

## **OFFICIAL RECORD OF PROCEEDINGS**

### **立法局會議過程正式紀錄**

**Wednesday, 24 January 1996**

一九九六年一月二十四日星期三

**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 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 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 CHENG YIU-TONG

鄭耀棠議員

DR 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 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 LAWRENCE YUM SIN-LING

任善寧議員

**MEMBERS ABSENT**

## 缺席議員：

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

倪少傑議員，O.B.E., J.P.

THE HONOURABLE LEE CHEUK-YAN

李卓人議員

THE HONOURABLE PAUL CHENG MING-FUN

鄭明訓議員

THE HONOURABLE LEUNG YIU-CHUNG

梁耀忠議員

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.

## PUBLIC OFFICERS ATTENDING

### 出席公職人員：

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

CHIEF SECRETARY

行政局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

行政局律政司馬富善先生，C.M.G., J.P.

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

SECRETARY FOR TRANSPORT

運輸司鮑文先生，I.S.O., J.P.

MR GORDON SIU KWING-CHUE, J.P.  
SECRETARY FOR ECONOMIC SERVICES  
經濟司蕭炯柱先生，J.P.

MR DOMINIC WONG SHING-WAH, O.B.E., J.P.  
SECRETARY FOR HOUSING  
房屋司黃星華先生，O.B.E., J.P.

MR RAFAEL HUI SI-YAN, J.P.  
SECRETARY FOR FINANCIAL SERVICES  
財經事務司許仕仁先生，J.P.

MR PETER LAI HING-LING, J.P.  
SECRETARY FOR SECURITY  
保安司黎慶寧先生，J.P.

MR KWONG KI-CHI, J.P.  
SECRETARY FOR THE TREASURY  
庫務司鄭其志先生，J.P.

MISS DENISE YUE CHUNG-YEE, J.P.  
SECRETARY FOR TRADE AND INDUSTRY  
工商司俞宗怡女士，J.P.

**CLERKS IN ATTENDANCE**

列席秘書：

MR RICKY FUNG CHOI-CHEUNG, SECRETARY GENERAL  
秘書長馮載祥先生

MISS PAULINE NG MAN-WAH, ASSISTANT SECRETARY GENERAL  
助理秘書長吳文華女士

**MR RAY CHAN YUM-MOU, ASSISTANT SECRETARY GENERAL**

助理秘書長陳欽茂先生



**PAPERS**

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

*Subject*

Subsidiary Legislation	<i>L.N. No.</i>
Land Registration Fees (Amendment) Regulation 1995 .....	35/96
Land Registration (New Territories) Fees (Repeal) Regulation 1995 .....	36/96
Land Registration Fees (Amendment) Regulation 1995 (Amendment) Regulation 1996.....	37/96
Land Registration (New Territories) Fees (Repeal) Regulation 1995 (Amendment) Regulation 1996.....	38/96
Land Registration (Amendment) Regulation 1996.....	39/96
Ferry Services (The "Star" Ferry Company, Limited) (Determination of Fares) (Amendment) Order 1996.....	40/96
Aerial Ropeways (Fees) (Amendment) Regulation 1996 ....	41/96
Lifts and Escalators (Safety) (Fees) (Amendment) Regulation 1996 .....	42/96
Designation of Libraries (Urban Council Area) Order 1996.....	43/96
Public Health and Municipal Services Ordinance (Public Markets) (Designation and Amendment of Tenth Schedule) Order 1996 .....	44/96

Declaration of Markets in the Urban Council Area (Amendment) Declaration 1996.....	45/96
Banking (Specification of Public Sector Entities in Hong Kong) (Amendment) Notice 1996 .....	46/96
Air Passenger Departure Tax (Amendment) Ordinance 1995 (100 of 1995) (Commencement) Notice 1996 .....	47/96

## 文件

下列文件乃根據《常規》第 14(2)條的規定而呈交局方省覽：

## 項 目

附屬法例	法律公告編號
《1995 年土地註冊費用（修訂）規例》 .....	35/96
《1995 年土地註冊（新界）費用（廢除）規例》 ....	36/96
《1995 年土地註冊費用（修訂）規例 1996 年（修訂）規例》 .....	37/96
《1995 年土地註冊（新界）費用（廢除）規例 1996 年（修訂）規例》 .....	38/96
《1996 年土地註冊（修訂）規例》 .....	39/96
《1996 年渡輪服務（天星小輪有限公司） （收費決定）（修訂）令》 .....	40/96
《1996 年架空纜車（費用）（修訂）規例》 ....	41/96

《1996 年升降機及自動梯（安全）（費用） （修訂）規例》 .....	42/96
《1996 年指定圖書館（市政局轄區）令》 .....	43/96
《1996 年公眾衛生及市政條例（公眾市場） （指定事宜及修訂附表 10）令》 .....	44/96
《1996 年宣布市政局轄區市場（修訂）公告》 ..	45/96
《1996 年銀行業（指定香港公營部門實體） （修訂）公告》 .....	46/96
《1995 年飛機乘客離境稅（修訂）條例 （1995 年第 100 號）1996 年 （生效日期）公告》 .....	47/96

## Sessional Paper 1995-96

### No. 53 — The Hong Kong Institute of Education Annual Report 1994-95 with Financial Report 1994-95

## 1995 至 96 年度會期內提出的文件

第 53 號 — 香港教育學院  
一九九四 — 九五年年報暨  
一九九四 — 九五年財政報告

## ORAL ANSWERS TO QUESTIONS

### Police Videotaping of Public Rally

1. 單仲偕議員問：主席先生，在去年十二月十七日，警方在灣仔新華社對面行人路持手提攝錄機拍攝集會，對此，政府可否告知本局：

- (a) 為甚麼在沒有出現違法的情況下，警方仍須進行錄影，並以近鏡攝錄個別出席集會人士；
- (b) 警方會如何處理攝得集會過程的錄影帶，會否將之毀滅；及
- (c) 警方有何守則，規定有關人員如何攝錄個別出席集會人士的面貌及在甚麼情況下才予以攝錄？

保安司答：主席先生，

- (a) 遇有大型的公眾集會、示威或遊行，無論這些活動是在何處舉行，依照警方慣例，是會把過程拍攝下來，警方可藉<sup>10</sup> 拍攝影帶來檢討他們的行動和管理人群的策略，從而改善日後的部署。萬一有罪案發生，錄影帶亦可用作呈堂證物。過去曾有數宗事例是警方用錄影帶作為證據，提出起訴，並成功入罪。

在正常的情況下，警務人員都能在稍遠的距離進行攝錄。在議員提及的事件中，警方調派了三隊兩人小組負責拍攝遊行情況。當時皇后大道東已有兩條東行車線和行人路被遊行人士佔用，而另一條行車線亦已封閉，以確保遊行隊伍的安全。其中一隊攝錄隊在沒有選擇的情況下，只好站近第二條行車線的邊緣處攝錄，以免被使用外線車輛撞倒。當時外線是唯一開放通車的行車線，在此情況下，攝錄隊只好較貼近集會人士，致令他們產生錯覺，以為警方以近鏡攝錄遊行的人士。

- (b) 所有錄影帶都會安全鎖藏，而接觸錄影帶的機會亦受到嚴格控制。錄影帶經由高級警察指揮官檢視後，便會在攝錄日期的三個月後加以毀滅或洗去內容。如果須在刑事訴訟中用作呈堂證物，便可能要保留較長時間，直至案件審結後才毀滅。
- (c) 警務人員在執行職務拍攝錄影帶時，必須遵守以下的指引：
  - (i) 應集中攝錄事件，而並非個別人士；及
  - (ii) 擔任攝錄工作的人員，應清楚認出是警務人員，並應盡可能由軍裝警員陪同。

調派擔任這些職務的人員，都曾接受全面的訓練和指示，以免引起參加公開集會人士不安。

單仲偕議員問：主席先生，請問保安司，警方目前保存了多少盒這類錄影帶是仍然未加以毀滅的？

保安司答：主席先生，我手邊沒有這數字，請容許我以書面方式回覆單議員。（Annex I）

張文光議員問：主席先生，我曾在九二年提出類似的質詢，當時的保安司所作的答覆是，攝錄遊行的目的只有三個：

（一）可能作為起訴用途的證據；

（二）警方在被投訴時可作為證據；及

（三）可作警方檢討有關策略和人手調配之用。

然而，近鏡攝錄個別但沒有違法的出席集會人士，根本完全違背了當時的保安司所說的三個目的。政府可否告知本局，現任保安司是否已改變了前任保安司的攝錄政策？若是的話，原因為何？若否，近距離攝錄如何能滿足上述三個目的？攝錄人員是否犯了錯誤，違反了警方的三項攝錄原則，濫用權力？

保安司答：主席先生，我在主要答覆中已經解釋警方的攝錄情況和需要，我並不認為與數年前前任保安司的答覆有甚麼衝突。至於警方在近距離以近鏡拍攝遊行示威的人士，我剛才亦提到，警方拍攝這類錄影帶主要是對事不對人。我也已經向各位解釋當時的情形，警方並不想拍攝近鏡。坦白說，如果真的要拍攝近鏡，也不一定要在這麼近距離——即在拍攝對象身旁——才可做到。事實上，我們沒有特別需要這樣做。除非是在特殊情況下，例如會發生刑事案件，覺得有需要拍攝一些更清晰的鏡頭，警方才會這樣做。

**PRESIDENT:** Mr CHEUNG, are you claiming that your question has not been answered?

張文光議員問：主席先生，我希望保安司回答拍攝近鏡究竟是根據前任保安司所提供的三項原則中的哪一項？當然，拍攝近鏡毋須行近，但在這麼近距離拍攝則只能拍攝近鏡。

保安司答：主席先生，我剛才已經提到，當天警方沒有特意拍攝近鏡。那些負責攝錄的警員行得稍近是因為在當時的地理情況下，他們別無選擇，否則，他們便會很容易被使用唯一一條行車線的车辆撞倒。

李柱銘議員問：主席先生，保安司可否告知本局，他是否知道情況是怎樣的？那次是拍近鏡，而且是慢慢拍的。保安司說拍攝事件是說謊，但當時我也在場，與其他人一起排坐在地上。那些警員是行近我們，慢慢地逐排拍攝。請問保安司是否知道這情況？當時我曾詢問那些警員為何要如此拍攝，他答說要數一數有多少人。我說即使想知道人數也不用這樣拍攝，他只要邊行邊數便成。請問政府是否知道當時的實情？我希望保安司不要在立法局胡亂作答。我並不是說他故意胡亂作答，而是可能警方隱瞞了實情，又或他沒有清晰了解當時的情況。

保安司答：主席先生，當然，我當天並不在場，也不知道當天李議員與在場警員交談的內容。不過，我想重申一點，我們根本無意杜撰故事來隱瞞拍攝近鏡的事實。事實上，如果我們要拍近鏡，清楚拍攝每一個人，也不用行得那麼近，根本就沒有這個需要。

**PRESIDENT:** Are you claiming that your question has not been answered, Mr LEE?

李柱銘議員問：主席先生，保安司可否澄清，他有否看過該盒錄影帶？如有的話，他便知道當時的警員真的是慢慢逐一拍攝的。

保安司答：主席先生，我曾看過當時拍攝所得的部分鏡頭，但沒有看過全部。

詹培忠議員問：主席先生，我記得類似的質詢近期已是第三次在本局提出的了。請問會否因多位議員本身有利益關係，例如他們當時在場，而使政府有一個壓力，覺得很麻煩，以後不再干預有關事情，或任由事情輕輕帶過？這樣會否造成不公平情況？請問保安司和主席先生認為這樣的質詢有否涉及利益衝突呢？

**PRESIDENT:** There is no pecuniary interest involved, Mr CHIM, and the previous question was not on videotaping.

保安司答：主席先生，我相信可以這樣回答。警方是有法定職責去維護法紀和保護公眾安全的。警方在執行職務時，如果認為工作和行動是合法的，他們一定會做。

**MISS MARGARET NG:** *Mr President, may I ask the Administration whether the organizations which organized the activities concerned are entitled to ask to see these videotapes?*

**SECRETARY FOR SECURITY:** Mr President, as I said, the reasons for making videotapes are to enable the police to review their operations on each occasion so that improvements, if appropriate, can be made and also, where appropriate, these could be used as evidence in court. It is not the normal practice for the Police Force to reveal or to release the tapes to anybody.

曾健成議員問：主席先生，政府可否告知本局，警方除了拍攝經申請的遊行外，警方人員有否拍攝其他活動，例如公益金遊行的現場情況？警方是否歧視遊行，認為遊行一定會發生衝突？

保安司答：主席先生，其實不是只在示威或遊行時，警方才拍攝錄影帶的。如果在其他大型公眾場合，有很多人集結而需警方維持秩序，警方在有需要時也會拍攝錄影帶。舉例來說，農曆新年的年宵市場在某一段時間可能有很多人聚集，需要警方維持秩序時；又例如在蘭桂坊，每逢節日都有很多人的時候；又例如年初二放煙花時，甚至其他並非在新華社門外舉行的示威，警方都會採取類似行動。

**PRESIDENT:** Mr TSANG, are you claiming that your question has not been answered? I think that was a very full answer.

曾健成議員員問：我想多問一句.....

**PRESIDENT:** I am sorry, you are not permitted to ask a second supplementary.

陳偉業議員問：主席先生，保安司剛才答覆時說沒有需要拍攝近鏡，但執行人員肯定多次利用近鏡拍攝遊行人士，因而對部分遊行人士可能造成政治壓力和心理壓力，這是一種不必要的處事手法。主要答覆提到，三個月後會把錄影帶毀滅和洗去，請問政府有否任何資料記錄在三個月前所拍的錄影帶有多少仍然保存，以及其理由為何？又其批准程序為何？對於那些在三個月後也不能洗去的錄影帶，警方有否審批程序和記錄？

保安司答：主席先生，我想重申一點，我們絕對沒有以拍攝錄影帶的方式，對遊行示威者造成任何心理威脅。事實上，大家也明白知道，很多遊行示威者在過去多年來不斷在鏡頭前出現，那不一定是警方所拍攝的鏡頭，而是公眾電視台。因此，並不見得拍攝這類錄影帶會對示威者產生任何威嚇作用。至於警方現時存有多少錄影帶，以及其中有多少超過了三個月，我剛才回答單議員的補充質詢時，已答應翻查紀錄，搜集這類數字的資料。

**PRESIDENT:** And the procedure permitting tapes to be retained for longer than three months? Secretary.



**SECRETARY FOR SECURITY:** Yes, Mr President, I have already said that unless they were required as evidence to be used in court, tapes would normally be destroyed after three months. I will enquire as to whether there are still any tapes which exceed three months, and if so, I shall ask why.

單仲偕議員問：主席先生，剛才保安司回覆本局說沒有需要進行近距離拍攝，請問保安司會否指示警方日後拍攝新華社門外的請願行動時，以高空拍攝取代地面拍攝？

保安司答：主席先生，如何實際在現場進行合法和有需要進行的工作，通常是由在場的警察指揮官決定的。

### Travel Insurance

3. 李華明議員問：主席先生，元旦日在印尼峇里島激流翻艇導致本港旅客三死九傷慘劇，據報當中有一間安排是次行程的旅行社並沒有替團友購買保險，引起公眾關注旅行社的賠償責任問題。由於現行法例並無規定旅行社必須為旅行團團員購買旅遊保險，政府可否告知本局：

- (a) 旅行團團友在旅行期間發生意外，得不到足夠的意外傷亡賠償保障是哪方面的責任；
- (b) 現時全港共有多少註冊旅遊代理商，其中有多少已為旅行團團員購買旅遊保險，所佔百分比為何；
- (c) 政府對於旅行代理商有否需要為旅行團團員購買旅遊保險有何立場；及
- (d) 長遠而言，政府會否考慮立例規定旅行代理商必須為旅行團團員購買保險，若否，原因為何？

工商司答：主席先生，關於問題(a)段，我的答覆是，假如旅行團團友在旅行期間發生意外，而得不到足夠的意外傷亡賠償保障，很難肯定說應由哪方面負責，這顯然須視乎個別事件的實際情況而定。但一般來說，假如法律上有足夠證據證明旅行代理商在履行職責時有所疏忽，旅行代理商便可能需要負責。外遊人士亦有責任照顧本身的安全，在適當時，應投購保險保障自己。

關於問題(b)段，截至一九九五年年底，本港共有1 218個持牌旅行代理商，而當中只有少數有實際參與舉辦外訪旅行團。根據旅行代理商註冊主任所得資料，本港80%的旅行團，都是由20間主要旅行社主辦，而這些旅行社全部都有為顧客購買旅遊保險。

關於問題(c)段，政府認為旅行代理商及旅客應可自由決定是否購買旅遊保險及保額若干。不過，假如旅行社已為外遊旅行團的團員購買旅遊保險，便應向團員詳細解釋保障的範圍。此外，為貫徹專業操守，旅行代理商亦應鼓勵或提醒旅客投購保險，以保障自己。

至於問題(d)段，在去年，各有關方面，包括立法局議員、香港旅遊業議會、消費者委員會、旅行代理商諮詢委員會及旅遊業賠償基金管理委員會，已全面深入研究強制規定所有旅行代理商必須為旅行團團員購買旅遊保險的利弊。他們其後向政府建議，為確保參加旅行團的外遊人士獲得基本的保障，政府應設立一項不追究責任的旅行團意外緊急援助基金計劃，為參加旅行團在外地旅遊時發生意外的人士或他們的家人，即時提供緊急經濟援助。

政府現正積極草擬這項緊急援助基金的運作規則。我們希望基金能在農曆新年假期之前，或最遲可在復活節假期之前設立。我們可根據緊急援助基金計劃的實際運作情況，稍後再行檢討是否需要立例規定所有旅行代理商，必須為旅行團團員購買旅遊保險。

李華明議員問：主席先生，工商司在主要答覆第五段提到，政府會在緊急援助基金計劃實施後才檢討須否立例，規定所有旅行代理商必須為旅行團團員購買旅遊保險。但我想指出的是，事實是現時建議實施的緊急援助基金計劃是一項實報實銷和有上限的計劃，提供治病、運送屍體或病人回港的保障。該計劃並非屬保險性質的賠償，與規定購買旅遊保險完全不同。

**PRESIDENT:** Would you come to your question please, Mr LI.

李華明議員問：由於這計劃與旅遊保險性質不同，政府為何須待這計劃實施後才進行檢討呢？我希望工商司作出解釋。

工商司答：主席先生，政府在去年四月曾諮詢旅行代理商諮詢委員會、旅遊業賠償基金管理委員會、旅遊業議會和消費者委員會。該四個諮詢機構均建議政府不應立例強制旅行代理商為旅行團團友購買保險。它們建議政府設立意外緊急援助基金計劃。政府相信首要的工作是設立這項援助基金計劃，然後留意這計劃實施期間的情況。此外，並須留意該四個諮詢機構會否再次向政府提供建議，認為必須強制旅行代理商替旅遊人士購買旅行保險。我主要答覆的第五段就是基於這原因而作出的。

楊孝華議員問：主席先生，剛才工商司在主要答覆內所提到的緊急援助基金計劃，除了立法局在去年辯論時表示很大程度的支持外，旅行代理商諮詢委員會也希望能盡快推行。不過，最近發生峇里島事件後，有些人提出應否將一些所謂高風險活動豁免在該計劃之外。但部分旅遊業人士包括我在內都認為既然該計劃是不問責的，也是一種緊急援助，所以應該包括這些活動。

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

楊孝華議員問：請問工商司，會否在推出這計劃時，考慮到應該根據諮詢委員會和旅行社大多數的意見，不會在這個計劃內豁免所謂高風險活動，因為這是很難界定的？

工商司答：我們正就高風險活動應否列入意外緊急援助基金計劃的保障範圍進行諮詢。我們已經諮詢旅遊業議會的意見。該議會贊成將一些較高風險的活動也列入基金範圍之內。我們會在二月二日諮詢旅行代理商諮詢委員會。我們在獲得該諮詢委員會的意見後，就會根據諮詢機構所提出的意見而作出決定。

黃震遐議員問：主席先生，政府的答覆提到，其實現時有20間主要旅行社主辦外國旅行團，而這些旅行社全都有為顧客購買旅遊保險。剛才政府回答了

關於高風險活動的保險問題，但沒有澄清這些旅行社代顧客購買保險時，會否保障這些高風險活動。如果是不保障的話，而旅客又因參與這些活動而受傷，他們可能不能獲得賠償。請工商司解釋清楚這一點。

工商司答：主席先生，我想這項質詢要由那20間佔市場80%的大型旅行代理商解答。不過，我手邊的資料顯示，今年一月旅遊業議會已經發出公文，要求它的所有會員在接受客人付款時，應通知他們該旅行代理商有否為旅客購買保險。如有的話，保險的詳細內容為何。換句話說，即保險會否包括那些較高風險的活動。現時有為旅客購買保險的旅行代理商事前都會向旅遊人士提供這樣的資料，使旅遊人士可以自行作出決定，是否須額外購買保險。

李華明議員問：主席先生，本港80%的旅行團均由20間主要旅行社主辦，而它們都有為顧客購買旅遊保險，這資料是由工商司提供的。為何政府不考慮要求餘下的20%旅行團都須購買旅遊保險？這樣就不用再爭論了。

工商司答：主席先生，我在主要答覆已經提到，政府並不打算強制旅行代理商為團友購買保險，因為這是我們透過詳細的諮詢所獲得的意見，包括專業人士、保障消費者權益人士，以及本局議員的意見。他們都認為政府不宜作出強制行動。

## Street Crimes

4. 張漢忠議員問：主席先生，政府可否告知本局：

(a) 在過去三年，在街頭發生的罪案中，非法入境者所佔的比例為何；及

(b) 政府有何措施防止非法入境者在本港犯案？

保安司答：主席先生，我們的統計紀錄，不會對“街頭罪案”與“非街頭罪案”加以劃分。因此，我們沒有針對“街頭或街上發生罪案”的統計數字。不過，我相信“街頭或街上的罪案”一般是指行劫、爆竊、搶劫、扒竊，以及各類盜竊的罪行。因此，我會用這類罪案的統計數字作答。此外，由於犯案者的身分要在他們落網之後才可確實知道，我只能夠提供在所有因“街頭罪案”被捕的總人數之中。非法入境者所佔的比例和人數。此外，由於當局

所查出的犯案非法入境者，超過99%來自中國，因此，我在答覆中所提及的有關數字，只涉及來自中國的非法入境者。

現在我會逐一回答該兩項問題：

- (a) 因行劫罪被捕的非法入境者，人數有所增加。由一九九三年的104名上升至一九九四年的194名，及一九九五年的203名，分別佔過去三年因行劫罪被捕總人數的4%、8.7%及10.8%左右。這些被捕的非法入境者當中，低於0.5%是涉及持械行劫，而去年亦只有一名非法入境者因持械行劫罪被捕。

因爆竊罪被捕的非法入境者亦有增加，由九三年的54名上升至九四年的119名，及九五年的224名，分別佔該三年內因爆竊罪被捕總人數的3%、7%及11%左右。

搶劫方面，過去三年涉案的非法入境者分別有22、23及31名，佔該三年內因搶劫罪被捕總人數的7.8%、6.8%及10%。

非法入境者因觸犯各類盜竊罪(包括扒竊)而被捕的人數，由一九九三年的227人下降至九四年的198人，但九五年卻稍為回升至208人。這些數字，約佔該三年內每年因犯各類盜竊罪被捕總人數的1.5%。過去三年，只有16名非法入境者因扒竊而被捕。

- (b) 非法入境者涉及行劫、爆竊和搶劫等罪案的數目有所增加，我們甚為關注，並已採取措施對付有關問題。這些措施可分為三個主要範疇：(1)防止入境、(2)偵查已偷渡入境人士，以及(3)撲滅罪案。

### 防止入境

我們認為最好是以治本的方法去解決這個問題，那就是防止非法入境者潛入香港。為達致這個目標，警方已在邊境的重點位置設立檢查站，並進行陸上及海上巡邏。警方及人民入境事務處亦與中國當局保持定期聯絡，要求合作加強中方邊境管制。在本月二十二日舉行的最新一輪粵港邊境聯絡會議上，我們就非法入境者犯案顯著增加一事，向廣東當局表達了我們的關注。中方已答允與我們通力合作，堵截偷渡者，以從治本方面解決這個問題。此外，警方防止非法入境控制中心搜集有關非法入境者及刑事活動的情報，例如潛入香港時通常使用的路線，以及潛入香港的方法。過去兩年，由該中心

提供的情報直接導致破案的刑事案件共有14宗。

### 偵查工作

警方、勞工處和人民入境事務處，經常採取遍及全港的行動，打擊非法入境者。這些行動包括截查身分證、掃蕩工作地點(如地盤及工業大廈等)、搜查山邊及其他懷疑有非法入境者匿藏的特別地點。

值得注意的是，由於上述的防範及偵查措施，已導致過去三年的非法入境者人數下降，由一九九三年的37 517人降至一九九四年的31 521人，以及一九九五年的26 824人。

### 撲滅罪案

作為防止罪案措施的一部分(不論罪案是否涉及非法入境者)，警方執行日常的滅罪行動，如地段巡邏、設立路障等。至於較嚴重的罪行，例如持械行劫及集團式賣淫活動，警方有組織罪案及三合會調查科會嚴密監視涉案罪犯的活動，收集情報，並在適當時候把他們逮捕歸案。

政府與社會人士一樣，對過去一年罪案數字的上升，尤其是涉及非法入境者的罪案，甚為關注。我們的保安部隊，會在未來的一年，繼續保持警覺，應付這個問題。我們正進行安排，以期達到在一九九五年至九六年度，增加派調400名警員在街上執行職務的目標。此外，我們將於一九九六至九七年度，增設220個前線警務人員職位，以加強警方在街上的人手。因此，由現時至一九九六至九七年度，前線警務人員的人手將有顯著增加，這將會有助解決非法入境者的犯罪問題。

**張漢忠議員問：**主席先生，最近在粉嶺區發生一宗持械脅持人質事件，最後匪徒棄械投降。當時警匪談判的語言是普通話，請問政府有否為警務人員提供特別訓練，以應付非法入境者在本港犯案的情況？

**保安司答：**主席先生，據我所知，政府對在職的政府人員，包括警務處和其他有關部門，在工作上有需要時，會提供適當的訓練，包括普通話的訓練。

李鵬飛議員問：主席先生，保安司剛才說到非法入境者犯罪的情況時，表示曾向中國大陸有關方面提出，希望其關注。保安司可否告知本局，究竟中國方面有甚麼實際的措施或做了些甚麼工作，以阻止這些非法入境者來港？

保安司答：主席先生，我在主要答覆中提到，防止非法入境者來港犯案的最有效方法，顯然便是在“治本”方面入手，即是我們盡量防止這些非法入境者偷渡來港。在這方面，我在主要答覆已作解釋，在過去這兩、三年內，非法入境者人數大為下降。當然，在這一方面，我們保安部隊的人員有非常重大的貢獻。但我亦十分相信，能達致這種成效，不獨是香港保安部隊的功勞，也是依靠中國相關的保安部門，在他們那面的邊境加強邊境控制，通過雙方合作，才能減少偷渡入境。

**PRESIDENT:** Mr LEE, are you claiming that the Secretary has not answered your question?

李鵬飛議員問：請問知否中國大陸方面有些甚麼措施？我同意非法入境者由該處來，我們應該與中國大陸方面說清楚，他們有些甚麼措施可減少非法入境者來港的數目。剛才保安司所說非法入境者來港的數目減少了，我覺得這只是表面的數字，事實上，犯案後返回中國的非法入境者數目，我們根本不知道。

保安司答：主席先生，非法入境者數字下降的幅度並非僅為表面的數字。當然，我不可以否定可能有些人曾經非法偷渡入境或犯案後回國，我們卻找不到。不錯是有此可能，但我相信數目不多。當然，我不能代中國當局發言說實際情況下他們如何進行工作，但據我所知，他們亦有採取配合的措施，由公安當局加強了嚴密控制邊境。如果有越境犯案的資料，內地保安機構和香港的警務處會通過固有渠道，互相交換情報，以便雙方在偵查罪案方面成效較佳。

周梁淑怡議員問：主席先生，從保安司答覆的(a)部分，明顯可看到在數個重要犯罪活動範圍中，非法入境者的數目明顯有上升趨勢，但在(b)部分卻說非法入境者人數同時在這三年期間逐步減少。請問這個相對性的結果，究竟是顯示犯罪活動越來越不受控制，還是根本反映了非法入境者逃脫的數目越來越多？

保安司答：主席先生，我相信兩者都不是。第一，這些數字沒有矛盾；第二，其所反映的事實並非逃脫的人數多，也不是數字有遺漏。其反映的事實是偷渡入境的人數一直在下降，但在偷渡入境的人中，他們犯案所佔的比率愈來愈多。舉例來說，一九九三年有37 517名非法入境者，其中因犯案被捕的非法入境者有2 473人，即是非法入境者的犯罪率是6.6%。在一九九五年，非法入境者有26 824人，但當年因犯案而被逮捕的有2 146人，即其實總數字有輕微下降，但在相比下，非法入境者的犯罪率上升了8%之多。換言之，非法入境的人數在下降中，但非法偷渡來港的人，佔來港犯案或涉及罪案的比率似乎愈來愈多。

陳鑑林議員問：主席先生，每年都有相當多持雙程證的人士來港，政府有甚麼措施防止該等人士逾期居留和從事非法活動？政府會否考慮對他們予以懲罰？

**PRESIDENT:** I am sorry, it exceeds the scope of the original question which deals with "street crimes".

羅致光議員問：主席先生，保安司的答覆提供了一些數字，但似乎數字可以有兩個理解方法，我想澄清一下。似乎數字可以理解為“捉賊”的人員辦事得力，以致數字上升，而“捉非法入境者”的卻不得力，所以數字下降。究竟保安司有甚麼信心相信非法入境者人數下降是反映“防範”成功而非“捕捉”方面失敗？

**PRESIDENT:** It is a rather complicated argument.

保安司答：主席先生，我相信這些數字反映的不是我們在防止偷渡入境方面有任何鬆懈，事實上，在防止偷渡入境方面，我們過去數年絕對沒有鬆懈，而且在有人偷渡入境後，我們的掃蕩行動加強了很多。在這方面，我引用另一個數字來向各位說明，可能因為我能提供的數字都是我們逮捕了的人數，在某一程度上，因而反映了本港保安部隊的工作成效。我引用一個與非法入境者無關的數字來作輔助說明，事實上，我們的工作效率方面有所進展。舉



例來說，一九九五年我們所謂的“Detection Rate”，即罪案的成功偵查率，較一九九四年是增加了的；一九九四年約為50%，一九九五年是52%。我重申這數字所包括的非僅為非法入境罪犯，而是全港的犯罪數字。

### Privatization of Housing Authority Car Parks

5. 蔡根培議員問：主席先生，房屋委員會（“房委會”）逐步實施將其轄下屋 停車場私營化的計劃，政府可否告知本局：

- (a) 過去三年房委會每年因實施該計劃而節省多少開支，與預期可節省的開支比較，情況如何；及
- (b) 私營公司所管理的屋 停車場，涉及車輛的罪案數字在過去三年有否上升；若有，原因為何及以哪區的舉報罪案數字較高和以哪類案件為主？

房屋司答：主席先生，在過去三年，房屋委員會每年從停車場私營化計劃實際節省的開支分別為：

一九九三年	600萬元
一九九四年	1,400萬元
一九九五年	3,900萬元

實際節省的開支，與推行計劃前的預算相若。

一九九五年內，在公共屋 內所有停車場停車位，共發生1 073宗與車輛有關的罪案，而在一九九四年和一九九三年，則分別有1 261宗和1 018宗。比較之下，案件數目在過去三年內稍微上升。在一九九五年的1 073宗案件中，有764宗是在私營公司管理的公共屋 停車場內發生的。我們並沒有一九九四年及一九九三年的數字，所以我們不能確定案件數目的趨勢。

與車輛有關案件報案率最高的地區是 —

沙田	213(20%)
大埔	141(13%)

原因之一是有些走私客利用這些往來邊境交通方便的地區，偷運失車出境。此外，在這些新市鎮居住的家庭，青少年成員的數目眾多，因而惡意破壞以及青少年犯罪的情況日見嚴重。

一九九五年內，在私營公司管理的公共屋 停車場內發生與車輛有關的罪案中，盜竊汽車內物品佔48%，偷車佔31%，刑事毀壞佔21%。

蔡根培議員問：主席先生，屋 停車場自私營化至今，曾否出現房署與私營公司的合約提早解除？若有的話，有多少宗，原因為何？

房屋司答：一般而言，我並沒有聽聞房屋委員會過往曾終止這些私營公司的合約，而根據一般反映的資料，屋 住戶和使用停車場的人士向房屋委員會表示，他們對這些公司所提供的服務感到十分滿意。其實，我們有一個數字，顯示使用停車場的屋 居民之中，有逾90%發覺服務是滿意的。

張漢忠議員問：主席先生，最近房屋委員會將轄下屋 停車場的收費，包括私營化的屋 停車場，大幅提高25%至30%，遠遠超於通脹，居民曾與房屋委員會交涉，獲得的答覆表示收費是與附近私人屋 的停車場掛 。為何要與附近屋 停車場掛 而以其作為收費標準，而不以人手實際開支作為標準呢？

**PRESIDENT:** I am inclined to rule this out of order. It is a question of the charging policy adopted by Housing Authority car parks and privatized car parks.

周梁淑怡議員問：主席先生，主要答覆提到九五年有逾千宗在停車場內發生的罪案，其中佔了七成都是在房委會的私營停車場發生。請問房屋司，房屋委員會有否與這些私營停車場商討，如何採取一些保安措施以避免出現如此高的罪案率呢？

房屋司答：主席先生，其實在私營公司管理的停車場內所發生與車輛有關的案件數字並不高，如果我們以香港總體在停車場內所發生的罪案數字作一比

較，其實我們這個數字只不過佔總數約10%。

此外，這些私營公司管理公共屋 停車場，亦相當完善，他們有很多經常的服務，如巡邏、保安、清潔等，而房屋委員會本身亦有一個專門的考勤報告，就有關公司的服務和保安等各方面作出評分。過往經驗顯示這些公司大致上的成績是不錯的。

### **Air Departure Tax**

6. **MR HOWARD YOUNG** asked: *Mr President, will the Government inform this Council whether it will review the existing arrangement for the collection of the air departure tax and the method of sale of air departure tax coupons at Kai Tak Airport in order to achieve a more efficient way of collecting the tax, such as introducing the use of vending machines for the sale of air departure tax coupons?*

**SECRETARY FOR THE TREASURY:** Mr President, we review periodically the arrangement for the collection of the Air Passenger Departure Tax (APDT). For example, arising from such reviews and with Members' support, we enacted legislation recently to allow hotels to sell APDT coupons to their guests to obviate the need for them to pay separately at the airport on departure. The legislation will come into operation on 1 February 1996.

In considering alternative collection methods, we have to take into account their costs and efficiency. We did consider the use of vending machines in our review in 1995. Apart from operational problems, the review indicates that the cost of collection of the APDT using vending machines would be higher than that under the current collection arrangements. At the present stage, therefore, we do not think it appropriate to introduce vending machines for the sale of APDT coupons.

**MR HOWARD YOUNG:** *Mr President, whilst the current system might be cheaper than vending machines on service at Kai Tak, it does cause congestion at check-in counters and confusion in counting by airline staff. Will the Secretary therefore ensure — whilst acknowledging that there might be operational problems at Kai Tak in introducing vending machines at this late stage — that this idea is not discarded when we consider the method of collecting airport departure tax coupons at the new airport at Chek Lap Kok?*

**SECRETARY FOR THE TREASURY:** Mr President, we have an open mind on what is the most efficient and cost-effective way of collecting Air Passenger Departure Tax at the new airport at Chek Lap Kok. I will be happy to consider this in consultation with my colleagues in the Civil Aviation Department and also the Airport Authority.

周梁淑怡議員問：主席先生，我看過答覆之後覺得很驚奇，因我首次發現自動化會昂貴過以人手運作。請問庫務司，為何他所謂的“現行的收費安排”可以比以機器運作的為廉宜？

庫務司答：主席先生，民航處的同事去年曾作估計，就是在現行的方法下，每一個離境旅客繳交的離境稅的成本平均大約是三元，如果採用自動售稅券機的成本，則大約是五元。後者成本略高的其中原因，是因為自動售券機，亦有其維修成本，也有保安及運送稅錢等各方面的行政成本。

### Referees' Consent for Loan Applicants

2. 顏錦全議員問：主席先生，市民現時申請信用卡及或向銀行申請個人貸款時，登記諮詢人的資料是毋須徵得諮詢人的同意的。其中如有借債人無力償還欠下的款項而不知去向，有關財務機構便向諮詢人追查，甚至追討有關拖欠的款項，對諮詢人造成滋擾。就此，政府可否告知本局：

(a) 是否知悉過去三年有多少宗此類個案；及

(b) 政府有否考慮要求財務機構，如銀行及財務公司，規定申請人必須出示諮詢人同意的證明文件，方可進行申請；若否，原因為何？

財經事務司答：主席先生，在過去三年，香港銀行公會和接受存款公司公會並無接獲有關認可機構試圖向借款人或信用咭使用者的諮詢人追討欠債的投訴。至於香港金融管理局（“金管局”）則據知有一宗諮詢人的投訴，指銀行向他查探一名信用咭使用者下落。該信用咭使用者在申請表諮詢人一欄填寫其名字，但事前並未得到其同意。警方是備有有關舉報追討欠債刑事案件的統計數字的，但並無特別就有關諮詢人的投訴個案，作另外分開的紀錄。

政府當局認為，在《銀行業條例》下的認可機構要求私人貸款及信用咭申請人必須先徵得諮詢人同意，方可在申請表填寫其名字，這是應該的做法。至於是否需要就有關事項作進一步指引，將會交由金管局和業內公會就制訂一套銀行業守則成立的工作小組作出研究。該守則旨在推廣優良的銀行業操守，及為認可機構和客戶間建立公平和具透明度的關係。

顏錦全議員問：主席先生，主要答覆的第一段提到，警方備有有關舉報追討欠債刑事案件的統計。這類追債個案經常會出現一些涉嫌禁錮、刑事毀壞和恐嚇的行動。財經事務司可否告知本局，如何與警方配合，以遏止非法追債行動？

財經事務司答：主席先生，警方一向會就市民舉報的有關追討欠款的刑事案件，展開適當調查。現時的刑事法例已經賦予警方足夠權力，處理以非法手段，例如顏議員所說的勒索、恐嚇、毆打、刑事毀壞和非法禁錮等來追討欠款的案件。如果受影響的人士認為收數公司所採用的方法不當，便應該向警方舉報，也應該向金管局舉報，因為金管局會就他們的投訴與有關銀行作出跟進。

**DR DAVID LI:** *Mr President, given the rarity of any instances where a referee may actually need to be approached by a financial institution in connection with a credit card or loan account, will the Government consider that the appropriate action in such rare cases should not be a matter requiring legislation but should be left to the discretion of the financial institution?*

**SECRETARY FOR FINANCIAL SERVICES:** Mr President, there is no intention on the part of the Government or the Hong Kong Monetary Authority to introduce legislation to govern this sort of activity which is basically a commercial activity. We consider the more appropriate approach would be through notices from the Monetary Authority to the Hong Kong Association of Banks and other related trade bodies, so that best practices could be promulgated. And also, if necessary, as I indicated in my principal reply, it can be further taken in the context of the Code of Banking Practice that is now being prepared.

**PRESIDENT:** I have four more names on my list. I propose to conclude the question session today after the four names.

黃震遐議員問：主席先生，政府有否透過金管局指示銀行或其他認可機構不可向諮詢人追討債務，並訂定一些法例，強迫那些機構遵守這項指示？若否，政府何時會這樣做，以免諮詢人受到滋擾？

財經事務司答：主席先生，正如我在主要答覆中所說，金管局就徵求諮詢人同意這事已在月初向銀行業內公會發出了一份正式函件。現時估計有多少間銀行會執行這項建議，當然是言之過早，但我們認為銀行應該會作出積極回應。如果有個別銀行經過一段時間後依然有這類投訴和問題，金管局當然可以考慮利用現有銀行法例的權力，正式指令個別銀行做金管局認為應該做的事。

黃震遐議員問：主席先生，財經事務司並沒有回答我的問題，因為他回答有關要求諮詢人同意擔任諮詢人，而不是同意替人償還債項。我的問題是，政府會否透過金管局指示銀行和認可機構不可向諮詢人追債？這與財經事務司的答覆是兩回事。請問政府何時才會這樣做？

**PRESIDENT:** I think the Secretary, when answering Dr David LI's question, said the Administration was not prepared to introduce legislation, which is the gist of your question.

財經事務司答：主席先生，關於諮詢人的責任問題，如果他們沒有簽署任何文件或其他協議答應負責該項債務，他們在法律上當然完全沒有責任負擔欠款。我認為現時金管局和業內工作小組制訂守則時，應清楚說明可向諮詢人查探借款人的下落，但卻不應該要諮詢人償還債項。這應該更清楚作出界定，並在業內進行適當宣傳。

劉慧卿議員問：主席先生，昨晚便有兩名市民到我的辦事處投訴有關這事。他們感到很徬徨和無奈，也感到投訴無門。我希望銀行界的代表李國寶議員告知各間銀行，這是一個非常嚴重的問題。政府應告知市民如果他們遇到這

種情況應該怎樣做。借款人在未經他們同意的情況下，將他們申報為諮詢人；銀行甚至將他們的資料給予收數公司，令他們受到收數公司的滋擾。這有否觸犯了去年通過的有關個人資料的條例？政府現時只要求銀行自行處理，相信未必可以平息市民的憤怒。

**PRESIDENT:** Secretary, before you answer the question, may I remind Members that they are not supposed to address other Members, particularly during Question Time because that should be a time devoted to questioning the Government.

財經事務司答：主席先生，剛才我已經解釋，諮詢人根本沒有法律上的責任負責償還欠款。如果現時還有個別個案投訴銀行或收債公司要求一名諮詢人還款，諮詢人當然有權完全不用理會。如果諮詢人被人追債，而追債者又使用不適當的手段，他們應該報警。

張漢忠議員問：主席先生，我的質詢與劉慧卿議員的相類似。請問那些人士的法律權力何來？他們的名字是由銀行給予收數公司，請問銀行有否觸犯法例？

財經事務司答：主席先生，以我現時所得的資料和意見，銀行並沒有抵觸法律。最重要的是諮詢人應該事前知道自己作為諮詢人。金管局和政府現時已經開始關注此事，要求銀行一定要申請人證明他已獲得諮詢人的同意。之後問題就應該不會再出現。

李永達議員問：主席先生，財經事務司的答覆輕輕帶過了這問題，令本局同事感到很不滿。我們當然明白到諮詢人並沒有犯法，但他們的確被人滋擾，例如噴紅油、鎖鐵閘等，財經事務司未經歷過，當然說不用害怕。

主席先生，財經事務司在主要答覆的第二段提到，他認為毋須以法律形式作出規定，而只會諮詢銀行公會和銀行界的意見。請問財經事務司知否銀行界現時有很大競爭，很多銀行以很低，甚至無條件發出信用咭？詢問這些

有利益衝突的銀行是否贊成須出示諮詢人的書面同意，這無疑好像向和尚借梳。如此的諮詢方法只是諮詢一些有利益衝突的人。請問財經事務司有否考慮諮詢立法局有關委員會和公眾的意見呢？

**PRESIDENT:** Asking, not a monk, but a bonze?

財經事務司答：主席先生，這關乎銀行業的基本操守和運作問題，所以通過銀行公會和金管局一個工作小組擬訂一項大家共同支持和同意的守則，而該守則又已包括了剛才所討論的問題，這是一個最適當、最有效和最不擾民的方法。

李永達議員問：主席先生，財經事務司沒有回答我的質詢。諮詢人受到滋擾，請問這是否影響消費者和市民的問題？為何財經事務司認為這問題不涉及公眾利益，毋須公開諮詢市民和立法局的意見，而只是諮詢那些發出信用卡而又有利益衝突的銀行界人士？

財經事務司答：主席先生，這工作小組早已決定會邀請消費者委員會參與討論，以及提供意見，相信消費者委員會應可充分代表香港消費者的利益和意見。

## WRITTEN ANSWERS TO QUESTIONS

### Hygiene of Packed Food Products

7. 莫應帆議員問：鑑於最近有紙包飲品受細菌感染而變壞，令人質疑生署監管公眾食物 生的成效、工作效率及人手等問題，政府可否告知本局：

(a) 生署負責巡查市面包裝食品或飲品的 生督察有多少；

(b) 現時 生署應付突發事件時，有多少 生督察可供緊急調動；



- (c) 生署有否任何應急措施處理類似上述的突發事件；若然，該等應急措施是否包括安排即時發布新聞及調動人手等；
- (d) 生署有否一套準則，據以決定接獲的投訴如達某個水平，就必須採取行動，並向市民公布有關消息；及
- (e) 生署是否有定期巡查制度，對在本地出售的各類食物及飲品進行抽樣檢查及化驗？

**SECRETARY FOR HEALTH AND WELFARE:** Mr President, the regular inspection of pre-packed food products on sale in the local market is carried out by a dedicated surveillance unit staffed by 33 health inspectorate staff under the Hygiene Division of the Department of Health.

There are 85 health inspectorate staff working in the Hygiene Division of the Department of Health engaging in a wide range of duties including food surveillance and control of border entry points. About half of these 85 officers can be redeployed to deal with emergencies. Furthermore, as in the case of the recent recall of Vitasoy products, the Department will conduct joint operations with the Urban Services Department and Regional Services Department to mobilize the maximum number of personnel within the shortest time possible.

The Department of Health has an established system to cope with public health emergencies, including public announcements and staff deployment. However, the actual measures to be taken must be carefully considered in the circumstances of each individual case to avoid causing undue public alarm. The number and nature of complaints received are among the factors taken into account before a decision is taken.

A surveillance programme is in place to carry out regular inspection and sampling of food products on sale in the local market to ensure that they are in compliance with the required standards.

**Hong Kong Sports Development Board's Administrative Costs**

8. **MR PAUL CHENG** asked: *According to figures published in the Hong Kong Sports Development Board (SDB)'s 1994-95 Annual Report, staff and administrative costs account for about 60% of the SDB's total expenditure, leaving about 40% being spent on activities relating directly to the promotion and development of sports in the territory. In this connection, will the Government provide this Council with the following information:*

- (a) the proportion, in terms of the number and cost, of the coaching staff to the overall staff establishment in the SDB;*
- (b) a detailed breakdown of the costs, functions, and areas of responsibilities for coaches at the various levels within the SDB, the National Sports Associations and the Hong Kong Sports Institute;*
- (c) a breakdown by number and cost of the non-coaching staff of the SDB;*
- (d) the number of staff on expatriate terms and the cost of employing these expatriates relative to the total staff costs; and*
- (e) the justification for having expatriate staff involved primarily in administrative, managerial, and fund-raising functions?*

**SECRETARY FOR RECREATION AND CULTURE:** Mr President, as the main thrust of the question seems to be centred around the general administration cost of the Hong Kong Sports Development Board (SDB) as opposed to its direct expenditure on sports development, it would seem better if we were to provide a breakdown of the expenditure of the SDB in such a manner instead of concentrating on the expenditure on coaching activities. Sports development is generally taken to include coaching, athlete support, coach education, sports science, sports medicine and sports promotion.

The SDB's 1994-95 Annual Report presents the financial figures of the SDB and the Hong Kong Sports Institute (HKSI) on a combined basis for the first time following their integration. The breakdown of the expenditure by the main components is set out below:

<i>Item</i>	<i>Cost (\$M)</i>	<i>SDB</i>	<i>HKSI</i>	<i>Total per Annual Report</i>
Staff costs	87.0	12.2%	36.1%	48.3%
Administration costs	21.6	3.4%	8.5%	11.9%
	-----	-----	-----	-----
Staff and administration costs	108.6	15.6%	44.6%	60.2%
Sports development and promotion expenditure (including a \$4 million allocation to Sports Promotion Funds)	71.5	33.3%	6.5%	39.8%
	-----	-----	-----	-----
Total	180.1	48.9%	51.1%	100%

The figures in paragraph two can be further broken down by reference to general administration costs and expenditure on sports development as follows:

<i>Item</i>	<i>Cost (\$M)</i>	<i>SDB</i>	<i>HKSI</i>	<i>Total</i>
<i>General Administration</i>				
Staff costs				
- Facilities management	22.9	-	12.7%	12.7%
- Administration	13.0	4.4%	2.8%	7.2%
Administration costs	21.6	3.4%	8.5%	11.9%
	-----	-----	-----	-----
	57.5	7.8%	24.0%	31.8%
	===	===	===	===

#### *Sports Development*

Staff costs	51.1	7.8%	20.6%	28.4%
Sports development and promotion expenditure	71.5	33.3%	6.5%	39.8%
	-----	-----	-----	-----
	122.6	41.1%	27.1%	68.2%
	====	====	====	====
Total	180.1	48.9%	51.1%	100%

Turning to question (a), on the basis of the cost centres mentioned in the first paragraph, the number of staff deployed for sports development work to the total establishment of the integrated SDB in 1994-95 was 144:352. The corresponding ratio for staff costs was \$51.1 million : \$87 million.

As regards question (b), the SDB itself does not employ any coaches. All such staff are employed by the HKSI. There were 70 of them (consisting of 28 permanent and 42 non-permanent staff) looking after 11 residential and seven non-residential sports at the HKSI in 1994-95. The total staff costs amounted to \$26.2 million. Details on the coaching staff employed by individual National Sports Associations are not available as they are met from the block grants to the associations and do not form part of the SDB/HKSI establishment.

Concerning question (c), of the total number of staff of the SDB in 1994-95 (352), 208 officers (consisting of 185 permanent and 23 non-permanent staff) were engaged in non-sports development work at a cost of 35.9 million. 166 (consisting of 145 permanent and 21 non-permanent staff) were deployed for the management of the various facilities of the HKSI at cost of \$22.9 million, and 42 (consisting of 40 permanent and two non-permanent staff) for general administration and financial control duties at a cost of \$13 million.

Regarding question (d), a total of 10 expatriate staff were employed by the SDB and the HKSI in 1994-95. At present, there are six expatriate staff. With the departure of the incumbent Chief Executive in January 1996, the remaining five expatriate staff, including the Director of the HKSI, are engaged primarily in

coaching work. The staff cost is \$6.4 million. However, the SDB now applies the same terms of employment to both local and expatriate staff. In other words, all staff are employed on local terms.

Finally, on question (e), no expatriate officer will be employed to perform administrative, managerial, and fund-raising functions after the departure of the incumbent Chief Executive.

### Collection of Crown Rent

9. 劉皇發議員問：現時，政府會發出繳款通知書，通知市民繳交差餉和薪俸稅等款項，但地政總署近年卻沒有發出繳款通知書予業主，通知其繳交地稅。對此，政府可否告知本局：

- (a) 為何在收取稅款方面採用不同的程序和準則；
- (b) 按現行政策，若業主欠交地稅，政府有權收回其土地。業主在未獲發繳款通知書的情況下，因而逾期未有繳交地稅，導致土地被收回，政府是否同意此舉有違公平原則；及
- (c) 據悉曾有業主向當局查詢有關交地稅的事宜，當局在事後卻要求其繳交“查詢費用”，何以當局未作任何通知便收取費用？

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

- (a) For land in the urban area, demand notes to land owners for payment of government rents are issued by the Treasury. In the rural area of the New Territories, the addresses of a vast majority of land owners are either imprecise or incomplete. It has therefore been a long established practice that land owners collect the demand notes for government rents at the relevant District Lands Office and make payments at the nearest Sub-Treasury, which is normally in the same

building where the District Lands Office is located;

- (b) although we do not send demand notes to owners of land in the rural area, efforts are made to contact them to remind them to pay government rents before we initiate re-entry proceedings. Even if a re-entry notice has been registered, land owners still have the right to petition the Governor or to apply to the High Court for relief against the re-entry. It should be pointed out, however, that there has not been any case of re-entry for non-payment of government rents in at least the last 10 years; and
- (c) we do not charge a fee for answering public enquiries about outstanding government rents, but a fee has to be paid in advance if a written reply is required. This practice is well-known among those concerned, in particular, among the professionals who may represent the land owners.

### Supplementary Labour Scheme

10. 曾健成議員問：最近，政府與勞工界就輸入外地勞工問題達成協議，政府可否告知本局：

- (a) 為何只與勞工界代表談判“補充勞工計劃”，而不與本局各政治團體磋商；
- (b) 談判過程中，有否牽涉交換條件；為何外勞到達 2 000 名才檢討，而非其他數額，這會否與施政報告中 5 000 名外勞上限的政策互相違背；
- (c) 對於機場外勞方面，又為何不設上限式檢討機制；及
- (d) 談判期間政府如何徵詢普羅大眾的意願，及有否考慮他們的意見？

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

- (a) The Government conducted extensive consultations on the Supplementary Labour Scheme (SLS) proposal since its announcement in October 1995. We had discussions with the Labour Advisory Board, employer and employee groups, political parties within the Legislative Council and individual Legislative Councillors.
- (b) The Government's decision to revise the original SLS proposal includes the introduction of a review mechanism which will be triggered when a total of 2 000 visa applications has been approved. We believe that the revised SLS, taken in total, strikes a reasonable balance between the interests of employees and those of employers. The Government's decision has been generally accepted by many Legislative Councillors, employer and employee representatives and the community at large.
- (c) The Special Labour Importation Scheme for ACP and related projects has a well-established system for reviewing its quota ceiling which is based on a projection of the locally available on-site construction work labour force and the total labour requirements of the projects involved.
- (d) During the consultation period, public opinion on the proposal was reflected through an independent opinion poll, media reports, press editorials and articles written by academics and interested parties. We have also taken note of the views expressed directly to the Government. We have taken all these views into consideration before reaching a decision.

### **Kwun Lung Lau Slope**

11. 葉國謙議員問：有關觀龍樓斜坡鞏固工程，政府可否告知本局：

- (a) 是否知悉現時工程進度情況；及香港房屋協會在監管工程上是否有遇到困難；若有，詳情為何；及

- (b) 香港房屋協會是否採用以手挖沉箱方式進行工程；若然，鑑於此工程方式存在危險，政府會否考慮要求香港房屋協會改用其他方式進行？

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

- (a) Staff of the Buildings Department make regular visits to monitor the progress of the slope stabilization works at Kwun Lung Lau. Permanent remedial work in front of Block D has been largely completed. Work at the back of Block D has commenced at the end of November 1995 and is progressing on schedule. The Hong Kong Housing Society has not encountered any difficulty in the supervision of the works.
- (b) In view of the special condition of the site, hand-dug caissons have been involved in the remedial works. Approval was given after the submission of all proper safety measures by the contractor. As those parts of the works involving caissons have now been largely completed, there is little point in considering alternative construction methods. Starting from 1 February 1996, there will be a general ban on the use of hand-dug caissons under the Buildings Ordinance.

### **Effectiveness of Announcement of Public Interest**

12. 李家祥議員問：政府可否告知本局：

- (a) 有否檢討目前向青少年宣傳不要濫用藥物宣傳片的實際成效；若有，結果為何，若否，會在何時進行；及
- (b) 一般而言，向青少年宣傳不要濫用藥物的宣傳片會播放多久才作出更替；及政府按照甚麼準則更換該等宣傳片內容？

**SECRETARY FOR SECURITY:** Mr President,



- (a) The Narcotics Division conducts household surveys from time to time to collect data for assessing public awareness of the anti-drug publicity carried out by the Action Committee Against Narcotics (ACAN), including anti-drug messages conveyed through APIs. The last such survey was conducted in 1994. Separately, in November 1995 the Information Services Department commissioned a survey to evaluate the effectiveness of the three latest APIs of the fight crime publicity campaign. These APIs also covered anti-drug messages.

The 1994 Survey conducted by the Narcotics Division showed a high degree of awareness of the anti-drug APIs among the respondents: 99% of all respondents who had encountered anti-drug publicity quoted TV as their major source. 264 of the 1426 respondents enumerated in the Survey were aged below 21. It was noted that young people were more aware of those APIs which had been recently produced, and that APIs which use a more explicit approach and targeted specifically at young persons are more effective. (One of the four APIs covered in the survey, which used an explicit approach, was correctly interpreted by over 60% of the young persons surveyed.)

The survey by the Information Services Department covered a sample of over 100 secondary school students. General feedback of the survey was that the messages carried on the APIs were well received. Over 90% of the respondents remembered the slogans of the APIs; about 30% thought that the APIs effectively disseminated the intended messages.

- (b) The Government produces two to three new anti-drug APIs annually. The APIs are reviewed every month, and may be rotated or changed in order to achieve maximum publicity and impact. The criteria for changing an API include the current drug abuse situation, the timing of the year (for example, more publicity is targetted at young people during summer vacation, Christmas and New Year), and the specific

needs of a particular target group (such as parents and youths-at-risk).

### **Land Grants to Foreign Governments**

13. **MR ALBERT CHAN** asked: *Will the Government inform this Council of:*

- (a) *the Government's policy on land grants made to foreign governments, including the Chinese Government;*
- (b) *the procedure for making such land grants; and*
- (c) *the Government's policy on setting the premiums for such land grants; in particular, how the premium is determined, and whether there are circumstances under which payment of the premium is exempted?*

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

- (a) Land grants to other governments are rare. They have to be fully justified on the merits of each case;
- (b) such land grants, if justified, are made in the same manner as other land grants by private treaty; and
- (c) premiums for these land grants are determined in the same manner as those for other land grants by private treaty. Each case has to be considered on its own merits.

### **Community Charter on AIDS**

14. **DR LEONG CHE-HUNG** asked: *Since the signing of the Community Charter on AIDS by the Government and the Hospital Authority (HA) a year ago, will the Administration inform this Council:*

- (a) *whether the "non-discriminatory policy on AIDS" has been promulgated in the workplace of government departments and public hospitals under the management of the HA as stipulated in the Charter, if so, what measures have been taken by the Government and the HA to promote the policy among the 180 000 civil servants and 40 000 HA staff;*
- (b) *if the answer to (a) is in the negative, whether a time schedule for carrying out all the commitments stipulated in the Charter has been drawn up by the Government and the HA; and*
- (c) *how long it will take to provide AIDS education in the workplace to all civil servants and HA staff?*

**SECRETARY FOR HEALTH AND WELFARE:** Mr President,

- (a) Both the Government and the Hospital Authority (HA) have promulgated a "non-discriminatory policy on AIDS".

The Government's policy was formally promulgated to all government branches and departments in a Civil Service Branch Circular issued on 9 January 1996. A copy is attached (at the end of this record of proceedings). A designated senior officer in each branch and department will co-ordinate the implementation of the AIDS policy, including the handling in confidence of AIDS related enquiries. Education programmes such as workshops and seminars will be organized, with the assistance of the Department of Health, for staff.

Similarly, the HA has advised all hospitals to initiate concerted action to support the Charter by contributing to the worldwide effort of curbing the spread of HIV, educating and enhancing staff awareness on HIV/AIDS and encouraging the adoption of a non-discriminatory policy in the workplace setting.

A half-day seminar for all Hospital Chief Executives and senior management staff in HA hospitals was held in November 1995. In the seminar, senior executives were briefed on the projected trend of the AIDS epidemic in Hong Kong and current policy on the

provision of clinical service for AIDS patients, staff with occupationally acquired HIV infection and the employment of HIV-infected health care workers. The implications of the Charter, particularly with regard to HIV/AIDS and the workplace as well as safeguarding the rights of HIV/AIDS patients and preventing discrimination, was also covered in the seminar.

Appropriate infection control measures have been implemented in all HA hospitals as an insurance against HIV/AIDS disruption in the workplace.

- (b) Both the Government and the HA are promulgating a "non-discriminatory policy on AIDS" in the workplace.
- (c) Both the Government and the HA recognize that AIDS education is an ongoing process. Within the Government, departments have been asked to arrange workshops/seminars for their staff on a regular and continuous basis, having regard to resources available. In addition, educational materials such as posters and pamphlets will be issued to departments to enhance AIDS awareness and to discourage discrimination in the workplace.

As for the HA, apart from the ongoing professional and vocational training of health care professionals on HIV/AIDS, a series of education programmes will be organized for all hospital staff to ensure the commitments stipulated in the Charter are met.

### Supplementary Statements on Government Accounts

15. **MISS CHRISTINE LOH** asked: *With reference to the statement in the Financial Secretary's 1994-95 Budget speech that supplementary statements on the Government's accounts concerning certain selected government activities will be prepared on an experimental basis in order to show the full cost of such activities, will the Government inform this Council what progress has been made in preparing such statements?*

**SECRETARY FOR THE TREASURY:** Mr President, the Financial Secretary informed Members in his 1994-95 Budget speech that there were strong reasons for retaining the existing cash-based accounts. Nevertheless, he also proposed, on an experimental basis, to prepare supplementary statements to help us see the full cost of selected activities.

We have subsequently conducted a pilot study which involved the production of Resource Accounts for four selected departments aimed at comparing the full costs of government programmes with the results achieved. We have also commissioned a consultancy study to advise on the accounting issues that need to be addressed in introducing such accounts. The studies indicate that while Resource Accounts would provide supplementary costs information to aid management, the extent of its direct applicability for management decisions would vary, depending on the type of activities involved. We therefore intend to conduct a further pilot study and produce Resource Accounts for a selected number of service-provider departments. This study should help us consider how we can fully utilize Resource Accounts for management purposes.

### **Police Brain Drain**

16. **DR DAVID LI** asked: *The Commissioner of Police admitted recently that the departure of many of his most senior officers before 1997 would hit the Police Force. Will the Government inform this Council what measures are being implemented to stabilize the Police Force in the run-up to 1997?*

**SECRETARY FOR SECURITY:** Mr President, we are determined to maintain the Police Force as one of the finest in the world. It is the Force's declared policy, fully supported by the police staff associations, to encourage all officers to remain in service across 1997. The joint efforts of management and staff will continue in that direction.

Specifically, the following measures have been implemented to stabilize the Police Force in the run-up to 1997:

- (a) The Joint Declaration is clear that police officers previously serving in the Hong Kong Government may continue to serve the future Special Administrative Region Government without any change in conditions of service.
- (b) To ensure that the Force will maintain an optimal staffing level, a Manpower Planning Survey was conducted in May 1995. During this exercise, all officers at the rank of Inspector and above were interviewed and encouraged to remain in service. The result is reassuring — 82% indicated that they would continue to serve beyond 1997. 11% were "undecided".
- (c) The Force has a sufficient pool of qualified officers at all levels for consideration for promotion. In the event that those undecided chose to leave, the vacancies arising can all be filled through normal promotions.
- (d) The Force will offer improved promotion opportunities to those who remain in service as well as good career prospects to new entrants.

We will continue to monitor the situation closely and take appropriate measures as necessary. The Force Management will continue its close liaison with the staff associations to keep the situation under review. So far, the picture emerging indicates that the Force will be able to manage the changes ahead without compromising its very high standards.

### **Projection of Long-term Demand for Electricity**

17. 羅祥國議員問：政府可否告知本局：

- (a) 是否知悉中華電力有限公司和香港電燈有限公司採用甚麼統計方法，預測本港的長遠用電需求；若然，統計方法詳情為何；
- (b) 如何監管兩家電力公司對電力需求的預測，以確保其準確性；

及

- (c) 有否評估兩家電力公司的預測如出現偏差，會對電費的釐定有何影響？

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

- (a) The Government is aware of the statistical methods used by the two electricity companies to project demand for electricity over the longer term. The China Light and Power Company's demand forecast is produced by analyzing the historical data on the pattern of electricity consumption and the outlook for economic development. Projections on sales are derived from micro analysis of electricity consumption in 22 different customer classes. Each class is analyzed through a combination of econometric and time-series techniques to establish the long-term relationship between electricity consumption in that class and the underlying economic and social factors. The results are cross-checked against a macro analysis, which relates overall electricity consumption with gross domestic product and the price of electricity. The Hongkong Electric Company's demand forecast is obtained from the joint application of three forecasting methods. The main method used is the trend of demand over time, supplemented by a sectional method which forecasts demand in the domestic, commercial and industrial sectors and an econometric method which correlates demand growth with economic indicators such as gross domestic product.
- (b) Projections of demand for electricity submitted by the electricity companies in support of proposals for financing of new capital expenditure are examined by the Government having regard to the reasonableness of the forecasting methodology and input assumptions and the Government's own forecasts. The companies' forecasts of demand are monitored continuously by the Government on a yearly basis through the financial monitoring and auditing arrangements provided for under the Scheme of Control Agreements to ensure that they remain realistic.

- (c) The basic tariff that the companies may charge over the life of their current financing plan is determined when the plan is approved by the Government. Every year, when the companies submit their forecasts for the annual auditing review, the Government conducts an assessment of the impact on tariffs of any deviations in the company's projections. The Scheme of Control Agreements also provide for the companies to submit a new financing plan for the Government's approval whenever variations in the projections are such as to increase basic tariffs significantly above those previously approved.

### **Retirement and Resignation of Police Officers**

18. 劉漢銓議員問：公務員申請退休一般須於一年前提出，而辭職則須於三個月前呈交通知（該三個月通知期通常不可以辭職前休假替代）。據悉警隊中的“憲委級”人員的服務年資一般均有二十多年，累積假期由三個月至半年不等（首長級及外籍警務人員更可累積長達一年的假期）。目前離97年回歸之期只有一年半，政府可否告知本局：

- (a) 警隊管理階層中現行已知的申請退休或辭職的人數；及
- (b) 有否估計警隊管理階層未來兩年可能流失的人數多少？

**SECRETARY FOR THE CIVIL SERVICE:** Mr President, as at 1 January 1996, the number of applications for retirement and resignation received from officers in the management ranks of Inspector to Senior Assistant Commissioner, who are to commence leave prior to finally leaving the service in the 18 months from January 1996 to June 1997, now totals 134. This represents just 3.1% of staff at that level and compares very favourably with the wastage rates in the Civil Service as a whole of 4.8% over the past 12 months.

To understand the situation of the Police Force as a whole, it is important



also to take into account wastage rates among the junior ranks. The number of Junior Police Officers (JPO) leaving the service has been decreasing over the past four years from a monthly average of 113 in 1991 to currently 74 each month. This represents a 3.6% annual turnover of staff. This slow rate of staff turnover also compares very favourably with other sectors in the Government. There is no indication, at this time, of an increase in the number of leavers from the JPO ranks.

The Force Management completed a Manpower Planning Survey in May 1995 to obtain direct feedback from staff as to their intentions with regard to 1997. Manpower Planning is an ongoing process examining the various scenarios of different levels of leavers so as to provide necessary information to the Force Management to consider any adjustments that may need to be made to the various contingency measures that are now in place.

The Manpower Survey provided an insight into the possible intentions of staff in the ranks of Inspector to Senior Assistant Commissioner. At that time, 173 officers, 6.9% of those surveyed, indicated an intention to leave the service from July 1995 to 1 July 1997; a further 275 (11%) were undecided. It is worth noting that the number of applications to retire which have been received so far is in line with the findings of the 1995 Survey. This merely confirms the validity of that exercise.

The force replacement policy provides for promotion and recruitment as soon as an officer commences leave prior to finally leaving the service. Discounting known leavers and the undecided officers, the number of officers who will compete for promotion remains well in excess of the number of vacancies which are likely to arise. The situation will continue to be monitored closely.

## **New Airport**

19. 黃秉槐議員問：就新機場的興建事宜，政府可否告知本局：

- (a) 由於新機場各項設施的專營權，仍有兩三項未獲中英政府審批，及按照目前工程及其他項目進度，新機場可否如期在一九

九八年首季內啟用；及

(b) 新機場第二條跑道預計於何時完成投入服務？

**SECRETARY FOR ECONOMIC SERVICES:** Mr President, the New Airport project is on schedule to meet the target opening date of April 1998.

We have reached agreement with the Chinese side of the Airport Committee of the Sino-British Joint Liaison Group on award of the three most urgent franchises for air cargo, aircraft catering and aviation fuel supply services. Discussions in the Airport Committee on two other franchises for aircraft base and line maintenance and aircraft ramp handling services are underway. Meanwhile, construction works are progressing on schedule to allow full commissioning, testing and trials before airport opening in April 1998. At the end of 1995, the New Airport was 47% completed while the overall Airport Core Programme was 48% completed.

The timing for construction of the second runway and for bringing it into operation is being examined by the Administration in consultation with the Airport Authority. We will take into account factors such as the latest forecasts on air traffic demand, capacity utilization of the first runway and the financial and economical implications involved. No conclusions have yet been reached.

### **Emergency Ambulance Service**

20. 黃偉賢議員問：鑑於消防處緊急救護服務的資源短缺問題日益嚴重，尤以新界區為甚，政府可否告知本局：

- (a) 過去三年每年的救護人員的數目及救護召喚的數目（並分列緊急召喚的數目），及其增減百分比；
- (b) 過去三年所能達致服務承諾的百分比為何，是否有下降趨勢；若然，原因為何；及
- (c) 會否增加救護人手及救護車，使救護服務能按正常編制運作，

以達到既定的服務承諾；若然，何時實施；若否，原因為何；  
又有何措施改善目前情況？

**SECRETARY FOR SECURITY:** Mr President,

- (a) The strength of the Ambulancemen grade in the past three years is:

<i>Year</i>	<i>Number of Ambulancemen as at 1 April</i>
-------------	---

1995	1 865
------	-------

1994	1 920
------	-------

1993	1 963
------	-------

The decrease in crew strength in 1994 and 1995 was due to the hiving off of most non-emergency ambulance services to the Hospital Authority. This programme started in March 1994 and was completed in September 1995.

The number of ambulance calls attended in the past three years are:

<i>Year</i>	<i>Number of Ambulance Calls</i>		
	<i>Emergency</i>	<i>Others</i>	<i>Total</i>
1995	317 749 (+9.8%)	107 594 (-21.0%)	425 343 (-0.0%)
1994	289 289 (+7.6%)	136 046 (-21.5%)	425 335 (-3.8%)
1993	268 943	173 361	442 304

( ) denotes the % increase/decrease over the previous year.

It should be noted that in responding to ambulance calls, priority is always given to emergency calls.

- (b) Our target is for 95% of emergency calls to be reached within a ten-minute travel time. The percentage of emergency calls which have attained the target travel time in the past three years is:

<i>Year</i>	<i>% emergency calls reached within target travel time</i>
1995	89.5
1994	91.7
1993	92.5

The decrease in 1995 was mainly due to deteriorating traffic conditions, long travelling distances in the New Territories and the increased number of emergency calls. The unusual number of disruptions caused by typhoons, rainstorms, flooding and road closures in the second and third quarters of 1995 also had a significant impact on performance.

- (c) The Government remains committed to achieving the target set in the Performance Pledge. The Government commissioned a Consultancy Study on Emergency Ambulance Service last year to identify ways to achieve cost-effective improvements in the provision of emergency ambulance services. A list of improvement measures recommended and which the Fire Services Department has already implemented is at the Annex. These measures, and the completion of the hiving off programme of non-emergency ambulance services to the Hospital Authority, resulted in an improvement in performance in the last quarter of 1995 to 90.3%. Other measures which require more detailed examination and longer timeframes to implement are being considered. These measures include further efficiency improvements, improvements in staffing levels and development of further ambulance depot facilities in areas of increased local demand.

## Annex

Measures implemented by the FSD  
to improve performance immediately

- (a) Ambulances are stationed in fire stations in addition to ambulance depots to extend emergency ambulance cover. The fire stations involved include North Point, Kotewall Road, Ap Lei Chau, Kwai Chung, Sheung Shui and Sha Tau Kok.
- (b) Ambulances and their crew are redeployed from stations with relatively adequate manning to those where manning is inadequate to meet local demand.
- (c) The Fire Services Communication Centre has streamlined its operational procedures for ambulance deployments to achieve more effective mobilization.
- (d) The transfer of residual non-emergency cases to another agency is being actively pursued to enable the FSD to better concentrate on its delivery of emergency ambulance services.
- (e) The performance of ambulance aid motorcycles, which provide life-saving first aid before an ambulance reaches the scene, has been included in the calculation of emergency ambulance performance.

**MOTIONS****CRIMINAL PROCEDURE ORDINANCE**

***THE CHIEF SECRETARY to move the following motion:***

"That the Criminal Appeal (Amendment) Rules 1995, made by the Chief Justice on 15 December 1995, be approved."

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

On 5 July 1995, the Official Languages (Amendment) Ordinance 1995 was passed by this Council. The Amendment Ordinance provides for the removal of the restriction of the use of Chinese in the higher courts and certain tribunals. It enables a judge or judicial officer presiding over a court hearing, as well as lawyers representing the parties, to use either or both of the official languages.

The Judiciary is committed to put in place a framework which enables Chinese, along with English, to be used in all judicial proceedings in Hong Kong before 1 July 1997. To meet this target, a Steering Committee on the Use of Chinese in Courts, appointed by the Chief Justice and chaired by Mr Justice Patrick CHAN, recommended a phased implementation strategy enabling the use of Chinese first in the District Court, to be followed by the High Court and then the Court of Appeal.

We now propose that the criminal proceedings of the District Court should be allowed to be conducted in Chinese. As a result, it will be necessary to put in place rules to cover appeals from these cases.

We propose to change the present use of language in District Court criminal appeal proceedings. The proposed change will enable the parties to file their documentation in either Chinese or English. It also enables the parties, the lawyers or the judges to use Chinese at the hearing when it is appropriate to do so. The aim is to provide for a just and expeditious disposal of the proceedings. There is a built-in procedure whereby a party who does not understand a court document which is served on him can request for a translation of the document.

The Criminal Appeal (Amendment) Rules 1995 made by the Chief Justice, under the Criminal Procedure Ordinance and the Official Languages Ordinance,

will upon commencement provide for the use of both of the official languages in criminal appeal proceedings taken under the Criminal Procedure Ordinance. The rights of the various parties set out in the Rules reflect the provisions of the Official Languages Ordinance and amplify those rights, where necessary, to reflect the effect of having to use particular languages in particular circumstances. The court will consider which official language will expeditiously dispose of the proceedings justly in making its decision as to which language it will use and its decision will be final.

Pursuant to section 9 of the Criminal Procedure Ordinance, the Rules require the approval of this Council by resolution.

The provisions concerning the use of language in these Rules are applicable to three other sets of Rules for the District Court, namely — the Criminal Procedure (Appeal Against Discharge) (Amendment) Rules 1995; the Criminal Procedure (Applications Under Section 16) (Amendment) Rules 1995 and the Criminal Procedure (Reference of Questions of Law) (Amendment) Rules 1995. They will each be the subject of a separate resolution.

Mr President, I beg to move.

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

## **CRIMINAL PROCEDURE ORDINANCE**

***THE CHIEF SECRETARY to move the following motion:***

"That the Criminal Procedure (Appeal against Discharge) (Amendment) Rules 1995, made by the Chief Justice on 15 December 1995, be approved."

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

The Criminal Procedure (Appeal Against Discharge) (Amendment) Rules 1995 made by the Chief Justice will, upon commencement, provide for the use of both of the official languages in proceedings for an appeal against discharge

taken under the Criminal Procedure Ordinance. Pursuant to section 9 of the Criminal Procedure Ordinance, they require the approval of this Council by resolution.

Mr President, I beg to move.

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

## **CRIMINAL PROCEDURE ORDINANCE**

***THE CHIEF SECRETARY to move the following motion:***

"That the Criminal Procedure (Applications under Section 16) (Amendment) Rules 1995, made by the Chief Justice on 15 December 1995, be approved."

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

The Criminal Procedure (Applications Under Section 16) (Amendment) Rules 1995 made by the Chief Justice will, upon commencement, allow the use of both of the official languages in an application under section 16 of the Criminal Procedure Ordinance which provides for the discharge of the accused after committal without a hearing under certain conditions. Pursuant to section 9 of the Criminal Procedure Ordinance, they require the approval of this Council by resolution.

Mr President, I beg to move.

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

## **CRIMINAL PROCEDURE ORDINANCE**

***THE CHIEF SECRETARY to move the following motion:***

"That the Criminal Procedure (Reference of Questions of Law)



(Amendment) Rules 1995, made by the Chief Justice on 15 December 1995, be approved."

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

The Criminal Procedure (Reference of Questions of Law) (Amendment) Rules 1995 made by the Chief Justice will, upon commencement, provide for the use of both of the official languages with reference to a question of law taken under the Criminal Procedure Ordinance. Pursuant to section 9 of the Criminal Procedure Ordinance, they require the approval of this Council by resolution.

Mr President, I beg to move.

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

## **CRIMINAL PROCEDURE ORDINANCE**

### ***THE ATTORNEY GENERAL to move the following motion:***

"That the Criminal Procedure (Witnesses' Allowances) (Amendment) Rules 1996, made by the Chief Justice on 9 December 1995, be approved."

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

The rate of allowance payable to witnesses in criminal proceedings are prescribed in the Criminal Procedure (Witnesses' Allowance) Rules, made by the Chief Justice under the Criminal Procedure Ordinance. The Rules provide that the maximum allowance payable to an ordinary witness is \$240 for each day, or \$120 for part of a day. A higher rate, namely, a maximum of \$1,400 for each day, or \$700 for part of a day, is prescribed for a professional or an expert witness. The existing rates were last revised in 1993 and should now be updated.

At the Finance Committee meeting on 15 October 1993, Members agreed to delegate authority to the Secretary for the Treasury to approve future changes

in the rates of the allowance for ordinary witnesses and jurors, in accordance with movements in the median monthly earnings of employees in Hong Kong, and for professional and expert witnesses, in accordance with changes in the mid-point salary of a Medical and Health Officer. In order to maintain the value of the rates of the allowances, it was also agreed that the rate should be reviewed biennially.

Accordingly, the Judiciary conducted a review of the allowances in November last year. It was recommended that the maximum allowance payable to an ordinary witness be increased to \$280 for each day, or \$140 for part of a day, and that the maximum allowance payable to a professional or an expert witness be increased to \$1,690 for each day, or \$845 for part of a day. The increase in the allowances was approved by the Secretary for the Treasury under the authority delegated to him by the Finance Committee, to take effect from 26 January 1996.

The Criminal Procedure (Witnesses' Allowances) (Amendment) Rules 1996 will, upon their commencement, bring into effect the new rates. In accordance with section 9B of the Criminal Procedure Ordinance, they require the approval of this Council by resolution.

At the same Finance Committee meeting, Members also approved the proposal that the allowance payable to ordinary, professional and expert witnesses attending a coroner's inquiry be increased to similar levels. These allowances are set out in the Coroners (Witnesses' Allowances) Rules, made under the Coroners Ordinance. The new rates are reflected in the Coroners (Witnesses' Allowances) (Amendment) Rules 1996 which will be made the subject of a separate resolution.

Mr President, I beg to move.

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

## **CORONERS ORDINANCE**

***THE ATTORNEY GENERAL to move the following motion:***

"That the Coroners (Witnesses' Allowances) (Amendment) Rules 1996, made by the Chief Justice on 9 December 1995, be approved."

He said: Mr President, I move the second resolution standing in my name on the Order paper.

As I explained earlier, the Coroners (Witnesses' Allowances) (Amendment) Rules 1996 made by the Chief Justice will, upon commencement, bring into effect the new rates of allowances approved by the Secretary for the Treasury under the authority delegated to him by the Finance Committee on 15 October 1993. Pursuant to section 22A of the Coroners Ordinance, they require the approval of this Council by resolution.

Mr President, I beg to move.

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

**MEMBER'S MOTIONS**

**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 22 January. The movers of the motions will be given 15 minutes for their speeches including their replies and another five minutes to speak on the proposed amendments, if any. 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.

**VISA-FREE ENTRY TO UK*****MR HOWARD YOUNG to move the following motion:***

"That this Council urges the British Government to grant visa-free entry privileges to Hong Kong Special Administrative Region passport holders after 1 July 1997 as well as to continue granting such treatment to British

National (Overseas) passport holders from Hong Kong and to make an announcement to this effect as soon as possible."

楊孝華議員致辭：主席先生，我動議通過議事程表內我名下的議案，促請英國政府在一九九七年七月一日後，給予香港特別行政區護照持有人免簽證入境的優待，並繼續為持有英國國民(海外)護照的香港居民提供同樣的待遇，同時盡快發表聲明，公布有關安排。

我想一開始就說明這個題目不同於給予香港市民英國國籍或居英權，不論他們是少數的戰爭遺孀、數千名少數族裔人士，或居英權計劃下的五萬個家庭，甚至還是滿懷熱情但並不實際地向英國高呼給予數百萬香港人英國護照的人。相反，這是一個務實的議題，以保證雙方有出入境自由來保障合法的旅遊及公幹不受影響，並得以繼續維持。

作為彈丸之地，一千多平方公里的香港，擁有600萬人口，若沒有出入境自由，或常說的旅行自由，是不可想象的。我們的生活方式、在國際貿易上的成功，皆建築在這種自由上。香港人珍惜這種自由，甚至可以說珍惜自由多於民主。去年，經政府大力宣傳各個選舉後，只有250萬人左右登記成為選民，其中少於100萬人有實際行動，投了他們神聖的一票。不過，去年香港超過250萬人次到外國旅遊或公幹。

香港人所持的旅行證件，以人口平均計算，可能也是世界之冠。目前600萬香港人，擁有約250萬本香港英籍護照，及130萬本身分證明書，兩者差不多共400萬本，佔人口60%。這兩種證件，均得到世界各國承認。相反，英國雖然是世界上第一間旅行社的發源地，但是只有35%英國人擁有護照，而美國更少，只有一成人左右有護照在手。至於香港人手持的兩種證件，以英籍護照佔優，可免簽證進入大約80個國家，而身分證明書只能在少數國家中得到同樣的免簽證優惠。

免簽證不只是方便人們去度假觀光，更重要的是方便出外從商，為本港的出口生意而公幹，直接與我們保持一個貿易、金融發達的商業城市有關。

一九九七年之後，現有的身分證明書不可再續期，而英國國民(海外)護照不會再發給九七前未曾擁有此種英籍護照的人。《基本法》為此作出了安排，即所有中國籍的香港永久居民，可領取特區護照，而大部分身分證明書及英國國民(海外)護照持有者都有資格領取。中國政府也順應了多年來香港人提出的願望，答應港府可進行特區護照的簽發前期工作，護照的設計

也達世界一流水平。兩周前，中英聯合聯絡小組的會議紀要已為了簽發特區護照的嚴密性及自主性，邁出了一大步。

目前面對的挑戰，是如何盡快建立特區護照的國際公信力，爭取盡量多的免簽證優惠。長遠來說，特區護照將取代身分證明書及英國國民（海外）護照，九七年後出生的兒童亦很快將以特區護照與持有英國國民（海外）護照的父母一起出門旅遊。因此，必須爭取它被接受及優惠的程度，使其不亞於目前的旅遊證件。

在這個問題上，英國可以作出很大的貢獻，且責無旁貸。英國勉強給予五萬個家庭居英權，多年來某些人士提出的給予所有香港人英國護照並不是一個實際的目標，但英國完全有能力以舉手之勞給予港人免簽證入境。首先，英國目前已經最少給予五百五十多萬持英國國民（海外）護照及英國屬土公民護照的香港人免簽證優惠，所以給同樣一個人以特區護照的簽證豁免根本沒有甚麼得失。另外一百三十多萬身分證明書持有者，有能力到英國旅行或公幹的，平均收入和職業最少是中等收入家庭。任何一個有經驗的旅行社負責人都會告訴你，身分證明書持有者的身分及消費能力絕不遜色；與英國護照持有人相比，更可以“揮金如土”來形容。

英國是英聯邦之首，傳統上對過去的殖民地（包括美、加、澳、新加坡和馬來西亞）都保持免簽證優惠，香港的生活及入息水平都可與這些國家媲美。英國有前車可鑒，給予港人免簽證待遇是理所當然的。英國亦是歐洲共同體的主要成員，如能在簽證問題上起帶頭作用，估計對特區護照爭取英聯邦及共市幾十個國家獲同樣待遇，有深遠意義。

作為一個即將離開的管治者，只要英國以身作則，便可大大增加各國對特區護照的信心，使港府及中國的游說工夫可以大大提高效果。相反，若英國繼續“跳草裙舞”，只會使大家懷疑英國是否對九七後香港高度自治，及特區護照的認受性缺乏信心。新加坡總理已於兩個月前表明，持特區護照到新加坡的遊客將不用申請入境簽證。很可惜英國未能搶先在其前殖民地作出聲明前有所決定。

英國政府口口聲聲要維護香港人利益，又說要光榮引退。我認為她最容易做到的，而且以一個行政命令就能實現的，就是盡快答應給特區護照所有持有者免簽證入境旅遊及公幹。作為在香港管治了一百五十多年的英國，除了有現實的理由之外，也有道義上的責任這樣做。相反，如果今時今日還在找藉口，“跳草裙舞”，這麼易辦而不是沒有先例的事都不肯做的話，可能反過來會對英國的利益有反作用。

主席先生，我謹此陳辭，提出議案。

*Question on the motion proposed.*

**DR LEONG CHE-HUNG:** Mr President, I rise to support the motion. In supporting the motion, I call on the British Government to give this privilege without delay. I call on the Hong Kong Government to express in no uncertain terms to Britain that granting visa-free entry into the United Kingdom is the least Britain can do to honour her commitments to Hong Kong people. There are many reasons for these:

- (1) The majority of Hong Kong people who will acquire Hong Kong Special Administrative Region (SAR) passports are basically British subjects born in British soil.
- (2) The holder of British Nationality (Overseas) (BNO) passports are undoubtedly British subjects. They, by a stroke of the pen, were demoted to the bottom rank of British citizenship.
- (3) Portuguese subjects born in Macau some 40 miles from Hong Kong will have the right of entry and even work in the United Kingdom without any visa. Yet, Hong Kong born British subjects may have to face a different fate. All these make a mockery out of the word "British Passport" as stamped on the cover of the BNO passports.

Mr President, it therefore comes as no surprise that Members of this Council and the people of Hong Kong react in furor to the statement made on British subjects by the Foreign Secretary when he addressed this Council and I quote:

"What your question (on full British citizenship for the 3.5 million Hong Kong citizens) refers to was whether a right of citizenship which has not existed in the past should now be provided".

Mr President, Hong Kong is eagerly awaiting the United Kingdom Government's clarification on this statement. No reply has yet been forthcoming, but we will definitely press on.

Mr President, it is indeed an essential and honourable task for my honourable colleague, Mr Howard YOUNG, to move this motion today. It is equally honourable for our Governor to give this motion his full backing.

The fact remains, how successful could we be? What are the odds? It boils down to the question of how Britain values the people of Hong Kong; not just Hong Kong but the people of Hong Kong. How much value does the British Government attach to the honour of discharging its responsibility to Hong Kong people, who were once her subjects.

Fact speaks for itself. In 1990 when a Hong Kong Omelco delegation went to Westminster and Whitehall to lobby for British citizenship, not only were we faced with a stone wall, but to our dismay, there was a complete lack of understanding of what Hong Kong is, even amongst senior politicians and ministers. With some 26 war widows, the British Government is not even willing to bend her rules to offer them full British citizenship.

Mr President, a delegation of the Council will be visiting the United Kingdom soon to air to the British powers our concern and hopes in this transitional period. The topics that we will bring up, of course, include visa-free travel into the United Kingdom. Yet up till today, the response is cold, to say the least. Whilst we are still awaiting words from the Prime Minister, we have already been told that even the leader of the opposition party (Labour Party) has given us the flat refusal. Does it imply that he feels helpless as his is not the ruling party? Worse, does it imply that his party which may well be in the driving seat in the near future, does not want to enter into any controversial issue from Hong Kong to upset its current advantage with the British supporters? After all, Hong Kong is a non issue in the eyes of the British Government.

Mr President, if I have sounded overly pessimistic, it is because I am being pragmatic. Yet, I am not saying we do not have to fight. Yes, we have to keep on fighting, fighting for a right that ironically to many of us we were born with.

It borders on mockery when the British Government says it will lobby for visa-free entry for Hong Kong SAR and BNO passports from other countries, while she herself has remained completely non-committal.

羅叔清議員致辭：主席先生，中英雙方已於本年一月十日草簽《關於簽發香港特別行政區護照準備工作的會議紀要》，意味對將來特區護照的簽發，已踏入實質工作階段。現在距離主權回歸只餘下五百多天，對於香港人來說，在身分、國籍及出入境自由上，均盼望獲得清楚的確認。

香港作為一個國際金融中心，在自由經濟氣候下，香港市民毋須得到政府批准，便可自由離境，從事商業活動、旅遊、留學及探親等。香港人持有英國護照，前往英國及不少國家，可獲免簽證入境待遇。同樣，英國商旅亦可在香港自由出入，毋須受到香港政府簽證上的限制，可謂互惠互利。如果英國政府故意為難，作為中英角力的籌碼，在互免簽證方面，不作出承諾，只會一拍兩散。這樣固然對香港的國際形象帶來負面影響，相信對作為香港前宗主國的英國來說，聲譽也難免會受影響，更遑論英國一再聲稱，對香港居民的前途與自由有道義上的責任。

現時持有英國國民（海外）護照及英國屬土公民護照的香港人，均可以毋須簽證便進入英國及其他八十多個國家。英國政府於九七年前繼續分批簽發此等護照，既然香港人可選擇保留此等身分，護照又是由英國所授權簽發的，為此等護照持有人於九七年後繼續提供免簽證入境，實在是理所當然。

此外，英國政府在處理特區護照簽證問題上，亦作出多方辨證，質疑香港永久居民的定義及發放特區護照的機關。對前者問題，中英雙方已有不少共識，只在以香港為永久性居留地的非華裔人士及持有外國護照的回流港人的身分界定尚未明朗。可是此問題並不應影響本港絕大部分居民的權益。如果英國懼怕將來會因特區護照濫發而有大量人士湧入境內，英國政府屆時可以隨時作出修訂。作為簽發護照的特區，亦有責任收回這些人士，故此英國毋須承擔任何風險。

據聞英國以擔心發放特區護照的機關，即特區入境事務處不安全為理由，一拖再拖。事實上，港英政府已成立了工作小組，製作電腦化系統發放護照，保證將會達到高質素及高技術的國際水平，而且紀錄亦會絕對保密。再者，中英雙方近日又達成協議，中國保證特區入境事務處是唯一發放特區護照的機關。其實雙方可以在九七年前成立一個完善的機制，使各個部門能互相監察審核，英國亦毋須因此而顧慮了。



英國盼望光榮撤出香港，在道義上，英國亦應作為一個榜樣，使其他西方國家亦接受特區護照豁免簽證的安排。

主席先生，本人謹陳辭，支持議案。

**周梁淑怡議員致辭：**主席先生，要求英國政府對九七年後的香港特別行政區特區護照豁免入境簽證，是香港人的共識。香港人珍惜的，不是與英國保持甚麼聯繫，而是要維護我們現有的旅遊方便。

正如楊孝華議員提到，免簽證不單止方便香港人出外度假，更重要是有利於營商公幹。去年首九個月，就有超過13萬人次直接前往英國。不管這13萬人次是旅遊還是做生意，對英國都會帶來好處，而同期亦有差不多26萬英國人次由英國來港。英國外相聶偉敬亦指出，英國去年出口到香港的貨物有27億英鎊，在港的投資總額更達700億英鎊。英國豁免特區護照簽證，對英國經濟發展無疑亦只會有益無損。

英國豁免特區護照的簽證，可以帶動英聯邦國家和歐盟國家豁免特區護照簽證。特區政府基於對等的待遇考慮，應也會豁免這些國家護照持有人的入境簽證。這個是雙方互利的安排，英國只會有“數”而不會“蝕底”。

英國政府對免簽證遲疑不決，其中一個考慮是保安問題，擔心特區政府會濫發簽證，亦擔心特區護照的防偽水平。過去，我會認為這個憂慮是有些道理的，但隨着特區護照式樣的公布，以及英外相訪華得到保證，香港人民入境事務處會是唯一的簽發特區護照的機構，這個憂慮已經不復存在。英國政府如果仍“扭扭擰擰”，豈不表現出對自己向中國推薦的護照保安沒有信心？

人民入境事務處處長梁銘彥參與中英聯合聯絡小組會議時，不是以港府代表的身分，而是作為英方的代表。聯絡小組上達成協議，把特區護照簽發權控制在香港，這個安排是得到英國政府的支持和嘉許的。如果說英國政府連他們自己推薦的安排都沒有信心，英國政府豈不是告知全世界它是何等虛偽，會內提出一套，會外又是另一套？

反過來說，如果英國豁免特區護照的簽證，就是用實際的行動對香港履行它的道義責任，比不時掛在口邊的所謂照顧香港利益更加實惠。

事實上，我們現時已可以見到，特區護照的簽發程序十分嚴格，可以保障該份證件的公信力。也因為大家都明白只有確保簽發過程受到嚴格控制，才能確保特區護照得到各國的尊重，我們有絕對的理由相信，現時的政府或將來的政府，都不會做出有損特區護照公信力的事情。

至於現時的英國國民（海外）護照是說明不用簽證的，持這種護照的香港人，跟九七年後同樣的香港人是沒有分別的，甚至與九七年後持特區護照的香港人也沒有大分別，他們都是以香港為家。我看不到任何理由屆時要對同是香港人的人，要有不同的對待。

至於英國方面，其實他們即使豁免特區護照簽證，仍然有權對有合理懷疑的個別個案，作出評估，甚至拒絕讓他們入境。自由黨當然不希望見到英國濫用這項審查權力，作為一個留難籍口，但無可否認，這個權力可確保英國的入境保安不會因免簽證而受損。

鑑於英國對越南船民滯港問題的不負責任態度，我們不可能對英國抱太大的期望。不過，我們仍然要促使英國履行她的道義責任，要英國透過實際行動，向全世界顯示她對香港前途和各項過渡安排的信心和誠意。

主席先生，英國外相聶偉敬來港期間，曾在本局強調，豁免特區護照簽證不是籌碼。我剛好持相反意見。我敢說，豁免特區護照簽證絕對是英國手上的一個大籌碼。英國會否同意豁免簽證，完全取決於中英談判之中，英國是否達到他們所要的條件和利益。

主席先生，本人謹此陳辭，支持議案。

**劉慧卿議員致辭：**主席先生，我發言支持楊孝華議員的議案。

香港是一個自由的地區，我相信有很多種自由對香港人都非常重要，出入境自由是其中之一。不過，我對楊孝華議員剛才發言時將自由和民主放在對立位置有些反感。我相信絕對沒有這個必要，特別是現時有這麼多同學坐在公眾席，我不希望教導下一代認為民主和自由是這樣嚴重對立的。我相信大家都了解，真正的自由，最終的保證是一個民主的制度。如果沒有民主，我們只能空談自由。不過，無論如何，主席先生，我們會盡力而為。

我支持楊孝華議員的議案，因為我覺得英國政府絕對有責任，不單讓我們獲得免簽證待遇這麼簡單，還要正如剛才梁智鴻議員所說，有責任給予香

港350萬英國公民真正的英國國籍。這個問題我們是不會放棄爭取的，梁議員剛才說得十分正確。我們一個代表團在二月赴英時，希望可以與英國高層人士會面，對他們說出香港人的憂慮和心聲，我們希望能為香港人爭取得英國國籍。此外，一群少數民族人士會在星期二到行政局請願，他們只得數千人，他們也很憂慮自己的前途。我們亦會為此與英國政府算帳。因此，我們會爭取的不僅是給予英國國民（海外）護照持有人可豁免簽證，也讓將來的特區護照持有人可豁免簽證。

話雖如此，主席先生，我們不要誤導香港市民，以為英國給了我們免簽證，特區護照便很安全。當然，如果英國這樣做，我相信可以起一個示範作用，其他英聯邦國家或歐洲共同體國家，可能會因此而考慮給予特區護照豁免簽證。不過，港澳辦主任魯平先生數天前曾說，他自己對特區護照將來沒有甚麼奢望，他說特區護照被其他國家的接受機會可能比身分證明書還差。主席先生，相信你也知道，現時只有三個國家讓持有身分證明書人士免簽證，這三個國家是新加坡、南韓和南非。但英國的香港護照卻有81個國家可免簽證，這實在有天壤之別。據我記憶所及，中國護照只有15個國家可免簽證，而這15個國家都不是香港人常到的地方。

現時的問題是，即使英國給予特區護照持有人豁免簽證待遇，是否就真的表示會打開了特區護照免簽證的大門？我相信答案是未必。不過，這是第一步，英國應快踏出的。同時，我們希望英國和中國政府一起到各個國家，告知它們將來香港人會持有兩種護照，另外還有身分證明書這三種旅行證件。九七年後特區居民會持有這些證件作旅遊之用，它們是英國國民（海外）護照、特區護照和身分證明書，希望中英政府一起要求國際社會給予這幾種旅行證件方便。現時英國和中國政府可否一同這樣做？

有關特區護照方面，現時連甚麼人將來有資格領取也還未說清楚。商談了十年，但甚麼是中國公民的定義，中國都還未有定案。如果未能定出定義，香港便不可以修改有關的入境法例。這樣就更不知道誰是中國公民；誰不是中國公民；誰是將來特區的永久居民。保安司稍後可能也會談及這些問題。它們是否英國在考慮給予特區護照免簽證時的障礙；抑或這定義已不成問題，只要保安方面的問題獲得解決，英國便有足夠條件，決定可否給特區護照免簽證？

現時尚餘五百多天，時間很短。中國和英國政府也許並不了解香港人是多麼焦慮和擔心我們的出入境自由會在九七年後消失。主席先生，我們必須

記着魯平先生曾說，特區護照的接受程度較身分證明書還差。我們希望中英政府盡量做些事，令過程能盡快展開。如果英國給特區護照簽證的話，至少就不會給人罵。然後它再與中國一同進行工作。我希望中國願意與英國政府一同向各國說明這些護照持有人應享有出入境自由。這是我們很珍惜的自由，我們不想失去。

我認為市民不要再有甚麼幻想。如果有些市民有資格但現在仍未領取英國國民（海外）護照，我認為他們應先行領取會較為保險，因為不知日後特區護照的情況會是怎樣。我不是危言聳聽，但如果希望能繼續保留出入境自由，就應盡快領取英國國民（海外）護照。當然，主席先生，我也明白到現時那81個國家給予香港持有英國國民（海外）護照人士豁免簽證的優待，將來會否收回也是一大問題。這絕對有賴中英政府一同為三種旅行證件進行游說。

我謹此陳辭，支持議案。

**劉漢銓議員致辭：**主席先生，中英聯合聯絡小組不久前就簽發特區護照的準備工作草簽了會議紀要，中英雙方確認了特區護照的簽發機關、簽發程序，以及確保印製分發的安全穩妥及持證人的有關條件。至此，英方原先提出的防偽問題，以及擔心簽發程序有漏洞而引致濫發等問題，均已不復存在，英國政府也再無理由拖延給予特區護照免簽證待遇。

但令人遺憾及不解的是，英國外相聶偉敬仍然把英國是否作出對特區護照免簽證決定的問題，推到未來兩、三個月以後。本人認為這種拖延是令人費解的。如果英國認為特區護照還存在某些問題，就應明確向中方提出，以促使中方盡快解決。但英方業已就特區護照的印製、防偽、簽發機關與程序及持證人條件達成共識，對特區護照又再提不出甚麼其他理由，在此情況下還要對是否決定免簽證進行拖延，這就很令人質疑，英方是否有誠意協助港人實現自由來往世界各地的方便。

主席先生，英國政府經常說對港人負有“道義責任”，本人但願這並非“口惠而實不至”的虛言。其實，對特區護照作出免簽證安排，對英國來說只是舉手之勞。況且，互免簽證是一種互惠互利的安排，英國九七後若給予特區護照免簽證待遇，根據對等原則，英籍人士將來進入香港也能得到同等待遇。九七年後，英國在香港和中國仍有巨大的經貿利益，英籍人士仍須到

港經商、旅遊和公幹，假若英國九七年後不予特區護照免簽證待遇，在對等待遇的原則下，特區亦可要求英籍人士來港時要申請簽證。

主席先生，無論從道義責任來看，還是從互惠互利的原則來看，英國政府都有必要盡快作出九七年後對特區護照免簽證的決定，當然也要繼續為持有英國國民（海外）護照的香港居民提供同樣的待遇。但英國政府卻至今仍採取拖延態度，內裏乾坤，可謂撲朔迷離。

本港有輿論指出，英國是要把對特區護照免簽證作為一種籌碼，以在其他問題上與中方討價還價。本人但願輿論的這種揣測只是一種誤解，因為英國政府應不致於要拿香港人的基本權益作為一種外交籌碼，討價還價，以換取英國的其他利益那般丟臉。因為英國是否對特區護照免簽證，對英聯邦國家和歐共體有直接影響。本人認為，英國政府應盡快發表聲明，就九七後香港人免簽證進入英國作出有關安排。

主席先生，本人謹此陳辭，支持議案。

**何俊仁議員致辭：**主席先生，就特區護照問題，中英雙方的磋商，一直拖拖拉拉談了多年，至本月月初才有突破性發展。中英就這問題達成了協議，雖然是遲了一點，但香港人仍然要為此而感到高興。下一步工作，就是要為特區護照尋求最多國家的免簽證優惠，以及解決香港永久性居民身分定義的問題。上週港澳辦主任魯平先生說，特區護照可獲得的免簽證優惠並不會比身分證明書，即CI，為多。我們覺得，與其作出這種悲觀的預測，倒不如多做點實事，向其他國家積極爭取互免簽證優惠。

向其他國家推介特區護照，最有效的第一步就是要英國帶頭給予特區護照免簽證優惠。此一舉動對特區護照的前途有非常重大影響。英國是英聯邦之首，傳統上對過去的殖民地都保持免簽證優惠。香港的經濟發展和水平幾乎都可媲美這些英聯邦國家，英國有例可援，給予香港人免簽證待遇是理所當然的。

更因為英國將會是香港的前宗主國，理論上英國最了解香港的情況。如果英國也不給予特區護照免簽證優惠，則是向全世界公開宣告特區護照並不可信，這將會是一個極壞的訊息，其他國家定會參考英國的做法。兼且英國亦是歐洲共同體的主要成員，如能在簽證問題上起帶頭作用，估計對特區護照爭取其他英聯邦及共市數十個家獲得同樣待遇，有極深遠意義。我們無意

過份強調英國人在這方面會起決定性的作用，但也不應低估英國政府在這方面所能發揮的影響力。我們希望英國在離開香港前，能為香港人的事多作一些努力。民主黨認為，給予香港特區護照免簽證優惠就是在英國能力範圍內最低限度可做的事，來履行她對香港人民的道義責任。

英國政府之所以考慮多多，據聞是因為英國政府怕中國政府會濫發特區護照，或在簽發護照時，沒有足夠的保安設施。中國在簽發護照方面的程序是否嚴格，實在值得大家關心，特別是最近出現了大家關心的“羅德丞事件”，更使人擔心很有可能出現濫發護照的情況。

現時特區護照的簽發程序在可能範圍之內已顧及這個問題。依人民入境事務處官員向立法局解釋，特區護照將由香港特別行政區政府，即包括該處負責審核、校對及簽發，其他中國駐外機構最多也只是負責將申請人的文件送往香港，和將由香港簽發的護照送交申請人手上。換句話說，只有香港的人民入境事務處才有權存有空白的護照，及掌握將照片及資料印上空白護照的技術。因此，實際而言，特區護照的簽發完全是由香港特別行政區政府負責的，不經其他人手。當然，我們希望中國政府能夠再公開向香港市民宣布，這是中國政府對特區護照簽發程序的政策。

上述做法是保證了中國政府將實質的護照簽發權全面授予特別行政區的入境處，外國政府其實只需將這件事看成香港特別行政區的事，其實與現時的做法是一致的，而不必對中國現時的一些情況有過份的憂慮。我們希望這樣能夠使英國政府盡早作出一個正確的決定，給予特區護照免簽證的對待。

其實中國政府及香港已做了一切可做的事，以保證特區護照的簽發程序嚴密妥善。英國政府實在再沒有理由因為害怕特區護照濫發，而拒絕給予香港人免簽證優惠的對待。

本人謹此陳辭，代表民主黨支持議案。

**張漢忠議員致辭：**主席先生，特區護照問題一直是香港人最關心的過渡問題之一，其中有關護照式樣、簽發程序及與其他國家的互免簽證安排都引起了不少討論。新加坡率先表示，新加坡與香港有密切聯繫，保持兩地人民的自由出入十分重要，因此，新加坡政府願意在九七年後給予特區護照持有人免簽證安排。新加坡已成為首個公開表示有意豁免特區護照簽證的國家。令人遺憾的是，管治了香港百多年，與香港有更密切關係的英國，卻始終未承諾帶頭給予特區護照免簽證入境。

根據港府資料，在九七年七月一日約有550萬人有資格申領特區護照，九七年七月至十二月期間，共有約227 000本旅行證件的有效期會於一年內屆滿，其中包括47 000本英國國民（海外）護照及180 000本身分證明書。這些證件持有人都急需申請特區護照。因此，盡快澄清有關特區護照的各項問題是必需的。

民建聯一向認為，港府應為提早簽發特區護照和旅行證件，爭取特區護照獲各國豁免簽證事宜，積極提供協助和方便，並且確保英國國民（海外）護照及特區護照持有人獲得英國豁免簽證。

英國至今都沒有明確表示，特區護照獲得豁免簽證的理由，是以特區護照簽發程序未清楚，包括護照防偽措施、護照會否濫發，及仍須確定香港永久居民身分的定義等為理由，令人遺憾。

其實，這些問題均可以解決。英國外相聶偉敬在今年一月到北京訪問，中英雙方其後在一月十日草簽《關於簽發香港特別行政區護照準備工作的會議紀要》，達成了17項諒解及共識，就上述問題作了務實的安排：中國政府將授權特區政府依法給持有特區永久性居民身分證的中國公民簽發特區護照。特區護照的簽發機關將為特區入境事務處。本港入境處將發展一套既保安嚴密而又獨一無二的電腦化簽發證件和保存紀錄的系統，以便打印個人資料、把個人照片數碼化。中英雙方訂立一系列的行政措施，足以保障防偽和濫發的問題不會出現。至於確定香港永久居民身分的定義，根據《基本法》第一百五十四條，條文清楚寫明了特區護照持有人可以返回特區。故此，英國遲遲不肯對豁免簽證表態的藉口是不成立的。

主席先生，很多人在提到護照豁免簽證待遇時都會提及“對等”問題。“對等”的原則表面上看似公平，其實是絕對行不通的。香港人經常前往旅行的國家當中，許多在入境簽證方面從來都沒有跟香港有“對等的政策”。目前，香港居民持英國國民（海外）護照到美國、日本、澳洲及多數西歐國家，都要辦理簽證，而這些國家公民來本港，卻可免簽證逗留一個月或三個月。如果要實行對等原則，取消這些國家的旅客免簽證進入香港的權利，將會影響香港作為國際大都會的形象及打擊旅遊業，相信很多人會反對。在決定對外國公民入境限制的寬緊時，香港政府考慮的相信主要不是對方政府有沒有給予香港居民入境的方便，而是該國公民入境對香港有沒有好處。在這問題上，應從香港整體利益出發，以務實的態度處理，例如，他們的經濟能力怎樣？他們來港的目的是甚麼？是否一定依期返回他們的原居地？這些問題，比豁免簽證的“對等”更為重要。

本港作為國際經濟中心，要維持國際都市的地位，歡迎外國人來港經商旅遊，所以必須有穩定延續的政策。如果因為急於替特區護照向各國爭取免簽證入境，實行“對等原則”只會損害香港的國際形象，損害外國對香港的信心，結果可能會適得其反。

主席先生，大英帝國在香港管治了百多年，千秋功過，有待歷史評價。我在英國留學期間，看見不少政客的言論，提到英國的社會福利制度現已面臨破產，在殖民地的收益已不能支持本土的社會福利。英國在其殖民地大刮民脂民膏，已是不爭的事實。在撤離時造成的分化，例如將印度變為今日的印度、巴基斯坦和孟加拉、烏干達的難民潮、馬來西亞分裂出來的新加坡，都是英國撤離殖民地時刻意製造的，我們不希望在香港重演。香港今天的成果，除了是由勤奮的香港人締造外，還加上天時、地利、人和。無可否認，英國給予香港一個很好的社會制度。新加坡政府首先公開表示有意豁免特區護照簽證，其理由之一是與本港關係密切。但英國管治香港百多年了，與本港關係更加密切，仍遲遲未承諾帶頭給予特區護照豁免簽證，難免令人感到遺憾，以及令歐洲共同體及其他國家缺乏信心。

香港人並不要求甚麼，而只求方便，更重要的是心理因素。英國對香港有百多年的感情，實有道義上的責任去作出承擔。口惠而不實的虛偽表現，我們覺得對事情並無幫助。

主席先生，大英帝國強調要光榮又體面的撤退，帶頭給予特區護照持有人豁免簽證，將會給香港人留下良好印象，為其光榮撤退留下色彩。

主席先生，我謹此陳辭，民建聯支持這項議案。

**廖成利議員致辭：**主席先生，現時距離主權移交只剩下五百多天，但英國政府仍遲遲未承諾給予持特區護照人士免簽證。即使在較早前中英雙方已簽署紀要文本，就有關簽發特區護照的重要問題達成協議，但英方表示仍要就是否豁免香港人簽證問題再作考慮。

英方的延誤及猶疑，將同時影響到世界各國對豁免特區護照簽證的決定。英國本身屬英聯邦之首，又是歐洲共同體的重要成員，英國的決定，在相當程度上會影響到英聯邦及共市幾十個國家對持特區護照人士的待遇。英國作為統治了本港一百五十多年的宗主國，好應該帶頭行第一步，讓其他國



家了解到特區護照是值得信賴的。究竟英國政府為何多次推卸責任，一方面承諾本港平穩過渡，但另一方面卻口惠而實不至？

英國政府一直所擔心的，表面上似乎只是一些技術性問題，包括：

- (一) 護照製作過程的保安措施；
- (二) 護照的防偽程度；
- (三) 簽發護照地點；及
- (四) 誰人有資格領取護照。

一些歐盟及加拿大等國家，亦曾對以上四個問題表示關注，而這些問題，將會作為考慮是否給予港人免簽證的各點。然而，以上所述的首三項問題，已於較早前中英簽署紀要文本時取得了答案。在《簽發香港特別行政區護照準備工作會議紀要》中，確立了香港人民入境事務處成為特區護照的唯一簽發機構，中方負責印製空白特區護照，而九七年七月一日起，入境處將是訂取空白特區護照的機構。換句話說，特區入境處將成為唯一訂取空白特區護照、核對個人資料及打印個人資料在護照上的機構，故此不再存在剛才所說的第三項問題，即在甚麼地方簽發護照的問題。與此同時，在紀要文本上，英國亦承認特區護照的製作、保安及發出程序符合國際要求，故此，第一及第二項問題亦已迎刃而解。

剩下來是誰有資格領取護照的問題。近期出現“羅德丞事件”，難免令人擔心將來有人可憑其權勢或關係而取得特區護照。但正如上述所提及，如果整個簽發護照安排是由特區負責，所簽發的護照，應只會落在完全符合資格的人士手上。英方所一直擔心的，是中國駐外領事館可有權發出特區護照問題，本人認為中、英、港三方應進一步磋商詳細安排，確保九七後中國駐外領事館所發出的特區護照，必須由香港特別行政區入境處進行加簽、確認或蓋印手續，確保日後不會出現護照“濫發”的情況。

那麼，既然技術性的理由並不成立，是甚麼原因導致英國至今仍然用“拖”字訣，拖延承諾給予特區護照持有人免簽證入境的安排呢？骨子裏，只有一個原因，英國想向中國及香港講一句說話：“今次是有求於我。”這樣做，要達到一個甚麼目的呢？似乎是要增加英國的談判本錢，與中國有所交換。

英國做法，實際上是一種“吊高來賣”的做法，而效果只是“損人不利己”。對香港，所影響的不單止是削弱特區居民的出入境及旅行自由，亦影響了本地的旅遊業及工商業發展。

如果特區護照得不到英國的免簽證安排，亦將影響了其他國家對特區護照的信賴。這個現象，卻是與英國“光榮引退”的國策相違背的。

相反，英國政府應該採取“互惠互利”的國策，從速承諾豁免特區護照簽證安排，一方面令香港保持經濟競爭力，特區居民高度享受現時擁有的出入境及旅行自由；另方面，令英國在國際上確立正面形象，有助光榮引退。

本人謹此陳辭，支持議案

**MR DAVID CHU:** Mr President, some of us in Hong Kong are too polite to point out the obvious, which is, British promises of moral responsibility cannot be taken literally. There is no better proof of that than the whole issue about nationality and passports.

We remember that back in 1981 the United Kingdom adopted the Nationality Act which deprived 2.5 million of our residents their British citizenship. I personally do not blame the British for protecting their perceived national interests which include closing the door on most of us. I also do not blame the British for returning 50 000 full passports to those of our people who can cause an economic boom wherever they settle because that too is in their national interests. What I object to is for some British leaders repeatedly telling us that they are morally obligated to us and yet do things inconsistent with their vows. I think that kind of behaviour insults our intelligence.

Some legislators have high expectations of British and that is why they are constantly frustrated by what it does. I am realistic and do not ask for what is unattainable. All I want from Britain is to keep Mr Malcolm RIFKIND's promise to put the Special Administrative Region (SAR) passport matter at the top of his foreign policy agenda.

I believe it costs Britain nothing to grant SAR passport holders visa free entry into the United Kingdom. We as a people have a proud record of not

being unruly guests in other countries. The British Government says it may be difficult to persuade its ethnic Indians and Caribbeans that the Hong Kong case is special. I find that argument disingenuous because our present and future relationship with Britain is unique and Mr RIFKIND told us so when he recently visited. Britain, the departing sovereign, can do much to set an example for other countries, particularly those in the Commonwealth, to afford SAR passports due recognition.

With these comments, Mr President, I support the motion.

**MISS CHRISTINE LOH:** Mr President, I was very happy to hear on the 10th of this month of that Britain and Hong Kong had agreed on the preparation for the issue of the SAR passport with China, and on a scheme to issue the passports to eligible applicants from 1 July 1997.

This means that we have taken a significant step forward to ensure Hong Kong people's future travel convenience overseas. The established security procedures for the issuance of the SAR passport appear to be satisfactory. I assume Britain finds the security arrangements entirely satisfactory since it had a hand in formulating and agreeing to them. As for third countries, the initial response on the security and quality of the passport is also encouraging.

As for eligibility, this important question is of course still unsettled. The Director of Immigration informed this Council that details of eligibility criteria are still under discussion at the JLG, although he expected the majority of Hong Kong permanent residents who are ethnic Chinese will be eligible. The reason for the delay is that China has yet to decide on exactly who qualifies as a Chinese national.

Until this matter is finally settled, I doubt any country, perhaps even including Britain, would decide on granting SAR passport holders visa-free privileges. Furthermore, there may be doubts in the minds of third countries whether political pressure may be applied on the SAR Government to grant Chinese nationals SAR passports to which they are not legally entitled. I agree

therefore with the Honourable Bruce LIU that there may be this fear precisely because of the case of Mr LO Tak-sing who somehow obtained a Chinese passport, where it was previously thought that Hong Kong residents were not entitled to them.

Beyond the issues of security and entitlement, there is of course the issue of the political environment after 1997. Some countries have already said that while they would like to consider positively the granting of visa-free privileges to SAR passport holders, they would have to first see the political situation here post-1997.

Well, Mr President, you may recall that last November, a number of British businessmen were detained for up to nine hours at the Hong Kong-China border and fined Hong Kong \$500 each for not having visas to enter China. It appeared that the issuing of temporary visas had been cancelled by China without prior notice. The cancellation was due to Britain having earlier cancelled granting transit visas to Chinese nationals.

I made some enquires with the Foreign and Commonwealth Office as to the reasons for Britain cancelling granting transit visas, obtainable upon arrival in Britain, to Chinese nationals. I am told that the Home Office's view was that the action had been taken to prevent abuse. I am further told that the "abuse" in question concerned a rapid increase in asylum applications after the transit visa arrangements were put in place.

Taking that as an example, third countries may wish to wait to decide whether to grant SAR passport holders visa-free privileges when they are better able to make an assessment of the political environment here in the future. It may be sobering for us to note that no less a figure than the Director of the Hong Kong and Macau Affairs Office said recently that realistically, he did not expect all the countries which grant BNO passport holders visa-free entry at present to grant the same privilege to SAR passport holders.

Mr President, China's action will have everything to do with Hong Kong's future political environment. If China shows great restraint, and respect Hong Kong's autonomy, then I am sure, Hong Kong people will want to stay in this city which they love so very much. There will be no question of people seeking

asylum overseas.

As far as Britain is concerned, since the British Government continues to tell us that it has the greatest confidence in China honouring the Joint Declaration, it should have no problems to be the first to grant SAR and BNO passport holders visa-free access to the United Kingdom after 1997.

In this regard, I fully support the motion. I must also commend the Immigration Department for their planning and their foresight to have been able to put forward an excellent plan and seeking of finance for putting in place the proposal to issue SAR passport after 1997. To end, Mr President, I would just like to add that I concur entirely with the Honourable Dr LEONG Che-hung and the Honourable Miss Emily LAU in plugging at British nationality for all Hong Kong-British subjects and I agree rarely with Mr David CHU but on this occasion. I agree with him entirely that Britain is hypocritical and I am entirely sorry that over the years while Britain tells us that she intends to honour her moral commitment, she has never actually bothered to do very much about it.

I am particularly concerned about the plight of the ethnic minorities. I was extremely upset with Mr Malcolm RIFKIND, the Secretary for Foreign and Commonwealth Affairs, when he was here before this Council for not being willing to confirm that there is a world of difference between the ethnic minorities having just the right of abode in Hong Kong after 1997 and having full nationality. I think this is something that we still need to thrash out in February and I am sure we will want to put this at the top of our agenda.

There is one issue. Mr President, I am told by the ethnic minorities that the Government is now making enquiries as to whether they know an accurate number of the people concerned. I must say, Mr President, it is very difficult to ask non-governmental organizations to really come up with an accurate figure. I am sure, of course, the Government does not want to grant ethnic minorities British nationality and then to find that the number is very much greater than they have estimated. The number at present, Mr President, is estimated by them to be somewhere between 3 000 and 4 000. But surely the Immigration Department is in a much better position to go through their records to find out what that number may be, and therefore I urge the Government to spare no effort to find out what that number is, and for the Hong Kong Government including

the Governor and Members of the Executive Council, to also put a very strong united front position to the British Government.

Thank you, Mr President.

劉健儀議員致辭：主席先生，香港是一個國際性的經濟、貿易和金融中心，而每年出外旅遊及公幹的香港人數不斷上升。現時絕大部分持有旅行證件的香港人都是擁有香港英籍護照，因此他們可享有八十多個國家免簽證的待遇。

免簽證不但方便人們去“遊埠”或度假，更重要的是為有需要出外經商的人提供方便。做生意是分秒必爭的，機會要抓緊。如果到外國商談生意，每每要申請簽證，左等右等，機會便會溜走了，人家是不會等待的。現時與來自台灣及大陸的商業對手相比，香港的企業家可以因免簽證而立即起行，傾妥生意後可以回港繼續其有關的生產工序或發展有關市場策略；而那邊廂的對手，卻仍然留在台北或上海，為了等待有關簽證而心急，慢了何止幾拍。現時香港人享有免簽證的方便，對從商者無疑是一種重要的優勢，但更重要的是如何在九七年後仍然維持這種優勢。

較早前，中國政府已公布了九七年後香港特區護照的模樣，而港府也宣傳特區護照的頒發會在嚴謹制度下進行，在印製方面會採用先進的技術以防偽造。對香港市民來說，這當然是一項好消息。但是無論包裝得怎樣精美，製造得如何精密的旅遊證件，如果得不到外國免簽證的待遇，這些護照的實用性會受到大大的質疑。要特區護照有內涵，華而不實，不但要取得國際認同，更要得到其他國家免簽證的特遇。

英國是泱泱大國，如果英國政府能帶頭盡快給予香港特別行政區護照持有人免簽證入境，相信此舉會大大加強西歐各國對特區護照的信心，從而提升特區護照在國際間的認受性。

在這過渡期間，英國政府曾多次表示對香港在九七年後發展充滿信心。甚麼經濟發展、安定繁榮等這些動聽的言詞，香港人已耳熟能詳。現在香港人所希望的是實際的行動，而不是美麗的謊言。盡快給予特區護照免簽證待遇，這才是切切實實英國對香港信心的保證。

況且，免簽證的安排是互惠互利的，此舉不但可以刺激兩地旅遊發展，也會同樣助長兩地貿易、通商往來。相反，如果英國遲遲不答允免簽證的安排，這不但大大打擊香港人信心，更大大打擊英國在國際舞台上扮演道義

士的形象。

我強調，今天香港人不是乞求英國政府給免簽證的待遇，而是希望中英政府在互利互惠的情況下，達成免簽證的安排。因此，本人支持楊孝華議員的議案。

**詹培忠議員致辭：**主席先生，今天這項議案辯論，我個人堅信會得到大部分，甚至全部議員的通過和支持。但事實有何作用，大家都心中有數。首先，我會就這問題提出一些立場和看法。

我們必須緊記，在以往來說，英國有責任照顧350萬在香港出生或歸化英籍的香港人。但自從一九六九年後，她分別以數項條例，令香港人一點權益也沒有了。從這方面，大家可以看到英國政府確實是一個“國際政治狐狸”，這是世界公認的。雖然她可能對我用這字眼很不高興，但“狐狸”是表示她有經驗和奸詐，而並非大家一般看得到的如老虎般的惡。中國政府可能扮老虎，但英國是狐狸。布政司不是不喜歡聽這種批評吧？

英國已經管治了香港一百五十多年，無可否認，我們必須欣賞英國政府給予香港一個制度，特別在司法制度方面，令香港可以自由發揮。但是自一九八二年首相戴卓爾夫人在北京同意將香港的一切權力交還中國後，我們看到英國在各方面發表的“為香港”“為香港”的言論全部都是假的。大家可以看到，立法局本可過渡至九七，但是由於總督在八九年之後制訂所謂人權法，導致今天的立法局議員在九七年六月三十日要全部“落車”，包括主席先生在內，以後你能否當主席，還是未知之數。因此，從這件事可見英國事實上是絕對不負責任的。

至於香港政府的立場又如何呢？香港政府是直接管理香港一切有關治安和經濟等事務。最近英國外相竟然將越南船民問題的一切責任推給香港政府，所以在這個問題上，香港政府自己應有責任表達意見，不可以一切任由英國安排。因此，就特區護照這問題，政府有責任很清晰地表達如何代表香港人向世界其他國家爭取。

同時，值得一提的是，最近我在報章上看到魯平主任將特區護照與身分證明書作一比較，我覺得很遺憾。因為身分證明書只是一本旅行證件，並無國籍。以前我到外地時會填自己是“Chinese”，即表示我是中國人，但別人會劃去，說我是無國籍的。我謹藉此機會向香港市民說，以後填寫國籍時

要填香港身分證明書，那就不會被人劃去。因此，魯平主任說身分證明書可能較特區護照更有效力，我覺得很遺憾，因為特區護照最低限度是表示香港回歸中國，持有人是一個中國人。無論將來特區護照獲得多少個國家承認，持有人也是堂堂一個中國人，身分證明書只不過是一本旅行證件。因此，我很希望魯平主任在適當時間能夠正式表達一個明確的態度，不是指特區護照的作用，而是它的代表性。

剛才我聽到朱幼麟議員說，他不會批評英國，因為英國是為了自己的利益，這是可以理解的。我也知道朱幼麟議員自己擁有的是美國護照，雖然他聲明以後會把它丟掉，但如果他持有一個更有效的護照，而香港人，例如我則持有身分證明書，這代表性便不甚公平。

主席先生，以後香港人應如何面對這問題，我個人的看法是，最重要是大家自己要給自己信心，自己建立自己的條件。剛才有些議員說，大家應該為未來，與人對抗是不應該的。我個人的看法則絕對不是這樣。我們自己建立自己的經濟條件之餘，還要爭取同等待遇。如果別的國家不給我們免簽證，我們也對它們作出同樣考慮。說不定有一天我有機會具有影響力的話，我也會主張這樣的提議，就是作為一個香港人，自己要對自己有信心，自助助人助，自愛人愛。如果其他國家不讓我們持自己的證件入境，我們就要以牙還牙。

現時持英國及英聯邦證件來港不但可以入境，而且還可以工作。但我們到那些國家只可旅遊、探親或花錢。他們現在可以來港工作賺錢，所以我認為沒有問題，將來只要我們也這樣做法，誰的損失較大呢？正如我所說，如果自己沒有經濟條件的話，便沒有資格以對抗方式跟別人爭取權益。立法局議員也一樣，黨大的自然可以提出任何問題，施以各種壓力。

主席先生，我絕對支持這項議案。

**蔡根培議員致辭：**主席先生，香港是一個國際知名的自由港。香港人享受到完全的出入境自由，香港當局簽發的旅行證件，特別是英籍護照得到世界很多國家免簽證入境的待遇。故此，香港人可以很方便出外從商、留學及旅遊，因而對推動香港的經貿活動很有幫助。

九七年香港回歸中國後，絕大部分香港的中國公民將會持有特區護照，而且將仍有為數不少的香港人持有英國國民(海外)護照，作為其旅行證件。

英國國民(海外)護照既然是英國政府授權下簽發的旅行證件，英國對



持有這項證件的人士給予免簽證入境的待遇是理所當然，責無旁貸的。如果不是這樣，英國政府又如何能夠說服其他國家給予英國國民（海外）護照持有人免簽證入境的待遇呢？

至於對將來特區護照的持有人，英國政府應有道義給予其免簽證入境的待遇。目前，英國政府口口聲聲說關心香港居民九七年後的前途及自由，如果英國不帶頭給予特區護照持有人免簽證入境的待遇，怎樣可以鼓勵其他國家，特別是歐美各國採取同樣措施呢？若不是這樣，英國政府所講的責任，豈不是一派謊言嗎？我們希望這個問題不應因為中英爭拗而遲遲不能解決。目前，中方已就將來特區護照的製作採取了相當嚴謹的方法，而且近日中英雙方已就簽發香港特區護照的安排達成協議，確認只有香港特別行政區入境事務處才能簽發特區護照。這有助於世界各國對特區護照的信心，本人深切盼望中英雙方盡快就香港永久居民定義達成協議，而英國亦應率先承諾給予護照持有人免簽證入境待遇，並協助中國向世界各國推介此護照。

主席先生，本人謹此陳辭，支持議案。

**顏錦全議員致辭：**主席先生，各位同事，本人對英國至今仍然不肯給予香港特區護照持有人豁免入境簽證，表示不滿和遺憾。

民建聯對英國處理香港特區護照的態度和立場，已經由張漢忠議員清楚表達，本人謹此補充個人的意見。

英國強調在給予香港特區護照豁免入境簽證之前，需要中國澄清特區護照持有人的申領資格和護照的生產製造程序。我們均了解到特區護照持有人的資格在《基本法》中已有清晰條文規定，《基本法》亦已公布多年，假如英國對有關安排和持有人的資格有任何疑問的話，可透過中英聯合聯絡小組處理，而不應藉此拖延，推卸責任。

現時英國是管治香港的，香港人可以申領英國國民（海外）護照進入英國而無須辦理入境簽證。雖然在九七年七月一日起，香港的宗主國是中國，但使用香港特區護照的人和現在使用英國國民（海外）護照的人是不會有很大的差別，再加上中英兩國建交多年，因此實難令人明白英國為何吝嗇、拖延、甚或拒絕繼續給予使用香港特區護照的香港人豁免入境簽證。

香港現時已是國際知名的都市，也是世界性的金融、財經、貿易、資訊和通訊中心，存在極其重要和受到重視的肯定地位，香港的繁榮發展對國際間也有一定的影響。香港人因為英國提供豁免入境簽證，所以現時外出公幹、進修和度假等，都享受一些方便和優惠，加上不少香港人在外國有親戚、朋友，更加上近年不少香港人移民外地，故此出入境的自由、方便和順暢對香港人來說是必需且不能或缺的了。

而事實上，英國本身已擁有不少香港的移民，每年亦有不少香港人前往英國讀書、旅遊和經商；所以英國能夠率先給予特區護照持有人豁免入境簽證，只會繼續鞏固香港的國際形象，加強國際對香港的信心。

至於護照的生產製造程序方面，中國政府已清楚表明製作的過程是以先進的科技來生產，並強調會以慎重的態度處理護照的保安工作。中國政府更將護照的樣本公開展示，同時亦將樣本送交英國政府參考。英方專家承認特區護照是一本高品質的護照，技術達到世界一流水平，甚至超過目前的英國國民（海外）護照和中國公民護照，英國並稱讚特區護照防偽標準極高。至於日後簽發護照的機構乃現時負責處理英國護照的人民入境事務處，英國實在不能對此部門的辦事能力和方式有所質疑。

因此，本人認為英國實在沒有必要去拖延，或以各種理由來刁難給予香港特區護照持有人豁免入境簽證，推卸其對香港人的應有道義責任。最後，本人重申，英國政府必須給予香港特區護照持有人豁免入境簽證，保證香港的平穩過渡和繁榮。謝謝主席先生。

涂謹申議員致辭：主席先生，民主黨完全支持楊孝華議員的議案。我們認為英國絕對應該帶頭給予香港將來的特別行政區護照免簽證待遇。

首先，《中英聯合聲明》提到英國在後過渡期的責任是要確保香港的繁榮安定，而英國也屢次強調說要透過這份《聯合聲明》保證將來香港能享有高度自治，以及現時的人權、生活方式等各方面能夠延續下去。如果現在英國說不給予特區護照免簽證，是因為害怕將來會有大量特區居民湧入英國，這代表甚麼呢？是否表示《聯合聲明》所確保的承諾會落空；還是那些條文根本不能確保香港的繁榮安定能得到延續？我認為英國必須帶頭做一些事情，才能令其他國家作出相應合作，對這本特區護照予以寬鬆處理。

最近中英雙方就九七年後特區護照的簽發安排達成協議，對香港人來說，這是值得歡迎的。因為最低限度可以確保是一個合作的開始，配合將來發證和簽證等的安排，希望盡量做得更好。而這份會議紀要也肯定了幾點，我們覺得是正面的。

首先，它確定了將來特區護照簽發資料的唯一儲存地是香港。因這緣故，令特區護照的批核權確實是在香港。當中有些條文不太清晰，但在本局保安事務委員會上，香港政府澄清了相當多的問題。有關中國的駐外使館將來有否權力全權簽發護照這問題，以我們從香港政府所得的理解，會議紀要中所說的中國駐外使館所謂簽發特區護照，其實是方便香港將來的永久性居民在外地旅遊時，如果遺失或種種緣故，可補領護照。整個程序實際上是由駐外使館或代辦機構將所有的資料，無論是透過空運或傳真，送到香港的入境處，經該處檢查批核後，在空白的護照內載上那些資料，然後才寄回有關的駐外使館。換句話說，其實駐外使館只不過是扮演一個代傳角色，即是將特區護照遞交給申請人，而不是在那裏進行所有程序。

不過，這個說法只是香港政府官員提出。我希望中國政府能夠透過官方渠道，向全世界各國確認這做法是將來的做法。我相信特別在開始時，這種做法可令全世界政府對這簽發程序更安心，知道在九七年主權移交後，不會有大量中國內地的人可以違法地或酌情地擁有香港將來的特區護照，使這本護照能夠更有認受性。如果能更清楚控制簽發程序，便會令外國政府再沒有任何藉口，不簽發簽證給特區護照。

較早前，羅德丞先生取得中國護照事件，以及有報導指中國政府備有不准進入中國境內人士的黑名單，封殺一些批評中國政府的香港異見分子，確實令其他國家和政府產生不必要的憂慮，擔心將來特區護照的持有人會否有一部分是不能返回香港的，又或一些人會否被特別對待。這樣就令外國政府有藉口，懷疑特區護照持有人能否返回香港。由於一名護照持有人能否返回原居地，是外國政府考慮可否給予這本護照優惠或免簽證待遇的最重要因素，因此，民主黨期望中國政府能夠嚴正處理申請和批核的手續，並向全世界說明，根據《基本法》和國家政策，特區護照持有人是絕對有權返回中國境內的。

最後，民主黨呼籲中英雙方能夠攜手推介英國國民（海外）護照和特區護照。我更要呼籲中國政府不要以為英國國民（海外）護照是由英國簽發的，所以在對比之下，希望特別抬高三區護照的地位。誠然，作為特區護照的持有人，我們是一個堂堂正正的中國人，以有護照和回歸中國主權而自豪。但

是，在現實的情況下，在九七年七月一日主權移交之後的一段日子，仍有很多市民需要英國國民（海外）護照所擁有的一些簽證方便，往外國經商和旅遊。任何對這本護照現時所得到的優惠或方便的打擊，都會間接傷害了香港將來的繁榮和安定。我們希望有關方面切記這點。

主席先生，本人謹此陳辭，支持楊孝華議員的議案。

**保安司致辭：**主席先生，政府與廣大市民和各位議員都有一個共識，就是持有香港特別行政區護照的本港居民，在旅遊時應該享有最大的方便，在九七年後出外旅遊才會不受影響，這一點是非常重要的。鑑於香港的經濟是一個外向型的經濟，香港是一個國際金融和貿易中心，本港居民得以自由無阻地出入全球各地，是維持本港繁榮的一大要素。

因此，我們非常重視世界各國，特別是與香港有密切經濟和旅遊聯繫的國家，容許持有香港特別行政區護照的人士免簽證入境，其中一個國家當然便是英國。英國政府先前已明確表示，必須先行取得進一步的資料，包括有關妥善印製和簽發特別行政區護照的安排，以及申請的準則，才會就免簽證入境作出決定。很明顯地，任何第三國家在考慮給予香港特區護照持有人免簽證入境時，都會需要得到這類資料。

正如各位議員所知，最近中英雙方簽訂的《香港特別行政區護照會議紀要》，以及英國外相訪問北京，都對提供這些資料有所幫助。特區護照的技術細則、現時香港政府的人民入境事務處以及未來特區的入境處所擔當的角色和責任，現在已有分曉。但雙方仍要繼續討論和解決申請資格等重要問題，這方面將會牽涉永久性居民身分的界定。中國副總理錢其琛先生在北京就這問題向英國外相作出的保證，將會作為我們討論的基礎。英國外相於本月初訪問北京時曾經表明，英國政府可於不久將來，考慮給予香港特區護照持有人免簽證進入英國。他表示希望能在兩、三個月內作出決定。

香港政府完全贊同讓香港特別行政區護照持有人，可獲免簽證進入英國，以至任何國家或地區。我們會竭力嘗試，努力不懈，向第三國家解釋簽發新的特區護照所涉及的安排，令他們相信讓香港人享有高度的旅遊方便，會為雙方都帶來好處。如有需要，我們還會向他們保證，持有這些護照的香港人必定可以返回香港。

各位議員亦提及關於英國國民（海外）護照的持有人繼續獲豁免簽證進入英國的問題。自一九八七年推出英國國民（海外）護照以來，這項安排一

直都有貫徹執行。英國國民（海外）護照上亦註明根據《英國入境事務規則》的規定，本護照持有人到訪英國時，毋須辦理入境證或簽證。英國政府並沒有計劃改變這項安排。

毫無疑問，香港特別行政區護照和英國國民（海外）護照獲得世界各國的良好待遇，對香港至為有利。要實現這個目標，不但有關的政府需要努力，香港旅客也要維持他們在出外旅遊時一貫的良好紀錄。在這方面，我抱樂觀的態度，只要有關的政府和市民能盡自己的努力和本分，這個目標是可以實現的。

**PRESIDENT:** Mr Howard YOUNG, you are now entitled to reply and you have five minutes 33 seconds out of your original 15 minutes. Do you wish to reply, Mr YOUNG?

**MR HOWARD YOUNG:** Mr President, firstly I would like to thank the 15 Members who have spoken in this debate. Obviously we have a great deal of consensus. Many of the people who spoke have mentioned that Britain should have no fear about the credibility, about the security measures and about the design of the SAR passport. This was mentioned by many Members, including the Honourable Ambrose LAU, Mrs Selina CHOW, LO Suk-ching and many others in their speeches.

Many of our Members have also drawn attention to the fact that when it comes to international travel, apart from easy departure from Hong Kong, acceptance of Hong Kong people's travel documents and hence entry to foreign countries is very important. Visa-free entry makes a big difference in time, in money, in overall convenience and credibility. Many of our Members have alluded to this in their speeches, and I notice that this point was picked up in the Honourable Mrs Miriam LAU's speech, and by the Honourable Miss Christine LOH and CHOY Kan-pui and many others.

The United Kingdom today already grants visa-free access to about 100 countries, many third-world ones with an average GDP which is a fraction of Hong Kong's. The United Kingdom, by far, is the leading European tourist, business and transit destination for 60% of all Hong Kong trips to Europe. Travel and tourism as a whole, as far as the United Kingdom is concerned, is a

negative income industry because their citizens spend more money overseas than tourists bring in. So I am sure the valuable tourist money, let alone all the recent snapping up of London property by Hong Kong investors, brought in annually by 150 000 Hong Kong tourists should be very much valued by the British Tourist Authority.

Out of over a million European visitors to Hong Kong, Britain accounts for about a third of a million. They all arrive here without a need for a visa and that point was pointed out by the Honourable CHIM Pui-chung and many others. Foreign Secretary Malcolm RIFKIND went to great pains to point out that Britain had £70 billion of investment and £2.7 billion of exports to look after in Hong Kong after 1997. It would be in nobody's interests, especially Britain's, if British travellers and businessmen had to put up with a lot of hassle, such as those unfortunately experienced by a group of Hong Kong British students and a British tourist in China recently, just to come to Hong Kong to look after their investments and markets.

If Britain does not act decisively and make an early positive decision to take the lead in granting visa-free access to SAR passport holders, I fear that loss of goodwill and calls for retaliation will be hard to prevent. Indeed, the Honourable CHIM Pui-chung in his speech mentioned "tit for tat", but I am glad to note that the Honourable CHEUNG Hon-chung said that in the end this sort of action would only harm both parties.

Mr President, some Members have mentioned the fact that Britain already grants visa-free access to many countries. I have done some research and I have found that at least there is one African country, where Britain does grant visa-free access to their nationals, has an average GDP income of US\$1,377. Another Asian country near the Indian subcontinent which also enjoys visa-free access to the United Kingdom has an average GDP of US\$1,373, and this compared to Hong Kong is really less than 10% of our average GDP. So, all the fears of Hong Kong people flooding to Britain to try and settle down and become illegal immigrants whatsoever are really groundless.

Mr President, I am glad that the Secretary for Security has mentioned that the Government is thinking along the same lines as Councillors during this debate, and we all recognize that freedom of travel in Hong Kong is very important and we wish to maintain it.

I would lastly mention that, in regard to the Honourable Miss Emily LAU's remarks, my mention of democracy and freedom was not to show that they are mutually exclusive. They are indeed complementary.

*Question on the motion put and agreed to.*

## **FREEZING OF GOVERNMENT, PUBLIC UTILITY CORPORATIONS\* FEES AND CHARGES, AND PUBLIC HOUSING RENTALS**

***MR SIN CHUNG-KAI to move the following motion:***

"鑑於現時通脹高企，失業率持續攀升，以及政府擁有豐厚盈餘和儲備，本局促請政府凍結與民生有關的收費和公屋租金，同時亦要求各主要公營及私營公共事業機構，自動凍結票價和費用在現有水平，為期一年，以減輕市民沉重的生活負擔。"

單仲偕議員致辭：主席先生，本人動議通過議事程序表所載以我名義提出的議案。

回顧過去一年，香港市民最關注和最擔憂的問題仍然是香港的經濟發展和失業情況。每當新一季的失業率和通脹率公布時，傳媒也會用不少的篇幅去報導，而坊間在這一年裏也進行過無數次有關市民對失業情況的調查。最令人感到憂心的就是過去一年來，本港的失業率和就業不足率都在持續上升，而通脹率則維持在高水平。根據港府最新公布的資料，九五年九月至十一月經季節性調整的失業率仍然高企於3.6%，是11年以來最高的水平，估計失業人數已達115 000；而就業不足率臨時數字為2.2%，估計就業不足人數也接近七萬人。至於九五年十一月的通脹率雖較九、十月時有輕微回落，但仍達8.2%，此外，政府近日亦指出了去年申領綜合社會保障援助的人數已達至有史以來最高的129 000多人，較上年度上升了24.5%，而其中因為失業而申領綜援的人數增幅逾八成，令港府要增撥超過11億元來應付。

高通脹、高失業率已困擾香港市民一段頗長的時間，踏入九六年，情況似乎也沒有好轉。面對着香港現時的經濟不景，加上“打工仔”的生活質素不斷下降，政府實在不可以再袖手旁觀。事實上，政府甚至香港的主要公用事業機構，只要願意在這階段凍結服務收費，已經可以減輕市民日常生活上部分的經濟負擔，紓緩了他們沉重的生活壓力。因此，本人謹在此動議：

“鑑於現時通脹高企，失業率持續攀升，以及政府擁有豐厚盈餘和儲備，本局促請政府凍結與民生有關的收費和公屋租金，同時亦要求各主要公營及私營事業機構自動凍結票價和費用在現有水平，為期一年，以減輕市民沉重的生活負擔。”

對於“打工仔”來說，在要面對隨時失業的威脅和需要努力節省開支以備“積穀防飢”的處境下，政府還要在一些市民日常生活上必需的服務，例如醫療、教育、水務和郵政服務等提高收費，實在是“落井下石”的做法。根據政府九五至九六年度的收支預算案預測，政府在九五至九六年度的總經營收入約1,589億元，假如政府在醫療費、學費和郵費的收入方面未能得到預期的增幅，只維持於九四至九五年度相若的收入，結果也只會令政府少收六億元左右，即令政府預計的收入下降0.38%。由此可見，政府凍結與民生有關的收費，對公共財政的影響是極微小的，而以現時香港擁有1,453億元的財政儲備，是有足夠的能力去應付削減的收入。

在公屋租金方面，全港有四成以上的市民居住在公屋，而大部分的公屋居民均屬於低收入家庭，失業率持續攀升和通脹高企對這些家庭的影響最大。由於租金佔了家庭開支的重要部分，而且它又是影響甲類消費物價指數變動的最大因素，因此，凍結公屋租金不但能遏抑通脹，並且能大大減輕低下階層人士的生活負擔。稍後我的同事李永達議員將會就凍結公屋租金這方面的問題向大家詳細申述。

在本港除了政府部門為市民提供服務外，市民在日常生活中所需的大部分服務均是由公營和私營公用事業機構所提供。這些機構所提供的服務範圍更廣泛，包括了各種運輸交通工具、電力和煤氣，因此，我們絕對不可忽視這些公用事業機構在提高收費時對民生所造成的影響。

首先談談三鐵。地鐵、九鐵和輕鐵是屬於公營的公用事業，是政府全資擁有的機構，三鐵作為服務市民的主要集體運輸系統，它有責任為市民提供快捷、安全而廉宜的交通服務，而且它的收費必須是合理和市民可負擔的。當然我們明白到經營各種公共交通工具時，它的收入除了可平衡機構的運作成本和開支外，還須讓機構賺取合理的回報以作日後投資改善服務之用，但我必須強調，政府成立公營公用事業機構的目的絕對不應該是為了賺錢。因此，我們認為既然地鐵和九鐵公司本身的財政狀況非常穩固，而且有大量盈利，實在無必要亦不應該仍按慣例地每年提出加價。

地鐵公司在九五年上半年度的盈利接近5.7億元，較去年同期增加了12%，盈利非常可觀。以地鐵公司豐厚的盈利，加上每年乘客量的增長，縱



使凍結票價一年，結果其實只會令地鐵公司不能達到機構本身所設定的10%內部回報率，對機構本身的財政狀況根本不會帶來甚麼影響。

九鐵公司的財務情況比地鐵公司更理想。九鐵公司在九四年的整體盈利為11億元，按照九鐵公司預測，踏入九六年，九鐵所有的債務應該已經清還。而據九鐵總經理近日向傳媒透露，九鐵於九五年的乘客量較九四年上升了5%，乘客量的增加相信又會令九鐵公司的盈利繼續攀升。至於輕鐵，雖然在九四年仍有輕微的虧損，但輕鐵經營時間尚短，不能要求即時有回報，而且從輕鐵過去幾年的經營狀況來看，輕鐵乘客量每年均有顯著的增長，若然服務質素不斷改善，吸引更多乘客，相信輕鐵在未來數年也會轉虧為盈。而且九鐵公司是輕鐵的母公司，擁有豐厚的財政狀況，足以應付輕鐵這些微的虧損。

地鐵和九鐵公司財政穩固，擁有豐厚的盈利，凍結票價一年對機構的營運絕對沒有問題，但卻能大大減輕市民在交通方面的支出，因此，民主黨要求三鐵不要在今年五月提高票價。

除了公營的公用事業機構，本港主要的私營公用事業機構還包括了九巴、中巴、城巴、油 地小輪、天星小輪、港燈和中電。這些私營的公用事業機構在經營上均獲得政府批予的專營權，保障了他們所經營的服務有一定的市場佔有率，換言之，亦保障了他們有一定的生意額和收入。既然這些私營公用事業機構享有政府給予的優惠，他們同時也應該要對市民負上一定的社會責任。

關於要求私營巴士公司和渡輪公司凍結收費的問題，我的同事黃偉賢議員稍後會向大家詳細分析。

至於香港兩間電力公司，港燈和中電亦分別獲得政府給予在本港供電的專營權，並且與政府簽訂了管制計劃，而管制計劃規定兩間電力公司可獲得的准許利潤為公司固定資產平均淨值的13.5%。同時政府亦規定兩間電力公司必須成立一項發展基金和減費儲備基金，以分別協助購置固定資產和減低用戶收費之用。我們要求兩間電力公司凍結收費一年是可行的，因為兩間電力公司可運用本身的發展基金和減費儲備金填補未能增加電費的收入，況且兩間電力公司在過去幾年都有相當可觀的回報率，縱然未能增加電費，相信對公司整年度的收入也不會造成重大的影響。

在九五年期間，民主黨曾多次要求政府和公用事業機構體恤民情，攜手

合作凍結收費，事實上，政府凍結與民生有關的收費是責無旁貸，而公用事業機構所提供的服務與市民生活息息相關，在這經濟不景的情況下，凍結收費以減輕市民的經濟負擔也是各種公共事業應盡的社會責任。

主席先生，田北俊議員、陳婉嫻議員和任善寧議員分別就本人的議案提出修正案，我的同事黃震遐議員將就他們的修正案發言，作出回應。

本人謹此陳辭，提出議案。

*Question on the motion proposed.*

**PRESIDENT:** Mr James TIEN, Miss CHAN Yuen-han and Mr YUM Sin-ling 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 three amendments debated together in a joint debate.

The Council shall now debate the motion and the amendments together in a joint debate. As Members were informed by circular on 19 January, under Standing Order 25(4), I shall ask Mr James TIEN to speak first, to be followed by Miss CHAN Yuen-han and Mr YUM Sin-ling; 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 JAMES TIEN:** Mr President, when western economies go into a tailspin, their public coffers go with them. But not so in Hong Kong. We are lucky to have an Administration which has a mountain of reserves garnered through the years during which our boom generated more money than it could spend. As our slump deepens, people are wondering whether the Government should share the bounty just as they themselves had to share theirs with the taxman.

Exactly how rich is our Government? Let us see. The Government has accrued \$480 billion in the Exchange Fund and \$150 billion in fiscal reserves. On a per capita basis, we are only behind Singapore in this category. Just in fiscal reserves alone, we are six times ahead of the \$25 billion which the Administration feels is quite enough as an inheritance to the Special Administrative Region (SAR).

Exactly how poor is our economy today? The Government keeps telling everyone we are doing fine with a GDP growth of 4.5% forecast for this year, including spending on the New Airport. But a 4.5% growth rate is half of what we were achieving a decade ago and half of what Singapore is managing now. At this rate, we are going to accomplish something spectacular, namely, the most stagnant economy in East Asia after Japan.

As I have said before, all you have to do to experience how grim the situation is is by walking around Causeway Bay and counting the number of store closures and the fire sales. Take a stroll down there again. Notice this time around the various gimmicks used by restaurants to attract diners as their profits go down the drain, thanks in part to the trade effluent surcharge.

Statistics show the same story. TV media today report property prices fallen by almost a third from their peak because of a lack of demand. The Government itself has just slashed its asking price for a prime site in Kowloon. The recent Christmas was the gloomiest that shops had for a very long time and the Chinese New Year may not be any better.

If there was anything remarkable about 1995, it was the massive shake-up to the retail and catering businesses. Today, bankruptcies continue unabated. In the first half of 1995, there were 55 000 retail outlets in Hong Kong but fewer than 51 000 by the second half. The catering industry suffered worse, losing one restaurant in ten over the same span. The Government, Mr President, would be most negligent if it continues to shrug at this rate of companies folding because the retail and catering trades are small businesses employing many workers.

The Government has rightly made a fuss about unemployment, but not a squeak about the cause of that unemployment which is flagging business. Our Administration often states its dislike for intervention in the market, even though it intervenes in a direct way. The most obvious example is its pressure on the banks to tighten their lending policy. The tactic has contributed to a 30% drop in property prices in just over one year. Another is its labour importation policy, so restrictive that it is stifling companies with genuine need.

Let us mince no words, Mr President. The Government tampers with the economy and it should so now, to give the neglected commercial and industrial sectors a spark. The trouble is that the Government these days gets involved for political reasons, not economic ones. An example of that is the concession to unions over imported labour because of their member's Bills. Now, please, give employers a chance, because when we do well, everybody gains, the Government included.

All we require now is for the Government to provide us with a fees and charges freeze for one year that would give our economy a timely fillip. If after a year the Government feels it is bleeding too much, it can review the measure together with this Council. While the freeze itself may not cause much of a dent in the Government budget, it can mean much to many businesses operating on the margin. It could launch us into another boom that should coincide nicely with the change of sovereignty next year. We would then enter the new era with a positive frame of mind and with an assurance to the rest of the world that the Hong Kong SAR is serious about business and thus serious about its future.

For a decade now, the Administration has pleaded impotence about coping with inflation. For a decade now, it has stuck rigidly to the user pays principle even though times and conditions have changed. This inflexibility has done harm to Hong Kong whose current annual inflation rate is high compared to our growth, while the United States, to whose greenback our dollar is pegged, is expecting an inflation of only 2.8%. The Government can do something positive about inflation by freezing government fees and charges. The Administration can and must address this inflation because leadership, in economics as in anything else, entails a degree of short term sacrifice for long-term benefits.

Mr President, the Liberal Party cannot support the original motion by the Honourable SIN Chung-kai because it is too sweeping, ineffectual and diffused. While we may ask public utility corporations, such as the Mass Transit Railway and the Kowloon-Canton Railway Corporations, to show restraint in fee increase, we cannot dictate to them. These corporations are mandated to operate like private companies so that they would not be a burden on public expenditure. Private companies operating franchises have to show a profit to their shareholders and must invest in vehicles, maintain standards and uphold safety. The fare we pay is not just for getting us from point A to point B, but also getting us there on time and in one piece — and that takes capital injections. In a

capitalist economy among the able, there should be no free lunch. In transport, there is no free ride. These companies also have to pay their staff wage rises commensurate with the inflation rate of at least 8% a year. I challenge our union legislators to tell transport workers that their wages should be frozen this year.

Mr President, I hope the majority of this Council will support my amendment because its scope is realistic and it is something that the Government itself can readily achieve. Thank you.

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

陳婉嫻議員致辭：代理主席先生，社會不景氣，市民消費力下降，看電影的觀眾也減少了，早前有一套名叫“阿甘正傳”的電影卻十分賣座。本人觀看後，略有所悟。當中叫好的原因之一，是片中的阿甘，善長跑步，不乘搭交通工具，最後他發達了。難怪它深受香港市民的歡迎，這部戲讓市民了解到不乘搭公共交通工具，多練跑步，也可以成名和致富的道理！

新年開始，加價聲音四起，對升斗市民而言，公用事業尤其是公共交通工具的加價，對他們的生活開支可構成沉重的負擔。最近就某一行業的工人所作的調查，顯示有八成的人認為交通工具造成生活開支負擔。事實上，無論上班、上學、探訪親友和逛街，均需依賴公共交通工具。每年這些交通工具奉旨加價，然而服務欠佳，在無其他選擇的時候，仍要惠顧，實令人有“送羊入虎口”的感覺！

香港三間巴士公司，近日同時提出加價。我們看到那些公司實際上沒有任何改善，但卻提出要加價。

公用事業，尤以交通為甚，是市民日常生活的必需品，服務質素和水平都直接影響民生，有別於其他商品。公用事業不應被視為純市場經濟下的商品，而需要在公眾利益和合理利潤之下取得合理的平衡，投資者肩負社會責任，絕不能漠視我們的公眾利益。

政府在七十年代中期，訂立了“公共事業盈利管制計劃”，但時至今天，未有作過任何修訂，令公共事業機構將利潤上限變成了利潤保證。以九巴為例，它可以藉賺不夠資產回報率16%作加價理由，在賺大錢的情況下，

仍然向市民收取昂貴的費用。此外，我也看到城巴明年可能賺取的盈利逾千萬元，如果提出加價，殊不合理。至於中巴的服務，我想是人們都知的，是長期經營不善，最重要是其服務的質素令到乘客不想乘搭它，如果政府這樣都讓它加價，真是“天無眼”了。

至於地鐵，自九四年開始轉虧為盈，去年約有10億元的利潤，仍然以長期負債為藉口來加價，未免強辭奪理，視乘客如羊牯！

九鐵及輕鐵則以成本增加和改善服務為理由，提出增加車費，然而九鐵去年盈餘逾10億元，即使加幅低於通脹率，亦不合理。尚有很多機構，我不想一一細數。

我覺得面對這個狀況，政府實有責任凍結這些有盈利的公用事業機構的收費，讓普羅市民能渡過這一困難時期。主席先生，我想再次強調，任何公用事業的經營，必須同時兼顧賺錢利益和承擔社會責任。只顧謀利，而妄顧社會責任的經營者，倒想請他回老家。

去年，平均失業率為3.2%，我也看到平均就業不足率2.3%，兩者加起來有十幾萬的人失了業，亦都是香港十多年的新高點，再加上通脹困境。主席先生，面對■我們市民種種困難，作為一個負責任的政府，不能只是空口“尊重民意、關注民生”，而實際上卻帶頭加價，放縱加價。

談到公營部門提供的服務，公屋、食水、醫療、隧道、機鐵、客運碼頭和停車場等，每年的加幅都相當可觀。

單以公屋為例，房委會在今個財政年度實際盈餘取得158億元，而下半年雖然是減少，但也有95億元的盈餘。但是，房委會卻擬定未來五年全港出租公屋每兩年加幅為17.5%至21%不等。由此可見，房委會根本無視公屋租金對低下階層市民造成的壓力。政府服務收費尚且如此，難怪所有私營的公用事業機構都爭相效尤。

代理主席先生，凍結公營服務價格的建議不會對香港帶來太大的沖擊，而且香港目前的庫房充裕，有大量的財政儲備，即使減少一些收費，相信亦不會造成財政壓力。

代理主席先生，我們認為政府再不能冷眼旁觀，死守沿用的理財哲學。反之，政府應以社會整體利益為依歸，為市民和大眾設想一下。

若從社會穩定<sup>10</sup> 眼，政府必須為民解困，以舒解他們的不滿和積憤。事實上，加價並非必然的事，政府應率先凍結上述的收費，並籲請有盈餘的私營公共事業機構承擔起社會責任，自動凍結收費，為期一年，以減輕市民沉重的生活負擔，共渡難關。

代理主席先生，我希望局內的同事，不要將本人的修正案曲解成“沒有盈餘的公共事業機構加價是理所當然的。”我的意思不是這樣。相反，我們要求虧蝕中的公營及私營的公共事業機構，公開其營運及財政情況，看看出於甚麼情況，向市民作出交待，並由相應的獨立監管機構作出監察。

基於勿縱勿枉的精神，本人促請政府凍結收費的項目，所指的是與民生直接相關的收費，這包括公共屋 租金。而鼓吹凍結之餘，斷不能不考慮公共事業機構的財政狀況。故此，本人要修正單仲偕議員的議案。

代理主席先生，本人謹此陳辭。

**任善寧議員致辭：**代理主席先生，本人將要提出的修正案有兩個部分，第一部分，本人認為“私營”公共事業不應被“一刀切”凍結加價：

- (1) “公營”公共事業應指水務署、地鐵、九鐵、政府及房委會轄下停車場等。
- (2) “私營”公共事業機構加價應從個別情況審核，以不違反本港奉行自由經濟所贏得國際投資者的支持。
- (3) “私營”公共事業已有法例管制，不宜隨時任意“加設”“後法”於“前法”之上（雖非正式立法），而造成法治上的惡例，如立法精神對私有產權不尊重，也可對人權不尊重。另一方面，對不屬私人擁有的“公營”公共事業則可以另一角度視之。
- (4) “公營”公共事業的資本來自市民，應可接受“長期利益凌駕短期利益之上”的觀念，凍結加價，不損任何私人投資者的利益，反正是市民的公有財富，在經濟不景時，基層市民生活壓力沉重之時，讓市民有減壓之處又何妨，今年少賺的，以後經濟好轉時可慢慢彌補。

- (5) “公營”公共事業有“示範”及“帶頭”作用，“加溫”還是“降溫”？影響不淺，如政府及“公營”者不加價，則市政局屬下機構也可能不加費，“私營”者要加價也可能將幅度降低，假如“地鐵”不加價，由於競爭情況，則“小巴”的加價幅度便受到遏抑，有利民生。
- (6) 對“私營”公共事業之個別情況考慮，也非以“有”、“無”盈利為簡單標準，應將一切有關因素加以考慮。
- (7) 如認為現有“私營”公共事業的監管不足，可另提議員條例草案，將來作充分討論。

第二部分，本人建議訂明日期為“一九九六年四月一日至一九九七年三月三十一日”的原因：

- (1) “為期一年”並未作出規限，如政府“陽奉陰違”，即法案通過，政府不切實執行，拖至“地鐵”加價後才“實行”，則今年上半年幾乎所有重要的公共事業已加價，則通過的議案便形同虛設。（“現有水平”一詞，與“原政界人物”一樣，可供“取巧”應用。）
- (2) 假如議案通過，而政府又實行，在預知九六年四月一日至九七年三月三十一日不能加價的情況下，有利政府在今年二、三月之間製訂九七年四月一日至九八年三月三十一日財政預算案時，作出適當調整。

基於上述考慮，本人將會提出修正案，謝謝代理主席先生。

**庫務司致辭：**代理主席先生，六個多月前，議員已經辯論過關於凍結收費的問題，並加以否決。今天的議題和上次的幾乎是一模一樣。

我在上次議案辯論時所提出的論據，至目前為止，依然有效。所以，我今天所說的部分內容，大家可能會覺得有點耳熟能詳。

我的同事運輸司、經濟司和房屋司稍後會就議案涉及他們所負責的政策



範圍發言。現在，我想先作出回應；我會集中談論政府收費方面的問題。

首先，我要強調，雖然我們奉行“用者自付／收回成本”的原則，但我們絕不是盲目地實行這項原則。相反，我們會基於社會的整體利益，對一些審慎選定的服務範圍提供大量津貼。例如九年免費教育是一個明顯的例子。而在健康護理方面，我們亦祇是收回小部分成本。我必須指出，政府對那一些服務提供津貼是經過深思熟慮才作出決定。在這些範疇以外，我們的政策是只會幫助那些有真正需要的市民。我們不能接受一視同仁地全面津貼所有使用服務的人士。因為這樣做，等如要一般納稅人津貼一些生活寬裕，不需要津貼的人士，實在於理不合。

第二，對於議員關注到我們的服務方面，應盡可能有效率地推行，而各項成本應受到審慎的控制和監察，我們是很贊同這個看法的。為了回應議員在財經事務委員會及其它場合提出的意見和建議，我們已開始在有關建議增訂收費的立法局文件中，作出兩項重要修改。首先，在立法局參考資料摘要內，我們加入了有關提高生產力／效率的說明。這是一項重要的新措施，這方面提醒決策科和部門的管理人員對生產力和效率加倍注意，另一方面也可以讓各位議員能夠更有效地監察他們的表現。當然，如議員對提高生產力和效率有意見的話，我們會樂意考慮。其次，就是在每份摘要加插附件，提供更多關於成本的資料。透過雙管齊下的措施，我們既可確保一項重要的收入原則，又可提高效率。代理主席先生，我肯定這樣做是正確的做法。

最後，我要強調，政府和各位議員一樣，是很關注失業情況及通脹的問題。

總督曾召開兩次就業高層會議。我們亦已對輸入勞工的安排作出修改，並撥出資源為市民提供再培訓。失業率現在有穩定下來的跡象，令人稍感欣慰。我們今後的工作重點，應是繼續改善勞工處就業輔導的工作，長遠而言，應繼續尋求良方善策，促進經濟繼續增長，為香港市民創造長期就業機會。

當我去年七月向本局致辭時，通脹率稍高於9%。昨天公布的九五年十二月份通脹數字，顯示通脹率稍低於7%。撇除短暫的價格波動，整體而言，通脹率是循下降軌跡逐步回落，這個可喜的發展，可以說是我們在紓緩供應樽頸方面的方法，產生效用。這是一個緩慢的過程，但我們一定耐心執行這些長遠措施，而不是採用一些短期的治標辦法。正如我在七月時指出，即使將政府所有收費凍結一年，亦只會對甲類消費物價指數降低不足0.1%。

我們最近完成了預算案諮詢工作，聽取了議員對下一個財政預算案各方面的意見。在這個過程中，我們已充分了解議員對民生問題的關注。我再次向議員保證，我們會盡量在預算案中顧及他們所關注的問題。現在距離發表預算案的日子，只有六個星期。如果我們能夠繼續假設收費調整一般都能獲得通過，我們便能更好地集中精力和資源去制訂一個符合社會需要的預算案。

代理主席先生，我謹此陳辭，促請議員再次採取他們剛剛在半年前所作出的明智之舉，否決原議案和各個修正案。

**SECRETARY FOR TRANSPORT:** Mr Deputy, I daresay many of us in the Chamber this evening are experiencing a sense of *deja vu*. This is because the call to reject or defer proposals for increases in fees and charges as well as transport fares has become an instinctive battle cry of some political parties and Members of this Council. What is more, motion debates on this subject seem to have become a fixture in the Council's calendar at this time of the year to pre-empt the cycle of applications for fare adjustments from transport operators.

I make no apologies for repeating and reiterating the points I have made over the past two years in debates pertaining to transport fares because the arguments remain totally valid.

One of the fundamental pillars of our well-established transport policy is to provide a reliable, efficient and affordable transport system in Hong Kong which meets the economic, social and recreational needs of our community. The rationale for this policy cannot be disputed when over 10 million commuter trips are made by public transport daily. Our buses carry 3.5 million passengers a day; the MTR, KCR and LRT account for another 3.2 million; over 1.7 million use PLBs; another 200 000 travel by ferries and 320 000 by trams whilst some 1.3 million use taxis.

We have, by world standards, a first-class transport system. Although the Government provides the regulatory framework for this, it is the private sector that provides the services. This approach has served Hong Kong well. Our franchised transport operators, over the year, have made sizable investments and

as business ventures, they must be allowed to make a fair and reasonable return on their investments. Operating costs increase and an adjustment in transport fares, in turn, becomes a necessity.

As for our two railway corporations, I agree with everything the Honourable James TIEN has said. Both the MTRC and KCRC operate on prudent commercial principles. It is through annual adjustments in fares that both MTRC and KCRC generate the necessary funds to implement comprehensive maintenance and service improvement programmes.

But, Mr President, I must question the views pertaining to transport fares expressed by the Honourable Miss CHAN Yuen-han and the Honourable YUM Sin-ling. One has to be realistic. If franchised operators are not permitted to make a modest return on their investment, why should they continue in the business? It becomes quite ludicrous when, for example by comparison, individuals can earn a better return on their saving deposits, than can, say, a ferry company on its huge capital outlay. If transport operators lose money and go bankrupt, what would happen? If public transport comes to a halt, Hong Kong would become paralyzed. Do the critics expect the Government to subsidize public transport? Worse still, would the Government have to take over? The full implications and consequences of freezing transport fares must be fully understood. This is unquestionably illustrated by the fact that the operating costs of our franchised bus and ferry companies totalled \$5 billion in 1995. If the private sector withdrew, and the Government was forced into running buses and ferry, funding would then have to come from the public purse and my guess is that this would have to be at the expense of other programme areas.

It would be totally wrong to think that applications for increases in transport fares are endorsed by the Administration simply to boost the coffers of transport operators. It may help if I outline again the criteria which the Administration takes into account. These are:

- (a) the increase in operating costs since the last adjustment;
- (b) efforts made to reduce costs and increase revenue, for example, economy measures and other sources of revenue such as advertising;

- (c) the availability and quality of service provided having regard to passenger demand and feedback;
- (d) future development plans and service improvement programmes;
- (e) forecast of future costs, revenue and return;
- (f) public affordability and acceptability including the impact on livelihood.

Having very carefully weighed all these factors, the Administration will then form a view as to whether an increase is justified and if so, the level of increase that is warranted. And of course it is not just the Administration that looks at the facts and figures. The Legislative Council Transport Panel is fully briefed — indeed the bus and ferry companies and other transport operators present their case to the Legislative Council. The proposals are scrutinized by the Transport Advisory Committee and recommendations are then submitted to the Executive Council for endorsement.

The impact of fare increases must be looked at realistically. To reject such increase on the grounds that this would spiral inflation and adversely affect the economy is too simplistic. The impact on livelihood needs to be seen in proper perspective. For the five-year period from 1991 to 1995, the average impact on the Consumer Price Index arising from all public transport fare increases equated to a meagre 0.29 percentage point. The current public transport component of the average household expenditure is less than 5%.

Mr Deputy, of late, there has been a growing temptation to politicize each and every application for a fare adjustment. To say the least, the tendency to focus on increases in percentage terms is misleading. In reality, the actual increase in dollar terms is minimal and affordable, with increase on the majority of individual routes well under \$1.

Mr Deputy, it is certainly right and proper for Members of this Council to be concerned about increases in public transport fares. With respect, the discharge of responsibility does not lie in the outright rejection of such applications; surely, responsibility must extend to an examination of all the facts

and figures as well as taking into account the basis on which public transport is provided and recognizing the full implications of any decision.

Mr Deputy, I urge Honourable Members to vote against the motion.

**SECRETARY FOR ECONOMIC SERVICES:** Mr Deputy, I would like to comment on those parts of the motion and the proposed amendments related to tariffs charged by public utility corporations in the public and private sectors in my area of responsibility. I shall talk briefly about electricity supply, telecommunications and then some other Government fees and charges which are mentioned in the motion and the amendments to the motion. I join my colleagues here today and urge Members to reject the motion and the amendments. This is because the motion urges us to take a course of action which would not be in the long-term interests of Hong Kong.

I shall start with electricity supply. When the Government considers proposals from our power companies to revise charges, we take into account all relevant factors, social, economic as well as the long-term well-being of Hong Kong. This is because our power companies have a very important role to play in supporting Hong Kong's economic development. Our two power companies operate under two schemes of control agreements agreed with the Government. The Government's objective in negotiating these agreements is to ensure that consumers get a reliable and efficient service, one which will expand to meet increasing demands at a reasonable price; and that shareholders of the company in turn get a reasonable return on their investment. This will encourage them to continue to make the necessary investments, particularly those in the longer term. The companies are also then enabled to compete successfully in the financial markets when funds are needed for their expansion programmes, in particular to keep the cost of borrowing down. The companies, by so doing, are permitted to avoid financial difficulties which could otherwise lead to their collapse, and these objectives are all achieved without any direct subsidy from public funds and with a minimum of governmental interference.

Under their respective scheme of control agreements, the companies have agreed to subject their development proposals and tariff adjustments to government approval. There is in return a formula to determine the maximum level of profit that each company can earn. In approving tariff adjustments, the

Government seeks to strike a delicate balance between the interests of consumers and shareholders. On the one hand consumers require affordability of tariffs, but at the same time every member of the public expects the certainty that their demand on the electricity supply will be met without the brown-outs and black-outs to which other parts of the region are subject. As regards shareholders, they meet that reasonable rate of return on their investment and a climate of investment to enable them to meet the expectation of the general public on the certainty, the certainty of power supply.

When we look at tariff adjustment, we seek to ensure that any increase in tariff is the minimum — the minimum necessary to allow the company, in return for meeting its obligations, to receive a reasonable level of profits. On a year-to-year basis, the actual tariff charged to consumers may even be below the level approved for that year. For instance, the most recent tariff increase for the Hong Kong Electric Company in January was well below the prevailing inflation rate and the level which had been approved under the company's financial plan. This system of applying the scheme of control agreements on our power companies has served Hong Kong well. We have a reliable supply of electrical power to our homes, our factories, offices, efficiently generated and sufficient to meet all our demands. The average tariff level of the two power companies has only increased by 35% since 1983, compared to a 172% increase in the Consumer Price Index for the same period. In real terms, the cost of electricity has fallen over 49% during the past 12 years.

I would now like to turn to telecommunications. Telecommunication services play a vital role in supporting our economic development. That these services are reliable, efficient and advanced gives Hong Kong a vital competitive edge in supporting our domestic business and industrial sectors. We in Hong Kong are proud and indeed fortunate to have one of the most advanced and sophisticated telecommunication networks in the world. This is one of our main competitive strengths, one which we must develop if Hong Kong is to remain successful and competitive into the information age of the 21st century.

Our present enviable situation has arisen through the foresight and substantial investment of the telecommunication industry. This is being enhanced through the introduction of competition in our local networks. The

future investment of telecommunication companies, and they are committed to investment in excess of \$32 billion over the next 10 years, depends on having a reasonable rate of return and a favourable investment climate in which to raise funds. Market forces in the highly competitive areas of telecommunication industry are more than sufficient to keep tariffs down. Where competition has only recently been introduced we have ensured that there is no predatory pricing. Any freeze on tariff levels, as suggested by the motion, therefore, makes no sense. Where market forces already operate to the full, the least governmental interference the better.

Turning now to government fees, first is our proposal to increase public cargo working area fees. I did propose some modest adjustments to this Council in October last year. Our aim was to do no more than recover costs for what are essentially commercial operations, and very large ones at that. The intention of those proposals was, through a phased programme, to remove the public subsidization of the current service and get a reasonable rate of return on the average net fixed asset valued at historical prices. Our first-phase proposal was for an average increase of 20% with a rate of return of only 8%. This has to be seen in the context of continued growth in the number of ships using the port and the continued growth in demand for cargo-handling facilities. Pricing such fees below cost and market demand makes no commercial sense or economic sense.

Secondly, I have tabled proposals for adjustment to seafarers' fees. In setting these fees, we have adopted an approach whereby most of the fees are revised by about only 10% to bring them in line with current price levels. The proposed fees still only recover 22% of the total cost incurred in providing the services.

I would like to make one more illustration as to why it makes no sense to put a general freeze on charges. I intend in the near future to put to Members a proposal to revise airport car-parking fees. These fees are not a major item but any freeze on them, as is urged by this motion, would produce some unintended and totally undesirable consequences. The principle in setting the fees for the airport carpark is not to raise revenue but to ensure that there are always spaces available at the airport for airport users. The fees have to maintain a relativity

with car-parking fees in the neighbouring areas, otherwise there would be such an influx of casual car drivers into that carpark that all available spaces would be quickly filled and those who genuinely need to drive their cars to the airport would have to drive around the airport time and again waiting for a space to become available.

Mr Deputy, Hong Kong may be going through some adjustments in its economic development, but these are not the worst of times. Inflation, for example, is on the decline. We are all working to improve the situation. We do have to strike a balance when considering fee and tariff revisions. It would, in my view, be irresponsible to endorse all proposals for revisions to fees and tariffs without reference to wider social or economic considerations, but it would also be irresponsible to freeze all fees and tariffs without considering their merits. To do so would be to trade the future for the present.

I urge Members, as leaders of vision, to look beyond the immediate present to the future and to the future well-being of Hong Kong.

房屋司致辭：代理主席先生，我對庫務司及其他同事的意見深表贊同，亦促請各位議員不要支持這個議案或其他修正案。現在讓我談一談公共屋 租金方面的情況。

### *住戶的負擔能力*

房屋委員會在釐定新落成公共屋 的租金，以及檢討現有屋 的租金時，主要考慮的因素是住戶的負擔能力。根據現行標準，住戶的租金與入息比例中位數，通常不應超過15%。其他會一併考慮的因素，計有屋 價值、通脹率、差餉、管理和維修保養費用等。公屋住戶在租金方面的支出，其實平均只佔他們收入的8.5%，比對起來，同類型私人樓宇住戶的租金支出，卻佔了他們收入的25.5%左右。即是說，公屋租金通常比同類型私人樓宇租金低三至五點五倍，而且是租戶能負擔得起的，我認為他們是應該能夠負擔這些租金。

### *補貼*



換句話說，我們是大幅度補貼公屋住戶的租金的。正因為這個緣故，公共租住屋 虧損情況十分嚴重。在一九九五至九六年度，估計虧損金額達14億元，即相當於每個公屋單位每月虧損178元。預期到明年，即一九九六至九七年度時，這方面的虧損會上升至25億元，即相當於每個單位每月虧損310元，而且，虧損金額更會逐年增加。這方面的虧損，部分會由來自商業租戶的租金盈餘彌補，但主要的補貼是由出售居屋單位的收益彌補。此外，我亦想指出，在計算虧損時，我們並無把政府免費向房屋委員會提供土地的原有地價計算在內，而這亦是一項巨額的補貼。因此，議員提出任何有關凍結公屋租金的建議，均會造成房屋委員會有更大的虧損。各位議員應該明白，公共租住屋 虧損愈來愈大，這就是說可撥作興建新公屋的經費便會愈來愈少，我們應該避免讓這種情況出現。

### 公平合理

此外，我亦想說一下我們每兩年檢討公屋租金一次。房屋委員會把屋分為五個組別，各有不同調整租金時間。如果把某些組別屋 的租金凍結，不同組別屋 之間便會出現租金對比方面偏差的問題。另一方面，在日後我們要進行追補租金升幅百分比之時，則會對住戶帶來更多不便和更多問題。

### 通脹問題

亦有部分人士認為，增加公屋租金會加劇通脹。這種說法這是不正確的。我在較早時已說過，公屋租金是得到大幅度補貼的。事實上，公屋租金增加對通貨膨脹率的影響微乎其微，舉例來說，在去年，公屋租金上升所造成的甲類消費物價指數增幅只佔0.4個百分點，即少至不到半個百分點。

### 租金援助

部分議員可能認為，一些入息低微家庭在繳交新租金方面或會感到吃力。我要指出，房屋委員會其實設有一項租金援助計劃。即是入息低於公屋輪候冊入息限額50%，而同時間租金與入息比例超過15%的住戶，及入息介乎公屋輪候冊入息限額50%至60%而租金與入息比例同時超過20%的住戶均有資格獲得租金減半。所以對低收入家庭來說，這已經是很好的保障。故此，我看不見有足夠的理由需要凍結公屋租金。

代理主席先生，我謹此陳辭，促請各位議員投票反對這項議案或其他修正案。

**MISS CHRISTINE LOH:** Mr Deputy, it has become fashionable to have many amendments. Of today's motion and the three amendments, I dislike Honourable James TIEN's amendment least because it restricts itself to the Government's fees and charges. Having said that, I cannot say I like it actually. The others all include public and private bodies, to a greater or lesser extent.

I believe we should perhaps try to look at the first principles which does not appear to be the case of the Member who is moving the motion and also those who are moving amendments.

Firstly, I think the Government has to acknowledge that it has an enormous reserve. This does create a case for not increasing government charges. The Government should acknowledge this rather than pretend that Hong Kong needs to keep an unusually high level of reserves.

Let us just remind ourselves of the sheer grossness of the numbers we are looking at. The Administration forecast a year ago that Hong Kong's fiscal reserves at 31 March 1997 will stand at HK\$151 billion. This figure will rise to a staggering HK\$361 billion by March 1999. Hong Kong is expected to do very well because the SAR Government will receive the full proceeds from land sales and will collect rents from the extension of New Territories leases. Thus, from 1 July 1997, Hong Kong is expected to have annual surpluses of HK\$33 billion.

Mr Deputy, these numbers are immense. Let me say now that these sums belong to the people of Hong Kong. It does raise the issue of what we should do with this enormous common wealth.

Having said that, I believe the surplus should be dealt with by a comprehensive review of the tax system, and the level of taxation, and not in an *ad hoc* manner, as is proposed by the motion and the amendments today. As a general rule, I favour indirect taxation rather than direct taxation. But that is the subject of another debate.

Secondly, Mr Deputy, we must ask ourselves what level of priority for reduction we wish to give to government fees and charges. This Council has already considered this issue with the recent sewage charges debate. I said then, and I repeat it now, that government fees and charges should have a very low priority, since the "userpays" principle should be followed as far as possible.

Thirdly, Mr Deputy, you might ask what about a temporary freeze then, as is being suggested today? A freeze is always self-defeating, since there has to be a catch-up process eventually. The motion and the amendments state that inflation is high today and that is causing hardship. But, surely, when the catching-up occurs next year, inflation could shoot up. If Honourable Members need to have an example, they can look at what happened in Britain in 1979 when the British Government relaxed the freeze on prices and wages. Inflation rose to over 20%.

Fourthly, as a principle, I think we would want the fees and charges of public corporations to be set autonomously, like that of the Housing Authority. However, we would want in return, a high level of transparency of its operation so that the public is assured of its sound financial management. There are Members of this Council sitting on the board of the Housing Authority. They are in a good position to discuss there whether public housing rental needs to be increased this year, and if so, to what level.

Lastly, I am sure that as a principle, the fees and charges of the private sector should also be set autonomously and I do not believe I need to elaborate on this.

I wish to mention that I am particularly interested in the Honourable Miss CHAN Yuen-han's amendment, requesting that "public utility corporations in the public and private sectors which are operating with surplus to freeze their fares and charges voluntarily for one year."

I do not know which of the public corporations have surpluses currently or are about to accumulate surplus. Where there are surpluses, using them to freeze fares and charges may not be the best use of resources for the greatest public good. For example, if the MTRC has a surplus this coming year, it may

be argued that the corporation should use it to subsidize building railways to areas which have not yet reached a critical population for it to be financially viable to start building. All I want to show here is that using surpluses to freeze fares and charge is not necessarily the best way to surpluses.

Mr Deputy, it seems that in the recent spate of debates related to the economy, I have voted against the motions and all the amendments. I regret that I have to do so again today.

THE PRESIDENT resumed the Chair.

劉健儀議員致辭：主席先生：今天單仲偕議員提出的議案似曾相識，大約在六個多月前，前同事林鉅成議員曾提出類似的議案，當時民主黨要求凍結政府收費、公屋租金及三條鐵路票價一年，結果議案被否決。民主黨今次捲土重來，議案更辛辣、影響的範圍更廣，除要凍結政府收費，亦要求所有公共事業，不論公營或私營，一律自願凍結收費一年。

自由黨支持凍結政府收費的立場不變，因為政府擁有豐厚的儲備，而這些儲備又屬於市民的，加上過去政府曾經凍結收費，的確令通脹得到一定的紓緩，所以今天這項議案的精神是值得支持的。不過，對於勉強去凍結或強制遏抑政府機構以外的收費，自由黨的立場仍是反對的。

私營機構的運作，必須按實際需求而定。公營或私營公共事業機構亦是一樣。作為立法局議員，我們有責任監察政府，確保政府不讓這些機構牟取暴利，並且堅持這些機構提供優良服務給市民。但強行要求這些機構不顧實際需要，不理會營運情況，不管盈虧，一律為民生而凍結收費，這樣不單止有違商業原則，更會損壞香港最重要的基石——自由經濟。在這方面，我想談一談公共交通。

前星期，本局曾經處理油地小輪船公司加價問題。民主黨明知小輪公司嚴重虧蝕，但仍然堅持凍結收費，我批評這是非理性的做法。當時，有議員提出小輪公司蝕本仍然可以繼續做，應該繼續做，大不了由政府作出補

貼，更有議員提出由政府接收小輪公司亦非壞事，如果真的這樣做，豈非等同踏出公共交通“國有化”的第一步嗎？

如果大家有這個想法，即使凍結收費又何妨呢！如果公司做不來，又或者投資者不做而放棄的話，始終有政府做後盾，做不來的，由政府負擔，這樣就大錯特錯。我們不妨先看一看外國一些活生生例子。上一年，即九四至九五年度的紐約地鐵，政府要補貼接近五億港元；巴黎地鐵，政府要補貼接近八億港元；倫敦地鐵虧蝕更嚴重，政府要補貼90億港元。要政府用納稅人的錢補貼的鐵路，都有一個共通點，就是由國家經營的，而作出龐大補貼之後，有關的鐵路收費，經計算後收費仍比香港昂貴。而香港的公共交通，無論是公營的地鐵、九鐵或私營的巴士公司，全部都毋需政府補貼分文。

我帶出這些例子，是想說明一個要旨，就是讓公營或私營的公共交通和公用事業機構，以自由市場機制運作，除了防止謀取暴利及監察服務質素以外，盡量減少或甚至不作出任何干預，這樣才是最有利經濟，最有利市民。如果因我們運用議會力量，干預自由經濟運作，明言之，就是公司賺錢固然不准加價，虧本亦不准加價，這樣教商業機構如何做下去呢？天下間有誰做不賺錢甚至虧本的生意呢？除非是政府，或是慈善機構。

當然，我希望所有公共交通和公用事業機構的加價幅度能夠降低便降低，甚至是不加價，這是大眾期望的事，但加與不加應按客觀現實而定；一廂情願要求不加，是不切實際的。我們必須考慮有關公司的實際營運情況，亦要讓營運者有足夠資源，確保有關服務得以維持高水準。不理公司營運狀況，不理公司賺蝕，“一刀切”要所有公共交通和公用事業機構凍結收費是不明智的。因為在營運成本不斷上漲的環境下，凍結加價只會令服務水平下降，最終受害的也是市民。

主席先生，春夏秋冬，四季有序；每年年初加風即起，但反加風就四季常吹。關注民生是議員首要的工作、恆常的工作，不過部分議員一次又一次單以民生為理由，片面的去看民生，提出凍結公共交通和公用事業機構的收費，不顧一切地反對加價，完全不理會可能引發的後果，完全漠視正常的商業營運對香港經濟發展的重要性，自由黨不能認同這做法，因此我們反對今天的原議案，支持田北俊議員的修正案。

陳鑑林議員致辭：主席先生，

*加價申請均是好戲連場*

公共事業的加價一直是本局同事所關注的項目，面對每次的加價申請均是好戲連場。一邊廂打起“逢加必反”的旗幟，只識抱僵化的理念，不理會實際情況，不顧市民最終的利益；而另一邊廂，政府當加價的建議受到沖擊時，則顯得反應過敏，高舉“用者自付”的大原則，一竹竿打倒一船人；又有人一面要求嚴重虧損的公共事業凍結收費，另一面就容許有利潤者照加如儀，實在令人大開眼界！

*民建聯會用理性和務實的態度*

記得在總督施政報告時，我已經講過，政府對議員反對加價反應過敏是不必要的，事實上，民建聯會以理性和務實的態度對待每一項加價議案。民建聯的立場始終是站穩港人整體利益的，以社會的繁榮穩定、安居樂業為大原則作出決定。

我們會審慎對每一項加價申請進行評估，評估的內容包括負責營運公司本身的經營狀況、該公司提供的服務質素、加價對民生的影響，和當其時社會整體經濟狀況。

*同舟共濟共渡難關*

鑑於香港正處於經濟放緩，民建聯認為無論政府及社會各階層都要互相體諒，有一種同舟共濟的精神，共渡難關。因此，無論是公營及私營的公共事業機構，倘有大量盈餘的，均應自動凍結票價和收費，以減輕市民沉重的生活負擔。

主席先生，公眾對公共事業的議論，除了收費的增幅外，其實更重要的是服務水準能否得以提高。因此，公共事業的營運者更應以提高服務質素為首要任務。最近，我們就聽到一些非常強烈的聲音，認為公共事業的服務如果能夠達到要求，加價是可以接受的，可見服務質素在消費者的心中所佔的位置非常重要。

對於公共事業，政府一直以私營化為政策，盡可能把所有公共服務交予商營，或者由政府全資擁有，以商業原則進行運作。此外，又會以“用者自付”的原則收回成本和回報，這是我們基本上贊同的。在西方國家，部分公共事業是由國家經營的，但政府就須要補貼大量公帑。

### 專營權條款和監管方式五花八門

由於公共事業公司所提供的服務與公眾的日常起居生活息息相關。目前中電、港燈是受利潤管制計劃的監管；香港電訊有加價上限；小輪的加價則需要立法局通過修訂附屬法例的方式進行。此外，還有巴士、鐵路等其他交通工具及其他與民生有關的公共事業等的專營權條款和監管方式，均是五花八門。

因此，公眾極之希望政府對公共事業能有一套完善監管制度，而服務提供者，無論是公營或私營，都能有一套透明度高的理財方法和可以檢查的服務承諾，好讓市民能發揮有效的監察作用。

### 修正案最重要的意義

有一個非常重要的論點，我覺得社會大眾是必須慎重考慮的。雖然香港是一個自由商業社會，一切價格最終應由市場決定，但享有專營權的公共事業應負起整體社會的公眾責任，與市民憂戚與共，不過這並不表示我們就有充分理由去任意凍結所有價格。

主席先生，倘若我們不能以理智的態度實事求是處理加價事宜，不單止會破壞自由經濟市場的投資環境，最終只會使公共事業演變成由政府動用公帑進行“國營化”收場，相信這是大家所不願意見到的。主席先生，本人謹此陳辭！

**李 明議員致辭：**主席先生，凍結加價的論點，相信各位議員也說了很多，彼此之間也明白，所以我只作出簡短的致辭。雖然政府公布的數字顯示本港的通脹稍為回落，但不少市民對於經濟發展缺乏信心。同時由於失業率高企不下，市民對於就業情況持悲觀態度，擔心失業情況會進一步惡化，引致消費意慾持續疲弱。

此外，據港府估計，由於失業人數增加，令領取綜合社會保障援助的個案亦持續上升。社會福利署署長冼德勤先生在出席立法局財委會時表示，在去年四月至十二月，發放綜援金個案上升14.5%，由101 000多宗上升至116 000多宗，估計長時間失業的人數增加是導致這個數字上升的原因。港府又

估計今年度餘下時間，受助人數會進一步上升10%。

另外，據政府日前公布九五年第三季各主要行業類別僱員的平均收入及工資統計數字，與九四年同期相比，九五年九月的整體工資指數在扣除通脹後，出現負增長1.8%，反映了九五年整體勞工市場需求放緩，引致僱員的薪酬福利下降。

在通脹及失業率高企不下，因失業而領取綜援個案日增，工資出現負增長的情況下，貧富懸殊更趨嚴重；而政府卻坐擁豐厚的盈餘及儲備，理應凍結公屋租金和與民生直接相關的政府收費。但由於全面要求凍結公營及私營公共事業機構的收費，可能引致勞工的薪酬福利不能改善。因此，我覺得高盈利的公營及私營公共事業機構 — 我所說是高盈利的公營及私營公共事業機構，亦應自動凍結收費，以減輕市民的負擔。

本人支持陳婉嫻議員的修正案。謝謝！

At this point, the Financial Secretary drew the attention of the President to the absence of a quorum

**PRESIDENT:** I direct the Council be counted.

**PRESIDENT:** I now suspend the Council and summon Members to attend the sitting.

A quorum was then formed.

**PRESIDENT:** Council will now resume.

黃偉賢議員致辭：主席先生，根據政府統計處近期公布九五年第三季各主要行業類別僱員的平均收入及工資統計數字，與九四年同期比較，九五年九月的整體工資指數有7%的名義增幅，但在扣除通脹影響後，該工資指數便出現負增長1.8%。在這個生活困難的時候，公用事業財團如果在財政狀況穩健的



情況下，還堅持要申請加價以賺取可觀的回報率，民主黨是絕對不可以接受的。原因是公用事業機構與一般以賺錢為主要目的的商營公司在性質上是不同的，公用事業機構所提供的服務與社會大眾的日常生活息息相關，是市民的必需品，應有一定程度的社會責任。而且政府一般也會給予這些機構專營權，以確保機構願意作出長遠的投資發展以改善服務質素，令市民得以受惠。因此，這些機構有責任為市民提供高質素的服務，且收費水平必須是市民可接受和負擔。

主席先生，本人將會代表民主黨集中討論我們要求凍結巴士和渡輪公司收費的理據。

中巴服務質素低劣是眾所周知的，政府分別在九二年及九五年，以削減中巴26條和14條巴士線作為懲罰，希望能迫使它積極改善服務，可惜中巴卻依然故我，不單止沒有更新車隊，而且脫班率和市民投訴個案仍然偏高。

雖然中巴被政府兩次削減巴士線，但它的財政狀況仍是很穩健的。在過去五年，中巴平均固定資產淨值回報率均能維持在13%至15%不等，盈利非常可觀。我們認為以中巴的服務態度和質素，加上過往經營所獲得的可觀的盈利，根本不應該批准中巴加價。

至於城巴自九三年獲批營辦26條巴士線的專營權後，巴士數目和網絡便不斷擴展，而目前城巴每日載客量已達至30萬人次。而政府為了讓城巴可專心發展巴士業務.....

At this point, the Financial Secretary drew the attention of the President again to the absence of a quorum.

**PRESIDENT:** I direct the Council be counted.

**PRESIDENT:** Two short, Council is now suspended. I summon Members to return to the sitting.

A quorum was then formed.

**PRESIDENT:** Council will now resume, Mr WONG Wai-yin, please continue.

黃偉賢議員：近期才批予城巴十年的新專營權，而且城巴是少有的公用事業機構可以在經營初期便有盈利，按照粗略估計，城巴在九五年的盈利可達1,200萬元，既然城巴擁有很多有利的發展環境和條件，實在毋須急於在短期內賺取豐厚的利潤，因此民主黨不會接受城巴在這個時候提出13.7%的車費加幅。

九巴與中巴、城巴所不同之處，是九巴仍然在利潤管制計劃之內。在這計劃下，九巴獲准賺取不超過平均固定資產淨值16%的回報率。但九巴卻一直將這計劃理解為獲政府批准它每年可賺取16%的利潤保證，因此九巴每年度的盈利縱使很可觀仍然會提出加價，務求達到最高的回報率。截至九五年六月三十日，九巴在專利巴士業務的盈利便達2.18億元，較去年同期增長了17.8%。由此可估計，九巴在九五年度的盈利將會非常可觀。在這個經濟不景的環境下，如果九巴仍堅持要每年加價以爭取達至接近16%的回報率，實在是謀取暴利的做法。故此，我們也要求九巴應自動凍結票價一年，以減輕市民在交通方面的支出。

至於新大嶼山巴士是大嶼山居民的主要交通工具，根據該公司的業績報告，公司在九四年及九五年度這兩年內，賺取的豐厚盈利，分別是770多萬元及840多萬元，兩年都分別達到平均固定資產淨值回報率的35.6%及27%，由於他們估計在九六年若不加價便只能賺取63萬元的盈利，因此提出要求加價10.4%。民主黨覺得新大嶼山巴士公司在過去兩年都有可觀盈利，但只是因經營情況稍為有困難，便不理會以往兩年的厚利，而提出加價，這一點，我們民主黨是覺得不可以接受的，因此，我們亦希望能夠凍結新大嶼山巴士的加價。

主席先生，在渡輪服務方面，今年油地小輪和天星小輪均提出加價申請，有關凍結油地小輪票價的理據已在上兩星期的立法局討論過，我不打算重複。我們對於天星小輪申請加價，民主黨感到非常不滿，因為天星小輪曾承諾若九四年終加價獲批准，則九五年不會再申請加價。但現今天星小輪卻出爾反爾，在九五年年終又提出申請加價。天星小輪解釋由於上年所估計的營運成本與實際營運成本相差了1,500多萬元，因此令九五年度的盈利大幅下降，並且估計九六年出現輕微的虧損。此事令我們立法局不禁質疑天星小輪管理階層在控制成本方面的能力，也令立法局對小輪公司在提出加價時所提供的理據、分析和數字失去信心。

按照小輪公司的預測，即使今年立法局通過18.9%的加幅，到九七年小輪公司又要求加價32%才能得以平衡開支。民主黨絕不贊成以每年大幅度增加票價來解決現在渡輪服務的問題。我們建議政府應該與小輪公司盡快展開研究，制訂小輪公司未來的發展目標和策略，以面對業務不斷萎縮的命運，包括研究上蓋物業發展的可行性，而不應該再助長這種大幅度提高票價來維持服務的做法。

事實上，公眾人士甚至是立法局，一直對於這些公共交通機構所提供的資料數據所知甚少，這些資料全部給予政府運輸科和財政科，但很可惜，這兩個科在審核這些加價數據時，似乎過於容易接納有關公司所提供的資料數據，結果是縱使政府削減了公司原本提交的增幅後，公司仍可達至預期的回報率。政府監管不力，預測失準，結果就是市民要付出偏高的收費。因此，我們要求政府檢討現時的審核程序，希望能夠有更多詳細的資料給予立法局。

本人謹此陳辭，謝謝主席先生。

**周梁淑怡議員致辭：**主席先生，今天我們辯論的議案是針對各公營和私營機構的收費，以紓緩市民生活的重擔，但當我們看清楚，就會發覺原議案和其他的修正案都不是將社會視為一個整體，而是將工商和民生劃清界線，好像做生意的就不是基層，就不涉及民生，但大家想深一層就會明白，這個並非實情。

原議案要求政府凍結與民生有關的收費，要求凍結公屋租金，那些在公屋商場的商戶是不是因為不屬於民生問題，結果是否得到照顧？我希望民主黨議員看清楚議案的影響，全香港上市公司可能只有190間，即使比較具規模的公司都不出幾千間，你們不希望助長他們賺大錢，我相信這是大家可以理解的，但是，結果就連幾十萬間細公司、小商戶、山寨廠，甚至街市商販，都因為你們的短視而受到打擊。

例如商業登記費，很明顯這一定不在民主黨所講的民生收費項目之內，但現時這項收費每年要2,250元，大集團或者不會放這二千多元在眼內，但小商戶卻很緊這筆錢。

我在去年聖誕新年假期間，曾經拜訪過很多個街市，探訪過不少的小商

戶，他們大多數都反映生意難做，他們絕大多數都不明政府在財政如此充裕的情況下，為何仍要壓迫他們，完全不知體恤民情。

我有個數字想各位同事知道的，就是在去年三月至六月，短短三個月內，單是批發和零售業的公司數目，就由72 000間減少到67 000間，三個月內就有至少5 000間小型公司結業，大家會否認為應該任由這些小商戶自生自滅，而不肯因應時勢去盡量幫助他們呢？

為何我們不可以凍結政府的商業收費？坦白說，有些收費不單止應該凍結，甚至應該減低，即如我剛才說的商業登記費，而且我準備稍後就這問題去信財政司，要求減低這方面的收費。

大家都不會否認香港的小商戶、小商人，是香港最勤力的一批小市民，是社會經濟的動力。以我的界別為例，大多數零售業的店鋪，都是工作時間長、假期少，甚至沒有甚麼勞工福利可言，他們沒有條件加入商會，亦沒有時間去靜坐遊行來爭取權益，他們唯有靠在位的官員和立法局議員去體恤他們，如果連立法局議員都任由他們自生自滅，甚至打擊他們，這是有違社會公義和社會公平的。

在選舉期間，很多人都攻擊自由黨是工商黨，說我們不知民間疾苦。我覺得打擊工商界、塗污 造工商界就一定是富豪、是不良僱主、是無良商人者，才是真正的不知民間疾苦。

要知道香港成功之道，是香港人勇於創業、不計辛勞，本<sup>10</sup> “寧為雞口，莫為牛後”的精神，成立公司，開鋪做生意，才會令這個彈丸之地有如此多的公司和商戶。他們都不是甚麼大集團，而是個體戶，是基層小市民而已。

《香港統計月刊》去年十二月號顯示批發、零售、飲食及酒店業，去年六月共有77 000間公司，有九成，即是六萬八千多間是十人公司或是十人以下的公司，僱用了198 000人之多。全香港計，當然就有更多的小公司、細商戶，自由黨至少看到這幾十萬個小商戶和他們的僱員的痛苦。民主黨自稱出於基層，但他們又把基層劃分為做生意的基層和沒有做生意的基層，這是否真正代表基層？

做生意其實不一定賺錢的，賺大錢的更加是少數，但不管賺多賺少，這

班人過去都有為香港的經濟作出重大貢獻。今天我們的龐大儲備，他們都有分付出，現時在香港政府那麼有錢，而市場信心又薄弱的時候，為何我們卻要剔除他們，不讓他們分享自己過去有分付出心力而換來的經濟成果？這個又算不算是“打完齋唔要和尚”？

我不想把話題扯得太遠，我只想提醒所有號稱關心民生的議員，任何政府的收費都是與民生有關的。即使只是間接有關，亦不可以因為“針不拈到肉”就當沒有一回事。公司倒閉，工人和小商人都會失業，屆時不單止失業情況會惡化，連投資氣氛亦會受到打擊，沒有人投資，失業的小市民就更難找工作做，到時領取公援的人又會增多了，公帑開支的增加，肯定多於凍結各項收費帶來的庫房損失。

我支持田北俊議員的修正案，一方面是要政府在大量盈餘的優勢下，向一些在困境之中的小市民、小商戶同時伸出支援之手，他們是處於打工仔和大公司的夾縫中間尋找生存空間的，原議案和另兩個修正案都忽略了照顧他們的權益，因此我反對。至於其他的修正案，我是支持田北俊議員的修正案。

**李永達議員致辭：**主席先生，我代表民主黨集中談談公屋租金的加幅問題。主席先生，在高通脹、高失業率的年頭，我支持單仲偕議員的議案。提到高通脹，相信大家都同意通脹與租金上升是有關連的。房委會的租金，每兩年平均調整17.5%，而公屋的租金加幅佔通脹率的0.4%。驟聽之下，0.4%是一個輕微的幅度，但全港有250萬公屋住戶，故受公屋加租影響的人士佔全港人口的五分之二，對低收入人士而言，他們每月的非住屋開支才千多二千元，加租二、三百元會對他們構成很大的壓力。

從九五年度欠租的數字來看，房屋署首三季的欠租個案達31 682宗，直迫九四年全年35 165宗，換言之，在九五年首九個月，房屋署的欠租個案差不多等於九四年全年的總數。因為欠租而被房署收回的公屋單位，亦由九四年的156個增至九五年首九個月的209個，可見即使房委會有所謂租金援助計劃和將條件放寬了，仍然不足以幫助生活有困難的住戶。加租二、三百元，似乎很輕微，但會對住戶構成壓力，這和欠租數字節節上升是有關係的。

再想深一層，房委會加租以應付出租公屋運作經營成本上漲，部分原因是因為以前所建的樓宇質素不好。單是九五至九六年度，房委會動用30.3億元維修和保養出租公屋，支出佔了所有租住單位屋 支出的三分之一。

公屋質素差是不是市民的責任呢？是否因為這樣而要市民承擔後果呢？這樣做是否合理呢？從另一角度而言，房屋委員會在一九九五年總共有150億元的運作盈餘，這些錢大部分用作投資，但因為財政司的指示，所以房委會的投資非常謹慎，簡單而言，是保守。過去兩、三年的投資回報率徘徊在4%之間，過去兩、三年通脹率是9%至10%。換言之，去年的150億元盈餘只是因為通脹率高，投資回報率低，便已虧蝕了6億元。房屋委員會再多收錢，對哪些人有利呢？是否對公眾有利呢？我們多收錢，經謹慎投資方式之後，每年至少也要蝕六至七億元，這做法是否合理呢？我希望財政司在這問題上有些回應。

各位同事不要單考慮今年和明年，在未來五年，房屋委員會將會有600億元的運作盈餘，由此推算，只是因為通脹率高，我們便會蝕數十億元，這樣做法對誰有利呢？多收些租金是否真的對公眾有利呢？

主席先生，我們計算過，即使房委會把租金凍結一年，在九六至九七年度所損失的收入只是4.8億元，比房委會所虧蝕的還要少。

主席先生，我們認為在此困難的時候，房委會作為公營部門，應該體恤基層市民生活的困難，凍結租金一年。謝謝主席先生。

**詹培忠議員致辭：**主席先生，今天我們動議這項辯論，是關於政府的經濟，而部分立法局議員希望凍結加費這問題。

我們首先回顧一下五十年代的香港，當時的士的“落旗價”是一元五角，現時增加至13元，是九倍；當時天星小輪上層收費是二角，現時則是二元多，算它是三元，即增加15倍；當時巴士收費二角，分段是一角，現時增加至四元，即20倍。在五十年代，要找一份薪金為80元的工作十分困難，如果薪金達400元已屬高層，是一份非常好的工作。以20倍計算，現時薪金8,000元只是一份普通的工作，所以以數字計，大家不要說得太“離譜”，事實上，香港人的收入較其他很多地方為高。既然大家要求公共和私營機構凍結加價，我說不如首先由立法局議員、市政局議員和區議員帶頭不要加薪。在討論議員加薪這問題時，差不多所有議員都說要多加一些，又說加幅不夠，又說要當全職議員，諸多理由，所以不如先由議員作出響應，踏出第一步，讓人覺得立法局議員是很公道的。雖然只得60位議員，但也始終肯去做，而不是只要求別人做，自己卻沒有那麼偉大。

主席先生，香港很多服務都是由政府和私營機構負責。我個人同意政府

對某些服務要從社會福利方面作出思考，例如地鐵和九鐵。如果真要顧及這麼多，就應該帶頭減低加幅，甚或不加價。雖然它們是獨立運作，但因為涉及社會福利，所以如能起帶頭作用，可能就會好些。不過，究竟這些是社會福利抑或權利呢？如果市民得到任何權利，政府要取回，他們定會十分不滿。事實上，政府並不是屬於總督或司級官員的，只不過他們的薪金較高而已。但現時最高薪金的兩位都不屬於政府公務員，所以我們不能把他們當作是站在我們的對立面。雖然政府現時有盈餘，但我們要緊記，香港的經濟根本上是很薄弱的。如果有盈餘，你們說它賺得多；如果有赤字，就說它不負責任，這樣不如由你們當財政司。香港能夠做到這樣，政府抱有一種態度，就是“用者自付”原則，以承擔大部分開支，其他收益則另作計算。我們必須緊記，《基本法》清楚載明政府的理財政策，就是要量入而出。在這情況下，很多社會福利和有關的加價問題也要相應加以考慮。

有關私營機構方面，它們不是要救濟社會，它們是以經濟效益和市場效益來作出商業決定。如果他們賺了錢，而香港又舉行籌款活動時，他們可大力捐輸，我個人認為這很值得鼓勵。例如何伯，他每年在東華三院等籌款活動中都慷慨解囊，因為他在香煙方面獲利甚豐。這種行為是值得我們鼓勵的。但是如果立法局利用議案辯論，要求凍結一切加費或合理的商業決定，則未免會影響他們的投資意欲，最終損失最大的是工人階級。因為正如我所說，如果他們的投資回報不佳，他們可以到其他地方投資，工人就會喪失就業機會。因此，我們提出議案也好，作出甚麼行動也好，一定要顧及各方面，而不是只說幫市民，相反最終卻拖累了他們。

主席先生，無可否認，香港現時的失業率較高，但這是整個社會的形勢變化所致。現時香港有15萬家庭傭工，如果有七萬家庭婦女願意返回她們的工作崗位，就會為社會減輕了失業的機會。這不是一個數字，而是事實。雖然我說出來，很多人不喜歡聽，但不喜歡我也要說。不是你們自己認為正確，便絕對正確；自己認為不對，就是欺騙。如果不批准這十多萬家庭傭工來港，相信立即便沒有人失業。

主席先生，今天我們討論這項議案和三項修正案，最終都只是“得個講字”。對於這四項議案我絕對不會支持。我們必須緊記，任何立法局辯論都要顧及市民的感想和感受，過份煽動對大家都沒有好處。

主席先生，我謹此陳辭。

黃震遐議員致辭：主席先生，今次的議案辯論有三位議員提出修正案，分別是田北俊議員、陳婉嫻議員和任善寧議員，本人會就<sup>1</sup>三位議員的修正案，申述民主黨的立場和看法。

我們不會支持田北俊議員的修正案，原因是田議員將今天議案所針對的主要目標轉了方向。我們提出議案的目的是希望藉<sup>1</sup>辯論，要求政府和社會上的公用事業機構能直接並具體地作出一些行動，以減輕市民在這個高通脹和高失業率的處境下的經濟負擔。事實上，除了政府部門為市民提供服務外，市民在日常生活中所需的大部分服務，都是由公營或私營的公用事業所提供，而這些公用事業機構包括了地鐵、九鐵、輕鐵、中巴、九巴、城巴、油地小輪、天星小輪、港燈、中電和煤氣公司等。這些機構所提供的服務都是市民所必需的，無論市民有工做或正在失業也不能避免使用這些服務。如果所有公用事業機構自動凍結收費一年，肯定會令市民直接受惠，減輕生活中部分的經濟負擔。因此，要求公營和私營公用事業機構凍結收費一年是今天議案不可缺少的環節。同樣地，民主黨也不會放棄爭取凍結公屋租金的要求，因為住在公屋的居民均屬於低收入的人士，高失業率和高通脹對他們的影響最大，若然公屋租金獲得凍結，相信必能紓緩低下階層市民的生活負擔。田議員將我們議案中“要求凍結公屋租金及要求各主要公營和私營公共事業機構自動凍結票價和收費在現有水平”的部分刪除，無疑是將我們提出議案的原意完全抹去，因此我們民主黨無法接受。

陳婉嫻議員的修正案與我們所動議的並沒有很大的分歧，分別在於陳議員只要求凍結“一些有盈餘的公用事業機構的票價和收費”。我們認為只用“有盈餘”這概念去評定凍結公用事業機構收費的可行和合理與否是過於片面，原因是：

- (一) 盈餘與機構的經營是否有效是有密切的關係，機構經營出現虧損可能是管理階層經營不妥善，又或者是機構所提供的服務質素低劣，而令乘客大量流失所致。若然機構出現虧損是由於經營出現問題，市民沒有理由和責任去保障這些機構必然能賺取盈利，更不應該由市民負擔或支付公司由此而出現的虧損。
- (二) 大部分的公用事業機構都擁有專營權，而專營權的期限一般由數年至數十年不等，因此，機構在獲得新專營權後，可能會注資巨額款項以作長遠的業務發展和改善服務質素。換言之，機構在新投資的初期很可能會出現輕微的虧損，但從長遠角度考慮，機構在整段專營期內的平均回報率卻可以是很可觀的，若然只考慮機構在上年度或下年度的收支是否有盈餘作為評定凍



結收費的準則，民主黨認為是不可行。就以兩星期前立法局辯論凍結油 地小輪收費為例，我們民主黨已經不單止考慮到油 地小輪在九五年的營運有否虧損，也考慮到其以往的業績、將來的發展和財務前景、整個小輪集團的財政狀況等。市民可接受的程度以及香港的經濟環境。當我們綜合了所有的考慮因素後，仍然覺得凍結油 地小輪的收費是可行和合理的。因此，我們不會支持以“有盈餘”作為凍結公用事業收費的基礎，因為這個概念既含糊且片面。

由於任善寧議員的修正案並沒有要求凍結私營公用事業機構收費，因此我們也不會支持。事實上，本港私營公用事業機構所提供的服務非常廣泛，與市民的日常生活息息相關。而且這些機構在經營上獲得了政府批予的專營權，保障了他們所提供的服務有一定的市場佔有率，無疑是令他們能賺取頗可觀的收入。因此，我們認為在現今高通脹和高失業的情況下，既然這些機構過往均有可觀的盈利，而凍結收費對他們並沒有造成大的影響，為何我們不要求它們自動凍結收費一年呢？

主席先生，政府昨天宣布通脹上月下降至6.6%，故這個凍結收費是沒有需要。但因為通脹其實只是短期的原因引致下降，而並非是一個長遠的走勢，事實上，今年的利率可能會下跌而令到通脹回升，相對於全世界各地，香港的8.7%全年通脹率根本明顯高，削弱了香港的競爭能力，因此必須要政府承諾打擊通脹。

**莫應帆議員致辭：**主席先生，我代表民協支持凍結所有與民生有關的加價。自從九四年年末以來，本港經濟放緩，失業率持續攀升，已達11年來最高的水平。但經濟放緩並未為本港的高通脹帶來很大的紓緩作用，九五年的通脹仍然維持在很高的水平，當然，昨天政府剛公布的通脹下降只是一個很短期的現象，而面對高通脹且在銀行利率相對低時，香港市民辛辛苦苦積累下來的財產自然是日漸萎縮。此外，失業率高企，公司不斷裁員甚至停業，市民近年都在惶恐中渡日，深怕自己亦有可能加入失業大軍的行列，一家生計沒有<sup>1</sup>落。在這種罕有的高通脹、高失業率的雙重打擊之下，香港市民的生活可以說是百上加斤，加上政府及其他主要公共事業不斷加價，更是落井下石。民協不想亦不忍見這情況出現。

香港政府年年坐擁財政盈餘，積聚了龐大的財政儲備，預計到一九九七

年三月三十一日，政府的財政儲備將會達到1,510億元。政府的盈餘和儲備來自哪裏？當然是來自香港市民，積累盈餘的目的是甚麼呢？以備不時之需。既然錢是市民的錢，在目前的經濟困境之下，市民的負擔沉重，政府帶頭凍結與民生有關的收費和公屋租金，我們覺得是順理成章，而且是合情合理的做法。假若現在政府仍然堅持加價，一成不變，那麼奉行的所謂“用者自付”的原則，只會令今天怒人怨而已。

政府應該帶頭凍結加費，各樣公用事業亦應該凍結加價，為何呢？這些公用事業機構每年都有近億元或者更多的利潤，它們可謂在香港市民身上已經賺了不少錢。現今經濟環境不理想，它們又以成本上漲，追回通脹為理由，不顧香港市民，堅持加價，以維持豐厚的利潤，我認為不論公營或私營公用事業機構，都應該對社會有基本的責任和承擔，不應該只圖利益而單是追逐公司的利潤，經濟環境好的時候，要賺大錢，經濟環境不好時，也一樣要賺大錢，哪有這樣的道理？我認為大家既然同坐一條船，就應該同舟共濟，互相扶持，環境好的時候，可以多賺一些，環境不好時，便少賺一些。我們的要求並非很高，只是要求減價或減少一些收費，而且只是凍結一年而已，以減輕市民的負擔，回饋社會，盡一點社會責任，一點也不過份。說到這裏，我突然憶起上星期副房屋署長羅范椒芬向立法局介紹公屋公平分配問題時，她曾表示計算家庭入息應該以整個家庭計算。我自己也覺得在現時經濟環境不好時，香港社會應作出一個社群的反應，如果房屋署的道理是令人信服的話，我相信，我們今天要求政府、公營、私營公司凍結加費一年，這個邏輯也可以成立。

今天，我個人有一些感慨，作為代表香港市民，特別是基層市民的政團，有機會加入立法局，我自然希望能夠為香港市民的利益做一點事。有人說民協是“逢加必反”，我覺得這批評並不夠理性。我認為應該分兩方面來說，“逢加必反”只是說對了一半。我們民協反對的是那些影響社會民生的加價。民協認為今年是一個很困難的時期，非常的時刻，故此，影響民生的加價我們是一定會反對。對於與民生無關的加價，我們會酌情考慮。至於理性與否，我想民協是非常理性的。我們在加費的問題上，只有一個原則，就是為市民爭取最大的福利，好像上一次在油蔴地小輪加價問題上，民協就是按這個原則來投票的。

民協首先支持民主黨的凍結方案，但非常不幸，它的方案被否決，所以，我們在沒有選擇的情況下，退而求其次，支持民建聯聊勝於無的修正案，因為這樣也勝於贊同油蔴地小輪現在加價14%。但香港政府是行政主導，立法局的權力有限，在機緣巧合之下，立法局有機會可以否決公用事業的加價，這無疑使人很興奮，很雀躍，但是，我們很遺憾，民主黨的議案和

民建聯的修正案雙雙被否決了，對於民主黨和民建聯就對方的議案投反對票，我們表示非常遺憾。當時的形勢是民主黨掌握了生殺大權，其決定就是最終的決定，我認為基於市民的利益，民主黨即使不投贊成票，至少也應投棄權票，結果兩黨雙爭，只是益了油蔴地小輪，受苦的最終是市民。

今天，民協會反對田北俊議員的修正案。田北俊議員只是要求凍結政府的加費，對於影響民生的公用事業加價，就置諸不理，不言而喻，他的修正案只是維護工商界的利益，罔顧市民的利益。對於陳婉嫻議員的修正案，我們亦是反對，因為她只是要求凍結有盈餘的公用事業收費，言下之意，沒有盈餘的公用事業就可以加價，我們認為，作為公用事業竟然無利可圖，這間公司的經營亦非常欠妥。最後，民協亦反對任善寧議員的修正案，因為任善寧議員將私營公用事業摒除在凍結收費之議案以外。因此，我反對所有修正案。

**PRESIDENT:** I now invite Mr SIN Chung-kai to speak for the second time on the amendments to his motion. He has five minutes to speak on the three proposed amendments. Mr SIN Chung-kai, do you wish to speak?

單仲偕議員致辭：主席先生，首先，我謝謝陸恭蕙議員提醒我，政府有很多潛在的盈餘，這進一步促使我們要求政府在現時的情況下做一些工作，當然，凍結加價、凍結收費是其中一部分，政府仍可以在三月六日的財政預算案中，向我們交待財富的分配時，說出如何可以好好運用它的財政盈餘。

但今天，我們提出這個議案的原因，其實我們民主黨或一些支持我們的議員都已經說過，鑑於現在的經濟環境，我們可以做的事情很少，第一，因為港元與美元掛鈎關係，我們的利率不可以.....

**PRESIDENT:** I have listened to your preamble for too long. Would you please come to the amendments?

單仲偕議員：主席先生，剛才我的同事已討論了那三個修正案了，我們亦表示了我們的態度，對於田北俊議員的修正案，我們是沒法支持的，而對於任善寧議員的修正案，我們亦覺得其關於私營公用事業方面很有局限性，所以，對於這兩個修正案，我們都會投反對票。至於陳婉嫻議員的修正案，雖然我們剛才聽過陳婉嫻議員的解釋，她說那些有盈餘的公用事業，才需要凍

結，而那些沒有盈餘的，不可以理解成可以自動批准加價，但我們仍然沒法支持這個概念，所以就她的修正案投票時，民主黨是不會支持的。

說回我們目前提出的議案，我們對政府的回應是非常之失望，政府只是屢次向我們提出它的立場。

**PRESIDENT:** I have given permission to you to speak for the second time, so that you can speak on the amendments. This is not your final reply, you will be given another chance to give your final reply towards the end, after disposing of all the amendments.

單仲偕議員：我的同事已就那些修正案致辭。

**FINANCIAL SECRETARY:** Mr President, the motion before the Council this evening quotes two problems and two opportunities, and then goes on to suggest a four-part remedy. I must respectfully put it to Members that this construction, though superficially neat and attractive, is not well founded.

First, inflation. At an average of 8.7% for 1995 as a whole, this is still higher than we would like it to be, but as the Secretary for the Treasury has pointed out, it is now heading in the right direction. Certainly, we are no longer in the situation of five years ago when the increase in CPI(A) was well into double digits and seemingly spiralling out of control. The rate is coming down because the resource situation has eased, and also because we have addressed, and continue to address, the bottlenecks that tend to exert upward pressure. The way to keep inflation under control is to maintain that unspectacular, but in the long run, more effective, course.

Second, the unemployment rate. Unemployment is a complex subject, and a problem that the Government takes very seriously. It seems that the rate has stabilized at about 3.5%, which is the envy of most communities in the world but higher than we have become used to. Again, the correct response of our community must be to seek out the appropriate long-term measures, not snatch at

"quick fix" palliatives that would only serve to make the situation worse. The theme of long-term economic fundamentals is one to which I will return in my Budget speech in six weeks' time.

The surplus. Unfortunately, for the proposer of the motion, we are in fact expecting a deficit. I shall not go into detail here but this is a matter more appropriately dealt with in the Budget by which time more up-to-date data will be available. Suffice it to say that my predecessor, when presenting the 1995-96 Budget, forecast a deficit of about \$2.6 billion. I have no reason at this point to think that will prove very wide off the mark. But I shall not dwell on the point: even if there were a surplus, it would not be correct to use it in the way implied by the motion.

The reserves. Yes, at about \$151 billion, our reserves are at a very healthy level. Yes, our public finances are in good shape. Yes, when compared with the chaos we see elsewhere in the world, the Hong Kong community has every right to take pride in its prudent management of the common wealth. No, this is not the right time to fritter away an advantage so hard won.

We have reached the enviable position we have today not by accident, but by design. The Administration has adopted a set of prudent budgetary principles and applied them steadfastly. The community at large, including this Council, has generally supported our common-sense approach. Thus the Government has not pretended it can be all things to all men, making extravagant promises, leaving future generations to pick up the bill. Rather we have attempted — with the advice of this Council — to prioritize so as to meet the aspirations of the community without breaching the fundamental guideline of living within our means. The International Monetary Fund has recently conducted one of its regular inspections, and once again Hong Kong has passed with flying colours. Their advice on this point exactly matches my own inclinations: Our reserves are there for rainy days, not for cloudy periods.

The Secretary for Transport and the Secretary for Economic Services have pointed to our good fortune in enjoying basically reliable and affordable utility and transport services. Flick the switch, electricity. Turn the tap, fresh water. Pick up the phone, a dialling tone and the ability to call anywhere in the world. Set out to travel, a wide range of reasonably efficient modes. Hong Kong

citizens take these and other services for granted and long may they continue to do so. Yet many communities in the region do not have them. Why is this so? I urge Members to pause to reflect for a moment on what it is that makes these services work. As with our public finances, this is not an accident. It is the result of a sensible partnership between the public and the private sector. The Administration, acting on behalf of the public, provides the framework. Private companies provide the services. The result has generally been reasonable prices paid by the consumer and a reasonable profit earned by the investor.

What would be the consequence of moves to artificially suppress profits, or subsidize services from the public purse? We do not have to speculate, we can report from direct observation of communities that have gone down these routes. Without a reasonable profit, there is no new investment and the service declines. This obviously applies to private companies. It tends to apply also — but more subtly — to public corporations too, because if an operation does not pay its own way, then it ends up competing for resources with other public services. More kidney machines for our hospitals, or more new buses? More computers in school, or more carriages on the MTR train? More welfare facilities, or more modern ferries? And so on. And the result is always the same: the standard of the utility service gradually declines as over the years it loses out in the battle for resources. The commuter who saves 50 cents on his bus fare may thank you tomorrow. But what will he say to you in two years' time when he is walking to work, or at least spending twice as long in the queue? To borrow the analogy used by Miss CHAN Yuen-han, there are not so many Forest GUMs in Hong Kong.

Mr President, I do not propose to repeat all the familiar but sound arguments on fees and charges, or on public housing rents. These have been well covered by the Secretary for the Treasury and the Secretary for Housing. In conclusion, let me just say this.

No one doubts the motives of those who want to improve the livelihood of our community. After all, that is one of the prime objectives of the Government too. What is at issue is how best to do so. At a time when the economy is facing challenges on many fronts and growing more slowly, I can well understand Members' frustration: indeed I share it. But we have to recognize that this is the low point of the economic cycle. That despite this, we still maintain a respectable growth of about 5%, with inflation easing and unemployment stabilized. And that provided we hold true to our economic and

budgetary principles, we can and will maintain the steady growth that will improve the livelihood of all in Hong Kong.

With these remarks, I urge Members to oppose the motion in any form.

**PRESIDENT:** Mr James TIEN 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.

***MR JAMES TIEN's amendment to MR SIN CHUNG-KAI's motion:***

"刪除“通脹高企，失業率持續攀升”，並以“經濟放緩、通脹及失業率高企”取代；刪除“盈餘和”；刪除“與民生有關的收費和公屋租金，同時亦要求各主要公營及私營公共事業機構，自動凍結票價和收費在現有水平，為期一年”，並以“各項政府收費一年”取代；及在“以減輕市民沉重的生活負擔”後加上“，刺激經濟及增加就業機會”。"

田北俊議員致辭：主席先生，我動議修正單仲偕議員的議案，修正案內容一如議事程序表內在我名下者所載。

*Question on Mr James TIEN's amendment proposed and put.*

*Voice vote taken.*

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

Mr James TIEN 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 amendment moved by Mr James TIEN be made to Mr SIN Chung-kai's motion. 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. I think we are still one short of the head count. The result will now be displayed.

Mr Allen LEE, Mrs Selina CHOW, Mr Edward HO, Mrs Miriam LAU, Mr Henry TANG, Mr Howard YOUNG and Mr James TIEN voted for the amendment.

Mr Martin LEE, Mr SZETO Wah, Dr LEONG Che-hung, Mr Albert CHAN, Mr CHEUNG Man-kwong, Mr CHIM Pui-chung, Mr Frederick FUNG, Mr Michael HO, Dr HUANG Chen-ya, Miss Emily LAU, Mr LEE Wing-tat, Mr Fred LI, Mr James TO, Dr Philip WONG, Dr YEUNG Sum, Mr WONG Wai-yin, Miss Christine LOH, Mr CHAN Kam-lam, Mr CHAN Wing-chan, Miss CHAN Yuen-han, Mr Andrew CHENG, Dr Anthony CHEUNG, Mr CHEUNG Hon-chung, Mr Albert HO, Mr IP Kwok-him, Mr LAU Chin-shek, Mr Ambrose LAU, Dr LAW Cheung-kwok, Mr LAW Chi-kwong, Mr LEE Kai-ming, Mr Bruce LIU, Mr MOK Ying-fan, Miss Margaret NG, Mr NGAN Kam-chuen, Mr SIN Chung-kai, Mr TSANG Kin-shing, Dr John TSE and Mr YUM Sin-ling voted against the amendment.

Mr Eric LI abstained.

THE PRESIDENT announced that there were seven votes in favour of the amendment and 38 votes against it. He therefore declared that the amendment was negatived.



**PRESIDENT:** Now that we have disposed of Mr James TIEN's amendment, Miss CHAN Yuen-han may formally move her amendment now so that Members may take a vote on it.

***MISS CHAN YUEN-HAN's amendment to MR SIN CHUNG-KAI's motion:***

"刪除“與民生有關的收費和”；在“公屋租金”後加上“和與民生直接相關的政府收費”；刪除“各主要”並以“有盈餘的”取代；及刪除“在現有水平”。"

陳婉嫻議員致辭：主席先生，我動議修正單仲偕議員的議案，修正案內容一如議事程序表內在我名下者所載。

*Question on Miss CHAN Yuen-han's amendment proposed and put.*

*Voice vote taken.*

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

Mr James TIEN 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 amendment moved by Miss CHAN Yuen-han be made to Mr SIN Chung-kai's motion. 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:** Three short..... two short. Before I declare the result, Members may wish to check their votes. Are there any queries? The result will now be displayed.

Miss Emily LAU, Mr CHAN Kam-lam, Mr CHAN Wing-chan, Miss CHAN Yuen-han, Mr CHENG Yiu-tong, Mr CHEUNG Hon-chung, Mr IP Kwok-him, Mr LEE Kai-ming and Mr NGAN Kam-chuen voted for the amendment.

Mr Allen LEE, Mrs Selina CHOW, Mr Edward HO, Mrs Miriam LAU, Dr LEONG Che-hung, Mr CHIM Pui-chung, Mr Frederick FUNG, Mr Eric LI, Mr Henry TANG, Dr Philip WONG, Mr Howard YOUNG, Miss Christine LOH, Mr James TIEN, Mr Albert HO, Mr Ambrose LAU, Dr LAW Cheung-kwok, Mr Bruce LIU, Mr MOK Ying-fan, Miss Margaret NG and YUM Sin-ling voted against the amendment.

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, Dr Anthony CHEUNG, Mr LAU Chin-shek, Mr LAW Chi-kwong, Mr SIN Chung-kai, Mr TSANG Kin-shing and Dr John TSE abstained.

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

**PRESIDENT:** Now that we have disposed of Miss CHAN Yuen-han's amendment, Mr YUM Sin-ling may formally move his amendment now so that Members may take a vote on it.

***MR YUM SIN-LING's amendment to MR SIN CHUNG-KAI's motion:***

"刪除“及私營”及“在現有水平”；及在“為期一年”後加上“(一九九六年四月一日至一九九七年三月三十一日)”。

任善寧議員致辭：主席先生，我動議修正單仲偕議員的議案，修正案內容一如議事程序表內在我名下者所載。

*Question on Mr YUM Sin-ling's amendment proposed and put.*

*Voice vote taken.*

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

Mr James TIEN 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 amendment moved by Mr YUM Sin-ling be made to Mr SIN Chung-kai's motion. 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? I think we are one short of the head count. The result will now be displayed.

Mr YUM Sin-ling voted for the amendment.

Mr Allen LEE, Mrs Selina CHOW, Mr Martin LEE, Mr SZETO Wah, Mr Edward HO, Mrs Miriam LAU, Dr LEONG Che-hung, Mr Albert CHAN, Mr CHEUNG Man-kwong, Mr CHIM Pui-chung, Mr Frederick FUNG, 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 Philip WONG, Dr YEUNG Sum,

Mr Howard YOUNG, Mr WONG Wai-yin, Miss Christine LOH, Mr James TIEN, Mr CHAN Kam-lam, Mr CHAN Wing-chan, Mr Andrew CHENG, Mr CHENG Yiu-tong, Dr Anthony CHEUNG, Mr CHEUNG Hon-chung, Mr Albert HO, Mr IP Kwok-him, Mr LAU Chin-shek, Mr Ambrose LAU, Dr LAW Cheung-kwok, Mr LAW Chi-kwong, Mr LEE Kai-ming, Mr Bruce LIU, Mr MOK Ying-fan, Miss Margaret NG, Mr NGAN Kam-chuen, Mr SIN Chung-kai, Mr TSANG Kin-shing and Dr John TSE voted against the amendment.

THE PRESIDENT announced that there was one vote in favour of the amendment and 45 votes against it. He therefore declared that Mr YUM Sin-ling's amendment was negatived.

**PRESIDENT:** Mr SIN Chung-kai, you are now still entitled to reply and you have four minutes 15 seconds out of your original 15 minutes.

單仲偕議員致辭：主席先生，雖然今天政府有四位（其實應該是五位）政府官員回答我們的議案，但我們對政府的回應表示很大的不滿，原因是政府只是再一次提出它去年對我們所作的回應，即凍結不是一個方法。我亦看不到政府現在提出甚麼很好的方法，告訴我們如何解決或紓緩基層市民生活的壓力。

剛才那幾項修正案都已遭否決，在此，我最後呼籲各位同事，在現時的环境下，希望大家團結一致，要政府和各公用事業凍結一年的加價，減輕我們市民生活的壓力。民建聯陳婉嫻議員剛才所提出的修正案與民主黨的分歧其實很小，只在於有盈餘和沒有盈餘，我希望民建聯的同事能夠摒棄成見和我們一齊投贊成票，支持我們的原議案。

主席先生，在此，我最後想說一句話，就是有議案通過較沒議案通過為好；上星期可見陳榮燦議員所提出的議案結果是四大皆空，我希望今天大家能上演一齣好戲。

*Question on the original motion put.*

*Voice vote taken.*

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

Mr James TIEN 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 SIN Chung-kai as set out on the Order Paper 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 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 Andrew CHENG, Dr Anthony CHEUNG, Mr CHEUNG Hon-chung, Mr Albert HO, Mr LAU Chin-shek, Dr LAW Cheung-kwok, Mr LAW Chi-kwong, Mr Bruce LIU, Mr MOK Ying-fan, Mr SIN Chung-kai, Mr TSANG Kin-shing and Dr John TSE voted for the motion.

Mr Allen LEE, Mrs Selina CHOW, Mr Edward HO, Mrs Miriam LAU, Dr LEONG Che-hung, Mr CHIM Pui-chung, Mr Eric LI, Mr Henry TANG, Dr Philip WONG, Mr Howard YOUNG, Miss Christine LOH, Mr James TIEN, Mr CHAN Kam-lam, Mr CHAN Wing-chan, Mr CHENG Yiu-tong, Mr IP

Kwok-him, Mr Ambrose LAU, Miss Margaret NG and Mr NGAN Kam-chuen voted against the motion.

Mr LEE Kai-ming and Mr YUM Sin-ling abstained.

THE PRESIDENT announced that there were 25 votes in favour of the motion and 19 votes against it. He therefore declared that the original motion was carried.

### **ADJOURNMENT AND NEXT SITTING**

**PRESIDENT:** In accordance with Standing Orders I now adjourn the Council until 2.30 pm on Wednesday 31 January 1996.

*Adjourned accordingly at twelve minutes past Eight o'clock.*

Annex to Question 14

Ref.: SPA 1/32(C)(94)

Government Secretariat  
Hong Kong

9 January 1996

### **CIVIL SERVICE BRANCH CIRCULAR No. 3/96**

#### **AIDS - Education and Policy in the Civil Service**

To : Branch Secretaries  
Heads of Departments

c.c. Judiciary Administrator

(Note:

Distribution of this circular  
is Scale A, i.e. it should be read by all staff in the civil service. A Chinese version is attached.)

## **Purpose**

The purpose of this Circular is to:

- (a) promulgate the civil service policy on AIDS;
- (b) recommend courses of action to be taken by departments/branches in respect of education and promotion of HIV/AIDS awareness among staff and the management.

## **Background**

2. Like many major employers in Hong Kong, the Government has become a signatory to the Hong Kong Community Charter on AIDS (Acquired Immune Deficiency Syndrome). The Charter was initiated by the AIDS Unit of the Department of Health and Lions Clubs International. Its main objectives are to enhance AIDS awareness and to encourage adoption of non-discriminatory policy in the workplace.

## **HIV/AIDS Policy in the Civil Service**

3. It is recognised that effective ways to stop the spreading of HIV (Human Immunodeficiency Virus) are to promote awareness, to educate, and to show concern. These are also the key to maintaining a workplace free of unjustified fears. Having regard to the fact that HIV is not transmitted through casual personal contact under normal working conditions, the following HIV/AIDS policy for the civil service will be adopted by the Administration -

- (a) We will not undertake screening for HIV/AIDS on serving officers or potential employees.
- (b) We recognise an individual's right of confidentiality of medical information. However, we encourage staff members to discuss with their departmental management and seek professional help

whenever necessary. Strict confidentiality is kept in these processes.

- (c) We will provide reasonable accommodation, as required, to the work duties of infected staff should they wish to seek assistance from the departmental management.
- (d) We will not discriminate against HIV infected staff and accordingly will continue to provide employment in accordance with the provisions of the Civil Service Regulations.
- (e) We will educate the staff on the subject of HIV infection.

### **Courses of Action to be taken**

4. The Administration will promote HIV/AIDS awareness among the staff and provide education in order that there is a full appreciation of the precautions that need to be taken to prevent infection and of the absence of risk of infection in normal workplace situations. In this connection, departmental managements are requested to make the following arrangements:

- (a) designate a senior officer (e.g. the departmental Staff Welfare Officer) to coordinate the implementation of the policy in paragraph 3 above in the department, including the handling in confidence, of AIDS related enquiries from the staff and referral of cases for medical advice as necessary;
- (b) arrange education programmes, e.g. workshops/seminars on AIDS for staff through staff clubs or staff associations if possible, and for supervisors at the middle and senior management levels in departments. If possible, the topic should be included as part of the departmental programme on occupational health.

For medical advice and assistance in AIDS education, please contact Dr S S Lee or medical/nursing staff of the AIDS Unit of the Department of Health (tel. no. 2780 8622)



**Enquires**

5. Enquiries on the contents of this Circular should be directed to the Departmental Secretary in the first instance, who, in case of doubt, may contact Mrs Iris Cheng, SEO(M) of the Management Division of Civil Service Branch (tel. no. 2810 3565).

PATRICK L C LAU  
for Secretary for the Civil Service