

## **OFFICIAL RECORD OF PROCEEDINGS**

### **立法局會議過程正式紀錄**

**Wednesday, 7 February 1996**

一九九六年二月七日星期三

**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 LEE CHEUK-YAN

李卓人議員

THE HONOURABLE CHAN KAM-LAM

陳鑑林議員

THE HONOURABLE CHAN WING-CHAN

陳榮燦議員

THE HONOURABLE CHAN YUEN-HAN

陳婉嫻議員

THE HONOURABLE ANDREW CHENG KAR-FOO

鄭家富議員

THE HONOURABLE PAUL CHENG MING-FUN

鄭明訓議員

THE HONOURABLE CHENG YIU-TONG

鄭耀棠議員

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 LEUNG YIU-CHUNG

梁耀忠議員

THE HONOURABLE BRUCE LIU SING-LEE

廖成利議員

THE HONOURABLE LO SUK-CHING

羅叔清議員

THE HONOURABLE MOK YING-FAN

莫應帆議員

THE HONOURABLE MARGARET NG

吳靄儀議員

THE HONOURABLE NGAN KAM-CHUEN

顏錦全議員

THE HONOURABLE SIN CHUNG-KAI

單仲偕議員

THE HONOURABLE TSANG KIN-SHING

曾健成議員

DR THE HONOURABLE JOHN TSE WING-LING

謝永齡議員

THE HONOURABLE MRS ELIZABETH WONG CHIEN CHI-LIEN, C.B.E.,  
I.S.O., J.P.

黃錢其濂議員，C.B.E., I.S.O., J.P.

THE HONOURABLE LAWRENCE YUM SIN-LING

任善寧議員

## **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.

## **PUBLIC OFFICERS ATTENDING**

### **出席公職人員：**

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

CHIEF SECRETARY

行政局議員布政司陳方安生女士，C.B.E., J.P.

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

FINANCIAL SECRETARY

行政局議員財政司曾蔭權先生，O.B.E., J.P.

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

ATTORNEY GENERAL

行政局議員律政司馬富善先生，C.M.G., J.P.

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

SECRETARY FOR RECREATION AND CULTURE

文康廣播司周德熙先生，C.B.E., J.P.

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

**SECRETARY FOR TRANSPORT**

運輸司鮑文先生，I.S.O., J.P.

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

**SECRETARY FOR HOUSING**

房屋司黃星華先生，O.B.E., J.P.

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

**SECRETARY FOR HEALTH AND WELFARE**

衛生福利司霍羅兆貞女士，O.B.E., J.P.

**MR RAFAEL HUI SI-YAN, J.P.**

**SECRETARY FOR FINANCIAL SERVICES**

財經事務司許仕仁先生，J.P.

**MR 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.

**CLERKS IN ATTENDANCE**

**列席秘書：**

**MR LAW KAM-SANG, DEPUTY SECRETARY GENERAL**

副秘書長羅錦生先生

**MISS PAULINE NG MAN-WAH, ASSISTANT SECRETARY GENERAL**

助理秘書長吳文華女士

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

助理秘書長陳欽茂先生

**PAPERS**

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

*Subject*

## Subsidiary Legislation

*L.N. No.*

Census and Statistics (Annual Survey of Banks, Deposit-Taking Companies, Restricted Licence Banks and Representative Offices of Foreign Banks) (Amendment) Order 1996.....	64/96
Prisons (Amendment) Order 1996.....	65/96
Prisons (Hostel) (Amendment) Order 1996 .....	66/96
Minor Employment Claims Adjudication Board (Fees) (Amendment) Rules 1996 .....	67/96
Official Languages (Authentic Chinese Text) (Defamation Ordinance) Order .....	(C) 10/96
Official Languages (Authentic Chinese Text) (Foreshore and Sea-Bed (Reclamations) Ordinance) Order.....	(C) 11/96
Official Languages (Authentic Chinese Text) (Animals (Control of Experiments) Ordinance) Order.....	(C) 12/96



## 文件

下列文件乃根據《常規》第 14(2)條的規定而提交會議席上省覽：

## 項 目

## 附屬法例

## 法律公告編號

《1996 年普查及統計（銀行、接受存款公司、 有限牌照銀行及外地銀行駐香港代表辦事處 按年統計調查）（修訂）令》 .....	64/96
《1996 年監獄（修訂）令》 .....	65/96
《1996 年監獄（宿舍）（修訂）令》 .....	66/96
《1996 年小額薪酬索償仲裁處（費用） （修訂）規則》 .....	67/96
《法定語文（中文真確本）（誹謗條例）令》...	(C)10/96
《法定語文（中文真確本）（前濱及海床 （填海工程）條例）令》 .....	(C)11/96
《法定語文（中文真確本）（動物（實驗管制） 條例）令》 .....	(C)12/96

## Sessional Papers 1995-96

- No. 54 — The Lord Wilson Heritage Trust  
Annual Report 1994-1995
- No. 55 — Report of the Public Accounts Committee on the Reports of  
the Director of Audit on the Accounts of the  
Hong Kong Government for the year ended 31 March 1995  
and the Results of Value for Money Audits  
(January 1996 - PAC Report No. 25)

No. 56 — Hong Kong Council on Smoking and Health  
Annual Report 1994-95

一九九五至九六年度會期內提交的文件

第 54 號 — 衛奕信勳爵文物信託  
一九九四至一九九五年度報告書

第 55 號 — 政府帳目委員會就一九九四至一九九五年度核數  
署署長的香港政府帳目審核及衡工量值式核數報  
告書提交的報告書（一九九六年一月政府帳目委員會  
第二十五號報告書）

第 56 號 — 香港吸煙與健康委員會年報  
一九九四至九五年度

**ADDRESS**

**Report of the Public Accounts Committee on the Reports of the Director of Audit on the Accounts of the Hong Kong Government for the year ended 31 March 1995 and the Results of Value for Money Audits (January 1996 - PAC Report No. 25)**

**MR ERIC LI:** Mr President, on behalf of the Public Accounts Committee, I have the honour to table the Committee's Report No. 25 today.

This Report contains the conclusions reached by the Committee in considering the Reports of the Director of Audit on the accounts of the Hong Kong Government for the year ended 31 March 1995 and the results of value for money audits completed between March and September 1995. It also assesses the actions taken by the Administration in response to the recommendations made by the Committee in previous reports. Whilst we appreciate the positive attitude adopted by the Administration generally in implementing the Committee's recommendations, there remain, nonetheless, some areas of concern, which I would like to highlight.

First, the Committee is concerned about the long-standing problem of indebtedness of police officers as manifested by a number of recent press reports. This issue was first raised in the Director of Audit's Report No. 21 tabled in this Council on 17 November 1993. However, in spite of the various measures taken by the Commissioner of Police, the situation has remained less than satisfactory. We, therefore, urge the Commissioner to undertake more effective measures to tackle the problem and to keep our Police Force free from undue anxiety and stress arising from financial predicaments.

Another outstanding issue raised in the same Report concerns the superannuation schemes of tertiary institutions. Although we only focused our attention previously on the financial position of the superannuation schemes managed by the University of Hong Kong (HKU) and the Chinese University of Hong Kong (CUHK), it is now apparent that the two institutions are not the only ones in trouble. We understand that good progress has already been made by the CUHK in resolving its problem. On the other hand, the situation of the HKU remains unresolved and we have therefore asked the Director of Audit to continue keeping us apprised of the wider situation including the financial position of similar Schemes of other University Grants Committee-funded institutions.

I shall now turn to the Director of Audit's Report No. 25. The Public Accounts Committee found the slow recovery of the huge advances made by the Hong Kong Government to meet the expenditure of the United Nations High Commission for Refugees (UNHCR) for the care and maintenance of Vietnamese migrants (VM) in Hong Kong most disturbing. The Director of Audit also questioned the propriety of the Administration on the use of advance accounts to pay for the VM's expenditure under section 20 of the Public Finance Ordinance. After examining the policy intent of the legislation, the lack of legal enforcement avenues in the event of default, the evasive position taken by the UNHCR, its current financial position and the poor track record of repayment, we are in full agreement with the Director of Audit, and that is, the premises which the Financial Secretary has relied upon to justify the use of the advance accounts mechanism are no longer valid. Despite the technical legal arguments advanced by the Administration, it is still plainly obvious, to a reasonable person, that the prospect of recovering the huge debts from the UNHCR in full, and within a predictable timeframe, is highly doubtful. It is our view that the legislative intent of the Public Finance Ordinance be directed to the proper control of public

expenditure by this Council and that the definition of "recoverable advances" under section 20 should carry a strict and unambiguous meaning rather than the liberal interpretation currently self-adopted by the Administration. We urge the Administration to define more precisely the scope of the delegated authority of the Financial Secretary under the Ordinance and, in the meantime, discontinue the practice of charging VM expenses to the advance accounts and should henceforth seek prior funding approval from the Finance Committee for all items of such expenditure. We also consider that by imposing the policy of "Port of First Asylum" on the territory, the British Government has undeniable obligations towards Hong Kong in helping us resolve this matter before 1997. The Public Accounts Committee vows to keep a vigilant eye on this matter. We have therefore invited the Director of Audit to conduct a follow-up study with a view to submitting a further report to you, Mr President, in October this year.

Another issue which causes us great concern is the slack management and criminal activities of the public cargo working areas. The Committee has found it difficult to accept: firstly, the Marine Department knew right from the start in 1982 that the first-come-first-serve basis of berth allocation had never worked. They had made no attempt to change this ineffective policy and little action was taken to genuinely address the problem; and secondly, notwithstanding that police investigations have uncovered long-standing criminal and triad activities in the public cargo working areas, the Marine Department still refuses to recognize this prevalent problem. In the course of the Committee's inquiry, we also noted that the Administration does not seem to have a good grasp of the cargo handling trade. We thus call on the Marine Department to face the problems squarely, adopt a positive approach in bringing the management of the public cargo working areas under control and make greater effort to understand the economics and the modes of operation of the trade. We were informed that a consultancy study has already been completed on the future development of public cargo working areas. We urge the Administration to consult the barge operators with a view to devising an open, fair and economically viable system of allocating berth spaces, which best meets the needs of the trade.

There is also one recurring issue which the Committee has asked me to express dismay and, that is, the seemingly habitual dependency of the Administration on external consultants. Whilst we recognize the fact that external consultants may be useful in some cases, we would still like to see that prior to the appointment of consultants, the Administration will critically

examine the feasibility of undertaking such tasks in-house. To achieve good value for money, it is also crucial for the departments concerned to be up-to-speed on the subject matter themselves so as to appoint consultants with the right qualifications and experience, be well placed to give proper and detailed briefs of the task entrusted. All too often, as in this particular Report, we find cases passing through our desks where the departments concerned were themselves ill prepared to select, brief and then monitor the progress of the external consultants. To these culprit departments, I would strongly remind them that we would still hold them fully responsible for the wastage of public funds caused by the ineffective co-ordination with or the unsuitable appointment of consultants.

Finally, I should perhaps say a few words about the issue concerning the review of the housing benefits provided by the Hospital Authority (HA) to its employees. This issue has indeed attracted much media attention. We regret not being able to table a full report on this subject today. At the time of finalizing our report for printing on 30 January, we were still waiting for a reply from the Administration in respect of the Committee's request to examine the relevant documentary evidence concerning the formulation of the relevant policy and the Government's analysis of the long-term financial implications of the HA remuneration package. We have now got the Administration's reply and the Committee will be meeting tomorrow to consider the matter further. We will put in our best endeavour to finalize the report to the Council at the earliest opportunity.

The Committee has worked exceedingly hard in the last three months, and during which, we particularly owe our thanks to the dedicated and highly efficient Legislative Council Secretariat as well as the wise counsel of our always dependable Legal Adviser.

Thank you, Mr President.

## ORAL ANSWERS TO QUESTIONS

### Methadone Treatment Programme

1. 顏錦全議員問：主席先生，有關美沙酮治療計劃的成效及美沙酮治療

中心的運作，政府可否告知本局：

- (a) 美沙酮治療是否能協助吸毒者戒除毒癮；
- (b) 會否檢討美沙酮治療計劃的成效，以及其未來的發展動向；
- (c) 會否檢討在美沙酮治療中心服食美沙酮的程序及保安措施，以及會否考慮增加當值人員數目，防止服食者將美沙酮帶走；及
- (d) 有否考慮如何消滅美沙酮治療中心使用者對鄰近居民所帶來的滋擾？

保安司答：主席先生，

- (a) 吸毒是一種慢性且會復發的醫學症狀，受到複雜的社會及心理因素所影響。我們一貫的政策，是採取多種模式的戒毒治療和康復服務，以切合不同吸毒者的各種需要。美沙酮門診治療計劃為不適宜和不接受住院戒毒治療的吸毒者，提供另一種戒毒治療服務。這個計劃，包括為病人提供美沙酮代用服務和戒毒服務。戒毒治療旨在逐步減少每日劑量，令病人漸漸戒除毒癮，直至他們完全戒除毒癖為止。這種模式對於毒癮較淺的吸毒者，較為合適。不過，國際經驗顯示，要達到令所有吸毒者都完全戒毒的目標，是有困難和不切實際的。其實，大多數吸毒者都選擇參加美沙酮代用計劃。對他們來說，代用計劃是較為實際的目標。這個計劃可使吸毒者重新投入正常和有經濟生產力的生活，可使他們免受非法吸食毒品對健康所帶來的損害，並使他們不再涉及因吸毒而帶來的犯罪活動。
- (b) 當局曾於一九九二年對所有戒毒治療和康復服務，包括美沙酮治療，進行全面的政策檢討。這次檢討確認美沙酮治療計劃在本港的整體戒毒治療及康復策略上，發揮很大作用。這個計劃為吸毒者提供容易獲得、合法、醫學上安全和有效的代替品，以免他們非法吸食鴉片類毒藥。這個計劃並會帶來好處，就是減少毒品需求，和吸毒問題對社會造成的禍害。

我們亦於一九九四年三月聘請國際著名的吸毒問題專家紐曼醫生，來港擔任顧問，就有關問題提供意見，其中包括美沙酮治療計劃。他重新肯定這個計劃的價值，並稱讚該計劃是“香港成功控制吸毒問題的基石”。

一九九五年十一月，禁毒常務委員會委託香港社會服務聯會進行一項研究，檢討本港所採用的各種戒毒模式的目標和效果，其中包括美沙酮治療計劃。這項研究工作將需三年時間完成。

- (c) 生署已實施全面的保安制度，防止病人藏起獲處方的美沙酮。病人必須前往固定的診療所求診，由醫生開處劑量，而劑量亦嚴密監管。所有處方的美沙酮，須在診所人員的監督下，在診療所內服用，然後病人才可離開。總體而言，這制度運作良好。至於診療所的職員，目前並無需要增加。生署亦會對美沙酮治療計劃的運作情♥，時加檢討，並按照運作經驗和在這方面的新發展，不斷進行改善。
- (d) 我們相信，要妥善處理區內居民投訴受滋擾的問題，最佳辦法是各有關部門齊心協力，採取措施，解決這問題。這些措施包括：
  - (i) 加強警方的執法行動，打擊診療所附近的非法活動；
  - (ii) 加強教育和輔導，包括主動接觸區內吸毒者，教導他們棄置針筒的正確方法，並勸諭他們接受治療。同時，亦在區內籌辦反吸毒宣傳活動；
  - (iii) 採取改善環境措施，例如經常清潔附近地方以清除棄置針筒、改善燈光照明等；及
  - (iv) 鼓勵接受美沙酮治療人士，充分利用由多個志願團體提供的社區和康樂服務。

有關的政府部門已實施上述各種措施。

顏錦全議員問：主席先生，保安司在主要答覆的第三部分提到，實施全面的保安制度，防止病人藏起獲處方的美沙酮。不過，去年有一宗實際個案，就有小童誤將放在雪櫃內的美沙酮當作橙汁飲用而致死。這顯示有人將美沙酮帶了出來，放在家中。此外，根據我的實際觀察，一些美沙酮中心附近經常發現用來服用美沙酮的杯子。請問現時有多少醫療人員在這些中心內向美沙酮服用者提供服務？請問人手是否足夠呢？

保安司答：主席先生，我在主要答覆中已經提到，生署會不時檢討美沙酮治療診所的服務。如果該署認為有需要增加工作人手，就會採取有關措施。剛才顏議員提到，曾經有個案顯示在診所外發現美沙酮，我承認確有這種情況。我不能保證每種保安措施都是百分之一百零一沒有流弊。據我所知，在美沙酮診所外發現而被警方沒收的美沙酮數量，在過去數年已大幅減低。舉例而言，在一九九三年，在美沙酮診所外發現的美沙酮數量，丸劑的有20 794粒，而水劑則有3.5公升。一九九五年，即去年的初步數字顯示，丸劑的美沙酮數量已下降至212粒，而水劑則下降至0.02公升。

葉國謙議員問：主席先生，美沙酮中心曾經多次發生被竊事件，事後當局表示會改良保安設施。政府可否告知本局，有關進展如何？保安科、警方和生署如何作出配合？

保安司答：每一間美沙酮診所內的保安措施都是由該診所的生署同事負責。如果有需要的話，警方當然會向他們提供協助。

謝永齡議員問：一些專家指出，戒除美沙酮較戒除其他毒品，例如白粉更為困難。請問政府事實是否如此呢？此外，利用美沙酮而成功戒毒，包括戒除美沙酮的有多少人？如果人數偏低，原因為何？

保安司答：主席先生，我重申一點，美沙酮計劃的主要功能並非戒毒，而是以美沙酮作為代用品，而美沙酮本身對人體無害。由於服食美沙酮，就無須服食鴉片類的毒品，包括海洛英，這些毒品才會對人體有害。現時美沙酮代用品計劃的使用率非常廣泛，相當多人因服食美沙酮而無須服食鴉片類的毒品。對該等人士和社會而言，有很大好處。

我在主要答覆中也提到，要完全戒除毒癮，實際上是非常困難的事，國際社會和大家都認同這一點。吸毒者能在很短時間內戒除毒癮，但由於心理和社會因素，即我們俗稱所謂“心癮”，他們可能會再染上毒癮。因此，使用美沙酮完全戒除毒癮及完全不需要服食美沙酮的人數，在美沙酮計劃設立



以來，只得233人。

陳榮燦議員問：主席先生，由於現時美沙酮中心大多與普通門診部共用同一場地，而美沙酮中心使用者的行為缺乏自我約束，經常大聲喧嘩、談笑、吐痰、睡覺以及吸煙，對輪候門診的市民造成滋擾，但診所員工卻甚少理會或作出干預，請問政府如何處理這些事情？

保安司答：如果美沙酮計劃治療中心內一些病人的行為不檢，鄰近的病人或使用同一地方其他設施的人，可向美沙酮中心的職員投訴，他們會盡可能勸服那些參加美沙酮計劃人士的行為檢點一些。

**DR LEONG CHE-HUNG:** *Mr President, from the answers, it is very obvious that there is some use in the methadone clinics and yet there are so many complaints about these clinics. Could the Government tell us how many of these so-called complaints are actually due to discrimination? If so, what is the Government's plan to ensure that there is no such discrimination against these people who need help?*

**PRESIDENT:** I fail to see any relationship between this supplementary and the main question and answer.

### Electronic Road Pricing Scheme

2. 黃秉槐議員問：主席先生，有關運輸署現正進行的電子道路收費可行性研究，政府可否告知本局：

- (a) 該項研究現時的進展及預計完成日期為何；
- (b) 運輸署內專業人員的現行編制是否足以應付該項研究所引致的額外工作量；
- (c) 若(b)項的答案為否定，是否會為此增聘職員；若然，詳情為

何；及

(d) 是否曾就實施各項研究所提出的建議，預測所需的額外人力資源；若然，詳情為何？

**SECRETARY FOR TRANSPORT:** Mr President, our proposal for Electronic Road Pricing (ERP), as a measure to combat traffic congestion, received general public support during the consultation exercise. Indeed, during the debate in this Council last February, the concensus also was that ERP should be supported in principle. Honourable Members, quite understandably, asked that they be further consulted on details before implementation.

The Administration believes that ERP, which adopts the "user pays" approach, offers a more efficient, equitable and flexible way of dealing with traffic congestion.

The brief for the feasibility study on ERP has just about been completed. We shall consult the Legislative Council Transport Panel on the broad approach regarding the study later this month prior to approaching the Finance Committee in April for funds to both appoint consultants to carry out a feasibility study on ERP and for a pilot project. The study is expected to start later in the year and will take about two years to complete. The study will include the development of a transport model to evaluate various ERP strategies and to assess their impact, the evaluation of suitable technologies for an ERP system including field evaluation of the equipment, and the preparation of a conceptual design for the system.

Given existing and other new commitments, it will not be possible for the Transport Department to handle the extra workload arising from the ERP study without additional staff. To manage and supervise the study, funds have been sought in the 1996-97 estimates for the creation of a small dedicated project team comprising professional engineering and technical staff.

It is too early to indicate the staffing requirements for the implementation of a full ERP system. One of the tasks of the consultants will be to look into the resources required.

**DR SAMUEL WONG:** *Mr President, the feasibility study on ERP is expected to start later in the year for completion in about two years. I think this is taking too long since, only 10 years ago, the Government spent some \$30 million to study or research into quite a similar scheme and something must have been learnt therefrom. Our neighbouring city, Singapore, has just signed a contract for a similar scheme .....*

**PRESIDENT:** Could you come to your question, please?

**DR SAMUEL WONG:** *Could this study be shortened rather than taking, say, 24 months?*

**SECRETARY FOR TRANSPORT:** Mr President, there is no full ERP system in any major city in the world. The Singapore scheme will be, I understand, implemented in 1997. The authorities there started their studies, I think, in 1993 and it has taken them three or four years. The point about ERP is that we must very carefully evaluate all the options and that is why we need to be very careful with how we proceed and make sure that we examine all the different possibilities.

The 1985 ERP scheme to which the Honourable Member referred is outdated in terms of the pricing strategy and the technology options that are now available. This is mainly because of the significant changes in the vehicle fleet size, land developments and the transport infrastructure. The traffic conditions, of course, are also very, very different. A new consultancy is therefore required to examine the various issues to which I have referred.

To give a bit more detail on what the consultancy will be asked to examine, it will include, for example, the development of a transport model for assessing the effectiveness of the ERP in reducing congestion; to identify the preferred strategy; to formulate the various options; and to experiment with a pilot scheme. The two-year period to which I referred includes experimenting with the pilot

scheme and I do not think it is practical to cut the timetable short.

劉健儀議員問：主席先生，運輸司答覆的第三段指出政府會在四月向立法局的財委會申請撥款，委托顧問公司進行這電子道路收費的可行性研究及推行試驗計劃。請問運輸司為何不待顧問公司進行的可行性研究有了結果，確定有關計劃真的適合於香港推行，然後才進行這試驗計劃，而卻急急在四月份將兩個項目一併提交財委會申請撥款呢？

**SECRETARY FOR TRANSPORT:** Mr President, the Legislative Council Transport Panel will be consulted, as I have said, later this month and we will be providing more details of our approach and the pilot scheme. I think if we simply ask the consultants to devise a theoretical scheme, we will still need to experiment. And from the information we have drawn from various studies overseas, including Singapore, we believe that it will be useful to combine the two into one package, but of course we can look into this in more detail.

羅祥國議員問：主席先生，英國政府大概在一年之前否決了在倫敦實施電子道路收費計劃，請問英國政府作出決定時在哪方面所考慮的因素，是值得香港政府借鏡呢？

**SECRETARY FOR TRANSPORT:** Mr President, I believe that there are various reasons why the proposal in London was dropped. One of them has to do, I think, with the costs involved and perhaps for other local political reasons. Obviously, the situation in London is quite different from that in Hong Kong. But having said that, our project team will, as I have said, of course refer to the literature now available and to other studies that have been undertaken, so that we implement the most up to date system that is possible for Hong Kong.

梁耀忠議員問：主席先生，剛才運輸司提及將進行一項可行性研究，其中包括研究發展一個運輸模式，以致評估電子道路收費系統所採用的技術。請問運輸司在研究時可否同時研究這計劃實施之後，會對運輸業，尤其是一些使用路面的交通工具，包括小型客貨車、的士等，所帶來的影響，特別是在收

費、成本以及通貨膨脹等方面的影響？

**SECRETARY FOR TRANSPORT:** Mr President, our proposal for the ERP scheme is that when introduced, all types of vehicles could be included in the scheme, but we have yet to decide precisely what class of vehicles will or will not be exempted. Obviously, when it comes to light goods vehicles, this is one particular aspect that we have to consider during the course of the study. And the impact on fares for light goods vehicles, if they are included in the scheme, will of course depend on what charges are levied in respect of this category of vehicle.

**MR HOWARD YOUNG:** *Mr President, the Secretary mentioned, in his reply to Dr Samuel WONG's supplementary, that Singapore will implement its scheme in 1997. Would it not make more sense for our study to be edged back slightly, that is, not to start at the end of this year but start shortly after Singapore has implemented, in order to shorten the time for consultancy and perhaps come up with a more effective consultancy?*

**SECRETARY FOR TRANSPORT:** I think, Mr President, with respect, different administrations have different policies insofar as transport is concerned, and whilst we will certainly draw on the Singapore experience, to defer our own study will not in fact shorten the lead time, but will in fact mean that the actual implementation will be much delayed.

周梁淑怡議員問：主席先生，鑑於過去一年零售業的不景，私家車銷售數字大幅下降而導致這個行業叫苦連天，政府會否因為私家車的增長率比預期低許多而延遲推行電子道路收費的試驗計劃？

**SECRETARY FOR TRANSPORT:** Mr President, the short answer is no. I, of course, appreciate that there has been a decline in the growth in the private car industry. But as I said in my main reply, the benefit of ERP is that it offers a more efficient, equitable and flexible way of dealing with traffic congestion. If

and when this system is implemented, because it adopts a "user pays" principle, I hope that it will mean that in the long term we will not have to rely simply on taxes on vehicles to deal with traffic congestion.

### **Enrolment of Traditional Chinese Medicine Practitioners**

3. 莫應帆議員問：主席先生，鑑於執業中醫的登記已在本年一月二十一日截止，政府可否告知本局：

- (a) 共有多少人士申請登記；
- (b) 到目前為止，有多少宗申請已退還給申請人以及退還的主要原因為何；
- (c) (b)項所述的人士的申請被退還後，有沒有機制供他/她們上訴；及
- (d) 在執業中醫登記程序完畢後，政府將會採取何種跟進工作？

生福利司答：主席先生，有關本港執業中醫的登記申請，當局在本年一月二十一日截止登記時共接獲7 504宗申請。

中醫藥發展籌備委員會（“籌委會”）轄下的專責小組，已成立了一個審核小組，負責審核上述申請。截至本年一月二十一日為止，一共審核了4 237宗申請，其中79宗不獲接納。

上述79宗申請未獲接納的原因包括：

- 59宗個案的申請人未能提交足夠文件，以支持其申請；
- 有13宗申請在登記範圍以外（即來自“推拿”、“氣功”醫師，以及中藥製造商等的申請）；
- 有七宗申請來自非香港居民。

籌委會秘書處會以書面通知申請登記被拒的人士，清楚解釋其中原因，並提醒他們有權在14日內提出上訴。籌委會的決定，將屬最終決定。

審核工作完成後，我們會將收集得來的資料輸入電腦，以便進行分析，預期到了本年七月初便會有結果。這些資料將有助籌委會更充分了解中醫在港執業情♥及曾接受哪些訓練，以便就如何立法制定法定架構以促進、發展及規管本港中醫藥專業，以及為執業中醫設立註冊制度，提供意見。有關法例亦將規定成立一個法定組織，待法例獲得通過後便取代籌委會。

莫應帆議員問：主席先生，我想提出數項跟進質詢。第一，我想知道.....

**PRESIDENT:** I am sorry, Mr MOK Ying-fan, you are only allowed one supplementary. If you wish to ask a further supplementary, I can put you at the end of the queue.

莫應帆議員問：是的，主席先生。雖然登記的人較預期為少，但如果真的有些人錯過了這次登記的期限，請問政府會否給予他們機會進行登記？

衛生福利司答：今次登記的人數與我們預計的非常脛合。如果有些人因特別情形而遲了登記，則須由籌委會的專家小組決定是否接納他們的申請。我們今次所採用的方法，已是盡量寬鬆處理問題，不想有錯漏，希望盡量可以全面知道香港執業中醫師的情♥。

梁智鴻議員問：首先，我要申報利益，我是這個籌委會的成員。生福利司的主要答覆提到，基於某些原因，有79名申請登記的人士被拒絕或退回申請表。如果日後有關中醫註冊的條例落實執行時，會否讓這79名人士執業？若否，這會否令他們的生計出現問題？若會的話，又是否存在雙重標準？

**PRESIDENT:** May I ask you whether or not there is money involved, Dr LEONG?

**DR LEONG CHE-HUNG:** I am sorry, I did not catch you, Mr President.

**PRESIDENT:** May I seek clarification as to whether or not there is money involved in your being a member of the preparatory committee?

**DR LEONG CHE-HUNG:** *Not this preparatory committee, Mr President. I do not know about the other one.*

衛生福利司答：我們現時所說的只是一個登記計劃。如果將來設立註冊制度，則無論今次有否登記，都不會影響任何人士將來的註冊資格。

廖成利議員問：請問籌委會轄下審核小組的成員是否籌委會成員？請問是否由審核小組處理上訴？

衛生福利司答：籌委會轄下專家小組的成員部分為籌委會成員，部分則為籌委會以外人士。審核小組會透過小組內的專業人士審查所有上訴申請，而所有申請亦須交由籌委會再次審核。

詹培忠議員問：主席先生，在西醫方面有很多專科的設立，例如眼科，或梁議員的“劊人”醫生。在政府審核通過的4 158宗個案中，有否專科的設立；又如何對他們作出評估？當他們執業時，政府會否准許他們自我宣傳為哪一類專科醫生？

衛生福利司答：有關這個登記計劃的資料，須待籌委會全面審核所有登記人士的資料後，才能作出分析。我們預計在本年七月把所有資料分析過後，才可得出剛才議員所提及的資料。

## **Section 88 of Inland Revenue Ordinance**

4. 張炳良議員問：主席先生，鑑於有報導指稅務局曾去信要求某大學學生會修改其會章內有關政治目標的條文和停辦具政治性質的活動，以符合《稅務條例》第88條就慈善團體的規定，政府可否告知本局：



- (a) 現時有多少大專院校學生團體因被視作《稅務條例》第 88 條所界定的慈善團體而獲豁免繳稅；
- (b) 釐定學生團體是否屬於《稅務條例》第 88 條所界定的慈善團體的具體準則為何；及
- (c) 政府如何界定由該等學生團體舉辦，旨在提倡公民教育、關心時事及社會事務的活動，是否違反(b)項所述的準則？

庫務司答：主席先生，張議員的問題分三部分，我現答覆如下：

- (a) 現時有三個大專院校學生團體，被稅務局認可為慈善團體而獲豁免繳稅。
- (b) 根據既定的稅務原則，稅務局接納“促進教育”為《稅務條例》下可獲豁免繳稅的慈善用途。

大專院校學生團體被視為屬於“促進教育”的組織。因為廣義而言，該等團體的活動是完整的大專教育的一部分。

- (c) 被視作慈善團體而獲豁免繳稅的組織，要維持其獲得豁免繳稅的地位，只能從事在合理情<sup>♥</sup>下被視為達致其慈善目的的活動。因此，學生團體若要維持其獲得豁免繳稅的地位，便只能從事在合理情<sup>♥</sup>下被視作達致其“促進教育”目的的活動。

一般來說，舉辦提倡公民教育及關心社會等學生活動，可被視作為符合“促進教育”目的。但是假如舉辦和“促進教育”無關的活動，便不會符合因“促進教育”而獲豁免繳稅的準則。

張炳良議員問：主席先生，庫務司可否進一步說明，假如一個大專院校的學生團體就一些社會事件進行簽名運動或示威請願，以表達對政府措施的不滿，或每年舉行悼念六四的活動，是否符合庫務司剛才答覆(c)部分所說，

“在合理情<sup>心</sup>下被視為達致其“促進教育”目的的活動”？若然，該團體能否獲豁免繳稅呢？

**SECRETARY FOR THE TREASURY:** Mr President, may I have your ruling as to whether this is in order according to Standing Order 18(1)(h)?

**PRESIDENT:** I think Dr CHEUNG was asking you for a further elucidation of your original answer as to whether certain activities are political or not for the advancement of education.

**SECRETARY FOR THE TREASURY:** Mr President, if I heard Dr CHEUNG's question correctly, his question was on the hypothetical situation where a student body is engaged in various sorts of activities.

**PRESIDENT:** Would you like to rephrase it, Dr CHEUNG?

張炳良議員問：主席先生，我的質詢並非假設性質，因為剛才庫務司的答覆也是用某些假設，例如舉辦一些提倡公民教育及關心社會的學生活動，則可被視為符合“促進教育”目的，我只是希望跟進這點。

**PRESIDENT:** Dr CHEUNG, please state the fact.

張炳良議員問：假如學生對一些具體社會事件表達他們的看法，作為他們關心社會的表現，或舉行每年的悼念六四活動，作為關心社會國家的表現，這是否符合“促進教育”的目標呢？

**PRESIDENT:** Was that a fact, as stated by you, for certain purposes? Can you cite one case in which the charity status is lost?

張炳良議員問：主席先生，為何我會這樣問呢？因為我的主要質詢內所指的大學學生會因舉辦一些悼念六四的活動，以及他們的會章內說明會促進民主自治精神而遭稅務局發信警告。

**PRESIDENT:** I am afraid you are seeking the Secretary's answer on a hypothetical situation. Unless you know which case he is referring to Secretary for the Treasury?

庫務司答：主席先生，根據《稅務條例》第4條，我不可以談論個別納稅人的資料。

何俊仁議員問：主席先生，我想庫務司澄清，當他們評估一個組織、機構或團體的活動是否具政治性時，會考慮甚麼因素？剛才張議員提出的就是一個具體例子，有學生會參加一些活動，以及在其會章內提及提倡民主自治精神，就被視為屬於政治性。如果修改為遵守法律或遵守《基本法》精神，是否被視為政治性呢？又或有關團體只紀念五四，而不是紀念六四，又是否被視為政治性呢？主席先生，如果庫務司的答覆是否定的話，則他們的標準是否政治的標準，而不是法律的標準？

**PRESIDENT:** I am afraid that even if the question were not to be regarded as hypothetical, you are seeking an opinion from the Secretary for the Treasury as to what activities are not to be regarded as directed at advancing the charitable purpose for which the organization was established. I have to rule that out of order.

何俊仁議員問：主席先生，其實我想問政府如何應用他們的政策。他們在區分不同活動時，會否採用了政治標準，而不是法律標準？庫務司可否保證他們用的是法律標準？

**PRESIDENT:** Secretary for the Treasury, please state the government policy.

庫務司答：主席先生，稅務局在考慮一個提出申請的團體是否慈善團體時，主要是引用英國法庭對慈善信託機構所定的專門定義。

李卓人議員問：主席先生，請問庫務司，如果一個團體被界定為慈善團體後，是否表示這些慈善團體以後也不能參與任何政治活動？我想舉一個具體例子，所以這不是一項假設性的質詢。大家都知道，最近有一個反對削減鄰舍層面計劃的大聯盟進行一個運動，很多社會服務機構也參與其中，而這些機構大多是慈善團體。那麼他們到行政局進行游說工作；到立法局進行游說工作，也可以說是政治活動。我想具體問一問，根據現時的法例，是否全港所有慈善團體都不可以參與任何政治活動？

庫務司答：主席先生，任何團體只要在合法情♥下，都可以參加任何合法的活動。但我們現在說的是一個慈善團體想繼續維持其豁免繳稅的地位，所以我在回答張議員時，在主要答覆的(c)部分已說得很清楚，如果那些團體要維持獲得豁免繳稅的地位，只能從事在合理情♥下被視為達致其慈善目的的活動。在這情♥下，就要視乎該團體的活動本身與其被接納為慈善團體的主要宗旨是否合，是否直接及主要有關。

李永達議員問：主席先生，庫務司可否就主要答覆(c)段提及的“促進教育”這點作進一步的闡釋("elucidate")，即“促進教育”是否包括推廣《基本法》及紀念五四運動呢？

**PRESIDENT:** June 4th or May 4th?

李永達議員問：主席先生，包括紀念五四及六四活動。

庫務司答：主席先生，我在(c)部分的答覆中已說得很清楚，一般來說，舉辦提倡公民教育及關心社會等學生活動，可被視為符合“促進教育”的目的。當然，如果我們對個別活動的目的有疑問的話，我們會要求有關團體提供資料。

**PRESIDENT:** Mr LEE Wing-tat, are you claiming that your question has not been answered?

李永達議員問：主席先生，我覺得庫務司沒有回答我的質詢。因為我已說得很具體，我希望庫務司就我的質詢elucidate（“解釋”）紀念五四和六四以及推廣《基本法》的活動是否屬於所謂“促進教育”的範圍？

**PRESIDENT:** I think the question was answered. It is not the name of the activity. It is the purpose of the activity.

張炳良議員問：主席先生，庫務司似乎迴避就具體活動作出評論。我希望提出一個政策上的疑問。根據庫務司主要答覆的(c)部分，假如在合理情♥下，進行一些“促進教育”的活動，就可符合慈善團體的定義。我希望庫務司再次澄清，究竟“促進教育”活動是否包括一些政治活動？即有些政治活動可能是“促進教育”，有些可能不是，請問政府根據現行準則和政策，如何釐定何謂合理情♥呢？

庫務司答：主席先生，我並非想迴避這些質詢，而是在每一個情♥下，我們不可以單從個別的活動就決定有關慈善團體是否可以繼續維持其獲豁免繳稅地位。因此，我不可以說這項活動或那項活動不會影響其獲豁免繳稅地位。我們是要看整個團體的各項活動與其宗旨比較是否合理，我們才可作出決定。

## Tram Accidents

5. 陳榮燦議員問：主席先生，近期發生多宗涉及電車的意外，令人質疑香港電車有限公司的電車的性能以及司機的質素。據悉，現時是由電車公司提供訓練和考核司機的駕駛技術、應變能力以及對交通規則的熟悉程度。就此，政府可否告知本局：

- (a) 政府會否考慮立例規定新入職的電車司機須經由運輸署考核其駕駛資格，確保司機在意外發生時的應變能力，以進一步確保乘客和行人的安全；及
- (b) 機電工程署現時如何執行對電車檢查、維修的監察制度；會否考慮引入類似對三間巴士公司的突擊抽查監察制度？

**SECRETARY FOR TRANSPORT:** Mr President, the occurrence of several tram accidents recently has understandably caused a degree of alarm. But, in perspective, the fact remains that tram accidents account for less than 1% of the annual number of accidents on our roads.

Section 38 (1)(e) of the Tramway Ordinance (Cap. 107) provides for the Governor in Council to make regulations for the licensing of tram drivers. However, no such regulations have been made. The Administration's view is that Hong Kong Tramways Limited is in the best position to train and qualify its drivers. This approach is consistent with international practice for operators of transport modes running on fixed tracks.

What is important is that Hong Kong Tramways Limited has a comprehensive training programme that provides drivers with the requisite skills covering road use, the handling of tram equipment, passenger safety, procedures in dealing with emergencies, and practical on-the-road training. At the end of the course, trainees are required to pass a written and a driving test.

In view of the recent incidents, the Company has decided to appoint a consultant to review and advise on its recruitment procedures and training programme. The Administration welcomes this initiative. The findings should be available in about three months' time and on which we will be consulted. Meanwhile, the Company will provide a dummy tram in the depot for practical fire drill and emergency practice during the initial and annual re-certification training of tram drivers.

Hong Kong Tramways Limited is responsible for the maintenance and inspection of its tram cars. General functional checks are carried out on all tram cars daily before they leave the depot and also on their return. The Company has a well established preventive maintenance scheme under which various components of tram cars are regularly checked, replaced and maintained.

In addition to this programme, engineers from the Electrical and Mechanical Services Department carry out inspections on tram cars before giving approval for any modification or improvement works proposed by the Company. They also carry out investigations into tram accidents, making recommendations for any necessary remedial action and monitor their implementation. Although this system has worked satisfactorily, the Director of Electrical and Mechanical Services will, in conjunction with the Company, review the existing maintenance programme to determine whether the Tramway Regulations need to be strengthened to prescribe operational and maintenance requirements to further enhance safety.

陳榮燦議員問：主席先生，根據資料顯示，九五年度香港電車公司有150輛電車，其中有九十多輛曾發生過大大小小的交通意外，約佔總數的75%，即每十輛電車中便有七點五輛曾經發生意外，數字之高，令人關注行人、乘客及司機本身的安全，亦顯示電車已殘舊不堪。政府有否考慮在延續電車專營權時，限制其平均車齡？

**SECRETARY FOR TRANSPORT:** Mr President, the exact number of tram cars is in fact 163 and on average there are over 2 500 trips every day. When it comes to accidents, if we consider the actual number *vis-a-vis* the size of the fleet, yes, it is very, very high. But having said that, our records show that the majority of accidents have not been caused by negligence on the part of tram drivers. For example, over 30% have been caused by pedestrians jay-walking, and other accidents have been attributed to other vehicles.

Having said that, obviously, it is important to ensure that the Tramways Company maintains a safe fleet and certainly, in ongoing discussions with the company, we will pursue the point suggested by the Honourable Member.

劉健儀議員問：主席先生，電車公司屬運輸署的管轄範圍，但實際上運輸署對電車公司的監管最少，比機電工程署還要少得多。運輸司可否告知本局，運輸署會否考慮扮演更積極的角色，主動與機電工程署和電車公司定期檢討電車的安全問題和改善司機的培訓計劃？

**SECRETARY FOR TRANSPORT:** Mr President, the Honourable Member is quite correct. In comparison to other transport motors, input by the Transport Department in monitoring the operation of the Tramways Company is comparatively minor. Having said that, I think, again, we have got to recognize the size of the tram fleet *vis-a-vis* the size of the vehicle fleet which is nearly 500 000 if we include all types of vehicles. But the Honourable Member has made a very valid point and certainly I shall ask the Transport Department to see how their relationship with the company can be enhanced, and certainly the Government will take a more active interest in their training programme.

黃偉賢議員問：主席先生，在剛才運輸司答覆的最後部分提到電車公司有一個完善的預防性維修計劃、定期檢查、更換零件。他認為現在機電工程署的監察制度運作令人滿意。電車本身的數目是一百五十多輛，一年所佔的意外率是1%（據運輸司答覆），但近幾個月已連續發生了五宗比較嚴重的電車事故。既然運輸司在答覆中說有完善的制度和監察，而政府也滿意，但為甚麼在這麼短的時間內發生五宗比較嚴重的電車意外？

**SECRETARY FOR TRANSPORT:** Mr President, indeed there has been a spate of five accidents within about three or four weeks. But having said that, as I indicated in my main reply, it is perhaps unfair simply to focus on this very short period. If we look at the overall record of the Tramways Company operations, their performance is satisfactory. I have explained the current maintenance and inspection programme. As I have said, the Director of Electrical and Mechanical Services will review this in conjunction with the Tramways Company senior management.

陳婉嫻議員問：主席先生，我關心剛才政府部門說有關一百六十多輛電車每天的車程有二千多次，而涉及行人在電車路軌的意外達30%。現在政府對電車的監察工作究竟達甚麼程度？畢竟這些人在路上行走，都是因為電車令到他們受傷，例如電車改了響號的聲音，以前是“叮叮叮”，現在卻與汽車一樣。政府怎樣評估一些古老交通工具的變化？

**SECRETARY FOR TRANSPORT:** Mr President, obviously, I am not in a



position to give details regarding the specific accident to which the Honourable Member referred. But as a general rule and as part of our ongoing Road Safety Campaign, we do draw attention to the hazards of jay-walking and we shall continue to spread this message. Having said that, the Transport Department will continue to liaise with the Tramways Company to see how the publicity can be enhanced so as to minimize the scope for accidents.

謝永齡議員問：主席先生，電車已有92年歷史，有很多機件已停產。政府對電車和其他交通工具有不同的準則：巴士需運輸署發牌，而電車嚴格上來說是無牌的，因為只需要機電工程署的監管。請問運輸司會否考慮發牌予電車？若否，為甚麼？

**SECRETARY FOR TRANSPORT:** Mr President, the Administration does not propose to license trams. As I have explained in the main reply, trams operate on fixed tracks, they are not like the vehicle fleet and not everyone can obtain a tram licence. Given the nature of the operations and the size of the fleet, we do not think it is necessary. Mr President, the Administration does not believe that we should regulate simply for the sake of regulating.

葉國謙議員問：主席先生，運輸司在答覆中提到電車意外雖然只佔了全年道路交通意外總數不足1%，但近期電車引起的交通意外非常多，我們對這方面十分關心。其中最主要的似乎便是有關電車的維修和保養問題。運輸司可否告知本局，會否要求電車公司建造一些新車輛，因為目前而言，這163輛都非常古老。有否這類計劃？若然，進度如何？

**SECRETARY FOR TRANSPORT:** Mr President, I hope I have not given the impression that because of the few number of accidents comparatively we should be complacent. Certainly not, we must take all possible steps to try and avoid accidents. As I indicated, the Tramways Company will be engaging a consultant and one of the aspects that the consultant will be asked to study pertains to the maintenance and the operation of the fleet. Certainly the age and the safety of tramcars will be one aspect of this consultancy. We will ask the Transport Department to draw these points to the Tramways Company so that they can pursue this. And, of course, as I said in my main reply, the Government will be consulted on the findings of the consultancy and we can

certainly then pursue the need pertaining to the modernization, if necessary, of the tramcar fleet.

**PRESIDENT:** Mr IP Kwok-him, are you claiming that your question has not been answered?

葉國謙議員：是的。

**PRESIDENT:** The Secretary has stated that the Tramways Company is going to engage a consultant to study your proposal.

葉國謙議員：因為我的問題中間及有沒有建造新車輛和計劃進度，他並沒有作答。

**SECRETARY FOR TRANSPORT:** Mr President, I do not have details of that. I shall try and find out and provide the Honourable Member with a written response. (Annex I)

陳榮燦議員問：主席先生，剛才運輸司未曾完全答覆我的問題。剛才我問政府考慮延續電車專營權時，會否限制其平均車齡，因為現在那些車輛均已很殘舊？

**SECRETARY FOR TRANSPORT:** Mr President, I did indicate that one of the key considerations is to ensure that the fleet is safe and in this respect, of course when it comes to franchise negotiations, we will want to ensure that the company has a fleet which meets present day requirements.

### Pathogen Infection

6. 陳鑑林議員問：政府可否告知本局：

- (a) 過去三年，病人及醫護人員在公營醫院、政府診療所及私家醫院受病菌感染的數字，以及有關的感染途徑為何；
- (b) 過去三年，有否病人因病菌感染而引起併發症而死亡；
- (c) 政府有否規定病人經常使用的輔助儀器，例如氧氣罩及輸尿管等的清潔及消毒程序；
- (d) 會否採取其他措施，以減低病人及醫護人員受病菌感染的機會；及
- (e) 由於部分醫院及診所靠近民居，政府有否採取措施，防止病菌隨空氣飄浮，使鄰近居民的健康不致受影響？

生福利司答：主席先生，當局並沒有收集陳議員在問題(a)及(b)所要求提供的資料。不過，醫院管理局較早時進行的一項研究顯示，本港病人在醫院受病菌感染的比率約為7%，與一些已發展國家比較（最高為10%），情♥尚算滿意。

在醫院受病菌感染的病例中，絕大部分是因為病人體內的細菌叢生所引致，這些感染主要是由於病人在接受治療時，身體抵抗力差而引起的。

至於健康醫護人員方面，他們的抵抗力通常較一般病人為佳，因此在醫院受病菌感染的機會亦較低。無論如何，當局已透過採取多項措施，包括推行感染控制計劃、定期舉辦員工教育講座，以及制定處理傳染病患者的守則或程序，致力減低健康醫護人員在工作時受病菌感染的機會。

醫管局已就所有醫療用具和器材的正確消毒程序，公布了一套指引。所有公營醫院均設有感染控制委員會，負責統籌有關工作，以減少病人在醫院受病菌感染的情♥。此外，私家醫院亦須按照生署的“醫院服務水平指南”，制定和定期檢討感染控制政策和程序。

能夠在空氣中停留，並經空氣傳播開去的病菌，為數甚少。市民到公營或私家診療所求診時感染到這些傳染病的機會，並不高於在日常生活中受傳染的可能，故絕不會對鄰近醫療設施的居民構成潛在危險。

陳鑑林議員問：主席先生，衛生福利司的答覆較為籠統。雖然我們看到政府已採取一些措施，以防止醫院內的病人受病菌感染，但我們亦看到全港有7%的病人受到感染。所以，衛生福利司可否告知我們，政府會否再進行研究和分析，看看現在已受感染的病人是經由何種途徑感染，以及以哪一類病菌為主，以防止、杜絕和減少這類在醫院的細菌感染？

衛生福利司答：主席先生，我在主要答覆之中已經很詳細說到，在醫院中受病菌感染的比率是很低的，是7%，與一般其他發展中的國家比較，是相等甚至是優勝。在這些少數的病例之中，我們亦知道他們感染是因為自己本身人體內的細菌，因為他們自己的生病情♥而受到感染，所以每一個病例需要由醫生決定如何診治，不可以概括地決定應該如何處理這類情♥。

何敏嘉議員問：主席先生，答覆的末段提到病菌如何散播，亦指出空氣傳染是很鮮有的。但答覆沒有告知我們常見的病菌是如何傳染，例如現在大部分這些的傳染，都是透過性接觸、傷口、血液等，即是一般人（如基本上他們不去胡混的話）是不會受到傳染的。政府可否告知我們，如何可以糾正很多居民或各級議會的議員一些錯誤的觀點，令他們更清楚知道醫院、診所或安老院並非一些污穢或會導致細菌感染的地方，因而不會無知地反對一些有關設施的興建？

衛生福利司答：主席先生，關於正確地認識細菌如何傳播和如何受感染，生署和醫院管理局定時有很多講座、有很多的宣傳，亦印製許多宣傳小冊子，提供很多這方面的資料。剛才我在主要答覆內指出，絕大部分的病菌並非經空氣傳播的。我們相信在香港每一區可以清楚了解到這個情形。關於如果有任何地方對這方面有誤解的問題，生署會樂意安排一些課程或者特別講座，去解釋每宗病例、每一類病菌的正確知識。我們亦製作了很多宣傳短片和印製其他宣傳刊物，以便市民正確認識每一種疾病的情♥。

謝永齡議員問：主席先生，近期香港有很多歧視個案出現，例如九龍灣麗晶花園部分居民反對興建綜合診所，沙田富寶花園反對興建實用中學。

**PRESIDENT:** It is out of order.

謝永齡議員問：我想問政府，所歧視的是否一種細菌，會否如問題(e)部分所說，隨空氣飄浮到附近居民，甚至立法局內呢？

**PRESIDENT:** In your good humour, Secretary?

衛生福利司答：我盡量希望不會在立法局的會議廳之內傳播這類細菌。

羅致光議員問：主席先生，有人以愛滋病在空中傳播作為歧視愛滋病人的藉口，請問 生福利司可否給予本局一個確定的答覆，愛滋病是不會經空氣傳播的？

生福利司答：主席先生，我可以確實保證愛滋病是不會在空氣中傳播的。

陳鑑林議員問：主席先生，我並非想提出質詢，不過看到謝永齡議員說到我們有歧視病人之嫌，但我相信主席先生亦看到我的質詢完全沒有提到這方面。

**PRESIDENT:** I had ruled the question out of order. But I let the Secretary answer in her good humour.

## WRITTEN ANSWERS TO QUESTIONS

### River Training Projects in North District

7. 張漢忠議員問：據悉北區河道治理工程計劃將牽涉約一萬個私家地段的收地工作，而北區地政處並無足夠人力資源處理此項工作。對此，政府可

否告知本局：

- (a) 政府是否會增加北區地政處人手處理該項收地工作，若然，將增設多少新職位；及
- (b) 若(a)項答案為否定，政府是否會將北區地政處現有的人力資源調配集中進行此項收地工作；若然，會否影響其他正常工作？

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

- (a) The various river training projects in North District require the resumption and clearance of around 465 hectares of private and government land. 38 additional posts have been approved and a special team set up in the District Lands Office to undertake the task. An interdepartmental steering group is also looking at ways to further speed up land acquisition.
- (b) Internal staff redeployment in the North District Lands Office has already taken place without affecting other normal duties of the office.

### **Restricted Use of Wanchai District Court Elevators**

8. 鄭家富議員問：據報導，較早前在灣仔地方法院開審一宗案件，其後被告使用法官及法院職員的專用電梯離開法院，逃避記者的訪問和攝影。就此，政府可否告知本局：

- (a) 現時是否有規例禁止市民使用該類電梯；若然，有關規例的詳情為何，及為何上述被告可以使用該專用電梯；
- (b) 政府有何跟進工作，以防止類似事件發生；及
- (c) 若上述(a)項的答案為否定，是否會考慮制定規則，禁止市民使

用該類電梯；若然，該等規則將於何時實施？

**CHIEF SECRETARY:** Mr President, the elevators reserved for the use by Judges and Judiciary staff are located within the restricted areas of the Wan Chai Law Court Building. Only authorized persons are allowed access to the restricted areas through electronically-controlled doors. These are administrative arrangements made by the Judiciary. No regulations apply, nor are any considered necessary.

In the case referred to by the Honourable Member, the Judiciary was not able to ascertain exactly how the defendant entered the restricted areas.

In the light of the reported incident, the Judiciary has stepped up security measures in the Wan Chai Law Court Building to ensure that only authorized persons are allowed access to the restricted areas.

### Development of Ambulance Services

9. **MRS ELIZABETH WONG** asked: *Will the Government inform this Council what is the policy on the development of ambulance service in the territory?*

**SECRETARY FOR SECURITY:** Mr President, the Government's policy on the development of ambulance service is based mainly on the conclusions of two consultancy studies, carried out in 1986 and 1995 respectively.

Stemming from the recommendations of the 1986 consultancy study, the following main policy guidelines were established:

- (i) a 10-minute travel time target, within which 95% of emergency calls should be answered, should be adopted throughout the territory;
- (ii) ambulance depots should continue to be built in strategic locations, with temporary use of fire stations to station ambulances;
- (iii) non-emergency calls should be responded to as soon as practicable

without jeopardizing the resources for responding to emergency calls, which must be accorded higher priority;

- (iv) the quality of pre-hospital care to patients should be improved by expanding the existing paramedic ambulance service on a phased basis; and
- (v) the Fire Service Communication Centre (FSCC) should ensure effective mobilizing and control of ambulance resources and should provide operational information on ambulance services.

The delivery of ambulance services was reviewed by a consultancy study in 1995. The Executive Summary of this consultancy study was circulated to Honourable Members on 13 November 1995. A list of the various recommendations are annexed.

Our current efforts in developing the ambulance service are concentrated in three areas:

- (a) to hive off the remaining non-emergency ambulance services. The Hospital Authority completed taking over all its non-emergency services in October 1995. We are now pursuing the hiving off of the remaining non-emergency caseload, so that the Ambulance Command of the Fire Services Department may focus its resources on emergency ambulance services;
- (b) to achieve efficiency improvements in the short term, through a better distribution of ambulance stations, more effective deployment of personnel and similar management initiatives; and
- (c) to seek the additional resources necessary to improve the ambulance services' performance so that we can meet our travel time target on a regular basis.

Annex

Measures recommended by the 1995 Consultancy Study



*Short-term Measures*

- (a) To station ambulances 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) To redeploy ambulances and their crews from stations with relatively adequate manning to those where manning is inadequate to meet local demand.
- (c) To streamline the operational procedures for ambulance deployments to achieve more effective mobilization.
- (d) To transfer the residual non-emergency cases to another agency to enable FSD to better concentrate on its delivery of emergency ambulance services.
- (e) To include the performance of ambulance aid motorcycles, which provide life-saving first aid before an ambulance reaches the scene, in the calculation of emergency ambulance performance.

*Long-term Measures*

- (a) To provide an additional 31 ambulances and crew and 10 ambulance aid motorcycles, identified as necessary to meet the 95% performance target.
- (b) To adopt a new establishment manning formula that will allow for relief for staff absences, including training, leave and sickness.
- (c) To plan for new ambulance depots at North Point, Sheung Wan, Kwai Chung and Kowloon Tong.
- (d) To extend paramedic services, which are currently provided in up to 13% of the total ambulance fleet, to all ambulances and AAMCs.

**Smithfield Terrace Slope Maintenance**

10. 葉國謙議員問：堅尼地城士美菲路嘉輝花園因斜坡維修責任問題拖延維修工程，遭屋宇署發出修葺令，導致銀行拒絕為該大廈單位提供按揭，小業主利益因而受到影響。政府可否告知本局：

- (a) 本港現時有類似情<sup>心</sup>的私人樓宇單位為數多少，這些樓宇分布在哪些地區；及
- (b) 會否考慮採取措施規定發展商於接到斜坡修葺令後，須在一定時間內完成修葺工程，以減少對小業主所造成的影響？

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

- (a) The Buildings Department does not compile statistics on the number of flats affected by its repair orders relating to slope maintenance/repair. Given the large number of repair orders issued, it is also not practicable to extract the number from records. Nevertheless, the numbers of outstanding orders in each district are as follows:

<i>District</i>	<i>Number of Outstanding Orders</i>
Central and Western	52
Wan Chai	32
Eastern	16
Southern	19
Islands	12
Kowloon City	2
Kwun Tong	1
Sai Kung	5
Tsuen Wan	10
Tuen Mun	2
Wong Tai Shin	1
Sha Tin	8
Kwai Tsing	1

Total : 161

There are no outstanding repair orders relating to slope maintenance/repair in four districts, that is, Yuen Long, Sham Shui Po, Yau Tsim Mong and the North District.

- (b) The duty to maintain private slopes rests with the owners. As regards public slopes, the duty generally rests with the Government, although sometimes the relevant lease conditions impose the duty on owners of adjoining lots.

The Buildings Department always specifies a time limit in its repair orders within which the concerned owners shall complete the remedial works. The time limit given will depend on the scale and complexity of works involved.

### Paper Cutter Criminals

11. **MRS SELINA CHOW** asked: *In regard to the recent trend of criminals using paper cutters to commit crimes, will the Government inform this Council of the following:*

- (a) *whether any measures will be taken to combat this problem; and*
- (b) *whether there is any loophole in the law which could be plugged in order to prevent such crimes?*

**SECRETARY FOR SECURITY:** Mr President,

- (a) We do not keep separate statistics on crimes involving the use of paper cutters. However, they are grouped under the category crimes involving the use of "razor blades". Honourable Members may wish to note that while the number of reported cases of robbery

committed using razor blades has increased from 253 in 1993 to 336 in 1994, it actually decreased to 293 in 1995. These in any case represent a small proportion of the total number of reported cases of robbery involving the use of different kinds of weapon; viz 3.6% for 1993, 5.4% in 1994 and 5.3% in 1995. In addition, the total number of reported cases of robbery has also declined by 21% between 1993 and 1995.

Police officers on frontline operational duties are regularly briefed on the latest trends in crimes, including the types of weapon used, so that special attention can be given to suspects in possession of these weapons.

- (b) Under section 17 of the Summary Offences Ordinance (Cap. 228), any person who has in his possession any offensive weapon or other instrument fit for unlawful purpose, with intent to use the same for any unlawful purposes, shall be liable to a fine of \$5,000 or to imprisonment for two years.

In addition, section 33 of the Public Order Ordinance (Cap. 245), provides that any person who, without lawful authority or reasonable excuse, has with him in any public place any article made or adapted for use, or suitable, for causing injury to the person, shall be liable to imprisonment for three years.

Although the possession of a paper cutter is not an offence *per se*, the criminal who has in his possession a paper cutter and intend to use it to commit crime will be arrested and prosecuted. The criminal intent can be proved from the prevailing circumstances, such as the nature and condition of the article, the time, the place, what legitimate use it might have at such a time and in such a place, and the reaction of the person when approached by the police and so on. Thus, during the last three years, a total of 273 persons were successfully prosecuted for illegal possession of razor blades (including paper cutters).

These provisions give adequate powers to the police to tackle the

problem of using paper cutters for committing crimes.

### Rate of Return of Fiscal Reserves

12. 黃震遐議員問：政府財政儲備分別存於外匯基金和銀行，收取利息。就此，政府可否告知本局：

- (a) 在最近三個財政年度，政府每年存於外匯基金的財政儲備的金額為多少；每年所收取的利息收益，其金額與回報率分別為多少；及釐定回報率的準則和理據為何；及
- (b) 若(a)項答案所述的財政儲備金存於外匯基金的回報率與外匯基金在同一期間的回報率不同，原因為何？

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

- (a) The amount of fiscal reserves deposited with the Exchange Fund, the amount of interest earned and the rate of return in each of the past three years are set out in the following table:

<i>Year</i> <sup>(1)</sup>	<i>Fiscal reserves placed with the Exchange Fund at the end of the year HK\$million</i>	<i>Interest earned HK\$million</i>	<i>Rate of return (per annum)</i>
1993	115,683	3,845	3.63%
1994	131,240	5,330	4.32%
1995	125,916	7,436	5.78%

- (1) The Exchange Fund uses calendar year accounting periods. To facilitate direct comparison between the Exchange Fund and the fiscal reserves, the data provided are on the basis of the Exchange Fund's financial years.

The rate of return is the percentage calculated by dividing the interest earned in the year by the average fiscal reserves placed during the year, that is, opening balance plus closing balance divided by two.

The yields on the placement of the fiscal reserves with the Exchange Fund

are determined by reference to the corresponding yields of Exchange Fund Bills (for placements not exceeding 12 months) and United States Treasury Notes (for placements over 12 months). Investment of the fiscal reserves is guided by the following principles:

- (i) the Government's fiscal reserves should, as far as possible, be made immune from exchange rate and other risks;
- (ii) the availability of funds to enable the Government to effect timely payment must not be placed in jeopardy; and
- (iii) within these constraints, the Government should through the Exchange Fund seek to obtain the best possible yield on its investment.

The above arrangement ensures that the Government is able to meet its liquidity requirements and to insulate the fiscal reserves from the various investment risks that would otherwise have to be assumed if they were directly invested in financial assets.

- (b) The rates of return of fiscal reserves deposited with the Exchange Fund as shown in the last column of the table at (a) above differ from the rates of return of the Exchange Fund in the corresponding periods. The Exchange Fund's figures for 1993 and 1994 are 6.80% and 0.28% respectively. The year end figure for 1995 is not yet available.

The major reason accounting for the difference is that while the rates of return of fiscal reserves are affected by the prevailing interest rates which are determined at the time of placement, the corresponding rates of return of the Exchange Fund are affected by a host of other factors, for example, currency fluctuations, movements in interest rates and prices of bonds and equities. Unlike the fiscal reserves, the Exchange Fund needs to assume investment risks through exposure to different financial assets in various currency markets.

**Embezzlement or Theft Losses Suffered by Post Office**

13. 李華明議員問：據悉郵政署在一九九二至一九九三年間，因內部職員盜用公款或失竊所引致的損失高達四十多萬元。對此，政府可否告知本局：

- (a) 郵政署自去年八月以營運基金運作後，如何處理因內部職員盜用公款或失竊所引致的損失；
- (b) 上述(a)項所指的損失會否轉嫁至消費者身上；及
- (c) 政府會採取甚麼措施防止郵政署出現失竊情？

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

- (a) Since the Post Office changed to trading fund operation in August 1995, there has not been any loss arising from embezzlement or theft. As a general rule, losses arising from embezzlement or theft, if proven to be irrecoverable, are written off in the accounts. A civil servant, whether in a vote-funded department or a trading fund, is subject to the standard government surcharge provision and will be held liable for any losses caused by mismanagement.
- (b) Since the Post Office has not suffered any loss after the change to trading fund, the question of consumers bearing losses does not arise. Whereas it is the standard procedure to write off any irrecoverable loss, the amount involved, even by taking the 1992-93 losses as an example, would have negligible effects on the costs of services. In that year, the losses of \$400,000 represented 0.016% of the total service costs of \$2,475 million.
- (c) The Post Office has taken the following measures to prevent theft:
  - (i) For stamp vending machines installed at the frontage of post offices, additional bolts and locks have been installed after the 1993 incident. Furthermore, the police have offered assistance by alerting policemen on beat patrols to pay closer

attention to the machines after office hours.

- (ii) As to control measures to safeguard the security of cash and valuables held under the custody of the staff, after the 1992 incident, additional monitoring procedures have been introduced to help detect possible irregularities, including daily checks on sales revenue by a centralized accounts office at the Post Office Headquarters. Furthermore, a review of the overnight cash holding limit for each branch post office has been conducted and the limits have been adjusted downwards to minimize risk.
- (iii) As regards prevention of burglary, after the 1992 incident, on the advice of the Crime Prevention Bureau of the police, additional security measures, including installation of security alarm systems and roller shutters at external doors of post offices, have been introduced.

### Education of "Gifted" Children

14. 謝永齡議員問：有關天才兒童的教育事宜，政府可否告知本局：

- (a) 政府是否有其他國家天才兒童人數的資料；若然，與本港天才兒童的人數比較情況如何；若有任何重大差異，原因為何；
- (b) 在發掘和鑑定天才學童的過程中，政府提供何種資源與設施；有關的專業人手是否足夠；遇到何種困難及政府有何長遠對策加以改善；
- (c) 政府是否有就天才兒童教育為教師提供職前及在職培訓；若然，有多少現役教師曾接受此項訓練；
- (d) 政府為天才兒童提供何種課程和輔助資源；及
- (e) 政府有否計劃對目前天才學童教育的成效，進行全面檢討；而



在執行目前的天才學童教育計劃上，遇到何種困難；政府有何長遠對策加以改善？

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

- (a) Academically gifted children, as referred to in Education Commission Report No. 4, are those who show exceptional achievement or potential in one or more of the following areas:
- (i) high level of intelligence, as measured on standardized intelligence tests;
  - (ii) specific academic aptitude in one or more subject areas; or
  - (iii) high ability in creative thinking.

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

- (b) In the past three years, the research team conducted studies on suitable assessment tools for the identification and assessment of academically gifted pupils. On the basis of these studies, the research team recommended the following assessment tools:
- a behavioural rating scale for completion by parents;
  - a behavioural rating scale for completion by teachers;

- the Hong Kong Attainment Tests on the three basic subjects, that is, Chinese, English and Mathematics;
- the Hong Kong Wechsler Intelligence Scale for Children or equivalent standardized intelligence tests administered by psychologists; and
- the Hong Kong Torrance Tests of Creativity administered by psychologists.

Academically gifted children were identified through behavioural rating scales completed by teachers and parents who had received the required training from the research team. These children were then assessed by the team's psychologists or personnel with training in assessment and interpretation of test findings. No problem was encountered in the assessment process.

- (c) Of the 81 schools which had participated in the research study referred to in paragraph (a) above, 19 volunteered to participate in a three-year Pilot School-based Programme for Academically Gifted Children commencing in September 1994.

Training in gifted education has been provided to teachers of these 19 schools by the Education Department (details at Annex). Educational psychologists of the Education Department also make regular visits to the schools in the pilot project to give the teachers the necessary support.

There is no formal pre-service teacher training programmes on gifted education. The Education Department has made suggestions to teacher education institutions to include gifted education as one component in their teacher training courses. Nevertheless, the Department of Education of the University of Hong Kong has incorporated gifted education in its in-service teacher training

programme. In 1994-95 and 1995-96, the School of Continuing Education of the Hong Kong Baptist University conducted two training courses on "Identifying and Helping Gifted Children", each attended by 25 teachers.

- (d) For the 19 schools which have participated in the pilot project, they provide the academically gifted children with enrichment or extended learning programmes to supplement their normal curriculum. Such programmes take the form of:
  - (i) additional learning materials and exercises given by the teachers of the schools; and/or
  - (ii) additional courses or programmes conducted at the Fung Hon Chu Centre for the Gifted Children established in July 1995.

*Regarding (i) :* the school teachers from the 19 schools are responsible for the extra learning intended for the children concerned.

*Regarding (ii) :* the teachers at the Centre are responsible for extra learning that will take place when the gifted children from the 19 schools are brought together to attend courses or programmes.

The additional learning resultant from (i) and (ii) is complementary to each other.

- (e) The Education Department will conduct a review in 1996-97, when the pilot project is completed and the outcome more clearly identified and measured. The review will focus on the effect of the support programmes provided to students, parents and teachers. The improvements in the students and the attitudinal change in parents and teachers will be assessed. Improvements to, and extension of the programme including its mode of delivery as well as the long-term strategies for its development will be considered in the light of the findings from the review.

## Annex

## Training provided for school heads and teachers on Gifted Education

<i>Topic</i>	<i>Number of Participants</i>	<i>Dates (Duration)</i>
Seminar for school heads to brief on the plan of Pilot School-based Programme for Academically Gifted Children	80 school heads	14.5.94 (1 day)
Teacher Training Workshop I	45 teachers	11.7.94 - 20.7.94 (9 days)
Teacher Training Workshop II	45 teachers	12.12.94 - 15.12.94 (4 days)
Two repeated video seminars on teaching strategies - "Challenging the Gifted in Regular Classroom"	60 teachers	25.3.95 and 1.4.95 (1 day)
11th World Conference on the Gifted and Talented	29 teachers	31.7.95 - 4.8.95 (5 days)
Seminar on assessment and teaching of creativity by consultants from Taiwan	200 teachers	19.12.95 - 20.12.95 (2 days)
Workshops on the teaching of English: teaching to multiple intelligence, whole language strategies, performance-based teaching and testing, creative rhythms, learning centres.	50 teachers	5.1.96 and 6.1.96 (2 days)
Experience sharing session with school heads	12 school heads and 2 teachers	1.12.95 (halfday)
Seminar on identification, enrichment	200 teachers	8.1.96 - 10.1.96

programmes, and programme evaluation  
by consultants from United States

(3 days)

### **British Parliament Resolution on Speeches of Members**

15. 劉慧卿議員問：鑑於有報導指英國國會通過一項決議，禁止曾獲贊助訪問外地政府的國會議員在國會上就該等國家的事務發言，政府可否告知本局：

- (a) 是否知悉該決議的詳情為何；
- (b) 會否評估該項決議對本港造成的影響，繼而檢討資助國會議員訪港的做法；及
- (c) 過去三年內共有多少名英國國會議員應邀訪港；資助他們開支的總額為何？

### **SECRETARY FOR HOME AFFAIRS: Mr President,**

- (a) A United Kingdom Parliamentary Committee chaired by Lord NOLAN published recommendations in May 1995 relating to disclosures of interests and the holding of consultancies by MPs. These recommendations were considered by the House of Commons Select Committee on Standards in Public Life. A new Select Committee was subsequently set up called the Select Committee on Standards and Privileges which proposed the post of Parliamentary Commissioner of Standards. The Commissioner is now considering the recommendations including the issue of paid visits to foreign countries. No decision has yet been taken.
- (b) The practice of sponsoring British MPs to visit Hong Kong will be reviewed in the light of any decisions reached by the House of Commons.

(c) The information is set out below.

	1993-94	1994-95	1995-96 (up to end Jan 96)
Fully-sponsored Visits by United Kingdom MPs	16	15	15
Partially-sponsored Visits by United Kingdom MPs	6	11	8
Programme-only Visits arranged for United Kingdom MPs	5*	7(11)*	3(4)*
Total Expenditure (in HK\$)	0.79m	0.78m	0.88m

\* Figures outside the brackets denote the number of delegations; figures inside indicate the number of individual visitors.

### Staffing of Family Service Centres

16. 黃偉賢議員問：就社會福利署家庭服務中心的人手問題，政府可否告知本局：

- (a) 過去三年，各區的社會福利辦事處提供服務區域內的人口數字及其每年增長率，以及各區的社會福利辦事處轄下的家庭服務中心的人手及處理個案的數字分別為何；
- (b) 按人員編制比率，每名個案工作人員須處理多少宗個案；而現時每名個案工作人員平均要處理多少個案；

- (c) 目前有多少名分區社會福利辦事處的個案工作人員，所處理的平均個案數目已超出上述 (b) 項所述的比率；
- (d) 有否評估過多的工作量會否影響個案工作人員處理個案的質素；及
- (e) 政府是否會考慮增加人手以減輕個案工作人員的工作量，若然，何時實施，以及政府如何釐定增加人手的準則；若否，原因為何？

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

- (a) Annex I shows the population in each of the districts served by the 13 District Social Welfare Offices of the Social Welfare Department (SWD) as at end of March 1993, 1994 and 1995, and the year-on-year growth rates. Annex II shows the caseload and the number of caseworkers in the Family Services Centres (FSCs) under each District Social Welfare Office as at the end of December of the corresponding years.
- (b) A manning ratio of 1 caseworker : 70 cases was set in the *1991 White Paper on Social Welfare into the 1990s and Beyond*. As at the end of 1995, each caseworker was handling an average number of 71 cases.
- (c) As at the end of 1995, there were seven District Social Welfare Offices where the average number of cases handled by each caseworker had exceeded the ratio mentioned in (b) above.
- (d) Excessive workload will obviously affect the quality of service provided by caseworkers. While efforts are being made to provide more caseworkers to reduce the caseload per worker, measures have been introduced to help maintain the service standard. These include the strengthening of staff supervision, close monitoring of case management, streamlining of administrative procedures, enhanced skills training for caseworkers and the provision of

additional family support services such as family aide and clinical psychology services.

- (e) We are committed to meeting the increase in demand for family casework services without reducing the quality of service provided to individuals and families in need. In 1995-96, 103 additional caseworkers have so far been provided in FSCs of SWD. 26 more caseworkers will be provided by the end of this financial year. Subject to the approval of the Legislative Council, we will be proposing that resources should be provided to increase the manpower in 1996-97 by providing an additional 49 caseworkers. With these improvements, the caseload per worker is expected to reduce to an average number of 68 cases.

Two pages of table



**Disposal of Central Market Site**

17. 莫應帆議員問：據報導，規劃環境地政科擬更改中環中央街市現址的土地用途，並將該幅土地拍賣。就此，政府可否告知本局：

- (a) 在決定拍賣該幅土地前，會否諮詢市政局、城市規劃委員會、有關的地區組織及市民的意見；及
- (b) 拍賣該幅土地的具體計劃和時間表為何？

**SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS:** Mr President, the possible redevelopment of the Central Market site has been considered from time to time during the last 20 years or so. There is as yet no firm plan or timing for this to be done. More studies would need to be carried out before the proposal can be drawn up. When this is available, the Administration will consult the Urban Council, Town Planning Board, District Board on the specific proposals, as well as the public through amendments to the Outline Zoning Plan.

**Noise Nuisance to Choi Yuen Estate**

18. 張漢忠議員問：就邊境 24 小時開放通車對彩園邨居民所造成的環境噪音影響，政府可否告知本局：

- (a) 有何短期及長遠的措施解決上述的環境噪音問題；及
- (b) 日後在籌劃任何新計劃時，會否考慮到可能產生的環境噪音問題，因而在實施計劃前制定全面的預防措施？

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

- (a) Before the 24-hour opening of the Lok Ma Chau border road crossing from 3 November 1994, the following noise mitigation measures had been put in place as recommended by consultants:

- (i) laying of a noise reduction friction course along the New Territories Circular Road near Choi Yuen Estate;
- (ii) installation of a noise barrier on the side of the flyover facing Choi Yuen Estate;
- (iii) installation of noise barriers on San Sam Road; and
- (iv) installation of noise barriers on the section of New Territories Circular Road near Chuk Yuen Tsuen.

These measures have brought about a noise reduction.

To address the longer-term problem, a second consultancy study was carried out in 1995. A series of further measures including, for example, the paving of noise reduction surface layer, erection of noise barriers, noise canopies and noise enclosures at certain location, were examined by the consultants. Their report is nearing completion.

- (b) Since 1992, all public projects have been required to carry out Environmental Impact Assessments to ensure that potential environmental problems, including noise nuisance, are identified and that comprehensive prevention and mitigation measures are implemented. The Environmental Impact Assessment Bill, which was gazetted on 19 January 1996, will make such arrangements statutory and provide for the enforcement of preventive measures through an Environmental Permit.

### **Mental Patients' Rights under Patients' Charter**

19. **MRS ELIZABETH WONG** asked: *Will the Government inform this Council whether mental patients have the same rights as any other patients under the Patients' Charter; if so, what are these rights; if not, why not?*

**SECRETARY FOR HEALTH AND WELFARE:** Mr President, the Patients' Charter promulgated by the Hospital Authority makes no distinction between different types of patients. All patients of Hong Kong's public hospitals are entitled to the rights as set out in the Patients' Charter, and mental patients are no different.

The rights enjoyed by all patients, including mental patients, include the right to receive medical advice and treatment which fully meets the currently accepted standards of care and quality; the right to information about what health care services are available and what charges are involved; the right to be given a clear description of the medical condition with diagnosis, prognosis and treatment including common risks and appropriate alternatives; the right to know the names of any medication to be prescribed, its normal action and potential side-effects; the right to accept or refuse any medication, investigation or treatment and to be informed of the likely consequences of doing so; the right to a second medical opinion; the right of access to medical information relating to the condition and proposed treatment, and to have such information kept confidential; the right to make a complaint through the appropriate channels and to have the complaint dealt with properly and fairly; the right to choose whether or not to take part in medical research programmes.

The Mental Health Ordinance confers further rights on mental patients by regulating their reception, detention and treatment. An application to a District Judge or magistrate for the detention of a patient in a mental hospital for observation shall be founded on the written opinion of a registered medical practitioner who has examined the patient, and the patient shall have the right to see the District Judge or magistrate prior to their determination on whether to approve the application. A mental patient can only be detained in a mental hospital for observation, investigation and treatment upon certification by two registered medical practitioners and a District Judge.

Furthermore, an application may be made to the Mental Health Review Tribunal for the case of any mental patient to be examined after 12 months of detention in a mental institution. If the person or his relative does not exercise this right to apply to the Tribunal 12 months after the right first became available to him, the officer in charge at the mental institution shall, at the expiration of the period for making the application, refer the patient's case to the Tribunal.

**Gambling among Prisoners**

20. 葉國謙議員問：政府可否告知本局：

- (a) 目前監獄內囚犯賭博風氣是否普遍；若然，囚犯賭博的種類為何及囚犯賭博風氣有否對懲教署管理監獄的工作構成困難；及
- (b) 懲教署計劃採取何種措施以遏止監獄內的賭風？

**SECRETARY FOR SECURITY:** Mr President,

- (a) Gambling in prisons takes various forms, such as betting on horses, playing self-made cards and self-made *pai kau* and is usually conducted amongst long-term prisoners. Gambling sometimes gives rise to disputes between prisoners, particularly over debts. These disputes undermine discipline and order in prisons and pose management problems, such as when indebted prisoners seek protection from the management from their creditors, refuse to work or refuse to return to accommodation which they share with their creditors.
- (b) Because of the potential problems gambling by prisoners can cause, the Correctional Services Department is determined to keep the problem under control. As with other discipline problems in prisons, the Department adjusts its priority in accordance with the prevalence of the problem. Activities have been stepped up to combat gambling by prisoners in response to the rise in number of illegal betting slips found in prisons. These activities include strengthened supervision and increased searches. Those caught gambling will be subject to disciplinary action, as provided in the Prison Rules. These measures have proved to be effective and will continue.

**BILLS****First Reading of Bills****CORONERS BILL****IMMIGRATION SERVICE (AMENDMENT) BILL 1996**

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

**Second Reading of Bills****CORONERS BILL**

***THE ATTORNEY GENERAL to move the Second Reading of: "A Bill to make provisions for the appointment, duties and powers of coroners, for the reporting of certain deaths, for the duties of registered medical practitioners in connection with dead bodies, for matters preliminary to inquests, for matters relating to inquests, and for matters incidental thereto or connected therewith."***

He said: Mr President, I move that the Coroners Bill be read the Second time. The Bill aims to reform the coroners system in Hong Kong.

The Coroners' Court was first established in 1967. In April 1984, the Law Reform Commission appointed a subcommittee to review the coroners system, including the duty to report a death to coroners, the arrangements relating to the reporting of deaths to coroners, the investigatory role of the coroners and the functions of the Coroners' Court relating to a death.

The Law Reform Commission Subcommittee completed its deliberations in October 1986 and the Law Reform Commission itself subsequently issued a Report on Coroners in August 1987. Extensive public consultation was carried out by the Law Reform Commission in the course of the compilation of its Report. A number of defects were identified in the existing system and a comprehensive reform of the system was recommended.

The Administration accepts almost all the recommendations of the Report. In view of the substantial legislative changes required to implement the recommendations of the Report, the Bill will have the effect of repealing and replacing the existing Coroners Ordinance. I shall now outline the salient points of the Bill below.

At present, there is no legal duty to report any death to the coroner. A list of reportable deaths is now prescribed in Part 1 of Schedule 1 of the Bill. Clause 4(1) also imposes a duty on certain categories of persons specified in Part 2 of Schedule 1, including, for example, doctors, the Registrar of Births and Deaths and the police, to report a death specified in Part 1 of that Schedule as soon as is reasonably practicable after the death comes to their knowledge.

The powers of a coroner are enhanced by the Bill. Clause 10 empowers a coroner to issue a warrant to a police officer to enter and search any premises where the coroner is satisfied on reasonable grounds that relevant evidence is likely to be found in such premises. Clause 11 empowers a coroner to first conduct a pre-inquest review to determine how the inquest may be disposed of in a just, expeditious and economical manner.

Clauses 13 to 19 set out the circumstances in which a coroner may or must hold an inquest. Clause 13 provides that a coroner may hold an inquest, whether with or without a jury, where a person dies suddenly, by accident or violence or under suspicious circumstances. Clause 14 makes it mandatory for a coroner to hold an inquest with a jury where a person has died in official custody. Clause 15 makes it mandatory for a coroner to hold an inquest when required by the Attorney General to do so. Clause 19 provides that the High Court may, on the application of a properly interested person or the Attorney General, order an inquest to be held into a death including, where an inquest has already been held, a new inquest into that death.

The present three-person jury will be expanded to a five-person jury. Clause 22 provides that five jurors shall be selected to form the jury at an inquest.

Clause 34(1) provides that the coroner may during the course of an inquest refer a case to the Attorney General for a decision as to whether or not criminal proceedings should be instituted against a person, and obliges the coroner to do so where the suspected criminal offence is murder, manslaughter, infanticide or death by reckless driving.

Clause 40 empowers a coroner to issue in certain circumstances a certificate of the fact of death to assist in the transport of a dead body to another country for burial, in particular where the relevant authorities of that country require official documentation that the deceased did not die from an infectious disease.

Clause 46 makes it an offence for a person to obstruct, resist or delay a coroner, including a person assisting a coroner, in the lawful discharge of his duties and lawful exercise of his powers under the Bill.

Mr President, this Bill represents a further reform to the administration of justice in Hong Kong and I commend it to this Council for early passage into law.

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

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

## **IMMIGRATION SERVICE (AMENDMENT) BILL 1996**

***THE SECRETARY FOR SECURITY to move the Second Reading of: "A Bill to amend the Immigration Service Ordinance."***

He said: Mr President, I move that the Second Reading of the Immigration Service (Amendment) Bill 1996. This Bill seeks to give members of the Immigration Service powers of investigation into offences relating to registration matters, and in certain forgery offences under the Crimes Ordinance. It also seeks to regularize the procedures relating to the handling of persons arrested by

members of the Immigration Service.

The Immigration Service took over the work of the Registration of Persons Office in April 1979 and the work of registration of births, deaths and marriages in July 1979. Members of the Immigration Service, however, do not have clearly defined powers to deal with the investigation of offences relating to these responsibilities. When such offences are encountered, immigration officers may make initial enquiries into the suspected offences and, if there is *prima facie* evidence, they are obliged to refer the cases to the police for full investigation and prosecution. This gives rise to unnecessary duplication of work and inefficiency.

Members of the Immigration Service are at present empowered to investigate certain offences relating to forged documents, but they do not have powers to investigate other forgery offences involving forged dies, stamps and instruments which may be used in making the forged documents. When these forgeries are encountered during investigation, they have to be referred to the police for further action. This duplication of work and the separate handling of evidence again give rise to inefficiency.

The proposed Bill enables members of the Immigration Service to pursue the investigation of these offences entirely on their own. These powers include the power to stop, search, and to arrest suspected persons; to enter places and search for suspects; and to search for and seize evidence under warrant.

To regularize the handling of arrested persons, we propose to give members of the Immigration Service the power to detain and arrest persons and to grant bail. We also propose to extend the time limit to deliver an arrested person to the police station from the existing 12 hours to 48 hours, in line with the requirement imposed on other law enforcement agencies. The 12-hour period has caused practical difficulties in that there is insufficient time for members of the Immigration Service to make enquiries in order to determine whether the person should be charged, delivered to a police station, or released. This is particularly so when a large number of illegal workers are arrested during operations against illegal employment.



The offences for which these new powers are applicable will be specified in a Schedule to the Ordinance.

Mr President, the proposed amendments will enable the responsibility of investigating the specified offences to be entirely assumed by the Immigration Service. This would allow the investigation of these offences to be conducted more effectively and efficiently, since members of the Immigration Service are specifically trained to deal with offences in their own areas of responsibilities. It would also allow police resources which are tied up in dealing with these offences to be redeployed for other important police work in maintaining law and order. The powers we have proposed for the Immigration Service in respect of the specified offences are in line with existing powers already conferred on the police and other disciplined services, and are also consistent with the Bill of Rights Ordinance.

To prevent the possibility of abuse, the exercise of these new powers will also be subject to the same stringent safeguards that are now applicable to existing powers entrusted to the Immigration Service. A set of guidelines has been established for law enforcement officers to follow when questioning suspects and taking statements. These rules also stipulate the rights and facilities available to persons when they are arrested or questioned. Further, the Director of Immigration has, under section 9 of the Immigration Service Ordinance, issued standing orders governing the proper exercise of statutory powers by immigration officers. They are subject to supervisory control of their senior officers and are liable for disciplinary action under section 8 of the same Ordinance for any abuse of power.

Thank you, Mr President.

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

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

**MEMBER'S MOTIONS****INTERPRETATION AND GENERAL CLAUSES ORDINANCE**

***MRS SELINA CHOW to move the following motion:***

"That in relation to the -

- (a) Merchant Shipping (Seafarers) (Fees) Regulation published as Legal Notice No. 9 of 1996;
- (b) Merchant Shipping (Fees) (Amendment) Regulation 1996 published as Legal Notice No. 10 of 1996;
- (c) Companies Ordinance (Amendment of Eighth Schedule) Order 1996 published as Legal Notice No. 11 of 1996;
- (d) Limited Partnerships Ordinance (Amendment of Schedule) Order 1996 published as Legal Notice No. 12 of 1996;
- (e) Companies Ordinance (Fee for Taking Affidavit, Affirmation or Declaration) (Amendment) Notice 1996 published as Legal Notice No. 13 of 1996;
- (f) Trustee Ordinance (Amendment of First Schedule) Notice 1996 published as Legal Notice No. 14 of 1996; and
- (g) Clubs (Safety of Premises) (Fees) (Amendment) Regulation 1996 published as Legal Notice No. 16 of 1996,

and laid on the table of the Legislative Council on 10 January 1996, the period referred to in section 34(2) of the Interpretation and General Clauses Ordinance for amending subsidiary legislation be extended under section 34(4) of that Ordinance until 14 February 1996."

**MRS SELINA CHOW:** Mr President, I move the motion standing in my name on the Order Paper. The purpose of extending the scrutiny period is to enable Members to have more time to deliberate the seven Regulations, Notices and Orders, namely, Merchant Shipping (Seafarers) (Fees) Regulations published as Legal Notice No. 9 of 1996, Merchant Shipping (Fees) (Amendment) Regulations 1996 published as legal Notice No. 10 of 1996, Companies Ordinance (Amendment of English Schedule) Order 1996 published as Legal Notice No.11 of 1996, Limited Partnership Ordinance (Amendment of Schedule) Order 1996 published as Legal Notice No.12 of 1996, Companies Ordinance (Fee for Taking Affidavit, Affirmation or Declaration) (Amendment) Notice 1996 published as Legal Notice No.13 of 1996, Trustee Ordinance (Amendment of First Schedule) Notice 1996 published as Legal Notice No. 14 of 1996 and Clubs (Safety of Premises) (Fees) (Amendment) Regulations 1996 published as Legal Notice No. 16 of 1996.

Mr President, I beg to move.

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

**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 5 February. The movers of the motions will have 15 minutes for their speeches including their replies and another five minutes to speak on the proposed amendments. Other Members, including the movers of the amendments, will have seven minutes each 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.

## **MAINTAINING HONG KONG'S COMPETITIVENESS AS A LEADING INTERNATIONAL FINANCIAL CENTRE**

**MR PAUL CHENG** to move the following motion:

"That, as Hong Kong's future prosperity depends to a great degree on maintaining the territory's competitiveness as a leading international financial centre and despite the Government's efforts to date, including the draft Strategy Paper prepared on this issue last year by the Monetary Authority, progress in producing a blueprint for the future has been slow, this Council urges the Government to formulate, in consultation with the industry and the public, a comprehensive plan of action and speed up the implementation of short-term and long-term initiatives focusing on:

- i. promoting Hong Kong's strengths as an international financial centre;
- ii. improving the financial infrastructure in terms of the operating systems, training and development, and access to our financial markets;
- iii. formulating the necessary regulatory framework and legal requirements to ensure that the financial market forces operate fairly and efficiently, thus improving the protection of investors; and
- iv. providing tax and other appropriate incentives to continue to attract key financial services;

to ensure that Hong Kong's position as a leading international financial centre can be further enhanced not only in the remaining years of the nineties but in the next millennium."

**MR PAUL CHENG:** Mr President, I move the motion standing in my name in the Order Paper.

Hong Kong is regarded as one of the world's leading financial centres. It is routinely ranked as one of the freest, most competitive economies in the world in various international surveys. But such surveys focus on the present. They are no guarantee for the future.

Of course, at present the picture appears bright. At the end of 1995, the market capitalization exceeded US\$270 billion, making Hong Kong's stock market the eighth largest in the world, and the largest in Asia behind only Japan.

Hong Kong is rated as the third largest international banking centre in the world, behind only New York and London, with 85 of the largest banks of the world operating here. And in the asset management sector, Hong Kong has over 1 000 authorized funds and unit trusts domiciled in various jurisdictions, making it the number one choice for Asia fund management operations. Despite our success, there are worrying signs that we may be losing our edge in an increasingly competitive region. Hong Kong is, after all, a dynamic, fast-moving society that thrives — *and depends on* — constant action and renewal. Standing still is not an option if we wish to avoid slipping behind our competitors in the Asian region.

A few years ago, it seemed that Hong Kong was poised to be the only serious player in the region. Since then many more competitors have entered the fray. Singapore, for example, often provides not only customized tax packages but also offers fund managers access to government funds to attract them to relocate to the island state. As a result, Singapore is fast becoming the chief competitor to Hong Kong. Malaysia established the Labuan Offshore Finance Centre in 1990, and endowed it with tax incentives and infrastructure support to take advantage of its position in the midst of the dynamic ASEAN region. Sydney, Australia has also offered attractive tax rates to offshore banking transactions. And even Shanghai aims at becoming a world-class financial centre by using its connections to the hinterland of China to attract international suitors.

I am not calling for government intervention. Any major erosion of the existing free and liberal economic policies will be adverse to Hong Kong's future. Instead, I believe the Government needs to provide the necessary leadership and, in partnership with all concerned parties, create a market environment which not only ensures adequate investor protection and stability but also encourages innovation and growth.

In view of the time constraint, I can only briefly touch on the four broad points mentioned in my motion statement. I am sure some colleagues in this Council will cover in greater detail areas of their respective interest and expertise.

*Promoting Hong Kong's strengths as an international centre*

Hong Kong has many advantages which have helped make it a leading international financial centre, including:

- the openness of its markets;
- the presence of up-to-date stock and futures exchanges;
- attractive corporate and individual tax systems;
- the presence of many fund management operations;
- a trusted and objective legal system;
- stable currency with no exchange controls; and
- its opportunity to play a key role in the rapid development of China's economy and financial markets.

All of these advantages need to be aggressively marketed overseas. Singapore and London have proved that self-promotion can work. The Hong Kong Government, together with the Trade Development Council, Securities and Futures Commission, Stock Exchange and the private sector, should therefore craft an international promotional campaign. This campaign should convey the message that Hong Kong is not resting on its laurels, but rather is proving even more competitive, innovative and understanding of the needs of sophisticated global financial markets. Strong support from the relevant mainland authorities and institutions would make the campaign all the more effective.

*Improving the financial infrastructure in terms of the operating systems, training and development, and access to Hong Kong's financial markets*

Hong Kong's strength in this category stems in part from its ability to offer a wide variety of financial products tailor-made to the customer. However, we must continue to develop and enhance this product range in the years ahead. This is something that has been recognized both in the Monetary Authority's Draft Strategy Paper last year and in some of the initiatives currently being undertaken by the Stock Exchange as mentioned in the Securities and Futures

Commission Corporate Plan released earlier this week.

Measures could include:

- Taking steps to open the Stock Exchange to encourage regional companies to list and raise funds on the exchange, with specific emphasis on mainland enterprises.
- Developing the Chinese government and enterprise debt equity market that is bound to expand as China's major infrastructure projects get underway.
- Bettering the clearing and settling infrastructure in the foreign exchange industry so that Hong Kong can both close the gap with regional competitor Singapore and prepare for the day that the Chinese *Renminbi* (RMB) is fully convertible.
- Strengthening and encouraging interaction between banks in Hong Kong and those developing on the mainland.

Having well-trained professionals is vital to Hong Kong's continued development as an international financial centre. We are strong in the fields of accounting, legal services and information services, but we lack some of the more specialized financial skills, like asset and risk management, derivative trading and actuarial skills, that we need to stay ahead of the pack. Additionally, Hong Kong's standards for business-related English are regarded to be in a state of decline.

To correct these problems, we should encourage — and actively develop — joint curricula programmes between the private sector and local universities that focus on practical content more than academic theory. Programmes should be developed that address the potential problems that could adversely affect Hong Kong's status.

*Formulating the necessary regulatory framework and legal requirements to ensure that the financial market operates fairly and efficiently*

The question here is: When does a regulatory system change from adequately monitoring risks and behaviour to that of endangering the very market it aims to oversee? While we must continue to protect the investor and adopt rules to fit Hong Kong's environment, international financial business will avoid markets where the regulatory burden is overly restrictive. Unfortunately, with the rush to adopt the "best" rules from the United Kingdom, Canada, and Australia, Hong Kong is running the risk of becoming over-regulated.

The negative effects from the rush to "regulate-away" the image of 1987 has been most immediately felt in the foreign exchange markets, where Hong Kong's position *vis-a-vis* its main regional rival — Singapore — has steadily slipped. In order to avoid strangling the markets we have so painstakingly developed, the Government should work with the Securities and Futures Commission, Stock Exchange and the market makers themselves to undertake cost-to-benefit analyses of any newly proposed regulations and scrutinize the existing regulatory system for areas which might be improved.

What I am advocating is a balanced approach so that investors are not only protected but are also eager to do business in Hong Kong.

*Providing tax and other incentives to continue to attract key financial services*

Hong Kong is currently the offshore fund management centre of Asia. This is of vital importance as fund management is the key international finance business to attract and retain. The strong presence of fund managers in Hong Kong is what attracts stock brokers, bankers and custodians, all of whom receive business from them. But Hong Kong's position is eroding as Singapore gives tax concessions, both corporate and individual, to those who relocate their fund management operations there, and further sweetens the pot by providing them access to the provident fund and other government funds. Additionally, places as far afield as Tokyo, Taiwan, and Thailand all currently offer offshore centres with incentives aimed at fund managers.

There are also broader tax-related issues which have been highlighted by the migration and turnover in Hong Kong-listed equities to markets such as New York, London and Singapore, where transaction costs are lower and stamp duty fees are a fraction of Hong Kong levels. That is why I believe, as a matter of



urgency, that the Government should undertake a complete review of the current taxation structure of Hong Kong's financial markets, including exploring the possibility of new incentives in order to bolster our status as an international financial centre. Incentives should not be seen as intervention by the Government. They are simply practical responses to a changing and more competitive environment.

I hope today's debate will help underscore the urgency of this matter and provide useful input to all concerned in both the public and private sectors. I would like to take this opportunity to thank those I have consulted with both within and outside this Council for their advice and support.

Mr President, with these comments, I beg to move the motion.

*Question on the motion proposed.*

**PRESIDENT:** Miss Christine LOH has given notice to move an amendment to this motion. Her amendment has been printed on the Order Paper and circularized to Members. I propose that the motion and the amendment be debated together in a joint debate.

The Council shall now debate the motion and the amendment together in a joint debate. I now call on Miss Christine LOH to speak and to move her amendment. After I have proposed the question on the amendment, Members may express their views on both the motion and the amendment.

***MISS CHRISTINE LOH's amendment to MR PAUL CHENG's motion:***

"To delete "including the draft Strategy Paper prepared on this issue last year by the Monetary Authority, progress in producing a blueprint for the future has been slow, this Council urges the Government to formulate, in consultation with the industry and the public, a comprehensive plan of action and speed up the implementation of short-term and long-term initiatives focusing" and substitute with "the Government could do more to provide an even better environment in order to support the private sector in developing financial services; and that it should focus"; to delete

"improving the financial infrastructure in terms of the operating systems, training and development, and access to our financial markets;" and substitute with "ensuring that the necessary conditions, including world-class infrastructure, open access and a highly skilled workforce, are in place; and"; and to delete "and; iv. providing tax and other appropriate incentives to continue to attract key financial services;".

**MISS CHRISTINE LOH:** Mr President, I move that Mr Paul CHENG's motion be amended as set out under my name on the Order Paper. Mr President, the Honourable Paul CHEUNG's motion is not as helpful as it could be because it does not contain any very clear direction. It is of a general nature, and asks the Government to "do something". I wish to amend the motion because it has a number of worrying aspects.

Our difference is not necessarily fundamental but certainly we differ in emphasis. The Honourable Paul CHENG is worrying about competition. I agree that we should not be complacent, but I do wish to highlight that whilst both Hong Kong and Singapore are international finance centres, any similarities must profound (sic) differences of philosophy and strategy. This goes for Malaysia, Australia and Shanghai as well. But since Singapore appears the most threatening, let me deal with this first.

Singapore's international financial sector exists on an offshore platform where participants are largely barred from the domestic sector. Mr President, I believe there are only seven foreign members of the Singapore Stock Exchange. They have no voting rights, and they cannot execute any but the very largest transactions for local investors. Singapore's banking, futures, and fund management sectors all have various kinds of restrictions, too.

Contrast that with us in Hong Kong. We are almost entirely open to international participation. For example, our stock exchange has over 90 foreign controlled members with the same rights as local members. Since the underlying philosophy, and strategies, between Hong Kong and Singapore are entirely different, there really is not much point in suggesting that Hong Kong should copy a little bit of Singapore's strategy, like a few tax incentives here and there. It is for this reason that I am seeking to delete part (iv) of the original motion. And, anyway, let us not forget that Hong Kong has a very competitive tax system overall.

Therefore, I would like Members to consider the totality of the market environment between Singapore and Hong Kong, and not just pick on one area where another market provides some tax incentives. In terms of tax, doing business here is very much more attractive than in Singapore. In terms of market access, Hong Kong is very much more open. In terms of regulation, Singapore wins hands-down.

We should not only concentrate on worrying about competition. The various Asian financial centres, including up-coming ones, like Shanghai, complement each other as well. Investment is not a zero-sum game. Projects initiated elsewhere could create subsidiary, or knock-on effects through Hong Kong, or vice versa.

Another reason I am seeking amendment to the motion is that I believe the motion's emphasis on what the Government's role should be in promoting Hong Kong as a financial centre is wrong. The motion suggests that the Government should be the chief protagonist. It is precisely this conception of the Government's role that I disagree with. The Government should be a facilitator, not protagonist.

A further reason to amend follows on from what I think is Mr CHENG's confusion of these roles. The motion is confused about what constitutes government support, and what constitutes unnecessary government intervention.

Let me first examine the role of support. I firmly believe that the Government's role in business is to provide the right environment to facilitate the private sector in the exercise of its entrepreneurial spirit. The kinds of things the Government should do include the maintenance of the rule of law, the free flow of information of all kinds, keeping corruption at bay, and so on, now and beyond 1997. The Government has the responsibility to continue to keep law and procedures under review to ensure that the needs and aspirations of a modern society are met.

I am seeking to delete part (ii) of the original motion. Here, we can see the difference in interpretation between what I regard as support and intervention, and how the Honourable Paul CHENG sees it. In part (ii), the Honourable Member proposes that the Government should be involved in the operating

systems of the financial markets. He did explain himself a little just now, but I remain disturbed by the tone of the motion. I cannot actually quite believe that that is what Mr CHENG is proposing as it is written in the motion. On the face of it, he is suggesting, for example, that the Government should intervene in the financial market operating system. Let us take an example, should the Government intervene in the Stock Exchange's operating system? Mr President, surely not.

Further, part (ii) also calls for the Government to improve "training and development". I heard Mr CHENG also developing this point. The Government is not a suitable provider of training of those working in financial services. The Government cannot do a good job. Professional training is the task exclusively of the private sector.

Indeed, I wish to substitute part (ii) with what I regard as some of the necessary conditions for the financial services industry to remain competitive in the next century. I think Mr CHENG actually agrees with some of these points. The necessary conditions must include maintaining a world class infrastructure. For financial services, this means telecommunication policy to ensure that it will be at the cutting edge of development.

Further, there must be a highly skilled workforce. While the provision of professional training is essentially for the private sector, the provision of a strong general education is clearly for the public sector. This Council could help to maintain Hong Kong's competitive edge by adding its voice to improving general education. I agree with Mr CHENG we need to pay particular attention to English skills.

On the areas where the Government should intervene, I am in full agreement with part (iii) of the motion but I must say our framework is very good. The Honourable Paul CHENG is worried about an increase in regulation. He did not mention it in his speech, but in today's newspaper he is against new legislation to allow auditors to report any malpractice they discover in company accounting records to the Securities and Futures Commission. Surely, he cannot possibly mean this. Any decent sophisticated financial market has such a provision. Going backwards would be to adopt an idea like not passing such legislation.

To conclude, I am seeking to delete the reference to the Monetary Authority's Strategy Paper. It is simply a paper with general observations and no philosophy and strategy. That is why I am suggesting we should not include it in a motion to be passed by the legislature. Thank you.

**DR DAVID LI:** Mr President, the motion before us states a simple truth — the future prosperity of Hong Kong does depend to a great degree on maintaining our competitiveness as a leading international financial centre. But the reality underlying that truth is not so simple. A financial centre is a complex infrastructure, a cluster of sophisticated intermediaries. Hong Kong has been attractive as the site for an international financial centre because it has provided the best available environment.

That environment has been created and maintained by a reliable legal system and regulatory framework, freedom of information, and internationally acceptable accounting standards. Laissez-faire administration that provides prudent supervision with the minimum of regulation, and an attractive tax regime, have been vital to our success. For this, the Administration, and the Monetary Authority, deserve our commendation.

But we must not be complacent. If we are to remain a leading international financial centre, we must demonstrate that we understand the changing needs of the financial intermediaries that choose to operate here. In his regard, the Hong Kong Monetary Authority released a Strategy Paper eight months ago.

But what has the Administration done? Are the Hong Kong Monetary Authority's sensible suggestions being implemented? Is Hong Kong promoting offshore financial business by introducing tax incentives that rival our competitors'? Are we working to attract the listings of international companies to the Stock Exchange of Hong Kong? No.

The Hong Kong Monetary Authority is not alone in its efforts. The private sector has also contributed a series of recommendations. But has the Administration considered implementing proposals made by the Finance Constituency? Has the Administration introduced a form of group relief that would compare with that offered by other international centres? Recommended by the Hong Kong Association of Banks, group relief would allow the tax losses of one company in a business group to be offset against the taxable profits of

another.

Has the Administration adjusted the tax treatment of banks' general provisions for bad and doubtful debts to match those of our competitors? Has it stopped encouraging capital outflows by lowering estate duty? No. Why penalize those who use our services?

The Strategy Paper drawn up by the Hong Kong Monetary Authority was released at a Seminar organized by the Preparatory Working Committee for the Hong Kong Special Administrative Region. A reading of the speeches made at the Seminar readily illustrates one point that we, as Members of this Council, or of the Administration, should keep foremost in our minds. The people of Hong Kong live and work in one of the world's most economically cosmopolitan of cities. Their best interests cannot be served by focusing purely on domestic concerns.

We need to ask: What effect will good intentions that become policy have beyond the headlines? Will they end in higher costs that drive companies from the territory, taking with them jobs and tax revenues? Just imagine Mrs Household's delight when she reads that her social assistance payments have been increased. But will the extra money help support her daughter who cannot get a job because she is poorly educated and does not speak English or Putonghua? Will it help support her son, who lost a job as a fund manager when the Provident Fund was legislated out of private-sector hands? I think not.

Our position as a leading international financial centre, and our future prosperity, depend on policies that affect the international competitiveness of Hong Kong. I urge the Administration to review these policies — whether they address education, technology, land use, housing or cross-border links.

Competitiveness is about providing value-added service to business. It is central to providing opportunity to our people. Together, we have achieved a great success in the past. The Administration can work productively with the Hong Kong Monetary Authority and the private sector to build on that success. With you, my Constituency looks forward to setting a clear agenda — a Path to

Prosperity — for the future.

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

**PRESIDENT:** Honourable Members, I have inadvertently omitted proposing the question on Miss Christine LOH's amendment. I will make amends by proposing the question to you now.

*Question on the amendment proposed.*

陳鑑林議員致辭：主席先生，香港的金融中心能夠建立今天的國際地位，一方面是因為地理上的優勢，以中國作為香港經濟的腹地，另一方面是因為金融體系及監管機制的發展日趨完善；因此，在面對日益強勁的對手時，我們既不能無視這些挑戰而盲目樂觀，更不應過分散布悲觀情緒而忽略改善本身條件；只要我們能夠繼續保持以往的優勢，並且因應未來的發展，進一步鞏固金融監管機制及完善有關的法例，我相信，香港是有條件繼續維持其作為國際主要金融中心的地位。

港府在去年發表有關香港作為國際金融中心的策略文件，可以說是合時及具有積極意義的，可惜，正如鄭明訓議員在議案措詞中指出，港府在擬訂藍圖的工作進展相當緩慢，此外，文件並未有系統地就影響香港的金融中心地位而十分重要的“中國因素”作出策略性的研究，而且更忽略了新近崛起並將日趨成熟的上海金融市場，亦將會成為香港的重要競爭對手。

《基本法》規定，香港現行的貨幣及金融制度將予以保留；而保障金融企業和金融市場的經營和進出的自由，是維護香港的國際金融中心地位的重要政治和法律的保障。

中國內地的經濟持續健康發展，重新加入國際經濟市場，對外貿易將大幅增加，外商到內地投資亦不斷上升，為配合內地經濟的發展，香港已有不少銀行及金融機構正逐步在內地開設分行及附屬公司，現時正是香港金融發展的良機。

此外，隨着人民幣劃一匯率及將於二零零零年前在貨幣市場上可以自由兌換，人民幣衍生工具將會是一個極具潛質的市場，而內地大力發展基建項目時，將會大量透過國際市場以債券形式集資，亦有助香港發展債券市場，

及提供資金配合中國經濟發展。

香港現時最大的競爭對手是新加坡。雖然，新加坡的公司利得稅稅率是27%，較香港的16.5%為高，但新加坡政府現正按照經濟擴展優惠的政策，實施一連串的稅務優惠措施，包括將金融機構的“離岸”利潤降至10%，以及提供擴張優惠、投資免稅、核准外債計劃和核准版權費等，這些優惠雖然只適用於特定的行業或業務，但對於一般的外國投資者亦甚具吸引力。

此外，新加坡與多數國家簽訂“雙重課稅”的協定，亦頗能吸引一些稅率較高國家的投資者設立金融機構和區域總部。

因此，港府過去一向並不重視在稅制方面提供優惠措施，和一直強調“積極不干預”政策，其實現時實在有必要重新正視和檢討。

至於香港另一個潛在的競爭對手——上海，雖然目前在國際金融市場上的排名遠遠落後於香港，但上海金融業的潛質和競爭力，其實正在日益增強。

上海由於擁有雄厚的工業、教育和科技基礎，加上亦是中國政府重點發展的金融中心，在基礎建設上，上海正在急速發展，並且可以迎合跨國公司在通訊、運輸和地理位置上的需要；而在經濟方面，上海的股票市場亦出現重大的金融改革，而中國官員更日漸懂得滿足外國投資者的需要。

面對上海的各種有利條件，難怪香港有很多人認為，上海將有壓倒甚至取代香港的機會。

不過，中方官員及中國銀行副行長陳元先生去年底在北京一個研討會上，曾經對香港和上海這兩個未來同屬中國的金融中心作出定位；他說：“香港於回歸後將作為中國的國際金融中心，上海則將主要扮演內地的金融中心角色”，加上其講話中所提到的一些觀點，都是中國政府對繼續保持香港的金融中心地位的重要信心保證。

因此，面對新加坡和上海這兩個強勁的競爭對手，我同意鄭明訓議員的建議，政府應從速制定綜合的行動計劃，並且加快落實各項短期及長遠的措施，其中最重要的，我認為有以下幾點：

1. 繼續保持維護港元穩定的政策，以及外匯基金主要用於穩定港元匯率的政策；



2. 保持聯繫匯率不變，維護公眾和投資者對貨幣制度的信心；
3. 隨新的金融及衍生工具不斷推陳出新時，進一步健全金融監管制度，以免令金融市場受到不必要的干擾；
4. 盡快完成新機場及有關的核心工程，增建及擴建貨櫃碼頭，加強本港的貨運流通的能力；
5. 以積極的態度，制定政策扶助工商業發展，使金融業為本地工業提供資金和再投資的機會；
6. 港府應與金融界和各大專院校加速培訓專業人才，提高從業員的質素，並要力提升香港的英語水平，維護和保持本港金融業在國際市場的良好聲譽。

主席先生，儘管香港在九七年前仍會碰到不少內在的隱憂及外來的競爭，但由於香港的金融市場有鞏固的基礎，以及經歷過多次的風浪，並在這些風浪中成長，我覺得只要港府能夠採取適當的措施，及進一步完善監管的法例，我們實在無須對香港維持其國際金融中心的地位過分憂慮。

本人謹此陳辭。

**詹培忠議員致辭：**主席先生，我個人堅信過渡九七後，香港的政治將無甚麼問題可作爭論，餘下最主要的只是金融問題。在今天的議案辯論，我將會就證監會兩天前發表的第三份報告書作出很大的回應。

眾所周知，香港的金融事業以股票市場作為主導，但我們看到證監會發表的第三份報告書中所提及的事情，卻有混淆視聽之嫌。在本港，政策的制定是司級部門的責任，換言之，一切有關金融政策的制定，應該是金融事務科的責任。兩個交易所——股票交易所和期貨交易所——各自有其專職負責本身的運作。最後，證監會只是監管這兩間交易所是否能夠正確完成政府的政策。如果證監會漠視金融事務科的話，我便替金融事務司不值。因為如果他的工作做不到對決策有影響力，他還坐在這裏做甚麼？我希望稍後金融事務司能充分回應一下這點。

證監會的報告提及有部分外國的投資者，特別是一隻電訊股票，在香港的交易只不過達到世界交易額的34%，換言之，其餘多是在英國和美國的市

場交易。既然明知有這種情形，證監會理應作出檢討，看看是否香港股票的佣金太高？大家應知道不是的。是否香港的印花稅不合理？我個人認為是的。所以應向財政司施壓以便作出檢討。同時，交易附加稅是否太多也是一個問題。監管是否太嚴格？條例太多？這些問題都值得證監會研究，雖謂要吸引投資者來港交易，然而倘若我們條件不夠，如何能吸引投資者呢？

此外，證監會過分熱衷於推廣太多衍生工具和期貨業務。須知道衍生工具和期貨本來是用作補現貨市場的不足，但現在究竟是否能達到這目的？在去年辯論時，我曾極力反對。幸好到現在為止，過去三個月沒有成交過一手，足以證明這個推廣是失敗的。我們要了解，衍生工具和期貨不是有甚麼欺詐或不可以執行之處，但這種交易既然稱為零和遊戲，就必定有一個輸一個贏，有賠有賺，一如投資者步入賭場。如果政府規定每個人入賭場只可賭一至兩手，那麼每個賭場都會倒閉。但由於客觀的因素，令買入衍生工具和期貨的參與者，最後只會輸光。為甚麼在沒有一套良好的制度為投資者提供保障前，證監會便極力要推動這項業務？這點是值得更高層的司級官員思考的。

同時，近期備兌認股權證在交易所實在有泛濫的趨勢，每天均有數隻認股證推出，令股市承受巨大的壓力。雖然大家說現在的股市有“牛市”的氣氛，所以能接受這現象。但在長遠來說，卻製造更多的市場不公平，因為有200億元的基金便能發揮影響力，推出很多備兌認股權證。但對其他散戶而言，他們了解不夠清楚，經常去參與投資，最後都會淪為國際基金的“點心”。提到基金，主席先生，還記得六十年代，大約三十多年前，世界性的基金在香港大跌。基金現在雖然賺錢，大家不要忘記歷史教訓，這些歷史時刻都會重演。所以，作為一個負責任的證監會，當然必定要防患未然。

香港政府一直奉行積極不干預政策，由於現在證監會人手太多，卻作出積極的干預。與此同時，交易所和證監會有很多工作是重疊的，製造很多不必要的矛盾，也浪費政府資源。雖然現時證監會的經費並非直接由政府撥款，但我們須謹記，剛才亦提及，經費是從附加稅中得來的，也是市民、投資者所給他們的資源。

證監會的報告亦提及香港過去一年投資股票的成人最少有19%至20%，現在只得9%，下降了很多。究竟是甚麼因素？相信是因為證監會不去了解是其政策錯誤，甚至竟然可以質問部分投資者為甚麼購買某一隻股票，這已是極力干預人權。作為監管機構，不但不檢討，反而推卸責任說不知道。我個人從來不是不讓證監會作出監管和履行其他職責，但例如部分經紀過去有所謂“老鼠倉”，證監會在整份報告內沒有對此作定義，為甚麼卻極力加以批評？在這個問題上，如果證監會要硬來，我會運用我的力量向法庭申請司法覆核。當然，主席先生，本港中央結算至今的運作仍未盡善盡美，我們希望

以後能夠改進。與此同時，希望財政司在快將發表的財政預算中能公開承認金銀貿易場的地位，使香港各方面能做得更盡善盡美。我個人絕對有信心香港以後能保持金融中心的地位。

主席先生，謹此陳辭，支持議案。

**鄭家富議員致辭：**主席先生，除了詹培忠議員帶領我們立法局的足球隊是我稍為認同之外，對詹培忠議員以往在立法局內所發表的看法，我很多時候都是不滿意的。不過，詹議員剛才提及證監會的角色，而在這一點上，我今次是支持詹培忠議員的。從證監會最近發展的三年計劃書內，我們看到對於聯交所的角色有混淆，我希望財經事務司及財政司今天在這裏加以留意。顧名思義，證監會是監察香港的證券交易活動，不是推廣。關於維持本港作為國際金融中心的競爭力方面，我希望兩位司級官員在今次的議案辯論內，能加倍留意這點。

據統計署顯示，在一九九五年九月，金融、保險、地產及商用服務界別內的僱員人數多達38萬，是本港僱員最多的第三大行業。我身為第八組的僱員代表，今天擬從這38萬僱員的利益出發，討論香港國際金融中心的發展，因為我實在不希望見到這班金融從業員，步製造業僱員的後塵，因為在七十年代，製造業興盛，工友不怕沒有工作做；今天，製造業萎縮，工友的工資不斷下降，甚至被淘汰，而當年的所謂技術，今天亦不值一文。因此對於這三十多萬或更多的金融從業員而言，惟有不斷提升技術，以及促進金融中心的競爭力才可免受淘汰；同時，香港要繼續維持國際金融中心的地位，金融業僱員才能繼續有工可做。

主席先生，香港金融服務從業員無論在質素與數量上，均隱藏危機。據一份由新加坡外籍經理評估亞洲各國的勞工表現報告書內，香港在市場技術、會計技術、管理技術方面，較其他亞洲國家為高，但卻遜色於新加坡；在英語程度方面，更落後於新加坡、馬來西亞及菲律賓，但在適應工作環境與主動性方面，香港勞工則高踞首位。此外，金管局的策略性文件亦指出，國際金融中心如倫敦，其成功的關鍵性因素在於擁有大量的專業人才，可惜香港在這方面的人才，從質與量而言，均出現供不應求。剛才鄭議員與陸議員也有提及，香港的英語水平滑落，以及資產與風險管理、精算等專業技能均缺乏之下，亦十分值得我們關注。

主席先生，若要維持香港作為國際金融中心的地位，政府必須積極面對上述人力資源的不利因素，而非繼續採取鴛鴦政策或“拖字訣”。每當討論工業或金融政策時，我們都會聽到同事引用新加坡為例。今天也不例外，雖

然新加坡在民主發展方面往往被人批評為過於獨裁，但新加坡確實是一個值得借鏡的例子，其經濟規模、資源與結構跟香港非常相似，但兩地政府的做法卻極不相同，新加坡政府積極支援行業發展，而香港政府則採取不干預政策，新加坡的經濟成果與香港不相伯仲，甚至有過之而無不及，以金融業為例，其外匯、債券、金融衍生工具市場便領先於香港。所以香港政府不應再受制於不干預政策的框框而作繭自斃，當然亦不應該事事干預，扼殺企業的經營自由。所以我們民主黨要求政府在繼續保持自由經營環境的優勢外，亦應對整體經濟的發展作出支援，如人才培訓、技術設施等。

今天，我亦會引述新加坡政府在人力發展方面的一些做法，如新加坡政府鼓勵成立保險業訓練中心，提供有關保險業的課程、研討會與訓練，特別是一些專業考試的課程；新加坡的中央銀行亦積極培訓人材。因此，港府應加強與保險、外匯、資本市場等聯會的合作，提供更多培訓課程與協助從業員邁向專業化。此外，港府亦應鼓勵及加強金融業課程的實際應用與學術的結連，如美國一些地方，他們高中的課程設計，會與業界聯繫，加入一些金融服務工作的基本技能訓練，此舉有助提升入職僱員的質素；另政府亦應鼓勵在職培訓，如在金融業集中的地方，例如中區、金鐘，提供地方與設施，方便向不同金融公司的僱員提供訓練。

主席先生，我想在人力資源方面再補充一項，提出我們的隱憂，讓我引用生產力促進局總裁的一段說話：“在一九八三年至九三年間，金融、運輸等服務業的實質工資增長高於勞動生產力。”我提出這點，並不表示要壓低員工的工資，反之是認為要提高行業的生產力，加強金融業的經濟效益，事實上，長遠而言，若金融從業員的生產能力沒有實質改善，工資將會難以增加，生活水平亦無法維持。因此，政府所成立的金融業小組委員會，應就目前的人力政策作出全面檢討與提出長遠的建議。

最後，主席先生，我想略談一下債券市場的發展，在未來十年，亞太地區中國債券市場發展潛力雄厚，香港應把握機會，扮演重要的角色，但現行條例如《證券條例》及現行的系統，例如結算系統均需改善，作出配合。事實上，世界銀行與外匯同業聯會都就香港債券市場的發展，提出很多建設性的意見，如成立按揭證券發行機構、發展一套債券保險計劃、提供稅務優惠等。我們認為港府亦應在教育推廣與降低面值方面，推動債券零售化。港府適宜就這項建議作出積極回應，支援債券市場的發展。

主席先生，本人謹此陳辭，支持原議案。

**DR SAMUEL WONG:** Mr President, the motion calls for a comprehensive plan. The question I want to address is "How comprehensive does it need to be?" Are we seeking a financial plan, or a plan covering all that we need to maintain Hong Kong's competitiveness as an international financial centre? Should we not be focusing on Hong Kong's image as a financial centre and all that entails?

The support needed for the financial services, in particular to encourage overseas investors and businesses, includes an efficient infrastructure; a good environment; reasonable rents; an appropriately trained workforce with a good command of the English language; immunity of the economy from politics; freedom of expression; a legislative framework friendly to entrepreneurship, innovation and drive; and maintenance of the overall image that Hong Kong has achieved so far of being one of the most friendly places on earth to do business.

Infrastructure could be one of Hong Kong's greatest strengths. Our compactness leads to cheap, efficient utilities. The buildings are world class, as are the power supplies and communications — in some respects world beaters. The deregulation of telecommunications is proceeding well.

I cannot say the same for broadcasting and transport. The authorities have dithered over broadcasting policy for 10 years and have finally, in effect, abandoned it, leaving international broadcasters to settle their headquarters in Singapore. What a disaster for our image!

As for transport, that has been developed piecemeal for far too long and needs its own comprehensive plan. The Mass Transit Railway (MTR) is a huge success. No doubt its airport extension, so essential for future business travel, will fare as well. I cannot say the same of roads, which have lagged far behind demand.

However, a great weakness in the infrastructure has been in technology transfer. When the MTR was completed, much of the expertise was allowed to disperse overseas and we were unable to compete in a major way in other mass transit projects in the region. The same is likely to happen in all the Airport Core Programme projects. Now the Kowloon-Canton Railway extension is being treated in the same way. There is a clear indication of preference for

overseas expertise. There is no contractual indication so far of any intention to transfer a substantial amount of technology to the local workforce for future consultancy use. Hong Kong's image is not that of a source of consultancy for many of its major technological achievements.

Environmentally, the image of Hong Kong, as one of the dirtiest cities in the world, is not conducive to attracting business. Environmental matters are too tied up in politics and should be dealt with more pragmatically. If the public wants pollution checks at street level, give it to them.

By the year 2000, 60% of new jobs will require professional skills possessed by only 20% of young people entering the labour market. Half of the high-wage jobs are estimated to require the use of networked computers. Access to the information superhighway is already a critical means to full participation in our society. Unless education and continued training is genuinely geared to the next millennium, unemployment will get worse, not through shortage of jobs, but because the workforce does not have the right skills. In particular, the reported deterioration in English language skills needs to be reversed, otherwise we will hand yet more of our business to Singapore and greatly tarnish our image as a financial centre.

Confidence in our economic future is essential to our image and our continued success. The plan must contain drastic measures to divorce politics from the economy. The cost to our taxpayers of the delay to the Airport Core Programme is already horrendous. Hong Kong is so rich that it can probably afford the cost. However, it cannot afford the damage done to its image of being vulnerable to political interference. That cost could be death.

Likewise, the fears of threats to our freedom of expression could be catastrophic in deterring foreigners from doing business here. If there is the slightest suggestion that incoming economic information will be censored or restricted, or that self-censorship is significantly practised, our financial status will topple. Yet, in a survey of journalists in Hong Kong, 23% admitted practicing self-censorship and 51% said their colleagues did.

Finally, I would plead against too much conservatism, defined in the dictionary as opposed to innovation. We need innovation and entrepreneurship to maintain our image as a financial centre.

So the comprehensive plan this motion advocates needs to be truly comprehensive covering all the periphery needed to support an international financial centre. It needs to maintain and develop Hong Kong's superb business image, an image that will not survive without careful nurturing.

Mr President, with these remarks, I support the motion.

**MR RONALD ARCULLI:** Mr President, the Honourable Paul CHENG has given a very thorough speech on the areas we need to address to maintain Hong Kong as an international financial centre. He has covered the need to promote our strengths, to improve our financial infrastructure, to formulate the necessary regulatory framework and to consider the need to provide tax and other incentives to attract key players in the financial services area.

There is not much more I could comment on these areas except perhaps to sound a note of caution on two particular areas. The first is in our regulatory framework and the second is our cost competitiveness. Since the overhaul of our securities and Stock Exchange laws in the late eighties, we have continuously introduced more and more laws regulating our financial markets.

There is some concern in the marketplace that we are tending or heading for an over-regulated market. Some of us tend to over-react when something happens, however trivial the incident may be. It is not always easy to get the right balance, and to do so would really need for us to look at our position very carefully. So, the last thing we want to do is to over-indulge ourselves in excessive regulation. And I know sometimes it is not easy to resist the temptation to try and over-regulate, but I hope our regulators would pay heed to the concerns in the marketplace.

As to our cost competitiveness, there are two particular aspects that concern me. The first is operating costs and the second is in the execution costs.

I shall only deal with the second because it is in this area that the Administration can do something about it, and I do hope that the Financial Secretary will not be too harsh on the Secretary for Financial Services if we are able to persuade him to propose a reduction in the cost of share transactions, particularly in stamp duty.

Hong Kong's success, Mr President, as a financial centre could also be attributed to an equal extent by the qualities of a clear and predictable legal system, of information, of ease of entry, of ease of travel and of our respect for law and order. But more importantly, it really is our strategic position and location, particularly in relation to our hinterland and that developing economy in China. And it is really our ability to enhance this quality by building excellent air and sea and telecommunication links, as well as providing sound and modern infrastructure and offices, that we are able to provide an environment with adequate back-up from professionals and financial infrastructure that really has got together to make Hong Kong what it is today.

Consequently, we must not only have top-notch financial infrastructure in terms of operating systems, training development or the necessary regulatory framework and legal requirements or incentives to attract business, but we must also ensure that our physical infrastructure, in terms of our land, sea and air routes are fast and efficient, that our telecommunication systems are advanced. Furthermore, we also need to look at, perhaps, the quality of our schools, our recreational facilities and other areas which the financial services community take for granted in other leading financial centres.

Mr President, our office buildings, for instance, are currently being designed to be able to cope with the latest communication and computer technology. The private sector has taken this on in terms of the design of the building, in making them not just environmentally friendly, but also, as it were, intelligent buildings. And in addition, as far as the Government is concerned, it could provide incentives to the industry so that everyone there will embrace these concepts.

Mr President, it is important that we acknowledge what Hong Kong is today in terms of a financial centre and maintain that very important role because, if we look at North America and at Europe, looking at the financial centres there



on those two continents, and looking at China and at Asia, we certainly have a very unique position. We must not be complacent and we must always be on guard to improve ourselves and to keep up-to-date with our competitors elsewhere.

As regards Miss LOH's amendment, the essential difference between her amendment and Mr CHENG's motion is really in the area of the tax and other incentives. Miss LOH has deleted part (iv) of Mr CHENG's motion, thereby removing from consideration that particular area. Whilst I think we should be slow in introducing what I call custom package, or indeed any major overhaul in terms of our tax structure and tax system, I do believe that, if the trend in other financial cities and centres is in fact to look at these incentives, we should at least look at them, if only to consciously reject them. But we should not rule them out of order at this early stage. So, for that reason, I believe that we cannot in fact support Miss LOH's amendment and we will support Mr CHENG's original motion.

Thank you, Mr President.

黃震遐議員致辭：主席先生，我和民主黨是非常支持鄭議員的議案。今天的辯論議題，可以說是九三年服務業辯論的延續，當時我提出議案，要求政府全面檢討香港服務業發展需求，制定有關政策及成立有關委員會。可惜香港政府拖了兩年，在九五年年中才推出一份推廣服務業的報告；而直至去年下旬，才由財政司成立小組，着手研究金融業政策，難怪在今天，政府亦未能就維持香港作為國際金融中心，提出具體的策略與方向。

最近一位經濟學家為香港金融中心地位敲響警鐘，他指出，在外匯市場、金融衍生工具市場、證券市場和債券市場中，新加坡已經有三方面領先於香港。證監會亦在本週初表示香港證券交易有流失的趨向，倫敦與紐約搶走了部分交易。

證監會與金融中心發展小組最近分別承諾會在今年就香港金融中心地位作出報告。我希望這兩份報告不會令人失望，能就四項主要因素：經營成本、人力資源、通訊和技術以及監管與稅務，作出深入的分析與具體建議。同時，我想強調一點，就是所公布的文件，諮詢對象不應只限於業內人士，

以致傾向某一方面的利益，令小投資者的聲音被掩蓋。剛才我們聽到詹培忠議員的演辭，抨擊證監會，其實充分表現了小投資者的權益往往不受到尊重，新的金融工具亦受到既得利益者阻止發展，令香港日益容易成為二流的金融中心。

主席先生，競爭、自律和法規這三個元素，都是促進香港金融中心地位的鐵三角。競爭會促進競爭力，才會促進改革及進步，淘汰陳舊落後，但是香港目前在促進公平競爭方面仍然不足，甚至容許壟斷，維護既有利益者。在證券市場方面，前證監專員霍禮義先生曾指出，香港需要更多交易所，不是像現在這樣由聯交所佔壟斷地位，以期更迅速配合金融市場瞬息萬變的轉變，發展更多產品，如發展地區性證券市場、場外交易、第二市場等。此外，目前經紀佣金訂立下限的方式，違背自由競爭的原則，增加交易費用，阻礙投資意欲。在銀行方面，政府更阻止銀行自由競爭，容許銀行統一支付利息，令消費者利益受損，同時亦統一收費，例如開立五萬美元的信用狀，便要支付0.25%的手續費，另又徵收港元佣金，不少商人對此感到氣憤難平。在銀行的“Cartel”協議保護下，銀行的競爭力只會每♥愈下，而非日漸進步。我希望信奉自由市場原則的陸議員與鄭議員，亦會正視這些壟斷情♥，而不單止空洞地要求不干預。至於規管方面，民主黨不贊成過分監管，令市場縛手縛腳。但民主黨認為健全的監管制度可以加強公眾的信心，有利於行業的發展和香港成為一個真正的國際金融中心。正如聯交所的調查顯示，只有9%的本地成年人投資在證券市場，較其他國際金融市場的22%平均比重為低。究其原因，主要有兩方面，第一、有意投資的人士對市場中介團體（如經紀等）的公正性缺乏信心；第二、對本地市場缺乏認識。因此改善有關中介團體的監管，減少欺詐行為，恢復投資者的信心，以及加強教育、推廣，將能吸引更多散戶投入，令市場更有深度。再者，我很相信加強目前上市公司的透明度，如公布董事犯罪紀錄、詳細的業績報告等，亦有助吸引投資者。可惜目前而言，聯交所是不願意在董事申報犯罪紀錄方面增加透明度。而證監會在這方面，是放鬆了手，根本不會要求聯交所增加透明度。

業內的自律是發展金融市場的必需條件，業內越能自律，外界的監管越可以減少，可惜目前金融業的自律不足，如經紀食價、雙聯的買賣、內幕交易、售賣不適當的投資產品、銀行內部風險監管不足，令銀行倒閉；這一切都說明有必要引入外界監管。至於法律規定，我們並不認為已達到過分的地步，對保障投資者而言，根本是極之薄弱。單仲偕議員稍後會在這方面再作進一步的分析。

最後，陸議員的修正案刪除採用稅務優惠措施，實在令人難以明白。在稅務方面，香港是有需要改善，在離岸收入的徵稅方面含糊不明，在很多稅項方面亦安排得不適當。因此明確的指定、增加科研投資等以及稅務優惠均是有助於香港的發展的。因此我們沒有辦法支持陸議員的修正案。

**劉漢銓議員致辭：**主席先生，要維持本港作為國際主要金融中心的競爭力，有必要先把香港的主要競爭對手與本港相比，看看存在甚麼差異，然後以捨短取長的策略，來採取措施保持及發展本港優勢。

在亞洲地區，新加坡、東京、台灣是挑戰香港金融中心地位的主要競爭者。

新加坡的優勢是：它是亞洲美元中心，基金組織及非銀行金融機構比香港發達，交易成本低，東盟經濟發展提供了有利條件為其吸引很多外資；其劣勢是：實行嚴格的外匯管制，境外、國內金融業務兩分離，股票、金融市場比香港遜色。

東京的優勢是：銀行規模和影響都很大，有強大經濟實力作後盾，近年來並全力“脫離歐洲而進入亞洲”，對香港金融地位形成挑戰；其劣勢就是：政府對金融業控制很緊，國際金融業務與國內金融業務也是分隔的。

台灣的優勢則是：早於八四年就建立了境外金融市場，九四年台灣為推動金融自由化、國際化進程又採取了一系列措施，目前並已完成了“亞太金融中心”規劃；其劣勢為：金融基本設施和人才不足，台獨活動造成政治不穩定，影響投資者的信心。

此外，有人認為上海亦是香港的競爭對手，但我認為長遠而言，上海與香港的作用是互補的，上海將扮演國內金融中心角色，而香港則將扮演中國的國際金融中心角色。

作出以上比較之後，本港應該採取的對策是：

提供稅務及其他適當的鼓勵措施，吸引各類外來投資，使投資暢旺，各類金融服務才會暢旺。據工業署去年十二月二十日公布的三項調查報告，租

金、工資和政治氣候是外資在香港遇到的三大困難。以《海外公司在香港設立地區代表》的調查為例，接近八成的受訪者認為租金及工資高昂是他們在香港經營的主要困難。鑑於租金及工資高昂的問題乃冰凍三尺非一日之寒，一時難以解決，本人認為本港應在提供稅務及其他適當的鼓勵措施方面下工夫。

我們不可因為香港的公司稅稅率低而故步自封，應有針對性地提供吸引外國投資者的稅務優惠，包括：

第一、跨國公司若在香港設立營運總部，並提供管理、技術性或其他支援服務給予本港其他公司、這個營運總部須繳付的稅率應予以優惠。

第二、外商如果在本港作大金額的工業投資，則他們的溢利可享有一段合理的稅務寬減期。

除了執行原議案的建議外，本人認為，政府應按中英兩國外長先後在倫敦和北京達成的合作共識，支持籌委會順利開展工作，使香港的政治氣候有利於吸引外資。

主席先生，本人謹此陳辭，支持鄭明訓議員的議案。

**MRS ELIZABETH WONG:** Mr President, Hong Kong's pre-eminent position as a financial centre is best illustrated as follows. For example, we have possibly the largest representation of international banks in the world. We have one of the largest gold trading centres in the commodities market. Our equity market is already the largest in Asia outside Japan. Hong Kong, together with other Asian financial giants like Japan and Singapore, dominate foreign exchange trading in the Asian time zone. We have one of the most competitive insurance markets in the world in Asia. With the Reminbi moving towards full current account convertibility in trading by the year 2000, Hong Kong is likely to increase its role as a bridge between the nascent forex market in China and those in the rest of the world.

So, what makes Hong Kong tick? Many features of attraction together

contribute to Hong Kong's success as a financial centre. Hong Kong is, as many people have spoken, geographically and strategically placed as a gateway to China, which is itself a fast-growing economy. We have a low tax regime, an open market and a resourceful, skilled and efficient workforce. This is supported by prudential supervision and a fiscal discipline which makes it possible to encourage entrepreneurship without encouraging "fly-by-nights".

More importantly, since financial transactions involve rights and obligations which need to be verified by legal contracts capable of enforcement, we have a legal framework and comprehensive laws and codes of conduct. These laws are well-established over time and tested in the courts which have gained an admirable reputation for impartiality. We also have an international standard technological infrastructure to ensure efficiency.

But our financial clout must be watched with great care for money markets migrate just as easily as people who have money. Already warning signs are there. Our standard of education, essential to the maintenance of Hong Kong as a financial centre, shows signs of slipping. There is also an unwelcome tendency towards over-regulation. Our overhead costs are high, which can make us less competitive with our neighbours. As we sail up the uncharted waters of "one country, two systems", we are not sure that the things we take for granted will be there. There is no certainty that the practices and values which have served us well over the years will be maintained. For a start, our current legislature is to be dismantled and what is to replace it is unsure. Whilst the promises of the Chinese and British Governments, which are signatories to the Joint Declaration, are crystal clear, how to make these promises turn into reality remains a mystery. We talk about confidence, but confidence cannot be willed and it is there. It cannot be summoned and it will come.

Financial arrangements are always risk-laden—liquidity risks, settlement risks, legal risks, operational risks and so on. We must seek to ensure a predictable environment in this dynamic, risk-laden area of finance. We need to guarantee a level playing field, a sound legal system, and a stability of fiscal environment to instil trust and boost confidence. Confidence is built on predictability of a legal system, clarity of approach and certainty of policy.

Confidence takes time to build up, but can be destroyed overnight. No empty promises can coax either confidence or money into the market. Investors seldom put their money where their mouth is. They need peace of mind to ensure that money today will not turn into mist tomorrow.

So, let us not talk about overturning or derailing our legislature or overturning our laws. Let us endeavour to achieve a smooth transition. I hope, Mr President, today's debate will help the Government to assume a leadership role in planning for the future, not to intervene but to provide the right environment and the right infrastructure to maintain Hong Kong's position as a viable financial centre. Thank you.

蔡根培議員致辭：主席先生，香港置身全球四大金融中心之列，與紐約、東京及倫敦齊名，在自由經濟體制下，香港更佔盡天時地利人和。在地域上，時差所帶來的優點，令香港可與其他融中心互相補足，使全球金融股市不斷運作，吸引海外投資者，並成為本港及國內企業的重要集資場所。在全球經濟復甦中，香港經濟可藉金融事業得以冒起。香港金融體系完善，擁有良好的國際金融人才，再加上工商業及服務業發達，以及資訊傳遞自由迅速，創造極佳的投資環境予投資者。在經濟轉型中的香港，金融業對香港經濟的發展所佔的地位日益重要。而香港除了對全球金融事業發展重要外，此金融中心對中國於下個世紀經濟發展的貢獻，更為深遠。

然而，居安思危，我們對目前香港金融事業在國際所享有的地位感到自豪以外，仍應不斷檢討及完善我們的金融制度，以保持國際的競爭力。可是十分遺憾，政府過去一直自滿於積極不干預政策，除了提供基本運作架構外，對於人才培訓、拓展市場、保障投資者等方面的措施均多為被動或不足又或者進展緩慢。

政府應創造更佳經營環境及制定更積極的措施及支援私營機構；投入更多資源，以協助拓展及發展金融工具市場及吸引更多海外投資者。這樣不但促進本港金融業的發展，並可增加本港整體的就業機會。作為一個金融中心，保持一流的金融人才是一項不可或缺的因素，過去政府在這方面所做的實在太少，政府應與私人機構、專業團體及學術機構商討釐定一些較長遠的人才培訓計劃。

本人相信本港金融業的發展是有賴一個良好的自由市場，這可以避免受

到不必要的行政干預，因而達到合理及有效的運作。但關鍵在於政府是否可以提供適當的措施，用以推動這個自由環境創造出來的優勢，使到投資者得到更公平及更合理的回報，以加強投資者的信心。

政府除了為一個自由、公平及合理的市場創造條件以外，並須進行有效的監管，提供投資者適當的保障。可惜，政府在這方面的法例及政策制定的工作進度比較緩慢。例如，政府應更積極制定、整理和綜合所有與證券及期貨有關的條例，並組織追及國際水準的審核監管架構，以減低投資者於市場上所冒的不必要的風險，以發掘金融市場更深厚的潛力。在此值得一提的是，鑑於面臨九七過渡，政府對金融市場須進行更有效及嚴密的監管及設立相應的機制，以免國際投機者於九七年前後對本港金融體系造成不必要的沖擊。

主席先生，本人謹此陳辭，支持原議案。謝謝。

**羅祥國議員致辭：**主席先生，本人與民協議員都是支持鄭明訓議員的議案，亦大致上同意鄭議員發言的內容。各位議員的發言已涉及很多觀點，這裏我提出三個應該關注的情♥，香港金融業中的各主要環節，無論是銀行業、證券業、保險業、基金管理業等，主要都是由外資企業，尤其是英資所壟斷和控制，本地華資企業在金融業的發展非常困難及不利，這情♥是全世界絕無僅有，而主要原因之一，是香港政府長期推行殖民地經濟政策。

本人在這裏不是鼓吹狹隘的保護主義，但本人認為政府應考慮積極的政策，鼓勵本地華資企業在金融業的發展。與此有關的另一個問題，是金融業的外資大量僱用入口勞工，這不只是高層的管理人員，連中下層的专业和行政人員，在人民入境事務處較寬鬆政策下，亦大量流入香港，這大大影響本地專業人士和大學畢業生的就業機會。本人建議政府現時推行的本地工人優先就業的原則和政策，亦應適用於金融業的非高層管理人員。

香港作為亞太重要的金融中心，面對的競爭對手已不只是新加坡，上海將發展成為中國的金融中心，以及台灣亦有發展“亞太營運中心”的決心，在在都威脅着香港的未來發展，但香港政府對本地競爭對手的情♥，了解並不足夠。

我最近收到政府由新加坡海外辦事處所編寫的報告，裏面用了很多篇幅報告了新加坡報紙對香港成立籌委會、高失業的關注，但在去年底香港有一

間公司在新加坡上市，及一間基金管理公司把地區總部遷到新加坡的情♥，竟完全沒有向我們報道。我認為知己知彼是非常重要的。

香港的海外辦事處是有需要加強搜集海外經濟情報，以幫助香港政府制定適當的金融政策。

本人及民協再一次重申香港應成立“經濟發展局”，以制定適當的長遠經濟發展策略，包括引進適當的金融政策。

如果有人以為成立“經濟發展局”或類似的機構，就是推行計劃經濟，他就一定認為整個亞太區現時都是計劃經濟的體系，這點我是絕對不同意的。

本人謹此陳辭，支持原議案。

**MRS SELINA CHOW:** Mr President, in recent years there has been a growing chorus of complaint that the standard of English is continuously deteriorating down a slippery slope in Hong Kong. Those who have joined in include local and foreign companies, big and small. Others, like myself, watch in dismay how the standard of English in our growing service sector lose out in comparison to neighbouring countries and territories such as Taiwan, Singapore, Thailand, and so on.

In spite of the fact that such complaints are gathering momentum, there has so far been an absence of any comprehensive strategy to tackle the problem. Earlier, we heard Mr CHENG and others mention it in their speeches, but the point is conspicuously absent from the original motion as well as from the amendment.

So far, the initiatives undertaken by the Government have been unimpressive and piecemeal. The problem of language deficiency in our schools in both English and Chinese has long been identified. Measures to tackle the problem, however, have been relatively slow and ineffective. The more worrying tendency is that in our promotion of learning in the mother tongue, English is pushed further and further down the priority list.



The tertiary institutions have complained about the same problem. Professor WANG Gang-wu has in fact used this as one of the justifications for his proposal to adopt a four-year instead of a three-year first degree course for the University of Hong Kong. While I do not agree with him that the university should be used to substitute the schools in foundation language training, Professor WANG's views nevertheless reflect a general dissatisfaction over falling standards.

Apart from what is taught in our schools and higher institutions, there is a lack of training for English for professionals in our respective service sectors. Adult education addressing specific areas of need must be looked into and addressed by the Government. In short, in order to maintain Hong Kong's competitiveness as a leading international financial centre, there is an urgent need for the Government to take the initiative to establish a mechanism to focus attention with a view to upgrading the standard of English across the board.

Much has been said recently about the Government's U-turn on an omnibus Broadcasting Bill. While I remain sympathetic with the Government's predicament, I believe there is an urgent need for the Government to take immediate steps to cement Hong Kong's place as a regional broadcast centre, as the free flow of international information is a vital pillar on which Hong Kong's position as an international financial centre must rest. Four years ago, the Government took the right decision to deregulate subscription TV, yet to this day, the regulatory framework has not yet been put in place.

Furthermore, there has not been any government initiative to attract broadcasting interests to establish in Hong Kong, despite our having had an early start in developing our own talents in the broadcasting industry and our advantage of being the gateway to China. Foreign interest in this industry have eyed Hong Kong for some time, but uncertainty in government policy and the lack of legislation have presented too many unknowns for them to make the final decision to be stationed here, and have as a result turned their attention to India and Singapore. I submit that immediate action must be started to remedy this undesirable situation.

Mr President, I support Mr CHENG's motion.

李家祥議員致辭：主席先生，我今天發言只是想說兩個觀點。我亦想指出理論和實際情♥可能是有多少不同的。我會特別談談國際競爭，而不單止說外商會否來港投資。事實上，那些大財務公司、大銀行、香港本身的企業等，在某程度上已達世界級的水準。一個好的環境，不單止涉及是否能吸引外國公司，亦會涉及本地公司會否將其部分的生意或資金調離香港，或在外國通過一個外國營運方式去處理。

如果有議員對稅務寬減這部分有任何疑問，我希望作出一些澄清。首先，稅務寬減是政府範圍內可以做到的事，而且是必須只由政府才可以做到的事，即是沒有其他人可以代辦的，甚至立法局也不可以。有些同事覺得稅務寬減沒有甚麼大作用，覺得鄭議員議案的有關部分不值得支持。我不想說太多，只說一項調查。這項調查是一間很大的國際性會計師事務所於一九九四年向1 000間世界級最大的企業所進行的問卷調查，詢問他們要在一個外國地方投資時，最重要考慮的是甚麼因素。當然，大家也知道政治是否穩定是一個重要的考慮因素。財務風險，甚至乎到某一個地方投資，能否有回報，亦是很重要的考慮。第三個重要的便是稅務，這個稅務的考慮是較語文能力高低、較他們是否接受當地文化、亦較當地的監管或監察制度的考慮為高的。

該項調查發現有39%的公司真的是考慮稅制，認為稅制不適合他們便不作出投資。有28%的公司因為某個地方的稅制的優惠，而導致作出投資。有八成(79%)的投資者都必定會對當地的稅制作出深入的研究，然後才以研究所得作為全面政策的一部分去考慮會否作出投資。從這些數字看來，很明顯，對每一個國際投資者來說，雖然稅務未必是唯一的考慮，但肯定稅務的考慮是佔了一個重要的地位。因此，我們會計界極力支持全面的稅制檢討。我們正在說到國際的競爭，我們不是說要優惠部分商界。如果我們是了要面對國際環境而說話，為保障我們香港的競爭能力，我們認為必須作出全面檢討。

第二，陸恭蕙議員曾經提及鄭明訓議員在一些報章上的報導，說關於是否要會計師向政府舉報一些關於貪污或不法的行為。我相信剛才陸議員的發言與事實是有相當的距離，如果陸議員昨天有參加我們財經事務委員會的會議，她可能會對這事有多一點了解。事實上，政府並沒有提交建議要求會計師舉報一些貪污舞弊的情♥。政府現在公布的建議，只是希望保障會計師，當一個會計師遇上這類情♥時，他可以選擇是否舉報。若他選擇舉報的話，他會獲得法律的保障，使他不因舉報而被客戶控告他毀約、毀壞他與客戶個人的關係。所以那條法例根本就不是陸議員所說的一回事。

陸議員亦提到世界上很多其他的國家亦有類似的法例。我可以告訴陸議員，會計師公會曾經做過很詳細的研究，全世界亦沒有這些法例。至於類似的法例，則要看怎樣界定“類似”了。我想很清楚指出，英國亦曾研究這類法例，但英國本身否決了引入類似的法例，要重新全盤再研究。美國來說，也有一些考慮，但亦很清晰的將一些行為指出來，不是籠統的說：“不論甚麼，只要有懷疑，便要舉報。”絕對不是這樣的，是很清晰地訂立了一些規例和很清晰而有層次的報導，亦在作整個報導時會平衡市場本身的自律，會計師作為專業人士的身分和與政府的監察架構互相配合等。這樣正正是會計師公會和市場人士，包括兩個商會代表，正向政府傳達的訊息。我相信當日我們在會議上，亦與政府有一個理解，要再回去重新研究。當然，假如能達致一個方式是市場可以接受的，而市場亦維持一部分自律的話，我們作為專業人士，絕對願意協助政府去解決問題。但在未找到一個可行的方法前，我相信現在商界和專業界是不贊成陸議員認為是理所當然的提議的。

面對國際的競爭環境，我們可以有兩種態度。一是我們關上自己的城門，數一數我們自己有多少個士兵，數一數自己有多少槍炮，若認為自己很有實力的話，便不去理會外面。第二個態度是除了評估自己的實力外，亦評估我們的競爭對手的實力，作出一個全面評估，在知己知彼的情♥下，然後才作出部署。我相信鄭明訓議員是屬於後者。我亦希望本局採取比較積極和了解對手的態度，不要關上城門，以為自己的環境不錯，其他種種條件也不錯，便認為甚麼也可以不做。謝謝主席先生。

**顏錦全議員致辭：**主席先生，本人就鄭明訓議員“維持本港作為國際主要金融中心的競爭力”的議案，代表民建聯發言。

今天的香港金融業，佔本地生產總值非常重要的比例，而僱用的勞動人口非常龐大，已成為香港的主要經濟命脈。香港的金融業過往非常成功，實在有賴良好的地理位置、健全法制、政府商業自由政策及從業員的努力經營所致。近年，很多鄰近香港的城市在金融業務方面，正努力迎頭趕上，而香港所擁有的優良條件亦開始受到侵蝕，例如部分投資者對過渡期採取觀望態度及英語水平的下降，這情♥實在值得我們關注。

事實上，國際資金和金融機構的流動性很大，資金的調動非常靈活，香港若稍有鬆懈，便會落後於其他對手，生意便流向到其他競爭對手的手裏。我們必須保持高度的警覺，並努力不懈，採取各種長短期措施去提高本港作為金融中心的競爭力，以確保現在以至未來，金融業能健康發展，產值不斷

提高，繼續為整體經濟作出貢獻。民建聯認為政府在這方面是責無旁貸的。

由於目前全球的金融市場劃分為不同的時區，而各大交易結算系統的銜接仍未暢通，國際投資者要進行各種跨國的資金調撥，仍面對複雜的結算過程。因此，政府應盡力協助本港金融業發展最先進的結算系統，從而駁通各大小不同區域的市場，降低投資者的風險和交易成本，使香港成為最具效率的金融中心。

主席先生，香港人的英語水平普遍地出現下降，這點對本港的國際金融業務有不利影響。我們應與教育界商討，制定政策，提高香港人的一般英語能力；同時亦須要加強應用於金融業的專門英語培訓。此外，金融人才的薪金上升亦很快，這反映有供應不足的情況，大學以至有關培訓課程，應充分地切合金融業的需要，增加培養更多的專門人才，確保我們的金融業有足夠的人力資源。

另一方面，中國經濟改革的宏觀調控政策已經取得相當成果，而第九個五年計劃（即一九九六至二〇〇〇年）亦已開展。預期中國的基礎建設需要籌集大量的港元資金，這對香港的債券市場會帶來很大的發展。另外，人民幣在未來數年將逐步自由兌換，香港應可取得部分人民幣買賣業務；再者，大型的中國企業陸續在香港股市掛牌，香港股市將因此取得更大發展。

我們必須放眼將來，作出積極準備，包括研究市場機會，培養更多熟悉中國金融業務的專才，提高普通話水平，使香港能從這些有利因素中，得到最大的利益。

我們知道，新加坡已實行多項稅務優惠，吸引更多投資者經營金融業務。香港現行的利得稅率較低，對投資者來說，已具有相當吸引力，面對新加坡的強烈競爭，政府應在不降低利得稅率的大前提下，積極研究可行的稅務措施，作出針對性的回應，以免陷於被動的處境。

總而言之，現在是政府坐言起行的時候，我十分期望金管局去年發表的策略文件所提及的專責諮詢委員會可盡快成立，全面推行各種長短期措施，以提高香港的國際金融中心地位。

主席先生，我謹此致辭，支持原議案。

單仲偕議員致辭：主席先生，我今天將會集中討論關於監管的問題。一提到

監管，我的腦海就浮現出八十年代的一些金融風暴，這些都是與政府監管漏洞百出有關。大來信用倒閉，引發存款公司的危機，恆隆、海外信託、永安、嘉華銀行亦相繼出現財政危機，而被政府和私營機構接管。另一宗就是八七年的股災，當年政府積極宣傳香港為國際金融中心，設有先進的交易所來誇耀自己成為世界第二大的指數期貨市場。言猶在耳，就立刻發生了停市和期貨市場崩潰，令香港國際金融中心的聲譽盡毀，取而代之的是金融市場被冠以為“無皇管”的賭場，或者是私人會所的聲名。這一連串的事件都迫使政府其後成立銀監處和證監會，來進行適量的監管，以恢復和增加本地和國際投資者對香港作為金融中心的信心。

我提出上述的歷史教訓，只是想說一件事，即要維持國際金融中心的地位，就必須有監管，有適當的監管，因為沒有人願意在一個容忍作弊、欺詐的市場經營和投資，當然亦沒有人會贊成過分的監管，扼殺市場發展和令經營者無利可圖，因此，適當的監管是非常重要的，且須各方的力量互動才能達致。

民主黨所主張的監管結構與條例，是希望能夠建立一個公平和有效率的市場。公平的定義很廣泛，但至少亦應包括：第一，不受到虛假的資料所蒙閉；第二，每個人都有平等的機會獲得平等的資料；第三，就是效率方面，效率的意思是由公平競爭所達致的最佳價格。香港目前的監管條例和結構與上述目標有相當大的距離，我們也經常聽到一些批評，例如說董事的袍金過高、小股東受到魚肉、外匯公司清盤、投資者血本無歸，或者是銀行利率協議偏幫大銀行等。事實上，與很多國際金融中心相比，香港的監管程度是相當寬鬆的。根據世界競爭力的報告，在對財經機構法律規管的適當程度，以及公眾對財經機構信心兩項目上，香港的得分均低於我們的競爭對手新加坡。另一份的調查報告亦顯示，以監管法例和環境，以及監管機構的能力的嚴謹程度而言，在東南亞地區，新加坡是最嚴，香港最寬鬆。寬鬆的意思包括資料透明度低，這亦是不能有利信貸評級和對銀行的評級。因此，我們目前的擔心並非政府訂立太多的法規，以致矯枉過正，反而是過於寬鬆。因此，我們應促請政府改善監管結構的條例，以便金融市場能夠朝更有效、更穩健和更誠實的方向發展。

在銀行監管方面，在多番爭論之下，金融管理局才在一九九四年及一九九五年分階段取消定期利率協議。但是在去年下旬，金融管理局就出爾反爾，在沒有任何具體的理由之下，以九七政治理由為擋箭牌，將利率協議延押至九七年之後才推行，變相終止了取消利率協議。金融管理局這種造法是偏幫大銀行和集團的利益，違背公平競爭的原則，亦對消費者不公平。民主黨對此感到非常遺憾。除了利率協議之外，金融管理局亦接納消委會的部分建議，例如公開內部儲備，並正分階段進行，我希望金融管理局能夠貫徹始

終，不要虎頭蛇尾，屈服於大集體的壓力之下。

至於香港證券業的監管，目前主要是採取自律的精神。民主黨認為自律不等如排除外界或者法律的監管，兩者應該是相輔相成的。事實上，現時自律亦未成熟，還有不少值得改善的地方。有調查亦指出，香港公司的管理仍然落後，未能夠達到國際水平。此外，上市公司應該加強資料披露，例如董事袍金的計算方法，加強業界人士的專業操守，以及要求外匯公司購買誠信保險，或者設立賠償基金等。

另方面，目前上市的規則只是上市公司和聯交所之間的契約性協議，若上市公司違反這個規則，聯交所一般的行動只是譴責，較嚴厲的做法，亦只是將該公司停牌或者除牌。但這種方式亦會令小股東無法出售股票而離開市場，結果是蒙受損失。因此，民主黨認為有必要將部分上市規則以立法規定，例如董事的責任和資料的披露等，令違法者得到應有的懲罰，並向投資者作出賠償。同時，由於投資者缺乏資源，以致未能循法律途徑取得應有賠償，因此，民主黨亦建議證監會考慮仿效消費者委員會成立訴訟基金的做法，為投資者提供財政的支援與法律指導，或參考歐美國家的衍生訴訟方式，即公司董事的行為如果令股東權益受損，任何股東均可以代表其他股東向公司提出訴訟，無論控告人成功或者失敗，所有的堂費均由公司支付。

本人謹此陳辭，支持鄭明訓議員的議案，反對陸恭蕙議員的修正案。

**PRESIDENT:** I now invite Mr Paul CHENG to speak for a second time in order that he may speak on the amendment to his motion. Mr CHENG do you wish to speak? You have five minutes.

**MR PAUL CHENG:** Mr President, the Honourable Miss Christine LOH obviously misinterpreted both the wording and the spirit of my motion, resulting in her taking the trouble in her presumably very busy schedule to make her amendment. I would like to reiterate that I am not advocating government intervention. I am instead calling on the Government to urgently assume a leadership role to help us compete more effectively in an increasingly competitive real world, not in an idealistic dream world, so that we do not wake up one morning and find that Hong Kong is no longer in a leading position.

The Honourable Miss Christine LOH said Singapore's situation is different

and we should not copy them or worry about them. Allow me, as a tennis player, to draw a parallel. When you play in a match, you do not just say your opponent plays a different game, so do not worry, you just carry on and play your own game, ignoring the strengths and weaknesses of your opponent. Having played the game for some 30 odd years, I have found the most important factor in winning is to know your opponent's strengths and weaknesses so that you can vary your own game accordingly to gain an upper hand.

As I was prepared to move this debate before this Council, I consulted widely with the financial community in Hong Kong. The response to my motion was overwhelmingly positive with each sector, each providing sector focus and analysis of the challenges we face. While some recommendations for action differed, there was one area on which everyone agreed and that was on my call for the Government to undertake a review of the current taxation structure as it relates to the financial markets. Furthermore, The Honourable Eric LI just passed me a copy of the Hong Kong Society of Accountants' proposals to the Government on the 1996-97 Budget, entitled "Preserving Hong Kong's Competitiveness". In it, as mentioned by the Honourable Eric LI in his comments just now, the tax issue is one of the more important factors multinationals consider in choosing where they locate their operation. I was therefore surprised that the Honourable Miss Christine LOH felt compelled to eliminate this important element from my motion in her amendment.

I trust Members will bear this in mind when making their decision as to whether they support the amendment or my original motion.

**SECRETARY FOR FINANCIAL SERVICES:** Mr President, I very much welcome today's debate on an issue which is crucial to the continued stability and prosperity of Hong Kong. By most international standards, Hong Kong is already a leading international financial centre.

It has been a wide-ranging and valuable debate, and Honourable Members have put forward to us some valuable suggestions on how Hong Kong can maintain our competitive edge in the face of keen competition. I wish I could acknowledge and respond to the views of each and every Member who has spoken, but obviously time does not permit this, and I therefore look forward to having continued discussion with Members, market practitioners and the public

over this very important topic. And indeed a number of items raised this afternoon could well be very usefully and constructively discussed, and further discussed at the Financial Affairs Panel.

I cannot agree more with Mr Paul CHENG that Hong Kong's future prosperity depends to a great degree on maintaining our competitiveness as a leading financial centre. Indeed, in the past decade or so, financial services have been the key growth component in our economy. The average growth rate for trade and financial services since 1980 stood at an impressive 21% per annum in value terms. I will not quote further statistics today to illustrate our astounding achievements in becoming one of the leading financial centres in the world. Mr Paul CHENG has done so in his speech as have other Members, as well as Miss LOH. I will only reiterate, however, that despite this remarkable achievement, the Government has never been complacent and I believe this is true for the private sector in Hong Kong as well.

Indeed, there is no place for complacency. Asia, being the fastest-growing region in the world and expected to continue to be so in the future, presents immense opportunity in financial services. While Hong Kong is well placed to tap this potential and the associated benefits, both established players and emerging and aspiring financial centres in the region are also seeking to capture the same potential and benefits. And, as Miss LOH has pointed out, it is not a zero-sum game. We are keenly conscious of the need to maintain Hong Kong's competitiveness in the face of increasing competition.

Over the years, we have regularly reassessed the role of the Government in supporting the efforts of the private sector, but we continue to believe that our market-based economic philosophy and policies are sound. They have served Hong Kong well over the decades and it is this very distinctive feature that has given us the edge over other competitors in the region.

We also believe that there is considerable consensus over markets, enterprise and free trade in the community, and I am glad to know that Mr CHENG is not advocating government intervention. The Government should not actively manage the financial markets or interfere with market forces. Our role should be to support business by helping to enhance productive capacity, improve efficiency and sharpen competitiveness. In other words, to maintain a competitive and favourable operating environment.



Through our regular consultation with market practitioners and experts in the international arena, there exists a consensus that Hong Kong's comparative advantages primarily draw from a host of factors. To name just a few: sound economic fundamentals such as strong international trade performance and prudent fiscal position; strategic geographically, for example, our time zone and our location; robust supervisory framework which inspires confidence; an effective anti-corruption regime; advanced infrastructure such as telecommunication links, settlement and clearing systems; business-friendly policies; predictable and low taxes, the rule of law; free flow of people and capital, open markets, and so on; and finally, special, long-standing experience and expertise and relationship with the China market. The list can go on and on. This not only reflects the width and depth of our strengths, but also presents a daunting task for the Government and the private sector to keep up the very high standards in the face of increasingly keen competition.

As many Members have pointed out, the Hong Kong Monetary Authority has compiled a Strategy Paper last year on Hong Kong as an international financial centre. The Paper reaffirmed the many opportunities and threats for Hong Kong and identified a number of continued work on various fronts. These include initiatives to further develop our debt market, encasement of sectorial studies on individual sectors, improvements to the operating environment in general, and workforce upgrading in particular. Most of these proposals represent ongoing efforts which predate the Hong Kong Monetary Authority's study, and these will continue. The evolving markets and the competition and opportunities that these bring effectively present us with a never-ending challenge. While some new initiatives have been launched, the dynamism of the environment dictates that we keep moving ahead. Since then we have, for example, engaged in new studies, initiated structure consultations with the industries, and I can assure Members that we will continue to maintain the momentum.

And as pointed out by Dr HUANG, the key issues and tasks involved in the concerted promotion of Hong Kong services are the subjects under active consideration by a task force of services promotion chaired by the Financial Secretary which was set up in August last year. A series of specific initiatives, including proposals to consolidate Hong Kong's leading position as an international financial centre, will be announced by the Financial Secretary in association with his Budget.

At this juncture, perhaps I should respond very briefly to the four areas of focus identified by Mr CHENG in the original motion, and in the process the three areas advanced by Miss LOH in her amendment. The first area referred to by both Members relates to promoting Hong Kong's strengths as an international financial centre. I fully agree that this is an important task. Indeed it is very much on the Government's list of ongoing commitments. Promoting Hong Kong's role as an international financial centre has been one of the major themes of our publicity efforts, both in Hong Kong and overseas in recent years. These includes promotion tours by senior government officials, speaking engagements in local and overseas seminars, and active participation in international organizations and forums. Through such efforts we have raised Hong Kong's profile internationally. I can assure Members that we will continue our endeavours and seek to further improve our promotional activities by undertaking more focused, finely-targeted and co-ordinated campaigns specially adapted for use in the promotion of financial services.

Both Members have called for improvements to our market infrastructure, manpower training and access to our financial markets. Again, I shall express the Government's full support of the idea. In respect of market infrastructure, Hong Kong's present set-up is amongst the most advanced in the world. The technologies and infrastructural support available to, say, our banking, securities and futures and insurance industries all measure up to international standards. We continue to move forward progressively. In the banking sector, we are introducing a payment system based on real-time gross settlement later this year. In the debt market, after the link-up of our local custodian and settlement systems with two established international clearing systems, we will seek to expand the range of services of our system to non-government debt papers and further upgrade its efficiency.

The markets themselves are, of course, very much alive to the need to improve market infrastructure. For instance, the recent launch by the Stock Exchange of Hong Kong of the second trading terminal has enhanced the operational efficiencies of the Exchange's trading system, expanded market capacity, shortened communication time and provided more secure back-up facilities. The Government fully supports such initiatives and encourages the markets to continue such efforts.

One of the most invaluable assets of Hong Kong is our well-trained and adaptable workforce. In the financial services sector, human resources are of particular importance. The Government is committed to ensuring that there is an adequate supply of trained manpower at various levels to continue to service our financial services industries. A case in point is the focus on language proficiency, arguably one of the most essential ingredients for a competent workforce for the financial services sector, and I am glad that almost all Members this afternoon have also expressed concern regarding the standards of language skills of our workforce.

Related initiatives include the establishment of a Language Fund with a Government injection of \$300 million to fund projects to raise the standards of English and Chinese. The draft Education Commission Report No. 6 has specifically addressed the subject of language proficiency where it is recommended that as a priority, the Government should put in place an institutional framework to enable research to be conducted into the language needs of Hong Kong, to develop policies and to have such policies monitored and evaluated in a coherent and systematic manner.

Regarding access to our financial markets, Hong Kong is probably one of the most open systems in the world. International service providers are free to enter the Hong Kong market, subject to their meeting the prudential criteria for admission, which seeks to ensure that fit and proper persons are admitted. There is no discriminatory treatment against overseas companies. We have actively participated in the negotiations on the General Agreement on Trade in Services in the context of the World Trade Organization, and intend to maintain our open system and seek to ensure access for Hong Kong companies.

As for investors and buyers of financial products available in Hong Kong, there is again no barrier for entry into our markets. Such openness has attracted a critical mass of providers of financial services and products as well as investors to Hong Kong. Their presence and active participation in Hong Kong's financial markets have ensured liquidity and diversity, all essential ingredients to a successful financial market. We are firmly committed to maintaining our open system.

The third area referred to by both Members relates to a sound regulatory framework and legal requirements to ensure that the financial markets operate fairly and efficiently, thus improving the protection of investors. I should reiterate that the Government is again fully committed to this. Over the years this has indeed been one of our primary objectives. We recognise that the integrity and effectiveness of the financial services regulatory regime are of utmost importance to our financial markets. The system must be fair and transparent so as to inspire confidence and market practitioners and investors.

Hong Kong has always sought to adopt the leading international prudential standards so as to protect the interests of the depositors, shareholders, insurance policy holders, members of registered retirement schemes, and so on. And regular reviews of the relevant legislation in banking, insurance, securities and futures have resulted in a number of amended legislation and subsidiary legislation, which have contributed to the continued robustness and effectiveness of our regulatory system. Nevertheless, without compromising our supervisory regime, we also strive to ensure that the system is as market-friendly as possible and to be ever vigilant regarding over-regulation.

Several Members have sounded a very important warning that we should be extremely wary about over-regulation. I am very grateful for this reminder. Indeed, the Government and the financial services regulators must always be mindful of the impact of over-regulation which undermines the attractiveness and competitiveness of our markets. However, at the same time, we must also be mindful that the primary objective of financial services regulation is to protect the interests of investors. To live up to its reputation as a leading international financial centre, Hong Kong's financial services regulatory system must measure up to international standards which is a form of quality control, if you like, of the high quality products we are trying to sell. It is essential, therefore, that Hong Kong adheres to the high industry standards set by international bodies.

What is involved, therefore, is a balancing act to enhance market-friendliness without compromising robustness and effectiveness of our regulatory system. To this end, the Government is committed to review regularly our regulatory requirements so as to ensure that they continue to be sound and effective in the face of rapidly-changing environments, but also to

streamline procedures and lessen the reporting burden wherever appropriate, and to ensure that the criteria for authorization and reporting requirements of Hong Kong's regulatory regime are objective and transparent. Examples of lessening the regulatory burden in recent years include the promotion of self-regulation, for example, in the insurance industry, and in the streamlining of listing securities by vesting more power in the Stock Exchange of Hong Kong from the Securities and Futures Commission (SFC), and we shall continue such endeavours.

And talking about the Stock Exchange and the SFC, I note Mr CHIM's, by now, characteristically strong and passionate feelings for the SFC, which I am sure will take careful note of the views from one of its most ardent critics. I also note that market development is in fact a statutory responsibility of the SFC, but I also accept that the role of market development should rest primarily with the market and the industry concerned.

Mr CHENG has further advocated the use of tax and other incentives to continue to attract key financial services. I note that Miss LOH has considered this unnecessary. As Members know, the Financial Secretary will deliver his Budget on 6 March. Today, therefore, is obviously not an opportune time for me to pre-empt his Budget proposals on taxation matters, if any. Perhaps I should echo what the Financial Secretary has recently alluded to on this subject. It is worth repeating that the standard profits tax rate in Hong Kong is already very low by international standards. It has helped to foster a competitive business environment as a whole in which the financial services sector benefits. If what Mr CHENG meant by tax incentives referred to preferential tax rates for selected industries for a certain period of time, it may compromise our current simple, predictable and easy-to-understand taxation system. Selective, preferential treatment entails picking of winners by the Government, and would ultimately be tantamount to the Government making commercial decisions on behalf of the private sector, an area which bureaucrats anywhere may not be very good at.

In conclusion, Mr President, maintaining Hong Kong's leading position as an international financial centre is an ongoing challenge which the Government is committed to meet and will continue to do so. Come 1997, this will even become a mandatory requirement, as Article 109 of the Basic Law stipulates that

the Hong Kong Special Administrative Region shall provide an appropriate economic and legal environment for the maintenance of the status of Hong Kong as an international financial centre.

Mr President, before I end today, I should express my gratitude for the overwhelming support of Members in working to maintain Hong Kong's leading status as an international financial centre. There is one major initiative, the success of which will greatly enhance such a position. I am referring, Mr President, of course, to the Mandatory Provident Fund (MPF) Scheme. As Members are aware, we have submitted for the approval of the Finance Committee a funding proposal for the MPF scheme the day after tomorrow. While the system is intended for the much-needed but long-delayed retirement protection of our workforce, I should take this opportunity to reiterate the very advantageous side-effects of the MPF system, where Hong Kong's financial services sector will be given a timely and invaluable boost on the establishment of the system. The potential benefits to the Hong Kong debt market, fund management, insurance and associated sectors and the economic activity so generated are obvious. Mr Paul CHENG has in fact alluded to the importance of fund management, having their operation localised in Hong Kong. In our regular and frequent contacts with the fund management industry in Hong Kong, the message is loud and clear: forget about special incentives, not even tax concessions. Just get on with the MPF.

This is indeed a very substantial and tangible gain for Hong Kong's status as an international financial centre. I am most grateful to those Members who have already indicated their support for the funding proposal, and would urge those Members who have not yet decided and those who were previously opposed to it to reconsider, having regard to what Members have said today in this debate, including Mr Andrew CHENG's strong support for developing our debt market, for which the MPF is an ideal vehicle. I am certain that they will seriously ponder over their position, as a rejection of the MPF proposal will deprive Hong Kong of an invaluable opportunity to enhance our position in an increasingly competitive world.

Thank you, Mr President.

**PRESIDENT:** I am very much tempted to say that is a most ingenious move

indeed.

*Question on the amendment put and negatived.*

**PRESIDENT:** Mr Paul CHENG, you are now entitled to reply and you have three minutes 51 seconds out of your original 15 minutes. Do you wish to speak, Mr Paul CHENG?

**MR PAUL CHENG:** Mr President, I merely want to thank all those Members who have given me very valuable advice and support in this motion debate, and I also must compliment the Secretary for Financial Services on his being very opportunistic.

Thank you.

*Question on the original motion put and agreed to.*

#### **SALE OF FLATS TO SITTING TENANTS SCHEME**

**MR EDWARD HO to move the following motion:**

"為了解決市民的居住問題，以達致真正“住者有其屋”的目標，本局促請政府盡快出售公屋單位給予現公屋居民，並將出售公屋所得的收入用以加快興建新公屋單位及重建舊公屋。”

何承天議員致辭：主席先生，我動議通過議事程序表所載，以我名義提出的一項議案。

香港經濟繁榮，成就驕人，可以說得上舉世無雙。但當我們細心看看香港成功的背後，有利因素實在並不太多。除了優良的海港和處於南中國的有利位置外，我們談不上擁有甚麼天然資源。

實在說，我們主要的資源就是我們的市民，以及我們自力更生的傳統精神。香港人素以勤奮和勇於創業見稱，背後的動力正來自這股自力更生的精神。香港人除非環境極度困苦，或身患殘疾，年紀老邁，否則，他們都不會或不想依賴政府的福利援助過活。

主席先生，今天我提出議案，因為我堅信，大力推行自置居所計劃，才會維持，甚而加強這股自力更生的精神。

現時各方面正努力為有需要的人提供充足的居所。我的議案不單無損於這種種努力，反而有助於興建更多公屋，來滿足正在輪候公屋的市民，以及那些仍然未能入住公屋的市民的需要。

公營房屋計劃肇始於五十年代，直至現在來說，政府已投入大量資源，可能比其他類型的社區或社會服務還要多。到了今天，本港已有半數人口居住於受政府資助的房屋裏。

但是，本港的房屋問題仍然遠遠談不上得到解決。過去我曾在本局內說過，政府有需要增加在土地與基建方面的投資，來興建多些公屋，以實現長遠房屋策略所定下的目標，在二零零一年為所有有需要的市民提供房屋。

不過，雖然政府已投入了這麼多資源，但令人感到諷刺的是，仍有很多有幸入住公屋的居民並沒有滿足的感覺。租金、屋邨管理、質素及其他很多問題均趨於政治化，往往惹來各種各樣的批評，其中又以這些公屋居民的批評最為激烈。

數年前，當局通過公屋資助政策，要求富裕住戶繳交一般租金的一倍半或兩倍的租金，部分住戶為此表示不滿。最近建議擁有超過一定資產的住戶必須繳交市值租金，更會引起爭議。這項建議可能將會於下星期在本局內有一場激烈的辯論。

不滿的情緒是很容易挑起的，而這股不滿情緒的根源在於我們覺得如果市民不是住在自置居所內，他們永遠都會有這不滿情緒，因為一般人都不想永遠受到社會的資助。因此，我們一定要設法令這些市民重建他們的自尊心，讓他們憑自己的力量來購置自己的居所。我們都明白，公屋居民要購買私人樓宇是極其吃力的一回事。雖然政府極力否認，但是我們時常覺得有高地價政策存在。因此，對於很多公屋居民，購買居者有其屋單位已經超乎他們的能力。所以我們現時希望向住戶出售公屋單位，方可以達到增加居民擁有自己居所的目標。



向現時住戶出售單位並非一項新構思，差不多六年前，在一九八九年，房屋委員會（“房委會”）已經有了這個構思，並在一九九零年年底至一九九一年年初進行了很廣泛的諮詢。事實上，房委會在一九九一年年中亦已贊成這個計劃，但結果這計劃不獲行政局批准，可說是莫名其妙，無疾而終的。莫名其妙之處在於行政局反對這個計劃的真正理由，一直沒有向房委會成員或公眾公開。傳聞是，行政局並不相信這個計劃會成功，因為按當時建議的價格，住戶須付出超過四倍他們的租金的供款。我同意這種評估。

到了一九九二年十一月房委會修訂各項建議，但經修訂的建議在一九九三年三月又再次遭行政局否決。在達成一九九三年的建議前的數次會議裏，房委會共探討了六個釐定價格的方法，經修訂後，得出12個平均價格的方法，每個單位當時由58,000元至552,000元不等，即不同的價格就會出了不同的數目。值得注意的是，房屋署向房委會成員推薦了其中四種經修訂的方法，分別是租金的兩倍、現值淨額、重置成本（有加額），以及重置成本（平衡）。

我的建議是採用原來建築成本計算法，這也是自由黨的建議。這個計算方法目的在於確保房委會可以取回提供單位時所付出的成本。樓價只是原來建築成本加上自樓宇落成以後的經營開支和利息。利率是每年五厘，這正是房委會向政府借款的利率。出售價格又包括按重置成本的35%計算的土地成本費用。在一九九二年時這計算方式為每個單位133,000元。如果我們用同一幢樓宇的單位來說，假如今天出售，平均價格應約190,000元，這只是我自己的計算而已。這個價格須視乎出售的該幢樓宇的樓齡、狀<sup>♥</sup>、地點而可能稍有增減。

儘管原來建築成本法不能為重置單位提供所需經費，但住戶較易於負擔。他們購買單位後就房屋而支付的開支，包括按揭供款、差餉、管理費等，合計也不會超過他們的租金兩倍，應該是少過兩倍。付出這個價格而得到自己的物業，我覺得應該是很合理的。

從住戶來看，假如樓價合理，他們便可以擁有自己的居所，不用再因為日後收入或資產增加而須面對加租、雙倍租金或現在所說的市值租金等問題的困擾。此外，他們也可把單位傳給子女，或在日後轉換最佳的居所。

我的建議刻意把價格釐定在一個頗低的水平，箇中最大的理由是，出售

公屋意味着政府只要撥出最後一次資助，以後便不用再為個別住戶長期津貼。房委會亦不用再為管理這些公屋單位而出現虧蝕，反而會因此取得經費，為有需要的市民興建更多房屋。

由於這類單位涉及大筆的資助，因此所受到的限制理應較居者有其屋計劃更大。我建議這類單位只准轉售予公屋居民。而且，公屋居民必須最少在公屋居住滿五年，才有資格購買這類公屋單位。

主席先生，總督曾於一九九二年承諾，本港的自置物業率至一九九七年將會達到60%。目前，自置物業率只得52%，遠低於其他國家，例如日本的60%和美國的65%。如果按現時的進度預計，除非政府更積極幫助市民自置居所，否則，總督的承諾不會兌現。我剛才提出的出售公屋計劃只是推行居屋的三個方法之一，其餘尚有現在已經實行中的居者有其屋計劃。我們亦建議出售一種較為廉價的新建公屋給公屋居民。我的同事周梁淑怡議員隨後會探討這出售公屋計劃。

主席先生，我亦堅信，如果大部分市民可以自置物業，整個社會便會大為受惠。雖然我覺得我們應多些投資興建公屋，但我們不應放棄增加居屋而只集中於興建出租公屋。

最後，主席先生，容許我引述房委會在一九九一年發表的《出售公屋予住戶專責小組委員會報告書》的一句說話：“自置居所能促進社會安定，身為業主的，不但會感到自豪，更會對社會產生歸屬感。”我希望局內所有同事都支持我這項議案，從而為我們的社會帶來長遠的利益。

*Question on the motion proposed.*

**PRESIDENT:** Miss CHAN Yuen-han and Mr Frederick FUNG have separately given notices to move amendments to this motion. As there are two amendments to the motion, I propose to have the motion and the 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 2 February, I shall ask Miss CHAN Yuen-han to speak first, to be followed by Mr Frederick FUNG; 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 two proposed amendments listed on the Order Paper.

陳婉嫻議員致辭：主席先生，對於出售公屋予住戶的計劃，我們原則是支持的。至於何承天議員今次所提出的議案，我們主要想作出兩項修正，重申我們對政府公營房屋政策的一貫立場。

第一，我們認為要解決市民的居住問題，公營房屋政策仍必須“以興建出租公屋為主、居屋為輔”，盡快安置輪候冊上15萬名等候“上樓”的大軍。

至於我們支持出售公屋計劃，鼓勵公屋居民自置物業，只應視為“出租公屋為主導”政策的補充。“出售公屋”的意思是，當一些從前有資格入住公屋的居民，現在收入增加，累積了一定的財富，他們應該有權選擇是否要購買居住的單位，這些絕對是公屋居民的權利。

雖然今次的議案帶出了一個訊息，有部分的公屋居民有自置物業的需求，願意以低廉的價錢購買現在居住的公屋單位。但是，我希望不會因此而給港府作為藉口，大幅減少興建出租公屋單位，改而集中興建居屋或出售公屋的計劃，漠視更迫切的出租公屋單位的需求。因此，在我們的修正案中，特別強調公營房屋政策必須以“興建公屋”為主導。

我相信各位也聽過，較早前曾有消息傳出，房屋委員會（“房委會”）有意於二零零一年停建出租公屋，只興建居屋。目的是鼓勵現公屋住戶購買居屋，以騰出公屋單位予輪候冊居民。雖然房屋司黃星華先生已作出否認，但近年或未來房委會的建屋政策已露出了問題。近年，政府所興建的公屋與居屋比例已達到一比一，與以前的比例已有所後退，而展望未來，居屋的比例更將高達六成。因此，本人聽到以上的傳言，並不感到突然。我覺得房委會其實早有意思丟下這出租公屋包袱。

我們要承認一個事實，有人希望買樓置業、做業主，但是有更多人連最基本的安居問題也解決不了。房委會反而將最需要照顧的一群置諸不理，對他們惡劣的居住環境視而不見，對他們的申訴、呼聲聽而不聞。

主席先生，本人重新促請政府不應該停止興建出租公屋，還要維持興建公屋的比例在六成以上。如果政府在二零零一年停建公屋，而屆時亦未如政府所預期，有一大批公屋居民有足夠能力，且亦願意購買居屋或公屋，這樣便不能騰空大量公屋單位，而15萬居民只得繼續排隊，苦候獲配公屋。

主席先生，近年來港定居的移民日漸增加，從每天75名至105名，再增

加至150名。他們大多是沒有經濟能力租住或購買私人樓宇的一群，因而只可依靠政府所提供的出租單位居住。面對龐大的住屋需求，政府應該繼續興建更多出租公屋，才能避免將來因公屋嚴重短缺而產生的各種社會問題。

至於第二項修正是有關政府的“出售公屋計劃”，應以非牟利為原則，以優惠的價格，吸引現時的公屋居民購買其居所。為此，政府應以“不蝕不賺”的重置成本價出售公屋。

由於今次原議案沒有具體說明何謂“優惠價格”，因此，我提出修正。我覺得在九二年時，房委會提出了出租公屋計劃，當時曾經引起社會廣泛的討論。當時社會上不少人士都希望政府在價格方面，以重置成本的概念釐訂。基於這個理念，我們將其納入修正案中，修正了原議案。按照當時政府或社會人士的討論，重置成本的訂價的意思是：房委會現時建造同一個單位的費用，除了扣除樓齡折扣外，加上地點的因素指標，再加上須繳付的土地費用，而訂出售價。在這過程中，當然還可看到有些問題不太清楚，但我覺得這個構想是值得鼓勵的，亦可看到社會人士的需求。因此，我覺得這個方法是可取的，所以我將其納入修正案中。

對於出售公屋計劃的其他原則性建議，我並不打算在此繼續闡釋，但有一點必須強調，公屋市場不能與私人樓宇市場混淆。為了確保公屋樓價不受私人市場的升跌影響，維持在一個穩定而低廉的價格，公屋市場須由房委會直接統籌，負責所有買賣。

此外，我們亦絕對同意將出售公屋所得的收入，用以加快興建新公屋及重建舊公屋，以縮減龐大的輪候公屋隊伍。

主席先生，展望未來香港社會對於出租公屋的需求，我們相信，也看到趨勢是依然非常緊張的。我希望港府不要漠視這方面的承擔，必須幫助有迫切住屋問題的市民“安居”。這是我們的希望。

本人謹此陳辭，提出修正案。

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

馮檢基議員致辭：代理主席先生，出售公屋計劃其實早在八十年代中期由民間團體提出，而在八十年代末期，房屋委員會（“房委會”）已着手開始研究。到了九十年代初期，計劃亦幾已獲得實施。然而，到了九二年期間，計劃不獲得行政局的支持而“神秘死亡”。在行政局為出售公屋計劃發出“死亡證”之後，民協一直希望這個計劃有一天可以復活，而總督於一九九五年的施政報告內，亦重提了出售公屋計劃的可行性，並承諾會進行研究。

對於第一次出售計劃胎死腹中，民協認為主要由於售價未符合居民期望，而在大廈管理及維修上，房屋署有可能迴避了有關責任。這些因素令住戶的購買意欲大幅減低。

其實，房委會於九一年曾就自置居所問題進行了大型研究，訪問了4 000名居民。這個研究在今天來說，仍有相當的參考價值。當中就出售公屋計劃的事項，有超過31%的居民表示不會購買，原因是對樓價不滿意，故此，出售公屋的訂價是住戶最主要的考慮因素。

我們於九二年期間，已就出售公屋制定方案。在售價問題方面，我們所持的觀點是，房委會這個計劃的最終目的既然是提高自置居所的比率，以及將所獲得的資金，用來興建公屋及重建舊公屋，為了對現有公屋居民公平起見，房委會應該在收回重置成本價外，不應再用以牟利。

但是，何謂重置成本呢？簡單來說，重置成本價是指房委會現時重新建造同一個單位的成本（連行政費用），再按樓齡作折舊調整。換言之，樓齡越長則折舊價越低。九二年期間，房委會只曾向公眾提供一個重置成本（加額）的方案，所謂“加額”是指有盈餘、有錢賺。這個方案是在重置成本，將售價按地區因素加上一個差額，即是越近市區則加額越大，偏遠地區則無加額。依這個方式，房委會的最後總收益仍會高於重置成本價，獲得利潤。因此，我們建議採取重置成本（平衡）方案。這個方案的基本原則是，當出售的單位越接近市區，則在基本價格內，加額越大；越遠離市區，則扣減額越大，以有加額的售價彌補扣減額的售價。此方式最終令房委會不會把出售公屋作牟利用途，但亦不會蝕本。既不牟利，也不蝕本，正是民協建議的精神，也是與何承天議員所提議以原建築費定價的差別。九二年房委會諮詢文件內的重置成本價是每個單位大約20萬元，而原建築成本是13萬元。換句話說，如果以我們的“不虧蝕、不牟利”方案與何承天議員的“原建築價”方案比較，在我們的方案下每賣出一間公屋單位，房委會無賺也無蝕，而採用何承天議員的方案，每賣出一個單位則蝕七萬元。

原議案要求政府實施出售公屋計劃，以我個人理解，這個建議為大多數居民、關注公屋的團體及政黨所接受。反而，計劃內所擬定的售價才是公眾

最關心的題目。當年行政局否決計劃，據本人理解，其中一個原因就是居民未必接納當時擬定的售價，而團體及政黨批評得最多的，亦大多是關於房委會定價不合理的問題。因此，本人作出修正，將原則及價格釐定原則表達清楚，避免了我們通過的只是一個“空殼”。

其實，民協建議的出售公屋方案，不只樓價一項，我們提出的是一整套意見。首先，我們認為房委會可以把樓齡約四至六年的Y2-4型的公屋及相連長型大廈先行分批出售。然後，當計劃成功後，將計劃逐步擴展至一九七九年以後所建的“長條型”公屋。當然，現在的和諧式公屋也應考慮列入銷售計劃之內。

此外，我們的建議與何承天剛才所提出的意見的不同之處，在於何承天議員要求房委會在賣出公屋後便丟掉了包袱，無須負上任何責任，而我們的建議則要求房委會仍然負上最低限度的責任。房委會將某幢公屋作出售用途前，必須作必要的修葺，並將保證維修期定為兩年。倘出售後的公屋發現有結構上的問題時，房委會須獨力承擔及重新安置居民。

在轉售期方面，我們建議禁止公屋單位出售後再在市場買賣，換言之，即是永久不能轉售。業主倘若需要轉售，亦只能售給房委會，目的是禁止炒賣公屋，利用公屋圖利。

在管理的事宜上，房屋署應該負起大廈管理的責任，以避免混合業權所引致的管理問題，而擁有公屋單位的業主可繼續保留以綠表方式申請居屋的權利。最後，亦應容許真正有財政困難的住戶恢復租客身分。

出售公屋這個計劃，如果能夠妥善解決售價和混合業權的問題，是可以有效地紓緩居民對居屋的需求，並將所得資金用作興建出租公屋及重建舊區的用途。其實資金方面，我並不擔心，因為近年房委會的財政狀況一直保持良好的。我擔心的反而是房委會內是否有人想提出以後也不興建出租公屋的建議。近日來有報導表示政府可能在二零零一年以後停建出租公屋，致力興建居屋。有官員確實曾經非正式地提及上述想法，我希望政府、房委會和房屋科在未諮詢公眾前，不要準備將這建議付諸執行。我希望他們能多聽市民的意見，多興建出租公屋，進一步作出承擔，不要推卸責任。

代理主席先生，本人謹此陳辭。

**李永達議員致辭：**代理主席先生，置業安居是每一個人的理想，尤其是在香港土地少、置業困難的環境。但其實置業安居也可令社會產生重要的穩定作用，並有藏富於民的意義。現時私人樓宇價格這樣高，已脫離了一般市民的購買能力。不單私人樓宇，甚至市區的居屋單位售價亦已高達150萬元，根本是很多中下階層市民所不能負擔的價格。民主黨原則上支持出售公屋計劃，因為這樣最少給予基層市民一個自置物業的機會。

代理主席先生，在整個出售公屋計劃中，惹起最大爭議的便是售價問題，所以我想集中談論這一點。我希望政府房屋科和房屋委員會不要斤斤計較是否有利潤的問題，因為在出售公屋問題上，利潤並不是一個最重要的考慮因素，反而如何令更多人自動置業以產生穩定社會的作用才更重要。

代理主席先生，其實我是一九九零年出售公屋計劃小組委員會的成員，曾參與討論這計劃的內容和作出諮詢。如果我沒有記錯的話，該計劃總共提出了12條方程式，以定出售價的標準，由最便宜的“以租代供”，以九零年至九一年的價格計算，每個單位的平均價是58,000元；至何承天議員所說的“建築成本價”約13萬元；以至馮檢基議員和陳婉嫻議員所提的“重置成本價”約20萬元。我覺得在現階段最重要的是社會和立法局有統一的聲音，我們是否都贊成進行出售公屋計劃。我覺得這比較在現階段定出某一條售價方程式更為重要。

當我在上星期三知道立法局有同事想修正何承天議員的議案時，我曾努力勸諭馮檢基議員、陳婉嫻議員和梁耀忠議員不要提出修正案。梁耀忠議員聽取了我的意見，取消提出修正案，但可惜馮檢基議員和陳婉嫻議員卻依然提出本身的修正案。我向他們作出勸諭，是因為在討論修正案的過程中，一定會討論價格的問題，而我覺得在短短七分鐘內根本不能徹底辯論這問題。由於小弟的勸諭失敗，令我們今天在售價方面出現很多辯論。我覺得在現階段這樣做是沒有甚麼益處的。

雖然我對馮檢基議員和陳婉嫻議員所提的重置成本價並不一定反對，但這樣會令我們排除了其他11項釐定售價的方法。如果主席先生你問我個人最喜歡哪一個方法，我一定會說“以租代供”是最好的，即居民繳交的租金都用作供樓這方法是最好的。有同事說我這建議是否想對居民有利，以爭取選

票？其實從公屋居民的角度來說，繼續租樓並無損失。現時舊屋單位每月的租金為1,000至1,500元，假設住40年，任由房屋委員會怎樣加價（如不是太過分的話），租金也只不過是二千多元或三千元而已。他們既不用交管理費，也不用擔心維修保養問題。我想黃星華先生和羅范椒芬女士都知道，從出租單位方面是沒有可能獲得盈餘的，這是一個永遠都會出現赤字的戶口。因此，“以租代供”這方法似乎對居民有利，但其實可能是一個“一家便宜兩家”的方法。

主席先生，民主黨其實不想在今天這樣匆忙就把自己局限在某一條售價方程式，我們希望再多作辯論，並進行更多公共諮詢後才作決定。因此，很抱歉，我們今天要對馮檢基議員和陳婉嫻議員的修正案投反對票，原因並不一定是反對重置成本價，而是不希望民主黨這麼快便決定支持某一售價方程式。事實上，我要對陳婉嫻議員多說一句對不起，因為我對她的修正案的第一部分，即“以出租單位為主，居屋為輔”是極之支持的。可惜今天的辯論並非以此，而是以出售公屋和價格作焦點，所以，對不起，我不能予以支持。

主席先生，我想談論另一點，在出售公屋計劃內，除了剛才所討論的售價問題外，最使居民擔心的另一點便是維修保養問題。其實很多居屋業主在供屋五至十年後，壓力便逐漸紓緩，但最頭痛的是，如果他們選擇的樓宇出現問題，日後維修保養的負擔所帶來的後果卻十分嚴重。

我覺得政府在推行出售公屋計劃的同時，應協助小業主成立某種形式的維修基金。最近我接到很多投訴，尤其是有關那些舊居屋屋苑，例如屯門兆康苑、葵涌悅麗苑等在維修方面出現很嚴重的問題。很多業主都不大願意合資進行維修，所以即使糞渠損壞，污水滲了入屋，整座樓宇也不能做到甚麼。因此，如果政府再出售這些單位時，較好的做法是在售樓的同時，以某種形式強迫業主成立維修基金，在五年或十年後要進行維修時，大家的負擔便可以減少。當然，更好的做法是在釐訂售價時已考慮到日後維修的負擔問題。換言之，售價是15萬元的單位，預計十年後須付出的維修保養支出為二至三萬元，則把售價減三萬元，變成12萬元，而那三萬元並非給予小業主，而是籌集起來成為一個基金，作為日後維修保養之用。

主席先生，我十分同意何承天議員提出的其中一項意見，就是我們以甚麼方法處理出租公屋單位內生活已獲改善的居民。房屋委員會和房屋科現時所考慮的方法是採用懲罰的方式，即富戶政策和現時的資產審查計劃。其實我們可以用鼓勵和較吸引的形式，令生活獲改善的居民自願或自動自覺自置物業，改善自己的居住環境，騰出其租住單位予輪候冊家庭和其他受清拆影響的居民。我覺得如果房屋科和房屋委員會接納推行居屋計劃、出售公屋計



劃以及其他鼓勵方法，根本無須實行富戶政策，更無須進行資產審查。

**周梁淑怡議員致辭：**代理主席先生，正如剛才何承天議員所說，房屋委員會（“房委會”）五年前的出售公屋計劃不太成功，但自由黨一向從公屋居民所收到的強烈訊息，都是他們從沒有停止渴望公屋可以出售給他們。

這就表示了出售公屋的概念肯定有市場，問題在於執行的準則和細節。基於這個理由，自由黨自始至終都堅持不能放棄協助公屋居民自置居所的計劃。

相信大家都同意，在七十多萬公屋租戶之中，除了初入住公屋的家庭外，已經入住了幾年的家庭，不少的經濟狀♥已經有一定的改善，甚至有明顯的改善。因此，他們都希望生活條件和質素會隨之而提高，而其中一個重要的因素，就是能夠自置居所。

在考慮購買住屋時，第一要顧及自己的負擔能力，克服了這一關，就會進一步希望住新一點、大一點和環境好一點的屋。換句話說，多些選擇對他們實現自置居所的美夢是有幫助的。

有見及此，自由黨今次提出三 置業選擇，就是因應公屋居民多元化的能力和要求，推動政府再一次幫助他們實踐這個絕不苛求的夢想。

我們同時認為，我們的建議正好配合現正要進行的長遠房屋策略和檢討房屋資源分配的兩項重要研究。在增加業主自置居所比例的同時，亦可以將公共房屋資源從有較大自顧能力的住戶，轉移到較小自顧能力的人士身上。後者當然包括了輪候冊、臨屋、寮屋、籠屋、天台木屋，以及平房區的居民。

三 置業構思的第三 ，是現時的居屋，但因為很多公屋居民的能力未必達到購買居屋水平，每月要供萬多元並不容易。♥且，綠表申請與中籤比例相差六倍之多，這麼懸殊的比例，絕對不是理想選擇。因此，自由黨多提出多兩個選擇。

第二選擇是新建出售公屋，條件與公屋相若，但定價是居屋的一半。這是充分考慮到公屋居民住屋的能力，並且平衡他們得以改善居住條件的利

益。

第一選擇是現住單位的購置，這方面何承天議員已經詳細解釋。我只想強調自由黨的建議是，售價以建築成本加利息為基礎。所定的價錢，肯定比陳婉嫻議員和馮檢基議員兩位議員的修正案所提的重置成本為低。因此，我們沒有可能支持兩位議員的修正案，因為這等於間接支持較我們建議更高的售價。

由於我們建議出售的現住單位和新建出售的公屋單位，都是局限於已經入住了公屋五年或以上的戶主購買，即轉售的對象亦只限於符合相同條件的公屋戶主。因此，這些資源不會流到一直不屬於公屋資助對象的人士手中。

現時共有44萬個合資格的家庭，而數目正不斷增加。劃定了這個市場之後，我們可以預見到，購買新公屋的人士，自然要交出他們原有的公屋單位，而在買了公屋單位而又轉售給其他公屋戶主的過程中，舊業主可以得到一筆首期購買私人樓宇，這個是“樓換樓”的概念，而新業主又可以交出另一個公屋單位。這些交出的單位，就可以重新分配給輪候冊的人士，加快他們“上樓”的時間。

至於出售公屋所得的收入，我們很強調必須用於興建或重建租住公屋。我們的目標是，需要政府照顧的家庭可以盡快入住公屋，而公屋住戶有意自置物業的，就有三種不同途徑可以協助他們達成願望。

這套互相結合的建議，對輪候冊的市民、希望做業主的公屋居民、想改善生活環境的公屋租戶，甚至房委會本身，都是有百利而無一害的。

代理主席先生，我明白近期很多人都會提到應否繼續大幅度優惠公屋居民，尤其是有些報道說公屋中有千萬富豪，這些是事實。不過，這也只是事實的一部分，甚至可說是極小部分。我想指出，能夠入住公屋的，都是必須經過資格審查，是經濟條件不許可的低收入或破碎家庭，他們都是社會上需要照顧的一群。

住在私人樓宇的市民，正如我本身一樣，切忌“眼紅症”，“眼紅”人家租金便宜，限制他們只能租屋住，而不讓他們自置居所，不讓他們改善生活。

代理主席先生，今天的辯論是為了強烈要求房委會和政府為公屋居民提供自置居所的機會而設的，而不是為出租及出售公屋的比例或出售定價作出

爭議。我們很希望各位同事支持原議案的靈活性和可取性，以及其可刺激集思廣益的辯論的功能，所以我希望各位能支持原議案。

代理主席先生，我謹此陳辭，支持原議案。

**羅叔清議員致辭：**代理主席先生，我們身處於這個彈丸之地，在衣食住行幾個民生大問題當中，居住問題往往是大部分香港人感到最頭痛的切身問題，現時租住私人樓宇或公屋通常會佔去“打工仔”近半收入。這是世界各國包括絕大部分發達中國家鮮有看到的情況。造成這種不正常現象的原因除了香港地少人多以外，最重要的是政府一直奉行着高地價政策，使為數甚多的市民背負沉重的居住負擔，令一些經濟能力本來不錯的市民亦因樓價高企、租金高昂而不得不依賴政府，輪候房委會提供的公屋。而且由於本港租金高昂，工商業的經營成本高踞，香港的物價亦因而提高不少。香港表面上奉行低稅率政策，實際上“打工仔”的稅務負擔卻極為沉重，只不過其稅務負擔改由另外一個形式而支付，這就是政府以賣地收益取代向他們直接抽取薪俸稅而已。

根據一九八七年房屋委員會的長遠房屋策略，估計於一九九六年便可以基本解決當時輪候冊上175 000戶的公屋需要。可是現在已是一九九六年了，公屋總輪候冊中仍有15萬戶！根據去年總督在施政報告中的承諾，五年後仍不能解決這個問題，只能冀望把入住公屋的輪候時間，由七年縮短為五年。

這幾年來香港的房屋問題不但沒有得到紓緩，反而需求壓力增大。究其原因，是政府過去幾年在房屋政策上的失誤所致。這幾年來，政府縮減撥地興建公營房屋，特別是減建租住公屋。因此，房屋委員會並未能完成其每年興建四萬個公屋單位的目標。而另一方面，內地來港新移民卻不斷增長。十分遺憾，由於政府這個失誤的房屋政策引起的連鎖反應，使本港樓價於八九年至九零年上升了三、四成，而九一至九四年升幅更達兩倍。到了九四年下半年，由於樓價及租金實在急漲至一個非常危險的邊緣，政府才實施一些降溫的措施；對於興建公營房屋方面急謀對策，增撥土地，提高興建單位數目。然而，遠水不能救近火，一般而言，由撥地至建成樓宇須費時五至六年。為此，把目前一些適合的公屋單位以一個優惠價格出售予現公屋的居民，並將出售公屋所得款項用以加快興建新的公屋單位及重建舊公屋，不失為權宜之計。

然而，本人必須強調，政府絕不應因為出售現有的公屋便修改增建公營

房屋的計劃。近日風聞政府有意修改長遠房屋策略，計劃於五年後不再興建出租公屋而只售賣居屋。雖然房屋司已經公開否認這個構思，但空穴來風，事必有因，我們絕不希望看到政府藉著出售公屋的機會減少對提供租住公屋的承擔。政府一日不修改高地價政策，香港租金依然高企，對不少中下層市民來說仍不得不依賴租住公屋。此外，我們不要忘記，本港每年仍有為數數萬的新移民自內地來港，這個數目於九七年後只會有增無減，而這些新移民一般經濟能力有限。為此，本港租住公屋的需求在可預期的將來，只會有增無減。

代理主席先生，我們的房屋政策已經不單為了扶貧救災，而應該視為一個資源重新調配的途徑。政府雖然沒有責任使每一個市民均擁有自己的居所，但政府是有責任為全港的市民解決住屋的問題，因為這是民生的首要大問題。這個問題如得以解決，將大大有助於保障我們社會的穩定，對香港經濟的發展亦打下一個堅實的基礎。

代理主席先生，本人謹此陳辭，支持陳婉嫻議員的修正案。

**陳鑑林議員致辭：**代理主席先生，市民可以建立自己的安樂窩，是當政者不可忽視的重要政策，市民得以安居更是社會持續繁榮安定的重要支柱。正如每隻蝸牛都應該有個殼，而這個殼應該是那隻蝸牛本身可以承擔的。市民得到安居自然可以樂業，社會繁榮及安定才能得到保證。

民建聯認為房屋政策是一項極為重要的社會公共政策，香港的房屋政策取向應該是以“公營房屋”為主導。在這個政策取向下，我們建議政府應向房屋委員會（“房委會”）增撥土地，特別是提供更多已平整土地，從而讓房委會可以從速加建公屋。但我們覺得在不影響出租公屋和居屋的建屋量比例的情況下，我們亦會支持制定鼓勵政策，使有能力的租戶可以透過購買本身的公屋單位，或購買居屋而成為業主，以達到居者有其屋及自置居所的目標。

在制定出售公屋的措施時，我認為當局必須考慮樓宇價格是否合理；結構是否安全；維修和管理質素是否得到保證，及需要釐定日後管理權和業權的問題。

另一方面，我們建議當局可以考慮“以租代供”方法，令公屋住戶在一

定條件下，繳交了若干年租金後便可以擁有現時的單位。

至於居屋方面，有關的售價應該與市場脫鉤，我們認為這樣做，才能夠令售價更為合理，令市民有充裕的承擔能力。至於如何界定公屋或居屋售價，我們認為“重置成本”是一個最合理的計算標準。

當然，倘若周梁淑怡議員所提的建議，指出日後公屋的售價可以比較重建成本為低的話，我想大家也不會反對的。

代理主席先生，港府最近在進行長遠房屋政策檢討，研究至二零零六年本港的房屋供應及需求時，不斷透露一些不同的方案及新構思，甚至最近有消息傳來，房委會打算於二零零一年起停建新的出租公屋，只建居屋。所謂空穴來風，未必無因，大家對於這項建議深表懷疑。

目前，公屋輪候冊上仍然有約十多萬個家庭，另一方面，來自內地的移民數目不斷增加，對公屋需求構成很大壓力。為了未雨綢繆，房委會其實需要集中精神，積極興建公屋，以增加供應。香港在可見的將來對出租公營房屋仍有一定的需求。

代理主席先生，雖然市民對自置物業有很大的渴求，但實際上在這幾年來，市民的置業能力正在下降。根據政府的一項統計資料，以本港工人薪金中位數計算，十年前要購置一個500平方呎的單位，花上九年的工資便可以；時至今天，則須花16年的工資才可。由此可見，樓價升幅大大拋離工資升幅。因此，我們希望當局在制定公屋出售計劃時必須三思，不要以為公營房屋私有化就可以解決一切問題。在不合理的高樓價情下，市民期望置業並不等於有能力置業。

代理主席先生，我希望當局能繼續保持“興建公屋主導，以出租房屋為主、出售為輔”的房屋政策。九七年前如此；九七年後亦如此。我相信這是社會繁榮之所在，亦是市民安居樂業之所賴。

本人謹此陳辭。

THE PRESIDENT resumed the Chair.

劉健儀議員致辭：主席先生，我相信每一個市民都希望能夠安居樂業，擁有自己的安樂窩。不過，對於居住於公屋的市民來說，置業自住其實談何容易，私人樓宇售價飆升，已經是非一般家庭可以負擔得起；居屋樓價雖較市值低，但亦並非價廉，即使市民有能力買，居屋供應數量始終相當有限，通常供不應求。

自由黨建議的出售公屋計劃，優點是令較低收入的公屋住戶的置業夢想可以成真，令市民安居樂業，社會和諧安寧。

計劃的重點，在於其靈活性，以配合公屋居民不斷演變的經濟條件及負擔能力。在這個計劃下，現時的公屋居民可按本身的條件及意願，對現住單位“可租可買”。在這兩個選擇之外，還可選擇購買新建的公屋單位。

自由黨認為，出售公屋的售價應與市值脫鉤，現有單位的售價應為建築成本加每年5%利息，新建的出售單位應為居屋樓價的五成。因此，價錢將會相當實際。此外，自由黨建議買賣公屋單位的人士必須在公屋住滿五年，並規定買樓後三年內不得轉讓，而轉讓業權對象亦必須是公屋租戶。

在自由社會中，買賣應該自由而無須受到限制，物業轉讓亦應如是。不過，在自由黨建議的計劃中，出售的公屋無須補地價而實際售價會遠遠低於市價，換句話說，當中是包含了政府的資助。因此，若不加入某些限制，有關計劃可能會被濫用。

出售公屋加入若干限制，如買樓人士的基本資格及轉讓限制，將可真正令公屋住戶獲益，又可防止濫買濫賣，進而防止炒賣情<sup>心</sup>，令社會資源能更合理、更公平地充分運用。

主席先生，目前居屋有十年不得轉讓的限制。十年是一段很長的時間，有所謂“十年人事幾番新”，過了一段時間，部分居屋業主的財政可能較入住時豐裕而想換樓，但礙於十年的限制而無法這樣做。據了解，有不少人為此而暗中進行非法買賣，其實這種“勾當”對雙方沒有好處，對整體房屋資源的分配亦沒有好處。因此，自由黨雖然建議出售公屋必須設有轉讓限制，規定買樓後若干時間內不得轉讓，但自由黨認為這時間定為三年較為合理。三年限期過後，業主有能力的話，他換居屋也好，換私人樓宇也好，他必須將單位售予其他公屋租戶，公屋租戶便可騰出單位予輪候公屋人士，可謂一舉數得。

或許有人會質疑，出售公屋的轉讓範圍只限公屋租戶，市場會過於狹窄，令市場缺乏承接力，兼且影響銀行接受按揭的可能性。

我想指出，公屋市場應該與私人樓宇市場分開來看。我們是製造一個“住者有其屋”的市場，而非製造一個“炒賣市場”。再者，現時全港有300萬人居住在公屋，住滿十年的住戶超過30萬戶，當中不少人的經濟條件已改善，而且已累積足夠的購買能力，因此，單是公屋的市場已相當龐大。

有市場自然有銀行願意提供按揭，如果還有問題，其實可考慮現時居屋的做法，由房屋委員會安排財務機構為出售公屋業主提供條件較市面優惠的按揭貸款，並由房屋委員會充當擔保人，在出售公屋業主不能還款時，負責賠償機構的損失。

在另一方面，有人擔心出售部分公屋，在管理上會構成問題。其實，現時公屋租金已包括管理費在內，因此，如果有人以為住公屋是不需繳付管理費是錯的。住戶購買單位後，當然須繳付管理費，不過是分拆出來繳付的。此外，現時私人樓宇亦存在出租和業主自住的混合情<sup>♥</sup>，在管理上也沒有問題。<sup>♥</sup>且，如公屋單位有過半業權售出，有關業主更可考慮成立業主立案法團，收回管理權而自行管理自己的物業，相信這樣更能建立住戶的歸屬感。

主席先生，本人謹此陳辭，支持原議案。

**黃偉賢議員致辭：**主席先生，對於何承天議員提出的有關出售公屋予住戶計劃的議案，我代表民主黨集中討論公屋的管理和維修的問題。

首先，我認為將公屋單位出售予公屋居民無疑是一個可以解決“住者有其屋”的方法。但要注意的是，房屋署應在出售公屋前，全面檢查所有出售樓宇的結構和進行全面的維修，特別是一些舊型的屋<sup>♥</sup>，有關樓宇的設計或質素一直是我們所關注的大問題，例如石屎剝落、牆壁滲水、升降機損壞及排水渠損毀等。據我所知，單在去年四月至九月期間，房屋署已就全港259幢公屋進行食水管測試，結果發現共有171幢公屋的食水管出現問題，須進行更換，對居民造成不便。

如果出現上述情<sup>♥</sup>，試問現時的公屋居民會否願意付出一筆不菲的金

額，去購買一些過時或低質素的公屋呢？如果他們購買了這些公屋後，才發覺樓宇在維修方面有問題就已經太遲了。我相信房屋委員會屆時將不願意負上有關的責任。因此，主席先生，我謹此希望政府顧及公屋居民的利益，在出售公屋單位予住戶前，必須全面檢查所有出售樓宇的結構和全面進行有關的維修。

至於管理方面，主席先生，本人認為可從房屋委員會的合格管理公司名單中聘請管理公司，業主須負責合理的管理費，而公屋租戶則只須繼續繳交原本的租金。房屋署應以租戶的數目，按比例承擔有關的管理費用。現時房屋委員會已計劃將部分新落成的公共屋管理工作交予私人物業管理公司負責。這種方法可令居民在不滿意管理公司的服務時，能撤換有關管理公司。不過，要注意的是，房屋署須嚴格審查和批准合資格的管理公司。將管理工作交由私人物業管理公司負責後，房屋署仍要繼續注意管理公司的服務質素，確保這些管理公司所提供的服務符合政府和居民的需要。舉例而言，當公屋居民向房屋署直接投訴管理公司時，房屋署卻將責任推向各個屋管理公司，最終導致投訴的居民夾在房屋署和管理公司之間，這是缺乏行政效率。

再者，當公屋交由私人公司管理，不少公司的投標原則可能都是為了利潤。在他們要賺取利潤的大前提下，他們會以較低的投標價爭奪管理權，而且會採取最經濟的開支成本管理公屋，屆時有關的服務質素可能會受到影響。這也是我們不想看見的情<sup>心</sup>。

就上述所言，如果房屋署能夠向我們解釋一套監察私人管理公司的運作守則或規定後，最終選擇聘用私人管理公司，這仍是較好的方法。因為這種形式可以提供較有保證的管理質素。此外，這些經審理的公司亦一定較具規模，管理應較完善。同時，也可避免一些濫竽充數的私人公司參與其中，令服務質素不能達致適當的水平。

由於目前《建築物條例》及有關業主法團的法例中所載的業主成立業主立案法團，以及有權解僱物業管理公司的條文，適用於私人樓宇，要解決在同一幢樓宇中，有房屋委員會和購買了單位的小業主同時存在的管理權問題，我們建議可以先成立業主委員會，按小業主和房屋委員會的業權比例，來分配管理權，以達致小業主有權管理自己物業的目的。



主席先生，綜合以上所述，本人再次要求房屋署在出售公屋予公屋居民前，必須全面檢查樓宇的結構以及進行全面的維修，而小業主必須有權管理自己的物業，在聘用合格的管理公司後，應按定下來的守則監察管理公司的運作。

主席先生，本人謹此陳辭。

**MR RONALD ARCULLI:** Mr President, home ownership has been one of the core housing policies of the Liberal Party. Home ownership is more than owning a home. It enables owners to build up their capital assets and participate in the growing affluence of our community. It also demonstrates our confidence and pride in Hong Kong.

To achieve greater home ownership among public rental tenants, we have suggested to the Administration time and time again in the past to sell the existing public rental units at attractive prices to tenants. By doing so, this will not only increase home ownership amongst public rental tenants but will also permit better allocation of resources so that those in the community with real need, and I emphasize "with real need", for low-cost housing, and indeed, subsidized housing, we will ensure that they will receive the benefit.

In conjunction with the Housing Authority's consultation document on safeguarding rational allocation of public housing resources, we have refined our proposal to promote home ownership amongst the public rental tenants. The finer points of our proposal have been raised, and indeed might be raised by my Liberal Party colleagues, and I will therefore not take up too much of Members' time by discussing the details.

I would, however, like to remind the Administration and indeed my colleagues here, that there are two housing markets in Hong Kong. The debate today is centred on public housing, but we must not forget private housing. The private housing market provides homes for half of the population in Hong Kong. Just as we strive to ensure the Government allocates sufficient land for building public housing, whether it be for rental or for ownership, we have to ensure that an adequate supply of land is available for private housing, otherwise we may be faced with an unhealthy scenario of excessive speculation and rocketing property

prices.

The long-term objective must be to enable and indeed to encourage ownership of private housing so that only those with real need will have to rely on public housing. Mr President, that ought to be the stated and clear policy of this Administration, and it is really with this in mind that we have put forward our proposal regarding the sale of public rental units to sitting tenants.

Mr President, with these words, I support the Honourable Edward HO's motion but do not support the amendments of the Honourable Miss CHAN Yuen-han and the Honourable Frederick FUNG. Thank you.

陳偉業議員致辭：主席先生，本港地少人多，土地價格十分昂貴，這已是一個人所共知的事實。正因如此，本港的普羅市民，特別是低下階層市民，根本無力自置居所。作為一個負責任的政府，為這批居民提供居所是責無旁貸的。本港公營房屋計劃催生自一九五三年聖誕前夕的石硤尾大火，四十多年來，政府已為香港的半數居民提供永久居所。

根據房屋委員會（“房委會”）九四至九五年度的年報顯示，截止九五年三月三十一日止，租住屋的居民人數約為2 365 400人，而居於居屋屋苑的居民人數約為396 400人。但房委會若要達到八七年公布的長遠房屋策略所定的指標，在未來六年大約要興建290 000個新單位，即平均每年要興建約48 000個單位。

近年來政府為房委會提供興建公屋的土地嚴重不足，房委會能否達致長遠房屋策略所訂立的目標，實在令人感到疑惑。由於政府放緩提供興建公屋的土地，漠視公屋的需求問題，因而令公屋供不應求。現時輪候入住新市鎮及擴展市區屋的輪候冊申請人，輪候時間平均為二至七年，而申請入住市區屋者，平均要等候至少七年。由於輪候公屋時間實在太長，令部分原本無足夠能力置業的居民，亦在迫於無奈的情<sup>心</sup>下，節衣縮食，購買偏遠地區的私人屋苑單位，以求安居。他們這樣做會刺激私人樓宇市場。不少人士批評，政府之所以少撥土地以興建公屋，其中一個主要目的，是藉此刺激樓市，使大地產商繼續有利可圖，並藉此刺激土地價格，使政府賣地收入可以大幅增加。

要徹底解決公屋供求不平衡的問題，並且緩和樓價上升及滿足普羅市民對公屋的需求，政府必須開拓新土地以滿足公屋的需求，而出售公屋予住戶只是其中一個緩和 Demand 的方法。

民主黨原則上同意政府出售公屋予公屋住戶，但政府必須以一個基層市民能夠負擔的價格，出售較新的公屋予現居於公屋的居民。而出售公屋後的有關收益，必須用以加快興建新公屋單位及重建舊公屋，而不應該藉此牟取利益。

在整體規劃及工程配合上，政府有責任為房委會開拓新土地用以興建公屋，這才是最切實解決公屋需求的辦法。但可惜的是，政府在過去多年，對開拓土地方面的人手需要估計過分保守，因而令有關部門因人手不足而積壓大量工作，令土地供求嚴重脫節。故此，民主黨及前港同盟成員在過去多年曾先後多次建議政府重新評估政府在開拓土地方面的人手需要，不應基於傳統政府對開支增長的限制而罔顧現實需要。而此項人力需求的評估應包括地政署、拓展署、工務科及規劃署這九個部門，因為有不少與土地開發、供應和審批的工作都是由這幾個部門承擔。政府如有誠意解決土地供求不足的問題，就必須加速土地的開拓，以滿足興建公屋的需求。

此外，主席先生，我亦建議政府應盡早明確訂定中期及長期的土地供應計劃，使整體土地供應及開拓計劃能得到較好的統籌及規劃。

主席先生，本人謹此陳辭，支持何承天議員的原議案。

**廖成利議員致辭：**主席先生，本人要求政府在長遠房屋發展策略中，想辦法落實出售公屋單位予公屋居民的計劃。

出售公屋予公屋居民可說是一個“一舉三得”的計劃。對公屋居民來說，他們可以多了一個選擇，無須排隊就可以用一個合理的價錢，購買自己正在居住的單位，成為業主。這樣既可以保留他們現有的裝修和睦鄰關係，也可以實現成為業主、擁有物業的期望；對於政府來說，也多了一個快捷的方法，將自置居所的比率提高；而對於社會來說，出售公屋計劃最重要的社會效果就是增加了社會的穩定性。

民協建議以重置成本（平衡）方案出售公屋，理由是希望今次提出的方案是一個切實可行的方案。重置成本（平衡）方案包括以下數方面：

- （一）容許政府收回重新興建另一個相同單位的建築成本；
- （二）行政費用：要興建另一個相同的單位，不是由公屋居民進行，而是由政府負責，所以收回相關的行政費用是合理的；
- （三）地區的差額：不同的地區在定價方面，應該得到適當的反映；
- （四）折扣的因素：這包括樓齡的因素，樓齡越高，應獲得較高的折扣率。

民協希望公屋的定價能根據一個重要的原則，就是“不圖利，不蝕本”。所謂不圖利，就是民協反對政府透過出售公屋來圖利；所謂不蝕本，就是民協也不同意“賣大飽式”的出售公屋計劃。如果政府每賣出一間公屋就要蝕本十萬、八萬的話，這樣的計劃是否能夠維持下去呢？有關何承天議員的原建築成本價方案，他也很坦白說是本質上要求政府撥出最後一次的資助予公屋居民。如果要成功落實的話，政府一定要向公眾解釋，政府有何方法令一個蝕本的方案可以長遠地推行下去？政府是否需要在其他方面撥出資源來資助公屋居民呢？

房屋委員會以前建議的方案是賺錢圖利的方案，而何承天議員提出的是蝕本的方案，民協和陳婉嫻議員則提出一個“不圖利，不蝕本”的方案。如果我們今天只是討論哪一個售價方案是最便宜的話，似乎應該採取報章所報導的有官員曾經戲言的“一元方案”，即以一元將公屋賣給所有公屋居民，這是最便宜、最有吸引力的方案。不過，本人擔心“賣大飽”的方案不會長久，因為這計劃只是增加了另一項資助計劃，由社會大眾資助部分公屋居民成為業主，購買公屋作為自置物業。重置成本（平衡）方案的好處，就是如果計劃正式推行的話，政府無須擔心興建公屋的資金來源。為了達到這個有生命力的計劃，民協建議政府訂立一個建屋基金，以出售公屋所得的收入，增加興建公屋的數量。

剛才我聽到李永達議員代表民主黨提出反對重置成本價的理由，是因為不想為了支持了重置成本價，就排除了其他出售公屋的定價方案。當然，他沒有詳細說明這個理由，但這給我的印象是，我記得民主黨曾經以“空方案”理由反對陳婉嫻的失業援助金議案，今天民主黨卻支持何承天議員在議案內沒有說明售價方法的“空方案”，真是令人大開眼界。

本人謹此陳辭，支持馮檢基議員和陳婉嫻議員的修正案。

**葉國謙議員致辭：**主席先生，衣、食、住、行是人生活的基本需要。在香港這個寸金尺土的地方，要解決“有瓦遮頭”的問題，確實令不少香港市民費煞思量。在近年樓價上升的情形下，要擁有一個屬於自己的數百呎小單位，可以安居樂業，對許多小市民來說，真是談何容易。要購買自己的物業，可能更是他們畢生努力的目標。

香港政府多年來推行的政策，被市民稱許，談得上是“德政”的確實不多，前總督麥理浩勳爵推行公屋政策，大量興建公營房屋，為不少香港市民解決了住屋問題，是值得讚的。但中國人始終有傳統的觀念，租住的房屋，畢竟不是自己永遠擁有的。

房屋委員會（“房委會”）曾在九二年推出出售公屋予住戶計劃，以吸引公屋居民自置居所，但當時計劃並沒有受到公屋租戶歡迎而最終擱置。其實現時不少公屋租戶有一定購置物業的願望和能力，而且出售公屋予住戶計劃的精神亦是可取的，所以這計劃是有再提出的價值。不過，如果計劃出售的公屋價格訂得不合理，樓宇的結構安全、維修和管理質素欠保證，以及業主日後的管理權含糊不清的話，自然很難吸引租戶購買公屋。

對大部分市民來說，購買物業是他們一生中唯一一宗最昂貴的交易。價格是否合理，是他們購買出售公屋與否的重要考慮因素。要吸引現時公屋居民購買居所，民建聯認為房委會應釐訂一套以重置成本價出售公屋單位的計劃，釐訂一個令有意購買公屋的住戶可以接受的合理價格。

除價格的考慮外，房委會亦不能忽視出售公屋的結構安全及維修。近年，公屋的結構不時出現問題，一時天花剝落，一時又外牆滲水，有意購買單位的住戶，當然不願意在窮畢生積蓄後，只是買得一間比山邊木屋更差的居所。雖然，房委會計劃在正式出售公屋大廈之前對樓宇進行勘察，以便在售樓前進行主要的修葺工程，修葺保養期將為期兩年，但是，在甚麼情況下房委會才進行“主要的修葺工程”？房委會有必要加以澄清。另一方面，如果大廈在出售後出現結構安全問題，房委會會否承擔有關責任呢？

雖然近年市民擁有自己物業的需求殷切，但這並不等於政府可以推卸其

承擔公營房屋的責任。要真正解決市民的居住問題，政府的房屋政策必須“以出租公屋為主，居屋為輔”，不應任意縮減出租公屋的比例，而出售公屋收入所得，應全數用在增建公屋及重建舊公屋方面，以縮減龐大的輪候公屋隊伍。

本人謹此陳辭。

羅祥國議員致辭：主席先生，今天本局討論出售公屋的議案，如果只說原則而不說售價，美其名為可以容許靈活處理，實則是避重就輕的立場，至少是一個不願動腦筋的做法。如果有議員支持“以租代供”的計算售價方式，為何不正式提出討論？如果說現時的立法局也沒有足夠代表性去決定，請問在何時立法局才有足夠代表性去作一個這樣重要的決定？

我們民協提出來的以重置成本價出售公屋方案，是一個中間落墨、“半賣半送”的合理方案，既不是“賣大飽”方式，便宜了居民，也不是牟取暴利，便宜了房屋委員會。我希望各位議員冷靜考慮，支持馮檢基議員和陳婉嫻議員的修正案。

本人謹此陳辭。

**PRESIDENT:** I now invite Mr Edward HO to speak on the amendments to his motion. He has five minutes to speak on the two proposed amendment.

何承天議員致辭：主席先生，首先，我很多謝李永達議員，因為他已經提出了很多原因，說明為何不可以支持陳婉嫻議員和馮檢基議員的修正案。其實我的議案是一項原則性的議案，我們今天不用辯論細節。不過，我也同意如剛才羅祥國議員所說，要稍為討論價格的問題。

我現回應馮檢基議員的意見，可惜他現時不在會議廳。我不知道他如何計數，因為他說我的建議會令每一個單位虧蝕七萬元。他又說他所計算的價格跟我的建議相若。以我的看法，他的所謂重置成本價格，即我們在五年前討論售賣公屋計劃時的計算法，那些樓宇的樓齡現時已是七年。七年樓齡樓

字的原本建築成本即十年前的建築成本。重置成本就是現時再興建一幢樓宇的成本。與十年前的建築費相比，現時應該最少升了一倍。如果以我的方式計算，樓價是19萬的話，以他及陳婉嫻議員的方式計算，則應該是40萬。不過，當然，馮檢基議員提到折舊，但用重置成本計算又如何折舊呢？可能是他剛才在外面聽到我採用建築成本方式，所以想了對策，加上折舊因素便與我建議的樓價相若。不過，我不想爭論這點，正如李永達議員所說，我們今天不是爭論這點。

此外，馮檢基議員又提到我認為房屋委員會以後不用負責。我再看過我的演辭，我根本沒有這樣提過，我只是說我們要一次過資助他們。甚麼叫資助呢？就是不計算地價，即政府已經給予資助，以後再不用資助他們了。我也贊成在未出售樓宇前，要進行維修，以及將來的管理也要負責。

廖成利議員提到他希望這方案不會虧本，他好像暗示我的方案可能是“一元方案”，在“賣大飽”。其實我已說得很清楚，我提議的方案是必須收回所有成本，即最初拿了多少錢來興建，以後利息開支也要收取。只一樣不收取的，就是地價。因此，我們設了限制，就是他們不能“炒樓”賺錢，只能賣給公屋居民。我不想再多說價格的問題。

陳婉嫻議員說應該以“出租為主，居屋為輔”，我也頗同意這意念，因為仍有很多居民等待入住公屋。我也多次提到，政府一定要履行承諾，即在二零零一年必須完成長遠房屋策略，令香港人有合理的居所。我覺得我的議案與剛才所說的修正事項並沒有抵觸，因為我們在出售公屋後，可以獲得資源，可以多興建公屋，我沒有要求政府少些興建租住公屋。

**SECRETARY FOR HOUSING:** Mr President, I have listened with interest to comments made by Honourable Members on the proposal to sell public rental flats to sitting tenants, and am grateful for their views and suggestions.

*Importance of home ownership*

Home ownership fosters a sense of belonging, and is a cornerstone of stability in any society. To borrow a fashionable phrase nowadays, it makes the members of a community stockholders. It is also the goal to which more and more of ordinary Hong Kong households aspire. Hence, one of the main objectives of our housing policy is to encourage home ownership. Where necessary, we will do so through the provision of subsidized housing or financial assistance. I welcome Members' support of this objective, but I must take this

opportunity also to emphasize that the Government is still firmly committed to providing public rental housing to those who are in genuine need of housing assistance. As long as there is a demand from this group of people, we will continue to provide public rental housing. There is therefore no truth in any suggestion that the Government only attends to the demand of home ownership and ignores the continued need of public rental housing. In fact, we work on both.

### *Existing schemes*

The means by which families in Hong Kong attain the goal of home ownership are various. The private sector provides the bulk of our supply: 41% of households in Hong Kong now own accommodation in the private sector. On the other hand, we have long recognized that private property prices are out of reach for many households. Thus, since 1978, we have successfully implemented four Home Ownership Schemes and two Loan Schemes to enable 11% of households in Hong Kong to acquire their own homes in the public sector.

These public schemes have helped to push the home ownership rate up from 23% in 1978 to 52% in 1995. But for the many less well-off families living in public rental housing, even assisted home ownership still remains out of reach at present. I agree therefore with the Honourable Edward HO and other Members that much needs to be done to encourage home ownership.

### *Housing Authority's proposed sale of flats to sitting tenants scheme in 1991*

In recognition of the benefit of home ownership, the Housing Authority launched its first attempt to sell flats to sitting tenants in 1991. Support in principle was widespread in the community — not least, Mr President, in this Council then where many Members, including some still present today, spoke in favour of it during the course of two debates in May and November 1991. However, the response from tenants was poor, with only more than 7% of eligible families indicating their intention to purchase.

There was much discussion over the causes of this poor response. Why did not more families come forward? Was the scheme too limited in scope? Were prices too high? Were tenants concerned over possible changes in their



financial circumstances? Were tenants concerned over the responsibility for maintenance which comes with home ownership? Well, the main cause for the unpopularity of the scheme then seemed to have been the pricing level and the lack of incentive for tenants to incur much higher monthly expenditure in order to own a flat which they could rent easily for substantially less. This is a lesson we will need to remember. It may also be that the ideal of home ownership had not yet caught the public eye to the same extent as it has today. I believe that it was a good idea whose time for success had not yet come.

### *1995 Policy Commitments*

The Government is mindful both of the attractiveness in principle of a scheme to sell public rental flats to tenants and of the need to avoid a repetition of the 1991 situation. In my 1995 Policy Commitments, I have undertaken to "examine ways to make it easier for tenants of public rental flats to own their own homes, including the option of selling public rental flats to existing tenants". I am indeed greatly encouraged this afternoon by the support implied for this commitment of Members of different political groupings in the debate today.

### *Major considerations in implementing sale of flats to tenants scheme*

How then should we proceed? We need to devise a scheme which will actually work. I thank Members for providing some useful pointers this afternoon. At this initial stage, I would like to mention three areas to which we need to pay particular attention. The first concerns the responsibility for maintenance after acquisition by the tenant. We know that this may burden him financially or even put him off participating in the first place. Yet it would be wrong in principle for the seller to maintain continuously the property he had sold. The buyer must also have a genuine responsibility for the property in which he has invested. The Honourable LEE Wing-tat has suggested that one possible way forward would be the introduction of a compulsory maintenance fund right from the start. Some Members have mentioned something similar to this. All these are good suggestions which we will need to think through carefully.

The second area concerns the choice of blocks to be sold. In 1991, only 11 blocks with less than 7 000 flats were chosen. This was too limited a base from which to expect dramatic results. So we must choose the housing blocks

carefully. If sales were confined only to the newer blocks, we would face a dilemma. If priced too high, there would be little incentive for tenants to come forward. If prices were pitched too low, we could undermine our existing subsidized Home Ownership Schemes since families could become owners of flats virtually comparable to HOS/PSPS units, but at a much reduced cost. At the other extreme, I must point out that it would be difficult to justify selling old or the oldest flats due for redevelopment. So we need to strike a balance.

The third area concerns pricing generally which is the key to the exercise. Our objective in selling flats, I agree, is to increase home ownership. I therefore agree with Members that the price must be realistic and genuinely affordable to the target group. On the other hand, I must point out that we cannot give away public assets for a notional sum. Here again, we must strike a balance. I have noted the amendments put forward by the Honourable Frederick FUNG and the Honourable Miss CHAN Yuen-han, suggesting that "replacement cost" be used as the pricing benchmark. This needs careful and more thorough consideration, and I am afraid I cannot respond to that immediately. In any case, I agree with Members that the profits or savings, which accrue to the Housing Authority as a result of the introduction of such a new scheme, should be ploughed back into the public housing programme.

### *Way forward*

If we are to sell public rental flats to existing tenants, we must get the components of that scheme right. This idea is being carefully examined in our current review of the Long Term Housing Strategy and, if feasible, should feature in the public consultation document which I shall issue in the middle of this year.

With these remarks, Mr President, we support the spirit of the Honourable Edward HO's motion.

**PRESIDENT:** Miss CHAN Yuen-han has given notice to move an amendment to the motion. Her amendment has been printed on the Order Paper and circularized to Members. I now call upon her to move her amendment.

***MISS CHAN YUEN-HAN's amendment to MR EDWARD HO's motion:***

"刪除“以達致真正“住者有其屋”的目標”，並以“政府的公營房屋政策，必須以“出租公屋為主，居屋為輔；””取代；刪除“盡快出售公屋單位給予”，並以“重新制定一套以重置成本價出售公屋單位計劃，吸引”取代；及在“現公屋居民”後加上“購買其居所”。"

陳婉嫻議員致辭：主席先生，我動議修正何承天議員的議案，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.

**MRS SELINA CHOW:** 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 Edward HO'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, would Members please check their votes? Are there any queries? The result will now be displayed.

Mr Frederick FUNG, Miss Emily LAU, Mr LEE Cheuk-yan, Mr CHAN Kam-lam, Mr CHAN Wing-chan, Miss CHAN Yuen-han, Mr CHENG Yiu-tong, Mr CHEUNG Hon-chung, Mr CHOY Kan-pui, Mr IP Kwok-him, Mr LAU Chin-shek, Dr LAW Cheung-kwok, Mr LEE Kai-ming, Mr LEUNG Yiu-chung, Mr Bruce LIU, Mr LO Suk-ching, Mr MOK Ying-fan and Mr NGAN Kam-chuen 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 Michael HO, Dr HUANG Chen-ya, Mr LEE Wing-tat, Mr Eric LI, Mr Fred LI, Mr Henry TANG, Mr James TO, Dr YEUNG Sum, Mr Howard YOUNG, Mr WONG Wai-yin, Mr James TIEN, Mr Andrew CHENG, Dr Anthony CHEUNG, Mr Albert HO, Mr LAW Chi-kwong, Mr TSANG Kin-shing and Dr John TSE voted against the amendment.

Mrs Elizabeth WONG and Mr YUM Sin-ling abstained.

THE PRESIDENT announced that there were 18 votes in favour of the amendment and 26 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 Frederick FUNG may formally move his amendment so that Members may take a vote on it.

***MR FREDERICK FUNG's amendment to MR EDWARD HO's motion:***

“在“本局促請政府”後加上“以重置成本價”；並在“盡快出售”後加上“適合的”。”

馮檢基議員致辭：主席先生，我動議修正何承天議員的議案，修正案內容一如議事程序表內在我名下者所載。

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

*Voice vote taken.*

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

Mr Frederick FUNG and Mr Bruce LIU 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 Frederick FUNG be made to Mr Edward HO'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? The result will now be displayed.

Mr Frederick FUNG, Miss Emily LAU, Mr LEE Cheuk-yan, Mr CHAN Kam-lam, Mr CHAN Wing-chan, Miss CHAN Yuen-han, Mr CHENG Yiu-tong, Mr CHEUNG Hon-chung, Mr IP Kwok-him, Mr LAU Chin-shek, Dr LAW Cheung-kwok, Mr LEE Kai-ming, Mr LEUNG Yiu-chung, Mr Bruce LIU, Mr LO Suk-ching, Mr MOK Ying-fan and Mr NGAN Kam-chuen 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 Michael HO, Dr HUANG Chen-ya, Mr LEE Wing-tat, Mr Eric LI, Mr Fred LI, Mr Henry TANG, Mr James TO, Dr YEUNG Sum, Mr Howard YOUNG, Mr WONG Wai-yin, Mr James TIEN, Mr Andrew CHENG, Mr Anthony CHEUNG, Mr CHOY Kan-pui, Mr Albert HO, Mr LAW Chi-kwong, Mr TSANG Kin-shing, Dr John TSE and Mrs Elizabeth WONG voted against the amendment.

Mr YUM Sin-ling abstained.

THE PRESIDENT announced that there were 17 votes in favour of the amendment and 28 votes against it. He therefore declared that the amendment was negatived.

**PRESIDENT:** Now that we have also disposed of Mr Frederick FUNG's amendment, Mr Edward HO, you are now entitled to make your final reply and you have exactly three minutes out of your original 15 minutes.

何承天議員致辭：首先，我很高興今天多位同事踴躍發言支持我的議案，甚至提出修正案的議員，我也一併向他們致謝，因為大家給了政府很多寶貴意見。

房屋司剛才說在九一年曾進行諮詢，當時只有7%的人想購買公屋，但他沒有說當時其實大部分人想買，只是妨於價格而已。不過，他也十分忠實，後來也提到售價，說他上了一課。我希望他今天再上一課。因為事實上，我們希望能夠有更多人能夠置業，以及價格合理。我剛才亦提過，我們不是想“賣大飽”，而是希望所定售價一方面不會令房屋委員會虧蝕，而另一方面又是市民可負擔的。

最後，我希望房屋司、房屋署署長和房屋委員會所有委員能夠盡快研究今天本局提出的各項意見，推行這自置居所計劃，令很多居民能夠實現他們的夢想。

*Question on the original motion put.*

*Voice vote taken.*

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

**MR LEE WING-TAT:** I claim a division.

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

**PRESIDENT:** I am sure Members need no reminding that they are now called upon to vote on the original motion moved by Mr Edward HO. 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, will Members please check their votes? Are there any queries? The result will now be displayed.

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 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 YEUNG Sum, Mr Howard YOUNG, Mr WONG Wai-yin, Mr James TIEN, Mr LEE Cheuk-yan, Mr CHAN Kam-lam, Mr CHAN Wing-chan, Mr Andrew CHENG, Mr Paul CHENG, Mr CHENG Yiu-tong, Dr Anthony CHEUNG, Mr CHEUNG Hon-chung, Mr CHOY Kan-pui, Mr Albert HO, Mr IP Kwok-him, Mr LAU Chin-shek, Dr LAW Cheung-kwok, Mr LAW Chi-kwong, Mr LEE Kai-ming, Mr LEUNG Yiu-chung, Mr Bruce LIU, Mr LO Suk-ching, Mr MOK Ying-fan, Mr NGAN Kam-chuen, Mr TSANG Kin-shing, Dr John TSE, Mrs Elizabeth WONG and Mr YUM Sin-ling voted for the motion.

THE PRESIDENT announced that there were 46 votes in favour of the motion and none against it. He therefore declared that the motion was carried.

## **ADJOURNMENT AND NEXT SITTING**

**PRESIDENT:** In accordance with Standing Orders, I now adjourn the Council until 2.30 pm on Wednesday, 14 February 1996, Valentine's Day.

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

