice. Section 79G provides that the Chief Justice may make rules or directions in respect of an application for dismissal of the charges contained in a notice of transfer. Any such rules or directions require the approval of this Council before taking effect.

Mr President, the Chief Justice has now made rules setting out the procedure in applying for dismissal of charges contained in a notice of transfer, the procedure on the notification of the application, the manner in which the application is to be determined and the procedure on the notification of the determination. The rules also provide for the right of a defendant to make an application through his or her legal representative.

The approval of the rules today will complete the necessary preparations for the reforms contained in the Ordinance. I intend to bring the Ordinance into operation next month.

Mr President, I beg to move.

*Question on the motion proposed, put and agreed to.*

## **INTERPRETATION AND GENERAL CLAUSES ORDINANCE**

***THE SECRETARY FOR SECURITY to move the following motion:***

"That -

- (1) the Immigration Ordinance (Cap. 115) be amended -
  - (a) in section 17C(3) by repealing "of \$1,000" and substituting "at level 2";
  - (b) in section 17I(1) by repealing "\$250,000" and substituting "\$350,000";
  - (c) in section 17J(2) by repealing "\$50,000" and substituting "\$150,000";
  - (d) in section 17M(1) by repealing "of \$10,000" and substituting "at level 5";
  - (e) in section 17M(2) by repealing "of \$1,000" and substituting "at level 2";
  - (f) in section 17M(3) by repealing "of \$10,000" and substituting "at level 5";
  - (g) in section 37C(1)(ii) by repealing "\$100,000" and substituting "\$350,000";
  - (h) in section 37D(1)(ii) by repealing "\$100,000" and substituting "\$350,000";
  - (i) in section 37DA(1)(a) by repealing "\$200,000" and

substituting "\$500,000";

- (j) in section 37DA(1)(b) by repealing "\$100,000" and substituting "\$250,000";
- (k) in section 37O(1)(ii) by repealing "\$100,000" and substituting "\$350,000";
- (l) in section 37P(1)(ii) by repealing "\$100,000" and substituting "\$350,000";
- (m) in section 38(1) by repealing "of \$10,000" and substituting "at level 4";
- (n) in section 38(4)(i) and (ii) by repealing "\$100,000" and substituting "\$600,000";
- (o) in section 38A(2) by repealing "\$250,000" and substituting "\$350,000";
- (p) in section 39(a) and (b) by repealing "\$100,000" and substituting "\$600,000";
- (q) in section 40 by repealing "of \$10,000" and substituting "at level 3";
- (r) in section 41 by repealing "of \$5,000" and substituting "at level 5";
- (s) in section 42(4)(a) by repealing "\$50,000" and substituting "\$150,000";
- (t) in section 42(4)(b) by repealing "of \$20,000" and substituting "at level 6";
- (u) in section 44 by repealing "\$20,000" and substituting

"\$120,000";

- (v) in section 46B(2) by repealing "of \$50,000" and substituting "at level 5";
- (w) in section 58B(1) and (2) by repealing "of \$1,000" and substituting "at level 2";
- (2) the Births and Deaths Registration Ordinance (Cap. 174) be amended -
  - (a) in section 21(3) by repealing "of \$1,000" and substituting "at level 1";
  - (b) in section 28 by repealing "of \$1,000" and substituting "at level 1";
- (3) the Births Registration (Special Registers) Ordinance (Cap. 175) be amended in section 10, by repealing "of \$1,000" and substituting "at level 1";
- (4) the Deaths Registration (Special Registers) Ordinance (Cap. 176) be amended in section 10, by repealing "of \$1,000" and substituting "at level 1";
- (5) the Registration of Persons Ordinance (Cap. 177) be amended -
  - (a) in section 5(2) by repealing "of \$5,000" and substituting "at level 5";
  - (b) in section 7A(1)(a) by repealing "of \$50,000" and substituting "at level 6";
  - (c) in section 7A(1)(b) by repealing "of \$20,000" and substituting "at level 5";
  - (d) in section 7A(1A)(a) by repealing "of \$50,000" and substituting "at level 6";



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- (e) in section 7A(1A)(b) by repealing "of \$20,000" and substituting "at level 5";
  - (f) in section 7AA(1)(i) by repealing "of \$50,000" and substituting "at level 6";
  - (g) in section 7AA(1)(ii) by repealing "of \$20,000" and substituting "at level 5";
  - (h) in section 7B(3) by repealing "of \$3,000" and substituting "at level 2";
- (6) the Registration of Persons Regulations (Cap. 177 sub. leg.) be amended -
- (a) in regulation 11(2A) by repealing "of \$3,000" and substituting "at level 2";
  - (b) in regulation 12(4) by repealing "of \$5,000" and substituting "at level 4";
  - (c) in regulation 13A by repealing "of \$20,000" and substituting "at level 5";
  - (d) in regulation 19(2) and (2A) by repealing "of \$3,000" and substituting "at level 3";
  - (e) in regulation 19(2B)(c) and (2C) by repealing "of \$20,000" and substituting "at level 5";
  - (f) in regulation 19(4) by repealing "of \$5,000" and substituting "at level 4";
- (7) the Marriage Reform Ordinance (Cap. 178) be amended -
- (a) in section 10(2) by repealing "of \$1,000" and substituting "at level 1";

- (b) in section 23 by repealing "of \$1,000" and substituting "at level 1";
- (8) the Marriage Ordinance (Cap. 181) be amended -
  - (a) in section 30 by repealing "of \$2,000" and substituting "at level 1";
  - (b) in section 31 by repealing "of \$250 " and substituting "at level 1";
  - (c) in section 32 by repealing "of \$1,000" and substituting "at level 1";
  - (d) in section 39(3) by repealing "of \$2,000" and substituting "at level 1";
  - (e) in section 39(4) by repealing "of \$250" and substituting "at level 1";
- (9) the British Nationality (Miscellaneous Provisions) Ordinance (Cap. 186) be amended -
  - (a) in section 3(1) by repealing "of \$15,000" and substituting "at level 5";
  - (b) in section 3(2) by repealing "of \$7,500" and substituting "at level 4";
  - (c) in section 3A(4) by repealing "of \$50,000" and substituting "at level 6";
- (10) the Immigration Service Ordinance (Cap. 331) be amended -
  - (a) in section 17 by repealing "of \$2,000" and substituting "at level 1";

- (b) in section 18 by repealing "of \$1,000" and substituting "at level 3";
- (c) in section 19 by repealing "of \$250" and substituting "at level 1";
- (d) in section 20 by repealing "of \$500" and substituting "at level 1";
- (e) in section 21 by repealing "of \$250" and substituting "at level 1".

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

The motion before Members seeks to increase the statutory fines in immigration related legislation to restore their real value.

Section 100A(1) of the Interpretation and General Clauses Ordinance (Cap. 1) provides that the Legislative Council may, by resolution, amend any ordinance so as to increase the amount of any fines specified in that ordinance.

The Criminal Procedure (Amendment) (No. 2) Ordinance 1994 enacted in July 1994 introduced the scale of fines for statutory penalties not exceeding \$100,000. This enable the maximum fine level to be increased from time to time by a single order by Governor in Council to take account of inflation and hence preserve the deterrent effect of the penalties. The standard scale of fines consists of six levels, ranging from \$2,000 at Level 1 to \$100,000 at Level 6.

The standard scale, however, does not take account of inflation in respect of fines specified in money term before their conversion on to the scale. A review of existing fines is therefore necessary. I have reviewed the relevant Ordinances under my purview. Following discussions with the Legislative Council Subcommittee formed to study the then Resolution which was subsequently withdrawn, I now propose to revise the following 38 items of statutory fines, with which the Subcommittee has agreed:

- there are 22 items under the Immigration Ordinance (Cap. 115)

relating to requirement to carry proof of identity, unauthorized entrants, and other offences under the Ordinance.

- one item under the Immigration Service Ordinance (Cap. 331) relating to making false reports to service personnel.
- 12 items under the Registration of Persons Ordinance (Cap. 177) and Regulations relating to failing to register, using and possessing forged identify cards, altering an identity card.
- three items under the British Nationality (Miscellaneous Provisions) Ordinance (Cap.186) relating to making false statement and disclosing information.

For fines at or below \$100,000 after adjustment, they will be converted to the appropriate level of fines on the standard scale. There are 25 such items out of the 38.

For fines exceeding \$100,000 after adjustment, they will be expressed in money terms. There are 13 such items and they all involve more serious offences such as employing a person not lawfully employable, failure to inspect proof of identity before employment, carrying illegal entrants on a ship, assisting illegal entrants to remain. The fine for employing a person not lawfully employable will be increased from \$150,000 to \$350,000.

In addition, there are 18 items in these ordinances for which we do not seek to adjust for inflation. However for consistency, these fines will be converted to the appropriate level on the standard scale. In other words, all fines at or below \$100,000 will no longer be expressed in money terms. These 18 items include:

- one item under the Immigration Ordinance (Cap. 115) relating to penalty on disposing of property to be forfeited.
- four items under the Births and Deaths Registration (Cap. 174) and Special Registers Ordinance (Cap. 175 and Cap. 176) relating to tampering with the register and other miscellaneous offences.
- two items under the Registration of Persons Ordinance and Regulation (Cap. 177) relating to failure to re-apply for identity

cards issued before 1 July 1987 and failure to carry identity card in designated areas.

- seven items under the Marriage Ordinance (Cap. 181) and Marriage Reform Ordinance (Cap. 178) relating to failure to transmit marriage certificates, removing marriage records and other miscellaneous offences.
- four items under the Immigration Service Ordinance (Cap. 331) relating to offences against members of the service and unauthorized wearing of uniform, and so on.

Mr President, I beg to move.

*Question on the motion proposed.*

**MR JAMES TO:** A Subcommittee of seven Members was formed on 27 October 1995 to study the Resolution which was intended for the Legislative Council sitting on 8 November 1995, and subsequently withdrawn in order to enable Members to study more carefully. I was elected Chairman of the Subcommittee. The Subcommittee held two meetings with the Administration. I am pleased to say that the Subcommittee and the Administration were able to reach agreement in respect of the amount and level of fines for the immigration related offences, and the motion now being moved by the Secretary for Security is a result of such understanding. I wish to take this opportunity to thank the Administration for being flexible and receptive to Members' views.

On offences of and relating to illegal employment, Members asked and the Administration confirmed that the Government is now considering a package of measures against such offences, and that it will introduce amendments to relevant existing legislation in the very near future. I hope the amendments will be in line with what the community wishes.

Mr President, with these remarks, I support the Secretary for Security's motion.

李卓人議員致辭：主席先生，剛才保安司說聘請非法勞工的罰款會由25萬元修訂為35萬元，本來我有意修訂35萬元這上限，但我發覺即使由25萬元增加至35萬元，都只是一種“頭痛醫腳”的做法。因為實際罰款只由300元至2萬元不等，而且只有其中37宗引用監禁的條文。

我們知道人民入境事務處在認為罰款過低時，曾要求律政署作出檢討，應否向法庭申請覆核。但在九五年，從未有一宗個案是律政署肯把被認為偏低的罰款額或刑罰提高。最近又有一個例子，一間深井燒鵝店聘用十名非法勞工，但每聘用一名非法勞工只判罰5,000元，而律政署已拒絕就這案件申請司法覆核。因此，雖然現時特別行動組由46人增至92人，可以採取更多行動，但如果最後法庭輕輕放過違例者的話，則整個禁絕非法勞工的政策目標即已全盤失敗。

因此，一方面我支持修訂，但另一方面，我則希望律政署真的要求法庭把偏低的罰款加以覆核，否則，提高罰款也沒有意義。

**ATTORNEY GENERAL:** Thank you, Mr President. I will be very brief. I am afraid that Mr LEE Cheuk-yan is misinformed when he says that I took no action. I will be happy to supply Mr LEE, and Members of the Council, with details of a judgment from the Court of Appeal where I indeed sought a review of sentence in a case involving an illegal employment and will continue to be vigilant to apply for a review of sentence in any case which I consider the sentence to be manifestly inadequate or wrong in principle.

I can assure Mr LEE that I entirely share his sentiments that we must bear down heavily on employers who persist in employing illegal immigrants by way of cheap labour, but I cannot accept his contention that I have been idle or negligent in performing my duties in this regard. I will be very happy to supply him with a copy of that judgment.

**SECRETARY FOR SECURITY:** Mr President, I simply want to record my thanks to Mr James TO as Chairman of the Subcommittee and his members.

*Question on the motion put and agreed to.*

**BILLS****First Reading of Bills****LAW AMENDMENT AND REFORM (CONSOLIDATION)  
(AMENDMENT) BILL 1995****ROAD TRAFFIC (AMENDMENT) (NO. 3) BILL 1995****EASTERN HARBOUR CROSSING ROAD TUNNEL (PASSAGE TAX)  
BILL****INLAND REVENUE (AMENDMENT) (NO. 4) 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****LAW AMENDMENT AND REFORM (CONSOLIDATION)  
(AMENDMENT) BILL 1995**

***THE SECRETARY FOR HOME AFFAIRS to move the Second Reading of:  
"A Bill to amend the Law Amendment and Reform (Consolidation)  
Ordinance."***

政務司政辭：主席先生，我謹動議二讀《1995年法律修訂及改革（綜合）（修訂）條例草案》。

本草案是根據法律改革委員在廣泛諮詢有關人士及團體後，針對本港財產繼承法例而作出的最後一項實質修訂。

本草案的內容，關乎“喪失權利規則”。目前該規則禁止非法殺人者藉繼承權等方式，從死者遺產中獲取經濟利益。即使非法殺人者在道德上毋須受責，法庭仍會嚴格執行這項規則。為配合其他地方推行的改革措施，本草案授權法庭可在合乎公正的原則下，放寬甚或豁免這項規則。草案並訂明，這項酌情決定權只可用於謀殺案以外的非法殺人案件。

本草案第25A條訂明定義。

本草案第25B條訂明法院在考慮過犯人和死者的行為以及其他情況後，可基於須就案件作出公平裁決，有權修改喪失權利規則的效力。

本草案第25C條規定，喪失權利規則並不阻止任何人士根據《財產繼承（供養遺屬及受養人）條例》（第481章）或《婚姻法律程序與財產條例》（第192章）申請經濟供養。

本草案第25D條規定，喪失權利規則適用於謀殺犯，毋須修訂。

*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).*

### **ROAD TRAFFIC (AMENDMENT) (NO. 3) BILL 1995**

***THE SECRETARY FOR TRANSPORT to move the Second Reading of: "A Bill to amend the Road Traffic Ordinance."***

**SECRETARY FOR TRANSPORT:** Mr President, I move the Second Reading of the Road Traffic (Amendment) (No. 3) Bill 1995. This is the first of three Bills I am introducing this afternoon to seek powers for the Administration to adopt fiscal measures to deal with traffic congestion.

During the consultation exercise on the Report of the Working Party on Measures to Address Traffic Congestion, there was general support, from Members of this Council, from district boards and from the public, for the "user pays" approach and for the introduction of Electronic Road Pricing (ERP) as an important measure to combat traffic congestion. We are now finalizing the consultancy brief and I expect to seek funds from Council in March to allow the consultancy to begin later this year. Trials will be conducted before the implementation of a full ERP scheme.

Meanwhile, more traffic management schemes, such as giving greater



priority to buses and establishing tighter control over goods vehicles loading and unloading in busy areas, will be implemented. Such measures also received wide support during the consultation exercise.

This said, we still need effective and quick measures to limit the growth in private car numbers. Fiscal measures may well be unpopular but the Administration firmly believes that increases in the First Registration Tax and Annual Licence Fees would have a direct impact in containing the size of the private car fleet. This has been proven in the past.

In recent months, the sale of and the increase in the number of private cars has fallen substantially and is, indeed, now below our target of containing growth to between 2% to 3%. Although no increase in Annual Licence Fees or First Registration Tax are necessary immediately, the Administration needs to have the ability to act swiftly should this become necessary.

The First Registration Tax can be increased by means of a Legislative Council resolution under section 8 of the Motor Vehicle (First Registration Tax) Ordinance. The Passage Tax at the Cross-Harbour Tunnel can also be increased by a Legislative Council resolution under the Cross-Harbour Tunnel (Passage Tax) Ordinance. It is however necessary to amend existing, and provide for new, legislation to implement the other fiscal measures.

The Road Traffic (Amendment) (No. 3) Bill seeks to provide powers for the Administration to raise motor vehicle Annual Licence Fees. While the Road Traffic Ordinance currently empowers the Governor in Council to make regulations to provide fees that may be charged for vehicle licensing, this is limited to cost-related adjustments.

Increasing Annual Licence Fees above costs as a measure to deter car ownership requires an amendment to the primary legislation.

Clause 2 of the Bill empowers the Governor in Council to set Annual Licence Fees at levels which need not be limited by reference to costs. The subsidiary legislation so made will be subject to the approval of the Legislative Council by resolution.

Mr President, I reiterate that the Administration has no immediate plans to increase Annual Licence Fees. Should it become necessary to do so in future, Honourable Members will have the opportunity to vet the actual proposals. Indeed, as I have said, the Council's specific approval will have to be obtained.

Thank you, Mr President.

*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).*

## **EASTERN HARBOUR CROSSING ROAD TUNNEL (PASSAGE TAX) BILL**

***THE SECRETARY FOR TRANSPORT to move the Second Reading of: "A Bill to impose a tax on the passage of motor vehicles through the Eastern Harbour Crossing Road Tunnel, to amend the Eastern Harbour Crossing Ordinance and for purposes connected therewith."***

**SECRETARY FOR TRANSPORT:** Mr President, I move the Second Reading of the Eastern Harbour Crossing Road Tunnel (Passage Tax) Bill. The main purpose of this Bill is to enable the Administration to impose a Passage Tax at the Eastern Harbour Crossing as a measure to tackle traffic congestion.

This Bill is modelled on the Cross-Harbour Tunnel (Passage Tax) Ordinance which already provides for the imposition of a passage tax.

Again, the Administration is not at present proposing to impose any passage tax at the Eastern Harbour Crossing or increase the passage tax at the Cross Harbour Tunnel. If and when specific increases are sought, Honourable Members will have the opportunity to debate the Administration's proposals. Indeed, before any new passage tax can be implemented, the Council's specific approval has to be obtained.

Thank you, Mr President.

*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).*

**INLAND REVENUE (AMENDMENT) (NO. 4) BILL 1995**

***THE SECRETARY FOR TRANSPORT to move the Second Reading of: "A Bill to amend the Inland Revenue Ordinance."***

**SECRETARY FOR TRANSPORT:** Mr President, I move the Second Reading of the Inland Revenue (Amendment) (No. 4) Bill 1995. This Bill seeks to remove tax concessions for company-owned cars.

The Administration's assessment remains that at least 25% of private cars are now company-owned and that such cars account for about 40% of the cars on the road during peak commuting hours. At present, cars in company ownership benefit from generous initial and annual depreciation allowances. An initial allowance of 60% and an annual allowance of 30% of the residual value of motor vehicles can be claimed under the Inland Revenue Ordinance. This in effect means that companies can claim tax allowances of up to 72% of the capital cost of their cars in the first year. Such concessions provide a positive incentive for companies to own private cars.

During the public consultation exercise on traffic congestion, there was strong support for the removal of tax benefits for the purchase and operation of company cars. The Inland Revenue (Amendment) (No. 4) Bill seeks to remove these concessions.

Clause 3 of the Bill provides that in calculating a person's assessable income, no outgoings or expenses incurred in connection with the acquisition, financing, leasing, maintenance, operation or use of a private car shall be deducted.

Clause 4 provides that in the calculation of taxable profits, no outgoings or expenses incurred in connection with the acquisition, financing, leasing, maintenance, operation or use of a private car shall be deducted. However, the clause provides for an exception for car dealers, who will continue to be entitled to such deductions in respect of their trading stock.

Thank you, Mr President.

*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).*

## MEMBER'S MOTIONS

### INTERPRETATION AND GENERAL CLAUSES ORDINANCE

***MR LEE WING-TAT to move the following motion:***

"That the Ferry Services (Hongkong and Yaumati Ferry Company, Limited) (Determination of Fares) (Amendment) Order 1995, published as Legal Notice No. 545 of 1995 and laid on the table of the Legislative Council on 6 December 1995, be repealed."

李永達議員致辭：主席先生，我動議通過議事程序表所載，在我名義下的議案。

本局在一九九五年十二月八日成立一個由13名成員組成的小組委員會，研究此項政府訂立的命令，本人當選小組委員會主席。小組委員會曾舉行兩次會議，與政府當局會晤，並且接見香港油地小輪、離島區議會及離島各區反對香港小輪加價聯席會三個團體的代表。

為方便議員審議這項命令，政府當局向小組委員會提供了香港油地小輪船有限公司的財政狀況資料。以下本人將簡稱該公司為“油地小輪”。

小組委員會成員得悉油地小輪在一九九五年虧損1,970萬元，而且即使加價後，在未來兩年仍會面對嚴重的虧損。於是議員便研究油地小輪的母公司，即香港小輪（集團）有限公司的財政狀況。以下本人將簡稱該母公司為“香港小輪（集團）”。

香港小輪（集團）在一九九四年有6,000萬元的盈餘，預計一九九五年的盈餘可達7,000萬元。政府當局表示，油地小輪碼頭發展計劃的三方協議將於今年三、四月間備妥；碼頭發展計劃完成後，油地小輪便可透過在一九九八／九九年度出售物業及二零零零年前出租物業，獲得鉅額收益。

小組委員會部分成員因而提出，油地小輪的經營虧損應由香港小輪（集團）承擔。但政府當局回應時則表示，政府審議油地小輪的加價申請

時，只會考慮該公司的渡輪營運情況，以及與渡輪有關的業務。然而，這一論點未能使議員信服。

離島區議會及離島各區反對香港小輪加價聯席會的代表均對是次加價表示關注。他們提出的其中一點是油 地小輪在一九九四年調整收費時答應改善服務，但該公司的服務至今卻絲毫未見改善。因此，是次加價並不合理。基於此點，議員向當局提出政府應發揮更積極的作用，監察油 地小輪的服務表現。

小組委員會仔細審議此事後，大部分成員均同意目前不宜容許油 地小輪加價。因此，小組委員會請本人提出廢除此項命令的決議案。

然而，部分議員卻不贊同大多數成員的意見。若干議員表示同意這項命令，原因是油 地小輪是一家商業機構，既然因經營公共運輸服務而有虧損，則理應最少獲准彌補部分的營運虧損，甚至應賺取資金，從中得到鼓勵，不斷改善渡輪服務。另一些議員則認為有需要在油 地小輪的財政困難及加價對民生的影響兩者之間取得平衡，因此，他們會接納較低的平均增幅。

綜述過小組委員會的看法，本人現在略述個人的意見。

首先，我想談談油 地小輪的經濟及盈利前景。其實基於其未來可能出現困難，政府在九五年七月已經原則上同意讓香港小輪（集團）在毋須公開競投下，得到中環新碼頭上蓋物業發展權。據政府提供的資料推算，當物業上蓋發展在四年後完成，集團大概會有11億元盈利，減除要將6.4億元作為改善船隊及服務，集團在未來四年會有近5億元純利。這個收益已經非常可觀。

現時立法局議員及市民都支持讓香港小輪（集團）在毋須競投下，發展中環碼頭上蓋物業，這對公司已是一非常大幫忙。公司在物業發展計劃有初步決定還未夠一年，並估計未來有大幅盈利下，還申請大幅加價，這對市民並不公平。

政府與香港小輪（集團）一直強調，即使物業發展有盈利，協議仍訂明每年須按通脹加價。我向鮑文先生和王敏剛先生說聲對不起，我和民主黨以及香港市民並沒有參加你倆之間的秘密交易，小輪以後要按通脹加價，我們並不同意。其實，在九五年七月當原則性協議公開後，在公開的場合、在立法局的交通事務委員會，我與民主黨都已對這點提出反對。

其實，過去幾年，油 地小輪並無購買新船，是直至九四年，當油 地小輪與政府商討碼頭物業發展，小輪才表示有誠意購買來往屯門的新船。其

實我有時想，香港小輪（集團）究竟有興趣做公共服務，還是有興趣做地產生意。現時碼頭物業上蓋發展盈利，其實是市民間接資助公司買船投資及改善服務。香港市民有哪一方面是對不起香港小輪（集團）？

主席先生，我想說的第二點是關於不准加價就停辦航線這問題。

主席先生，前油地小輪行政總裁王敏剛先生以停辦航線作為要脅議員通過加價。我在過去五年的立法局工作中，第一次聽到這樣帶恐嚇性、蠻不講理及不負責任的言論。假如每一家公共事業公司都學習這樣做，以後所有公共事業公司都會用同一威嚇手段，不通過加價就停止或削減服務。不讓巴士加價，就要停止服務；中電、港燈不准加價就停電，甚至以後政府說不准水費加價就停止供水。如果人人都這樣做，這還成甚麼世界？難道有權和有財有勢的人就可任意妄為，目空一切？其實根據專利條款，油地小輪公司不可以單方面宣布停辦航線，它要負上專利合約上的責任，所以我希望運輸司鮑文先生今天就王敏剛先生所說的不准加價就停辦航線這問題，向立法局及公眾作一個全面及清楚的解釋。

主席先生，甚至有人說，不批准加價便會破壞行政主導。我第一次聽時也摸不着頭腦，這與行政主導有甚麼關係？審議加價是法例賦予立法局的權力，我們並不像一些機構，是任何建議都會舉手通過的橡皮圖章。合理的我們就通過，不合理的我們就反對。在香港這個多元化社會及立法局內，這樣做根本不足為奇，現時奇就奇在未到九七年，就愈來愈多人以所謂行政主導去遏抑不同意見。行政主導早晚會變為那些掌握權力人士的“一言堂”。

主席先生，我最後想談談關於小輪服務的問題。

主席先生，在今次加價事件中，我總共收到6 000份離島居民要求凍結加價的信件。這是非常強烈的聲音。他們認為在沒有任何選擇下，離島小輪服務一直沒有改善，包括每天都有小輪誤點。工友每天都被老闆責罵，甚至說如果明天還再遲到便會遭解僱。這情況持續了一年多，但油地小輪並沒有作出任何改善。油地小輪已經長時間沒有增加離島的航線及班次，職工服務又欠佳。一名長洲老街坊對我說，在六十年代，他由長洲到港島上大學，乘船時間為一小時；35年後，即一九九五年，他的孫兒到中環上中學，乘船時間變為一小時15分鐘。35年以來，服務不進反退，這樣可以接受嗎？油地小輪除了加價前表面上做些服務承諾，成立了乘客聯絡小組，加價後，這樣差的服務又故態復萌。我想問運輸司，你和運輸署的同事有否監督小輪的服務？

主席先生，其實民主黨曾經一再要求運輸科將加價申請押後至今年的四月才討論及考慮。因為到了今年四月，碼頭物業上蓋發展的最後協議會完成，屆時我們可以得知香港小輪（集團）須付出多少為物業發展補地價，以

及一個更精確的輪船公司未來盈利狀況。在這情況下，公眾和立法局議員才有全部資料，判斷加價申請是否合理。但可惜，運輸科一再拒絕我們的要求，所以我們別無選擇，只得凍結這項申請。

各位同事，我希望大家支持暫時撤銷這項加價申請，待四月讓立法局及公眾在清楚補地價及油 地小輪未來盈利狀況下，才討論加價是否合理。

主席先生，本人謹此陳辭，提出議案。

*Question on the motion proposed.*

**PRESIDENT:** Mr CHAN Kam-lam has also given notice to move a motion under the Interpretation and General Clauses Ordinance to amend the Ferry Services (Hongkong and Yaumati Ferry Company, Limited) (Determination of Fares) (Amendment) Order 1995. Mr CHAN's motion has been printed on the Order Paper. As the content of Mr LEE's and Mr CHAN's motions are cognate, I propose to have them debated together in a joint debate.

**PRESIDENT:** The two motions shall now be debated together in a joint debate. Members can now speak on either or both motions. At the end of the debate, we will vote on Mr LEE Wing-tat's motion first. Whether Mr CHAN Kam-lam will be called upon to move his motion would depend on the Council's decision on Mr LEE Wing-tat's motion. If Mr LEE Wing-tat's motion is agreed, that will by implication mean that Mr CHAN Kam-lam's motion will be disapproved. If, on the other hand, Mr LEE's motion is not carried, Mr CHAN Kam-lam will be called upon to move his motion, but the question on Mr CHAN's motion will be put without further debate.

陳鑑林議員致辭：主席先生，總督會同行政局批准油 地小輪加價的申請，加權平均增幅為13.96%。對於這個增幅，本人認為過高，特別是對於離島居民而言。由於地理環境因素，小輪服務對離島區的居民來說是唯一的交通工具，過高的增幅毫無疑問加重了他們的經濟負擔。面對今天本地經濟不景的情況下，本人實在不能接受是次增幅的建議。

不過，我們亦不得不承認渡輪服務的確處於不利的經營環境，而出現虧損是一個事實。渡輪服務出現虧損，我相信主要是因為港府一直沒有長遠的渡輪服務政策，致令渡輪服務的基本設施落後，開拓新航線及改善服務進度緩慢，再加上填海計劃，以及即將啟用的西區海底隧道等，都會進一步打擊渡輪業務的發展。

事實上，小輪乘客自七十年代以來，由高峰期的1.3億乘客量下降至現在九五年的3 800萬人次，正正顯示渡輪業務是夕陽行業。本人強烈要求政府從速檢討本地渡輪服務的規劃，令居民可以有高質素和合理價格的渡輪服務。

本人今次的修正案主要希望做到能兼顧渡輪服務出現的龐大虧損及減輕對公眾所造成的負擔。因此，本人提出凍結所有學童、高齡人士、傷殘人士及月票的加幅。

修正建議經計算後，可以把原建議的加幅，加權平均增幅降至12.3%，而離島線則可以降至10.4%。因此，將可以使22%居民不受今次加價影響，令經常使用渡輪服務居民的整體家庭負擔可以減輕。同時，小輪公司的整套改善服務和發展計劃也不致受到太大的沖擊。

民建聯對公用事業的加價申請，一直是本着理性的角度進行探討。民建聯所持的態度是務實的，我們會按每次加價申請對民生的影響、服務質素、營運機構的財政狀況，再加上整體社會經濟和通脹因素，作為決策的依據。本人期望這次修正能得到局內各位同事以務實的角度審議，支持我們的修正案。

主席先生，本人謹此陳辭，提出修正案。

任善寧議員致辭：主席先生，關於油 地小輪加價，我想指出一些似是而非觀點的問題所在：

第一，所謂“利潤中心”（Profit Centre）的觀念。小輪本身經營應獨立計算，集團公司其他事業不應補貼小輪經營，但在工商管理理論上，也有所謂“系統理論”。一個系統（System）可包含不同的“次系統”（Sub-system），這些次系統的互相關係及其與主系統的關係，應要全面作



定義，而不是片面地選擇其中一個要素去定是非。香港小輪（集團）有限公司既因小輪生意而衍生其他生意，自然不可單以“利潤中心”的觀點而將小輪的盈虧獨立處理。否則，香港小輪（集團）也不會答應從上蓋發展計劃向小輪業務注資6.4億元。如果強調獨立盈虧，豈非自相矛盾？

第二，注資的6.4億元，其中4.6億元是用於增購新船及添置設備，所以餘下的1.8億元只可作短期的穩定票價作用，這並不可解決這問題。這個說法是混淆了資本投資與營運開支的項目。正確的看法應該先將6.4億元分成若干年的補貼，例如估計不獲得加價，在未來數年平均每年虧蝕1億元，而我們願意讓它轉為賺3,000元，則6.4億元差不多可分為五年，每年約1.3億元，而股東則應增加投資4.6億元去賺取連續五年3,000萬元的利潤，這個增資是絕對值得的。因為該集團股東並無真正從口袋裏掏錢出來，而是從上蓋發展的專利權所獲得的利潤來投資。

第三，香港小輪（集團）要向政府以市值補地價，所以並不會有實際得益，這並不正確。我想指出兩點：（一）所謂市價，猶如一幅地的地價，即表示納入成本計算之後，在市場無大變動的情況下會有合理的利潤。假設發展權是20億元，建築成本假設是20億元，則利潤也可能是20億元，故相信一定會有合理利潤，姑勿論這些假設數字是否正確。市場上永遠有一些相對而言較樂觀的公司，肯付出較市價更多一點的價錢爭取發展權，所以以協商市價成交，通常較公開投標的最後成交價為低，而香港小輪（集團）將會因此而受惠。

因此，明白到上述三點，則自然可以接受油地小輪公司可以長至五年不需要加價。今天香港失業率嚴重，市面消費疲弱，我們當然希望凍結油地小輪加價，即使不是五年之久，凍結一年也是絕無問題的，所以我建議凍結一年。如果油地小輪放棄經營一些虧本的航線，它要給予政府兩年的通知期。政府可在第一年將虧損的航線連同上蓋發展權一起公開招標，我相信一定有公司願意經營。然後有一年的時間去籌備接辦的工作。得到投標的公司，其潛在的經濟利益，一定較城巴經營一些港島巴士線的利潤更具吸引力。此外，油地小輪的員工亦毋須擔心失業。

主席先生，本人因此建議油地小輪的加價必須凍結一年以上。

**羅祥國議員致辭：**主席先生，香港的通脹連年高企，今年雖然略為回落，仍然在8%以上。市民對這高通脹情況甚感無奈，而我們民協議員對政府採用放任態度處理高通脹，亦感到非常憤怒。

當然，油 地小輪在大量虧蝕下，要求作出價格調整，仍然受到議員的反對，似乎不大合情理。但我們民協議員今次反對油 地小輪申請加價，目的是反映我們多年來對於公共事業加價的政策——無論賺又加，蝕更加又加；而公共事業亦漠視經濟放緩對普羅大眾市民所構成的生活壓力——這幾點的強烈不滿。再者，小輪公司的服務多年來並沒有改善，亦使不少市民感到非常失望。

油 地小輪現在提供的渡輪服務，據我們分析，在其直接業務的財政安排上可算是“死症”。政府去年批准小輪發展碼頭上蓋物業的安排，以物業發展利潤津貼渡輪經營，我們相信這不是有效提供渡輪服務的方法，而涉及的津貼機制，也非常間接和隱晦，這和香港政府長期以來的優良財政政策傳統是相違背的。

民協建議政府立刻全面檢討香港渡輪服務的長遠發展策略，以不同的角度重新考慮現存問題，而開放市場和取消專利經營，應該是新政策的重點。

對於李永達議員的議案，民協會全力支持，而陳鑑林議員的議案會導致小輪票價的加幅仍然維持在 12%，民協對此不能接受。但鑑於陳議員的議案被否決，即意味油 地小輪公司的更高加價申請會獲得通過，所以如有需要，民協會被迫支持陳議員的議案。

本人謹此陳辭。謝謝。

**何俊仁議員致辭：**主席先生，對於今次油 地小輪申請加價的要求，民主黨提出反對是基於數個原因。剛才李永達議員已經代表民主黨講述那些原因，我只想進一步提供一些資料。

第一，長期以來，油 地小輪的服務一直受到批評，沒有改善。當然，我也必須持平一點，油 地小輪公司在屯門至中環線最近確實購買了雙體船，作為其中一項改善措施。不過，在飛翔船服務方面，仍然有很多市民投訴。

兩星期前，民主黨新界西支部曾經進行一項問卷調查，發出了大約八百多份問卷，而收回來的有二百多份，我想將這個調查的結果說出來，以作記錄。

在收回來的二百多份問卷中，超過九成乘客因為小輪服務不善而反對小輪增加票價。就服務方面，有六成被訪者表示在一個月內，他們所乘搭的飛翔船曾經出現故障，而其中有三名被訪者更表示在一個月內遇到十次壞船。

調查又發現約八成被訪者表示飛翔船經常誤點，時間超過五分鐘以上，而很多是十分鐘、15分鐘，甚至20分鐘以上。還有，超過八成半被訪者表示飛翔船行駛時發出非常嚴重的噪音，而其中四分之一更表示會因此而產生耳鳴的感覺，令他們極不舒服。此外，超過四成被訪者表示他們平均候船的時間超過20分鐘，而更有七成以上的人覺得油 地小輪的飛翔船實在太舊，小輪公司應該盡快更新船隊。

關於油 地小輪碼頭上蓋的發展問題，剛才任善寧議員提出的一些觀點，我非常贊成。我在數天前聽到油 地小輪的主席說，如果不准加價，他們可以放棄該項發展，他們覺得這發展權不太重要。我對這番言論感到非常驚訝。我相信如果油 地小輪公司對該項發展沒有興趣的話，會有很多財團對該項發展，連同整體的小輪服務都會大感興趣。大家不要忘記，這60萬呎商業用地位於香港的交通樞紐，是機鐵、地鐵、小輪及巴士的 合點。在香港要再找這些地點，殊不容易。剛才任議員說得很好，其實現時要小輪公司補的所謂市值地價，如果是不經競投而評估的話，顯然一定會低於真正的市價。因為如果經過財團競投，我有理由相信位置這樣優越的地點所須補的地價，定會遠遠高於政府所評估的。

油 地小輪也投訴，說政府在決定讓他們發展碼頭上蓋後，遲遲未能完成有關的法律文件，我們對此感到非常關注。我們覺得政府應該盡快完成這方面的工作，因為不但須對油 地小輪公平，而且也不應造成浪費。不過，雖說是遭拖延，但在某方面來說，油 地小輪也算得回一些好處。因為在這段拖延的時間內，大家都看到商業樓價大幅度向下調整。我相信在市場環境影響下，油 地小輪最後要補的地價會較一年前為低。我希望油 地小輪不要斤斤計較，說上蓋仍然未能發展，於是覺得有很大的虧損壓力而須加價。事實上，大家可以看到，他們很快就會簽約，透過發展而賺錢。

最後，我們始終相信，如果將這項專營權拿出來競投，會有大財團感到興趣。我很希望油 地小輪檢討一下，第一，內部的經營可否有改善之處，例如減低經營成本；第二，小輪公司一定要有長遠的眼光進行發展，透過改善服務，吸引更多人乘船。

我要強調一點，對離島及屯門至中環這些航線來說，渡輪仍要維持為必需的交通工具，政府有責任扮演一個更積極的角色。在陸路交通方面，政府負責修橋築路，但在渡輪服務方面，政府是否也應承擔維修碼頭，以至鋪設基本建設的責任？現時這些責任都落在小輪公司身上，我們覺得對小輪公司並不公平。

我們同意剛才兩個政黨的要求，即政府應該就小輪政策進行全面的檢討，希望在長遠來說，香港能夠維持一個票價合理、服務良好和合乎商業原則的渡輪服務。

我謹此陳辭。

**劉健儀議員致辭：**主席先生，每逢公用事業提出加價申請，就掀起社會一片反加價之聲，今次油地小輪公司要求加價自然也不例外。其實過去兩次油地小輪的加價申請（分別在九二年及九四年），都需要在本局進行激烈辯論。當時民主黨及民協都反對，不過加價最終獲得通過。因此，民主黨及民協今天反對小輪公司加價，並不足為奇。

自由黨對任何加價申請所採取的一貫立場，是要考慮有關加價是否合情、合理和公道；是否合情、合理和公道是應該看整體而非片面，並且是應該考慮到各方面的客觀因素，平衡服務提供者及市民相互的利益。

不過，民主黨在今次小輪加價申請上，盡顯“逢加必反”的本色，將客觀現實完全置諸不理。

我認為目前有數個糾纏不清的問題，需要逐一整理，幫助我們作出一理性明智的決定。

（一）自從港九兩地由數條管道連接後，小輪的乘客量一直持續下降，這是鐵一般的事實。有人謂小輪公司在九四年的載客量達3 850萬人次，相對九三年多了3%，但如果將載車架次也計算在內，其實九四年的整體載客量較九三年為低。況且，九四年的乘客量是受到大嶼山大佛開光所影響，可以說是曇花一現，也可說是迴光返照。我們不能將迴光返照當作是小輪公司起死回生。根據最近運輸科的資料，小輪公司九五年的載客量跌回3 500萬，顯示進一步的下降。預計未來數年，港內進行的填海計劃及西區海底隧道通車，將會令小輪公司乘客量進一步減少。小輪公司早已呈現的虧損情況會進一步惡化，但經營成本卻不斷上漲，維修費、燃料、員工薪金等是每年增加的項目，若不容許公司加價而迫其承受虧損，理據何在？

（二）將碼頭上蓋有收益就毋須加價說成是一種必然關係，這是不正確的。小輪公司承諾在碼頭上蓋收益中撥出至少6.4億元或整體收益的六成，作為補貼渡輪服務之用。但如果凍結票價而將

此數作為填補虧蝕之用，則會坐食山崩，公司難望有收支平衡的一天。更何況將上蓋收益盡數抵銷凍結票價的損失，長遠亦非乘客之福，因為公司何來資源改善服務？

- (三) 發展碼頭上蓋是否會為公司帶來豐厚的利潤，現時是未知之數。會否像李永達議員所說，是11億元？會否像何俊仁議員所說，補地價會很便宜？補地價便宜，同時意味樓價很低，屆時的收益也會很低。即使公司獲取的收益是一如所料或出乎所料，也是數年後發生的事。正所謂遠水不能救近火，在未來數年公司仍要在承擔累積鉅額虧蝕下繼續營運。有人說公司不是承諾墊支6.4億元讓小輪可以在未來數年運作嗎？但據我了解，墊支的承諾是建基於碼頭上蓋發展加每年按通脹加價的安排，若現時抽起加價部分，公司無法在可見的將來達到收支平衡，在此情況下，公司會否願意作出鉅額墊支，很成疑問。在此，我想請政府說清楚，若是次加價被否決，政府是否仍然可以迫令公司墊支6.4億元呢？基於上述原因，容許公司按通脹加價與碼頭上蓋發展，須視為一個整體方案。如果公司加價無望，達到收支平衡又遙遙無期，試問誰會對公司的前景有信心？誰敢貸款予公司進行改善計劃？這才真正是乘客的損失。

- (四) 有人認為政府在碼頭上蓋的發展方面是給予小輪公司優惠，但據我了解，公司需要以市場價格補地價，因此並不存在優惠情況。

- (五) 有人要求公司凍結加價，直至改善服務為止。提出凍結收費者，批評公司服務欠佳而需要改善，想迫使公司股東再掏腰包作出投資買新船、加班次。我非常支持公司需要買新船、快船、增加班次、改善服務，特別是在離島區和新市鎮方面。但平心而論，小輪公司過去幾年亦有作出努力去改善服務，例如購置3艘雙體船行走屯門線等。但礙於資源有限，他們所能做的亦相當有限。我們可以批評小輪公司做得不夠，但改善服務始終是與蛋的問題。公司已經陷入嚴重虧損的狀態，如果現時不容許加價，維持現有服務已感吃力，又何來多餘資源改善服務？虧本的同時還要繼續提供服務，還要提供更好的服務和令人滿意的服務，但碼頭上蓋計劃還未落實，即使落實尚要

幾年後才可“回籠”，加價又受到諸多阻撓，不知何時可達致收支平衡，如何令股東願意繼續經營，並放心投資改善服務呢？

- (六) 部分航線的乘客要求凍結加價，他們認為無理由用“賺錢線”補貼“蝕本線”。反過來看，這正正說明公用事業存在的必要。公用事業須照顧整體需要，縱然部分航線虧蝕，也必須繼續提供服務。如果公司不採用這種補貼做法，最終得益是公司，因為公司只須開辦有盈利的服務，而沒有錢賺的航線就沒有人做。這樣當然會大大減低加價壓力，但是否我們想見到的呢？話雖如此，長遠來說，政府與小輪公司應該小心審視各航線的使用情況，考慮削減部分使用率低又有其他交通可以替代的蝕本線，減低虧蝕，縮窄需要補貼的範圍，這才是長久之策。
- (七) 有人認為小輪公司的財政理應連同整個集團的帳目來看，子公司虧蝕由母公司承擔，似乎是順理成章，但反過來看，母公司虧蝕是否應由子公司填補呢？
- (八) 今次公司提出的加價幅度與過去18個月的累積通脹相若。有人批評說今次加價幅度的13.96%，遠遠超越通脹的9%，但我們不可忘記，上次小輪加價是在九四年七月一日，距離現在足足超過18個月。若以通脹作為市民承受能力的一個指標，這加幅並非不可以接受。況且，若加價可以為公司帶來更大盈利，要求凍結加價或調低加幅尚有道理，但加價只是填補公司部分虧損，並非在盈利上再添一筆，反對加價又是否合情理呢？
- (九) 現在主要矛頭指向公司服務未符理想，公司有責任作出改善，但政府又何嘗無責任呢？一直以來，政府缺乏對海上交通的長遠政策，而小輪服務過去一段長時間內呈現乘客不斷大幅下跌之勢，公司長期出現營運困難。若政府沒有長遠的渡輪政策，讓小輪公司在整體交通運輸系統內有生存的空間，申請加價時又往往遇上如此大阻力，我不明白如何可以維持私營機構繼續投資在渡輪服務的意欲。當然，小輪公司只可在政府的政策下營運，既然現時渡輪出現了非渡輪公司本身可以控制的困難，政府好應全面檢討渡輪服務的政策，制定長遠計劃，釐訂渡輪

在整體交通運輸系統內所應扮演的角色。雖然這樣未必可以將渡輪服務由一個“夕陽行業”變為“晨曦行業”，但最低限度可讓渡輪服務維持競爭能力，向市民提供良好服務。如果政府不制訂長遠政策，即使今天的加價問題可以解決，小輪公司現時所面對的困局，大有可能很快便會重現。

主席先生，我提出以上的理據，批評者可以置諸不理，但我懇請他們聆聽小輪公司一群水手的心聲。這群草根階層的水手希望在座各位支持加價，道理至為簡單，他們明白到與公司是一種唇齒相依的關係，亦希望公司有生存空間，間接亦讓他們有生存空間。

主席先生，在今次小輪加價問題上，反對加價將發出一個甚麼信息呢？就是公共事業不應加價，即使蝕本都不准加價，賺錢更加不對，可能是有罪。一向以來，香港公共交通都是由私營機構作出投資營辦的，究竟今次反對加價所發出的信息是鼓勵這方面的投資，抑或想窒礙這方面的投資呢？如果投資做生意不准有合理回報，蝕本都不准加價，這樣彷彿叫人不如齊齊“打工”好了，哪會有人願意做不賺錢，甚至蝕本的生意呢？

主席先生，經過仔細分析、平衡各方利益後，容許小輪公司加價無疑是一個理性的決定。若提出流於口號、流於感性的要求，最後迫使渡輪服務倒退；迫使部分航線被削減；迫使部分員工被遣散，則是最不願意見到的後果。

主席先生，我謹此陳辭，反對民主黨的議案。

**MRS ELIZABETH WONG:** Mr President, I rise to convey some of the criticisms directed at Hong Kong and Yaumati Ferry Company as conveyed to me by some of the very long-term residents on Lantau. Indeed, one of the complainants has been living in Lantau for some 22 years. It is claimed that during these 22 years, there has been very little improvement in the service, apart from air-conditioned triple-deckers and ferries may now go direct to Lantau without passing through or calling at Peng Chau.

However, there seems to be very little consciousness to be cost-effective. There seems to be also apparent wasteful deployment of manpower. For example, on a typical day as regards the deluxe air-conditioned deck, the deployment of staff can best be described as not cost-effective. One employee is at the ticket office. A few steps away, at least two men are waiting to make a small tear in the ticket. Once on board, two more employees come around to

collect the fare difference. Surely, a more efficient management will improve service and reduce cost, and therefore minimize the need for any drastic increase of fares at all.

There are also problems associated with docking and insufficient room for luggage. Facilities for boarding is deplorable for passengers who have babies or bulky luggage. Furthermore, it is obvious that the cleanliness of the ferries leaves room for improvement. And so, all in all, I believe, as it is put to me, that the attitude of staff and sometimes the arrogance of management needs to be improved.

The ferry company must be more aware of the needs of customers and be more customer-friendly. For the Hong Kong and Yanmati Ferry Company to ask for a hefty increase now is obviously psychologically bad timing since it is not accompanied by obvious, visible improvement. However, for myself, whether or not I shall cast my vote in favour of any increase depends very much on the Secretary for Transport's statement and his undertaking to ensure that there is a commitment to improve user-friendly service in the interests of all ferry users, and also to revamp the long-term policy in this area so as to encourage a fair, level playing-field and also to avoid a situation where people have to, or prefer to, swim or walk on water. Thank you.

詹培忠議員致辭：主席先生，首先，我必須聲明，我絕對不是油 地小輪的股東，而且在過去十多年，我從未買賣這種股票，足以證明其業務“好極有限”。（眾笑）

剛才我們聽到很多同事對加價問題提出了他們的意見，作為金融服務界的代表，我不得不以不同的聲音表達我的意見，好使社會人士不會有一面倒的感覺。

主席先生，每次提到加價，不單只香港市民，甚至全世界普羅大眾都會不高興。剛才聽過小組委員會主席李永達議員所表達的意見，我認為應分多方面評估這件事。首先，無可否認，香港集體運輸的責任全在政府手上。政府抱 積極不干預的態度處理很多財經和金融事務，但運輸事務，特別是集體運輸，是跟市民的生活息息相關的，所以我希望政府，特別在面對過渡九七之際，有責任和勇氣重整運輸部門，為各種集體運輸工具制訂日後的整套



計劃，而不是申請加價時由行政局決定，立法局接Ⓜ就展開辯論。我認為必須修訂這個制度，才是永久政策。

很多議員批評油 地小輪的服務不好，我自己甚少乘搭渡輪，但我堅信，每種東西舊了之後都一定不好，老的當然會比較“鈍”。當然，除了政治人物之外。(眾笑)在運輸工具方面，舊的當然不好，但批評它不好並不是不准其加價的理由，我認為應分開來說。政府運輸部門和市民都有責任提出意見。試看中巴遭受很多人批評，隨後有城巴加入，城巴現時何嘗不是申請加價？因此，議員代表市民，別一廂情願說有其他公司加入就是好事，我們當然要監察他們的工作。

主席先生，大家也談到碼頭上蓋的發展問題，我個人也知道油 地小輪曾經作出很多承諾。事實上，從商業的角度來看，他們的承諾可能是不理智的，因為政府要求補地價，說得粗俗一點，是不會“死錯人”的。政府經常都會將價錢定得很高，然後要你討價還價。香港的地產現仍不斷變化，究竟有沒有利益，又或利益是否真的這樣多，事實上要到將來才會知曉。我只希望油 地小輪作出承諾，假如數年後真的可以賺取這麼多利潤，就應該拿出來，由政府或市民作出監管，這樣才公平。何俊仁議員這麼了不起，我認為他走錯了路，他早應該炒賣地產，可能早已“發達”。他作為一名律師，作出這麼嚴厲的批評，就要拿數據出來。我希望他要有正式數據，不要想當然。

我絕對不是替油 地小輪辯護，我只想表達香港另一方面不同的意見，因為社會確有這樣的基層理論存在。事實上，我早已時常批評工商界的代表，說他們應團結起來，互相溝通，否則，聲音一面倒，對香港作為一個金融和工商業社會是十分危險的一回事。我們要給予商家合理的利潤，不能只是不准加價。剛才劉健儀議員所說的差不多是為油 地小輪而作出的一廂情願的言論，但也有其一套理論，所以很多事情是要從兩方面作出評估的。

最重要是政府要訂出一套原則，不能說煤氣公司管理得相當好，獲得利益，我們不批准它加價；今次油 地小輪因業績不好要加價，我們又不批准。立法局日後擁有多項批准加價的權力後，逢加價都不批准，因為不准加價，是大部分市民都支持的。在這意識形態下，對香港日後作為一個經濟金融社會，會有很大打擊。我個人絕對不鼓勵“暴利”政策，但我支持公平合理的政策，更反對逢加價都不支持的政策。我們要看每件事的理由。李永達議員所說的“權力”，根本是不讓其他人擁有權力，而全歸自己擁有而已，我認為這是不合理的。

因此，主席先生，我純粹是站在一個合理的角度分析各項事實。當然，對於加幅為13.96%是否合理這問題，我個人也有所保留。但我認為絕對不准加價，卻實在過於武斷。我不會“賣關子”，說稍後待運輸司答覆後才投票，這樣根本是將責任推卸到運輸司身上，也是極不合理的。

主席先生，我反對這項“絕對不准加價”的議案。

**葉國謙議員致辭：**主席先生，新一屆的立法局運作只有短短數月，但討論有關凍結加費的問題，相信是各同事最熟悉的題目。

新年伊始，加聲四起，各項公用事業都陸續提出加價。香港小輪公司提出13.96%的加幅，隨即引起各方的不同看法。民建聯認為今次加幅對經常使用渡輪服務人士，特別是依賴渡輪作為唯一對外交通工具的離島居民而言，加價確實會加重他們的負擔。但從另一方面來看，隨着地鐵服務日趨普及，港內線渡輪日漸式微而成為夕陽行業，這已是無法改變的趨勢。小輪公司因此而出現虧損是一個不爭的事實，而且填海計劃令主要街道遠離碼頭，以及即將啟用的西區海底隧道，均進一步打擊渡輪服務，使乘客量銳減。

民建聯認為在審慎考慮小輪服務加費時，亦應從渡輪服務在本港集體運輸所扮演角色的出發點考慮，非單從票價加幅作唯一審定標準。多一種渡海服務在市場上競爭，對其他不是渡輪的渡海交通工具經營者亦會產生壓力，在其申請加價時多添一項考慮因素，以維持市場競爭能力。再者，對經常乘坐渡海小輪的市民來說，如果港內航線因不獲准加價而要終止服務，反而是“因減得加”。他們要付出更昂貴的費用，迫使他們在無選擇的情況下乘搭其他交通工具，屆時相信他們未必會多謝本局議員。

在既要使小輪服務得以維持，而加幅又要為市民所能接受的前提下，民建聯提出今次的修正案，主要將經常使用渡輪服務人士，包括學生、持月票人士以及老人、傷殘人士的票價予以凍結，這是可行而有效的方案。

油 地小輪的服務對離島居民來說是必需的，他們根本沒有其他公共交通工具可供選擇。民建聯的修正案就是以購月票形式，凍結其加價，減低在香港經濟不景下離島居民的負擔。其實今次油 地小輪申請加價引起爭議，亦反映出政府對渡輪服務的角色，缺乏長遠策略，致令小輪公司在地鐵和海底隧道通車後，乘客量大幅下降，引致小輪公司在虧損的情形下亦要經營。若要渡輪服務繼續有其生存空間，政府實在需要為渡輪服務的日後發展作出研究，並定出明確的指引。

局內一些同事“逢加必反”的立場，是否真正為市民長遠利益着想呢？如果一項公用事業每年有大量盈餘，依然年年申請加價，作為民意代表的本局同事，理所當然要代市民出聲，反對加價申請；但在經營者出現虧損情形下提出加價，以彌補虧損，維持正常服務，亦遭“不理性”的對待，使加價不獲批准，這種長時期的惡性循環，最終必令經營者止步，亦會使經營者在無利可圖的情況下放棄經營。屆時只能一如其他國家或政府的做法，由政府接管，將公用事業“國有化”，本人相信這不是香港市民真正願意見到的情況。

本人相信局內不少有識之士都會深明此理，對今次油 地小輪加價的申請，會從一個理性的角度考慮支持民建聯的修正案。

主席先生，本人謹此陳辭。

**倪少傑議員致辭：**主席先生，香港是一個奉行自由經濟的商業社會，九七年後，香港特別行政區在“一國兩制”的原則下，繼續實行資本主義，最重要目的，就是要保留創造香港經濟奇蹟的元素，維持社會的穩定，香港人才可以共享繁榮。

今次油 地小輪申請加價，本局有些議員所持的論調，表面是為了民生，但事實上卻是無視市場經濟的規律，以政治手段干預公用事業機構的運作。他們不理後果，盲目地“一刀切”提出凍結票價。這種非理性、偏激的處事手法，不錯是可以討好選民，但結果就是會把自由經濟的原則推翻，犧牲了社會整體利益。我恐怕此惡例一開，將會損害本港的經濟發展。

油 地小輪作為公用事業機構，已經受到一定的利潤監管，但小輪公司在提供合乎水準的服務之同時，亦需要取得合理的投資回報，才能確保小輪公司在符合經濟效益的情況下，為市民提供良好的服務。

主席先生，倘若小輪公司長期在嚴重虧蝕的狀況下經營，而又不能因應需要適當地調整票價，按照正常的經濟運作，一是被迫削減虧損嚴重的航線，受影響的只是需要使用渡輪服務的乘客；二是要求政府減低中環碼頭上蓋發展計劃的補地價金額，結果則變成用納稅人的金錢來補貼小輪乘客。兩者都完全違背自由市場的原則。

各位同事，我們要爭取的是小輪公司改善營運，以及提高效率，使乘客獲得合理的服務。立法局議員關注公用事業的收費是應該的，但應該本着公

道原則，絕不可扼殺了有關機構的基本營運條件，甚至間接影響了這些機構員工的就業和加薪情況。我相信這點是我們必須緊記的。

主席先生，本人謹此陳辭，反對李永達議員的議案。

**黃偉賢議員致辭：**主席先生，近期社會人士都非常關注油 地小輪加價事件，無論在報章、電台及電視都經常見到油 地小輪公司的高層人士出盡各種方法去游說或迫使立法局放棄否決它的加價申請。無論是油 地小輪公司行政總裁王敏剛先生，或是集團主席林高演先生向外發表的言論，均帶有很濃厚威嚇政府和市民的味道，例如小輪公司表示如果加價被拒就會削減5條港內航線，又指發展中環碼頭上蓋物業利潤不高，公司正考慮放棄發展權，甚至會申請停辦渡輪服務。

民主黨對油 地小輪這種犧牲乘客利益，作為與立法局討價還價的工具，表示非常遺憾，特別是用到威脅和恐嚇的言論，無疑顯示出香港小輪（集團）已經到了詞窮理絕的地步。其實小輪公司是一間專利公司，獲政府批准專營權，它不可不負責任，喜歡就做，不喜歡就不做。剛才李永達議員也提及這點。而民主黨對於要凍結油 地小輪是次13.96%的加價申請的立場，並不會因這些恐嚇而有所改變。

一直以來，油 地小輪都強調自己所處的境況如何悲慘和無奈，例如海底隧道、隧道巴士和地鐵的出現，令小輪公司的競爭力大遭削弱；西九龍填海工程迫使某些航線要終止；新碼頭的地點又偏遠，不但令乘客量下降，甚至連刊登廣告及出租小舖的收入也日漸縮減。這一切一切均令油 地小輪的利潤每況愈下，直至近年更開始出現虧損。當然，這些因素對油 地小輪會有影響，但如果一間商業機構，不懂得不斷求進，開拓新的發展方向及改善服務質素，以吸引更多乘客，它的下場一定是業務不斷萎縮，最終可能是結業收場。

我們亦承認油 地小輪在經營港內航線的競爭力受到一定程度上的削弱。其實油 地小輪除了經營港內航線之外，還經營離島和新市鎮的航線。目前愈來愈多年青家庭搬入新市鎮或離島居住，如果油 地小輪的服務質素不斷提高，且船費合理，相信新市鎮航線的發展潛力是非常優厚的。至於離島航線更沒有其他交通工具可以取代，油 地小輪已成為離島居民的生活必需品。事實上，近年油 地小輪所經營的離島航線運載量一直都非常穩定。為何油 地小輪每次提到業務時，往往只是提那些正在萎縮及競爭力弱的港內航線，對於那些具賺錢和發展潛力的新市鎮和離島航線服務，卻避而不談

呢？渡輪服務是否真的已成為香港可有可無的交通工具呢？答案當然是否定的。本人認為油 地小輪應該隨 社會環境的變化而開拓其他有發展可能性的渡輪服務，以爭取更大的生存空間，而不是只懂自怨自艾，無奈接受環境的變遷對自己造成不利的影響，而不積極爭取發展。

當然，政府一直缺乏長遠的渡輪政策，去界定渡輪的角色，這點政府要負上責任，這也影響渡輪公司未來的發展和規劃。我們覺得政府應立即就渡輪服務作出長遠和全面的檢討，來界定渡輪的角色，以及協助渡輪公司發展長遠的業務，例如協助渡輪公司發展大陸航線。這些航線所賺取的利潤可以補貼其他航線；又或者渡輪公司可否考慮以租船形式經營，而不是不斷以買船的形式，強調說買了船後，非繁忙時間甚少使用。其實在繁忙時間是否可租用其他輪船公司的船隻，以減低其成本？小輪公司是否可利用多些方法，減低成本，以吸引乘客呢？這些做法，是否較坐着怨歎經營空間愈來愈窄來得有用呢？

民主黨認為油 地小輪是次申請13.96%的加幅理據不夠充分。因為油 地小輪申請加價時只考慮到現時公司的財政狀況，其他因素都被撇除。本人重申，民主黨在面對公用事業加價時，會考慮多方面的因素。除了考慮到機構現時的財政狀況之外，也會考慮到他們長遠的發展計劃及財政前景。而油 地小輪作為服務大眾的主要交通工具，我們也須考慮它的收費是否可為市民接受和負擔。至於市民的接受程度和負擔能力，則取決於機構的服務質素和當時香港的經濟環境。

近年由於香港經濟開始萎縮，加上持續的高通脹和高失業率，已日益加重市民的生活負擔。民主黨認為在這艱難的時刻，公用事業機構在財政穩固而且集團有可觀盈利的情況下，應該凍結加價。因此，我們自去年開始，一直提出凍結公用事業收費、公屋租金和政府收費，希望藉此能減輕市民的生活負擔和遏抑通脹。

雖然我們也承認油 地小輪渡輪服務現時的確面對不少經營困難，但重要的是油 地小輪的財政前景是否同樣悲觀呢？事實上，對於油 地小輪港內航線的虧損情況，政府和本局也很關注，也很希望能協助小輪公司發展其他業務以補償它的虧損，令油 地小輪的渡輪服務不需要大幅度加價來維持服務。因為如果服務質素沒有改善，還要不斷地加價，只會進一步令乘客流失，令虧損更嚴重。難道屆時小輪公司又要提出更高的加價幅度，以平衡虧損嗎？

事實上，政府為了改善油 地小輪的財政狀況，行政局於去年七月便原

則上同意將中環填海區四個新碼頭的發展權批予油 地小輪。整個發展計劃完成後，估計將會為小輪公司帶來高於10億元的利潤，而條件是小輪公司必須將六成利潤或6.4億元用來補貼渡輪服務。換言之，油 地小輪可保留整套發展計劃的四成盈利。因此，我們相信油 地小輪的發展前景仍是很樂觀的。未來數年，它的財政狀況也將會有所增益。香港小輪（集團）亦曾承諾政府，於中環碼頭上蓋發展完成前，會向油 地小輪墊支6.4億元，作為改善渡輪服務的資金。既然政府已答允給予油 地小輪擁有超過10億元利潤的發展計劃，為何小輪公司仍以渡輪業務虧損為理由申請加價，那麼這個發展計劃對渡輪乘客帶來甚麼益處呢？

正如政府與小輪公司也強調，即使有碼頭上蓋的物業發展，將來也會按通脹加價，這一點是民主黨一直不同意的。如果讓它發展上蓋物業，亦須按通脹加價；不讓它發展，也按通脹加價，這上蓋物業發展會為乘客帶來甚麼利益呢？油 地小輪公司強調這6.4億元是作為新船隊及改善碼頭之用。我覺得很奇怪，因為這些應是既日常性且是恆常性的工作，是股東每年需要投資改善的，這些不是須有待取得額外資源時才作出改善的。因此，民主黨認為，上蓋物業的收益是一些額外資源，應該作為穩定票價之用，而不是給小輪公司的董事用作更新船隊這些恆常工作的資金。

再者，油 地小輪公司只是香港小輪（集團）有限公司其中一項業務，整個集團所經營的業務還有很多，包括酒店管理、地產投資、旅遊業和零售業等。雖然渡輪業務由九三年開始出現虧損，但整個集團營業額的盈利在過去十年仍然不斷增長。據香港小輪（集團）有限公司九五年中期的業務報告顯示，整個集團在九五年上半年度的利潤是7,130萬，還比九四年同期利潤增加了32%。一個如此財政穩固的私營集團，只是其中一項業務在目前較艱難時稍有虧損，就認為要考慮放棄該項業務，是否太過短視呢？

主席先生，對於民建聯提出修正油 地小輪加價的幅度至12.3%，民主黨是不會接受的。民建聯以為稍為將加幅減低1.6%，就能對市民和油 地小輪公司雙方均有所交代，這種“小罵大幫忙”的做法，說穿了其實是犧牲了市民的利益，而達致為油 地小輪找下台階的目的，亦可以說是為油 地小輪加價13.96%護了航。

剛才民建聯兩位同事也強調，離島居民是沒有選擇的。但他們建議的只是凍結月票，而不是凍結所有離島航線的票價。我們再看看，使用月票人士並不會很多，至少新市鎮，如屯門的航線就沒有設月票。難道沒有使用月票的市民，就不是經常要乘搭小輪，而只是民建聯所說的學生，或使用月票的人士才會經常乘搭渡輪？事實並非如此。因此，我們覺得民建聯這項修正實

在十分輕微，跟油 地小輪的建議完全沒有分別。如果我們支持12.3%的加幅，則與我們一直要求凍結加價的原則，實在背道而馳。如果我們投票支持12.3%的加幅，就很難向市民解釋。

民建聯一直向外界表示，如果民主黨不支持他們的修正案，最後弄至小輪公司順利加價13.96%，民主黨必須負上全責。這種“扣帽子”的口脛，與北京官員在中、英爭拗期間，時常說責任全在英方的口氣，是完全一致的。事實上，民建聯這番言論是非常誤導的。由始至終，我們都堅持凍結加價，如果民建聯和工聯會願意支持我們的建議，相信今天這項議案會獲得通過。我們便可以幫助乘搭渡輪的市民了。

主席先生，民主黨在審議條例草案的小組委員會上，曾建議油 地小輪公司將加價申請押後至三、四月間，因為屆時立法局便可將油 地小輪公司的中環上蓋物業發展協議條文和加價一併考慮。很可惜這項建議遭受油 地小輪反對。油 地小輪既然迫使民主黨現時作出決定，我們只好堅持立場，凍結加價。我們很希望能夠留待三、四月才重新考慮油 地小輪的加價申請。

主席先生，最後，已經有很多同事暗示民主黨是“逢加必反”，但是正正在今天，剛才已經通過了的的士加價議案，民主黨卻是首先發言，支持的士加價。因此，其實民主黨並不是“逢加必反”，我們會考慮每次加價的理據和加幅，所以希望這些“扣帽子”的說話，不會經常在立法局出現。

主席先生，本人謹此陳辭，支持凍結加價。

**陳偉業議員致辭：**主席先生，過去立法局就油 地小輪加價，已進行多次討論。過去我對這輪船公司的經營狀況，也曾表示同情，因為整體的航運萎縮是一個必然的現象。青馬大橋通車後，情況可能進一步惡化。過去我也曾多次敦促政府全面檢討和修訂渡輪政策，令乘客不會因油 地小輪基於乘客整體性的萎縮而影響個別航線的發展。但很不幸和很遺憾，政府至今也沒有進行明確的檢討，及訂定發展性的策略。小輪將來的服務前景仍然不明朗，導致現時油 地小輪的經濟情況日漸惡化。當然，發展上蓋物業是一個新路向，對油 地小輪在輪船方面的財政可能有所幫助。有關上蓋發展問題，很多民主黨的議員都已先後作出評論，我不再作重複。

我想指出一點，就是有關油 地小輪的服務。過去每次加價，油 地小輪向審議加價的小組委員會反映意見時，都說會改善服務質素。但我們回顧過去四、五年，特別是離島航線的服務，可說是沒有甚麼改善，反之是更趨惡化，例如出現班次遲誤等問題。油 地小輪把責任推卸在填海工程等方面，但有些服務它卻不可推卸，包括輪船本身的清潔狀況、員工的服務態度和船隊的整體規劃等。過去幾次加價時，立法局都接受了它的加價申請，但它在服務本質，特別是員工的服務質素方面卻毫無改善。這方面實在令人感到很失望。因為小輪公司已作出承諾，但卻沒有認真落實去做。

雖然我對油 地小輪現時的狀況表示同情，但最近它的數名主要負責人，包括主席和總裁的發言，卻令我不滿，甚至可說是震怒。因為過往公司差不多都是年年賺錢的，而這次加價申請，我們是基於整體的經濟問題，而要求油 地小輪與香港的市民共甘苦。過去他們賺錢，數以千萬，甚至億計，現時香港經濟狀況欠佳，我們要求它暫緩提出加價申請，它也不答允。民主黨不是要求它在一年內不可再提出申請，只是要求它稍遲數個月，待商討上蓋物業的安排完成後，才提出申請，但小輪公司也不答應，還威嚇要取消五條航線，甚至放棄經營權等。我覺得這不是一個承擔社會責任的公用事業機構，特別是一個法定的公用事業機構所應有的態度。我希望小輪公司內部真的要檢討一下。詹培忠議員覺得油 地小輪的聲譽不好，離島居民更覺得它不好。這些言論，肯定會進一步打擊它的公信力和認受性。

此外，油 地小輪的服務數十年不變，也是乘客一般的批評。如果大家想重溫六十年代的感覺，可乘搭油 地小輪一些離島渡輪，特別是坐在下層，無論往坪洲或梅窩，都會令你有如置身六十年代的香港。根本它的服務由六十年代至今都沒有改善。沒有改善服務，卻又要求加價，是很難令人接受的。

主席先生，我想再提一點，就是在這次加價事件中，不同黨派和不同人士的立場。自由黨對我們的批評，我們早已習慣，所以也不想再作回應。黃偉賢議員已解釋我們不是“逢加必反”的。但自由黨“逢工商界利益必捍和維護”，則似乎是一個既定的事實。我希望未發言的議員，特別是工聯會的議員，稍後會作出回應，因為他們這兩票對今次加價十分重要。

主席先生，最近潮流“興”失憶，特別在政治方面，也有人喜歡“轉”，不知這風氣是否吹到了立法局。在勞工問題上，即輸入外勞的問題上，有些人已經“轉了”，違背了政綱。關於這一次加價，我亦搜集了一些資料，是涉及工聯會的朋友。鄭耀棠議員在九五年九月參選的政綱內，在“為基層、為公義”的一項中，清楚列明會凍結政府以及與民生有關的服務



加費，以免刺激通脹。跟<sup>1</sup>還開宗明義說明要凍結公用事業加費，要求立法局監管公用事業的加費。另外在一份工聯會的“反失業、抗通脹的十大措施”宣傳單張內（內裏有陳婉嫻議員的相片），也開宗明義說明要取消醫療逐項收費、暫緩徵收排污附加費，以及凍結政府和公用事業的各項收費。他們在這些參選政綱內所提出的意見只是數月前的事，“失憶”似乎也不會這麼快出現，而他們的年紀亦不致會患上柏金遜症。

如果大家真是一位具公信力的政治人物，以及是一個這麼龐大的工會成員，既然在數月前的宣傳單張內曾特別向選民提出自己的政綱，作出一些承諾，就應該在立法局這些場合充分表現和支持自己原本所作的承諾。如果現時不支持，我也希望聽聽你們為何不支持過去的自己。是否以今天的我來推翻昨日的我呢？

謝謝主席先生。

**MISS MARGARET NG:** Mr President, I rise to oppose the motion. Generally, I am not persuaded that any fee increase should be frozen because of bad economy and high inflation. In this case, I hesitated long because ferry fares directly concern the general public and because I have a deep respect for the many Honourable Members who are opposing this freeze.

However, it cannot be denied that the Yaumati Ferry is operating at a loss. It is not the case that it asks for an increase in order to make up for a particular level of profit. The fare increase is to reduce its present substantial loss. It is not argued that the Yaumati Ferry is operating at a loss because of mismanagement. The simple reason is that it is operating ferry lines which are suffering permanently declining demand. In such a scenario, the rational thing to do is to cut the lines which are not supported by demand. If the ferry company were allowed to do so, then perhaps the need for increase would be less under pressure.

The company has said that it wants to stop its inner harbour lines but it is not allowed to do so. As we all know, such a move requires Executive Council approval. The Administration is opposing this on political grounds. The Administration would only allow these lines to be stopped after the Western Harbour Crossing comes into operation two years from now.

Some Honourable Members take exception to the ferry company's suggestion that the inner harbour lines be stopped. They say this Council will

not be blackmailed by such threats. I agree. This Council is not to be blackmailed. But take away the emotion, the simple fact is that the ferry company is being compelled to operate lines at a substantial loss. How can it be reasonable that this Council compels the company to operate at a loss? It is said that the ferry company should not be considered to be operating at a loss because it is a holding company. It is making a profit. And I disagree. In my view, it is as unreasonable to make every line self-paying as it is to insist that other businesses of the holding company be made to subsidize the ferry operation unless there is an express agreement to do so.

The ferry is a franchise granted by the Government under statute. It is a separate entity. It is reasonable to expect it to balance its own books. Members have pointed to the Central Pier Development package. This valuable grant should have made a fee increase unnecessary or in any case, unjustifiable. The reason is, so I have heard, because that was the condition upon which the development was granted. But this is denied by the Secretary for Transport. He said, in writing, that the condition was that a fare increase could only be considered in line with inflation. Is there any cogent reason to doubt that the Secretary was telling the truth? The Yaumati Ferry has been suffering from chronic difficulties. A great part of it is that it was forever procrastinating about what it should do in the face of a clear and irreversible declining need for ferry service. Should it reduce loss by cutting down or even shutting down altogether? Or should it make massive investment and hope for a new life?

The pier development package, as I see it, is meant to be a long-term solution to put the ferry company permanently on a viable basis. In its accepting this package, the company must be accepting that this would solve its problems. So, what this fare increase is meant to do is a stop-gap measure until income could be realized from the pier development package. The increase is in line with inflation.

In these circumstances, my view is that we should accept it and give the ferry company, as well as the passengers who still prefer the ferry, a chance to carry on. Thank you.

單仲偕議員致辭：主席先生，這是一群油 地小輪用戶的一小段說話：“小輪控股有限公司因為經營小輪服務而得到政府特准經營副業，例如海上食府、碼頭廣告或物業收益，這些收益是否應該補貼小輪的虧蝕？”本人希望

運輸司稍後回應時會就此作出答覆。

油 地小輪公司揚言，如果加價被拒，便會削減五條港內航線，又可能會放棄發展中環碼頭上蓋物業計劃，甚至考慮停辦部分小輪服務。由此可見，小輪公司為達到加價目的，不惜以犧牲乘客的利益作為討價還價的工具，亦同時表露了香港公用事業機構往往偏重自己作為商業機構以賺錢為本分的身分，而卻忽視了作為服務大眾的機構所須肩負的社會責任。

面對公用事業提出加價，民主黨認為必須從多方面考慮。除了考慮機構本身的財政狀況、服務質素和長遠發展計劃外，還須顧及市民的接受和可負擔程度，以及當時社會的經濟環境。作為商業機構必須賺錢是無可置疑的。它的收費除了要平衡機構的營運成本外，亦應該賺取合理的利潤，用以鼓勵再投資，改善服務質素。

不過，有一點必須注意，就是大部分公用事業機構都擁有專營權，而機構獲得專營權的初期，都必須注資鉅額款項，用以發展業務。換言之，機構營運初期可能出現虧損，但如果從長遠計考慮機構整段專營權期內的財務狀況，則是非常樂觀的。簡單而言，其實油 地小輪長期以來都在賺錢，只是在這一、兩年內出現虧損。因此，在考慮公用事業加價時，不可忽略了解機構的未來發展方向和財政前景。公用事業所提供的服務與市民的生活息息相關，有很密切的關係，大部分都是市民的必需品。過高的收費會為一般市民帶來經濟負擔，直接影響民生。因此，民主黨強調公用事業機構不應憑着自己在市場上的壟斷優勢，藉提高收費以牟取暴利。至於市民的可接受和負擔程度，則在很大程度上取決於當時的社會經濟狀況。

近年香港經濟不景，加上持續高通脹和高失業率，日益加重了市民的生活負擔。民主黨認為，公用事業機構在財政穩固，並有可觀盈利的情況下，應該暫時凍結加價。自去年開始，民主黨一直提出凍結公用事業收費的要求，希望藉此能夠減輕市民的負擔和遏抑通脹。可惜現時立法局對大部分公用事業機構的加費申請都沒有否決權，縱然反對聲音強大，但去年許多公用事業仍可以在有可觀盈利的情況下獲得通過加價申請，九龍巴士有限公司就是其中一個例子。雖然今次油 地小輪強調他們長期虧蝕，必須加價以維持現有服務，但民主黨認為這只是一個片面解釋。事實上，小輪公司的境況並非如此惡劣。渡輪服務只是香港小輪（集團）有限公司的其中一項業務。雖然渡輪服務出現虧損，但在95年的上半年，整個集團的盈利達7,130萬，較去年增加32.5%，而政府為改善油 地小輪的財政狀況，在去年七月，行政局願意把中環新填海碼頭的四個發展地點批予油 地小輪。這項計劃將會為該公司帶來相當豐厚的利潤。

民主黨認為，油 地小輪的前景是樂觀的。長遠而言，它的財政狀況可以轉虧為盈，因此，我們堅持在香港現時處於高通脹和高失業率的環境下，應該凍結油 地小輪的加價。民主黨一直對公用事業機構的加價進行監管，同時亦要求公用機構提高本身的問責性和透明度，讓社會大眾能充分了解機構每次加價都存有合理和必需的成分。民主黨認為所有公用事業提高收費均須在立法局以附屬法例形式通過，使市民可以通過立法局來監察公用事業的收費。

本人謹此陳辭。

**陳榮燦議員致辭：**主席先生，本人原本不打算就這項辯論發言，但剛才陳偉業議員指工聯會在競選期間曾作出承諾，我也牽涉在內，所以我發言表達自己的意見。工聯會的政綱曾提及反對濫收排污費，今天我便提出議案辯論，希望政府重視這問題。

此外，有關反對公用事業加價這問題，我認為應視乎個別公用事業的情況而定。如果是賺錢的，我們還會讓它加價嗎？答案一定是否定的。我也是小組委員會的成員之一，曾看過小輪公司的帳目，也曾了解它的情況。剛才劉健儀議員、陳鑑林議員和詹培忠議員所提出的數據和理據，大家都很清楚，小輪公司正在虧損。我亦聽到離島區議會四位代表在小組委員會會議上向我們陳述，說小輪服務須改善，加價不應超過12%。在這情況下，我認為立法局應有權批准一些事，理性地做應做的事。因此，我同意陳鑑林議員提出的8至10%加幅。但由於技術問題，現時的建議加幅為12.3%。其中牽涉的技術問題非常複雜，所以建議凍結向老人家、傷殘人士、學童和月票使用者所收取的費用，其他人則按這加幅收費。

工聯會是以務實的態度處理民生問題。以前一些加價申請，我們曾予以否決，立法局也有紀錄。現時既然小輪公司嚴重虧損，就讓它加價吧！

基於這原因，我們支持陳鑑林議員的議案，也希望各位同事以務實的態度處理一些事情。

主席先生，我謹此陳辭。

鄭耀棠議員致辭：主席先生，本來今天我不準備發言，但因為被陳偉業議員點了名，所以不得不說些話。

工聯會對油 地小輪申請加價13.96%持反對態度，因為這加幅的確很大。在一個失業嚴重、經濟不景的氣候下加價，無疑令市民大眾百上加斤。但我出席上星期日的城市論壇辯論這題目時，見到現場有一群工人，他們是油 地小輪的員工，他們贊成這項加價申請，即時引起了我對這問題的很大興趣。因此，在這數天內，我向自己所屬工會以及所屬工會的油 地小輪員工，了解他們贊成僱主提出加價的原因。原來最核心的問題是，他們明白到，如果小輪公司不獲准加價，就會削減航線。此舉引發出來的問題，是有一大批中、老年工人便會失業。他們失業後，便會被趕出員工宿舍，所以他們感到非常徬徨。

有些人說：“鄭耀棠議員，你不用如此害怕，這麼快便被油 地小輪的老闆嚇倒！”我很坦白對他們說，我是嚇不倒的，因為我已動了手術，是不存在“有”或“沒有”“膽”的。我覺得現時應在這兩者之間取得平衡。既要反對油 地小輪這13.96%加幅，也要顧及如果我們不批准小輪公司加價，會令一大批工人失業被趕出宿舍時所須負上的風險。我們是否要負上這風險呢？

又或由於我們不准小輪公司加價，因而導致一些航線被取消，這會否令經常乘搭這些渡輪的市民，失去了一個選擇，而被迫要“搭貴車”，乘搭地鐵呢？

在平衡兩者之後，工聯會的抉擇是支持民建聯陳鑑林議員所提出的修正案。

主席先生，我謹此陳辭。

**SECRETARY FOR TRANSPORT:** Mr President, the Hong Kong and Yaumati Ferry Company (HYF) is losing money. Their reasons for seeking a fare increase are more than justified. What are the Democrats up to? Do they understand the facts?

Mr President, these statements and questions have been made and put to me by some Members of this Council, by the media and by many others. I must say I am equally puzzled by the stance taken by the Democrats on this occasion.

Their intentions may well be good and they may believe that they are protecting the public interest by seeking to reject HYF's application for a fare increase, but this does not detract from the fact that this time they have got it totally wrong.

A freeze on the existing fare levels may be a populous move and may appear to be defensible as an anti-inflationary measure, but in reality, such a move is short-sighted because the consequences would be quite disastrous. I say this because it must be recognized that transport operators cannot sustain a loss-making business. Providing public transport is not a charity. If the Legislative Council vetoes a fare increase application for a franchised transport operator who is losing money, this would send out a very damaging signal. Which company would then be prepared to invest and come out to run transport services?

Let me briefly outline the facts. HYF has been losing money for the past two years despite an increase in fares in July 1994. Why? Because operating costs have increased substantially and patronage has continued to decline — from 75 million passengers in 1985 to 50 million in 1990, and less than 35 million in 1995. As a result, HYF is in a serious predicament. Its ferry services are heavily loss-making. In 1995, the company had an estimated deficit of \$72 million. The forecast operating losses for 1996 and 1997 are even more astronomical.

We have explained the facts very clearly to the Legislative Council Subcommittee set up to consider this fare application. What is more, with HYF's agreement but in confidence because of the need to comply with Stock Exchange rules, we have provided full cash-flow projections to Members. These figures have been lodged with the Legislative Council Secretariat. Indeed the Honourable LEE Wing-tat has acknowledged that the Subcommittee decision to recommend a rejection of the fare increase proposal was far from unanimous. The fare increase now proposed will not, I repeat, not, give the company a profit. They will still be very much in the red. But the fare increase will provide HYF with immediate relief and improve its current cash flow.

Some Honourable Members have said that HYF have threatened to reduce or curtail its services if the fare increase application is rejected. Obviously, if this happens, they will then find it more difficult to maintain their present operations. I can only clarify that to reduce frequencies, HYF must first obtain the Commissioner for Transport's agreement whilst curtailment of routes requires the Governor in Council's approval.

If HYF's future is so bleak, what can then be done to redress the situation? The answer lies in the pier development package through which the company will be given development rights, with a special fund set up for improving ferry services and stabilizing fares in future years. I shall elaborate on this package in a moment.

I am very grateful to the Honourable Mrs Miriam LAU and the Honourable NGAI Shiu-kit for expressing so clearly their views on behalf of the Liberal Party, and for their unequivocal support of HYF's application for a 13.96% fare increase. Their arguments are sound and deserve full support. I must also thank the Honourable CHAN Kam-lam, the Honourable IP Kwok-him and the Honourable CHENG Yiu-tong for so explicitly stating the Democratic Alliance for the Betterment of Hong Kong's views on the fare increase proposal. It is reassuring that they too are pragmatic and have accepted the fundamental justification to award HYF a fare adjustment although they advocate a slightly lower percentage.

Mr President, any reduction in the level of fare increase would have an impact on HYF's financial position. While the adjustment by an 1.6% may seem insignificant in monetary terms, however, we estimate that the total ferry seats foregone will be in excess of \$6 million in 1996 for HYF. This is a very significant sum of money for a ferry company, bearing in mind its current financial difficulties. A lower rate will only serve to aggravate HYF's position. The Administration cannot, therefore, support a lower level.

May I also, Mr President, take this opportunity to thank the Honourable Miss Margaret NG and the Honourable CHOY Kan-pui for so eloquently summarizing the scenario which HYF faces. I also acknowledge with gratitude the support and understanding from other Members.

Mr President, it would appear that the Democrats simply refuse to listen to reason or face the facts. Their counter-proposals are totally unrealistic because they fail to recognize the gravity of HYF's plight and the urgency of granting this fare increase. Let me try to rebut their points.

First, the Democrats have argued that no fare increase should be given because of the development package. This argument is flawed. But here may I first correct the Honourable LEE Wing-tat's assertion that the Administration has entered into a secret deal with the Hong Kong Ferry (Holdings) Company (HKF). The basic terms have been made public. During negotiations, confidential discussions are necessary.

Let me again outline the general terms of the pier development package. Permission to allow HYF to develop their four piers in Central District is subject to the acceptance of certain basic terms. These include, first, a private treaty grant with the payment of a premium assessed at full market value. And here the suggestion made by the Honourable Albert HO that a private treaty grant does not in fact result in full market premium, I think with respect, is a fairly wide-sweeping statement.

Second, HKF must provide an undertaking that they will set aside for the benefit of ferry passengers at least \$640 million or 60% of their development profits plus 50% of rental income, whichever is more. The money will be used to implement a clearly-defined service improvement programme and to cover part of HYF's operating loss. What must be clearly understood is that, with the development package, funds do not become available for at least another three to four years. A fare increase is, therefore, absolutely essential now.

When I briefed the Legislative Council Transport Panel on the terms of the development package on 13 July 1995, I made it very clear that, even with the development package, HYF would still need to seek increase in fares in line with inflation to enable it to earn a very modest return. Even then, HYF is not expected to break even until 1999. The Democrats have suggested that because HKF, HYF's parent company, is making a profit, it should fund the operating losses of HYF and hence obviate the need for a fare increase. It must be emphasized that HKF is already relying on its other operations to keep the ferry services going. However, faced with mounting operating deficits, there would come a time when the total revenue HKF can generate from its other operations will be insufficient to cover HYF's losses. When this happens, as a listed company, HKF will be obliged to review its ability to maintain its existing ferry services, much less to implement any more service improvements.

Second, the Democrats and other critics have argued that HYF does not deserve any fare increase because the standard of services they have provided is poor. No doubt there is plenty of room for improvement, but in all fairness, HYF has a good safety record. The number of public complaints about their services has dropped from 234 in 1994 to 195 last year. HYF has introduced a number of service improvements despite its unsatisfactory financial position. Major improvements include the purchase of three catamarans for the Tuen Mun to Central services, introduction of hoverferry service between Tuen Mun and Wan Chai, Tsuen Wan and Central. But since one catamaran costs \$35 million



plus, in perspective, this is 17 times the cost of a new bus. The company's ability to continue to incur such expenditure is limited. It is also noteworthy that HYF has been responsive to requests for temporary relief ferry services, for example, in helping to deal with the traffic congestion on Tuen Mun Road, particularly during the road closure period.

I have listened very carefully to the Honourable Mrs Libby WONG's comments and other Members' comments on the present shortcomings on the part of both management and staff. I can give Honourable Members the commitment that has been sought and, that is, that the Administration will take all practical steps to require HYF to improve its performance and level of services. HYF has started to move in the right direction but, as the Honourable Mrs Miriam LAU has quite correctly pointed out, it is a chicken and egg issue. They need the resources to implement major improvements. The development package, as I have said, includes a clearly-defined service improvement programme. Details have also been lodged with the Legislative Council Secretariat.

Third, the Democrats ask why the Government does not provide a direct subsidy or purchase new ferries. As I have said before in this Council, one of the fundamental reasons why in overall terms we have a good and efficient transport system in Hong Kong is because the private sector is involved in providing such services. Let me make it crystal clear that the Government has no intention whatsoever of running public transport on its own, nor will the Government provide any direct public subsidy. It would, therefore, be wishful thinking on the part of the Democratic Party if one of the reasons for attempting to block the fare increase under consideration is to force the Government into such a situation. It must be realized that the implications are far reaching. A direct Government involvement in public transport will result in a substantial diversion of public funds, and in turn this could mean that the money then available, for example, for education, housing, social services, and so on, could be reduced.

Fourth, the Democrats seek more competition. This ignores the real constraint facing ferry operations. HYF's ferry services, as I have said, are heavily loss-making because patronage has declined drastically as a result of increased competition from MTR and cross-harbour buses. This is a hard fact which a new operator, if any, will have to face. If we are to throw open the market and tender out the whole HYF ferry network, who would be interested in operating such a business? Without good prospects and an assurance of its

ability to increase fares to cover increases in operation costs, how could a newcomer, bearing in mind the huge capital outlay that is necessary, secure the necessary finances to start up ferry operations? We cannot simply extract the profitable routes and give them to a new operator and leave the loss-operating ones to HYF. This would be a recipe for disaster. For these reasons and in answer to several comments made by Honourable Members, the Administration does not consider other parties would have an interest in bidding for the development package.

Mr President, fare increases are never popular, but costs do increase and it is only reasonable to give franchise operators a reasonable return for their investment. It must be clearly understood that in HYF's case, even with the fare increase now sought, the company will suffer a substantial loss. HYF's application for a 13.96% increase in fares is totally justified. We have carefully analyzed their operating costs and projected income and expenditure. The submission in turn has been scrutinized by the Transport Advisory Committee and endorsed by the Executive Council. Moreover, there has been a great deal of support by the media as evidenced by editorials in both the English and Chinese press. Even the Islands District Board has accepted the need for a fare increase, although they have sought a slightly lower level.

To support the Honourable LEE Wing-tat's motion would be to totally ignore the realities of HYF's dilemma and the need to safeguard the current level of ferry services. Given the many occasions in this Chamber when the Democrats have demanded improved ferry services, for example, to the Northwest New Territories, is it not now contradictory for them to do an about-face by seeking to torpedo HYF when it comes to providing what is no more than a helping hand to tide the company over their present predicament?

Mr President, we need to consider HYF's fare increase application rationally and pragmatically. If we do this, the solution then becomes obvious. A fare increase of 13.96% must be approved if we are to maintain essential ferry services and safeguard the public interests. There is, in fact, no choice but to vote down the Honourable LEE Wing-tat's motion. I urge Members to do this. Thank you, Mr President.

李永達議員致辭：主席先生，我首先想多謝運輸司很詳細述說要求給予油地小輪加價的理由，不過很多我並不接受。我想就幾點作出回應：

第一，運輸司說油 地小輪現時慘淡經營，如果我們不批准加價的話，對這間公司便不公平。當然，作為經營私人生意來說，賺錢是需要的，民主黨並不反對。問題是這間公司的管理階層要向誰負責？他們當然是向股東負責。我們想想，現時股東是買甚麼股票呢？他們是買香港小輪（集團）的股票，香港是沒有一種“油 地小輪”股票的。現時的架構是，香港小輪（集團）這上市公司是有股票上市，而它之下其中一項服務就是油 地小輪。在提到盈利方面，那些股東是透過買香港小輪（集團）的股票在過去多年收取股息，每年都有賺錢。前年是6,000萬元，去年是7,000萬元，所以管理階層的負責人如要向股東負責的話，他們在過去兩年都已經做到。公司有利潤，買股票的人有利息收，即使沒有股息，該等利潤也可能重新放在公司發展進一步的利潤。因此，我覺得運輸司的說法是不正確的，而吳靄儀議員的擔心其實也不大成立。我覺得管理階層本身多年來都有賺錢，能達到股東分享公司利潤的目的。

第二，當我們說沒有錢賺時，我們應想想香港很多公司都沒有賺錢。為何有些公司會賺錢，有些則不會？剛才有些同事說，因為他們的乘客數量下降了，現在經濟也不好，所以出現這個問題。但是其實很多同事也曾提到，任善寧議員和黃錢其濂議員剛才亦說，我們不但要考慮乘客的問題，也要考慮公司在整體管理及拓展服務方面有否盡力而為，令賺錢的能力加強。我聽不到運輸司說它能做到這點，我們也看不到。

我再列舉兩項資料，讓大家知道有關該公司的利潤問題。《亞洲周刊》在九五年十月十二日一期的分析中，將香港小輪（集團）這間上市公司在國際華商的排名由276位上升至254位，原因是其賺錢能力相對增強。雖然並不多，由276升至254，但它的市盈率在分析上來說是改善了。我不明白為何運輸司和一些擔心的同事覺得它賺不到錢。它是有錢賺的，不過可能不及純粹發展地產那麼多。我同意做地產較公用事業的利潤為高，但是我們有很多資料證明該公司正在賺錢。為何有人會說它賺不到？

此外，關於公司賺錢後改善服務這問題，我希望各位同事留意，過去五年，這間公司在小輪服務方面並沒有作資本投資。所有讀經濟學的同事、所有做生意的同事也知道，任何資本投資都不可能在第一年，甚至最初的五年賺到錢。例如瑞典的鐵路資本投資，它的回報期是20年至30年。香港的地鐵能夠在這麼短的時間內做到，是很驚人的。城巴在一九九四年擁有專營權，營運港島那盤生意後，它投資了幾億元，但它在去年和今年都賺不到錢。在資本投資的角度看，沒有人會希望在第一年投資便賺到錢，而最重要的是，

油地小輪並沒有作出投資。它的股東在五年內沒有購買過新船，直至在九四年當政府在原則上有興趣與它討論中環上蓋物業發展，它才所謂表示誠意，買了一、兩艘飛翔船，供行走屯門航線之用。該公司在九零至有九三年都沒有購買新船。大家能否想象到，有一間公司可以在幾年內都不作任何資本投資？

運輸司一向都說，中環那項發展是以市值價格補地價，所以沒有向它提供協助。我認為市民和納稅人都向它提供協助，使它的股東毋須付錢購買新船，它也有6.4億元在未來四年購買新船和紓緩加價，還有甚麼安排比這更好？有哪間公司可這樣做呢？由市民，即政府幫它取地發展，賺錢10億元，然後拿6.4億元出來做這些事。

主席先生，我要強調一點是，運輸司常說我們建議該公司在物業發展後凍結加價，這並不正確，這不是我們的立場，希望你們不要誤會。我們的意見是，如果要我們和公眾衡量該公司的加價申請是否合理，最好的方法是待四月才提出申請。我們不是想拖延，因為幾個月時間很快就過去。原因是我們不知該公司要補多少地價。第二，是運輸司至今亦不能公開該公司未來四年的純利。如果按政府和公司所達成協議的基本原則，即至少將六成的盈利拿出來去改善服務和買船的話，它的純利至少有10億元。這不是我造的，而是估算出來的。它在四年內可能會有4億元的純利，這還不計算撥出的那6.4億元，請問該公司境況是否很慘呢？

我剛才聽過運輸司的說話後，覺得有點兒失望。因為我覺得他似乎對油地小輪或渡輪的發展並沒有一套看法。他認為不要使它蝕本或不要讓它變成公共機構，但並沒有提出其他建議。他似乎建議我們任由它這樣，任它困難地繼續經營。每年提出加價便在立法局辯論，使大家大傷和氣地爭辯吵鬧，然後每年繼續這樣做。我覺得運輸科應就這點多做工夫。

主席先生，我現在再回應幾位同事的一些看法。第一，有關服務問題。黃錢其濂議員說要聽過運輸司的回應後才決定如何投票。我認為她不用聽運輸司的回應，因為他在九二年小輪申請加價時已經說了一次，那時黃錢其濂議員是衛生福利司，我是議員；九四年他又說了一次。油地小輪在申請加價時，還作出很多服務承諾和建議。我們從離島居民處得知，很多承諾本身只是字面數字。剛才有議員提及投訴數字減低，那是因為有些居民的投訴不被答覆，便不計算在投訴數字之內，或因得不到回覆，所以市民不想再投訴。小組委員會也知道，運輸署並沒有機制監督這些承諾的執行。換句話說，現在油地小輪所作的服務是好是壞只是自說自話。小組委員會曾問運輸署有否監督誤點情況和各項投訴，所得的資料是沒有。那些資料是由油地小輪交給運輸署的，而它則相信油地小輪的說法是真確的。我們怎可以

相信呢？事實上，誤點的問題其實很多，現在坐在公眾席上的離島居民都知道，油 地小輪日日都有誤點，不是這班船，就是下班船。我不知運輸署是否須就這問題作嚴謹的監察。

根據過往經驗，政府對公用事業公司的評價與我們有很大分別。正如去年政府給中巴的評分是合格，全局議員都沒有人同意這個說法。今年討論油 地小輪的服務，政府覺得滿意，但我聽了這麼久也沒有人說滿意，包括自由黨在內。我想運輸司想一想，為何你的經驗常與我們的相差那麼遠？是否每次加價便要找一些理由去合理支持，說它服務好，所以容許它加價？是否每次我們的經驗都這樣不同呢？我建議運輸司多乘搭渡輪，使我們的經驗不會有太大分別。因為我恐怕明天交通事務委員會討論中巴和城巴的加價申請時，他又說它們服務好，容許它們加價，則我們就會十分頭痛。

主席先生，我想再回應一兩點。一是關於工友問題，是鄭耀棠議員提出的。我覺得鄭議員是一個好人，所以我一定要就他的意見作出回應。工會的朋友擔心工友失業是很重要的，我完全理解。不過，第一，專利條款是不准公司單方面宣布削減航線和減少職員數量的；第二，即使民建聯的建議通過，小輪公司也沒有說不削減航線，至今小輪公司沒有發表這樣的聲明。因此，即使通過了加價申請，它也可能削減航線；第三，這是最重要的一點，其實在申請加價之前，油 地小輪已有這個計劃，因為他們預計在一九九八年西隧通車時，也要削減航線，所以削減與否與這次加價並無關係。我亦希望各位工會朋友想想，我們是否因為害怕公司削減航線，所以就讓它加價，這是不對的。工人的權利是透過改善勞工法例，例如鄭耀棠議員、李卓人議員及劉千石議員所建議的集體談判權，令工人的就業權得到法例保障，而不是每次害怕公用事業削減服務便讓其加價。那麼，恐怕中巴、城巴、九鐵和地鐵都會以不欲削減路線來作為加價的藉口，否則，工人便會失業。每次都使出這種技倆，好心腸的工會領袖就會就範。我希望工會領袖要三思，不要先害怕。

主席先生，最後一點，關於離島的問題。剛才我聽到葉國謙議員和陳鑑林議員說很關注離島問題。不過，離島居民簽了6 000份信件給我，要求凍結加價。離島區議會確實建議加幅為12%，但我曾問一些離島居民，原來區議會並沒有諮詢居民，只是自行定出一個數字。在那次會議上，我也問他們為何不建議11%或13%，他們答稱12%是中間落墨，我覺得這加幅只是隨意而定，所以希望大家若真的從市民的角度來看，就請大家支持我，凍結今次加價。我們只是要求將加價延遲至四月才考慮，屆時物業發展的最後協議有了定稿，而我們亦知道集團要補多少地價，以及其未來的盈利是否如大家想象那麼惡劣，才一起作決定。我相信屆時每一個人的心目中都有一個梗概，可作出一個理性的決定。

謝謝主席先生。

*Question on Mr LEE Wing-tat's motion put.*

*Voice vote taken.*

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

Mr IP Kwok-him claimed a division.

**PRESIDENT:** Council shall proceed to a division.

**PRESIDENT:** I would like to remind Members that they are now called upon to vote on the question that the motion moved by Mr LEE Wing-tat be approved. 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. Are there any queries? The result will now be displayed.

Mr Martin LEE, Mr SZETO Wah, 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 James TO, Dr YEUNG Sum, Mr WONG Wai-yin, Mr LEE Cheuk-yan, Mr Andrew CHENG, Mr Anthony CHEUNG, Mr Albert HO, Mr LAU Chin-shek, Dr LAW Cheung-kwok, Mr LAW Chi-kwong, Mr LEUNG Yiu-chung, Mr Bruce LIU, Mr MOK Ying-fan, 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, Dr David LI, Mr NGAI Shiu-kit, Mr LAU Wong-fat, Mr Edward HO, Mr Ronald ARCULLI, Mrs Miriam LAU, Dr LEONG Che-hung, Mr CHIM Pui-chung, Mr Eric LI, Mr Henry TANG, Dr Samuel WONG, Dr Philip WONG, Mr Howard YOUNG, Miss Christine LOH,

Mr James TIEN, Mr CHAN Kam-lam, Mr CHAN Wing-chan, Miss CHAN Yuen-han, Mr Paul CHENG, Mr CHENG Yiu-tong, Mr CHEUNG Hon-chung, Mr CHOY Kan-pui, Mr David CHU, Mr IP Kwok-him, Mr Ambrose LAU, Mr LO Suk-ching, Miss Margaret NG, Mr NGAN Kam-chuen and Mrs Elizabeth WONG voted against the motion.

Mr LEE Kai-ming abstained.

THE PRESIDENT announced that there were 27 votes in favour of the motion and 31 votes against it. He therefore declared that the motion was negatived.

**PRESIDENT:** As Mr LEE Wing-tat's motion has been negatived, I now call upon Mr CHAN Kam-lam to move his motion.

***MR CHAN KAM-LAM to move the following motion:***

"That the Ferry Services (Hongkong and Yaumati Ferry Company, Limited) (Determination of Fares) (Amendment) Order 1995, published as Legal Notice No. 545 of 1995 and laid on the table of the Legislative Council on 6 December 1995, be amended in section 2 by repealing new paragraphs I, II and III and substituting -

"I. Cross-harbour Services

(a)	Hoverferry	Adult	\$5.20
		Child	\$2.50
(b)	Deluxe class	Adult	\$7.00
		Child	\$4.00
(c)	Ordinary class	Adult	\$4.40
		Child or handicapped person	\$1.90

- |     |   |   |
|-----|---|---|
| (d) | Ordinary class<br>passenger service<br>monthly ticket<br>(valid for current<br>calendar month only)           | \$155.00                                    |
| (e) | Freight including<br>general cargo, baggage,<br>poultry, pigs in crates,<br>fish in tubs and other<br>freight | \$18.00 per<br>60 kg or<br>0.12 cubic metre |

## II. New Town Services

		<i>Hoverferry Service</i>		<i>Ordinary Class</i>	
		<i>Adult</i>	<i>Child</i>	<i>Adult</i>	<i>Child</i>
(a)	Central - Tsuen Wan/ Tsing Yi	\$10.50	\$5.00	\$7.00	\$3.00

		<i>Hoverferry Service</i>	
		<i>Adult</i>	<i>Child</i>
(b)	Tsing Yi - Tsuen Wan	\$4.50	\$2.00

<i>Hoverferry Service</i>	<i>Catarmaran Service</i>	<i>Ordinary Class</i>
		<i>Child or</i>



		<i>Adult</i>	<i>Child</i>	<i>Adult</i>	<i>handi- capped person</i>	<i>Adult</i>	<i>Child</i>
(c)	Central - Tuen Mun	\$19.00	\$9.00	\$25.00	\$11.00	\$14.00	\$6.00

### III. Outlying District Services

Hoverferry Service				Deluxe Class				Ordinary Class				
				Saturday				Saturday				Freight
				afternoon,	Weekday			afternoon,	Weekday			per 50 kg
				Sunday &	except			Sunday &	except			or 0.10
				Public	Saturday			Public	Saturday			cubic
				Holiday	Afternoon			Holiday	afternoon			metre
		Adult	Child	Adult	Child	Adult	Child	Adult	Child	Adult	Child	
(a)	Services											
	between											
	Central and											
	Outlying											
	Districts											
	Central											
-	Sok Kwu Wan	-	-	\$30.00	\$14.00	\$16.00	\$14.00	\$11.50	\$5.00	\$8.50	\$3.80	\$8.50
-	Yung Shue Wan	-	-	\$30.00	\$14.00	\$16.00	\$14.00	\$11.50	\$5.00	\$8.50	\$3.80	\$8.50
-	Cheung Chau	\$22.00	\$10.00	\$30.00	\$14.00	\$16.00	\$14.00	\$16.00	\$7.00	\$9.00	\$4.00	\$10.00
	(Direct and											
	indirect service)											
-	Mui Wo	\$22.00	\$10.00	\$30.00	\$14.00	\$16.00	\$14.00	\$16.00	\$7.00	\$9.00	\$4.00	\$10.00
	(Direct and											
	indirect service)											
-	Peng Chau	\$22.00	\$10.00	\$30.00	\$14.00	\$16.00	\$14.00	\$15.00	\$6.50	\$8.50	\$3.80	\$8.50

Separate adult's monthly tickets at \$320.00 each are available for ordinary class passengers on each of the above 5 routes

陳鑑林議員致辭：主席先生，我動議通過議事程序表所載在我名下的議案，修訂刊登於憲報的一九九五年第545號法律公告，一如議事程序表附件II所載。

*Question on Mr CHAN Kam-lam's motion proposed and put.*

*Voice vote taken.*

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

Mr CHAN Kam-lam claimed a division.

**PRESIDENT:** Council shall proceed to a division.

**PRESIDENT:** I would like to remind Members that they are now called upon to vote on the question that the motion moved by Mr CHAN Kam-lam be approved. Will Members please register their presence by pressing the top button and then proceed to vote by choosing one of the three buttons below?

**PRESIDENT:** Before I declare the result, Members may wish to check their votes. Are there any queries? The result will now be displayed.

Mr Frederick FUNG, Mr CHAN Kam-lam, Mr CHAN Wing-chan, Miss CHAN Yuen-han, Mr CHENG Yiu-tong, Mr CHEUNG Hon-chung, Mr CHOY Kan-pui, Mr IP Kwok-him, Dr LAW Cheung-kwok, Mr LEE Kai-ming, Mr Bruce LIU, Mr LO Suk-ching, Mr MOK Ying-fan and Mr NGAN Kam-chuen voted for the motion.

Mr Allen LEE, Mrs Selina CHOW, Mr Martin LEE, Dr David LI, Mr NGAI Shiu-kit, Mr SZETO Wah, Mr LAU Wong-fat, Mr Edward HO, Mr Ronald ARCULLI, Mrs Miriam LAU, Dr LEONG Che-hung, Mr Albert CHAN, Mr CHEUNG Man-kwong, Mr Michael HO, Dr HUANG Chen-ya, Miss Emily LAU, Mr LEE Wing-tat, Mr Eric LI, Mr Fred LI, Mr Henry TANG, Mr James TO, Dr Samuel WONG, Dr Philip WONG, Dr YEUNG Sum, Mr Howard YOUNG, Mr WONG Wai-yin, Miss Christine LOH, Mr James TIEN, Mr LEE Cheuk-yan, Mr

Andrew CHENG, Mr Paul CHENG, Mr Anthony CHEUNG, Mr Albert HO, Mr LAU Chin-shek, Mr Ambrose LAU, Mr LAW Chi-kwong, Mr LEUNG Yiu-chung, Miss Margaret NG, Mr SIN Chung-kai, Mr TSANG Kin-shing, Dr John TSE and Mrs Elizabeth WONG voted against the motion.

Mr CHIM Pui-chung and Mr YUM Sin-ling abstained.

THE PRESIDENT announced that there were 14 votes in favour of the motion and 42 votes against it. He therefore declared that the motion was negatived.

**PRESIDENT:** I have accepted the recommendations of the House Committee as to the time limits on speeches for the motion debates and Members were informed by circular on 8 January. The movers of the motions will have 15 minutes for their speeches including their replies and another five minutes to speak on the proposed amendments. Other Members, including the movers of the amendments, will have seven minutes for their speeches. Under Standing Order 27A, I am required to direct any Member speaking in excess of the specified time to discontinue his speech.

## SEWAGE CHARGES AND TRADE EFFLUENT SURCHARGES

**MR CHAN WING-CHAN** *to move the following motion:*

"鑑於本港現時經濟不景，通脹高企的情況下，政府仍採用‘用者自付’原則徵收排污費及工商業污水附加費，無疑令市民百上加斤，本局促請政府撤銷或減低一般家庭住戶排污費，暫緩徵收工商業污水附加費，並就工商業污水附加費的徵費準則進行檢討，待檢討完成後再作決定。"

陳榮燦議員致辭：主席先生，我動議通過議事程序表所載，以我名義所提出的議案。

自從九五年四月，港府開始向全港住宅及工商業徵收排污附加費，以支付策略性污水排放計劃營運及維修費用。港府指稱這個計劃是基於“污染者自付”的公平原則，一方面鼓勵污染者減低污染；另一方面可提供資源致力

減低水質污染問題。

在環保意識高漲的今天，港府滿以為這個計劃可以得到市民的廣泛支持，可惜事與願違，換來的只是一連串的批評、埋怨、申訴和抗議。

我相信問題的癥結並不在於市民反對“污染者自付”的原則及負擔破壞環境的責任，而在於事實上施行這個政策的方法和策略上的失誤。

第一，港府將排污計劃、龐大的營運及維修費用的一切責任完全推卸給廣大市民負擔，為極不負責任的表現。

第二，這計劃實際上並非奉行“污染者自付”的原則。住宅用水方面只是變相的加重用者自付的做法；而釐定工商業附加收費卻採用平均值，以低污染用戶補貼高污染者，同時亦高估了某些行業的平均污染量，造成不合理的收費準則，令業內人士怨聲載道。

第三，整個計劃缺乏鼓勵及教導工商業及廣大市民減低污染、使市民認識減少用水的配套措施，而只側重收回成本的效果，未能達致共同保護環境的最終目標。

為此，政府必須重新檢討這個錯漏百出的排污收費計劃，吸取過往的教訓、總結經驗，釐定出一個合理而公平的收費準則，以及鼓勵和協助市民減低污染，共同做好環保。

### 住戶排污費

就住宅收費方面，我促請政府撤銷或減低住宅排污費。事實上，住宅用戶的污染程度並不高，政府應該辨別出真正的污染者，切勿濫收住宅的排污費用。至於這方面的理據，將由我們民建聯的同事葉國謙議員陳述；而顏錦全議員則會講述這個排污營運維修財務的安排；本人則會集中討論工商污水附加費，以下簡稱“排污附加費”。

### 工商業污水附加費

政府工商污水附加費的方案，推行以來，均受到各行各業猛烈的批評，

特別是酒店及飲食業的人士，指其收費率的釐定不合理。據業內人士表示，他們均認同“污染者自付”的原則，亦願意承擔處理污水的費用，但認為現行排污附加費的釐定，是基於一個沒有代表性及不科學化的研究報告，對每個行業均未有作出充分的資料蒐集，一個行業的標準竟可以推行至其他行業應用。因此認為這篇報告以偏蓋全，草率的態度令人失望。政府推出排污附加費之前，未有廣泛諮詢業內人士的意見，為甚麼呢？其中有很多個為甚麼。

本人曾在本局詢問環保署官員，制定“柴油轉汽油”的諮詢文件時，有沒有諮詢的士行業內人士的意見？環保署的官員答得非常精彩，一語道破天機，他們說如果預先諮詢的士行業意見，“柴油轉汽油”的諮詢文件就很難“出籠”。這是甚麼邏輯呀！原來政府官員抱“先斬後奏”、“快刀斬亂麻”的態度，來處理影響民生的重大問題！

政府在徵收排污附加費之前，採取同一個手法，完全沒有諮詢過酒店及飲食業界人士的意見，包括飲食業職工會的意見。難怪業內人士指斥政府是黑箱作業，大石壓死蟹，令到他們“雞毛鴨血”，叫苦連天！

尤其現時經濟不景，百業蕭條，各行各業的經營困難，如今政府還要濫收排污附加費，令經營成本上漲，最終老闆會將排污附加費轉嫁到員工身上及減少員工以縮減開支，令更多工人失業。

日前環境地政科的官員指出，酒樓、食肆繳交的排污費只佔經營成本的0.46%至1.19%，負擔實在微不足道。據業內人士指出，這些數據絕對錯誤，是閉門造車，足以誤導市民和我們議員。

如果排污附加費對他們的影響不大，行內人士怎會集資超過百萬元成立這餐館關注工商污水附加費的專家小組作出集體上訴，為求推翻這不合理、不公平的收費率，重新釐定收費率呢？

此外，飲食業3 000人上街大遊行反對政府這項收費不合理、不公平，正好告訴我們，排污附加費對他們造成的負擔十分沉重。另外，政府渠務處署在九五、九六年按季度收取排污附加費超過3.9億元，而飲食業則佔2.78億元，官員亦承認八成以上的收費是由飲食業負擔。試問這個行業的污染量是否一如政府所估計一樣，佔全港工商污水的八成。我實在質疑這個準則其實是否一個極不公平的釐定。

總括而言，餐館飲食業對政府收費的準則有以下的質疑：

第一，用水量並不能反映污水量及污水濃度。酒樓、食肆有五至六成的食水是用作顧客茶水、蒸煮炊燉、肉食解凍以及行內稱之為“啤水”的用途。這些水都是被蒸發、飲用或未經污染的清水，況且洗菜及解凍食物“啤水”用水越多，污染程度就越低。環保署應該認識這問題，請問何來有八成污染水排出大海呢？

第二，政府所抽取的污水樣本不能實際反映污染量。政府在釐定飲食業收取排污費這問題上，只在為數超過9 000間食肆中抽查化驗24間食肆的污水樣本，而釐定出3 600需氧量的收費標準，是不公平、不科學和不合理的。最近餐館業關注工商污水附加費專責小組與政府所做的集體上訴個案顯示，在80間的食肆化驗污水當中，低於政府現時釐定的3 600需氧量的有66間，佔全部的82.5%。此數據正顯示，大部分食肆的污染量均低於現時政府釐定的平均量。如果以是次研究的中位數字，即1 500的需氧量計算收費率，在水質管制區內的食肆只需每立方米繳交2.5元，較現時3.78元為低。當然研究過程中亦顯示有數間食肆的需氧量達50萬這樣高，因此拉高了平均數值。如果維持現時的計算方法，以平均計算率的指標，即要低污染量的用戶去津貼高污染量，背離了“污染者自付”的原則。無論如何，這次集體上訴的結果與政府原先所估計的數據相距甚遠，因此，印證了我們，特別是本人，要求政府暫緩向酒店及飲食業收取排污附加費並重新檢討及釐定收費準則的需要。

此外，我們發現政府徵收某些行業的工商附加費是基於一套不完善的準則和機制，酒店業就是一個好的例子。

渠務署表示，酒店業的收費計算方法基於：

一． 廚房面積

二． 樓面面積

三． 餐廳的人數

此外，客人用水、游泳池水的數量也計算在內，根本沒有充分的理據支持這些資料與排污量和污染程度有關，業內人士認為絕對不能反映真實情況，所以實在令人難以理解何以會有這樣的計算方式，亦顯示出政策的草率及不合理。

作為代表酒店及飲食界的議員，我有必要為行內人士說句公道話，說出

事情的真相，指出排污附加費的釐定標準及收費幅度，對酒店及飲食業不公平不合理，同時更要為酒店及飲食業20萬從業員講句說話，在現時經濟不景的情況下，不應再加重經營者的成本負擔，繼而打爛工人的飯碗，製造更多工人失業。我希望政府不要漠視民意，要切切實實對排污費及附加費從速作出檢討。我相信一個負責任和體恤民情的政府，絕不應對市民的疾苦充耳不聞，我重新促請政府撤銷或減低住宅排污費及重新為工商污水附加費作出修訂研究，釐定出公平合理的收費率，為錯漏百出的排污收費計劃“補鑊”。本人謹此陳辭，提出議案。

*Question on Mr CHAN Wing-chan's motion proposed.*

**PRESIDENT:** Dr John TSE, Mr Frederick FUNG and Mr LEUNG Yiu-chung have separately given notices to move amendments to this motion. As there are three amendments to the motion, I propose to have the motion and all three amendments debated together in a joint debate.

**PRESIDENT:** The Council shall now debate the motion and the amendments together in a joint debate. As Members were informed by circular on 5 January, under Standing Order 25(4), I shall ask Dr John TSE to speak first, to be followed by Mr Frederick FUNG and Mr LEUNG Yiu-chung; but no amendments are to be moved at this stage. Members may then express their views on the main motion as well as on the proposed amendments listed on the Order Paper.

THE PRESIDENT'S DEPUTY, DR LEONG CHE-HUNG, took the Chair.

謝永齡議員致辭：代理主席先生，近年香港附近水域所受的污染愈來愈嚴重。為改善水質，政府以“污染者自付”原則向市民及工商用戶收取排污費；但另一方面，近年香港的經濟明顯放緩，通脹高企加上失業率嚴重，令市民生活艱苦，污水收費無疑是另一個沉重的負擔。

代理主席先生，容許我再一次重申，民主黨是一個既關注民生，亦支持環保的政黨。

每個香港市民都應該對將來的環境，以及下一代的生活作出承擔。最近，我們進行了一項電話民意調查，成功訪問了497名市民，結果顯示普通市民亦贊成政府收取污水處理費用，但希望可降低收費率。

### 污染者自付

代理主席先生，民主黨同意市民既然排放了污水，應該支付處理污水的費用。

另外，民主黨亦不贊成陳榮燦議員、梁耀忠議員和馮檢基議員的議案。民主黨認為排污收費可令市民為了減輕排污費而減少污染，從而收到環保教育的功用。而且，從民意調查顯示，接近六成的被訪者支持“污染者自付”原則，同意政府向市民收取污水處理費用。故此，民主黨不贊成撤銷住宅排污費，因為撤銷排污費是違反環保的原則。

由於現時經濟不景、失業率高企，作為一個關注民生的政黨，民主黨認為應提高豁免額，由現時每四個月12立方米，增加至36立方米。

調查結果同時顯示，八成的受訪者不贊成政府收回全部的成本。對此，我們堅持渠務工程是一種公共建設，政府在這方面的承擔應是責無旁貸。在經濟放緩、失業高企的情況下，民主黨認為政府收回成本的步伐不應操之過急，政府應先考慮整體的經濟情況，釐定一個市民可負擔的收費，以市民可接受的速度逐漸收回成本。要緊記現在事事都加價，但我們只是要求減收。故此，民主黨建議政府減低住宅排污收費，將收費率降至每立方米0.7角。

### 工商業

代理主席先生，在民主黨的調查中，近八成的被訪者贊成政府向工商業實施“污染者自付”的原則。民主黨認為工商界排放污水，是透過經濟活動賺取利潤，政府應向他們收回處理污水的費用。而且由於工商用戶為減少支付附加費，將盡辦法減少污染，本港水質也會因此得以改善。另外，如果減少工業的污水附加費，等於用市民所交的稅款來津貼商人做生意。

### 工商業污水附加費收回全部成本

所以，民主黨不支持暫緩徵收污水附加費，更應收回百份之百運作成本，以免出現市民贊助工商界賺錢情況。另外，政府亦應檢討附加費的釐定是否存在漏洞及是否有錯誤，以免對個別行業造成不公平的現象。代理主席



先生，今天，《香港虎報》報導副規劃環境地政司高傑博先生公開指摘我以上言論是“幼稚園思想”。對一些坐在冷氣寫字樓受高薪的高官，我所說的民意被形容為“幼稚”，其實我只反映香港市民的意見，現在民意和體恤民情被視為“幼稚”，我只能說一句：這些高官完全沒有同情心，完全不了解民生疾苦，完全對高通脹、經濟差、失業率高沒有感受。這位高官的言論不獨侮辱我，更侮辱香港的市民。代理主席先生，“污染者自付”是一個公平的原則，一種直接的稅項，更有環保的作用。民主黨認為收取排污費有助改善本港的水質，又有教育意義，是值得支持的。

但政府在釐定收費時更應加倍小心。我們要求政府降低收費，並非因為我們一毛不拔，而是在現時經濟不景的情況下，政府不應操之過急收回全部成本。民主黨相信，只要收費合理，市民是樂於對自己處身的環境盡一分力的。

代理主席先生，本人謹此陳辭，並修正陳榮燦議員的議案。

**馮檢基議員致辭：**代理主席先生，自去年四月政府向住宅及工商界徵收排污費以來，外間的批評及不滿並沒有停止過，單單在八月首批水費單發出後，政府部門已接獲市民數十宗的投訴。而工商戶那方面的反應則更甚，紛紛質疑政府的計算方式及收費標準是否不公。此等反對聲音，是由於政府在推出收費計劃時，根本未有全面諮詢市民及受影響的業內人士的意見，即使遇到各民間團體，包括民協的反對意見，亦是坐視不理，硬將政策推出來，造成今日得來的負面效果。

政府官員曾表示，政府原先向住戶徵收排污費的原因，並不是用以資助新的排污系統建造費，而是希望教育市民明白環保的重要性；至於收取的費用方面，則只是用於渠道的操作及維修上。從政府的目的而言，按現時情況來說，徵收排污費的目的根本難以達到，因為市民根本不知：

（一） 收取排污費的作用及目的；

（二） 日常生活中的正常排污為何要繳費；

在此模糊不清的情況下，如何能教育市民？何況政府又未有相應的宣傳策略告知市民有關這方面的環保訊息，市民又如何能了解政府政策的理想及背後的原則就是“污染者自付”呢？市民可能甚至懷疑他們何解會變成污染者呢！而民主黨的議員卻口口聲聲說道，要市民交少許的排污費，才可收教

育市民之效。平心而論，至目前為止，政府收取了幾個月的排污費，究竟市民有否對環保、污染的問題，增加了認識呢？是沒有的。

民協本身並非不同意“污染者自付”的原則，問題是究意誰是污染者呢？民協認為若要向市民徵收排污費，應配合以下三個原則：

- (一) 不會加重市民的生活負擔，令市民經濟出現困難；
- (二) 現時住戶是否應繳付排污費的爭議仍未了結，究竟處理市民的污水應否直接由用水市民掏腰包繳付，抑或由公帑去繳付？若真的要由使用的市民繳付，那為何道路的操作維修又毋須行人、私家車去支付呢？為何市政局的文化活動又不是用這個原則呢？現在說的是渠道的維修，若要求市民付款，政府必須有充分理據向市民清楚解釋，要讓市民明白徵收的排污費，是用於處理日常排放的污水，而在污水經過處理之後，可以令本港的海港、海灘等水源減少污染，相信透過這樣宣傳和教育，市民較願意接受政府的收費安排。
- (三) 由於過去民協及多位學者專家已質疑過政府最初建議的污水排放策略中處理污水的方法，並未能針對住戶污水，而只針對工業用水而已，雖然現時第二期及以後的工程計劃尚未定案，但本人認為倘若政府要求市民支付排污費，必須確保日後的排污工程所採用的處理污水方法，可有效地清除住戶污水中的污染物，而不是單單針對工業污水。若只要求市民付款，但又不是用來改善住戶污水造成的污染，這不是太荒謬了嗎？

再談向工商界徵收的排污費及工業污水附加費。現時此兩項收費乃根據排出污水的化學含氧量計算出來。首先，本人及民協在此表明，我們是絕對同意“污染者自付”的原則，亦同意工商界需承擔其所造成污染的責任。但在排污費實施以來，不知收到多少不同行業人士的投訴、上訴，表示政府的計算錯誤，政府更被質疑量度污染程度的準則對各行業人士有所不公，特別是飲食業。所謂“空穴來風，未必無因”，政府的量度計算是否有誤，待檢討完成後才有分曉。屆時倘若政府的量度真的有所偏差，再加上近期經濟不景的情況，民協和我都認為政府應考慮減收工商界或某些行業的排污費及污水附加費，以消除各行業對政府政策的不滿。

由於民協認為要有待檢討工商業污水的收費準則完成後，才決定是否減收工商業排污費及附加費，故本人及民協不同意此刻即停止徵收工商業污水附加費；其次，按民主黨謝永齡議員的修正，其建議只要求政府減低住戶排污費，這與民協要求向住戶徵收排污費的立場是截然不同。根據上述原因，本人及民協 4 位成員對陳榮燦議員的議案投棄權票，對謝永齡議員的修正案投反對票，而梁耀忠議員的修正議案與我們民協基本上是差不多，所以投贊成票。謝謝。

**梁耀忠議員致辭：**代理主席先生，最近港府官員為了面對本局有關排污收費辯論而四出游說，並在報章推銷有關政策的原則及運作，且一再強調徵收排污費是基於“污染者自付”原則，在今天本局的辯論中，亦有本局同事基於原則而支持住戶要繳付排污費。

代理主席先生，目前港府實施徵收排污費，目的是為應付對污水渠道系統，污水的處理及排放在管理、運作、維修方面所收取的費用。即是說，只要你用自來水，水再經過政府鋪設的污水渠之後，你便是污染者，你便要按每使用一立方米便要付 1.2 元的標準排污費。如果一個家庭用戶每月用十立方米水，便要繳付 12 元排污費。

也許，很多人不會因十多元，或是數十元與政府執拗，但正是這樣，便陷入了政府的圈套。一方面在客觀上承認了自己是污染者，要接受政府的懲罰；另方面，更要承受政府的不合理和不完善計劃所帶來的惡果。

首先，我絕不贊同作為一位普通市民，每天在日常生活中用水，包括洗臉、洗澡、家居清潔、大小二便、煮飯、煮餸等，然後把污水排出政府所鋪設的渠管中，就成為了污染者。試問一下，我們可以不洗臉嗎？我們可以不進行家居清潔嗎？我們可以不大小二便嗎？

我想告訴大家，我們必須要清楚，我們是必須排污的人，與一些無必要污染環境而製造污染的人和為賺取利潤而污染環境的人分別是三類人，而這三類人是絕不可混為一談而通通稱之為“污染者”的！

“污染者”的名詞，絕不能濫用！在社會上，每一個人同樣地、必須地造成污染時，這已經不再是一個個人的問題，而是一個社會整體的問題，也就必須由整體社會來一起承擔責任；同樣地，在社會上，當每一個人都會

同樣地，且必須地犯上同一樣的行為時，則除非具有很特殊因素外，否則我們就不能將該項行為定為罪行一樣。所以，住戶的排污，絕不可被指稱為污染者。雖然我們同意“污染者自付”原則，但住戶絕對不能納入這個原則內的“污染者”範圍！不管是十數元或數十元，這是懲罰性收費，在原則上就是不對和不合理。

我想強調，我的意見並非為討好選民，這是原則問題，現在是如此，將來也是如此。政府要承擔的，長遠來說，也必須要承擔。

代理主席先生，我深信懲罰是最壞和最差的教育方式。事實上，在現代教育下，都絕不鼓勵以懲罰來達至目的。我認為，讓人們明白環境污染對日常生活帶來的禍害，才可提高環境保護的效果。政府應該努力推廣教育、推廣簡樸儉約的生活風氣，才是正確的途徑。

但可惜，政府又說要花大量金錢維修、管理或設置污水渠，沒有額外排污費，這筆錢誰付呢？在此，想問一問政府，依這個邏輯，是否政府亦有意徵收行路費、公廁費、公園入場費呢？因為這些都是要金錢來興建，使用者不付款，哪來金錢築路、開闢公園、修建公廁？

再者，經過中英新一輪的污水排放談判後，港府的“深海排放”方案大致已定下，即是分四期鋪設污水隧道，將污水排放至昂船洲、A 捍海峽、南中國海等。將自己的污水倒進別人的地方，做出這樣不道德的行為還竟可以若無其事，大聲疾呼要“污染者自付”和“保護環境生態”，事實上是講一套，做一套，十分虛偽。也因此，中方便要參與未來開始的第二期至第四期排污工程的環境影響評估工作。現時，政府只用一級處理方法處理污水，因此不符合內陸排放標準，即使如此，在下一階段的排污計劃，渠務署方面也表示處理費將會增加約五成；如果採用中方建議的二級處理方法，每立方呎的費用將增加一倍半。

保護環境當然重要，況且目前香港水質的惡劣程度已到了無法容忍的地步。但實在令人質疑的，為何政府不向公眾交代採用何種排污方法？用何種程序去處理排污？同時也不去公開給市民知道，究竟排污費在將來會否增加呢？

至於工商業污水附加費，至目前為止，已發生了不少在執行上的問題，如水質化驗標準及收費標準，均遭受業界人士的批評。工商業排放的污水當然比家庭污水為多，且對環境衛生造成禍害更大，政府要向做生意的人收排

污費，確實可以理解，而不少廠家也自知排出污水毒害很大，及接受環境原則，願意付排污費。但目前在執行期間，已出現了不少投訴及出現行政混亂的情況，因此，政府有責任聽取業界意見，盡快進行檢討，解決問題。

本人謹此陳辭，謝謝代理主席先生。

**規劃環境地政司致辭：**主席先生，今天我們需要討論此議案，我感到非常遺憾，我感到失望，因為議案向公眾傳達訊息是我們不需要認真付上環境保護責任；我感到失望，因為立法局對於環境保護極其重要事情是往後退的；我亦感失望，因為立法局似乎十分善忘，記不得曾經考慮過的數據和理由，和一年前通過制訂排污費的法案。我希望首先與各位議員重溫以往所提出的數據。

在通過《污水處理服務條例草案》之前，立法局在一九九三年十二月一日舉行了一次議案辯論。在辯論中，議員以26對16的大比數，大力支持“污染者自付”的原則。當時的環境事務委員會主席曾說：“我們應該堅持大家所同意，在環境事務上應採用污染者自付的原則。”立法局大部分議員都贊成這個意見，舉例說，當時港同盟環境事務發言人曾表示：“港同盟贊同污染者自付原則，令每位市民認識人人對我們的環境保護皆有責任，應付出一分力量，並且減少對環境的污染。”今天，陳議員的原議案和梁耀忠議員的修正案，根本字眼上是錯誤，我們現正討論“污染者自付”原則，並非如議案說政府採取“用者自付”原則。

《污水處理服務條例草案》其後在一九九四年七月六日再提交立法局。條例草案審議委員會先後舉行7次會議，仔細審閱條例草案、實施細節，以及建議的收費辦法。經過慎密的審議，制定了當時大家認為既公平、又是市民可以負擔的排污收費辦法，而條例草案亦於一九九四年十二月十四日由立法局通過成為法例。

《污水處理服務條例》制定不久，有關規例便於一九九五年年初再提交立法局，而立法局亦再次仔細審議規例的具體條文。各位議員舉行了五次會議，規例最後獲本局通過後，排污收費計劃便於一九九五年四月一日實施，在這天，政府履行了排污費會是公平、低廉和合理的承諾，而社會人士亦開始履行義務，承擔清潔香港以及處理他們所產生的廢物的費用。簡言之，即奉行“污染者自付”原則，而這也是立法局一向以來堅持的原則。

本人在此再次指出，有關排污費的收費和法例的所有建議和收費的辦法，都是經立法局詳細審議才通過，批評排污費的計劃和“污染者自付”的原則，在很大程度上是批評上一屆立法局，亦方便地把責任推給政府，但政府在執行法例和措施時，是不可以朝令夕改的。

排污服務收費計劃至今已推行了九個月。雖然這項計劃正朝目標進行，並已發揮令排放廢水者減少污染之效，但今天的議案，卻試圖破壞這項大家都同意應該堅持的“污染者自付”原則，也把過去幾年所有的努力毀於一旦。當今世界各地的市民，都正視環境的挑戰，並付出保護環境所需的費用，而其中一些地區甚至未如香港般富裕。然而，今天這項議案卻試圖令香港離棄“污染者自付”的原則。政府認為這項議案短視、膚淺、是政治機會主義者的所為，更何況這項議案所根據的，是一些不正確的假設。

因此，我今天希望向各議員再次闡述有關事實，而我的同事工務司則會談到污水處理服務營運基金的問題。

排污費的收費率是劃一的，每立方米用水徵收1.2元，是根據用水量計算，因為對我們大部分人來說，我們使用後的水會變成廢水，排到污水渠再作處理。不過，我想提醒議員，本港約25萬住戶每4個月的用水，不超過12立方米，所以他們享有免費用水量，毋須繳付水費，亦豁免繳付排污費。梁耀忠議員剛才所舉出的例子說，若使用十立方米的水，便要繳付12元的排污費。這是錯誤的，因為若只用十立方米的水，便連水費亦不用支付，又何況是排污費？另外，本港55%的住戶每月繳付的排污費用少於9.3元，而77%的住戶所繳付的排污費是少於15元，換句話說，他們分別每天所付的排污費是0.3元和0.5元左右。另外，對於那些真正有困難的人士，在已經修訂的綜合社會保障援助計劃中，可以確保這筆小額的排污費，不會加重那些依靠公共援助的家庭的負擔。不過，由於很多住宅用戶已獲豁免，而收費亦十分低廉，我很難想像會有人真的要依賴公共援助金來繳付排污費。

對於負擔能力這個問題，各位議員也許可以把排污費和家庭入息中位數作一比較。大部分住宅用戶平均每月須繳付9.3元排污費，而政府經濟顧問指出，一九九五年第三季的家庭入息中位數是每月15,600元。如果說這些家庭沒有能力負擔每月9.3元的費用，來處理他們排出的污水的話，是否實在有欠道理呢？

另外，議員也許亦可考慮一下，假若政府如有些人士所提議，降低排污費，或者不收回運作成本，後果會是怎樣？首先，我不清楚這個減費幅度的理據何在。不過，即使我們實施減費，對住宅用戶的經濟影響是微不足道的。請看看以下的事實。假如把排污費減至0.7元，15.5%的住戶將仍然毋須繳付排污費；55.5%的住戶繳付不多於5.43元；77%的住戶每月將須繳付不多於8.75元。換言之，大部分住戶須繳付的排污費，將由每月9.3元減至5.43元，即每日減少0.12元。這個減少的金額對中等收入的家庭沒有重大影響，但對“污染者自付”原則及污水處理服務營運基金將會有重大的損害。

即使各位議員不理會這些事實以及原則，部分議員或許會爭辯，正如在一九九三和九四年的辯論中有人說，今日亦有人說，住宅用戶不會“製造污染”，與營利的工商業所製造的污染比較，住宅污水只是無可避免的產物。這個論據暗示，只有工商業才應繳付潔淨本港水域的費用，住宅便沒有這個責任。這個論據以往未曾得到立法局的支持。我相信今天亦不值得支持。陸恭蕙議員在一九九三年議案辯論中所說：“假如認為只有工業才製造污染，就是錯誤的想法。家庭住戶也製造污染的。以為我們用以洗濯、清潔和煮食後的水不會造成污染，是錯誤的想法。這些水是會造成污染的。”主席先生，事實上，住宅污水佔了本港廢水量的一半，造成相當嚴重的水污染問題，當然，處理這些污水亦費用不菲。

再者，豁免一大類別的使用者繳付費用，亦即將費用轉嫁到其他人身上，這亦必然令那些現時願意繳付排污費的人有所猶疑。他們會問，為甚麼要由一個類別的人資助另一個類別的人？排污服務收費計劃只要求製造污染者支付他們應承擔的費用，不多也不少。這是公平的原則，而收費目前而言亦屬低廉而合理。

我亦要提醒各位議員，“污染者自付”原則是得到社會人士廣泛支持的。根據長春社在一九九五年六月進行的調查，絕大部分被訪者均支持“污染者自付”原則。另一個綠色團體最近進行了一項關於中學生環境保護態度的調查，結果顯示被訪者認為水污染是本港其中一個最嚴重的環境問題。同時，逾六成被訪的青少年贊成收取排污費，認為這項措施符合“污染者自付”原則。本港市民大力支持“污染者自付”原則，也樂意承擔保護環境的責任，是值得讚揚的。正因如此，我很奇怪為何多位議員在大多數市民都積極承擔環境保護責任的時候，竟要建議市民逃避責任。除了我剛才提及的調查結果外，政府自一九九五年五月開始，向住宅用戶發出200萬張排污服務收費單，沒有任何市民因為反對排污費而沒有繳交這些費用，這些事實足以顯示市民支持這項措施的程度。

至於排污費對工商業的影響，我曾經在不同場合中重申，排污費對工商各界經營成本的影響甚微。一般來說，排污費令製造業的平均經營成本增加少於0.5%。對於用水量較高及污染較嚴重的行業，例如漂染、紙漿和造紙業，經營成本會增加1%至2%。不過，很多行業為了保護環境和保障自己利潤，已引進現代化的製造工序和科技，因此能進一步減低須繳付的排污費和工商業污水附加費。事實上，我很高興看到本港很多行業，都已加強處理廠房排出的污水。

至於食肆方面，排污費令食肆經營成本增加0.46%至1.19%不等。若食肆經營人不同意，可以就自己的數據、實際經營成本與政府討論，但目前為止，我未曾見過有任何的食肆，因為排污費收費增加了本人剛才分析的數字而影響到他們的經營成本。當然，一些人會把他所繳交的排污費和其利潤作一個比較，但我們由始至終所討論的是怎樣與他們經營成本方面的增加作出比較的。過去，有些人弄不清楚，為何一些食肆的排污費收費率是每立方米9.12元，而另一些則只是每立方米3.78元。我想在此略作解釋。每立方米3.78元的排污費是適用於開設在水質管制區內，因而成為受《水污染管制條例》規管的食肆。這些食肆必須符合發牌規定來達到法定排污標準。開設在水質管制區以外地區、因而毋須受標準規限的食肆，極可能會排放污染度較高的污水，而處理這些污水的費用將會較大。因此，這些食肆的工商業污水附加費收費率是每立方米9.12元。不過，我想告知各位議員，政府有意在本年四月一日，即兩、三個月之後，把港島北部，亦即本港水域內唯一未受《水污染管制條例》規管的餘下部分，定為水質管制區。因此，由該日起，全港各個須繳交工商業污水附加費的行業和工業均會各自有劃一的收費率。現時按每立方米9.12元繳付工商業污水附加費的食肆，屆時所須繳交的費用會大幅減少。

曾經有人聲稱，排污費令不少食肆結業，不少僱員因而遭解僱。不過，事實並非如此。最近一項調查顯示，一九九五年與一九九四年比較，非中式餐館及快餐店雖有減少，但中式餐館的數目卻有所增加。我相信最影響食肆生意的，是食物的質素和種類，以及食肆對客人的服務；說排污費使食肆倒閉是個極不公平的說法。

議員或許會知道，一個針對排污業污水的調查已進行了一段時間。你們或者也聽過一些業界代表發表過一些言論，事實上，這些言論並不是全部正確的。現在就讓我藉這個機會向各位議員匯報一下最新的情況。

由於飲食業反對工商業污水附加費，並質疑用以計算該附加費的化學需氧量的準確性，業界代表提議進行一項集體調查，以確認該行業污水的化學



需氧量值，政府已經同意這一個建議。該批代表後來聘用一所認可的化驗所，從300多間食肆中抽出80間作抽樣調查。陳榮燦議員剛才沒有說的是在調查進行至一半時，我們發現該化驗所程序出現錯誤，因而產生出來的結果是有疑問的。當我們提醒化驗所後，化驗所承認問題，因而這些錯誤已在調查後期的樣本獲得糾正，但調查的整體結果中，可能60%仍然是有疑點的。政府部門與業界正再就這問題進行商討。

當政府同意進行這個調查時，我們非常清楚地指出，調查應建基於一個雙方同意的調查方法，及調查應在公正、無私及公平的情況之下進行。只有如此得出的結果，政府才會考慮。我們和業界代表正就這個調查進行對話，我誠意希望我們能找到一個解決問題的方法。

代理主席先生，我現在想談談我們對保護環境的社會責任及“污染者自付”原則。去年九月各位議員進入立法局的時候，不少議員曾承諾，會做更多工作去保護香港的環境。根據綠色力量進行的一項調查，在受訪的立法局候選人之中，約70%支持“污染者自付”原則，因為他們認為這是一項公平有效的政策。

從政者決定政策問題時，有時難免須要作出一些困難的抉擇。立法局議員於一九九三年表示支持“污染者自付”原則，並於一九九四年通過《污水處理服務條例草案》時，並不是由於議員不知道污染者須繳付費用，或不知道他們須繳付多少費用，因為這些收費都已在規例內清楚列明，亦經過議員詳細的審議。真正的原因是，議員知道這事關乎社會的整體利益，關乎環境。如果今天立法局不支持“污染者自付”原則，或者更改在這個原則下的收費辦法，對於我們保護環境的工作，今天會是一個非常可悲的日子。可悲不僅是因為政治權宜的手段勝出，更重要的是因為本局會向大都支持排污費的香港市民，發出錯誤的訊息。

我想強調，立法局議員是社會領袖，實有責任令香港成為一個更理想的安居之所。因此，我促請各位議員發揮你們的領導才能和展示你們遠大的目光，而不要把排污費變成呼之則來，揮之則去的政治皮球。我懇請你們不要把公眾關注的事情與自己的政治利益混淆。反之，我籲請你們恪守改善本港環境的承諾，並繼續支持“污染者自付”原則，與其他現代化都市看齊。

THE PRESIDENT resumed the Chair.

楊孝華議員致辭：主席先生，自由黨是相信經濟主導，關注民生的，所以自由黨自然會關心環保和污染這個問題。今時今日，“環保”已成為大家的熱門話題。我所代表的旅遊業內有三個範疇：航空、旅行社和酒店，似乎只有酒店一方面對排污收費有異議的，航空界和旅行社沒有甚麼特別的意見。所以，我想在這裏談談酒店業，尤其是酒店管理協會、酒店協會和酒店業主聯會的意見。大家都希望為保護環境出一分力，港府亦一樣。不過，酒店業覺得如果缺少了長遠而計劃周詳的政策及指引給各個行業，特別是酒店業，便未能有效地達到教育大眾的目的。

突然間，政府實行所謂“污水服務收費計劃”給人一個感覺，是差不多只要你開水龍頭用水，就要為破壞環境而作出賠償。當然，諒其意圖未必如此，但給人的印象確實是這樣。

政府只是約近十年才提倡環保。當然，政府理應如此。然而，政府應該多加指引，以助減低不同工業排出的污水對環境的負面影響，而非給人的形象是只顧收取排污附加費。

政府在實行“污水服務收費計劃”前，未廣徵酒店業內的意見，亦未考慮目前社會面對這種經濟的環境下，能否再承擔多一項支出。計劃實施後又沒有給這個行業及大眾足夠的指引，使他們知道如何可以減少用水而達致保護環境的效果。

以用水量多少來衡量附加費對酒店業並不公平。酒店的用水大部分是泳池及客人房間用水。洗衣水及酒店內餐館用水只佔很少部分，多數情形下，其污染程度還比政府所訂的所謂“化學需氧量”3 600單位為低。酒店內有一些食肆，所排放的污水含有機物質及含油量，是會對環境造成負面影響的，但我們覺得這並不能與那些有毒及重金屬行業破壞我們周圍美好環境的情況相提並論。

酒店業只不過是覺得他們是政府缺乏周詳的計劃的受害者。收取這項附加費實在對這個行業太苛刻。

事實上，酒店方面努力減低污染，例如用鹹水沖廁，用已循環的洗衣水作冷氣機冷卻之用及減低水壓等。

“污水服務收費計劃”使酒店業的成本大增，競爭力下降。加上之前政府亦在其他方面，例如在地積比例問題上取消酒店地庫優惠，又不在酒店缺乏人手時加以援手，阻礙輸入適當的人才，總體來說，真使人懷疑，政府是否有誠意協助香港酒店業的發展。

主席先生，謹此陳辭。

蔡根培議員致辭：主席先生，對於“用者自付”或者“污者自付”的概念，作為一個大原則是值得支持的。但是，須要考慮每一項“自付”的實際情況。如果盲目堅持“用者自付”，那麼，行人及車輛使用道路就需要繳付道路費；學童上學，其繳付學費應是學校實際開支；病人使用醫院服務或居民使用公園等休憩場所，就要付足費用。如果是這樣的話，政府的稅收是要來做甚麼用途的？

一般市民每日的洗滌、家居清潔，用水是必須的。住宅污水是無可避免的，不管收取排污費用多少，住戶是沒辦法減低排污量。既然如此，為甚麼政府不從一般的公共開支支付處理污水方面的費用呢？再者，目前按用戶耗水量多寡徵收排污費是值得商榷的，因為用水量愈多者，並不等於排污量多。如此，收取排污費實際上是按“用水者自付”而非“污染者自付”。因此，本人反對向住戶收取排污費。政府應在每年的公共開支中，撥出部分金額注入污水處理營運基金，以支付策略性排污計劃及污水收集系統工程的運作費用。

對於向工商業收取排污費，本人是贊成的，因為工商業用水而須支付排污費應視為其經營成本之一，若免除徵收彼等的排污費，便等於政府利用納稅人金錢津貼其經營。事實上，工商界也沒有反對徵收排污費。問題是按甚麼標準收費，收費是否真實反映污染程度及對社會造成的影響？一些行業強烈不滿政府所釐定的污水附加費，是因為釐定這些工商業所造成的污染程度存在頗大的誤差。究其原因是抽樣調查缺乏代表性，並不反映平均污染量。而如何抽樣及如何釐定污染程度，事先亦未有諮詢業內人士意見，更未提供足夠反映意見的渠道，以致現行計算的排污費的機制，存有不少漏洞。對飲食業所釐定的污水附加費，便是一個明顯的例子。政府應面對錯誤，從新釐訂這等行業的污水附加費。此外，政府釐定附加費時，亦應充分考慮各行業的負擔能力。去年有兩間漂染廠先後倒閉，值得政府注意。在目前經濟正在滑下坡的時候，對某些經營困難的行業，政府可否考慮以循序漸進方式徵收污水附加費，以免令經營困難的工商業再雪上加霜。

主席先生，本人謹此陳辭，支持原議案。

**劉皇發議員致辭：**主席先生，排污費這個問題已爭論了不少時日，事實證明這項措施非常不得人心。政府是以“污染者自付”的原則作為徵收排污費的理據，對此，我一直持反對的意見，我覺得在有關問題上，“污染者自付”或“用者自付”的原則明顯受到濫用。

很明顯，正如我以前在本局已經指出，倘若向市民收取排污費的做法是正確的話，那麼基於同樣的邏輯，下一步就應該向市民收取垃圾處理費、行人路及公路使用費，甚至應該向遊行示威人士收取警方維持秩序費、向涉及火災或其他緊急事故的人士收取救援費等。其實，政府如果真的要貫徹“用者自付”的原則，最方便有效的做法就是把服務交予私人公司經營，但這又豈是負責任政府應有的行為？

主席先生，政府不能因一些服務或設施需要使用公帑，便搬出“用者自付”的原則，因為，一則政府不是私人公司，不應仿效商人般在商言商；二則政府每年從各種各樣的稅收以及在賣地方面進帳甚豐，財政非常充裕，儲備龐大，有道是取之於民，用之於民，財政收入不用在市民身上，難道是為要累積天文數字的儲備，以炫耀於世人？

我認為“用者自付”的原則，極其量只適宜施諸於一些不影響普羅大眾，以及市民有選擇餘地的服務，對於市民必須使用的服務，要他們用者自付，非但沒有顧及社會因素，也違反公平合理的原則，因為這等於在現有的稅制下，變相增設網羅市民大眾的新稅種，而政府只要祭起“用者自付”原則的法寶，這些新稅種就有無限的發展潛力，令市民百上加斤。

主席先生，我謹此陳辭。

**顏錦全議員致辭：**主席先生，本人會就策略性污水排放計劃的財政及工程兩方面的問題發言。

在財政問題上，我想討論有關收回成本原則的問題，因為這關乎港府應否減免住宅排污費，以及重新檢討商業污水附加費的標準。我相信必然會有人批評，陳榮燦議員以及其他議員的修正案會減少排污計劃營運基金的收入，並質疑如果讓這些議案通過，誰來負責不足的費用。這個問題正好反映港府對整個污水排放計劃缺乏長遠的承擔。

港府設立營運基金，目的是利用用戶所繳交的排污費，支付污水處理開支，使港府毋須從一般收入支付。一個重要的問題，港府向市民收回排污計劃所有營運成本是否公平呢？根據港府的“污染者自付”原則，如因用戶排放的污水減少，排污費自然減低，一旦整體排污費收入大幅降低，港府便不能完全收回成本。屆時，港府便只能不斷增加排污費以收回成本。

### *排污費恐會變成“無底洞”*

事實上，港府預計九五至九六年度的排污費收入會有8億元，據港府九四年十月公布的數據，同年的排污服務營運開支已達七億元。雖然排污計劃的收入與支出均會逐年增加，但有趨勢顯示兩者的差距愈來愈小。單以九七至九八年度及九五至九六年度比較，預算的營運開支便增加了一倍，由七億多元增至十四億多元；到了九七至九八年度，開支就會大於收入，令計劃首次出現2.44億元赤字。如果港府不認真解決財政安排上的問題，那麼，以收回全部營運成本為目標而收取的排污費，只會成為一個“無底洞”。

### *借“污染者自付”之名，行不公平徵費之實*

港府曾表示，若現時更改某一類用戶的排污收費，結果只有兩個，第一是要其他用戶額外負擔更多開支，第二是港府可能要運用納稅人的金錢作出補貼，有關論點似乎強調減收任何排污收費都會造成不公平。但我希望各位立法局議員認真分析一下，港府所強調的公平財政原則是否真的公平。自港府提出排污計劃以來，已有不少人士，包括立法局議員，指出港府其實借“污染者自付”之名，行不公平徵收排污費之實。

我們都明白一個道理，就是“小數怕長計”。港府不時以經常性開支龐大為理由而放棄進行一些計劃，但按港府的說法，港府就是將排污計劃的龐大經常開支完全交由市民來承擔。民建聯同意向污染者徵收費用，但反對將一項涉及全港市民的政府服務，變為類似一間由港府經營的服務公司，向客戶收取包括公務員薪津的費用，這究竟是一項怎樣的財政政策？納稅人一直交稅的作用又是甚麼？

故此，在財政問題上，我們認為港府應改變政策。由於民建聯反對港府立即收回排污計劃的全部運作成本，為了減輕市民在這方面的壓力，港府可考慮每年都向營運基金注資，例如把現時用於渠務署處理污水的開支注資入營運基金，數額約為5億元，作為港府每年最少的注資數額，以履行港府應盡的責任。

事實上，今天本港的海水嚴重污染問題，是港府歷年來沒有認真處理的後遺症，作為負責統籌全港污水處理的決策科和有關部門，多年來只簡單地將污水排放到海裏去便算，到近年才急急推出一個如此龐大的排污計劃，卻又要市民全數負擔有關的營運開支。港府實際上是將“應該付而未付”的債項，強要市民來支付，這種做法又如何談得上是公平？

主席先生，相信大家知道第二期排污計劃將是整個計劃的重要部分，亦影響將來的營運和維修成本，但究竟要用哪一級的污水處理方式，以及管道最終出口設在何處，還未有定論，中英雙方的專家在短期內仍要研究提出最後方案。民建聯一直認為，一級處理並非最佳的處理污水標準，港府應進行更徹底的污水處理，例如二級處理後，才把污水排放，同時要將污水分散排放。但港府一直都沒有就較高級的污水處理方式所涉及的營運開支及對整體排污計劃的影響，提供明確數據及資料，令公眾難以進行充分討論及提出意見，這是令人遺憾的。

本人謹此陳辭，支持陳榮燦議員的議案。

**MISS CHRISTINE LOH:** Mr President, the motion and the amendments work off the basis that Hong Kong is facing economic downturn and high inflation. For these reasons, it is proposed by the Honourable Members that the sewage charging scheme and the trade effluent surcharges (TES) scheme should be abolished, reduced and/or suspended, as the case may be in each case.

As a general proposition, I assume that the Honourable Members are also suggesting that when there is an economic upturn and/or lower inflation, then we can revive the schemes to a greater or lesser extent. But this hardly makes good sense in terms of public policy management. We are never going to know from year to year whether we would be able to impose sewage and effluent charges or not. I cannot believe that a responsible legislature would go along with anything like this. As such, we should vote the motion and all the amendments down.

The motion and amendments contain a number of other points which I would like to address. The first is of course the so-called "user pays" and "polluter pays" principles. No one is arguing that these principles are inherently wrong. However, Dr the Honourable John TSE is opposing the recovery of the

full operating costs involved from the users. If full costs were not recovered via the schemes, then they would have to be funded from General Revenue, that is, from all taxpayers.

Does the Honourable Member not see that this would be regressive and unfair? The schemes, rightly, are based on the amount of water one users. The more water that is used and the more waste water one discharges, the more one pays for treatment. If costs are not all paid for by the users and polluters, and are shared by taxpayers instead, then taxpayers are being made to subsidize users and polluters. I cannot see the justice of that.

Just now the Honourable LEUNG Yiu-chung's interpretation of polluters, I think, is frankly wrong. He is arguing that everybody needs to use a certain amount of water, for example, for basic hygiene. Whilst I do not disagree with that, I do wish to point out that for domestic users, there is an exemption amount to start off with to take care of this particular quantity of water. And secondly, he said that he did not think when we are performing our usual daily absolutions, these are necessarily polluting activities. I would like to point out that they are, Mr President. For example, there are measures that we can take for conservation and environmental purposes. For example, in terms of flushing, we can put in the kind of toilet facilities which use less water. If we are using a shower head, we can buy a low-flow shower head in order to cut down the amount of water. And in terms of products that we use, we can use environmentally more friendly products rather than otherwise.

The Honourable Frederick FUNG's and the Honourable LEUNG Yiu-chung's amendments also seek to abolish sewage charges on domestic users completely. Again, what is the sense of this? Why should domestic polluters be exempted and taxpayers carry the burden? If what the Honourable Members are suggesting is that domestic sewage charges should not be levied when there is economic downturn and high inflation, then they must explain why general taxpayers must carry that burden on behalf of householders during bad times. It really is much fairer to charge everyone on the basis of the amount of water they each use.

The second issue is how trade effluent surcharges are made up. I agree with the motion and the amendments that it is time to review the basis of the scheme. The TES scheme has been in operation since April 1995, that is, for

nine months. I recall, as a former member of the Advisory Council on the Environment, that when the scheme came before the Council, the Administration did promise to review the scheme after it has been in operation for some time in order to iron out any problems and inequities.

Of the total TES collected from 30 industries, the catering trade made up 82% of the charges, while, for example, the textile trade made up only 8.57%. What might this indicate — that the textile trade has much better treatment and abatement facilities than the catering trade? Well, may be yes, may be no. The catering trade is arguing vigorously that it is perhaps a lesser polluter than the Administration deems it to be. Understandably, it wants to exchange technical data with the Administration, but according to the trade, the relevant departments appear reluctant or slow to respond. There seems to be no good reasons for this. This Council's Environment Affairs Panel is an appropriate venue to review the TES scheme and I hope that a meeting can be arranged shortly. As chairperson for this Panel, I will push for an early meeting.

The catering trade is suggesting that before a review of the TES scheme, that charges should be suspended. I disagree with this, Mr President. Charges should continue but if it is found that the basis for the charges are incorrect, and that the trade has had to shoulder a burden that is unfair, then the Administration could always consider refunding the overcharging by deducting from future payments instead.

Mr President, I do urge Members to vote against the motion and all the amendments.

周梁淑怡議員致辭：主席先生，作為一個原則，我相信“污染者自付”這說法是沒有人可以反對的，而對於“用者自付”，而自由黨亦作出有限度支持。

但我們完全不可能支持的，就是容許當權者不公平、無理據、不顧實際情況地運用他們的權力，用一些動聽的藉口去損害市民，無論這些市民是消費者抑或是工商界，都不應該獲得本局的維護和支持。即如我們不會同意其他國家犯事與懲罰不相稱，如偷竊要斬手、貪污要槍斃等。今天排污費計算的嚴苛遠遠超過要達到環保目標所應採用的手段和程度。



以下一系列的事實足以證明政府以環保為名去逼害酒樓業。

根據渠務署資料，政府從30個行業收到3.2億元工商業污水附加費，其中二億七千多萬是由酒樓業的8 800百間食肆收取的。

在水質管制區，酒樓業要負擔的商業附加費計算方法，是假定於水錶用水之水費80%在非水質管制區內，附加費更是水費之1.8倍。

在制訂收費過程中，政府並無諮詢行業內的意見，更處處單方面用一些完全不能反映現實情況的所謂數據，當問題出現時，更官僚地拒絕與行業商討。

近期因公眾和本局關注問題後，政府才同意對行業水質進行測試，其實，這測試實應在訂定法例前已經做了，但既然未做，現在有心不怕遲，可惜在制訂測試過程，政府態度非常要不得，行業集合50萬經費，從政府認可6間的試驗室中決定一間。抽取樣本過程有環保署和渠務署等官員參與，樣本拿取後分成兩份，一份由試驗室測試，政府剛才已說過政府不承認和不接受，但當行業要求政府把它取去一半樣本測試的結果公布，卻被拒絕，究竟政府要隱瞞甚麼？

在決定80間測試酒樓時，政府諸多留難，結果要行業找40間，政府找40間，結果政府找到其中八間是嚴重污染者，但當行業要求要取測試結果中位數（即將80間排了次序而取中間的數），政府卻要採用平均數，這不是“造馬”是甚麼？

30間已上訴的食肆全部得直，而它們所測試出來的污染程度只是由幾百至千幾COD，跟政府所假定而根據收費的COD，即3 600 COD和2 000 COD有很大距離。

技術備忘錄所訂的上訴驗水的要求非常嚴苛（即連續四日在營業時間每15分鐘取樣本一次），費用要達3萬元這麼多，試問中小型食肆有沒有條件上訴？主席先生，政府口口聲聲說污水附加費只不過是食肆經營成本的0.46%至1.19%，剛才規劃環境地政司也有提及不應構成任何困難，他說有異議應該提出來，其實我不知道政府的估計從何而來，因為我只很簡單的詢問過一些行業的代表，已經拿到他們說出來的數據，就是現在實際的附加費是營業額的1.2%至2%，是經營成本的3%至5%。

擺在眼前的事實，就是九五年有1 200間酒樓結業或轉手，政府是否應在艱難時間落井下石，這是否一個好政府應該有的所為呢？一間上市酒樓集團九四年做了5億元營業額，盈利得500萬，九五年這集團要付400萬排污費。眾所周知，九五年市道和生意都比九四年差，這集團已經宣佈九五年上半年前要虧本，可以想象其下員工面臨是甚麼的前景。

主席先生，政府尤其是環保署的官員再不能坐在象牙塔內為自己的面子和威信辯護。請擦亮眼睛，公正和憑住良心做真正的人民公僕。我支持原議案，至於其他的修正案，全部都是將市民和工商界利益分割，完全違反了我和自由黨對香港整體利益的平衡和包容，哲理上我們是絕不認同。

我想一提民主黨日前所做的統計，相信若統計找出可以支持謝永齡議員今天的修訂，當然會使民主黨很滿意，但事與願違，結果很明顯地反映了50%被訪者都不同意民主黨今天議案中把工商界一部分撇出來，這清楚地反映了很多人都看得出市民民生與工商界的命脈是相通，逼死生意人不見得市民會有所收益，這樣顯淺的道理，難道民主黨不明白？為甚麼要選擇性地去聽民意，為甚麼要敵視工商界？

香港今天的大富翁是政府，不能再讓它為所欲為地去斂財，不論它的對象是市民還是商人，請同事認清對象，支持原議案。

**葉國謙議員致辭：**主席先生，雖然，本局過去曾就減收住宅排污費問題或其他工商排污費問題，進行過兩次辯論，均被否決，但這並不代表問題已沒有討論的價值，或者是我們不尊重上屆立法局的同事。我想在這裏就住宅排污費問題作出討論，剛才周梁淑怡議員及陳榮燦議員都已就工商業的排污費發表意見。

現時，家庭用戶所繳付的排污費，是數十元至百多元左右不等，從這些數據資料來看，似乎市民繳交排污費的負擔不大，但問題的精結不是繳交多少費用的問題，而是繳費的準則根本就找不出誰是真正污染者？誰需要負上破壞環保的責任？

事實上，港府自今年四月開始徵收排污費。全港市民只要扭開水喉使用自來水，而用過的水再經喉管排放到政府鋪設的污水渠，便自動成為污染者，這真是千奇百怪，難以令人接受的謬論。民建聯一向贊同“污染者自付”的原則，但現時徵收排污費，卻是奉行“用水者自付”的政策，剛才規劃環境地政司不斷說這是“污染者自付”的原則，我們的看法認為絕對不是，而是“用水者自付”，用多少水便要付多少款，將排污費與耗水量完全

掛，這一種排污收費的理念是令人質疑和難以接受的。

剛才有很多議員都提及到，市民日常生活用水，主要在個人生活，如洗臉、洗澡、大小二便、家居清潔等，這是無可避免要使用食水。政府現時就將市民用以維持日常生活必須的行徑，視為污染的來源，這是否合情合理呢？政府強調徵收排污費是希望市民注意生活用水，可以節約用水，加強市民的環保意識，但這目的是否可以達到？市民能否因此而兩、三天不洗澡、不上廁所，以達到減少用水，保護環境呢？所以民建聯對“用水者自付”的政策是不能接受的，更不能接受假以“污染者自付”的原則代替“用水者自付”。

再者，政府強調收費的目的，是要由公眾人士支付策略性污水排放計劃及地區性污水收集系統的運作費用，政府會將徵收所得的排污費一併注入污水營運基金，以便日後支付排污設施的運作費用，如維修、管理及設置污水渠等。如果沒有額外徵收的排污費，開支由誰付呢？現時全港市民已透過繳交差餉，水費和各種稅項以支付現時排污設施的運作費用，民建聯認為政府實在沒有理由可以推卸原先承擔的財政責任，巧立名目，開徵額外收費，加重市民負擔。況且，排污費的先例一開，不排除政府日後亦以同樣理由，向市民徵收各種各樣的維修費、運作費，如公廁費、公園入場費、倒垃圾費等，這些設施亦正如政府所說是需要經費興建，維持運作的。如果按政府的說法，使用的市民亦“須貢獻出一分力”來支持收費，那時，收費項目之多，令人難以想像。

民建聯同意要令我們下一代有美好生活，令香港環境更美好，每個人亦有責任為減低污染出力，但目前徵收排污費，用水者等於污染者，無論你是浪費食水，抑或是節約食水的都按同一徵收標準繳交排污費，這對市民環保意識根本就既無教育意義，亦無鼓勵作用。

對於車輛噴出黑煙、亂拋垃圾、隨處傾倒廢物的真正污染者，我們必須加以懲罰，但對於並不是污染者，卻又被指為污染者，而且又對其行以懲罰的政策，確實是令人費解。兩年前，本人曾代表民建聯將2萬個反對濫收排污費的簽名親手交給規劃環境地政科的官員，表達香港市民強烈不滿，民建聯希望政府能尊重民意，撤銷或減低一般家庭住宅的排污費。若政府不考慮撤銷排污費，民建聯建議港府考慮將目前住宅排污費的豁免額提高至40度，讓大部分家庭用戶可以豁免交排污費，從而找出真正的污染者。

本人謹此陳辭。

劉慧卿議員致辭：主席先生，維多利亞港的水質污染情況非常嚴重，我不知是水污染或空氣污染，兩樣都污染得很。社會上有個共識，覺得政府與市民應盡力改善這個日益惡化的問題，至於誰應付錢收拾殘局，立法局多次討論，今天又再爭拗，真不知是否有如一張壞了的唱片，轉完又轉。剛才梁寶榮先生說到感受時，我有些同感，我覺得我們立法局議員應站起來，挺起胸膛，但當然，不同的人有不同的立場，我們必須予以尊重，但最重要是有始有終，我希望不要說一套做一套。

陳榮燦議員提出來的議案，和其他三位議員所提出來的修正案，基本上謂現在香港經濟不景，所以要撤銷或減低家庭排污費，或者甚至減收工商業的污水收費，我是不同意的，我亦都不同意這四位議員提出議案和修正案的邏輯。聽過那麼多議員發言，其實，除了劉皇發議員和葉國謙議員的怪論，大部分都支持“污染者自付”的原則，但是，我想問一問各位議員，我們支持這個原則，但我們又是否認同保護環境是要付出代價的呢？其實，我不是今天才說，以往也說過了，所以，盡量簡短來說，以免悶倒聽眾。

每當涉及動用金錢去改善環境時，我們便會聽到有些人以不同的藉口去推搪，甚至推卸責任，有些人甚至說由納稅人負擔吧！其實，納稅人便是你和我，但問題就是我們既然認同“污染者自付”的原則，但我們是否知道其精萃是甚麼呢？我們要告訴別人，染污了環境就要付錢將它清潔，雖然剛才有些人覺得連誰污染了環境的定義還要爭拗。

我相信大家都知道香港有些綠色團體會很關注今天的辯論。據我所知，他們不支持任何議案和修正案。所以，我希望我們像政府所說一樣，不要給市民一個訊息，以為立法局雖然說支持“污染者自付”，但有很多附帶條件，甚至令到“污染者自付”的概念名存實亡。我不希望看到立法局今晚向香港社會發出這樣的訊息。

主席先生，今天我們可以看到，香港的污染情況很嚴重，水、空氣、垃圾等的問題都很嚴重，我希望大家議員能夠咬緊牙關。政府剛才說得很對，有些事情是很困難，但對從政而言，每事都很困難的，哪有一件事能100%獲得別人支持。關於這問題，我希望大家能尊重我們的原則，盡力去做，目標是一致。正如剛才政府所說，如果我們將這個計劃擱置而不支持的話，又如何呢？我們如何向自己和向下一代交代呢？我經常指幾歲大的兒童說，我不知他們長大到像我四十多歲時，香港會是怎麼樣的呢？空氣會否難以呼吸呢？又能否到海灘游泳呢？所以，我這種感受是很深刻的。雖然很多時我不同意政府，但今天梁寶榮先生所說的話，我是同意的，希望各位議員能夠三

思。

主席先生，剛才梁寶榮先生提出了很多點意見，我不擬重複。例如，他說住宅的排污費很少，區區數元，很多住戶甚至毋須繳付。根據政府的數字，有77%的住宅，每月的排污費約10元，這數額是否真如某些人所說那麼大呢？主席先生，我相信香港市民是很公道的，只要將這原則提出來，大家切實去做，我相信他們是樂意去做的。若謂可以不做，找其他人付錢，其實，始終也是由納稅人負擔，我覺得這樣就不好。既然已經污染了環境，我覺得很值得告訴公眾，污染了環境便要支付費用，使它回復潔淨。

至於飲食業的問題，政府剛才說過對該業自行所作的調查，有不同的意見，我不排除政府可能有錯誤，但我希望各方面快些坐下來談一談，看看是否真的多收了排污費？若然，便要改。我希望政府不要拖延，盡力去做，但又是否令該業成本高升很多呢？剛才政府提過數字，而周梁淑怡議員也提出更高的數字，但可否科學化地給我們一些數字呢？有些團體向我們提交了一些文件，但沒有提到排污費佔它們的成本百分之幾？如果是很嚴重的話，議員會覺得政府說謊，政府以前的承諾便錯了。我們希望他們能夠提出來。

總括而言，主席先生，可以看得到這污水收費計劃是有些問題，但是否執行有問題就要“一刀切”放棄不做？這是我不可支持的。我希望各位議員以香港和下一代的環境為重，今天否決這項議案和三個修正案。謝謝主席先生。

**MR DAVID CHU:** Mr President, the Government adopted the trade effluent surcharge in April on the "polluter pays" concept which most of us agree. But I see two problems. First, the Government underestimated the financial impact of the surcharge on the catering business. Because of the size of the surcharge, those being affected naturally are critical about the measuring method and also the cost structure, as well as its overall fairness.

Second, the policy lacks an education element to motivate and help people reduce pollution and save costs by the installation of the right apparatus. What the Government essentially gave us was a large stick with which to hit the industry, but no carrot. If the surcharge had been spread out over a period of time and started modestly, both the damage to the industry and the reaction would not be so severe. People would have time to adjust to this additional expense and be induced into practising pollution control, such as equipping their

premises with grease traps.

In a recent survey among district board members, some 90% of the respondents felt a review was necessary and that the charge should be dropped or modified. I believe the Government should address the grievances and fix up the policy, just as everyone should fix up the environment.

With those observations, Mr President, I support the motion.

陳婉嫻議員致辭：主席先生，渠務處署號已明確指出今次政府處理污水有賴大家攤分排污費用。綜觀政府這次推銷住戶排污收費時，他只強調“AA”制，即“每人都要付一份錢”，由此可見這計劃已淪為一個“用者自付”的功能。明顯地，整個計劃只側重收回運作成本的效用，缺乏配合的措施以教育市民減少用水、協助工商界減低污染，亦忽略了共同保護環境的最終目的。主席先生，政府這樣做，我感覺只是急於為未來處理污水計劃的營運經費集資，而草草推出這個漏洞百出的排污費方案。

姑勿論整體的計劃成效如何，我關注的是，政府向住宅用戶收取排污費絕對是基於不合理的收費準則和論據，我看到整個計劃的意念是“用者自付”的原則，這是我們絕對不能接受的。

現時政府規定凡用水的住戶都要繳交排污費用（除少數用水量低於12立方米的用戶之外）。事實上是將用水量與排污量掛，這是“用者自付”的一個演變，難道住戶所排出的百分之百都是污水？市民日常用水作煮食、清潔等用途，實際上的污染程度十分輕微，與工商業的污染程度相比較更是微不足道。我在本身的選區內不斷聽到居民的投訴，實際上他們現在繳交的附加費來說是很高，並不是政府所說的很低，他們究竟覺得我們排出的污水是有多染污呢？

規劃環境地政科在文件內指出，九五至九六年度將向用水的住宅收取總共9億至11億元投入基金，我們留意到當中有約六成來自住宅用戶，令人質疑的是住宅用戶是否一如政府所言佔六成的排污量？我相信政府並非奉行“污染者自付”的原則，向住宅用戶濫收排污費用，補貼工商業用戶。其實，住戶的收費只是巧立名目，向全港市民集資，為策略性排污或者地區性污水處理系統的營運基金儲錢。因此，現行的收費機制是不能接受的。

另外，我們看到如果要按照“污者自付”的原則，我們的看法是食水對每一個市民來說，都是日常生活的必需品，不論貧或富、幼或老，都依靠食水以維持生命。但工商業用戶則不同，他們的污水是在生產過程中排出，商戶在獲得利潤的同時，亦必須承擔他們破壞環境的責任。因此，政府必須辨別出哪些人才在這方面要負上責任，哪些人才是真正的污染者。另外，我還有個意見，就是現在在整個發展計劃過程當中，政府是將自己的責任排了出去，我覺得政府在這過程當中應該承擔責任。

政府應對社會公共服務負上一定的責任。一直以來，全港市民是通過繳交各種稅項以支付現存排污設施的運作費用，雖然剛才有些局內的同事，如劉慧卿議員認為這些錢都是我們支付的，支付稅項與支付這些費用都是一樣的錢。表面上如此，但實際上，回看我們現在的運作，政府並不是這樣。故此，我們認為政府不應推卸其原先承擔的財政責任，反而將應有的責任轉嫁給市民。政府每年應將現時用於排污開支的金額，投入營運基金，負擔起部分未來排污計劃的營運費用。

此外，關於現在收費的原則，事實上，我並不反對市民應承擔排污費的責任，但有關的收費率必須是合理而且必須有鼓勵市民減少用水的作用。住宅用戶的污染程度很輕微，而市民亦沒有太大的能力再將它減低。如果要達至保護環境的目的，我們可考慮或者積極想些辦法，例如可用一些“誘之以餌”的策略，使到居民減低用水，好像現時一個四人家庭平均用水量大約為46度。如果我們可以將現在豁免額提高至40度，便可使到所有的使用者都朝這個目標行事，我覺得這樣可以令到市民減少用水，亦都可以達到政府的目的，假如政府是真的要減低污染的話。

總括而言，政府整個排污費計劃是草率而且不合理的，在這過程當中，亦遭受到市民不少的投訴，不少的學者和工商界的猛烈抨擊。我更關注市民的投訴，因為政府正式開始收費時，市民在這方面的投訴不少，我希望政府在這時候應該作出檢討。

本人謹此陳辭，促請政府撤銷或減低住戶用水的排污費，並且支持原議案。

陳偉業議員致辭：主席先生，猶記得九三年二月一日，本局曾就“污染者自付”問題，進行議案辯論，當時本人已經指出，政府對本港水質日趨惡劣的情況責任難辭其咎，因為本港大部分地區在發展前，政府並未設置污水收集總管道，令到污水可能在未經處理的情況下直接流入海灣，嚴重影響本港水質。同時由於政府規劃失當，高度放縱發展商牟取暴利，無視環境保育的重要性，令到污染情況日壞，市民受害。

另方面，由於政府多年來對污水處理問題採取消極態度，雖早在一九七五年已提交《香港污水處理及棄置的總體大綱》文件，但卻要延至一九九五年才實施污水處理計劃。由於政府漠視問題的重要性，導致水質污染加劇，這個惡果實在不應只由市民承擔。現時政府徵收排污費的方式，正是將責任全部轉嫁予普羅市民身上，而對過去最大的污染者並未作出懲罰，這種漠視問題的態度是令人失望及遺憾的。

民主黨原則上同意“污染者自付”的原則，但民主黨反對政府現行的排污費方案，因為渠務建設及污水系統是一種公共建設，政府不應藉“污染者自付”為理由，向普羅市民收回全部污水處理的運作成本，從而推卸承擔排污建設和運作費用的責任。我相信若污染程度不同，污染者所承擔的責任亦理應有別。這正是所謂“污染者自付”原則的精神。故此我認為要徵收排污費前應清楚辨別污染程度的不同、責任的輕重，來釐訂收費的標準。而現時的收費速度及幅度實在使人不能接受。

關於收費影響民生的問題，很多議員亦表達了很多意見。我想回應剛才劉慧卿議員所說的收費和“污染者自付”的問題。她的論據說這些收費會改善現時的環境，從環保方面來看，這其實是有一個誤解的，因為現時的收費是將既有系統裏處理污染問題的財政責任轉嫁於市民身上，過去，這些費用是由中央政府承擔的，所以，現時收費的實際意義，是沒有實際協助處理改善污染的問題，而只是透過這收費轉移財政的責任。另一方面，關於所謂“污染者自付”，其實，政府在執行上的準則也很參差。現時有很多涉及污染的問題，最明顯的莫如化學廢料的處理，我們多次要求政府從速就化學廢料處理收費以盡快收回成本，但政府多年來還未有正式去做，但其他住戶的，卻要盡快去收回；又例如關於堆填區的收費問題、醫療廢料的處理、很多廢氣的排放、很多這些污染環境的問題，政府都沒有用“污染者自付”的原則去處理，但現時這麼強硬要這樣短時間內收回處理住宅污水的成本，我們覺得是不能接受的。

在九四至九五財政年度，政府曾注資6億元，作為渠務署污水處理及收集污水的開支，但九五年開始收取排污費後，港府便停止支付此筆款項，改



以排污費取代。政府此舉，明顯是變相縮減開支，推卸責任。民主黨促請政府盡速交代現時渠務署帳目，及公開計算攤分各項成本的方法，以免出現補貼其它與污水處理服務無關的財政安排。

鑑於香港目前整體水質污染十分嚴重，民主黨促請政府加快污水處理策略計劃的步伐，目前單單將污水作一級處理其實並不足夠，民主黨建議須將污水作二級處理才可排放。但民主黨重申，我們反對將全部運作成本轉嫁市民身上，這是不能接受的。同時，由於有部分污水是由中國大陸流入本港水域，其中深圳河的污染程度是令人最為關注的。民主黨要求中英雙方除了排污計劃外，亦應就改善華南地區整體水質污染方面加強合作。

而對於工商業污水附加費問題，民主黨認為由於工商業排放污水是透過經濟活動賺取利潤，故原則上贊成政府向工商界收回百分之百的運作成本，避免出現市民資助工商界的情況。但鑑於現時的收費準則可能出現漏洞，例如食肆污水的收費計算，民主黨建議政府須對此進行檢討。

事實上，污染問題已困擾本港多年，而歷任的規劃環境地政司對此未見採取積極行動，相信是因為規劃環境地政科往往以發展香港土地為着眼點，忽略了環境保育的重要性。現時有不少工廠區，由於污水渠接駁問題，仍然將大量未經處理的污水排放入海港，造成嚴重污染。希望現任的規劃環境地政司會改善這問題，

主席先生，本人謹此陳辭，支持謝永齡議員的修正案。

**PRESIDENT:** I now invite Mr CHAN Wing-chan to speak on the amendments to his motion. He has five minutes to speak on all the proposed amendments.

**陳榮燦議員致辭：**主席先生，港府未經周詳細密策劃，便匆匆實施排污附加費或排污費計劃，連月來不斷受到市民、工商界的抨擊，指其不公平及不合理。事實上，這項計劃只側重於收回成本，欠缺令人信服及廣為接受的準則和機制，將處理污水費用完全推卸給市民大眾來承擔。剛才謝永寧議員、馮檢基議員及梁耀忠議員對於工商業污水附加費提出修正，大家都認同應檢討這項徵費的準則，但卻認為不應在檢討期間暫緩徵收。然而，本人提出暫緩徵收工商污水附加費是絕對合情合理的。第一，現時對工商業徵收費用所援引的釐定準則極之不合理及不公平，而政府亦有意檢討徵收的準則，例如最近飲食業正向政府提出集體上訴，以尋求確立合理的數據。

第二，根據渠務署去年的資料顯示，有四十多間酒樓食肆提出上訴，自行抽取污水樣本進行化驗，而上訴成功的個案逾三十多個，只有一宗上訴失敗。由此可見，有三十多間酒樓食肆的污水化驗結果，其污染量比政府的3 600需氧量標準為低，故此，這三十多間酒樓食肆上訴成功，豁免或減少繳交排污附加費。

但我亦可以告訴大家，全港逾9 000間中西食肆之中，有六成是小本經營的，若要自行進行化驗，費用最少要2萬元至3萬元。現時普通市民經濟有困難時，可以申請法律援助進行官司，但這些小本經營的業者，又能否申請法律援助，進行有關排污費的上訴呢？答案是沒有的。政府現正與飲食業人士就化驗污水的問題進行商討，但商討期間，一樣要繳付排污附加費，政府可否承諾鑑於現正商討，若果一旦釐定其他標準，可否追回那些多付的排污費呢？回應剛才環境地政司，他說我議案的字眼錯誤，本人的議案說“用者自付”，其實就是“污染者自付”，況且政府計算污水附加費都是以用水量來計算，此外，梁寶榮先生開宗明義也提到有幾個失望及幾個破壞。

我謹此陳辭，謝謝主席先生。

**工務司致辭：**主席先生，較早前，我的同事規劃環境地政司已就排污計劃的原則和一些數據作出一個非常詳細的解釋。我想簡略談談排污計劃和營運基金的關係。

一九九四年三月九日，本局提出了成立污水處理服務營運基金的決議案，“以便對污水處理方面的政府服務的運作進行管理及核算”。決議案的附表敘明營運基金所提供的服務。這些服務包括：

- “公共污水渠系統及污水排放設施的維修及使用”；及
- “就按照任何條例對污水處理服務所徵收的費用，發出繳費單及收取有關費用”。

上述的污水處理的服務是包括住宅及工商用水在內。

上述決議案是根據《營運基金條例》第3(1)條制訂。該條文訂明本局可“設立營運基金，以便對某項政府服務的運作進行管理及核算，而就該項政府服務而言，政府的財政目標是使該項政府服務從所產生的收益獲得本身所

需的資本。”

上任工務司與本局議員討論有關設立污水處理服務營運基金的計劃時，已清楚表明該基金的主要財政目標，是確保基金確實可以從污水處理服務所產生的收益，獲得本身所需的資本。他又闡明，財政司已將營運基金固定資產的目標回報率訂為0%。此外，在進行討論期間，當局亦已向議員提交公司及業務計劃，清楚顯示預計日後須增加排污費，以便支付營運費用。所以本人相信，主席先生，這排污費的計劃不是在草率下制訂的。

儘管我們會設法減低成本，但假如不按照公司及業務計劃所預計的情況釐訂排污費，包括工商業污水附加費，結果會令污水處理服務營運基金出現虧蝕。如果減低收費水平，基金便會更快出現更嚴重的虧損；若撤銷所有收費，換言之，基金的運作基礎，便會遭受破壞。

若決定不增加收費，本人相信將會帶來兩方面的影響：其一，本局不能確保從排污費徵得的收入能夠妥善運用；其二，會有違“用者自付”的原則。

《營運基金條例》的宗旨，是提供服務所得的收入，應足以應付營運基金的運作成本。為確保能清楚交代各項收費是用以支付運作成本，《營運基金條例》第8(2)條規定財政司必須將下列文件提交本局審閱：

- 每個營運基金的經簽署的周年運作報告；及
- 每個營運基金的經證明的報表及核數署署長就每個營運基金所作的報告。

假如污水處理服務營運基金在運作上招致嚴重虧損，便很難在《營運基金條例》下繼續運作。基金很可能需要結束，而日後的排污費便會存入政府的一般收入內。因此，本局便不能像現在一樣審閱污水處理服務的詳細帳目，從而得知排污費是否用以直接支付運作成本。日後，市民亦不能透過一個簡單的機制，“追查”他們所繳付的費用是否用作改善本港的環境。

再者，自本局於一九九三年十二月表決採用“污染者自付”的原則後，我們一向所本着的方針是，只要收費不過分，市民是樂於接納污水處理服務收費計劃的。較早時，謝議員說曾經徵詢了大約500名市民，他們認為每立

方米收1.2元是過高，這項調查亦顯示有市民反對向住戶收回全部的排污費；剛才梁寶榮先生亦提出很多數據。在這方面，我希望再次指出，由於首12立方米可以獲得豁免，毋須繳費，所以平均而言，許多住戶的排污費實際是少於每立方米1.2元。至於住戶負擔排污服務的所有成本問題，我希望指出，在今個財政年度，住戶排污費佔污水收費營運基金收入大約25%，我完全同意住宅用戶不應津貼主要的工業染污者，其實這亦是支持“污染者自付”的主要論點。現在，如果議員覺得本港大部分住戶每天繳付少於五角的費用過分，並作出表決，使到污水處理服務營運基金出現嚴重虧損，不可按照現時計劃繼續操作，污水處理服務的大部分經營成本便須由政府一般收入支付，再交由立法局要求撥款；但若是這樣，本人相信這並不是完全符合所謂“污染者自付”的主要原則。

這即是說，納稅人將要資助污染者 — 污染愈嚴重，資助金額便愈大。在大幅削減或取消工商業污水附加費後，嚴重污染行業省下的一分一毫，都要由納稅人補貼。這筆開支對政府一般收入造成額外負擔，逼使政府重新評估其他公共開支的優先次序，亦有可能導致政府削減其他公共服務的開支水平。當然，這亦意味着污水處理服務須與其他需求一起競爭財政上的資源。相信若真的是這樣，亦是和我們所謂“污染者自付”的論調完全不相符合。

主席先生，一九九四年二月十九日，身為當時的港同盟成員的一位立法局議員曾在一份本地報章撰文，闡述該黨對污水處理收費的原則。他表示：

“立法局應有權查核營運基金的效率，並確保污水處理服務收費的水平是市民可接受的。”

我深信本局大部分議員，不論屬於哪個政黨，均同意這看法。我覺得這論調非常合理。不過，正如我剛才所說，若阻止污水處理服務營運基金透過收費來支付運作成本，將會導致基金結束，並使本局喪失有關查核經營效率的權力。

至於市民的接受程度，正如各位議員聽到梁寶榮先生所說，由一九九五年五月起，本港有大約200萬個住戶在沒有提出異議的情況下繳交了排污費。迄今，完全沒有住戶提出反對。我相信這間接充分顯示出市民對收費水平是接受的。

主席先生，希望我已清楚說明有關減低或取消排污費的後果，包括對政府支付污水處理服務開支的方式，以及本局就確保污水處理服務妥善運作所

擔當的工作會造成甚麼影響。因此，我建議議員就議案進行表決之前，應審慎考慮這些後果所造成的影響。謝謝主席先生。

**PRESIDENT:** Dr John TSE Wing-ling has given notice to move an amendment to the motion. His amendment has been printed on the Order Paper and circularized to Members. I now call on him to move his amendment.

***DR JOHN TSE's amendment to MR CHAN WING-CHAN's motion:***

"在“鑑於本港現時經濟不景”前加入“本局贊成政府採取‘污染者自付’原則，向污染者徵收污水處理費用，但”；刪除“政府仍採用‘用者自付’原則徵收排污費及工商業污水附加費，無疑令市民百上加斤”，並以“反對向住戶收回全部運作成本，”取代；及刪除“暫緩徵收工商業污水附加費，”和“，待檢討完成後再作決定”。"

謝永齡檢基議員：主席先生，我動議修正陳榮燦議員的議案，修正案內容一如議事程序表內在我名下者所載。

*Question on Dr John TSE's amendment proposed and put.*

*Voice vote taken.*

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

Miss Emily LAU claimed a division.

**PRESIDENT:** Council shall proceed to a division.

**PRESIDENT:** I would like to remind Members that they are now called upon to vote on the question that Dr John TSE's amendment be made to Mr CHAN

Wing-chan's motion. 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. Are there any queries? The result will now be displayed.

Mr Martin LEE, Mr SZETO Wah, Mr Albert CHAN, Mr CHEUNG Man-kwong, Mr Michael HO, Dr HUANG Chen-ya, Mr LEE Wing-tat, Mr Fred LI, Mr James TO, Dr YEUNG Sum, Mr WONG Wai-yin, Mr Andrew CHENG, Mr Anthony CHEUNG, Mr Albert HO, Mr LAW Chi-kwong, Mr SIN Chung-kai, Mr TSANG Kin-shing, Dr John TSE, Mrs Elizabeth WONG and Mr YUM Sin-ling voted for the amendment.

Mr Allen LEE, Mrs Selina CHOW, Mr Ronald ARCULLI, Mrs Miriam LAU, Dr LEONG Che-hung, Mr CHIM Pui-chung, Mr Frederick FUNG, Miss Emily LAU, Mr Henry TANG, Dr Samuel WONG, Dr Philip WONG, Mr Howard YOUNG, Miss Christine LOH, Mr James TIEN, Mr LEE Cheuk-yan, Mr CHAN Kam-lam, Mr CHAN Wing-chan, Miss CHAN Yuen-han, Mr CHENG Yiu-tong, Mr CHEUNG Hon-chung, Mr CHOY Kan-pui, Mr David CHU, Mr IP Kwok-him, Mr LAU Chin-shek, Mr Ambrose LAU, Dr LAW Cheung-kwok, Mr LEE Kai-ming, Mr LEUNG Yiu-chung, Mr Bruce LIU and Mr NGAN Kam-chuen voted against the amendment.

Mr Eric LI and Miss Margaret NG abstained.

THE PRESIDENT announced that there were 20 votes in favour of the amendment and 30 votes against it. He therefore declared that the amendment was negatived.

**PRESIDENT:** Now that we have disposed of Dr TSE's amendment, Mr

Frederick FUNG may formally move his amendment now so that Members may take a vote on it.

***MR FREDERICK FUNG's amendment to MR CHAN WING-CHAN's motion:***

"刪除“採用‘用者自付’原則”及“或減低”；並刪除“暫緩徵收”及以“及考慮減收”取代。”

馮檢基議員：主席先生，我動議修正陳榮燦議員的議案，修正案內容一如議事程序表內在我名下者所載。

*Question on Mr Frederick FUNG's amendment proposed and put.*

*Voice vote taken.*

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

Mr Frederick FUNG claimed a division.

**PRESIDENT:** Council shall proceed to a division.

**PRESIDENT:** I am sure all Members know that they are asked to divide on Mr Frederick FUNG's amendment. 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:** One short of the head count. Before I declare the result, Members may wish to check their votes. Is there any Member who has not voted? Are there any queries? The result will now be displayed.

Mr Frederick FUNG, Dr LAW Cheung-kwok and Mr Bruce LIU voted for the amendment.

Mr Allen LEE, Mrs Selina CHOW, Mr Martin LEE, Mr SZETO Wah, Mr Ronald ARCULLI, Mrs Miriam LAU, Dr LEONG Che-hung, Mr Albert CHAN, Mr CHEUNG Man-kwong, Mr CHIM Pui-chung, Mr Michael HO, Dr HUANG Chen-ya, Miss Emily LAU, Mr LEE Wing-tat, Mr Eric LI, Mr Fred LI, Mr Henry TANG, Mr James TO, Dr Samuel WONG, Dr Philip WONG, Dr YEUNG Sum, Mr Howard YOUNG, Mr WONG Wai-yin, Miss Christine LOH, 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 CHOY Kan-pui, Mr David CHU, Mr Albert HO, Mr IP Kwok-him, Mr LAU Chin-shek, Mr Ambrose LAU, Mr LAW Chi-kwong, Mr LEE Kai-ming, Mr LEUNG Yiu-chung, Mr NGAN Kam-chuen, Mr SIN Chung-kai, Mr TSANG Kin-shing, Dr John TSE and Mrs Elizabeth WONG voted against the amendment.

Miss Margaret NG abstained.

THE PRESIDENT announced that there were three votes in favour of the amendment and 47 votes against it. He therefore declared that the amendment was negatived.

**PRESIDENT:** Now that we have disposed of Mr FUNG's amendment, Mr LEUNG Yiu-chung may formally move his amendment now so that Members may take a vote on it.

***MR LEUNG YIU-CHUNG's amendment to MR CHAN WING-CHAN's motion:***



"刪除“或減低”，“暫緩徵收工商業污水附加費，”及“，待檢討完成後再作決定”；及在“並”後加入“從速”。"

梁耀忠議員：主席先生，我動議修正陳榮燦議員的議案，修正案內容一如議事程序表內在我名下者所載。

*Question on Mr LEUNG Yiu-chung's amendment proposed, put and negatived.*

At this point, Mr LEUNG Yiu-chung indicating his request to claim division.

**PRESIDENT:** I am afraid I have already declared the result.

**PRESIDENT:** Mr CHAN Wing-chan, do you wish to make a final reply? You have two minutes 12 seconds out of your original 15 minutes.

陳榮燦議員：主席先生，本人提出議案，希望得到局內全人的支持，以減輕市民及經營者因排污附加費所帶來的沉重負擔，希望本局支持議案。

*Question on the original motion put.*

*Voice vote taken.*

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

Mr CHAN Wing-chan claimed a division.

**PRESIDENT:** Council shall proceed to a division.

**PRESIDENT:** I would like to remind Members that they are now called upon to vote on the question that the motion moved by Mr CHAN Wing-chan be approved. 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:** Again one short of the head count. Before I declare the result, Members may wish to check their votes. Are there any queries? The result will now be displayed.

Mr Allen LEE, Mrs Selina CHOW, Mr Ronald ARCULLI, Mrs Miriam LAU, Mr CHIM Pui-chung, Mr Henry TANG, Dr Philip WONG, Mr Howard YOUNG, Mr James TIEN, Mr CHAN Kam-lam, Mr CHAN Wing-chan, Miss CHAN Yuen-han, Mr CHENG Yiu-tong, Mr CHEUNG Hon-chung, Mr CHOY Kan-pui, Mr David CHU, Mr IP Kwok-him, Mr Ambrose LAU, Mr LEE Kai-ming and Mr Mr NGAN Kam-chuen voted for the motion.

Mr Martin LEE, Mr SZETO Wah, Dr LEONG Che-hung, Mr Albert CHAN, Mr CHEUNG Man-kwong, Mr Michael HO, Dr HUANG Chen-ya, Miss Emily LAU, Mr LEE Wing-tat, Mr Eric LI, Mr Fred LI, Mr James TO, Dr Samuel WONG, Dr YEUNG Sum, Mr WONG Wai-yin, Miss Christine LOH, Mr LEE Cheuk-yan, Mr Andrew CHENG, Mr Anthony CHEUNG, Mr Albert HO, Mr LAU Chin-shek, Mr LAW Chi-kwong, LEUNG Yiu-chung, Mr SIN Chung-kai, Mr TSANG Kin-shing, Dr John TSE and Mrs Elizabeth WONG voted against the motion.

Mr Frederick FUNG, Dr LAW Cheung-kwok, Mr Bruce LIU, Miss Margaret NG and Mr YUM Sin-ling abstained.

THE PRESIDENT announced that there were 20 votes in favour of the motion and 27 votes against it. He therefore declared that the motion was negatived.

## REVIEW OF INDUSTRIAL SAFETY IN HONG KONG

### *DR SAMUEL WONG to move the following motion:*

"That this Council supports the recommendations in the "Consultation Paper on the Review of Industrial Safety in Hong Kong" published in July 1995 and urges the Government and other bodies concerned to implement the relevant recommendations as soon as practicable in order to improve safety standards and safety practices in workplaces in Hong Kong."

黃秉槐議員致辭：主席先生，本人就香港工業安全檢討提出的議案，原本的措辭是“本局支持一九九五年七月發表的香港工業安全檢討諮詢文件所載的各項建議，並促請政府及其他有關機構在可行情況下，盡早實施有關建議，以改善香港工地的安全標準及操作方式。”可能是新的一年開始，百花齊放；更有可能是本局同事對工業安全日漸關心，引致夏佳理議員、曾健成議員和梁智鴻議員先後提出修正案，可謂珠玉紛呈。在我來說，也算得上是“拋磚引玉”。

香港的工業意外數字，近年雖然有下降趨勢，但整體來說依然極高。其中建造業發生的意外，仍然超過全港所有工業意外三分之一，而且死亡數字亦最高。香港的工業安全紀錄未如理想，是備受公眾人士，以及政府關注的問題。去年七月間，政府發出了一份香港工業安全檢討諮詢文件，檢討的對象是工業界，而其中又以建造業為重點。為了促進工業安全，政府建議了多項措施。總的來說，本港的工業安全標準要得到長遠的改善，極需要制訂一套新的策略。我們應由重執法，轉為採用“安全管理”的方法，去應付工作安全與健康問題。政府須透過教育和訓練，推廣安全意識以及灌輸“意外代價高昂”的概念，鼓勵僱主和僱員自我規管，管理安全事務。

推行安全管理制度的先決條件是，公司或機構內部應建立一個架構，幫助東主認定危險所在，以及調配人力物力去消除這些危險所在。安全管理制度應包括下列各個組成部分：

- (一) 公司或機構制訂的安全政策和目標；
- (二) 公司策劃連串的行動，去達致這些目標，即所謂安全計劃；
- (三) 由管理人員和僱員代表組成的安全委員會，定期舉行會議，討論促進工作安全的措施，以及監察這些工作態度；
- (四) 定期進行安全審核或安全檢討；
- (五) 為所有工人提供一般安全訓練；及
- (六) 為從事危險行業或進行危險工序的工人提供特別訓練。

政府應透過立法，規定受《工廠及工業經營條例》管限的各個行業，須在不同程度上遵行以上各點；適用範圍可按工作性質、僱員人數以及合約建築工程的價值等條件而定。譬如：

- (一) 凡按照法例須設立安全委員會的公司，必須制訂公司安全政策書面聲明；
- (二) 任何東主或承判商如僱用工人100名或以上，必須設立安全委員會；
- (三) 任何建造業承判商，以及任何從事造船及船隻修理業或危險行業或工序的東主，如其地盤或工地有工人100名或以上，必須定期進行安全審核；
- (四) 規定所有承辦1億元或以上工程合約的建造業承判商，必須進行安全審核；
- (五) 規定建造業承判商、船廠東主或從事危險行業或工序的東主，如僱用工人50至99名，必須進行安全檢討；

在安全訓練和教育方面，建議包括：

- (一) 建造業專業人員的基本訓練，包括工業安全訓練；
- (二) 各教育院校應檢討有關課程的內容，將地盤安全訓練納入課

程；

- (三) 專業組織所開辦的持續專業發展課程，應包括工業安全的課題；
- (四) 考慮將工業安全的課題，納入中學課程，以培養學生的安全意識；及
- (五) 職業安全健康局應統籌本港的工業安全研究工作。

其他方面，包括：

- (一) 現行的《工廠及工業經營（密閉場地）規例》應予修訂，以改善在密閉場地工作的安全；
- (二) 《建築地盤（安全）規例》第VA部應予修訂，以期給予高空工作工人更大保障；
- (三) 應實行證書計劃，規定危險機械或設備的操作員須持有證書，以確保這些操作員具備勝任工作的能力。

政府在九五年七月中至九月底期間，公開諮詢各界人士的意見。香港工程師學會亦在九月二十八日給教育統籌司一份回應，內容匯集了學會內16個專業部門提出的意見，以及在九月十五日由會長梁廣灝工程師主持的一次公開研討會的結果。學會表示對目前工業意外數字高企的情況亦感到失望，希望政府立刻進行諮詢文件內提議的各項措施，其中包括：

- (一) 在機構內，管理階層應明白公司安全政策的重要性，切實負責地去執行；
- (二) 安全審核的要求，不應局限於較大規模的公司或機構。細小公司更需要安全審核。必要時，政府應協助這些小型公司進行較便宜的審核；
- (三) 教育是長遠的方法，目前政府仍應該考慮定額罰款制度，以收阻嚇作用。政府應參考英國的健康及安全立法內，有關機構公司員工在安全健康上的“共通”或共同責任；
- (四) 安全與健康教育應愈早向學生灌輸愈好；及

- (五) 在專業領域加重安全意識和訓練，包括延續專業教育發展。目前甚缺乏的安全事務工作者應設法增加訓練，培訓及推廣安全事務，使成為一個受尊敬的專業。

關於本議案的三項修正案：

首先，梁智鴻議員促請政府定出明確時間表，以實施諮詢文件所載的各項建議，在可行情況下盡早為所有從事工業及非工業工作的僱員提供周全的職業健康保障，以改善工作場所在安全和健康方面的標準和操作方式。大致上，梁議員修正案的精神和內容是可以接納的。雖然職業健康保障這個課題，並不在去年七月的工業安全諮詢文件範圍之內，政府在這七、八年內，在職業安全與健康方面所下的工夫也不少。稍後，我相信教育統籌司定會有所回應。

夏佳理議員修正案的主要點，是呼籲政府透過訂立工作守則，實施諮詢文件內所載的各項建議，以確保各方能就香港工作場所，及其操作方式的安全和健康標準，共同分擔責任及設法加以改善，並促請政府與其他有關團體磋商，制訂實際可行的時間表，以實施該等建議。修正案內容，其實除了“工作守則”這四個字之外，是應該可以接受的。“工作守則”在法律上的效應如何，我相信夏佳理議員比我更清楚。要切實執行諮詢文件內各重要建議，相應的立法有時是無可避免的。

至於曾健成議員四點修正中的第三點及第四點：“促請政府從速立例規定各行業必須設立安全委員會，賦予僱員代表足夠監察權及加強執法，嚴懲違例僱主”，我是不能同意的。首先，正如我剛才所說，安全委員會的設立，不過是整個安全管理文化制度上的一個環節而已，將來定會將此要求降至50人或以上的中小型公司。這個執行安全管理制度的精神，要求僱主和僱員齊齊參與、齊齊負責，透過自發性、問責等，去推行工業安全。至於增加立例和懲罰等，只應看作“最後武器”，非不得已不應使用。如果不幸地，僱主及僱員都觸犯了安全及健康條例，則僱主及僱員都應該接受法律的懲罰。

主席先生，我謹此陳辭，請各位支持工業安全檢討諮詢文件內所載的各項建議，亦歡迎各位支持梁智鴻議員所提出的修正案。

*Question on the motion proposed.*

**PRESIDENT:** Mr Ronald ARCULLI, Mr TSANG Kin-shing and Dr LEONG Che-hung have separately given notices to move amendments to this motion. As there are three amendments to the motion, I propose to have the motion and the amendments debated together.

**PRESIDENT:** The Council shall debate the motion and the amendments together in a joint debate. As Members were informed by circular on 5 January, under Standing Order 25(4), I shall ask Mr Ronald ARCULLI to speak first, to be followed by Mr TSANG Kin-shing and Dr LEONG Che-hung; but no amendments are to be moved at this stage. Members may then express their views on the main motion as well as on the proposed amendments listed on the Order Paper.

**MR RONALD ARCULLI:** Mr President, the wording of Dr the Honourable Samuel WONG's motion is a simple endorsement of the Government's paper on the "Review of Industrial Safety in Hong Kong". I have proposed an amendment to the motion for several reasons. First, I do not believe that legislation alone is the answer to our problems, not if we want effective, practicable and long-term solutions. May I remind Members and the Administration that the enforcement of legislation approach has failed to build up a safety culture and to raise safety standards and is so recognized in the consultation paper. Secondly, we must accept that safety is not only the concern of employers and employees but also the Government and the community. All of us must share responsibility for and improvement in safety and health standards and practices in the workplace.

I must underscore the importance of sharing responsibility, Mr President. Common sense dictates that workers would not want to risk life or limb, likewise employers would not want to lose productivity and thus increased costs, which is the case whenever an accident occurs. Meanwhile, families and indeed society have a cost both financially and emotionally when a worker is sadly injured or killed on the job.

Accident rates of all industries for the past 10 years have reduced as much as hoped for despite new regulations and amendments to the Factories and Industries Undertakings Ordinance over the past five years. Why? The answer can be found in paragraph 3.5 of the paper and I quote: "the biggest drawback of the enforcement approach is that it does not help build up a safety culture among the employees and workers and bring about long term improvements to the safety standards". The construction industry, Mr President, shares that view. In addition, the paper adds, the best performers in industrial safety are those companies that have embraced self-regulation and safety management. If that is so, should we not promote self-regulation and safety management?

Numerous laws have been enacted and/or amended in the past five years with the objective of enhancing safety in the workplace. The list is almost endless but the real question is this: What has that achieved if anything at all? The first recommendation in the paper is a change of policy: from an enforcement approach to a safety management approach. The Hong Kong Construction Association (HKCA) would endorse that but are somewhat puzzled by the second recommendation which seeks to make safety policy mandatory and by legislation. Surely the better approach is to use Codes of Practice, rather than clamour for more legislation as some of us do, more often than I care to recount.

Mr President, the construction industry has not been idle and has done much to promote and improve safety practices in the workplace. Since 1992, the HKCA has actively promoted site safety and organized programmes for this purpose by carrying out annual safety programmes which include a series of safety training courses, conferences, and publication of tool-box posters, and practice guides. The HKCA has continued to work hard at promoting safety to workers and employers alike by conducting safety training courses with a focus for results as was the theme for the 1995 programme which was called — "Construction Site Safety is the duty of All — Training for Results". The HKCA's efforts were rewarded when the Housing Authority decided that as from 1 January 1996, all workers under its construction contracts are required to hold a HKCA safety training card. The Works Branch will be endorsing the HKCA's



Green Card shortly. Members may recall that the Green Card is issued on completion of an HKCA basic safety training course. Similar recognition from other government authorities will go a long way in promoting HKCA's efforts.

However, the efforts of contractors alone are not enough. The input of clients and design professionals into the construction design and works plays a very important part. Clients have a role in ensuring that the contractor they chose for a job has employed adequate safety measures and to consistently choose contractors who have demonstrated the ability to ensure adequate safety practices in their construction sites. Design professionals also have a responsibility to ensure structures are designed to minimize risks to health and safety. We will bring about a higher level of safety culture in our workplace if everyone embraces a safety culture in construction works. Mr President, these include those who instigate the projects as well as those who work in them, including the Government who decide on the framework for safety. This is likely to result in an increase in cost which I believe should be manageable and acceptable. Indeed, the HKCA and the Real Estate Developers Association see that one way forward is to include an amount in any contract dedicated to safety at work.

If we accept that all of us have a responsibility in achieving the level of safety and health standards and practices that we want in our workplaces, we must ask ourselves what is the most effective way to achieve this when the enforcement approach has proven to be least effective? And I believe the most effective and proven way is self-regulation through the Codes of Practice. Having said that, Mr President, I do not rule out giving legislative backing to these Codes of Practice. Indeed, this combination is frequently used in Hong Kong.

Mr President, I shall briefly comment on two amendments. Mr TSANG Kin-shing's amendment calls for, amongst other things, heavier penalties on employers. I believe this is unfair, one-sided and wholly unnecessary. Apart from this, Mr TSANG's amendment is on enforcement rather than on safety management. And that having been said, I do want to emphasize that we do care about safety and standards. As to Dr the Honourable LEONG Che-hung's amendment, I see nothing particularly objectionable, except that there is absence

of reference to Codes of Practice and sharing of responsibility. We are, therefore, none the wiser as to whether he supports self-regulation or enforcement policy. Therefore, I urge those of you who have the mind to support his amendment, including Dr Samuel WONG, to support my amendment because mine is clear and will achieve the objective all of us really want.

Thank you, Mr President.

曾健成議員致辭：主席先生，我首先多謝局內各位議員關心工業意外的傷亡數字，以及職業健康的問題。在過去十年，香港工業意外的傷亡數字可謂令人觸目驚心、慘不忍睹。在香港社會繁榮及經濟發展的背後，竟然有超過50萬宗因工作而產生的意外，差不多平均每星期有一千多宗、每天有一百四十多宗。而以致命的意外計算，平均每年有78名工人因工死亡，故每星期便有一至兩宗新聞，成為大家茶餘飯後的討論焦點。

單從這些簡單的數據，便可得出一個簡單的結論，香港的經濟發展歷史，是由無數香港工人以他們的生命及血汗換來的。而香港政府在每星期都面對輿論壓力下，終於在去年七月推出一份“雷聲大、雨點少”及彷彿“遲到好過無到”的文件，以此推卸責任，以為可以用“瞞天過海”的手法，掩人耳目解決問題。“寫了等如沒有寫”的諮詢文件，平白浪費納稅人的金錢，更將工人的生命作賭注，為即將撤退的殖民地政府寫下不光輝的一頁。

有見及此，我特別在這次議案辯論提出修正案，希望政府改弦易轍，為香港的勞工階層想想，使“高高興興上班去，平平安安返家來”的口號得以落實。

主席先生，民主黨認為政府應改變其介入職業安全及健康的角色，因為其以往信奉自由市場的不干預政策，明顯在此問題上嚴重“破產”。如果政府連傷害他人生命的情況仍不作出立法規限，並加強執法，以阻嚇及杜絕有關違反職業安全及健康的惡劣境況，則無疑促使問題不斷惡化。

可惜，諮詢文件一方面未能深入探討現時問題成因，另一方面更間接否定立法、執法及檢控的效用，將安全及健康責任推卸到僱主及僱員身上。既然香港面對經濟結構轉型，在意外頻生的情況下，為何仍不修改法例適應新經濟環境的需要？為何仍不增撥人手，加強執法使意外減少？難道政府漠視

工人的生命？難道政府從來都不醒覺環境的轉變？難道政府沒有決心解決問題？

過往執法及檢控缺乏成效，根本問題在於懲罰低、檢控工作馬虎及政府監督不力。若對這些“缺陷”視若無睹，便一下子轉為所謂“新政策”，改為由僱主及僱員自我規管的措施，則令“無王管”的情況發生。美其名為“自我規管”、“法律為輔”，實質為推卸責任，罔顧對違例僱主的懲罰，“隻眼開隻眼閉”，漠視工人的性命。

其次，過往絕對沒有足夠人手進行執法及檢控工作。試想想現在只得幾十名工廠督察，又如何能處理香港一千二百多個建築地盤以及其他工廠所發生的意外；又如何能使意外減低？

主席先生，民主黨並非完全否定成立安全管理制度的概念，但問題在於：

- (一) 現時超過八成以上的公司的僱員皆少於20人。對於小型企業，這方式的效用有多大呢？政府是否有切實可行的措施及政策方向，使小型企業的僱員能獲職業安全及健康的保障。況且，若滿50人公司能夠成立安全委員會，可謂更為有效及實際。
- (二) 如果工人沒有法例提供足夠保障，縱使他們有安全及健康意識，一旦因與僱主就安全及健康問題爭辯而被解僱，則他們推動安全及健康的權利就會被剝奪。政府好心做壞事，令工人連工作也被遞奪、被老闆解僱，那又何來保障勞工權益呢？
- (三) 有關新策略並沒有提及“非工業”僱員。在香港從事非工業工作僱員日漸增加的情況下，是否意味這二百多萬人要“食自己”呢？至於今年六月將提交本局審議的法例，又如何落實保障非工業工人的安全與健康呢？會否引用此安全管理制度的概念和制度呢？會否沿用文件所載“非立法、非執法”，並以執法為輔的措施？

主席先生，諮詢文件以“工業安全”命名，反映政府一貫的落後態度，即“只重安全，不顧健康”。但其他先進的國家已採用“職業健康”的概念，作為僱員的基本權利。工人不會因工作而受傷或死亡，更不會因工作而

患上職業病，如肺塵埃沉澱病、石棉肺病、豬型鏈球菌等這些會引致死亡的職業病。但政府長期以來將安全與健康分割，更忽視職業健康，以二十多人的職業健康科處理全港二百多萬勞動人口的事宜又是否足夠呢？

主席先生，要推動職業健康及安全計劃，並非單靠一個口號或一個策略便足夠。更重要的，是政府有誠意面對問題，不要逃避責任。現時應更新古老的概念，並以一個有系統的行政架構及足夠的人才配套，這才是推動職業安全及健康的基本原則和態度。

我希望本局議員支持我為勞工提出的修正案。

**DR LEONG CHE-HUNG:** Mr President, much has been said so far on industrial safety and occupational health and hazards, and I am sure more will be forthcoming if we can maintain a quorum. There must and have to be one and only one aim, that we want to have as near as possible a perfect safety record for the 2.9 million workforce. Anything less not only means unnecessary mortality or at least morbidity, but a definite detriment to our economy. In short, it affects both the employees and the employers.

I would like to address in four areas:

- (1) the procrastination of the Government in its strive for industrial safety and occupational health;
- (2) the areas of fallacy in the consultation paper before us today;
- (3) the important areas that are left out in this consultation document; and
- (4) my comments, if not objections, to the amendments to be moved by my honourable colleagues Mr Ronald ARCULLI and Mr TSANG Kin-sing.

#### *Procrastination attitude of the Government*

As early as 1991, I moved a motion in this Council calling for a comprehensive review on occupational health and safety. In response to the

unanimous support of this Council, the Government acted fast to set up an inter-departmental joint steering committee and an expert working group on occupational health services. Some 39 recommendations were proposed in September 1992. This was a positive move. Yet, four years down the line, how much progress have we seen?

No doubt the Government will today counter-attack and say that the consultation paper before us today is a concrete proof of sincerity. So be it, but what protection are we proposing for the protection of employees of the non-industrial sector?

Looking at it from a sinister angle, the priority move towards industrial safety is but a window dressing, something to rapidly pacify the public because industrial accidents are horrifying, industrial accidents may end in loss of life, industrial accidents are sensational. Worse, it is questionable that those figures are significantly decreasing in spite of the Government's *ad hoc* activities since the debate of 1991.

*"Safety culture" must have stringent legislative back-up*

Even rating the consultation document at face value, fallacies abound.

To wit, the paper calls for a new strategy, a strategy of self regulatory initiative, a strategy of developing a "safety culture". Government view is that, and I quote, "industrial safety rests with those creating the risk and those who work at the risks, that is the proprietors and the workers". In short, the Government is saying that the whole issue should be a self-regulating one and Government will henceforth adopt a hands-off attitude.

Yes, Mr President, it is a high fluting and an honourable goal, but can the Government and Mr Ronald ARCULLI in their full honesty believe that this alone will work without the guidance and stringent back-up of a legislative programme. The recent tragic death in a caisson around Christmas is a vivid example.

The victims are well aware of the risk involved working in a caisson, yet for better financial reward they were willing and eager to take the odds!

Tragedy could have been prevented should a total ban on hand-dug caisson be implemented.

Yes, the concept of self-regulation has been adopted in the United Kingdom, Japan and Singapore with good results. But this was after years of intense rapport between employers and the employees through a well-established safety committee system where proper staff representatives are installed, where staff criticisms are taken with sincerity, where staff are not victimized for frank criticisms, and where top management are really to shoulder the whole brunt should a mishap occur.

*Ignoring the interest of workers at small establishments*

The consultation paper only calls for the statutory establishment of a safety committee when a proprietor employs 100 or more staff, knowing very well that 70% of our workforce are employed in establishments having less than 100 staff. The paper obviously fails to address the core of the problem.

*Non-industrial employees receiving little protection.*

Let me now turn to express my dissatisfaction in the snail-pace development of protection for occupational hazards for non-industrial workers. Let us do not forget that two thirds of our workforce are engaged in non-industrial employment. In recent years, more than 20 000 occupational injuries occurred in non-industrial employees annually. This amounts to half of all injuries in our workforce.

Yet, up to now, there is still no legislation to cover health and safety protection for non-industrial employment, and in spite of repeated bids and calls, statutory requirement for pre-employment and regular health check-ups are nowhere in sight.

I look forward to the Government keeping their words in introducing their first piece of legislation regarding occupational health for non-industrial workers by the middle of the year and more!

*The two amendments*

What about the two amendments to be moved today?

Mr ARCULLI has placed his accent on "code of practices" as a primary means of achieving industrial safety. While there is no doubt that such would be more efficient sometimes than awaiting amendment to law from time to time when needed, we must not forget that the code of practices could only be effective if backed up by a strong main body ordinance with sufficient deterrence against non-compliances as well as adequate enforcement. Otherwise, it could easily be a loophole for irresponsible or careless employers at the expense of the safety of workers. It is obvious that his amendment reflects the wish of the industrial employers.

Mr TSANG Kin-shing's amendment swings very much to the other extreme to side unreservedly with the employees only. It will be very difficult to accept that penalties should be imposed on employers alone. Furthermore, his call for laws to allow employee representatives to have adequate monitoring power is uncalled for because it must be the spirit of these safety committees to allow different parties to monitor and to co-operate with one another. I fully understand his sentiment but it would be more palatable to call for laws to protect employee representatives from falling victims should they come up with frank criticisms which are not pleasing to the employers.

Mr President, it must be worrying whether the sectoral interests as reflected in these two amendments could actually help in consolidating a solid basis for occupational health and safety.

My dear colleagues, we are here today for one and only one aim, that is, we want as near as possible a perfect safety record for our 2.9 million workforce whether through safety management or law enforcement or a combination of both. This is fully reflected in my amendment introduced to Dr Samuel WONG's motion. I urge you all to vote against the two amendments and support my amendment.

Thank you.

羅祥國議員致辭：主席先生，香港工業安全檢討諮詢文件的研討內容，是集中在工業界，並以建造業為重點，改革目的是透過執行有關法例，輔以訓練

和教育工作，希望能建立一個安全健康的工作環境。對於文件的精神和措施，我及民協的議員都是支持的，但是文件所涉及的範圍較小，及其建議政策的執行細則亦有些模糊，就此，本人和民協建議以下五點：

- (一) 政府應盡速立法保障從事非工業人士的工作安全和健康；
- (二) 政府應繼續加強立法及執法，以確保所有僱員的工作安全和健康；
- (三) 政府應制定執行新政策的時間表，並增撥資源以確保僱主和僱員遵守有關的規定；
- (四) 在推行公司設立安全委員會時，政府應清楚界定委員會的組成，確保工人有足夠的代表性，正副主席應由勞資雙方代表輪流擔任，及應制定定期開會等細則，希望能確保參與有關工作的僱員不會被歧視，甚至有遭受解僱之虞；
- (五) 此外，政府亦應就主要行業設立行業性的安全委員會。

就今天的議案和三項修正案，本人及民協議員會支持黃秉槐議員的原議案，以及曾健成議員和梁智鴻議員的修正案。至於夏佳理議員的修正案，他以“訂立工作守則”取代“執行立法”，這是政策上的重大倒退，民協表示反對。

本人謹此陳辭。

**陳鑑林議員致辭：**主席先生，相信沒有人會反對“人命關天”這句說話。當每次發生工業意外的時候，政府總會積極一陣子，強調會檢討及修訂現行法例去堵塞漏洞，但可惜每每進度之慢，實在令人氣憤。

政府去年中發表的香港工業安全諮詢文件，不單只是遲來的春天，而且以“工業安全”而非“職業安全”為題，更顯得有些過時。

記得石硤尾滙豐銀行在九四年初發生大火導致13人死亡的慘劇之後，民建聯已經促請政府，立即將現行《工廠及工業經營條例》第6A條的一般性責任條例條款的適用範圍擴展至全港所有行業；或者制訂新法例，保障從事非工業工作的人士的職業安全和健康。雖然勞工顧問委員會的專責委員會已在



九四年年底同意有關的原則，但可惜到了今天，仍然是只聞樓梯響，未有見到實質的草擬工作。難道政府要等再有工人不幸犧牲，才肯“的起心肝”去做事？我希望教育統籌司稍後發言時，可以向本局交待有關的立法進展。

在檢討工業安全方面，諮詢文件強調要仿效其他國家，以自我規管和安全管理概念，代替以往的執法概念。但到底是港府不了解本港工業和製造業的實際運作，還是有意推卸政府在工業安全方面所要負的責任呢？

本港現時的地盤工人可以分成兩類，一類是本地工人，相信他們可以開始接受自我規管的概念；但對於另外一些只知“搵錢搏殺”的外勞或新移民，他們的自律意識十分薄弱。港府建議以自我規管代替立法，說得好聽一點，是希望僱主及工人自動自覺，但說得難聽一些，這無疑是任由工人“自己執生”。

事實上，如果政府不立法加強妄顧工人安全的僱主的懲罰，根本難以收到阻嚇作用，甚至會變成放任自流，恐怕工業意外只會有增無減。

因此，我認為自我規管和立法工作必須雙管齊下；而且，不論政府、僱主或工人，都應對工業安全負責。此外，政府更應增加人手，加強巡查工作，以及不時檢討和修訂法例。

諮詢文件又提到，安全管理的策略並不適用於小型企業，同時立法規定只有僱用100人以上的僱主才須成立安全委員會。不過，根據港府在九二年出版的職業健康專家工作小組報告，全港有八成半以上的工廠屬於聘用20名工人以下的小工廠。對於保障這些工人的工作安全 and 健康，政府究竟又有何辦法？

民建聯現就港府的諮詢文件，提出下列幾點意見：

- 一． 引入停牌制度，規定承建商定期提交安全紀錄，包括被檢控的數字。如果有承建商在一段時間內被檢控一定次數，便應被罰停牌。至於特別嚴重的個案，更應被罰永久停牌；
- 二． 規定安全審核報告應提交建築物條例執行署，由該署轉交地政署、土力工程署及職安局等，以審核承建商的安全表現，作為續牌的準則；
- 三． 將現時由承建商聘請安全主任的做法，改為由勞工處委任，使承建商無權提出解僱；

四．引入安全主任資歷再審核制度，使安全主任的經驗及資歷在一段時間後可以得到重新評核，作為可否繼續留在註冊安全主任名冊上的標準。

主席先生，我希望港府可以切實改變一直以來在職業安全問題上“頭痛醫頭，腳痛醫腳”的態度，並且在推行諮詢文件建議的同時，詳細考慮民建聯的意見，以及盡快擴大《工廠及工業經營條例》中一般性責任條款的適用範圍，保障所有從事工業及非工業工作的人士的職業安全 and 健康，否則，當再有意外發生才去亡羊補牢的時候，恐怕已經為時太晚了。

主席先生，本人謹此陳辭，支持議案。

唐英年議員致辭：我不可以說香港政府在工業安全方面沒有下過工夫，至少我記得有一張海報以一位女性做主角，呼籲大家注意工業安全，很可惜這張海報招致婦女團體的抨擊；但至少我每晚還可以從電視看到那個“駛唔駛呀？ 少少 ！”的廣告，勸告工人緊記使用安全帶；香港至少有法例，有罰款制度，有工廠督察每年進行70 000次的工地巡查。

不過，香港的工業安全情況，是否令人滿意？單以建造業為例，以每1 000名工人計算，香港約有300宗意外個案。相對來說，美國同期的意外比率是150宗，日本為15宗，新加坡則低至12宗。由此可見，在改善香港工業安全方面，我們的執法策略似乎未乎理想。

嚴刑重罰，不一定是解決問題的最好方法。如果工人和僱主沒有足夠的教育和安全意識，被罰錢也只會說聲“唔好彩”。但假如工人身體一旦受傷，可能會引致終身遺憾。所以，我認為工業安全，應由最基本做起——即由教育做起。

在香港，大部分大專均沒有將工業安全列為特定科目，只包攬在某些課程之中。例如在Construction Management一科中，便有一些課題是有關基本的香港工業法例、工業安全等，但因課程緊迫，學生經常要額外找資料。中學的情況亦大同小異，工業安全的課題雖然包含在工科科目之中，但教育署只派發工場安全小冊子給老師和學生。至於工業安全的推廣和宣傳，便要靠學校自行去辦了。

據我了解，理工大學最近成立了一個專責委員會負責檢討課程，並會增加工業安全在課程中所佔的比例。我對這項自發性的行動表示歡迎，這項行動實在值得教育署和其他院校參考。

學生畢業後成為專業人士，其後的進修也是很重要的。學術界曾經做過一項有關不同階層人士對安全意識了解程度的調查，並發覺大部分專業人士對安全法例認識不深。在這種情況下，我們實在難以要求專業階層營造帶動工場注重工業安全的氣氛，更遑論提高工人的安全意識。所以，我認為勞工處和職業安全健康局應加強宣傳目前的工業安全課程，提高入讀率和課程質素。

最後，我想提一提，英國現時法例追隨歐盟的指示，加入建造、設計和管理的原素，發展商、建築師和設計師均須負上確保工業安全的責任。但在諮詢文件中，政府仍對此有所保留。當然，我亦明白香港在整體工業安全意識不高的情況下，有這種保留是可以理解的。不過，我希望政府能按步就班、循序漸進，加強教育，並訂下時間表，先從問題最嚴重的行業做起，逐步推行工業安全檢討諮詢文件的各項建議，提高香港各階層的工業安全意識。

本人謹此陳辭，支持夏佳理議員的修正案。

**陳榮燦議員致辭：**主席先生，我想告訴大家一宗個案。兩個月前，油麻地某間酒樓的一名點心師傅，在廚房開工時不慎跌倒，傷及膝蓋，政府醫院證明他因工受傷，給予病假。由於這是一間小型酒樓，按所謂“行規”的陋習，工人請假要請替工頂替。因此，這位工人在放假期內支取的薪金，即他在工傷假期內每月支付的12,000元，須全數給予替工，自己一分錢也沒有“落袋”。後來，該名工人傷勢未癒，個半月後仍未能上班，僱主見形勢不對，以七天通知將他解僱。這名工人因受傷未能工作，全無收入，手停口停，需要尋求社會援助，境況令人同情。

這個故事說明某些行業的陳規陋習，對於僱員的利益毫無保障。即使法例規定員工受傷期間有權支付三分之二的薪金及不能解僱的法例，僱主也可以因為行業的慣例而不遵守法例，受害最大的始終是僱員本身。最後，這位工人向工會投訴，才迫使僱主另外支付三分之二工傷病假的工資給這位工人。另外，這宗個案亦給大家一個啟示——要推行安全管理制度，必須

各方面配合及加以重視，單靠僱員的自覺和僱主的自律是不足夠的，必須由政府介入，加強立法、監察執法和懲罰，才可以推動改善職業安全 and 健康。

舉例來說，酒樓和酒店的服務範疇雖然相同，但兩者的管理概念並不一樣。酒樓廚房濕滑，通風設備不足，工作環境有欠安全，被視為慣常的事，所以工人滑倒、燙傷、刀傷等意外率十分高，每年飲食業工傷個案有13 000至15 000多宗。對於環境安全的設備，很多老闆都毫無改善意識。政府生督察對酒樓生的巡查雖然非常嚴格，但對工作環境的安全則疏於監管，致令酒樓的設備和安全措施沒有多大的改善。

反觀酒店業由於普遍採用新式管理，對工作環境安全十分重視，例如廚房經常保持乾爽，極少出現水浸的情況。僱主及管理者從概念到執行方面，都較為重視對僱員安全的保障。這是值得讚賞的。

此外，我想提出一個值得大家討論的問題，就是每當職業意外發生後，僱主承擔了甚麼責任？現時法例規定僱主要為僱員購買勞工保險，但當僱員出事後，從入院救治，保險公司賠償以至傷者日後康復的全部過程，都是由整個社會共同分擔成本，大部分僱主極其量也只是付出保險金費用而已。由於懲罰極低，往往無關痛癢，甚至經常有無良僱主不負責任，逃之夭夭。不少僱主抹乾機器上的血漬，又繼續習以為常的繼續生產，對改善安全環境和設施毫無反省及檢討之意。這都是由於執法及罰則不嚴，令事者缺乏警惕和改進的動力。

生命誠可貴，健康價更高。“打工仔”替老闆工作，支取低廉工資，最大目的是維持生計，而非賣掉生命或摧殘健康。高高興興上班，平平安安回家，是絕大多數“打工仔”最平常的心願。

本人希望“打工仔”提高警覺，小心操作安全之餘，也希望僱主重視寶貴的人力資源，不要視員工生命如草芥；更期望政府積極扮演監察者的角色，使立法和執法更臻完善，並且積極推廣職業安全健康和教育，三方合力，互相監督，共同承擔責任，把香港職業安全健康帶進新領域。

主席先生，本人謹此陳辭。

**MR EDWARD HO:** Mr President, the unsatisfactory standard of industrial safety in Hong Kong has been a concern for all of us. In particular, the number

of industrial accidents in Hong Kong connected with the construction industry remains at a very high level. There is a clear need to improve industrial safety and I shall be speaking on industrial safety for the construction industry in particular.

I welcome Mr Ronald ARCULLI's amendment to Dr Samuel WONG's motion as he referred to the sharing of responsibilities. For it is only with the sharing of responsibilities can safety be improved.

When we talk of the sharing of responsibilities, we naturally have to first identify the individual responsibility of the different parties involved. I fear that this has not been sufficiently understood by many members of the public, and sometimes even the Administration.

### *The Government's role*

The Government has three roles to play:

- it should provide resources for training and promotion of safety standards and practices;
- when necessary, it should draw up safety regulations as it has done so in the past. And incidentally, if Dr LEONG Che-hung has listened clearly to Mr ARCULLI's speech, Mr ARCULLI has not ruled out legislation, but he maintained that legislation was not the only answer. I support the necessity to formulate codes of practices to ensure that safety standards are complied with. These standards should be applicable to all and to all those who infringe the law, whether they are employers or employees; and
- as a major developer, the Government, through the Works Branch and indirectly through the Housing Authority, should set an example in establishing safety standards and practices, both in design and in the use of building systems and methods that can enhance safety, and also through the use of suitable contract conditions.

### *The role of the building developer*

A developer (which I said includes the Government who is a large developer) should ensure that he would only employ competent contractors and professionals. He should allow sufficient costs for safety measures and those construction systems that would provide a safer and cleaner environment for the workers. In Hong Kong, the construction industry lags behind some other developed countries in these areas mainly because developers traditionally were only interested in constructing buildings at the cheapest costs and with the shortest time.

*The role of the professional*

The professional should advise and recommend to the clients additional safety measures when such are required. He should give serious considerations to such items as the use of external steel scaffolding with proper gangways and protective railings for workers; mechanized building systems and prefabricated building components, all of which would not only provide a safer and cleaner workplace but also better quality control.

Lastly, through his periodic supervision, the professional would endeavour to enhance general compliance in safety standards and measures.

*The role of the contractor*

The contractor has full responsibility for safety on site. He is the only person who can ensure compliance of safety standards and safety plans as he is responsible for actual site operations and he is the employer of all those who work on the site under him. He should provide adequate equipment and protective measures so that workers would work under proper and safe working conditions.

*The role of the worker*

Whenever there is an accident on site, the worker is the victim. What we often forget is that the worker himself has a responsibility in safety. There has not been enough education for workers with regard to safe practices. A worker should not neglect necessary safety precaution for the sake of expediency in his work. There has been a strong reluctance of the Government to prosecute a

worker who has not complied with safety regulations. Thus, in sparing his pocket, the Government is not protecting his life.

Mr President, although safety record on construction site has been poor, it has been shown that substantial improvement can be made if there is a genuine effort. The Housing Authority has, since 1989, conducted annual site safety campaigns and introduced a series of measures to develop safety management for Housing Authority projects. As a result, accidents on Housing Authority sites have fallen by 72% and the accident rate per 1 000 workers is currently one third of that for Hong Kong as a whole. As Chairman of the Building Committee, I hope that the Housing Authority will continue to do more to improve safety on site and would encourage the building industry, as a whole, including employers and employees, to invest more effort and resources to promote safety awareness and to enhance safety measures of construction sites.

Mr President, with these remarks, I support Mr Ronald ARCULLI's amendment to Dr Samuel WONG's motion.

梁耀忠議員致辭：主席先生，剛才我的同事以“觸目驚心，慘不忍睹”來形容工業意外的數字高企情況，我認為以這番話描述香港的工業情況，實在不足為過。依我來看，這些數字不單使香港市民觸目驚心，更使到在工廠和地盤工作的工友心驚膽顫。大家都擔心工業意外可能隨時發生在自己身上，或隨時成為工業意外的犧牲品。很可惜，雖然工友日夜擔驚受怕，但由於他們須要謀生，只好無奈地繼續在危機四伏的廠房或地盤工作，繼續面對工業意外的死亡威脅。對於工友來說，他們基本上除了希望快快樂樂地上班，平平安安地回家之外，其實更希望香港政府和僱主能夠為那些在廠房和地盤工作的工友，提供一個穩妥和安全的環境，使工人的生命得到保障。

事實上，這些都是港府和僱主可以做到的。很可惜，港府和僱主的表現一直令人非常失望。

過去十年來，香港政府在制定工業安全政策方面，一直堅守不干預的大原則，任由僱主只顧賺錢而不理工人的生死。當有事發生的時候，才“頭痛醫頭，腳痛醫腳”，沒有事情發生便不加理會。

全港有十萬多間工廠和數千個地盤，而政府卻只有250個工廠督察。即使勞工處也承認，就現時巡察工廠的工作情況來看，實在人手不足，再加上港府對僱主採取容忍態度，甚至法庭也是對僱主加以縱容的。我們看到有些嚴重的罪行，罰款可高達20萬元，但在一九九四年，平均罰款卻只是8,900

元。結果，過去十年來，工業意外的總數達52萬多宗，其中涉及死亡的個案高達780宗。換句話說，每年工人的死亡意外平均高達70宗，而在過去五年，平均有250名工友因工業意外而死亡。港府對僱主採取容忍態度帶來了惡果，就像沉箱法例實施前夕，有工友喪生於沉箱之中。

主席先生，當香港工業安全檢討諮詢文件公布的時候，很多工友滿以為政府會有全面的工業安全政策，並且作出徹底的檢討，令他們可以安心工作。可惜在這份文件中，只看到政府再延續不干預政策。

主席先生，在諮詢文件中，港府一開始便提到不會加強執法，認為檢控只會令工廠督察科的人員和僱主互相對立，因而要由着重執法改為推行安全管理，要求僱主為僱用100名工人或以上的地盤和工廠設立安全委員會，實行自我規管制度。

這個所謂自我規管的制度，雖然表面上加強了工廠的僱主和僱員共同承擔推動工業安全的責任，但實際上只會令工廠“自己顧自己”，甚至造成無人規管的狀態。首先，雖然政府建議各大工廠設立安全委員會，但文件除了提及立法外，從沒有提及政府自己參與安全委員會的角色，特別是：

第一，如何監管和保障委員會有效地運作，令到委員會發揮實際和積極效用，而不致於只是虛有其表？

第二，如何確保委員會所釐訂的政策，能夠達到或甚至超出現時法例所規定的安全水平？

第三，如何能夠確保委員會所制訂的計劃，能有效地切實執行？除非政府能夠積極介入或協助委員會積極運作，否則這個工業安全委員會實在難以幫助解決工業安全的問題。

另外，雖然文件建議僱員參與這個安全委員會，但令人憂心的問題是文件只建議僱員參與，而沒有提到如何確保那些僱員的參與權利，如何確保他們能夠暢所欲言，不致受到僱主不公平的對待或解僱。

我們從文件也看到，政府並沒有任何配套的措施，例如會否訂立不公平解僱法案，或賦予集體談判權，保障僱員享有更多的參與權利。假如沒有這些保障，而空談共同承擔責任或參與管理，只會做成一個“為交功課而交功課”的現象，整個工業安全問題也沒有實際的得益。



另外，我們看到香港現在有八成以上的廠房，只有100名以下的僱員。但文件建議100人或以上的工廠才須成立安全委員會，所以，建議其實不能對小型工廠發揮作用。

主席先生，我明白西方國家在執行自我規管方面成績不俗，但這些國家有集體談判權和不公平解僱法例的設立，而香港是沒有的。如果我們只求引進別人表面的東西，而缺乏別人的實質內涵，這做法無疑是“東施效顰”而已。

所以，主席先生，我們很希望政府能夠盡速改善本地工人的工業安全，我們不希望再看到意外發生。事實上，一次意外足以致命，希望政府能夠明白生命的可貴，為工人設想，徹底加強法例，進行檢討，並且加強監管和檢控，令僱主不要只是為了賺錢，而不顧工人的生命安全。

主席先生，本人謹此陳辭，謝謝。

**劉千石議員致辭：**主席先生，工業安全檢討諮詢文件建議推出新策略，由“執法策略”改為“自我規管策略”，這表面上並無不妥，但當我們看清楚政府的整項安排，就可以了解到政府只是巧立名目，推卸它在職業安全問題上的責任而已！

英國、日本及澳洲甚至新加坡在推動勞資合作和自我規管安全制度方面得到成功，其實與這些國家的環境、習慣、公民教育和法律等因素息息相關。這些國家設有完善的職業安全法例，擁有全面的勞資參與管理傳統及自律性，這些都是本港所缺乏的。因此，如果我們只看外國的經驗而不考慮香港的問題，明顯是不適當的。

過去，本港的工業安全法例已經極不完善，執法工作又非常不足。僱主在缺乏指引的情況下一直不重視工作場所的安全，加上僱員缺乏有關教育，以及沒有機制參與管理工作場所的安全，以致本港的工業安全問題日趨嚴重。政府目前提出的自我規管策略，內容可說是不清不楚，給人的印象就是政府要“卸鑊”，將安全責任推卸給僱主和僱員，將宣傳教育及訓練責任推卸給職業安全健康局。政府以自律作為盾牌，令日後發生工業安全問題時，政府也可以卸責！如有意外發生，便是你們不自律了。

事實上，單看現行工業安全法例，便可以知道政府根本不重視安全問題。規管工業安全的《工廠及工業經營條例》是政府在幾十年前制訂的舊法

例，過去一段時間只是間中作出修補，完全沒有因應科技發展和工業轉型而作出全面修訂。舉例來說，現在我們要談論的根本不是工業安全，而是職業安全，因為大部分工作人口是現行條例所包括不到的。可是政府到了今天仍然不肯制訂一套完整的職業安全法規，而只是引進一些不實用的新法規。這好比一個穿長衫的人，你卻叫他多穿一條迷你裙，這便變成無濟於事了。

即使是公務員隊伍，也反映政府缺乏完善的職業安全政策。最近，便有一些公務員團體向公務員事務科查詢有關部門內的安全政策，但答案卻是沒有！今天，各個政府部門均有專責處理部門環保問題的環保經理，但卻從來沒有專責處理工作場所安全健康問題的“安全經理”。可想而知，政府對職業安全根本不重視！

如果政府真的要改善本港整體的工業安全，甚至是職業安全，便不應該再推卸責任，而應制訂全面的職業安全及健康法例。

主席先生，本人謹此陳辭，我支持曾健成議員和梁智鴻議員的修正案。謝謝！

**黃偉賢議員致辭：**主席先生，說到工業安全，便不能夠不提手挖沉箱的工序。所以，我會代表民主黨集中討論手挖沉箱的工業安全問題。

主席先生，在去年十二月下旬，本港兩名工人遇到工業意外，慘遭沉箱內未凝固的混凝土活埋而引致死亡。這宗慘劇引起社會人士再次關注手挖沉箱的危險問題。事實上，手挖沉箱是極度危險的工序，工作環境也相當惡劣，實在不應容許繼續採用。到底手挖沉箱所造成的危險、損害和不人道的地方在哪裏呢？

勞工處向立法局提供的數字顯示，從事手挖沉箱的工人約有500名。平均來說，每年在約每兩名從事手挖沉箱的工人之中，便有一人因工受傷。這較建築業平均每三人才有一名工人受傷的比率為高。此外，每年平均至少有一名工人因從事手挖沉箱的工作而死亡。至於造成嚴重傷亡數字的成因，包括有物件下墜、人體下墜、觸電、沼氣、氣體中毒、操作手動和機動工具、泥土鬆脫和水淹等。此外，還有一點是社會人士經常忽略的，那便是手挖沉箱的操作會令工人患上許多嚴重的職業病。現時，約有三成的矽肺病工人是因從事手挖沉箱工作而染病的。

香港中文大學社區醫學系所做的一項研究顯示，從事手挖沉箱而患上矽肺病的罹病率為15%，也是最高的罹病率。有些手挖沉箱的空氣含塵量更超出安全標準一百多倍，工作環境的惡劣程度實在令人咋舌。

事實上，根據香港中文大學社區醫學系進行的另一項研究，風鑽工人若從事工作30年，都免不了患上矽肺病。

此外，手挖沉箱的工序更會導致工人職業性失聰，以及患上震動病和中暑等職業病。這些職業病對患者和家人來說，影響相當深遠。愈來愈多的矽肺病患者，面臨失業、收入下降、健康惡化、自我照顧能力減弱、性生活受影響、心理健康受損、家庭關係轉壞，因而須依靠社會公共醫療，引起康復、經濟援助和社會服務等問題。這反映出矽肺病對患者、其家人和社會的影響甚大。

主席先生，究竟現行法例和監管機制有甚麼漏洞？由於手挖沉箱極不人道，以及對工人和社會造成重大損失，經過勞工團體、工會和立法局議員的強烈爭取後，政府終於在一九九四年通過有關法例進行監管，不准用人手挖掘三米以下的沉箱，但在沒有其他安全的工程方法可供使用的情況下，仍繼續容許使用手挖沉箱的工序。因此，承建商經常會以此為理由繼續使用手挖沉箱。工程師亦許多時沒有積極尋求安全的替代方法，因而間接鼓勵承建商採用成本低廉、快捷、而且是建築於工人的鮮血、生命和痛苦之上的手挖沉箱工序。

除此以外，建造業的判頭制也導致手挖沉箱工程的安全問題受到忽視。從事手挖沉箱的工人大多是新移民或教育水平低的市民，他們為口奔馳而被迫從事手挖沉箱的工作。事實上，勞工處在這方面也是束手無策、無能為力，因而令問題得不到徹底解決，成為香港人的污點和耻辱。

值得一提的是，政府有另外一條規例，即《工廠及工業經營（密閉場地）規例》，是用以管制手挖沉箱的安全和操作的，但同樣是監管條文寬鬆，漏洞百出，極須改善。

主席先生，最後，民主黨有以下的建議：

- 一． 政府應立即全面禁制手挖沉箱的工作方法；
- 二． 政府應全面修訂《工廠及工業經營（密閉場地）規例》，加強對承建商和僱主的監管；
- 三． 政府應採取有效和積極的措施，促使工程師和承建商採用其他安全的挖掘方法，代替手挖沉箱工序；

四．在全面禁制手挖沉箱的工作方法之前，對仍然須要進入沉箱工作的工人加強教育和訓練；和

五．政府應積極對從事手挖沉箱的工人提供轉業培訓和輔導。

主席先生，民主黨不希望見到這些悲劇繼續發生，我們很希望政府能夠考慮工人和他們家人的生命安全，立即禁制繼續在香港採用手挖沉箱的工序。

本人謹此陳辭，支持曾健成議員的修正案。

**李卓人議員致辭：**主席先生，依我來看，整份有關工業安全檢討的諮詢文件，只不過是一份公關性的宣傳文件，希望給人一個印象說政府關注工業安全，煞有新意的推出安全管理觀念，吶喊安全文化的口號。但政府的目的只不過是轉移視線，將政府的責任轉移由勞資雙方承擔。因此，我認為這不是一份檢討文件。政府在整份文件裏根本沒有檢討政策的不足和失當之處，也沒有探究工傷意外這麼多年仍然高企的原因。政府推出這個所謂“安全管理新觀念”的目的，是要推卸責任。

一九七八年，我的第一份工作便是負責推廣工業安全和健康。多年來，我一直密切注視這個問題。我認為直到今時今日，這方面仍然大有問題。政府永遠都是採取慢上十年的“蝸牛式”政策，永遠都追不上時代的步伐，這也是整項政策最根本的問題。每一次新法例、新政策推出前，已不知有多少工人付出血的代價、生命的代價和健康的代價，政府才倉卒的進行立例。舉例來說，最近便發生了奪去兩條寶貴生命的沉箱意外。政府經過多年來發生的類似意外後，才在去年進行立法，但還是留下了一條尾巴，說要給予一年的寬限期，而且寬限期過後還可以有所豁免。我們一直要求全面禁止手挖沉箱，難道要等那些獲豁免的沉箱再次奪命，才真正的進行全面禁制嗎？為何政府每次都是這樣？為何不可以在意外發生前便立例避免危害生命的事情發生？手挖沉箱是一個很好的例子，如果十年前已經立法禁止手挖沉箱，便不會再有這類意外發生，政府總是這樣慢十年的。

另一個“慢十年”的例子，便是關於工人聽覺問題的管制噪音法例。其實，工廠和地盤的噪音問題已存在了多少年？六十年代開始，這些工廠已是如此進行生產，究竟政府何時才立例管制噪音呢？八十年代中期，政府才進行管制，但那時候香港的工廠已開始搬往中國大陸，政府才說要管制香港的噪音，其實已是遲了十年。然後，直至去年，政府向職業性失聰的工人提供賠償。可是，我們要緊記，在製造業生產的高峰期，即最多工人受噪音影響

的時期，政府並沒有這方面的法例。例如，紗廠工人所患的棉絮沉着症也是兩年前才被列為職業病。現在，除了四間紗廠外，全港的紗廠都已搬清，政府才說要關注這種職業病；而在紗廠處於高峰期時，卻又沒有有關的法例。

另外一個例子，便是我們爭取多年要求工廠督察可以發出命令即時禁止一些危險工序，以及要求擴大廠房安全委員會在《工廠及工業經營條例》的管轄範疇。直至今時今日，這些要求仍未得到落實。

我列舉這些例子，只希望證明一件事，便是政府的政策完全缺乏前瞻，每次也是落後於形勢至少十年。不過，諮詢文件並沒有承認這個事實，也沒有構思一些可以回應時代改變而且富前瞻性的政策。那麼我們每次都要多等十年才可以解決我們當今遇到的問題。所以，現在政府應該檢討的是現有法例在應付新時代方面有甚麼不足之處。我在這裏提出幾項建議和看法：

第一，香港現在基本上已完成了經濟轉型，但政府還是要將工業和非工業劃分界線，對非工業仍然是一概不管。當然，我知道政府最近準備草擬新法例對非工業進行監管，但不知道又要再等多多少時間。我去年要求政府不用草擬新法例，倒不如將《工廠及工業經營條例》的管轄範圍擴闊至涵蓋所有行業，這樣便可以即時實施。我實在不明白為何政府要從新再草擬法例，浪費時間。當法例草擬完畢，又花費了一段很長的時間，香港有些地帶仍然是不受任何管制。

第二，現今的挑戰不單是安全問題，而是健康問題。現在很多普遍行業的問題不再是啤機沒有護罩的問題，而是安全和健康環境的問題。但政府在今次的檢討內，完全忽略了健康問題。政府當然可能會說一九九二年九月不是已公布了綠皮書嗎？這不是真正的綠皮書，而只是一本綠色封面的書，是一份有關職業健康服務的專家小組報告，一共載有39項建議。這份報告是於一九九二年九月完成的，我想請問政府，希望政府回答，究竟這39項建議中完成了多少項？我知道大部分的建議仍未實行，政府又是“慢半拍”。我希望政府能夠投入多些資源，從健康問題入手，尤其是現在發生很多由電腦螢光幕引致的眼部問題、辦公室傢俬設計的問題、化學物品的問題、腰背痛的問題等，這些問題都需要新法例才能應付。

第三，安全委員會在諮詢文件裏也有提及，而且我們在八十年代初也曾經提出過，現在又要等十多年才開始討論。首先，我認為應該以50人而不是以100人作為限額。另一方面，香港政府應該參考英國政府的一貫做法，賦予僱員參予職業健康的權利，使僱員成為工人代表後，可享有監察廠內職業健康、向僱主提出意見、要求工廠督察巡視等權利，這樣才可真正做到由

工人去監管安全問題。

最後，我支持曾健成議員的修正案，因為他體現了所有我剛才所說的精神。謝謝主席先生。

**陳婉嫻議員致辭：**主席先生，現在香港有二百多萬人從事非製造業行業，其中包括文職的工作人員，這些人員遠較從事工業的人數為多。非工業工作一向給人的印象是工作環境危險性較工廠或地盤為低，但事實上，辦公室的環境也有不少潛在危險。例如上星期一名女職員工作時，其長髮被碎紙機捲<sup>1)</sup>，幸好當時得到同事及時搶救，才沒有造成太大傷害。

香港商業發達，經濟成就在亞洲稱冠，在世界也名列前茅，但偏偏在職業安全保障方面，仍然是一片空白。現時，香港只有條例監管危險性較高的工業工作安全；對於非工業工人及文職人員的安全，卻沒有任何保障。可見政府並沒有注意到本港的工作人口，已轉變到以文職或者服務性人員為主，政府亦因此沒有顧及他們的工作安全和健康。現有的《工廠及工業經營條例》，目的只是監管工廠及工業經營的工作安全健康，而文職及其他非工業場所的工作安全及健康，卻不受此條例監管。

在《工廠及工業經營條例》之下，有一條一般性責任條款，作用是規定僱主有責任在合理可行的情況下，確保所有僱用的人士工作時的健康及安全，而僱員亦有責任遵守安全規則和程序。如任何一方違反本身的責任，即屬違法，會遭檢控及監禁。可惜，此條款只是附屬於該法例上，並不是獨立運作。因此，只可應用於工廠及工業經營場所，而不可以應用於所有工作場所，也就是說，文職及服務性人員的工作安全仍是得不到保障。

至於服務性及文職人員的工作環境安全，政府現時亦沒有設立機制進行監察。現時監察工作環境安全的工作，由工廠督導科負責。顧名思義，工廠督導科監察的範圍，止於工廠及工業經營地點。服務性行業及文職人員工作地方的安全問題，並不屬於其監管或職責範圍。但對於這類工作場所的監察，我們認為同樣是必須的。我特別在此指出，香港很明顯在過去十多年進行經濟結構轉型，轉以服務性行業為主，而不少服務性行業的工人及文職人員過去都發生過不少意外。一九九四年一月十日，匯豐銀行石硤尾分行發生縱火案，導致12名職員死亡。直到今天，剛好兩週年，對於一些銀行、珠寶店為了保安而忽略防火措施，罔顧僱員的生命安危，政府仍然是沒有任何監管。

總括而言，現時本港的工作安全條例，仍然停留在30年前的進度。30年前，香港以工業生產為主，勞動人口也是以從事工業生產為主，所以條例監管範圍，以工廠及工業經營場所為主。這在30年前來說是正確的，但到了今天，香港的經濟結構，已經完全改變，整個社會以商業活動為主，勞動人口亦是以服務性行業及文職為主。現時確實有需要立法保障，而且確實已經太遲去保障他們的工業安全和工作安全。換句話說，工作安全保障的態度，應由過往的“工業安全”，轉而為“職業安全”。

然而，時至今天，政府仍然充耳不聞，不肯聽取任何意見。我還記得上任立法局議員譚耀宗先生在一九九四年四月提出議案，要求政府擴大《工廠及工業經營條例》的範圍，或另訂法例為香港所有“打工仔”，包括工廠及服務性行業的人員提供保障。雖然當時的議案獲得通過，而且得到當時的教育統籌司梁文建先生同意，但他卻以資源不足為理由，否決了議員們都認同的意見，無視“職業安全”的重要。資源不足並不是罔顧二百多萬名服務性及文職人員安全的理由，這個理由只教人看清楚政府推卸責任，我覺得政府這樣做是極之不智。

港府在本年七月發表的“香港工業安全檢討諮詢文件”，可以說是了無新意，只是將過往的“工業安全”的一套構思重申一次。但現時香港已經起了經濟結構變化，而且工人也起了變化的情況下，確實沒有對現有的非工業工人，包括文職人員在內提供保障。我覺得政府現時須要修正這種態度，我們認為政府應該從下述幾方面入手：

- 一、將一般性責任條款擴展至涵蓋非工業經營，惠及所有行業的僱員，立法訂明僱主有責任提供安全制度、安全健康設施、安全訓練等。
- 二、政府應改變只重“工業安全”的態度，進一步關注“職業安全”，並由關注“職業安全”，進而關注“職業健康”，針對文職工作所引起的不少職業健康問題，例如長時間使用電腦，用眼睛閱讀文件，長時間坐在辦公室，好像我們議會內的同事一樣，因而引致的脊骨問題，這些都須立例加以保障。我覺得政府應該這樣做，並應加強宣傳教育。

- 三、設立統籌僱員傷亡賠償的僱員中央賠償基金，承保所有勞工保險，並且對所有因工作傷亡及患上職業病的僱員作出賠償，藉此減少由私人保險公司承保的行政費用，增加對僱員傷亡賠償金額及推展康復服務。

主席先生，本人謹此陳辭。謝謝。

**何敏嘉議員致辭：**政府在一九九五年七月公布的檢討諮詢文件，很明顯只是針對在工業環境衍生的安全問題，這反映了政府仍然是故步自封，對本港非工業的職業安全完全漠不關心。

首先，政府依然以行業來劃分不同工作遇到的職業安全問題，並沒有從一個職業健康的角度去保障不同行業的僱員。於是，政府的政策只是“頭痛醫頭，腳痛醫腳”。時至今天，政府仍繼續將工作重點放在工業安全方面。其實，除了在工業環境下的僱員受到些微的保障外，非工業的僱員並沒有得到任何法例上的保障，可以說他們是自生自滅的了。

直至現時為止，政府並沒有對非工業經營進行任何具體的職業安全調查。從現時意外補償的資料顯示，九三年及九四年，在非工業場所發生的意外數字大約有二萬五千多宗，其中以醫療行業受傷人數所佔的比率最高，每1 000名僱員即有高達24.27個人受傷。由於沒有統計資料，以上舉例的數字相信是低估了現時非工業職業安全的嚴重性。

香港工業轉型，愈來愈多人從事服務性及文職工作，表面看來，這些人的工作環境一般比工廠及地盤較為安全。但事實上，他們亦同樣面對多方面的職業安全問題，只是與工業安全性質有所不同。辦公室內的照明、噪音、自動化器材、空氣和化學品使用，都會對僱員的身心健康，帶來不良的影響。常見的非工業職業病，包括腰背痛、靜脈曲張、眼力退化、皮膚炎及肺炎等。

雖然問題存在已久，但直至現在，政府仍然只答允分階段訂立不同規例，保障非工業行業工人的安全和健康。政府這種分階段落實政策的做法，其實只是推搪的手法。民主黨強烈要求政府從速對非工業工人的安全與健康，以法例的形式提供保障。



本人也在此代表民主黨，祝賀韋玉儀女士晉升，我們很希望韋女士上任勞工處處長一職後，能夠促進香港工人的安全 and 健康。民主黨將會全力加以支持。

本人謹此陳辭，支持曾健成議員提出的修正案。

**鄭耀棠議員致辭：**主席先生，我們今天檢討工業安全問題時，應該從一個全面的角度來檢討現時香港工業安全的概念、政策，以至對立法、執法和監管等方面是否存在問題，是否配合現時社會發展的步伐，從而找出病源對症下藥，制訂出一套健全、可行而且實際的職業安全保障策略。

如果只是修修補補，見步行步，說一些冠冕堂皇的說話，而無視實質問題的存在和嚴重性，這不單止自欺欺人，而且也是對每年數以萬計。因職業意外而引致傷亡的僱員的一種漠視和麻木不仁的做法。令人失望的是政府去年發表的一份工業安全檢討諮詢文件中，正正存在極大的局限性。首先是本港工業不斷外移，就業人數下降；非工業經營的就業人數卻逐步上升。職業安全健康，備受重視。

香港社會各界人士已要求政府對整體的職業安全健康策略進行全面的檢討和改進，但政府的安全健康策略仍然只局限在工業安全方面，根本沒有考慮非工業經營的安全問題，更沒有考慮到工作環境除了可導致生命危險之外，還會對健康造成影響，這是不容忽視的。這說明了政府的政策，完全落後於時代的發展步伐。又例如當前工廠數目減少，服務機構的企業不斷增加，但勞工處監管的部門仍是以工廠督察科為稱號，這說明了政府在觀念上，以至部門架構方面，也未能完全適應社會的發展。這實令人懷疑政府對職業安全 and 健康，是否有前瞻性的策略和措施。

政府往往以資源有限為理由，將應負的責任輕輕地推卸，例如以人手不足為藉口，拒絕將法例保障擴展至服務性行業以令更多“打工仔”受惠。所以出現了在現行條例下，只有佔工作人口的三分之一的藍領工人得到法律保障，而其餘佔工作人口三分之二的文職和白領人士，卻得不到生命安全方面的保障。在香港這個以金融、商業、服務行業為主的社會，這是難以想像的現象。一方面，是由於政府無心無力；另一方面，是因為政府輕率了事，“得個講字”。

就以職業安全健康局（“職安局”）為例，政府有意加強職安局在推廣

安全意識方面的訓練和教育工作。勞工處也表示希望盡快將三十多年來的訓練職責，轉由職安局承擔。本來，及早預防勝於補救，將資源集中，加強專責部門的職能，這些措施都是值得稱讚的。可是，雖然政府委以重任，卻沒有額外提供撥款。根據了解，若職安局要執行新的任務，未來兩年將會出現財政赤字，並且須要動用往年多至1,200多萬元的儲備，以至到一九九七年積累的盈餘將僅剩75,000多元。雖然職安局這次表面上得到政府的重視，但實質上沒有資源配給，做成財政緊絀，開展工作時將面臨困難。我們不能不懷疑政府對職業安全推廣工作的誠意和決心有多大？

諮詢文件又指出，香港保障工作安全健康的政策，將由<sup>19</sup>重執法改為推行安全管理，鼓勵僱主和僱員自我規管，管理安全事務。這種策略上的改變，令人擔心這方面的立法和執法將不再受到重視。

事實上，政府若沒有完善的立法和執法作為監督機制，而只強調自律和自我規管，這對於改善安全保障的成效，同樣令人懷疑。本人認為政府在立法、執法和監管方面所扮演的角色是十分重要的，在推行安全管理制度的同時，政府絕不能看輕立法，並須加強巡查和檢控，以及加重對違例者的懲罰，以求充分發揮法例的監管和阻嚇作用。

平心而論，作為在國際上享有高度發展的工商業、金融中心，香港在給予勞動人口的福利和身心健康保障方面，都是極不相稱的。我們不可以被一些表面的數字或嘉年華式的宣傳氣氛所誤導，以為香港職業安全健康已經達到很好的水準，而且成績不俗，因此“打工仔”便可以平安大吉，政府和老闆也可以安寢無憂。事實上，現時香港的工廠和地盤危險四伏，辦公室也殺機重重，這些隱藏在工作場所的殺手，對每一位“打工仔”的生命和健康都可能構成威脅。我們絕對不能掉以輕心，因為人命關天，失去的便不能挽回。此外，傷患也可能導致傷者終生抱憾，甚或連累家人。社會是否要待悲劇接二連三發生後，才去進行檢討、追究責任或懲罰失職者？當然這些是必須的，但如果整個社會在事前早有多些心理準備，多做一些預防措施，告訴大家危險因素在那裏，總比事後補救和發生危險時才去處理來得更有意義和保障。

本人希望今次的工業安全檢討，是一次真正和全面的檢討，而非馬虎的交代，玩弄文字遊戲。

主席先生，本人謹此陳辭。謝謝。

**PRESIDENT:** I now invite Dr Samuel WONG to speak on the amendments to his motion. He has five minutes to speak on all the proposed amendments.

黃秉槐議員致辭：主席先生，要徹底改善香港的工業安全和職業安全的狀況，實有賴有關的政府部門、團體和組織共同努力，互相配合。我所說的包括勞工處、教育署、掌管公務的部門、職業安全健康局、各大專院校及各有關專業團體、工會和商會等。政府應該委任適當的人或專責委員會，並賦予足夠權力，制訂和統籌各有關的政府部門、團體和組織，為改善香港的職業安全和工業安全而展開工作。

香港工程師學會最近成立了一個關注安全的小組，便是要配合和支援以上所提出的統籌工作。各位已經先後聽過三位提出修正案的議員的陳辭，以及其他12位議員的偉論。我誠意請各位支持梁智鴻議員或夏佳理議員的修正案，或本人的原議案。

主席先生，本人謹此陳辭。

**SECRETARY FOR EDUCATION AND MANPOWER:** Mr President, I welcome the motion put forward by Dr Samuel WONG and the amendments to the motion that it has stimulated as it offers me an opportunity to explain government policy and future plans on improving safety and health in the workplace.

*Industrial safety*

The Government has always taken industrial safety, and for that matter, occupational safety and health of the workforce, very seriously. During the last decade, we have made considerable efforts to improve the standards of industrial safety in Hong Kong. The principal legislation governing safety and health at work is the Factories and Industrial Undertaking Ordinance (FIUO). In 1989, the FIUO was amended to impose general duties on employers and employees. Under the provision, employers are responsible for taking all reasonable, practical steps to ensure the health and safety of all persons employed in the workplace. Workers also have the duty to exercise reasonable care at work and co-operate with employers on safety measures.

In 1990, the FIUO was extended to cover the catering industry. New

regulations under the FIUO were introduced to require the employment of safety officers and safety supervisors at construction sites, the training and certification of operators of cranes and suspended working platforms in 1986, 1993 and 1994 respectively. A safety programme promotion unit was also set up within the Inspectorate Division of the Labour Department in 1987 to assist the industry to promote voluntary safety programmes such as safety committees, safety policy and publicity activities.

With the onset of the Airport Core Programme (ACP) in 1991, the Government, as an employer, introduced special contract conditions to enhance the safety standards at ACP work sites. Our contractors are required, for example, to employ extra safety personnel, implement safety plans, set up site safety committees, conduct safety audits and carry out toolbox meetings with workers. The use of special contract conditions to improve industrial safety has been extended to the Public Work Programme and the Housing Authority's works projects.

The initiatives taken by the Government have achieved a reasonable degree of success in improving industrial safety in Hong Kong. Since 1988, the total annual number of industrial accidents has been on a downward trend. For 1995, the provisional statistics show that there has been an encouraging 7.1% reduction in the total number of industrial accidents compared with 1994. Nevertheless, the overall accident rates per thousand workers and the number of fatalities arising from industrial accidents, particularly in the construction industry, have remained unacceptably high. For instance, despite a reduction in the overall number of industrial accidents, a total of 77 workers were killed in industrial accidents in 1995. This represents a sharp increase from the 1994 figure of 67 deaths.

It is clear that Hong Kong must do more to reduce the number of industrial accidents and the number of deaths arising from them. As a policy commitment in the 1994 policy address, the Government started a comprehensive review of industrial safety in Hong Kong in late 1994, and published in July 1995 the Consultation Paper on the Review of Industrial Safety in Hong Kong for public comment.

We put forward a total of 45 recommendations in the consultation paper to improve Hong Kong's industrial safety record. We believe that the primary

responsibility for safety and health at work rests with the proprietors who create the risks and the workers who work with such risks. Our ultimate goal is self-regulation by the proprietor and his workforce. The Government's role should be to provide a framework with legislative and administrative components within which self-regulation is to be achieved through a company system of safety management. This should be backed by enhanced enforcement focused on establishments where the self-regulation is not working. I am glad to report that our recommendations have received general public support during the consultation period. I shall elaborate on implementation of the recommendations later.

*Occupational health and the non-industrial sector*

Turning to the question of occupational health and protection of the non-industrial workers, this is certainly an important area and we have not been idle. In 1988, we set up the Occupational Safety and Health Council (OSHC) with the following statutory functions:

- (a) to foster greater awareness among the community;
- (b) to promote the application of modern technology;
- (c) to promote education in training;
- (d) to disseminate technical knowledge;
- (e) to develop strategies and formulate programmes;
- (f) to provide consultancy services; and
- (g) to encourage and facilitate co-operation and communication between the Government, employers, employees and relevant professional and academic bodies in the furtherance of the encouragement and promotion of higher standards of safety and health for people at work.

Since its establishment, the OSHC has been effective and active in enhancing the occupational safety and health of all workers in Hong Kong.

There is, of course, much more to be done. As an example of its work in promoting occupational health in 1994 and 1995, the Council organized 120 occupational health seminars and symposia for 30 000 participants, 40 workers' activities for 21 000 participants, 120 training courses for over 3 700 participants, and 80 occupational hygiene surveys or site assessments. The OSHC also published over 160 guidance books, magazines, leaflets and posters on occupational health.

In addition, the Occupational Health Division of the Labour Department also provides advice and information on the prevention of work-related injuries and occupational diseases, and organizes health talks, exhibitions and publications on occupational health. The Factory Inspectorate Division of the Labour Department offers close support to the services provided by the OSHC and the Occupational Health Division. The Factory Inspectors also work closely together with occupational hygienists of the Department to investigate complaints concerning use of hazardous substances and the health aspects of work environments.

### *Legislative programme*

#### (A) Factories and Industrial Undertakings (Amendment) Bill

Dr LEONG Che-hung has asked for a concrete timetable for implementing the recommendations in the consultation paper. We have a busy legislative programme ahead. First, we plan to submit to this Council in May the Factories and Industrial Undertakings (Amendment) Bill to introduce a safety management system with the following components:

- (a) a company safety policy;
- (b) safety plans to implement the safety policy;
- (c) safety committees consisting of representatives from the management and workers;
- (d) regular safety audits or safety reviews;
- (e) general safety training for all workers; and

- (f) specific training for workers engaged in hazardous trades or processes.

These components should, in varying degrees, be applied by law to different industries covered by the FIUO, subject to certain qualifications such as the nature of the work, the size of employment and the value of contract for construction projects.

In this connection, I note that the Honourable Mr TSANG Kin-shing called for legislative provisions for the setting up of safety committees. We are certainly going to do this. A safety committee is but just one of the components of a safety management system which we are promoting in Hong Kong. To be more effective, a safety committee should be operating together with company safety policy and plans, safety audits or safety reviews, as well as enhanced safety training for the workers. However, we do not think it is appropriate to require the setting up of safety committees in all occupations and trades in one go. We believe that a step-by-step approach is more suitable. Accordingly, as a start we are requiring the setting up of safety committees in all establishments covered by the FIUO and employ 100 or more workers. The requirement for safety committees will be extended to establishments with 50 or more workers in future in the light of operational experience.

At the same time, particular aspects of the enforcement efforts will need to be strengthened to target those establishments where self-regulation is not working. We will therefore propose in the Factory and Industrial Undertakings (Amendment) Bill that the Commissioner for Labour should be given a broader range of powers. This will include the power to issue suspension notices and improvement notices to give the Commissioner more flexibility and more effective measures to bring about the necessary improvements.

#### (B) Safety and Health at Work Bill

In June, we will introduce a Safety and Health at Work Bill into this Council to extend protection on occupational safety and health to workers in the non-industrial sectors. The Bill will be accompanied by two sets of subsidiary regulations covering the safety, health and welfare of the workplace and

manual-handling operations. Other subsidiary regulations covering personal protective equipment at work, dangerous substances, health and safety of using visual display screens, and the use of work machines and equipment will be introduced in stages.

(C) Other regulations

We also plan to introduce amendments to the Confined Spaces Regulations and the Construction Safety Regulations in this Council in July to improve the safety of workers working in confined spaces and at height. New regulations to extend the certification scheme to operators of earth-moving machines on construction sites and the fork-lift trucks in industrial premises will be introduced in the 1996-97 Legislative Session.

*Other measures*

Apart from new legislation, the Labour Department is implementing administratively improvements to its enforcement actions and adjusting its role in safety training. The Factory Inspectorate Division of the Department is undergoing reorganization to enhance its effectiveness and functioning under the new safety management approach. The manpower of the Labour Department will be increased with the creation of 66 additional posts in 1996-97, and 29 more in subsequent years to implement the proposals in the consultation paper. The total annual recurrent cost will be \$36.7 million.

The safety management system is a relatively new concept in Hong Kong. An ongoing and enhanced programme of education and training is therefore needed to inculcate a safety culture. Employers and workers must be convinced to support and embrace the safety management system and also trained for their new roles under it. In this respect, the Occupational Safety and Health Council will play a greatly enhanced role in the co-ordination and provision of training, education, promotion and publicity on industrial safety in future.

*Codes of practices*

As regards the suggestion that the recommendations of the consultation paper should be implemented primarily by codes of practices, I must point out that a code of practice approved or otherwise is no more than an administrative tool for reference by both the enforcement agents and the proprietors. It is



therefore in itself not an extension of the law. Any person who failed to observe the requirements set out in a code of practice is not held criminally liable. In other words, non-compliance can only have evidential value in certain criminal proceedings.

It is very important to distinguish the force of law and the reference value of a code of practice. There are severe drawbacks in relying simply on codes of practice to implement the recommendations in the consultation paper. Our enforcement agents will have practically no power to bring the offenders to court, irrespective of the gravity of the offence. I hope Members will appreciate that without adequate legislative sanction, the Government will not be able to impress upon the contractors and the proprietors that we mean business in ensuring safety and health in the workplace.

I agree with the Honourable Mr Ronald ARCULLI that many parties share responsibility for ensuring safety and health in the workplace. We firmly believe that both employers and the workers should have an equally important part to play. It is indeed the key element for the success of a safety management system. As regards the need for consultation on a practical and realistic timetable, I can assure this Council that it has been the Government's long-standing practice to consult all those likely to be affected. It has also been our practice to allow a grace period so that the trade concerned can have adequate time to train their staff and the workforce and prepare themselves for the introduction of new law. We will certainly consult all relevant professional, employers' and employees' bodies on implementing the recommendations in the consultation paper. The timetable for implementing the recommendations will be tight, but it will be practical and realistic.

I look forward to Members' support when our legislative proposals are submitted to this Council later this year.

Thank you, Mr President.

**PRESIDENT:** Mr Ronald ARCULLI has given notice to move an amendment to the motion. His amendment has been printed on the Order Paper and circularized to Members. I propose to call on him to move his amendment now.

***MR RONALD ARCULLI's amendment to DR SAMUEL WONG's motion:***

"To delete "supports" and substitute with "calls for the implementation of"; to delete "and urges the Government and other bodies concerned to implement the relevant recommendations as soon as practicable in order to improve safety standards and safety" and substitute with "primarily by Codes of Practices which will ensure the sharing of the responsibility for and improvement in safety and health standards and"; and to add ", and urges the Government, in consultation with other bodies, to introduce a practical and realistic timetable for such implementation" after "practices in workplaces in Hong Kong"."

**MR RONALD ARCULLI:** Mr President, I move that Dr Samuel WONG's motion be amended as set out under my name on the Order Paper.

*Question on Mr Ronald ARCULLI's amendment proposed and put.*

*Voice vote taken.*

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

Mr Ronald ARCULLI claimed a division.

**PRESIDENT:** Council shall proceed to a division.

**PRESIDENT:** I would like to remind Members that they are now called upon to vote on the question that Mr Ronald ARCULLI's amendment be made to Dr Samuel WONG's motion. 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:** I think we are two short of the head count. Before I declare the

result, Members may wish to check their votes. Are there any queries? The result will now be displayed.

Mr Allen LEE, Mr LAU Wong-fat, Mr Edward HO, Mr Ronald ARCULLI, Mr Henry TANG, Mr Howard YOUNG, Mr James TIEN and Mr Paul CHENG voted for the amendment.

Mr Martin LEE, Dr David LI, Mr SZETO Wah, Dr LEONG Che-hung, 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 Eric LI, Mr Fred LI, Mr James TO, Dr Samuel WONG, Dr YEUNG Sum, Mr WONG Wai-yin, Mr LEE Cheuk-yan, Mr CHAN Wing-chan, Miss CHAN Yuen-han, Mr Andrew CHENG, Mr CHENG Yiu-tong, Mr Anthony CHEUNG, Mr Albert HO, Mr LAU Chin-shek, Mr LAW Chi-kwong, Mr LEE Kai-ming, Mr LEUNG Yiu-chung, Mr Bruce LIU, Miss Margaret NG, Mr SIN Chung-kai, Mr TSANG Kin-shing and Dr John TSE voted against the amendment.

Mr CHIM Pui-chung, Mr Ambrose LAU and Mr YUM Sin-ling abstained.

THE PRESIDENT announced that there were eight votes in favour of the amendment and 33 votes against it. He therefore declared that the amendment was negatived.

**PRESIDENT:** Now that we have disposed of Mr Ronald ARCULLI's amendment, Mr TSANG Kin-shing may formally move his amendment now so that Members may take a vote on it.

***MR TSANG KIN-SHING's amendment to DR SAMUEL WONG's motion:***

"To delete "supports" and substitute with "notes"; and to delete "and urges the Government and other bodies concerned to implement the relevant

recommendations as soon as practicable in order to improve safety standards and safety practices in workplaces in Hong Kong" and substitute with "but regrets the delay of the Government in improving occupational safety and health for the overall Hong Kong workforce and, in order to achieve comprehensive protection of occupational safety and health for all employees, urges the Government to:

- (a) rectify the erroneous policy which neglects occupational safety and health;
- (b) strengthen the relevant legislation and set aside more resources so as to provide comprehensive occupational safety and health protection for all industrial and non-industrial employees;
- (c) enact legislation expeditiously to require the setting up of safety committees in all occupations and trades, giving employee representatives adequate monitoring powers; and
- (d) strengthen the enforcement of law and impose heavy penalties on employers for malpractices".

曾健成議員：主席先生，我動議修正黃議員的議案，修正案內容一如議事程序表內在我名下者所載。

*Question on Mr TSANG Kin-shing's amendment proposed and put.*

*Voice vote taken.*

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

Dr LEONG Che-hung claimed a division.

**PRESIDENT:** Council shall proceed to a division.

**PRESIDENT:** May I remind Members that they are now called upon to vote on the question that the amendment moved by Mr TSANG Kin-shing be made to Dr Samuel WONG's motion. Will Members please register their presence by pressing the top button and then proceed to vote by selecting one of the three buttons below?

**PRESIDENT:** Before I declare the result, Members may wish to check their votes. Are there any queries? The result will now be displayed.

Mr Martin LEE, Mr SZETO Wah, 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 James TO, Dr YEUNG Sum, Mr WONG Wai-yin, Mr LEE Cheuk-yan, Mr CHAN Wing-chan, Miss CHAN Yuen-han, Mr Andrew CHENG, Mr CHENG Yiu-tong, Mr Anthony CHEUNG, Mr Albert HO, Mr LAU Chin-shek, Mr LAW Chi-kwong, Mr LEE Kai-ming, Mr LEUNG Yiu-chung, Mr Bruce LIU, Miss Margaret NG, Mr SIN Chung-kai, Mr TSANG Kin-shing, Dr John TSE and Mr YUM Sin-ling voted for the amendment.

Mr Allen LEE, Mr LAU Wong-fat, Mr Edward HO, Mr Ronald ARCULLI, Dr LEONG Che-hung, Mr CHIM Pui-chung, Mr Eric LI, Mr Henry TANG, Dr Samuel WONG, Mr Howard YOUNG, Mr James TIEN and Mr Paul CHENG voted against the amendment.

Dr David LI and Mr Ambrose LAU abstained.

THE PRESIDENT announced that there were 30 votes in favour of the amendment and 12 votes against it. He therefore declared that the amendment was carried.

**PRESIDENT:** Dr LEONG Che-hung, now that Mr TSANG's amendment has been agreed, do I understand that you do not wish to proceed with your amendment, or do you wish to seek leave to amend the terms of your amendment?

**DR LEONG CHE-HUNG:** Mr President, I would like to withdraw my amendment to the motion.

**PRESIDENT:** Dr Samuel WONG, do you wish to make a final reply? You have four minutes seven seconds out of your original 15 minutes.

**DR SAMUEL WONG:** No, thank you, Mr President.

*Question on Dr Samuel WONG's motion as amended by Mr TSANG Kin-shing's amendment put and agreed to.*

## **MEMBER'S BILLS**

### **First Reading of Bills**

#### **IMMIGRATION (AMENDMENT) BILL 1995**

#### **BANK OF TOKYO-MITSUBISHI BILL**

#### **THE BANK OF TOKYO-MITSUBISHI (MERGER OF SUBSIDIARIES) BILL**

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

## Second Reading of Bills

### IMMIGRATION (AMENDMENT) BILL 1995

***MR MICHAEL HO to move the Second Reading of: "A Bill to amend the Immigration Ordinance."***

何敏嘉議員致辭：主席先生，我謹動議二讀《1995年人民入境（修訂）條例草案》。

本港輸入外地勞工政策在這幾年間，無論在議會內外，都已引起極大的爭議。在九三年七月二十一日，同樣以本人名義提出對入境條例的修訂草案，在立法局進行首讀和二讀。而在其後九五年二月恢復二讀辯論時，遭本局否決。當時，民主黨已對香港市民作出承諾，在來屆立法局會期，將會再次提出類似的條例草案，務求立法局有權對輸入外勞政策進行監管。

《1995年人民入境（修訂）條例草案》主要是修訂《人民入境條例》（第115章）第11條，從而確保只能依照立法局認可的規例和配額，准許外地工人進入或停留在香港受僱，但從事家務工作、具有特別技能和在國際性及外交機構工作人士則屬例外。

首先，我要解釋一下，為甚麼需要以立法形式監管輸入外勞政策，及其背後的立法精神。港府自一九九二年開始擴大輸入外勞，促使輸入外勞成為本港既定的長遠政策，這個政策對社會經濟和民生均有重大的影響。但現時輸入外勞政策的配額審批和監管，完全缺乏立法局和法例上的監管。一方面，行政部門在審批配額時，缺乏透明度，導致出現一些在人力過剩的行業中仍然輸入勞工；另一方面，僱主和一些參與招聘外勞的中介人士，經常利用現時監管的漏洞，可能作出剝削外勞的情況，嚴重打擊本地勞工就業的機會。

外地人士入境工作的規則需要受到議會的監察，其實很多國家都有經常採用類似安排。民主黨在草擬這條例草案時，是參考了英國移民法例的規定。該條例規定內政大臣制訂有關外地人士入境工作的規則後，須呈交下議院通過，才能生效。條例草案的精神亦是符合現時英國的一貫做法。

況且，現時對《人民入境條例》所作出的修訂，完全符合現時行政立法關係的安排，並不是由立法主導行政。行政部門依然維持政策提議的主導權，因為在修訂條例中，訂明任何輸入外勞的配額和監管細則，均須由教育統籌司以附屬法例形式呈交立法局。政策主導權仍然由行政部門把持，而立法局則擁有否決和修改的權力，這只是由立法局作出制衡。本人今天也希望再次澄清，民主黨的修訂以及早前李卓人議員計劃提出的修訂，其實並不存在原則上的分歧，而只是技術上的分歧而已。

民主黨提出的修訂案一旦獲得通過，任何輸入外勞計劃須立即終止。當然，若政府說服本局，某些工種真正無法在香港境內聘到工人，他們可通過一些附例輸入勞工。

很多議員可能會問：昨天行政局已取納了政府與工會就補充勞工計劃達成的協議，為甚麼民主黨仍要將草案提交立法局？政府在今屆會期初時已知道分別有議員計劃提出監管輸入外勞的私人條例草案，於是隨即與民主黨及有工會背景的議員進行談判。但民主黨與政府在談判上出現分歧，因為政府堅決不肯以法例形式，監管外勞；而民主黨亦不同意要在先接納有補充勞工計劃的前提下，只討論配額和具體安排。

我們理解代表工會的議員選擇與政府進行談判的道路，但民主黨仍然堅持外勞政策必須受到法例上的監管，而有關配額的數字和監管細則，必須由具代表及有民意授命的機構——立法局作最後定奪。

另一方面，我們並不同意現時政府的安排，所謂將補充外勞配額由5 000降至2 000個的安排。在政府還未提出補充勞工計劃時，政府其實已經停止批出一般性輸入外勞配額。換言之，政府提出的5 000個配額，只是談判桌上的虛數。現時的結果是，輸入外勞配額只是由零增加至2 000個。當然，我們還要留意，行政局通過的似乎可能是一個無上限的數字。

而更為重要的是，民意是強烈支持以立法方式取消或收緊外勞政策。根據民主黨在一月五日至八日進行的電話民意調查顯示，贊成以立法方式取消或收緊外勞政策的人數，較贊成工會與政府協議的人數多出4倍。輸入外勞問題不只是關乎工會的問題，而是一個關乎全港市民的問題。民主黨除了聽取註冊工會的意見外，還要多聽其他市民的意見。

本條例草案是今屆立法局會期第一條成功提交立法局的私人條例草案。當然，我很希望這是第一條可以通過的私人條例草案。在提交過程中，政府



曾經以草案會涉及公帑為理由而反對草案提交立法局，最後立法局主席作出裁決，認為本條例草案不涉及公帑。主席先生這次裁決非常重要，因為這可以顯示一個完全脫離行政部門議會的獨立性和自主性。

《1995年人民入境（修訂）條例草案》今天進行首、二讀，這只是個開始，民主黨希望條例草案能夠得到局內各黨派和各獨立議員的支持。本人樂意在條例草案作出審議階段時聽取各議員的意見。

本人謹此陳辭，提出二讀議案。

*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 OF TOKYO-MITSUBISHI BILL**

***DR DAVID LI to move the Second Reading of: "A Bill to provide for facilitating the vesting in The Bank of Tokyo-Mitsubishi, Ltd. of the undertaking of The Bank of Tokyo, Ltd.; and for other related purposes."***

**DR DAVID LI:** Mr President, the Bill which I introduce today is, I believe, technical in nature and uncontroversial. It follows the pattern of a number of other banking institution merger Bills introduced by me in recent years. I am pleased to report that the Bill has been circulated to the Inland Revenue Department, the Stamp Duty Office and the Companies Registry for comments. It has been approved by the Hong Kong Monetary Authority. It has been advertised the requisite number of times in both the Chinese and English press and in the Government Gazette. I therefore move that the Bill be read a Second time.

This private Bill is necessary to assist implementation of the merger agreement dated 19 May 1995, made between the Bank of Tokyo, Limited and The Mitsubishi Bank, Limited. Under that agreement, the undertaking of The Bank of Tokyo, Limited will be succeeded to by The Mitsubishi Bank, Limited. On the effective date of the merger, its name will be changed to The Bank of Tokyo-Mitsubishi, Limited.

Under Hong Kong law, the merger agreement would be extremely difficult

to implement in Hong Kong without this legislation. For example, the individual agreement of over 27 000 current and deposit account holders would be required. This Bill clarifies the position regarding the legal aspects of the merger. It, therefore, eliminates the need for a huge number of individual agreements between the involved parties in respect of technical matters. As a result, both the banks and their customers in Hong Kong can feel absolute certainty in respect of their legal relations following the merger.

Members may be reassured that no stamp duty will be saved by this Bill. Both The Bank of Tokyo, Limited and The Mitsubishi Bank, Limited will ensure that the stamp duty position under this Bill will be precisely the same as if no legislation had been passed.

Mr President, I believe this Bill to be uncontroversial and welcomed as it demonstrates the responsible attitude of Hong Kong in affording certainty of operation to financial institutions and their customers.

Mr President, I therefore, move that debate on this Bill be adjourned.

*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).*

## **THE BANK OF TOKYO-MITSUBISHI (MERGER OF SUBSIDIARIES) BILL**

***DR DAVID LI to move the Second Reading of: "A Bill to provide for facilitating the vesting in BOT International (H.K.) Ltd. of the undertaking of Mitsubishi Finance (Hong Kong) Limited and for other related purposes."***

**DR DAVID LI:** Mr President, I move the Second Reading of: " A Bill to provide for facilitating the vesting in BOT International (H.K.) Ltd. of the undertaking of Mitsubishi Finance (Hong Kong) Limited and for other related purposes".

Mr President, the Bill which I introduce today is, I believe, technical in nature and uncontroversial. It follows the pattern of a number of other banking

institution merger Bills introduced by me in recent years. I am pleased to report that the Bill has been circulated to the Inland Revenue Department, Stamp Duty Office and the Companies Registry for comments. It has been approved by the Hong Kong Monetary Authority. It has been advertised the requisite number of times in the Chinese and English press and in the Government Gazette. I therefore move that the Bill be read a Second time.

BOT International (H.K.) Limited is a company incorporated in Hong Kong. It is currently a wholly-owned subsidiary of The Bank of Tokyo, Ltd., a bank organized under the laws of Japan. Mitsubishi Finance (Hong Kong) Limited is also a company incorporated in Hong Kong. It is currently a wholly-owned subsidiary of The Mitsubishi Bank, Limited, also a bank organized under the laws of Japan.

Both BOT International (H.K.) Limited and Mitsubishi Finance (Hong Kong) Limited hold a restricted banking licence in Hong Kong. A merger agreement dated 19 May 1995 has been entered into between the two parent banks— The Bank of Tokyo, Ltd. and the Mitsubishi Bank, Limited. The merger will form the biggest bank in the world. The Mitsubishi Bank, Limited will succeed to the undertaking of The Bank of Tokyo, Ltd. Its name will be changed to The Bank of Tokyo-Mitsubishi, Ltd. on the effective date of the merger.

A private Bill such as this is the best method of providing for the merger of BOT International (H.K.) Limited and Mitsubishi Finance (Hong Kong) Limited. It is necessary to achieve this merger immediately upon the merger of the parent companies pursuant to the global group rationalization strategy. This Bill clarifies a number of technical matters. As a result, both the institutions and their customers in Hong Kong are provided with certainty in respect of their legal relations following the merger.

Members may be reassured that no stamp duty will be saved by this Bill. Both BOT International (H.K.) Limited and Mitsubishi Finance (Hong Kong) Limited will ensure that the stamp duty position under this Bill will be precisely the same as if no legislation had been passed.

Mr President, I believe this Bill to be uncontroversial and welcomed as it demonstrates the responsible attitude of Hong Kong in affording certainty of operation to financial institutions and customers alike.

Mr President, I therefore move that debate on this Bill be adjourned.

*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).*

#### **ADJOURNMENT AND NEXT SITTING**

**PRESIDENT:** In accordance with Standing Orders I now adjourn the Council until 2.30 pm on Wednesday 17 January 1996.

*Adjourned accordingly at twenty-eight minutes to Twelve o'clock.*