

OFFICIAL RECORD OF PROCEEDINGS

立法局會議過程正式紀錄

Wednesday, 3 April 1996

一九九六年四月三日星期三

The Council met at half-past Two o'clock

下午二時三十分會議開始

MEMBERS PRESENT

出席議員：

THE PRESIDENT

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

主席黃宏發議員，O.B.E., J.P.

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

李鵬飛議員，C.B.E., J.P.

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

周梁淑怡議員，O.B.E., J.P.

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

李柱銘議員，Q.C., J.P.

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

李國寶議員，O.B.E., LL.D. (CANTAB), J.P.

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

倪少傑議員，O.B.E., J.P.

THE HONOURABLE SZETO WAH

司徒華議員

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

劉皇發議員，O.B.E., J.P.

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

何承天議員，O.B.E., J.P.

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

夏佳理議員，O.B.E., J.P.

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

劉健儀議員，O.B.E., J.P.

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

梁智鴻議員，O.B.E., J.P.

THE HONOURABLE ALBERT CHAN WAI-YIP

陳偉業議員

THE HONOURABLE CHEUNG MAN-KWONG

張文光議員

THE HONOURABLE CHIM PUI-CHUNG

詹培忠議員

THE HONOURABLE FREDERICK FUNG KIN-KEE

馮檢基議員

THE HONOURABLE MICHAEL HO MUN-KA

何敏嘉議員

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

黃震遐議員，M.B.E.

THE HONOURABLE EMILY LAU WAI-HING

劉慧卿議員

THE HONOURABLE LEE WING-TAT

李永達議員

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

李家祥議員，J.P.

THE HONOURABLE FRED LI WAH-MING

李華明議員

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

唐英年議員，J.P.

THE HONOURABLE JAMES TO KUN-SUN

涂謹申議員

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

黃秉槐議員，M.B.E., F.Eng., J.P.

DR THE HONOURABLE YEUNG SUM

楊森議員

THE HONOURABLE HOWARD YOUNG, J.P.

楊孝華議員，J.P.

THE HONOURABLE ZACHARY WONG WAI-YIN

黃偉賢議員

THE HONOURABLE CHRISTINE LOH KUNG-WAI

陸恭蕙議員

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

田北俊議員，O.B.E., J.P.

THE HONOURABLE LEE CHEUK-YAN

李卓人議員

THE HONOURABLE CHAN KAM-LAM

陳鑑林議員

THE HONOURABLE CHAN WING-CHAN

陳榮燦議員

THE HONOURABLE CHAN YUEN-HAN

陳婉嫻議員

THE HONOURABLE ANDREW CHENG KAR-FOO

鄭家富議員

THE HONOURABLE PAUL CHENG MING-FUN

鄭明訓議員

THE HONOURABLE CHENG YIU-TONG

鄭耀棠議員

THE HONOURABLE CHEUNG HON-CHUNG

張漢忠議員

THE HONOURABLE CHOY KAN-PUI, J.P.

蔡根培議員，J.P.

THE HONOURABLE DAVID CHU YU-LIN

朱幼麟議員

THE HONOURABLE ALBERT HO CHUN-YAN

何俊仁議員

THE HONOURABLE IP KWOK-HIM

葉國謙議員

THE HONOURABLE LAU CHIN-SHEK

劉千石議員

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

劉漢銓議員，J.P.

DR THE HONOURABLE LAW CHEUNG-KWOK

羅祥國議員

THE HONOURABLE LAW CHI-KWONG

羅致光議員

THE HONOURABLE LEE KAI-MING

李啟明議員

THE HONOURABLE LEUNG YIU-CHUNG

梁耀忠議員

THE HONOURABLE BRUCE LIU SING-LEE

廖成利議員

THE HONOURABLE LO SUK-CHING

羅叔清議員

THE HONOURABLE MOK YING-FAN

莫應帆議員

THE HONOURABLE MARGARET NG

吳靄儀議員

THE HONOURABLE NGAN KAM-CHUEN

顏錦全議員

THE HONOURABLE SIN CHUNG-KAI

單仲偕議員

THE HONOURABLE TSANG KIN-SHING

曾健成議員

DR THE HONOURABLE JOHN TSE WING-LING

謝永齡議員

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

黃錢其濂議員，C.B.E., I.S.O., J.P.

THE HONOURABLE LAWRENCE YUM SIN-LING

任善寧議員

MEMBERS ABSENT

缺席議員：

DR THE HONOURABLE PHILIP WONG YU-HONG

黃宜弘議員

DR THE HONOURABLE ANTHONY CHEUNG BING-LEUNG

張炳良議員

PUBLIC 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 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.

MRS KATHERINE FOK LO SHIU-CHING, O.B.E., J.P.
SECRETARY FOR HEALTH AND WELFARE
□ 生福利司霍羅兆貞女士，O.B.E., J.P.

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

MR JOSEPH WONG WING-PING, J.P.
SECRETARY FOR EDUCATION AND MANPOWER
教育統籌司王永平先生，J.P.

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

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

副秘書長羅錦生先生

MR RAY CHAN YUM-MOU, ASSISTANT SECRETARY GENERAL

助理秘書長陳欽茂先生

PAPERS

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

Subject

Subsidiary Legislation	<i>L.N. No.</i>
Land Registration Fees (Amendment) Regulation 1995 (Amendment) (No. 2) Regulation 1996	145/96
Probation of Offenders (Approved Institution) (Consolidation) (Amendment) Order 1996.....	146/96
Solicitors (General) Costs (Amendment) Rules 1996	147/96
Solicitors (Trade Marks and Patents) Costs (Amendment) Rules 1996	148/96
Declaration of Change of Titles (Civil Service Training Centre and Senior Staff Course Centre) Notice 1996	149/96
Declaration of Change of Title (Director, Senior Staff Course Centre) Notice 1996.....	150/96
Pneumoconiosis (Compensation) (Amendment) Ordinance 1996 (4 of 1996) (Commencement) Notice 1996	151/96
Official Languages (Authentic Chinese Text) (Metrication Ordinance) Order	(C) 27/96
Official Languages (Authentic Chinese Text) (Post Office Ordinance) Order	(C) 28/96

文件

下列文件乃根據《常規》第 14(2)條的規定而提交會議席上省覽：

項 目

附屬法例

法律公告編號

《1995 年土地註冊費用（修訂）規例》 《1996 年（修訂）（第 2 號）規例》	145/96
《1996 年罪犯感化（核准院舍） （綜合）（修訂）令》	146/96
《1996 年律師（一般）服務收費 （修訂）規則》	147/96
《1996 年律師（商標及專利權） 服務收費（修訂）規則》	148/96
《1996 年宣布更改名稱（公務員訓練處及 高級公務員課程中心）公告》	149/96
《1996 年宣布更改職銜 （高級公務員課程中心總監）公告》	150/96
《1996 年肺塵埃沉〇病（補償）（修訂）條例 （1996 年第 4 號） 1996 年（生效日期）公告》	151/96
《法定語文（中文真確本） （十進制條例）令》	(C) 27/96
《法定語文（中文真確本） （郵政署條例）令》	(C)28/96

Sessional Papers 1995-96

- No. 70 — Estimates for the year ending 31 March 1997
General Revenue Account Summaries Revenue by
Heads and Subheads
- No. 71 — Traffic Accident Victims Assistance Fund
Annual Report by the Director of
Social Welfare Incorporated for the year from
1 April 1994 to 31 March 1995
- No. 72 — Consumer Council
Annual Report 1994-1995
- No. 73 — Securities and Futures Commission
Approved Estimates of Income and Expenditure for
Financial Year 1996-97

一九九五至九六年度會期內提出的文件

- 第 70 號 — 截至一九九七年三月三十一日為止該年度的財政預算
政府一般收入帳目
按總目及分目詳情的收入摘要
- 第 71 號 — 由社會福利署署長法團編撰的交通意外傷亡援助基金
一九九四年至九五年度年報
- 第 72 號 — 消費者委員會
1994 - 1995 年報
- 第 73 號 — 證券及期貨事務監察委員會
1996-97 財政年度核准收支預算

WRITTEN ANSWERS TO QUESTIONS**Cross-border Infrastructure Proposals**

1. 顏錦全議員問：廣東省官員較早前宣布將香港納入其規劃範圍內，並自行開始規建屯珠大橋和深港跨海大橋。然而，政府尚未公布有關深港西部通道（新田至皇崗，蛇口至元朗）及屯珠大橋對新界西北發展有何影響的研究結果。有見及此，政府可否告知本局：

- (a) 就興建屯珠大橋和深港跨海大橋一事，粵港雙方在正式渠道（如基建協調委員會）的協商進展如何；及
- (b) 政府有何積極措施促進粵港雙方就基建配合問題加強溝通？

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, major cross-border infrastructure proposals, including the Lingdingyang Bridge and the Shenzhen Western Corridor, which would link Hong Kong with Zhuhai and Shenzhen respectively, are being discussed in the Infrastructure Co-ordinating Committee (ICC). The ICC is a forum for exchange of views and information and for seeking to reach a common view on co-ordination and interface in respect of such major projects.

In respect of the Lingdingyang Bridge and the Shenzhen Western Corridor, good progress had been made in the ICC. The two sides have visited the relevant sites in Zhuhai, Shenzhen and Hong Kong and have had useful exchanges of views and information. The two sides have agreed that in view of the economic development of Hong Kong, Guangdong and the whole of China and from the perspective of long term development, there is a need to develop additional cross-border transport capacity. The two sides have further agreed that Hong Kong should conduct a study on the two proposals' impact on Hong Kong's environment, transport infrastructure and land use planning. The study will be completed in the middle of this year. The findings of the study will hopefully provide the necessary information for us to assess in detail the viability and feasibility of implementing these proposals.

The establishment of the ICC in December 1994 is a major and significant measure taken by both sides to strengthen communication between Hong Kong and China in respect of co-ordination in cross-border infrastructure development. Both sides have taken this valuable opportunity to establish good working relationships with each other. Channels of communication and foundations for co-operation and co-ordination have now been well established. We will continue to support the ICC and work closely with the Chinese side in a positive manner.

Unidentified Gases hitting Residential Areas and Schools

2. 任善寧議員問：政府可否告知本局：

- (a) 在最近三年，不明氣體侵襲民居和學校的個案分別有多少宗；這些個案在哪些地區發生；
- (b) 經調查後，是否能確定氣體的來源及種類；若然，其來源及種類為何，對人體又是否有害；及
- (c) 是否有足夠的儀器作探測不明氣體之用；一旦發現不明氣體，政府會採取何種應變措施應付？

SECRETARY FOR SECURITY: Mr President,

- (a) The number of reported cases of unidentified gas affecting residential areas and schools during the period from 1 January 1993 to 27 March 1996 are shown in Table 1 below.

Table 1: Reports of unidentified gas

	<i>Residential areas</i>	<i>School</i>
Hong Kong	228	5
Kowloon	835	10
New Territories	535	38
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	1 598	53

- (b) The result of our findings after investigation are shown in Tables 2 to 6 below.

Table 2: Cases being reported with good intent but where no gas was identified

	<i>Residential areas</i>	<i>School</i>
Hong Kong	145	2
Kowloon	652	8
New Territories	329	30
	-----	----
	1 126	40

Table 3: Cases of incident with gas being identified to be town gas/synthetic natural gas

	<i>Residential areas</i>	<i>School</i>
Hong Kong	56	2
Kowloon	145	1
New Territories	138	4
	-----	--
	339	7

Table 4: Cases with gas identified to be liquefied petroleum gas

	<i>Residential areas</i>	<i>School</i>
Hong Kong	20	0
Kowloon	31	0
New Territories	56	2
	-----	---
	107	2

The sources of leakage of cases listed in Tables 3 and 4 included underground gas mains, above-ground gas risers and domestic gas appliances.

Table 5: Cases with other gases identified

	<i>Residential areas</i>	<i>School</i>
Hong Kong	5	1
Kowloon	2	0
New Territories	2	1
	--	--
	9	2

The details of these incidents are given at Annex A.

Table 6: Cases where the source or type of gas was unidentified

	<i>Residential areas</i>	<i>School</i>
Hong Kong	2	0
Kowloon	5	1
New Territories	10	1
	---	--
	17	2

Except for cases classified under Table 2, the gases detected in these incidents could be regarded as harmful when they reach a significant concentration within a confined area.

- (c) We have sufficient equipment to detect gases commonly found and used in Hong Kong. The Fire Services Department has contingency plans to deal with gas leakage incidents. These plans have been developed in consultation with concerned parties

including the police, the Mass Transit Railway Corporation, the Kowloon-Canton Railway Corporation, Environmental Protection Department and the Government Chemist. The contingency measures involve:

- (i) cordoning off the affected area and its nearby vicinity,
- (ii) evacuating all people in the affected area and the vicinity;
- (iii) rescuing casualties, if any, and conveying them to hospital for immediate medical treatment;
- (iv) locating the source of discharge and identifying the type of gas; and
- (v) with the assistance of the utilities companies or the advice of other government authorities, stopping the discharge of gas by cutting off the supply or sealing up the gas container and removing it for proper disposal.

Annex A

<i>Year</i>	<i>location</i>	<i>Residential areas</i>	<i>Schools</i>
1993	Siu Lek Yuen	Petrol vapour issuing from a goods vehicle	
1994	Wan Chai		Petrol vapour issuing from a petrol filling station
1994	Pokfulam	Leakage of acetylene from an acetylene cylinder	
1994	Sheung Wan	Fumes issuing from suspected hydrogen peroxide solution	

1994	Hung Hom	Gas evolved during the cleaning of drainage pipe using sodium hydroxide and hydrochloric acid mixture
1994	Sha Tin	Leakage of nitrogen from a dangerous goods tanker
1995	Sheung Wan	Fumes issuing from suspected ammonia solution
1995	Wan Chai	Unpleasant smell issuing from a putrefied body
1995	Shun Lee	Unpleasant smell issuing from rubbish chamber
1996	Tsing Yi Island	Vapour issuing from an underground fuel tank during replenishment process

Categories of Land in the New Territories

3. 劉皇發議員問：規劃環境地政司於本年三月六日立法局會議席上答覆本人所提有關新界土地類別的質詢時表示，新界土地大致可分為兩類，即舊批約地段及新批地段。然而，根據《中英聯合聲明》附件三所載，除舊批約地段外，新界還有鄉村屋地、丁屋地和類似的農村土地。就此，政府可否告知本局，新界土地所有類別為何，以及上述三類土地的定義和分別為何？

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, land lots in the New Territories, as explained in my reply on 6 March 1996, can be classified into two broad categories, namely, old schedule lots and new grant lots, based on the time they were granted. Old schedule lots can be further classified as "building" or "agricultural" land whereas new grant lots can be subdivided into pre-war new grant lots and post-war new grant lots.

The lots in the New Territories can, however, be categorised in a different way depending on the purpose for and the context within which such categorisation is required. With regard to Annex III to the Sino-British Joint Declaration, the rent payable to the Government for old schedule lots, village lots, small houses and similar rural holdings will remain unchanged provided that the land in question meets the criteria set out in Annex III.

Under the New Territories Leases (Extension) Ordinance (Cap. 150), the above categories of land are explained as follows:

"old schedule lot" means land held under a block lease granted by, or on behalf of, the Governor to the persons described in the schedules to those leases;

"village lot" means land granted before the operation of the Small House Policy, for the extension or improvement of an established village;

"small house" means land held under a lease granted under the Small House Policy; and

"similar rural holding" includes land granted to an indigenous villager in place of other land previously held by him.

The Securities and Futures Commission Corporate Plan

4. 鄭家富議員問：根據報道，財經事務科、香港聯合交易所有限公司（簡稱“聯交所”）及證券及期貨事務監察委員會（簡稱“證監會”）三方曾就聯交所和證監會的計劃書舉行會議，進行討論並加強溝通。政府可否告知本局：

- (a) 聯交所與證監會在上述會議中有否達成任何協議；若有，協議內容為何；
- (b) 就證監會工作計劃書所列出的 17 項工作計劃，請逐一說明證監會與聯交所的分工情^口與角色；及
- (c) 目前財經事務科有多少人手負責證券事務的工作，以及將會如何加強協調聯交所與證監會的工作？

SECRETARY FOR FINANCIAL SERVICES: Mr President,

- (a) Following the publication of the Securities and Futures Commission (SFC) Corporate Plan in February 1996, the Financial Services Branch has held meetings with the SFC and the Stock Exchange of Hong Kong Limited (SEHK), and the two organizations have reached broad understanding of their respective roles in the work programme outlined in the SFC Corporate Plan. Both the SFC and SEHK have reaffirmed their commitment to working jointly for the benefit of the securities and futures market.
- (b) The Securities and Futures Commission has outlined under the Work Programme section of the Corporate Plan 17 items of new initiatives that will be pursued in the next three years as part and parcel of a strategy to maintain the competitive edge of the Hong Kong market, thereby enabling Hong Kong to retain the status as a leading regional market. The successful development and implementation of these initiatives will require full co-operation, co-ordination and communication between the SFC and the SEHK as well as the commitment and dedication of the people involved. As a general guideline, the SFC will be primarily responsible for the initiatives where the thrust is market regulation and the SEHK will be primarily responsible for the initiatives where the thrust is development of the stock market. For example, the SFC would take the lead in the study on the local over-the-counter derivatives market with a view to developing an appropriate regulatory regime, in further enhancing its market surveillance capabilities to deal with malpractices in the market, and in developing guidelines on internal

control by market intermediaries. On the other hand, the SEHK would take the lead in the study on the feasibility of a second board, a depository receipts market or other trading facilities for regional stocks, in surveys of retail participation, and in organising industry training programmes related to the stock market. In practice, both organisations will be working jointly and closely on many of the initiatives, as market development and regulation often go hand in hand. Joint efforts are also required where cross-market issues are involved, for example in initiatives related to China in general, and to the study of the China capital and debt markets in particular, and in the development of an international promotion programme involving the key market participants.

- (c) The Secretary for Financial Services is supported by one Deputy and two other officers in the Financial Services Branch in dealing with policy issues concerning the securities and futures market. The day-to-day supervision of the market is the responsibility of the SFC, the SEHK and Hong Kong Futures Exchange. There is on-going liaison and co-ordination between the Branch, the SFC and the two Exchanges. Such efforts will continue and intensify as necessary in response to the changing market environment.

Pilot Scheme to bring in Professionals from China

5. 唐英年議員問：有關輸入 1 000 名中國專才的試驗計劃，當局迄今已批准 688 宗配額申請，以及簽發 374 份工作簽證。對於尚未用罄的配額，有關官員曾在立法局人力事務委員會年初舉行的會議上表示，人民入境事務處已邀請候補名單上的公司提交申請以作填補。就此，政府可否告知本局：

- (a) 有多少成功申請配額的公司其後退出該計劃，主要原因為何；
- (b) 候補名單上的公司是否符合申請資格；若然，原因為何；及當局正在處理多少宗由該等公司提交的申請，進展如何；
- (c) 如何處理餘下尚未用罄的配額；及

- (d) 從接獲的配額申請中，是否可以知悉哪類中國專才最為具備本港所需但又缺乏的特別技能和工作經驗；若然，會否考慮進行本地培訓；若否，原因為何？

SECRETARY FOR EDUCATION AND MANPOWER: Mr President, the Pilot Scheme to bring in 1 000 professionals from China is a limited extension to the existing policy on the entry of overseas professionals who possess skills, knowledge or experience of value to, but not readily available in, Hong Kong. All employers wishing to apply for quotas under the pilot scheme are required to establish and substantiate their need for a particular professional from China and each application is carefully scrutinised by the Immigration Department before deciding whether it should be approved.

There were altogether 3 129 applications for the 1 000 quotas under the Pilot Scheme. Four quarterly ballot exercises were held and the Immigration Department subsequently invited all the 1 000 applicants whose applications were drawn up to submit formal applications under the Scheme. The 2 129 applications not drawn out in the ballot exercises were put on a computer-generated reserve list. When quotas left over from formal applications which were either refused or withdrawn were available, the applicants on the reserve list would be advised, in the order of their position on the list, to submit a formal application.

In October 1995, in view of the slow utilisation rate of the quotas, the Immigration Department asked all the companies on the reserve list to confirm their interest in remaining in the Scheme. In the end, only 1 514 chose to remain on the list.

As of 20 March 1996, of these 1 514 applicants on the reserve list, 900 have been called up to submit their formal applications under the Scheme. Out of the formal applications for quotas from the total of 1 900 applicants (the original 1 000 successful companies in the four ballot exercises plus 900 from the reserve list), 712 were approved, 66 refused, 983 withdrawn, and 139 under processing. Applicants with approved quotas are normally given four months to arrange for the submission of visa applications by the candidates. Of the 712 approved quota applications, 394 visa applications have been approved so far.

My replies to the specific parts of the question are as follows:

- (a) There were 983 withdrawal cases. Of these, 629 were from applicants who withdrew before or when the Immigration Department called them up for submission of formal applications. We do not know the reasons for their withdrawal. As for the remaining 354, their reasons for withdrawal are as follows:

Unable to find the suitable candidate	295
Unable to provide sufficient information pertaining to the candidate for consideration by the Immigration Department	7
Changes in the recruitment policy of the company	52
Total	354

- (b) All formal applications are vetted carefully to ensure that they meet the criteria and objectives of the Pilot Scheme. Of the 900 reserve list cases, 282 were approved, 13 were refused, 466 were withdrawn, and 139 are being examined by the Immigration Department.

- (c) and (d)

We will continue to process applications and closely monitor the utilisation of the quotas under the Scheme. Our previous plan was to conduct a review of the Scheme when a sufficiently large number (say about 75%) of visa applications have been approved under the Scheme. However, in view of the slow utilisation rate, we plan to commence the review shortly with a view to completing it before the end of this year.

We will also seek to ascertain from the review the expertise and working experience that these professionals from China possess which Hong Kong is short of and needs most. In the light of the findings of the review, we will identify, if necessary, the need to train up local professionals.

Keeping of Pets by Public Housing Tenants

6. 陳偉業議員問：最近在公共屋邨發生狗隻咬死女嬰的慘劇，引起公眾關注公屋住戶非法飼養寵物的問題。就此，政府可否告知本局：

- (a) 房屋委員會與公屋住戶簽訂的租約是規定禁止住戶飼養寵物，抑或只是禁止飼養狗隻；該規定的理由為何；及
- (b) 若租約是禁止住戶飼養所有寵物，為何房屋署最近的宣傳只是針對養狗住戶；房屋署將會採取何種措施禁止公屋住戶飼養其他寵物？

SECRETARY FOR HOUSING: Mr President, the tenancy agreement signed between the Housing Authority and its tenant specifies that he is not allowed to keep pets, including dogs. The purpose is to keep the estate environment clean and quiet, and to avoid disturbing other tenants.

Public housing estate staff will tighten up enforcement action against tenants who keep pets of any kind. With effect from April 1996, only one written warning will be served on an offending tenant requiring him to dispose of the pet within 14 days, failing which his tenancy will be terminated.

Most offending cases involve dogs and some are repetitive offences. It is against this background that the Housing Department has targeted tenants who continue to keep dogs.

Participation of Civil Servants in Political Organizations

7. **MRS ELIZABETH WONG** asked: *Will the Government inform this Council whether civil servants are allowed to join political parties; if so, whether they must declare this so as to avoid a conflict of interest arising from the execution of their official duties?*

SECRETARY FOR THE CIVIL SERVICE: Mr President, with the exception of disciplined officers of the Royal Hong Kong Police Force who are prohibited from joining political organizations under the Police General Orders, all other civil servants may join political organizations in their private capacity subject to the provisions of civil service regulations governing outside work and participation in such activities as giving interviews and speeches, publishing or distributing political literature, or taking part in a public rally.

Whilst civil servants are not required to declare their membership of political organizations, they are advised that if their involvement in a political organization is likely to give rise to a conflict of interest with their official duties, they should refrain from taking part in the related activities. If they are in doubt about their obligations, they are encouraged to seek guidance since each case has to be considered on its own facts. Our guiding principle is that the Civil Service should remain politically neutral in order to ensure that Government business is, and is seen to be, conducted impartially.

Population Forecasts

8. 羅祥國議員問：政府可否告知本局：

- (a) 鑑於近年回流移民及來自中國的新移民人數增加，政府曾否對本港未來十至 20 年的人口預測作出大幅修訂；及
- (b) 香港近年人口增加，對政府各方面的長遠規劃會構成甚麼影響？

SECRETARY FOR FINANCIAL SERVICES: Mr President,

- (a) It is the practice of the Census and Statistics Department to prepare and publish projections of the size and age-sex structure of the population for a period of 20 years following each census/by-census. The current set of projections was prepared and published in 1992, following the 1991 Population Census.

A new set of population projections will be prepared in early 1997 based on the results of the 1996 Population By-census. Due consideration will be given to recent trends in the migration of the population, for example, more former emigrants returning and more one-way permit holders from China, in making the new projections.

- (b) Over the past few decades, the population of Hong Kong has grown by about one million every ten years. The Government has been responding by undertaking new town, public works and public housing programmes. All these have been carried out within the long term planning framework set by the Territorial Development Strategy.

We are currently undertaking a comprehensive review of the Territorial Development Strategy. The public will be consulted on the findings of the review in mid-1996. Following a decision on the identified strategic growth areas and other proposals in the Strategy, we will carry out detailed planning and development programming to produce land and to provide facilities required to meet the needs of the community.

Flight Movement Capacity at the New Airport

9. 黃秉槐議員問：政府最近告知本局，由於需要加長飛機升降的分隔時間，以及由於中國空域的限制，新機場單一跑道的容量因而由預測的每小時升降 43 架次，修改為每小時 37/38 架次。政府可否告知本局，新機場啟用時，飛機升降架次的容量，在減除跑道定期保養及維修所需時間後，會較現時機場的升降架次容量增加多少？

SECRETARY FOR ECONOMIC SERVICES: Mr President, the runway capacity of the Hong Kong International Airport at Kai Tak by 1998 is expected to reach about 31 aircraft movements per hour. The daily available capacity will however be affected by noise abatement requirements currently placed on flight scheduling in the early morning and late night hours and the curfew between 1 am to 6 am.

The declared runway capacity for the new airport at Chek Lap Kok with one runway will be 37/38 aircraft movements per hour although the capacity at airport opening will be lower while air traffic control gains familiarity with the new operation. On the basis of 24 hours' operation and having regard to the fact that the new airport is not situated in the urban area, the daily runway capacity at the new airport is estimated to be about 50% above that of the Kai Tak airport on the assumption that the runway capacity would be reduced by an average of about 5% for daily maintenance requirements based on experience at other airports.

Residential Care Homes (Elderly Persons) Ordinance

10. 李華明議員問：政府刊登憲報將原擬於本年四月一日實施的《安老院條例》(第459章)第6條押後至本年六月一日起才執行，政府可否告知本局：

- (a) 押後執行上述條例第6條的原因為何；
- (b) 若本年六月一日仍未能處理所有護理安老院牌照的申請，政府將有甚麼應變措施處理未獲豁免證明書或牌照而仍經營的安老院；及
- (c) 有何具體措施確保獲發牌的護理安老院依據法定規格經營？

SECRETARY FOR HEALTH AND WELFARE: Mr President,

- (a) The Residential Care Homes (Elderly Persons) Ordinance, with the exception of section 6, that is, the penalty section, came into operation on 1 April 1995. The reason for not bringing section 6 into operation at that time was to give operators of residential care homes sufficient time to familiarise themselves with the new legislation, to apply for licences and to make any improvements needed to comply with the prescribed standards. Social Welfare Department initially estimated that operators would need about 12 months to do this. However, it became clear by February 1996 that it would not be advisable to bring section 6 into operation as early as

originally intended for the following reasons:

- (1) As at 29 February 1996, there were still 38 residential care homes for the elderly (about 6% out of a total of 586) which had not yet applied to the Social Welfare Department for a licence or certificate of exemption. Of the 548 applications received, 182 (about 33%) had been received between December 1995 and February 1996. Because so many had been received in such a short span of time, more time was needed to process them.
- (2) In the course of processing the applications, it was found that some of the information and floor plans submitted by the residential care homes were not acceptable. Progress was delayed while operators were required to provide supplementary information and revised layout plans and to clarify parts of their applications.
- (3) A small number of residential care homes have structural, design and location problems which are impossible to overcome. Operators of such homes have been advised to reprovise their homes in alternative premises. More time is needed to allow for these reproviseing plans to be carried out.

Taking the above into consideration, it was decided that section 6 should be brought into operation on 1 June 1996.

- (b) As at the end of March 1996, only about 10 of the total 586 residential care homes had not applied for licences or certificates of exemption. The assessment of applications is now progressing well and staff of the Licensing Office are confident that all applications will be processed in time before 1 June 1996.
- (c) Licences are issued to residential care homes which are able to comply with the statutory requirements while certificates of

exemption may be granted to residential care homes already in operation before 1 April 1995 (i.e. before the commencement date of the Ordinance) which are unable to comply fully with the requirements so that they can make necessary improvements during the exemption period.

For the purpose of ensuring that residential care homes are operated in accordance with the requirements, the maximum validity period of a licence or certificate of exemption may not exceed 36 months and residential care homes need to apply for renewal of the licence or certificate upon its expiry.

If a licensed residential care home contravenes the law, the licence issued can be cancelled or suspended and the Director of Social Welfare may refuse to renew the licence or amend or vary any conditions of the licence. Similarly, a certificate of exemption can also be revoked. With no licence or certificate of exemption, a home must close down.

The Social Welfare Department Licensing Office of Residential Care Homes for the Elderly is obliged to conduct routine inspections of residential care homes to ensure that they operate in accordance with the statutory requirements and that the welfare of elderly residents is properly safeguarded.

Security Facilities in Public Housing Estates

11. 黃偉賢議員問：公屋保安設施第一階段自推行以來，深受居民歡迎，惟亦有不少缺點受到居民質疑，例如保安員質素欠佳、閉路電視有盲點及收看不到橫門等。政府可否告知本局：

- (a) 有否發現第一階段的保安設施出現問題；若有，詳情為何及有何措施可解決上述問題；及
- (b) 實施第二階段的保安設施具體計劃及安排為何？

SECRETARY FOR HOUSING: Mr President, the Housing Department receives regular feedback from tenants on security facilities in public housing estates, and the points of concern include:

- (a) the coverage angle of closed-circuit television (CCTV) cameras;
- (b) vandalism of CCTV cameras;
- (c) the need to install CCTV cameras at side entrances and staircase exits of housing blocks; and
- (d) the quality of security guards.

The existing cameras use wide angle lenses of a type commonly used in CCTV systems inside lifts, and are able to capture irregular or criminal activities in lifts. Nevertheless, the Housing Department is considering installing extra wide angle lenses to improve coverage.

Activities inside lifts are constantly recorded on CCTV. There have been several cases of vandalism where the Police have been able to arrest suspects based on video tape records. As a result, the incidence of vandalism has declined. To provide added protection, the Housing Department intends to provide strengthened protective covers of CCTV cameras.

The side entrances of Harmony and Trident blocks are already covered by CCTV cameras. The Housing Department is looking into the feasibility of extending this measure to other block types. Trials are being carried out to determine the practicability of installing CCTV cameras at staircase exits.

The Housing Department promises to offer a high quality security guard service. The performance of guards is supervised and recorded by estate management staff, and a merit point system has been adopted for performance appraisal. Penalty clauses, including early termination of service, are included in security guards' service contracts.

Stage II of the security camera installation project, covering 505 housing blocks, is progressing on schedule. Tenders are now being assessed by the Housing Department and will be awarded in May 1996. Installation work is expected to be complete by mid-1997.

Water Sports Developments

12. 劉慧□ 議員問：政府在一九九五年七月五日立法局會議席上回應本人提出有關泳灘污染情□的質詢時表示，一個跨部門的委員會正負責研究各項水上活動設施，並將研究開闢新泳灘的可能性及需要。政府可否告知本局：

- (a) 該委員會在拓展及開闢新泳灘方面的研究有何進展；及
- (b) 政府有否考慮開闢新的郊遊點，例如開闢更多離島，加強其與市區的渡輪服務，為市民提供更多健康而廉宜的消閒去處？

SECRETARY FOR RECREATION AND CULTURE: Mr President, the working group looking into water sports developments has identified over 20 beaches which might be suitable for further development. The group is now conducting research into the circumstances of the beaches, taking into account ease of access, water quality, texture of beach deposits and other related issues. The working group aims to complete its research this year, following which it will make recommendations on the development of potential new beaches.

Separately, the Regional Services Department is considering opening up beaches at Lung Mei (near Tai Po) and at Gordon Hard, which joins the Old and New Cafeteria Beaches at Tuen Mun.

As regards the development of recreational facilities on outlying islands and in other rural areas, we are currently looking at ways of maximizing the recreational use of decommissioned landfill and former military land. The Country and Marine Park Board is planning marine parks at Hoi Ha Wan, near Sai Kung and at Yan Chau Tong, in Tai Po District, to complement the 40 864 hectares of gazetted Country Park in Hong Kong — some 20% of which is on outlying islands. The Urban and Regional Services Departments are considering providing new recreational facilities at Stanley and Gordon Hard

respectively.

In taking forward these developments we will consider the demand and potential for opening up outing resorts, as well as assessing the availability of public transport links.

Penalties for Violation of Environmental Protection Legislation

13. 謝永齡議員問：有報道指由於法院對屢次違反環保法例的人士或公司所判處的罰款，可能低於加建環保設備的費用，而某些商人亦已將罰款包括在運作成本內，因此判處罰款難以收阻嚇作用。就此，政府可否告知本局：

- (a) 在過去三年內，每年分別有多少人或公司曾被檢控兩次以上；各宗個案法庭平均判罰多少款項及法庭在多少宗案件中判處監禁刑罰；
- (b) 政府在提交有關草案予立法局審議時，該等草案所建議的罰則是按甚麼準則釐定；
- (c) 當律政署認為法庭所判定的罰款數目過低時，是否會考慮提出上訴；若然，在過去三年，律政署曾提出多少次上訴，以及在考慮是否提出該等上訴時，律政署採取甚麼準則；及
- (d) 政府有否考慮建議修改法例，藉提高刑罰以收阻嚇作用；若否，有否其他方法打擊屢犯的情□？

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President,

- (a) The number of persons or companies convicted of environmental offences on more than two occasions in the past three years (1993-95) is as follows:

1993	1994	1995
126	119	123

No custodial sentence has been imposed in the past three years and the average fines imposed by the court on repeated offenders under the various pollution control ordinances are:

<i>Ordinance</i>	<i>Maximum Penalty</i>	<i>Average Fines Imposed on Offenders with More Than Two Convictions</i>		
		<i>1993</i>	<i>1994</i>	<i>1995</i>
Air Pollution Control Ordinance	\$500,000	\$7,700	\$10,251	\$10,612
Ozone Layer Protection Ordinance	\$1,000,000	n/a (no repeated offender)		
Noise Control Ordinance	\$200,000	\$27,356	\$20,362	\$30,210
Dumping At Sea Act 1974 (Overseas Territories) Order 1975	\$5,000	\$4,471	\$46,429 (*)	Order repealed
Dumping At Sea Ordinance (replaced DASA(1974) above)	\$500,000	legislation not yet in force		n/a
Water Pollution Control Ordinance	\$400,000	\$25,000	\$47,414	\$49,706
Waste Disposal Ordinance	\$500,000	n/a	n/a	\$1,000

(*) *The fines are higher than the maximum because some of the cases were tried at the District Court as indictable offences, and are hence not subject to the maximum which only binds the Magistrate Courts.*

- (b) The level of maximum penalties is determined on the basis of a number of factors including the degree of hazard to public health and safety, damage caused to the environment, and likely deterrent effect to offenders. Provision has also been made for a substantial increase in the level of fines for repeated offences and for daily penalties to be imposed for continuing offences.

- (c) Yes. The Legal Department will, on the advice of the Environmental Protection Department, consider lodging an appeal if the fine imposed by the court is wrong in principle or manifestly inadequate. No appeal has been lodged against cases of low fines in the past three years.
- (d) Yes. The levels of penalties are continually reviewed to ensure that they have sufficient deterrent effect. Except for the Ozone Layer Protection Ordinance, for which the level of fine is already high, the level of fines under pollution control legislation has been increased in the past three years. The fines under the Air Pollution Control Ordinance were increased 10-fold in 1993 and those under the Noise Control Ordinance, Waste Disposal Ordinance and Water Pollution Control Ordinance were doubled during recent amendment exercises. The Dumping At Sea Ordinance has a maximum penalty for second offences of marine dumping that is 100 times greater than the Dumping At Sea Act 1974 (Overseas Territories) Order 1975 which it replaced in 1995.

Earmarked Research Grants

14. 羅祥國議員問：政府是否知悉，在過去三年，本港各間大學每年在政府直接撥款資助的研究經費中：

- (a) 屬理論研究、實用性研究和本港政策研究的比例分別為何；
- (b) 屬文科研究、理科研究、工程研究、社會科學研究和商科研究的比例分別為何；及
- (c) 有多少研究項目不能如期或根據研究目標完成，而其所佔研究撥款總額的比例為何？

SECRETARY FOR EDUCATION AND MANPOWER: Mr President, the Government is aware of the following information relating to the allocation of Earmarked Research Grants through the University Grants Committee during the past three years:

- (a) The Research Grants Council (RGC), under the University Grants Committee (UGC), receives applications for and approves awards of Earmarked Research Grants each year. In considering applications for research project grants, the Council does not make a distinction between theoretical topics (otherwise known as basic research) and practical subjects (otherwise known as applied research). A breakdown of the proportion of funding allocated for basic and applied research is not, therefore, available and, in any event, the distinction is far from clear-cut in respect of many research topics. One of the criteria taken into account by the RGC in deciding whether a particular research project should be funded is potential local relevance in terms of its social, cultural or economic application. However, the extent to which research topics are relevant to local policy issues cannot always be identified before the research is completed.
- (b) The RGC currently deals with applications for research project grants on the basis of four groups of subject disciplines : Physical Sciences, Engineering, Biology and Medicine, and Humanities, Social Sciences & Business Studies. The respective amounts and proportions of Earmarked Research Grants in these four subject disciplines in the past three years are shown in the following table:

<i>Subject discipline</i>	<i>1993-94</i>		<i>1994-95</i>		<i>1995-96</i>	
	<i>\$ m</i>	<i>No.</i>	<i>\$ m</i>	<i>No.</i>	<i>\$ m</i>	<i>No.</i>
	<i>(%)</i>	<i>(%)</i>	<i>(%)</i>	<i>(%)</i>	<i>(%)</i>	<i>(%)</i>
Engineering ¹	)	)	68	143	67	161
	) 53	) 110	(35%)	(38%)	(32%)	(35%)
	) (53%)	) (57%)				
Physical Sciences ¹	)	)	34	69	45	98
			17%	(19%)	(22%)	(22%)

Biology and Medicine	34 (34%)	49 (25%)	54 (28%)	82 (22%)	61 (30%)	109 (24%)
Humanities, Social Sciences and Business Studies	13 (13%)	34 (18%)	37 (19%)	77 (21%)	33 (16%)	86 (19%)
Total	100 (100%)	193 (100%)	193 (100%)	371 (100%)	206 (100%)	454 (100%)

Notes: 1 The Physical Sciences and Engineering Panel was split into two, as an Engineering Panel and a Physical Sciences Panel, in 1994-95.

2 Numbers/percentages rounded.

A more detailed breakdown of the funded research projects by subject discipline (and by institution) for the past three years is given in the tables at Annexes A to C. More information about the individual projects and their status can be found in the RGC Annual Report 1994 and supplementary information in respect of 1995 which were lodged with the Legislative Council Library in early March 1996.

- (c) It is in the nature of research that the results and the time required for them to emerge cannot be precisely predicted. Research project grants awarded by the RGC are usually for two or three years' duration, but the researchers can apply for extensions of this period. Extensions of up to 12 months can be approved by the institutions concerned, but must be reported to the RGC; extensions of longer than 12 months require the RGC's approval which will normally only be given up to a maximum of two years including any extensions previously approved by the institutions concerned. The

numbers of projects funded in the past four years for which extensions have been approved (mostly for 12 months or less) are shown in the table below. Details of unspent balances of grants in respect of these projects are not available until after the projects are completed.

	<i>92-93</i>	<i>93-94</i>	<i>94-95</i>	<i>95-96</i>	<i>Total</i>
No. of RGC funded projects approved in that year	172	193	371	454	1 190
No. of these projects which have subsequently been given an extension	110	93	31	0	237
Percentage of projects granted extension	64%	50%	8%	0%	20%

Financial Implications for Constructing the Second Runway and its Associated Facilities

15. 黃秉槐議員問：由於新機場第二條跑道及有關機場客運大樓加建需耗資 50 億元，政府可否告知本局，這項投資對機場管理局整個財政狀況的影響為何？

SECRETARY FOR ECONOMIC SERVICES: Mr President, the Airport Authority has estimated that the cost for the construction of the second runway and associated facilities will be between \$4 to \$5 billion. The actual cost will depend on the detailed design, scope of work involved and the timing of construction.

The financial projections in the Provisional Airport Authority's Business Plan circulated to Finance Committee members on 14 July 1995 assume that the second runway will be constructed after airport opening and will be financed by the Airport Authority through internally generated resources and by borrowings. Under the Business Plan, the cost of the second runway only represents a relatively small portion of the Authority's planned future capital expenditure and should be well within the means of the Authority. When commissioned, the second runway will provide additional capacity at the new airport and in time can make a substantial contribution to the strength of the Authority's overall financial position.

The Government is currently discussing with the Authority with a view to determining, *inter alia*, the timing and financial implications for constructing the second runway and its associated facilities.

British Consular Services Available to Hong Kong Residents Overseas

16. 劉慧卿議員問：政府可否告知本局：

- (a) 政府是否知悉持有英國國民（海外）護照及英國屬土公民護照的香港居民在外國遇上困難時，英國駐當地領事館可為他們提供何種協助，而這些港人與英國本土公民所得的待遇又是否有差異；

- (b) 以往有何措施向市民推廣在海外可享有的英國領事服務；及
- (c) 政府會否仿效英國政府向其國民宣傳領事服務的措施？

SECRETARY FOR SECURITY: Mr President, the answers to the Honourable Member's questions, in the order they are raised, are as follows:

- (a) Like other British Nationals, BDTCs and BN(O)s can obtain the following consular services from British Consular Posts overseas. These services include:
 - (i) assistance in rendering travel documents and other related services;
 - (ii) visiting British nationals who are under detention or serving sentences in overseas prisons;
 - (iii) helping British nationals to get in touch with local lawyers, interpreters and doctors;
 - (iv) arranging for messages to be sent to relatives or friends of British nationals who are in custody; informing next-of-kin of accidents or deaths and advising on procedures;
 - (v) pleading for clemency in death sentence cases; and
 - (vi) evacuation in cases of natural disaster or political upheaval.
- (b) Information on consular services and assistance that Hong Kong residents can enjoy while overseas is available from the Immigration Department. The Hong Kong Immigration Department also acts as a point of contact for overseas consular posts and the family of Hong Kong residents who are under trial, serving prison sentence or otherwise in distress overseas.

- (c) We are in the process of stepping up our activities to publicize consular services available to BDTCs and BN(O)s. Leaflets on "British Consular Services Abroad" currently being used by British Consular Posts can be obtained from Immigration Department. Steps are being taken to produce bilingual leaflets. The intention is to make new bilingual leaflets available to British passport holders upon issuance of passports.

Accident and Emergency Service at Hospitals Under the Hospital Authority

17. 黃偉賢議員問：政府可否告知本局：

- (a) 在過去三年，醫院管理局屬下各醫院的急症室醫生數目及求診人數分別為何；
- (b) 求診病人的平均輪候時間為何；
- (c) 屯門醫院曾有求診急症的病人需要輪候超過三小時，出現上述情□的原因為何；這會否危害病人的生命；及
- (d) 如何改善(c)項所述的情□；會否考慮增加醫護人手，以縮短輪候時間？

SECRETARY FOR HEALTH AND WELFARE: Mr President, a breakdown showing the deployment of medical staff at different accident and emergency units and the number of attendance are provided at Annexes A and B respectively. The average waiting time is 30 minutes.

Accident and emergency service is designed to cater for patients in more acute conditions. To achieve this intended function, a triage system has been introduced whereby patients are screened by an experienced nurse with special training to determine the relative priority for treatment based on prevailing medical needs of each individual case. While it is inevitable that some non-urgent cases may have to wait longer, there is no question of patients being put at risk.

In the case of Tuen Mun Hospital, as with other public hospitals, deployment of medical staff at the accident and emergency unit should not be examined in isolation from supporting services provided by other clinical departments.

The Hospital Authority is aware of the impact on waiting time caused by additional demands and has responded by allocating funds to strengthen the accident and emergency unit at Tuen Mun Hospital in its annual planning process. The Authority will continue to work together with the hospital management to maintain the quality of patient service.

Annex A

Deployment of Medical Staff
at Accident and Emergency Units

<i>Hospital</i>	<i>Number of Medical Staff</i>		
	<i>1/94</i>	<i>1/95</i>	<i>1/96</i>
Tuen Mun Hospital	23	23	25
United Christian Hospital	19	19	24.5
Yan Chai Hospital	1	12	26
Queen Elizabeth Hospital	33	34	33
Pamela Youde Nethersole Eastern Hospital	12	23	22
Tang Shiu Kin Hospital (including Orthopaedics)	22	22	15
Caritas Medical Centre (including out-patient department)	15	16	15
Fanling Hospital (including out-patient department)	10	9	8
Kwong Wah Hospital	17	18	19
Princess Margaret Hospital	24	24	23
Pok Oi Hospital (including out-patient department)	10	10	9
Prince of Wales Hospital	26	30	30
Queen Mary Hospital	23	19	21
Total	235	259	270.5

Annex B

Number of Accident and Emergency Attendance

	<i>1993/94</i>	<i>1994/95</i>	<i>4/95 to 1/96</i>
Tuen Mun Hospital	156 659	179 567	164 954
United Christian Hospital	170 087	185 273	176 754
Yan Chai Hospital	-	55 834	116 803
Queen Elizabeth Hospital	205 485	231 913	192 720
Pamela Youde Nethersole Eastern Hospital	20 365	103 846	127 250
Tang Shiu Kin Hospital	102 718	100 259	88 282
Caritas Medical Centre	72 043	87 986	82 725
Fanling Hospital	46 930	53 460	49 136
Kwong Wah Hospital	156 924	170 492	154 546
Princess Margaret Hospital	163 660	153 993	117 624
Pok Oi Hospital	49 743	52 703	48 970
Prince of Wales Hospital	191 040	203 762	177 292
Queen Mary Hospital	123 426	127 308	113 664
Total	1 466 482	1 714 062	1 618 448

Entry Qualifications for the Civil Service

18. 葉國謙議員問：政府可否告知本局：

- (a) 政府自去年公布，日後在招聘公務員時承認非英聯邦學歷以來，在招聘非英聯邦學位學歷人士擔任需要大學預科或以上入職資格的公務員職位的情^口為何；
- (b) 在實施(a)項安排之前三年，有否聘用非英聯邦學位人士擔任該等公務員職位；若有，該等人士的職位為何及屬何等部門；及
- (c) (b)項所聘用的公務員，其非英聯邦學位學歷得到認可的理由為何？

SECRETARY FOR THE CIVIL SERVICE: Mr President, at present the minimum qualification requirements for entry to the civil service are set with reference to qualifications obtained from local institutions. Non-local degrees are assessed by the Qualifications Section in Civil Service Branch for the purpose of civil service appointments on the basis of whether they are comparable in standard to that of local degrees, having regard to the standing of the awarding institutions, programme of study and advice from accreditation authorities. No distinction is made between degrees obtained from the Commonwealth and non-Commonwealth countries.

The answers to the specific questions are as follows:

- (a) Assessment of degrees obtained from non-English speaking countries has been difficult in the past because of the lack of information on institutions and qualifications in these countries. To tackle this, we strengthened our mechanism for qualifications assessment for appointment to the civil service in February 1995, by setting up more formal arrangements to make use of the considerable body of information and advice provided by the Hong Kong Council for Academic Accreditation (HKCAA). The HKCAA is a source of information on non-local institutions and qualifications and has connections with overseas accreditation authorities and international education specialists. Under the improved system, information and advice is sought from the HKCAA on the comparability of a particular non-local degree to a local degree where necessary. This has enabled us to assess and recognize qualifications obtained from many non-English speaking countries, in particular those obtained from the People's Republic of China (PRC), and take a more vigilant approach on the assessment of qualifications from English-speaking countries.
- (b) We have recognized in the past a number of cases of non-local qualifications involving degrees from non-Commonwealth countries for civil service appointment purposes, particularly those obtained from the United States. Since the strengthening of our assessment mechanism, we have also been able to recognize a number of qualifications involving degrees from non-English speaking countries for civil service appointment purposes, including, for

example, qualifications from China. Since February 1995 some 14 qualifications obtained in various academic institutions in the PRC have been accepted as fully comparable to a local degree. Another 10 qualifications obtained in the PRC have been accepted as equivalent to a local degree when taken into consideration with other qualifications (for example, a master degree combined with a first degree).

We have not kept statistics on whether the holders of these non-local qualifications, after assessments, have actually applied for any civil service post or succeeded in such applications.

- (c) For appointment to civil service grades requiring a local degree for entry, the key is whether the candidate possesses the academic qualifications required for the job. Non-local degrees are recognized for the purpose of civil service appointment if their standard is assessed as comparable to that of a local degree.

Waiting Time of Patients at Public General Out-Patient Clinics

19. 葉國謙議員問：根據一個團體的調查顯示，有四成以上老人在輪候公立醫院普通科門診時，需要花上四小時才獲診症及配藥，而專科服務則長達四個月。政府可否告知本局：

- (a) 是否知悉上述情況；若然，政府有何措施縮短輪候時間；及
- (b) 有否考慮將目前只有部分公立醫院的門診部設有的“老人籌”及為老人預約診症時間的服務，擴展至全港所有公立醫院；若否，原因為何？

SECRETARY FOR HEALTH AND WELFARE: Mr President,

- (a) The general out-patient clinic (GOPC) services operated by the Department of Health (DH) have adopted the following measures to minimize waiting time of patients, including elderly patients, after they have obtained consultation discs:

(i) *Block appointment system*

Same-day appointments are given to patients with episodic illnesses and their appointment times are printed on the back of the consultation discs. Patients are then free to leave and need only return to the clinics at the given appointment time. It is the pledge of DH for these patients to be seen within 60 minutes of the appointed time. In 1995, DH has fully achieved this performance pledge.

(ii) *Advance appointment*

Patients with chronic diseases are given advance appointment for their next clinic visit. They need not queue for consultation discs. It is the pledge of DH for these patients to be seen within 30 minutes of the appointment time. In 1995, DH has achieved an attainment rate of 99.7% for this performance pledge. We have observed, however, that only one-third of elderly patients with chronic diseases are willing to take advantage of the advance appointment system. More than 50% of the patients prefer to attend GOPC in the early hours of the morning to suit their own personal convenience. DH is considering ways to encourage greater use of the advance appointment system.

For the general out-patient departments operated within the Hospital Authority (HA), the queuing time for medical consultation is being monitored and is less than 90 minutes on the average. As for the specialist out-patient services, measures have also been in place to shorten the waiting time for first appointment and there is considerable improvement over the past few years. The measures include increasing consultation sessions and opening new specialist clinics through redevelopment of hospital complex. It is the performance target of HA that the average waiting time for first appointment at 90% of specialist clinics is less than three months.

After seeing the doctor, the patient spends a further 10-20 minutes at the clinic for the dispensation of drugs.

- (b) Priority discs for the elderly are available in most GOPCs run by DH with the exception of a few smaller or more isolated GOPC's where more than 50% of the patients are of the elderly age-group. In total, well over 10% of GOPC consultation capacity is set aside for priority discs for elderly patients.

Most of the out-patient clinics within HA institutions are for specialist medical consultation. Since these clinics would attend to all patients on an appointment basis, the practice of providing priority discs for the elderly would not be necessary. As for the GOPCs operated by HA hospitals, about 1/2 to 2/3 of the discs will be allocated to the elderly in some clinics. For those clinics without priority discs arrangement, most of the patients attending their GOPCs are already elderly patients.

Review on Process of Issuing Banknotes and Minting Coins

20. 鄭家富議員問：在本年一月三十一日的立法局會議席上，財經事務司在回應本人的跟進質詢時表示，會考慮成立一個常設聯絡小組以經常檢討印製鈔票及鑄造硬幣的過程。就此。政府可否告知本局：

- (a) 政府會否盡快實施剛通過的《銀行紙幣發行條例》；
- (b) 有關設立該聯絡小組的工作時間表為何；及
- (c) 該聯絡小組的形式及工作目標為何？

SECRETARY FOR FINANCIAL SERVICES: Mr President,

- (a) The Bank Notes Issue (Amendment) Ordinance 1995 will be brought into effect as soon as the necessary preparatory work, which includes the drawing up of terms and conditions regarding banknote issues, is complete. These terms would cover such items as the design of notes, regular review of counterfeiting precautions, demonetization procedures, safe-keeping of unissued notes (for example, location and type of vaults to be used), accounting

procedures to record movements between issued and unissued stock and destruction procedures. These detailed and technical terms do require a fair amount of drafting and discussion with the note-issuing banks. The Hong Kong Monetary Authority (HKMA) has been discussing these terms with the note-issuing banks since the enactment of the amendment ordinance and agreement is expected to be reached with them later this year.

- (b) In connection with bank note issues, the HKMA has established two liaison committees, namely a HKMA-Police liaison group in January this year and the Bank Notes Issue Advisory Committee in March this year, to consider, inter alia, issues relating to the security and quality of the printing of bank notes and the enforcement of the provisions of the Bank Notes Issue (Amendment) Ordinance 1995.
- (c) The HKMA-Police liaison group comprises representatives from the HKMA and the Commercial Crime Bureau of the Police. It will in future include the senior management of the banknote printing plant when acquisition of the plant by Government is complete. The group meets bi-monthly to discuss, inter alia, matters concerning the security and printing quality of bank notes. It also covers the question of the security of the coinage.

The Bank Notes Issue Advisory Committee comprises representatives from the HKMA and the three note-issuing banks. It meets on a regular basis and advises the Administration on the operation of the relevant ordinance and on all other matters relating to note issue.

PRESIDENT: Honourable Members, in the course of Mr LEUNG Yiu-chung's speech made in the debate on the Second Reading of the Appropriation Bill 1996 on the second day of the last sitting on 28 March 1996, I asked him to indicate the people he was referring to in his speech. After several attempts to clarify that part of his speech on which I asked for elucidation, Mr LEUNG stated that he did not intend to allude to any Member of this Council in his speech.

In response to a point of order made by Mr Albert CHAN, I undertook to give the reasons for my intervention at this sitting.

As I said at the beginning of the first day of the last sitting, offensive and insulting language might be classified into two kinds, one which reflects derogatorily on the character of other Members, and the other which is straightforward profane, abusive and indecent language. I have ruled both kinds of language out of order. Derogatory reflections and abusive and indecent language include not only direct accusations and expletives but also include allusions and quotes.

The part of Mr LEUNG's speech that I found objectionable if alluded to Members of this Council was not that part in which he said that "spiritual opium could be found everywhere. But spiritual opium was not welfarism; instead, it was blindly agreeing with other people, bending towards those in power, adulation, and going against one's conscience. Spiritual opium also included following closely a China-led path, immorality and loss of oneself." That I regard to be the fair expression of a view. Whether or not the view itself is fair is not for the Chair but for Members to decide, and the same goes for Dr Philip WONG's view of welfarism being the opiate of the people made on the first day of the last sitting.

However, Mr LEUNG went on to say that "those who smoked opium competed to bare their souls to those in power and behaved in a sycophantic manner to them." and hoped that "those who smoked opium could rub their own eyes clean and see for themselves the current state of social welfare in Hong Kong." It was, and it is still my view that this part of Mr LEUNG's speech, in the context of his earlier view, sought to reflect derogatorily on the moral character of some people. It would not be out of order if Mr LEUNG alluded to people who are not Members of this Council. If, however, Mr LEUNG alluded or intended to allude to any Member of this Council with what he had said, he would clearly fall foul of Standing Order 31(4) which says that it shall be out of order to use offensive and insulting language about Members of this Council.

In the light of some of the speeches, in particular Dr Philip WONG's speech, made prior to Mr LEUNG in the same debate, I felt duty bound to request Mr LEUNG to clarify his remarks I have just quoted. When I interrupted him, I did not, and I repeat, I did not, outright rule his speech out of order. I asked him

to indicate whether he was referring to any Member of this Council in his speech. When he stated that he was not so referring, I invited him to carry on with his speech.

While the use of offensive and insulting language about Members of the Council is in breach of Standing Order 31(4), I have ruled at the opening of the last sitting that the use of profane, abusive and indecent language about anybody, even if he or she is not a Member of this Council, is out of order.

Mr LEUNG Yiu-chung also enquired whether the part of his speech in question would stay in Hansard. There is no question of any part of his speech being deleted from Hansard. Expressions or words that have been withdrawn by order of the Chair will remain in Hansard unless such words or expressions are grossly profane or grossly indecent.

I have arranged for copies of my ruling made at the last sitting and this ruling to be issued to Honourable Members in both English and Chinese.

BILLS

First Reading of Bills

ELECTRICITY (AMENDMENT) BILL 1996

FIREARMS AND AMMUNITION (AMENDMENT) BILL 1996

TRADE DESCRIPTIONS (AMENDMENT) BILL 1996

IMPORT AND EXPORT (AMENDMENT) BILL 1996

CONTROL OF CHEMICALS (AMENDMENT) BILL 1996

RESERVED COMMODITIES (AMENDMENT) BILL 1996

TOYS AND CHILDREN'S PRODUCTS SAFETY (AMENDMENT) BILL 1996

CONSUMER GOODS SAFETY (AMENDMENT) BILL 1996

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

PRESIDENT: Miss Emily LAU, I think you have a point of order.

劉慧卿議員：是的，主席先生。我相信各位同事都很支持和尊重你的意見，但現在卻有一個問題。主席先生，我相信很多同事都不很明白你作出各種判斷的理據，因為上一次的判斷確實令很多人深感訝異。主席先生，其實，作出一些改變並不打緊，但必須令大家知道和明白。我現在並不是想辯論，只是想看一看有何方法解決問題。

PRESIDENT: Please state your point of order.

劉慧卿議員：我們都想知道你以何理據作出判斷；否則，我相信很多人都會感疑惑。謝謝主席先生。

PRESIDENT: I do not see any point of order there. I have made my ruling and I have stated my reasons and you are not making a point of order. If you are making a point of order, please state your point of order.

劉慧卿議員：主席先生，我已說出我的意見，如果你認為這不是規程問題也沒有辦法！不過，我們確有這種疑惑，也許你在另一場合可以作出澄清。你自己必須接受事實，因為現時這事令立法局議員十分困擾。我們可能不可以在現階段解決這事，但我相信我們必須就這事進行討論。謝謝主席先生。

Second Reading of Bills**ELECTRICITY (AMENDMENT) BILL 1996**

THE SECRETARY FOR ECONOMIC SERVICES to move the Second Reading of: "A Bill to amend the Electricity Ordinance."

SECRETARY FOR ECONOMIC SERVICES: Mr President, I move that the Electricity (Amendment) Bill 1996 be read a Second time.

In March 1995, safety requirements for plugs and adaptors came into effect. The requirements were widely publicised and were targeted at improving the safety of plugs and adaptors, and increasing public awareness of electrical product safety.

The Electricity (Amendment) Bill introduced today takes this process a step further, in paving the way for enactment of regulations stipulating safety requirements for all household electrical products.

The Bill has three main provisions.

First, it enables the Director of Electrical and Mechanical Services to prohibit the supply of an unsafe electrical product, in the interests of safety.

Second, it provides for a product owner to claim compensation for loss or damage resulting from the Director's seizure of a prohibited electrical product when that seizure is overturned on appeal and the appeal board has ordered that the product be returned.

Third, it increases the maximum penalty for supplying a prohibited product from a fine of \$50,000 on a first conviction and \$100,000 on a subsequent conviction for the same offence and in either case imprisonment for six months, to a fine of \$100,000 and imprisonment for one year on a first conviction and a fine of \$500,000 and imprisonment for two years on subsequent conviction.

After the Bill has been passed by this Council, the Government will introduce a new regulation prescribing safety requirements for household electrical products. The new regulation will require that all electrical products designed for household use should comply with essential safety requirements to protect the user from electrical shock and other dangers from hazardous materials or design.

Some products, for example, lampholders, flexible cords and extension units, which frequently bring the public into close proximity with live terminals or conductors and unvented thermal storage type electric water heaters, which require special safety devices, will have to comply with specific safety requirements.

All of the safety requirements are based on well established and widely recognized international standards.

The supplier of a household electrical product will be responsible for ensuring that the product complies with the safety requirements. A product will have to be certified that it meets the relevant safety requirements before it can be supplied. This will be done by requiring issue of a certificate in respect of the product model concerned. The certificate may be issued by a certification body or a manufacturer recognized for that purpose.

Mr President, over the past four years, 28 severe electrical accidents relating to unsafe household electrical products and involving death or injury, were reported to the Government. While the majority of household electrical products available locally are safe, tests carried out by the Consumer Council have shown that some models of common household electrical products do not pass examination against international safety standards. The proposals that I have outlined aim to ensure that all such products are safe to use.

Mr President, I commend the 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).

FIREARMS AND AMMUNITION (AMENDMENT) BILL 1996

THE SECRETARY FOR SECURITY to move the Second Reading of: "A Bill to amend the Firearms and Ammunition Ordinance."

SECRETARY FOR SECURITY: I move the Second Reading of the Firearms and Ammunition (Amendment) Bill 1996.

The purpose of the Bill is to tighten the existing licensing framework to ensure that firearms are used safely.

The Firearms and Ammunition Ordinance was enacted in 1981 to regulate the possession of, and dealing in, firearms and ammunition. At that time there was a comparatively low level of interest in the use of firearms for recreational and sporting purposes. The use of firearms for recreational shooting has, by and large, been left to self-regulation by individual shooting clubs. The relatively loose controls imposed at that time were judged to be adequate.

Since then, however, the use of firearms for recreational and sporting purposes has become more popular. The number of shooting clubs, for example, increased from 13 in 1988 to 22 now; the number of licences for the possession of firearms increased from 894 to 1 753 in the same period. We believe that the time has now come for us to take proactive and precautionary measures to ensure that the increasing number of gun clubs are run properly in the interest of public safety and security. The Bill seeks to implement these measures.

We propose to regulate shooting clubs by way of licences for the possession of firearms. The licence will be held by a "responsible officer", who is personally responsible for the management of the club. Tighter licence conditions will also be imposed to regulate the operation of shooting clubs, in particular, the possession and use of firearms and ammunition and the running of its firing range, armoury and other facilities.

We propose to require members of shooting clubs to complete a course on the safe handling of firearms before they can use firearms in the clubs, and that only a qualified person, approved by the Commissioner of Police, can instruct others in the use of firearms.

We also propose that the appointment of an agent by a licensee to handle firearms and ammunition be subject to the approval of the Commissioner of Police. This will preclude an untrained or unsuitable person from possessing or handling a licensee's firearms in the capacity of his agent.

To address the possible threat to public safety when a large number of firearms or ammunition are carried in public places or stored at the licensees' premises, we propose to empower the Commissioner of Police to restrict the quantity of firearms and ammunition to be covered in a licence for possession.

As the use of low-powered air guns could be dangerous, we propose to make it an offence, under the Summary Offences Ordinance, to discharge any low-powered air gun in a public place to the danger or the annoyance of any person.

We have consulted the shooting clubs and other interested parties, including the Security Panel of this Council, on our proposals. There is general support in principle for the tighter regulation of shooting clubs by way of licence.

Mr President, I believe that under our proposals, recreational shooting activities will be carried out in a safer manner while remaining as an active sport in Hong Kong. Subject to the approval of the Bill by this Council, the preparatory work for implementing these proposals will take about one year to complete. We will make use of this period to liaise with the clubs to ensure that the detailed licensing conditions are reasonable and practicable.

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).

TRADE DESCRIPTIONS (AMENDMENT) BILL 1996

THE SECRETARY FOR TRADE AND INDUSTRY to move the Second Reading of: "A Bill to amend the Trade Descriptions Ordinance."

SECRETARY FOR TRADE AND INDUSTRY: Mr President, I move that the Trade Descriptions (Amendment) Bill 1996 be read a Second time.

The Bill seeks to amend the definition of "goods in transit" in section 2(1) of the Trade Descriptions Ordinance. An anomaly exists in this definition and has hindered the Customs and Excise Department's effort in combating smuggling from China by vehicle.

Goods in transit are defined as those which are brought into Hong Kong solely for the purpose of taking them out of Hong Kong and which remain on board the same vessel, aircraft or vehicle throughout their passage through Hong Kong. At present such goods are exempted from certain import and export controls stipulated in the Trade Descriptions Ordinance. It is pointless to use resources to control goods that are neither destined for Hong Kong nor discharged in Hong Kong from the means of transport carrying them.

Since no place other than China is contiguous to Hong Kong, goods carried on a vehicle from China can only be destined to Hong Kong or transferred in Hong Kong to another country through other means of transport such as a vessel or aircraft. In the circumstances, such goods do not qualify as goods in transit.

In several court cases regarding falsely labelled goods found on incoming vehicles from China at the border control points, the claims that the contraband was "goods in transit" were accepted by courts as defences. When seized at the border control point, the goods were still on board the vehicles and in such circumstances were considered to fall within the definition of "goods in transit". This interpretation makes it difficult for Customs officers to bring prosecutions against those who smuggle from China by vehicle.

To rectify the situation, we propose to delete the reference to "vehicle" from the definition of "goods in transit" in the Trade Descriptions Ordinance.

Mr President, I move that the debate on this motion be now adjourned.

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

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

IMPORT AND EXPORT (AMENDMENT) BILL 1996

THE SECRETARY FOR TRADE AND INDUSTRY to move the Second Reading of: "A Bill to amend the Import and Export Ordinance."

SECRETARY FOR TRADE AND INDUSTRY: Mr President, I move that the Import and Export (Amendment) Bill 1996 be read a Second time.

This Bill seeks to remove a potential loophole in the Import and Export Ordinance by deleting the reference to "vehicle" in the definition of "article in transit" in section 2(b) of the Ordinance.

The reason for the proposed amendment is identical to that which I have already explained earlier to this Council in moving the Second Reading of the Trade Descriptions (Amendment) Bill 1996. It is practically impossible for articles carried on a vehicle from China to qualify as being in transit through Hong Kong. Articles brought into Hong Kong this way can realistically only be destined for Hong Kong or re-exported by vessel or aircraft. They should therefore not qualify as articles in transit and be exempted from the controls under the Ordinance. The potential for abuse under the existing definition is real, as evidenced by the experience of the cases which I quoted for the Trade Descriptions Ordinance.

Mr President, I move that the debate on this motion be now adjourned.

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

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

CONTROL OF CHEMICALS (AMENDMENT) BILL 1996

THE SECRETARY FOR TRADE AND INDUSTRY to move the Second Reading of: "A Bill to amend the Control of Chemicals Ordinance."

SECRETARY FOR TRADE AND INDUSTRY: Mr President, I move that the Control of Chemicals (Amendment) Bill 1996 be read a Second time.

The purpose of this Bill is to delete the reference to "vehicle" from the definition of "a controlled chemical in transit" in section 2(3)(b)(i) of the Control of Chemicals Ordinance. The Ordinance makes it unlawful, among other things, for a person to import or export any controlled chemical without a licence. Chemicals in transit are exempted from the controls under the Ordinance. The reason for the proposed amendment is identical to that which I have explained to this Council earlier in moving the Second Reading of the Trade Descriptions (Amendment) Bill 1996.

Mr President, I move that the debate on this motion be now adjourned.

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

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

RESERVED COMMODITIES (AMENDMENT) BILL 1996

THE SECRETARY FOR TRADE AND INDUSTRY to move the Second Reading of: "A Bill to amend the Reserved Commodities Ordinance."

SECRETARY FOR TRADE AND INDUSTRY: Mr President, I move that the Reserved Commodities (Amendment) Bill 1996 be read a Second time.

The Bill seeks to delete the reference to "vehicle" from the definition of "goods in transit" in section 2(1) of the Reserved Commodities Ordinance. The Ordinance, together with its regulations, provides for the control of the import and export of reserved commodities, such as rice. Articles in transit are exempted from the controls under the Ordinance. The reason for the proposed amendment is identical to that which I have already explained earlier in moving the Second Reading of the Trade Descriptions (Amendment) Bill 1996.

Mr President, I move that the debate on this motion be now adjourned.

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

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

TOYS AND CHILDREN'S PRODUCTS SAFETY (AMENDMENT) BILL 1996

THE SECRETARY FOR TRADE AND INDUSTRY to move the Second Reading of: "A Bill to amend the Toys and Children's Products Safety Ordinance."

SECRETARY FOR TRADE AND INDUSTRY: Mr President, I move that the Toys and Children's Products Safety (Amendment) Bill 1996 be read a Second time.

This Bill seeks to delete the reference to "vehicle" from the definition of "goods in transit" in section 2 of the Toys and Children's Products Safety Ordinance. The Ordinance makes it unlawful for any person to import or supply a toy which does not meet certain safety standards. Goods in transit are not subject to the controls under this Ordinance. The reason for the proposed amendment is identical to that which I have already explained in moving the Trade Descriptions (Amendment) Bill 1996.

Mr President, I move that the debate on this motion be now adjourned.

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

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

CONSUMER GOODS SAFETY (AMENDMENT) BILL 1996

THE SECRETARY FOR TRADE AND INDUSTRY to move the Second Reading of: "A Bill to amend the Consumer Goods Safety Ordinance."

SECRETARY FOR TRADE AND INDUSTRY: Mr President, I move that the Consumer Goods Safety (Amendment) Bill 1996 be read a Second time.

This is the last of the six amendment bills which seek to amend the definition of an item in transit in the relevant Ordinances. In line with the amendments proposed in the five preceding Bills, this Bill also seeks to delete the reference to "vehicle" from the definition of "goods in transit" in section 2 of the Consumer Goods Safety Ordinance. The Ordinance imposes obligations on manufacturers and suppliers of certain consumer goods to ensure that the goods they supply are safe. Goods in transit are exempted from the controls under the Ordinance. The amendment is proposed for the same reason which I have already explained in moving the Trade Descriptions (Amendment) Bill 1996.

Mr President, I move that the debate on this motion be now adjourned.

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

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

APPROPRIATION BILL 1996

Resumption of debate on Second Reading which was moved on 6 March 1996

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

SECRETARY FOR THE TREASURY: Mr Deputy, I have listened very carefully to the views expressed by Members both at the special Finance Committee meetings and on the resumption of the Second Reading of the Appropriation Bill. I have noted in particular the concerns raised about the application of some of our budgetary principles. I believe that it is important that Members have a full understanding of both our philosophy and practice as set out in the Budget. So I will try to address this in some detail today.

Expenditure Guidelines

Let me start with something fundamental to the entire budgetary process — the expenditure guidelines that we have adopted to keep government expenditure under control. I am pleased to note that most Members of this Council and the community are very supportive of the principle underlying that guideline, namely that we should live within our means. I shall try to elaborate on the application of the guideline, and hopefully lay to rest any fears that our application of it is somehow not consistent with that principle.

As Sir Hamish MACLEOD said in this Chamber last year, it is important that we are all clear in our understanding of the key concepts involved. The first point I need to make clear is that when we talk about keeping our expenditure in line with the trend growth rate of the economy over time, we are talking about government expenditure. Government expenditure is the aggregate of spending from the General Revenue Account and the three Funds — the Capital Works Reserve Fund, the Loan Fund and the Disaster Relief Fund. Public expenditure, by contrast, is more broadly defined, and includes expenditure from the Lotteries Fund and a number of financially autonomous public bodies such as the Housing Authority, the Urban and Regional Councils and the Trading Funds.

As I said in a written reply to this Council on 14 February this year, we have over the past few years consistently adopted a fixed reference point based on projected spending in 1990-91 for setting the limits on government expenditure. Each year, our expenditure guidelines are rolled forward to take account of the forecast trend growth of Gross Domestic Product (GDP), the effect of price changes and changes in the scope of government activities.

What has this meant in practice? Over the past six years since we adopted this fixed reference point, GDP has risen by 37.2% in real terms in total, and during the same period, government expenditure has risen by 37.7% in real terms. We have thus tracked GDP very closely during this time. This is what we mean when we say that, over time, we keep our expenditure growth in line with the trend growth rate of the economy. There may be relative ups and downs on a year to year basis, but over the six-year time frame since our fixed reference point, government expenditure has tracked GDP fairly consistently. So I hope that Members will be reassured that not only do we have a principle

that is worth sticking to, but in practice we have stuck to it — firmly.

I have also noted some Members' concerns that expenditure in particular areas, for example welfare, has been growing at a rate much faster than the average. Let me stress again that, insofar as fiscal discipline is concerned, the crucial question is whether we have effectively controlled overall government expenditure to within the levels permitted by our expenditure guidelines. The statistics which I have just outlined should have given a resounding "yes" to that question. Within this overall level, we will of course have to try to allocate the money available in such a way as to best respond to the changing needs of the community. It will be odd indeed if the growth rates in different policy areas were to be precisely the same as the overall average.

Spending on infrastructure and capital works

Whilst on the subject of expenditure, much has been made by some Members of the apparent fall in capital expenditure on our "infrastructure". I think that this problem is more apparent than real, and concern has arisen due to confusion about what is actually meant by "infrastructure". We may have unwittingly contributed to this confusion by using a rather narrowly defined scope for this area in our publication "Introduction to the Estimates".

It is true to say that the Estimates do show a 5.3% fall in our expenditure on the "infrastructure" programme area. However, this expenditure relates mainly to transport, drainage and similar projects. It does not include expenditure on other capital works projects such as hospitals and schools, or port-related projects. Nor does it include the substantial contribution to the development of our transport infrastructure by the private sector as a result of our very successful efforts to promote build-operate-transfer projects, such as the Western Harbour Crossing and the Country Park Section of Route 3.

Even if we confine ourselves to Government spending only, total spending on capital works will be 9% higher in real terms in 1996-97 than 1995-96. Over the Medium Range Forecast period, the real increase in capital works spending will average 7% a year. We established this rate of growth after taking careful account of the capacity of the Lands and Works Group of Departments to undertake the capital works programme in the coming years. Although the total

forecast expenditure is somewhat below the level allowed in our expenditure guidelines, it is what we believe to be achievable given our manpower constraints. It also allows a steady expansion of our capital works programme in the years ahead.

The list of capital works projects that require funding in the coming financial year is included in the Estimates books to give Members as much detail as possible of projects in the pipeline. This list is compiled on the basis of the best information available at the time. As Members suggested, we will try to advance other projects when certain projects cannot proceed as planned. Our intention remains, nevertheless, to provide Members with as much and as up-to-date information as possible so as to enable Members to be fully apprised of projects expected to start in the coming financial year. It will be misleading if we include in the Estimates projects that have completed all necessary statutory or consultative steps in the planning process. However, we will strive even more in future to allow sufficient lead time for the projects, by bringing forward our planning and consultation wherever possible. This, I hope, will give Members greater confidence in the scheduled start-dates for the projects set out in the Estimates.

The deficit

There are some suggestions that we might have deferred to 1996-97 the revenue proceeds from some land sales, so as to create a budget deficit for 1995-96 and a budget surplus in the subsequent year. I think there is some misunderstanding over this, so let me explain the sharing arrangement for land revenue and aim to clarify the matter once and for all.

In accordance with the arrangement agreed in the Sino-British Land Commission, land premium upon receipt will first be deposited in the Suspense Account of the Capital Works Reserve Fund. Each quarter, after deduction for the average cost of land production, the premium income received in the preceding quarter is shared between the Hong Kong Government and the future Hong Kong Special Administrative Region Government. Thus, we will only receive in the first quarter of 1996-97 our share of the premium income from sites disposed of in the last quarter of 1995-96. In accordance with our accounting convention, such receipts are rightly counted as revenue for 1996-97.

The same arrangement applied to the land premium received in the last quarter of 1994-95, and the year before and so on.

This sharing arrangement has been in use for many years and is well known. It is not the reason for the budget deficit in 1995-96, nor for the forecast surplus in 1996-97. Sir Hamish MACLEOD said in his Budget speech in 1995 that only in 1995-96, when our investment in the Airport Core Programme peaked, would it be necessary to draw on our reserves. This has proved correct and our latest outturn forecast, announced by the Financial Secretary in his Budget speech this year, merely reflects this.

Rates

I now turn to a number of revenue issues on which Members have commented extensively. First, rates. There are two issues here which I wish to address: the routine general revaluation and the proposal of annual revaluation.

On the routine general revaluation, I should emphasise that our aim is to adjust the rateable value of properties on a regular basis in order to reflect up-to-date rentals in the market. This is necessary if we are to maintain rates as a stable revenue source and to keep a fair and equitable distribution of the rates charged. We will therefore conduct the normal three-yearly general revaluation in 1996-97, with any changes in rateable values to take effect from 1 April 1997. We will consider if it is necessary to introduce a suitable rates relief scheme in order to cushion the effect of the revaluation on those who may experience a large increase in the rateable value of their properties.

On the proposal for an annual revaluation, I should perhaps remind Members that we have put it forward in response to suggestions from some Members in previous Budget debates that it would be preferable to have more frequent, say annual, but smaller increases in rates than a large increase every three years following a general revaluation. Let me make one thing very clear : the aim of the proposal is to soften the impact of revaluation, not to raise additional revenue. The proposal, if adopted, would also enhance fairness in the assessment of the rateable value of properties, as changes in rentals, which can be up or down, would be more accurately reflected. We will carefully examine the views of Members and of the public in determining whether a revaluation should be conducted on an annual basis after the forthcoming general

revaluation.

Tax relief for housing-related expenditure

Second, tax relief for mortgages. Some Members repeated their call for a new salaries tax allowance for expenditure on mortgage interest for first-time home buyers. I must point out that a tax concession of such a nature in favour of a particular type of investment would tend to distort the allocation of resources and investment in the private sector. It is also very costly to the public purse. We remain convinced that we should focus our resources and continue to invest in our public housing programme in order to provide direct assistance to those genuinely in need. We should also keep up our efforts to maintain an adequate supply of land to ensure the healthy and steady development of the private housing sector. The proposed concession on stamp duty for property transactions announced by the Financial Secretary in his Budget speech will also help to alleviate the burden on home buyers at the lower to middle end of the market, including those who wish to purchase Home Ownership Scheme flats and Sandwich Class Housing Scheme properties.

Fees and charges

Third, fees and charges. There have been very thorough discussions on the subject of fees and charges in this Council in the last few months and I do not wish to repeat our principles and policies here today. However, I do wish to take this opportunity to respond to some of the points and suggestions made by Members.

We will continue our existing policy of keeping our fees and charges under regular review. Members may wish to know that we are planning to table in this Council a further 120 or so fee amending regulations, including the one on water charges, within this Legislative Council Session.

A Member has suggested that we should consider allowing longer renewal periods for certain licences, or indeed completely doing away with them where appropriate. This is a helpful suggestion. I will certainly ask my colleagues to examine the idea in the context of their fee reviews and take it forward as far as practicable.

Some Members have expressed the view that the Administration ought to be flexible in bringing fees and charges to the full cost recovery level. Let me assure Members that, in determining fee levels, we always take public acceptability and affordability into consideration. We do not apply the full cost recovery principle rigidly, and indeed there are many cases in which we are recovering full costs by phases.

There has been a call on the Administration to limit the fee increase this year to the rate of inflation. I would like to make it clear that the majority of our fee revisions are in line with inflation. There may be occasions where the fee increases need to be higher than inflation, for example where we are phasing in full cost recovery or where operating costs have increased substantially as a result of service improvements. Nonetheless, I can assure Members that whenever the revisions would be too high in percentage or dollar terms, we will carefully consider phasing them in over a reasonable period.

Helping business

Last but not least, I would like to elaborate on the Financial Secretary's initiative to make the Government more user-friendly for business. I would like to thank the Members who spoke on the subject for their support of our Helping Business initiative. Under my chairmanship, the newly formed Task Force on Helping Business has already met twice in the past month. We are determined to ensure that the Government will play a positive and proactive role in making Hong Kong a place for business to thrive. Our focus will be on cutting red-tape (including doing away with unnecessary licences and permits), streamlining regulatory activities and nurturing a pro-business Government culture and practice.

In the first phase of our programme of work, we plan to undertake several pilot projects. We will examine the present methods of payment and collection by Government for business transactions, the possibility of placing Government forms on the Internet, the feasibility of establishing a one-stop business licence information centre and the ways and means of improving the processing of land exchanges, lease modifications and the related premium assessment and appeal procedures. We will also examine if we could provide an up-to-date Hong

Kong Background Facts service to the business sector. In addition, there will be two departmental studies of the regulatory activities of the Marine Department and the Trade Department.

I hope to complete all these studies in the next three to six months. I will, of course, aim to report progress to the relevant the Legislative Council Panel from time to time.

With these remarks, Mr Deputy, I urge Members to support the Bill.

□ 生福利司致辭：代理主席先生，今天，在回應議員上星期在本局發言時所提的主要事項之前，我想重申，在今個財政年度，□ 生福利科可以動用的經常開支略超過390億元 — 其中□ 生開支佔226億元，而福利開支則佔165億元。與上一年度比較，這些開支在扣除通脹後，都有實質增長。□ 生開支的增幅為4.4%，而福利開支的增幅則為14.7%。

福利

我想先談談福利開支。這些數字頗為可觀。但最重要的是，這些撥款使我們可以擴展及改善各方面的福利服務，包括老人、殘疾人士、家庭、青年人及兒童的福利服務。

對於那些擔心福利開支過高的議員，我可以保證，我們是以審慎的理財方式擴展我們的服務。我們並沒有違反財政預算指引。

現在，我想談談很多議員在財政預算案辯論提及的兩項主要問題：即綜合社會保障援助（綜援）及老人服務。

綜援

關於綜援方面，我要提出的第一點，就是綜援計劃是為有需要人士提供經濟援助的“安全網”，使他們的入息水平能夠應付其基本和特別需要。第二點，綜援計劃是一項無須供款和必須接受經濟狀況審查的計劃。這些不是新觀點，但卻值得一再重複，因為我們必須明白，綜援不是退休保障。幾乎所有提供退休保障的計劃都須要供款，其目標在於維持與在業期間相若的生活方式。

綜援金是按需要發放的。如果按照一些議員的建議，將綜援金與工資中位數的某個百分點掛口，這將會使到有較多需要的受助人所得的金額，與需要較少的受助人一樣。

綜援檢討的方法

我亦想回應一些議員對綜援檢討採用的方法所表達的意見。多少綜援金額才算“足夠”？答案顯然不能完全客觀。為了減少對這個問題所持的主觀意見，我們採用了兩個方法來檢討綜援。首先，我們從住戶開支統計調查取得數據，然後將綜援標準金額與5%至20%最低入息組別人士的實際開支作一比較。第二個方法，是我們為每一類別綜援受助人在各方面的開支制定了基本開支預算。這兩個不同方法得出的研究結果互相口合。我們根據這些客觀研究結果建議綜援的加幅。

重新加入勞動人口的行列

儘管不少議員要求政府提高綜援金額，有些議員則擔心我們過於慷慨，特別是增加成年人的綜援金額，可能使這些受助人失去工作意欲，無心尋找工作。有工作能力的綜援受助人必須到勞工處登記求職。我們亦積極鼓勵他們重新加入勞動人口的行列。因此，自一九九五年三月以來，無須從受助人的綜援金額相應扣減的豁免計算入息限額已增加了66%。某些類別的綜援受助人（例如單親人士），除領取綜援金外，在找到全職工作後首月所賺取的入息，亦可獲全數豁免計算。我們已承諾本年稍後檢討這項措施，看看是否需要擴大實施範圍，使更多人受惠。

為協助綜援受助人重新加入勞動人口的行列，僱員再培訓局已答應優先取錄領取綜援的單親人士，修讀該局開辦的再培訓課程。

向返回中國定居的老人發放綜援

有關准許到中國定居老人繼續領取綜援金的建議，受到市民歡迎，我們感到非常高興。我們現時仍在制定有關細節，希望在12個月內推行這項計劃。

高齡津貼

有議員建議，政府亦應該向領取高齡津貼人士提供這項計劃，而津貼額

本身亦應予以檢討。關於第一項建議，我相信大家都能了解，每月向在中國定居的綜援受助老人發放款項，具體安排方面會有一些困難。我希望能成功克服這些困難，然後才考慮是否有需要及應該為領取高齡津貼人士提供同樣的計劃。至於第二項建議，高齡津貼與綜援不同，前者並不是按需要發放的。這項津貼計劃亦無須供款。因此，如提高津貼額，支出會相當龐大。我相信在運用有限的公帑時，我們必須集中資源去改善那些為有需要人士提供的援助。

老人社交及康樂津貼

我們建議增設老人社交及康樂津貼，亦受到市民歡迎，但亦有人對我們建議用發還墊款的方式發放這項津貼表示關注，這項建議的目的，是希望透過老人使用這項津貼為他們建立社交圈子，從而改善他們所獲得的支援。我們極希望能夠鼓勵老人參與群體康樂及社交活動。這樣，他們便因置身一個較大的社區支援網絡而受益。如果津貼不是用於參與社區活動，其作用便會大大減少。但我們認識到，所訂的目標必須與實際安排取得平衡。因此，我們現正研究如何簡化發放這項津貼的手續，以盡量減少申領津貼人士的麻煩，而又可以同時減輕處理申請人員的工作。

老人

老人政策

現在，我想就議員對老人問題發表的意見加以回應。照顧老人一直是我們首要處理的工作之一。本年我們會為老人增設43間社區中心、1 600個住宿名額、12支家務助理隊，以及四個外展醫療及老人精神科小組。在今個財政年度，我們會動用102億元為老人提供健康護理、醫療、福利服務和社會保障，與一九九五至九六年度比較，增加了13%。這筆撥款在□生及福利兩個範疇的整體財政預算中所佔比率，略略多於四分之一。相信議員都會同意，這是一筆非常龐大的撥款，足以證明我們致力為那些參與建設今天香港的人士改善生活。

不過，我們應定期檢討老人政策，因為本港人口的結構，以及老人所需的服務性質，是會不斷轉變的。因此，我們希望在未來兩星期內委託顧問，研究老人的需要、檢討現有的服務，並就那些服務最能切合鑑定的需要，提供建議。要滿足本港不斷上升的老年人口的需要，並非易事。但我們決意確保現有的服務和日後服務的規劃均能盡量發揮效用。

老人服務外展隊及社會網絡

多位議員表示需要加強老人外展服務。我們已有一個由家務助理員、家庭服務中心個案工作者、醫務社會個案工作者、外展醫療人員、不同年齡的志願工作者（包括長者義工）、互助小組及公共屋邨的聯絡主任組成的支援網絡。這些人員以不同的方法與老人接觸。家庭及鄰里之間守望相助，當然亦最為重要。

為了把上述各項服務更有系統地集中起來，我們已公布一項新措施，把各區的专业人員及志願工作者組織起來，與需照顧的老人接觸。我們的地區總福利主任將聯同政府其他有關部門，草擬一份詳列各區極需照顧的獨居老人名單。我們並會從區內機構或組織物色提供服務人員和義工，以便設立一個網絡，與需照顧的老人定期保持接觸，向他們提供支援和協助，包括在有需要時作出轉介，使他們獲得適當的服務。此外，我們將展開一項為期兩年的試驗計劃，額外動用約1,700萬元，為老人服務中心提供更多專業人員。

□ 生

現在，讓我轉談□生方面的事宜。

健康中心

多位議員對於老人健康中心的使用情況表示關注。我們亦了解到這項服務的使用率低，部分原因是老人對預防疾病的概念較為陌生。不過，從這些中心的最近登記人數來看，已證明使用這項服務的老人日漸增多。為進一步提高老人健康中心的使用率，我們已擬定特別宣傳計劃，推廣這些中心。此外，老人健康中心又與區議會合辦健康促進活動，以提高健康中心在地區的形象。

基層健康服務

在基層健康服務方面，我們的工作重點是促進健康及教育。部分議員曾就我們有否為這項工作提供足夠撥款，表示關注。我想強調一點，就是在“促進健康”綱領範疇下的撥款，並未足以反映政府在促進健康及教育方面的全部開支。在“預防疾病”綱領範疇下推行的各項工作中，促進健康及教育也是不可或缺的一環。這兩個綱領範疇獲得的撥款額，較一九九五至九六年度增加了11.5%，有關開支佔□生署所獲總撥款額約33%。此外，在醫療護

理及康復服務綱領範疇下提供的服務，對促進健康方面工作，亦大有幫助。同時，我們已撥出8,000萬元，在一九九五年五月成立了健康護理及促進基金，以加強促進健康及預防疾病的工作。

在過去數年，我們已採取了多項新措施，以加強促進健康及預防疾病的工作，例如以試驗方式設立地區健康制度，及開設了多間婦女健康中心及老人健康中心等。部分議員要求增加這些中心的數目。事實上，我們已計劃在一九九六至九七年度，將地區健康制度擴展至九龍另外兩個地區，並增設一間婦女健康中心及三間老人健康中心。鑑於這些均為新推行的措施，因此我們會密切監察有關服務提供的情況，以及研究最佳方法，將這些服務擴展至全港其他地區。

口腔衛生及牙科政策

同樣地，在口腔衛生政策方面，我們亦着重鼓勵市民注意口腔衛生及預防牙患。我們為學前兒童及小學生提供促進牙齒健康及預防牙患的服務，受惠的學生人數約有546 000名。我們相信，通過鼓勵學童注意口腔衛生及預防牙患，可為下一代成年人的牙齒健康打好基礎，使他們在得到正確的口腔護理常識後，養成注意口腔衛生的習慣，從而保持牙齒健康。

政府的牙科服務，只提供予有需要接受緊急牙科治療的市民、公營醫院內接受專科治療的病人(包括有特殊需要者)，以及懲教機構內服刑的人士。

健康醫護資助

在健康醫護資助這重要問題上，部分議員強調，私營機構在補足公營醫院服務方面，必須繼續擔當一個有效的角色，使當局可以把現有資源，集中用來為那些有真正需要的人提供資助醫護服務。雖然我們絕對有理由為本港醫療服務的質素感到驕傲，但同時，我們亦面對多方面的挑戰，包括市民的期望日漸提高、醫療成本不斷上升，以及人口日趨老化。因此，社會人士必須就本港的健康醫護制度應如何發展下去作出決定，使我們能在本港的低稅率制度下，應付上述挑戰。目前，我們正研究這方面所涉及的複雜問題，以便制定長遠的策略。當然，在這過程中我們定會考慮議員提出的各項意見，並期望推行這些建議時，得到本局的支持。

整體而言，本年度的預算案大幅增加了衛生福利方面的撥款額，這將有助我們達致服務目標，令全港市民受惠。

謝謝代理主席先生。

文康廣播司致辭：代理主席先生，本局數位議員要求削減或者完全豁免亞洲電視有限公司（“亞視”）及電視廣播有限公司（“無線”）的專利稅。在最近發表的《收費電視檢討諮詢文件》中，我們認為，亞視及無線兩間電視台的專利稅在一九九三年已經獲得削減，故此沒有理由現時再減至低於這個水平。不過，我們亦清楚表明，我們樂意聽取廣播機構及其他人士的意見，而在今次的諮詢期間，我們當然亦會聽取這些人士和廣播機構的意見。

在《收費電視檢討諮詢文件》及二月發表的《自選影像服務諮詢文件》中，我們已清楚說明，由於科技發展迅速，我們會在一九九八年檢討本港的電視市場及電視政策。由於檢討會在一九九八年才進行，所以，我們並沒有在一九九六至九七年度的預算中預留撥款，作為委聘顧問公司進行電視市場研究之用。但是，我們會在一九九七至九八財政年度進行這項研究，作為一九九八年檢討的基礎。

有部分議員促請政府成立一個由公帑資助的電影委員會，協助電影業的發展。代理主席先生，過去20年，本港的電影業在沒有現時建議的電影委員會和沒有獲得任何公帑資助的情況下，仍然蓬勃發展。這方面的成就全憑業內人士不斷創新及積極進取的精神所達致，可以說，勝利完全歸功於電影界。事實上，這是最恰當不過的。政府一貫奉行的經濟政策都是盡量避免干預市場動力，及讓營商者可以自由作出商業上的決定，事實證明這政策是行之有效的。然而，政府亦有協助提供一個有利營商的環境，使電影及其他服務行業能夠繼續興旺發展。

我們已審慎研究及考慮建議中的電影委員會職能。在建議的職能中，有部分在我們現有的服務已有提供，而其他亦已包括在財政司轄下推廣服務業專責小組所制定的工作綱領之內。例如，我們已與香港貿易發展局（“貿發局”）開始討論明年在本港舉辦電影展銷會的事宜。我們亦會與貿發局商討，研究可否透過該局在海外推廣本港的電影業。當然，我們定會繼續與電影界保持積極對話，以及設法改善我們為電影業提供的服務。在面對競爭有限資源的情況下，政府實在無法支持設立另一個須以公帑資助的機構的建議。

我們曾被批評沒有從文康廣播科的積餘款項增撥資源給影視及娛樂事務管理處，用作設立更多的巡查隊伍，以執行管制淫褻及不雅物品的工作。

正如我已在另外的書面解釋所指出，這筆款項只有一半可重新調配。而在可供調配的資源中，我們必須撥款給文康廣播司政策範疇下其他同樣須要進行的工作：例如增加藝術發展局的資助金；提供資源，使到香港電台可以在電視節目配上字幕，方便聽覺受損的人士觀看；及協助古物古跡辦事處加強有關保存文物的教育及宣傳工作。不過，我並沒有忘記，影視及娛樂事務管理處（“影視處”）亦必須有足夠的執法資源。因此，在本財政年度，該處的巡查隊伍數目，將由兩隊增至三隊。

影視處處長已向我保證，該處在增設巡查隊伍後，明年將有足夠資源，進一步增加巡查的次數。我必須強調，影視處並非只是就投訴作出回應及採取行動。在本年頭三個月送交審裁處分類的510宗個案中，只有17%是因有投訴而作出，其餘的83%都是透過影視處監察行動而主動呈交的。事實上，影視處職員用了不少時間，力求出版社、發行商及報販等都能清楚知道及遵守淫褻物品審裁處所訂明的淫褻物品分類及規定。凡觸犯淫褻物品審裁處所訂分類或條款者，定會遭受檢控，而檢控違例者亦是影視處工作的重要部分。

請代理主席先生容許我就兩位議員所提出有關資助藝術發展的批評作出回應。在這方面，我相信有需要再次說明有關的資助機制。

各位議員可能記得，在一九九三年檢討藝術政策期間，政府因應藝術界人士及本局部分議員的強烈要求，作出了正面回應，因而決定成立一個獨立及法定的香港藝術發展局。根據本局剛於去年通過的《香港藝術發展局條例》，該局獲授予充分權力決定如何適當地調撥資助款項給有關團體及個人，以供策劃、發展及推廣藝術之用。因此，根據該條例的規定，如何撥款資助個別的藝術範疇，均由藝術發展局按其所訂的優先次序及整體發展策略作出決定。藝術發展局的工作亦由其完全獨立的秘書處輔助。而該局（即藝術發展局）共有成員24人，其中差不多半數是以公開及公平的方式從不同藝術界別選出的代表。文康廣播司只不過是24位成員的其中一位，除了可以影響政府每年向藝術發展局提供的整體資助額之外，對於藝術發展局如何具體分配該筆資助的決定，文康廣播司可說是只有微不足道的影響力。

我希望上述說明能清楚表明，我對有關議員在財務委員會特別會議席上，就資助藝術提出的問題所作出的書面答覆，是全面及正確地反映出實際的情□。這些答覆絕非故意混淆視聽，亦不是用來敷衍議員的提問。

現在讓我談談由香港藝術發展局及香港康體發展局分別擬定的兩個策

略計劃。在制定這兩個計劃之前，前任文康廣播司曾向該兩個發展局表示，根據政府每年所訂下有關資源分配機制的時間表，政府無法在一九九六至九七年度的預算案內考慮他們的額外撥款要求。該兩個發展局的策略計劃，應在一九九七至九八年度而非一九九六至九七年度開始。可是，康體發展局及藝術發展局都沒有加以理會，並分別在一九九五年十月及十二月向政府提交在一九九六至九七年度便開始的策略計劃。而這兩個計劃的提交日期均過了政府為一九九六至九七年度資源分配機制所訂下的期限，即一九九五年六月。因此，若批評政府沒有在一九九六至九七年度的預算案中為該兩個策略計劃的首年提供撥款，實在並不公平。

至於由一九九七至九八年度起計的預算，政府現在正審議該兩個策略計劃的內容，以便釐訂適當的資助額。在這方面，我們要知道，在一九九六至九七年度，藝術發展局及康體發展局的經常資助額分別為5,600萬元及7,800萬元，而該兩個發展局在其策略計劃內為一九九七至九八年度開列的預算開支則分別為2.18億元及1.56億元，較他們在一九九六至九七年度所獲的資助額分別增加290%及100%。作為文康廣播司，我固然有責任竭力協助他們盡量實現計劃，不過，財政預算指引規定，每年整體公共開支的增長不能超出本地生產總值中期趨勢增長，即5%。由於這5%的整體開支增長亦要顧及其他有需要的資源分配要求，故此兩個發展局若期望政府會大幅增加其資助額，是極不切實際的想法。因此，無論是兩個發展局或我本人，都別無選擇，只有另行找尋開源途徑。

各位議員也許想知道，市政局及區域市政局是負責資助本港康體文化活動的兩個主要公共機構。兩個市政局負責管理全港絕大部分的公營文娛康樂設施，亦佔了在文娛康樂體育活動方面的公共開支中的絕大部分。在一九九六至九七年度中，市政局用於藝術及文化的經費達九億多元，而用於康樂及體育的經費則為十八億六千多萬元。區域市政局於同期用於藝術及文化的經費將為五億二千四百多萬元，而用於康樂及體育的經費則為二十億六千多萬元。在一九九六至九七年度，兩個市政局在藝術活動的開支，合計起來是政府給予藝術發展局經常資助額的25倍，而在康體活動的開支，合計起來則是康體發展局將會獲得政府的資助額的50倍。各位議員可以從這些有趣的比較當中，自行作出結論。

謝謝代理主席先生。

規劃環境地政司致辭：代理主席先生，有數位議員在辯論中曾經談到我們在環境方面的工作。我很多謝他們的寶貴意見，並希望本局議員會繼續支持我

們各項有關環境的計劃。我想藉此機會，回應議員提出的一些要點。

首先，有議員認為，在預算案中，環境方面的開支僅增加10%，與以往數年比較，增幅極小，令人對政府保護環境的決心產生疑惑。我相信，各位議員假如記得我們在一九八九年環保白皮書中訂下的全面保護環境長遠工作計劃，以及在隨後每份檢討報告中匯報的工作進度，他們當可找出資料，消除這個疑慮。事實上，我們剛完成了對抗污染白皮書的第三次檢討工作，並發表了檢討報告。一九八九年的白皮書定下一個十年計劃，其中132項目標中有118項已經完成，或接近完成。這些計劃範圍極廣，而且費用龐大、工程複雜，我希望各位議員會同意，在六年之內完成90%的工作，成績已算不錯。我想特別值得一提的是，我們的廢物處理和污水處理計劃已獲得足夠資源，進度亦令人滿意。今年預算案中，環境開支的增幅之所以較以往為小，這正是主要原因之一。

儘管如此，我們亦深知我們絕不可自滿。正如一些議員指出，預防勝於治療，我們絕對同意。在第二次的白皮書檢討中，我們已經研究過幾項關於預防污染的對策，在第三次檢討中亦已繼續隨口這個方向這樣做。因此，我向各位議員推薦這兩份檢討報告，因為報告的內容可以顯示，我們現在已經可以在已完成或正採取的各項措施所建立的環保基礎上，將工作重點轉移到預防污染方面。

我現在想回應議員就本港的廢物管理策略所發表的意見。過去數年，我們的首要任務是添置新設施，以取代不符合環保要求的舊式廢物處理設施，使我們能以具環保效益的方法處理廢物，例如我們已啟用三個策略性堆填區和設立多個垃圾轉運站。但另一方面，我們亦知道本港有需要避免和減少產生廢物。為此，環境保護署已委聘顧問，制定一套減少廢物的綜合策略，這套策略主要是以私營機構推行的減少廢物計劃、公營部門的支援措施，以及採用減少大批廢物的科技，例如可恢復能源的焚化廢物方式等，作為基礎。我很高興告知本局，這項策略的諮詢工作已經展開。我們已於今天上午向本局的環境事務委員會介紹這項策略，並會在未來數個月內，徵詢其他有關方面和關注團體的意見，然後便會口手草擬一套減少廢物計劃，在本年年底發表，以徵詢市民的意見。

議員提出另一個有關廢物處理的問題是，有沒有需要進行較高等級的污水處理。我想再向議員解釋，我們到底是根據甚麼準則來決定處理污水的等級。《水污染管制條例》訂定了香港每個水質管制區的水質指標。我們是根據水質能否達到規定指標，來決定處理污水的等級。負責檢討第二階段策略性污水排放計劃有關排水口的建議的顧問表示，採用加強化學一級處理方法

處理污水，維多利亞港的水質便可達到指標，只有海床排水口周圍的水質，在溶解氧部分可能達不到指標。不過，負責監管顧問公司的第二階段策略性污水排放計劃檢討工作，並就研究所得資料向政府提供獨立意見的國際檢討專家小組則認為，我們不可能準確預測這個例外情況是否確實會出現。專家小組又指出，如果實際監察排水口的最終結果，顯示需要採用較高等級的處理方法，則加強化學一級處理方法有一個重要的優點，就是亦可配合二級處理方法。由於採用二級處理方法的額外資本成本高達四十多億，因此，倉卒地作出決定，採用較高等級的處理方法，是不負責任的做法。我們會採納專家小組的建議，在第一階段策略性污水排放計劃展開後，繼續檢討情況，以決定將來處理污水需要的等級。

謝謝代理主席先生。

SECRETARY FOR TRANSPORT: Mr Deputy, may I begin by thanking all those Honourable Members who attended the special session of Finance Committee to discuss transport issues as well as those who have spoken during this Budget debate. I am particularly grateful to the Honourable Miriam LAU, the Honourable WONG Wai-yin, the Honourable CHEUNG Hon-chung and the Honourable LAW Cheung-kwok for reflecting the aspirations and views of the parties to which they belong. This has provided us with a useful pointer regarding our transport policies and programmes.

The underlying message that has emerged is that the Administration must continue to invest in the transport infrastructure. This is precisely the approach that has been adopted by the Administration as evidenced by the \$25.6 billion spent on capital projects on transport over the past five years. And let me assure Honourable Members that in the years ahead the Administration will continue to invest in new roads and railways to provide a comprehensive network for an efficient transport system capable of meeting the economic, social and recreational needs of the community into the 21st century.

Some Members have been skeptical, citing the 9.1% reduction in total expenditure on transport in the 1996-97 Estimates. But this needs to be put in perspective bearing in mind that expenditure on transport related projects in the Airport Core Programme peaked in 1995-96. If this is set aside as it should be, and we focus only on expenditure on roads and other transport projects, this year's Estimates actually provide for an increase of \$765 million over 1995-96.

This represents a real growth of 8.7%.

Mr Deputy, what has to be recognized is that infrastructural transport projects inevitably require a long lead time from inception to planning, to implementation and, ultimately, to completion. The amount of funding required for new projects should therefore be considered over a longer time span and, what is more, other factors must be taken into account in determining the actual amount of money that needs to be provided in any one financial year. For example, funds may not be required until we are ready to proceed with consultancies or engineering feasibility studies. And, thereafter, the provisions spread over a number of years taken into account the actual construction time-table.

I am glad that the Honourable Miriam LAU supports private sector participation in the development of transport infrastructural projects. This is exactly what we have been doing. The Western Harbour Crossing and the Route 3 Country Park Section together cost over \$14 billion, and are two notable examples. But not all projects are suitable for private sector participation because they may not be commercially viable. Let me stress there is no question of the Government not proceeding with justified projects simply because we cannot proceed by way of BOT. For example, in the case of Route 16, a major road project linking Tai Wai in the New Territories and West Kowloon, we are now considering the option of funding this project, estimated to cost over \$4 billion under the Public Works Programme.

Mr Deputy, the Administration's determination to invest in the road infrastructure is reflected in our five-year forecast with \$28.7 billion earmarked up to the financial year 2000-2001. Many other administrations would be envious of this amount of funding for transport and, indeed, the business environment we have developed to attract BOT investments.

Turning now to railways, the blueprint for the future has been embossed in the Railway Development Strategy. I acknowledge the strong support for the implementation of our three top priority projects, namely the Western Corridor Railway, the Tseung Kwan O extension and Ma On Shan to Tai Wai link coupled with Hung Hom to Tsim Sha Tsui loop. Honourable Members have commented at length and, in particular, have urged the acceleration of these three railway systems.

Let me briefly re-cap the present position. What the Kowloon-Canton Railway Corporation (KCRC) did last November was to submit their outline proposal for building the WCR. The Corporation now needs to carry out more detailed studies to provide the necessary information to support in-depth consideration and discussion with the Administration, so that a project agreement can eventually be drawn up. Likewise, the Mass Transit Railway Corporation (MTRC) is in the process of finalising their recommendations for building the Tseung Kwan O extension. We expect to commence dialogue with the MTRC within the next two months. Separately, the engineering feasibility study on the third priority is expected to be completed by the end of this year. We shall then be in a better position to determine how best to take this project forward.

All these three priority projects present enormous engineering, legal, land, environmental and financial dimensions which will require detailed scrutiny and, in fact, much of 1996 will be taken up in examining these complex issues. This has been envisaged and included in the overall timetable. The Administration will also be drawing up the legislative framework and deciding how best to tackle the land resumption problem. However, this does not mean that the two railway corporations have to sit back and wait. There is plenty of preparatory work they can and need to undertake in tandem.

Some Members are concerned that apart from the \$15 million that has been earmarked in the estimates for the provision of additional staff to handle the planning work involved, the Administration has not provided any equity injection for the three railway projects. Funding now will be premature since we have yet to agree on the final alignment, costs and financial parameters. But what is important and significant is that the Financial Secretary has put down a specific marker in his budget speech, recognising the need for Government funding. Let me quote him. "One of the probable calls on these funds will be the need for capital injections into the KCRC and perhaps the MTRC towards the cost of the priority railway development projects. At the present time, the precise cost, timing and mode of financing of these projects are uncertain."

One final point on railways. We have kept the Chinese authorities up-to-date on the present state of play on these three priorities and, as is the requirement for all major projects straddling 1997, we shall need to consult them before firm decisions are taken.

Mr Deputy, let me now deal with the other common points raised by

Honourable Members. These relate to traffic management in general and Electronic Road Pricing and the parking problems in particular. These subjects have been discussed at recent meetings of the Legislative Council Transport Panel and, whilst I look forward to further exchanges of views in that forum, I would nonetheless like to provide a brief response now.

As for traffic management schemes, this is an on-going exercise. In 1995 Transport Department implemented over 1 800 projects ranging from the introduction of no waiting and no parking zones in busy districts to the implementation of the bus-only lane on Tuen Mun road. Major road junctions on Hong Kong Island, in Kowloon and Tsuen Wan are already largely controlled by computerised traffic lights. In July this year, we will call for tenders to extend the area traffic control system to Sha Tin. On a broader front, subject to funding approval from Honourable Members, we shall proceed with the consultancy study on major bus only lanes.

Electronic Road Pricing (ERP) is, of course, another major traffic management initiative. I thank the Honourable WONG Wai-yin for his confirmation that the DP supports our proposal for a feasibility study on introducing ERP. Having regard to the views expressed by Honourable Members, we are now giving further thought to what we should ask the consultants to do and will seek funding from Finance Committee shortly. We remain firmly of the view that ERP is an efficient, equitable and flexible way of dealing with traffic congestion.

The other timely issue raised is the parking problem we face. Honourable Members will be aware that we have commissioned a Parking Demand Study to examine the problems and recommend remedial measures. The study has provided us with invaluable information on the supply and demand of parking spaces for private cars and goods vehicles. We are now in the process of inviting and receiving comments on the findings and recommendations of the Study. My senior deputy in the Branch is leading an inter-departmental Working Group to develop a specific action plan by August this year.

Mr Deputy, let me conclude by reiterating that we should not be shy in acknowledging that we have a good, efficient transport system in Hong Kong. More important is the fact that we can, by working together as partners, make it even better. The Administration is serious about tackling transport problems. Since the implementation of policy proposals and programmes often require

legislation and funding, we need Honourable Members' full understanding and support if we are to achieve positive results.

Thank you.

SECRETARY FOR SECURITY: Mr Deputy, at the debate on the Governor's Address in this Council on the 2 November 1995, I outlined the policy directions in the Security Branch's programme areas, and the steps that we would take in the coming year to implement these policy directions. I am pleased to say that the provisions in the 1996-97 Budget enable us to fulfil our pledges.

To Meet the Community's Aspirations

Combating crime

There is no doubt that the community places particular importance on the maintenance of law and order. Violent crimes, and triad-related crimes are the two areas where the average men or women in the streets are most concerned about. We have achieved substantive success in reducing violent crimes: the violent crime rate has decreased by 6.4% in the past three years; more noticeably armed robberies have decreased by 44% during the same period. Triad-related crimes, however, have not shown a similar down-trend. We have, with the support of this Council, put in place tough legislation — the Organized and Serious Crimes Ordinance; we have last year strengthened the intelligence capability of the Organised and Triad Society Bureau; we have put in place a witness protection scheme, and are planning to introduce new legislation shortly on change of identity for witnesses. In the coming year, the Budget provides for a substantial increase in the strength of Police Regional and District anti-triad units. I am grateful for Honourable Members' support for this proposal. When all these elements are put in place, we should see results in our unrelenting war against triads.

We will also be giving some relief to our hard-pressed policemen at the front line, by taking a first (but by no means the only) step in providing leave and training reserves. Taking this and other proposals in the Budget into account, we will be increasing front-line police strength in the coming year by 370 posts, which I also believe to be in line with the community's wish and with this Council's wish.

I make no apologies for the fact that 56% of the recurrent expenditure allocated to Security Branch's programme areas is earmarked for the police. The Police Force is by far the largest disciplined department; the police establishment is just over 56% of the total establishment of the disciplined services. Its remit is wide ranging, from dealing with street crimes, to protecting the integrity of our borders on land and at sea, to regulating traffic flow, and to tackling complex and sophisticated commercial crimes. I believe it represents a fair balance in the allocation of resources. Nor are we neglecting the needs of the other disciplined services.

Fire and ambulance services

The protection of our citizens from fire hazards will be significantly enhanced in the next financial year:

- by providing 312 additional posts to strengthen the capability of three existing fire stations and for commissioning five new stations, and
- by providing the necessary resources to put into effect new legislation to improve fire safety in older commercial buildings, which will be introduced soon.

Some Honourable Members have expressed concern on the need to improve our ambulance service, which had fallen short of our performance pledge last year for a variety of reasons, some of which (such as congested traffic and unusually wet weather) are beyond our control. We have taken the initiative to engage a consultant to help us identify means of achieving better results. We have already put into effect those recommendations which require no or limited additional resources, for example redeployment of existing resources to meet critical shortages, and transferring non-emergency ambulance service to the Auxiliary Medical Services. Together with a modest increase in additional resources provided in the Budget, these recommendations, when fully implemented, should enable us to respond to 92.5% of emergency ambulance calls within a 10-minute travel time. The recommendations which require additional resources will be examined with vigour to determine how we can achieve the longer-term performance target of 95%; that will be high on my priority list for the coming year.

I note that some Honourable Members would like us to switch our performance target from "travelling time" to "response time". The strategy recommended by the consultant, with which we agree, is to first reach our longer-term target based on "travelling time" before switching to "response time". Changing to a target response time, by itself, does not improve our services to the public. But in preparation for the time when we are able to make the switch, I have asked the Director of Fire Services to begin collecting data on the current "response time" for the Ambulance Service, so as to provide the necessary information to enable us to draw up a meaningful "response time" target in due course.

Correctional services

Honourable Members are well aware of the critical shortage of prisons accommodation, which increases pressure on our colleagues in the Correctional Services Department, makes it more difficult to maintaining discipline in the prisons, and erodes the effectiveness of our rehabilitation programmes. Let me repeat once again: ceasing to prosecute immigration offenders is not a solution which the community will accept. Indeed, it is in response to the community's wish that we have stepped up enforcement action against illegal employment. We need to increase the supply of prisons accommodation. Obviously, the necessary staff will also be provided to the Correctional Services Department to run these additional prison facilities. Through redevelopment, we will provide 450 extra places in Chi Ma Wan and Stanley in the coming year; further redevelopment projects in Tai Lam and Stanley (Phase II) will provide another 760 places; we are pursuing the proposal of converting the ex-Army Camp at Lowu into a minimum security prison in a way which will have minimum impact on nearby residents. We will of course continue to consult the North District Board on this proposal. Although these measures together would bring significant relief in the coming three years, we will continue to search for other accommodation options to tackle prison overcrowding.

The fight against drugs

Drug abuse, especially amongst the young, remains a matter of grave community concern. Every effort is made to tackle this pernicious problem, through stepping up law enforcement, education and publicity, treatment and

rehabilitation, international co-operation and research. I am grateful for Honourable Members' support for the establishment of the \$350 million Beat Drugs Fund. Applications will shortly be invited, and the first disbursement from the Fund will take place later this year. We have not reneged on our pledge to increase subventions to non-governmental organizations: two additional residential treatment facilities for young opiate abusers and one counselling centre for psychotropic drugs and substance abusers are provided for in the Budget. Meanwhile, we have begun preparations for the next Governor's Summit Meeting on Drugs, which is expected to take place in late May. I look forward to new ideas and concrete action plans emerging from this Sitting, which will as before tap the expertise and enthusiasm from a wide cross-section of the community.

In step with the times: improving efficiency and service

The immigration services

Pressures on us to facilitate the movement of people in and out of Hong Kong efficiently have continued to increase. Over the last five years, passenger trips across our land, sea and air entry points have increased by 33%. Despite this, we have generally been able to maintain our performance pledge of clearing 92% of the passengers within 30 minutes, through a combination of additional resources, redeployment, efficiency improvements, computerisation and the use of advanced technology such as Optical Scanners. At the same time, we have through the application of information technology produced savings in the order of \$190 million (613 posts). In this financial year, we shall see further improvements in the land border at Lok Ma Chau, with the increase of one vehicle kiosk and five passenger counters. We have also provided sufficient resources to cope with the additional workload arising from the increase of the One Way Permit Quota from 105 to 150 per day, and to extend the scope of the Direct Visa Application Scheme. We have just completed a consultancy study on how to improve efficiency further in the immigration control points at the Airport, and I look forward to improved performance in the year ahead. Let there be no doubt about the efficiency of the Immigration Department to respond to fast-changing developments: the tremendous response by the Department in recent days to cope with the flood of applications for naturalisation is a clear testimony of this.

Police Management Review (PMR)

We have kept faith with our commitment to continue the task of implementing recommendations arising from the PMR, which will ultimately enable us to have one of the world's most modern Police Force. We have already implemented nine of the Review Reports. In this financial year, we will begin to implement 12 more Reports which means that nearly half of the PMR Reports will have been implemented. Furthermore, through the increasing use of modem communication and information technology, we have been able to release a good number of professionally-trained police officers to front-line operational duties. In this financial year, we will be spending an extra \$190 million in computerisation, and \$31 million in modernising communication equipment.

Honourable Members will recall that the Commissioner of Police announced in March last year his commitment to the development of a Service Quality Strategy. The Strategy aims to ensure that the Force provides an effective, efficient service of high quality to the public. It involves the development of a customer-based culture, and the provision of training in "quality management". As part of the Strategy, the Force has recently conducted an opinion survey on public perceptions of the Police and its performance. This was released yesterday. We will carefully study the findings of the survey to determine what needs to be done to further improve the quality of service of the Police in order to keep up with the time and the expectations of public. We welcome constructive suggestions from Honourable Members and the public in this process.

Looking beyond 1997

As a forward-looking Administration, our planning horizon extends across 1997. Certainly our programme of implementing the Police Management Review extends across 1997; likewise our search for improvements in our Ambulance Service, our plans for increasing prisons accommodations, and the progress we are making towards providing the necessary security, safety and immigration back-up for the new Chek Lap Kok Airport. I wish, however, to highlight a particular area where we are making significant headway to tackle the challenge of a smooth transition. With the support of this Council, we have acquired \$160 million for a computer system to produce the new Special Administrative Region

(SAR) passport. The Budget provides for 60 new posts to take forward the planning and computerisation work, so as to enable us to begin issuing SAR passports from 1 July 1997. This is an important part of our work towards a smooth transition, but we will continue to press for early discussions with our Chinese colleagues to resolve the remaining problems of right of abode, and on how to achieve maximum travel convenience for Hong Kong residents post-1997, building on the British Government's decision to grant visa-free access to SAR passport holders.

Vietnamese migrants

Like Honourable Members, I wish to pay tribute to the professionalism, courage and perseverance of our disciplined services, in particular our colleagues in the Correctional Services Department, who have been at the sharp end in coping with the Vietnamese migrants problem. We had a bad year in 1995; I believe we are now seeing the turning of the tide. In the whole of 1995, we had about 1 600 Vietnam migrants volunteering to return to Vietnam; in the first three months of this year, we already have 1 500 volunteers. That of course is still far short of the sort of figures which will enable us to clear the camps by mid-1997. Much remains to be done, in seeking the co-operation of the Vietnamese Government to clear all, I repeat all, the remaining Vietnamese migrant caseload, to step up the Orderly Repatriation Programme and to encourage more voluntary returns. The decision announced yesterday to release a small number of Vietnamese migrants from detention, as a consequence of the Privy Council's recent judgement in no way affects our determination to achieve our goal. We will also do our best to enable our Correctional Services Department colleagues to better face their arduous tasks, to give protection to them against the possible dangers, and to seek to reduce the burden on them by speedy repatriation. Let me also take this opportunity to make it clear to the Vietnamese migrants in the camps: your only future lies in returning to Vietnam.

Security Wing

My colleagues in the Police Force have explained the role and functions of the Security Wing during a special briefing to some Honourable Members held last Monday. I hope that Honourable Members would agree that it performs an essential service in protecting the public against threats to their safety and security that cannot be dispensed with. In addition, the work of the Security

Wing is essential to enable us to meet our international obligations such as the fight against terrorism, trade in strategic goods and the protection of visitors who are at risk to personal dangers. I appreciate that some Honourable Members may still have other points to raise on Security Wing; we can, of course, continue to discuss these in the appropriate forum, such as the Legislative Council Security Panel in a manner which protects the necessary degree of confidentiality that such a sensitive issue deserves.

Thank you, Mr Deputy.

財經事務司致辭：代理主席先生，我今天主要就經濟預測及按揭證券公司兩個事項發言。

經濟預測

部分議員認為我們今年的經濟預測過於樂觀。有時候，我理解到人們往往會將經濟預測與日後的不明朗因素互相比較，這是可以理解的，但當經濟受到重大外在因素影響的時候，情□尤為如此。誠然，關於經濟表現的預測，意見不會一致，私營機構的預測亦未必會與政府的預測相同。不過，我覺得這次私營機構對一九九六年本地生產總值增長率的預測，在“幅度方面頗有共識”，與我們預測的5%增長率實際上大致相若。大部分私營機構分析家均認為增長率會介乎4.5%至5%之間，而少數分析家則認為增長率應該更高。

我們不會憑空作出預測。每次編製或修訂經濟預測時，我們會採用一套全面的宏觀經濟計量模式。這個模式涵蓋本港經濟中各項需求的主要範疇，而這些範疇綜合起來便構成整體經濟表現。貿易一環包括有形及無形貿易，是其中一個主要範疇；而涵蓋消費與投資的本地內部需求，則是另一主要範疇。這個模式的過程完全以數字表示，並以政府統計處的大量數據作為依據。我們亦設有一個小組，成員包括各有關部門的代表。該小組與我們的經濟顧問並肩工作，按其所知有關界別內的最新發展，評估推行該模式所得的結果。簡言之，我們力求盡可能以系統化及科學化的方法編製預測。有關預測的詳情，在隨預算案演辭派發的標準文件——《一九九六年經濟展望》——有詳細解釋。

展望一九九六年香港的經濟前景，我們有理由感到樂觀。雖然去年同期的比較基準偏高，但今年首兩個月，本港出口仍然有令人滿意的增長。隨□

本港失業率稍微下降，而股票市場及住宅物業市道踏入今年以來升勢持續，港人的情緒已見好轉，而消費者的購買意欲亦可望改善。此外，機場核心工程計劃的興建工程現正進行得如火如荼。我們亦推行各項推廣措施，因為有關服務行業的增長亦有助這行業的發展。在這些有利因素下，我們有理由相信經濟增長速度可以復甦，達到中期趨勢的增長率。至於通脹問題，一九九六年首兩個月合計的甲類消費物價指數，較對上一年增加6.2%，遠較我們預測的全年通脹率7.5%為低。我們認為年內的通脹仍會進一步放緩，特別是在本地內部方面，因為入口貨物的價格更趨穩定。除非出現重大的不利發展，例如中國在美國的最惠國貿易地位不獲延續，否則，今年應可取得較快的經濟增長，而通脹放緩的情況則會較為明顯。

按揭證券公司

財政司在預算案內亦公布，政府致力推廣金融服務業，其中一項工作是進行研究，探討應否在香港設立按揭證券公司。我欣悉公眾人士，亦包括在上星期的辯論中提出意見的議員，對此計劃頗為贊成。我在此衷心多謝議員的支持，這些支持令我們非常鼓舞。我們亦同樣感謝透過傳媒表示對此建議有若干保留的人士，他們曾經提出一些意見，要求我們注意一些可能出現的風險，及須審慎研究按揭證券公司應以何種形式成立，以應付香港的獨特需要。

我們當然了解，正如任何類型的金融中介機構一樣，成立按揭證券公司並非全無風險。按揭證券公司面對的風險主要有四類，就是信貸風險（即抵押人違約）、利率風險（即資產與負債利率不同而出現錯配）、提前償付風險（即抵押人在到期還款前全數或部分償還貸款）及運作風險（即按揭證券公司內部運作引致的風險）。迄今為止，我們諮詢香港及海外市場從業員及專家所得意見，是這些風險事實上可以妥善管理。

部分人士對與美國的按揭證券公司、儲蓄信貸公司及日本的住專按揭證券公司有關的問題表示關注。或者讓我在此稍作澄清。在八十年代初期，美國的按揭證券公司確曾遇到信貸及利率風險，但在採用經過改善的風險管理技術後，該等公司現時已經是營利能力甚高的穩健機構。建議成立的按揭證券公司將會善用美國的經驗，以專業方法管理風險。作為一個批發式機構，該公司的運作方式與美國的儲蓄信貸公司並不相同，後者提供零售式住宅按揭服務，與銀行體系競爭。現在建議的按揭證券公司亦不會仿效日本的“住專”的做法，因為住專按揭證券公司直接貸款以資助商用地產。所以，我在此必須重申，作為一間批發式金融中介機構，現在我們提議的按揭證券公司的作用，是將銀行體系的資金集中風險及流動資金風險較為平均地由金融界

分擔。該公司不會與銀行競爭，亦不會直接貸款以資助商用物業。

至於政府為何應在按揭證券公司業務方面擔當領導角色的問題，各位議員或會記得，自九十年代初期開始，私營機構與政府一直密切注意第二按揭市場的發展，當時曾出現非常有限的按揭證券化市場，但由於發行的票據缺乏流動性，市場無法乘勢作持續發展。在一項由香港金融管理局與私營機構合辦的研究中，私營機構若干主要市場參與者提出論證，指出由政府支持的按揭證券公司將會為第二按揭市場的發展提高資金流動量、產品的劃一性及所需市場動力。私營機構發行的票據缺乏這些質素，無法推動市場的發展。因此，按揭證券公司需要在開始時即獲明確支持，這對該公司獲得市場接納有很大幫助。從廣義來看，我們的分析顯示按揭證券公司會在銀行、金融及按揭融資方面帶來多項好處。因此，我們認為政府宜擔當一個領導角色，以便推行此項計劃。

按揭證券公司將會在維持香港金融體系的實力及穩定方面扮演一個重要角色，它提供一項主要途徑，使長期儲蓄存款得以安全運用，以投資於長期資產，亦即住宅按揭。從儲蓄的角度來看，在推行強制性公積金制度後，公積金及退休金的增長，實有賴投資於高質素的資產。若能發展一個龐大而富流動性的第二按揭市場，按揭證券公司將有助提高香港作為國際金融中心的聲譽及地位。

謝謝代理主席先生。

教育統籌司致辭：代理主席先生，各位議員在上星期預算案辯論中，對教育及人力事項表示關注，並發表有建設性和支持我們的意見，我們十分多謝他們。我希望我以下的說話，能回應他們最關注的問題。

教育

我想先談教育。我與各位議員一樣，深切了解教育的重要性。教育的基本目標，是發展兒童的潛能，使他們日後有獨立的思考能力和關心社會，具備知識技能，對社會作出積極貢獻，同時培養他們不同的興趣，引導他們熱愛生命。對教育的投資亦是對我們未來的投資，確保香港繼續安定繁榮和生活豐裕。

正是因為這些原因，教育一直是政府最大的開支項目。在一九九六至九七年度，用於教育方面的開支將繼續佔政府建議的經常開支20%以上。

我必須強調一點，就是這份預算案提供足夠撥款，實踐我們在一九九五年《政策大綱》中有關教育的各項新承諾。同時，我們亦不應忽略下列持續進行的龐大改善計劃：

- 透過由香港教育學院及其他院校提供的課程，加強師資培訓；
- 提供額外小學學位教師職位；
- 協助那些取錄大量較低成績組別學生的學校；
- 幫助中國新移民學童接受教育，以及協助他們融入本港的教育制度；
- 推廣目標為本課程至所有小學；
- 把現時的半日制小學轉為全日制；
- 透過學校改善計劃，改善現時學校的教學和學習環境；
- 逐步取消中學的浮動班。

至於其他方面的改善，我相信各位議員已清楚，所以我不打算在這裏詳述。

在特殊教育方面，我想重申，在教育委員會於本年年中完成有關檢討後，我們便會詳細考慮檢討結果。

不過，我們絕不會鬆懈，相反，遇有問題發生或社會人士對某些教育事項表示關注時，我們都會立即採取行動，讓我舉出兩個例子。第一個例子是，教育統籌委員會剛在上月才發表提高語文能力的第六號報告書最後文本，我們不但接納報告書的所有建議，還在預算案中撥出所需資源，推行第一階段的計劃。

第二個例子是，今天我很高興向大家宣布，我們已完成幼稚園資助計劃的檢討工作，如獲本局財務委員會批准，我們建議由一九九六至九七學年開始，增加給予幼稚園的資助額和提高資格截分點。根據我們的建議，約有九成的幼稚園將可申請資助，而資助額不單止按照通脹，還會顧及教師每年的

加薪幅度加以調整。

不少議員談到高等教育和基礎教育的資源分配問題。我可以向各位議員保證，在教育方面，我們採取整體的政策，亦強調每個教育環節是互相緊扣和彼此配合。我們既然已經達到提供14 500個第一年學士學位課程學額的目標，令有關年齡組別中18%的人士可以接受高等教育，高等教育便應進入鞏固期。我們現時在高等教育方面的工作重點，是提高大專畢業生的質素，以及尋找方法降低成本。我們將與大學教育資助委員會緊密合作，預期教資會在今年較後時間提出有關建議。

作為教育統籌司，我優先處理的工作，是繼續盡力為基礎教育尋找新資源，全面提高教育質素；我們亦要設法令撥供教育用途的現有龐大資源，能夠收到最大的成本效益。我希望在這方面能夠和立法局議員、教育界人士，以至家長、僱主和社會人士攜手合作，因為我深信我們在教育的投資和得到的成果，是決定香港能否繼續安定繁榮和發展的非常重要因素。

人力

在人力方面，我相信各位議員都知道，政府在預算案中大幅增撥額外資源，以提高就業服務，撥款的增幅將高達34%。政府認為協助求職者找尋工作，是解決失業問題的正確方法，再輔以培訓和再培訓計劃，確保本港學生和工人學到最新技能，應付本港經濟不斷改變的需求。

基於這些原因，我們最近為職業訓練局進行顧問研究，檢討提供工業教育及職業教育制度，並制定長遠的方針和策略。我們即將委託顧問，檢討僱員再培訓計劃的策略、方針、資助安排及管理架構；研究將會特別評估各類訓練課程的成效，以確定能否滿足僱主的要求和僱員再培訓的需要。我們預期兩項檢討都會在今年夏天完成。兩項檢討的結果應可提供穩固基礎，讓政府可以設計協調有序和具備長遠目標的藍圖，發展本港的職業訓練及再培訓計劃，直至下一世紀。

工業安全

最後，我想向各位議員保證，政府將會全力改善工業安全，以及推行一九九五年《香港工業安全檢討諮詢文件》提出的建議。我們知道職業安全健康局擔當十分重要的角色，我們會與職安局緊密合作，確保該局未來數年的擴展工作，能在這重要的領域上，與政府的努力相輔相成。

謝謝代理主席先生。

THE PRESIDENT resumed the Chair.

房屋司致辭：主席先生，我感謝各位議員就各項房屋問題提出意見。我想就三方面特別受關注的事項作出回應，分別是用作房屋發展的土地供應、私人樓宇單位的供應量及租住公屋的需求。

首先，在土地的供應方面，政府非常重視用作房屋發展的土地供應。我們的目標，是提供足夠的土地，以應付本港的房屋需要。無論對公共房屋或私人房屋來說，目標也是一樣。

有關公共房屋方面，我們的政策大綱已為截至二零零一年三月的六年規劃期定下租住公屋及資助自置居所單位的建屋指標。為達到這些指標，我們已為房屋委員會及房屋協會預留足夠土地，而這些地盤亦已納入公共房屋發展計劃內。為作出進一步的保證，政府亦額外預留了30公頃的土地給房屋委員會使用。我們深信，一定能夠達到這些指標。

此外，我們亦定下目標，在二零零一年三月前，建成24 000個夾心階層住屋單位。為此，我們亦預留了土地給房屋協會，足以興建半數以上這些單位。在短期內，我們會物色其他合適的土地，以預留給房屋協會興建餘下的單位數目。

至於發展私人樓宇方面，我們一直致力確保有足夠的新土地供應，以及加快重建住宅樓宇。在過去十年，政府每年平均批出的新土地超過22公頃。在一九九五至九六年度批出的新土地，更超過40公頃。我們會繼續提供足夠的新土地以興建房屋。

在市區重建方面，地政總署亦成立了一個特別小組，其中一項工作就是加快處理涉及契約修訂及換地的重建計劃。簡單來說，政府的策略，就是確保新的土地供應能保持穩定，以及鼓勵把原有作其他用途的合適地盤改為住宅用途。這些措施將有助穩定物業市場，以滿足可見的需求。

在談過土地供應後，我想轉談實際的建屋量。一些議員指出，我們要在二零零一年四月之前協助私人發展商建成195 000個私人樓宇單位，會有一定的困難。對於這看法，我相信，只要我們致力使新的土地供應量保持穩定，同時又假設市區重建工作沒有受到嚴重的延誤，在短期及長遠來說，私人住宅單位的供應足以應付市民所需。在一九九六年內，將會有約19 000個

新單位落成，加上歷年來空置的36 000 個單位，總數約為55 000 個單位。這批單位足以應付真正有意置業人士的平均每年需求有餘。根據我們現有的資料，我們估計在未來數年，平均每年落成的私人住宅單位數目將會大幅增加至超過35 000個。如果能夠持續進行市區重建工作的話，從整體情況來看，應該是令人滿意的。但在個別的地盤而言，我們相信間中出現問題實在所難免。為了解決這些問題，我親自擔任這房屋工程行動小組主席，確保政府內部能夠優先處理及有效率審批這些公屋及私營房屋的大型發展計劃。

議員也許有興趣想知道，現時我們正監管及加快審批54項房屋計劃。這些計劃將會在未來的數年內提供超過12萬個新的單位。我們將會繼續與私人發展商緊密合作，加快房屋發展的步伐。

現在我想談談租住公屋的輪候時間。我必須指出，一般而言，平均輪候的時間正在下降。在一九九零年，平均輪候時間是九年，至一九九五年已經縮減至七年。最近，政府亦已承諾，到二零零一年，平均輪候的時間將會再次縮短至五年以下。這顯示出我們力求改善的決心。正如總督在一九九五年的施政報告指出，“這並不是一件容易的工作”，但這正是我們的目標。

部分議員關注到寮屋居民、天台屋居民及中國新移民的房屋需求。在過去14個月，我們一直鼓勵這些人士向房屋署登記，他們在登記後，便會獲列入輪候公屋總登記冊之內。當我們推行公屋計劃時，符合資格的住戶便可以按次序編配公屋，以解決他們的住屋需求。這樣做可以避免有插隊的情況，亦確保所有住戶能夠獲得公平的對待。再者，在我們預測截至二零零六年三月的公屋需求時，我們定會考慮輪候公屋總登記冊住戶的需求，並且在現時進行的長遠房屋策略檢討過程之中作出安排。

主席先生，總括來說，我想向本局保證，政府正不遺餘力改善住屋情況，並正進行大量的積極工作，以滿足社會的房屋需求。

謝謝主席先生。

FINANCIAL SECRETARY: Mr President,

Introduction

I would like to start by thanking the community, and Members of this

Council in particular, for their generous remarks and the very positive way they have received my first Budget.

My Budget speech bore the title of "Building Our Prosperous Future" for three reasons. First, I wanted to lift the community's sights above the immediate horizon of 30 June 1997. Second, I wanted to focus the community's attention on Hong Kong's bright prospects over the next five years and beyond into the next millennium. Third, I wanted to offer the community a vision of Hong Kong's prosperous future to identify the opportunities, as well as the challenges, which lie ahead.

In describing my vision of the future, and developing a strategy to get us there, I emphasized that we must work together and have confidence in ourselves as a community. I said that the Government would strive to make itself more accountable and more business-friendly. My colleagues and I are grateful for the solid support Members have given us in developing our plans. Our proposals for a science park, a fourth industrial estate and the package for the promotion of the service sector have all received the full support of the Council. I have listened carefully to Members' contributions to the debate, and I am greatly encouraged by the recognition that our plans for the service sector are only the start of our work. They are the basis for a renewed consensus on Hong Kong's economic development. A consensus involving the whole of our business community, the Government and this Council. Following this debate, I think we can go forward with confidence to build Hong Kong's prosperous future together.

While sharing my optimism for the future, some Members of this Council have expressed concerns about our immediate economic prospects and about the particular revenue and expenditure proposals I have laid before this Council. This is as it should be — before one can dream, one has to be able to sleep soundly. My colleagues covered many detailed issues at the Special Finance Committee meetings held earlier, and this afternoon they have again addressed all the key points raised. My task now is to respond to four general points of overriding importance.

The revenue base and the tax net

Many Members have expressed their concern about what they feel are the potential dangers of the narrowing of the tax base. We must be clear about

what are the real issues here. We must make a sharp distinction between two separate concepts: the revenue base and the tax net. They are not the same thing. The revenue base is made up of the profits and salaries tax, the revenue from land sales and the full range of other taxes, duties and charges levied by the Government. We aim to keep this revenue base stable and productive. But the tax net is quite a different concept. It is, in essence, a description of the number of taxpayers. At a time of economic growth and rising real wages, we can maintain revenue while providing salaries tax concessions which may allow some taxpayers to drop out of the tax net. This means that we can reduce the tax net, that is reduce the number of taxpayers, without affecting the revenue base.

Growing prosperity has the effect of expanding the tax net over time. As incomes rise, more individuals find themselves drawn into the tax net. So despite the major concessions made in the past few years, salaries tax contributed 14% of total Government revenue in 1995-96, second only to profits tax. Even after the further concessions proposed in this year's Budget, we still expect the contribution of salaries tax to total revenue to remain at about the same level in 1996-97. Salaries tax has remained a stable source in the revenue base even though the tax net has continued to vary in recent years. Our essential policy goals in this area are to ensure that Hong Kong has a stable and productive revenue base while at the same time adjusting the tax net to take account of economic growth and community aspirations.

I share Members' views about the advantages of broadening the revenue base. Unfortunately, I have not yet found a way to do so without bringing in a large number of new taxpayers. My colleagues and I believe that it would be highly objectionable to Members, never mind the community at large, if we proposed any major revenue-broadening measures at present and expanded the number of taxpayers. Our unpleasant experience in protecting the revenue base of our fees and charges regime has illustrated this point clearly.

I am well aware of the technical or theoretical criticisms which can be made of our tax regime. But we must not let technicalities or theory obscure the basic facts. Our very simple, low-tax regime has been a key element in our economic success. It has enabled us to fund the dramatic improvements in our social services and our infrastructure over the past 30 years. It is the envy of many developing and developed countries. No competing economy can rival it.

I will take a lot of convincing that our successful tax system needs systematic review or radical change.

Fiscal reserves

My second general point concerns our fiscal reserves. Some Members have urged us to use our reserves to boost spending. The Secretary for the Treasury has explained how the increase in government expenditure has matched economic growth over the last six years since we started the current planning cycle. Any use of our reserves to boost spending further would inevitably mean that government expenditure would be growing at a rate faster than the economy, thus breaching our long-established budgetary guideline. It would also mean another deficit budget for 1996-97, following a small one in 1995-96.

Since becoming Financial Secretary, I have clearly stated on several occasions my firm commitment to maintaining tight control of government spending. I want to repeat that commitment again today. We must not allow government spending to grow disproportionately and, as a result, deprive the private sector of the resources required to fuel our economic growth. To do so would put at risk our future growth prospects. It would also risk reversing the welcome and continuing reduction in inflation which we anticipate. I hope Members agree that these are, quite simply, unacceptable risks.

I said in my Budget speech that the appropriate level of reserves, over the long term, could be a matter of debate. But, I repeat, this is not the time to reduce the cushion provided by these reserves. Maintaining confidence, both locally and internationally, in the soundness of our financial system is of paramount importance in the remaining months before the birth of the Special Administrative Region (SAR) Government. Let me emphasize this point. I believe that our strong fiscal reserves and our prudent approach to the management of Hong Kong's public finances have been fundamental to the stability of our financial system. I am not prepared to try any new approaches or take any risks which might undermine our financial system or our economic competitiveness. I may be labouring the point, but I feel very strongly that Hong Kong's future success depends above all on sticking to the economic and financial principles which have brought us our past success.

Our prudent approach to the management of our public finances carries over into the management of the fiscal reserves. It is true, as one Member stated, that our management is conservative, and that the Exchange Fund normally achieves a higher rate of return. However the risk profile of our fiscal

reserves is significantly different. The fiscal reserves are immune to exchange rate and other risks as far as possible, and the yields obtained are primarily determined by the prevailing interest rates. My priority is to ensure that the reserves are safe and invested in a way that strengthens the Hong Kong Dollar. The return we have achieved is quite satisfactory given the constraints under which we choose to operate.

Supporting business

Next, I wish to respond to the point that the Government should not forget the interests of the non-business sectors of the community. To this, let me say that I agree entirely that the Budget must address all sections of the community. I hope that the details of the Budget demonstrate that we have done exactly that. Yes, we want to become more business-friendly, and we will devote resources to this aim. But the objective in doing so is to benefit everyone in the long run. The whole community benefits through higher incomes, better public services, more investments in our infrastructure, if our business community is more successful.

We recognize that business drives our economy, that the private sector is the engine for generating wealth in Hong Kong. And, by and large, we let the wealth so generated find its own home. However, the Government has a responsibility to ensure that everyone has the opportunity to share in the prosperity created by our economy. We have done this by constructing a safety net below which nobody will be allowed to fall. We have managed to raise this safety net steadily and deliberately over the past few years, precisely because the private sector has generated the wealth, and provided the government revenue, to allow us to do so. This process must continue. Investing resources to create a more business-friendly government will in future produce dividends which we can all share. This was a message I stressed in concluding my Budget speech, and I will repeat it here. Wealth generated by the private sector provides the resources for the social improvements we wish to make.

This point is fundamental to what I have called the Hong Kong model of development and progress. We must first make sure that the engine of growth and prosperity is in good running order before we look to our social and infrastructure programmes. But the community wants fairness as well as economic efficiency. It demands that we help the disadvantaged. Let me say a

few words here about our proposals for Comprehensive Social Security Assistance payments and services for the elderly, a subject of concern to many Members as well as to the public at large. My colleagues, the Secretary for Health and Welfare, has spoken about this in some detail today. Let me emphasize what I think is the essential point of the Government's approach to this issue. We have an open mind on the possibility of improving further the welfare system for the elderly. Our objective is to have a system that is effective, fair, affordable and acceptable to the community. We have been, and we will remain, open minded. We will not be complacent. We expect to commission soon a consultancy study on services for the elderly, and I can assure Members that we will consider the findings and recommendations from this consultancy carefully and seriously.

The Governor once said that while Hong Kong is not and never will be a welfare state, we do care about the state of our welfare safety net. But we care equally about rewarding enterprise, hard work and initiative. That is why I am doubtful about arguments for a more progressive tax system. The Hong Kong Government, like the Hong Kong people, believes in giving the most capable among us every incentive to succeed at a level comparable with the best in the world. Inevitably, this leads to some people being richer than the rest. As a capitalist society, we will always have a disparity of wealth between the richest and the poorest sections of our community. It is true also that the more highly-educated and better-skilled members of the community are enjoying faster income growth than the average. This is a healthy phenomenon in any dynamic economy where opportunities for advancement abound. That is why we have laid so much stress on better education, better skills training and equal opportunities for all our people, particularly the less well-off. Hong Kong is probably the most upwardly mobile economy in the world today, and the very essence of the Hong Kong way is that everyone should have their chance to succeed.

The simple fact is that we must first create the wealth before we can distribute it. Any move towards a more progressive system of taxation would risk undermining the incentive for wealth creation and, thus, weaken the driving force of the economy. Success must have its rewards. Other advanced communities have discovered that if a community obscures or frustrates this simple truth, it will pay a price in terms of lower economic growth and poorer standards of public service. We must set no ceiling on success.

Preparation of the 1997-98 Budget

Finally, I have taken careful note of Members' views on how we should proceed with the preparation of the 1997-98 Budget. You have expressed wide differences of opinion on the degree of Chinese participation in this process. I appreciate Members' deep concerns. I hope Members also appreciate the Administration's clear position on this matter and how we propose to undertake the transitional Budget.

Members understand that we have been fully responsible for our own annual Budgets for many years. The United Kingdom Government has played no role in this. Senior Chinese officials have assured us that, on the establishment of the SAR Government, the preparation of Hong Kong's annual Budgets will immediately fall within the scope of the SAR Government's financial autonomy. The Joint Liaison Group (JLG) or the Central People's Government have no role to play in their preparation. Indeed, the Basic Law guarantees this autonomy. But in the unique case of the 1997-98 Budget which straddles 1 July 1997, clearly we need to co-operate with the Chinese side in order to achieve a full 12-month Budget which will cover the normal budgetary cycle from 1 April 1997 to 31 March 1998. The continuity of the entire range of public services through the transition will depend on this. And only with such a 12-month Budget will we have certainty over Hong Kong's fiscal system and policies before and after the handover.

We shall soon embark on the preparation of the 1997-98 Budget in full co-operation with the Chinese side. The Chinese side have agreed with us that this Budget should cover the normal 12-month period with effect from 1 April 1997. Both sides have the same objective of producing a Budget which will be conducive to a smooth transition and Hong Kong's long-term prosperity. There is already a great deal of common ground on the basis and mechanisms for our co-operation. For example:

- the detailed compilation of the 1997-98 Budget will remain the responsibility of the relevant Hong Kong government departments;

- the prudent financial principles and the system of financial management which the Hong Kong Government has followed in the past have proved effective and are consistent with the spirit of Articles 107 and 108 of the Basic Law. They should continue to be the guiding principles for preparing the 1997-98 Budget;
- the two sides will strengthen co-operation in order to ensure that the preparation of the 1997-98 Budget will proceed in an orderly manner. We view the two sides of the JLG expert group as equal partners in this joint endeavour;
- so far as possible we will aim to keep to the Budget timetable by reaching an early consensus on each major issue as it arises;
- given the tight time-frame, the expert group will meet frequently, normally once a month (but more often if necessary); and
- the JLG confidentiality rule will continue to apply strictly to protect the market-sensitive budget deliberations.

Some have said that constructive co-operation in preparing the next Budget is not achievable. They fear that however good the intentions may be, we will have to sacrifice something vital to secure Chinese support and that Hong Kong's interests will consequently suffer. In short, that a satisfactory 1997-98 Budget is impossible. I do not share those gloomy predictions. Hong Kong people have a record of achieving what others regard as impossible. Indeed I sometimes wonder if the word "impossible" exists in our mind-set. With good will and hard work we, the Hong Kong people, will succeed.

I believe that in 12 months time, most of these doubts will have been long forgotten.

- We will have consulted the community, and in particular the Legislative Council, on our expenditure and revenue proposals.
- We will have held fast to our budgetary guidelines, which are fully consistent with the Basic Law.

- We will have prepared a Budget which will be prudent, fiscally sound and in line with the community's expectations.
- It will be a Budget which we will have discussed with the Chinese side at every step of the way, with a consensus on all the key issues.
- And it will be a 12-month Budget, acceptable to all, which — God willing — I will have the honour to present to this Council in March 1997 in accordance with the laws of Hong Kong.

Whatever uncertainties may lie ahead of us in the weeks and months to come, let this at least be clear and certain: we will get the money right.

Conclusion

The 1996-97 Budget before Members today is a Budget for the people of Hong Kong. We have already reached consensus on it. I urge the elected representatives of the people of Hong Kong — all the elected representatives of all the people of Hong Kong — to give it their support. Both in their votes today, and by their deliberations in the weeks ahead. Thank you.

5.03 pm

PRESIDENT: Before I put the question on the Appropriation Bill, at the request of some Members, I will now suspend the sitting for 15 minutes.

5.20 pm

PRESIDENT: Council will now resume.

Question on the Second Reading of the Appropriation Bill 1996 put.

Voice vote taken.

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

Miss Emily LAU claimed a division.

PRESIDENT: Council shall proceed to a division.

PRESIDENT: I would like to remind Members that they are now called upon to vote on the Second Reading of the Appropriation Bill 1996. Will Members please first register their presence by pressing the top button and then proceed to vote by choosing one of the three buttons below?

PRESIDENT: The result will now be displayed.

Mr Allen LEE, Mrs Selina CHOW, Mr Martin LEE, Mr NGAI Shiu-kit, Mr SZETO Wah, Mr LAU Wong-fat, Mr Edward HO, Mr Ronald ARCULLI, Mrs Miriam LAU, Dr LEONG Che-hung, Mr Albert CHAN, Mr CHEUNG Man-kwong, Mr Frederick FUNG, Mr Michael HO, Dr HUANG Chen-ya, Miss Emily LAU, Mr LEE Wing-tat, Mr Eric LI, Mr Fred LI, Mr James TO, Dr Samuel WONG, Dr YEUNG Sum, Mr Howard YOUNG, Mr WONG Wai-yin, Miss Christine LOH, Mr James TIEN, Mr CHAN Kam-lam, Mr CHAN Wing-chan, Miss CHAN Yuen-han, Mr Andrew CHENG, Mr Paul CHENG, Mr CHENG Yiu-tong, Mr CHEUNG Hon-chung, Mr CHOY Kan-pui, Mr David CHU, Mr Albert HO, Mr IP Kwok-him, Mr LAU Chin-shek, Mr Ambrose LAU, Dr LAW Cheung-kwok, Mr LAW Chi-kwong, Mr LEE Kai-ming, Mr Bruce LIU, Mr LO Suk-ching, 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 for the motion.

Mr LEE Cheuk-yan and Mr LEUNG Yiu-chung voted against the motion.

THE PRESIDENT announced that there were 52 votes in favour of the motion and two votes against it. He therefore declared that the motion was carried.

Committee Stage of Bill

Council went into Committee.

APPROPRIATION BILL 1996

CHAIRMAN: We shall consider the schedule first in accordance with Standing Order 55.

Heads 21 to 194

Question on Heads 21 to 194 proposed.

CHAIRMAN: Honourable Members have been notified that the Honourable James TO has withdrawn the notice of his motion to reduce the sum for Head 122 in the schedule to the Bill. Although no amendment is now being proposed to the schedule, a debate may still take place on the question that the sums for the following heads, that is, all the heads shown in the schedule, stand part of the schedule. However, according to Standing Orders, any such debates shall be confined to the policy of the service for which the money is to be provided and shall not deal with the details of any item or subhead but may refer to the details of revenue or funds for which that service is responsible.

涂謹申議員致辭：主席先生，我只是就總目122警隊保安部服務方面開支的政策問題，提出一些論點和解釋我撤回修訂的原因。主席，議員審議財政預算的態度……

CHAIRMAN: Mr James TO, please resume your seat. Under Standing Order 55(3), we are now in a general debate on Head 122 and no debate might arise on why you withdrew your motion to amend.

涂謹申議員：主席先生，我明白。議員的態度其實應該是審慎地聽取政府提出的資料；而政府有責任說服議員認為撥款是合理和用得其所的。亦正因為如此，我們的財政預算案的開支部分很厚，有很多資料，而亦設有特別的財

務委員會和提出許多書面的問題。有關警隊方面的支出、保安部的支出，議員提出了很多口頭和書面的問題，不單在今年，過往亦一樣，但是所得到的資料，只說出保安部有456人負責內部保安的工作，其他的就一概不能解釋和說明，因為是需要保密和敏感。

雖然我同意有些工作，尤其是行動方面是需要保密和敏感，但在大原則、概括的工作範圍和目標等是不應該完全封閉的，亦不能夠只是說有456人正幹口內部保安的工作，就希望別人信服。即使在全世界其他國家和地區，保安工作機構亦需要向國會或者議會負責，以某種形式，例如透過某一個專責委員會，用保密的形式來交代工作。政府總不能夠完全“黑箱”作業，漠視市民和他們的代表，完全缺乏監察和問責。

政府既然一意孤行，我亦只好在完全沒有得到任何解釋和資料來支持對保安部撥款的情口下，提出修訂，刪除456人的開支。甚至當我要求政府提供456人的開支總額時，政府亦只是在修訂限期之後才提交給我。及後保安司終於同意在前日，在保密的情口之下，安排在警察總部對保安部的工作作出簡報。在聽取了之後，我同意部分的工作，例如保護證人，反恐怖活動等是正當、必須和值得支持的，但卻有部分的工作卻未必是必須的，而且界定範圍非常含糊，不同的長官可作不同的理解，結果可能導致濫用權力，影響市民的權利和自由。

雖然現時保安部的工作，既無法律規限，亦缺乏監察機制，但如果要削去全部456人的話，則可能連應該獲得支持的工作和需要的人手都會被削減，因此我決定收回有關的修訂。我已盡可能早些通知各位議員，但由於政府的簡報只是在前日進行，所以我只能盡可能通知各位。我亦會在稍後提出議案辯論，令各位議員能夠對保安部的架構和工作提出意見，務求推動政府在憲制和法律方面作出改革，使到保安部的工作，在法律的架構和界定之下，能夠受到監察，防止濫權的情口，以便向市民負責和符合法治的精神。主席先生，因此，基於上述的原因，我決定撤回有關的修訂。

謝謝主席先生。

CHAIRMAN: Apparently, you went on with the original script, Mr TO.

周梁淑怡議員致辭：主席先生，保安部的工作一向受到本局同事關注，其工作性質和範圍，自成立以來政府一直都以保密理由堅持保持神秘，這引起了公眾的不滿。

去年，當政府在本局強烈要求下，將警隊管理檢討報告公開時，政府仍然堅決不肯交出有關保安部的部分，更令本局同事感到反感。

前天，正如剛才涂議員所說，終於因為涂議員要提出議案，削減保安部的支出，政府才在避無可避的情^口下，向議員作出簡報。我沒有辦法知道其他聽匯報的同事是否同意我的看法，認為我們所聽到的，根本不是甚麼敏感的資料。剛才保安司在回應撥款條例的講辭中，就已經提到保安部工作的三大範圍。政府的保守態度、對議員的不信任，是完全要不得的。其實任何地方、任何警隊，都需要有人負責保安和呈報的工作。這些工作都有必要保密。但公眾所關注的，不外是有關部門和人員，在無須公開交待及沒有外界監察實際運作的制度之下，是否有濫用權力，及有否適當的制衡。希望政府能夠認真考慮議員和公眾的憂慮，加以改善，在不妨礙保安部的運作的前提下，找出合理的制衡和平衡。

劉慧卿議員致辭：主席先生，和其他議員一樣，我非常關心保安部的工作。最重要的是，保安部是否受到立法局或公眾的監管。我與其他數位議員星期一曾到警務處出席他們的簡報會，他們提供了一些基本資料給我們。但我當時亦清楚地向政府表明，當保安部決定去調查某些人或團體，懷疑他們可能涉及非法活動影響香港治安時，涉及的問題是很重大的。特別重要的是，當其選擇目標時，由誰來監管呢？當時，政府人員表示，最多是上達總督。

主席先生，我覺得這樣並不足夠，我在立法局保安事務委員會已多次提出要參考外國的經驗。在所有文明、民主的國家，都設有一個特別的機制，在法律上規定在議會內或外設立一個特別的委員會，行使監察權責。當然，他們的職責範圍也有局限，很多事不能公開談論，但這個委員會仍然代表社會監察秘密的情報組織，會向當地議會提交報告。所以，我希望政府審慎考慮這件事。這是一件很重大的事，可能要立法成立一個委員會。但直到今天，多年來，保安和情報工作完全未受監察。我問政府有沒有編寫政府內部而非公開的年報？答案竟然是沒有。因此，他們在做些甚麼，我們真的不知道，用甚麼手法調查更加沒有人知道。所以我希望政府最高當局在這方面可以盡量考慮拿些積極的意見來立法局，告訴我們如何監察這個機構。

謝謝主席先生。

SECRETARY FOR SECURITY: Mr Chairman, I am grateful to the Honourable James TO for agreeing to withdraw his Committee Stage amendment to the Appropriation Bill 1996. It means that we face no budgetary impediment in continuing the essential work of the Security Wing. It also means that the implementation of our important proposals to strengthen the police capability to combat crime would not be adversely affected. I am sure that the community will also welcome Honourable Members' support in passing the Budget in its entirety, thus maintaining its careful balance.

We have taken great pains in preparing last Monday's briefing for the Legislative Council Security Panel to explain the role and functions of the Security Wing without compromising our ability to protect the internal security of Hong Kong. I appreciate that some Honourable Members may have further points to make on the Security Wing. We will try our best to answer them in due course.

As I have said earlier, the best way of resolving matters of concern to Honourable Members is through dialogue and discussions conducted in the spirit of mutual trust. We appreciate Honourable Members' wish to ensure that the Security Wing performs its duties faithfully and lawfully. Let me assure Honourable Members that the Security Wing, just like other formations of the Police Force, is governed by the Police Force Ordinance and that all of its work is carried out strictly in accordance with the laws of Hong Kong. The Commissioner of Police and I are accountable to this Council for what it does or does not do and how effectively it performs its role.

Thank you, Mr President.

Question on Heads 21 to 194 put and agreed to.

Schedule was agreed to.

CHAIRMAN: We shall now consider the remainder of the Bill.

Clauses 1 and 2 were agreed to.

Council then resumed.

Third Reading of Bill

THE FINANCIAL SECRETARY reported that the

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

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

Bill read the Third time and passed.

MEMBER'S MOTIONS

HONG KONG ROYAL INSTRUCTIONS 1917 TO 1993 (NOS. 1 AND 2)

DR LEONG CHE-HUNG to move the following motion:

"That the Standing Orders of the Legislative Council of Hong Kong be amended by repealing Standing Order No.42(3B)(c) and (d) and substituting -

"(c) if at the sitting of House Committee to consider the bill in preparation for resumption of debate the committee recommends that the second reading debate be resumed at the next sitting of the Council then resumption may take place at that sitting with the permission of the President provided that due notice has been given under subparagraph (e);

(d) subject to subparagraph (e), notice of resumption of debate shall be given by the Member or public officer in charge of the bill not less than 12 clear days before the day on which the debate is to be resumed;

- (e) where resumption of debate is to take place 9 clear days or less after the sitting of House Committee at which the bill was considered in preparation for resumption, then notice of resumption of debate shall be given no later than 2 clear days after that sitting".

DR LEONG CHE-HUNG: Mr President, I move the resolution standing in my name on the Order Paper. A recent review of Standing Order No. 42 (3B) shows that it requires modification in order to expressly reflect the original intention of the House Committee to impose a general requirement of 12 clear days' notice of resumption of Second Reading debates on bills that are not urgent so that Members are provided with adequate time to prepare for such debates.

The draft resolution to give effect to the amendment was endorsed by the House Committee on 15 March 1996. The Administration has been consulted and has indicated support for the amendment now before the Council. If the resolution is passed by the Council today, Mr President, the Second Reading debate on the bill may be resumed in Council after consultation of the Chairman of the House Committee. For the avoidance of doubt, may I, Mr President, seek your indulgence, and explain how this Standing Order will operate after being amended. First, if the House Committee recommends at its meeting and the President gives his permission, the debate on the bill may be resumed at the first Council sitting following the House Committee meeting provided that notice is given not later than two clear days after the House Committee meeting.

Alternatively, if the House Committee does not object, the debate may be resumed at the second Council sitting following the House Committee meeting provided that notice is given no later than two clear days after the House Committee meeting.

Finally, in all other circumstances, 12 clear days' notice of resumption is required. With these remarks, Mr President, I beg to move.

Question on the motion proposed, put and agreed to.

HONG KONG ROYAL INSTRUCTIONS 1917 TO 1993 (NOS. 1 AND 2)

MRS MIRIAM LAU to move the following motion:

"That the Standing Orders of the Legislative Council of Hong Kong be amended -

(1) in Standing Order No. 60B -

(a) in the heading by adding "**and Conduct**" after "**Interests**";

(b) in paragraph (1) by adding "and Conduct" after "Interests" where it first occurs;

(c) in paragraph (1) by adding -

"(da) to consider and, with the consent of not less than four of the members of the Committee, to investigate any complaint concerning a member's conduct in matters of ethics in his capacity as such;"

(d) in paragraph (1)(e) by adding "and Conduct" after "Interests";

(e) in paragraph (5) by repealing "All matters" and substituting "Subject to paragraph (1)(da), all matters";

(f) by adding -

"(6A) The committee shall have regard to advice given and guidelines issued under paragraph (1)(d) when determining whether a recommendation for sanction under Standing Order No. 65A(2)(Sanctions relating to Interests and Conduct) should be made in respect of a member who is the subject of a complaint concerning his conduct in matters of ethics in his capacity as such.";

- (2) in Standing Order No. 64A(4)(g) by adding "which arise out of or are related in any manner to his membership of the Council," after "his spouse";
- (3) in Standing Order No. 65A -
 - (a) in the heading by adding "**and Conduct**" after "**Interests**";
 - (b) by renumbering it as Standing Order No. 65A(1);
 - (c) By adding -

"(2) A Member may be admonished, reprimanded or suspended by the Council upon a motion moved by the chairman of the Committee on Members' Interests and Conduct in accordance with a recommendation of the committee made under Standing Order No. 60B(1)(e) (Committee on Members' Interests and Conduct)."

MRS MIRIAM LAU: Mr President, I move the motion standing in my name on the Order Paper.

I would like first of all to explain the background to this resolution.

Under its items of reference set out in Standing Order 60(b)(1), the Committee on Members' Interests (hereunder called CMI) can at present only consider matters of ethics in relation to the conduct of Members in their capacity as such, and give advice and issue guidelines on such matters. It has no power to carry out formal investigation into a complaint about a Member's misconduct. Under the present set-up of the Legislative Council, there is no existing mechanism to deal with allegations of misconduct by the Legislative Council Members in an expeditious manner. Any formal investigation of a complaint about a Member's misconduct can only be conducted by a select committee appointed by resolution of this Council, but this process is both cumbersome and time consuming.

Against this background, the House Committee in the 1994-95 session invited the CMI to deliberate on a proposal from a Member that a committee be set up to monitor the conduct of Legislative Council Members. The CMI held altogether 11 meetings to deliberate the issue. In the course of its work, the CMI had conducted a study on the practices adopted by other legislatures in monitoring the conduct of Members of Parliaments. In order to be as open and transparent as possible about the issue, the CMI also conducted a month-long consultation exercise inviting the views of both the public and Legislative Council Members on the draft Guidelines on standards of conduct for the Legislative Council Members drawn up by the CMI. However, except for written submission by one Member, no views were received from either the public or Legislative Council Members. Eventually, the CMI drew up a set of recommendations regarding the introduction of measures to monitor the conduct of Legislative Council Members.

As Chairman of the CMI, I moved a resolution, which was same as the one now before Members, to amend the Standing Orders to empower the CMI to consider and investigate complaints about Members' misconduct. The resolution was debated at the Council sitting held on 19 July last year but was negatived by a vote of 28 to 20. Despite failure of the resolution to carry, I wish to thank the Honourable Allen LEE, Selina CHOW, Emily LAU, Eric LI, Howard YOUNG, Christine LOH and James TIEN (who are now still in this Council) for their staunch support of me on that occasion. I hope that they will continue to give me their support today. I also wish that those who have not deemed it fit to support on that occasion will change their minds and support my today.

The reasons for opposing my resolution last year were principally as follows:

This Council will consist of all elected members (as indeed it now is) and that apart from monitoring by the mass media, a Member's conduct will in any event be subject to the scrutiny of that Member's own constituents.

There was fear of abuse and concern that the investigation alone may damage the Member's public image.

There was some cynicism about certain Members assuming roles as monitors.

Before I reply to these views, perhaps it may be helpful to those Members who are not members of the CMI, if I briefly describe the practice in other jurisdictions. In the United Kingdom, there was already a Select Committee on Members' Interests similar to ours but several reports including the Bowen Report and the Nolan Report strongly recommended the setting up of formal mechanism to monitor MPs' conduct and the drawing up of codes of conduct for MPs. Following the revelation that a certain MP had asked questions in Parliament for reward, the pressure for change mounted and in November last year, the House of Commons passed a resolution for the appointment of Parliamentary Commissioner for Standards and the setting up a Committee on Standards and Privileges. The principal duties of the Parliamentary Commissioner shall be to receive and investigate specific complaints from MPs and from members of the public in respect of the propriety of an MP's conduct. The duties of the Committee on Standards and Privileges includes, *inter alia*, overseeing the work of the Parliamentary Commissioner and considering any matter relating to the conduct of MPs including specific complaints in relation to alleged breaches in the code of conduct, as well as to receive reports from the Commissioner relating to investigation into specific complaints. At the same sitting of the House of Commons, a resolution was also passed specifically dealing with the issue of receipt of payment or award of advocating any cause or matter in Parliament. The House of Commons has certainly taken major steps forward in the areas of monitoring of MPs' conduct, albeit only after some bitter experience.

In Canada, the provinces of Prince Edward Island and Quebec have utilized both a parliamentary committee and an outside body to monitor Members' conduct. In Manitoba, New Brunswick and Nova Scotia, the Courts have jurisdiction to inquire into allegations of violations of codes of conduct by Members. In Papua New Guinea, the Ombudsman Commission, being the monitoring authority, has the power to undertake investigation into members' conduct on its own initiative. In Ontario, a Report recommended a Commissioner of Compliance to monitor, advise and investigate the conduct of Ministers. The proposed legislation provided for the appointment of a Commissioner as an officer of the Legislative Assembly to oversee the conduct of both Members and Ministers.

In the United States, both the Select Committee on Ethics of the United States Senate and the Committee on Official Conduct of the United States House of Representatives have the power to receive complaints and investigate allegations of improper conduct by Members.

It is clear from the above that many legislatures in other jurisdictions have seen fit to establish formal mechanisms for monitoring members' conduct. Why should Hong Kong be the exception? That question was asked by the Honourable Miss Emily LAU during the debate last July. The Honourable LEE Wing-tat, unfortunately, he is not here. The Honourable LEE Wing-tat's reply was firstly that Hong Kong is different from other jurisdictions because not all Members of this Council are elected by universal suffrage; secondly, not all Members belong to political parties and, thirdly, Hong Kong's political culture is not mature enough particularly in regard to internal discipline of political parties. With respect, I fail to understand Mr LEE's argument. All Members of this Council are now elected, though not all by universal suffrage. But if universal suffrage is the crux, so much more is it necessary to have an internal monitoring mechanism within the legislative since public scrutiny may not effectively extend to all Members. Furthermore, I do not see how the effectiveness of party discipline is relevant. I would have thought that if party discipline is effective, then the need for an internal monitoring mechanism by the legislature would be that much lessened. However Mr LEE seemed to be arguing otherwise. If other jurisdictions having universal suffrage and effective party discipline see the need for setting up formal mechanisms for monitoring members' conduct, why does Hong Kong not see the need?

Whatever the arguments may be, it remains a fact that legislatures in other democratic countries which are politically mature, whose members are democratically elected and accountable to their constituents and scrutinized by the public and monitored by the mass media, have still found it necessary to formulate rules concerning Members' conduct and to set up formal mechanisms for implementing such rules. I wish to ask the question: Why should Hong Kong be different? Perhaps on this occasion, somebody may give me a more convincing answer.

In regard to the fear of abuse, I think that the concerns expressed by Members were quite legitimate but these concerns were not unknown to the CMI and they have actually been taken on board by the Committee. It was precisely

because of these concerns that the CMI decided to recommend that it would not carry out investigations on its own initiative but would only act in response to complaints. The CMI was also conscious of the need to guard against spurious complaints thus it would not investigate complaints which are considered trivial, frivolous or vexatious. Furthermore, no investigation into a complaint about a Member's conduct may be carried out by the CMI unless approved by not less than four of its members, — that is the majority of members of the CMI. The CMI also recommended that no political party should be allowed to dominate or control the CMI in order to ensure fairness to all Members. The CMI has never said that the proposed mechanism recommended by it is final or perfect. If Members felt that the proposed mechanism can be further tightened to prevent abuse, the CMI was always willing to listen, but no suggestions were proffered. If members have a better idea as to how Members' conduct should be monitored, let them speak up.

In regard to cynical remarks about certain Members asserting for themselves the role of monitors, I am sure that such remarks were not targeted at me, but I can assure Members that I have no aspirations whatsoever for such an unenviable role. In some other legislatures, the monitoring of members' conduct is carried out by an outside body. If Members prefer to have an outside body monitoring Members' conduct, rather than Members monitoring Members, let them say so. At least that would be a constructive view which we can further discuss.

Coming back to the resolution today, let me explain why it is before the Council again today. After the start of this Legislative Council session, the newly elected CMI reviewed the matter in December last year and decided to conduct another round of public consultation of the proposal to introduce measures to monitor the conduct of Legislative Council Members. During the one-month consultation period which ended on 31 January 1996, again no submission was received from the public, but Legislative Council Members of the Democratic Party made a submission. Their submission re-affirmed its opposition to the introduction of any formal measures to monitor the conduct of Legislative Council Members. Such views were already expressed at the debate in July last year. They will no doubt re-iterate the reasons for their objection when they give their speeches today, so there is no need for me to dwell on them now.

At the meeting of the CMI held on 6 February this year to discuss how the issue should be taken forward in the light of opposition from the Democratic Party, the majority of CMI members present took the view that they did not support the proposal to introduce a formal mechanism to monitor Legislative Council Members' conduct. However they favoured the issuance of a set of advisory guidelines. Because of the new composition of the Legislative Council, CMI also agreed that the whole issue should be re-submitted to this Council for a full debate in the form of a resolution as in the last session. The purpose of the debate is to enable Members' views and their stand on the issue to be fully recorded, so that whatever the outcome may be today, there will be a useful reference in the future on this very important issue.

Mr President, I wish now to briefly go through the main recommendations of the CMI's report which was considered by the House Committee in the last session, copies of which were distributed to all Members of this Council, vide Legislative Council Paper No. CB 296/95-96 dated 18th of December last year. The main recommendations were:

- (a) the draft Guidelines on the standards of conduct of Legislative Council Members drawn up by the CMI should be adopted;
- (b) the CMI should be empowered to carry out investigation into complaints about misconduct of Legislative Council Members;
- (c) no investigation into a complaint of misconduct may be carried out unless approved by not less than four members of the CMI;
- (d) no single political party or grouping would command a simple majority of the membership of the CMI;
- (e) the name of the CMI should be changed to "Committee on Members' Interests and Conduct" and the Chinese name would be "議員利益及操守委員會"; and
- (f) the sanctions that may be imposed by the Council on a substantiated complaint of misconduct should be the same as those set out in existing Standing Order 65A.

I also wish to explain briefly the proposed amendments to the Standing Orders as set out in the resolution.

The amendments to the heading of Standing Order 60B, and Standing Order 60B(1), will change the name of the CMI to take account of additional powers and responsibilities to be taken up by the CMI.

New Standing Order 60B(1)(da) will empower the CMI to consider and investigate complaints about Legislative Council Members' misconduct.

The amendment to Standing Order 60B(5) is a consequential amendment as a result of the proposed addition of new Standing Order 60B(1)(da).

New Standing Order 60B(6A) will specify that the CMI shall have regard to advice given and guidelines issued by the CMI when determining whether a recommendation for sanction should be made.

The amendment to Standing Order 64(A)(4g) will make it clear that the requirement to register interests received from overseas organizations or persons only applies to interests received by a Legislative Council Member or his spouse arising out of the Legislative Council Member's membership of the Council.

The amendment to Standing Order 60B(1)(e), the heading of Standing Order and new Standing Order 65A(2) will lay down the sanctions that may be imposed for misconduct.

Mr President, I realize that I am trying to achieve the impossible task of changing minds that are already fixed. However, I still hope to be able to persuade Members and I do urge them to consider the points which I have raised today. If at the end of the day, Members still feel that they cannot support my motion, I shall accept their decision with grace.

Mr President, I beg to move.

Question on the motion proposed.

廖成利議員致辭：主席先生，民協反對在現階段修訂《常規》，將議員利益委員會改為議員利益及操守委員會，以及根據附件所載內容作出修改，理由有兩個：

第一，議員的操守甚難界定。作為立法局議員，他的道德操守應該達致一個怎樣的水平才算稱職呢？由誰去訂定這些標準呢？這真是一個有理說不清的問題。即使勉強作出了界定，這些標準也會變成了“孫悟空頭上的金剛圈”，由議員自行帶上，被懂得金剛圈咒語的人利用，隨時煞有介事地唸唸有詞，令議員頭痛不已。

一旦對議員的操守作出規限，只會“吹皺一池春水”，亦會令議員墮入迷惘，不知道今天的所作所為，會否在明天變成遭投訴的項目。

第二，現時《常規》已容許立法局可透過決議，成立專責委員會，對有嚴重操守問題的議員展開調查。這個機制已經足夠，我認為不必多此一舉，製造可能會被濫用的新機制。

在香港這個開放的社會中，議員的操守行為已恆常地成為傳媒“追擊”或“睇真□”的話題，我相信議員已心中有數，懂得循規蹈矩。議員都不希望自己的行為操守令自己成為公眾抨擊的對象。若有這樣的議員，相信他亦要為自己的行為付出代價，在下一次參選時成為攻擊或批鬥的話題。

我認為假如“阿牛”真的“□路軌”，引起公眾不安或交通混亂，……

PRESIDENT: Which bull are you referring to?

廖成利議員：我收回剛才那句說話。

假如有議員的行為操守出現問題，最好還是留待社會輿論去判斷。

一人做事一人當，請各位議員不必扮演多一個“多管閒事”及“好管閒事”的角色。

最後，民協贊成本局可以發出勸諭性質的指引，供議員作參考之用。

本人謹此陳辭。

MRS ELIZABETH WONG: Thank you, Mr President, I shall be brief. As a member of the Standing Committee on Members' interests, I rise first of all to declare my interest and also to support the resolution. Far be it from me to be my brothers' keeper or my sisters' keeper, I think Honourable Members of this Council will agree that as a matter of ethics and conduct, it is best for Honourable Members' ethics and conduct to be reviewed and have the benefit of advice from their peers who are best placed to monitor complaints and to take action if needs be.

Let me also stress that we need a monitoring system which is sensible and to be absolutely fair to the subject of any complaint. We do not need witch hunters and we are not seeking witch hunters. We need to be fair and to be intelligent about what constitutes good conduct or not. I think this will be in the best interests of Honourable Members and of the general public as well. So the proposed resolution seems to me, as adequately explained by Honourable Mrs Miriam LAU, to do just that and is worthy of support because it is entirely compatible with the original intention and the current spirit of the relevant Standing Orders.

Mr President, I support the resolution.

何敏嘉議員致辭：主席先生，本人代表民主黨表達我們對劉健儀議員議案的立場。

一九九五年七月十九日立法局辯論劉健儀議員提出修訂《常規》第60B條時，我們已表達我們對監察議員操守的立場。民主黨議員當時是反對議員利益委員會的建議。民主黨新一屆立法局黨團經討論後，決定維持過往立場，反對修訂《常規》第60B條，將議員利益委員會改為議員利益及操守委員會。

首先，在政策原則上，民主黨認為沒有必要成立一個委員會去處理有關議員操守的投訴。

我們認為現行監察機制對議員的行為已有一定的約束，包括：

（一）現時《常規》內已有嚴謹的利益申報規定，任何議員不遵守規

定，就會受到制裁；

(二) 現時《常規》已規定可透過立法局決議，對有嚴重操守問題的議員成立專責委員會展開調查。當然，剛才劉健儀議員提到這是一個比較繁複和需時的程序，但這個繁複和需時的程序相對地亦較為嚴謹；

(三) 一九九五年新一屆立法局是由選舉產生，我們認為立法局其實已是一個最開放、透明度最高的組織，傳媒有足夠的資訊去作公開監察。若議員操守不為社會大眾接受，他們要面對公眾抨擊及可能不能再度當選的代價。

因此，我們認為現行的監察機制並未出現太大問題。

另一方面，議員利益委員會的建議存在一定問題，可能會對議員造成一些不良影響：

首先，我們看看可能會被濫用的情況。只要有四名委員會成員通過，便可作出調查建議。我們認為這是一項相當危險的安排，容易被濫用。若有人向委員會就某人的言論作出投訴，只要四名成員通過便可作調查，這並非一個嚴謹的程序。現時如果我們要作出調查的話，必須透過全局的決議成立一個專責委員會，全局59名議員必須在傳媒前進行公開辯論，然後才可以決定是否成立專責委員會。我們覺得這是一個較為嚴謹的機制，而不是只在委員會內由七分之四的成員通過。當然，劉健儀議員也曾提到一些保障機制，例如委員會內不能有任何一個政黨擁有過半數的議席，但是在七人之中要取得四人的支持事實上並不太困難。

至於在議員操守方面，究竟議員應有怎樣的操守和道德，這是非常富爭議性的。既然如此難以界定，又如此空泛，根本就無法可以真正發揮監察作用。若過於嚴格，會對議員造成不必要的負面影響。

總結而言，民主黨認為現階段不可以支持將議員利益委員會改為議員利益及操守委員會的建議。

主席先生，本人謹此陳辭，民主黨會反對劉健儀議員的議案。

劉慧卿議員致辭：主席先生，我發言支持劉健儀議員的議案。劉議員剛才重提去年支持她的人的姓名，我們希望能有多些議員支持，亦希望回應李鵬飛議員所說，請議員不要怕“轉口”，對我們表示支持。

主席先生，我是議員利益委員會的成員。這委員會最近改了名稱，是議員個人利益監察委員會，所以其實這個委員會已經具有監察的作用。我在委員會舉行會議時，是其中一個支持今天進行這個辯論的議員。我們今天舊事重提，主要是因為今屆的新一屆立法局議員很多並沒有參與去年七月十九日的討論，所以我們希望他們能有參加討論的機會，並重新作出決定。其實劉健儀議員剛才已經將背景說得很清楚，包括重提去年李永達議員所提出的很可笑的觀點。由於當時他在我們之後發言，所以我們不能駁斥他，但剛才劉議員已經把他的觀點一一駁斥，我也不想繼續說下去。

不過，我想提醒那些新議員，其實他們應該知道，立法局《常規》第60B(1)(d)條已經說明委員會有權考慮議員的道德問題，也有權提出意見或發出指引，即是在這方面已有規定。據我所知，主席先生也可能知道，因為你在立法局的資歷較我為深，這是因為有事情發生了，所以才加進去的。因此，我要對何敏嘉議員的意見作出回應。他說現時沒有問題，做得很好，如果有事發生，可以在大會上先作辯論，然後才成立專責委員會。但如果這樣做，有關的議員便倒霉了，因為他的名聲已經受損。然而，如果我們設立了一個機制，能很快說明那些是謊言，豈不更好？否則，要在大會提出辯論，表決後再成立一個專責委員會，有關的議員在經過數個月的聆訊後，聲名必然大損。

同時，我們經常說政府為何有些事總是想不到，為甚麼不先做一些事情，而總是“事後孔明”？但現在我們卻說，現行的機制沒有問題。老實說，我當然希望沒有事，但如果有一天突然發生一件大事，經過一番辯論後，終於又要設立一些機制，屆時人們又會說，立法局在討論是否設立機制時，卻不進行，要到了出事後才再考慮。我想問一問各位同事，是否要等出了事後才設立機制呢？你們現在都不是說想反對，你們只是覺得現行的機制沒有問題，即可以在立法局內進行辯論，然後成立專責委員會。我們的建議則是想較為有系統，設立一個機制，遇有投訴時——請各位留意，不是委員會主動進行調查，它不是秘密警察，不會跟蹤或截聽等——而委員會又覺得是值得進行調查的，便盡快去做，並很公道地去做。我希望以這種有效的方法處理。

其實這樣做是回應公眾的關注，就是立法局有否受到監管呢？由誰人監管呢？若說這樣便是“金剛圈”，我不敢苟同。我相信市民是很希望立法局

能自行設立一個機制。它能夠為立法局接受，也為市民接受，以很公開及公正的方式處理投訴。我們會監管自己，並設有指引和規矩。這樣立法局就可以讓公眾知道，不論是操行或道德也好，我們自己已訂下了規範，是對得起人，對得起自己，是頂天立地的。如果有議員觸犯了這些規定，我們設有一個委員會，以很公開的過程進行調查，而不是甚麼政治迫害。因此，我希望各位同事，特別是新一屆的同事（舊同事也可以“轉口”），請想一想，我們如何向公眾交代呢？如果我們又以大比數，像去年的28票對20票否決這議案，外邊的人就會說，你們真棒，不用別人監管，只有輿論和下一屆的投票結果才可以規範我們。不過，你們是否知道，有時選民是很憤怒的，因為他們投了票後要待四年才可以再投票，如果期間發生了一些事，誰人會處理呢？你們一定又會說用現行的方法處理，即進行辯論，然後成立專責委員會。

主席先生，此外，其他地方的議會都設有這種機制，劉議員已說得很清楚，並全數列舉出來。文明和民主國家的議會都設有這樣的機制，為何我們要有別於人呢？李永達議員在去年七月十九日發表的言論，可說是“奇文共賞”，我是不同意的。他是民主派，我也是民主派，不知道為甚麼他會有這樣奇怪的看法。我不同意他的看法，我覺得我們應該考慮設立一個機制。在沒有需要時，這機制當然沒有用處，但如果一旦發生事故，它便可立即發揮作用。

因此，主席先生，我支持劉議員的建議，並呼籲各位同事用心想一想，進行這事是否會加強我們立法局的公信力。我們不是要設立一支特別警察隊，只希望能加強立法局的公信力，令公眾覺得立法局是識分寸的，一旦有事情發生，立法局是會自行作出監管的。

謝謝主席先生。

MISS MARGARET NG: Mr President, I will be brief.

I consider the autonomy of this Council to be a fundamental principle. Autonomy must mean self-regulation and an adequate framework of internal discipline. We enjoy certain powers and privileges under the law. We enjoy autonomy. We must therefore be prepared to meet a high standard of conduct and therefore submit ourselves for the investigation and scrutiny of a proper committee of our peers. We owe it to the public if we want to enjoy their trust and confidence.

As to the exact mechanism, our attitude to that must be positive, that is, we must work together to find the right mechanism, not to block it, not to find reason to say that it is impossible.

Mr President, I support the motion.

PRESIDENT: I have a request here, Honourable Members, from Mr Michael HO to speak again under Standing Order 28(2) to explain some part of his speech which has been misunderstood. Mr Michael HO, please confine your speech to only explanation of that part of the speech which has been misunderstood.

何敏嘉議員致辭：謝謝主席先生，我只是想解釋被誤會了的那一部分，就是我剛才發言並不是表示不要有一些機制，而只是說我們不需要有一個新機制。我的意思是，現時我們成立專責委員會這方法已是一個正統的機制來監察議員的操守。劉慧卿議員似乎誤會了我這部分的發言。

PRESIDENT: Mrs Miriam LAU, do you wish to reply?

劉健儀議員致辭：主席先生，今天我感到很鼓舞，因為最少有三位議員發言支持我今天的議案，情□比去年七月十九日好得多，因為在去年七月十九日的立法局辯論上，議員利益委員會被人“好人當賊扮”。

今天有兩位議員發言反對我的議案，但我始終聽不到他們對我先前在演辭內的一項質詢，作出任何回應。那就是為何外國很多民主先進國家都設有議員利益委員會，設有一個正式機制，而不是好像香港那樣，要在大會辯論後才能成立專責委員會？他們都有一個正式的機制。為何民主先進的國家都設有這機制，而香港卻不需要？沒有一位反對我今天的議案的議員能提出任何理由。

此外，我剛才邀請各位議員，如果你們認為議員利益委員會所提出的建議是不好的，是行不通的，是有漏洞的，請你們提出一些意見。但我聽不到有人提出任何意見，他們只是說現時的機制很好，無須再做其他事。這是積極的意見嗎？

主席先生，我今天其實是抱□平常心來進行辯論，即汲取了去年七月十九日的教訓後，我其實一直對今天的議案是否獲得通過沒有抱任何希望。雖然剛才三位議員發言前，給我燃點了一些希望。今天我沒有被人背棄、玩弄和出賣的感受。最低限度，民主黨的何敏嘉議員很清楚代表民主黨在議員利益委員會上表示他們的反對意見；民協也在委員會上清楚表示他們會反對。我沒有去年那種狼狽的感覺。

今年我有一些失望及失落感，因為議員在兩年前其實是以很積極的態度去面對議員操守的問題，大家也很嚴肅地希望尋找一些方法處理出現了的問題。議員利益委員會獲授權研究這事，而委員會也很努力在年多以來進行研究，召開了無數次會議。去年的議案遭否決，這項議案稍後也不知會否同樣被否決。其實我現在很忐忑不安，我很希望議案獲得通過，但我又很擔心最終可能要被迫接受議案遭否決的事實。如果今天的議案遭否決的話，本局在監察議員操守這問題上其實是一事無成的了。這年多兩年以來的所有工作都會付諸流水，一事無成。當然，我不是事事也希望能得到成果。議員今次最少可以坦白地將他們心中真真正正所想的不再虛偽地說出來——議員不想受到別人規管。今次的辯論可以揭示了他們真正的想法。

如果今天議員真的決定否決這項議案，不要任何機制去監察議員的操守的話，我會尊重他們的決定。日後如果本局發生任何有關議員操守的事故，而那時發覺沒有任何機制去處理有關問題時，我只希望今天投反對票的議員不要後悔。

謝謝主席先生。

Question on the motion put.

Voice vote taken.

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

Mrs Mariam Lau claimed a division.

PRESIDENT: Council shall proceed to a division.

PRESIDENT: I would like to remind Members that they are now called upon to vote on Mrs Miriam LAU's resolution to amend the Standing Orders to empower the CMI to take charge of matters on conduct as well. 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: We seem to be one short of the head count. Before I declare the result, will Members please check their votes? Are there any queries? The result will now be displayed.

Mr Allen LEE, Mrs Selina CHOW, Mrs Miriam LAU, Miss Emily LAU, Mr Eric LI, Mr Howard YOUNG, Miss Christine LOH, Mr James TIEN, Mr LEE Kai-ming, Miss Margaret NG and Mrs Elizabeth WONG voted for the motion.

Mr Martin LEE, Mr SZETO Wah, Mr Ronald ARCULLI, Dr LEONG Che-hung, Mr Albert CHAN, Mr CHEUNG Man-kwong, Mr CHIM Pui-chung, Mr Frederick FUNG, Mr Michael HO, Dr HUANG Chen-ya, 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, Mr CHENG Yiu-tong, 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 LO Suk-ching, 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 against the motion.

Mr Edward HO abstained.

THE PRESIDENT announced that there were 11 votes in favour of the motion and 36 votes against it. He therefore declared that the motion was negatived.

MEMBER'S BILLS**First Reading of Bills****HOUSING (AMENDMENT) BILL 1996****HOUSING (AMENDMENT) (NO. 2) 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

PRESIDENT: Honourable Members, before I invite the Honourable LEE Wing-tat and the Honourable Bruce LIU to move the Second Reading of their respective bills, I would like to inform Members that having studied the two bills, I have ruled that the two bills are not substantially the same, having regard to the following:

1. Although both bills seek to change the composition of the Housing Authority, the proposed composition and method of nominating the members of the authority are different in the two bills;
2. Mr LEE's bill proposes that the future membership of the Housing Authority be approved by resolution of this Council;
3. If I rule, in the event if I rule, that both bills are substantially the same, and if one bill is defeated at the Second Reading, the other bill will not be able to proceed, thus denying this Council the opportunity to make a choice.

The effect of this ruling is that the passage of any stage of the first bill will not impede the further proceeding of the second bill.

HOUSING (AMENDMENT) BILL 1996

MR LEE WING-TAT moved the Second Reading of: "A Bill to amend the Housing Ordinance."

李永達議員致辭：主席先生，本人動議二讀《1996年房屋(修訂)條例草案》。

草案的目的是令房屋委員會（“房委會”）的組成更為平衡，增加委任房委會委員的透明度及令房委會更能向公眾負責。

主席先生，房委會制定的政策影響廣泛而且深遠，若房委會的組成能有各階層、各種不同意見的均衡代表，便能制定更符合市民大眾利益的房屋政策。近年，房委會的工作不斷受到公眾嚴厲的批評，例如住宅單位興建量嚴重不足；保留13個破舊臨時房屋區；公屋維修保養問題嚴重等。房委會的組成須作出變更，令委員更能反映市民的關注，以及更能向市民負責。

主席先生，現時總督在委任房委會委員時，並沒有需要向公眾解釋委任的準則，而房委會沒有平衡的組成也受到很多市民大眾批評。

主席先生，草案的具體內容是要求總督委任房委會委員時，先將委任草擬名單交由立法局審議，並要得到立法局以決議形式通過，委任名單才可生效。

上述機制令總督仍可完全擁有房委會委員的提名權，而立法局則可行使審議權。這機制可確保行政機關與立法機關互相制衡，更能確保房委會的組成平衡。此外，亦因委任過程比以往更公開，公眾可對委任名單及其準則作出討論，而政府亦會加以解釋，增強政府對委任名單的交代；而被委任的房委會委員亦有機會向公眾說明他們以後的工作，加強房委會委員的問責性。

主席先生，草案的另一項建議是維持現時四位政府委員，但將本來由總督委任的房委會主席及副主席職位交由房委會委員互選產生。

主席先生，草案最後一項建議是有關過渡安排。草案規定在法例生效時，現任委員任期如仍未屆滿者，將不受法例影響。這是為了保持房委會成員的延續性。

主席先生，本人謹此陳辭。

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).

HOUSING (AMENDMENT) (NO. 2) BILL 1996

MR BRUCE LIU moved the Second Reading of: "A Bill to amend the Housing Ordinance."

廖成利議員致辭：主席先生，我謹動議二讀《1996年房屋（修訂）（第2號）條例草案》。

條例草案旨在修訂現時《房屋條例》（第283章），改變目前香港房屋委員會（“房委會”）委員的組成成分，提高房委會的公信力，加強市民的參與。

一直以來，房委會的組成方式未有任何改變，全部委員均由總督委任其屬意的人選出任。多年來，房委會的委員仍以工商界代表及專業人士為主要組成部分，民意代表每每只得兩、三位，欠缺廣泛代表性，房委會推行的政策未能爭取到市民的信任。近年來，我們見到房委會總部門前的請願人士絡繹不絕，不但未見減少，更有增加的趨勢，批評房委會的聲音一直沒有間斷。但是，市民沒有途徑可以改變房委會的組成。今天，在民主化的大趨勢下，這種情況必須作出改善。

本人建議房委會的組成成分作出以下改變：

房委會由36位成員組成，該36位成員包括：

1. 由立法局提名六名代表，由總督委任；
2. 每個區議會提名一名代表，共18名，由總督委任；
3. 由總督委任不超過12名對房屋事宜擁有經驗及知識的非公職人員。

此外，房委會的主席及副主席由委員互選產生。

在任期方面，當由立法局或區議會提名的代表不再是立法局或區議會的議員時，其房委會委員的任期亦告終止。

至於由總督負責委任的12位委員，委任期為兩年，期滿後，總督可以繼續委任。

作出這些修訂後，《區議會條例》（第366章）第20條亦須相應作出技術性的修訂，而有關修訂在條例草案第5條作出。

本人認為，本條例草案並不會破壞港府的行政主導模式；相反，增加了民選背景的成員進入房委會，在制定政策時更能以公眾利益為依歸，增加房委會的問責性及公信力，令政策的推行更順利。

此外，房委會由三個來源所組成是一項進步。立法局代表□全港市民的利益所在，從整體及宏觀角度考慮房屋問題；而區議會的提名代表，容許了各區的房屋問題可以在房委會內獲得反映及重視；由於保留了三分之一成員由總督自行委任，因此，亦確保了社會上其他界別人士所代表的專業意見，可以在委員會內得到重視。由這三個來源所組成的房委會，其制定的政策，將會更受市民接受，更能照顧到本港的整體房屋需要。

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).

PROBATE AND ADMINISTRATION (AMENDMENT) BILL 1996

Resumption of debate on Second Reading which was moved on 13 March 1995

Question on Second Reading proposed.

ATTORNEY GENERAL: Mr President, subsection (1) of section 15 of the Probate and Administration Ordinance provides that the Registrar of the Supreme Court, in his capacity as the Official Administrator, may summarily administer estates which do not, in his opinion, exceed \$50,000 in value. This provision alleviates the financial burden of undertaking a formal administration of such estates. The Honourable Bruce LIU Sing-lee's Probate and Administration Amendment Bill provides for the limit to be increased to \$150,000. This is a reasonable adjustment as it approximates to the real value in today's money of the current limit when it was set in 1983. The Administration accordingly supports the Bill and commends it to this Council.

廖成利議員致辭：主席先生，我只想補充兩點意見。第一，今次通過這條例草案是有其象徵意義的。清明時節雨紛紛，本局大樓外亦下□濛濛細雨，明天正是清明節。通過這條例草案，顯示出本局是關注到市民各方面的問題。當局為那些有先人留下十萬、八萬元小額遺產的遺屬，提供簡易方式管理遺產的服務，正正顯示出香港政府是關心市民的政府。

第二，現時《遺囑認證及遺產管理條例》（第10章）第15條的小額遺產5萬元限額，是在一九八三年訂定的，距今已有13年之久。當局對這個限額應該定期作出檢討，並予以適當提高，以便對社會的改變作出適當回應。本人建議當局每四年進行一次檢討，即在每一屆立法局任期內都會作出檢討。

本人謹此陳辭。

Question on the Second Reading of the Bill 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 Bill

Council went into Committee.

PROBATE AND ADMINISTRATION (AMENDMENT) BILL 1996

Clauses 1 and 2 were agreed to.

Council then resumed.

Third Reading of Bill

MR BRUCE LIU reported that the

PROBATE AND ADMINISTRATION (AMENDMENT) BILL 1996

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

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

Bill read the Third time and passed.

ADJOURNMENT AND NEXT SITTING

PRESIDENT: Before I adjourn the Council, may I wish all Members and Public Officers an invigorating Ching Ming and Easter holiday. In accordance with Standing Orders, I now adjourn the Council until 2.30 pm on Thursday, 18 April 1996.

Adjourned accordingly at twenty-seven minutes to Seven o'clock.