

## **OFFICIAL RECORD OF PROCEEDINGS**

### **立法局會議過程正式紀錄**

**Wednesday, 14 February 1996**

一九九六年二月十四日星期三

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

下午二時三十分會議開始

### **MEMBERS PRESENT**

**出席議員：**

THE PRESIDENT

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

主席黃宏發議員，O.B.E., J.P.

THE HONOURABLE 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 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 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

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 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 LEUNG YIU-CHUNG

梁耀忠議員

THE HONOURABLE BRUCE LIU SING-LEE

廖成利議員

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

李鵬飛議員，C.B.E., J.P.

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

倪少傑議員，O.B.E., J.P.

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

劉皇發議員，O.B.E., J.P.

THE HONOURABLE FREDERICK FUNG KIN-KEE

馮檢基議員

THE HONOURABLE CHENG YIU-TONG

鄭耀棠議員

THE HONOURABLE DAVID CHU YU-LIN

朱幼麟議員

THE HONOURABLE LEE KAI-MING

李啟明議員

THE HONOURABLE LO SUK-CHING

羅叔清議員

## **PUBLIE OFFICERS ATTENDING**

### **列席公職人員：**

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

CHIEF SECRETARY

行政局議員布政司陳方安生女士，C.B.E., J.P.

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

FINANCIAL SECRETARY

行政局議員財政司曾蔭權先生，O.B.E., J.P.

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

ATTORNEY GENERAL

行政局議員律政司馬富善先生，C.M.G., J.P.

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

SECRETARY FOR HOME AFFAIRS

政務司孫明揚先生，C.B.E., J.P.

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

SECRETARY FOR RECREATION AND CULTURE

文康廣播司周德熙先生，C.B.E., J.P.

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

**SECRETARY FOR TRANSPORT**

運輸司鮑文先生，I.S.O., J.P.

**MR GORDON SIU KWING-CHUE, J.P.**

**SECRETARY FOR ECONOMIC SERVICES**

經濟司蕭炯柱先生，J.P.

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

**SECRETARY FOR HOUSING**

房屋司黃星華先生，O.B.E., J.P.

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

**SECRETARY FOR FINANCIAL SERVICES**

財經事務司許仕仁先生，J.P.

**MR JOSEPH WONG WING-PING, J.P.**

**SECRETARY FOR EDUCATION AND MANPOWER**

教育統籌司王永平先生，J.P.

**MR PETER LAI HING-LING, J.P.**

**SECRETARY FOR SECURITY**

保安司黎慶寧先生，J.P.

**MR BOWEN LEUNG PO-WING, J.P.**

**SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS**

規劃環境地政司梁寶榮先生，J.P.

**MR LAM WOON-KWONG, J.P.**

**SECRETARY FOR THE CIVIL SERVICE**

公務員事務司林煥光先生，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 RICKY FUNG CHOI-CHEUNG, SECRETARY GENERAL

秘書長馮載祥先生

MR LAW KAM-SANG, DEPUTY SECRETARY GENERAL

副秘書長羅錦生先生

MISS PAULINE NG MAN-WAH, ASSISTANT SECRETARY GENERAL

助理秘書長吳文華女士

MR RAY CHAN YUM-MOU, ASSISTANT SECRETARY GENERAL

助理秘書長陳欽茂先生



**PAPERS**

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

*Subject*

Subsidiary Legislation	<i>L.N. No.</i>
Ferry Services (The "Star" Ferry Company, Limited) (Determination of Fares) (Amendment) (No. 2) Order 1996 .....	68/96
Tramway Ordinance (Alteration of Fares) (Amendment) Notice 1996 .....	69/96
Banking Ordinance (Amendment of Seventh Schedule) Notice 1996 .....	70/96
Hong Kong Airport (Traffic) (Amendment) Regulation 1996 .....	72/96
Official Languages (Alteration of Text) (Boilers and Pressure Vessels Ordinance) Order 1996 .....	73/96
Immigration (Vietnamese Refugee Centres) (Designation) (Consolidation) (Amendment) Order 1996 .....	74/96
Immigration (Vietnamese Refugee Centres) (Open Centre) (Amendment) Rules 1996 .....	75/96
Administration of Justice (Miscellaneous Provisions) (No. 2) Ordinance 1995 (68 of 1995) (Commencement) Notice 1996 .....	76/96
Human Organ Transplant Ordinance (Cap. 465) (Commencement) Notice 1996 .....	77/96

Statutes of the Chinese University of Hong Kong (Amendment) (No. 3) Statute 1995.....	78/96
Official Languages (Authentic Chinese Text) (Boilers and Pressure Vessels Ordinance) Order.....	(C) 13/96
Official Languages (Authentic Chinese Text) (Commodity Exchanges (Prohibition) Ordinance) Order .....	(C) 14/96

## 文件

下列文件乃根據《常規》第 14(2)條的規定而呈交局方省覽：

## 項 目

附屬法例	法律公告編號
《1996 年渡輪服務（天星小輪有限公司） （收費決定）（修訂）（第 2 號）令》 ...	68/96
《1996 年電車條例（修訂車費） （修訂）公告》 .....	69/96
《1996 年銀行業條例（修訂附表 7）公告》 .....	70/96
《1996 年香港機場（交通）（修訂）規例》 ....	72/96
《1996 年法定語文（修改文本） （鍋爐及壓力容器條例）令》 .....	73/96
《1996 年人民入境（越南難民中心）（指定） （綜合）（修訂）令》 .....	74/96
《1996 年人民入境（越南難民中心） （開放中心）（修訂）規則》 .....	75/96

《1995 年司法（雜項規定）（第 2 號）條例 （1995 年第 68 號）1996 年 （生效日期）公告》 .....	76/96
《人體器官移植條例（第 465 章）1996 年 （生效日期）公告》 .....	77/96
《1995 年香港中文大學規程（修訂） （第 3 號）規程：勘誤》 .....	78/96
《法定語文（中文真確本） （鍋爐及壓力容器條例）令》 .....	(C) 13/96
《法定語文（中文真確本）（商品交易所 （禁止經營）條例）令》 .....	(C) 14/96

### Sessional Papers 1995-96

- No. 57 — Urban Council  
Estimates of Revenue and Expenditure for the  
Financial Year 1996-97
- No. 58 — Regional Council  
Estimates of Revenue and Expenditure 1996-97
- No. 59 — Revisions of the 1995-96 Estimates approved by the  
Urban Council during the third quarter of  
the 1995-96 financial year
- No. 60 — The Hong Kong Academy for Performing Arts  
Annual Report July 1994 to June 1995
- No. 61 — Li Po Chun Charitable Trust Fund Annual Report  
for the period 1 September 1994 to 31 August 1995

No. 62 — Trustee's Report on the Administration of the  
Education Scholarships Fund  
for the year ended 31 August 1995

一九九五至九六年度會期內提出的文件

- 第 57 號 — 市政局  
1996 至 97 財政年度收支預算
- 第 58 號 — 區域市政局  
一九九六／九七年度收支預算
- 第 59 號 — 一九九五至九六財政年度  
第三季由市政局通過的  
一九九五至九六年度財政預算修訂
- 第 60 號 — 香港演藝學院年報  
一九九四年七月至一九九五年六月
- 第 61 號 — 李寶椿慈善信託基金  
一九九四年九月一日至一九九五年八月三十一日年報
- 第 62 號 — 教育獎學基金受託人  
就一九九五年八月三十一日止  
全年管理情♥所撰寫的報告

Miscellaneous

Amendment to the Technical Memorandum on Noise from Construction  
Work in Designated Areas

Third Periodic Report in respect of Hong Kong under Articles 2-16 of the  
International Covenant on Economic, Social and Cultural Rights

雜項

修訂管制指定範圍的建築工程噪音技術備忘錄

根據經濟、社會、文化權利國際公約第 2 至 16 條提交有關香港的第三次定期報告

**PRESIDENT:** Honourable Members, I have received a request from a Member of this Council that this Council should observe silence in memory of those who have been killed in the hill fire at Pat Sin Range last Saturday. I have turned down the request.

Observing silence in memory of the dead is done, in this Council, concomitantly when obituary speeches are made. There are provisions in the Standing Orders of the Council for obituary speeches to be made at the sittings of this Council but parliamentary practice dictates that such speeches are made only on the occasion of the death of a Member of the Council or a distinguished statesman.

I certainly am, and I am sure all Honourable Members are, deeply saddened by the loss of lives and the injuries suffered as a result of the hill fire at Pat Sin Range. While I have the greatest sympathy for those who have died, and the highest respect for the teachers who have sacrificed their own lives when trying to save the lives of their pupils, I am afraid I cannot order the observance of silence in their memory at a sitting of this Council.

Members of the Council who wish to send their condolences to the families of those who have been killed in the fire, and to pay tribute to the teachers for their heroic and noble act, can of course do so personally.

## ORAL ANSWERS TO QUESTIONS

### Entry Requirements and Salary of Assistant Hawker Control Officer

1. 葉國謙議員問：主席先生，鑑於目前助理小販管理主任入職薪酬與警員的入職薪酬接近，而高於其他紀律部隊職級相若的人員，政府可否告知本

局：

- (a) 現時助理小販管理主任的入職條件及入職薪酬為何；
- (b) 當局根據何種準則釐訂該等條件及入職薪酬；及
- (c) 會否考慮於短期內檢討小販管理隊及警隊以外紀律部隊人員的入職條件及入職薪酬？

公務員事務司答：主席先生，當局在一九九三年年中聽取了公務員薪俸及服務條件常務委員會的建議，並經本局人事編制小組委員會批准後，重新成立小販管理隊。這個決定是因應兩個市政局基於市民的意願，希望更有效地管制小販問題而作出的。我對葉議員所提質詢的答覆如下：

- (a) 助理小販管理主任的入職條件及起薪點詳列於我的書面答覆附件A；
- (b) 入職條件及起薪點的釐定是根據工作的需要和責任。下列因素亦獲考慮：
  - (i) 需要吸引有經驗而從前曾在一般事務隊專責小販管理隊工作的人員加入新成立的小販管理隊；
  - (ii) 需要提高新聘用員工的入職水平，而在制定薪俸時不會擾亂內部的相對薪酬；及
  - (iii) 需要提高員工的士氣，因此要設立一支專責處理小販問題的部隊，令它有明確及可行的職位架構。

詳細論據開列在答覆的附件B。

- (c) 我們目前未有打算檢討小販管理隊及其他非警隊的紀律部隊的入職條件及起薪點。在招聘方面，各個紀律部隊現時都能吸引大量資歷好的人才，而在填補空缺方面，亦沒有問題。這個情♥令人鼓舞，亦反映出社會各界對紀律部隊非常敬重。

## 附件A.1

助理小販管理主任的入職條件如下：

(a) 在職申請人須具備下列資格：

- (i) 在政府服務滿四年而表現良好，曾任執法人員或在紀律／輔助部隊工作者更佳；在政府中文或英文科考試（中級一）取得及格，或具備同等學歷（亦即中二程度）；或
- (ii) 在政府服務滿三年而表現良好，曾任執法人員或在紀律／輔助部隊工作者更佳；在政府中文或英文科考試（中級二）取得及格，或具備同等學歷（亦即中四程度）。

(b) 直接入職的申請人須具備下列資格：

- (i) 完成中學教育（香港中學會考三科成績達E級或以上），並在取得有關學歷後具有三年工作經驗；曾在紀律／輔助部隊工作及具備與市民接觸的經驗者更佳；或
- (ii) 香港中學會考五科及格，包括英文科（課程甲）成績達E級或以上，或具同等學歷；並在取得有關學歷後具有兩年工作經驗；曾在紀律／輔助部隊工作及具備與市民接觸的經驗者更佳。

## 附件A.2

## 小販管理主任職系

職級	薪酬（截至九五年四月一日）	
助理小販管理主任	11,030元	— 15,660元
小販管理主任	16,450元	— 19,045元
高級小販管理主任	19,990元	— 23,080元
總小販管理主任	24,165元	— 29,005元
首席小販管理主任	30,365元	— 33,290元

## 管工職系

職 級	薪 酬 ( 截至九五年四月一日 )		
管 工	10,350元	—	13,230元
高級管工	14,055元	—	16,450元
巡察員	17,270元	—	20,985元
高級巡察員	22,035元	—	26,460元

附件B

香港總督彭定康先生

總督先生：

## 開設小販管理主任新職系

當局邀請本會根據職權範圍第1(b)條，就開設小販管理主任新職系的建議提供意見。

## 背景

2. 目前負責管理小販的工作，是由市政總署及區域市政總署的一般事務隊擔任。這些事務隊的成員主要是管工職系（技術人員、督導及相連職系——第一組）的人員，並由一小隊工人輔助執行職務。這些人員由一 生督察級（理工學院高級文憑職系）人員指導工作及管理。

3. 當局告知本會，現時的組織架構有下列缺點：

- (a) 管工職系人員可以轉調到有關部門不同單位工作，如小販管理、清潔及防治蟲鼠組，以致員工缺乏專業知識、領導能力和工作上的連續性；
- (b) 由於員工的教育程度不高及不擅於履行執法職務，故員工素質偏低；及
- (c) 員工士氣低落，因為員工在執法的職務上比派駐其他組別的同工遭



遇更多困難。此外，公眾人士每多同情小販，使他們的形象不佳。

4. 小販管理工作小組於一九九零年建議設立一個專責小販管理工作的文職職系，以其為最具成本效益的改善方法，又建議於過渡期間發給負責小販管理的一般事務隊人員一項特別津貼，以改善隊員的士氣和工作效率。本會獲邀就該建議提出意見。鑑於一般事務隊負責小販管理所面對的困難，本會支持該建議，特別津貼已於一九九零年八月一日開始發放。

#### 當局的建議

5. 當局現正式就開設獨立職系負責小販管理工作，徵詢本會的意見。當局認為開設小販管理主任新職系，有以下的優點：

- (a) 該職系人員會有較強的歸屬感，因為他們只須執行小販管理職務。同時，他們的工作專長和經驗都可以保留；
- (b) 訂定新職系的薪級時，可將小販管理職務的工作因素考慮在內，而其僱用條件之中，亦可加入須輪班工作及遵守嚴格的紀律操守等規定；
- (c) 鑑於新職系能提供較佳的職業架構，可鼓勵對小販管理工作有潛能的人士加入，藉以改善員工質素；
- (d) 由於新職系的資深人員將從一級 生督察接掌小販管理及其他與 生無關的街市管理職務，後者可獲重新調派，擔任其曾受專業訓練與 生有關之職務。

6. 當局又進一步建議新職系採用以下結構和薪級：

職級	薪級
助理小販管理主任	總薪級表第8至14點
小販管理主任	總薪級表第15至18點
高級小販管理主任	總薪級表第19至22點
總小販管理主任	總薪級表第23至27點
首席小販管理主任	總薪級表第28至30點

直接入職的聘用條件為香港中學會考五科E級的成績兼備兩年畢業後的工作經驗，或完成中學課程而具備三年獲取資格後的工作經驗。不過，因為聘用時主要考慮的因素是潛能、技巧或經驗而不是學業成績，這個新職系將歸入“其他職系”類別。

7. 當局曾考慮給予建議開設的職系紀律部隊地位，但最終決定這樣做並不適當。在有關部門內設紀律部隊並不符合其管理結構。而且，非法擺賣一般均被視作一項滋擾而非一項罪行。因此小販管理主任須執行的職務，其性質並不足以支持建立與維持一支紀律部隊。

#### *市政局及區域市政局的意見*

8. 當局告知本會，謂市政局議員一致支持開設新職系，並且希望盡早實行。至於區域市政局的議員，亦大多數支持這項建議。

#### *意見與建議*

9. 本會留意到，開設一個獨立職系以進行管理小販的工作，獲得兩個市政局的堅決支持。本會的職權範圍規定本會須就新職系的薪酬和架構提供意見。

#### *職系架構*

10. 建議新職系的架構以管工職系為藍本。管工職系分四層，即管工（總薪級表第7至11點）、高級管工（總薪級表第12至15點）、巡察員（總薪級表第16至20點）和高級巡察員（總薪級表第21至25點）。該架構乃一般事務隊的核心。建議的小販管理主任職系分為五層架構，首四層，即助理小販管理主任、小販管理主任、高級小販管理主任和總小販管理主任，在職務與責任方面都和管工職系相對職級的人員相仿。最高一級的首席小販管理主任除負責督導及執行小販管理職務外，亦須接掌目前由一級 生督察擔任的職責。該級人員須向高級 生督察負責全面推行有關政策、執行小販管理法例及非與 生有關的街市職務。

11. 大致上，本委員會支持建議的架構，並同意增設首席小販管理主任的職級，可以正確反映把原由 生督察級人員擔任的職責轉移到新職系。該建議亦為新職系人員提供最佳的晉升機會，從而希望可以提高職員的素質及改善

職員對工作的投入和士氣。

### 薪級

12. 當局告知本會，和現時的一般事務隊人員一樣，新職系人員須穿制服。他們亦須遵守嚴謹的紀律守則，以及面對艱苦的工作環境，例如須輪班工作及執行與充公及拘捕行動有關的厭惡及危險職務等。

13. 經考慮入職條件、工作性質和以上第12段所述的特別工作因素，建議助理小販管理主任職級以總薪級表第8點為入職起點是適當的。

14. 本會又留意到，建議的助理小販管理主任最高薪級定在總薪級表第14點，小販管理主任的薪級為總薪級表第15至18點，高級小販管理主任為總薪級表第19至22點，總小販管理主任為總薪級表第23至27點，可比得上管工職系有關職級的薪級及現時發給一般事務隊隊員的臨時特別津貼。建議的薪級已能符合所牽涉的工作因素。

15. 本會亦贊成把建議中首席小販管理主任職級的薪級定在總薪級表第28至30點，以反映其職責。每區的首席小販管理主任將為該區全體小販管理人員的直接督導人。該員亦須擔任與生無關的街市職務總負責人。首席小販管理主任為新職系的最高職級，隊員須服務多年，才可升任該職級的職位。

### 新職級的分類

16. 鑑於小販管理工作的性質特別，聘任時主要考慮申請人的特別潛能、技巧或經驗，而不是注重其學業成績。因此，本會支持把新職系歸入其他職系組別。本會注意到當局在上文第7段所述不主張為小販管理工作成立一支紀律部隊的理由。

17. 最後，本會建議按下列架構與薪級開設小販管理主任職系，並且歸類為其他職系組別：

職 級	薪 級
助理小販管理主任	總薪級表第8至14點
小販管理主任	總薪級表第15至18點
高級小販管理主任	總薪級表第19至22點
總小販管理主任	總薪級表第23至27點
首席小販管理主任	總薪級表第28至30點

公務員薪俸及服務條件常務委員會  
主席高登暨全體委員

一九九二年十二月二十九日

葉國謙議員問：主席先生，我想提出補充質詢。剛才公務員事務司提到該職系的薪酬設計並不會影響紀律部隊的士氣，請問政府可否告知，有否資料顯示，現時其他紀律部隊的士氣受到小販管理隊的薪酬影響呢？

公務員事務司答：主席先生，我們相信目前的薪酬安排並沒有對其他紀律部隊員工的士氣構成任何影響。事實上，以入職薪酬計，如果我們以同等學歷和經驗來作比較，小販管理職系的入職起薪點較同等水平的其他紀律部隊為低。主席先生，過去三年的經驗顯示，其他紀律部隊人員欲調職往新設職系的人數甚少，只有147名其他紀律部隊人員要求轉職至小販管理職系。因此，綜合所有客觀條件，我們相信小販管理隊目前的薪酬結構及入職點並沒有對其他職系構成影響。

陳偉業議員問：主席先生，就有關小販管理事宜，過去我曾經先後約見兩任布政司討論這問題，表示我對整個服務的一些看法和意見。現任公務員事務司曾任區域市政總署副署長，相信亦很熟悉這問題。我自己當了九年區域市政局議員，在九三年.....

**PRESIDENT:** Please state your question, Mr CHAN.

陳偉業議員問：九三年通過這個新編制時，我對該編制的成本效益表示保留。

**PRESIDENT:** Please state your question.

陳偉業議員問：現時兩個市政局在這方面的支出超過九億元，政府如何評估現時的編制所花的支出合乎成本效益，而且是物有所值呢？我強調，在九五、九六年，兩個市政局在這方面共用了超過九億元。

**PRESIDENT:** It is beyond the scope of the original question which deals with

starting pay.

陳偉業議員問：主席先生，這是有關的。質詢的(b)部分問及釐訂條件和入職薪酬，現時兩個市政局在這新編制下用去了很多錢，究竟這是否合乎成本效益，政府有責任向本局交代。

**PRESIDENT:** Secretary for the Civil Service, starting pay only.

公務員事務司答：主席先生，公務員薪俸及服務條件常務委員會在一九八九年發出的23號報告書已經清楚列明政府職系起薪點的釐定，基本上是以學歷為準則，及加入一些實際工作上所面對的情<sup>♥</sup>，例如有否需要面對厭惡性和危險性的工作等而作出調整。在釐定入職起薪點時，我們已全面考慮這情<sup>♥</sup>。至於小販管理隊的整體工作效益問題，我相信兩個市政局，（陳議員也是其中一個市政局的成員）可以更有效回答這問題。

張炳良議員問：主席先生，小販管理主任職系的入職條件和起薪點的調整，在很多紀律部隊中引起不少爭議。公務員事務司可否告知本局，今天的調整有否諮詢紀律人員薪俸及服務條件常務委員會的意見？若否，原因為何？

公務員事務司答：主席先生，我們當年制訂及考慮這薪酬架構時，已全面考慮這架構與其他紀律部隊架構的對比問題。公務員薪俸及服務條件常務委員會考慮這問題時，亦很專注研究這點，所以我們在設計這薪酬架構時，已很清晰地將這職系的入職點設在低於同等經驗及學歷的其他部隊的入職點。事實上，是略為低些，而不是高些。

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

張炳良議員問：我要求澄清，公務員事務司的意思是否表示沒有諮詢紀律人員薪俸及服務條件常務委員會的意見？

公務員事務司答：主席先生，我手邊沒有紀錄顯示當時是否曾諮詢該委員會的意見，我會以書面方式答覆張議員。(Annex I)

### **Overnight Parking of Buses in Southern District**

2. 鄭家富議員問：南區區議會屬下交通事務委員會通過動議，促請政府禁止中巴及城巴的車輛通宵停泊在南區的公共屋邨及私人屋邨的巴士總站內，以免對附近居民造成滋擾。就此，政府可否告知本局，是否會在南區落實上述措施；若然，是否會在其他地區的公共屋邨及私人屋邨的巴士總站實施此項措施？

**SECRETARY FOR TRANSPORT:** Mr President, in response to the motion passed by the Traffic and Transport Committee of the Southern District Board in November 1995, the Transport Department has conducted a comprehensive review of the overnight parking of buses at terminals in the Southern District.

The findings were submitted to the Traffic and Transport Committee last month following which it accepted that arrangements for overnight parking of buses at three out of the four terminals can be continued. The exception is the Ap Lei Chau Bus Terminal because of its very close proximity to housing blocks. The parking of buses overnight at this terminal will cease before the end of March this year. With the agreement of the Committee, the buses so displaced will instead be parked overnight along the section of Heung Yip Road in the Wong Chuk Hang industrial area. This particular problem has therefore been solved.

The overnight parking of buses at terminals, and at some on-street locations, is a long-standing practice necessitated by operational needs. The bus companies must first obtain the specific approval from the Commissioner for Transport who in turn consults the relevant district boards and government departments concerned before granting permission. All district boards are aware of these arrangements.

鄭家富議員問：主席先生，我覺得從運輸司答覆的第二段，有關鴨洲巴士總站的問題，以及其他三個南區巴士總站可以接受的問題，可見運輸署本身沒有一個長遠策略來作出處理，特別是由於中巴賣了這麼多車廠，以致把巴

士四處亂泊而出現問題。主席先生，有關我的質詢最後部分，即究竟政府會否在其他公共和私人屋 實施不准擺放巴士的措施，政府完全沒有答覆。我希望政府告知我們，會否制訂長遠策略，禁止巴士公司這樣做，而不是在每個區議會提出問題後才處理，這是完全沒有一個長遠策略的。

**PRESIDENT:** That sounds like a statement to me, Mr CHENG.

鄭家富議員問：政府並沒有回答最後那項質詢，即會否在香港其他地區的公共和私人屋 巴士站實施這措施，以免對市民造成滋擾？政府的主要答覆中並沒有回答這項質詢。

**SECRETARY FOR TRANSPORT:** Mr President, as I have explained, the Traffic and Transport Committee of the Southern District Board has been consulted and has agreed to the arrangements for three of these four bus terminals. As to the reason why parking at bus terminals is required, this is for operational reasons to enhance efficiency and to reduce dead mileage. There is also a shortage of depot sites. Buses parked at depots in the Southern District serve that area and are all deployed on routes serving residential developments in Ap Lei Chau and in the Southern District.

Insofar as the Wong Chuk Hang site is concerned to which the Honourable Member referred, that particular depot was mainly for maintenance and it provided parking for only 40 bus spaces. With the grant of 14 routes to Citybus, the requirements for CMB have been substantially reduced; in fact 76 buses no longer operate from the Southern District. So, in fact, the sale of that depot site has not aggravated the current position.

鄭家富議員問：主席先生，我想你以主席的身分作出裁決，因為運輸司完全沒有回答在香港其他.....

**PRESIDENT:** Mr CHENG, please resume your seat.

I do not find the exchange very desirable. Mr CHENG's supplementary has nothing to do with the preamble of the supplementary and the Secretary's answer was an answer to the preamble which was not a question. The specific

question was: Will the Government implement a similar policy in the other districts?

**SECRETARY FOR TRANSPORT:** Mr President, on-site parking and at bus terminals are necessary for operational reasons. As far as the Administration is concerned, these arrangements will have to continue.

**PRESIDENT:** I will have to in future rule Members' questions out of order if the preamble has nothing to do with the question.

劉健儀議員問：主席先生，請問運輸司可否告知本局，巴士公司向政府提交增購巴士發展計劃的同時，有否需要向運輸署提交擺放巴士的建議，以徵求該署的同意？

**SECRETARY FOR TRANSPORT:** Mr President, when bus companies put forward proposals for route development programmes or for the expansion of their services, both the Government and of course the district boards are consulted, and as part of this exercise the requirement for parking spaces is taken into consideration.

曾健成議員問：主席先生，請問運輸司，現時的政策是否准許巴士停泊在巴士總站和路邊，因為我看不到在計劃中有巴士停放處的發展？

**SECRETARY FOR TRANSPORT:** Mr President, it must be recognized that in the urban areas, it is extremely difficult to find depot sites. Even when depot sites are available, it is essential to ensure that the buses can operate efficiently and at the lowest possible cost. If parking on-site and at bus terminals are not permitted, this would mean unnecessary dead trips.

**Proportion between Air-conditioned and Non-air-conditioned Buses**



3. 黃偉賢議員問：主席先生，政府可否告知本局：

- (a) 過去三年，本港三間巴士公司（九巴、中巴及城巴）的冷氣巴士與非冷氣巴士的數目及比例為何；
- (b) 現時三間巴士公司各路線的冷氣及非冷氣巴士的數目為何，以及在過去三年，三間巴士公司所增加的冷氣巴士的數目為何；
- (c) 冷氣巴士與非冷氣巴士票價的平均差距；及
- (d) 巴士公司如何釐定同一路線的冷氣巴士與非冷氣巴士的數目及票價的差距？

**SECRETARY FOR TRANSPORT:** Mr President, the Honourable WONG Wai-yin has asked for a lot of facts and figures. For easy reference, I have provided these in the Annex to my reply.

Turning to the deployment of buses on each route, our feedback is that most commuters welcome air-conditioned buses since they are cleaner, more comfortable and quieter. Having said this, some commuters of course opt for non-air-conditioned buses because of the lower fares.

There are different fare scales for both air-conditioned and non-air-conditioned buses. The main reason is because the vehicle price as well as the operating costs for air-conditioned buses are higher than those for non-air-conditioned buses. The Traffic and Transport Committees of the district boards are consulted on service proposals and recommended fares.

#### Annex

- (a) The number of air-conditioned (A/C) buses and non-A/C buses of CMB, KMB and Citybus and the proportion between these two types of buses in their total fleets over the past three years

#### CMB

<i>End of year</i>	<i>No. of A/C buses</i>	<i>No. of Non-A/C buses</i>	<i>Proportion of A/C buses in total fleet</i>
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1993	103	816	11%
1994	123	796	13%
1995	153	737	17%

## KMB

<i>End of year</i>	<i>No. of A/C buses</i>	<i>No. of Non-A/C buses</i>	<i>Proportion of A/C buses in total fleet</i>
1993	618	2 579	19%
1994	796	2 602	23%
1995	1019	2 494	29%

## Citybus

<i>End of year</i>	<i>No. of A/C buses</i>	<i>No. of Non-A/C buses</i>	<i>Proportion of A/C buses in total fleet</i>
1993	99	111	47%
1994	140	107	57%
1995	264	104	72%

- (b) The increase in the number of A/C buses by CMB, KMB and Citybus in each of the past three years

## Increase in the number of A/C buses

<i>Year</i>	<i>CMB</i>	<i>KMB</i>	<i>Citybus</i>
1993	20	107	90
1994	30	178	41
1995	20	223	124

- (c) The difference in fares between A/C buses and non-A/C bus services operated by CMB, KMB and Citybus

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<i>Year</i>	<i>CMB</i>	<i>KMB</i>	<i>Citybus</i>
1995	33%	39%	20%

- (b) Breakdown of the existing number of A/C buses and non-A/C buses of CMB, KMB and Citybus on each specified route

CMB Bus Routes (as at end of December 1995)

<i>Route No.</i>	<i>No. of A/C buses</i>	<i>No. of non-A/C buses</i>	<i>Total</i>
<i>Local Routes</i>			
2	-	11	11
2A	-	9	9
2M	-	2	2
3	-	6	6
3A	-	1	1
4	-	13	13
8	6	15	21
9	-	4	4
10	-	21	21
10A	-	6	6
11A	-	3	3
13	-	5	5
14	-	4	4
15	2	5	7
15A	-	9	9
15B	-	4	4
15M	-	6	6
15X	5	-	5
18	-	10	10
19	-	6	6
20	-	8	8
21	-	7	7
22	-	8	8
23	5	10	15
23A	-	7	7

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23B	-	6	6
25	-	9	9
25M	-	2	2
26	-	5	5
27	-	3	3
38	3	5	8
38A	-	6	6
41	-	6	6
42	*	8	8
43	-	6	6
43X	-	6	6
47	-	6	6
63	-	5	5
64	-	5	5
65	-	6	6
66	-	5	5
77	-	5	5
78	-	4	4
79	*	2	2
80	-	7	7
81	-	8	8
81A	-	3	3
82	-	14	14
83	-	5	5
84	-	8	8
84M	2	4	6
86	-	8	8
88	-	8	8
91	*	6	6
91A	-	2	2
93	2	2	4
93A	*	2	2
94	-	6	6
94A	-	6	6
45	-	5	5
95	-	5	5
95A	-	2	2

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95B	1	1	2
260X	4	-	4
262	3	-	3
304	-	10	10
308	-	8	8
338	-	1	1
357	-	8	8
374	-	3	3
388	-	10	10
389	-	10	10
392	-	8	8
399	-	3	3
500	1	-	1
504	6	-	6
537	4	-	4
543	6	-	6
590	11	2	13
595	3	-	3
720	-	12	12
721		6	6
722	-	6	6
780	3	8	11
781	-	4	4
788	*	10	10

*Cross Harbour Services*

101	*	14	14
101R	-	10	10
102	5	8	13
102R	-	20	20
104	-	12	12
105	*	12	12
106	-	7	7
109	-	5	5
110	*	5	5
111	*	10	10

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111S	-	5	5
112	*	11	11
112S	-	10	10
113	-	11	11
114	*	4	4
115	4	-	4
116	-	7	7
121	-	3	3
122	-	3	3
300	5	-	5
301	7	-	7
302	2	-	2
303	2	-	2
305	1	-	1
307	4	-	4
336	2	-	2
337	1	-	1
348	1	-	1
606	-	5	5
619	-	7	7
641	-	6	6
680	3	3	6
690	-	8	8
691	5	-	5
802	1	-	1
811	1	-	1
A20	6	-	6

\* Additional A/C buses may be deployed to supplement the service

#### KMB Bus Routes (as at end of December 1995)

<i>Route No.</i>	<i>No. of A/C buses</i>	<i>No. of non-A/C buses</i>	<i>Total</i>
<i>Local Routes</i>			
1	7	12	19

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1A	10	19	29
2	7	12	19
2A	2	16	18
2B	-	5	5
2C	-	5	5
2D	-	3	3
2E	-	10	10
2F	-	14	14
3	-	6	6
3S	-	5	5
3B	-	9	9
3C	-	12	12
3D	-	10	10
3M	-	3	3
4A	-	4	4
5	4	17	21
5A	-	4	4
5C	-	18	18
5D	-	6	6
6	3	6	9
6A	-	12	12
6B	-	7	7
6C	4	18	22
6D	-	9	9
6F	-	8	8
6S	-	8	8
7	4	8	12
7B	-	7	7
7M	-	3	3
8	-	12	12
8A	4	-	4
9	-	12	12
10	-	9	9
11	4	10	14
11B	-	10	10
11C	-	9	9
11D	-	6	6
11K	-	10	10

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12	-	6	6
12A	-	8	8
13D	-	10	10
13E	-	7	7
13K	-	13	13
13M	-	5	5
13X	-	7	7
14	2	11	13
14B	-	9	9
14C	-	2	2
14R	4	-	4
14X	-	3	3
15	-	13	13
15A	-	12	12
16	3	21	24
16M	-	6	6
17	-	10	10
18	-	5	5
21	-	10	10
23	-	8	8
23M	-	8	8
24K	-	5	5
26	4	12	16
26M	-	5	5
26S	-	15	15
27K	-	13	13
28	-	15	15
28A	-	4	4
29M	-	9	9
30	-	7	7
30X	2	7	9
31	-	6	6
31B	-	9	9
31M	-	8	8
32	-	10	10
32B	-	3	3
32M	-	4	4
33A	-	13	13



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34	-	5	5
34B	2	2	4
34M	-	2	2
35A	-	6	6
36	-	5	5
36A	-	7	7
36B	-	14	14
36M	-	5	5
37	-	13	13
37M	-	4	4
38	-	16	16
38A	-	5	5
38P	-	2	2
38S	-	8	8
39A	-	3	3
39M	-	5	5
39R	-	1	1
40	4	10	14
40X	-	13	13
41	-	10	10
41A	4	11	15
41M	3	8	11
42	-	12	12
42A	-	17	17
42C	-	14	14
42M	2	4	6
43	-	16	16
43A	-	9	9
43B	-	11	11
43C	-	18	18
43M	-	8	8
43S	-	9	9
43X	-	10	10
44	-	21	21
44M	-	12	12
44S	-	1	1
45	-	8	8
46	-	7	7

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46X	-	20	20
47X	-	15	15
48X	-	13	13
49X	-	13	13
51	-	9	9
52M	-	12	12
52X	-	10	10
53	-	8	8
54	-	4	4
57M	3	12	15
58M	4	20	24
58X	4	12	16
59A	-	15	15
59M	5	19	24
59S	-	3	3
59X	6	11	17
60	-	10	10
60M	-	13	13
60P	-	6	6
60S	2	8	10
60X	3	20	23
61X	2	14	16
62X	-	11	11
64K	-	7	7
64M	2	6	8
65K	-	2	2
66	-	13	13
66M	1	12	13
66X	4	13	17
67M	-	14	14
67X	2	9	11
68	-	14	14
68A	-	15	15
68M	7	15	22
68S	3	5	8
68X	6	21	27
69M	6	12	18
69X	-	12	12

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70	-	14	14
70K	-	7	7
70R	-	10	10
70S	-	24	24
70X	-	19	19
71A	-	4	4
71B	-	2	2
71K	-	6	6
71S	-	4	4
72	-	9	9
72A	-	6	6
72X	-	20	20
73	-	7	7
73A	-	8	8
73K	-	2	2
73X	-	23	23
74A	-	12	12
74K	-	2	2
74R	-	17	17
74X	5	19	24
75K	-	6	6
75X	3	13	16
76K	-	8	8
77K	-	10	10
78K	-	4	4
79K	-	3	3
80	-	22	22
80K	-	11	11
80M	-	8	8
80S	-	11	11
80X	-	8	8
81	5	13	18
81C	4	21	25
81K	-	11	11
81M	-	7	7
82K	-	6	6
82M	2	8	10
82S	-	14	14

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82X	3	5	8
83K	-	8	8
83P	-	2	2
83X	-	5	5
84M	-	5	5
85	-	10	10
85A	-	12	12
85B	-	10	10
85C	3	13	16
85K	-	19	19
85M	5	15	20
85S	-	22	22
86	-	13	13
86A	-	8	8
86B	-	7	7
86C	3	13	16
86K	-	16	16
87	-	5	5
87A	3	10	13
87B	-	14	14
87D	6	13	19
87K	-	12	12
88K	-	10	10
88M	-	5	5
89	1	11	12
89B	2	11	13
89C	-	14	14
89D	4	9	13
89X	-	8	8
90	4	-	4
91	-	8	8
91M	-	9	9
92	-	12	12
93A	-	14	14
93K	2	22	24
93M	-	6	6
94	1	1	2
95	-	15	15

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95M	-	10	10
96R	-	10	10
98A	4	15	19
98C	-	10	10
98D	8	11	19
99	-	1	1
100	10	-	10
203	8	-	8
203E	12	-	12
208	8	-	8
211	9	-	9
212	10	-	10
215X	14	-	14
216M	6	-	6
216S	6	-	6
219X	5	-	5
224M	3	-	3
224X	8	-	8
230X	3	-	3
234A	9	-	9
234P	2	-	2
234X	10	-	10
235	6	-	6
235M	7	-	7
235X	3	-	3
238M	4	-	4
238X	12	-	12
241S	7	-	7
242X	2	-	2
243M	7	-	7
252B	2	-	2
257B	1	-	1
258B	2	-	2
258C	1	-	1
258D	2	-	2
259B	2	-	2
259C	1	-	1
259D	2	-	2

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260B	4	-	4
260C	4	-	4
261B	1	-	1
261M	4	-	4
262P	4	-	4
263R	6	-	6
267S	1	-	1
268B	3	-	3
269C	3	-	3
270	4	-	4
271	14	-	14
271S	8	-	8
272P	1	-	1
273	12	-	12
276	19	-	19
280P	5	-	5
281P	2	-	2
281S	7	-	7
282	5	-	5
284	10	-	10
289R	4	-	4
290	4	-	4
291R	1	-	1
292P	1	-	1
293P	2	-	2
293S	8	-	8
298	10	-	10
298R	4	-	4
299	11	-	11
848	-	10	10
868	2	-	2
872	-	8	8
885	-	5	5
886	5	-	5
887	-	17	17
888	-	5	5
889	16	-	16
891	-	10	10

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A1	5	-	5
A7	4	-	4
A8	4	-	4
B1	6	-	6
<i>Cross Harbour Routes</i>			
101	14	4	18
101R	-	10	10
102	11	4	15
102R	-	20	20
103	7	-	7
104	8	6	14
105	11	4	15
106	7	2	9
107	6	-	6
108	6	-	6
109	-	5	5
110	5	-	5
111	13	-	13
111S	-	5	5
112	13	-	13
112S	-	3	3
113	-	11	11
114	4	-	4
115	4	-	4
116	7	1	8
117	4	-	4
118	7	-	7
121	-	3	3
122	-	3	3
170	7	-	7
171	5	-	5
182	6	-	6
300	12	-	12
301	7	-	7
302	4	-	4
303	2	-	2
305	1	-	1

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307	6	-	6
334	2	-	2
336	3	-	3
337	1	-	1
348	1	-	1
368	2	-	2
369	1	-	1
373	1	-	1
601	4	3	7
603	10	-	10
606	3	3	6
619	4	3	7
641	6	-	6
680	3	5	8
681	5	-	5
690	3	5	8
691	5	-	5
802	1	-	1
811	1	-	1
A2	8	-	8
A3	5	-	5
A5	5	-	5

## Citybus Bus Routes (as at end of December 1995)

<i>Route No.</i>	<i>No. of A/C buses</i>	<i>No. of non-A/C buses</i>	<i>Total</i>
<i>Local Routes</i>			
1	6	-	6
1M	3	-	3
5	2	10	12
5A	3	5	8
5B	3	5	8
5M	*	4	4
6	6	-	6
6A	4	-	4



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6X	2	-	2
7	9	-	9
10X	4	-	4
11	8	-	8
12	4	-	4
12A	3	-	3
12M	3	-	3
37	-	4	4
37M	6	-	6
40	9	-	9
40M	10	-	10
48	-	6	6
61	4	-	4
61M	3	-	3
70	12	-	12
70M	*	4	4
71	6	*	6
72	*	8	8
72A	*	6	6
72B	-	3	3
73	-	7	7
74	2	-	2
75	*	8	8
76	3	-	3
85	2	6	8
90	11	-	11
90A	2	-	2
90B	8	-	8
92	7	*	7
96	*	7	7
97	12	-	12
97A	-	2	2
98	*	6	6
99	7	-	7
260	8	-	8
511	2	-	2
592	8	-	8
N72	2	-	2

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N90	2	-	2
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*Cross Harbour Routes*

103	7	-	7
107	6	-	6
117	4	-	4
118	7	-	7
170	8	-	8
171	5	-	5
182	6	-	6
681	5	-	5

\* Additional A/C or non-A/C buses may be deployed to supplement the service

黃偉賢議員問：在我未提出補充質詢前，我想主席先生作出裁決，究竟運輸司有否回答我的質詢？他除了提供一些數字外，完全沒有回答我的(c)項和(d)項質詢。我要求主席先生作出裁決，運輸司有否回答我的質詢？

**PRESIDENT:** It is for the Secretary for Transport to answer your question. He has provided an answer. If you seek clarification you can ask a supplementary, Mr WONG Wai-yin.

黃偉賢議員問：主席先生，運輸司沒有回答我的質詢的第三和第四點。冷氣巴士已經在香港服務了很多年，我的質詢主要問冷氣巴士和非冷氣巴士票價的平均差距，以及如何釐定提供同一路線的冷氣巴士和非冷氣巴士的數目。我很希望運輸司在稍後作覆時，詳細談談這兩個部分。請問運輸署作為一個監管架構，如何監管巴士公司開出的冷氣車輛數目符合運輸署所批准的數目，而不會超出該數目呢？

**PRESIDENT:** There are several supplementaries here. I will let the Secretary answer the first supplementary.

**SECRETARY FOR TRANSPORT:** Mr President, regarding the average fare differentials between fares of air-conditioned and non-air-conditioned buses, I have given the average figures in part (c) of the reply in the Annex. For CMB, the difference is 33%, for KMB it is 39%, and for Citybus, it is 20%.

Insofar as monitoring is concerned, Mr President, the numbers and types of buses deployed on each route are proposed by the franchised bus companies and are subject to approval by the Commissioner of Transport. In giving this approval, the Commissioner takes into account the views expressed by District Board Traffic and Transport Committees when route development programmes are put to these committees.

Insofar as the actual deployment of buses is concerned, the Transport Department carries out surveys and spot-checks to monitor the position.

劉健儀議員問：運輸司可否告知本局，政府如何確保冷氣巴士和非冷氣巴士的比例能真正符合乘客的需求？有關乘客需求方面，他們通常覺得在夏天，冷氣巴士的冷氣不足和數目不夠；但在冬天，則覺得冷氣巴士數目太多而冷氣又過量。

**SECRETARY FOR TRANSPORT:** Mr President, I do not think it is practical for the bus companies to have two fleets of buses, one for the summer and one for the winter. Having said that, as I said, the Department does monitor the actual deployment of buses. The newer generation of air-conditioned buses in fact provide for warm air as well; they have thermostat controls. And as I said, our feedback and that from the bus companies is that more and more passengers prefer the comfort and the quality provided by air-conditioned buses.

黃偉賢議員問：主席先生，運輸司可否告知本局，在過去三年，三間巴士公司的冷氣巴士所佔盈利的百分比為何？

**PRESIDENT:** I am afraid that exceeds the scope of the original question, but if the Secretary has the answer.

**SECRETARY FOR TRANSPORT:** Mr President, I do not have the detailed figures, but I shall try and provide those for the Honourable Member. (Annex II) Bus companies must operate both profitable and non-profitable routes. But I can give Honourable Members an assurance that the revenue from passengers who travel on non-air-conditioned buses in no way subsidizes the operating costs of air-conditioned buses.

### Repatriation of Vietnamese Migrants in 1997

4. 劉慧卿議員問：主席先生，最近有中國官員聲稱，香港特別行政區政府在一九九七年主權移交後可能會“即捕即解”抵港的越南船民。關於此事，政府可否告知本局：

- (a) 現時處理難民及非法入境者的政策由哪些法例規管；
- (b) 當局如何執行該等政策；及
- (c) 在何種情況下會執行現行的“即捕即解”政策？

保安司答：主席先生，

- (a) 有關處理一般非法入境者的法例，載於《人民入境條例》（香港法例第115章）第4、11、18、19及38條。至於涉及處理來自越南的非法入境者的法例，則載於《人民入境條例》第IIIA部。該條例的有關內容節錄本，已載於本答覆的書面附件內。
- (b) 一般來說，我們的政策規定：除非基於特殊的人道立場或恩恤理由，否則必會盡速把非法入境者遣回原居地。對於若干類別的非法入境者，例如在工作地點發現的或曾觸犯其他罪行的非法入境者，則必須在服完法庭所判的刑罰後，才會被遣返原居地。至於來自越南的非法入境者，我們承諾會按照聯合國難民專員公署所訂的準則（即他們有否充分理由害怕遭受逼害），來審查及決定他們是否難

民，作為綜合行動計劃的一部分。若界定他們屬於非難民的身分，待越南政府答允收回及完成適當的遣返安排後，便盡快將他們遣返越南。至於被甄別為難民的人士，聯合國難民專員公署則安排他們移居其他地方。

- (c) 遣返非法入境者的工作，不單要視乎《人民入境條例》的有關權力，還須收容國或地區同意收回相信是該國公民的人士。一般來說，當收容國核實非法入境者的身分後，遣返工作便可開始。至於中國非法入境者，由於我們和中國有協議，所以毋須中國核實在香港被捕的非法入境者的身分，便可立刻把他們遣返中國。

**PRESIDENT:** As the relevant extracts from the law are published material, I will have them removed from the official record, the Hansard. So, for all intents and purposes, the printed extracts are placed at the seats of Members for their reference.

劉慧卿議員問：主席先生，在主要答覆的(a)段中，政府並沒有回答我的質詢，因為我的質詢(a)部分有兩個問題，即有何法例規管處理難民和非法入境者。主席先生，政府在答覆的(a)部分只是回答了有關非法入境者的問題，也提到《人民入境條例》的條文，但在答覆的(b)部分，保安司只提及越南人，說香港承諾會按照聯合國難民專員公署所訂的準則來審查他們是否具有難民身分。如果我們看看政府今天所附錄的《人民入境條例》，第13條也特別提到越南人。主席先生，請問政府，一般來說，香港是否沒有法例處理難民？又為何香港特別制訂了一項法例，只處理越南難民？

保安司答：主席先生，其實劉議員的質詢我在主要答覆中已經解釋清楚，與處理非法入境者政策有關的法律條文已在我的主要答覆(a)部分臚列出來。至於處理難民的香港法例也在主要答覆(a)部分臚列出來。當然，大家在看過這些條例後也會明白，來自越南的非法入境者是有一套特別的甄別難民身分程序的。我在答覆的(b)部分已清楚解釋原因，由於綜合行動計劃的一個條件就是香港和其他收容港須在本身的地區內進行甄別難民程序，那些被甄別為難民身分的越南人，獲得其他參與國答應收容後，透過聯合國難民專員公署的安排，便會移民外地。至於被甄別為非難民的越南人，則由我們送返越南。

黃震遐議員問：主席先生，政府是否可告知本局，除了越南人外，沒有其他人有資格做難民？若是的話，原因為何？

保安司答：主席先生，在香港的法律規定下，除了由越南進入本港境內的人外，並沒有其他正式的難民甄別政策法例。至於為何由越南來的非法入境者有這種條款規定，我已經在主要答覆和剛才回答劉議員的質詢時解釋了兩次。

**PRESIDENT:** Last supplementary.

劉慧卿議員問：主席先生，由於法例太多，我們沒有時間細看，我想請政府清楚告知我們，因為我與黃震遐議員同樣擔心，我們有否法例規定如何甄別非越南來港的人為難民，以及我們如何處理這些人？有些人可能不是來自越南，但他們來港尋求政治庇護，政府可否證實會如何處理呢？也許政府可以告知我們，是否因為.....

**PRESIDENT:** You can ask only one supplementary, Miss LAU.

劉慧卿議員問：請問我可否多提出一項補充質詢，因為只有兩名議員提問？

**PRESIDENT:** Would you please resume your seat. Take that first supplementary first, Secretary for Security.

保安司答：主席先生，現時的情<sup>心</sup>是，在法律規定下，我們有一個特別的程序，甄別由越南來港的非法入境者是否難民。在法律規定下，除了越南來港的人外，並沒有其他法定程序。不過，我在主要答覆中也提到，我們一般的政策是規定非法入境者必須遣返原居地。除非基於特殊的人道立場或恩恤理由，人民入境事務處處長才可以根據這些特殊理由，行使他的酌情權，讓他們留在香港。

**PRESIDENT:** I have earlier said last supplementary but since then I have one further Member who wishes to ask a question. I will allow two more supplementaries.

何俊仁議員問：請問“即捕即解”政策是否適用於申請難民資格的其他任何國籍人士，而聯合國的《難民公約》，及現時甄別難民的一些慣例是否適用於任何申請難民資格的人士，而不論其國籍、膚色或其他因素？

保安司答：主席先生，我再重複一次，甄別難民身分的法律和法律下的政策只是適用於由越南來港的非法入境者。至於不是由越南來港的非法入境者，我們沒有甚麼特定的法律來規定我們必須審查他們的難民身分。至於如何處理這些非法入境者，我在主要答覆中(b)部分已經說得很清楚，我們主要會將他們遣返原居地，除非人民入境事務處處長認為有特殊的人道立場或恩恤理由，才會運用其酌情權，讓他們留在香港。

劉慧卿議員問：主席先生，為了公平起見，請問政府會否考慮立法，令所有來港尋求政治庇護的人，即無論是越南人也好，非越南人也好，都可以在香港法例的規定下接受甄別？

保安司答：主席先生，《人民入境條例》內有關甄別越南人難民身分的條文是很特別的條文，我們是在很特殊的情<sup>♥</sup>下才制訂這樣的條文。我相信當香港不再有越南船民問題存在時，那些條文日後也會隨之而取消。

## Marine Accidents in Narrowed Fairways

5. 劉健儀議員問：主席先生，鑑於本港現時進行多項填海工程，令海港航道收窄，政府可否告知本局：

- (a) 過去三年，在本港水域發生的交通意外有多少宗；其中有多少宗引致人命傷亡；及

- (b) 本港水域內有多少個意外黑點；有何措施減少意外在此等黑點發生？

經濟司答：主席先生，

- (a) 首先我想澄清一點，就是香港水域的航道並不會因填海工程而收窄。當然，在某些地區進行工程，例如現時在中環和九龍進行西區海底隧道及新的地下鐵路隧道鋪設管道工程時，航道可能會暫時收窄。一俟這些工程在九六年年底或九七年年初竣工，所有航道便會回復原先的闊度，即至少闊380公尺。因此，我可向各位議員保證，航道不會因填海工程而永久收窄。

有關質詢的(a)部分，過去三年的海上交通意外數字如下：

一九九三年	286宗；
一九九四年	239宗；
一九九五年	294宗；

這些事件大部分屬輕微意外。其中引致人命傷亡的意外在一九九三年有16宗，一九九四年有九宗，一九九五年有七宗。

- (b) 關於海上交通意外黑點，海事處處長已確定了三個區域——分別在青衣、油地及中環附近，這些水域的輕微意外較為頻密。海事處已採取積極措施，加強這些區域及香港水域內其他地區的海上安全。這些措施包括：
- (i) 重新勘定航道及碇泊區界線，使遠洋船隻較易行駛及減少有碰撞危險的區域；
  - (ii) 改善領航服務，包括為領港員提供更多訓練，並規定所有3 000噸或以上的船隻須聘用領港員；
  - (iii) 調配更多人手和增設新設備及控制中心，從而加強本港的船舶航行管理系統。其中一個例子，是在馬灣開設新的海上交通控制站，以督導該區日益繁忙的海上交通；



- (iv) 延長海港巡邏艇的工作時間，以及增調船艇投入巡邏服務。我們的最終目標，是在香港海域提供24小時巡邏服務；及
- (v) 按照交通量及實際需要，修訂船隻航行的速度限制。

除上述海上交通管理改善措施外，海事處現正進行一項“海事活動、相關危險評估及善用香港水域未來策略綜合研究”。這項研究會在本年內完成，應有助我們制定日後有關善用本港水域的政策。

劉健儀議員問：主席先生，就去年四月兩艘貨櫃輪相撞事件，政府成立了一個調查委員會。該委員會完成了調查後，曾作出16項主要建議，以加強海上安全。經濟司可否告知本局，在該16項建議中，有多少項為政府接納？獲接納的建議具體為何？又哪些建議不獲接納？原因為何？

經濟司答：主席先生，總括而言，今天我在主要答覆(b)段所提出的改善措施便是基於當時該意外事件而作。至於委員會的16項建議以及政府就各項建議的回應，我會以書面方式向劉議員提供。(Annex III)

何承天議員問：主席先生，我希望經濟司作出澄清，他說填海工程不會令航道收窄，但無可否認，海港很多地方已經收窄。現在已沒有舉行渡海泳了，否則，我相信很多人都可完成賽程；不過，海港這麼污染也是不可能舉辦賽事的。經濟司說航道沒有收窄，但他沒有提到以往很多用來泊船的地方，細小的船隻都可以通過。事實上，航道是收窄了，只餘下航道而沒有泊船處，所以大小船隻都在同一航道航行，請問這會否影響安全？

經濟司答：主席先生，整體而言，現時泊船的地方已由維多利亞港中央或西北部完全轉移到大嶼山東面及新界青山公路南面的大片區域。在那些區域有穩定的位置供船隻停泊。至於議員提到的那些稍窄的地方，主要是以前中環有些可以泊船的地方，例如油地避風塘附近，但現時那些地方因填海已不再存在，所以在稍窄的地方根本不應有船停泊。船隻應停在已定好的泊位，餘下仍有相當足夠的闊度可以保留作為航道。最窄的地方現時超過800公

尺。剛才我也提到，在法律上，在最窄的800公尺內至少須保留380公尺作航道，短期的停泊則可以利用其他位置。

黃偉賢議員問：主席先生，有些工程界人士說維多利亞港以往大約有1 600公尺的距離，經多次填海後，現已收窄至剛才經濟司所證實的800公尺，即距離縮窄了一半，而船隻在這數年間卻增加不少。請問經濟司，380公尺的航道距離是基於甚麼準則釐訂？這樣的航道可以安全容納多少艘船隻？現在船隻這樣多，380公尺航道是否還適用於如此繁忙的維多利亞港？當局有否需要控制進入維多利亞港的船隻數目？

經濟司答：主席先生，在稍窄的地方，海事處已有明文規定怎樣使用這380公尺的航道。至於380公尺的航道是絕對足夠船隻應用，因為普通一艘我們所見的最大型郵輪或貨櫃船，闊度都是大概40至50公尺，所以380公尺航道內可供很多這類船隻安全地航行，如果它們守規矩的話。

劉健儀議員問：主席先生，我較早前提到的那個調查委員會曾在其報告書中指出青衣南是一個危險黑點，因為有四條航道在那裏匯合。請問經濟司可否告知本局，有否一些特別的措施針對這個特別危險的黑點？

經濟司答：主席先生，我在主要答覆中已提出青衣這個黑點，這是現時出現較多輕微碰撞事件的地方。我們實際上如何控制以及船隻如何航行，我要用圖表以書面方式向劉議員提供。(Annex IV)

## Indoor Air Quality

6. **DR JOHN TSE** asked: *Will the Government inform this Council of the following:*

- (a) *what are the principal indoor air pollutants commonly found in commercial buildings, factories and residential premises in Hong Kong, and what effects these pollutants have on public health;*

- (b) *whether such buildings are designed and operated to provide sufficient outside air for each unit inside each building; if so, whether there are guidelines specifying the minimum level of fresh air to be provided, and what action will be taken if the supply of fresh air is below the specified level;*
- (c) *whether the Government has carried out any research to gather data and information on indoor air quality and its associated health risks; if so, how many buildings are affected by indoor air pollutants, and how many occupants are put at health risk due to the presence of indoor air pollutants;*
- (d) *whether any measures, apart from the publication of educational materials, have been adopted to prevent building-related illnesses (for example, Legionnaires' Disease) occurring; and*
- (e) *whether any strategies or plans have been drawn up to improve indoor air quality; if so, what are the details?*

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

- (a) The most commonly found air pollutants in commercial and residential buildings include carbon dioxide, tobacco smoke, volatile organic compounds, microbes, radon gas, and air-borne particulates. The types of pollutants found in factories are setting-specific, depending on the chemicals and processes employed. Long-term exposure to high concentrations of indoor air pollutants may have harmful effects on health. Exposure to environmental tobacco smoke can lead to lung cancer while a microbe found in water-cooled air conditioning system could cause Legionnaires' Disease.
- (b) Buildings in Hong Kong are designed to provide sufficient fresh air for each occupant. The Building (Planning) Regulation sets out the required standards of ventilation for office and residential buildings. The Factories and Industrial Undertakings Ordinance requires

adequate ventilation in factories and notifiable workplaces. The Public Health and Municipal Services Ordinance also requires owners of public places such as restaurants and cinemas to design and operate their ventilation systems to ensure adequate circulation of fresh air. Offenders are liable to penalties such as fines and suspension of business licence.

- (c) We have recently commissioned a consultancy study on indoor air pollution in offices and public places. When completed in mid-1997, the study will provide information for the assessment of the nature and extent of indoor air quality problems and the need for prevention and mitigation measures.
- (d) An effective means to prevent building-related illnesses is to ensure adequate ventilation; this is currently effected through legislation governing buildings and workplaces. In addition, the prohibition of smoking in public places under the Smoking (Public Health) Ordinance can reduce the health impact of environmental tobacco smoke. As regards Legionnaires' Disease, preventive measures include a code of practice issued in December 1994 on the design, installation, operation and maintenance of air-monitoring and water systems, monitoring the occurrence of Legionnaire's Disease and investigating notified cases. Apart from information leaflets on the disease, a hotline has been set up by the Electrical and Mechanical Services Department to handle public enquiries. A territory-wide survey on cooling towers is also being carried out and will be completed by April this year. The data from this survey will assist in identifying the source of the disease in case of an outbreak.
- (e) The need for longer-term measures to improve indoor air quality will be assessed in the light of the findings of the consultancy study on indoor air pollution mentioned earlier. In the meantime, we propose to extend the statutory provisions governing ventilation in factories and industrial undertakings to office buildings. The proposed new legislation, which will cover matters such as ventilation and maintenance requirements, will be submitted to this Council later this year.

**DR JONH TSE:** *Mr President, given the fact that most people spend over 80% of their time indoors — perhaps some of us here spend over 90% of our time indoors — together with the negative effects of indoor pollutants, will the Government establish a set of air quality standards to regulate and control air quality in public buildings and residences?*

**SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS:** Mr President, as I have mentioned in my main reply, the ventilation standards of these types of buildings are already provided in law and they are enforced and monitored by the departments concerned. None of these monitoring and inspection results indicate a problem. Establishing an indoor quality standard is something we can consider later, but at the moment, we do not see any major problems arising from the standards we have set for the ventilation of mechanical air-coolers and conditioners.

鄭家富議員問：規劃環境地政司主要答覆的(e)部分提及建議的新法例，請問政府會否在新法例中，對採用中央冷氣系統的商业樓宇和工廠在冷氣維修和保養方面作出監管，要求進行定期檢查，以減低室內的空氣污染程度？

規劃環境地政司答：主席先生，現時工業和商业樓宇所裝設的空氣調節系統的設計、裝配和運作，法例已作出規定。我們仍可考慮日後引進一些新法例，以進一步監管。我們會在這方面加以考慮。

## WRITTEN ANSWERS TO QUESTIONS

### Use of Tear Gas

7. **MISS MARGARET NG** asked: *Will the Government inform this Council:*

- (a) *of the dates and locations when tear gas was used in Hong Kong in the last five years, together with the circumstances giving rise to such use and the quantity used on each occasion;*
- (b) *whether there are any policies and guidelines governing the use of*

*tear gas; if so, what the details are; and*

- (c) *whether any tests have been conducted regarding possible harmful effects of tear gas on human beings, particularly when used in confined areas; if so, what the results are?*

**SECRETARY FOR SECURITY:** Mr President, between 1991 and 1995, the police used CS (o-chloro-benzylidenemalononitrile) gas on 25 occasions to maintain order in Vietnamese migrant detention centres (five times), to prevent smugglers escaping in "Tai Fei" or "Chung Fei" (17 times), to arrest armed or violent criminals (twice), and to deal with a civil disorder (once). From 1991 to 1995, the Correctional Services Department have used CS gas on 15 occasions in the Whitehead, High Island and Nei Ku Detention Centres to restore order during disturbances or during camp transfer operations. The quantity of CS gas used on each occasion varied from one round to over 3 800 rounds of CS cartridges and grenades.

The use of CS gas is subject to the general principle of use of minimum force in achieving specific objectives. This principle is provided in, for example, Rule 38 of the Immigration (Vietnamese Migrants) (Detention Centres) Rules, Rule 238 of the Prisons Rules and the relevant internal guidelines on the use of force of the Police Force. In essence, these provide for the following:

- (a) only the minimum level of force should be applied;
- (b) the use of force is to restore order quickly;
- (c) whenever possible, warning will be given;
- (d) force will not be used as a punitive measure;
- (e) force will cease immediately when the objective has been achieved;
- (f) the degree of force permissible is determined by the senior officer present; and

- (g) the decision to use CS gas within buildings, if required, rests with the senior officer present.

The Government does not conduct tests itself but keeps itself abreast of research conducted overseas on the effects of the use of tear gas. In the late 1970s, the Police Force replaced CN (w-chloroacetophenone) with CS smoke because the latter had been proven to be a much less toxic chemical agent. In addition, research so far has not been able to establish that tear smoke will cause prolonged or seriously harmful effect if it is used properly.

### Telephone Lines for Elderly CSSA Recipients

8. 羅致光議員問：綜合社會援助（“綜援”）計劃指引規定，獨居、傷殘或有特殊需要的老人才會獲社會福利署（“社署”）資助安裝電話，而其他老人則須向某些福利基金申請。政府可否告知本局：

- (a) 現時領取綜援金的老人中，有多少是獨居的，又有多少是非獨居的；
- (b) (a)項所指的兩類老人中，各有多少獲社署資助安裝電話，又有多少不獲資助？
- (c) 社署批准資助非獨居老人安裝電話的準則為何；及
- (d) 社署有否考慮資助所有領取綜援金的老人安裝電話；若有，結果為何？

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

- (a) Of the elderly persons currently in receipt of Comprehensive Social Security Assistance (CSSA), about 53 300 are living alone, about 23 900 are living in residential institutions and about 16 600 are living in a family.
- (b) We estimate that about 8 400 elderly clients living alone and about

3 700 elderly clients living in a family are receiving special grants to pay for their monthly telephone charges. We have no readily available statistics on the number of elderly CSSA clients who have received special grants for the provision of telephone lines.

- (c) Elderly CSSA clients not living alone may be provided with special grants for installing telephone lines if they can demonstrate a need for this facility to maintain contact and communication with other people. This special grant would be provided, for example, if all other members of the household were habitually not at home during the day and the elderly person thus left alone had no other easy access to a telephone.
- (d) Special grants for installing telephone lines are provided to those who need such a facility. It would not be appropriate to provide this special grant to all elderly clients regardless of whether they have such a need. For example, most elderly clients living in residential institutions already have access to communal telephones; many already have their own telephone lines installed before they join the CSSA Scheme; and some living in private tenements are able to use communal telephones provided by their landlords.

### **Aviation Fuel Rationing at Kai Tak before Christmas 1995**

9. **MR HOWARD YOUNG** asked: *Will the Government inform this Council:*

- (a) *of the circumstances leading to the necessity for adoption of special arrangements for the distribution of fuel to airlines at Kai Tak airport immediately before Christmas last year;*
- (b) *what is the prescribed minimum level of fuel supply at the airport and whether the level of supply will be increased upon the*



*commissioning of a new fuel tank; and*

- (c) *what is the present progress regarding the project to construct additional fuel receiving facilities; and whether the commencement of the project has been delayed, and if so, what the reasons are?*

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

- (a) On 27 December 1995, the management of the Oil Companies Tank Farm at Kai Tak airport advised the Director of Civil Aviation that scheduled deliveries of aviation fuel from Singapore to the Tsing Yi oil depots would be delayed by two to three days because heavy seas on the delivery route required the oil companies'/tankers to reduce speed. Consequently, the total stock of aviation fuel in Hong Kong fell below the usual level maintained by the oil companies. Fuel rationing at Kai Tai airport was put into effect on that date and lifted on 2 January 1996 upon arrival of the tankers and replenishment of stocks.
- (b) The oil companies supply aviation fuel continuously from the Tsing Yi oil depots so as to maintain the stock at the airport close to the maximum level of about 27000 cu m, which is equivalent to 2.7 days' consumption. A new fuel tank is expected to be commissioned in March 1996. This will increase the total storage capacity at Kai Tak to 35 000 cu m, which is equivalent to 3.5 days' consumption.
- (c) The additional fuel receiving facilities currently being constructed by the oil companies at Kai Tak comprise the new fuel tank mentioned in (b) above and a second dolphin for off-loading fuel from barges. Construction of the new dolphin was due to commence in September 1995 but has been delayed due to objections raised by a utility company, which has expressed concern that the works may affect a submarine gas pipe. Discussions are under way between the companies concerned to resolve the matter.

**Payment of Premium before Resale of HOS Property**

10. **MR BRUCE LIU** asked: *In the judgement in M.P. 3630 of 1994 (CHAN Chi-hung and LAW Lai-wan vs TSE Ying-piu and WONG Yiu-lai Flavia) (the "said judgement") delivered in September 1995, the judge interpreted paragraph (a) of the Schedule to the Housing Ordinance (Cap. 283) to mean that an owner of a Home Ownership Scheme property ("HOS property") shall have "first paid to the Authority the amount of the premium" before completing the sale of the property to a new purchaser. That is to say, such owner cannot use the proceeds of sale to pay the premium to the Authority. In this connection, will the Government inform this Council:*

- (a) *whether the administration accepts the reality which is that an owner of HOS property would sell his property and concurrently on completion of his sale pay the premium to the Authority from the proceeds of such sale; and*
- (b) *if so, in order to remove any doubt cast by the said judgement, whether the Administration intends to amend the Schedule to the Housing Ordinance?*

**SECRETARY FOR HOUSING:** Mr President, when a Home Ownership Scheme (HOS) flat is sold, it is common practice for the purchaser's solicitor to send the assignment document and the sale proceeds to the vendor's solicitor, subject to an undertaking that the vendor will pay the premium to the Housing Authority before the completion of the sale. The assignment takes effect only after payment of the premium. In this way, the vendor can cover the required premium payment from the sale proceeds. The use of this form of transaction is subject to mutual agreement between the vendor and the purchaser.

The requirement for payment of premium under the Schedule is clear, and solicitors have generally not encountered difficulties in handling the sale of HOS flats either before or after the court case mentioned.

**Expenditure Guideline Projections' Reference Date**

11. **MR SIN CHUNG-KAI** asked: *It is mentioned in the "Practitioner's Guide — Management of Public Finances" published in March 1995 by the Finance Branch that the reference date for expenditure guideline projections is 1990-91 and that the expenditure ceiling for 1990-91 has been used to determine the expenditure guideline projections for subsequent years. Will the Government inform this Council:*

- (a) *of the criteria adopted for choosing 1990-91 as the "reference date" for expenditure guideline projections; and*
- (b) *whether a new reference date for the 1996-97 expenditure guideline projection will be adopted; if so, how many expenditure guideline projections will be covered by this new reference date?*

**SECRETARY FOR THE TREASURY:** Mr President, the Government has for many years followed the fundamental principle that government expenditure, over time, should be planned to grow at a rate no faster than the forecast trend growth rate of the economy measured in terms of the Gross Domestic Product (GDP). This broad working hypothesis was reinforced with the introduction of the Medium Range Forecast in 1986-87. From that time, the additional resources which could be made available each year to fund new/improved government services was controlled by reference to the forecast trend growth rate of GDP. However, at that time, there were no formal overall expenditure guidelines.

In 1990, given the substantial infrastructural investment planned over a number of years, particularly in connection with the Airport Core Programme, and the need to assure ourselves that this investment could be accommodated without breaching the principle of controlling expenditure referred to above, the Financial Secretary adopted a fixed reference point for the purpose of planning future government expenditure. This fixed reference point was based on projected spending in 1990-91 and was used to determine the expenditure guidelines for 1991-92. These guidelines were published, for the first time, in the printed version of the Budget speech in March 1992.

Since that time, the expenditure guidelines have been rolled forward each year to take account of:

- (i) the forecast trend growth rate of GDP;
- (ii) the effect of price changes; and
- (iii) changes in the scope of government activities (for example, the guidelines have been reduced to reflect the creation of government trading funds, the expenditure on which ceases to be a charge on the General Revenue Account).

The expenditure guidelines for 1996-97 have been prepared on this same basis. There is no intention, at this time, to adopt a new reference date in calculating the expenditure guidelines for future years.

### **Withholding of Passports of Imported Workers**

12. 劉千石議員問：去年十二月十八日，三十多名受僱於建築運輸公司的外勞向警方投訴其中國護照被勞務公司扣留不獲發還。對於有關投訴，在警方未通知工人調查結果之前，有關的勞務公司最近聲稱已將該批工人的護照送往廣州存放。就此，政府可否告知本局：

- (a) 警方在接到外勞投訴被勞務公司（包括由中國大陸外派及本港人士開辦者）扣留護照時，如何處理該等投訴；
- (b) 在調查後，若警方確知勞務公司或個人扣留了外勞的護照，是否會提出起訴；及
- (c) 上述外勞的護照被扣押在中國大陸，當局如何協助他們，使其能早日回鄉？

**SECRETARY FOR SECURITY:** Mr President,

- (a) Upon receipt of complaints from imported workers about the withholding of their passports by labour service companies, irrespective of their country of origin, the police will investigate to ascertain if any criminal offence has been committed. Where necessary, the police will also liaise through established channels with the appropriate authorities in the country of origin of the workers or the companies concerned.
- (b) The fact that a person may be holding another person's passport does not necessarily mean that a criminal offence has been committed. There are, however, certain specific charges that can be considered where the circumstances justify, such as possession of unlawfully obtained travel document under section 42(2)(c)(i) of the Immigration Ordinance, or being a money lender demanding or accepting the passport as security for a loan contrary to section 29(5) of the Money Lenders Ordinance. The police will decide whether to institute legal proceedings against the labour service companies concerned depending upon the merits of the case, and may, if necessary, seek advice from the Attorney General's Chambers.
- (c) When necessary, the Immigration Department, in consultation with the Labour Department, will liaise with the relevant authorities in China through established channels to assist those imported workers who do not have valid travel documents with them, with the aim of facilitating their return to China.

### **"Shenzhen-Hong Kong Convergence" Concept**

13. 李鵬飛議員問：本港與中國廣東省地區，尤其深圳和珠海兩個經濟特區，在經濟和民生方面的聯繫日趨緊密，目前更有報道指出，深圳市官員已經完成了一份有關深圳和香港經濟合作的方案，提出所謂“深港銜接”的概念。就此，政府可否告知本局：

- (a) 政府是否知悉上述合作方案的內容，以及有關“深港銜接”的建議；若然，政府有否就此項方案與中方官員磋商；及

- (b) 政府是否有就本港與深圳、珠海兩地廣泛及長遠的經濟合作，與深圳市、珠海市官員或其他中方官員磋商；若然，詳情為何？

**FINANCIAL SECRETARY:** Mr President, the Hong Kong Government has not received any report or proposal from the Chinese side on the subject of "Shenzhen — Hong Kong convergence", nor has the subject been raised with us by Chinese officials. No discussion of such a report has taken place between the Government and the Chinese side.

We believe it is essential to maintain a high level of economic co-operation between Hong Kong and the neighbouring regions in Guangdong Province. We pursue this fully. For example, the Hong Kong Government plays an active part in developing the border liaison network with relevant authorities in Guangdong Province. More recently, the Infrastructure Co-ordinating Committee (ICC), brings together senior officials on both sides to co-ordinate the development of cross-border road, bridge, marine channel and railway projects, as well as air traffic control and airspace management in the Pearl River Delta. However, there has been no focussed discussion on comprehensive and long-term economic co-operation between Hong Kong and Shenzhen/Zhuhai.

We remain committed to strengthening economic ties between Hong Kong and neighbouring regions in Guangdong Province, while leaving our private sector to identify and pursue the commercial opportunities. We are always willing to consider any new proposals for improving bilateral economic links, which are consistent with the principle of "one country, two systems" and with Hong Kong's status as a separate customs territory. Given the spirit of the Sino-British Joint Declaration and the Basic Law and our international commitment to the World Trade Organization, Hong Kong's economic relationship with Shenzhen/Zhuhai, Guangdong or the rest of China should be one of mutual benefit, pursued on the basis of separate economic systems and policies.

### **Pre-recorded Putonghua Telephone Enquiry Service**

14. 陳鑑林議員問：政府可否告知本局：

- (a) 目前由政府部門提供的“電話錄音”諮詢服務，除廣東話及英語外，是否會以普通話提供，以方便市民，尤其是老年人及新移民使用；
- (b) 是否會考慮訓練接線生或負責處理電話諮詢的人員以普通話提供此項服務；及
- (c) 估計提供上述普通話服務，每年額外開支為何？

**CHIEF SECRETARY:** Mr President,

- (a) Many departments have recognized the need to improve their telephone enquiry systems to meet the needs of the public, particularly the elderly and new immigrants. At present, there are eight computerized telephone enquiry systems which provide services in Putonghua. These include the Department of Health (on Aids counselling and pharmaceutical services), the Social Welfare, Regional Services, Labour, Census and Statistics and Civil Aviation Departments and the Office of the Telecommunications Authority. The Rating and Valuation and the Education Departments also plan to introduce Putonghua to their computerized telephone enquiry systems during 1996.

Other departments which have a major interface with the public such as the Immigration, Legal Aid, Water Supplies and Customs and Excise Departments are also considering introducing this service in future.

- (b) Training courses on handling telephone calls in Putonghua are being provided by the Government to personnel responsible for answering telephone enquiries.
- (c) Where a computerized telephone enquiry system exists, the additional cost of adding Putonghua as a language is not substantial,

although this does vary depending on the complexity of the programming work involved.

### **Importation of Professionals from Mainland China**

15. 梁耀忠議員問：政府在一九九四年三月實施一項試驗計劃，發出共 1 000 個工作簽證，由中國輸入專才，以填補本港非中資公司的專業人員和管理級人員空缺。政府可否告知本局：

- (a) 有否衡量此項試驗計劃會否窒礙培訓本地專才的工作及他們的事業發展；
- (b) 自實施試驗計劃以來，有否制訂任何相應的短期和長期政策，培訓本地專才，以便日後取消此項試驗計劃；及
- (c) 會否考慮待發出的簽證數目超過配額的 50%，便即時檢討此試驗計劃？

**SECRETARY FOR EDUCATION AND MANPOWER:** Mr President, as regards part (a) of the question, the pilot scheme to bring in professionals from China is strictly restricted to those who possess special qualifications and experience of China which are in demand, but not readily available in Hong Kong. All employers wishing to apply for quota under the scheme are required to establish and substantiate their need for a particular professional from China and each application is carefully scrutinized by the Immigration Department before deciding whether it should be approved.

As of 31 January 1996, 688 out of the 1 000 quotas allocated have been approved for which 374 employment visas have been approved. It is not likely that the small number of such professionals who have so far entered Hong Kong for employment, will have any impact on the training and career prospect of the local professionals.



As regards parts (b) and (c) of the question, the pilot scheme is a limited extension to the existing policy on the entry of overseas professionals who possess special skill, knowledge or experience of value to but not readily available in Hong Kong. Whether the pilot scheme should continue depends on the local demand and supply of such professionals from China. In view of the slow take-up and utilization rate of the quotas under the pilot scheme, we will closely monitor the progress and conduct a review as and when a sufficiently large number, say 75%, of the visas have been approved.

### **Stamping of Government Department Letters**

16. **MRS ELIZABETH WONG** asked: *Will the Government inform this Council:*

- (a) *whether government departments will be required to stamp all letters sent out as from 1 April this year; if so, whether the new arrangement will cause extra work to government departments; and*
- (b) *if the answer to (a) is in the affirmative, will the Government provide a breakdown by department of the estimated increase in expenditure on staff cost in the financial year 1996-97 arising from the introduction of the arrangement mentioned in (a) above?*

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

- (a) Government departments are required to pay individually for their own postage with effect from 1 April 1996 under the Post Office Trading Fund operation. The purpose is to reflect the true cost of the postal service used by government departments and to introduce a financial discipline on them to economize on the use of such services. This, however, does not mean that they have to affix stamps to every letter they send. Same as for the private sector, apart from using stamps to pay for postage, government departments can use franking machines to frank postage or post letters vide the

Prepayment In Money or Permit Mailing systems. These arrangements, which are designed to meet the needs of business and bulk posters, obviate the need for affixing stamps.

- (b) Given the availability of alternative means for paying postage, we envisage that only a very small proportion of letters sent by government departments would need to be affixed with stamps. The workload involved would be minimal and can be coped with by existing staff of all departments.

### **Office Rental Allowance for District Board Members**

17. **MR AMBROSE LAU** asked: *It is mentioned in the Policy Commitments published by the Government last year that an accountable office rental allowance of \$4,500 will be introduced to assist district board members to set up ward offices in their constituencies so that they could discharge their duties more effectively. Will the Administration inform this Council:*

- (a) *of the effective date of the introduction of the allowance;*
- (b) *whether the Administration agrees with the prevalent view of district board members that the amount of the allowance is insufficient for such purpose;*
- (c) *whether the Administration will consider raising the allowance to a more realistic amount to achieve the intended purpose;*
- (d) *whether maximum flexibility will be allowed in the use of the allowance so that its intended purpose can be achieved; and*
- (e) *whether the procedural steps for the disbursement of the allowance will be kept to a minimum?*

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

- (a) We intend to submit a proposal for introducing a new Office Rental Allowance for district board members to the Finance Committee on 8 March 1996. Subject to the Finance Committee's approval, the allowance will be payable to district board members from 1 April 1996.
- (b) The allowance is intended to assist district board members to set up and maintain ward offices to enable them to discharge their duties in relation to district board business more effectively. The amount of \$4,500 was worked out on the basis of a survey conducted in 1995 which established that the rent for an office of 30 sq m ranged from \$5,000 for offices in public housing estates to \$9,000 for those in commercial buildings. An average rental of \$7,000 was thus considered a reasonable ceiling. Given that a rental element equivalent to \$2,500 is already included in the existing honorarium for district board members, this new office rental allowance has been set at \$4,500 per month.
- (c) The amount is considered reasonable. Subject to the approval of the Finance Committee, the allowance will be revised annually.
- (d) We intend that recipients of the new allowance will be able to use it against rental costs as well as other office maintenance costs including rates, management charges and utilities expenses. District board members may also pool their allowance to run joint offices. We consider this approach to be one which will give district board members maximum flexibility in determining how they choose to spend their office rental allowance.
- (e) The allowance will be accountable and tax-exempted. District board members will have to provide supporting documentation when claiming reimbursement. This procedure will be simple and straightforward.

### **Traffic Improvement Projects for Central and Western District**

18. 黃震遐議員問：鑑於西區海底隧道將會在一九九七年竣工並開放通

車，屆時將會導致中西區的狹窄道路的交通負荷急劇增加，政府可否告知本局：

- (a) 西隧通車後，中西區的道路交通及行人流量預計會增加多少；及
- (b) 政府是否有任何道路及行人路改善計劃配合西隧通車；若然，該等計劃的進展如何，有關工程能否及時完成？

**SECRETARY FOR TRANSPORT:** Mr President, whilst the opening of the Western Harbour Crossing (WHC) is not expected to result in any significant increase in traffic in Central District, there will be an increase in through traffic in Western District. At present, an average of about 55 000 vehicles a day travel through Western District with peak hourly flows of 4 000 vehicles in the morning and 4 200 in the afternoon. This is forecast to increase to 74 000 vehicles with peak hourly flows of 5 400 in the morning and 5 600 in the afternoon. We do not expect the WCH to have any adverse impact on pedestrian flow.

To cope with the increase in traffic, seven road improvement projects, with suitable pedestrian facilities, are in hand. Five will be completed in 1996 and the remaining two before mid-1997. Details are provided in the Annex.

#### Annex

(1) *Belcher Bay Link*

Progress remains good and the scheduled completion date is September 1996

(2) *Rock Hill Street Extension and associated traffic management measures*

Work is on schedule with completion in July 1996.

(3) *Smithfield Extension*

Work is proceeding at full speed. The scheduled completion date is June 1997.

(4) *Victoria Road Improvement Stage 2 phase 1*

Under construction with scheduled completion date in November 1997. Improvement works on carriageway will be completed by mid-1997.

(5) *Junction of Victoria Road/Cadogan Street Widening*

Upon partial termination of the tenancy affected, works will commence in August 1996. The scheduled completion date is December 1996.

(6) *Pedestrian Subway and junction improvements at Pok Fu Lam Road/Pokfield Road*

Work is in hand and the scheduled completion date is June 1996.

(7) *Pok Fu Lam Road Widening - Stage V*

Work is in hand and the scheduled completion date is September 1996.

### **Attendance at Hong Kong Museum of Art**

19. **DR DAVID LI** asked: *In order to boost public attendance at the Hong Kong Museum of Art (the Museum) and enhance the public's appreciation of the art treasures on display in the Museum, will the Government inform this Council:*

- (a) *of the attendance record of the Museum in the past three years;*
- (b) *whether the Government will consider allowing groups to tour the Museum free of charge;*
- (c) *whether additional provision will be allocated for the launching of*

*publicity campaigns to publicize the Museum's activities; and*

- (d) *whether the Museum will establish closer ties with its counterparts in overseas countries, such as the Metropolitan Museum of Art in New York, and arrange the loan of exhibits from these overseas organizations to add variety to its own exhibits?*

**SECRETARY FOR RECREATION AND CULTURE:** Mr President, I am replying on behalf of the Urban Council.

Concerning the first part of the question, the attendance record of the Hong Kong Museum of Art in the past three years is as follows:

<i>Year</i>	<i>1993</i>	<i>1994</i>	<i>1995</i>
Attendance	155 000	147 000	143 000

These figures do not include attendance at the Flagstaff House Museum of Teaware in the Hong Kong Park, where part of the Museum's collection of Chinese teawares and antiquities are on display, or attendance at educational and extension activities organized by the Museum. The attendance record of the Flagstaff House Museum of Teaware and educational and extension activities in the past three years is set out below:

*Attendance*

<i>Year</i>	<i>Teaware Museum</i>	<i>Educational and Extension Activities</i>
1993	224 000	16 000
1994	185 000	27 000
1995	173 000	38 000

As regards the second part of the question, the Urban Council at present charges \$10 for normal admission and \$5 for admission by the disabled, students and senior citizens aged 60 or over. To attract more visitors to the Museum, the Urban Council has implemented a number of incentive schemes. These are:

- (a) A 30% group discount for groups of 20 visitors or more, for both normal and concessionary admission.
- (b) An annual museum pass for unlimited admission to the Council's four main museums (Art, History, Space and Science) at \$100 for normal admission and \$50 for concessionary admission. A 50% discount is offered for museum pass purchased after 1 October as they are only valid for six months.
- (c) A group pass which admits four visitors but is valid for one visit only. The pass is calculated at the normal rate for the admission of two and is \$20 each.
- (d) A monthly pass, mainly targeted at tourists, at \$50 each and is valid for one month from the date of issue. A 10% discount is offered to holders of the pass at all museums' shops and the Council's publication centres.
- (e) For pre-booked group visits of 20 people or more, the group leader is admitted free and a free guided tour is given by docents trained by the Museum.

The Urban Council is currently examining ways and means to further popularize museum facilities, particularly those of the Hong Kong Museum of Art.

Regarding the third part of the question, publicity for museum activities is an ongoing effort of the Urban Council's Public Information Unit and a variety of methods are used. These include issuing press releases and feature articles to the electronic and print media, placing advertisements for major exhibitions in newspapers and magazines, advertising packages at Mass Transit Railway

stations, Star Ferry Approaches, on TV stations and radios, arranging press conferences and previews of exhibitions for the media and inviting the mass media to attend opening ceremonies of exhibitions. In addition, the Museum produces posters, handouts, exhibition catalogues, and souvenirs to help publicize special events. As part of the Urban Council's current exercise to formulate a Five Year Plan for the museum services, the need for additional publicity will certainly be examined.

Finally, on the question of maintaining closer ties with overseas museums, since the opening of the Museum of Art in Tsim Sha Tsui in November 1991, the Museum has jointly organized 18 major exhibitions with museums and institutions in Canada, China, France, Germany, Italy, Japan, Spain, Switzerland, the United Kingdom and the United States. The Museum will continue to maintain an international character in its exhibition programmes.

### **Professional Staff Establishment of Transport Department**

20. **DR SAMUEL WONG** asked: *In regard to the manpower resources required for various transport-related studies (such as the Bus Only Lane Study, the Freight Transport Study and the Parking Demand Study) being carried out by the Transport Department, will the Government inform this Council:*

- (a) *whether the existing establishment of professional staff in the Transport Department is adequate to handle the extra workload arising from the above studies;*
- (b) *if the answer to (a) is in the negative, whether additional staff have been or will be recruited; if so, what are the details; and*
- (c) *whether a forecast has been made of the additional manpower resources required for implementing the recommendations of the studies; if so, what are the details?*

**SECRETARY FOR TRANSPORT:** Mr President, of the three studies mentioned, the Freight Transport Study and the Parking Demand Study have been completed with the assistance of consultants under the management of the



Transport Department. These studies are being examined by the Administration.

The Bus Only Lane Study will also be assigned to consultants who will assist in evaluating and designing bus-only lanes and implementing recommended schemes. The Transport Department is now preparing a consultancy brief and the Study is scheduled to commence in August this year. A special team comprising a Senior Engineer, an Engineer and one Senior Transport Officer, has been set up through the temporary redeployment of staff. Funds have been sought for the creation of these posts in the 1996-97 Estimates.

Two other important studies will also commence later this year. These are the Third Comprehensive Transport Study (CTS-3) and the Electronic Road Pricing Feasibility Study. While the former will be undertaken using existing departmental resources, the latter will require the creation of a dedicated project team comprising professional engineering and technical staff. Funds have also been sought in the 1996-97 Estimates for this purpose.

The longer-term manpower resources that may be required for implementing the recommendations of the various studies will be considered when specific action plans are drawn up.

## MOTIONS

### COMPANIES ORDINANCE

***THE SECRETARY FOR FINANCIAL SERVICES to move the following motion:***

"That the Companies (Fees and Percentages) (Amendment) Order 1996, made by the Chief Justice on 23 January 1996, be approved."

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

The Companies (Fees and Percentages) (Amendment) Order 1996 was made by the Chief Justice. It increases certain fees payable to the Registrar of Companies in relation to the inspection and photocopying of liquidators'

statements sent to the Registrar under the Companies Ordinance.

The fees are increased, on average, by 9.2% in line with the increase in costs due to inflation as measured by the Government Consumption Expenditure Deflator (GCED). These fees were last revised in August 1994.

As a trading fund, the Companies Registry is required to provide an efficient and effective service while meeting the cost of the services that it provides from the income it receives. Since its establishment as a trading fund in August 1993, the Registry has introduced a number of measures to improve its services. These include obtaining customer's views of its present and proposed services by way of visits, questionnaires and surveys and introducing additional facilities such as on-line indexes of documents and listed company directors in refurbished and user-friendly premises. The latest service introduced last week is a facility to allow customers to have remote access to the Registry's names and document indexes and to order company searches by fax.

The Registry has budgeted for these modest fee increases to enable it to continue with its programme of developments and improvements in technology and services while ensuring that it can cover its increased costs. The revised fees, if approved, will come into operation on 1 March 1996.

Thank you, Mr President.

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

## **REGISTERED TRUSTEES INCORPORATION ORDINANCE**

***THE SECRETARY FOR FINANCIAL SERVICES to move the following motion:***

"That the Registered Trustees Incorporation Ordinance (Amendment of Second Schedule) Order 1996, made by the Secretary for the Treasury on 23 January 1996, be approved."

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

The reasons for this proposal are identical to those I have just outlined in moving the first motion except that the proposed revised fees in this case are in relation to inspection, certification and registration of documents, and related matters, under the Registered Trustees Incorporation Ordinance.

Thank you, Mr President.

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

## **BANKRUPTCY ORDINANCE**

***THE SECRETARY FOR FINANCIAL SERVICES to move the following motion:***

"That the Bankruptcy (Fees and Percentages) (Amendment) Order 1996, made by the Chief Justice on 23 January 1996, be approved."

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

The Bankruptcy (Fees and Percentages) (Amendment) Order 1996, and the next three motions that I am going to move, namely, the Bankruptcy (Amendment) Rules 1996, the Companies (Fees and Percentages) (Amendment) (No. 2) Order 1996, and the Companies (Winding-up) (Amendment) Rules 1996, were all made by the Chief Justice. These are to increase the fees payable to the Official Receiver's Office in relation to proceedings in bankruptcy under the Bankruptcy Ordinance and in the winding-up of companies under the Companies Ordinance.

Most of the fees were last revised in November 1994. We propose to revise them generally in line with the increase in costs due to inflation. This is measured at 9.2% as calculated by the movement of the Government Consumption Expenditure Deflator (GCED). The actual fee revisions will sometimes differ slightly from the inflation rate due to the need to round fees up or down so as to facilitate collection.

Where a fee has not been revised since 1988, the increase has been

confined to 25% even though inflation since then has been 104.5%. This is to reduce the impact of the revision to a reasonable level. We propose to revise these fees each year by up to a maximum of 25% until they have reached the same level, in real terms, as in 1988. In relation to the costs of summoning a meeting of creditors, provision is also made for an additional charge for room hire. This is to reflect properly the extra costs that are incurred when it is necessary to hire rooms for meetings attended by numbers of creditors that are too large to be accommodated in the Official Receiver's Office.

The expected revenue from the fees being revised represents only around 11% of the Official Receiver's total revenue. This is because the majority of his revenue is derived from fees which are calculated according to fixed percentages, based on the realization of assets, dividends paid out and interest on bank deposits.

Due to the nature of insolvencies, the amount of fees and charges collected presently falls far short of the costs incurred by the Official Receiver's Office. In the current financial year, the total revenue is estimated to be \$88.3 million, representing only 52% of the total expenditure. The low cost recovery rate is due mainly to the fact that approximately 83% of insolvency cases have realizable assets of less than \$50,000, an amount insufficient to meet the Official Receiver's costs. The increases in the fees and charges being proposed in relation to personal bankruptcies and company windings-up are estimated to produce a total additional income to around \$215,000 per annum. As a consequence, the cost recovery rate would increase only marginally to 52.12%.

The level of fee increases proposed takes careful account of the ability of those who are required to pay the fees to bear additional charges. For this reason, I am not recommending more substantial revisions which might otherwise be justified.

The Bankruptcy (Fees and Percentage) (Amendment) Order 1996 deals with the 14 fees and charges under bankruptcy. The total amount of additional income from the propose increases in bankruptcy fees and charges is estimated to be about \$105,000 per annum. This represents an average increase of just 0.8% when expressed as a percentage of the total bankruptcy income, estimated to be \$12.8 million for 1995-96.

Mr President, I beg to move.

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

## **BANKRUPTCY ORDINANCE**

***THE SECRETARY FOR FINANCIAL SERVICES to move the following motion:***

"That the Bankruptcy (Amendment) Rules 1996, made by the Chief Justice on 23 January 1996, be approved."

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

The Bankruptcy (Amendment) Rules 1996 revise the amount of deposit payable upon the presentation of a bankruptcy petition and in respect of compositions or schemes of arrangements put forward by debtors.

At present, a creditor presenting a petition for the bankruptcy of a debtor must deposit \$10,000 with the Official Receiver to cover the Official Receiver's initial costs and expenses of administration of the estate. A debtor who petitions for his own bankruptcy must also deposit \$10,000 with the Official Receiver.

We propose to reduce the amount of deposit in respect of a debtor's petition following the recommendation of the Bankruptcy Report of the Law Reform Commission published on 29 May 1995. The Report considered that people should not be discouraged from recourse to bankruptcy proceedings because of an unnecessarily high level of deposit required.

The Report recommends that, at 1991 price levels, the level of deposit should be reduced from \$10,000 to \$5,000. Having regard to inflation since then, we now propose that the level of deposit be now reduced from \$10,000 to \$8,000.

Although the Law Reform Commission recommended a similar reduction in the deposit payable in respect of a creditor's petition, we consider a higher level of deposit is not beyond the reach of creditors, most of whom are trade

creditors, financial institutions or banks. Given that the existing level of deposit of \$10,000 was set 11 years ago, we consider that a modest increase of 12.5% to \$11,250 is now justified.

The Bankruptcy (Amendment) Rules 1996 also revise the deposit payable when a bankrupt or a debtor lodges a proposal for a composition on satisfaction of his debts or a scheme of arrangement of his affairs out of monies to be provided by another person. The existing level is \$10,000 and was last revised in November 1993. The inflation rate since then has been 17.8%. We propose to increase this level only by 12.5% to \$11,250. This reflects the significant amount of work that the Official Receiver may be required to undertake in connection with such procedures.

Thank you, Mr President.

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

## COMPANIES ORDINANCE

***THE SECRETARY FOR FINANCIAL SERVICES to move the following motion:***

"That the Companies (Fees and Percentages) (Amendment) (No. 2) Order 1996, made by the Chief Justice on 23 January 1996, be approved."

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

The Companies (Fees and Percentages) (Amendment) (No. 2) Order 1996 deals with the 13 fees and charges applicable to company windings-up. As with the related fees under the Bankruptcy (Fees and Percentages) (Amendment) Order 1996, we propose to increase these fees generally in line with inflation to cover increases in costs, except where they have not been revised for some years, where we are proposing a more gradual adjustment.

The total amount of additional fee income from the proposed increases in fees and charges for company windings-up is estimated to be \$110,000 per annum. This represents an average increase of just 0.2% when expressed as a percentage of the total income for windings-up, estimated to be \$45.6 million for 1995-96.

Thank you, Mr President.

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

## COMPANIES ORDINANCE

***THE SECRETARY FOR FINANCIAL SERVICES to move the following motion:***

"That the Companies (Winding-up) (Amendment) Rules 1996, made by the Chief Justice on 23 January 1996, be approved."

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

The Companies (Winding-up) (Amendment) Rules 1996 revise the amount of deposit for the presentation of a petition for the winding-up of a company and rationalize the cost of summoning a meeting of creditors or contributories.

The present level of deposit of a petition is \$10,000 and we propose to increase it to \$11,250, being the same as that proposed for the deposit for a creditor's petition under the Bankruptcy (Amendment) Rules that I moved earlier.

The existing fee for all disbursements, printing, stationery and postage when the Official Receiver summons a meeting of creditors or contributories is calculated in a cumbersome and obscure manner, involving a sliding scale per creditor or contributory depending on the number of such persons attending. We propose now to update this to a fixed fee and bring it into line with the parallel fee under the Bankruptcy (Fees and Percentages) (Amendment) Order 1996, which we have proposed to increase from \$1,320 to \$1,440, with the additional charge for room hire when the numbers of creditors are too large to be accommodated in the Official Receiver's Office.

Thank you, Mr President.

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

## **BILLS**

### **First Reading of Bills**

#### **LEGAL PRACTITIONERS (AMENDMENT) BILL 1996**

#### **INSURANCE COMPANIES (AMENDMENT) BILL 1996**

#### **BUILDINGS (AMENDMENT) BILL 1996**

#### **DUTIABLE COMMODITIES (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**

#### **LEGAL PRACTITIONERS (AMENDMENT) BILL 1996**

***THE ATTORNEY GENERAL to move the Second Reading of: "A Bill to amend the Legal Practitioners Ordinance."***

He said: Mr President, I move that the Legal Practitioners (Amendment) Bill 1996 be read the Second time. The Bill introduces a local appointment system for notaries public in Hong Kong. It provides a statutory basis for the existing practice whereby only solicitors admitted in Hong Kong are appointed as notaries public. It also establishes the criteria and procedures for the appointment of notaries public.

The functions of a notary public in Hong Kong, as in other common law jurisdictions, are primarily to attest, authenticate or certify the due execution of documents and to take oaths and declarations in respect of documents for use in



other countries.

Under section 40 of the Legal Practitioners Ordinance, the Registrar of the Supreme Court is required to register every notary public who produces his notarial faculty and who files in the High Court an affidavit of identity and pays the enrolment fee. In practice, all notaries public in Hong Kong are solicitors who have been granted notarial faculties by the Archbishop of Canterbury in England. At present, the Archbishop does not grant notarial faculties to applicants from Hong Kong without the prior approval of the Chief Justice. The applicants also have had to sit and pass a notarial examination organized by the Master of Facilities (who is a High Court Judge) in England. These arrangements, however, have no statutory basis.

The Bill provides new arrangements for examining and appointing applicants as notaries public in Hong Kong. Firstly, it amends the Legal Practitioners Ordinance to give the Chief Justice power to appoint as notaries public solicitors admitted in Hong Kong who are of at least seven years' standing and who have passed a qualifying notarial examination. Second, it empowers the Chief Justice to set the qualifying examination and to remove from registration, suspend, restore and lift a suspension in respect of a notary public. Third, it specifies the powers of notaries public. Fourth, it provides for the continued keeping of a Hong Kong Register of Notaries Public. Fifth, it preserves the professional position of persons who are notaries public in Hong Kong immediately before the commencement day of this Bill if enacted. Finally, I should make clear that the Bill does not affect the notarial powers of consular officers under the Consular Relations Ordinance.

Mr President, I commend this Bill to this Council.

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

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

## **INSURANCE COMPANIES (AMENDMENT) BILL 1996**

***THE SECRETARY FOR FINANCIAL SERVICES to move the Second***

***Reading of: "A Bill to amend the Insurance Companies Ordinance."***

He said: Mr President, I move that the Insurance Companies (Amendment) Bill 1996 be read the Second time. The Bill seeks to amend the Insurance Companies Ordinance to enhance protection for the insuring public.

The three main objectives of the Bill are:

- (a) to update the minimum capital requirements for general and long-term insurers and the minimum solvency margin requirements for general insurers;
- (b) to ensure that the solvency margin is commensurate with the level of risk covered by the insurer; and
- (c) to restrict the use of the words "insurance" and "assurance" to persons regulated under the Insurance Companies Ordinance.

A number of other relatively minor or technical amendments are proposed to improve the operation of the Ordinance.

The purpose of the minimum amount of paid-up capital is to ensure that the insurer has a minimum level of financial resources with which to pre-finance its operations and to provide a reasonable safeguard against the risk that its assets may be inadequate to meet liabilities arising from unpredictable events. These minimum requirements are important safeguards of the interests of policy holders.

The current levels of these minimum requirements have not been updated since the Insurance Companies Ordinance was enacted in 1983. Aggregate inflation since then has been about 146%. The real value of these requirements has therefore been eroded and is now inadequate to provide the level of protection for policy holders originally intended. The Administration therefore proposes a 100% increase for the two requirements. The minimum paid-up capital requirement for an insurer intending to carry on or carrying on either general or long-term business will be increased from \$5 million to \$10 million, whilst that for both general and long-term business or general business alone but including compulsory business (for instance, employees' compensation insurance

business) will be raised from \$10 million to \$20 million.

Similarly, the minimum amount of solvency margin will be raised from \$5 million, or \$10 million where the general business includes compulsory business, to \$10 million or \$20 million respectively. This increase will not only compensate for the effect of inflation but will bring the solvency margin requirement more into line with equivalent requirements in Australia, Singapore and Malaysia.

As any increase higher than 100% at this stage would be considered excessive by the insurance industry, we propose to review the need for a further increase within 12 months' time.

The solvency margin required for a general business insurer is also deficient in that it is determined solely by the premium income of an insurer without regard to his claim liabilities. Hence policy holders of an insurer which has no premium income but has outstanding claims are exposed to considerable risks represented by the absence of a solvency margin commensurate with the amount of his claim liabilities. To remedy this, we propose that a general business insurer be required to maintain a solvency margin determined on a "premium basis" or "claim liabilities basis", whichever is the higher.

The Bill also proposes to increase by 100% the level of fines set in 1983 for contraventions of the Insurance Companies Ordinance, so as to maintain their deterrent effect.

We further propose to prohibit use of the word "insurance" or "assurance" in business names without the consent of the Insurance Authority, unless the user is an authorized insurer, an appointed insurance agent or an authorized insurance broker regulated under the Insurance Companies Ordinance. The purpose is to prevent the public from being misled as to the authorized status and true nature of the business carried on by persons not regulated under the Ordinance. The proposal is in line with the Banking Ordinance, which restricts use of the word "bank" by persons other than banks.

To allow time for insurers to comply with the proposed capital and solvency margin requirements, a transitional period up to 31 October 1997 is proposed. For restriction on the use of the word "insurance" or "assurance", a transitional period of one year from enactment of the Amendment Ordinance is

proposed, since some companies not engaged in the insurance business may be using these words in their business names. Other proposed provisions will apply with effect from the date of enactment.

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).*

## **BUILDINGS (AMENDMENT) BILL 1996**

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

He said: Mr President, I move the Second Reading of the Buildings (Amendment) Bill 1996.

The Bill seeks to improve the Buildings Ordinance in three areas.

First, as shown in the Kwun Lung Lau landslip, leakage of drains and sewers may affect slope safety. It is therefore essential to ensure that investigations of drains and sewers are done regularly, so as to enable any defect or leakage to be rectified as soon as possible. For public drains, sewers and water mains, Government departments have completed inspection of these buried services in 1995 and necessary follow-up repair will be completed before the wet season this year. In addition, programmes have been drawn up for periodic inspection of these buried services in future. Owners of private properties also have the duty to properly maintain the private drains and sewers serving their buildings. We therefore propose that the Building Authority should be empowered to require owners to hire an Authorized Person to investigate if there is any leakage, defect or inadequacy with the drains and sewers which serve their buildings, where such drains or sewers are laid in or in the vicinity of any slope or earth-retaining structure, and submit a report of the results to him. The Building Authority will be allowed to exercise this power only if he thinks

leakage, defect or inadequacy of the drains or sewers may result in landslips or collapse of structures, and such landslide or collapse may cause a risk of injury to any person or damage to any property.

We also propose that failure to comply with the Building Authority's order or knowingly misrepresenting a material fact in the investigation report will be made offences.

Second, it is important to facilitate the recovery of costs of works carried out by the Building Authority. Under the existing Buildings Ordinance, the Building Authority may, for reasons such as ensuring public safety, serve statutory orders on building owners to carry out building works. In case of non-compliance, the Building Authority will carry out the works on behalf of the owners, and the costs of works should be recovered from the owner of the property at the time when the order is served.

In Hong Kong, properties change hands frequently. An owner served with the order may have already sold his property before the works carried out by the Building Authority are completed. Since the previous owner no longer has an interest in the property, it is often difficult to trace him and recover costs from him.

Since the works in question will enhance the value and assure the safety of the property, we propose that a person who is the owner at the time when the works are completed should be charged for the costs instead. To protect property buyers, the Building Authority will be allowed to do so only if he has registered the order at the Land Registry upon the service of that order. A prospective buyer will therefore have notice of his potential liability before he buys the property.

Third, under the existing Buildings Ordinance, the Building Authority is empowered to apply to the court for a closure order to close a building for, say, safety reasons. When the building becomes fit for re-occupation, the Building Authority will issue a notice of expiry of the closure order and post a copy on the building. However, the building may be demolished subsequent to being served with the closure order. There is currently no provision effecting the automatic withdrawal of a closure order upon the demolition of the concerned building. We therefore propose to amend the Buildings Ordinance to dispense with the

service of a notice of expiry of a closure order, when the building to which it relates is demolished or ceases to exist.

Mr President, I commend the Bill to this Council. Thank you.

*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).*

## **DUTIABLE COMMODITIES (AMENDMENT) BILL 1996**

***THE SECRETARY FOR THE TREASURY to move the Second Reading of:  
"A Bill to amend the Dutiable Commodities Ordinance."***

庫務司致辭：主席先生，我謹動議二讀《1996年應課稅品（修訂）條例草案》。

《應課稅品條例》於一九六三年制訂，處理應課稅品的徵稅及管制事宜。隨着時間過去，該條例已不足以應付現今有關行業的經營運作及執法管制方面的需要，同時亦未能與其他方面的發展同步並進。本條例草案的一個主要目的，是將該法例現代化，以促進有關行業的經營運作，及改善有關應課稅品的執法工作及管制措施。為此，條例草案包括下述條款：

- 簡化評稅及發牌手續；
- 為確保符合《人權法案條例》的規定而作出改善；及
- 實施以罰款代替起訴計劃。

我想簡單介紹建議的以罰款代替起訴計劃。根據條例草案的建議，若有人攜帶超過免稅限額的應課稅品通過入境站進入香港，而未有向海關人員申報或作出虛假的申報，即屬違例。條例草案又建議，如超額的應課稅品的應付稅款不超逾一萬元，則香港海關總監可運用權力，以罰款方式處理該個案。有關人士可被罰相當於應付稅款五倍的罰款。這方法令有關個案得以迅速解決。不過，該名人士有權選擇不以該罰款計劃解決違例事件，而將個案交由法院審理。其他國家如英國、澳洲及新加坡亦採用類似計劃，並獲得良

好效果。

最後，我們亦藉此機會建議多項修訂及法律適應化措施。

主席先生，我謹此陳辭，向各位議員推薦上述條例草案。

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

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

## **MEMBER'S MOTIONS**

## **INTERPRETATION AND GENERAL CLAUSES ORDINANCE**

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

"That in relation to the -

- (a) Land Registration Fees (Amendment) Regulation 1995 published as Legal Notice No. 35 of 1996;
- (b) Land Registration (New Territories) Fees (Repeal) Regulation 1995 published as Legal Notice No. 36 of 1996;
- (c) Land Registration Fees (Amendment) Regulation 1995 (Amendment) Regulation 1996 published as Legal Notice No. 37 of 1996;
- (d) Land Registration (New Territories) Fees (Repeal) Regulation 1995 (Amendment) Regulation 1996 published as Legal Notice No. 38 of 1996;
- (e) Land Registration (Amendment) Regulation 1996 published as Legal Notice No. 39 of 1996;
- (f) Ferry Services (The "Star" Ferry Company, Limited) (Determination of Fares) (Amendment) Order 1996 published as Legal Notice No. 40 of 1996;

- (g) Aerial Ropeways (Fees) (Amendment) Regulation 1996 published as Legal Notice No. 41 of 1996; and
- (h) Lifts and Escalators (Safety) (Fees) (Amendment) Regulation 1996 published as Legal Notice No. 42 of 1996,

and laid on the table of the Legislative Council on 24 January 1996, the period referred to in section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) for amending subsidiary legislation be extended under section 34(4) of the Ordinance until 6 March 1996."

**MRS SELINA CHOW:** Mr President, I move the motion standing in my name on the Order Paper.

All these eight Regulations, namely, Land Registration Fees (Amendment) Regulation 1995, Land Registration (New Territories) Fees (Repeal) Regulation 1995, Land Registration Fees (Amendment) Regulation 1995 (Amendment) Regulation 1996, Land Registration (New Territories) Fees (Repeal) Regulation 1995 (Amendment) Regulation 1996, Land Registration (Amendment) Regulation 1996, Ferry Services (The "Star" Ferry Company, Limited) (Determination of Fares) (Amendment) Order 1996, Aerial Ropeways (Fees) (Amendment) Regulation 1996 and Lifts and Escalators (Safety) (Fees) (Amendment) Regulation 1996 involve fee increase.

Members of the Subcommittee formed to study these Regulations have identified issues which require further consideration. To allow time for the Subcommittee to consider these points in depth and to seek further clarification from the Administration, it is necessary to extend the time allowed for making amendment to the subsidiary legislation until 6 March 1996.

Mr President, I beg to move.

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

## **INTERPRETATION AND GENERAL CLAUSES ORDINANCE**



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

"That the Merchant Shipping (Seafarers) (Fees) Regulation, published as Legal Notice No. 9 of 1996 and laid on the table of the Legislative Council on 10 January 1996, be amended -

- (a) by repealing section 8;
- (b) in the Schedule -
  - (i) in Part I, by repealing everything after "PART I";
  - (ii) in Part II, by repealing items 1 to 5, 6(a) to (f) and (h), 7, 9, 10 and 11;
  - (iii) by repealing Part III."

**MRS SELINA CHOW:** Mr President, I move the second motion standing in my name on the Order Paper.

A Subcommittee was formed on 12 January 1996 to study the Merchant Shipping (Seafarers) (Fees) Regulation and six other Regulations, Orders and Notices. I was elected chairman of this Subcommittee which has six members. The Subcommittee held three meetings, including two with the Administration.

Members noted that most of the fees listed in the Regulation were to be revised upwards by 10% to the current cost level effective on 1 March. Ten fees were also introduced to account for necessary charges in procedures consistent with the Ordinance. Members studied carefully the cost computation of the fees, the number, rank, and cost of staff employed for the services and the method used to calculate the rate of fees of three items. Members asked how the cost could be justified in terms of the efficiency of the Marine Department and the Administration replied that this had been ensured by way of established control mechanisms within the Government such as careful allocation of resources and auditing.

Members also asked how other parts in the region were dealing with foreigners on seafarers' qualifying examinations, and was satisfied that Hong Kong could maintain competitiveness in the region with the fee increases.

Members learned that the fee level set at full cost recovery for foreign seafarers helped to protect job opportunities for Hong Kong seafarers.

After finding all available and relevant information, the majority view of the Subcommittee was that the fees relating to local seafarers should not be increased in the light of the present economic situation. However, those fees items related to foreign seafarers should be increased as they would not affect the livelihood of the community in Hong Kong and since it would not be right for Hong Kong to subsidize foreign seafarers. I was asked to move to repeal the fee increases as set out in the Regulation with the exception of those items related to foreign seafarers.

There was however a different view expressed which was to support the Regulation. The reasons were that the increased fees would not stimulate inflation and would not adversely affect the livelihood of the community.

Mr President, I have to report to Members the developments since the House Committee last received the report of the Subcommittee. In drafting the resolution to repeal, we have encountered some difficulties. As we had to deal with a total of 132 fees, our Legal Adviser had initially intended to separate them into different categories of existing fees which were currently charged under the Merchant Shipping (Fees) Regulation (sub. leg. of Cap. 281), the Merchant Shipping (Recruiting of Seamen) Ordinance (Cap. 135), or simply done administratively and which are being transferred to Legal Notice No. 9 before us.

Given the time constraint, I was advised by our Legal Adviser that it would not be safe for us to attempt to identify which fees are being transferred and which are being increased and by how much, without assistance from the government department concerned. As the decision of the Subcommittee is to increase only those fees applicable to foreign seafarers, and given the problem we encountered for locals as I have outlined, the only option left for us was to word the resolution to repeal to exclude the proposed increases for foreign

seafarers. Taking this approach would not prevent the Government from continuing to collect existing fees under existing arrangements. The only move that would jeopardize existing arrangements is if the Administration were to proceed to appoint a date of commencement for the new Merchant Shipping (Seafarers) Ordinance and to repeal the relevant legislation which formed the legal basis of the present arrangements before we are able to effect the transfer, which would be as early as when the Administration could present them to this Council. I ask Members forbearance and understanding with such a complex and difficult package, and urge Members to support my motion to repeal, in order that the Administration and ourselves could do this in such a way so as to be totally satisfied with the knowledge as to the exact consequence of our voting decision to every one of the 132 fees. The Administration is of course at liberty to come back at any time to ask the case to be reconsidered once the categorization is complete.

Mr President, before I close, may I, on behalf of the Liberal Party, once again state simply and clearly that we advocate the freeze on all government increases in fees and charges because we believe in times of economic downturn as the one we are experiencing, it makes no sense for the Government to accumulate so much surplus, drawing the pockets of citizens, whatever the row in the community. The Government is certainly not practising what it preaches and is not leaving money in the taxpayers' pocket.

During the last Budget, the Financial Secretary estimated a deficit of \$2.6 million for this financial year. Instead, we are in fact looking at a surplus of \$10 million which brings our reserves to a total of \$158 billion which is \$13 billion more than the forecast present to this Council last year.

Why does the Government insist on soaking all this money from the community? Why does the Government insist on "users pay" and full cost recovery when the Treasury's balance sheet is so healthy? Why is the Government adopting commercial principles for services rendered to the public?

Mr President, the Liberal Party objects to the way that the Administration through its top echelon misrepresents and menaces our case to the business sector, the media and the community. We accept that a supposedly executive-led government which needs no votes in this legislature has to lobby for support.

But what has been said about our position and our case is unfair and unwarranted. And so long as the biased messages continue, so will we continue to reiterate our case. We are confident our policy on government fees and charges is beneficial to enterprise, is helpful to livelihood and enjoys wide support in the business community.

Mr President, with these remarks, I move that the Merchant Shipping (Seafarers) (Fees) Regulation be amended as set out in the Order Paper.

*Question on the motion proposed.*

**SECRETARY FOR ECONOMIC SERVICES:** Mr President, first I would like to take up Mrs CHOW's points that the Administration stands ready to come back and provide any justification, any fact, any figures needed, with the hope that we will convince Members that what we have proposed is fair and reasonable.

If I may, Mr President, I would just like to make a few points on the motion. Firstly, the motion proposes to repeal several items of legislation where no increases are actually sought in the fees charged. These items concern fees for miscellaneous services set under section 8 of the Merchant Shipping (Seafarers) Fees Regulation and fees payable in relation to crew accommodation under Part I of the Schedule of this Regulation. These are existing fees presently included in regulations made under the Merchant Shipping Ordinance and they are transferred to the new Merchant Shipping (Seafarers) Ordinance.

The motion in effect asks Members to repeal fees which have already been agreed by this Council and which have been enforced for some months. Moreover, all fee items under section 8 and Part I of the Schedule are paid by shipping companies in respect of services. The livelihood of seafarers is in no way affected.

Secondly, the motion proposes to repeal the great majority of fees to be set under the Merchant Shipping (Seafarers) Ordinance and the Merchant Shipping Ordinance where fee increases are indeed proposed. The consequence of this motion would be twofold. Firstly, if Members were to vote today to repeal fees

for miscellaneous services provided under the Merchant Shipping (Seafarers) Ordinance, the Director of Marine would no longer have the ability to charge any fee for any such miscellaneous service under that Ordinance. Secondly, and more importantly, the great majority of fees to be made under the Merchant Shipping (Seafarers) (Fees) Regulation falls under a new piece of primary legislation which is the Merchant Shipping (Seafarers) Ordinance. The coming into force of this Ordinance is entirely reliant on there being in place a comprehensive body of supporting regulations. These regulations, I believe, have already been agreed by Members with the exception of the fee regulations. If we are unable to set fees for the services to be provided by the Marine Department under the new Ordinance, then clearly that puts in doubt the wisdom of bringing into effect the new Ordinance. We would have then to continue rely on using an old and outdated piece of legislation. The new Ordinance the purpose of which is to regulate the welfare of seafarers then cannot come into effect, notwithstanding that it has in its entirety the support and backing of Hong Kong's maritime community. This Ordinance provides for the legal backing of various international conventions including those of the International Labour Organization as they apply to seafarers. It cannot be, I suggest, the intention of the legislature when they actually approved the Merchant Shipping (Seafarers) Bill in June 1995 that such a circumstance could be allowed to happen.

I would also like to point out that none of the fees involve any real livelihood dimension. In dollar terms, the proposed increases are modest and will have a minimal effect, if any, on inflation. For example, the fee in relation to Engine Room Watch Rating Certificates and Navigational Watch Rating Certificates will increase from \$140 to \$155 — in percentage terms, around 10% similar to that which is proposed for the majority of the items involved. There will only be a handful of items which will have a greater rate of increase. But in respect of most of these items, there have been no increases since 1966, 30 years ago, and 1975.

Mr President, I know some Members have strong feelings on the matter of government fees. I can assure Members that the Administration has been very cautious and reasonable in proposing the fees for the Merchant Shipping (Seafarers) Ordinance. Indeed the Administration will still only recover less than 30% of the cost for this group of services, even if the fees were implemented.

Let me say it again. These are not livelihood issues. Many of the fees concerned are paid by employers, not seafarers. It would be sad if Members were, in rejecting the fees, forcing us to put on the backburner a piece of modern legislation designed to protect the seafarer, his employer and the industry as a whole — a piece of legislation agreed in all aspects by the seafarers themselves.

Mr President, I am afraid I have to urge Members to reject the motion.

**黃震遐議員致辭：**主席先生，民主黨今年以來一直都要求政府凍結所有會刺激通脹及影響民生的政府收費，我們的立場是非常清楚的。

在這幾項法例的審議過程中，我們最初其實覺得這幾項有關收費的規例對通脹和民生甚少或沒有影響，所以我們民主黨本來可以支持這項規例。不過，政府給予立法局的資料摘要文件含糊不清，以致無法確定加費的程度，特別是政府的最後才告知我們，原來很多資料沒有向我們交代。我們覺得立法局應在獲得充足資料的情♥下，才可作出明智和理性的決策。因此，我們支持周梁淑怡議員的議案，暫時凍結這項收費。政府日後可以將這項規例再次提交本局，待我們遲些獲得詳細資料後，再作決定。

經濟司剛才說政府會因為我們凍結這項收費而延遲了商船法例的實施。我們實在無法明白政府這種說法。因為經濟司也提到，其實立法局在去年，即一九九五年六月已通過這項法例，但政府本身卻一直沒有加以實施。我們現時提出把收費凍結，待過了新年，聽過政府的意見和獲得資料後，如認為正確，便予以通過。這只不過是等新年後才決定，但政府卻等了八個月也不實施規例，現在政府怪責立法局把收費凍結，令規例要延遲一個月才實施，我覺得這個邏輯是無法可以接受的。

民主黨會支持周梁淑怡議員的議案。

**葉國謙議員致辭：**主席先生，政府計劃提出的471項加費申請，已陸續向立法局提交。今天本局就要處理超過150項加費。民建聯對加費的立場是，與民生直接有關的加費應予凍結，其餘加費則按個別情♥斟酌，並以不高於通脹為標準。原則上我們亦不反對政府收費要收回成本，但收回成本的速度，必須謹慎處理。

例如《1996年職業介紹所（修訂）規例》的收費，政府自一九九二年開

始，每年調整牌照費，逐步把收回成本的比例提高，以期在九五至九六年度，短短四年內收回全部成本，而今次建議加幅比例更達到23%，高於通脹數倍，令人難於接受。故此，民建聯支持凍結這項加費。而對於《1996年商船（費用）（修訂）規例》，以及《鍋爐及壓力容器條例》，因與民生直接相關，且簽發有關鍋爐及壓力容器操作證明書的費用，當局現時已收回成本，故民建聯同意支持凍結。

民建聯同意在現時經濟不景、通脹高企的情<sup>心</sup>下，政府提出各項收費的加幅，會容易令市民產生一種錯覺，就是政府帶頭加價。但作為議員，應該理性地看問題，為市民進行認真分析怎樣會對他們長遠利益有利。有些費用，若不由某方付出，便要其他人補貼；又或某些收費現時不作增加，日後只會一次過大幅增加，屆時市民更難以負擔，所以對於其餘六項加費申請，增加比率都是9%左右，僅及追回現時的通脹，而且亦非直接影響民生的項目，民建聯會同意增加，對廢除收費加幅的決議案會投以反對票。

**MR RONALD ARCULLI:** Mr President, firstly, I would like to congratulate our friends in the Administration for a very divisive and decisive lobbying efforts of my colleagues in this Chamber. In today's speech, Dr HAUNG, on behalf of the Democratic Party, no longer makes reference to the higher unemployment rate or to the economic slow-down. He talks about inflation and livelihood as being the factors in which the Democratic Party will consider applications for increases in fees and charges by the Government. As far as our friends in the DAB are concerned, they used the words "provided it does not have a direct impact on livelihood". I do not know any fees and charges that the Government imposes that does not have an effect on livelihood sooner or later. I hope the Government is not taking a line of dividing the community into issues which some of the members of the community may perceive to be livelihood issues whereas others would perceive to be expenses to be borne by the business sector because the business sectors surely but sadly would revise their costs and indeed pass on the cost, if they can thus assuming business survives, to the consumer. So from that point of view, we must not allow short-term arguments and the greed of the Government in terms of raking in unwanted and unnecessary dollars to go to government coffers because if the Government continues doing that, the demand for government expenditure to increase will surely rise, expectations would surely rise and that is only fair. Mr President, so, I urge my colleagues in the Council here not to be swayed by short-term arguments, certainly not arguments that they need the money to implement a new and modernized

Ordinance, when we have instances of non-increase in fees by government department upwards of 30 years.

Mr President, I think with those words, I obviously will support the Honourable Mrs Selina CHOW's motion, but I urge other Members in this Chamber to do so as well.

Thank you.

田北俊議員致辭：主席先生，夏佳理議員已經說了我想說的話，我只想提一提，黃震遐議員去年年底與我們合作，要求政府不要增加各項收費時，是基於經濟放緩及失業率高企，並沒有再分民生或非民生的事。如果這樣做，政府就很成功了。

如果情♥如此，工商界就很難繼續支持其他關於凍結有關民生的加費。如果民主黨首先“轉”，將來凡涉及工商界的加費就支持，只是涉及民生的加費才不支持的話，屆時工商界或自由黨就有需要檢討整體的立場。

謝謝主席先生。

庫務司致辭：主席先生，今天下午有議員就九項有關政府服務收費調整的附屬法例提出議案否決或修訂。我已多次提出，凍結收費對紓緩通脹和刺激經濟並沒有實際的效用，我不打算在每一項議案辯論時發言，但我想藉此機會重申，政府在服務收費上的政策和現時的多項建議都是適當和合理的。

香港的經濟成就，在很大程度上有賴我們的低稅制度。要能繼續奉行低稅制，就必須讓我們可以繼續執行我們一貫的理財原則，而“用者自付”、“收回成本”是一個非常重要的環節。全面凍結服務收費，將會令政府每年的收入減少了十多二十億元，這是一個龐大的數目。減少了這一筆經常性收入，無疑會削弱了我們維持低稅制的能力。

今天辯論的九項關於收費調整的附屬法例，絕大部分是為了向經營有關商業活動的人士所提供的服務而徵收的費用。增加的費用相對他們整體的營運成本而言，是微乎其微的。再者，在這些收費項目中沒有一項會影響消費物價指數，所以可說對民生絕對沒有影響。相反來說，如果否決了我們調整



收費的建議，對個別行業並沒有實際裨益，但對一般納稅人來說，由他們補貼營商的人士並不公平。因此，我再次促請議員支持我們各項收費建議，否決所有議案。

**MRS SELINA CHOW:** Mr President, I would just like to point out that what the Secretary for Economic Services said is technically correct, in that existing fees are included in the entire package before us. However, it is not correct for him to lead Members into thinking that by repealing the motion, existing fees cannot be charged. They are being collected right now. And so far the Administration has chosen not to bring into effect the new Ordinance just as Dr HUANG has said earlier, and therefore nothing prevents the Government from bringing it into effect after and only after the necessary subsidiary legislation is eventually passed.

I have to point out that the difficulty we have now is, as I pointed out earlier in my speech, in identifying the fees which are being transferred from those which are being increased, and so on, particularly given the time constraint and the legal advice we received that it would be unsafe for us to take on this exercise without the assistance from the Administration.

I would also take this opportunity to rectify the Secretary for the Treasury. We are advocating a freeze on increases of fees. We are not advocating a freeze of all fees.

*Question on the motion put.*

*Voice vote taken.*

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

Mr IP Kwok-him and Dr Philip WONG claimed a division.

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

**PRESIDENT:** I would like to remind Members that they are now called upon to vote on the motion moved by Mrs Selina CHOW to amend the Merchant Shipping (Seafarers) (Fees) Regulation. Will Members please proceed to register their presence by pressing the top button and cast their votes by choosing one of the three buttons below?

**PRESIDENT:** Before I declare the result, are there any queries? The result will now be displayed.

Mrs Selina CHOW, Mr Martin LEE, Mr SZETO Wah, Mr Edward HO, Mr Ronald ARCULLI, Mrs Miriam LAU, Dr LEONG Che-hung, Mr Albert CHAN, Mr CHEUNG Man-kwong, Mr Michael HO, Dr HUANG Chen-ya, Miss Emily LAU, Mr LEE Wing-tat, Mr Fred LI, Mr Henry TANG, Mr James TO, Dr YEUNG Sum, Mr WONG Wai-yin, Mr James TIEN, Mr LEE Cheuk-yan, Mr Andrew CHENG, Mr Paul CHENG, Dr Anthony CHEUNG, Mr Albert HO, Mr LAU Chin-shek, Dr LAW Cheung-kwok, Mr LAW Chi-kwong, Mr LEUNG Yiu-chung, Mr Bruce LIU, Mr MOK Ying-fan, Mr SIN Chung-kai, Mr TSANG Kin-shing, Dr John TSE and Mr YUM Sin-ling voted for the motion.

Mr CHIM Pui-chung, Mr Eric LI, Dr Samuel WONG, Dr Philip WONG, Miss Christine LOH, Mr CHAN Kam-lam, Mr CHAN Wing-chan, Miss CHAN Yuen-han, Mr CHEUNG Hon-chung, Mr CHOY Kan-pui, Mr IP Kwok-him, Mr Ambrose LAU, Miss Margaret NG and Mr NGAN Kam-chuen voted against the motion.

Mrs Elizabeth WONG abstained.

THE PRESIDENT announced that there were 34 votes in favour of the motion and 14 votes against it. He therefore declared that the motion was carried.

**Suspension of Standing Order 36(4)**

**DR LEONG CHE-HUNG:** Mr President, I rise to seek your consent for me to move without notice a motion to enable the duration of the division bell for certain divisions to be shortened. On 9 February 1996, the House Committee unanimously agreed that I was to move such a motion to reduce to one minute the duration of the division bell in the event of further divisions being claimed in respect of the remaining motions to be moved under the Interpretation and General Clauses Ordinance at this sitting.

**PRESIDENT:** You have my consent.

**DR LEONG CHE-HUNG:** Mr President, I move that in the event of further divisions being claimed in respect of the remaining motions to be moved under the Interpretation and General Clauses Ordinance at this sitting, Standing Order 36(4) be suspended so that the President may order that the Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

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

**PRESIDENT:** I now order that in the event of further divisions being claimed for the remaining motions to be moved under the Interpretation and General Clauses Ordinance at this sitting, the Council do proceed to each division immediately after the division bell has been rung for one minute.

## **INTERPRETATION AND GENERAL CLAUSES ORDINANCE**

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

"That the Merchant Shipping (Fees) (Amendment) Regulation 1996, published as Legal Notice No. 10 of 1996 and laid on the table of the Legislative Council on 10 January 1996, be repealed."

**MRS SELINA CHOW:** Mr President, I move the third motion standing in my

name on the Order Paper.

The Merchant Shipping (Fees) (Amendment) Regulation was studied by the Subcommittee I mentioned earlier on in my second motion. I think that the deliberation and arguments are almost identical to the ones which I have presented in my last speech. I urge Members to support my motion for similar technical reasons that I have outlined when I spoke on the last motion. Thank you, Mr President.

*Question on the motion proposed.*

**SECRETARY FOR ECONOMIC SERVICES:** Mr President, in response to Mrs CHOW's second motion, I have already explained the rationale behind the proposed fees revisions.

May I just make that point again that in fact in June 1995 this Council approved the new Ordinance. Since then we have been working on a whole set, a complete set of regulations, and I think Members have actually approved all of them with the exception of fees. Without this set of regulations on fees being approved, I am afraid we cannot bring in the new Ordinance and therefore we are still relying on the use of the outdated existing Ordinance.

I also would like to reiterate that in fact the increases proposed are very modest, 10%, and they were last revised actually in 1994. Since then, inflation has actually exceeded this level that we have now proposed. Most of the items related to Legal Notice No. 10 are for examination fees, such as fees for examination for Certificates of Competency as Trawler Masters and Trawler Engineers. These are not fees that have to be paid regularly. Clearly the proposed increases will have little impact on the livelihood of seafarers as such.

I do urge Members again to reject the motion.

*Question on the motion put.*

*Voice vote taken.*

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

Dr Philip WONG claimed a division.

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

**PRESIDENT:** I would like to remind Members that they are now called upon to vote on Mrs CHOW's third motion which is for the repeal of the Merchant Shipping (Fees) (Amendment) Regulation 1996. Will Members please register their presence and then proceed to vote by selecting one of the three buttons below the top button?

**PRESIDENT:** Before I declare the result, are there any queries? The result will now be displayed.

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, Miss Emily LAU, Mr LEE Wing-tat, Mr Fred LI, Mr Henry TANG, Mr James TO, Dr YEUNG Sum, Mr WONG Wai-yin, Mr James TIEN, Mr LEE Cheuk-yan, Mr CHAN Kam-lam, Mr CHAN Wing-chan, Miss CHAN Yuen-han, Mr Andrew CHENG, Mr Paul CHENG, Dr Anthony CHEUNG, Mr CHEUNG Hon-chung, Mr Albert HO, Mr IP Kwok-him, Mr LAU Chin-shek, Mr Ambrose LAU, Dr LAW Cheung-kwok, Mr LAW Chi-kwong, Mr LEUNG Yiu-chung, Mr Bruce LIU, Mr MOK Ying-fan, Mr NGAN Kam-chuen, Mr SIN Chung-kai, Mr TSANG Kin-shing, Dr John TSE and Mr YUM Sin-ling voted for the motion.

Mr CHIM Pui-chung, Mr Eric LI, Dr Samuel WONG, Dr Philip WONG, Miss Christine LOH and Miss Margaret NG voted against the motion.

Mrs Elizabeth WONG abstained.

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

## **INTERPRETATION AND GENERAL CLAUSES ORDINANCE**

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

"That the Companies Ordinance (Amendment of Eighth Schedule) Order 1996, published as Legal Notice No. 11 of 1996 and laid on the table of the Legislative Council on 10 January 1996, be repealed."

**MRS SELINA CHOW:** Mr President, I move the fourth motion standing in my name on the Order Paper. I shall speak about the Companies Ordinance (Amendment of Eighth Schedule) Order 1996, the Limited Partnerships Ordinance (Amendment of Schedule) Order 1996, the Companies Ordinance (Fee for Taking Affidavit, Affirmation or Declaration) (Amendment) Notice 1996 and the Trustee Ordinance (Amendment of First Schedule) Notice 1996 at the same time, since these four Orders and Notices were studied *en bloc* by the Subcommittee I mentioned early.

If increases in fees as set out in these four Orders and Notices were not allowed, the Administration said that the Company Registry would incur a deficit of about \$7 million in the financial year 1996-1997 and could not proceed with improving its customer services. Members of the Subcommittee however observed that the Registry was in fact earning money because there would be a projective surplus of \$8 million after taxation and before interest. Members also observed that the Government would be able to get from the sum of profit tax and interest payment at about 10% on its investment in the Companies Registry Trading Fund.

The majority view of this Subcommittee was that this return was high and that the fee increases should not be supported. The Subcommittee therefore asked me to give notice to repeal these four Orders and Notices. A Member of the subcommittee however expressed reservation about his stance. He said he would consult some smaller commercial and industrial establishments first before he could decide whether the increases were reasonable.

Mr President, with these remarks, I move that the Companies Ordinance (Amendment of Eighth Schedule) Order 1996 be repealed.

*Question on the motion proposed.*

**SECRETARY FOR FINANCIAL SERVICES:** Mr President, first of all, I am grateful that some Members have indicated that they are prepared to approve the various proposals put forward by the Companies Registry.

By way of response to the Honourable Mrs Selina CHOW, perhaps I will make one particular point regarding deficits and interest and loans related to the Companies Registry. The point was made that the Registry would be operating at a deficit without the fee increases on the ground that without the repayment of interest on the loan to the Registry by the Government there would be no deficit. The point here is that the Registry is operating at arm's length from the Government and is financed partly by a loan from the Government. If it is to operate on a quasi-commercial basis as intended, then it is to be expected that it should pay interest on any loans. If the Registry were to be given free money or no-interest loans, then in financial terms, it would make no sense for the Government to establish it in the first place. I am sure we all recall that the setting up of the trading fund system for the Companies Registry was passed by this Council as recently as 1993.

The objective of funding services in this way is to enable those services to respond more effectively to the needs of their users by giving management the financial flexibility to run the services in a more commercial way.

Mr President, the last point I wish to make is this. This Order and the related legislative amendments in fact constitute part of a package of fee proposals in respect of the Companies Registry, two elements of which Members were good enough to support earlier this afternoon. And I therefore look forward to your continued support and to approve the fee revisions. Thank you, Mr President.

黃震遐議員致辭：主席先生，相信自由黨一定很不開心，聽到我代表民主黨

發言反對周梁淑怡議員的四項議案。

我們很仔細研究這四項議案和規例後，覺得有關規例對通脹和民生都沒有真正有意義的影響。我們亦很小心考慮它們會否對這些公司造成一些不可接受的困難和壓力。在我們諮詢了很多人的後，（周梁淑怡議員也提到，我們有所保留，因為我們要進行諮詢）所得的結果是這些收費調整根本不會構成問題，所以我們認為可以支持政府這四項規例。

**MRS SELINA CHOW:** Mr President, I only wish to speak in response to the Secretary for Financial Services' speech earlier on.

Why should the Government keep on operating on quasi-commercial principles while at the same time it is collecting all these taxes and building up such a huge reserve. The appeal of the trading fund concept at the time was that certain services operated by the Government should in fact be on par in terms of efficiency, so that there could be savings for people who use those services, but not for the Government to keep on justifying securing a certain return on net fixed assets, a certain percentage return plus interest plus tax. Everything goes into the Government pocket and it all comes from the private sector.

I of course regret that the Democratic Party cannot in fact support my motion as it was said earlier on by Mr Ronald ARCULLI. All businesses would in fact affect livelihood. The two are inseparable, particularly when we think of small businesses which make up the majority of business and enterprise in Hong Kong. I am quite disappointed that the Democratic Party should take this position.

Whether this motion passes successfully or not, I would really like to call on this Council to think about not just this particular case, but about the broad direction in which the Government is taking us. Why is it that the Government is making a profit from us while at the same time we are in fact contributing to taxes? Thank you.

*Question on the motion put.*

*Voice vote taken.*



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

Dr Philip WONG and Mrs Selina CHOW claimed a division.

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

**PRESIDENT:** I would like to remind Members that they are now called upon to vote on Mrs CHOW's fourth motion which proposes to repeal the Companies Ordinance (Amendment of Eighth Schedule) Order 1996. Will Members please register their presence by pressing the top button and 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.

Mrs Selina CHOW, Mr Edward HO, Mrs Miriam LAU, Dr LEONG Che-hung, Miss Emily LAU, Mr Henry TANG, Mr James TIEN and Mr Paul CHENG voted for the motion.

Mr Martin LEE, Mr SZETO Wah, Mr Albert CHAN, Mr CHEUNG Man-kwong, Mr CHIM Pui-chung, Mr Michael HO, Dr HUANG Chen-ya, Mr LEE Wing-tat, Mr Eric LI, Mr Fred LI, Mr James TO, Dr Samuel WONG, Dr Philip WONG, Dr YEUNG Sum, Mr WONG Wai-yin, Miss Christine LOH, Mr LEE Cheuk-yan, Mr CHAN Kam-lam, Mr CHAN Wing-chan, Miss CHAN Yuen-han, Mr Andrew CHENG, Dr Anthony CHEUNG, Mr CHEUNG Hon-chung, Mr CHOY Kan-pui, Mr Albert HO, Mr IP Kwok-him, Mr LAU Chin-shek, Mr Ambrose LAU, Dr LAW Cheung-kwok, Mr LAW Chi-kwong, Mr LEUNG Yiu-chung, Mr Bruce LIU, Mr MOK Ying-fan, Miss Margaret NG, Mr NGAN Kam-chuen, Mr SIN Chung-kai, Mr TSANG Kin-shing, Dr John TSE, Mrs Elizabeth WONG and Mr YUM Sin-ling voted against the motion.

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

*Clapping from the public gallery.*

**PRESIDENT:** Please maintain order.

## **INTERPRETATION AND GENERAL CLAUSES ORDINANCE**

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

"That the Limited Partnerships Ordinance (Amendment of Schedule) Order 1996, published as Legal Notice No. 12 of 1996 and laid on the table of the Legislative Council on 10 January 1996, be repealed."

MRS SELINA CHOW: Mr President, I move the fifth motion standing in my name on the Order Paper.

I have set out the reasons for repealing the Limited Partnerships Ordinance (Amendment of Schedule) Order 1996 when I moved the last motion and I would not repeat them here.

Mr President, I beg to move to repeal the Order.

*Question on the motion proposed.*

**SECRETARY FOR FINANCIAL SERVICES:** Mr President, I would only make one point, and that is, again like the previous motion, the increase is needed so as to enable the Companies Registry operating under a trading fund system to continue to develop and to upgrade to meet demands from the users. Not to have the increase will of course means that taxpayers will be subsidizing the users, although the users themselves are very keen in fact to have the new developments and the new improvements which will be quite different from what they were used to many years ago — the almost Dickensian conditions inside

our Companies Registry. Therefore I will continue to urge Members to support the fee adjustment. Thank you.

*Question on the motion put.*

*Voice vote taken.*

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

Mrs Selina CHOW and Mr James TIEN claimed a division.

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

**PRESIDENT:** I would like to remind Members that they are now called upon to vote on Mrs CHOW's fifth motion which proposes to repeal the Limited Partnerships Ordinance (Amendment of Schedule) Order 1996. Will Members please register their presence by pressing the top button and proceed to vote by choosing one of the three buttons below?

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

Mrs Selina CHOW, Mr Edward HO, Mrs Miriam LAU, Miss Emily LAU, Mr Henry TANG, Mr James TIEN and Mr Paul CHENG voted for the motion.

Mr Martin LEE, Mr SZETO Wah, Dr LEONG Che-hung, Mr Albert CHAN, Mr CHEUNG Man-kwong, Mr CHIM Pui-chung, Dr HUANG Chen-ya, Mr LEE Wing-tat, Mr Eric LI, Mr Fred LI, Mr James TO, Dr Samuel WONG, Dr Philip WONG, Dr YEUNG Sum, Mr WONG Wai-yin, Miss Christine LOH, Mr CHAN Kam-lam, Mr CHAN Wing-chan, Miss CHAN Yuen-han, Mr Andrew CHENG,

Dr Anthony CHEUNG, Mr CHEUNG Hon-chung, Mr CHOY Kan-pui, Mr Albert HO, Mr IP Kwok-him, Mr LAU Chin-shek, Mr Ambrose LAU, Dr LAW Cheung-kwok, Mr LAW Chi-kwong, Mr LEUNG Yiu-chung, Mr Bruce LIU, Mr MOK Ying-fan, Miss Margaret NG, Mr NGAN Kam-chuen, Mr SIN Chung-kai, Mr TSANG Kin-shing, Dr John TSE, Mrs Elizabeth WONG and Mr YUM Sin-ling voted against the motion.

THE PRESIDENT announced that there were seven votes in favour of the motion and 39 votes against it. The therefore declared that the motion was negatived.

## **INTERPRETATION AND GENERAL CLAUSES ORDINANCE**

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

"That the Companies Ordinance (Fee for Taking Affidavit, Affirmation or Declaration) (Amendment) Notice 1996, published as Legal Notice No. 13 of 1996 and laid on the table of the Legislative Council on 10 January 1996, be repealed."

**MRS SELINA CHOW:** Mr President, I move the sixth motion standing in my name on the Order Paper.

I have set out the reasons for repealing the Companies Ordinance (Fee for Taking Affidavit, Affirmation or Declaration) (Amendment) Notice 1996 when I moved the last motion and I would not repeat them here.

Mr President, I beg to move to repeal the Notice.

*Question on the motion proposed.*

**SECRETARY FOR FINANCIAL SERVICES:** Mr President, I do not have anything to add except to thank Members once again for supporting the Companies Registry and its users. Thank you.

*Question on the motion put.*

*Voice vote taken.*

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

Mrs Selina CHOW claimed a division.

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

**PRESIDENT:** I would like to remind Members that they are now called upon to vote on Mrs CHOW's sixth motion which proposes to repeal the Companies Ordinance (Fee for Taking Affidavit, Affirmation or Declaration) (Amendment) Notice 1996. 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.

Mrs Selina CHOW, Mr Edward HO, Mrs Miriam LAU, Miss Emily LAU, Mr Henry TANG, Mr James TIEN and Mr Paul CHENG voted for the motion.

Mr Martin LEE, Mr SZETO Wah, Dr LEONG Che-hung, Mr Albert CHAN, Mr CHEUNG Man-kwong, Mr CHIM Pui-chung, Mr Michael HO, Dr HUANG Chen-ya, Mr LEE Wing-tat, Mr Eric LI, Mr Fred LI, Mr James TO, Dr Samuel WONG, Dr Philip WONG, Dr YEUNG Sum, Mr WONG Wai-yin, Miss Christine LOH, Mr CHAN Kam-lam, Mr CHAN Wing-chan, Miss CHAN Yuen-han, Mr Andrew CHENG, Dr Anthony CHEUNG, Mr CHEUNG Hon-chung, Mr CHOY Kan-pui, Mr Albert HO, Mr IP Kwok-him, Mr LAU Chin-shek, Mr Ambrose LAU, Dr LAW Cheung-kwok, Mr LAW Chi-kwong, Mr

LEUNG Yiu-chung, Mr Bruce LIU, Mr MOK Ying-fan, Miss Margaret NG, Mr NGAN Kam-chuen, Mr SIN Chung-kai, Mr TSANG Kin-shing, Dr John TSE, Mrs Elizabeth WONG and Mr YUM Sin-ling voted against the motion.

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

## **INTERPRETATION AND GENERAL CLAUSES ORDINANCE**

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

"That the Trustee Ordinance (Amendment of First Schedule) Notice 1996, published as Legal Notice No. 14 of 1996 and laid on the table of the Legislative Council on 10 January 1996, be repealed."

**MRS SELINA CHOW:** Mr President, I move the seventh motion standing in my name on the Order Paper.

I have set out the reasons for repealing the Trustee Ordinance (Amendment of First Schedule) Notice 1996 when I moved the fourth motion and I would not repeat them here.

Mr President, I beg to move.

*Question on the motion proposed.*

**SECRETARY FOR FINANCIAL SERVICES:** Mr President, I have nothing to add.

*Question on the motion put.*

*Voice vote taken.*

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

Mrs Selina CHOW claimed a division.

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

**PRESIDENT:** I would like to remind Members that they are now called upon to vote on Mrs CHOW's seventh motion which proposes to repeal the Trustee Ordinance (Amendment of First Schedule) Notice 1996. 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. We are three short of the head count. Are there any queries? The result will now be displayed.

Mrs Selina CHOW, Mr Edward HO, Mrs Miriam LAU, Miss Emily LAU, Mr Henry TANG, Mr James TIEN and Mr Paul CHENG voted for the motion.

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

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

## **INTERPRETATION AND GENERAL CLAUSES ORDINANCE**

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

"That the 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, be repealed."

**MRS SELINA CHOW:** Mr President, I move the eighth motion standing in my name on the Order Paper.

The Subcommittee concerned has studied the Clubs (Safety of Premises) (Fees) (Amendment) Regulation 1996 carefully and held an unanimous view that this Regulation should be repealed. The reason was that the Government would be making ends meet by the end of March next year when the 328 clubs which are currently operating under the Certificates of Compliance and paying \$660 per annum would be converted to operate under the Certificates of Compliance and would be paying from \$3,200 to \$49,000 per annum, depending on the floor area they occupy. Such a development renders the proposed increase totally unnecessary.

Mr President, with these remarks, I move that the Clubs (Safety of Premises) (Fees) (Amendment) Regulation 1996 be repealed.

*Question on the motion proposed.*

政務司致辭：主席先生，《會社（房產安全）條例》是在一九九一年十一月開始生效，目的在於設立一套簽發證明書制度，以規管會社的防火及建築安全措施。根據該條例的規定，經營會社的人士必須取得豁免證明書或合格證明書。



按照政府的政策，政府向服務使用者收取的費用，大體上應要足以支付全部的成本。這項原則非常重要，既是本港稅收制度重要的一環，也是我們採用低稅制的根基。我們現時建議把有關收費提高9%，只不過是要收回簽發合格證明書和豁免證明書的實際開支過程中的一個步驟。

議員會留意到，一九九五至九六年度內，政務總署施行證明書制度的運作成本估計達1,380萬元，而今個年度，從簽發合格證明書和豁免證明書收費中所得的收益，估計只有460萬元，佔總成本的33%。

我要強調本規例對民生和通脹並無影響。我謹促請立法局議員不要廢除《1996年會社（房產安全）（費用）（修訂）規例》。否則，我們的納稅人便須繼續資助那些會社，而大部分會社都是私營牟利的機構，或只為私家會員服務的。這顯然是不合理和不公平的。

謝謝主席先生。

黃震遐議員致辭：主席先生，這項規例主要與防火有關，我們當時在審議的階段曾表示會支持周梁淑怡議員的議案，主要是因為覺得火險其實是一個重要的問題，但收費卻不是基於火險的程度，而是基於面積，但面積和火險是沒有一定的關係的，所以高火險的會所其實變了將有些經濟成本轉移至沒有火險的會所身上。我們覺得政府應該檢討整件事，不應讓這不公平情♥繼續下去。

不過，民主黨經過考慮後，覺得不可以因為須作這項檢討而凍結加費，因為這項調整對通脹和民生並沒有直接和密切的影響。因此，我們覺得無法支持周梁淑怡議員這項議案。不過，我們要求政府必須檢討整個收費架構，因為我們覺得現時的架構並不公平。

**MRS SELINA CHOW:** Mr President, I would like to point out for Members' attention that in fact as far as the information that has been submitted to the Subcommittee is concerned, the amount of existing fees as proportionate to the cost per establishment in terms of gross floor area just covers the 1994-95 prices of cost per establishment. In other words, the existing fees are already recovering the cost at the moment. If we raise the fees, then we are actually paying more than what the actual figure is being outlined to us on the cost. I would just like to supplement that point for Members' attention.

*Question on the motion put.*

*Voice vote taken.*

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

Mrs Selina CHOW and Mr TSANG Kin-shing claimed a division.

**PRESIDENT:** Council will now proceed to a division.

**PRESIDENT:** I would like to remind Members that they are now called upon to vote on Mrs CHOW's eighth motion which proposes to repeal the Clubs (Safety of Premises) (Fees) (Amendment) Regulation 1996. Will Members please register their presence by pressing the top button and 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.

Mrs Selina CHOW, Mr Edward HO, Mrs Miriam LAU, Miss Emily LAU, Mr Henry TANG and Mr James TIEN voted for the motion.

Mr Martin LEE, Mr SZETO Wah, Dr LEONG Che-hung, Mr Albert CHAN, Mr CHEUNG Man-kwong, Mr CHIM Pui-chung, Mr Michael HO, Dr HUANG Chen-ya, Mr LEE Wing-tat, Mr Fred LI, Mr James TO, Dr Samuel WONG, Dr Philip WONG, Dr YEUNG Sum, Mr WONG Wai-yin, Miss Christine LOH, Mr LEE Cheuk-yan, Mr CHAN Kam-lam, Mr CHAN Wing-chan, Miss CHAN Yuen-han, Mr Andrew CHENG, Dr Anthony CHEUNG, Mr CHEUNG Hon-chung, Mr CHOY Kan-pui, Mr Albert HO, Mr IP Kwok-him, Mr LAU Chin-shek, Mr Ambrose LAU, Dr LAW Cheung-kwok, Mr LAW Chi-kwong, Mr LEUNG Yiu-chung, Mr Bruce LIU, Mr MOK Ying-fan, Miss Margaret NG, Mr

NGAN Kam-chuen, Mr SIN Chung-kai, Mr TSANG Kin-shing, Dr John TSE, Mrs Elizabeth WONG and Mr YUM Sin-ling voted against the motion.

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

## INTERPRETATION AND GENERAL CLAUSES ORDINANCE

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

"That the Boilers and Pressure Vessels (Amendment) Regulation 1996, published as Legal Notice No. 33 of 1996 and laid on the table of the Legislative Council on 17 January 1996, be repealed."

**MRS SELINA CHOW:** Mr President, I move the ninth motion standing in my name on the Order Paper.

The Subcommittee I mentioned earlier formed to study the seven Regulations, Orders and Notices took on the study of the Boilers and Pressure Vessels (Amendment) Regulation 1996 on 19 January 1996 as well. Having studied the statistical information provided by the Administration for issue of Certificates of Competency, Members of the Subcommittee held the view that the Labour Department should be able to operate the scheme within budget even without the fee increase.

Therefore I move that the Boilers and Pressure Vessels (Amendment) Regulation 1996 be repealed.

*Question on the motion proposed.*

教育統籌司致辭：主席先生，根據《1996年鍋爐及壓力容器（修訂）規例》，我們建議調整根據《鍋爐及壓力容器條例》第6條所簽發的合格證明書的收費。

由於合格證明書對持有人獲得聘用擔任有關工作是有幫助的，因此，以收回成本的方式，向申領合格證明書的人士收取費用，是公平和合理的做法。我們建議將兩項收費分別提高至300元及557元，建議的收費加幅是9%，符合政府消費開支平減物價指數在一九九四/九五至一九九五/九六年度的變動。

我要強調，這項收費調整對鍋爐及蒸汽容器操作人員及擁有人的影響極為微少；對甲類消費物價指數和市民全無影響。

我謹促請本局議員否決這項議案。

多謝主席先生。

**黃震遐議員致辭：**主席先生，民主黨並不同意政府剛才的說話，因為持有人須出示證明書才可以證明他具有操作鍋爐和蒸汽容器的能力，所以這與其工作有關，會令其工作成本增加。因此，我們覺得這與通脹和民生有關，在個人服務方面而言也是有關的。因此，我們支持周梁淑怡議員的議案。

*Question on the motion put.*

*Voice vote taken.*

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

Mrs Selina CHOW and Dr Philip WONG claimed a division.

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

**PRESIDENT:** I would like to remind Members that they are called upon to vote on Mrs CHOW's ninth motion which proposes to repeal the Boilers and Pressure Vessels (Amendment) Regulation 1996. Will Members please register their presence by pressing the top button and 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.

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, Miss Emily LAU, Mr LEE Wing-tat, Mr Fred LI, Mr Henry TANG, Mr James TO, Dr YEUNG Sum, Mr WONG Wai-yin, Mr James TIEN, Mr LEE Cheuk-yan, Mr CHAN Kam-lam, Mr CHAN Wing-chan, Miss CHAN Yuen-han, Mr Andrew CHENG, Mr Paul CHENG, Dr Anthony CHEUNG, Mr CHEUNG Hon-chung, Mr CHOY Kan-pui, Mr Albert HO, Mr IP Kwok-him, Mr LAU Chin-shek, Mr Ambrose LAU, Dr LAW Cheung-kwok, Mr LAW Chi-kwong, Mr LEUNG Yiu-chung, Mr Bruce LIU, Mr MOK Ying-fan, Mr NGAN Kam-chuen, Mr SIN Chung-kai, Mr TSANG Kin-shing, Dr John TSE and Mr YUM Sin-ling voted for the motion.

Mr CHIM Pui-chung, Mr Eric LI, Dr Samuel WONG, Dr Philip WONG, Miss Christine LOH and Miss Margaret NG voted against the motion.

Mrs Elizabeth WONG abstained.

THE PRESIDENT announced that there were 41 votes in favour of the motion and six votes against it. He therefore declared that the motion was carried.

## **INTERPRETATION AND GENERAL CLAUSES ORDINANCE**

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

"That the Employment Agency (Amendment) Regulation 1996, published as Legal Notice No. 34 of 1996 and laid on the table of the Legislative Council on 17 January 1996, be repealed."

**MRS SELINA CHOW:** Mr President, I move the tenth motion standing in my

name on the Order Paper.

The Subcommittee formed on 12 January to study seven Regulations, Orders and Notices took on the study of the Employment Agency (Amendment) Regulation 1996 on 19 January as well. Members of the Subcommittee held the unanimous view that the current amount of licence fee at \$1,400 should not be further increased. This amount was already three times of the amount charged in October 1992 at \$500 and was a result of three counts of increases since then, first to \$800 in November 1992, then to \$1,000 in December 1993 and again to \$1,400 in December 1994. Since only three years and four months had passed for the amount to be brought upwards from \$500 to \$1,400, Members considered that a further increase would not be justified.

Mr President, with these remarks, I move that the Employment Agency (Amendment) Regulation 1996 be repealed.

*Question on the motion proposed.*

教育統籌司致辭：主席先生，根據《僱傭條例》第XII部的規定，任何人士如有意在香港經營職業介紹所，必須向勞工處處長申領牌照。

上述牌照費過往一直遠低於提供發牌服務的成本。按照政府的政策，服務收費一般應訂於足以收回全部成本的水平，因此，我們由一九九二年起，每年調整牌照費，把收回成本的比例逐步提高，希望在一九九五至九六年度，能夠收回全部成本。

根據《1996年職業介紹所(修訂)規例》，我們建議把簽發主牌照的收費提高至1,720元，牌照核准副本的收費則調整為345元，新收費將由一九九六年三月八日起生效。建議的加幅可讓政府收回全部成本。

我必須強調，建議的加費對現時大約1 000間職業介紹所的經營成本和利潤只有輕微的影響。事實上，職業介紹所行業的代表並不反對今次的加幅。這項建議亦不會影響甲類消費物價指數和市民的生活水平。我謹促請本局議員否決這項議案。

謝謝主席先生。

**葉國謙議員致辭：**主席先生，這項規例的建議加幅為23%。民建聯一直的看法是，我們並不反對政府的加費是用以收回成本。我們會在考慮加幅是否高於通脹後，定出自己的立場。因此，就這項規例，我們會支持周梁淑怡議員的議案。

由於民建聯的立法局議員在二月五日到了北京訪問，所以有關小組委員會開會時，我們全都沒有參加會議，因而未能充分表達民建聯在這方面的意見，致使我們今天在投票時要對六項小組委員會的意見提出反對，我謹此深表歉意。

**黃震遐議員致辭：**主席先生，剛才周梁淑怡議員已清楚說明這項規例建議進行的加幅非常急速，我們覺得會對職業介紹所公司的經營造成困難，最少在財政上會出現壓力。我們覺得在現今經濟較為困難的環境，尤其對小型公司應有資助。因此，我們覺得政府應凍結這項加費。

*Question on the motion put.*

*Voice vote taken.*

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

Mrs Selina CHOW claimed a division.

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

**PRESIDENT:** I would like to remind Members that they are now called upon to vote on Mrs CHOW's last motion which proposes to repeal the Employment Agency (Amendment) Regulation 1996. Will Members please register their presence by pressing the top button and proceed to vote by choosing one of the three buttons below?

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

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, Miss Emily LAU, Mr LEE Wing-tat, Mr Fred LI, Mr Henry TANG, Dr YEUNG Sum, Mr WONG Wai-yin, Mr James TIEN, Mr CHAN Kam-lam, Mr CHAN Wing-chan, Miss CHAN Yuen-han, Mr Andrew CHENG, Mr Paul CHENG, Dr Anthony CHEUNG, Mr CHEUNG Hon-chung, Mr CHOY Kan-pui, Mr Albert HO, Mr IP Kwok-him, Mr Ambrose LAU, Mr LAW Chi-kwong, Mr NGAN Kam-chuen, Mr SIN Chung-kai, Mr TSANG Kin-shing, Dr John TSE and Mr YUM Sin-ling voted for the motion.

Mr CHIM Pui-chung, Dr Samuel WONG, Dr Philip WONG, Miss Christine LOH, Mr LEE Cheuk-yan, Mr LAU Chin-shek, Dr LAW Cheung-kwok, Mr LEUNG Yiu-chung, Mr Bruce LIU, Mr MOK Ying-fan and Miss Margaret NG voted against the motion.

Mrs Elizabeth WONG abstained.

THE PRESIDENT announced that there were 34 votes in favour of the motion and 11 votes against it. He therefore declared that the motion was carried.

**PRESIDENT:** I have accepted the recommendations of the House Committee as to the time limits on speeches for the motion debate and Members were informed by circular on 12 February. The mover of the motion will have 15 minutes for his speech including his reply and another five minutes to speak on the proposed amendment. Other Members, including the mover of the amendment, will have seven minutes for their speeches. Under Standing Order 27A, I am required to direct any Member speaking in excess of the specified time to discontinue his speech.



**PROPOSAL OF THE HOUSING AUTHORITY'S AD HOC COMMITTEE  
ON PRIVATE DOMESTIC PROPERTY OWNERSHIP BY SITTING  
PUBLIC HOUSING RENTAL TENANTS**

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

"本局反對房屋委員會公屋住戶擁有私人住宅物業問題專責小組委員會要求公屋住戶申報資產的建議。"

李永達議員致辭：主席先生，今天，我再次將有關富戶政策的問題帶入立法局辯論，上一次辯論是在一九九二年十二月。本局當時通過本人提出的動議，要求房委會撤銷富戶政策。雖然今次用了另一個名稱，但這個政策只不過是舊富戶政策的延續。

主席先生，這個新富戶政策用“維護公屋資源的合理分配”為名來掩飾向基層市民開刀的目標。

其實，政策所強調的是對那些生活已經改善的公屋租戶減少資助，強迫他們購買居屋或繳付市值租金，政策另一個明顯含意，就是“有能力的市民應繳付更多”。這個政策原則表面上似乎很公平，但應用在社會福利政策的服務之上又是否合適？

如果我們支持公屋租戶中生活稍為改善的居民就要繳交市值租金，我想問，生活改善的市民，當他們入住公立醫院，是否應該繳交比一般人更高的住院費用甚至市值住院費用；生活改善家庭的子女，入讀大學時應否繳交更昂貴學費或市值學費。這並不是甚麼危言聳聽，過去幾年，政府提倡醫療收費與成本掛鉤，及醫療分項收費，以及最近大學大幅增加學費，其實正是政府想進一步削減對社會福利服務的承擔的表現。

主席先生，在現有公屋租戶中，有58%（多於一半）租戶，在他們入住公屋時，並沒有經過任何資產審查。很多居民以前是透過清拆木屋、石屋或私人樓宇入住公屋的；他們入住公屋時可能已擁有一定資產。入住公屋時不作任何審查，入住一段長時間後到現在才進行審查，而且威脅要他們繳交市值租金，這種做法跟“秋後算賬”沒有分別。

主席先生，在舊富戶政策推行時，已經產生很多家庭不和事件。戶主為了填報資料，要強迫配偶及子女公開個人入息，現時更要公開每個人的資產，令家庭成員之間產生更多、更大的糾紛。政策會令家庭不和事件更易發生。《房屋條例》訂明虛報資料的戶主要承擔刑事責任。申報資產資料非常

繁複，物業、股票、黃金、汽車牌照的估價會隨市場而變化，而戶主沒有百分百的信心可以從家庭成員得到正確的資料。舊的富戶政策和新的政策一樣會迫使戶主刪除子女戶籍以減低入息或資產水平，政策會拆散家庭，更會使舊公共屋變為老人屋，與社會及房委會鼓勵子女與家人同住的政策背道而馳。

主席先生，房委會進行政策諮詢前後，很多輪候冊及私人樓宇居民抱怨這些所謂“富戶”霸佔公屋，社會上亦瀰漫著一片仇恨這些富戶的氣氛。這種仇視是政府自覺或不自覺地造成的，階層間的仇視已經出現，會帶來社會不穩定；其實，香港社會及政黨一直不喜歡亦不提倡以階級對立，或有錢人與沒有錢的人的分歧來辯論社會政策及社會資源分配問題；如果房委會或房屋科喜歡主動挑起階級之間，不同收入人士之間的矛盾，或挑起階級間矛盾的後果，而帶來社會憤怒及不穩定，這又是否政府的想法？

主席先生，由這個新富戶政策的諮詢期開始直至現在，政府仍未提出希望達到的具體目標。兩個月諮詢期已經過去，我們不斷聽到的只不過是政府高官不斷重覆的“資源合理分配”、“有能力應負擔更多”等推銷性口號，即使在立法局房屋事務委員會的兩次特別會議之中，出席官員仍不能提出任何具體目標。究竟這個政策估計每年可以收回多少出租單位以幫助有需要人士呢？每年可以收到多少額外租金？政府官員一直在迴避。整個審查住戶資產過程會涉及龐大的行政費用。房屋署將眾多專業人士，如測量師、律師、地區房屋署人員處理申請的人手的費用及大家對估價有不同意見而上訴的行政費用完全隱瞞，才得出一個錯漏百出、偏低的行政費用估計。面對這個政策，相信很多租戶會好像推行舊富戶政策的時候一樣，以刪除子女戶籍來逃避這個政策，會收回多少單位及收取多少額外租金實屬疑問。對於一個低成本效益的政策，政府高官仍然不顧後果地推行，令人懷疑這個政策是不是有其他隱藏的目的。

主席先生，近年，房委會將居屋建屋量不斷大幅提高，扣除從重建而來的租住單位，租住單位總數量，由一九九零年的667 700個，只輕微增加至九五年的684 000個，我重複一次九零年出租單位總數量為667 700個，九五年出租單位總數量為684 000個。在這五年內，淨增長只得一萬多個。租住單位在過去五年平均每年淨增長只得3 400個。而同一時間，居屋的年淨增長為14 800個。在一九九八年至二零零零年這三年內，房委會預計會出售差不多十萬個居屋單位。這三年內供應量突然大增，再加上居屋昂貴，居屋的吸引力，尤其是對綠表的申請的吸引力，持續下降。利用市值租金是透過懲罰性政策迫使公屋居民購買昂貴的居屋。

主席先生，對於公屋租戶之中生活改善的居民，我們認為利用鼓勵性政策吸引他們購買居屋，就已經足夠。其實，過去六年，正在公屋居住的租戶已非常踴躍地用綠表申請購買居屋，超額申請由四倍至12倍不等。而為繳交雙倍租住戶所設的特別屋居配額，亦有四倍超額認購；所以，不是他們不想走，而是他們的申請一次又一次被否決。主席先生，在沒有任何懲罰性政策下，租住公屋的居民仍然自動自覺地離開公屋，政府為何要多此一舉？除非有不可告人的其他目的！

主席先生，民主黨認為透過鼓勵性措施，吸引公屋租戶購買居屋，以及重新考慮出售公屋計劃，已經可以處理公屋住戶之中生活改善住戶的問題而無須提出懲罰性的新富戶政策。

主席先生，本人謹此陳辭，動議議案。

*Question on the motion proposed.*

**PRESIDENT:** Mr Edward HO has given notice to move an amendment to this motion. His 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 debate the motion and the amendment together in a joint debate. I now call on Mr Edward HO to speak and to move his amendment. After I have proposed the question on the amendment, Members may express their views on the motion and the amendment.

**MR EDWARD HO's amendment to MR LEE WING-TAT's motion:**

"刪除“反對”，並以“支持公屋資源應該按需要分配，並促請”代替；在“房屋委員會”後加上“修訂”；刪除“要求公屋住戶申報資產”；並在“建議”後加上“，以提高成本效益，及盡量減低其擾民程度”。"

何承天議員致辭：主席先生，我動議修正李永達議員的議案，修正案內容一如議事程序表內我名下所載者。

在一九九二年十一月房委會曾就“長遠房屋策略中期檢討”進行調查，結果顯示，約有13%公屋住戶擁有私人住宅物業。這個現象一經暴露，社會輿論強烈認為，擁有物業而享受公屋資源是不公平的。一九九三年三月亦進行了民意調查，被訪的公屋住戶中有65%表示，不接受公屋居民可擁有物業，而私人樓宇住戶中則有68%持相同意見。此外，被訪者中有88%表示，擁有物業的公屋住戶應該遷出公屋。

在“維護公屋資源的合理分配”諮詢期內，我們應該聽取公眾的意見，而且，立法局在辯論時理應考慮“公屋住戶擁有私人住宅物業問題專責小組”經過兩年討論而提出的原則，並應明確地表示支持還是反對該原則。

專責小組的原則是維護公屋資源的合理分配，因此要停止資助經濟能力足以照顧本身住屋需要的住戶；如果他們選擇繼續在公屋居住，則須繳交市值租金。

要決定公屋住戶的經濟能力水平，必須由他們申報資產。這是公平地解決問題的關鍵。李永達議員的議案利用了這個技術關鍵來阻止這個原則的落實。如果他的議案是反對這個原則，我根本不需要提出修正，因為議員可以投票方式決定支持或反對。

本人支持維護公屋資源合理分配的原則；這亦是自由黨的立場。雖然今天有些自由黨的同事未必能出席會議。

香港地少人多，住屋歷來是政府首要解決的問題，政府亦為此投入了大量社會資源。截至一九九五年三月三十一日，政府批地超過1 000公頃，資助總額約1,420億元。原則上，公屋計劃是照顧經濟水平不足以解決住屋需要的市民，而不是照顧能力足以擁有物業的住戶的。

在這裏我想說，李永達議員說小組的建議是要向基層開刀。我想告訴他，現在所定的入息和資產限額已經可以納入百分之十最高收入人士之列，我覺得他們未必可以稱為“基層”。

客觀上，我們必須停止資助擁有物業及相當資產的住戶，我認為社會上有很多真正需要資助的市民還沒有得到資助。據房委會統計，在輪候冊上有15萬戶，而且不斷有新移民來港，有大量新移民極需要入住公屋。所以，房屋的問題在很長的時間內也未必能夠解決。

本港的土地資源和基建有限，並不是我們說加快便可以加快。事實上，

公屋的興建速度，近期亦因為土地短缺而減慢。在來年，可能在一九九七及一九九八年要每年增建八萬個單位，才可以在二零零一年實現長遠計劃。這不是一件容易的事，因為需要打破以往的建屋速度記錄。

至於所謂“申報資產是擾民”的問題，專責小組已經多次深入地討論如何減少擾民程度。專責小組建議，只要求繳交雙倍租金的住戶（約三萬個）申報資產，即只是所有租戶的百分之五。而且，這些富戶可以選擇不申報，因為他們不申報則大可繳交市值租金。首先，申報資產是必須的，亦有先例可援。其他公共機構，如法律援助處或房協會正在推行的夾心階層房屋計劃亦需要市民申報。為了“確保住戶所享有的資助是按需要分配，使資源能夠有效而公平地運用”，房委會亦一直需要申請入住公屋的市民申報入息。這種合理的要求從來未受非議。在同意大原則之下，自由黨建議提高成本效益和減少擾民程度。至於細節我會讓同事周梁淑怡議員建議。我最近聽取了很多市民的意見，表示擁有物業的公屋住戶，可能要將公屋交還。我覺得在這階段要採取開放的態度，聽取多些市民的意見。

主席先生，本人謹此陳辭，修正李永達議員的議案。

*Question on the amendment proposed.*

**MRS ELIZABETH WONG:** Mr President, I rise to make several points in support of the original motion. First of all, to introduce a system where a lot of the people have to undergo consciously a declaration of assets will create, in my opinion, administrative chaos.

Secondly, if the asset declaration is not checked, then it will probably introduce abuse. If checked, it will again be a nightmare of administrative control.

Thirdly, in Hong Kong where social mobility is lauded as characteristic of success, I think it is very uncharacteristic of Hong Kong people to actually be envious of those people in public housing who have become wealthier than before. We should be happy for them. We should not penalize them.

Fourthly, we all need a roof over our head, but I really do not, for the life of me, see how this asset declaration scheme will help to create more housing for those people who are not housed. How do you create units?

So let us have a system where we must build and build more units for people without housing and let us have a new, innovative housing policy where people have a roof over their head and feel they belong. Until we have that, let us not muck about with the policy and create problems, for not only residents but for those people who are in control of the policy. Let us not tinker with the policy.

With those remarks, I support the Honourable LEE Wing-tat's original motion. Thank you.

蔡根培議員致辭：主席先生，房屋委員會屬下“公屋住戶擁有私人住宅物業問題專責小組委員會”日前公布一份“維護公屋資源合理分配”諮詢文件，其中強調兩大原則：

1. 公屋不是私人財產：公屋是社會的公有財產，是為有需要者提供居所，故公屋居民沒有必然權利終身享用公屋資助，甚至“世襲”。
2. 按需要給予公屋資助，令有限的公屋資源得到有效、公平的運用。

專責小組在這兩大原則下，建議要求按資助政策應繳付雙倍租金的為數約三萬戶的“雙租住戶”需要申報資產及入息。若其資產淨值及入息均超逾某一限額，將有兩個選擇：（一）不能再享有公屋資助，換言之，須繳交市值租金或遷出公屋；（二）獲優惠條件購買居屋。其目的是使他們騰出更多公屋單位讓予更有需要之家庭。專責小組建議公屋資源須獲合理分配的精神是值得支持的。但是由於政策影響廣泛及深遠，在實施上存在複雜的技術問題，故不得不慎重研究。

這個政策原意是針對有錢的富戶，使他們不會永遠霸佔公屋，因而對他們進行全面的資產審查。然而，這些資產審查措施若處理不當將會產生擾民效果，甚而會引致侵犯私隱權的批評。至於房屋署為進行一連串資產審查而投入龐大資源是否值得，仍有待商榷。至於如何評定審查資產的標準，社會上亦有很大爭議。

在眾多的爭議中有幾項是值得我們研究的。例如；用以謀生的的士牌，是否應當計算入資產之內呢？又例如：面對香港一貫以來通貨膨脹高企，樓價、租金不斷飆升，不少香港人，包括中下階層人士也寧願節衣縮食，辛辛苦苦供一層樓以作為保值及日後養老，甚至作為棺材本。這項資產應否獲得豁免呢？又例如股票、汽車、物業等在審查之列，但一些很有價值的財物，例如：黃金、珠寶甚至古董等則不計算在內，是否恰當？但若對這些有價值的財物計算的話，又如何審定呢？如何制訂這張審查清單呢？此外，對於專責小組建議的入息及資產淨值限額，在社會上亦引起不少的爭議。

專責小組建議審查資產的“雙租住戶”中，有些當年是受政府收地、遷拆影響而上樓的。這些人當時是無須經過入息審查而入住公屋。他們當時獲得入住公屋是否屬於一種補償性質呢？目前政府及民間對此均有不同看法，對這些公屋住戶應否進行資產審查呢？

為實施這項政策，專責小組估計每年行政費用高達300萬元。實施這項審查，到底能夠迫使多少個富戶退回公屋呢？我們為這一小撮富戶而須對三萬戶進行資產審查，是否勞民傷財呢？

主席先生，本人贊成確保公屋資源得到合理分配。當我們一方面看到為數甚多的低下層人士居住在生條件極差，居住空間極為狹窄的臨屋和寮屋，還有籠屋居民和擠迫戶；而另一方面又看到具有相當經濟能力的富戶，仍佔據著社會的共有資產——公屋，我們能夠視若無睹嗎？甚至為了保護這一小撮富戶，而忍心讓這些窮困擠迫戶繼續居住在如此困難的環境嗎？近日，報章曾報道，公屋一富戶擁有兩個私人物業，時值3,000萬元，子女均已長大，自己又移民，仍霸佔公屋單位。房署只能以他讓公屋單位為他人居住而終止其租約，但他卻為此而控訴政府。目前的問題是，現行的政策與規定不能因為公屋住戶已擁有一定的收入及財富而終止其租約。這對有真正需要的低下層居民來說是極不公平的。

當然，為解決低下階層的居住問題，主要還是要增建公屋。但確保公屋資源獲得合理分配亦屬必須。為此，本人贊成制訂政策及設立機制使公屋資源能夠按需要獲得合理分配。但是，不一定要求所有“雙租住戶”均須申報資產，我們可制訂法例或規定，授權房屋署按具體情況，要求某些估計收入及資產淨值高於一定限額的富戶申報資產。至於收入及資產淨值限額以多少為合理呢？以一個四人家庭為例，本人認為專責小組所建議的入息限額約四萬元是合理的。但是，有關資產淨值的建議，宜適當地提高至超過150萬元。

主席先生，本人謹此陳辭，謝謝。

陳婉嫻議員致辭：主席先生，“房委會公屋住戶擁有私人住宅物業問題”專責小組要求公屋住戶申報資產的建議基於兩項原則，第一、公屋資源是公有財富，不是私人財產；第二、公屋資源應該按照需要分配。由於苦候公屋的人士逾15萬人，供不應求，故建議透過資產審查，藉以要求部分經濟有所改善的住客騰出單位，讓予有需要的人士，否則，需要繳付市值租金，減少政府對這些住戶的津貼。

這大番原則聽來娓娓動聽，仿似很有道理，但如從深層次來看，便會發覺有很多不合理之處。比方說上茶樓飲茶，茶樓座位有限，難得找得一席位，卻被伙計以輪候茶客太多，座位有限、供不應求為理由，要求茶客出示錢包，展示財富多寡。當然，茶樓也很民主，不會強迫茶客就範，但有例不依者，如要留下繼續品茗，則須繳付五星級大酒店的消費。

同樣地，這例子有兩項大原則：茶樓公用，非個人所能獨享，也是按照需要而分配資源。或許，主席先生，你會說這個比喻不好，兩種情♥不盡相同。我承認確有不同之處，經營者亦有別，假如茶樓經營老像現在房委會那樣做，很快便要“執笠”，但由於現在房委會由政府掌權，權威就難反！但我亦看出一個相同的地方，就是兩者均面對升斗市民。不同的是，公屋住客比茶客更無奈，茶客不高興尚可選擇別家食肆，公屋住客可選擇的餘地卻非常少！是否公平、合理？

過去在地區召開的相關居民大會中，公屋居民怨聲不少，我最近到過一些居屋及公屋屋 出席居民大會，聽到住在居屋的居民的意見。民憤可以說是不少的。居民說得好，何以“只許州官放火，不准百姓點燈”？

房屋委員會要求公屋住戶申報資產無疑是延續及擴大富戶政策，，打擊及針對一大批住公屋的居民，而輪候公屋家庭則有15萬，就現有萬多戶受影響的公屋居民來說，可以說是杯水車薪，不但無助於解決公屋供求問題，反而是勞民傷財，更造成了“富戶”和“非富戶”，以至公屋居民和非公屋居民的分化。主席先生，我們認為政府這種做法，實際上是將現在香港公屋資源的問題，轉移到所謂“富戶”的身上，公屋居民變成了代罪羔羊一樣，對他們十分不公平。

如果我們回顧一下公屋歷史，當年政府採取雙重標準編配房屋，逾半數公屋住戶是受清拆或收地計劃影響而獲公屋安置，而無須作入息審查。再者，當時亦沒有聲明不可擁有私人物業及需要申報資產。事實上，所有公屋居民均循合法途徑取得公屋，絕非所指的“霸佔”；居住權實為公屋居民應得的保障，我們沒有說這是“世襲”。



然而，部分擁有私人住宅物業的公屋居民當中，有八成是自住的，至於超級富戶僅屬小數。部分公屋居民擁有私人樓宇，其背後是有許多原因的。主席先生，在過去我所在的地方，有八成人士居住在公屋，我看到不少居民被迫要買些二、三手樓，因為他們的居住環境擠迫。一代人、兩代人、三代人住在一個中型單位，在長期擠迫的情<sup>♥</sup>下，他們被迫節衣縮食，購買二手樓，來補救現在居住在公屋太擠迫的情<sup>♥</sup>。主席先生可能問我為何不要求政府解決擠迫的問題呢？我可以告訴主席先生，要政府解決，可以說很長時間也解決不到。

多少年來，我曾屢次看到有不少住戶，同一個住戶的人仍然居住在同一單位內，這說明政府本身沒有條件，或在擠迫戶的問題方面做得不好，因而居民要被迫購買私人樓宇。

再者，我們也看到，由於實際上香港的社會保障不足夠，現在不少老人家，退而不休，使我們年青一代感到很心酸。由於政府沒有退休保障，他們為了將來生活有保障，而被迫購買一些廉價的二、三手樓，為將來退休作準備。

所以說，所謂“富戶”，實際上不是富戶，所謂“擁有私人物業的公屋居民”本身也有很大的苦衷。因此，我們認為，政府的現行政策是不正確的。

我們認為所謂“資源重新分配”，只是將一些窮人迫到赤貧的地步。

因此，我們絕對不贊成政府的政策，我們支持李永達議員的原議案，反對房委會要求公屋住戶重新申報資產，至於何承天議員的修正案，由於他太籠統，再加上原意是贊成政府的做法，所以，我們都不支持他的修正案。基於這些原因，我今天發言，是支持原議案，反對修正案。

謝謝。

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

梁耀忠議員致辭：代理主席先生，房委會一直被市民指摘欠缺代表性，制訂的政策未能反映普羅居民的意願，以至對香港整體居住問題造成混亂，同時，亦造成不少不公平和不合理的現象；最終促使地產商和銀行家賺得盆滿鉢滿，而小市民則要奉獻終生才能換取一個簡樸的居所。

港府在一九五三年時為解決石硤尾大火災民的居住問題，開始為基層市民興建出租公營房屋；至今大約已為近半人口提供居所，使整體社會在低工資和缺乏社會保障下仍能有較穩定的發展。然而，正因這個原因，港府理應努力不懈，繼續朝這個目標出發。可惜的是，基於房委會成員的組成成分，和政府本身作為既得利益者的代表，眼見出租公屋人口日益膨脹，對地產商及銀行家的利益構成嚴重威脅，便挖空心思，尋求解決這無休止的興建公屋計劃。事實上，房委會近期一連串的構思，已是昭然若揭的了，例如：

在新富戶定義下要繳納市值租金的政策、購買居屋三年後可轉售給公屋居民、居屋亦可在這情♥下半買半租。從這些情♥可以很明顯地看到政府有意出售而不是出租大量公營房屋，但在這種情♥下，公屋居民會怎樣受惠？對輪候冊上15萬市民有甚麼幫助呢？

新富戶政策其實只影響三萬多富戶，但卻要勞師動眾，要一家大小申報資產，最後估計只有約數千人需要繳交市值租金，但如果他們寧願繳付市值租金也不願遷離，試問政府的計劃又能否成功，又能否幫助15萬輪候人士？所以，其實政府的做法的目的只不過是想賣屋而不是租屋。

政府無意以發展公屋來解決低下階層市民的住屋問題，似乎大局已定，例如：

- 一． 在公共房屋的興建計劃中，居屋的興建數量比公屋的興建數量為多。政府假設市民對居屋的需求量較大，但這個假設並無實際數理根據。
- 二． 政府通過新政策，使居屋業主可將住滿三年的住所出售給公屋居民。政府認為此舉可使公屋居民能購買自置居所，可以安居樂業而同時亦可騰出一些公屋單位給輪候人士。但是，以現時私人樓宇的昂貴程度，政府認為真有大量居屋居民急於拋售居屋單位嗎？而政府會否相信有大量居屋居民三年內因致富而要出售自己的單位，而要購買私人住宅單位？
- 三． 房委會推出的新富戶政策，以第二優先給新富戶購買居屋，我剛才已批評過這政策的成效根本不大。

四．大家都知道，已有兩名同時兼任房屋事務委員會議員的立法局議員在傳媒上證實，港府及房委會高層人士曾透露在二零零一年後停建公屋的構思，並詢問他們的意見。政府一步步摒棄公屋，而要公屋居民購買居屋，這情♥已十分明顯。

政府決心迫使市民入住居屋或遷往私人樓宇又逐漸不想再興建公屋，表面上告訴我們，政府所謂讓市民安居的目的，只不過是想擺脫承擔出租公屋的責任，而事實上，我發覺有幾個動機可以證明政府有這種意願：

- 一．政府認為興建公屋對房委會來說，是個龐大的財政負擔，加上無休止的維修、管理費用等，政府不再想背負這個包袱。
- 二．認為與公屋相比，居屋的社群，可營造較安定及安穩的社會環境，因為一般居屋居民較珍惜自己擁有的地方。簡單來說，政府認為可以容易管理。
- 三．政府為♥保障地產商及銀行家利益不受損，迫使部分公屋居民購買私人樓宇，保障私人樓宇的價格。這明確顯示政府有動機不再繼續伸延公屋出租計劃。

事實上，主席先生，香港有六百多萬人口，除了小部分富戶外，無疑在這十多年來，誕生了一群中產階層人士，而且，他們希望可享受較為高質素的生活。另一方面，我們看，香港仍有數百萬中等入息以下的居民，他們的生活水平在中等以下，而貧窮的住戶也非常多，當中目前仍然領取綜援的人士也有11萬。我亦看到近年香港經濟情♥不斷走下坡，另一方面，地價、樓價卻不斷上升。在這種情♥下，對於一般普羅市民來說，購買私人住所其實是非常困難的，也不可提供穩定的居所。

今日的辯論是有關公屋住戶擁有私人住宅物業問題，原議案反對小組要求公屋住戶申報資產，本人深感贊同。除了基於不可以因公屋居民生活得到改善而懲罰他們的原則外，還有以下原因：

- 一．這個做法擾民而不合理；事實上，作為謀生工具的所謂“資產”，根本不可以計算為住戶財富的一部分。
- 二．建議不公平，因為家庭成員的收入，並不完全由戶主控制，例如：戶主的在職子女可能因個人理由，其個人資產收入，不能夠完全給家庭，戶主將無法負擔。

本人謹此陳辭，支持原議案。

**單仲偕議員致辭：**代理主席先生，我五歲便開始住在公共房屋，住了二十多年，當我成家立室，要結婚時，便需要遷離這個小小的公屋單位。公屋讓不少小家庭踏入穩定的生活，當這些小家庭的成員成長後，環境改善了後，很多都會主動尋找更好的居所。

但是，政府現在卻提出這份文件，這其實是一份懲罰性文件；這種懲罰性是要讓人知道，如果你的生活改善了，便要多納一點稅。其實，政府應該透過稅務來改變這個多勞多得的制度，而不應透過公屋租金。主席先生，我想我的同事李永達議員會很詳細向你闡述這些觀點。

我想說一點，就是在我的選區內有很多重建屋，包括葵涌、大窩口、梨木樹和石籬。這一批重建屋在一九九八年後才會清拆，這一批屋的住戶在這份文件的建議下，被取消十年免交雙租的期限。

自從一九八七年開始實施這個富戶政策以來，政府都給予公屋住戶十年免交雙租期。對一些環境本來很差，但其後變得環境較好的住戶來說，這個免交雙租期讓他們在首十年內有較為穩定的生活。舉一個很簡單的例子：葵涌邨百多呎單位的一個居民，現在只須繳交數百元的租金，但遷進和諧式公屋後，他要繳交的租金，已經是2,400元，是以前租金的六倍。如果他要繳交市值租金，即2,400元的五倍，便等於12,000元，由500元增至12,000元，增幅是數十倍。

我相信這個租金會大大打擊重建住戶對重建的積極性，亦會阻撓重建過程的順利程度。我希望房屋署或房屋協會會對這個政策三思。

其實，原則上我是反對整個富戶政策的。不過，我覺得我要更加強調，房委會推出這個政策，是在製造社會矛盾，矛盾不但來自公屋居民和非公屋居民，更製造了公屋居民與公屋居民之間的矛盾。

房屋署副署長羅范椒芬女士曾經提過“推拉政策”，這個“推拉政策”一方面迫使一些公屋居民離開公屋，另一方面用一些誘惑性政策，吸引一些公屋居民購買居屋。其實，這措施最終會導致私人物業市場需求增加，私人物業市場需求增加，會使樓價又再冒升，最終受害的，不單是公屋居民，而是全體香港市民。

我希望政府或現在批評這個政策，或贊成這個政策的人都了解這一點。這個政策不單針對公屋居民，其實，受害的可能是全港市民，一些可能已經“上了岸”的人除外。他們已經買了很多物業，不需要再受物業的煎熬。

其實，在討論這個項目時，政府經常說在進行大檢討後，才實行小政策。我同意這一點。房屋司黃星華先生正在研究一份有關長遠房屋策略的文件，並會在年中提出討論。政府應該先告訴我們，整體房屋策略是怎樣的，然後才考慮這個資產審查的建議。

這個資產審查建議，如果真的有此需要，我強調我原則是反對這建議的，應該是服務在長遠房屋策略下其中一個項目的目標，而不應草率地現在便提出來討論。在未向市民清楚交待長遠房屋策略時，便零散地拿出來討論。我用的術語是“刨鉛筆”，磨得多少便多少，將公屋居民剝削得多少便算多少。

我覺得這個政策很嚴重地打擊公屋居民和準備有房屋需求的人。我強調一點，有房屋需求的人，包括很多年青人，這些年青人將來結婚，不是入住公屋，就是購買私人樓宇。現行的房屋政策，希望導致大部分市民、公屋居民或準公屋居民，流入私人物業市場。我希望房屋司黃星華先生能夠先檢討這個政策，然後才提出討論這份文件。

**周梁淑怡議員致辭：**代理主席先生，上星期立法局一致通過出售公屋的議案，正好為今天的辯論提供了一個良好的基礎，就是公屋的資源，是可以更好地分配到最有需要的市民身上的。

上星期的議案可以滿足公屋租戶置業的意欲，今天的辯論，則志在把公屋資源合理地分配給有需要而沒有能力的人士。自由黨早些時候曾經說過支持諮詢文件的原則，但對於文件建議措施的效用，在騰出更多公屋單位方面，有些懷疑。自由黨認為文件就如何能把公屋資源，隨時代和社會環境轉變而調校的方向是正確的，但在細節上，就有必要作出適當的修改，既使資源得到更適當的分配，亦可減少對現有公屋居民的滋擾。

我相信提出原議案的李永達議員，亦不會要求打工仔交稅來資助月入五、六萬元的家庭住他們的公屋，反而這些同等入息的打工仔家庭，就要以相等於公屋四、五倍的租金租住私人樓宇，因為他們沒有條件入住公屋。

自由黨經過詳細而深入的諮詢民意工作後，得出的結論，與房委會的統

計結果相若，即大多數市民認為不應該動用公帑，以一部分由月入四千多元的工人所繳交的稅款而得到的政府庫房收入，繼續為已經富有的公屋居民提供每戶每月三、四千元的房屋津貼。

自由黨曾就諮詢文件在大埔、沙田、葵涌、元朗、柴灣和中西區，進行各類探討市民意見的活動，如居民大會、公聽會、問卷等，以作為釐定自由黨最後建議的根據。

我們發現多數發表意見的市民，不論是否公屋居民，都接受公屋資源應用在有需要人士身上，問題在於富戶的定義是甚麼，是否公平，而市值租金又是否合理。考慮了多方面的意見，自由黨昨天其實已公布我們的最後建議，包括以下重要範疇：

第一、我們認為要繳交市值租金的家庭，應該有：

（一）輪候冊入息限額四倍。即四人家庭為有54,400元的家庭入息。

按照這個收入，估計有不多於7 000個公屋家庭受影響，而以全港計，這些是佔最高收入大概6%的家庭，♥且香港現時國民生產總值每人每年收入為168,000元，即每月為14,000元，以四人家庭計算，也剛好是56,000元左右。

（二）資產是輪候冊限額之220倍，即四人家庭是2,992,000元。

在制訂這數目時，我們考慮了如一個四人家庭要購置私人樓宇，價格會相等於他們夠資格入住之居屋價格差不多兩倍，是負責報告的小組所述的剛剛一倍，此外，一家四口中，子女的入息可能不會全部給予家庭使用，我們亦顧及到有居民對生財所用的資產，如車牌等的強烈意見，所以訂出的數字應該要寬鬆一些。

第二個範疇，是市值租金應清晰地定於現在租金之三倍，而不是報告書所述的三至五倍半左右，因為如果設有一個幅度會使受影響的居民感到憂慮，日後亦可能會激發很多矛盾，甚至是一些強烈的申訴。

第三個範疇，是與此同時，一定要推行自由黨上星期提倡的“三線選擇”，便利有條件居民量力購買現住單位，或新建公屋或居屋。

另外一個範疇，是提供累積供款計劃，鼓勵較為富裕的公屋居民在繳交

市值租金三年之內，申請居屋，即把市值租金和雙倍租之差，作為累積供款處理。我們相信這對於刺激他們申請居屋有一定的作用。

第五，就是現存上訴機制需時太久，我們建議設立專責上訴渠道，盡快處理這方面的上訴。

我們認為諮詢文件中把選擇權交在居民手裏，讓他們決定是否申報資產，事實上這是個可取的做法。我們認為若他們所申報的家庭入息達不到上限，就不需要申報資產，換句話說，亦不需要繳交市值租金。

剛才何承天議員說過有人提出“超級富戶”應該被迫遷，自由黨曾經很詳細地考慮這個建議，甚至考慮以1,000萬元為限制。但是如果採納這個做法，所有公屋居民都必須申報資產才可以實行。原則上，我們不贊成，所以我們不支持這建議。

代理主席先生，基於上述理由，我呼籲同事支持何承天議員的修正案。

**陳鑑林議員致辭：**代理主席先生，公屋的資源是有限的，我相信沒有人會反對我們必須小心運用公屋資源，以達到有效及合理的分配。但今次房委會的政策建議，是否可以做到資源合理分配實在是一個疑問！

根據公布的政策諮詢文件的內容，擁有資產淨值超逾公屋輪候冊入息限額的110倍，而每月的家庭總入息又超過輪候冊入息限額的三倍的家庭，經濟上理應有能力購買居屋，因而不必租住公屋。我們不禁會問，花數個月時間諮詢，搞盡腦汁就是想要在60萬戶公屋居民中找出三數千名經濟有所改善的住戶，加以鞭撻！

除此之外，當局有何理據認為家庭總入息是一個合理的評估準則呢？這建議如果實行的話，我們懷疑只會令更多年輕家庭成員搬離原本的公屋，及加速家庭分離，令年老的家庭成員缺乏照顧，這個與諮詢文件提到的每個家庭“均為一完整的個體”的理念有所不同，亦與港府經常提倡家庭要對老人充分照顧的目標相背離。

資產審查原意是希望所謂“超級富戶”自行置業，但建議中的政策卻讓其選擇繳交大約為現時公屋租金三至五倍的租金，此舉顯然無法達致目標。另一方面，當局到目前為止，仍未確切告訴我們，如果政策得以推行，究竟

可以達到甚麼具體目標，例如：有多少公屋單位可以因此而騰空出來；若大部分住戶寧願繳交貴租的話，推行這個政策的意義會有多大呢？

從解決輪候冊問題的角度來看，我們認為建議中的政策實際起不了太大作用。按有關建議，房屋署需要花上數百萬元的行政費，但可能只會收回少數單位而已，而這個建議本身就不是一個資源合理運用的建議。如果當局一意孤行的話，只會令人感覺到房委會一方面藉詞索取更高租金，另一方面，將市民的注意力轉移到“超級富戶”身上，迴避市民對其興建出租公屋單位不足的譴責。這種“查身家”方法實在是滋擾至極的。

民建聯一直堅持公營房屋是有穩定社會的功能，而公營房屋更應以出租為主。現行的富戶政策，其實已減低了對經濟好轉居民的資助，實在不應對住戶再進行資產審查，進一步違反建屋為使居民安居的目的。建議中的打擊“超級富戶”政策，作為“用者自付”及“富者多付”原則的演繹，這是一個不公平和不合理的社會服務收費原則。

公營房屋政策現已推行近四十多年，資源是否公平分配呢？答案是否定的。按照目前的房屋編配政策而言，進入公屋輪候冊的家庭，基本上是社會上最需要協助解決居住問題的階層。但資產審查的目的，卻是要在已經入住超過十年的住戶中抽出少數經濟環境稍好的“超級富戶”，要他們完全承擔資源分配不公平的責任，對他們而言，這是絕對不公平的。與其說是“資產審查”，倒不如說是“秋後算賬”來得更貼切！

對於減低輪候冊的壓力，我們認為最終的方法是加建公屋，同時提高出租公屋的比例。房委會應加強管理及巡查，集中打擊一些真正濫用公屋的住戶。在過去15個月，房屋署的調查小組，集中調查屋宇中近3 000個個案，亦成功收回500個單位。我們覺得只要房屋委員會、房屋署加強屋宇的管理，對一些公屋住戶濫用公屋的問題，應可以成功地解決。另一方面，當局應該制訂更多鼓勵性政策，引導有能力住戶選擇自置居所。民建聯建議有關定價應改用“重置成本”為出售公屋及居屋的定價參數，並可考慮用“以租代供”的方法讓住戶可以擁有自己的單位。

房屋委員會應不時檢討房屋政策，但新的政策必須顧及一個公平原則，使每一個租戶均受入住前的政策保障，而不應時常更改租住條件，剝奪居民應有的權利。公屋政策關乎本地一半以上人口的居住問題，我們認為政府要



小心處理，事實上現在的政府過去處理居屋及居住問題都是成功的。

**陳偉業議員致辭：**代理主席先生，房屋委員會在去年十二月提出“維護公屋資源的合理分配”諮詢文件，表示希望利用此政策方案，達致改變市民“公屋為終身福利”的觀念。房委會聲稱制訂有關政策的目標，在於“維護公屋資源的合理分配，而任何公屋住戶，若其經濟能力已達到一個可以照顧本身住屋需要的水平時，便應停止接受出租公屋的資助；若他們選擇留在公屋單位居住，便應繳付市值租金。”

民主黨並不贊同房委會的新方案，因為新建議並未能令房屋資源得到更合理分配。就這次辯論，本人會集中討論新政策對因清拆而被安置入住公屋的住戶的不公平之處。

一九七六年政府為發展荃灣地鐵站，強行遷拆荃灣西樓角七幢大廈及附近一帶石屋。當年政府與居民已釀成極大衝突，政府要動用防暴隊方能迫使居民遷出他們的居所。結果居民在無可奈何之下，被安排入住象山。當年政府勸喻居民入住公屋，居民既無須申請，亦不必申報入息；同時西樓角七幢樓宇的業主更得到政府承諾，若他們自置物業，更可享受最高十萬元的買樓特惠津貼補償。而居民亦視被安排入住象山為政府賠償條件之一，因為居民並無主動申請，亦無須申報入息，更無入息限制，可見這批居民入住公屋是有其特殊性的。

當時，政府人員對被迫遷拆的居民可說是採取各種威迫利誘手段，大力游說居民，聲稱入住公屋的好處多多，其中包括：居民可以繳交廉宜租金，且可生活在穩定及較為舒適的環境；同時居民亦無須受收入及資產審查，即使擁有其他物業（因為政府資助他們另外購置新的私人物業），只要願意，亦可繼續在公屋居住。這是七十年代後期，政府為了游說這些居民，對這些居民親口承諾的說話。以上種種言辭，在游說過程中不斷出自政府官員口中，而不少居民親耳聽到政府官員對他們作出這些承諾。居民基於相信政府官員的說話，最後接受安置及補償。但非常可惜的，是品性單純的居民並不曉得要求政府作出書面保證，而使現時的房委會和房屋署官員矢口否認政府曾作上述承諾。

由於政府出爾反爾，過橋抽板，使這批居民在面對房屋署數年前實施的“富戶政策”時，反應特別強烈；居民強烈認為政府當年欺騙他們。而現時房屋署再推出“資產審查政策”及要求居民繳交市值租金，漠視了這批居民

入住公屋的特殊原因。這種處事手法，對居民是非常不公平的。

事實上，目前居住於公屋的居民，其中不少並非經輪候編號而獲配公屋，其中有些居民因政府遷拆其居所而獲安置，亦有些因特殊理由而獲政府編配房屋。故此，本人認為房屋署在修改任何與租戶有關的政策前，必須考慮有關政策的公平及合理性，不應將檢討焦點單單放在居民負擔租金的能力，而完全忽視了居民當年入住及接受公屋安置的歷史背景及理由。我強調，是“當年的歷史背景和理由”，代理主席先生，政府是不可以抹殺歷史的。

代理主席先生，本人認為房屋署現時進行的政策檢討過程，缺乏整體考慮，亦未見客觀及更無充分理據。事實上，房屋署的新政策是在抹殺以往的歷史，亦漠視新政策所帶來的不公平及不合理的地方。

基於上述原因，本人強烈反對房屋署實施“公屋住戶資產審查政策”，並要求房委會盡速檢討現行“富戶政策”，特別對因遷拆居所而被安置入住公屋的居民究竟是否公平，使政府可以早日脫去“出爾反爾”的惡名！

代理主席先生，本人謹此陳辭，支持原議案。

**劉慧卿議員致辭：**代理主席先生，去年年中，房屋署向三萬多個繳交雙倍租金的租戶進行抽樣調查，結果發現超過四成住戶擁有私人物業，其中有些“超級富戶”更擁有超過一間物業。在些數字公布以後，不少市民感到很詫異，有些公屋居民甚至對我說，這些“超級富戶”實在不應該繼續住在公屋。

代理主席先生，我相信抱有這種想法的人，不是妒忌別人有錢，而只是覺得富有的人或者有能力的人是不應該繼續享用公屋的資源，因為還有很多人正在輪候入住公屋，而他們的需要比這些人為大。

不過，由於本港一直推行的公屋政策都給市民一個印象，就是公屋是可以住一世的，因此，當政府要居民搬出來時，就會變得很困難。也是因為這個原因，當房委會在去年建議要繳交雙倍租的公屋住戶申報資產時，很多居民就更不接受這個建議。

我明白要居民申報資產是會引起很大的爭論的，雖然，現在直接受影響

的是幾萬戶或更少數住戶，很多議員剛才也曾提到這一點，但是，居民擔心以後二百多萬公屋居民都會受到影響。

代理主席先生，在房委會提出這建議之後，我曾在沙田區與民主黨的議員召開三次諮詢會，兩次與民主黨一齊召開，一次由我自己召開，參加發言的居民不是很踴躍，但是，發言者當中有些支持公屋的資源應該合理地分配，他們更加認為有能力買樓的人應該遷出公屋。

不過，有些居民亦看到近年來，失業率上升，很多公司倒閉或裁員，所以，他們擔心即使現在有錢買樓，但他日不幸失業的話，到時候便沒有足夠的錢供樓。因此，他們擔心現在辛苦得來的公屋居住資格，他日會喪失，可能要再輪候七年才可以再上樓，因此，他們會覺得得不償失。

代理主席先生，居民在這方面的憂慮是很容易理解的，因為像香港一個經濟這樣蓬勃的地方，竟然也隱藏着這樣嚴重的居住問題。現在，普通居民仍然要等七年或以上才可以享有公屋的居住權，因此，市民希望，即使推行這個政策，如果他們遷出公屋而買樓，但他日如果他們的收入大跌，則房委會應該考慮他們的情況而向他們提供可以優先再次獲配公屋的安排。

代理主席先生，由於公屋的租金是以市民的負擔能力來釐訂的，所以，租金遠較市值租金為低。對於低收入人士來說，公屋的確向他們提供很大的幫助，促使他們的生活水平得到維持，甚至提高。對整個社會而言，亦幫助紓解貧窮的問題。如果很多有足夠能力，並有足夠能力買樓的公屋居民，仍然居住在公屋內，會使其他想享用這些資源的人無法享用這些資源。

對於公屋居民來說，申報資產可能較陌生，或可能覺得不可以接受。因為，一直以來，主要是第一次申請公屋時“過了關”，他們就會覺得一勞永逸，可以無條件地繼續居住在公屋，甚至可以傳給下一代。不過，其實申報資產的要求並不罕見。剛才何承天議員亦提到，在其他方面，如法律援助或申請大學教育資助津貼，申請社會福利都有這樣的安排。

對於已經入住公屋十年的人士，如果他們希望繼續享用公屋的資源，我們要對他們作出這樣的要求，我覺得不是很苛刻。而且，建議中的資產申報，全部都是公開登記的資料，因此，我覺得是可以接受的。但是，問題在於限額，我相信政府要就此斟酌一下，因為，有些居民可能覺得他們在邊緣，有時可能會有“沙塵滾滾、殺錯良民”的現象。

然而，房屋署現在也承認在申報資產的安排之中有漏洞。因為，居民可

以將資產轉移而逃避繳交市值租金；亦有人質疑這建議並沒有列出資產，即沒有涵蓋所有資產項目。但是，有漏洞並不表示要全盤否決這項建議。我希望政府考慮在討論這政策時，多些想一想，有沒有辦法可以堵塞漏洞呢？有的話，便盡量去做。

另外，代理主席先生，在徵收市值租金的問題上，有些居民認為公屋，特別是那些舊型的屋 的管理和樓宇質素很差，與私人樓宇有天淵之別。所以，他們認為政府在釐訂市值租金價格時，必須考慮這些因素。否則，對那些居住在環境惡劣的舊區的居民就有欠公允。

總括而言，代理主席先生，我贊成房委會建議的原則，希望有能力買樓的居民，可以騰出更多的公屋給輪候人士居住。不過，我更希望政府在制訂房屋政策時，能徹底解決房屋供應不足這個大問題。因為，如果居民買不到居屋，又要被迫住在公屋而繳交市值租金，他們就會覺得房委會的建議，只是為了增加收入，而無意解決嚴重的房屋問題，亦即香港“頭號敵人”的問題。

代理主席先生，我謹此陳辭，支持何承天議員的修正案。

THE PRESIDENT resumed the Chair.

莫應帆議員致辭：主席先生，我代表民協發言。不過，我相信我要申報利益，因為我現在是住在公屋的。民協支持李永達議員的議案，不贊成房委會審查公屋住戶的資產。我剛才非常同意黃錢其濂議員所說的話，房委會那些高官或同寅，希望你們有些創意，不要鑽進牛角尖；想出一些有創意的方法，不要想出一些造成分化，而又達不到成本效益的方法。我要問一問，你們用完這個方法後，又怎樣解決正在排隊的十萬人的住屋問題呢？即使你可以把那三萬多人全部清除出來，但那十萬人如何處置呢？這些方法，我覺得不是去維護所謂“合理資源分配”，在過去多年來，房委會並沒有切切實實處理合理分配資源的問題，現在的所謂“維護方法”，當民協的各級議員諮詢公屋居民的意見時，收到的大部分是反對聲音，他們並不覺得房委會是在維護合理分配，反而是“劫貧濟窮”。

擬議中的政策旨在審查公屋住戶所有資產，結果現時繳交雙租的住戶，

及未來受房委會調遷計劃影響的居民，全部需要提交鉅細無遺的財政狀況♥記錄，這種被房屋署強迫翻起所有家底的做法，很自然引起居民激烈的抗拒情緒，政府有必要審慎、認真地考慮這種擾民措施是否恰當。

此外，雖然部分居民擁有資產，但如這些資產同時是賴以維生的工具（如的士），將有關資產也計算在內，未免有雙重刑罰的情♥。而現時建議的資產淨值限額，正如諮詢文件所說，實在只足夠購買一個與現居住單位相若的居屋單位。然而，居屋目前的價值只佔市值55%，因此，若擁有這等數目的資產淨值，不等於可以在市場上覓到私人樓宇單位，如果一個私人樓宇單位也不能擁有，政府怎樣去界定他們是否符合住公屋的資格呢？這是完全不合符常理的。還有，剛才很多議員同事亦說，現在的公屋居民擁有物業，是有他們的因素或歷史因素的。舉例說，他們以前可能因居住環境非常擠迫而向房屋署申請調遷，但發覺是沒有希望的，所以，他們才克勤克儉，有些和兒子一起，有些則獨自供一層二、三手樓。不過，很幸運，政府過去十多年來的高地價政策，使樓價突然間升值，使他們的口袋中多了些錢，但這實在是他們的實際需要，跟擁有很多私人單位的所謂“公屋富戶”完全不同。如果以現在房委會所定的，以擁有一個私人樓宇單位作為界線，則這條界線實在是非常苛刻的。

民協在徵詢居民意見後，嘗試在合理分配資源的原則下，另找出路，並提出反建議。

首先，民協不同意計算所有家產，公屋是一種房屋資源，便只應該考慮房屋的價值。現時公眾人士可以往田土廳查閱公屋戶主及有戶籍人士擁有住宅物業的情♥，房屋署應該依此途徑，找出誰人擁有物業。

我們制訂的房屋資產值，是以該住戶所擁有的私人樓宇的淨值為界線。計算時，考慮以下三個因素：

- （一）現時輪候公屋的入息限額，其中一個計算依據是每個家庭類別的應有住宅單位面積，但有關面積屬樓面面積，若住戶要購買一個私人住宅單位，樓宇價值則包括建築面積。現時一般樓宇的實用面積，只為建築面積的七成至八成之間，所以，房委會必須計及這個因素；
- （二）有關家庭可能因為擠迫等原因，需要更多的居住面積；
- （三）照顧到退休人士或無業人士可能需要倚靠一個單位來收回租金，以維持生計；

基於以上三個原因，除計算每個家庭擁有的公屋面積，再乘以1.5倍的居住面積外，並須計及全港私人樓宇每平方米的平均售價。以一個四人家庭為例，房委會建議的資產淨值為149.6萬，但我們制訂的“房屋資產淨值”則為292.9萬，大約三百萬元，其合理性和寬鬆度都比原建議有所提高。

民協同時認為，我們的社會既然鼓勵個人自由發展，積累財富，政策就不應該過份嚴苛，令稍有了點財富的居民，都被虎視眈眈。其實，現行的雙租政策界線亦非常苛刻，未能達到合理分配資源的目標，只是讓住戶背負額外的經濟負擔，降低日常的生活質素。所以，我們強烈認為，應取消雙倍租金的政策，將現時的租金政策改為兩級，即接受租金援助困難戶，及繳交一般租金的住戶。

對於原議案，由於措辭明確表達了反對的立場，所以民協是支持的。主席先生，本人謹此陳辭。

**張炳良議員致辭：**主席先生，房委會公布的“維護公屋資源合理分配”諮詢文件，據房委會說，是要確保香港的資源得到有效的利用，從而為真正有需要的人士，提供公共房屋。這個籠統的大原則，相信沒有人會反對，但是所提出來的邏輯及建議，會不會真正達到所謂“資源有效利用”就頗成疑問。我想提出四個問題：

一、這個政策對解決公屋供應短缺缺乏實效。

首先，如果房委會認為，通過住戶繳交雙倍租、倍半租，或“市值租金”，就會迫使那些所謂“富戶”搬離現有的單位，騰出空置單位，讓給輪候冊上的市民盡快上樓，滿足現在社會上的需求，則這個想法大有問題。

首先，自從房委會實施“雙租”政策以來，實施後所得的效果，並不顯著，看不到這些“雙租”住戶因此大量搬離公屋單位。另外，自從八七年實施“雙租”政策以來，私人樓宇的價格大幅上升，已經脫離一般市民的購買力，現時政府又用“資產淨值超逾指定限額”方式要住戶繳交市值租金，這辦法只不過是換湯不換藥，因為，很多住戶會因為私人樓宇價格太貴而寧願繳交市值租金，仍然留在公屋居住。這種以“貴租迫走住戶”政策的實際效用有多少，實在有商榷的餘地。

實際上，政策實施的結果，並不能真正做到資源合理再分配，因為現在的政策只是在現時住在公屋的，同一階層的住戶之中再分配，從整個社會的角度來說，這種同一階層之內的再分配，是根本上不公平的原則。

## 二、若要公屋住戶置業，應用鼓勵方式。

從以前的雙租到現時提出的市值租金政策，是以“懲罰”方式而非鼓勵方式使住戶轉向私人置業，因為，住戶居住公屋滿十年，便要申報入息，超逾限額的就要繳付雙倍租或倍半租，如資產淨值超過110倍就要繳交市值租金。

這個做法，完全忽略了住戶在入住公屋十年後入息正常增加的問題。因為在十年後，很多住戶家庭的經濟能力及收入逐步改善，但就在他們收入得到改善之際，就要懲罰他們，要他們繳交貴一點的租金或“市值租金”。這個做法，並不會達致“鼓勵”之效，而且會令人覺得是在干擾民眾，並造成社會分化。若房委會的目標是真的要讓公屋居民置業的話，他們應該要做的是，第一：增建低價的居屋，使經濟條件得到改善的公屋住戶，能夠負擔這些居屋的價格及願意遷出；或第二：低價出售公屋，本局上個星期在議案辯論中亦曾提出出售公屋的建議是一個可行的方法。房委會也可以考慮，“以租代供”的政策，使公屋住戶盡快置業。

## 三、若要把租金與住戶經濟能力掛鉤，為何不把這邏輯全面應用？

若果房委會的政策目標，是想達致有能力承擔者多付租金的政策，那就不應該用市值租金來迫遷，而應在收租時按一個“累進式”的方法，收入多些的，便向他們多收點租。據聞在“公屋住戶擁有私人住宅物業問題”專責小組內，在小組討論之中，曾經有組員提出過這項建議，但最後由於行政問題及涉及成本問題而被否決了。

可想而知，如果要全面根據個別住戶不同的入息水平去收租，看起來比較合乎垂直公平的原則，但在實施上是有問題的。所以，如果說要繳交貴一點的租金或市值租金，使租戶能夠按能力交租，我們覺得應該全面應用這個邏輯。為甚麼不用呢？就是因為實際上很難自圓其說，也會製造許多行政上的問題。

最後一點，公營房屋的目標是甚麼呢？

政府說資源不足，要合理分配。目前，公屋供不應求，大量一般輪候冊申請者和臨屋住戶短期內無法“上樓”，問題的癥結在於政府在一九八七年所訂的“長遠房屋策略”中採取了“私人樓宇優先”的政策，不肯投放大量土地資源，透過公屋供應來解決社會上的住屋需求。政府口口聲聲說有經濟能力的不應住公屋。為何不可以呢？新加坡有80%人口住在公屋，難道新加坡就面臨經濟崩潰，社會上怨聲載道，抱怨不公平嗎？

現時公屋的供應量不足，因此，在住進公屋的時候，要實施一定的入息資格審查，這一點還可以理解，但進入了公屋系統便不應再把住戶強推出去。經濟稍為富裕而住公屋有何不妥？所謂“富戶”真正是社會上的富戶嗎？難道要使公屋“貧戶化”才是一個好政策嗎？我希望政府尊重市民的住屋需求，重新檢討長遠房屋政策的目標，使社會上、中、下階層市民，無論收入多少，都有機會，得以入住公共房屋。

當然，假如住戶量力之後選擇置業，我們會歡迎，亦應該給予多些鼓勵，讓他們置業，但不應用懲罰方法，或把部分公屋住戶予以烙印，做成社會上不必要的分化。

主席先生，本人謹此陳辭。

**詹培忠議員致辭：**主席先生，公屋政策本來不是我的強項，我本來只打算投票。但是，我聽到很多民主黨議員平時抱很公平的心態去評論一件事，但在這件事中，他們卻各有不同的意見，既表達了對某些事情的看法，也充分表達了政治的兩面性。所以，我不得不就這事情發表自己的看法。

主席先生，我們首先要了解香港的公屋政策是一個非常、非常好的政策。尤其是在五十年代，由於當時很多中國難民湧入香港，政府首先在觀塘的雞寮建設公屋，此後，整個香港各個地區都有公屋的建設，顧及很多市民的需要，從而導致新加坡也吸取了香港公屋的長處，予以改良。

首先要強調我們的公屋政策在過去是香港政府的一個正確政策，但須緊記，不是房屋署的政策，當然，房屋署是政府屬下的有關機構之一。所以，我們首先要確認公屋對香港過去的繁榮及很多方面，都有其作用和特色，甚至很多香港居民也利用公屋讓他們無後顧之憂，而在各方面取得一定的成就和成績。



目前，香港很多公屋居民移民到美加甚至澳洲很多地方，各位會覺得他們在香港原來住的居所很細，但移民到外地後卻突然個個買大屋，好像富有起來，但他們的論調是皆因在香港時，住公屋租金廉宜。足證事實上有很多香港公屋居民移民後在外地已經可以購買大屋。

香港政府強調自己是公平、公開和透明度高的政府，得到民主黨的支持。我堅信民主黨的政策受到大部分市民的支持，也看得出是頗公平，頗有進取心的。但在這個問題上，從來的理論都說要公平，為甚麼這次卻強調不公平呢？這理論令人懷疑是否與數十萬多選民有微妙關係呢？主席先生，我沒有說“是”，但實在令人有這種懷疑。

香港有部分公屋居民因為住在原來的公屋時在社會上得到成功、有成就，便認為居所的風水好，捨不得遷出，也捨不得走。但事實上，如果肯努力去做，香港很多地方的風水都好。如果房屋署沒有新政策，根本上好風水的一間舊屋也只會變成舊屋，絕對不會好風水。

所以，政府實施的“富戶政策”和“財富審查”只是一個名詞，如何能更好地為這個名詞釋義，並讓市民／居民接受是很重要的。原來的公屋居民如已達到自己認可的環境，應鼓勵他們接受更好的未來，並接受讓那些更需要的人承受他們所應得的。

這個公屋政策不是一項終身特權，我們要了解，正式付出買樓代價才是永恆的。當然，香港的土地年期只有999年，不是永遠的。

剛才陳偉業議員提及的原來有客觀因素的部分程序，例如：他們原來是擁有房屋的，還叫他們“上樓”等政策，是值得房屋署更加深切了解和評估的。當然，政府的政策無論在任何時候都是為了自己的（當然，政府是代表市民的），但政府自以為其政策可行，便盡力去做。

我們作為議員的，應更深切、更積極，更有作用地要求政府嘗試使其中不是太好的條例變得更好，但我們不是因為自己有需要而鼓勵達到一個政黨的目標和目的。

所以，主席先生，我原則上支持房屋署經常作出檢討，但我不支持原議案的精神。

謹此陳辭。

羅致光議員致辭：主席先生，民主黨同事在其他方面已說了很多，為了避免重覆，我會集中討論基本社會科學上所謂“資助公屋居民”的問題。我也希望我們稍後所講的兩個故事，其內容能夠使詹培忠議員對民主黨，對有關政策的立場略知一二。不過，要再詳細地解釋，我相信可能要上幾小時的課才可以。

我首先向大家講一個“開荒牛”的故事。

十多年前，陳先生一家四口搬入一個新市鎮的公共屋，那處在前數年還是鄉郊地方，是旅行的好去處。他們是最先入住的第一批居民，那處公共設施貧乏，最初的幾個月，每天要步行十分鐘才能到最近的一個巴士站，而購買日常用品，亦極為不方便。三年後，鄰近社區多了幾個新屋，道路網絡、公共設施亦相繼發展。政府更在鄰近的一塊私人住宅用地拍賣中，以每方呎數千元的價格成交，那是一塊在數年前還只值數十元一方呎的土地。過了兩年，陳先生的一位朋友，在那塊地上發展商所售賣的樓花轉手買賣中，購了近十萬元。陳先生不禁想，為甚麼他作為“開荒牛”，間接地協助政府賺了數十億元，協助那些炒家在買賣中賺大錢？究竟是政府資助了他，還是他資助了政府和炒家呢？

當政府一方面強調資助了公屋居民，另一方面卻與房委會分紅。是誰資助了誰？房委會說在住戶帳目上虧本，賺錢是來自商戶帳目，究竟是誰人使用這些商戶的服務呢？羊毛出自羊身上，所謂商戶帳目與住戶帳目只是數字上的遊戲，社會群體的關係是互動的。

也許不用我多說，大家都明白到，公屋計劃在過往幾十年，令香港人可以安居樂業，更緩和了勞工工資上升的要求，所帶來的整體經濟發展效果是如何重要的。我們考慮房屋政策時，並不應只考慮居民付出多少租金的問題，而應考慮整體社會及經濟的互動關係。

第二個故事，是賣蘋果的故事。

張伯是一位很有眼光的小販，知道顧客的經濟能力，及對蘋果的喜好程度。當一位有錢人來買蘋果的時候，張伯便以每十元一個賣給他，而當一位窮人來買蘋果的時候，他又會以一元一個賣給他，張伯還會對窮人說：“請你不要忘記，我資助了你九元一個蘋果呀！”

當然，上述張伯的故事，純屬虛構。不過，這只是一個很基本的經濟概念，如果我們能將市場分割，我們便可以在不同市場定出不同的價格，以盡量增加我們的利潤。這正是現時公屋與私人樓宇的市場現象。由於入住公屋要符合指定的條件，客觀上，公屋與私人樓宇是兩個分割的市場，我們不能

以私人樓宇的租金，來考慮公屋的租金，更遑論要向部分公屋居民收取所謂“市值租金”。

大家亦可以考慮一個很基本的經濟概念。我們知道公屋出租單位的數目，遠比私人樓宇出租單位的數目為多。簡單計算，如果公屋平均租金是1,000元，私人樓宇平均租金是4,000元，當我們將兩個市場合而為一，很明顯的現象，便是原公屋的租金會輕微上升，而原私人樓宇的租金則會大幅度下降。究竟何謂“市值租金”呢？

我希望上述兩個故事能給予大家一些思想的食糧。基於我們對於社會政策的分析和立場，我們是不能接受任何富戶政策及其延續的。

本人謹此陳辭。

**李家祥議員致辭：**主席先生，我支持房委會最近所發表的諮詢文件背後的精神及基本原則，即公屋資源應該按需要合理分配。

在過去40年，香港經濟取得驕人的發展，不少香港市民憑自己的努力，不論是居住於公屋或私人樓宇，經濟狀♥都得到改善，小康之家為數不少，這是可喜的現象。但是，看一看經濟的發展和真的可以自置物業人士的增長，到現在來說仍然不足四成，遠遠不成正比。我亦贊同諮詢文件所提出的基本精神，就是當公屋居民的生活環境獲得改善後，實在應交還公屋單位，重新編配給更有需要的家庭入住。因為如果不是這樣做或者有機制的話，對這些住在公屋的居民來說，仿如有終身的保障，再加上現在私屋和公屋的租金和供樓的款項相距愈來愈大，根本就很難令人相信很多住在公屋的人會自己選擇離開受資助的居所。

根據諮詢文件第三章的建議，以一個四人家庭為例，如果每月入息超過40,800元，而資產淨值同時超過149.6萬者，會受新政策影響。如果以這樣的條件來說，主席先生，比較在英國、澳洲、加拿大等其他很先進的國家來說，這班人士很可能叫做高收入或者高資產人士了。只是，在香港的情♥來說，他們仍然會當自己是基層，甚至覺得自己應該繼續被資助。如果一個家庭已經擁有上述的經濟條件，以現時居屋的價格來說，我絕對相信他是可以負擔得起，應將公屋單位交還。亦看一下最近這20年的發展，如果給予他們絕對保障，那些住在公屋的人不須要遷離的話，他們不知多謝你還是怪你才對，因為20年來，他們如果咬緊牙根供樓的話，現在可能變了小富翁了，不只是小富戶那麼簡單，如果給予終身保障，令他們完全不須要考慮這件事的話，他們今天或者多謝你，但是20年後，他們亦未必多謝你，因為那時的樓

價繼續飆升的話，他是放棄了一個好好的機會。

如果大方向是覺得公屋單位應該有一個合理分配的話，我就要看一下資產審查是否一個最好的方法，是否一個擾民的措施。我相信有部分議員批評這是擾民的措施，但我就覺得不是這樣說。在現在這個社會來說，一個家庭如欲申請公共資助，便要向有關當局申報其家庭及財政資料，可說是可以接受的。居住於出租公屋的居民，其實是享有<sup>10</sup>優厚的公共資助。如果從社會整體來看，除了醫療之外，公屋是最多人受惠的福利服務，差不多接近一半的人口。如果用一些其他數字來說，差不多每一家住在公屋的人，便有一家的人要津助他們，差不多一比一。這是不爭的事實。一個家庭在入住公屋一段時間之後，房委會要求他們重新申報與經濟狀<sup>11</sup>有關的資料，以確定他們應否繼續接受第二家人的資助，我覺得這是無可厚非，亦不應被視為一項擾民的措施。

第一，如果這些公屋居民真的並非擁有很多資產的話，若要做資產審查，應該是很簡單的程序，未必是很複雜或者不能做到的程序。第二，他們亦有權選擇放棄去繼續住公屋，如果他們放棄的話，亦不須要經過所謂的措施，有這個措施，我認為才不會對其他須要納稅來資助的人不公平。

現時在公屋輪候冊上等候“上樓”的申請人超過14萬戶，他們當中很多都是過<sup>12</sup>捉襟見肘的生活，由於入息低微，被迫居住在環境惡劣而破舊的私人住宅單位內，很多還要和其他家庭共住一單位，對子女學業及身心發展都造成不良的影響，相信局內絕大部分同事都同意，這些家庭都有迫切“上樓”的需要。我亦同意莫應帆議員所說，這14萬戶，對比可以遷出來的人，短期來說不會有很多人可以受惠，但畢竟，對最需要的人士來說，我覺得以快一點的方法令他們受惠仍然是好的，同時，這個政策訂立下來是影響深遠的，如果我們不改變終身福利制，便會造成住公屋的人只會有入無出的現象，令到負擔的人或者負擔資助的人會愈來愈少，這是不健全的發展。如果說到要懲罰的話，這樣的制度，就會變成懲罰全香港最有生產力或者最勤力的一群人，令到他們負擔更大，或者資助有入無出的公屋居民。

故此，我支持房委會《維護公屋資源合理分配》的諮詢文件內所提出的政策目標，亦支持何承天議員的修正案，希望房委會能盡快制訂合理的政策，盡量以低成本高效益的方法，鼓勵環境改善了的公屋居民交還單位，重新編配給最有迫切需要的居民。

不過，我亦想藉此機會敦促房委會盡量加快興建公營房屋，使更多有需要的家庭能及早解決其居住問題。事實上，去年落成的公屋及居屋單位合共只有二萬八千多間，實在叫人失望。我懇切呼籲政府盡量增撥土地，使公屋計劃能夠盡快造福有需要的家庭。

我謹此陳辭，支持何承天議員的修正案。

**李華明議員致辭：**主席先生，我會就重建區的居民的意見發言，因為基於我的選區和我在屋 十多年的工作經驗，對重建區居民的意見是相當熟悉的。

主席先生，除了雙租戶之外，另一個受資產申報打擊的對象就是公屋重建住戶。

現時受整體重建計劃影響的公屋住戶，在調遷後十年內，可豁免受公屋住戶資助政策影響。即是說，他們再有十年毋須申報入息，而即使原來繳付額外租金的住戶，在重建調遷，上了新樓後，他們只須繳交新樓的租金。以一個住在觀塘的舊屋 的四人家庭為例，租金大約是800元至900元；假如他們調遷到新屋 ，租金大約是2,400元，是以前租金的三倍。而新政策將會取消重建住戶原來享有的十年豁免申報入息的優惠。這政策將影響一九九八至九九年度開始重建的居民，而每年大約有20000戶受重建影響的居民，直接受到這個政策的影響。此類別的居民數目，遠比雙租住戶中超過輪候入息限額110倍資產的住戶更多。在八六年檢討公屋住戶資助時，小組決定受整體重建影響的住戶在獲安置後十年內可免受雙租政策影響。當時有此決定的原意，是讓重建居民在調遷後有喘息的機會，因為他們要繳交比以往多兩倍的租金，以及他們搬遷時往往亦要花上一筆相當大的費用裝修新居。

當時房委會的決定，所考慮的因素，至今亦應沒有改變。居民依然在調遷時要繳付比以往更多的租金，他們搬遷時依然要花上費用裝修新居，這些因素沒有因時間而改變。但我記得在立法局房屋事務委員會追問房屋署有何因素要改變此政策時，房署只是含糊其辭，說當時作此決定時有當時的社會環境，現在改變了，但究竟是甚麼改變了？房屋署則沒有清楚指出。除非房屋署今天說當時作出的政策是錯誤及不公平的，是過份優待重建的住戶，所以現在要糾正了，沒有這個豁免，以後重建的居民，一上新樓，一樣要受資產申報影響；否則，我想不出有甚麼理據要於現時改變這政策。

關於這份諮詢文件，我亦在幾個重建屋 召開諮詢大會，我想房屋署也會知道，諮詢大會得出來的結果是一致的，同一聲音的，居民質詢為何毗鄰那座樓的居民上樓，可以十年後才計算雙倍租，而到了今天，房屋署要改變這個政策，要他們開始受到影響。他們一致基於自己身為重建區的居民，這一次列入了這次住戶資產申報的諮詢和取消他們的十年豁免期，提出嚴重的抗議和一致反對。關於這幾次諮詢大會，我在此要反映重建區居民的意見，是九八至九九年度或之後才宣布受重建影響的那一群居民的意見。

我謹此陳辭，支持李永達議員的原議案。

廖成利議員致辭：主席先生，我只是想代表民協表達幾點立場，並進一步說明我們的意見。

第一，我們會反對何承天議員的修正案，以及支持李永達議員的原議案。其實，我們只是想給予房委會一個很清楚的訊息，就是希望容許李永達議員的原議案，在我們的立法局中有一個投票的機會，向這個專責小組說出一個清楚的訊息，就是我們反對這個專責小組提出的審查資產的手段，來達到一個目標。如果這個手段是不可以接受的，無論其目標是那麼理想，說得多麼動聽，都是不可接受的。即所謂“ends”有多麼好也好，但“means”不好，我們也不可以接受，這是第一點。所以，在稍後表決時，我們反對何承天議員的修正案，其實我們只是想表達這個訊息。

第二，剛才莫應帆議員代表民協表達了我們的看法，可以從這份諮詢文件的歷史看得到的。大家可看到專責小組的全名——“公屋住戶擁有私人住宅物業的問題專責小組委員會”，名不正則言不順，原本基本上專責小組想處理公屋居民擁有一些私人物業，即是霸佔了一些公屋的單位，他們既然擁有私人物業，就應該居住其物業。但做研究時，再看一看那些人可能財富很多，他們住在公屋，就是不單止先富起來，變了富戶，還是超級富戶。其實民協也研究了很久，我們會同意這個是妥協的方案。我們同意如果他們擁有一些私人的物業，而這些物業的居住面積是足夠一家人居住的話，在這情♥之下，劃一條較寬鬆的線，我們同意找一個鼓勵的方法，鼓勵他們搬走。我們不同意因為這方面而多做一些關於審查公屋住戶的資產的工作。這是第二點意見。

第三，我們的方案其實與自由黨的建議有些不同的，我們是原則上反對富戶政策的雙租政策。基本上，我們覺得不應有雙租政策，這政策令到房委會不是獲取多些資源，其實是巧立名目，令公屋居民交多些租金，亦不會達到原本的政策目的，要那些人遷離。基本上，達不到這個目標。

所以，基於這三點意見，在今天的表決取向中，我們想透過這次機會，告知專責小組，希望他們如果修訂建議時，不要採取建議書所提的手段，因為這個手段是很多公屋居民不可以接受的，而且在香港這處境也是不適宜的。

本人謹此陳辭。

葉國謙議員致辭：主席先生，自從五十年代，因石硤尾大火，港府興建出租公屋開始，發展至今已有67萬家庭，240萬人居於出租公營房屋。40年過了到現在，許多公屋家庭的經濟環境，已由入住公屋當初貧苦，變成小康，甚至稱得上富裕，擁有自己的物業，名貴房車，以至各樣資產。針對這個現象，房委會發表《維護公屋資源的合理分配》諮詢文件，建議對“富戶”進行資產和入息審查。

民建聯贊同要維護公屋資源的合理分配。但此政策是否可以達到公屋資源合理公配的目的，頗令人質疑。對於那些濫用公屋的住戶，把公屋視為個人“終身”擁有，作為父傳子，子傳孫的“祖屋”，即使再沒有需要，只將單位當作儲物室之用，也不願意交回房屋署，這樣對低入息而默默地無奈地輪候公屋的香港居民，是極不公平的。房屋署採取措施加以限制，是港人樂於見到的房屋政策。

主席先生，香港社會的成功，在於不妒忌別人的成功。昔日入住公屋的居民，在自己儲蓄節儉或子女長大後，找到理想、入息好的工作，為家庭帶來了生活環境的改善，安居樂業是我們港人的意願。其實要對公屋居民採取資產審查的政策，在實行上是問題多多的，如資產的定義及限制是否合理，必然爭議不休。最多人談論的是小巴、的士牌照等謀生工具，並不是用作投資，若列為資產計算，是否公平呢？所以審查辦法必須取得各方平衡，既要嚴格、亦要靈活，以體現公平，但又不擾民。

主席先生，新富戶政策其實是一個不合乎經濟原則，不計成本效益的政策，房屋署要特別成立一個中央調查小組，每年行政開支達到350萬元，而每年可以收回的單位，我相信最多不足500個，說多不多，說少不少，但對於解決公屋的問題卻幫助不大。行政開支就年年付出，但富戶的數目就肯定逐年減少，因未住滿十年的住戶可以未雨綢繆，將資產轉名以避觸犯資產審查標準。因此，長遠來說，措施的效益逐年減少，結果只是落得擾民傷財的後果。

主席先生，民建聯是贊成要合理使用公屋資源，短期來說，應以鼓勵方式令公屋住戶遷出公屋，例如保留“富戶”第一優先選擇權及增加居屋的名額。長遠來說，房委會是否應積極研究剛才有議員提及的“以租代供”，即交租若干年後把單位送予租戶，及將公屋單位售予租戶的構想，而不是採取一些擾民的措施，既達不到公平分配資源的預期目的，反惹起不必要的市民

怨聲。

本人謹此陳辭。

**楊森議員致辭：**主席先生，其實香港的公共房屋政策，有很多地方值得香港市民支持和自豪，最主要的原因是政府可以以較廉宜的租金，令到我們接近一半的人口可以居於這些公共屋。而因為他們長期居於那些公共屋，很少遷徙，所以日子久了，便建立一個比較穩定的社區精神。這點從我們多次選舉的投票，可以看到投票率是公共屋會比較高的，比旺角、太子、灣仔的私人樓宇地區較高。主要的原因，是因為他們建立了一個社區精神，而這個社區精神之所以得以建立，是因為大部分的居民可能基本上在這些地方出生、成長、甚至在那個區結婚也不定。基於這種穩定的社區關係，再加上可能一些婚姻關係，所以這種社區精神由此而建立起來，而這些事情是政府當初未能預計得到的。這可能是社會政策一個比較正面的副作用。

第二個作用就是因為他們居住於公共屋的人數比較多，雖然大部分每個人的收入不多，但一個家庭有兩至三個成員都出外工作。交了租之後，剩餘不少錢作為可以隨時調用的資金。這種金錢可令市民有機會改善他們的生活。甚至因為全港有接近一半的人口住於公共屋，當經濟衰退出現的時候，內部消費因為他們有可調用的資金而得以維持，所以這對內部經濟亦有很大的好處。

此外，我亦想提出一點，就是因為他們的收入雖然不高，但工作人口比較多，交了租和稅之後，還有餘錢。所以，毋需每次都透過工業行動，迫僱主增加工資，亦因而令香港的罷工情<sup>心</sup>稀疏，或者勞資關係也由此而建立。所以，這些情<sup>心</sup>可說是在大學從事研究的人，當初想象不到的。

主席先生，我所提出的三點，即勞資關係、生產力、社區的穩定，令居民可以改善生活，是政府的良策。除非政府說給我們聽，是政府出現大量的資金問題，或者房委會會出現大量的赤字，否則，既然我們的社會可以應付的話，實在無須將這項基本的政策調度出來。

主席先生，剛才那麼多議員提出意見，都沒有正面說明那種房屋政策對社會的作用。我想在記錄中正面說一句，現在香港的公共房屋政策，事實上對社會的穩定、對生產力的維持、對內部消費的鞏固，是有很大的作用的。不應因為些少事情，令官民之間產生這麼大的矛盾，亦無須由政府動用那麼多人力、物力去做諮詢。



關於資產審查，很多議員在發言中已指出有很嚴重的紕漏。

第一，根本是得不償失的，動用那麼多的金錢，而只是收回那麼少的公屋單位，但同時又在政府與居民之間產生那麼大的矛盾。為何要這樣做呢？

第二，房署說要公民教育，教育公屋的居民公屋不是永遠擁有的資產。政府推行公民教育，是否需要勞師動眾呢？一般政府在電視播放一些短片、印發一些單張、搞一下公開諮詢，就已經足夠了，為何要三萬多居民申報資產，引致那麼多的糾紛。我真的摸不<sup>10</sup>頭腦。如果政府不是想收屋，公民教育又不須用這種方法。究竟要做甚麼呢？

還有一點，稍後房屋司回答時，一定要給我交代，因為最近房屋署署長馮通先生表示，準備有計劃出售公屋。既然現在已經有計劃出售公屋，或打算賣那些公屋，為何還要搞那資產審查呢？如果房署已經打算以平價或以重建成本出售公屋予居民，那現在又為何要搞資產審查呢？左手搞資產審查，右手想<sup>11</sup>賣公屋。當局以前沒有計劃出售公屋，我不會加以指摘，但假如當局現在打算出售公屋，還要進行資產審查的話，倒不如請那些坐在辦公室的官員細心想一想，這兩項政策會否自相矛盾呢？一方面要審查居民資產，另一方又要平價將單位賣給居民，這兩個政策豈不互相矛盾嗎？

主席先生，我基本上希望房屋司能靜心聽取我們局內的意見，看一看今次表決的結果。因為今屆立法局由選舉產生，基本上能反映市民的意見。當然，當局會做一些民意調查，住在私人樓宇的人會覺得有錢的公屋居民，為何不搬走呢？這個簡單的概念背後，他們沒有看到另外一面，為何勞師動眾來做出那麼小的結果？<sup>12</sup>且又對社會有那麼大的負面作用，為何要這樣做呢？我特別強調，如果政府考慮要平價出售公屋的話，為何還搞那麼多資產審查呢？如果真的要推行這新政策，是否會將原有的政策完全推翻呢？

總結而言，我希望房屋司回應時，能夠解釋一下，既然一方面有計劃出售公屋（我相信並非一定，可能是聽取民意才決定），如何與資產審查連貫起來呢？我希望不要因小失大。香港已經進入過渡期，民心比較浮動，經濟需求比較放緩，大家對前景的信心不大，不要因為些少東西而損失太多。

主席先生，我謹此陳辭，支持李永達議員的議案。

何俊仁議員致辭：主席先生，今天，民主黨已有很多議員曾發言，所以我盡量會簡短及不再重複。

在立論方面來說，我們是反對這政策，即公屋居民資產審查政策，我們質疑其公平性的立論已很清晰，我只想強調成本效益的問題。說到這問題，我們當然暫時假定我們現在不質疑這政策公平與否，但我們討論成本效益時，一定要有一個具體的目標是要達到甚麼東西，正是房屋署所說的要收回多些公屋單位，或者增加多些收入。我不能夠接受只為了教育公眾，尤其是他們要教育的訊息內容正是最具爭論的地方，正是我們要否定的地方，亦很大可能不獲立法局接受的地方。

如果說到成本效益時，先說說成本。至今房屋署給我們的數字顯示在實行這富戶政策時，即雙倍租金政策時，他們的行政費是750萬元，如果實行這新的政策時，他們的編制不需要這麼大，因為所要審查的對象不是那麼多，約350萬元，而根據所透露的數字，富戶有三萬個，而其中有42%擁有物業，即14 000個。這14 000個住戶須要將他們的物業價值申報。我們假設這14 000個住戶中，不是每一個都受房屋署質疑的。換言之，很多住戶所申報的資產值都獲房屋署接受，只是邊緣的個案才受質疑而要重估。我只作一個估計，以15%為例。

*Somebody spoke loudly in the public gallery*

**PRESIDENT:** Order in the gallery! Order in the gallery! ( The President's order was disregarded) Have that gentleman removed! Security guard, remove him!

何俊仁議員：主席先生，換言之，以15%計算，這14 000個住戶之中，可能有2 100個住戶的物業價值可能要重估，屆時要動用多少金錢呢？我沒有一個數字顯示房屋署重估每一個住戶所需的費用，我只能夠用一個數字，就是目前房屋署有關居屋申請補地價時，所徵收的估價費，目前房屋署徵收5,300元，除非房屋署說這數字是很昂貴，現在收取的數字不公平，否則便不應質疑這數字，這是目前收取居屋的申請補地價者的費用，如果2 100戶

乘5,300元，是1,113萬元。如果以20%計算，要進行重估，即有2 800戶，便要動用1,484萬元。各位議員，這還未計算如果這不是物業，而是一些私人的生意，這些生意有物業，或者可能沒有物業也好，他可能有其他的器皿，如生財器具，是需要估價的，可能亦要估計這生意的商譽、以往的收入等，可能要聘請專業會計師。據我了解，對一間公司作簡單估價，專業費用可能不會低於2,000元。各位議員，把所有加在一起要多少行政費用？如果這些邊緣例子要上訴，要轉介上訴委員會或土地審裁處，這些專業人士要上庭，那些費用又如何計算呢？

此外，如果真正釐定了哪些是超級富戶，要他們繳付市值租金，這市值租金又如何估算呢？以我所知，房屋署並沒有對每個單位作獨立的差餉估值，可能某個地區的屋 有個整體的應課差餉租值的估價。如果要為每一戶計算市面租值時，即使暫時不談羅致光議員剛才所說割離市場的問題，倘若這單位拿去市場值多少租金呢？不能夠不考慮這單位是甚麼位置、高低層？甚麼方向呢？這全都牽涉專業的估價問題。將來的整個行政費用是否350萬元呢？我很有理由相信，我亦希望房屋司稍後給我一個答覆，我相信現實的估計是不會低於2,000萬元。所以，假如當局認為我剛才提出這估計基礎是有問題的話，我希望當局提出數據來。

此外，我簡單回應一下何承天議員。剛才他說他們自由黨希望提高至220倍的資產總值，當然，上限提高了，網便收細，估價費可能會少一點，因為對象少了，而行政費也可能會少一點，但收回的單位亦都相信會少了。所以不能不說以多少錢可以收回多少單位，這便是成本效益的問題。至今我們沒有現成的估計，如果只收回幾百個單位，是否值得花這麼多錢呢？剛才李家祥議員說如果我們不採用這政策，只是“有入無出”，只有人肯搬入去，沒有人肯搬出來，其實是絕對錯誤的，因為以我所知的數字，其實每年因為購買居屋而肯自動交出公屋單位的住戶，有6 000個至10 000個，更不計算有很多人自己購買私人樓宇後遷出。

其實，我們中國人有一個觀念，便是希望能夠置業，居住自置的單位，能夠落葉歸根。我相信這是最重要的原因，使很多人寧願靠自己的辛勤買樓而搬離公屋單位，將它交出來。所以，我們絕對贊成用鼓勵的方法，而不是用強制，甚至帶有懲罰性的方法。所以，我支持李永達議員的議案。謝謝主席先生。

**PRESIDENT:** I now invite Mr LEE Wing-tat to speak for the second time, but this time on the amendment to his motion. He has five minutes to speak on the

amendment. Mr LEE, do you wish to speak?

李永達議員致辭：主席先生，我會很簡短，因為有很多同事今天很踴躍發言，過程中亦論及何承天議員的修正案。

我自己先說三點。第一，諮詢文件用了一個非常好的標題，稱作“公屋資源的合理分配”。在哲學上（我沒有怎麼讀過哲學，可能主席先生或其他同事曾修讀），這標題本身很有自圓其說的口號味道。這份文件的名稱與“吃飽飯不需再吃”、“穿得暖不需再多穿衣服”沒有甚麼分別。當你問一個人一個自圓其說的口號時，他很難會反對。房屋司稍後發言時，我猜他會說最近房委會這個小組的調查，發現市民非常贊成這個原則。我可以說我們可以列出更多一般真理原則，是很多社會人士都贊成的。例如，如果你生活改善，有些人遇到困難，你可以借錢給他嗎？如果你生活穩定，有些人遇到大火或水災成為災民，你會不會捐些錢給他們？我相信大家都會支持的。甚至說一個更熱門的問題，如果房屋科或政府或財政司作調查，詢問：富有的人是否應該要多繳稅款？我估計結果是七、八成人都會支持。因為這句說話本身沒有特別內容，是一個行之已久一般人都相信的真理。所以，我覺得如果這樣做的話，用這句口號或這個命題作諮詢的建議，獲得百分之七、八十支持是不難的。最重要的是其內容是否能反映具體情♥。

主席先生，其次，關於所謂擁有資產物業的人本身是否很富有的問題。這點很富爭論性，剛才何承天議員的修正案是說另一種準則，以量度某一個資產水平是否還值得繼續資助。其實，現在所建議的方法是任何水平都不會獲得市民完全支持的客觀標準。很多這些所謂擁有資產和物業的人，各個家庭有不同的狀♥。我在一次電台接聽聽眾電話的節目中，有一個公務員打電話給我。

**PRESIDENT:** Mr LEE Wing-tat, please resume your seat. May I say a few words. Please resume your seat first. Although I tend to give Members certain latitude in making the second speech, I certainly hope that every single point that you make would be on the amendment. Of course you can seek to rebut arguments for the amendment to your motion, and to argue why your motion is preferable, but I hope that the points you make would be on the amendment; why the amendment should not be accepted.

李永達議員：主席先生，我還是集中談這個問題，因為剛才何承天議員在其發言中說到關於他提出的另一個資產水平，我正是就這點發言。諮詢文件提到的四人家庭或何承天議員所說的無論150萬元或300萬元也好，表面看來，150萬元對一個四人家庭來說，可以是很富有，或者是四人家庭有300萬元，可以是很富有，很富裕。剛才我說在一個電台節目接到一名公務員的電話，說他夫婦兩人都是做低級公務員，如果他倆退休時，合共可能有80萬元至100萬元，但這筆錢可令他在以後20年內得以維生，如果這個家庭內有一、兩個子女畢業賺到錢，可能已達到要審查資產的水平。

主席先生，其他關於這個政策是否可解決輪候冊的問題、擾民方面等，很多同事已說過，我不擬在此重複。謝謝主席先生。

**PRESIDENT:** There is one more Member who had raised his hand after Mr LEE Wing-tat has spoken. Since Mr LEE Wing-tat has not made his final reply, I will allow Mr CHAN Wing-chan to speak first.

陳榮燦議員致辭：主席先生，我不是要發言。我是要申報利益。我目前仍然居住在公屋。

**PRESIDENT:** I rule that being a tenant in a public housing estate is not a pecuniary interest that ought to be declared because it is something which is shared with members of the community in general.

房屋司致辭：主席先生，聽過各位議員的意見後，我想作一般性的回應。

### 政策目標

香港政府房屋政策的其中一項目標，是要確保公共房屋單位會編配給最需要的人。房屋委員會轄下的小組發表的《維護公屋資源的合理分配諮詢文件》的基本精神，正與政府的政策目標相同。

### 公眾反應

自從諮詢文件發表後，社會人士曾作出深入和熱烈的討論。整體而言，他們是支持文件的基本原則和精神，這當然是令人鼓舞的。市民當然亦有提出一些細節意見。我可以告訴各位議員，小組會詳細考慮市民和本局議員所提出的各項意見。

### 社會資源分配

今天，李永達議員的議案，反對房屋委員會要求住戶申報資產，但其實迴避了公屋資源是否應該按照需要而分配這基本的問題。雖然有些議員亦試圖將這討論的層次提升至整體社會的資源的合理分配，我贊成何承天議員的說法，香港地少人多，可作興建住屋的土地資源其實是有限，這根本是不爭的事實，政府有責任為有需要的家庭提供公屋的資助，亦有責任確保公屋的資源是按實際的需要而分配。政府認為公屋是社會共同擁有的資源，絕對是不應該變成公屋居民的私有財產，無條件的長期或者永久讓他們使用。這項基本的原則必須確立，亦是廣大市民一般認同的。

既然公屋資源應該視乎需要來分配，這樣我們必須引入一套機制去評估哪些家庭仍然需要接受公屋資助，申報制度在所難免。對於公屋的居民而言，申報資產的概念可能是比較陌生，因而產生了心理的抗拒，當然這亦可以理解。實際上，目前申請綜合社會保障緩助或者法律援助、夾心階層房屋，甚至乎專上學生資助的計劃，都需要申報資產。所以，其實申報資產本身並非甚麼新猷，反對申報資產的動機，恐怕是為了維護既得利益者這方面的看法，確實令人費解。

陳婉嫻議員及莫應帆議員提出公屋住戶擁有物業是為了紓緩擠迫。陳議員亦指稱退休人士需要收租過活。實際上，新政策如果推行後，對於這些人士，並無影響，如果他們買樓自用，家庭成員是應該可以由公屋的戶藉刪除，退休的人士如果無收入，亦都不會受到這新政策的影響。

至於陳偉業議員提及收地賠償、清拆安置等歷史問題，雖然諮詢文件本身已作出交代，我亦希望再次重申，無論從法例或者政府的政策來看，收地賠償及清拆安置絕對是兩回事。根據《官地收回條例》，政府在徵收私人土地物業時，一定要作出足額的賠償，政府的政策，除了七十年代與八十年代在新界徵收土地時，曾經發出甲、乙兩種換地權益書之外，一向都是以現金作出賠償，同時政府一貫的政策，是要確保受政府清拆行動影響的居民不會無家可歸。所以受清拆影響的居民，不論業主或者租客，只要他們符合當時上樓的資格，都可以獲得編配公屋單位，不符合資格的，便會被安排入住臨時房屋區。因此收地賠償及上樓的資格，不可能混為一談。

李華明議員亦提及新政策對受重建屋 住戶的影響，事實上，諮詢文件第4.4至4.7段，已經有詳細的交代。我們在立法局房屋事務委員會會議亦已作出解釋，在這裏我不想再次重複。

至於楊森議員所提及建議出售公屋單位給公屋住戶的計劃，我們將會在長遠房屋策略檢討中，很小心地考慮。我覺得這個建議及諮詢文件的建議並沒有矛盾，兩者都是鼓勵公屋居民購買居屋或者自置居所。在這裏我想再次指出，出租公屋涉及龐大的資源，雖然如此，政府仍然決定在未來六年，興建141 000個公屋單位，但興建公屋的目的，是要照顧真正有需要的家庭，而不是幫助經濟較富裕的家庭，來滿足他們自己的需求，我很殷切的期望所有公屋的居民，在入住公屋一段時間後，能反思一下是否有足夠的經濟能力，去照顧他們住屋的需要，如果答案是肯定的話，他們是應該選擇買居屋或者私人的樓宇，並且交還公屋的單位，以便房屋委員會可重新編配給更有需要的家庭居住。

### 成本效益

有些人士或議員質疑政策本身的成本效益，或者行政費用會相當高，或者收回的單位卻有限。在這方面，議員其實無須過慮。根據過往的經驗，須繳交額外租金的住戶，購買居屋的意欲遠比一般公屋居民為高。在過去兩年，成功購買居屋單位的額外租金住戶多達2 000個。我相信，建議中的新政策能促使更多經濟較富裕的公屋居民購買居屋，亦會令房屋委員會每年可多收回數千個公屋單位，不是幾百個單位。

至於行政費用方面，房屋署估計每年約為300萬元。房屋署打算將現有，我再重複現有的“公屋資助組”及“公屋濫用情 特別調查小組”合併，以便更靈活調配人手，因而無須增加職位便可應付新的工作，成本效益相當高。如果作一個比較，以現時的建築成本來計算，300萬元大約只可興建八個公屋單位。

### 結語

主席先生，李永達議員所提的議案，只是反對諮詢文件內眾多建議的其中一點，即是反對要求部分公屋居民申報資產。其實文件內尚有很多重要的提議，房屋委員會的小組亦希望能聽取多方面的意見。至於何承天議員所提出的修正案，我認為較為平衡而且全面。公屋是公有財富，不是私人財產，應該按需要分配。至於如何能夠具體制訂可取的方案及細節，這是小組的工

作目標。因此，我懇請各位議員支持何承天議員所提出的修正案，而不要支持李永達議員的議案。

謝謝主席先生。

*Question on the amendment put.*

*Voice vote taken.*

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

Mr Edward HO claimed a division.

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

**PRESIDENT:** I would like to remind Members the question to be voted on is that the amendment moved by Mr Edward HO be made to Mr LEE Wing-tat's motion. Would 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, are there any queries? The result will now be displayed.

Mrs Selina CHOW, Mr Edward HO, Mr Ronald ARCULLI, Mrs Miriam LAU, Miss Emily LAU, Mr Eric LI, Dr Samuel WONG, Dr Philip WONG, Miss Christine LOH, Mr Paul CHENG, Mr CHOY Kan-pui, Mr Ambrose LAU and Mr YUM Sin-ling voted for the amendment.

Mr Martin LEE, Mr SZETO Wah, Mr Albert CHAN, Mr CHEUNG Man-kwong,



Mr Michael HO, Dr HUANG Chen-ya, Mr LEE Wing-tat, Mr Fred LI, Mr James TO, Dr YEUNG Sum, Mr WONG Wai-yin, Mr LEE Cheuk-yan, Mr CHAN Kam-lam, Mr CHAN Wing-chan, Miss CHAN Yuen-han, Mr Andrew CHENG, Dr Anthony CHEUNG, Mr CHEUNG Hon-chung, Mr Albert HO, Mr IP Kwok-him, Mr LAU Chin-shek, Dr LAW Cheung-kwok, Mr LAW Chi-kwong, Mr LEUNG Yiu-chung, Mr Bruce LIU, Mr MOK Ying-fan, Mr NGAN Kam-chuen, Mr SIN Chung-kai, Mr TSANG Kin-shing, Dr John TSE and Mrs Elizabeth WONG voted against the amendment.

Miss Margaret NG abstained.

THE PRESIDENT announced that there were 13 votes in favour of the amendment and 31 votes against it. He therefore declared that the amendment was negated.

**PRESIDENT:** Mr LEE Wing-tat, you are now entitled to a final reply and you have four minutes 25 seconds out of your original 15 minutes. Mr LEE, do you wish to speak?

李永達議員致辭：主席先生，首先，我很多謝各位同事支持我的議案。我只想很簡短的回應兩點。

第一點是關於黃星華先生說我議案的措辭只是反對審查過程。其實我想他是誤會了，我的議案是反對有關建議，希望不要“捉字蚤”，說我只是反對審查這過程。

第二，楊森議員剛才說的意見是我們民主黨立場的精髓，意思即當房屋委員會與房屋科檢討長遠房屋策略，及再檢討如何令那些生活已獲改善的住戶購買自己的住所時，推出這政策是否有需要呢？其實這政策建議出售公屋，是很多年前已提出的，我們一直覺得如果這政策實施時，無須再提出其他很多不必要的政策。所以，我們覺得現在的做法是本末倒置。

主席先生，我知道接着有個很重要的議案要討論，所以我不說那麼多

了。謝謝主席先生。

*Question on the original motion put.*

*Voice vote taken.*

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

Mr Edward HO and Mr TSANG Kin-shing claimed a division.

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

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

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

Mr Martin LEE, Mr SZETO Wah, Mr Albert CHAN, Mr CHEUNG Man-kwong, Mr Michael HO, Dr HUANG Chen-ya, Mr LEE Wing-tat, Mr Fred LI, Mr James TO, Dr YEUNG Sum, Mr WONG Wai-yin, Mr LEE Cheuk-yan, Mr CHAN Kam-lam, Mr CHAN Wing-chan, Miss CHAN Yuen-han, Mr Andrew CHENG, Dr Anthony CHEUNG, Mr CHEUNG Hon-chung, Mr Albert HO, Mr IP Kwok-him, Mr LAU Chin-shek, Dr LAW Cheung-kwok, Mr LAW Chi-kwong, Mr LEUNG Yiu-chung, Mr Bruce LIU, Mr MOK Ying-fan, Mr NGAN Kam-chuen, Mr SIN Chung-kai, Mr TSANG Kin-shing, Dr John TSE and Mrs Elizabeth WONG voted for the motion.

Mrs Selina CHOW, Mr Edward HO, Mr Ronald ARCULLI, Mrs Miriam LAU, Miss Emily LAU, Mr Eric LI, Dr Samuel WONG, Dr Philip WONG, Miss Christine LOH, Mr CHOY Kan-pui and Mr Ambrose LAU voted against the

motion.

Mr Paul CHENG, Miss Margaret NG and Mr YUM Sin-ling abstained.

THE PRESIDENT announced that there were 31 votes in favour of the motion and 11 votes against it. He therefore declared that the motion was carried.

## **MEMBER'S BILLS**

### **First Reading of Bill**

#### **PUBLIC BUS SERVICE (AMENDMENT) BILL 1996**

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

### **Second Reading of Bills**

#### **PUBLIC BUS SERVICE (AMENDMENT) BILL 1996**

***MR LAU CHIN-SHEK to move the Second Reading of: "A Bill to amend the Public Bus Service Ordinance."***

劉千石議員致辭：主席先生，本人動議二讀《1996年公共巴士服務(修訂)條例草案》。

這條草案的目的是要修訂《公共巴士服務條例》，改變目前的專利巴士公司加價只須行政局通過而立法局無權過問的做法，令日後行政局批准巴士加價之餘，須以附屬法例方式將加價內容提交立法局省覽，因而立法局在有需要時可藉通過決議案對行政局的決定作出修訂。

簡單來說，條例草案的目的只是希望建立一個機制，使現時全面民選的立法局能夠審議影響民生的巴士加價建議。條例草案通過實施後，並不表示巴士加價一定會遭阻止，只是令立法局可以審核巴士加價，而每次行政局所

作的決定，如果立法局沒有提出異議，則並不會影響有關巴士公司加價的實施。

有人認為，條例草案的建議是“革命性改動”，甚至會嚴重破壞行政主導的運作，但是，我要清楚指出，條例草案建議的公共交通機構加價通過機制並不是甚麼新機制，因為現時差不多全部擁有專利權的私營公共交通機構的加價均受到立法局的監管。根據現行法例，所有專利渡輪公司、電車公司及的士加價，均須獲行政局通過，並以附屬法例方式提交立法局審議，故此，巴士公司的加價目前只須行政局通過就能夠實施，實屬不合理的例外！同樣是擁有專利權的私營公共交通機構，沒有理由巴士公司的加價程序與其他機構不同。♥且，巴士的載客量是目前所有交通工具中最高的，站在民生的角度，其加價更應受立法局所監察。

現時巴士的加價程序由《公共巴士服務條例》所規定，而有關法例是在一九七五年制定的。在一九七五年之前，則由兩條不同的法例分別管制九巴和中巴的經營，而當時的法例要求巴士加價需獲得行政局通過，並且以附屬法例方式提交立法局審議，亦即是我現時的建議！為何一九七五年的新法例將立法局審議巴士加價的權削去呢？政府當時提交給立法局的資料完全沒有交代，甚至當時政府官員在立法局二讀辯論有關條例草案時更表示巴士加價通過機制並無改變。我相信，政府有必要回答這個問題。

過去20年，巴士公司的加價完全不受立法局監管。近年巴士公司更是年年加價，甚至在輿論大力反對下仍舊提出遠超通脹的加幅，完全漠視民生！巴士公司指現時每年加價建議提出後均會先諮詢立法局交通事務委員會，再經交通諮詢委員會審核，才交行政局通過，因此目前的機制已經非常理想。但是，過去數年的經驗顯示，所謂諮詢立法局只是一方面立法局議員“噴噴口水”，而巴士公司及政府則“當你耳邊風”！今年，中巴及城巴加價建議已經在交通事務委員會上遭本局同事反對，但政府仍舊支持兩巴大幅加價。更令人難以明白的是交通諮詢委員會通過的中巴加幅居然比中巴自己要求的幅度更高，理由就是要追回遲加價的通脹升幅！試問，現時的巴士加價機制又如何能夠令公眾及本局同事信服呢？

我衷心希望本局同事支持這條條例草案！

主席先生，本人謹此陳辭，動議條例草案二讀。謝謝主席先生。

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

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

## **IMMIGRATION (AMENDMENT) BILL 1995**

### **Resumption of debate on Second Reading which was moved on 10 January 1996**

#### *Question on the Second Reading proposed.*

羅致光議員致辭：主席先生，本港的輸入外地勞工政策，在這數年間，無論在議會內外都引起很多爭議。在九三年七月二十一日，同樣以何敏嘉議員名義提出的對《人民入境條例》的修訂草案在立法局進行首讀和二讀，而該草案在九五年恢復二讀辯論時，遭本局否決。當時民主黨已對香港市民作出承諾，在來屆的立法局會期會再次提出類似的條例草案，務求使立法局有權對輸入外勞政策進行監管。在九五年的選舉期間，民主黨也重申這項承諾，所以在新一屆的立法局會期開始時，民主黨立即提出終止外勞政策的草案，確保只能依照立法局認可的規例和配額，才准許外地工人進入或停留在香港受僱，但從事家務工作、具有特別技能，以及在國際和外交機構工作的人士，則屬例外。

首先，我要解釋一下，為何需要以法例形式監管輸入外勞政策，其背後的立法精神在哪裏呢？香港政府自九二年擴大輸入外勞計劃，促使輸入外勞成為本港既定的長遠政策。這項政策對社會經濟和民生都有很大影響，但現時輸入外勞政策的配額、審批和監管完全缺乏立法局和法例上的監察。一方面，行政部門在審批配額時，缺乏透明度，導致一些人力過剩的行業也出現輸入外勞的情♥；而另一方面，僱主和參與招聘外勞的中介人士，經常利用監管上的漏洞剝削外勞，嚴重打擊本地勞工的就業機會。

外地人士入境工作的規則需要受到議會的監察這個做法，其實有其他國家經常採用的政策安排。民主黨在草擬這條草案時，就參考了英國移民法例的規定。該法例規定內政大臣在制訂有關外地人士入境工作的規則後，須呈交下議院通過，然後才能生效。今次何敏嘉議員所提出的草案的精神，符合英國現時的一貫做法。♥且，現時對於《人民入境條例》所作出的修訂完全符合現時行政立法關係的安排，並不存在立法主導行政。行政部門依然維持

提出政策的主導權，因為在這條修訂草案中，訂明任何輸入外勞配額和監管的細則須由教育統籌司以附屬法例形式呈交立法局。因此，政策主導權仍然由行政部門把持，而立法局只是擁有否決和修改的權利。

在今屆立法局會期剛開始時，由於失業率高企，有關監管輸入外勞的私人條例草案鬧出“雙胞胎”。局內另一位議員李卓人議員曾計劃提出一條相類似的修訂條例草案。一時之間，民主黨的草案被批評為不夠徹底，不是“一刀切”。其實民主黨的修訂與李卓人議員原本計劃所提出的修訂並不存在原則上的分歧，只是技術上的分歧而已。民主黨所提出的修訂草案一旦獲得通過，任何輸入外勞的計劃將會立即終止，而政府在這方面也認同這個看法。

很多人可能會問，既然政府和工會已經在補充勞工計劃配額方面達成協議，為何民主黨仍將條例草案提交立法局呢？政府在今屆會期開始時，已清楚知道不同議員會計劃提出監管輸入外勞的私人條例草案，所以它隨即與民主黨和代表工會的議員進行談判，但是民主黨與政府的談判出現嚴重分歧，因為政府堅決不肯以法例形式監管外勞政策，而另外一方面，代表工會的議員則繼續與政府進行談判，最終並且達成2 000個外勞配額的協議。我們完全理解代表工會的議員選擇與政府進行談判的道路，但是民主黨仍然堅持外勞政策必須受到法例上的監管，而有關配額數目和監管細則必須由具代表性的民意機構，即立法局，作出最後定奪。

另一方面，我們亦認為政府現時的安排，即補充勞工計劃的配額由5 000個降至2 000個，並不是作出了讓步。在政府未提出補充勞工計劃前，政府其實已經停止批出一般輸入勞工計劃的配額。換言之，政府提出5 000個配額，其實只是談判桌上的虛數。現在結果是輸入外勞的配額由零增至2 000個，而且2 000個也不是實質的上限，日後可以檢討，可能會增加。更重要的是，民意是強烈支持以立法方式取消或收緊外勞政策。根據民主黨在一月初所完成的民意調查顯示，贊成以立法方式取消或收緊外勞政策的人數佔81%，較贊成工會與政府協議的人數（只佔19%）多出了四倍。輸入外勞問題不單是關乎工會的問題，而是關乎全香港市民的問題，所以民主黨不能只聽註冊工會的意見。

這條條例草案是今屆第一條成功提交立法局的私人條例草案。在提交的過程中，政府曾經以條例草案會涉及公帑為理由反對草案提交立法局。最後，立法局主席作出英明的裁決，認為這條條例草案並不涉及公帑。主席這次的裁決非常重要，因為這顯出了一個完全脫離行政部門議會的獨立性和自主性。

民主黨希望代表工會的立法局議員和其他立法局議員支持這項條例草

案。

謝謝主席先生。

**MISS MARGARET NG:** Mr President, I oppose the Immigration (Amendment) Bill 1995 of the Honourable Michael HO for a number of reasons, one of which having to do with the importation of labour.

In the first place, this is an incomplete legislation. We are asked to approve a new policy whereby no one will be allowed to land or remain in Hong Kong for the purpose of employment, except according to certain regulations and set quota without knowing what these regulations or quota may be. Indeed so far as I know, no such regulation and quota are now in existence.

Secondly, this Bill, if passed without the regulation and quota in place, will cause great confusion to immigration. Since no regulation and quota exist, no one may come to Hong Kong for the purpose of employment, although the Honourable Member may not have intended it. Far more than foreign labourers, every kind of overseas employees will be affected, including business executives, administrative and teaching staff. The only exceptions are the three categories provided in the proposed section 11(1C). So every Immigration Department officer will now have to decide for himself whether a person seeking to come into Hong Kong qualifies for one or the other of these categories. While categories A and C may be easier to determine, B is obviously going to cause great uncertainty. Innumerable people at present on the staff of international organizations may have to be turned away.

Thirdly, I am by no means sure that this is the right approach to the problem of imported labour at this point in time, not only are we using a blatantly political means to solve what is acknowledged to be an economic and administrative problem, but this means is being proposed after, so I am told, broad consensus had already been achieved among the major trade unions and the Administration. In this light, the present Bill would be a step backward for its effect is to undermine what degree of consensus already achieved and put everything on hold while the Secretary for Education and Manpower drafts his regulations and sets his quota. And the parties will again each gather its forces in order to obtain the majority vote. If for any reason the regulations are defeated in this Council, then a further period of freeze and uncertainty will ensue.

Mr President, the above reasons are sufficient for me to oppose the Bill. But I rose to address this Council urged by a deeper and far more important reason. That reason is my fundamental disagreement with the use of legislation as manifested in this Bill.

Mr President, this community has been fighting long and hard for democracy, not because democracy is perfect, but because democracy provides the safest system which prevents unlimited and arbitrary power. The aim of democracy is not to ensure that only good people are the only people with popular support who will have power. The aim is that nobody will be able to exercise unlimited and arbitrary power, be it the executive, the legislature, or the Judiciary. Democracy is about empowering the people, so that they could decide more for themselves. The progress of democracy must be the establishment of more and more autonomous bodies and procedures whereby the people concerned will be able to reach a resolution of their dispute through rational means following a fair procedure. We are here to promote, enhance and protect autonomy, not to substitute our own decision, no matter how superior we consider it, for the decision reached through such a process. Above all, we must not only support the procedure of conflict resolution so long as we agree with the outcome, but use our legislative power to interfere when we do not agree with the outcome. The most benevolent interference is nevertheless an interference which would require very strong justification indeed.

Mr President, I would respectfully point out that the Honourable Michael HO's Bill is suggestive of an interference by way of legislation. It is arbitrary and without sound justification. It is not the proper use of legislation in a democratic system. It is not how we in the context of a democratic system would understand by the rule of law. Thank you, Mr President.

曾健成議員致辭：主席先生，今天立法局二讀辯論有關輸入外地勞工的法案，與過往比較明顯不同，因為不單是大家發表不同意見或批評政府那麼簡單，而是可以實實際際改變政府決策的大好時機。究竟我們要停止輸入外地勞工，抑或讓政府繼續推行現有的政策？究竟我們是否讓過往“官商勾結”，漠視工人權利的情♥延續？是否容許本地工人的就業及工資得不到基本的保障？



主席先生，當我準備今天二讀演辭時，我很希望這條法案能得到本局維護基層利益的議員支持通過。我記得今天在本局內的同事之中，有勞工界的代表、基層的代表、各政黨的代表（自由黨除外），在過去數年，曾與我一起，在立法局門外、總督府門外和布政司署門外，叫得聲嘶力竭，高喊“反對輸入外地勞工”、“停止輸入外地勞工平民憤”的口號。我記得大家在不同的街頭搜集市民簽名，數以千千萬萬計。有些簽名寫在布上，交來立法局；有些簽名用吊機車吊去總督府。有些人抬棺材上總督府，遞苦瓜給總督、送龜給總督；更有些人將飯碗砸碎，說政府打爛工人的飯碗；還有些人抬飯碗上總督府。這種種行動的目的只有一個，就是要求政府立即停止輸入外地勞工。今天街頭的朋友們走入立法局內，他們似乎已把信念忘記，難道今天的“你”已不是當初的“你”嗎？這現象就好比“十個救火的少年”，當大家真的要救火的時候，一個一個捨我而去。但是大家不救火也不要緊，我希望在這個關鍵時刻，大家不要火上加油，不要投反對票。我衷心希望大家支持何敏嘉議員這項草案，幫助香港的“打工仔”。如果你們不支持何敏嘉議員一票也不要緊，我希望你們離席或投棄權票。

主席先生，或者有人會認為我“無知”，忘記了局內六位勞工界代表曾與政府達成協議，將輸入外地勞工的上限由5 000減至2 000，並成功爭取設立多個所謂“關卡”，保障本地工人就業，並且藉此機會為工會可參與監管作出長期爭取的成果和運動的勝利。另一方面，更可確立工會與政府談判的基礎，對日後爭取勞工權益百利而無一害。

但是，試想一想，由5 000減至2 000，標準何在呢？為何不是減至1 000？為何不減至零？大家不要因為分了一粒糖而忘記了那間糖果廠；大家不要為一碗粥而犧牲一籬穀。這個絕對不是科學標準。在談論上限時，完全沒有提過“機場”兩字，大家是否已忘記香港正在興建機場？難道大家忘記在過去幾個月來，機場外勞不斷被人剋扣工資，現代“賣豬仔”的情<sup>心</sup>在香港出現？

更可笑的是，所謂“關卡”其實已在去年施政報告內提及，根本已準備設立的，與大家爭取是毫無關係的。美其名的招募中心與擴大了的就業選配計劃，與民間的職業介紹所有何分別？有當然好，但無又有多大分別呢？對本地工人真正有多大幫助呢？在未客觀評估這些機制有效與否前，就將這些技術性改變視為運動的勝利，未免言之過早。

所謂與政府的談判基礎，根本就不堪一擊。難道你們不記得政府受到工商界的壓力，將2 000上限變為檢討機制？難道不記得只要稍為修改破產欠薪保障基金的賠償額上限而迫使政府與工商界作出“不道德的交易”？你們

是否記得上星期五政府如何對待我們？只要我們稍為修改強制性公積金計劃，他們便會把計劃收回。政府會聽你們的說話嗎？

主席先生，我並不是一個歧視外勞的人。正如在過去多個月來，我都積極為勞工，無論是香港或外地的勞工，爭取合理權益。但可看到在去年3.6%的失業率之中，香港工人失業和根本不受社會保障的情況下，輸入外勞扭曲了市場，使本地工人的工資及就業直接受到影響，令輸入外勞變作僱主利用形形色色的方法剋扣工資，利用廉價勞動力沖擊香港的勞動市場而賺大錢。香港工人沒有討價還價的能力，也沒有集體談判權，他們唯有依賴自己。在今天，尊貴的議員，身為基層成員的議員，請投下你們良心的一票，支持何敏嘉議員的條例草案。如果你們不投票，可以棄權，但希望你們不要反對。

香港的工人已受盡工廠北移、輸入外勞、工資不升反降，做半斤得不到八兩的苦果。在此，我質疑過往香港經濟繁榮與這群任勞任怨的經濟支柱何干？他們能分享到的經濟成果有多少呢？大家何苦要踢他們一腳，落井下石，讓輸入外勞政策“名亡實存”呢？

今天的表決是大家勇氣及道德的表現。我相信基層勞工的代表在當初參選時，都有這個口號，“反對輸入外地勞工”。我希望你們憑自己的良心，在情人節，對你們的選票情人，投下良心的一票。

主席先生，去年失業率高達3.6%，以及不斷輸入外地勞工的政策，可見政府束手無策，任由外地勞工遭人剝削，被人“賣豬仔”，東方之珠變成“豬仔市場”。現在所謂就業選配中心由實行至今，有1 500人見過工，有400人受到轉聘，有17 人真正受人聘用。你們覺得那個選配中心有效嗎？

主席先生，我記得在去年，有三個人因外地勞工而失業，以死來相諫政府。工聯會和民建聯的同事搶先披麻帶孝，抬棺材上總督府，為死者討回公道，追回就業權。我希望今天工聯會和民建聯有那股勇氣，為那個死者討回公道，投下你們一票。你們送苦瓜給政府，政府不會“苦瓜乾”，但如果你們投下反對票，工人便會變“苦瓜乾”。飯碗打爛不要緊，但千萬不要由我們基層代表打爛工人的飯碗。民協的雞蛋不要緊，千萬要令香港的工人有一口飯吃，有雞蛋吃。我們民主黨曾在總督府煲粥，我希望粥可變成飯，令香港的“打工仔”有飯可吃。

主席先生，今天是情人節，我很希望香港二百多萬“打工仔”能安居樂業，人人有工做。希望大家基層議員維護基層的利益，投下良心的一票。

不要因為分了一粒糖，而忘記那間廠；不要因為得到碗粥，而犧牲一籮穀。

謝謝主席先生。

**張文光議員致辭：**主席先生，何敏嘉議員提交的私人條例草案，目的是修改《人民入境條例》，確保日後的輸入勞工計劃，必須根據立法局認可的規則和配額實施，保證輸入勞工計劃完全由民意機構監察。今天我想談談這條條例草案有關機場外勞的部分。

教育統籌科（“教統科”）去年就一般輸入勞工計劃進行檢討，承認輸入勞工配額高的行業，正是本地失業率高的行業。在民生和民情的壓力下，教統科已中止一般輸入勞工計劃，以補充勞工計劃替代。可惜，教統科仍然保留新機場的輸入勞工計劃，讓立法局和市民在最近幾個月內，目睹一齣接一齣令人心酸的現代“賣豬仔”慘劇。

涉及機場外勞的勞資糾紛包括被剋扣工資、超時無補水、拖欠薪金、食宿質素太差等。一波復一波的工潮，揭露了外勞的悲慘遭遇、僱主的無良嘴臉，和執政者的無能。新機場核心工程輸入勞工計劃所涉及的政府部門，包括教統科、勞工處、新機場工程統籌處和人民入境事務處，負責的官員可謂人才濟濟，但整個過程由審批配額、執行監察至檢控違法僱主，可謂漏洞百出。面對僱主的精明詭計，政府部門的監管效能可謂微乎其微。

行政主導的政府總是要等待政策出現嚴重問題，才願意有所行動。新機場的勞資糾紛揭露了政策上的諸多漏洞，有需要認真檢討和制訂有效的執行規則。何敏嘉議員的草案正好將審批配額和監察執行的權責交到立法局，避免政府以保障僱主的利益而延誤取消或修改失誤的政策。

在審批配額的問題上，近期的外勞工潮亦揭發一些僱主輸入的勞工數目過多，部分工人沒有被分派工作，他們便從地盤“失蹤”，自行到其他地盤“搵工”，變成正式輸入的“黑工”。有外勞更揭發招募他們的人告訴他們可以選擇做“自由工”或“固定工”，因此，選擇“自由工”的外勞，從來沒有到過正式的僱主地盤報到，暗示有人可能變相販賣配額。另外有外勞與僱主簽了八個月至兩年的合約，但開工不足一半便被提前解僱，造成外勞負債還鄉，最後罷工。

引發這些事件，可能的原因是，負責審批輸入勞工配額的部門，沒有認真評估申請書上的外勞數目、外勞留港期間和有關的工程規模，便隨便批出

配額，造成後患無窮；沒有因應工程的投標價，批出適量數目的外勞，造成外勞過剩，為不法僱主轉賣外勞配額提供空隙及漏洞；沒有計算工程所需時間，而批出過長的外勞合約，讓空閒的外勞可以轉到其他地盤工作，成為我剛才所說的合法輸入“黑工”。

主席先生和在座各位同事，今天提交立法局通過的私人條例草案，將配額的審批權移交到立法局。就上述審批和評估配額的問題，當立法局掌握有關權力後，便可以從保障民生為原則，制定有效的審批方法和適當的配額。

有些僱主以財政拮据為理由提前解僱外勞，令人懷疑僱主當初是以遏抑的工資來計算投標價和成本開支，一旦被迫依法繳付全數工資時，便立即出現財政困難，解僱員工，引起勞資糾紛。其實在審批配額的時候，若有關部門能準確地預計工程價格和勞工成本的合理比率，應該可以防止一些僱主企圖透過搾取外勞工資賺取利潤，甚至可以防止僱主利用配額為生財工具。如果草案獲得通過，修改這些失誤措施的權力都可以交到立法局，由立法局承擔責任，作適當的處理。

過去，在監察機制方面，勞工處和人民入境事務處的效能亦深受質疑。據悉幾個發生勞資糾紛的地盤，勞工處都曾經派員視察，僱主當時曾交出足夠文件應付官員的要求。可惜官員無法洞悉文件背後的“天機”，僱主處心積慮，用多份合約、空白提款單、自動轉帳授權書等瞞天過海，連人民入境事務處手持的外勞合約，也根本不是真正執行的合約，直至外勞進行抗爭才揭發出來。

對於監察已入境的外勞是否到所屬僱主報到和開工，防止“過剩”外勞變成輸入的“黑工”，兩個執法部門都可謂束手無策。勞工處不會到地盤“點人頭”，人民入境事務處無從跟進入境者的行蹤，於是造成外勞失蹤、“過檔”，最後唯有靠警方和人民入境處事務處的特遣部隊，在例行捉黑工的行動中緝捕。除此之外，根本沒有其他預防辦法。

其實僱主藉輸入外勞自肥的手法層出不窮，而“道高一尺，魔高一丈”，人民入境事務處的文件官僚，勞工處“摸石頭過河式”的監察措施，只能成為失誤政策作裝飾的花瓶。輸入勞工政策由一九八九年開始實施，今天所見到的外勞糾紛絕非新鮮事物，所不同的是，僱主的手法愈見高明，而政府對解決問題的誠意和能力，已經有目共睹，就是根本做不到。我肯定現在是引入立法局的監督權力的時候了。

主席先生，上月底一則報章報導令我震驚不已。報導謂一位不願透露姓名的行政局議員憶述，一九九一年行政局通過輸入勞工的政策時，勞工處提交的文件並沒有包括關於監察計劃。政府通過的只是輸入勞工的部分，卻沒有制定相應的監察措施。而今天的立法局就是要制訂相應的監察措施，而且以立法方式予以執行。

這篇報導是否真確，希望政府能向立法局交代一下。報導所提及的訊息，似乎印證了為何政府的監察機制，無法有效保護外勞的利益，因為政府根本沒有明確完整的監察計劃。如果報導是真確的話，這種態度，實在令人憤怒。

主席先生，如果沒有有效的監察機制，輸入勞工政策只會為社會帶來負面效應，本地工人飯碗被打爛，外地工人亦慘被剝削，只肥了一批無良的僱主和一些外來的勞務公司，而香港則負上國際污名，享譽盛名的國際機場成為“血汗機場”。負責監察政府的立法局議員，應該貫徹自己的職權，加強對輸入勞工的監察工作。何敏嘉議員的私人條例草案，只是建立民意監察輸入勞工政策的第一步，日後還有許多有關監察的問題尚待改進。

本人謹此陳辭，支持草案。

**何俊仁議員致辭：**主席先生，我只想就剛才吳靄儀議員對這條例草案的法律觀點的質疑，作出回應。

第一，這條例草案其實很清楚指明在草案獲得通過後，人民入境事務主任除非經過這條例草案所訂下的機制獲得授權，循着一些附則，然後才可批准一些僱員入境來港，而這並不適用於現時已經取得批准留在香港的人士。因此，這條例草案應該不會影響那些現時已經留在香港工作的人士。

第二，吳議員提到現在沒有附則，亦沒有配額，所以我們怎可能通過這草案呢？其實我對她提出這問題，感到有些驚訝。事實上，我們很多時在立法時，都會先定下主體法例作為一個授權的法例，然後再給授權者制訂附則，形成一個所謂“法定機制”（statutory scheme），以履行一些政策。因此，絕對是應該先有主體法例，然後才有可能有附則。我想大家也清楚記得，即使是不牽涉一個法定機制，例如去年通過的 **Matrimonial Causes (Amendment) Bill** 是有關離婚縮短分居的時限，還須制訂附則，即 **Matrimonial Causes (Amendment) Rules**。由於附則仍未趕及制定，所以條例草案還未能生效。這便是一個好例子，即使不是法律界的議員也知道，要先

有主體法例授權，知道政策的目標後，才知道如何制定附則。

此外，更沒有可能在制定這法定機制前而先訂配額，因為這個配額正正是這條例草案所要制定的法定機制的產物，所以一定要在這機制存在後，由教育統籌司提出配額，經本局循附則通過，才可能有這配額存在。因此，我覺得剛才那兩點技術問題絕對不能用作攻擊這項條例草案的可行性。

我只想很簡單回應一下是否任意干涉行政權力的問題。其實如果我們大家接受民主這觀念時，就應該接受兩個概念。第一，是公眾能夠有平等的參與權利。當然，這參與權利可以透過代表制，或直接選舉的權利。這些都是體現參與的方法。第二，是行政與立法之間的制衡。如果我們只強調行政主導，而不讓一個有充分代表性的立法機關有合理的制衡權的話，這並不是一個健全的民主機制。

其實我們所要求的制衡權力，即這條例草案所要求的批准某些配額的權力，在歷史上並非沒有先例可援。剛才羅致光議員已很清楚說出我們其實是參考英國現時的移民法例。即使在本局，我們也有很多機制使本局可以透過議案的形式，批准或修訂政府一些收費。我們今天已就這方面作了很多辯論。當然，我們是利用一種否決的形式來行使這權力，但這也是本局制衡的權力。此外，每年的財政預算案也需要本局的批准，以及多項撥款也需本局的財務委員會批准，甚至將來基於環保的理由，填海的範圍可能也要根據法例的程序得到本局的批准。

各位議員，立法局是否需要擁有這些制衡權呢？這些制衡權是否合理的制衡呢？我想這是我們今天要考慮的地方。我們認為，由於輸入外勞對香港整個社會的經濟及民生具有重大影響，所以立法局應該有這方面的最後制衡權。

當然，我很相信將來立法局在行使權力時，會考慮各方面的利益。正如羅致光議員開始時所說，一切主動權都是在政府手中，政府掌握了提出配額的權力。這項條例草案也訂明，要經過教育統籌司提出一切資料和數據，所以也是由政府提出來的。我相信這可以令政府在立法局的制衡下，能訂出一個合理的配額，平衡各界的需要。

在澄清了上述數項觀點後，我謹請大家支持何敏嘉議員的私人條例草案。

謝謝主席先生。

**李卓人議員致辭：**主席先生，對於何敏嘉議員提出的《人民入境（修訂）條例草案》，本人連同幾位勞工界議員，將會投反對票。

我們投反對票並不是在政策原則上反對，而是因為我們已經選擇談判的策略，並已促使政府將補充勞工計劃的配額數目在現階段限制在2 000個的水平及限制26個行業和工種不得輸入外勞，並由勞工顧問委員會（“勞顧會”）監察，確保本地工人優先就業以及就業機會不受影響。

現時對新計劃是否能保障本地工人就業下定論仍是言之過早，因此，我們認為現時提交私人法案將監管輸入外勞的權力交給立法局，並非適當時候。勞工界將會繼續密切監察補充勞工計劃，並與政府談判爭取停止輸入外勞政策。當我們發現補充勞工計劃的監察機制未能保障本地工人時，我們便會選擇提交私人法案，停止輸入外勞政策。

自八九年以來，勞工界一直強烈要求終止輸入外勞政策，這是我們長期抗爭的目標。我們的目標絕對沒有改變，立場上亦沒有退縮，我們認為我們現時所採取的談判策略是有利保障工人就業的適當方法。最後，我謹在此呼籲局內關注勞工問題的所有議員，不要因策略的不同而成為在反輸外勞問題上合作的障礙。

我謹此陳辭。

**田北俊議員致辭：**主席先生，何敏嘉議員提出這私人法案後，自由黨也考慮了很久。我們一直以來對於去年的25 000個普通外勞配額給政府在檢討後削減為5 000個，已感到極之不滿。隨後政府又與代表勞方的議員達成協議。政府對工商界說，達到2 000個配額這數目後就會作出檢討，但代表勞方的議員卻好像有不同的理解，認為2 000個配額是一個上限。

政府最近提出那2 000個名額的補充勞工計劃，我們已見到想申請外勞的僱主面對困難重重。據我所知，很多工商界人士即使沒有足夠人手，也不願申請輸入外勞。其中一個理由是，政府規定如果在兩星期內招聘不到僱員才可以進行隨後所需的手續，但原來政府所謂的兩星期，是刊登兩星期廣告後如有人上工便算了。那員工做了一、兩天離開，又要重新排隊，使很多僱主對政府這計劃根本全無信心。我相信政府在一、兩個月後便可以說，沒有

僱主前來申請，所以根本不再需要輸入外勞。那麼，那2 000個名額便自然不能達到，當然就無須進行檢討，2 000個名配便成為了上限。工商界與自由黨對這點非常不滿。

何敏嘉議員提出的私人草案中，固然沒有提到配額，從民主黨同事今天的演辭中，我們可以清楚知道，雖然他們沒有提到配額，但實際上心中的配額是“鵝蛋”一個，比政府還差。起初我以為在立法局可以與民主黨商討，自由黨與工商界也一直認為，市場上需要輸入多少外勞，便給那個數目的配額，不一定是零或2 000或5 000。不過，根據剛才民主黨議員的解釋，工商界根本很難有機會去證明市場上有多大需要而輸入勞工，因為事實上，他們的意思是零。

此外，我想提另一點，我已多次向何敏嘉議員提出，如果他真的有誠意要今天的草案獲得通過的話，他可否在五、六月才提出呢？因為我們想看看政府在實施補充勞工計劃後，在五、六月時是否仍只是批“鵝蛋”出來。如果是的話，我們真的要嚴重考慮何敏嘉議員的草案。不過，何議員並不願意這樣做。今天我們當然不能證明政府的補充勞工計劃是否如我們想象般差，會否拖延至明年也批不到2 000個名額出來。主席先生，為何工商界有這樣的疑慮？因為在另一項輸入專才計劃中，定有1 000個配額，但據政府最近提交的數字，從九四年十二月至九六年，只輸入了659名。如果一年多才輸入659名的話，難保現時那2 000個配額在一九九七年七月還未全數批出。我們對這點也感到非常不滿。

基於我剛才所說的理由，而何議員又不願意遲些才提出草案，一定要今天提上來，迫<sup>1</sup>我們一定要作出決定，所以經考慮後，自由黨和工商界都反對何議員這項條例草案。

謝謝主席先生。

**葉國謙議員致辭：**主席先生，過去一年，香港失業率高企，觸發外勞搶本地工人飯碗的爭議，使輸入外勞的問題，成為了立法局以至市民茶餘飯後的一個熱門討論題目。近月，外勞被剋扣工資，更令本局同事要引用權力及特權法案，運用過百萬公帑，召開聆訊。今天何敏嘉議員提出這條私人條例草案，要求立法局可以有權審批一般輸入外勞及機場外勞的配額，民建聯是不能支持的。

總督於去年十月的施政報告中，提出5 000個名額的補充勞工計劃，以取代過往25 000個名額的一般輸入勞工計劃。經政府和勞方協調，最終提出



了雙方接受的修正方案，將名額改為2 000，而在2 000名額完成批出後，港府會透過機制進行檢討，以決定是否再增減名額。目前既然勞資雙方與政府已就外勞輸入問題取得共識，達成了協議，令輸入外勞問題得到解決，議員在此時仍然堅持以立法的方式處理外勞問題，是否會變得沒有意義？這亦不是一個適當的時間。♥且，在面對政府陸續提交討論的多項政府加費建議、政府預算案和條例草案審議下，立法局是否需騰出更多時間替行政部門去處理具體工作？

再者，勞工顧問委員會（“勞顧會”）將負責監管補充勞工計劃每一宗申請。上次李卓人議員提高破產欠薪保障的決議案獲得通過，破壞了勞顧會在此問題上達成的共識，觸發了勞顧會存在價值的討論。今次議員再提出私人條例草案，要求有權審批外勞配額及制定規例，是否再一次認為勞顧會可以“唔駛理”，又或是由它監管是“信唔過”呢？

主席先生，社會上各人、各機構、各團體，包括政府的不同部門，組成部分都有各自的身分、角色，要令社會能夠和諧暢順地運作，有賴大家恰當地去演譯自己的角色。立法局的職能之一是負責立法，何議員提出的條例草案，建議審批外勞配額的工作交由立法局最後決定，就是改變了立法局的角色，將憲制架構由行政主導改為以立法主導，由立法局指導政府工作，這是我們所不能接受的。

曾健成議員在剛才發言中，將支持何敏嘉議員提交的私人條例草案作為是否代表勞工利益的唯一標準，相信這只是民主黨一廂情願的想法，並且亦粗暴地醜化了真正代表勞工界議員的理性決策。

在輸入外勞的問題上，民建聯要求爭取成立一個由勞方、資方以及政府共同組成的三方委員會，以監察外勞的進展情♥。因此，對於何敏嘉議員這條私人條例草案，民建聯不會支持，

主席先生，本人謹此陳辭，反對條例草案。

**廖成利議員致辭：**主席先生，我代表民協發言，提出四點意見。

第一，民協支持勞工界議員與政府商討後所達致的限制補充勞工計劃的機制。我認為應容許這機制實施一段時期，如果有不妥善之處，也應給予機會容許其作出改善。我們相信，這個機制是否成功，一年半載後自有分曉。現在並不是時候通過何敏嘉議員的私人條例草案。

其實何議員的條例草案假設將會有或已經有一個機制，管制輸入外勞的工作。但若真有這個機制，也只是一個初級階段，我們應讓它有機會實施。剛才曾健成議員大力抨擊現時外勞的審批工作。這樣的批評更證明了現時未有一套令勞工界、政黨和社會人士都接受的機制。故此，我們應給勞工界與政府所達成的機制一個機會。剛才何俊仁議員提到今次只是通過主體法例，要等附例寫成後才可生效，但附例在哪裏呢？這正好被引用為我們應容許一個機制予以實行，然後才知道如何能寫成一個機制。

第二，民協希望在現階段不會增加影響興建新機場的不明朗因素。第三，民協支持勞工界代表過去為爭取勞工權益而進行的運動，願意以局內的三票支持他們為勞工界的努力。最後，我們亦希望在限制補充勞工計劃取得初步成果後，本局同事能集中力量，迫使政府採取措施，增加本港的就業機會。這應該是本局同事在下一階段努力的方向。

本人謹代表民協反對何敏嘉議員的私人條例草案。

**周梁淑怡議員致辭：**主席先生，剛才田北俊議員已經代表自由黨說出了我們的立場。事實上，今次自由黨作出這個決定，是一個非常艱難的決定。最奇怪的就是，其實在自由黨內，最鼓勵我們與民主黨作出協調，甚或考慮支持民主黨這個可能性的，正正是田北俊議員，因為他最初相信何敏嘉議員的誠意，但很可惜，這誠意只是一個幻覺。今天下午在立法局門外，民主黨有一隊人馬向進場的議員進行游說，橫額很清楚寫明何敏嘉議員私人草案二讀“停止輸入外勞”。

這立場，亦即是民主黨一貫的立場。我們可以回顧立法局在去年五月三日進行的議案辯論。民主黨的黃震遐議員說要停止輸入外勞；張文光議員說要立即停止輸入外勞計劃；李柱銘議員說會積極爭取政府能終止輸入外勞計劃。在六月七日，李華明議員又要求政府從速立法，終止輸入外勞政策；何敏嘉議員說要立即取消輸入外勞政策；黃震遐議員也要求立即停止輸入外勞。多位民主黨議員多次在局內局外表態，清楚反映了該黨的原則就是要終止輸入外勞。這立場是鐵一般的事實，證據確鑿，“吟詩都吟唔甩”。因此，剛才羅致光議員說要立法監管計劃，但既然已停止輸入外勞，還有甚麼需要監管？這個邏輯上的謬誤，已經表露無遺。

何俊仁議員剛才振振有詞解釋草案是作為法定機制，但大家也知道，立法是基於一個基本政策，但何俊仁議員又如何解釋他們的草案與他們的基本政策，即停止輸入勞工，是背道而馳呢？他又說立法是要作為最後的制衡權，其實他的意思是說要作最後的否決權。如果主體法案反映出一個完全與其相反的基本政策，則無論是民主黨哪一位議員；無論他的說服力有多強，相信他今天如果試圖以肯定輸入外勞政策能得以適當監察為理由，想要說服本局同事，要不就是他或其他同事裏外不一，要不就是他低估了我們的智慧。如果自由黨或其他同事被他們用這似是而非及“精神分裂”的理論所說服，相信會被人恥笑，也會令人大惑不解，為何一向支持輸入勞工政策的自由黨竟會如此容易被瞞騙，幫助民主黨一把，通過“停止輸入勞工”的武器。

不得不提的是，在整個問題上“官勞勾結”的現象。今天屬於工會的事聽說，也不是聽說，剛才李卓人議員已表示，會反對何敏嘉議員的條例草案。如果官勞之間不是有了“二千外勞”的交易，想怕工會也絕不會不支持一條旨在“停止輸入外勞”的草案。從總督十月施政報告所建議的5 000之數到十二月政府再削到2 000之數，對僱主請不到人的困難充耳不聞，對26個工種禁止輸入勞工，包括零售業和飲食業在內，都表示了官方完全受制於工會的壓力，而漠視香港經濟的需要。我在這裏再一次清楚表達工商界，尤其是小僱主對政府這件事的處理方法的不滿。

主席先生，我反對何敏嘉議員的條例草案。

**楊森議員致辭：**主席先生，在勞工問題上，我基本上甚少發言，不過我聽過尊敬的吳靄儀議員的那篇演辭後，想作出一些回應。因為她很強調民主，覺得民主是大家透過磋商來解決問題，以及最重要的是，民主不能濫用權力，無論是政府也好，立法局議員也好。我相信我為了民主，曾付出不少努力，將來也會如是，所以我特別對她的言論有所反應。

我自問，民主黨這條私人草案也是根據民主的遊戲規則而提出的。因為根據憲制，議員可以提出私人草案。我們尊敬的胡紅玉議員就是因為多次勸誡政府，要求它提出反歧視的法案，但政府卻不加以理會，所以胡紅玉議員提出私人草案。即使後來政府提出了一些有關反性別歧視及反殘疾歧視的草案，胡紅玉議員仍然提出她的私人草案。對於胡紅玉議員部分未獲通過的法案，我們也決定會在今個立法年度內再次提出。我們基本上相信是為了公道，為了監察政府而行使我們的權力。

大家可以基於不同的原因反對何敏嘉議員的私人草案，例如勞工界說已

經與政府達成協議，既然有協議就沒有理由食言；有些議員認為要支持協議，看一看能否成功；有些認為社會政策要保守一些，應該保障工商界的利益，認為輸入外勞可以減低通脹，將生產力提高。大家可以有很多反對的原因。不過，從憲制的角度，說我們民主黨提出這私人草案是違反民主精神，我就真的摸不著頭腦，所以不得不站起來說話。既然憲制上訂有私人草案，立法局議員就可運用私人草案監察政府。我們多次就輸入外勞問題與政府談判，但政府完全沒有反應，所以我們才運用這種權利。事實上，我們在運用這權利時，這條例草案也受到大家的監察，同意與否都是經過大家的討論。既然這是遊戲規則，我們也遵守議會的遊戲規則，運用私人草案，發揮監察政府的精神，所以我自問真的不察覺這如何會違反民主的精神。

多謝主席先生。

**司徒華議員致辭：**主席先生，策略是有階級性的。講策略，不能夠喪失立場、拋棄原則。喪失立場、拋棄原則的策略只不過是權術而已；只不過是自欺欺人的權術而已。只有堅持正確的立場及原則才能夠運用正確的策略。

我謹此陳辭。

**保安司致辭：**主席先生，關於何敏嘉議員提出的議員條例草案，我會談及政府對於這法案的整體意見及對入境事務方面所帶來的問題。我的同事教育統籌司會詳述有關法案對於輸入勞工計劃的具體影響。

這項草案和一九九三年七月何敏嘉議員向立法局提出的條例草案，十分相似。一九九三年的草案其後在一九九五年二月遭本局否決。我們今天所辯論的草案，與本局去年投票否決的草案，分別微乎其微。今天的條例草案，建議由教育統籌司，而不是人民入境事務處處長，負責制定附屬法例，並訂明多一些、但仍然有限的豁免情懷。

任何人如向立法機關提出條例草案，都應在主體條例草案或準備一併制訂的附屬法例中，清楚說明條例草案的主要政策和效力，這才是負責任的公共行政。當然，一些詳細的技術性細則是可以容後以附屬立法形式定下來，但並不能在沒有主要政策和導向的情懷下，就提出這項法案。政府在處理官方的條例草案時，就是採用合乎良好的公共行政方法。當然，本局會對條例草案背後政策的利弊，進行辯論，並視乎情懷來決定是否修訂、通過抑或否決草案。

現在讓我們根據這個良好公共行政準則，研究一下何議員所提出的草案的政策或影響。這草案的政策是甚麼？它主要目的似乎是處理輸入勞工的問題。但何議員所主張的輸入勞工政策和做法又在哪裏呢？在草案內，是找不出來的。本草案規定教育統籌司提出附屬法例，以訂明有關的政策和做法，但何議員在哪處告知我們這些政策、做法和配額應是怎樣的？因此，這是一條極為奇特的法例。各位議員對這草案所期望達到的政策和做法毫不知情，但卻又被要求通過這法案。換句話說，各位議員是被要求通過一些毫不知情，而影響又是模糊不清的建議。這肯定不是一個負責任的立法機關應做的。

唯一可以肯定的後果是，這草案會即時及全面地停止所有輸入勞工計劃，包括備受僱主和僱員支持的補充勞工計劃在內。但草案並沒有提出其他計劃，以取代原有的計劃。因此，如果通過這草案，就是等如在沒有更佳政策加以取代時，摧毀了一項已經開始實行的政策。這個做法只是有破壞，無建設。

在去年二月本局進行的辯論中，我用了一個打破窗戶的比喻，指出何議員當時提出類似草案的不合理之處。現在，由於情<sup>心</sup>已略有改變，我要修改一下我的比喻。一九九六年的版本如下：當我們發現這個立法局會議室有一面玻璃窗不斷滲水，會議室內的人就爭相提出解決辦法。直接受滲水影響的人非常積極地更換了新窗戶，令大部分人都感到滿意，而且可以在一個舒適的環境內繼續我們的工作。不過，有一個人或一小撮的人卻不知為了甚麼緣故，不喜歡這隻新的窗，堅持要把新窗戶打破。如果我們按照這個人的意見去做，其他大部分人為了安裝新窗戶而做了的工夫便會白費。如果他肯同時裝妥另一隻新窗，並且清理玻璃碎片，則也許還可考慮他的意見是否可行或更好，但事實並非如此。那個人只留給他人處理滿地的玻璃碎片，而且也沒有甚麼明確的計劃去重新裝配一隻新的玻璃窗。他指望其他人會代勞，但卻沒有告知任何人他要裝配的窗的形狀和顏色，甚至有多少時間進行安裝。在這期間，我們全體都忍受<sup>風雨</sup>風吹雨打的環境。若有人因而感到不適或生病的話，他只會說：“這與我無關，並不是我的過錯。”相信大家都很清楚，這種無意識的破壞行為，實在荒謬絕倫。

不過，何議員的草案帶出的問題，並不止於此。我們透過《人民入境條例》而確立的入境管制制度，是以人民入境事務處處長的酌情決定權作為基

礎的；而處長酌情作出決定時，則根據行政局所制訂的一般政策而行。這條草案削弱人民入境事務處處長的酌情權，結果，他將無法一如以往，因應個別事件的不同情<sup>心</sup>，作出靈活有效的處理辦法。其實，現行的入境管制制度，一向能夠充分發揮作用，並已不時加以修訂，以配合迅速轉變的環境。但在未經審慎考慮後果的情<sup>心</sup>下，把現行制度摧毀或大幅更改，會是危險和不負責任的做法。當然，以附屬立法形式來規定出入境政策，在某一些外國國家有先例可援，但我們不能盲目抄襲其他國家或地區的做法，而不理會這些做事方法是否合乎香港現時的需要。我們不要忘記，在越多範圍立法規限行政措施，便越會削弱行政的彈性。各位面對的草案，除了會即時終止所有輸入勞工的計劃外，並會使入境管制制度失去彈性。

此外，本草案亦會引起意料之外的副作用。正如上一次的草案，這條草案並沒有給予某類人士特別的豁免。這類人士申請入境工作所具備的條件，並非一定有特殊技能，而是帶來大量的投資資金。海外投資一向對本港經濟增長十分重要。對外來投資諸多限制，不但會危害本港的經濟，還會損害本草案原意要保護的本地僱員。

除了投資者外，不少對本港發展成為國際和地區商業和文化中心起重要作用的人，亦可能無意中成為犧牲者。我可以在這方面舉數個例子，他們可能包括外國銀行家、商人及駐港的外國航空公司僱員。至於文化界方面，則可能包括來港參加文化和體育活動的藝術家、表演者和運動員。此外，還有非政府或志願團體的僱員。他們可能並無特別技能，或他們的特別技能在本港一般都能找到，但為了鼓勵經濟、文化及體育的互相交流，人民入境事務處處長現時有酌情權，可以根據個別情<sup>心</sup>准許他們來港工作。不過，本草案卻可能不容許這樣做。在今時今日，當世界各國和地區為了加強經貿的發展，都有一個共同目的，就是消除或減少對貿易和旅遊的障礙，實施這樣的一條草案肯定是一項倒退。

把何敏嘉議員今天要求各位通過的草案與去年被本局否決的草案作一比較，各位議員會注意到，本草案的負面目標未有改變，不良的副作用仍未消除。如果通過本草案，即是向社會人士及全世界發出一個錯誤的訊息——我們拋棄了一個健全、開明和有效的入境管制制度，取而代之的卻是一個混亂、模糊和欠靈活性的管制辦法。很明顯，本草案並不利於香港作為一個國際及亞太區金融貿易中心的發展。

基於上述原因，以及我的同事教育統籌司稍後解釋的原因，政府堅決反對何敏嘉議員提出草案的二讀。去年，各位議員否決了一條類似這般含糊的

草案；今天各位議員應有更多理由否決本草案。

謝謝主席先生。

涂謹申議員致辭：主席先生，一般來說，在司級官員發言後，我們不會作出回應，但我剛才聽到一些很荒謬絕倫的論據，所以不得不作出回應，好使在紀錄中可以澄清。剛才保安司開始時說，.....

**PRESIDENT:** Mr TO, resume your seat first. May I explain a bit first. We are at a stage before the final reply. As explained in the past, I have no authority under Standing Orders to stop a Member who has not spoken yet from speaking. So I am calling Mr James TO to speak, although I have called the Secretary for Security to speak and who has spoken.

涂謹申議員：剛才保安司在開始發言時指何敏嘉議員的法案的政策目的並不清楚，他說草案內沒有任何細節，又沒有附屬法例的草稿。我想問，政府提交立法局的草案有多少是制定妥當，完全制定了附屬法例的呢？我可以列舉過往十多二十條法例，是我們曾向政府要求附屬法例，而政府是完全不能提供的。保安司說，政策目標不清楚，其實我認為政策目標是清清楚楚的，就是將原本由人民入境事務處處長所擁有的權力交給立法局，這就是條例草案的政策目標。我希望保安司不要扭曲所有道理，他不同意這政策目標，認為酌情權應在憲制的安排上，由政府擁有，他可以這樣說，但他不可以說條例草案的政策目標不清楚。

第二，剛才他舉出安裝玻璃窗的例子，這就更惹人反感。何敏嘉議員醞釀提出這條例草案已有年多兩年時間。在這期間，我們容許政府考慮如何配合這草案的實施。議員提出私人法案是他的權利，如果能成功修訂法例，成為法例後，政府便要配合去做。

我試舉一個例子。我曾經在九二至九三年間，嘗試修訂政府一些有關民航噪音的規定。我當時要求限制飛機夜間的升降次數在二十多次。當時的經濟司說這樣不妥，因為有很多例外情<sup>♥</sup>，例如基於人道理由，如劫機或生病理由，或因延遲等理由，這些完全在正常編配航班範圍以外。當時經濟司的做法是一個務實的做法，他擔心草案一旦通過，就會限制了夜間升降的航機數目，所以他主動致函全體議員，說如果想作出修改的話，希望涂謹申議員考慮修改成某一個方案，而這是他們可以做得到的。當然，最後我們依然認為政府是不想修改該項法例的。不過，這是很光明磊落的做法，說明如果是

可以修改的話，在考慮所有因素後，應如何作出修改。當然，政府也可以游說議員反對我那項修訂。

同樣來說，有關何敏嘉議員的條例草案，政府在年多兩年來從來沒有提出任何修訂。問題是，政府以為它一定不獲通過嗎？不是的。如果本局議員和勞工界的議員突然被曾健成議員今天的演辭所感動，或在良知上有任何轉變時，通過了何敏嘉議員的條例草案，政府又如何處理呢？要不就是總督不加以簽署，要不就是政府要作出配合。剛才保安司提到一些海外投資者、專業人士、外國駐港航空公司的僱員等，政府有很多時間制定一些豁免條款或進行修訂。過往在立法局的辯論中，在很多情況下，政府會修訂法例或提出反對意見，甚至提出另類方案給議員修改。但政府今次卻完全沒有這樣做，只是以這些技術理由加以攔阻。這是否負責任政府的所為呢？這完全不是光明磊落、負責任的政府所為。

歸根究底，這是人民入境事務處處長的酌情權，抑或立法局的決定權的問題。問題就是這麼簡單。如果我們有資源、人才來做妥所有附屬法例的話，今天就由我們來當保安司、教育統籌司，而不是由坐在對面的你們去當了。你們是否想將政府的權力交出來呢？應該不是的，所以不應該這樣說。

謝謝主席先生。

**教育統籌司致辭：**主席先生，首先，我想從輸入勞工的角度，指出政府反對這項條例草案的理由。

條例草案由始至終都是針對輸入外勞計劃。去年十月，政府完成了自一九八九年開始實施的一般輸入勞工計劃的檢討，然後與各界人士，包括僱主、僱員代表、立法局議員，以及各政黨進行多次廣泛而深入的諮詢。我很高興剛才聽到羅致光議員在他的發言中證實了本人曾與民主黨進行諮詢和討論。事實上，羅議員也證實了我們與民主黨不可以達成共識的主要理由，是由始至終民主黨堅持提出這條例草案，但由始至終民主黨都沒有提出任何具體的輸入外勞計劃的建議。這是很清楚的。最後，透過廣泛的諮詢，政府決定一方面終止一般輸入勞工計劃，另一方面，在二月一日開始實施新的補充勞工計劃。這項新的輸入勞工計劃的詳細內容，包括名額到了2 000就進行檢討這機制，都是清清楚楚、白紙黑字寫了出來的。此外，我必須強調，這項補充勞工計劃也清楚說明政府輸入外勞的政策目標。第一是為確保本地工人優先就業，工人薪酬和福利得到合理保障，僱主須優先聘請本地工人，填



補職位空缺。第二，如果僱主確實未能在本地聘得所需人手，可輸入外地勞工，以填補該等空缺。

這項計劃平衡了各方的利益，雖然有些人對計劃有所保留，有些人對其有意見，但該計劃獲得勞工顧問委員會、僱主和僱員團體，以及社會人士的廣泛支持。剛才羅議員提到，有很強烈的民意支持民主黨的條例草案。如果他指的是某一日民主黨進行民意調查的結果，我不想再有任何批評，因為羅議員，以及很多民主黨的黨員在民意調查方面是專家，我不敢說該項民意調查是否客觀全面，他們有否向人詳細解釋條例草案通過後的後果，以及有否給人其他選擇。我只記得在去年十月提出該項補充勞工計劃時，有一份報章曾進行獨立的民意調查，結果顯示過半數受訪者支持政府的補充勞工計劃。同時，在整段諮詢期間，從我所得的報章評論，包括社論以及學界和獨立人士在報章發表的文章，得到的印象是大部分人都支持該項很辛苦才得出來的平衡方案。沒有一份報章的社論是公開支持民主黨這條條例草案的。

同時，補充勞工計劃的運作是由勞工顧問委員會負責監管。此外，我必須強調，補充勞工計劃的其中一個細則就是我們會定期向立法局人力事務委員會提交報告。補充勞工計劃的運作非常公開，透明度也很高，所以現在堅持通過一條只有空殼的條例草案，結果只不過得一個，就是所有現行的輸入勞工計劃，包括已經實施的補充勞工計劃都要立即停止。條例草案很給面子，容許教育統籌司制定附屬法例，就有關條例或配額輸入外勞。有關這點，在我與民主黨的討論中，我完全不能掌握他們的想法。事實上，由民主黨一開始提出這條條例草案至今，結果都是很清晰的，就是如果通過條例草案，就會立即停止所有輸入外勞的計劃。有議員在發言時提到，其實他們是容許在有限度、有監管、有配額的情況下輸入外勞，但我至今仍未聽他們談及到具體的內容。兩年已經過去，今天是情人節，兩年都不變心是很好的情人，但是否一個負責任的議員或政黨呢？我不想發表意見。

有議員提到新機場及有關工程特別輸入勞工計劃在最近引起很多勞資糾紛，我們承認有這些問題存在，而我也屢次向立法局保證，我們會嚴密審慎處理這問題。違法的行為，我們是絕對不會容忍的，實際上，我們已就一些個案提出訴訟，而另一些個案我們亦正在調查。同時，在具體行動方面，我們也採取了一系列的措施，避免再次發生類似的事件，並維護計劃的基本精神。但我希望這些問題不要混淆了其他方面的事情，因為這些問題並不能改變新機場和有關工程確實需要輸入外勞的事實。如果因為通過這條例草案，而令新機場和有關工程特別輸入勞工計劃即時停止，機場工程的進度將會大

受影響，而現時在機場核心計劃工程工作的15 000名本地工人亦會受到影響。我並非輕率地作出上述預測，因為如果缺乏合資格的工人而無法完成部分工程，極有可能延誤整個工程的進度。機場的興建工程需要極為專門的技術工人，這類工人並非經常可在香港找到。我們預期機場核心計劃的興建工程，在一九九六年將會進入高峰期，屆時會為本地建築工人製造更多工作機會。到工程完成後，新機場亦會提供很多新的就業機會。如果機場核心計劃因勞工不足而被迫停頓，這些就業機會便無法出現。

主席先生，香港的經濟繁榮有賴我們迅速和有效的應變能力，亦有賴我們一向和諧的勞資關係，所以我們一定要維持補充勞工計劃。如果我們將輸入勞工計劃變成為受法例規管，而提出有關法例人士的腦袋不知在想甚麼時，我覺得將會大大削弱我們迅速適應市場需要的靈活性，嚴重損害輸入勞工計劃的成效，也損害香港的整體經濟利益。我知道本局議員十分尊重香港法律，但我們不應為了立法而立法。在沒有更好的計劃可以替代的情況下，為甚麼我們要破壞政府和勞資雙方經過不斷的討論、磋商和協調才達成的共識？這是不明白的，所以我謹請本局議員為了僱員、僱主，以及香港的整體利益，否決這條例草案。

謝謝主席先生。

**何敏嘉議員致辭：**主席先生，首先，多謝大家這麼踴躍發言，在這裏陪我度過了情人節的上半晚。

吳靄儀議員剛才提出了一些觀點，我希望作出回應。首先，她說這是一條不完全的草案，草案內沒有提出一些清楚的條件及配額，而在我游說一些局內的議員時，亦有人提出類似的觀點。其實有些配額或執行方法，現時在行政上已經實行，不過，現在所有事情都是一些行政安排。勞工處也有很多條文規限這些事情應如何實行。如果我們立法，這些已經是最少可以做的事。這其實並不是空洞，是可以擬出來的，不過，如果政府一日不擬出，就一直都不會有。

吳靄儀議員也提到，如果條例草案獲得通過，將會引起一些混亂。其實這條例草案沒有影響現正進行的事情。現在如何輸入勞工，其實可以寫出來，然後我們當然可以討論，可以修改。吳議員也提到一些行政人員等，其實條例草案第11(1)(c)條正正就是關於這些所謂特別知識技能的類別，這些人是可以獲得豁免的。又或者是一些國際機構，這便需要行政機關制訂一個附

表。如果行政機關不願意制訂這附表，我也沒有辦法，因為我不能強迫它去做。

至於達成共識一事，其實在我游說劉慧卿議員和民協時，他們也有提到這個共識，說為何不讓該方案先嘗試推行呢？其實該項共識與這條例草案本身是沒有衝突的。你們可以將已討論的事情提出來，例如由勞工顧問委員會審核、配額是2 000抑或田北俊議員所希望的5 000，可以作出修訂，所以是不會有任何沖擊的。我們在法例內是建議請教育統籌司制訂那些附屬法例。這正正就是行政主導，而絕對不是任意的主觀決定，因為立法局審議這些附屬法例時，議員可以把配額修訂為2 001個或2 002個，這是完全可行的。

我想補充一下整個討論的過程。其實在一九九二年當陳祖澤先生擔任教育統籌司時，我們已經與他進行討論，直至上一任的教育統籌司梁文建先生，我們也曾與他討論。我們是在經過兩年多的討論後，才提出這條例草案。在這裏我想一提究竟我們是否一定要自行提出這私人草案，其實答案是否定的。我曾告訴王永平先生，如果 he 不想我們提出這私人條例草案，他可以把草案當作是政府條例草案，向本局提出，只是他不情願而已。

李卓人議員說我們現在提出草案是過早，應等待協議先行運作。如果我們相信現時這協議可以運作，是行得通的，就不會提出草案。這草案不只是一個行政上的規範，而是加上一個立法的規範，讓現時這一套去嘗試實行，這又為何不可呢？

田北俊議員提到配額問題，其實我真的很希望當有關配額的法例提交本局時，你們可以作出修訂，2 000個還是2 001個，我們可以討論。如果你們有數據可以把我說服，我沒有理由不予以支持。他說要求我五、六月才提出條例草案，我真的看不到有甚麼意義。

葉國謙議員提到行政主導，我想提醒民建聯，在香港立法局史上，最顯現立法主導行政的一條私人條例草案，就是民建聯的譚耀宗先生以往所提的一條有關停止海外公務員轉制為本地員工的私人條例草案。這不是一項影響大眾市民的政策，而是關乎公務員體系內部分公務員的轉制問題，其實可說是公務員體系內的一個管理問題。當時民建聯提出了這條例草案，並支持這條香港有史以來最顯現立法主導行政的私人條例草案。事實上，當時民主黨和自由黨都支持該草案。此外，再看看我們現時監察油 地小輪的加價，最後民建聯也提出修正案。這不是立法主導，而是我們監察行政機關的運作。

廖成利議員也說應讓這新機制實施。我知道民協有一個黨團，即立法局

幾位議員可能不可以今晚在這裏決定他們的投票傾向，不過，如果有機會的話，現在還有九分鐘時間，他們可以趕出去搖個電話嘗試一下。

周梁淑怡議員說我們的監管並不清楚，也不知道監管些甚麼。如果政府可以清楚證明一些工作聘請不到人手，我們是不會不容許該等職位輸入外勞的。這條例草案其實很富彈性，在失業率較高時，我們可以將配額一直降低至零，但如果真的可以證明有很多僱主聘請不到員工時，配額可以擴至無限大，不會局限在某一個數目。至於說這是否一個適合的監察機制，我們絕對認為這是一個更適合的監察機制，最少較勞工顧問委員會適合，因為該會原先應該是一個顧問機構。

保安司說我們的政策並不清楚。我認為十分清楚，就是監管輸入外勞，難道還有甚麼別的政策不成？我覺得政府一時說一樣。在我提出這條例草案時，政府首先認為這草案涉及公帑開支，但除此之外，卻沒有提過剛才所提出的任何理由。去年二月二十二日，署理保安司胡學思先生在二讀辯論時，也沒有提到保安司剛才所說的任何理由，是絕對沒有的，你們可以回去翻查紀錄。在我提出這條例草案後，政府有否向我提出意見，解釋條例草案不可行的原因，要求我怎樣作出修改？政府有否與立法局其他議員解釋為何這條例草案不可行？政府從沒有提過。他們是否覺得十拿九穩，認為今晚這條例草案一定不獲通過？其實政府官員真的很懶惰，他們沒有嘗試制定一些附屬法例，就認為這條例草案一定不獲通過。在我向議員游說時，任善寧議員對我說，政府告訴他，如果條例草案通過了就會不妥，會立刻停止輸入外勞計劃，但又沒有附屬法例。當然沒有附屬法例，因為政府沒有動手制定。政府這樣是造成一個客觀現實，令條例草案通過後，沒有附屬法例，以此來迫議員不可以投贊成票。

保安司所說的滲水例子真是荒謬，以打爛窗子來醜化我們。我們說的正是更換一套制度，不要勞工顧問委員會進行監管，而要立法局負責。請保安司改變他的例子吧！我們這一群立法局議員，可以討論應該怎樣去換窗，更可以討論如何換窗，但我們肯定不會不換那窗，任得我們被雨淋。

試問我的條例草案內哪裏提到會限制人民入境事務處處長的酌情權？根本完全沒有規限他的酌情權。新的協議，包括2 000個配額上限、勞工顧問委員會審批，其實不就是規限了勞工處處長的酌情權嗎？至於說甚麼銀行、文化界、非政府組織人士，這些不就是有特別知識技能的人嗎？他們可根據有關條文獲得豁免。例如文化界方面，如果他們懂得唱某種歌，如“孤星淚”的演員，香港沒有人懂得唱，我們不是讓他們入境嗎？他們明顯是可以獲得豁免的。我們的目標是保障本地工人。

教育統籌司說，就這條例草案，我們的民意支持是如何得出來的，他問我們是否進行那項電話訪問。如果他要向我們挑戰，我希望他正正式式站出來，挑戰我們的研究哪裏不妥。但他卻挑戰我們的調查是否百分百全面客觀，試問這世界哪裏會有百分百全面客觀的事？如果他挑戰這件事，他永遠都是對的。由勞工顧問委員會監管、定期向本局的事務委員會匯報，現時一直正在實行，我們就是不滿意這方式，要求作出修改。他為何不討論由立法局監管這事呢？

教育統籌司又提到“空殼”條例草案，我不敢說香港有史以來最大的“空殼”條例草案便是教育統籌司所提出的草案，對不起，不是他，不過剛交由金融事務司處理。我不敢說那是香港立法史上最“空殼”的條例草案，但我歡迎各位傳媒朋友及學者將我的條例草案與暑假前通過的那項條例草案比較一下，看看哪一條最稱得上是“空殼”。

讓教育統籌司制定那些規則並不是“給面子”的問題，只不過是我們尊重行政主導。現時草案的寫法是，如果教育統籌司不制定那些法例，立法局議員是不可以制定的。

教育統籌司又提到兩年不變心便是好情人，這標準是否低了一些？如果給我太太聽到，一定會被嚇<sup>㉑</sup>。我不知剛才有多少人在收音機旁聽了這說話後被嚇<sup>㉒</sup>。由港同盟、匯點以至今天的民主黨，我們最少四年沒有變心。

提到破壞共識，其實我們沒有打算破壞共識，我們只不過想將現行的一些事情清楚寫下來。這些事情寫下來後，是可以修訂的。在討論我的條例草案前，劉千石議員動議首讀和二讀《公共巴士（修訂）條例草案》，他也提出要由立法局監管，說現時由行政局決定，不經立法局的做法是不合理的。他又提到，一些事提交至立法局，立法局是不一定會否決的。其實當我聽他首讀和二讀這條例草案時，我覺得其實與我的條例草案很相似，為何今天他卻不支持我的條例草案呢？

最後，我也知道我的條例草案今晚沒有甚麼機會可以獲得通過，所以我現在的心情很平和，因為已準備是一定會輸的。我在這裏謹祝失業的朋友及一些單獨在香港的外勞情人節快樂。

我謹此陳辭。

*Question on the Second Reading of the Bill put.*

*Voice vote taken.*

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

Mr Michael HO claimed a division.

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

**PRESIDENT:** I am quite sure Members would know that the question they have to vote on is the Second Reading of the Immigration (Amendment) Bill 1995. Would Members please register their presence by pressing the top button and proceed to vote by choosing one of the three buttons below?

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

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

Mrs Selina CHOW, Mr Edward HO, Mr Ronald ARCULLI, Mrs Miriam LAU, Mr CHIM Pui-chung, Miss Emily LAU, Mr Eric LI, Mr Henry TANG, Dr Samuel WONG, Dr Philip WONG, Miss Christine LOH, Mr James TIEN, Mr LEE Cheuk-yan, Mr CHAN Kam-lam, Mr CHAN Wing-chan, Miss CHAN Yuen-han, Mr Paul CHENG, Mr CHEUNG Hon-chung, Mr CHOY Kan-pui, Mr IP Kwok-him, Mr LAU Chin-shek, Mr Ambrose LAU, Dr LAW Cheung-kwok, Mr LEUNG Yiu-chung, Mr Bruce LIU, Mr MOK Ying-fan, Miss Margaret NG,

Mr NGAN Kam-chuen and Mr YUM Sin-ling voted against the motion.

THE PRESIDENT announced that there were 18 votes in favour of the motion and 29 votes against it. He therefore declared that the motion was negatived and no further proceedings on the Bill shall be taken.

### **BANK OF TOKYO-MITSUBISHI BILL**

#### **Resumption of debate on Second Reading which was moved on 10 January 1996**

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

Bill read the Second time.

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

### **THE BANK OF TOKYO-MITSUBISHI (MERGER OF SUBSIDIARIES) BILL**

#### **Resumption of debate on Second Reading which was moved on 10 January 1996**

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

Bill read the Second time.

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

### **Committee Stage of Bills**

Council went into Committee.

**BANK OF TOKYO-MITSUBISHI BILL**

Clauses 1 to 5, 7, 10, 13, 15, 17 and 18 were agreed to.

Clauses 6, 8, 9, 11, 12, 14 and 16

**DR DAVID LI:** Mr Chairman, I move that the clauses specified be amended as set out under my name in the paper circulated to Members.

The Bank of Tokyo-Mitsubishi Bill 1995 is a private Bill. Both the English and Chinese texts of the Bill were originally based on similar Ordinances previously enacted in Hong Kong. However, the accuracy of the Chinese text of legislation in Hong Kong has been the subject of constant scrutiny and improvement on the advice of the Bilingual Laws Advisory Committee. As a result, standarization, accuracy and consistency will be achieved in the usage of terms and expressions and their respective legal meanings in all legislation in Hong Kong. On the recommendation of the Attorney General's Chambers and the Legal Service Division of the Legislative Council Secretariat, some terms and expressions in the Chinese text of the Bill as read in this Council during its First Reading on 10 January 1996 should be amended. The proposed amendments are to achieve accuracy in translation and to make the Chinese rendition of legal terminology consistent with existing bilingual Ordinances.

There are totally 11 proposed amendments to the Bill. Apart from the major amendments mentioned above, the other proposed amendments are moved to correct technical errors in translation or printing.

Mr Chairman, with these remarks, I beg to move.

*Proposed amendments***Clause 6**

That clause 6(a) be amended, by adding "被" before "指明".



That clause 6(h) be amended, by deleting "辦法".

### **Clause 8**

That clause 8 be amended —

- (a) in the heading, by deleting "退休福利金" and substituting "酬金福利".
- (b) by deleting "退休福利金" wherever it occurs and substituting "酬金福利".

That clause 8(2) be amended, by adding "of" after "any provident fund".

### **Clause 9**

That clause 9(3) be amended, by adding "在" before "香港" where it twice occurs.

### **Clause 11**

That clause 11(2) be amended, by deleting "列入" and substituting "列入".

### **Clause 12**

That clause 12(2)(a) be amended, by deleting "憑著" and substituting "憑藉".

That clause 12(2)(f)(ii) be amended, by deleting "轉易" where it secondly appears and substituting "保證".

### **Clause 14**

That clause 14(b) be amended, by deleting "移轉或轉予" and substituting "移轉、轉予".

**Clause 16**

That clause 16 be amended, by deleting "成立法則" and substituting "成文法則".

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

*Question on clauses 6, 8, 9, 11, 12, 14 and 16, as amended, proposed, put and agreed to.*

**DR DAVID LI:** Mr Chairman, as Standing Order 46(8) stipulates that no amendment to the preamble shall be considered which is not made necessary by a previous amendment to the Bill, may I seek leave to move that Standing Order 46(8) be suspended in order that an amendment to the Chinese text of the preamble to the Bill may be considered.

**CHAIRMAN:** Dr LI, as only the President may give consent to move a motion without notice to suspend Standing Orders, your request cannot be dealt with in Committee. I therefore order that Council do now resume.

Council then resumed.

**Suspension of Standing Order 46(8).**

**PRESIDENT:** Honourable Members, in Committee, Dr LI has requested my consent to move a motion without notice to suspend Standing Order 46(8). I have examined the proposed amendment to the preamble to the Bank of Tokyo-Mitsubishi Bill. As the proposed amendment relates to the Chinese text only and is therefore technical in nature, I am prepared to give my consent under Standing Order 68 for Dr LI to move without notice the suspension of Standing Order 46(8) so that he may move his proposed amendment. The giving of my consent for Dr LI to move the motion to suspend Standing Order 46(8) should

not be taken as my support or otherwise for the proposed amendment. And whether the proposed amendment should be agreed to or not is really a matter for the Committee of the Whole Council to decide.

**PRESIDENT:** Dr LI, you may move the motion to suspend Standing Order 46(8) now.

**DR DAVID LI:** Mr President, I move that Standing Order 46(8) be suspended to enable the Committee of the Whole Council to consider an amendment to the Chinese text of the preamble to the Bill.

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

Council went into Committee.  
Preamble

**DR DAVID LI:** Mr Chairman, I move that the preamble be amended as set out in the paper circularized to Members.

*Proposed amendment*

#### **Preamble 4**

That preamble (4) be amended, by deleting "周年".

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

*Question on preamble, as amended, proposed, put and agreed to.*

#### **THE BANK OF TOKYO-MITSUBISHI (MERGER OF SUBSIDIARIES) BILL**

Clauses 1, 3, 4, 6, 8, 9, 12, 13, 15 and 19 were agreed to.

Clauses 2, 5, 7, 10, 11, 14, 16, 17, 18 and 20

**DR DAVID LI:** Mr Chairman, I move that the clauses specified be amended as set out under my name in the paper circulated to Members.

The Bank of Tokyo-Mitsubishi (Merger of Subsidiaries) Bill 1995 is a private Bill. Both the English and Chinese texts of the Bill were originally based on similar Ordinances previously enacted in Hong Kong. However, the accuracy of the Chinese text of legislation in Hong Kong has been subject to constant scrutiny and improvement on the advice of the Bilingual Laws Advisory Committee. As a result, standardization, accuracy and consistency will be achieved in the usage of terms and expressions and their respective legal meanings in all legislation in Hong Kong. On the recommendation of the Attorney General's Chambers and the Legal Service Division of the Legislative Council Secretariat, some terms and expressions in the Chinese text of this Bill as read in this Council during its First Reading on 10 January 1996 should be amended. The proposed amendments are to achieve accuracy in translation and to make the Chinese rendition of legal terminology consistent with existing bilingual Ordinances.

There are totally 17 proposed amendments to the Bill. Apart from the major amendments mentioned above, the other proposed amendments are moved to correct technical errors in translation or printing.

Mr Chairman, with these remarks, I beg to move.

*Proposed amendments*

**Clause 2**

That clause 2(1) be amended, in the definition of "業務" by deleting "the".

**Clause 5**

That clause 5 be amended, by deleting "該部分".

**Clause 7**

That clause 7(f) be amended —

- (a) by deleting "行".
- (b) by deleting "委累" and substituting "委託".

That clause 7(g)(ii) be amended, by deleting "該銀行" and substituting "東銀國際".

That clause 7(h) be amended, by deleting "辦法".

**Clause 10**

That clause 10 be amended —

- (a) in the heading by deleting "退休福利金" and substituting "酬金福利".
- (b) by deleting "退休福利金" " wherever it occurs and substituting "酬金福利".

That clause 10(2) be amended, by adding "當作" before "成為".

**Clause 11**

That clause 11 be amended, by deleting "予並歸屬", "或歸屬" and "及歸屬" and substituting "並轉歸" in each case.

That clause 11(2) be amended, by adding "生" before "的任何條文".

**Clause 14**

That clause 14(2)(a) be amended, by deleting "移轉和" and substituting "轉讓並".

That clause 14(2)(f) be amended, in the definition of "轉易" by deleting "轉易" where it secondly occurs and substituting "保證".

### **Clause 16**

That clause 16(a) be amended —

(a) by deleting "所規定的" and substituting "而言，並不構成".

(b) by deleting "購入" and substituting "收購".

That clause 16(b) be amended, by deleting "移轉或轉予" and substituting "移轉、轉予".

That clause 16 be amended, in the Chinese text, by deleting paragraph (c) and substituting —

"(c) 並不成為違反禁止讓與的契諾或條件；或".

### **Clause 17**

That clause 17 be amended, by deleting "assignment of" and substituting "assignment or".

### **Clause 18**

That clause 18 be amended, by deleting "成立法則" and substituting "成文法則".

**Clause 20**

That clause 20(2) be amended, by deleting "支付根據合併協議就業務所應付" and substituting "根據合併協議支付業務".

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

*Question on clauses 2, 5, 7, 10, 11, 14, 16, 17, 18 and 20, as amended, proposed, put and agreed to.*

Council then resumed.

**Third Reading of Bills**

DR DAVID LI reported that the

**BANK OF TOKYO-MITSUBISHI BILL**

had passed through Committee with amendments. He moved the Third Reading of the Bill.

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

Bill read the Third time and passed.

DR DAVID LI reported that the

**BANK OF TOKYO-MITSUBISHI (MERGER OF SUBSIDIARIES) BILL**

had passed through Committee with amendments. He moved the Third Reading of the Bill.

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

Bill read the Third time and passed.

#### **ADJOURNMENT AND NEXT SITTING**

**PRESIDENT:** In accordance with Standing Orders, I now adjourn the Council until 2.30 pm on Wednesday, 6 March 1996 for the 1996-97 Budget sitting. In the meantime, I would like to wish all Members and Public Officers a happy Chinese New Year. Kung Hei Fat Choy — be that with money or with talents.

*Adjourned accordingly at Ten o'clock.*