

## **OFFICIAL RECORD OF PROCEEDINGS**

### **立法局會議過程正式紀錄**

**Wednesday, 1 May 1996**

一九九六年五月一日星期三

**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.

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

李國寶議員，O.B.E., LL.D. (CANTAB), J.P.

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

倪少傑議員，O.B.E., J.P.

THE HONOURABLE SZETO WAH

司徒華議員

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

劉皇發議員，O.B.E., J.P.

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

何承天議員，O.B.E., J.P.

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

夏佳理議員，O.B.E., J.P.

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

劉健儀議員，O.B.E., J.P.

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

梁智鴻議員，O.B.E., J.P.

THE HONOURABLE ALBERT CHAN WAI-YIP

陳偉業議員

THE HONOURABLE CHEUNG MAN-KWONG

張文光議員

THE HONOURABLE CHIM PUI-CHUNG

詹培忠議員

THE HONOURABLE FREDERICK FUNG KIN-KEE

馮檢基議員

THE HONOURABLE MICHAEL HO MUN-KA

何敏嘉議員

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

黃震遐議員，M.B.E.

THE HONOURABLE EMILY LAU WAI-HING

劉慧卿議員

THE HONOURABLE LEE WING-TAT

李永達議員

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

李家祥議員，J.P.

THE HONOURABLE FRED LI WAH-MING

李華明議員

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

唐英年議員，J.P.

THE HONOURABLE JAMES TO KUN-SUN

涂謹申議員

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

黃秉槐議員，M.B.E., F.Eng., J.P.

DR THE HONOURABLE PHILIP WONG YU-HONG

黃宜弘議員

THE HONOURABLE HOWARD YOUNG, J.P.

楊孝華議員，J.P.

THE HONOURABLE ZACHARY WONG WAI-YIN

黃偉賢議員

THE HONOURABLE CHRISTINE LOH KUNG-WAI

陸恭蕙議員

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

田北俊議員，O.B.E., J.P.

THE HONOURABLE CHAN KAM-LAM

陳鑑林議員

THE HONOURABLE CHAN WING-CHAN

陳榮燦議員

THE HONOURABLE CHAN YUEN-HAN

陳婉嫻議員

THE HONOURABLE ANDREW CHENG KAR-FOO

鄭家富議員

THE HONOURABLE PAUL CHENG MING-FUN

鄭明訓議員

THE HONOURABLE CHENG YIU-TONG

鄭耀棠議員

DR THE HONOURABLE ANTHONY CHEUNG BING-LEUNG

張炳良議員

THE HONOURABLE CHEUNG HON-CHUNG

張漢忠議員

THE HONOURABLE CHOY KAN-PUI, J.P.

蔡根培議員，J.P.

THE HONOURABLE DAVID CHU YU-LIN

朱幼麟議員

THE HONOURABLE ALBERT HO CHUN-YAN

何俊仁議員

THE HONOURABLE IP KWOK-HIM

葉國謙議員

THE HONOURABLE LAU CHIN-SHEK

劉千石議員

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

劉漢銓議員，J.P.

DR THE HONOURABLE LAW CHEUNG-KWOK

羅祥國議員

THE HONOURABLE LAW CHI-KWONG

羅致光議員

THE HONOURABLE LEE KAI-MING

李啟明議員

THE HONOURABLE LEUNG YIU-CHUNG

梁耀忠議員

THE HONOURABLE BRUCE LIU SING-LEE

廖成利議員

THE HONOURABLE LO SUK-CHING

羅叔清議員

THE HONOURABLE MOK YING-FAN

莫應帆議員

THE HONOURABLE MARGARET NG

吳靄儀議員

THE HONOURABLE NGAN KAM-CHUEN

顏錦全議員

THE HONOURABLE SIN CHUNG-KAI

單仲偕議員

THE HONOURABLE TSANG KIN-SHING

曾健成議員

DR THE HONOURABLE JOHN TSE WING-LING

謝永齡議員

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

黃錢其濂議員，C.B.E., I.S.O., J.P.

THE HONOURABLE LAWRENCE YUM SIN-LING

任善寧議員

## **MEMBERS ABSENT**

### **缺席議員：**

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

李柱銘議員，Q.C., J.P.

DR THE HONOURABLE YEUNG SUM

楊森議員

THE HONOURABLE LEE CHEUK-YAN

李卓人議員

## **PUBLIC OFFICERS ATTENDING**

### **出席公職人員：**

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

CHIEF SECRETARY

行政局議員布政司陳方安生女士，C.B.E., J.P.

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

FINANCIAL SECRETARY

行政局議員財政司曾蔭權先生，O.B.E., J.P.

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

ATTORNEY GENERAL

行政局議員律政司馬富善先生，C.M.G., J.P.

MR 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 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 ALAN LAI NIN, J.P.

SECRETARY FOR THE TREASURY

庫務司黎年先生，J.P.

## **CLERKS IN ATTENDANCE**

列席秘書：

MR RICKY FUNG CHOI-CHEUNG, SECRETARY GENERAL

秘書長馮載祥先生

MR LAW KAM-SANG, DEPUTY SECRETARY GENERAL

副秘書長羅錦生先生

MISS PAULINE NG MAN-WAH, ASSISTANT SECRETARY GENERAL

助理秘書長吳文華女士

MR RAY CHAN YUM-MOU, ASSISTANT SECRETARY GENERAL

助理秘書長陳欽茂先生



**PAPERS**

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

*Subject*

Subsidiary Legislation	<i>L.N. No.</i>
Grant Schools Provident Fund (Amendment) Rules 1996 .....	162/96
Subsidized Schools Provident Fund (Amendment) Rules 1996 .....	163/96
Official Languages (Alteration of Text) (Public Health and Municipal Services Ordinance) Order 1996 .....	164/96
Air Pollution Control (Amendment) Ordinance 1993 (13 of 1993) (Commencement) Notice 1996 .....	165/96
Air Pollution Control (Asbestos) (Administration) Regulation (L.N. 128 of 1996) (Commencement) Notice 1996 .....	166/96
Official Languages (Authentic Chinese Text) (Public Health and Municipal Services Ordinance) Order .....	(C) 36/96
Official Languages (Authentic Chinese Text) (Registrar General (Establishment) (Transfer of Functions and Repeal) Ordinance) Order .....	(C) 37/96

## 文件

下列文件乃根據《會議常規》第 14(2)條的規定而正式提交：

## 項 目

## 附屬法例

## 法律公告編號

《1996 年補助學校公積金（修訂）規則》 .....	162/96
《1996 年津貼學校公積金（修訂）規則》 .....	163/96
《1996 年法定語文（修改文本） （公眾口生及市政條例）令》 .....	164/96
《1993 年空氣污染管制（修訂）條例 （1993 年第 13 號） 1996 年（生效日期）公告》 .....	165/96
《空氣污染管制（石棉）（行政）規例 （1996 年第 128 號法律公告） 1996 年（生效日期）公告》 .....	166/96
《法定語文（中文真確本） （公眾口生及市政條例）令》 .....	(C) 36/96
《法定語文（中文真確本） （註冊總署署長（人事編制） （職能移交及廢除）條例）令》 .....	(C) 37/96

## Sessional Papers 1995-96

No. 79 — Hong Kong Examinations Authority  
Financial Statements with Programme of Activities  
for the year ended 31 August 1995

No. 80 — The Government Minute in Response to the  
Report No. 25 of the Public Accounts Committee  
dated January 1996

一九九五至九六年度會期內提交的文件

第 79 號 — 香港考試局各項財政報告連同  
一九九五年八月三十一日止年度的工作一覽表（譯名）

第 80 號 — 回應一九九六年一月  
政府帳目委員會第二十五號報告書的政府覆文

## ADDRESS

### **The Government Minute in Response to the Report No. 25 of the Public Accounts Committee dated January 1996**

**CHIEF SECRETARY:** Mr President, laid on the table today is the Government Minute responding to Report No. 25 of the Public Accounts Committee (PAC). The Minute sets out the measures the Government has taken, or is planning to take, on the conclusions and recommendations contained in the Report.

The Honourable Eric LI, the Chairman of the PAC, spoke in this Council on 7 February 1996 when tabling the Report. He highlighted five areas of particular concern to Members of the Committee to which I would now like to respond.

First, police indebtedness. As I have said on more than one occasion, as the Chief Secretary, I regard it my first duty to ensure that Hong Kong has a public service which is honest and efficient and remains committed to serving the best interests of the community. I and my senior colleagues recognize that serious pecuniary embarrassment might affect the integrity of the officers concerned. We are aware of the need to contain the problem so that public confidence in the Civil Service is not adversely affected, particularly confidence in the men and women whose duty it is to maintain law and order. The

Commissioner of Police, therefore, maintains a very strict policy on indebtedness of police officers. He requires that all police officers should be temperate and prudent in their financial affairs. As the Secretary for Security will outline in his response later today to the motion proposed by the Honourable Ambrose LAU, the Police Force has developed a comprehensive strategy for preventing, identifying and dealing with the indebtedness of police officers.

The Commissioner monitors the situation closely by conducting regular six-monthly surveys on indebtedness among police officers. The Government Minute before you contains the findings of the latest survey which show a downward trend in the number of cases of known indebtedness from sources outside the Government. The Police Force management will continue to monitor the situation closely and take appropriate action to tackle the problem. The Commissioner will make regular reports of further surveys to this Council's Panel on Security.

Second, superannuation schemes of tertiary institutions. Members will wish to know that all University Grants Committee-funded institutions have registered their schemes under the Occupational Retirement Schemes Ordinance. Admittedly, three of the schemes, namely, those of the University of Hong Kong, the Polytechnic University and the Chinese University of Hong Kong, are currently registered under an "insolvent" status — these schemes have yet to reach the standards of solvency stipulated in the Ordinance. But the institutions concerned are taking positive measures to improve the longer-term financial viability of their schemes. We are confident that these schemes should be able to achieve solvency before the legislative deadline, that is, 15 October 1998.

Third, advance accounts for the care and maintenance of Vietnamese migrants. Following the meeting of the PAC in November 1995, the Office of the United Nations High Commissioner for Refugees (UNHCR) has given us another repayment and has issued a letter reiterating its commitment to repaying Hong Kong the outstanding amount and stating that this commitment is not bound by any timeframe. We understand the latter expression to mean that 1997 is not a factor in the UNHCR commitment. We therefore remain of the view that the advances are recoverable. The Financial Secretary, in the light of these developments, has re-affirmed that the advance account arrangement should continue.

We, nevertheless, fully appreciate Members' concern about the significant amount of outstanding advances accumulated over the years. I wish to assure Members that we shall continue to liaise very closely with the High Commissioner with a view to securing full repayment as soon as possible.

On the definition of "recoverable advances" under section 20 of the Public Finance Ordinance, having regard to a genuine need to cater for all possible circumstances where recoverable advances need to be made and the fact that so far, all advances other than for the care and maintenance of Vietnamese migrants, have been cleared in a timely fashion, we do not consider it necessary to fetter the Financial Secretary's authority under the Ordinance.

Fourth, Public Cargo Working Areas (PCWAs). Let me say at the outset that the Administration shares the PAC's view that the first-come-first-served berth allocation system no longer meets the needs of the trade. However, we find it hard to accept the PAC's remark that we lack knowledge of operation of the cargo handling trade. As the Director of Audit has pointed out, the Director of Marine has undertaken a number of management studies with a view to finding suitable measures to improve the management of the PCWAs. We have attempted various management modifications but unfortunately with only limited success. The PAC is right to demand that we should devise an open, fair and economically viable system that best meets the needs of the trade as early as possible. We believe we have now come up with the solutions and we will redouble our efforts to make them work.

As explained in the Government Minute, our consultants recommend that the most practical way to resolve the problems of PCWA management is to allocate PCWA berths through open and competitive bidding. Action is now in hand to implement the recommendations. The Economic Services Branch has formed a working group to oversee the management reform. Our plan is to replace, in phases, the current berth allocation system by a tendering arrangement. We are consulting the trade and aim to tender out the majority of the berthing spaces by the end of this year.

On the aspect of law and order in PCWAs, the Director of Marine has taken steps to enhance liaison between the PCWA managers, the local police and Independent Commission Against Corruption (ICAC) representatives.

Economic Services Branch has also put in place a system calling for joint reports from the PCWA management in conjunction with the police and the ICAC. Hopefully, this would remove the criminal and "triad" elements in PCWAs.

Finally, consultants. I must respectfully put it to Members that the observation of the PAC on the Government's "seemingly habitual dependency on external consultants" is unfounded. The use, selection and management of consultants by the Government are subject to rigorous procedures. Our system ensures that consultants are used only when necessary and appropriate, and that both the desired results and value for money are obtained.

We do not give approval for the use of consultants unless there is a clear need for specialist professional expertise which the department concerned does not possess, or there is a significant shortfall in the required professional skills to undertake the task. No doubt Members will appreciate, if we were to undertake all our projects in-house, it would require an unacceptable expansion of the Civil Service. The use of consultants allows us to meet the uneven workload demands imposed on departments by time-limited projects in a cost-effective manner.

We have clearly stipulated guidelines for the selection of consultants to ensure the best value for money for the Government. We have successfully operated a lump sum fee competitive system for some years to achieve an appropriate balance between technical competence and cost in the selection process.

Many of the staff employed on consultancies are prominent experts in their field. We have optimized the opportunities for technology transfer from these consultant teams to civil servants.

We also monitor closely the work of consultants. We provide high quality briefs to steer the consultants' work and have established clear and effective procedures to monitor all aspects of the progress and management of a consultancy. The Chairman has made reference to PAC Members' concerns that they often see cases where the relevant departments were ill-prepared to select, brief and monitor the progress of consultants. I accept that there may be room for improvement in this respect, but we must maintain a proper perspective of the problem. Policy Secretaries and the Works Directors would be very happy to

follow up cases where Members feel improvements are called for.

Mr President, the Government is committed to working closely with the Audit Department and the PAC in our quest for the more efficient use of public funds. I am confident that the measures we have taken, or are planning to take, will go a long way towards this end.

**PRESIDENT:** Honourable Members, the Chairman of the House Committee, Dr the Honourable LEONG Che-hung, has conveyed to me the House Committee's decision to request the Chief Secretary to give an account to Members of her recent visit to Beijing, possibly by making a statement in this Council. In the event that the Chief Secretary makes a statement in this Council on the visit, Members would like to have Standing Order 20(2) suspended and I would be asked to give permission to waive the notice of the motion to suspend the above-mentioned Standing Order.

A simpler way to achieve the purpose of obtaining information on the Chief Secretary's recent visit to Beijing is the asking of a question in Council along the lines of "Will the Chief Secretary give a full account to this Council of her recent visit to Beijing?". Of course, whether the question may be asked at this particular sitting without notice depends on whether it satisfies the conditions laid down in Standing Order 17(4), that is, the question must be of an urgent character and relates to a matter of public importance.

I am of the opinion that a question couched in the terms that I have just described would meet the requirements of Standing Order 17(4) and I have advised Dr LEONG that I would be prepared to give permission for such a question to be asked without notice at this sitting.

Dr LEONG has so requested my permission. As the private notice of the question he has given to the Government is, I think, sufficient, I have given him permission to ask a question without notice concerning the Chief Secretary's visit to Beijing.

Before I call on Dr LEONG to ask the question, I would like to take this

opportunity to advise Members that I am loath to give consent to waive the notice of a motion for the purpose of suspending the Standing Orders of this Council. As the President of this Council, I have to take care of the interests of all Members, especially Members belonging to minority groupings and Members not belonging to any groupings at all. The discretion to waive the notice of a motion to suspend Standing Orders should be exercised most cautiously and permission granted only under very exceptional circumstances.

In this particular case, as there is a more efficient and direct way to meet Members' needs, I would prefer not to waive the notice of the motion to suspend Standing Orders.

Dr LEONG, please ask your private notice question which logically preceeds the regular questions as it is urgent and of public importance.

### **Chief Secretary's Visit to Beijing**

**DR LEONG CHE-HUNG:** *Mr President, will the Chief Secretary give a full account to this Council of her recent visit to Beijing?*

**CHIEF SECRETARY:** Mr President, the Chief Secretary is delighted to give a full account of her recent visit to Beijing.

At the invitation of Mr LU Ping, Director of the Hong Kong and Macau Affairs Office of the State Council, I visited Beijing from 25 to 27 April. I was accompanied by the Secretary for Constitutional Affairs and three supporting staff. I had a very useful and business-like meeting with Mr LU on 26 April.

Mr LU and I exchanged views on a wide range of key transitional issues, covering political as well as economic matters. These included co-operation with the Preparatory Committee, the Civil Service, co-operation with the Chief Executive Officer (Designate), the Provisional Legislature, Hong Kong's economic autonomy and the second runway at Chek Lap Kok.

On co-operation with the Preparatory Committee, Honourable Members will be aware that on 1 April, our Liaison Office received from the Preparatory Committee Secretariat Hong Kong Office a list of items for co-operation. The



full list containing altogether 10 items was published by the Secretariat of the Preparatory Committee yesterday evening. After studying the list carefully and in a positive spirit, we arrived at a preliminary response. I made use of my Beijing visit to deliver our response to Mr LU in his capacity as Secretary General of the Preparatory Committee Secretariat.

I reiterated to Mr LU our readiness to offer the Preparatory Committee practical assistance on the basis of our three established parameters. Of the 10 items put forward by the Preparatory Committee, we have already provided assistance on some of them. In the recent meetings of the Selection Committee Sub-group and the Economic Sub-group in Hong Kong, we made appropriate security arrangements and facilitated processing of visa applications. We also arranged for the Chief Executive of the Hong Kong Monetary Affairs to give a briefing on the proposed Mortgage Corporation. In addition, the Preparatory Committee had asked for information on the functional constituencies which represented the professional sectors, plus a list of legislation amended or newly made since 1984. These are all factual and open information which I left with Mr LU during our meeting.

As for the other items, these included giving the Preparatory Committee access to television and radio air time, assisting the activities of the Selection Committee, providing office accommodation and information to the Chief Executive (Designate), providing assistance for the establishment of the Court of Final Appeal, and providing information on government departments. I explained to Mr LU that we would require further clarification of the Preparatory Committee's requirements before we could consider further these requests. Both sides agreed that the Liaison Office and the Preparatory Committee Secretariat should follow up.

The Preparatory Committee also sought our assistance for the provisional legislature. On this matter, I reiterated the British Government's and the Hong Kong Government's position on a provisional legislature, and made it clear that we were unable to help in this area. We remained committed, however, to co-operating in other areas consistent with our three established parameters.

On the Civil Service, I told Mr LU that my colleagues have found the public statement issued after the recent meeting at The Hague between the two Foreign Ministers reassuring. In particular, they welcomed China's agreement

that continuity of the Civil Service was vital to a successful transition, that all civil servants were welcomed to stay on to work for the Special Administrative Region (SAR) Government, and that civil servants should remain loyal to the people of Hong Kong and to the Hong Kong Government before 1 July 1997, and to the SAR Government thereafter. I expressed the hope that both sides would continue to build on that to maintain the morale and confidence of the Civil Service. Mr LU fully agreed with my sentiments, and repeated the hope that all civil servants would stay on to serve the SAR Government.

On co-operation with the Chief Executive Officer (Designate), we had some initial exchange of ideas on the possible modalities for co-operation. I made clear to Mr LU that we would be offering full co-operation and would provide the Chief Executive Officer (Designate) with sufficient support, whilst ensuring the morale of the Civil Service and the effective administration of Hong Kong. In this connection, I stressed that it would be best to allow Principal Officials (Designate) to remain in their posts, but to encourage the closest co-operation and dialogue between them and the Chief Executive Officer (Designate). Both sides agreed to continue discussion.

On the question of a provisional legislature, there remains a fundamental difference between the two sides. The clear and consistent position of both the British and the Hong Kong Governments is that such a body is neither necessary nor desirable. I spent some time explaining why that was so. I made it clear that we were unable to accept two legislative bodies operating in parallel before 1 July 1997. Mr LU assured me that there would not be a second centre of power in Hong Kong, and that the work of the Preparatory Committee would not interfere with the effective administration of Hong Kong. The Preparatory Committee would be concerned solely with preparing for the normal operation of the SAR after 1 July 1997.

On economic matters, I conveyed to Mr LU the community's concern over Hong Kong's future economic autonomy and, in that context, urged for early Chinese agreement to the six mobile telephone licences. Mr LU reaffirmed that Hong Kong would have autonomy in handling its own economic and financial affairs, as guaranteed by the Joint Declaration and the Basic Law. He also undertook to look into the question of the mobile telephones.

Finally, I took the opportunity to inform Mr LU a study conducted by the Airport Authority indicated that there was a strong case to bring forward the commissioning of the second runway at Chek Lap Kok to end-1998. I expressed to Mr LU the Hong Kong Government's confidence that the Airport Authority would do this cost-effectively. Mr LU said that the Chinese side had no problem with the project, and suggested that before we put the proposal to the Airport Committee for confirmation, we should brief the Economic Sub-group of the Preparatory Committee. This we will do soon.

All told, the meeting allowed both parties to have a frank exchange of views. It gave me an opportunity to draw Mr LU's attention to specific Hong Kong concerns and to underline our willingness to co-operate in resolving the remaining transitional issues. Mr LU and I agreed that we should maintain contact, and that the two sides should step up and intensify co-operation in the final 14 months before the transition. In my view, it is essential for the officials of both sides to increase communication and understanding and develop trust at all levels, so that we can achieve a smooth transition on the basis of the Joint Declaration and the Basic Law. I hope to be able to build on the dialogue which I now have with Mr LU.

**DR LEONG CHE-HUNG:** *Mr President, can the Chief Secretary express to this Council whether she considers that any breakthrough has been achieved in Sino-Hong Kong relationship on her visit to Beijing; in particular, has she managed to acquire the assurance of the Chinese Government that civil servants should and must be allowed to maintain political neutrality which is so essential and vital to the running of an efficient Civil Service?*

**CHIEF SECRETARY:** Mr President, I was not personally expecting any significant breakthrough from this visit, but I see this visit as a useful building block in developing a relationship of trust, in seeking a dialogue, and in particular, seeing where we can maximize co-operation. I believe this to be what the people of Hong Kong want and what the civil servants wish to see.

Insofar as the position of civil servants is concerned, Mr LU has, of course, on previous occasions, and again on this occasion, reiterated and reconfirmed the need for civil servants to maintain political neutrality, to be dedicated and loyal to serving the people of Hong Kong before 1997, and to do the same, in terms of serving the SAR Government, after 1997.

**MISS CHRISTINE LOH:** *Mr President, the Chief Secretary just told us that in the area about co-operation with the Chief Executive (Designate), that there was some exchange on possible modalities. I wonder if the Chief Secretary could expand upon that?*

*And further, she did point out two particular areas. She mentioned that there must be effective administration in Hong Kong and also that civil servants should remain in their posts. Could she explain whether these were the modalities that she put forward or whether these are modalities that the Chinese Government has accepted?*

**CHIEF SECRETARY:** Mr President, I think I have made clear in my main reply that although we had a brief discussion of the modalities, we did not reach any final agreement and I do not expect, at one meeting, to be able to reach agreement on what is after all a very important and complex issue.

There are various options, clearly, in terms of ensuring continuity and stability in the Civil Service. Our preferred option would clearly be — and as I have pointed out in my main reply — for Principal Officials (Designate) to remain in their posts; for the Chief Executive (Designate) to be adequately and strongly supported in terms of both resources and particularly manpower; for there to be extremely close co-operation and communication between the Chief Executive and his team and all Principal Officials (Designate).

**PRESIDENT:** I am a bit surprised that you did not respond to Miss LOH's Freudian slip.

**CHIEF SECRETARY:** I was too busy, Mr President, listening to the triple-barrelled question.

任善寧議員問：如果九七年前出現第二個權力中心，即臨時立法會的一個候任班子，香港政府當然會誓死反對。但政府會否在某種程度上，對籌委會提出的合作方式有一種承諾，即間接承認了九七年七月一日後的臨時立法會？請問布政司有否談到這方面的問題呢？

**CHIEF SECRETARY:** Mr President, I think our immediate concern is what happens in the lead up to 1 July 1997. In that respect, both Mr QIAN Qichen and Mr LU Ping have made it abundantly clear that there will not be a second centre of power in Hong Kong and that the effective administration of Hong Kong will not in any way be undermined. Indeed, Mr QIAN made it quite clear that on this side of 1997, the only people and organizations who will exercise power would be the Governor, the present Legislative Council and the Privy Council.

張文光議員問：主席先生，中國外長錢其琛說，臨時立法會已經是“米已成炊”；布政司陳方安生訪京返港後強調的是求同存異。這是否顯示中、英、港三方面對臨時立法會已經達成了新的共識，即只要中方承諾臨時立法會不會在九七前公然妨礙立法局的運作，政府就會“隻眼開，隻眼閉”，默許及承認臨時立法會在九七年後這“米已成炊”的現實呢？政府是否會採取一種政策，就是“九七年前的河水不會犯九七年後的井水”，所以不會公然反對臨時立法會，而只會被動地說臨時立法會是不必要及不可取的，但一旦它在九七年後成立也無可奈何？

**CHIEF SECRETARY:** Mr President, I think the Government has made it abundantly clear what its position is on the provisional legislature. We have said and will continue to say that in our view, it is neither necessary nor desirable to have a provisional legislature. We have a legislature which has been returned through open and fair elections in the elections that were conducted in September last year.

Clearly, in terms of continuity and in terms of giving confidence to the community of Hong Kong, it would be best for this legislature to be able to continue to function for its full four-year term, that is, to continue after 1997. That has been our consistent position and it will be our position.

**MR HOWARD YOUNG:** *Mr President, it appears that the bone of contention is still the provisional legislature. I would like to know whether the Chief Secretary has considered perhaps the best way out is for both sides to stop arguing on the legitimacy or otherwise of the, whatever it is called, legislature of the future, but explore whether there are any practical ways to have some sort of working relationship, provided that the provisional legislature does not concern itself with any affairs before 1997, and perhaps even provided that it does not do anything within the territorial boundaries of Hong Kong, than if there is a practical need for civil servants to have some sort of assistance which might help a smooth transition? Has the Government explored such possibilities, or is it willing to do so?*

**CHIEF SECRETARY:** Mr President, without in any way accepting the proviso that the Honourable Howard YOUNG has stipulated, I, of course, agree that notwithstanding that there are fundamental differences between the two sides on the provisional legislature, we must not allow disagreement in this area to prevent us from exploring and maximizing the scope for co-operation in other areas so that we can make the transition as smooth as possible. I believe that to be the wish of the community and to be the wish, also, of the civil servants.

Our position on the provisional legislature has been very clearly set out and we will continue to make our views known on the provisional legislature. But I do agree with Mr YOUNG that it is important to seek to maximize areas for co-operation.

馮檢基議員問：主席先生，在籌委會的十個項目中，一個相當敏感的題目是要求使用香港電台的時間，而這項要求令香港電台的員工及市民都擔心港台的編輯獨立及自主性會否受影響。布政司回港時曾對傳媒說，在不違反港台的編輯獨立自主原則下，可以給予協助；而憲制事務司也說，以前草委會時代也曾使用API時間。這其中似乎有一個矛盾存在，因為既用港台的時間，但又要不影響港台的編輯獨立自主性。請問當矛盾出現時，政府會否以保障或維護港台編輯獨立自主性為原則，而推卻籌委會的要求呢？

**CHIEF SECRETARY:** Mr President, I do not see that there is necessarily an anomaly between, on the one hand, saying that the editorial independence of Radio Television Hong Kong will not in any way be compromised or undermined, and on the other to say that, within the three parameters for co-operation which I have set out, and consistent with our broadcasting policy and a well-established regulatory framework, we cannot consider positively the request from the Preparatory Committee for access to air time, whether it is on television or through the radio.

Well, I have explained to Mr LU that before we reach a final decision, it would be necessary for us to have a clearer idea as to what types of assistance the Preparatory Committee is looking for, in particular, the sort of information that they wish to put across, either on radio or on television. Once we have that clarification, we will be in a better position to make a final decision.

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

馮檢基議員問：我的質詢是，由於布政司和憲制事務司提出的原則本身可能出現矛盾，當這矛盾出現時，政府會否維護港台的編輯獨立自主性？布政司並沒有直接回答，她只是說要獲得多一些資料後才作決定。

**PRESIDENT:** Mr FUNG, you have been expressing a view that there is

necessarily a conflict; and the situation you have just described is hypothetical.

**MRS ELIZABETH WONG:** *Mr President, this time last week, I wished the Chief Secretary well in her visit to Beijing. Today, I would like to register my appreciation of the effort that our Chief Secretary has, on behalf of Hong Kong, put in; particularly, she has put in her best foot forward in the diplomatic cha-cha-cha of a dialogue with China.*

*But I would like to ask a question, nevertheless. I would like to ask whether the Chief Secretary considers that she is fighting a lost cause, particularly with reference to the provisional legislature because of her response? She said it was neither necessary nor desirable; and she said that there was nothing she could do to help with the setting up. But did she or did she not say that the setting up of the provisional legislature is in fact in breach of the Sino-British Joint Declaration and the Basic Law and is therefore illegal. This was put to us quite categorically in the reply by Mr Robin COOK this morning.*

**CHIEF SECRETARY:** Mr President, I made it clear to Mr LU, not just on this occasion but on previous occasions, that in the view of the British and Hong Kong Governments, there is no need for the setting up of a provisional legislature. There is, indeed, no mention of a provisional legislature in either the Joint Declaration or the Basic Law. In our view, it is best for continuity and confidence for the existing legislature to serve out its full four-year term. That has been our position and it will remain our position.

何俊仁議員問：主席先生，今次布政司與魯平主任交換意見，主要是談及公務員的過渡問題。最近法律界和司法界都很關心《基本法》第九十三條的解釋，即有關司法人員的過渡問題。請問布政司有否與魯平主任談論這問題？如果沒有的話，布政司可否答應盡早澄清這問題？

**CHIEF SECRETARY:** Mr President, we did not specifically discuss this issue, but on the basis that I hope to have a continuing dialogue with Mr LU, I would of course be very happy to take up this issue with him at an appropriate time.



**MISS MARGARET NG:** *Mr President, with respect to the provisional legislative council, the Government had used in the past the word "unjustifiable" to describe such proposal. Is this word now being dropped as somewhat too strong and the weaker words of "unnecessary and undesirable" are used in substitution?*

**CHIEF SECRETARY:** Mr President, I believe I have used various words in describing and reiterating our position on the provisional legislature. Certainly, the word "unjustifiable" has been used by me on more than one occasion.

李永達議員問：主席先生，布政司今天正式代表政府回應協助籌委會的方式；而籌委會的其中一項工作則是籌組推選委員會，而推選委員會的其中一項工作是選出臨時立法會。請問布政司，政府的政策是否如我們今天所感覺到，已經由反對臨時立法會，慢慢暗地裏變為間接協助成立臨時立法會呢？

**CHIEF SECRETARY:** The Selection Committee has clearly defined responsibilities in accordance with the Joint Declaration and the Basic Law. We are committed to offering co-operation on those fronts within the three established parameters.

鄭家富議員問：主席先生，我的質詢與馮檢基議員的差不多。不過，在未發問之前，我首先要對布政司今天一直站口回答我們的質詢，並很主動對我們的質詢作出回應，表示欣賞。不過，就籌委會要求港台撥時間作宣傳這事件，我覺得政府似乎沒有那麼主動，.....

**PRESIDENT:** Mr Andrew CHENG, please resume your seat. Since you have touched on this point and the Chief Secretary is standing and that no two Members ought to be standing at the same time, you might be raising a point of order. But I purposely turn a blind-eye to the fact as I do not wish to see the Chief Secretary sitting down and then jumping up again so very often. Mr

CHENG, you may continue. *(Laughter)*

鄭家富議員問：我尊重布政司，所以覺得站口會比較好些。我認為政府在港台問題上不大主動。剛才布政司回答馮檢基議員的質詢時，給我們的感覺就如總督的回應一樣，說要等待中方解釋要求港台怎樣做。請問港英政府現時有否一個很具體和實在的立場，以維持港台的獨立自主和編輯自主？布政司可否代表政府說政府一定會這樣做，以免港台日後成為中央電台的特區政府分台？

**CHIEF SECRETARY:** Mr President, I thought I made it clear in an answer to an earlier supplementary question that we do not have the intention in any way of, and there is no question of us, undermining the editorial independence of Radio Television Hong Kong. I said that on the basis that the editorial independence of Radio Television Hong Kong will not in any way be adversely affected, and within our established broadcasting policy and the clearly laid out regulatory framework, we would be prepared to consider to offer air time. But before we do so, we need to have further details from the Preparatory Committee.

劉慧卿議員問：主席先生，布政司告知我們，中國政府或籌委會這十項要求，又或一些高官所說的“十誠”，是在四月一日交給你們的，而籌委會秘書處則在昨天公布了這份清單。請問布政司，為何要等了整整一個月，政府才將這件事公諸於世？我們當然會在一些雜誌看到這些報道，但我們不知是真還是假；而一些高官，包括司級官員也全不知情，雖然有些協助要求與他們的工作範圍有關。請問布政司有否在第一時間得到中國政府的同意後便盡快公布清單，並告知你的同事這是甚麼一回事？更重要的是，如果將來再有這些命令時，政府會否相信香港人、相信你的同事，盡快告知我們正在發生何事？

**CHIEF SECRETARY:** Mr President, the list is, of course, a list that was handed to the Hong Kong Government by the Hong Kong Secretariat of the Preparatory Committee, and it was agreed that whilst we were in the process of considering in a very preliminary way our response to these 10 items of co-operation, that we should for the time being hold off publication of the list. This is not in any way an attempt to prevent Members or the community from learning the details of this

list of items for co-operation. And of course, as the Honourable Miss Emily LAU pointed out, the Secretariat of the Preparatory Committee has now published the list.

Internally, the Constitutional Affairs Branch is of course responsible for considering our initial response to the list of requested co-operation and the Secretary has done so on the basis of established policies which are clear to all Policy Secretaries. Clearly, as our initial response develops on the basis of further clarification from the Preparatory Committee, there may be a requirement to seek further and more in-depth views from Policy Secretaries which we will of course do.

黃偉賢議員問：主席先生，據知籌委會已經要求政府提交很多資料，請問布政司，當提交這些資料給籌委會時，這些資料是否全部都屬於可以公開的資料，當中會否包括一些不會或不能夠向本局提供的資料呢？

**CHIEF SECRETARY:** Mr President, all the information that we have provided so far is open information readily available to members of the public. To the extent that additional information may be required by the Preparatory Committee and which we feel able to offer, we have already undertaken to keep Members of this Council fully informed by regular briefings.

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

黃偉賢議員問：是的，主席先生。布政司剛才說，如果籌委會要求額外資料，他們會考慮。我的質詢的重點是，在提供這些資料時，政府會否向籌委會提供一些不可以也不會向本局提供的資料？

**CHIEF SECRETARY:** Mr President, we have already undertaken to be fully accountable to Members of this Council in whatever information we supply to

the Preparatory Committee.

**MR PAUL CHEUNG :** *Will the Chief Secretary convey to this Council and to the Hong Kong community that in her view, based on her meetings in Beijing, that she found Director LU and the other Chinese officials she met were all sincere and genuine in their desire to ensure that stability and prosperity in Hong Kong are maintained both pre- and post-1997?*

**CHIEF SECRETARY:** Mr President, I gained the impression that both sides are very keen to intensify co-operation; both sides are keen to see a smooth transition; and both sides are keen to maintain confidence and stability and continuity within the Civil Service.

**MR HENRY TANG:** *Mr President, the Chief Secretary, in regard to the provisional legislature, has used the words "unjustifiable", "unnecessary" and "undesirable". But she has never used the word "illegal". Is it the position of the Hong Kong Government that the Hong Kong Government does not consider the provisional legislature illegal because it is inconsistent with the Joint Declaration and the Basic Law?*

**CHIEF SECRETARY:** Mr President, the Governor has made the Hong Kong Government's position on this issue very clear in his last Question and Answer Session in this Council. I have again reiterated the Government's position on the provisional legislature this afternoon and I really have nothing further to add to my remarks.

**MRS SELINA CHOW:** *Mr President, as Head of the Civil Service, the Chief Secretary in fact was very much expected to bring messages of assurance back to the community and to the Civil Service as to the smooth transition for the Civil Service. I just wonder whether the Chief Secretary could tell this Council whether any specific messages could actually be passed on to the Civil Service to this effect, to ensure that their morale could be uplifted and that their confidence*

*could be enhanced?*

**CHIEF SECRETARY:** Mr President, the specific assurances, although they are not of course new assurances, are these: first of all, that the Chinese leaders wish to see maximum continuity and stability in the Civil Service; they wish to see all civil servants remaining in their posts and serving the SAR Government after 1997.

They have reconfirmed that they have no intention of establishing a second power centre in Hong Kong before 1997 and that the Preparatory Committee will only be involved in work that is necessary for the smooth functioning of the SAR Government after 1997.

Above all, they have made it clear that they will maintain political neutrality within the Civil Service and that all they ask of civil servants is that they remain loyal and dedicated to serving the people of Hong Kong both now and after 1997.

司徒華議員問：主席先生，剛才布政司說，籌委會的清單延遲了一個月才向我們交代，是因為香港政府曾經答應籌委會會保密。請問除了這件事外，直至現時為止，香港政府有否答應籌委會為其他事情保密呢？

**CHIEF SECRETARY:** Mr President, I do not think there is anything particularly secretive in agreeing with the Chinese that until such time as we have formalized our position on the 10 requested items of co-operation that we should, for the time being, hold off publication of the list. There are no other areas where we have made any secret deals and I reiterate again we have said that we remain fully accountable to this Council in our dealings with the Preparatory Committee.

梁耀忠議員問：主席先生，請問布政司，為何香港政府要與中方協議，將清

單十個項目保密，不對外公布呢？

**CHIEF SECRETARY:** Mr President, can I make it clear again that there is no secret deal. We simply agreed to hold off publication until such time as both sides were ready to make the issue publicly known, and this the Secretariat of the Preparatory (Committee) has now done. It is, after all, their list and it is ultimately for them to decide when to publish the list.

謝永齡議員問：主席先生，我想提出一項簡單的質詢，就是臨時立法會是否合法？我想得到的答案是“是”或“否”。

**PRESIDENT:** Dr TSE, I think you are seeking the expression of a legal opinion which runs contrary to Standing Orders.

劉慧卿議員問：主席先生，請問布政司是否明白社會人士是想知道中國政府有些甚麼要求，也想進行討論。但她現時的處理方法是，將事情決定了後，（也許不是最後決定）“拍了板”才向我們宣布。這與一個開放、公平及問責的政府的處事方法是否相違背呢？她應該告知大家所有理據，然後經大家討論後，才作出決定，但她現在卻好像將事情倒轉來做。我是否誤會了她呢？

**CHIEF SECRETARY:** Mr President, in the areas in which I have indicated we have already co-operated with the Preparatory Committee and are prepared to continue to do so, I do not think that these are issues on which Members of this Council would take issue.

As regards the other areas, we await clarification from the Preparatory Committee Hong Kong Office and when that clarification is available, we will be very happy to discuss our final response with Members of this Council.

**MR LEE WING-TAT:** *A point of order.*

**PRESIDENT:** Mr LEE Wing-tat, do you have a point of order?

李永達議員問：主席先生，這是有關前一項質詢，因為剛才你作了一項裁決，說謝永齡議員的質詢是尋求法律意見。不過，如果我沒有記錯的話，唐英年議員也提出相類似的質詢。他問布政司為何不用“illegal”去形容臨時立法會，而你當時卻准許他發問。我希望得到主席先生的裁決，為何第一項質詢不是尋求法律意見，而第二項則是尋求法律意見呢？

**PRESIDENT:** This is not a point of order, you are seeking an explanation of my ruling.

陳偉業議員問：主席先生，我這質詢是有關臨時立法會，而我不是要求獲得法律意見，而是希望知道政府的立場。剛才布政司也提到中英的協議內並沒有提及臨時立法會。由於這份法律文獻中並沒有提及這組織，政府的立場是否因而認為臨時立法會是一個有違協約及違法的組織？

**PRESIDENT:** Thank you for helping Dr TSE to rephrase it.

**CHIEF SECRETARY:** Mr President, I think I have made the Government's position on the provisional legislature abundantly clear. I really have nothing to add to my previous remarks.

田北俊議員問：主席先生，布政司今次在北京跟魯平主任商談臨時立法會問題時，你們的最大分歧是否還在於臨時立法會的存在問題，抑或是討論臨時立法會在九七年七月一日前會否開始運作或是否在香港運作的問題呢？

**CHIEF SECRETARY:** Mr President, I confirm that I think our fundamental disagreement is over the need for a provisional legislature. The Government's position on this is clear. As I have said on previous occasions, if the Chinese

insists on proceeding with a provisional legislature, then, it is of course for the Chinese Government to explain why it is necessary, in what way it is good for confidence and for continuity in the systems and policies and programmes which the community clearly are very concerned about.

曾健成議員問：主席先生，在臨時立法會問題上，總督和布政司都沒有表態說明在九七年後會怎樣做。而我認為一個承擔責任的政府應該對其過往所做的事承擔所有責任。在九五年選出來的立法局，在道理上任期應直至一九九九年，但我看不到政府現時就臨時立法會和一九九七年七月一日後立法局過渡的問題會做些甚麼。政府只是說在解散後有否補償，但沒有正面回答問題的癥結。請問布政司有否向中方爭取立法局議員的任期直至九九年呢？

**CHIEF SECRETARY:** Mr President, can I reiterate again that we have impressed upon the Chinese we see no need and indeed can see a great deal of harm in having a provisional legislature. In our view the Chinese should allow the current Legislature to continue after 1997. That is clearly what the people of Hong Kong want and what the civil servants wish to see.

**MR RONALD ARCULLI:** *Mr President, the Chief Secretary said to us that she expressed the view to Director LU that the Principal Officials (Designate) should remain in post but would give every assistance to the Chief Executive (Designate). I just wonder whether the Chief Secretary is actually expecting a response from the Chinese Government on this particular point and if so, when is it likely that she might get a reply?*

**CHIEF SECRETARY:** Mr President, what Mr LU and I agreed was that on the question of modalities for co-operation with the Chief Executive (Designate), both sides will continue discussions and I would expect that in the context of these discussions, it will become clearer what is the best modality to go for.

**PRESIDENT:** Although this particular exchange has lasted for less than one hour, I think Members and myself certainly appreciate the Chief Secretary's



courtesy and stamina in giving her answers standing whilst the Governor takes his sitting down. (*Laughter*)

## ORAL ANSWERS TO QUESTIONS

### Principal Officials (Designate) Remaining in Posts

1. 李永達議員問：主席先生，據報道，有籌備委員會成員建議，港府現任司級官員若獲任命為香港特別行政區政府（“特區政府”）的候任主要官員，應在一九九七年七月一日前暫時離開港府公務員行列，以便能出任特區政府的候任主要官員。就此，政府可否告知本局，實行此建議對香港政府的運作有何嚴重影響，又會否分化公務員，令公務員之間產生矛盾？

公務員事務司答：主席先生，政府已明確表示，會在實際、有效和合理的安排下，與特區政府候任行政長官充分合作。這些合作將會基於下列三項原則：

- 符合《聯合聲明》和《基本法》的規定；
- 不會損害香港政府的權力和威信，以履行管治香港的責任，直至一九九七年六月三十日午夜為止；及
- 不會損害公務員的士氣和信心。

關於合作模式方面，正如布政司剛才所說，目前仍有待進一步的商討。我深信各位議員都不會主張我在現階段妄自猜測，或為一些報章的未經證實報道，而隨便作出回應。我只想強調一點，公務員隊伍的留任，毫無疑問對順利平穩過渡極為重要。事實上，《聯合聲明》和《基本法》亦已就這點作出充分的保證。但我可以據實回覆各位，目前我們所有司級官員的工作都非常繁重，假如要這些官員長時期離開工作崗位，那一定會帶來不少嚴重的後果，甚至使我們難以繼續有效管治香港。

關於這一點，英國外相與中國副總理錢其琛最近於海牙舉行會議後，曾一同發表公開聲明。雙方同意，公務員留任對順利過渡十分重要，並且重申會致力維持公務員政治中立。雙方亦贊同在一九九七年七月一日之前，公務員應繼續竭誠服務香港，☐ 忠香港政府，而在該日之後，則應☐ 忠特區政府。錢副總理又表示，中方希望所有公務員留任，繼續服務特區政府。他再次確定，在一九九七年七月一日之前，只有總督、樞密院和立法局可在香港行使權力。此外，港澳事務辦公室主任魯平先生與布政司會面後亦重申，中國政府不會在香港設立第二個權力中心，亦不會在一九九七年七月一日之前，干涉香港政府的有效管治工作。

香港政府歡迎這些聲明。

李永達議員問：主席先生，主要答覆的第二段提到，“目前我們所有司級官員的工作都非常繁重，假如要這些官員長時間離開工作崗位，那一定會帶來不少嚴重的後果，甚至使我們難以繼續有效管治香港。”請問公務員事務司，撇開政治爭拗不說，單從有效管治香港的角度，他是否同意如果要求現任司級官員在九七年前提早“過檔”，一定會對香港的管治有災難性的後果？若是的話，請問香港政府有否將這種情☐ 如實向中國政府反映呢？

公務員事務司答：主席先生，我不想就一些揣測性的報道隨便作出回應。不過，這應該是一種常理，因為任何一間機構的主要負責人員如要離開他們的工作崗位一段長時間的話，該機構的工作一定會受到嚴重影響。我相信這種常識和道理很多人都應該明白。

張文光議員問：主席先生，主要答覆的第三段引述錢其琛先生的說法，即中方希望所有公務員留任。然而，主席先生，留任並不等如原職留任。政府可否告知本局，政府會否向中方和候任行政長官爭取，令所有司級官員在過渡九七時，都可以在原來的司級職位留任，以達致司級官員的順利過渡，而避免在九七前出現一種在常識上也很荒謬的情☐，就是司級官員日間在港府所擔任的職位，與在另外一個場合和候任行政長官所委任的影子職位有所不

同，令過渡期出現人事，甚至制定政策上的矛盾和混亂？

公務員事務司答：主席先生，政府的順利運作有賴公務員體系，特別是在高級公務員的層次上，有平穩和順利的交接和過渡。我們已經屢次公開表達這種看法。我深信在候任行政長官選出後，他也會了解這種看法。

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

張文光議員問：是的，主席先生，因為我想問政府會否爭取，要留意是“爭取”，候任行政長官在委任司級官員時，所有司級官員能在原職順利過渡，而不是要政府理解候任行政長官的想法。最主要是政府會否爭取這件事情得以實現？

公務員事務司答：主席先生，關於主要官員的任命和過渡，《基本法》內已經清楚列明，而香港政府期望公務員能整體順利和平穩過渡的立場，也很清晰。我們將會盡我們的能力來表達我們在這方面的看法，不單向候任行政長官，也包括向所有需要關注這方面事情的人士表達這種意見。

劉慧卿議員問：主席先生，在主要答覆中，公務員事務司再次提及公務員是政治中立的。我們曾在立法局有關事務委員會會議上提過這問題，我想現在再問政府一次。對香港市民來說，司級官員負責制定政策，是有很鮮明的立場的，那又怎可以說他們是“政治中立”呢？政府當時的答覆是因為他們沒有黨派，不是政黨，但你們其實是執政黨。我希望公務員事務司再次告知市民他的解釋。是否我們所有無黨無派的議員都是政治中立呢？

公務員事務司答：主席先生，“中立”當然並不等如沒有立場。作為一個政

府，它施政時一定會有它的建議、政策和立場。我當日在有關事務委員會會議上，解釋“中立”一詞的意思是跨階層、長期以香港整體市民的利益作為我們施政的基礎，這就謂之“中立”。我不想在何謂“中立”這問題上再作爭拗。主席先生，我相信這些討論並不會把我們帶到一個更高或更新的層次。不過，如果大家喜歡研究這些解釋，我可以介紹大家看洪清田先生最近一、兩天在報章上所寫的文章 — 如果大家看得明白的話。

### **Agreement on Trade and Co-operation with European Community**

2. **MR PAUL CHENG** asked: *It is learnt that China and Macau signed an agreement on trade and co-operation with the European Union (EU) in 1985 and 1992 respectively and that the Republic of Korea is now negotiating a similar agreement with the EU. In this connection, will the Government inform this Council of the reasons for the territory not having entered into such an agreement with the EU?*

**SECRETARY FOR TRADE AND INDUSTRY:** Mr President, in managing Hong Kong's external commercial relations, the Government's focus has been put on the multilateral front through the World Trade Organization and the regional front through the Asia-Pacific Economic Co-operation (APEC). Hong Kong's active participation and where appropriate, negotiations, in these organizations have enabled us to secure and further Hong Kong's commercial and economic interests.

On the bilateral front, the Government has concentrated on negotiating agreement in the two specific areas of air services and investment promotion and protection. The Government has so far accorded a low priority to concluding bilateral trade and co-operation agreements because being more general in nature, they are seen to be offering less tangible benefits than specifically targetted agreements. However, I am pleased to inform this Council that the Government has recently started to look into the merits and implications of negotiating and concluding a general agreement on trade and co-operation with the EU. I shall be happy to inform and consult the Legislative Council Trade and Industry Panel on the progress and outcome of our deliberations.

**MR PAUL CHENG:** *Mr President, will the Secretary advise this Council*

*whether she agrees that an agreement on trade and co-operation with the EU would help to build the international investment community's confidence in Hong Kong as a future Chinese Special Administrative Region and that in the Government's proposed review, her department will also look at prospects for developing bilateral co-operation in areas such as small- and medium-sized enterprises, audio-visual industry, environmental technology and perhaps even extending the study to include universities and academic co-operation?*

**SECRETARY FOR TRADE AND INDUSTRY:** Mr President, as I said in my main reply, the Administration is now starting to consider the merits of concluding a bilateral trade and co-operation agreement with the EU. Whether or not such an agreement would indeed help to enhance international confidence in the future Special Administrative Region is one of the things that we will need to consider under the merits consideration.

With regard to the Honourable Member's second question, in the absence of a bilateral trade and co-operation agreement, the Hong Kong Government is co-operating with other trading partners through the APEC umbrella on ways to further co-operate on a bilateral as well as regional basis in areas such as small and medium enterprises, exchange and enhancement of environmental technology as well as audio-visual industry.

### Supplementary Labour Scheme

3. 田北俊議員問：主席先生，統計處資料顯示，自本年二月一日起實施補充勞工計劃以來，各個工種的最低工資較之前的一般輸入勞工計劃同類工種的最低工資限制大幅上升。不少工商業機構即使聘請不到本地僱員，也沒有能力聘請外勞。政府可否告知本局：

- (a) 補充勞工計劃中各工種的最低工資與一般輸入勞工計劃中同類行業的最低工資相比，平均增加了多少個百分比，這增幅與同期通脹升幅的比較為何；及
- (b) 如何釐定補充勞工計劃中各工種的最低工資，以及在釐定該等工資時有否考慮在目前市道不景的情 $\square$ 下，各行業僱主（特別是中小型機構）承擔工資的能力？

教育統籌司答：主席先生，政府的輸入勞工政策，是確保僱主須優先聘用本地工人，如僱主確實無法在本地覓得所需人手，可輸入外地勞工，以填補該等空缺。

為保障本地工人的就業權益，並確保他們不會為外來廉價勞工所取代，補充勞工計劃規定，僱主給予本地工人的工資，不應低於本地勞工市場上同類職位的每月工資中位數。

因此，當僱主未能在本地覓得工人，他們根據補充勞工計劃申請外地勞工時，給予外地工人的最低工資，必須相等於該職位的工資中位數，並以申請簽證當日的最近期工資中位數為準。這項規定符合香港履行《國際勞工公約第97號》的責任。該公約訂明，外來工人獲得的薪酬和其他條件，不應較從事同類工作的本地工人為差。

現已終止的一般輸入勞工計劃，以及為新機場及有關工程而設的輸入勞工計劃，都訂有這項工資規定。

現謹就質詢的兩個部分答覆如下：

- (a) 一般輸入勞工計劃最後接受申請的時間，是在一九九四年年初。當時該計劃下各個職位的最低工資，是根據一九九三年九月的工資數字釐定的。這項計劃現已由本年二月開始推行的補充勞工計劃取代。目前，補充勞工計劃下各個職位的最低工資，是按照一九九五年九月的工資數字釐定。比較這兩組數字，最低工資的每年平均升幅為9.5%，而同期的每年平均通脹率則為8.8%。
- (b) 政府統計處每半年進行一次勞工收入統計調查，根據僱主（包括中小型機構）所申報的僱員實際工資，計算各個職位的工資中位數。我們以這個工資中位數，作為補充勞工計劃下各個職位的最低工資。

田北俊議員問：主席先生，工商界絕對同意香港的就業機會應優先給予本地工人。政府在主要答覆第五段(a)項提到，比較兩項輸入勞工計劃，最低工資的升幅為9.5%，而同期的通脹率為8.8%。如果政府真的這樣做，我們工商界是會支持的。請問教育統籌司是否知道，在補充勞工計劃中，電訊、郵遞文員的最低工資兩年前是7,390元，但今次卻定為9,680元，增幅是31%，即平均每年是15%，而不是政府所說的平均數字9.5%。此外，樓面出納員的最低工資由5,460元增至7,000元，增幅也是30%，即平均每年增加15%，遠較通

脹率8.8%為高。請問教育統籌司是否知道這情況；抑或他說的9.5%是平均數字，可能有其他職位加幅較少？

教育統籌司答：主席先生，首先，我同意田議員最後的說法，即我在主要答覆中提到的9.5%只是一個平均升幅。不同的職位，其工資實際增長，包括工資中位數的實際增長當然會不同。有些職位的增長會超過9.5%，但同時有些職位卻低於9.5%。9.5%只是一個平均升幅，我在主要答覆中已說得很清楚。因此，我們當然知道一些職位的平均增幅接近15%，但同時有些職位卻低至接近6%。這些增幅實際上也反映出市場上勞工充裕或短缺的現象。我更要強調，這些數字是根據政府統計處每半年進行一次的勞工收入統計調查，收集了實際工資的資料而作出的。

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

**MR JAMES TIEN:** No.

**PRESIDENT:** I will put you down for a further supplementary then.

**MR HENRY TANG:** *Mr President, the Secretary replied that the average increase in minimum wage is 9.5%. Would the Secretary further elaborate whether this 9.5% is a simple average or a weighted average based on historical data and why? I am sure that the Secretary understands very well that a simple average and a weighted average have significant difference in terms of the total average.*

教育統籌司答：主席先生，這平均增幅是一個簡單的平均增幅，而不是加權平均升幅。由於主要質詢問及平均增幅，所以我便要這樣回答。我同意這平均增幅其實是沒有甚麼意義的，因為基本上，如果要申請輸入外勞，我們要看的是那個職位的最新工資中位數是多少，然後根據那工資中位數來訂定最低工資。不過，由於議員的質詢是問及平均增幅，所以我一定要忠於這項質詢，給予答覆。

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

**MR HENRY TANG:** *Yes, Mr President, the second part of the question on why the Secretary uses simple rather than the weighted average. It is simply because not only was the question asked that way, but also it does not reflect the situation as it stands because it is possible that certain positions have never had an importation of labour, so by aggregating that percentage on that position, it is diluting the result and not reflecting the true situation.*

**PRESIDENT:** But you are not asking a question, are you? You are expressing a view that to do something else would be more meaningful. So I would simply like to make an observation on the Secretary's remark, as to whether he meant the question was not very meaningful or the answer was not very meaningful!

教育統籌司答：主席先生，你是否要我回答這問題？我剛才其實不應該說這項質詢沒有甚麼意義。我只不過是說9.5%的平均增幅，甚而即使是加權平均增幅，也不可以證明到甚麼。因為如果說增幅多少，其實應該看那職位的工資增幅是增加抑或減少。我只不過是想這樣解釋。如果議員的質詢是問及平均增幅，我當然會回答平均增幅；如果是問及加權平均增幅，我也會回答加權平均增幅。不過，即使是問加權平均增幅，我相信意義也不大。因為正如我所說，現時的補充勞工計劃，甚至是以前的一般輸入勞工計劃，基本的精神是針對個別職位，我們不是以平均條件聘請工人來港。

羅致光議員問：主席先生，我希望教育統籌司協助本局議員明白一下，因為田北俊議員的質詢與他的答覆有一點分別。田北俊議員指部分工商業機構，即使聘請不到本地僱員，也沒有能力聘請外勞，但教育統籌司卻指出，根據實際調查，僱主實質上增加了工人的薪酬，平均是0.7%。雖然這加幅低得可憐，但僱主總算付得起，並正在支付。是否田議員所指的機構是因為缺乏競爭力而聘請不到本地僱員，所以想聘請一些廉價的外勞，但政府又不讓他們這樣做呢？



教育統籌司答：主席先生，我覺得相當難答這項質詢，因為這是關於田北俊議員質詢中所表達的意見，而這是田議員的意見。我相信現時我的答覆主要是應該針對田北議的質詢。有關田議員的意見，也許應由田議員解釋。

蔡根培議員問：主席先生，本地僱員去年的薪酬加幅已經有限，甚至出現負增長，為何補充勞工計劃下的最低工資竟然較一般輸入勞工計劃為高呢？同時，請問本港工商機構在該計劃下，總共聘請了多少外勞？他們所聘用的外勞數目是否比政府預期少？若是的話，原因為何？

**PRESIDENT:** I rule the first part of the supplementary in order. The second part has nothing to do with the original question.

教育統籌司答：主席先生，我在主要答覆中也說得很清楚，補充勞工計劃的主要政策，是僱主獲准輸入外地勞工的先決條件是證明僱主無法在本地聘請工人。同時，我們亦會確保外來工人的待遇與本地擔任同類職位的工人的待遇相同。因此，我們以工資中位數作為最低工資，是完全符合這原則的。這工資中位數也不是我們憑空做出來的，而是根據政府統計處每半年進行的勞工收入統計調查得來的。

田北俊議員問：主席先生，勞工處公布，直至最近，在補充勞工計劃下有百多份申請獲得批准，而政府說要達到2 000個名額才會就這計劃作檢討；政府又說那最低工資定得很合理。請問教育統籌司，在不獲批准的申請當中，是否大部分因為不能達到政府的工資要求，抑或是其他原因呢？

**PRESIDENT:** It is technically outside the scope of the question.

**MR JAMES TIEN:** *Mr President.....*

**PRESIDENT:** I stand to be corrected, Mr James TIEN.

田北俊議員問：主席先生，我原本的質詢是有關工商界不申請外勞，主要是因為工資比以前大幅增加，政府回答說工資加幅不大。既然獲批准的申請這麼少，只得百多份，那當然有很多申請不獲批准，所以我問政府那些申請不獲批准的理由，是否因為不能達到工資要求？

**PRESIDENT:** Mr TIEN, you had expressed a view in your original question and then from that view you asked two specific questions; the first, having to deal with the average percentage of increase in the minimum wages for various types of jobs and the second, the criteria for determining the minimum wages for the various types of jobs. So on that basis, this supplementary is outside the scope of your original question.

### Unidentified Gas Attack

4. 李鵬飛議員問：主席先生，鑑於香港近年經常發生不明氣體侵襲學校事件，而最近在鄰近大埔工業□的一所學校亦發生了同樣事件，政府可否告知本局：

- (a) 是否已查明在大埔事件中的不明氣體來源，又該不明氣體是否來自大埔工業□；
- (b) 會否訂立指引指導學校（包括弱能人士學校）的負責人，在受不明氣體侵襲時採取有效的緊急疏散措施；及
- (c) 對於因受不明氣體侵襲而需入院治療的人士，以及身體受到永久損害者，政府有何機制使他們可得到財政上的援助及賠償？

**SECRETARY FOR SECURITY:** Mr President,

- (a) The source of the unidentified gas in respect of the incident referred to by the Honourable Member could not be established despite a thorough search of the school and the vicinity by the Fire Services Department. There was no evidence to suggest that the gas originated from the Tai Po Industrial Estate.

- (b) The Education Department has issued a circular to all schools, including those for the disabled, providing guidance on measures to be taken in the event of gas leaks or reports of unidentified gases or odours. These measures include the prompt removal of pupils from the affected area to a safe place with fresh air, care by a responsible member of staff for pupils not feeling well, and requesting for emergency services. Under these general guidelines to handle emergency situations, school heads are able to exercise their discretion to minimize adverse effect to the pupils while avoiding unnecessary anxiety or alarm.
- (c) Like any other patients, persons who suffer from gas attacks and are in financial hardship as a result of hospitalization or permanent physical injuries may apply for Comprehensive Social Security Assistance (CSSA). For CSSA recipients, their treatment at public hospitals will be free of charge. Those who suffer permanent physical injuries due to gas attacks resulting in a disability broadly equivalent to 100% loss of earning capacity will be eligible for a Disability Allowance. There are no specific schemes for compensation to be paid to persons who suffered injuries as a result of a gas attack. However, under our legal system, anyone who believes that he has suffered a harm or loss as a result of an act or omission by another person may seek redress in the civil courts.

李鵬飛議員問：主席先生，上星期天水圍再次發生不明氣體事件。政府有何方法確定不明氣體的來源，因為如果知道來源就可以治本。政府現時有何科學方法來鑑定不明氣體的來源呢？

**SECRETARY FOR SECURITY:** Mr President, there are a range of gas detectors in fire appliances which are sent to incidents where unknown gases are reported.

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

李鵬飛議員問：主席先生，我問的是不明氣體來源，而不是儀器方面。政府知不知道不明氣體是從哪裏來的呢？

**PRESIDENT:** Mr LEE, could you be more specific — the general causes of such gases or specific locations?

李鵬飛議員問：一些學校受到不明氣體侵襲，請問政府能否調查得到那些氣體的來源？有否一些科學方法鑑別來源？

**SECRETARY FOR SECURITY:** Mr President, obviously a definitive answer can only be given when a question relates to a specific incident. If the Honourable Member is asking whether, in the past, reports of gas had been investigated and we were able to trace or identify what the gas or source was, yes, of course, it has been possible in some cases to do so.

### Hospital Specialist Burns Units

5. 莫應帆議員問：主席先生，八仙嶺山火釀成多人燒死及嚴重燒傷的慘劇，引起市民關注。有見及此，政府可否告知本局：

- (a) 目前哪些公立醫院設有治療燒傷病人的燒傷專科，以及該科的運作如何；
- (b) 該等燒傷科在一九九三至一九九六年處理的燒傷病人及為燒傷病人進行的手術數目分別為何；及
- (c) 在同一期間，公立醫院治療嚴重燒傷病人（燒傷面積佔身體面積三分之一或以上）的成功率為何；與美國、英國、日本及中國的成功率相比又如何？

**SECRETARY FOR HEALTH AND WELFARE:** Mr President, specialist treatment for burns patients is provided in isolation facilities of seven major acute hospitals, namely, Queen Mary Hospital, Pamela Youde Nethersole Eastern Hospital, Queen Elizabeth Hospital, Kwong Wah Hospital, Prince of Wales Hospital, Princess Margaret Hospital and Tuen Mun Hospital.

Since the statistics in respect of 1995 are still being finalized, only the numbers of burns patients admitted into public hospitals up to 1994 are available. The relevant figures are 1 910 in 1991, 1 735 in 1992, 1 674 in 1993 and 1 622 in 1994 respectively. On average, about 15% to 20% of these patients would require some form of surgical operations during the acute phase of their injuries.

It will be difficult to ascertain the degree of success achieved by specialist treatment provided for burns patients which is dependent not only on the severity of the injury, but also other factors such as age, location and depth of the burns, inhalation injuries as well as other underlying medical conditions. Furthermore, given the lack of local clinical data on the outcome of treatment for burns patients, it would not be possible to make a direct comparison with other countries.

莫應帆議員問：主席先生，□生福利司基本上沒有回答我的質詢的第一部分，即有關燒傷專科的運作，所以我希望□生福利司能夠向我提供書面答覆。此外，有關對燒傷病人的處理方面，很多醫生都有強烈的意見，希望能有專科服務。由於燒傷很容易引致生命危險，請問政府會否積極考慮為燒傷病人設立專科服務？

**SECRETARY FOR HEALTH AND WELFARE:** Mr President, under our current set-up, the Prince of Wales Hospital and the Queen Mary Hospital are the tertiary referral centres for the management of severely burned patients. Unless we plan for over-capacity, there will be situations when a particular hospital could be overwhelmed. Nevertheless, the setting up of a central burns centre with excessive capacity and designated equipment is not cost-effective as both facilities and human resources would be under-utilized most of the time.

張漢忠議員問：主席先生，☐生福利司剛才提及有燒傷中心的設立，但據我所知，燒傷中心並沒有長駐的燒傷醫療護理人員。如果遇到一些嚴重的災難性慘劇，相信在應付方面會出現問題。請問☐生福利司會否檢討燒傷中心的運作，以及在燒傷中心內加設長駐的燒傷護理人員？

**SECRETARY FOR HEALTH AND WELFARE:** Mr President, the seven hospitals that I have mentioned in my main reply all contain isolation facilities, having designated teams of staff with the requisite expertise to provide comprehensive services for severely burned patients. A typical team consists of nurses, dieticians, physiotherapists, occupational therapists, doctors, counsellors and is usually led by a specialist who is highly experienced in the management of burns patients. In handling a major burns incident, such as the Pat Sin Range fire, the head office of the Hospital Authority will activate its disaster plan to co-ordinate and pull together resources from all the existing public hospitals, to ensure full collaboration is achieved in the management of a significant number of burns patients.

**DR LEONG CHE-HUNG:** *Mr President, will the Secretary inform this Council whether the current service in our public hospitals is adequate to deal with the day-to-day cases of minor or severe burns?*

*And will the Secretary inform this Council of the availability of contingency measures in cases of crises, for example, when there is a major fire where there could be suddenly many, many cases than in the Pat Sin Range incident?*

**SECRETARY FOR HEALTH AND WELFARE:** Mr President, all hospitals of the Hospital Authority are capable of dealing with minor burns. In respect of a major disaster involving many, many more victims, the head office of the Hospital Authority is able to activate their disaster plan and to co-ordinate all their resources of all the hospitals to manage this disaster. Fortunately, we have not had such an incident in Hong Kong, but if, unfortunately, we do have such an incident, our hospitals are capable of managing such a disaster.

陳婉嫻議員問：主席先生，□生福利司的主要答覆似乎沒有回答莫應帆議員的(b)項質詢，因為莫應帆議員希望政府就治療燒傷病人的成效與鄰近地方作比較，但政府卻回答說沒有這方面的比較。然而，政府在其他病類方面都有一些比較，例如在治療癌症、肺病等方面的成效，但為何在燒傷方面卻沒有呢？我很想□生福利司說出原因。

**SECRETARY FOR HEALTH AND WELFARE:** Mr President, in my main reply, I explained why it is very difficult to ascertain what degree of success can be achieved by the specialist treatment provided for burns patients. The reason for this is that each situation is very different, the severity of the injury of each patient is different. There are factors such as the age of the patient and where the burn has taken place, that is, the location in the body of the burn. In respect of whether it is possible to make a direct comparison with other countries, we have not yet developed local clinical data on the outcome of the treatment. In future, we might be in a position to develop this data, in which case we will be able to make some sort of a comparison with the same sort of data produced by other countries.

**PRESIDENT:** Miss CHAN, are you claiming that your question has not been answered?

陳婉嫻議員問：我覺得她在最後給了一些答覆，但我仍然想再問一點，.....

**PRESIDENT:** I am sorry, Miss CHAN, I cannot permit you a further supplementary, or else it might turn into a debate. You might disagree with the answer, but the answer has been given to your supplementary.

莫應帆議員問：主席先生，剛才我提出補充質詢時，希望□生福利司以書面方式回答有關醫院在這方面的運作問題，但□生福利司似乎沒有回答會不會這樣做。

**PRESIDENT:** Mr MOK Ying-fan, your original question does not contain any part about the operation of such hospitals and the burns units in these hospitals. If you wish to ask that, and if the Secretary does not have the answer now, would the Secretary be prepared to give a written answer?

**SECRETARY FOR HEALTH AND WELFARE:** Mr President, may I ask the Member to repeat his question.

**PRESIDENT:** Mr MOK Ying-fan.

莫應帆議員問：主席先生，其實是有的，我的質詢(a)項是問目前哪些公立醫院設有治療燒傷病人的燒傷專科，以及該科的運作如何？

**PRESIDENT:** I am sorry. How do these units operate?

□ 生福利司答：主席先生，我會以書面方式回答莫議員的質詢。(Annex I)

### **Overnight Bus Parking Spaces**

6. 黃秉槐議員問：主席先生，政府可否告知本局：

- (a) 目前本港三間巴士公司（九巴、中巴及城巴）的晚間巴士停車位不足的數目分別為何，以及該等公司分別有多少部巴士需在晚間停泊在道路上；及
- (b) 過去十年，因容許各巴士公司改變車廠用途而減少的巴士停車位數目為何？

**SECRETARY FOR TRANSPORT:** Mr President, overnight parking for franchised buses is permitted at bus depots, off-street short-term tenancy (STT) sites, bus termini and also on-street. Taking into account these designated locations for overnight parking, Kowloon Motor Bus (KMB), China Motor Bus



(CMB) and Citybus all have sufficient numbers of parking spaces to cater for their respective fleet sizes. The details are set out in the Annex to my reply.

Before buses can be parked overnight at bus termini and on roads, the bus companies must first seek the specific approval of the Commissioner for Transport who would consult the relevant district boards before permission is given. The parking of buses overnight at termini and, to a more limited extent, on-street, is, of course, not ideal. However, such arrangements are unavoidable for operational reasons because of the lack of suitable sites for off-street parking in the vicinity. In some ways, the reliance on this arrangement has become even greater because bus companies have implemented new routes and improved frequencies in response to requests from district boards for better services.

Our approach will be to continue to identify and allocate suitable off-street sites for overnight parking. For example, temporary off-street sites have been found for Citybus's fleet and, later this year, about 80 of KMB's buses currently parked on-street in Yuen Long and Tuen Mun will be relocated to a new off-street STT site in Tin Shui Wai. But it has to be recognized that such sites will be in very short supply, particularly in the urban areas where there are other competing and urgent demands for land.

The disposal of bus depots inevitably results in the loss of parking spaces. Over the past 10 years, KMB lost 180 such spaces whilst the corresponding figure for CMB is 60. It should be noted that the bus companies had acquired the depots in question in the open market and permission for their disposal was given because the depots no longer served an operational requirement.

Annex

Bus Parking Spaces for CMB, Citybus and KMB (as at 30 April 1996)

*Off-Street Parking Spaces*

	<i>Fleet Size</i>	<i>At</i>	<i>At STT</i>			
	<i>(as at end</i>	<i>permanent</i>	<i>parking</i>	<i>At approved</i>		
<i>Company</i>	<i>1995)</i>	<i>bus depots</i>	<i>sites</i>	<i>bus termini</i>	<i>On-Street</i>	<i>Grand Total</i>
		<i>(a)</i>	<i>(b)</i>	<i>(c)</i>	<i>(d)</i>	<i>(a)+(b)+(c)+(d)</i>
CMB	844	305	350	345	6	1 006
Citybus	375	0	155	222	0	377

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KMB	3 513	1 660	687	1 185	231	3 763
Total	4 732	1 965	1 192	1 752	237	5 146
		(38%)	(23%)	(34%)	(5%)	(100%)

黃秉槐議員問：主席先生，直至目前為止，三間巴士公司的總共四千七百多輛巴士，有近四成要停泊在巴士總站或路旁，因而可能引起如失竊、巴士被人駛去、影響環境、市容和清潔等問題。請問政府會否主動向巴士公司提供多些停泊車輛的地點或廠房？

**SECRETARY FOR TRANSPORT:** Mr President, as I have acknowledged, parking of buses at termini and on-street is not ideal. But the reality of the situation is that the availability of the supply of land must be recognized given, bearing in mind the operational requirements. In fact, although a large percentage of buses are parked on-street and at termini, these are not all located near residential blocks. Some are in places such as Exchange Square, Ocean Park or Kwun Tong Ferry Pier, which is not in the vicinity of residential districts. In total, KMB has 36 bus sites at bus terminals; CMB and Citybus have six and three respectively and they share another eight. Despite this number, in 1995, we have received a total of only 19 complaints pertaining to noise and other nuisances.

So, Mr President, whilst I certainly will try to acquire to obtain more depot sites or STT sites, the reality of meeting operational requirements of parking buses at termini and on-street must be recognized.

蔡根培議員問：主席先生，鑑於來往中港兩地的直通巴士數目越來越多，政府可否告知本局，在未來數年內，政府有否具體良策，改善越來越多巴士需要在晚間停放在路旁或其他地方的情□？

**SECRETARY FOR TRANSPORT:** Mr President, certainly when new bus routes are approved, we will try and identify and allocate specific parking depots

for the buses. For example, in connection with our new bus services for the airport, we are already looking for sites to deal with this service.

劉健儀議員問：主席先生，容許巴士在巴士站和路旁通宵停泊，事實上會令居民感到滋擾，尤其是在住宅區。運輸司可否告知本局，政府會否考慮要求巴士公司晚間將巴士停泊在工業區，以免對居民造成滋擾？

**PRESIDENT:** Both supplementaries are a bit marginal, but I will let the Secretary answer them.

**SECRETARY FOR TRANSPORT:** Mr President, as I have said, obviously if we can avoid parking buses near residential blocks, we shall try to achieve this. But because of operational reasons, such as preventing dead mileage or in the case of buses serving the New Territories where parking spaces must be found near the new towns, the parking of buses at termini and on-street may well be inevitable. But, as I have said, before the Commissioner for Transport approves a specific site, the district boards concerned are fully informed and consulted. As I have said, although we have a vast number of such sites, the total number of complaints, by comparison, bearing in mind the number of bus trips, have been fairly minimal and in granting these sites, we do lay down specific conditions to try and mitigate nuisances which may occur.

## WRITTEN ANSWERS TO QUESTIONS

### Delayed Opening of Lok Ma Chau Public Transport Interchange

7. 顏錦全議員問：據悉落馬洲公共交通轉車站於一九九五年四月落成後，原定於同年七月啟用。運輸署雖曾先後表示該轉車站會於今年農曆年和復活節前啟用，但均沒有落實。有見及此，政府可否告知本局：

- (a) 該轉車站未能如期啟用的原因為何；
- (b) 有關在該轉車站開辦穿梭巴士服務的建議是否已獲中港政府批准；及
- (c) 對此類跨境興建計劃，一般的協商程序及完成程序所需的時間分別為何？

運輸司答：主席先生，落馬洲公共交通轉車站已於一九九五年八月底如期建成。興建這個轉車站的目的，是為了提供往來落馬洲與皇崗兩地的過境穿梭巴士服務。此外，轉車站亦可供的士、巴士、公共小型巴士及私家車使用。

根據深圳市人民政府與香港政府達成的協議，雙方須各自委出營辦商，再由營辦商組成聯營公司，共同開辦該項穿梭巴士服務。香港方面，我們經招標後，已於一九九五年六月委出九龍巴士有限公司為營辦商。九巴與深圳方面選出的巴士公司經過多番磋商後，已於一九九六年一月二十六日成立了一間聯營公司。一俟某些正式手續，例如向中國司機發出旅行證件所涉及的手續完成後，穿梭巴士服務便可開始。

方便旅客過境小組負責處理各項過境交通問題。目前，邊境聯絡人員幾乎每天都有聯絡，商討運作事宜。此外，我們又分別於每季及每半年，與深圳有關當局及廣東省有關部門的官員舉行會議。至於就個別計劃達成協議所需的時間，則主要視乎所商討的事宜而定。

### **Retail Price of Vehicle Diesel Oil**

8. 劉健儀議員問：過去兩年，輕質柴油的平均入口價維持在每公升約 1.10 元的水平，但汽車用柴油的零售價卻由一九九一年一月的每公升 5.31 元上升至本年二月的每公升 6.32 元。有見及此，政府可否告知本局：

- (a) 是否有資料顯示汽車用柴油的零售價大幅上升的原因；及

- (b) 如何監察石油產品每次加價的幅度，以防止石油公司作出不合理的定價？

經濟司答：主席先生，

- (a) 影響本港汽車用柴油零售價的因素，包括國際市場的油價走勢、本地通脹對油公司經營成本的影響和徵稅率等。汽車用柴油的零售價，由一九九四年一月的每公升5.31元上升至本年三月的每公升6.16元，升幅為16%。同期內，柴油進口價格、甲類消費物價指數和徵稅率分別上升約15%、19%及28%。（柴油的零售價已由本年二月的每公升6.32元，下降至本年三月的每公升6.16元。）
- (b) 零售價的加幅，仍然與成本上升的幅度一致。現時在市場上經營的油公司共有五間，各公司明顯會互相競爭。政府認為可依賴市場力量去維持供應汽車用柴油的油公司之間的良性競爭，並認為競爭是防止價格不合理上升的最佳方法。

### Language Proficiency of Jurors

9. 劉漢銓議員問：一項調查發現，本港陪審員對法官在提請陪審員注意證據的總結詞中提及的法律名詞，以及在死因研訊中使用的醫學名詞只是一知半解，甚或一竅不通。有見及此，政府可否告知本局：

- (a) 過去三年來，有多少案件因陪審員的英語水平不足而要重組陪審團，以及該等案件的類別為何；及
- (b) 會否檢討陪審員所須具備的語文程度，以確保審訊公平？

布政司答：主席先生，

- (a) 《陪審團條例》（第3章）第4條訂明陪審員須具備的資格，其中一

項是陪審員的英文程度須足以明白證人的證供、律師的陳詞，及法官的總結詞。司法機構的意見是，假如陪審員對某些用語的理解，對審訊或死因研訊關係重大，法官或死因裁判官通常會下令向陪審員解釋這些用語，並在總結詞中親自講解涉及的法律用語。至於有多少宗案件因陪審員英文程度太低以致陪審團須重組，司法機構並無編備有關的紀錄。

- (b) 司法機構致力制定一個架構，使本港所有司法審訊程序在一九九七年七月一日前，可採用中文或英文進行。有鑑於此，當局現正檢討需否維持現時對陪審員英文程度的要求。

### Utilization of Public Libraries

10. **DR DAVID LI** asked: *It has been reported that a recent survey by the Hong Kong Development and Strategic Research Centre shows that a lack of services is the reason given by most people for making little or no use of public libraries. In this connection, will the Government inform this Council:*

- (a) *of the number and locations of public libraries in the territory as well as the services they provide;*
- (b) *whether any survey has been conducted to find out if the variety of books in public libraries is sufficient to meet the demand of users; if so, what the results are; if not, why not; and*
- (c) *whether it will consider extending the opening hours of public libraries at weekends so as to enable the working population to utilize the library services?*

**SECRETARY FOR RECREATION AND CULTURE:** Mr President,

- (a) The Urban Council currently operates a total of 33 libraries including one central library, one specialized Arts Library, 15 district libraries, 12 small libraries and four mobile libraries in the urban areas. The Regional Council operates a total of 25 libraries including three central libraries, seven district libraries, 12 small

libraries and three mobile libraries in the New Territories. The number and locations of the two Municipal Councils' libraries are shown in Annexes I and II.

As regards the services provided by these libraries, they include:

(i) *Reading, listening and viewing services*

The two Councils provide a combined stock of more than 5.55 million items of library materials in various forms, including books, newspapers and periodicals, audio-cassettes, audio compact-discs, video discs, video cassettes, microforms, computer programmes, Compact Disc-Read Only Memory (CD-ROM), Compact Disc-Interactive (CD-I), educational kits and maps to meet the varied needs of the people of Hong Kong.

(ii) *Lending services*

Lending services for adults and children are available in all libraries except the Arts Library where the materials are for reference only. In addition to books, audio-cassettes and back issues of periodicals are available for home lending in central and district libraries. In 1995, a total of 21.44 million items of library materials were borrowed for home use.

(iii) *Newspapers and periodicals services*

Over 10 000 current titles of local and overseas newspapers and periodicals are subscribed by the libraries. The central libraries, City Hall Public Library and Arts Library also house back files of a large number of newspapers and periodicals in the original and microform format for readers to make retrospective searches. In 1995, a total of 1.91 million back issues of newspapers and periodicals were referred to in the

two Councils' library systems.

(iv) *Block loan services*

The libraries provide regular block loans of books, audio-cassettes and back issues of periodicals to non-profit-making organizations, rehabilitation and penal institutions and homes for the aged and the physically handicapped.

(v) *Outreach programmes*

Outreach programmes form an integral part of the public library services. Educational and recreational programmes such as book and art exhibitions, video shows and organized group library visits are frequently organized. In addition, the libraries also take an active role in promoting literary arts and have organized a number of literary arts awards such as the Awards for Creative Writing in Chinese, Poetry Writing Competition and the Competition on Story Writing in Chinese for Students to arouse public interest and awareness in this regard. On average, some 21 500 outreach events are organized by the two public library systems each year, attracting a total attendance of about 6.5 million per annum.

(vi) *Reference and information services*

Reference library services are provided in the central libraries, City Hall Public Library and the Arts Library. These libraries provide comprehensive collections of reference materials and a number of special collections. In addition, they play an active role in the dissemination of information and the handling of public enquiries. In 1995, a total of some 490 000 reference enquiries had been handled whilst a



total of 2.43 million items of reference materials had been referred to in the libraries.

In addition, the libraries also provide students' study room facilities, services for the handicapped, microform services and copying services for the public.

- (b) The Urban Council has conducted two benchmark surveys on its services in 1990 and 1992. The surveys have, *inter alia*, looked into the public's reception of the library services. The surveys have revealed that the public is generally satisfied with the library services as the satisfaction rate increased from 77% in 1990 to 84% in 1992. In addition, the Urban Council has commissioned an independent institution to conduct a comprehensive survey on the Urban Council's library services in June 1996 to identify the needs of library users and non-users for the preparation of its Five-Year Plan for further development.

Similar benchmark surveys have been conducted by the Regional Council and the result of the public reception of the libraries services is also positive as the satisfaction rate has risen from 60% in 1991 to 68% in 1993. The Regional Council has also planned to conduct a special public opinion survey on the library services in July this year. This survey will enable the Council to identify the needs of the public at large and to further improve its library services provided to the public.

- (c) The Urban Council's central and district libraries at present open seven days a week for 57 hours, with one late night closing at 9 pm on Friday. The Regional Council's central and district libraries open six days a week for 56 hours with a closing day on either

Monday or Thursday. All Municipal Councils' libraries are open from 9 am or 10 am until 5 pm and 1 pm on Saturdays and Sundays respectively. The two Municipal Councils are currently reviewing the opening hours of their libraries as well as other library services with a view to better serving the community. The feasibility of extending library opening hours at weekends will be carefully considered.

Annex (total 3 pages)

**Dental Care for the Elderly**

11. 李華明議員問：香港大學牙醫學院最近的一項研究指出，有多達七成的老人缺乏牙科治療。就此，政府可否告知本局：

- (a) 為何沒有提供專為老人而設的公共牙科服務；及
- (b) 會否檢討老人對牙科服務的需求，並考慮在老人健康中心增設牙科服務；若否，原因為何？

□ 生福利司答：主席先生，

- (a) 在牙科服務方面，政府的政策是為市民提供預防牙患的服務（例如學童牙科保健計劃）及促進牙齒健康的服務（例如推行口腔□生教育）。治療牙患的服務則只限於為下列人士提供：有需要接受緊急牙科治療的市民、某幾類有特別需要的人士，以及那些在治療過程中有必要接受牙科治療的公營醫院住院病人。至於在經濟上有困難並合乎資格領取公共援助的老人，則可向社會福利署（下稱“社署”）指定的非牟利牙科診所求診；所需費用可根據綜合社會保障援助計劃申請發還。此外，這些老人亦可到私家牙科診所求診，但獲發還的費用，只相等於社署指定的診所就同樣治療的收費。
- (b) 現時，政府並無計劃檢討其牙科服務政策。因此，亦未有打算在老人健康中心增設牙科服務。

**Unlicensed Storage of Dangerous Goods**

12. 葉國謙議員問：據報道，上月西區一住宅因發生火警而被警方發現住戶無牌藏有危險物品。由於事件引起廣泛關注，政府可否告知本局：

- (a) 過去三年，無牌藏有危險物品的個案數目為何；
- (b) 政府有何措施防止市民無牌藏有危險物品；及
- (c) 政府是否有計劃於短期內檢討或修訂現行規管儲藏危險物品的發牌制度？

保安司答：

- (a) 過去三年來，根據《危險品條例》檢控非法貯存危險品的個案數目如下：

年份	個案數目
一九九五	105
一九九四	84
一九九三	129

- (b) 消防處是負責危險品的發牌當局。該處在簽發或續發牌照前，會視察所有的危險品倉庫，以確保這些倉庫都維持在規定的標準。遇有菜館、學校、公眾娛樂場所等處所申請其他類型的牌照，該處在視察時，亦會查看是否有非法貯存危險品。

該處定期舉行防火運動，巡視和講座，藉此提高各界對安全使用和貯存危險品的意識。此外，更設有一條24小時電話熱線，處理涉及危險品的投訴。

- (c) 政府現時並無計劃檢討或修訂現行規管貯存危險品的發牌制度。

### **Jockey Club Funding of Social Activities under Government Purview**

13. 羅祥國議員問：政府可否告知本局：

- (a) 英皇御准香港賽馬會（“馬會”）在過去三年，每年就政府負責的各類社會活動（例如教育及體育）的經費作出多少捐助；及
- (b) 有何措施監管由馬會捐助並由政府負責的各類社會活動，以及該等措施詳情為何？

□ 生福利司答：主席先生，

- (a) 按照慣例，總督每年都會向馬會提出一份活動計劃清單，建議馬會提供資助（這項工作的非正式名稱為“總督的購物清單”）。由於申請數目不少，□ 生福利司會就初步的申請進行審核，然後擬定一份建議名單，提交總督。過去三年（馬會的財政年度由七月一日起至翌年的六月三十日止），通過這個方式撥給各項計劃的款額如

下：

一九九二至九三年度	8,800萬元
一九九三至九四年度	7,500萬元
一九九四至九五年度	7,800萬元

根據馬會的年報所載，上述款額約佔馬會期內慈善捐款總額的7%。至於清單以外的捐款，馬會則徵詢政府的意見，以確保一些供大型慈善及公益計劃用的捐款，均切合市民的利益及期望。如有關計劃必須動用公共開支（包括非經常及經常開支）方可落實，則政府的積極支持是不可或缺的。

- (b) 馬會批准撥款給總督建議清單上的機構後，有關的決策科便會監察這些機構的工作，以確保捐款在適當時間內獲得善用。

### **RTHK Air Time for Preparatory Committee**

14. **MISS EMILY LAU** asked: *It is learnt that one of the items in the list of requests for assistance from the Hong Kong Special Administrative Region Preparatory Committee (PC) to the Administration is a request for Radio Television Hong Kong (RTHK) air time to broadcast programmes about the work of the PC. Will the Administration inform this Council:*

- (a) *of the policy regarding the allocation of RTHK's air time for broadcast on radio and television;*
- (b) *whether the Administration will comply with the PC's request; and*
- (c) *whether the policy referred to in (a) above prohibits the use of the air time for broadcasting political propaganda; if so, how the Administration will ensure that this policy is adhered to?*

**SECRETARY FOR RECREATION AND CULTURE:** Mr President, the licences of commercial television broadcasters make provision for the broadcasting of government programmes at the direction of the Broadcasting

Authority, subject to the time limits set out in section 8A (which is annexed) of the Television Ordinance. The present practice is that RTHK uses this facility to provide programmes which inform, educate and entertain Hong Kong people. In doing so, RTHK exercises editorial independence in deciding on the nature and content of the programmes it produces.

In addition, the licences of the commercial television broadcasters also make provision for the broadcasting of Announcements in the Public Interest (API), subject to the time limits set out in their licences. These APIs carry messages from either government departments or non-governmental organizations, such as the Red Cross or the Community Chest.

As regards radio, RTHK exercises editorial independence in planning and producing its own radio programmes. The commercial radio stations are required under their licensing conditions to broadcast APLs supplied by the Government and non-governmental organizations. RTHK also broadcasts such APIs.

The Preparatory Committee has requested the Government's assistance in providing them with television and radio air time. We have explained to the Preparatory Committee Secretariat that to enable us to take forward our consideration of their request, we would need more information from them as regards their proposal. The Administration will consider the Preparatory Committee's request on the basis of existing broadcasting legislation and policy.

Regulation 7 of the Commercial Television (Advertising) Regulations provides that no advertisement of a political nature shall be broadcast. As for radio, paragraph 8(m) of the Radio Code of Practice on Advertising Standards similarly provides that no advertisement of a political nature shall be broadcast by a licensee, except with the prior approval of the Broadcasting Authority. RTHK does not carry advertising.

Annex

**8A. Restriction in respect of commercial television broadcasting**

- (i) In the case where material, pursuant to a condition attached to

a commercial television broadcasting licence under section 8(s)(b), is required to be broadcast at any time between the hours of 7 p.m. and 10 p.m. in any period from Monday to Friday inclusive, it shall not, without the consent of the commercial television broadcasting licensee concerned, on any day either exceed, or exceed in aggregate, 30 minutes in duration.

(ii) The periods during which broadcasting material, pursuant to a condition attached to a commercial television broadcasting licence under section 8(2)(b), is required to be broadcast shall in aggregate not exceed any of the following —

- (a) 2 1/2 hours in any period of 24 hours commencing at 6 a.m.;
- (b) 2 1/2 hours in the 15 hours between the hours of 7 p.m. and 10 p.m. in any period from Monday to Friday inclusive in any week;
- (c) in case the programme service is a Chinese service, 12 hours in any week; and
- (d) in case the programme service is an English service, 6 hours in any week.

## Fire Prevention on Ferries

15. 黃偉賢議員問：政府可否告知本局：

- (a) 目前香港油蔴地小輪船有限公司及天星小輪有限公司的載客渡海小輪，以及其他在本港註冊行走中港口和港澳口的渡輪上，有何防火設施；又政府於何時訂立此等防火措施的標準；
- (b) 有關當局如何確保上述渡輪的防火裝置合乎政府所指定的標準；是否有渡輪公司因違反標準而被檢控；若有，罰則為何；及
- (c) 是否會檢討目前載客渡海小輪的防火設施標準；若然，檢討將

於何時進行；若否，原因為何？

經濟司答：主席先生，管制香港油蔴地小輪船有限公司和天星小輪有限公司轄下的載客渡海小輪（即本地持牌渡輪）的消防設施的法例，有別於管制航行中港線、港澳線的香港註冊客船的法例。前者受本港法例管限，後者則以國際海事組織所訂定的公約和守則管限。因此，答覆分為兩部分。

#### 本地持牌渡輪

- (a) 關於領有牌照的渡海小輪上所需的消防設備，於一九六九年實施的《商船（消防設備）規例》（第369章）有所訂明，規定船上必須裝設消防水泵、消防總管、消防栓、消防軟管、消防噴嘴和滅火器。此外，某些類別的客船的機房更須裝設固定滅火裝置，例如三層渡輪、雙體船等。
- (b) 海事處發牌予新船前，先行加以檢驗，以確保該船符合有關安全規定，包括防火設施方面的規定。此後，該船還須每年徹底檢查一次，方會獲得續牌。此外，海事處巡邏人員會隨時突擊抽查渡海小輪，倘若發現欠妥之處，便會提出檢控。直至目前為止，並沒有渡輪公司因違反這方面的規定而受到檢控。
- (c) 海事處現正諮詢業內的意見檢討本地船舶的安全標準。關於消防設備規例的檢討工作，編定於本年下半年展開。

#### 航行中港線、港澳線的香港註冊客船

- (a) 現時行走這些航線的普通客船共有兩艘，而其他行走這些航線的船舶均為船體構造輕巧的高速船，亦稱為動力支承船隻。

這些客船的防火設施受到《海上人命安全（國際海事組織）公約》管限。香港訂立下列規例來實施這方面的規定：

- (i) 《1991年商船（安全）（防火）（1980年5月25日前建造的船隻）規例》；
- (ii) 《1991年商船（安全）（火警裝置）（1980年5月25日或以後但1984年9月1日前建造的船隻）規例》；



- (iii) 《1991年商船（安全）（防火）（1984年9月1日或以後建造的船隻）規例》；
- (iv) 《1991年商船（安全）（客船構造）（1984年9月1日前建造的船隻）規例》；及
- (v) 《1991年商船（安全）（客船構造及檢驗）（1984年9月1日或以後建造的船隻）規例》。

這些規例均於一九九一年根據《商船（安全）條例》（第369章）制定，訂明客輪在結構上的防火設計、防止火勢經由通風系統蔓延、固定火警探測器和滅火系統、限制使用低閃點燃料、消防巡邏、消防水泵、消防總管、手提滅火器、滅火工具和防火控制圖等各方面的規定。

此外，鑑於動力支承船隻設計特別，國際海事組織遂於一九七七年通過“動力支承船舶安全規則”，訂明這類船隻的安全標準。該套規則訂定這類船隻在設計和構造方面的規定，香港現時在行政上配合來實施該套規則。單就防火設施而言，該套規則所訂明的規定大致與管限客船的規則相若，但細節則有所不同，以配合這類船隻在設計上的特色。

- (b) 凡擬建造的船舶均須先由海事處審核其設計，確定符合有關規定，才可動工建造；在建造期間和在竣工後，海事處均會派員檢驗，該船才可投入服務。該船投入服務之後，則須每年檢驗一次，確保各部分結構和設備均妥為保養；海事處人員還會不時突擊抽查，確保符合各項規定。在這些措施下，我們可以確定這類客船的安全標準得以維持於甚高水平，而且至今並沒有船隻受到檢控。
- (c) 自一九七七年以來，高速船的船體漸大、類型漸多，海上安全標準亦有所改進，國際海事組織成員國遂訂定並於最近採納“高速船安全國際規則”，以取代“動力支承船舶安全規則”。新規則訂明高速船構造的安全標準、所須裝置的設備，以及操作、維修方面所須符合的條件。政府現正草擬所需法例，以便在香港實施“高速船安全國際規則”，目標是在本年內完成立法。與此同時，由於船舶經營者通力合作，這套規則的規定現正以行政方法實施，繼續維持甚

高的安全標準。

### Maintenance of Private Dangerous Slopes

16. 劉漢銓議員問：近日有報章報道，目前全港約有 160 個私人危險斜坡正在進行維修，而有關的維修工作將無法於本年雨季前完成。有見及此，政府可否告知本局，今年雨季來臨前會採取何種緊急措施，以減低該等斜坡的潛在危險？

工務司答：主席先生，私人斜坡的維修保養須由有關的業主負責。當屋宇署發出危險斜坡修葺令時，業主通常須委聘一名認可人士或顧問，在指定時限內完成某些工程。該署會視乎有關斜坡所涉及的工程範圍和複雜程度來定出一個合理時限。為斜坡進行永久性的土木工程包括勘察、設計和建造三個階段，一般需時二至三年完成。如情□需要，在展開永久工程前，亦可能須在較短時間內進行一些臨時防護工程。若情□不許可，未能即時採取足夠的預防措施，則在特殊情形下，可能需要暫時疏散受影響的居民及封閉有關的樓宇。此外，當屋宇署人員發出危險斜坡修葺令後，亦會在現場的顯眼處張貼危險告示，提醒市民切勿接近受影響的地方。

由業主委聘的認可人士及／或顧問，在永久工程竣工前，有責任採取預防措施，如斜坡可能隨時發生危險，亦必須提出警告。預防措施包括裝設儀器，緊密監察斜坡的鞏固程度、為外露的斜坡進行防護工程、設置臨時的排水明渠，並確保這些排水系統妥為保養。由於今年的雨季將至，當局最近已致函有關的專業人士，提醒他們在適當情形下採取上述措施，確保有關斜坡已符合安全規定。

假如業主未有遵照修葺令的規定，屋宇署會委聘顧問，進行原本應由業主負責的工程。屋宇署如認為有關斜坡會隨時發生山泥傾瀉，亦有權進行必需的緊急工程。目前，在已發修葺令的私人斜坡當中，業主沒有履行責任的個案約佔35%；這些斜坡現在受屋宇署委聘的土力工程顧問監管。

私人斜坡如不幸發生山泥傾瀉，有關的工務部門會像處理公共斜坡一樣，發揮其應急能力，提供協助。各主要有關部門，例如土木工程署、路政署、渠務署、機電工程署和建築署，均訂有應變計劃，以便在發生緊急事故時設立控制中心，與警方和消防處保持聯絡，確保可盡快提供技術援助。

**Recovery of Debts from Credit Card Referees**

17. 李華明議員問：現時，部分銀行及財務公司在信用卡使用者或借款人拖欠還款時向其諮詢人追查或追討欠款，對諮詢人造成滋擾。政府曾於本年一月答覆本局質詢時表示，由金融管理局（“金管局”）及銀行業公會就制定“銀行業守則”（“該守則”）而成立的工作小組會作出研究。就此，政府可否告知本局：

- (a) 有關的研究將於何時完成，而所作出的建議將於何時推行；及
- (b) 在該項研究中會否考慮：
  - (i) 規定申請人必須出示諮詢人的同意書，並規定銀行及財務公司須聯絡諮詢人以核實其意向；若否，原因為何；
  - (ii) 制定諮詢人責任的條款，並要求銀行及財務公司將有關條款以書面通知諮詢人；若否，原因為何；及
  - (iii) 規定銀行及財務公司在信用卡使用者或借款人無力償還借貸而不知所終時，必須以書面通知諮詢人，以及不可向諮詢人追討欠款，亦不可將諮詢人的資料交予收數公司；若否，原因為何？

財經事務司答：主席先生，

- (a) “銀行業守則”的制定工作預計於一九九六年年底完成。現時，金管局已採取若干步驟，以在公布該守則前處理部分問題。這些步驟包括 —
  - (i) 於一九九六年一月致函銀行業公會，提醒《銀行業條例》下的認可機構，必須確定私人貸款及信用卡申請人是先徵得諮詢人同意，才在申請表填寫其名字；
  - (ii) 於一九九六年四月二十二日設立投訴熱☐，以便金管局密切監察認可機構所僱用公司的追討欠債行為是否恰當，並

在有需要時與個別機構跟進，以糾正其在管理收數公司方面的不善之處；及

- (iii) 於一九九六年四月二十二日致函銀行業公會，強調不應僱用以不當手法追討欠債的收數公司，以及認可機構必須對有關公司嚴加控制。

金管局會密切監察透過投訴熱☐接獲的投訴。如情☐顯示有相當多的合理投訴，便會考慮採取進一步行動，限制僱用收數公司。此外，由於公眾表示關注，銀行業守則工作小組（“工作小組”）會考慮應否先擬備及公布該守則內有關諮詢人和收數公司的部分。

- (b) 在制定該守則時，工作小組會詳細考慮質詢(b)部特別提到的幾點——

- (i) 政府當局支持金管局於一九九六年一月致函銀行業公會時所說明的原則，即必須先徵得諮詢人同意，方可在申請表填寫其名字。徵求這類同意的方式，將會在制定該守則時進一步研究，當中會顧及核實這類同意的需要、有關機構的運作效率以及有關費用對客戶的影響等問題；
- (ii) 倘諮詢人並無與貸款人簽署正式合約，擔保借款人或持卡人的債務，則諮詢人對借款人欠下貸款人的債務，並無法律責任。工作小組將考慮建議認可機構以書面通知諮詢人這項基本原則及有關諮詢人的其他權利和義務；及
- (iii) 認可機構或收數公司無權向諮詢人追討欠債，除非諮詢人是擔保人。政府當局原則上支持有關建議，即認可機構不應向收數公司披露諮詢人的資料。工作小組將詳細考慮這個問題，並同時研究關於認可機構在借款人或持卡人未能償還債務時，應通知諮詢人的建議。

## Exchange of BOC Banknotes in Taiwan

18. 羅祥國議員問：在中國銀行發行港元銀行紙幣的初期，有報道指該種銀行紙幣不能在一些歐美地方兌換當地貨幣。此外，本人近日前往台灣旅遊時，親身經歷到台灣的銀行及酒店並不兌換由中國銀行發行的港元銀行紙幣。有見及此，政府可否告知本局，是否知悉中國銀行發行的港元銀行紙幣

為何不能在台灣兌換，以及該等紙幣的流通在歐美地方有否遭遇同樣情況；若有，政府有否採取補救措施？

財經事務司答：主席先生，港元銀行紙幣是香港的法定貨幣。港元銀行紙幣在香港以外其他地方是否為人接受，用以兌換當地貨幣或清償以該種貨幣為單位的債務，是有關人士的商業決定。某一地方發行的銀行紙幣不為別國所接受，這種情況時有發生。與其他地方的政府一樣，香港政府無權強迫其他國家的人接受本港的貨幣作上述用途。

香港金融管理局（“金管局”）並無接獲有關質詢中所述情況的報告。金管局及發鈔銀行一直積極向本港及海外的有關方面闡明發行港元銀行紙幣的安排，包括存放在外匯基金中的美元作為這些紙幣的支持、中國銀行由一九九四年五月起發行港元銀行紙幣，以及進行發鈔銀行收回港元銀行紙幣以兌換同等幣值的程序。

我們知道，本港三家發鈔銀行，包括中國銀行，共同印製了一本小冊子，說明現時香港發行的各種銀行紙幣，而這些小冊子業已分發給海外的銀行。

### ICAC's Proposal on Embracing Stock Exchange into Ambit

19. 劉慧卿議員問：關於總督特派廉政專員公署（“廉政公署”）建議將香港聯合交易所有限公司（“聯交所”）納入《防止賄賂條例》的規管範圍一事，政府可否告知本局：

- (a) 廉政公署在此時提出這項建議的原因；
- (b) 建議中的規管範圍會否包括對聯交所職員、理事會成員、各委員會成員，以及個人和公司會員的規管；及
- (c) 廉政公署與聯交所就這項建議的討論迄今有何進展？

財經事務司答：主席先生，

- (a) 聯交所於一九九四年要求廉政公署防止貪污處，研究聯交所轄下上市科、財務及運作服務科和監察科的工作。研究在一九九五年年底

完成。研究報告確定，聯交所的運作程序，並無重大問題。然而，防止貪污諮詢委員會在通過有關報告時，注意到聯交所享有本港法定專利證券交易市場地位，對投資人士而言，擔當極其重要的角色。委員會因此建議，儘管廉政公署過往為聯交所審核各項制度時，一向得到聯交所鼎力合作，政府仍應把聯交所納入《防止賄賂條例》所載公共機構附表內，以便廉政公署防止貪污處可以對聯交所的其他所有運作程序作研究，並視乎研究結果，就防止貪污問題提供意見。

(b)及(c)

聯交所已要求廉政公署澄清，聯交所若列為《防止賄賂條例》範圍內的公共機構，則條例第2條有關“公職人員”一詞的法定定義，是否將適用於聯交所職員及各類會員。有關方面亦正特別諮詢法律意見，研究並非聯交所日常運作代理人的經紀會員，是否亦會被視為該條例所指的公職人員。據我們所知，聯交所會在進一步澄清上述各點並取得有關法律意見後，再就廉正公署的建議作出決定。

### **Correctional Services Department Staff Gambling on Duty**

20. 黃偉賢議員問：政府可否告知本局：

- (a) 過去三年，懲教署職員因在當值時聚賭或與囚犯聚賭而遭受處分的人數有多少；該等職員所受到的處分為何；及
- (b) 目前有何監察措施，以杜絕懲教署職員在當值時聚賭？

保安司答：主席先生，

- (a) 過去三年，並無懲教署職員因在當值時聚賭或與囚犯聚賭而遭受紀律處分。
- (b) 懲教署訂有足夠的監察措施，以防止各類不法活動，其中包括賭博。這些措施包括針對需要實施保安管制、背景審查、作出妥善監

管和會見有關人員等。

## **BILLS**

### **First Reading of Bills**

**GAS SAFETY (AMENDMENT) BILL 1996**

**INLAND REVENUE (AMENDMENT) BILL 1996**

**INLAND REVENUE (AMENDMENT) (NO. 2) BILL 1996**

**INLAND REVENUE (AMENDMENT) (NO. 3) BILL 1996**

**BUSINESS REGISTRATION (AMENDMENT) BILL 1996**

**ESTATE DUTY (AMENDMENT) BILL 1996**

**STAMP DUTY (AMENDMENT) BILL 1996**

**MOTOR VEHICLES (FIRST REGISTRATION TAX) (AMENDMENT)  
BILL 1996**

**AIR PASSENGER DEPARTURE TAX (AMENDMENT) BILL 1996**

**BETTING DUTY (AMENDMENT) BILL 1996**

**DUTIABLE COMMODITIES (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**

**GAS SAFETY (AMENDMENT) BILL 1996**

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

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

The Gas Safety Ordinance enables the Gas Authority (in this case the Director of Electrical and Mechanical Services) to enter and inspect fuel gas installations, such as gas works, high pressure gas pipes and gas pressure-regulating and storage facilities, and he does so annually. If the inspector finds any faults during an inspection, an improvement notice can be issued directing that they be remedied within a certain period.

The Bill proposes that gas installation owners should have a statutory obligation to ensure that their installations are maintained and operated safely and that they are inspected periodically by a competent person. This will ensure that the owner does not wait until the Gas Authority's inspector points out faults before performing maintenance work.

The Gas Authority will specify how often owners should arrange for a competent person to inspect different types of installations, examine the inspection findings and issue improvement notices when necessary.

The Bill will not only improve the safety of gas installations but also give the Gas Authority stronger powers to deal with any installation deemed to be unsafe. The Bill will enable the Gas Authority to effect remedial work himself if necessary or decommission the installation until it is made safe. The overall safety level of gas installations is good and decommissioning of an installation by the Gas Authority would only happen in unusual or extreme cases. It will be an offence to operate an installation that has been decommissioned by the Gas Authority. Expenses incurred by the Gas Authority in doing remedial work on an installation or decommissioning it will be recoverable from the person concerned as a civil debt due to the Government.

The proposals in the Bill will apply equally to fuel gas installations owned by registered gas companies, the Government and numerous institutional, commercial and industrial private sector establishments such as schools, power companies, private housing developments, restaurants and factories.



The Bill also amends the Gas Safety (Gas Supply) Regulations to enable the Gas Authority to prohibit disposable liquefied petroleum gas containers which he considers to be prejudicial to public safety.

Experience has shown that accidents with disposable LPG containers which have no valve to automatically close off the gas when the container is disconnected from an appliance often result in the user sustaining burns. These containers are of the type used with camping stoves. As the market will be adequately supplied with camping gas containers equipped with a closing off valve, the Gas Authority proposes, in due course, to prohibit the supply of those without a valve, in the interest of public safety.

The Bill also enables the transfer of responsibility for the examination of gasholders from the Labour Department to the Electrical and Mechanical Services Department, so that all responsibilities relating to safety of gasholders will be consolidated under one authority.

Mr President, I commend this Bill to the 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).*

## **INLAND REVENUE (AMENDMENT) BILL 1996**

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

庫務司致辭：主席先生，我謹動議二讀《1996年稅務（修訂）條例草案》。

本條例草案是我今午為實施本年度財政預算案所提出的稅收建議，而

向本局提交的十條條例草案中的第一條。

本條例草案的目的是按預算案所宣布的建議，提高薪俸稅免稅額；增設供養兄弟或姊妹免稅額；設立一個扣稅項目，使納稅人在合資格院校修讀與工作職業有關的培訓課程所繳交的學費成為可扣稅的開支；以及為酒店翻新開支，設立一項特定扣稅項目。現在讓我簡單解釋上述各項寬減措施。

第一，有關提高多項薪俸稅免稅額，具體來說，基本免稅額及已婚人士免稅額，將提高13.9%。第一及第二名子女免稅額以及第三至九名子女免稅額，將分別提高11.4%及13.6%，即分別增至24,500元及12,500元。供養父母及供養祖父母或外父祖母基本免稅額和額外免稅額，將分別提高11.4%及16.7%，即分別增至24,500元及7,000元；而單親免稅額及傷殘受養人免稅額，將分別提高12.5%及36.4%，即分別增至45,000元及15,000元。

第二，有關增設一項24,500元的供養兄弟或姊妹免稅額，納稅人如供養未婚兄弟或姊妹，可申請這項新設免稅額，惟該名受供養兄弟或姊妹在課稅年度內必須 —

- (a) 未滿18歲；
- (b) 為18歲或以上但未滿25歲，及為在學校接受全日制教育的學生；或
- (c) 為18歲或以上，因傷殘或弱智而不能工作者。

此外，納稅人亦可就其供養的傷殘兄弟或姊妹申請15,000元的傷殘受養人免稅額。

第三，有關設立一個扣稅項目，使納稅人在合資格院校修讀與工作職業有關的培訓課程所繳交的學費成為可扣稅的開支，每年最高達12,000元。這項措施將有助提高工作人口的技能。這扣稅項目適用於為取得或維持就業資格而在大學、專上學院、科技學院或其他合資格院校修讀的課程，或同業協會、專業團體或商會為會員提供的培訓或發展課程。由上述性質的海外院校機構所舉辦的課程，包括遙距課程，亦可接受。稅務局局長將印發資料小冊子，向納稅人解釋詳情。

最後，本條例草案增設一項特定利得稅免稅額，使酒店可透過每年註銷20%的方式，把翻新開支，攤分五年扣稅。這項措施顧及到酒店業的特殊

情□。酒店須不時進行裝修工程，以保持服務質素和水準。

主席先生，我謹此陳辭，建議本局議員通過本條例草案。

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

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

## **INLAND REVENUE (AMENDMENT) (NO. 2) BILL 1996**

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

庫務司致辭：主席先生，我謹動議二讀《1996年稅務（修訂）（第2號）條例草案》。

本條例草案的目的是對來自某些本港發行的債務工具的買賣利潤和利息收入，實施相當於一般利得稅率50%的優惠稅率。要得到這項稅務優惠，有關的債務工具必須達到以下標準——

第一，經由香港金融管理局（“金管局”）的債務工具中央結算系統存管及結算；

第二，具備金管局認可信貸評級機構審定並為金管局接受的評級；

第三，原定償還期不少於五年；

第四，面額最低為50萬元；及

第五，向香港公眾發行。

這項稅務寬減措施將有助吸引海外發行機構來港、擴大我們的債務市場和加強我們對區內其他金融中心的競爭能力。

本條例草案亦賦予財政司權力，使其可在憲報頒令，豁免發行機構所發

行的債務工具須符合有關的50萬元最低面額規定或信貸評級規定。我們的目的，是為政府的法定機構提供豁免。我們對這些機構的信用狀況絕無懷疑，因此無須規定它們發行的債務工具具備明確的評級。此外，我們亦鼓勵這些機構發行面額較低的票據，以便小投資者更容易參與高質港元債務證券投資。因此，豁免這些機構須符合最低面額的規定，實屬適當。財政司為給予這項豁免而頒布的任何命令，均為附屬法例，並須按慣常方式受本局監察。

主席先生，我謹此陳辭，建議本局議員通過本條例草案。

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

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

## **INLAND REVENUE (AMENDMENT) (NO. 3) BILL 1996**

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

庫務司致辭：主席先生，我謹動議二讀《1996年稅務（修訂）（第3號）條例草案》。

本條例草案的目的是加入具體條文，規定非本港居民無須就來自本港股票買賣和本港管理的真正離岸基金所提供的某些入息，負上繳納利得稅的責任。本條例草案的另一個目的，是規定如股票經紀和離岸基金經理代非本港居民買賣股票和投資基金，則無須就該等投資者從中所得的利潤，負上繳納利得稅的責任。有關修訂實際上反映現行做法，目的是使法例中的有關範疇更為明確。這些修訂將會有助提高香港作為國際金融中心的地位。

此外，我們亦藉此機會修訂有關法例，以便對涉及股票借用及借出交易的本港及非本港股票，實施同樣的稅務政策。根據現行法例規定，為鼓勵這類交易而實施的利得稅寬減措施只適用於本港股票。本條例草案把這項寬減措施的適用範圍擴大至稅務局局長指明的非本港股票交易。

主席先生，我謹此陳辭，建議本局議員通過本條例草案。

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

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

**BUSINESS REGISTRATION (AMENDMENT) BILL 1996**

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

庫務司致辭：主席先生，我謹動議二讀《1996年商業登記(修訂)條例草案》。

本條例草案的目的是提高商業登記費的豁免水平，即每月平均的生意額低於這個水平，便可豁免繳付商業登記費。對於售賣貨品的商號，豁免水平提高100%，由15,000元增至3萬元。至於銷售服務的商號，豁免水平則提高150%，由4,000元增至1萬元。

本條例草案的另一個目的，是把《商業登記條例》下訂立次要規例的權力，由總督會同行政局轉授庫務司。不過，本局仍可按慣常方式審議根據該條例所制定的各項規例。

主席先生，我謹此陳辭，建議本局議員通過本條例草案。

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

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

**ESTATE DUTY (AMENDMENT) BILL 1996**

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

庫務司致辭：主席先生，我謹動議二讀《1996年遺產稅(修訂)條例草案》。

現時提交議員審議的條例草案，目的是修訂用作評估遺產稅的資產值的級別。具體來說，本條例草案把遺產稅免稅額由600萬元增至650萬元，並將兩個稅階的幅度由100萬元增至150萬元。因此，遺產稅將按以下稅率徵收：

650萬元至800萬元之間的遺產，稅率為6%；800萬元至950萬元之間的遺產，稅率為12%；而950萬元以上的遺產，稅率則為18%。

我們亦藉此機會，把《遺產稅條例》賦予總督會同行政局的次要而不影響政策的權力轉授庫務司，以減輕行政局的負擔，並同時改善條例的編排。

主席先生，我謹此陳辭，建議本局議員通過本條例草案。

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

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

## **STAMP DUTY (AMENDMENT) BILL 1996**

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

庫務司致辭：主席先生，我謹動議二讀《1996年印花稅（修訂）條例草案》。

本條例草案的目的是調整印花稅的稅率，以減輕購買中下價樓宇的置業人士的負擔，這些人士包括購置居者有其屋單位或夾心階層房屋計劃物業人士。具體來說，本條例草案把只徵收100元象徵式印花稅的物業價值上限，由50萬元提高至75萬元。價值75萬元至150萬元的物業，所徵收印花稅稅率定為0.75%；價值150萬元至250萬元的物業，所徵收印花稅稅率定為1.5%；價值250萬元至350萬元的物業，所徵收印花稅稅率定為2%；而按2.75%的最高稅率計算印花稅的物業價值起點，則由300萬元提高至350萬元。

主席先生，我謹此陳辭，建議本局議員通過本條例草案。

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

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

**MOTOR VEHICLES (FIRST REGISTRATION TAX) (AMENDMENT)  
BILL 1996**

***THE SECRETARY FOR THE TREASURY to move the Second Reading of:  
"A Bill to amend the Motor Vehicles (First Registration Tax) Ordinance."***

庫務司致辭：主席先生，我謹動議二讀《1996年汽車（首次登記稅）（修訂）條例草案》。

本條例草案的目的是使運輸署署長得以訂立規例，釐定不同汽車應課稅價值水平的免稅項目的最高價值（這些項目包括免稅車輛配件及經銷商保用服務），使這些項目超出最高價值的部分須繳納稅款。此舉可對付利用誇大申報免稅項目的價值，藉以減低汽車應課稅價值，從而減少應繳首次登記稅的問題。我們會在實施有關規例前，就釐定各類免稅項目最高價值的適當水平，徵詢汽車業的意見；而有關規例將會按慣常方式由本局審議。

本條例草案亦使我們得以就首次登記稅的寬減，施加條件限制，並訂立罰則，防止寬減措施受到濫用。這對按照財政預算案所宣布，實施建議中鼓勵車主放棄舊車的計劃，實屬必要。該項計劃的目的，是要改善道路的空氣質素。根據該計劃，車齡在十年或以上的私家車的車主，如棄舊車，轉換新車，將可獲寬減首次登記稅，寬減額為應繳稅款的20%或3萬元，兩者取其較低者計算。為防止計劃受到濫用，我們擬採取以下條件限制 —

- (a) 有關的舊車必須已被拆毀及已取消登記；
- (b) 有關的舊車在拆毀前的24個月內，必須連續領有牌照；
- (c) 有關的舊車在拆毀前的24個月內並無轉換車主；
- (d) 獲寬減首次登記稅的權利只可在舊車拆毀後保留六個月；
- (e) 轉換的新車必須是汽油引擎車輛；及
- (f) 轉換的新車倘於購入後一年內易手，車主須繳回獲寬減的首次登記

稅。

任何人作出虛假聲明以圖獲得寬減稅項，即屬犯罪，並會循簡易程序定罪，可被處罰款50萬元及監禁12個月。

此外，我們亦藉此機會糾正法例中一些輕微未盡妥善之處，並修訂有關殘疾人士的條文，以準確反映政府政策的目的是只對身體狀況適宜駕駛的殘疾人士寬減首次登記稅。

主席先生，我謹此陳辭，建議本局議員通過本條例草案。

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

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

## **AIR PASSENGER DEPARTURE TAX (AMENDMENT) BILL 1996**

***THE SECRETARY FOR THE TREASURY to move the Second Reading of:  
"A Bill to amend the Air Passenger Departure Tax Ordinance."***

庫務司致辭：主席先生，我謹動議二讀《1996年飛機乘客離境稅（修訂）條例草案》。

本條例草案的目的是將飛機乘客離境稅由50元提高至100元，即回復一九八三年首次開設此稅項時的水平。現時50元的水平，遠低於亞太區內的平均數額。稅額提高後，將與區內其他地方所徵收的水平更趨一致。至於12歲以下的乘客，則仍然無須繳交飛機乘客離境稅。

主席先生，我謹此陳辭，建議本局議員通過本條例草案。

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

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



**BETTING DUTY (AMENDMENT) BILL 1996**

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

庫務司致辭：主席先生，我謹動議二讀《1996年博彩稅（修訂）條例草案》。

本條例草案的目的是將博彩稅稅率提高半個百分點。普通投注的稅率，將由11.5%增加至12%；特別投注的稅率，則由17.5%增加至18%。新稅率將於一九九六年九月一日新馬季開始時生效。英皇御准香港賽馬會將會相應減少所收取的投注佣金，以抵銷稅款的增加。彩池的獎金將不會減少。

主席先生，我謹此陳辭，建議本局議員通過本條例草案。

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

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

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

**DUTIABLE COMMODITIES (AMENDMENT) (NO. 2) BILL 1996**

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

庫務司致辭：代理主席先生，我謹動議二讀《1996年應課稅品（修訂）（第2號）條例草案》。

本條例草案的目的是將煙草稅及燃油稅提高9%。這加幅大致上與一九九五年的通脹率相若。此舉與我們的整體財政預算策略一致，根據該項策略，我們應維持各種收入來源的實質收益，以確保財政穩健。在煙草稅方面，我

們認為有需要提高稅率，以維持煙草稅對吸煙者的勸阻作用。建議的稅率加幅對通脹的影響極微。

此外，我們最近亦已增撥資源，使香港海關可以加強打擊走私香煙及非法使用柴油等活動。

代理主席先生，我謹此陳辭，建議本局議員通過本條例草案。

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

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

## **Resumption of Second Reading Debate on Bills**

### **LEGAL AID SERVICES COUNCIL (NO. 2) BILL**

#### **Resumption of debate on Second Reading which was moved on 18 October 1995**

**MRS MIRIAM LAU:** Mr Deputy, the Legal Aid Services Council (No. 2) Bill was introduced into the Legislative Council on the 18 October 1995. The purpose of the Bill is to establish the Legal Aid Services Council as a body corporate to supervise the provision of legal aid in Hong Kong.

A Bills Committee, of which I am the Chairman, was set up to study the Bill. The Bills Committee has held eight meetings, five of which were with the Administration. It has received three joint submissions from the Bar Association and the Law Society and a submission from the Duty Lawyer Service and met their representatives at the second and fourth meetings.

From the outset, Members have grave doubts about the merits of the proposed non-independent Legal Aid Services Council. They queried why the Administration is pursuing this option despite the overwhelming vote of the Legislative Council in July 1993 and the unanimous view of the legal profession for an independent legal aid authority. The Administration's explanation is that

this option could be implemented more quickly and that the other proposal could be considered at a later stage after the Legal Aid Services Council has conducted a feasibility study on the matter.

It is clear that if the Bill is rejected, it is unlikely that the Administration will pursue Members' preferred option in the near future. Under these circumstances, a majority of Members agree to aim at making suitable amendments to enhance the Legal Aid Services Council's level of independence and to improve its terms of reference so that at least it would be a step closer towards the goal of an independent legal aid authority. On the other hand, a few Members indicated that, whilst respecting other Members' wish to seek amendments to the Bill, they are inclined to reject the Bill as it does not meet with their expectations.

I will briefly describe the main issues considered by the Bills Committee.

The Bills Committee note that the Bar Association and the Law Society maintain the principle that legal aid services should be made independent and oppose the establishment of the proposed Legal Aid Services Council. In their view, the creation of the Legal Aid Services Council is merely cosmetic. It represents an additional level of bureaucracy, the effect of which will be to divert accountability for legal aid from the Legal Aid Department to a body which is not in a position, because of restraints on its powers, to be so accountable. They are strongly opposed to the proposal of bringing the Duty Lawyer Service under the Legal Aid Services Council. They consider that as the Duty Lawyer Service has been functioning smoothly and cost-effectively, there is no point in adding another layer of supervisory bureaucracy over the Duty Lawyer Service Council which would have the effect of diminishing the autonomy of the Duty Lawyer Service.

At the request of the Bills Committee, the legal profession has provided a further submission setting out their proposed amendments to the Bill. They, however, stressed that even with such amendments, the Bill does not reflect their preferred course and is a poor substitute for an independent legal aid authority.

Having regard to the smooth running of the Duty Lawyer Service and the existence of the Duty Lawyer Service Council, Members support the legal profession's view that the Duty Lawyer Service should be allowed to maintain its

autonomous status and unanimously agree that it should not be placed under the Legal Aid Services Council.

Although the Administration maintains that the establishment of the Legal Aid Services Council would not undermine the independent operation of the Duty Lawyer Service, it has agreed to amend clause 4 of the Bill to the effect that the Duty Lawyer Service will not be accountable to the Legal Aid Services Council for the provision of its legal aid services. However, it considers that as the Legal Aid Services Council is the Governor's advisor on the policy on legal aid, it is of fundamental importance that the Legal Aid Services Council should be able to offer advice on the whole range of publicly funded legal aid services, including the Duty Lawyer Service. It therefore insists that the Legal Aid Services Council should retain an advisory role over the Duty Lawyer Service and does not accept the Bills Committee's proposal to delete all references to the Duty Lawyer Service.

Another main concern of Members is that the proposed Legal Aid Services Council is not sufficiently independent. With its limited scope and power, the Legal Aid Services Council cannot enhance independence of legal aid services.

Various suggestions have been put forward by Members to improve the relevant provisions, including a suggestion to model the Legal Aid Services Council on the Municipal Councils. However, having considered the mode of operation of the two Municipal Councils, Members agree that such mode is not suitable as the Legal Aid Services Council is neither independent nor financially autonomous. After discussion, the Administration accepted some of the suggestions made by Members and has proposed amendments to the clause to address some of Members' concerns, including deleting provisions which place undue limit on the Legal Aid Services Council's power.

A further concern relates to the feasibility study on the establishment of an independent legal aid authority. Members pointed out that while the Administration kept on stressing that one of the most important tasks of the Legal Aid Services Council is to conduct the feasibility study, this is not mentioned in the Bill. They strongly feel that this important function should be explicitly stated in the Bill.

On review, the Administration agreed to include this function under a revised clause 4(5) concerning the Legal Aid Services Council's advisory role.

However, since the revised subclause still covers the Duty Lawyer Service, a majority of Members agree that the Bills Committee should move amendments to clauses 2 and 4 to delete all references to the Duty Lawyer Service.

The Bill Committee also examined the proposed membership of the Council. One Member suggested the four lay members of the Legal Aid Services Council should include a Member of the Legislative Council and persons from non-government human rights organizations and social and welfare services organizations as well as the academic community.

The Administration finds the proposal unacceptable as it considers that lay members should be drawn from all sectors of the community. It also pointed out that all members are appointed on a personal basis to ensure that impartial and independent advice is given to the Legal Aid Services Council, and as far as possible, lay members should not feel obliged to represent the views of certain bodies or sectors of the community. Furthermore, it considers that the proposal will restrict the choices available to the Governor and undermine his effort in trying to appoint the most suitable persons to the Legal Aid Service Council.

However, as requested by the Member, the Administration has agreed to provide an undertaking in the Chief Secretary's speech in reply that the Administration will consider appointing lay members from the suggested sectors. And I look forward to receiving that in the Chief Secretary's reply.

Another main issue considered by the Bills Committee is the prohibition of unauthorized disclosure of information as set out under clause 14.

Members note that the Bar Association and the Law Society have proposed to delete the clause as they consider that criminalization of disclosure of information is wholly unnecessary and unsupported by any evidence of previous disclosure. They have also referred to similar provisions in the Legal Aid (Amendment) Bill 1995 which were withdrawn by the Administration because of strong objection from the Bills Committee and the legal profession.

In response to Members' request for explanation of the rationale for including such provisions, the Administration informed Members that the clause is modelled on section 38 of the Legal Aid Act 1988 of the United Kingdom for the purpose of protecting applicants for legal aid and legally aided persons from disclosure of information. Some Members pointed out that it is inappropriate to adopt the United Kingdom practice as Hong Kong has a different legal aid system.

Members note that there is no problem of unauthorized disclosure of information by staff of the Legal Aid Department who, as civil servants, are subject to disciplinary action under Civil Service Regulations. They also note that as the clause is not intended to cover the legal team or its staff, the proposal only extends to members and staff of the Legal Aid Services Council who can be prevented from making unauthorized disclosure by contract terms or by undertaking.

Having considered the Administration's explanation and having regard to the fact that there are no such provisions in the Housing Ordinance, the Hospital Authority Ordinance, the Urban Council Ordinance and the Regional Council Ordinance, a majority of Members do not consider that there is sufficient justification for such a provision in the Bill and agree that the clause should be deleted.

Taking into account suggestions made by a few Members, the Administration has proposed amendments to restrict the scope of clause 14 by defining the term "a person", to allow disclosure of information with the consent of the applicant for legal aid or the legally aided person and to provide that a prosecution for an offence under this section is not to be brought without the written consent of the Attorney General. Two Members have indicated that they would support the clause, if so amended. However, a majority of Members maintain that the clause is unjustified and the same should be deleted in its entirety.

At the conclusion of deliberations by the Bills Committee, three Members (representing the minority in the Bill Committee) have clearly indicated that they remain opposed to the Bill, notwithstanding the amendments proposed by Members and the Administration. They point out that although the amendments make the Bill less objectionable, the Legal Aid Services Council as proposed

falls far short of their expectations and is therefore not acceptable.

In accordance with the majority wish of the Bills Committee, I will move amendments to clauses 2, 4 and 14 of the Bill at the Committee stage.

Mr Deputy, with these remarks and subject to the Committee stage amendments agreed by the Bills Committee, I commend this Bill to Members.

**MISS MARGARET NG:** Mr Deputy, I oppose the Legal Aid Services Council (No. 2) Bill. As a member of the Bills Committee which examined this Bill, I have indicated to the Honourable Mrs Miriam LAU, Chairman of the Committee, that I will do so notwithstanding the amendments to be proposed in the Committee stage.

In opposing the Bill, I voice not only my own opposition, but also the opposition of both branches of the legal profession who have studied this Bill in great detail. It is their view and mine, that the Legal Aid Services Council (LASC) proposed has nothing to do with making legal aid independent or financially autonomous. It is mere window dressing, and may indeed do the public more harm than good by diverting responsibility and accountability from the Administration to the Council for the efficiency and adequacy of legal aid. The Council, which will have no administrative or executive or decision-making power, is liable to be made the scapegoat of the Administration, and a shield to whatever the Administration wants or do not want to do.

More fundamentally, I oppose this Bill because of the spirit underlying it. As first presented to us, it was a less than honest Bill. It purports to set up an independent legal aid services council, but is in fact nothing of the sort. It purports to meet the public demand for an independent legal aid service, but in fact offers no more than an advisory body of the Government with a limited supervisory role under a grand-sounding name. What the Bills Committee has managed to do is to make the real nature of the Council clearer by amending the Bill. The amendments drawn up by the legal profession which the Honourable Mrs Miriam LAU referred to were for the sole purpose of making the nature of the Council clearer, but we could not make it more independent than it is. So,

let us look at the functions of the Council as set out in the Administration's Committee stage amendment to clause 4(2) of the Bill: "The Council may", it says:

- formulate policies
- give advice on policy direction
- review the work of the Department and "make such arrangements as are expedient and proper" for efficient and economical legal aid services
- keep under review the Department's plans for development
- consider and advise on the estimates

These are all typical functions of an advisory committee.

The Bill may appear to make the Council more than that. Under clause 4(1), the Council is supposed to be "responsible for overseeing the administration" of the legal aid services provided by the Legal Aid Department, and the Department is supposed to be "accountable" to the Council. But responsibility is not the same as power. The Director of Legal Aid and every single member of staff of that Department remains directly responsible to the Administration. They are hired and fired, promoted or demoted or transferred by the Administration. The budget is controlled by the Administration. How the Department works with other government departments is a matter within the Administration. Under whatever new appearance, legal aid is going to remain completely under government control.

The powerlessness of the Council can be seen more clearly in clause 4(3) and (5)

- under (3), it says, it does not have the power to direct the Department on staff matters.
- (5) reads: "The Council is the Governor's advisory body on the policy of the Government concerning all publicly funded legal aid



service ....."

— not a body through which representatives of the public decide on legal aid policies and direct the carrying out of the these policies with the advice and assistance of the legal profession.

Mr Deputy, the public needs a truly independent legal aid service which it can feel fully confident to be beyond the interference of the executive, because there are real, and not only perceived, conflict of interests between the two. The public does not need a cosmetic change which, if you will forgive the mixed metaphor, merely pulls wool over its eyes.

This Council, in a motion debate on 21 July 1993, has stated in no uncertain terms that it does not want a seemingly independent Legal Aid Services Council. It said so by a vote of 37 against two. What clearer message can we send to the Administration? Yet we are now being served exactly what we said we did not want.

In this context, the compromise, under clause 4(6), that the Council will advise on "the feasibility and desirability of the establishment of an independent legal aid authority" is of little value. Indeed, it may even represent a step backwards, in that the "feasibility and desirability" study has already been carried out and decided upon back in 1993.

Last but not least, it is the strongest possible view of the legal profession, and Duty Lawyer Services that Duty Lawyer Services, at present the only truly independent part of legal aid services, be kept out of such a dubious scheme as this Bill. This is also a strong and unanimous view of the Bills Committee.

Thank you, Mr Deputy.

何俊仁議員致辭：代理主席先生，本人代表民主黨發言，支持《法律援助服務局條例草案》恢復二讀，並支持條例草案審議委員會主席在委員會審議階段所提出的修正。但與此同時，民主黨亦對政府拒絕透過這條例草案成立一個全面獨立於政府架構之外的法律援助服務局（“法援局”），全權管轄及

提供法律援助服務，表示不滿。

代理主席先生，今天反對《法律援助服務局條例草案》有兩種不同的意見。第一類意見是來自法律界的兩個公會，即香港大律師公會和律師會，以及本局法律界的代表吳靄儀議員。他們反對的立場很清楚，是基於這條例草案所設立的法援局不是一個完全獨立於政府架構以外的組織，故此未能符合他們的基本要求。對於這個立場，我當然很同意，而對吳議員決定投反對票，民主黨與我本人也是理解和尊重的，但對於吳靄儀議員其他的一些具體分析和反對理由，我卻持有不同意見，並會稍後詳細論述。

今天反對條例草案的第二種意見，相信主要是來自民建聯和一些與中方關係較密切的議員。他們表面上批評條例草案所要設立的法援局不倫不類，非驢非馬，所以不予支持，但倘若政府真的設立一個全面獨立的法援局，他們又會否支持呢？我相信他們仍會反對。我相信他們今天反對這條例草案的原因，主要是這法援局的設立，是一個未曾得到中方認可或贊同的改變。對於這種立場，即不論任何改革是否進步；是否適當；是否有利公眾；是否符合民意，如非得到中方認可，他們不敢支持，我們絕對不能接受。我們也相信持第一類反對意見的法律界人士和吳靄儀議員，也不會同意這立場。

代理主席先生，民主黨在審議這條例草案時，曾認真和審慎考慮以下幾個問題，才作出支持的決定。

我們第一個問題是，現時法律援助署（“法援署”）的行政管理是否有待監管和改善，確保能提高法律援助服務的效率和質素？我們的答案是肯定的。

現時對法援署的批評主要來自數方面：最受人詬病的，是法援署處理申請的時間過長，這些經常的耽誤和拖延，使申請人感到焦慮不安，及艱困無援。我們試看，一般進行追討交通意外傷亡賠償的申請，平均審查時間要八個半月；追究醫療疏忽賠償要等六個半月；追討僱員賠償要四個月；離婚及追討贍養費則要花三個半月審查。這樣的效率，我們又怎能接受呢？我們急切需要法援局制定一個合理的服務承諾。其他的批評，很多涉及法援署內一些官員的服務態度。有些人批評他們官僚冷漠，評估申請時的專業判斷保守，對很多身處不幸情口而急需援助的人士缺乏應有的了解、關懷和同情。總體而言，很多人覺得法援署缺乏一種關懷的服務文化。更有很多人關注到法援署在審批申請和對拒絕申請而進行的上訴程序有很多不善之處，長久以來都沒有檢討和改善。總括而言，法援署的行政管理措施和服務方針需要有經常的監管以及全面檢討，以求改進，才能配合社會的進步和市民的需要。

代理主席先生，我們的第二個問題是，現時這條例草案經修訂後所設立的法援局，是否有助改善法援署的行政管理和服務質素？我們的答案是我們相信會有助改善的。

我們得承認這條例草案所要設立的，當然並非一個完全獨立於政府之外的法律援助服務機構，這點是很清楚的，政府亦承認，因為簡單來說，法援署仍然是一個政府部門。但成立的法援局仍不失為一個相對獨立，能夠監管法援署及其法援服務的非官方機構。我們雖然相信設立全面獨立，包括能夠擁有全面監管權力和獨立資源的法援局是一個最佳選擇；但在目前的情況下，退而求其次，設立一個相對獨立的監管機構，我們相信也可帶來一定的改革和進步。

首先，法援局的成員有十位，除了法援署署長是當然成員外，有四位是來自法律界，（即兩位由大律師公會，兩位由律師會推薦），其餘五位都是非官方人士。政府曾表示會很審慎考慮委任一些關注人權或與社會服務界有關，或獨立的學術界人士，也會考慮委任一些有民意基礎的立法局議員或其他民選議員。我們相信，總括來說，法援局的組成人士，總比現時政府在建制內負責監管法援署的布政司辦公室或行政署更為獨立，更能產生有效的監管作用。

其次，政府在政策上亦要保持法援署有一定程度的獨立形象，這是政府常說的，所以他們不會經常監管法援署的實際運作。有很多人提到，我們無需成立法援局。為何不可以由立法局多加監管，而要直接針對法援署及政府呢？但我想提出一個很現實的問題，就是實際上立法局能否做得到呢？我很想問立法局負責監管的人士，他們能否告訴大家，現時負責監管法援服務的事務委員會在一星期或一個月內會花多少時間處理有關事務呢？我記得上次我們曾邀請法援署署長出席會議，半小時後他便要匆匆離開，因為我們要進入下一個議程。最後那次會議也要超時完成。因此，我們要面對的問題是，我們能否有人專注監管法援署的工作呢？成立法援局的一個優點，就是可以有多一批非官方人士，專注監察、檢討及改革法援署的管理和服務。

吳靄儀議員曾批評這個法援局只是一個無權、或很少權力的諮詢機構，這點我不能完全同意，因為經過修正後的條例草案第4(2)條，清楚指定法援局有權制定法援署服務的政策，（當然有剛才所說的兩個例外，就是不得影響人事編制和個案的處理），並可對法援署的工作經常作出監管和檢討，以確保其服務的效率等。我覺得這些都是實際的權力，以監管法援署的內部運作。我們相信法援署必須根據這法例，尊重及遵守法援局所作出的建議及決定。

我們的第三個問題是，是否今天通過了這條例草案後，我們今後便會放棄爭取一個全面獨立的法援局的權利和機會？我們的答案是否定的。

在條例草案審議期間，政府一再表示在現階段不會考慮設立一個全面獨立的法援局，以管轄一個脫離政府架構的法援署。我們已對此表示不滿，但如果我們今天否決了這條例草案，我們可看到在九七年前，政府也不會再提出其他任何新的條例草案。我們也沒有能力提出私人條例草案，因為這涉及財政開支。九七年後提出條例草案的機會又如何呢？在目前預見的情<sup>□</sup>下，相信也是十分渺茫的。因此，現時這條例草案第4條規定法援局仍需繼續研究成立一個全面獨立的法援局的可行性，最少把問題仍然放在議程上。本局仍可繼續努力，爭取成立一個我們希望見到的獨立的法援局。這問題不會在今天完結。

第四個問題是，成立一個半獨立的法援局究竟有沒有一些弊端，使我們所見到的好處完全被抵銷，甚至很多事情我們認為是進步的，也會適得其反？我們在審慎考慮後，所得的答案是否定的。

吳靄儀議員擔憂這個有名無實的法援局，將可能是政府或法援署一些錯誤政策的代罪羔羊。我很理解她的疑慮，但我不同意她的解決方法，即寧可不要這個半獨立的法援局。其實，吳議員的憂慮，可適用於全部現行的法定機構，不論其屬下的行政部門是否政府架構。我們試看現時很多法定機構，如房委會、醫管局、機管局、廣播管理局等，它們若犯有錯誤，它們自己是否也要首當其衝？我們可否說它們成為了中央政府的代罪羔羊？要避免它們的決策錯誤，我們是否也要用同一個邏輯，廢除所有這些法定機構，甚麼事都要傾向於中央集權，讓我們能直接追究中央政府？我們覺得這是“斬腳趾，避沙蟲”的方法。

問題的關鍵，就是要在制度上，確保法定機構的代表性和問責性，代表性同時也保障了其獨立性。這與其屬下的行政架構是否政府部門可能同樣重要，如果不是更重要的話。例如，兩個市政局縱使其屬下行政架構，市政總署和區域市政總署是政府部門，但我們會否懷疑市政局及區域市政局的獨立性呢？又會否懷疑它們會成為政府的代罪羔羊呢？我們覺得它們的代表性是很重要的。我希望稍後政府會再談談委任的原則。除了四位法律界代表外，我希望他們能委任多一些民意代表。

此外，法定機構的問責性，主要體現於他們的工作是否具公開性及透明

度。我們要確保它能盡可能公開會議，並向公眾提交更多資料；此外，還要接受有關議會的質詢及監察。其實這些問題將會是本局日後一些辯論的主要課題。稍後民主黨將會提出一項《房屋（修訂）條例草案》，主要是就法定機構的問責性和代表性帶來一個第一次全面的原則性檢討和辯論，以至是日後改革的先例。其實法定機構這問題，民主黨將會全面研究及提出一個全面的改革方案，那時法援局的改革當然也包括在內。

代理主席先生，我也支持條例草案審議委員會提出的修正案，理由已在劉健儀議員的報告內列出，我不再詳述。我謹此陳辭，請大家支持條例草案和劉健儀議員的修正案。

THE PRESIDENT resumed the Chair.

葉國謙議員致辭：主席先生，隨□社會的進步，人人都追求平等公義，這是一個很自然的發展。法律援助是本港司法制度不可或缺的一環，它的重要性是不容置疑的，它確保市民不會因為經濟能力有限而失去在法律上享有的權力。今次政府提交本局審議的條例草案，規定成立一個屬於法人團體的法律援助服務局（“法援局”），以監管在香港提供的法律援助服務。民建聯認為，建議成立的法援局只是一個具有有限度監管能力的諮詢架構，它如何能夠發揮公眾對法律援助的問責性和加強透明度，實在令人感到疑惑。

主席先生，本人認為這條例草案現時所建議的內容，反映出政府在改善法律援助問題上，誠意不足。日後成立的法援局根本就沒有獲得賦予實質的權力，去作任何政策上的改變，或為公眾提供的法律援助及法律援助署的運作作出指示。這樣的運作架構，相信對改善法律援助服務的幫助十分有限。

再者，這條例草案建議將當值律師服務撥歸法援局統轄，正如法律專業界人士的意見所說，這實際是一種倒退的做法。民建聯同意，目前當值律師服務由當值律師服務理事會監管下，一直運作良好，沒有收到任何投訴，這做法也符合經濟效益，故此，沒有必要在當值律師服務理事會之上，再另加一層監管，形成一個官僚的架構。這樣的架床疊屋，既削弱當值律師的自主權，但又不能改善服務，反會浪費公帑。

雖然政府和條例草案審議委員會分別提出修正案，避免法援局的權力受到不適當的限制，並將當值律師撥歸法援局統轄的條文刪除，使這條條例草

案較易為人接受，但民建聯始終認為，建議的法援局並不可取。如果建議要設立的機制未能改善當前的服務，倒不如將現存的架構加以改善，包括加強當值律師服務理事會的職能、在法律援助常務委員會中加入一些非法律界人士的成員，以及委員會定期舉行會議等，相信也能夠發揮類似建議的法援局的職能，有助監管法律援助的行政管理，並可減省公帑的開支。

剛才民主黨何俊仁議員在發言時，指摘民建聯是因為得不到中方的允准，所以才對這條例草案不給予支持，我覺得這是一種徹頭徹尾的污蔑，也是一種不負責任的說法。真金不怕紅爐火，民建聯的代表在整個條例草案審議過程中的表現，我相信在座很多同事都是有目共睹的。我們的立場是清晰的，不能被一、兩句說話歪曲。我也懇請何議員不要亂扣帽子。

本人謹此陳辭。

**李家祥議員致辭：**主席先生，我打算在條例草案二讀時投反對票，但是由於何俊仁議員剛才那麼大的帽子套下來，說有兩種意見，一種是專業意見，另一種是政治意見，所以我覺得如果我不解釋清楚立場的話，稍後可能有人會誤會我的投票意圖。

當然，我並不擔心有人說我是親中或其他，因為這對我來說並沒有很大關係，但我想解釋清楚為何我支持吳靄儀議員的言論。由於我們都代表專業團體，所以我尊重她的專業意見，而我對於中方的言論或立場，事實上真的並不清楚，也從未聽聞。聽過民建聯葉國謙議員的言論後，我覺得有些是合理的，所以我也尊重他的意見，而我相信民建聯並非代表中方說話，我認為這沒有甚麼依據，甚至何俊仁議員也沒有甚麼依據說這些意見是代表中方的言論。

作為專業人士，我完全同意法律援助署應該有獨立的財政和人力資源，擁有獨立的權力處理或影響政策，並須獨立向公眾交代，特別是用家是一般市民。這種獨立與葉議員所說的稍為不同，因為葉議員所說的是可以做到獨立，這很重要，但作為專業人士，我不但希望法律援助署能做到獨立，還希望它可讓公眾見到它真正獨立。在這方面，條例草案的原則性並不足夠。如果這些意見現時並非中方的意見，我會很樂意向中方推薦。

我認為條例草案二讀是一項原則性的表決，而我完全認同吳靄儀議員的看法，所以我會投反對票。不過，何俊仁議員除了開首的言論外，其餘的意見給我耳目一新的感覺，是一篇少有的演辭，民主黨議員今次非常“務實地”就政策的服務架構作出分析。作為專業人士，今次，在這問題上，我可

能比他更堅持原則。他的意見並不是錯的，他與葉議員都說得很對。從一個務實的角度來看，這條例草案在條例草案審議委員會主席劉健儀議員的精心引導下，實在有進步。因此，如果條例草案通過二讀的話，我在委員會審議階段和三讀時都不會否決這條例草案。

**張漢忠議員致辭：**主席先生，對於何俊仁議員的言論，我感到極度遺憾。他說民建聯的同事投反對票是由於中國政府反對這條例草案，給人的感覺是民建聯是中國政府的哈巴狗或傀儡。我覺得對我們來說，他用了侮辱性的言詞。根據《會議常規》第31(4)條，我希望主席稍後作出裁決。我希望何俊仁議員撤回他的言論。除非他拿出事實根據，否則，我希望他撤回他的言論，並向我們道歉。

**PRESIDENT:** It is no longer a point of order which should have been made at the time when Mr HO said what he said. And by the way, the terms that you have used yourself in your speech might be even more offensive than the words used by Mr HO himself.

**CHIEF SECRETARY:** Mr President, on 18 October 1995, the Legal Aid Services Council (No. 2) Bill was introduced into this Council. This Bill provides for the establishment of an independent Legal Aid Services Council to oversee the publicly-funded legal services operated by the Legal Aid Department and the Duty Lawyer Service. The objective of the Bill is to provide greater and more direct public participation in legal aid administration and policy formulation and to enhance the independence of legal aid administration.

I would like first to thank members of the Bills Committee, especially its Chairman, the Honourable Mrs Miriam LAU, for their hard work and thorough examination of this controversial Bill. We have responded positively to most of the ideas put forward by members of the Bills Committee and these are reflected in the Committee stage amendments which I will move later.

Before I proceed any further, Mr President, I should like to acknowledge that I appreciate that, for some Members, this Bill does not go nearly far enough and in the view of certain Members, nothing short of a totally independent legal aid services will be acceptable. Let me just recapitulate briefly why we do not agree with setting up an independent legal aid authority now.

The first reason is that we are frankly not convinced that this is the best way forward. The second reason is that it would take a considerable period of time to do this. It will be necessary to dis-establish the Legal Aid Department and draw up new terms and conditions of services for the new authority.

From experience, this could involve protracted consultation with the staff of the Department who have not indicated clear support for the proposal. Therefore, we have proposed to proceed in two stages; first, by establishing the Legal Aid Services Council, and secondly, by asking the Legal Aid Services Council to examine and advise on the proposal for an independent authority.

Mr President, I would now like to outline briefly our proposed changes to the Bill and to set out our views on some of the concerns raised by the Bills Committee.

First, in my speech on 18 October 1995 to move the Second Reading of this Bill, I said that once the Legal Aid Services Council had been established, we would ask the Council to examine the feasibility and desirability of establishing an independent legal aid authority. Some Members were of the view that, for the avoidance of doubt, the Bill should provide explicitly that the Council's advice would be sought on this proposal. To allay Members' concern, I shall move a Committee stage amendment to include a subclause to this effect in clause 4 of the Bill.

Secondly, some members of the Bills Committee suggested that the Duty Lawyer Service should not be put under the supervision of the Legal Aid Services Council since the Service is already managed by an independent governing body, the Council of the Duty Lawyer Service. They supported the legal profession's view that the Duty Lawyer Service should be allowed to maintain its autonomous status. We are prepared to agree that the Duty Lawyer Service should be excluded from the supervision of the Legal Aid Services Council. At the Committee stage, I shall move amendments to clauses 3, 4, 5, 9 and 10 of the Bill to give effect to this. However, we believe that it is important that the Council should be able to advise the Government on the provision of all publicly-funded legal aid services, including those provided by the Legal Aid Department and the Duty Lawyer Service. This is preserved in the new clause 4(5) that I shall propose.



The Chairman of the Bills Committee, Mrs LAU, will propose Committee stage amendments to clauses 2 and 4 to delete all reference to the Duty Lawyer Service. As I have just said, the Administration believes that it is important that the Council should be able to offer advice on the whole range of publicly-funded legal aid service and on the co-ordination between the Legal Aid Department and the Duty Lawyer Service. We therefore cannot support Mrs LAU's proposed amendments.

Thirdly, some Members proposed that clause 4 of the Bill, which sets out the functions of the Council, should be amended to refine the relationship between the Council and the Legal Aid Department to enhance the supervisory role of the Council. The amendment to clause 4 that I shall move at the Committee stage will allow the Council to look into the day-to-day operation of the Department, with the exception of staff matters and the handling of individual legal aid cases. A provision will also be made to require the Department to provide information as reasonably requested by the Council.

Fourthly, some Members proposed deleting clause 14 of the Bill, which provides for the prohibition of unauthorized disclosure of information. They considered that the criminalization of disclosure of information was unnecessary. Clause 14 is modelled on a similar provision in the United Kingdom legislation and its purpose is to protect applicants for legal aid and aided persons from unauthorized disclosure of information. However, we appreciate Members' concern, and I will move an amendment to restrict the scope of clause 14 and to provide that a prosecution for an offence under this clause will not be brought without the written consent of the Attorney General. But we do not agree that clause 14 should be deleted, as Mrs LAU will propose at the Committee stage. The privacy of applicants for legal aid and aided persons needs to be adequately protected.

Some Members also suggested that the Administration should appoint as lay members of the Council a Member of this Council, persons from human rights organizations, social services and welfare organizations and the academic community. I can assure Members that we will give careful consideration to appointing persons from these groups as lay members when the Council is established.

Mr President, with these remarks, and subject to the Committee stage

amendments proposed by the Administration, I commend the Legal Aid Services Council (No. 2) Bill to Honourable Members.

*Question on Second Reading of the Bill put.*

*Voice vote taken.*

Mrs Miriam LAU claimed a division.

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

**PRESIDENT:** I would like to remind Members that they are now called upon to vote on the question that the Legal Aid Services Council (No. 2) Bill be read the Second time.

**PRESIDENT:** Will Members please register their presence by pressing the top button and then proceed to vote by pressing one of the three buttons below?

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

Mr Allen LEE, Mrs Selina CHOW, Mr SZETO Wah, Mr LAU Wong-fat, Mr Edward HO, Mr Ronald ARCULLI, Mrs Miriam LAU, Mr Albert CHAN, Mr CHEUNG Man-kwong, Mr Frederick FUNG, Mr Michael HO, Dr HUANG Chen-ya, Miss Emily LAU, Mr LEE Wing-tat, Mr Fred LI, Mr Henry TANG, Mr James TO, Dr Samuel WONG, Mr Howard YOUNG, Mr WONG Wai-yin, Mr Andrew CHENG, Dr Anthony CHEUNG, Mr Albert HO, Mr LAU Chin-shek, Dr LAW Cheung-kwok, Mr LAW Chi-kwong, Mr LEUNG Yiu-chung, Mr Bruce

LIU, Mr MOK Ying-fan, Mr SIN Chung-kai, Mr TSANG Kin-shing, Dr John TSE and Mr YUM Sin-ling voted for the motion.

Dr LEONG Che-hung, Mr CHIM Pui-chung, Mr Eric LI, Mr CHAN Kam-lam, Mr Paul CHENG, Mr CHEUNG Hon-chung, Mr CHOY Kan-pui, Mr David CHU, Mr IP Kwok-him, Mr Ambrose LAU, Miss Margaret NG and Mr NGAN Kam-chuen voted against the motion.

Mrs Elizabeth WONG abstained.

THE PRESIDENT announced that there were 33 votes in favour of the motion and 12 votes against it. He therefore declared that the motion was carried.

Bill read the Second time.

*Bill committed to a Committee of the whole Council pursuant to Standing Order 43(1).*

## **KADOORIE AGRICULTURAL AID LOAN FUND (AMENDMENT) BILL 1996**

### **Resumption of debate on Second Reading which was moved on 13 March 1996**

*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).*

## **INLAND REVENUE (AMENDMENT) (NO. 3) BILL 1995**

**Resumption of debate on Second Reading which was moved on 29 November 1995**

**黃震遐議員致辭：**主席先生，《1995年稅務（修訂）（第3號）條例草案》於一九九五年十一月二十九日提交立法局。該條例草案旨在訂明，倘已訂立免受雙重徵稅的雙邊安排，政府可對以本港為基地的航空公司之源自海外的收入徵稅；此外草案並作出若干雜項的技術性修訂，以更新及修正該條例。

本局曾成立條例草案審議委員會，研究該條例草案。本人擔任該條例草案審議委員會主席。條例草案審議委員會與政府當局舉行兩次會議，並接獲香港會計師公會一份意見書。

我將會簡述條例草案審議委員會曾審議的主要問題。

條例草案第6條旨在促使為航空公司的收入而訂立的雙重課稅寬免條款得以實施。

議員察悉該項條文違背本港的地域來源徵稅原則，並要求當局就此舉的理據提供進一步資料。

政府當局在回應時解釋，向國際航空運輸業的利潤徵稅的事宜屬“灰色”地帶，因為其收入主要源自國際空域內進行的活動。此情□使航空公司從不同國家賺取的利潤難以按來源基礎作有意義的分配。大部分國家均採取與香港不同的做法。該等國家以其本土航空公司的全球收入作為徵稅基礎，因此航空公司經營者須蒙受一定程度的雙重徵稅損失的情□並不罕見。為解決此種問題，不少國家設法就航空公司的收入與其他國家簽訂雙邊的雙重徵稅協定，使每個地區都可以享有專有權利，可向其本土航空公司源自對方境內的國際業務的利潤徵稅。

議員察悉，當前的法例修訂由本港的航空業人士首先提出。政府當局建議作此項修訂，亦為了回應本港的國際航空夥伴就訂立雙重徵稅協定提出的要求。一般而言，按照國際慣例，有關國家只可向其本土航空公司的收入徵稅。在此方面，香港的做法是遵照國際慣例、經濟合作及發展組織的建議，以及國際民航組織的建議行事。

政府當局強調，當局建議作此項修訂，並非為違反地域來源徵稅的原則

開創先例，而是希望因應本港航空公司在其日常經營的業務所須面對雙重徵稅問題而消除其憂慮。此種獨特的情□，不可能輕易適用於航空及航運以外的業務。

為減輕議員的憂慮，庫務司將會在稍後發言，就以下事項作出明確的聲明：

- (a) 有關的法例修訂，旨在配合國際航空公司運作的特殊情□；
- (b) 有關修訂只適用於航空運輸業特有的營運情□；及
- (c) 有關修訂不會被視為訂立先例，當局不能據此而就香港其他類別的業務的全球收入徵稅。

條例草案審議委員會關注的另一事項是香港與海外地區之間交換資料的事宜，因為關於哪些資料須予以保密及哪些可予披露方面，其他國家可能有不同的慣例及規定。議員為此要求政府當局考慮對香港與其他國家簽訂的雙重徵稅協定所包括的資料加以限制，以及研究是否需要在條例草案中特別為該類限制訂立條文。

政府當局在回應時解釋，擬納入民用航空運輸協定內就航空公司收入訂立的標準雙重課稅寬免條款，並無交換稅務資料方面的條文。當局亦澄清，民用航空運輸協定內關於“提供統計資料”的標準條款，只與交換飛航統計數據有關，而並無包括涉及稅務的資料。

至於議員關注該條例第49(5)條是否適用於雙重徵稅協定的問題，政府當局指出，目前第49(5)條條文只涵蓋就航運收入徵稅與美國訂立的雙重徵稅協定。此外，政府當局已澄清，只有在雙重徵稅寬免條款內特別規定須披露稅務資料的情□下，該項條文才可適用於有關協定，而無須遵守該條例第4條訂明的保密規定。然而目前的法例修訂工作並不屬於上述情□。

政府當局亦曾表示，根據該條例第49(1)條，雙重課稅寬免安排須經由總督會同行政局頒布的命令宣布生效。該項命令屬於一項附屬法例，須提交立法局審議，因此不會出現政府當局未經通知立法局或未獲得立法局同意而將交換稅務資料的條文納入有關協定的問題。

為向議員提供進一步的保證，庫務司準備在稍後的發言中發出明確的政策聲明，表明政府當局在商議訂立有關航空公司收入的雙重課稅寬免安排時，不打算將交換稅務資料的條款納入該種安排的範圍內。

議員亦要求政府當局提供就航空公司的利潤訂定雙重徵稅協定後，政府的稅收情況如何。

應議員的要求，政府當局告知條例草案審議委員會，截至一九九五年三月三十一日，當局共有48個現存的航空公司檔案，其中只有18個檔案申報經評定的利潤，餘下的檔案則申報虧蝕，或表示並無利潤。

政府當局證實，根據現時的經濟及航空營運情況，香港倘與各國民航夥伴就航空公司的利潤訂立避免雙重徵稅協定，整體而言，香港的稅收會有淨額增加。

鑑於事實上當局已提供足夠的保障及保證，以消除議員的憂慮，議員支持條例草案的各項條文。

政府當局將會在委員會審議階段對條例草案作出三項技術上的修正。條例草案審議委員會支持該等修正。

主席先生，我謹此陳辭，向議員推許《1995年稅務（修訂）（第3號）條例草案》。

**MR HOWARD YOUNG:** Mr President, there are in excess of 60 airlines in the tourism functional constituency which I represent. Out of these 60, only three are Hong Kong airlines. More than 50 are non-Hong Kong, or commonly known as foreign airlines, which operate into or have a presence in Hong Kong.

Within the airline industry, there is an unanimous opinion that this Bill should be supported. Firstly, from the three Hong Kong airlines' point of view, at the moment those who make profit only need to pay tax on the profits made in Hong Kong. However, most of the income from Hong Kong airlines, at least in one particular case, is derived from overseas which at the moment is not subject to Hong Kong taxation. Therefore, by passing this Bill, it will make Hong

Kong airlines pay more tax to the Hong Kong Government.

Of course, this is off-set against potential taxes they have to pay overseas. One may ask then, even if the taxation effect on an airline is neutral, then is there any benefit other than taxation figures to Hong Kong airlines? And I have been given to understand that there is on the administrative side. It means that any Hong Kong-based airline, any one of the three that I have just mentioned, only have to deal with Hong Kong tax and do not have to deal with up to 20, 30 or even 40 different taxation regimes around the world. It means that they will have less need for huge administrative support and even taxation experts in their accounts department to deal with tax. Therefore, from the Hong Kong airline's point of view, they support this Bill even though it will mean that they will be paying more tax to the Hong Kong Government.

Now, from the foreign airlines' point of view, which in Hong Kong's case is the majority of the cases, the reality is that since over the last decade or so, most airlines in the world have been suffering losses. Secondly, the share of profits derived from Hong Kong for normal overseas airlines is extremely small because many foreign airlines have a huge domestic market. Therefore, the Hong Kong Government all along has been deriving very little or maybe even no tax at all from foreign airlines. Therefore it is viewed by both domestic and foreign airlines that the passage of this Bill will not really represent much of a loss to the Hong Kong Government. In fact, it should really gain because of the extra taxation derived from local airlines.

The argument which I presented just now on decrease in administrative costs and not having to have experts in taxation over a host of foreign, different taxation jurisdictions also applies to foreign airlines. Therefore, Mr President, from the international and Hong Kong airline community, there is considerable support for this Bill on the basis that it will not affect Hong Kong's basic taxation philosophy, that is, we really do tax income on profits derived from Hong Kong, and only in this case, because of the peculiarities of international air travel that this is an exception.

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

李家祥議員致辭：主席先生，在這項條例草案的審議階段，我是代表香港會

計師行業的，而我亦記得會計界是唯一一個表達了一些具體保留意見的界別。但我也很感謝政府有關方面非常從善如流，在很短時間內很專業地提交他們的看法和有關資料，令委員會能夠達致一些共識。

這個共識包括，第一，我接受條例草案確認就稅務處理而言，航空業是非常獨特的行業。而幫助說服我的人包括楊孝華議員，所以楊孝華議員在這方面有很大幫助。第二，政府在發言時承諾會澄清一些他們的立場和政策，至於詳細情□，委員會主席說過，我不再重複。

我也想藉此機會指出，香港會計界不反對政府就雙重徵稅的協議，繼續與其他國家在不同的範疇中作出商討。我們對這項條例草案有比較保留的意見，並不等於我們全面反對。我們只不過想清楚表明立場，希望政府就每一項雙邊的稅務協議，都能提出明確的立場和清楚的理由，不會損害香港長遠的利益。長遠利益包括，第一，不犧牲香港稅務局現時所保存的資料保密性，不會向其他國家隨便披露。

第二，也不希望損害香港的長遠的稅收利益。所謂稅收利益也包含其他可能的經濟利益。短期來說，可能會看到，但長期來說，則可能要作出評估。如果政府對剛才政策要作出澄清的話——我亦都相信它一定會這樣做——我也是會支持的。

謝謝主席先生。

**庫務司致辭：**主席先生，首先我很多謝剛才數位議員發言。我很多謝黃震遐議員和條例草案審議委員會就本條例草案與政府進行深入及詳細的討論，並感謝條例草案審議委員會的支持。這條條例草案的主要目的，是使我們可就本港航空公司在某協定國提供航空交通服務所得的收入徵稅。根據這條例草案，我們可實施《民用航空運輸協定》中有關雙重課稅寬免的條文。按照該項條文，本港航空公司在國際運輸方面所得的收入，若來自某個協定國，並在該國全數免稅，則香港有權向該等收入徵稅。與此同時，如協定國的航空公司須就來自香港的收入向該國納稅，則香港會放棄對該等收入徵稅的權利。

在研究該條例草案期間，條例草案審議委員會的成員對兩項問題表示關注，即有關修訂會否影響本港稅制以地域來源徵稅的基礎，及我們是否有責



任向海外有關當局披露與稅務有關的資料。現在讓我闡明政府對上述兩項問題的立場。

第一，有關修訂的目的，是配合國際航空公司經營方面的獨特情□。就現行法例進行修訂的構思，由本港的航空業人士提出。由於航空公司的業務屬國際性質，他們比其他納稅人較容易受雙重課稅影響。我們的國際民航夥伴亦曾就雙重課稅寬免一事要求我們進行磋商。事實上，國際間的一貫做法，是由原屬國家向航空公司徵稅。因此，我可向各位議員保證，有關的修訂只用於國際航空公司經營方面的特殊情□。這些修訂不會為香港其他類型的商業機構開創就全球收入徵稅的先例。

第二，至於在互相交換有關稅務資料方面，政府在磋商有關航空公司收入雙重課稅寬免安排時，無意在該項安排中加入互相交換稅務資料的條文。在航空公司收入雙重課稅寬免的標準條文中，並無互相交換稅務資料的規定。到目前為止，我們並無磋商過任何這類規定，將來也不會。此外，在實施有關雙重課稅寬免安排的程序中，本身亦訂有保障措施。根據《稅務條例》第 49(1)條，每一項雙重課稅寬免安排，都必須經由總督會同行政局發出命令，才可予以實施。有關命令屬附屬法例，須按慣常做法交由本局審議，因此，各位議員可以放心，如無知會本局或未得本局同意，雙重課稅寬免的安排絕對不能加入互相交換稅務資料的規定。

我將會在委員會審議階段動議多項修訂，而這些修訂已獲得條例草案審議委員會同意。我會在動議修訂時再闡釋有關理由。

謝謝主席先生。

*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 Bills**

Council went into Committee.

**LEGAL AID SERVICES COUNCIL (NO. 2) BILL**

Clauses 1, 6, 7, 8, 11, 12 and 13 were agreed to.

Clauses 2 and 4

**CHAIRMAN:** Mrs Miriam LAU has given notice to move amendments to clauses 2 and 4 which are inter-related. I will call upon Mrs LAU to move her amendments to clauses 2 and 4 in one group.

**MRS MIRIAM LAU:** Mr Chairman, I move that clauses 2 and 4 be amended as set out under my name in the paper circulated to Members.

Members of the Bills Committee unanimously agree that the Duty Lawyer Service should be excluded from the ambit of the proposed Legal Aid Services Council for the reasons advanced in my earlier speech introducing the resumption of the Second Reading debate.

The purpose of my amendment to clause 2 is to delete the Duty Lawyer Service from the Interpretation clause of the Bill.

In regard to clause 4, this clause sets out the functions of the Council and its relationship with the Legal Aid Department and the Duty Lawyer Service. As pointed out in my earlier speech, members of the Bills Committee agree unanimously that the Duty Lawyer Service should not be placed under the proposed Legal Aid Services Council.

Apart from seeking to delete all references to the Duty Lawyer Service, the proposed amendments also seek to bring improvements to address some of Members' concerns, including deleting provisions which place undue limit on the power of the Legal Aid Services Council. Members also shared the view that one of the most important tasks of the proposed Council is to conduct a feasibility study on the establishment of an independent legal aid authority, and this function should be explicitly stated in the Bill. It is now included in the proposed subclause 5.

Members may wish to note that my proposed amendments to clause 4 are substantially the same as those proposed by the Administration, except for subclause 5. My version of the subclause is based on an earlier version of the sub-clause proposed by the Administration, but with all references to the Duty Lawyer Service deleted.

Mr Chairman, I beg to move.

*Proposed amendments*

## **Clause 2**

That clause 2 be amended, by deleting the definition of "Service".

## **Clause 4**

That clause 4 be amended, by deleting the clause and substituting —

### **"4. Functions of the Council and relationship with the Department**

(1) The Council is responsible for overseeing the administration of the legal aid services provided by the Department and the Department is accountable to the Council for the provision of such services.

(2) The Council may -

- (a) subject to subsections (3) and (5), formulate policies governing the provision of services by the Department and give advice on the policy direction of the Department;
- (b) review the work of the Department from time to time and make such arrangements as are expedient and proper to ensure the efficient and economical discharge of the functions and provision of legal aid services by the Department;
- (c) keep under review the services provided by the Department and the plans for development of the

Department; and

- (d) consider and advise on the estimates of expenditure of the Department.

(3) The Council shall not have the power to direct the Department on staff matters and the handling of individual cases by the Department.

(4) The Department shall, subject to subsections (3) and (5), provide such information as is reasonably requested by the Council for the purpose of this Ordinance.

(5) The Council is the Governor's advisory body on the policy of the Government concerning publicly funded legal aid services provided by the Department and shall advise on -

- (a) the eligibility criteria, scope of services, mode of service delivery, future plans for improvements, funding requirements and future development of legal aid policy;
- (b) the feasibility and desirability of the establishment of an independent legal aid authority; and
- (c) any other aspect of legal aid which the Governor may from time to time refer to the Council.

(6) The Council shall not be regarded as an agent or servant of the Government."

*Question on the amendments proposed.*

**CHAIRMAN:** The Chief Secretary has also given notice to move an amendment to clause 4. I propose to have the amendments to clauses 2 and 4 proposed by Mrs LAU and the amendment to clause 4 proposed by the Chief Secretary debated together in a joint debate.

Committee shall debate the amendments to clauses 2 and 4 proposed by Mrs LAU and the amendment to clause 4 proposed by the Chief Secretary

together in a joint debate. I will call upon the Chief Secretary to speak on the amendments proposed by Mrs Miriam LAU as well as her own amendment, but will not ask the Chief Secretary to move her amendment unless Mrs LAU's amendments have been negatived. If Mrs LAU's amendments are agreed, that will by implication mean that the Chief Secretary's proposed amendment is not approved.

**CHIEF SECRETARY:** Mr Chairman, as I said in my speech during the Second Reading of this Bill, the Administration agrees that the Duty Lawyer Service should be excluded from the supervision of the Legal Aid Services Council, but considers it important that the Council should be able to advise the Government on the whole range of publicly funded legal aid services, including those provided by the Legal Aid Department and the Duty Lawyer Service, and of the co-ordination of services provided by the Department and the Service. The reason is obvious. If the Council is to carry out its proposed function to advise on the future development of legal aid policy, it must be able to consider the whole range of existing services. We therefore do not agree that the Service should be completely excluded from the Bill and I urge Members to oppose Mrs LAU's amendments to clauses 2 and 4.

The purpose of our amendment to clause 4 is to define more clearly the functions of the Legal Aid Services Council and its relationship with the Legal Aid Department in order to enhance the supervisory role of the Council. The Department will also be required to provide information as reasonably requested by the Council. This has been agreed with the Bills Committee. The difference between our amendment and that proposed by Mrs LAU relates to the power of the Council to advise on all publicly funded legal aid services. For the reasons I have given, the Administration considers this is important and I therefore urge Honourable Members to support my amendment to clause 4.

**MRS MIRIAM LAU:** Mr Chairman, it was expressly agreed between the Administration and the Bills Committee that the Duty Lawyer Service should be excluded from the ambit of the Legal Aid Services Council. The Legal Aid Services Council therefore has no power to oversee the services provided by the Duty Lawyer Service. Under such circumstances, it is not right to impose on

the Council the duty to advise the Governor concerning the Duty Lawyer Service. Nor would it be fair to the Duty Lawyer Service that the Council does so as the Service does not even have any representative on the Council. In the event the Government really finds it necessary to seek the views or advice of the Legal Aid Services Council in relation to the Duty Lawyer Service, the Legal Aid Services Council can still be asked specifically to provide such advice or views under the proposed clause 4(5)(c) which provides that the Council should advise on any other aspect of the legal aid which the Governor may from time to time refer to the Council.

Mr Chairman, as the Administration has accepted the Bills Committee's recommendation that the Duty Lawyer Service should not be placed under the Legal Aid Service Council, the Administration should honour its agreement and not seek to put the Duty Lawyer Service back into the Bill through the back door. I urge Members to support my proposed amendments.

*Question on the amendments put and agreed to.*

*Question on clauses 2 and 4, as amended, put and agreed to.*

**CHAIRMAN:** Chief Secretary, as Mrs Miriam LAU's amendments to clauses 2 and 4 have been agreed, you may not move your proposed amendment to clause 4 as it is inconsistent with the decision already taken.

Clauses 3, 5, 9 and 10

**CHIEF SECRETARY:** Mr Chairman, I move that clauses 3, 5, 9 and 10 be amended as set out in the paper circulated to Members. Amendments to clause 3 is to clarify that only the Legal Aid Department and not the Duty Lawyer Service will be under the supervision of the Legal Aid Services Council. The amendment to clause 5(1) is to exclude the Administrator of the Duty Lawyer Service as a member of the Legal Aid Services Council. This is to reflect the fact that the Service will not be now under the supervision of the Council. The other amendments are technical and consequential. These amendments all have the support of the Bills Committee.

*Proposed amendments***Clause 3**

That clause 3(1) be amended, by adding at the end "provided by the Department and to advise the Governor on legal aid policy".

**Clause 5**

That clause 5(1) be amended —

- (a) in paragraph (c) by adding "and" at the end.
- (b) in paragraph (d) by deleting "; and" and substituting a full stop.
- (c) by deleting paragraph (e).

**Clause 9**

That clause 9(2) be amended, by deleting "7" and substituting "6".

**Clause 10**

That clause 10(2) be amended, by deleting "8" and substituting "7".

*Question on the amendments put and agreed to.*

*Question on clauses 3, 5, 9 and 10, as amended, put and agreed to.*

**Clause 14**

**CHAIRMAN:** Both Mrs Miriam LAU and the Chief Secretary have given notice to move amendments to clause 14. I will first call upon Mrs Miriam LAU to

move her amendment in accordance with Standing Order 25(4).

**MRS MIRIAM LAU:** Mr Chairman, I move that clause 14 be amended as set out under my name in the paper circulated to Members. The purpose of the amendment is to delete the clause which prohibits the unauthorized disclosure of information by members and other persons. For the reasons I have already advanced at my earlier speech introducing the resumption of the Second Reading debate, a majority of members of the Bills Committee considered that the clause is unjustified and should be deleted.

Mr Chairman, I beg to move.

*Proposed amendment*

**Clause 14**

That clause 14 be amended, by deleting the clause.

*Question on the amendment proposed.*

**CHAIRMAN:** The Chief Secretary has also given notice to move an amendment to clause 14. As the two amendments relate to the same clause, I propose to have them debated together in a joint debate.

Committee shall debate the two amendments together in a joint debate. I will call upon the Chief Secretary to speak on the amendment proposed by Mrs Miriam LAU as well as her own amendment, but will not ask the Chief Secretary to move her amendment unless Mrs Miriam LAU's amendment has been negatived. If Mrs Miriam LAU's amendment is agreed, that will by implication mean that the Chief Secretary's proposed amendment is not approved.

**CHIEF SECRETARY:** Mr Chairman, as I mentioned in my Second Reading speech, our amendment to clause 14 is to restrict its scope and to provide that the prosecution for an offence under this clause will not be brought without the



written consent of the Attorney General. The reason for preserving this clause is to protect the privacy of applicants for legal aid and legally aided persons. We do not agree that the clause should be deleted and I urge Members to vote against Mrs LAU's amendment.

**CHAIRMAN:** Members may now debate the amendment by Mrs Miriam LAU as well as the amendment proposed by the Chief Secretary. Does any Members wish to speak? Chief Secretary, do you wish to speak again?

**CHIEF SECRETARY:** Mr Chairman, I have given the reasons for my amendment in my earlier speech. I urge Members not to support Mrs LAU's amendment.

**MRS MIRIAM LAU:** Mr Chairman, I agree that the proposed amendment put forward by the Administration is an improvement to the original clause but is not far enough. The Chief Secretary has not in her original speech, nor in her speech at the Committee stage, responded to the argument of the Bills Committee that adequate protection of the privacy of applicants for legal aid or legally aided persons can be achieved by contractual methods or by undertaking sought from the members and staff of the Legal Aid Services Council. The Administration has also failed to put forth convincing arguments as to why nothing short of criminal sanction would deter unauthorized disclosure of information. Nor has it demonstrated that, as a result of experience, such a measure is absolutely necessary.

In such circumstances, I urge Members to support my proposed amendment.

*Question on the amendment put and agreed to.*

**CHAIRMAN:** Chief Secretary, as Mrs LAU's amendment has been agreed, you may not move your proposed amendment to clause 14 as it is inconsistent with the decision already taken.

*Question on clause 14, as amended, put and agreed to.*

**KADOORIE AGRICULTURAL AID LOAN FUND (AMENDMENT) BILL 1996**

Clauses 1 to 5 were agreed to.

**INLAND REVENUE (AMENDMENT) (NO. 3) BILL 1995**

Clauses 1 to 5 and 7 to 14 were agreed to.

**Clause 6**

庫務司致辭：主席先生，我謹動議依照提交各位議員傳閱的文件所載的提議，修訂草案第 6 條。

第一項修訂，目的在澄清建議的第 23C(2B)條的適用範圍。有關修訂明確規定，本港航空公司源自與香港達成雙重課稅寬免安排的協定國的收入，以及得自在本港營辦載客服務的收入，均須課稅。

第二項修訂則涉及新訂第 23C(2A)及 23C(2D)條的中文本。該項修訂是要確保有關中文本能準確反映立法目的，令兩項新訂條文所提述的「得自、可歸因於或就.....而得的任何款項」，適用於該兩項條文所指的各類運載及租機費。

主席先生，我謹提出議案。

*Proposed amendment*

**Clause 6**

That clause 6 be amended, in the proposed section 23C(2B), by adding "in determining the relevant sums earned by or accrued to a person for the purposes of that subsection" after "then".

That clause 6(a) be amended —

- (a) in the Chinese text, by deleting the proposed subsection (2A) and substituting -

“(2A) 為第(2)款的施行和就在該款及第(5)款中“有關款項”一詞而言，凡任何雙重課稅寬免安排憑藉第49條就屬第(1)款所述類別的任何人而生效，則該人所賺取或應累算的有關款項，須包括得自、可歸因於或就在安排地區裝運的任何有關運載而得的任何款項、得自、可歸因於或就可歸因於安排地區的任何有關的租機費而得的任何款項和得自、可歸因於或就在安排地區以內的機坪或飛機場之間飛行的飛機的營運的任何有關的租機費而得的任何款項。”。

- (b) in the Chinese text, by deleting the proposed subsection (2D) and substituting -

“(2D) 第(2A)款不適用於得自、可歸因於或就在安排地區裝運的任何有關運載而得的任何款項和得自、可歸因於或就可歸因於安排地區的任何有關的租機費而得的任何款項（而該等款項在安排地區是須課稅的）。”。

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

*Question on clause 6, as amended, put and agreed to.*

New clause 1A                  Application of amendments  
effectuated by section 6

*Clause read the First time and ordered to be set down for Second Reading pursuant to Standing Order 46(6).*

庫務司致辭：主席先生，我謹動議二讀提交各位議員傳閱的文件所載的新訂條款第 1A 條。

修訂第 23C 條有關航空公司收入的條文，使我們可以就本港航空公司在

某協定國提供國際運輸服務所得的收入徵稅。新訂的條款使有關修訂可按照雙重課稅寬免安排條款內所規定的實施日期開始生效。生效日期或許會早於本條例草案的制定日期，視乎個別情□而定。加入本新條款的目的，是使航空公司的雙重課稅寬免安排盡早生效。

主席先生，我謹提出議案。

*Question on the Second Reading of the clause proposed, put and agreed to.*

Clause read the Second time.

庫務司致辭：主席先生，我動議新訂的第 1A 條應加入本條例草案內。

*Proposed addition*

#### **New clause 1A**

That the Bill be amended, by adding —

#### **"1A. Application of amendments effected by section 6**

Notwithstanding section 1(2), the amendments to section 23C of the principal Ordinance effected by section 6 of this Ordinance shall, in respect of any arrangement with an arrangement territory as defined in section 23C of the principal Ordinance following its amendment by this Ordinance, be deemed to apply and to have always applied in accordance with the terms specified in that arrangement."

*Question on the addition of the new clause proposed, put and agreed to.*

Council then resumed.

#### **Third Reading of Bills**

THE CHIEF SECRETARY reported that the

**LEGAL AID SERVICES COUNCIL (NO. 2) BILL**

had passed through Committee with amendments. She 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.

THE SECRETARY FOR ECONOMIC SERVICES reported that the

**KADOORIE AGRICULTURAL AID LOAN FUND (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.

THE SECRETARY FOR THE TREASURY reported that the

**INLAND REVENUE (AMENDMENT) (NO. 3) BILL 1995**

had passed through Committee with amendments. He moved the Third Reading of the Bill.

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

Bill read the Third time and passed.

**MEMBER'S MOTIONS**

**PRESIDENT:** I have accepted the recommendations of the House Committee as to the time limits on speeches for the motion debates and Members were informed by circular on 29 April. The movers of the motions will each have 15 minutes for their speeches including their final replies, and another five minutes to speak on the proposed amendments, if any. Other Members, including the movers of the amendments, will each have seven minutes for their speeches. Under Standing Order 27A, I am obliged to direct any Member speaking in excess of the specified time to discontinue his speech.

## INDEBTEDNESS OF POLICE OFFICERS

### *MR AMBROSE LAU to move the following motion:*

"本局對警務人員近年來大量借貸的情□增加，極表關注。警員債務纏身會影響其工作表現及警隊的士氣和廉潔形象，因此，解決此問題實在急不容緩；本局促請政府盡快深入探討警員增加借貸的原因，並研究及制定有效的政策解決有關問題，藉以維護警隊保赤安民的形象及加強市民對警隊的信心。"

劉漢銓議員致辭：主席先生，本人謹根據議事程序表所列，提出本人名下的議案。

香港警隊長期以來已建立了高效率的保赤安民的形象，贏得了市民的充分信任。一支保持高昂士氣及廉潔形象的警隊，對維護香港的穩定繁榮至為重要。然而，近年來警員借貸的問題引起了社會關注，據本局一位議員向政府查詢時，得悉有關問題情□顯示問題確實存在，幸好情□並非嚴重。

但是，考慮到警隊對本港繁榮穩定的重要性，即使目前警隊負債情□還不算嚴重，為防止“千里之堤，毀於蟻穴”，本人促請政府能在第一時間內正視問題，以防微杜漸的審慎態度盡快研究及制定有效政策解決問題。

主席先生，遺憾的是，政府對警隊出現的上述問題，一直未有重視，更沒有制定有效政策解決問題，遂使部分警員負債問題存在積微成大之虞。所謂為政者“其心不敢失於一物之細，而可以勝天下之大”，政府應深思其中的深刻道理。

主席先生，政府盡快實事求是地探討警員向外舉債的原因，是制定有效政策解決問題的基礎。

警務人員擔負一個情勢複雜的現代大都市的治安重任，時刻都要與罪惡勢力搏鬥，時刻都面臨險境並且承受巨大工作壓力。

由於警隊承受的壓力日越加大，因此，警員需要紓緩和宣泄緊張感和壓力是情理中的事，但也正因為這個原因，使一些不善理財的警員頻頻出入消遣場所，陷於入不敷出境地；而揮霍無度者，更只得靠借貸渡日。保安司答覆本局議員質詢時，已明確承認：“出現負債而無力償還的原因，主要是揮霍過度和沉迷賭博。”

主席先生，保安司僅承認借貸原因是揮霍和賭博，而未能夠深入探討更深層原因。政府必須考慮怎樣紓解使警員沾染揮霍和賭博惡習的壓力及誘因。常言道：“疏導勝於堵塞”，因此，警隊各級管理階層應加強和警隊的溝通，幫助他們用正確的方式紓解工作帶來的緊張和壓力，例如警隊可舉辦各種康樂、旅遊等活動，並且注意提供心理輔導；在從嚴治警的同時，警隊的管理文化應注入人道主義的關懷成分，這包括了精神上與經濟上的關懷。

警員在執行任務時，已經毫無保留地把自己的意志、勇敢、堅強支付了出去，他們承擔重大的心理壓力，因此有些警員需要心理學家協助疏導。但令人驚訝的是，整個警隊中目前竟然只有兩名臨床心理學家，照顧二萬七千多名全職警員及七千多名輔警，換言之，一名心理學家與警務人員的比例，差不多是1:17 000之比。這一比例數字說明甚麼呢？說明政府對警員缺乏關懷，並漠視他們的需要。警隊是維持治安和法律的支柱，政府絕不能以資源不足作理由，而拒絕作出承擔。有心理障礙希望“求診”的警員，需輪候六至八個星期，才可約見臨床心理學家。在不能即時或盡快獲得適當治療的情況下，我們不排除一些警員因心理壓力和障礙得不到疏導和治療，因而以揮霍或賭博等方式鬆弛減壓。

因此，政府應盡快增加警隊的臨床心理學家人數，達到一個合理水平，使每一名需要協助的警員都能得到及時治療。

此外，在經濟上，警隊管理層應關心警員疾苦，進一步發揮警察儲蓄互助社的正面功能。

假若警員向警察儲蓄互助社借貸，可發揮警隊內部互助精神，這原應是一件好事。然而由於現存制度中，借貸警員需經互助社評審委員會的審核，而該會委員又由警員義務擔任，這使負責評核工作的人士可能是借貸者的同事或上司，這無疑令貸款人有所尷尬，且借貸需依一定的手續程序，不能在短期內為警察提供“應急錢”。因此，政府增撥資源，聘請一些警隊以外的人負責互助社的運作，避免有需要的警員因感到尷尬及因手續需時而轉向收取高利息的財務公司借貸，這樣可避免警員受到還款能力的困擾，從而衍生出其他問題。

而對於那些本身能力難以償還債務的警員，政府則須作出特別處理，以幫助他們走出困局。其中可考慮組織一支不隸屬於警察部門的官員組成的特別工作組，專責幫助那些嚴重負債的警員重組其債務，方法包括把他們在財務公司欠下的債務轉移至警察儲蓄互助社中，以減輕當事人沉重的利息負擔，從而幫助他們走出無窮的債務纏繞。

主席先生，保安司回覆本局議員質詢時，表示現時警方並沒有規定警員私人貸款必須申報詳情，因此管理層無法知道警員負債的真實情況。

據悉，目前在每一個警區之內，均有一名“職員關係主任”和各小隊隊長負責與其警區內或其下屬的溝通和聯繫，以協助有關警員解決他們在工作和生活上的問題和困難。因為“職員關係主任”及小隊隊長一般都是當事人的上級，儘管兩人的會面並沒有一個第三者在場，但是談話內容需作正式紀錄，供日後參考。試問一名已身負債務問題的警員，在這種情況下，怎會放心向這些上司盡訴心中情，共同商討解決問題的辦法？

現行的監察模式，未能充分了解和掌握警員的負債情況，因此也就無從幫助負債警員走出困局。因此，政府應考慮從社會福利署抽調一批社工充當“輔導員”，這些“輔導員”在架構上不屬於警隊，這既可避免當事人尷尬，又可使他們解除顧慮，安心地披露自己在工作上、經濟上、家庭生活，甚至個人感情上的問題；從而避免警員因“諱疾忌醫”而導致其他更嚴重的困擾。在此情況下，“輔導員”主要的工作不是向警隊報告情況，而是向警員提供解決問題的正確意見和方法，並輔導警員健康有益的生活觀念。

主席先生，實事求是地探討警員舉債的原因，並在此基礎上研究和制定解決問題的措施和政策，關係到警隊的執法能力及在市民心目中的廉潔形象。香港是世界各大都市中，治安最好的城市之一，這全賴警員的高昂士氣和全心投入工作，以維護法紀，保障市民生命和財產的安全。有見及此，本



人促請政府以防微杜漸的審慎態度盡快有效解決問題，以協助一些不善理財的警員安居樂業。

主席先生，本人謹此陳辭，提出議案。

*Question on the motion proposed.*

**MR DAVID CHU:** Mr President, we have a dedicated force responsible for our low crime rate and social stability. The worse we can do in this instance is to cloud the reputation of the police based on alarmist press stories which followed the Director of Audit's report on the subject of debts three years back.

Our police today can secure loans from their own credit union which has around 20 000 shareholders who on average has \$16,000 in deposits each. About one officer in five has a loan with the Police Credit Union. As far as I can ascertain, the default on loans is incredibly low by any standard.

Do you believe that of the 73 000 loans the Police Credit Union made for a sum of more than \$1.3 billion between 1981 and the end of 1994, only \$56,000 were bad debts? As of the first quarter of this year, the Police Credit Union has approved loans of only \$131 million — which is hardly a serious debt problem for a force of almost 30 000.

Most of the loans taken out are to pay for medical fees, home renovations, income tax demands, wedding banquets, children's overseas education expenses and family emergencies.

What is more, most policemen are model debtors and would be valued customers if they give their business to their nearby banks. On average, each officer owes less than \$10,000 to the Police Credit Union. This surely is not the picture portrayed in the media of many policemen saddled with debts for frivolous things.

Yes, policemen do also borrow from their welfare fund, which is another source of loans, but the amount lent is small. The fund was founded after the

1967 riots to boost their morale.

Back in September 1994, the Commissioner of Police, Mr Eddie HUI explicitly rejected the legislators' demand that officers disclose their debts on the premise that they should enjoy basic privacy. The fact is the policemen are adults, not children, and should be allowed to make their own mature judgements regarding their finances just like us, except where they have violated the law. The presumption of innocence applies to them too.

To be frank, what we are really concerned about is not legitimate debts. We are worried that more and more policemen are prone to borrowing from crooks to pay for gambling debts and other vices. We are afraid that being in debt makes our officers more susceptible to corruption. We are fearful that the policemen's proximity to criminals is having a negative moral effect on them.

To be fair, we must realize that it is us who put the policemen in this situation. They are there as our protective buffer against criminals and it is therefore our obligation to extend help to them, financial and moral, against the dangers to which they are exposed in the line of duty.

Instead of having Members of this Council intrude into the matter, would it not be better to leave the problem to the force which is more sensitive to the issue and better equipped than we are to deal with it? This is, first and foremost, a police internal problem. The police are doing something about it right now. They are already identifying officers in the force with heavy debts, providing counselling, holding periodic seminars and disciplining the chronic abusers. I would like this Council not to intervene which would only complicate the job of the force. The police need our support and understanding.

I endorse the motion today, but on the condition that the Council does not, out of good intention, meddle in the police's own disciplinary measures and action. If we are to uphold the image of the police, as the motion says, then we must let the force get on with the job and demonstrate to the public how it can put its own house in order.

Thank you, Mr President.

張漢忠議員致辭：主席先生，今年年初，本港報章大事報道有關警員借貸的新聞，其中包括數百名警員向同一間私人財務公司借貸，警員欠下巨額債項或信用卡欠款無力償還等，再加上多宗警員懷疑因負債而自殺的案件，令警員的舉債問題頓時成為社會熱門話題。

由於警務人員屬於紀律部隊，社會各界對警員的行為及操行有更高要求，所以市民對警員負債問題表示極度關注，是可以理解的。但是，我們今天在這裏討論警員負債這個議題時，議員必須首先清楚了解警員借貸的原因及他們所選取的形式，才可以中肯地作出評論。

若警員是基於正常理由，如交稅、置業、買車、送子女到外國留學，及紅白二事的私人問題等，通過合法、正常的途徑取得有能力償還的貸款，相信每位市民也能接受。這類正常借貸，屬於警員自己的私人事務，外界及警務處也無理由干涉。但如果警員基於揮霍或賭博等理由，大量向外舉債，以致債務纏身，無力償還，並且無心工作，對本港治安構成負面影響，則事態變得嚴重，警務處必須正視問題，並應盡快找出解決方法。

雖然目前仍未有足夠證據及明顯的跡象顯示警員大量借貸的情況日趨嚴重，但這不表示我們可以將問題擱置不理；相反，港府及警務處有必要在問題惡化前，盡快研究及制定有效的措施，徹底解決有關問題。“未雨綢繆”總比“臨渴掘井”能更有效地處理問題。

導致警員債台高築的其中一個主要原因，便是警員沉迷賭博，這與警務人員的工作性質有密切的關係。警員在日常工作中，經常面對與生命攸關的抉擇，承受非常沉重的工作壓力，工餘時又要面對來自家庭生活的壓力，由於警員一向給人剛強果斷的形象，令他們在遇到問題時羞於向外界求助，鬱結埋於心底，無從發洩。有部分警員，為了追求一剎那間忘我的感覺、為了得到剎那間擺脫工作壓力的歡悅，便會選擇飲酒或賭博。若警員運氣稍差，賭博下注時連戰皆北，就很容易出現財政困難的情況，如果他們不能及時臨崖勒馬，繼續賭博，最終便會跌進高利貸財務公司所設的陷阱，最後無力償還巨債，釀成難以回頭的悲劇，亦危害了整體的社會安寧。

有效地協助警員紓解工作壓力，是根治警員沉迷賭博的方法。雖然警隊現聘有兩名心理醫生，為警員提供輔導服務，但有兩個原因令此舉未能有效地向警員提供協助。第一，心理醫生人數只得兩名，根本無法照顧龐大警隊編制下的受聘警員。

第二，那些真正需要接受心理輔導的警員，因擔心有關資料會落入上司

手中，影響日後晉升機會而不向心理醫生求助。因此民建聯除促請警務處盡快增加心理醫生人手外，亦建議將心理輔導組獨立於警務處的編制，讓所有求助警員的資料得以保密，以鼓勵有需要的警員採取正確途徑解決問題。

雖然警務處現有籌辦一些有益身心的工餘活動及提供康樂設施給警員，但這些活動及設施的對象多限於一些較高級的警務人員，接觸面未夠廣泛，民建聯要求警務處增加資源，開展更多康樂活動及購置更多有關設備，並將服務範圍推廣至每一名受聘的警員，讓他們透過參與，紓展身心，紓解心中的壓力。

本人謹此陳辭，謝謝。

**蔡根培議員致辭：**主席先生，自七十年代以來，警隊逐漸建立了其廉潔形象，本港警方破案率之高，屬世界一流，其效率及紀律也受到市民嘉許。然而近年來警務人員大量舉債的情況有增加的趨勢，不能不令人擔憂。無能力償還債項的警員，不單會影響其工作效率，更容易誘發其鋌而走險、貪污受賄的機會，尤有甚者，他們會成為犯罪集團所操縱或利用的對象。這對維持本港良好的治安蒙上一層陰影。

近年警務人員向警察儲蓄互助社貸款大幅增長，這還未足以令人擔心。但若警務人員大量向外間財務機構借款，甚而向一些非法放款集團舉債，問題便嚴重。根據警方調查顯示，警員負債的主要原因是過度花費及賭博。賭博風氣在警隊中頗為盛行。本人並不排除部分警員希望藉賭博作為宣洩緊張、紓緩工作壓力的手段的可能性。警務人員的生活模式亦受人關注，特別是低下層警務人員及年輕警員。他們中間不少形成一種過度揮霍的風氣，引致其支出超過他們入息的承擔水平。警務人員由於工作關係與品流複雜的人士交往，出入色情、賭博及其他娛樂場所，耳濡目染，形成了對他們種種形形色色的誘惑。總而言之，警方管理階層及保安科應對這種過度揮霍、沉迷賭博的風氣形成原因深入研究，並制定各種政策。在加強管理階層與員工溝通、提供正當文娛康樂活動、提供心理輔導、改善管理文化及發揮警隊的團結精神等方面，加以配合。

主席先生，雖然警方強調負債警員的直屬上司已獲指引須嚴密監察該等人員的負債原因、負債金額及償還能力，並於九五年中修正了指示，加強管理人員如何分辨及處理無能力償還債項的警員，本人認為這並不足夠。警隊應訂立一套保密的申報借貸機制，若警員借貸數額大到超過其入息的一個百分比，便必須申報並說明借貸理由。警方雖曾以人權法案為據，質疑這是否會對有關人員的私穩構成干預；主席先生，市民人身財物安全及社會安定全賴我們擁有一支紀律嚴明及廉潔的警隊，要求這支紀律部隊中舉債超乎其

入息償還能力的人員申報債項，實不為過。

主席先生，本人謹此陳辭，支持劉漢銓議員的議案。謝謝。

**涂謹申議員致辭：**主席先生，今天我們辯論警員負債問題，我相信劉漢銓議員提出的議案的精神是積極的。我們關心香港的警隊，因為他們是香港的支柱，我們才希望討論這問題。聽罷張漢忠議員所發表的演辭，我是全部支持的，所以可以將我的演辭大幅刪節，無須要在此再重複了。

我相信我們所討論警員涉及的問題，其實是一些無能力處理或償還的債項，我們並非討論一些經合法途徑商借而能夠處理和償還的債項。其實這個問題是相當複雜的，並不容易看得清楚整個境況是怎麼樣的。由於沒有強制申報的制度，我們只能從其他邊旁的證據，大約了解問題的嚴重性。

首先，由警務處所作的調查顯示，九四年下半年有145宗嚴重欠債、或無力償還的個案，而九五年是132宗。今天政府在政府帳目委員會的報告覆文亦提到已下跌至87宗，我相信趨勢是正在下跌。再看回原因，似乎賭博大約是15%，入不敷支佔37%。其次，我們看警務人員債務的問題，另一個指標是核數署署長九三年的報告，報告中指出有8%警隊人員收到稅務局的薪金扣押令，而全港薪俸稅繳納人當中，有10%的人是收到這些令。比較警務人員和非警務人員的公務員，其實大約有4%非警務人員的公務員收到這些薪金扣押令。如果這樣比較的話，似乎警察較其他公務員平均所接獲的扣押令多出一倍，所以，這個情況可以作為另一個指標。第三，我們要看的是上司和下屬的正式與非正式的接觸，包括有些時候下屬經濟出現危機時，財務公司找上門向他們的上司報告等的數字。這個情況本身是沒有一個很準確的數字可以提出來。

因此就這問題而言，其實以現有的數字，我們不可以說問題是絕對非常嚴重或絕對沒有問題，我們不能據此作出結論。我們只能說從積極方面，希望保安科和警務處能夠有一些及早警覺的系統，使到一旦出現此情況或情況轉趨惡劣時，我們可以及早察覺。所以，我們應該要考慮需否設立一個申報制度。申報制度牽涉人權的問題，我們不可以很草率地要求所有人申報一切債項。我本人覺得可以考慮在某些特別情況下要求申報。我希望政府依這方向，考慮究竟我們在不違反人權法的原則下，是否需要和可否設立這樣的警報系統。

我試舉一個例子。第一，假如有警務人員要借薪金，政府作為借出的一方，當然要考慮其償還能力，於是申請者便須申報債項，這是很合理的。第二，若稅務局要扣押薪金，我相信亦有客觀的指標，可以以保安理由，要求警員作出申報，但申報後並不一定會遭受任何的處分或對待，因為若他可以提供圓滿解釋的話，亦沒有問題。第三，我想到的如《破產條例》裏所列的一些視為破產行為。第四，到達一個不能應付的負債程度，但這是較為困難去決定，因為不同職級的警務人員，可能負債的數額也不相同，但我想到那程度可以以若干個月的薪金作為參考點。

最後，我會想到，若一個警員在這種負債的債口下，究竟還應否去幫助他呢？我覺得大方向應該是盡量的去幫助，可以挽回的便應盡量挽回，我會支持這種觀點。但是，到達某一情口下，如果我們認為屢勸無效，或到達我們覺得無法幫助的程度，我相信一定要大力闊斧處理。至於怎樣幫助他們，我相信劉漢銓議員所說如重整債務等，都是可行的方法，可以考慮。至於輔導方面，剛才兩位議員亦說到明顯不足，我非常同意這觀點。何敏嘉議員亦曾經在立法局屢次表示希望政府能夠撥出多些資源，以臨床心理學家為警務人員提供輔導服務，但似乎這幾年都沒有增加。但警務處透過內部資源調撥，增加了一個臨床心理學家。我相信現在再看回個案數字，也是明顯的不足，我希望保安科在下一個財政年度，能特別考慮這情口。

至於我們說要徹底解決問題，令警務人員的消費文化、生活模式有所改變，其實真的是不太容易的，因為他們接觸的人士品流複雜，是一直以來累積的情口，我相信要一段長時間來改變。但同時我亦明白到，他們很多時接觸的邊緣人物，很難像我們一樣純品，大家是完全生活在兩個世界裏的。所以，這可以說是他們工作上必要的生活模式，以便搜集情報等。我們要體諒他們的處境。

最後，我希望保安科能夠詳細考慮以上的建議，制定完整的政策，使我們具備一個良好的警報系統，以便察覺問題會在甚麼時候發展成為一個嚴重的問題。

**廖成利議員致辭：**主席先生，我是代表民協發言的。“冰封三尺，非一日之寒”，警務人員嚴重欠債以致無力償還的問題並非突然出現的，這是長期累積而成的現象。

過去三年，從數字看到向警察儲蓄互助社借款的數額由九三年的3億元，至九四年上升到3.4億元，至九五年再上升至4.3億元。這些數字僅是冰山一角，不能很清楚顯示警務人員負債多少，因警員向外界舉債的真正數目，至今仍然是個謎。一名多次恐嚇高官的人所經營的財務公司，竟有500名同屬西九龍警區的警員是他的“顧客”。近期，警員涉及財務問題而自殺的個案屢見不鮮，可見問題非常嚴重。

警員負債問題備受各界關注，是因為警隊的工作關乎社會利益。警隊以“伸張正義，維護法紀”為己任，其工作不單需要市民的合作，更需要獲得市民的信任。警員負債，部分無力償還，意志薄弱者，感到心灰意冷，消極厭世而走上自毀的道路，或鋌而走險，參加貪污遊戲，知法犯法。不論是警員自尋短見或是與壞分子同流合污，都嚴重打擊警隊士氣、打擊市民對警隊的信心。

要解決問題，先要了解警員負債的原因。香港社會的賭風嚴重，不論合法的賭博以至非法的聚賭，都非常嚴重；而資本主義社會的一種消費文化是先使未來錢。今時今日，分期付款、信用卡等負債形式已成生活不可分割的一部分。警員作為社會的一分子，有時亦難免隨波逐流，不知不覺間受到社會風氣所影響。

保安科應正視警員債務問題的嚴重性，不應逃避，更不應以“問題並不嚴重”、“樹大有枯枝而已”來敷衍了事。承認問題存在是解決問題的第一步。

民協建議加強警隊的內部管理、加強內部團結與紀律、建立上下級之間緊密的合作關係。這關係包括彼此間互相信任，有足夠的溝通、了解和諒解，以提高警員的士氣及凝聚力。

其次，是加強教育及輔導。教育警員培養更多、更健康的興趣及嗜好，令警員避免沉迷賭博。警務處亦應為警員提供一些有用的輔導課程，指導、教育警員建立一套健康的理財與消費觀念，避免警員因理財不善而陷入財務危機。

最後，民協建議政府制定有效及恆常的政策，增撥資源以正面防止警員負債問題進一步惡化。

本人謹此陳辭。

保安司致辭：主席先生，我完全同意議員們的意見，警員一旦因為債務纏身而陷入經濟困境，會對他的操守帶來不良影響，亦會影響工作表現、警隊士氣和廉潔形象。我們充分明白到有必要確保這個問題不會影響市民對警隊的信心。正如布政司早些時候所說，維持一隊受到市民公認為廉潔而有效率的公務員隊伍，至為重要。

警務處處長一向就警務人員舉債情□，施行嚴謹的政策。警務人員必須審慎處理個人財務，而警隊亦鼓勵屬下人員，維持健康正當的生活方式。因此，警隊已制定一套全面策略，以防止、辨別及處理警務人員欠債的問題。這個策略包括為新入職及在職警務人員舉辦有關負債及個人理財的講座和研討會。如果有需要，警方亦會提供個人的輔導服務。

剛才有位議員提及警員的負債與自殺的關係，自從一九九零年起，一共有24名警務人員自殺，而其中有八宗個案可能涉及當事人遇到某種程度的經濟困難。警務人員自殺的原因非常複雜，但相信主要原因就是壓力。警務人員每天要面對無法預測及可能危及生命的處境，加上市民大眾對警隊的要求越來越高，因而帶來工作上的壓力，警隊已經積極採取措施幫助警務人員應付壓力。這些措施包括促進朋輩及社區的支持，提供處理壓力的訓練、舉辦適當的運動及康樂活動、向警務人員家屬提供福利服務，以及為健康欠佳的警務人員作出適當的職務安排。警方亦準備在警隊內增設一個臨床心理學家的職位，以便輔導警務人員應付所面對的壓力，而這些臨床心理學家會嚴守專業的守則，不會將一些受保護的資料向第三者透露。

警隊同時亦有發出行政指引，列出警隊各級管理層監察及處理警務人員負債問題的步驟。警方亦根據過往處理警務人員負債個案的經驗，編製負債指標一覽表，以便管理層對屬下警務人員負債的程度提高警覺。

此外，警隊每半年進行一次調查，以密切監察警務人員無力償還債務的情□。根據最近進行的調查顯示，警務人員負債而無力償還的個案，已由一九九四年下半年的145宗，下降至一九九五年上半年的132宗，而在一九九五年下半年，更下降至87宗。雖然警員無法償還債項的數字持續下降，但我們並未因此而掉以輕心。鑑於議員及市民大眾對於這個情□的關注，警務處處長會定期向本局的保安事務委員會匯報進一步調查研究的結果。

除上述的策略外，當局還有多項有效的措施，使警務人員無論是否負債纍纍，均不會被罪犯利用，包括：



第一，警務人員調派的職位，如果須處理敏感的事務（例如被派往反三合會行動組或反色情行動組），都會受到審查，以確保只有良好操守的人員，才可擔任有關工作；

第二，《警察通例》訂明，警務人員除執行職務外，不得與明知為罪犯或三合會人士來往。一經證實有此等行為，會遭受紀律處分；

第三，警員所擔任的職位若須處理敏感事務，通常不會容許長期留在這些職位中；

第四，隸屬不同組別的警務人員，可在其他分區、警區或總區進行突擊搜查及拘捕；及

最後，當局亦會不時檢討警隊組織架構，杜絕貪污的機會。

我們關注到，一些警務人員債務纏身，無法償還，會造成警隊的貪污風氣。我可以向議員保證，我們決意打擊警隊內的貪污情<sup>口</sup>。事實上，由於警方的行動而揭發一些貪污案件，已清楚顯示我們對付這個問題的決心。去年，我們成立了警方反貪污策略性程序委員會，以研究在警隊內全面推行肅貪措施。該委員會的主要職責包括：找出和杜絕現行運作制度內的貪污機會，以及推行一些措施，以抗衡對警隊不良的影響。現時各方面的工作都已有相當進展，該委員會並且正為警隊制定一套專業操守指引。

有些議員建議，警隊應要求所有警務人員申報負債的詳情，以便密切監察他們的負債情<sup>口</sup>。但據我所知，若要求全部警務人員都申報債項，則有侵犯個人私隱之嫌，而違反《香港人權法案條例》第14條對所有香港人的私隱權所提供的保障。即使我們執行這個申報制度，亦未必能達到預期目標，因為這制度是依賴警務人員自行申報其負債資料。一個強制性的申報制度，更可能會產生反效果，對警隊的士氣帶來不良影響。

議員們又表示關注因賭博及揮霍無度而導致無力償還債項的問題。我向各位議員保證，警隊已嚴加注視此事。警隊並不鼓勵其屬下人員賭博，而《警察通例》亦清楚訂明，警務人員不得非法賭博，或在警隊各機構範圍內賭博，警務人員若觸犯上述規定，會受到紀律處分。在過去兩年，共有13名警務人員因賭博而被停職，另有14名受紀律處分。理財不善及向非法途徑借貸，亦有可能被當局循刑事訴訟或紀律研訊程序審查。在過去兩年內，分別有九名及五名警務人員因上述原因而受到紀律處分。

今天的辯論清楚顯示，各位議員和市民大眾都深盼警隊能繼續提供高水準的服務，保持良好的形象，並慎防被少數害群之馬玷污聲譽。各位議員可

放心，我們會繼續朝□這方向努力。我們充分了解到，一支廉正不阿的警隊，是維持公眾安寧和社會秩序的先決條件。我們決心在此跨越九七之際，維持一個專業和受到市民尊重的警隊，對市民提供高質素的服務。警務處處長亦會繼續密切監察上述情□，並且在有需要時，採取適當的進一步行動。

謝謝主席先生。

**PRESIDENT:** Mr Ambrose LAU, you are now entitled to reply and you have five minutes 47 seconds, out of your original 15 minutes.

劉漢銓議員：主席先生，我不打算致答辭。

*Question on the motion put and agreed to.*

## **ELDERLY POLICY**

***DR LEONG CHE-HUNG to move the following motion:***

"That this Council urges the Government to expeditiously come up with a comprehensive plan for the care of "the elderly at risk", taking into consideration their health problems, financial needs, residential needs and the need for social support, in particular during crisis situations, so as to secure a dignified old age for this group of senior citizens."

梁智鴻議員致辭：主席先生，我謹依照議事程序表所列，動議通過我名下的議案。

今天我提出有關老人問題的動議議案，可說是一個“老”問題。單是過去兩屆立法局，便已先後就這個問題討論了七次，如果包括退休保障在內，便有16次之多。

政府在每次回應議案辯論時，都說得很冠冕堂皇，例如承諾使老年人“老有所依”、使他們能夠有尊嚴地過活等。不過，如果政府真的這樣做，為何還有這麼多人提出批評？為何越來越多老年人請願以求爭取權益？為何還在今年年初出現一連串所謂“凍死人”的事件，引來社會這麼大的迴響？

當然，我要指出，將所有由於天氣轉冷而引致病發身亡的事件完全歸咎於政府，是絕對有欠公允的。但今次的“危機”卻充分暴露政府“頭痛醫頭、腳痛醫腳”的態度，完全沒有為“處於危機的老人”（或稱為“需要特別照顧的老人”，以下簡稱“危機老人”）擬定周詳的照顧計劃。

我相信大家都會認同有需要製訂一套全面的老人政策。不過，現在擺在我們眼前的，是一大群面對危機而急需援手的老年人。所以，主席先生，今天我提出這議案的目的，是希望將各位的“火力”集中在這群“危機老人”的身上，為有關服務和策略，提出更具體、更全面和更集中的路向，迫使政府以積極的行動作出回應，為這群被遺忘的“危機老人”盡點力。

其實，政府早於一九八八年已正式承認存在□“危機老人”這個問題。“危機老人”一詞，包括獨居、居住環境欠佳或四周布滿危險的老人，或身體、精神健康欠佳而須長期留守家中、不知如何申請所需服務、不喜歡使用中心服務，或受虐待的老年人。香港很多老年人即使與家人同住，但在晚年時的某些時間或環境都可能會成為“危機老人”。然而，由一九八八年直至現在，我們也看不到政府為“危機老人”製訂周詳的計劃，這真是教人失望。

單以老人外展隊為例，政府在五年前以試辦形式資助了兩隊外展隊，而時至今日，外展隊的數目仍然只有兩隊，每隊只有兩人。但青年外展隊方面，已經有三十多隊，每隊有十名專業社工。相比之下，是否顯示政府實行“年齡歧視”政策？是否因為老人不像青少年般懂得抗議和爭取，所以政府便利用各種藉口對他們的需求視若無睹？

政府於較早時面對議員質詢時，不斷說為了照顧社區內的老人，會發展老人義工家務助理、社區老人科評估小組、老人精神科小組，以及建立地區的網絡，幫助找出“危機老人”。

當然，這些服務各有其價值。但政府現時所採取的只不過是“蜻蜓點水”式的做法，而且有魚目混珠之嫌。要有效和有系統地連貫這些分割的服務，我們必須先解決四大問題：

- （一） 我們缺少有關“危機老人”的整體數目和特性的資料數據，作為策劃服務的依據；
- （二） 我們缺乏合適的準則和專業人士，鑑別和找出“危機老人”；

(三) 我們嚴重缺乏支援和跟進服務；

(四) 我們欠缺有效的機制，統籌不同範疇和機構的工作。

主席先生，我會嘗試指出解決這四個問題的方法。關於缺乏資料數據方面，政府一方面說要照顧“危機老人”，另一方面連“危機老人”的數字也欠奉，那怎能為他們策劃和計算以後的服務呢？我知道政府已委任了顧問公司研究老人的社區支援服務和住宿需求問題。但有關研究需時12至15個月才會完成，即使完成後也不知道要等多久才可予以推行。請問這是否拖延手法？“危機老人”會否如此幸運可以等待12至15個月呢？如果政府真的有誠意照顧這些“危機老人”，其實可以選用很多現有的資料，例如我們已知全港有8萬個獨居的老人，另有82 000個老人領取綜援金。根據急症室的資料，每個老年人每年平均到急症室求診一次。為何政府不能首先服務這些“危機老人”？為何不能在香港所謂的“老區”首先推行這些服務？

第二，關於鑑別“危機老人”。自從發生“凍死人”事件後，政府官員不斷重申要發揮中國人傳統“守望相助”的美德，而且要進一步推動義工計劃。這些說話表面很動聽，但外展服務的前線工作人士告訴我們，不少“危機老人”均不願意與人接觸。這樣，義工怎樣去尋找他們？如何有專業知識去了解和分析他們的需要？政府應一方面推展義工計劃，一方面增聘專業社工主動尋覓和服務這些“危機老人”，而不應企圖推卸責任，利用義工節省社工人手和資源。

第三，關於欠缺支援和跟進服務。即使找到“危機老人”，卻又不能及時提供足夠的跟進服務，則可說是前功盡廢。

以我較為熟悉的醫療健康範疇為例，不錯，政府目前設有四間老人健康中心，但有誰會帶老年人去比較偏遠的健康中心驗身和參加健康講座呢？即使驗出身體有毛病，又有誰去跟進？誰人會接送這些老人到專科診所呢？無怪乎這四間健康中心的使用率奇差矣！

政府近年確實已撥款給醫管局發展社區老人科評估小組和老人精神科小組。但根據醫管局比較保守的估計，香港有兩成老人患有不同程度的精神問題。換句話說，至少有15萬老人需要接受這方面的照顧。請問全港只有八隊老人精神科小組，這又怎可以應付？而其餘八隊社區老人科評估小組連私營安老機構也未能兼顧，更遑論真正照顧社區裏的“危機老人”了！

最後，關於欠缺有效的統籌機制。要有效率地照顧“危機老人”的各方面需要，我們必須設有妥善的統籌機制，這機制可分為地區和整體兩個層面。

就地區層面來說，當局應立即設立一套系統，聯繫和統籌直接接觸“危機老人”的機構，以及地區上各種老人的福利、醫療、住屋等服務。

就整體層面來說，當局應設置機制，統籌各個涉及老人的部門和政策科的工作。這樣不單能真正幫助“危機老人”，更能造福整體老年人。

事實上，主席先生，我在一九九一年年底提出“老人政策”的議案辯論時，已催促政府成立老人事務委員會，扮演統籌角色。但政府一直充耳不聞，直至一九九四年年底老人服務工作小組提交建議，政府才於□生福利科屬下設立老人服務組。現在已差不多過了兩年，但我們依然未能看到這老人服務組在統籌和監察方面有甚麼成果。我並非指摘有關官員辦事不力，但是他們受到先天性的掣肘——老人服務組並沒有足夠實權，而且地位不足以統籌□生福利科以外的各個政策科和各類工作。要達到上述目的，我們必須成立一個較高層次、具實權的老人事務委員會，去監察和統籌各項政策。

主席先生，如果政府真的有誠意照顧老年人，尤其是“危機老人”，便不應坐視不理，直至危機出現時才亡羊補牢。政府現在便應坐言起行，建設一個真真正正關懷老人的社會。

主席先生，我謹此陳辭，提出議案。

*Question on the motion proposed.*

**PRESIDENT:** As Members have been informed by circular on 29 April, Miss CHAN Yuen-han and Mr LEUNG Yiu-chung have separately given notices to move amendments to this motion. As there are two amendments to the motion, I propose to have the motion and the two amendments debated together in a joint debate.

Council shall now debate the motion and the amendments together in a joint debate. I will call upon Miss CHAN Yuen-han to speak first, to be

followed by Mr LEUNG Yiu-chung; but no amendments are to be moved at this stage. Members may then express their views on the main motion as well as on the proposed amendments listed on the Order Paper.

陳婉嫻議員致辭：主席先生，《墨子》《非樂上篇》曾經提到：“民有三患，饑者不得食，寒者不得衣，勞者不得息。三者，民之巨患也。”這也正是香港老年人的寫照，現在香港已有不少老年人正在這種環境下生活。這說法並非誇張之辭，而是客觀事實的反映。正如剛才梁議員提出原議案時所說，過去立法局多次辯論老人問題，亦正好反映了剛才我引用《墨子》《非樂上篇》所說的情□。

老年人因為沒有足夠的金錢，所以節衣縮食，極盡慳儉的能事，吃的是最便宜的菜，穿的也是最廉價的衣服。我們有些朋友不相信在香港這樣繁榮的城市裏，竟然還有穿不暖的老人。今年春節，我們有些朋友到各地區送寒衣給老人家，才發覺不少老人真的連穿也不夠，這是香港的寫照。在一些很貧困的地區，有些老人為了賺取微薄的報酬，日以繼夜摘芽菜、推車。為何六、七十歲的老人仍要工作？社會經濟環境不好時，他們本來便沒有工作機會，但由於僱主體恤他們的困難，因此繼續聘請他們，這便是生活在香港的老人的境□。他們受到剝削和歧視，被迫接受低薪工作，只能生活在無奈和無助之中。由於缺乏足夠的營養和禦寒衣物，於是就出現了剛才梁議員和我所說的情□。——新年期間一股寒流襲港，不少老人在這情□下因捱不了而去世。

我的修正案與梁議員的議案方向大致相同，但是我想提出一點，政府在現階段應盡快制定一套積極和富前瞻性的老人政策。香港現行照顧老人的政策，一直都強調是以社區照顧為目標，協助老人盡量留在社區內安渡晚年。我覺得這政策可以接受，但這政策雖然有目標，卻沒有具體的協助和配合方法。這就正如我們走進餐廳，經理說這裏供應自助餐，可以讓客人自己挑選食物，要吃多少也可以。但當我們接受這條件後，才發覺餐桌上的東西很少，根本不足夠餐廳內的客人進食。香港的老人政策也是一樣，政府告訴我們老人政策有足夠照顧老人的網絡，但問題卻在春節寒流全部顯露出來。香港作為一個現代化的社會，這方面顯然是不足夠的。當老人服務機構想改善服務時，發覺資源不足，這便等如“巧婦難為無米之炊”，更遑論為老年人提供最佳的照顧。

社區照顧模式無疑很理想，老年人可以留在熟悉的社區中生活，得到親

戚朋友的照顧，社區可以滿足一切的需要。但我們必須知道，要達到社區提供照顧，我們必須有充分的支援和物料供應。要照顧一些有需要的老年人，我們須要提供足夠的支援，鼓勵區內居民互相幫助，培養社區精神。這種精神很重要，但如果沒有足夠資源或者資料，我覺得一切都是空談。正如剛才梁議員說，一些老人的健康中心、醫療設施或房屋都明顯缺乏支援。雖然說社區提供照顧，但卻缺乏網絡。從今年春節的情□來看，很明顯我們並沒有網絡；很多老年人出現了問題，缺乏很多東西，但當我們想透過網絡找尋他們的時候，便發覺找不到。

正如我剛才所說，新春期間發生的老人危機，已引起了整個社會廣泛討論。大家看到當危機發生的時候，一些地區上的網絡也未能提供政府所應熟悉的，即那些住在屋□的老年人的資料，使我們能夠迅速行事。剛才我說的是，原來政府本身一直都有在社區內照顧老人家，但當意外發生，我們便發覺很多漏洞，而且沒有機制把這個網織好。如果沒有一個網，又如何提供社區照顧呢？因此，我覺得政府有需要在私人樓宇、公共屋□設置廣泛的網絡。我尤其希望政府能夠為各個地區訂定“危機指數”，例如政府能否將一些特別窮困和特別多老人的地區的網絡連結起來？另外，那些需要照顧的老年人能否在公共屋□得到社區的照顧？此外，政府也須要為私人樓宇織好網絡，提供一套包括有緊急救助的完善支援服務。這些都需要我們整體社會考慮的。

主席先生，我們在立法局已多次就老年人，特別是那些須要照顧的老人進行討論，我們很希望政府真真正正確立整個目標，作好準備，把網絡織好，以便老年人出現問題時能夠得到照顧，這便是我希望政府能夠提供的老人服務。

多謝主席先生。

**梁耀忠議員致辭：**主席先生，梁智鴻議員的原議案用了“需要特別照顧的老人”作為討論對象，他的英文原句是“the elderly at risk”。我修正這項議案時，雖然沒有作出修改，但須在這裏特別指出我們今天的討論對象，並不只限於那些瀕臨生死關頭的老人。

其實，現時有10萬名老人領取綜合援助，但由於政府申請綜援的條件非常苛刻，仍有不少非綜援老人生活得相當貧困。因此，我要指出，無論是獨居老人、合住老人，在輪候公屋中的老人，或是在安老院居住的老人，只要是生活貧苦或是遇到困難者，我們都應該加以援手。

事實上，老人問題一直備受立法局議員的關注，但政府一直沒有認真和徹底的檢討老人問題的癥結和老人的需要。政府一如既往，“頭痛醫頭，腳痛醫腳。”年初發生了幾十名老人凍斃的事件，社署才驚覺香港仍有寒病交迫至死的老人，這時才急謀對策，填補漏洞。

香港目前正面對人口老化這個問題，現時60歲以上的人口達83萬，估計到二零零一年，老年人口將達117萬。面對這龐大的老人數目，政府既無魄力推行老人年退休金計劃，解決老人的生活負擔，又無勇氣針對老人赤貧化的問題。另外，老人自殺率高企，老人住屋、醫療及安老服務等方面仍遠遠不足。政府又沒有決心進行大刀闊斧的改革，使老人問題經常掛在我們的嘴邊。這個問題究竟甚麼時候才可以獲得解決？

近年香港失業率高企，首先給淘汰的便是那些老人，而因此亦使老人更為貧困。現時，本港有5萬名老人居於籠屋或床位中，過□困獸般的生活。此外，九五年還有5萬名輪候公屋的老人，而輪候時間可能需要七年之久。政府經常強調加強對獨居老人的照顧，但事實上，現時只有六個公共屋□設有屋□聯絡主任為老人提供服務。至於提出多年的救命鐘服務，政府仍在“拖拖拉拉”，未有具體執行。

政府對老人的健康狀況□，也沒有給予具體和充分的關注。到目前為止，本港只有觀塘及石硤尾設有老人健康中心，提供老人保健服務。由於輪候政府醫院門診的病人越來越多，老人輪候的時間也需要加長，因而令他們病情惡化。

政府的安老院名額一向遠低於需求，輪候人士至少要等兩年才能獲得安排入住。現時約有14 000名老人入住公營安老院，而入住私營安老院的約有16 000人。隨□今年六月全面實施《安老院條例》以後，估計有200間私營安老院會因無法符合條例規定而要結業，牽涉老人達四、五千人。因此，我認為香港政府必須從速增設公營安老院，以及使有誠意辦好安老服務的私營安老院得以繼續經營，以免需要安老服務的老人流離失所。

我贊成梁智鴻議員所提出的一些要求，特別是要求政府就老人的醫療、財政、住屋和社會支援的需要，制定綜合計劃。但我只怕政府還是聽而不聞，原地踏步。因為政府過去一直只是執行既定政策，政府各部門並沒有就各種各樣的老人問題作跨部門或整體的規劃。政府只在□生福利科下設立一個老人服務工作小組，由兩名官員推動老人服務，但既不制定老人政策，也不扮演統籌角色。



因此，我建議政府設立獨立的老人事務委員會，監察各政府部門的老人政策，並作出建議。這個諮詢架構，應由老人團體代表、老人服務工作者及專業人士組成。只有一個專門針對老人服務的委員會，才能全盤審視現存的老人問題、統籌各項老人問題的調查研究，作出恰當的處理。

我希望政府聽取我們的意見，盡快成立一個獨立的老人事務委員會，為老人問題制定長遠而有效的政策。最後，我希望各位同事仍然會繼續為老人的需要和福利問題努力爭取，使老人得以安享晚年。

主席先生，本人謹此陳辭，提出修正案。

**PRESIDENT:** Mr LEUNG Yiu-chung, you are not to move the amendment yet. This is a joint debate. You will be given a chance to move your amendment subsequently.

**馮檢基議員致辭：**主席先生，如果各位同事不是善忘的話，相信也記得農曆新年期間，有30多個人因嚴寒天氣而凍斃，而其中大多數都是獨居的單身老人。這事件令社會人士非常震驚，亦使我們再次關注究竟我們對這些獨居老人的照顧是否足夠。

其實，現時有不少老人是單獨居住，或者與老伴同住的。他們都得不到年青一輩的照顧，加上他們長期患病，缺乏金錢、資訊貧乏，社交圈子狹窄，以致沒有足夠能力應付各種突如其來的事變。我們實在有責任去幫助這些老年人。以下我想代表民協就社區支援的政策和緊急救助系統這兩方面發言，而民協的另外一位成員莫應帆議員也會就醫療服務和綜援金這兩方面發表意見。

香港老人社區的支援服務一向以中心為基礎，服務對象都是以參與中心活動的老人和轉介的老人為主，較難接觸到那些體弱多病、行動有困難，以及較為被動和不習慣接受別人幫忙的老人，而這些老人卻最需要別人幫助和容易發生事故。這些個案其實很需要外展社工主動發掘和處理，但現時的外展社工只得兩隊，我相信大家也可以立刻看得到服務不足的情<sup>口</sup>。雖然如此，政府仍無意擴展這些服務，政府的解釋是，現時已有家務助理員、外展

醫療人員、義工，並且有醫務社工和家庭服務中心社工所組成的支援網絡。

我覺得這個支援網絡可不可以取締外展社工的工作，對此我有很大的存疑。我們都知道，家務助理並非社工，他們沒有社工的專業知識，不能評估老人的需要。至於義工方面，大家都知道義工是義務性質，難保他們可以長期跟進個案。而老人外展醫療隊的服務對象，是以院舍的老人為主，並不包括其他不是在院舍居住而又需要幫助的老人。對醫務社工和家庭服務中心的個案社工來說，老人只是他們芸芸眾多服務對象中的其中一小撮人，他們所處理的老人個案也不多。

這個網絡如果真的有效，又怎會發生農曆新年老人凍斃的事件？政府如果真的關心老人的需要，便應該拿出多點誠意，擴展現有的服務，而不要老是說已有足夠的支援網絡。

除了有效的支援網絡外，我認為緊急求助系統也很重要。在瑞典、英國這些國家，各種老人活動場所包括住宅和宿舍，都安裝有警報系統，連接醫護人員或警方。一些先進地方更會讓有危機的老人隨身攜帶微型呼救器，以備他們發生緊急事故時可以隨時與醫務人員聯絡。

就香港來說，這方面的發展相當緩慢。舉例來說，現時公屋有57 000個住戶有60歲以上的家庭成員，而其中3萬人更是獨居老人，但獲得安裝緊急警報系統的只有1 000戶左右。此外，這些緊急警報系統只能觸動裝設在單位外的閃燈或報警器，如果鄰居沒加留意，或是不肯幫忙，發生事故的老人即使按了警鐘，也無法得到緊急援助服務。

至於屋邨聯絡計劃方面，自一九九零年以來，只有11個屋邨設有聯絡主任，但全港合共有超過150個屋邨。雖然這項計劃會每年增設十個屋邨聯絡主任，但這速度是否太慢？政府要多花十年以上的時間，才能夠在所有屋邨設老人聯絡主任。

我速請政府加快推行屋邨聯絡計劃，並且盡速為有老人成員的公屋住戶安裝緊急警報系統。此外，當局亦應改善現有的緊急警報系統，將這些系統接駁往中央服務中心。

本人謹此陳辭，支持梁智鴻議員的議案和其他兩位議員的修正案。

羅叔清議員致辭：主席先生，隨口本港現代化發展，傳統華人家庭的模式日漸解體，取而代之的是核心小家庭，社會上敬老養老的風氣式微，加上本港人口日益老化，老人問題亦日益嚴重。但相對於其他經濟較富裕的地區，本港社會針對老人問題提供服務的措施及有關設備仍相當不足。政府實有需要聯同社會志願機構擬定完整的老人服務政策和具體的執行計劃。

現時香港60歲以上的人口高達八十多萬，佔整體人口的14.5%。若社會支援充足，老年人的基本生活需要得到解決，使他們得以安享晚年，甚或仍然投入社會服務，成為寶貴的社會資產。但香港一直欠缺完善的退休保障制度，加上社會福利並沒有特別照顧老人的特殊需要，致使問題越益嚴重。

在公共醫療方面，根據最近一個團體進行老人基層健康服務的調查顯示，每名老人平均須花四小時輪候普通門診服務，而專科更排期近四個月。為了應付有生之年的一切開支，絕大部分的老人都非常慳儉，應付三餐一宿已感到吃力，何來餘錢求助於私家診所？所以，他們只能倚靠公共醫療服務。而目前本港為老人提供的基層保健又非常缺乏，一般醫療機構只有在老人生病時才提供護理服務，社康護士人手亦有限。政府應口手改善老人的醫療保健制度，例如仿效以前的學童保健計劃，向老人提供每年兩次的身體檢查。而當他們向私人醫生求診時，亦應獲得醫療津貼。

由於一些老人認知能力有限或智力衰退，而且往往自專心較強或固執，反之懂得或者主動尋求協助的老人不多，因此危機老人的問題便越益嚴重，不少老人根本不知道他們本身的社會權益。據聞，有一個八十多歲患白內障的婆婆居於後巷，每月只領取普通高齡津貼即525元維生，而不知道可以申領綜援金。政府的社會服務宣傳教育工作效果如何，實在值得我們深思。而本年度財政預算案實際上並沒有增加老人綜援金的金額，令人頗為失望。

老人外展隊現時只有八隊，而其中只有兩隊合共四人由社會福利署資助。社署更聲言不會增撥資源拓展這方面的服務。這方面的政策實有徹底重新檢討的必要。

本人建議社署增撥資源，積極發展老人義工計劃和老人自助計劃，並資助有關志願服務機構推行這兩項計劃。這樣可使一些健康較好的老人善用空閒時間，從事有意義的活動。這既可令其晚年人生更有意義，又可紓緩老人服務人力資源緊張的問題。老人服務又可使老人建立共同語言，了解身心需要。

政府在增設護理安老院、老人中心和老人服務中心方面進度緩慢。政府長期以來只提供八成資助額予老人中心，其餘兩成則需香港公益金長期提供津貼。如果公益金不再撥款予將來新開辦的老人中心，恐怕不少志願機構都會有心無力，不能承擔長期的財政支出。本人希望社會福利署考慮全面資助私人機構增建安老院和老人中心，並鼓勵獨居老人入住安老院，使眾多在居住床位、板間房、天台甚至後巷或籠屋居住的老人獲得安身之所。

主席先生，本人建議政府鄭重考慮鼓勵及資助一些志願機構在國內，尤其在珠江三角洲一帶，興建及管理安老院和護理安老院。這樣一方面可善用國內低廉的租金和地價，另一方面可以充分利用國內的人力資源和較低的醫療成本。至於由香港至這些內地安老院和護理院的交通安排，應可作妥善安排。

住在舊式公屋、臨屋或寮屋的獨居老人的生命安全問題，實在令人擔憂。本人希望政府積極考慮提供暖爐，加快設置“救命鐘”以及安裝接駁緊急救援中心的警鐘。

主席先生，對於這些曾為本港經濟繁榮及社會進步作過重大貢獻的老年人，除了政府及社會對他們應負責任外，他們的親友子孫也應負起照顧他們的責任，左鄰右里亦應有守望相助的義務。除了他們的飲食起居以外，健康護理、身心發展亦應獲得照顧，使他們能夠更有尊嚴地渡過餘生。

主席先生，本人謹此陳辭。

**楊孝華議員致辭：**主席先生，今天的議案辯論，集中於討論如何全面照顧老人，使他們可以安享晚年。這與自由黨一貫以來呼籲政府多撥資源、照顧老人的政策是一致的。剛才已有議員講述了很多細節，我不再重複了。

不過，從宏觀的角度來看，講述香港的社會福利是有很多層次的。香港除了老人服務外，還有教育、青少年服務、社區服務，以及有關房屋的服務。所有這些服務，都須要動用我們的公帑。自由黨的立場是，當我們需要量入為出，按原則作出取捨時，我們傾向於多撥資源在老人方面。這是因為隨社會進步，其他社會服務可以循其他途徑得到解決。例如房屋方面，隨香港人生活水準日漸提高，有些人可能有能力替自己解決房屋問題。至於青少年的問題，始終年青人會有家長照顧。至於教育問題，雖然學生現時沒有能力負擔全部費用，但他們有高入息的潛力，將來便會有能力。此外，一直以來，社區服務都得到很多社會人士的支持。但有一個不可抹煞的事實，就是香港的人口正日趨老化，那些曾經為香港繁榮作出貢獻的老人，對於應付開支越來越感到困難。所以，我們認為在調配社會資源作出取捨時，應多撥資源，支持提供全面的老人服務。

基於這個原因，自由黨會投票支持今天的原議案，亦會支持今天提出的兩項修訂，因為這些議案和修訂都符合我們的政策。此外，我們不會要求點名表決和質疑法定人數，只希望這項議案能夠得到通過。

**PRESIDENT:** Mr YOUNG, did you say increase in quorum or are you bringing to my attention the lack of a quorum?

**MR HOWARD YOUNG:** I was saying that we would vote for the motion and also all of the amendments, and we shall not ask for a division and neither shall we raise any points regarding a quorum and hope that this motion will be passed.

**PRESIDENT:** As the very fact that you said you would not raise any matter concerning quorum has brought the matter to my attention, I will now count the Council.

I now suspend the sitting and summon Members to come back to the Chamber.

*A quorum was then formed.*

李華明議員致辭：主席先生，關於梁智鴻議員提出的議案辯論，不知是否與今年農曆新年“凍死人”，特別是老年人有很大關係。民主黨認為香港的老人服務長期落後於實際需要，各種老人的宿位嚴重不足，要住院的老人也不能得到照顧。就以農曆新年很多老人凍死為例，很多死者都患有心臟病或其他呼吸系統的毛病。嚴格來說，他們都是死於缺乏照顧。如果社會對他們照顧好一點，例如老人院舍宿位安排方面好一點，便可能會減少這類慘劇的發生。

根據現行的政策，長期住院服務只能提供給那些不能在家得到照顧及不能照顧自己的老人。但現時宿位嚴重不足，以至很多需要住院的老人要等很多年才可以入院。在今次事件中出事的老人，有很多身患多種疾病，即使不須入住護理安老院，也需要很多協助和照顧，才可以生活。

各類住院照顧嚴重不足，其實已不是新聞。隨便舉個例，今年財政預算雖然已預留款項增設952個護理安老院床位，另加私人買位1 200個，但比五

年福利計劃預測的需求，仍然相差880個。安老院的情況更嚴重，比五年計劃的估計更相差二千多個床位。

另外，九四年《老人服務工作小組報告》所提及的持續照顧模式，到現在也未見有甚麼實質的工作。各類床位不足，更做成分配上的困難。療養病床位不足，令需要療養服務的老人被迫入住護理安老院。護理安老院不足，以致很多早該轉往護理安老院的老人，仍然繼續入住醫療服務不足的老人院，結果是很多人要排隊等候。可見那些得到床位的老人也不見得可以得到適當的照顧。所以我衷心希望政府努力改善老人住院服務。

雖然政府多番拒絕增加老人外展隊的要求，但我亦要多謝政府今次撥款1,700萬元推廣老人社區的網絡。對於這個承擔，我們表示讚賞。至於老人健康中心的問題，我希望再次提出來，因為我曾經動議辯論過這個問題。雖然總督已答允在九七年前設立七間老人健康中心，但我們仍然爭取在每個行政地區設置一間，方便區內的老人。

關於老人健康中心的問題，今天我在立法局亦提出了一項關於老人牙科的書面問題。最近香港大學醫學院一項研究指出，本港有多達七成的老人缺乏牙科醫療服務。政府回覆說並沒有計劃檢討現時的牙科服務政策，亦不打算在老人健康中心增設牙科服務。過去數個月來，我曾經探訪過十五間老人院、老人護理安老院、老人中心、老人綜合服務中心和社區中心，接觸一千五百多名老年人。他們都面對一個嚴重的問題，那就是他們所去的政府診所並沒有牙科服務。如果牙齒有問題甚至發生其他事故，他們便不知怎麼辦。私家牙科服務並不便宜，老人要靠自己付診金。那些拿綜援的還可以向政府申報取回診金，但沒有申領綜援的老年人便得靠自己的積蓄去看牙醫。公立醫療服務沒有提供牙科服務，令老年人面對很大的壓力。因為老年人可能不懂保護他們的牙齒。梁醫生可能比我清楚，雖然他不是牙科，他對牙齒也有基本認識，一般是病從口入。老年人如果牙齒不健康，其實會間接引致消化不良，以及導致腸胃出現問題。我認為政府由始至終在牙科服務方面，不論對成年人或老年人，都沒有作出承擔。

我希望梁議員在回應時，能夠支持我們。現時政府完全沒有提供足夠的牙科服務，我對政府今天的書面回應亦感到非常失望。我們會繼續在牙科服務方面替老人爭取他們應得的“照顧”。稍後，民主黨仍會有羅致光議員詳細講述救命鐘的建議，亦會就今天的兩項修正案表達民主黨的立場。

本人謹此陳辭，支持議案及修正案。

陳榮燦議員致辭：主席先生，目前全港 65 歲及以上的人口約有 59 萬，預計在未來五年，65 歲及以上的人口將迅速增至 69 萬人。若以 60 歲及以上的人口計算，目前預計的平均增長率為每年 2.5%，由目前約 80 萬人增至二零零一年，將會是 118 萬。

其中，有特殊需要的老人包括 9 萬名獨居老人，當中有六成居於私人樓宇，包括床位和籠屋。租住床位的獨居老人日常大都只在床位範圍內活動，生活條件也很差。他們所住的舊樓大都沒有電梯，體弱的老人只得減少下樓的次數，大部分時間留在家中，其中有些老人幾乎與外界完全隔絕。而在籠屋居住的老人，生活環境也十分惡劣。

在公屋居住的老人也不見得沒有憂慮，只不過居住的地方比上述的老人好一點而已。現時公共屋宇人口老化的問題頗為嚴重，部分屋宇特別是舊型屋宇的老人多達全宇人口的 30% 以上。公屋老人同樣面對社會服務支援不足的問題，遇到緊急情況時，無法獲得即時援助。獨居老人和其他與家人同住但亦需要特別照顧的老人一樣，普遍面對醫療、經濟、住屋、社區支援各方面的問題和需要。

政府雖然在九四年時發表了一份老人工作小組報告書，提出百多項協助改善目前老人服務不足的建議，但明顯地，在缺乏全面老人政策及執行機制的前提下，所有高齡老人可否安享晚年的問題，仍需我們關注。

主席先生，上星期辯論長期病患的時候，本人已提出對老人醫療的意見，這裏不再多說。我想講述老人房屋及經濟問題的意見。如前所述，很多老人的居住環境極不理想。單身人士的租金津貼經調整後只有 1,314 元，但私人樓宇的租金不斷上升，老人只能租住簡陋的床位或籠屋。政府應盡速提高租金津貼，使老年人能應付日益高漲的租金，維持合理的居住環境。此外，在市區重建的過程中，許多居於舊樓的老人都不願離開原區，因而感到非常徬徨，甚至寧願成為區內的露宿者。本人認為，政府在清拆過程中，應訂立相應政策，為獨居老人提供適當的社會服務及安置計劃，以解決他們因遷居和重新適應居所面對的問題。

本港目前仍有二萬多人輪候長者屋，一般來說，老人須輪候兩、三年才可獲安排上樓，而所獲編配的多為二、三人合住的單位。若要求獨立單位，輪候時間將會更長。長者屋的編配政策實在有重新檢討的必要，如何解決編配額不足和改善輪候時間，仍有待跟進。另外，護理安老院宿位不足的

問題，亦有待政府處理。

至於對老人的經濟照顧，政府應重新檢討單身老人的標準金額，研究是否應與工資中位數字掛口，並放寬領取綜援老人的收入限制，改善發放綜援信息的設備。此外，政府應增加生果金至港幣 800 元，並撤銷有關的離港限制。

主席先生，本人謹此陳辭，支持議案及修正案。多謝主席先生。

**莫應帆議員致辭：**主席先生，剛才馮檢基議員已代表民協就老人外展服務及緊急求救系統方面發表意見，我將會就老人醫療服務及綜合援助兩項政策提出民協的意見。

“冰封三尺，非一日之寒”。雖然口生署官員指出，在農曆新年的寒流中，沒有老人是因為患低溫症而凍斃，但如果不是老年人平時得不到適當的照顧，身體變得虛弱，天氣一轉冷便發病，又怎會有那麼多老人因此而去世？我們實在有需要檢討現時為老人所提供的醫療和保健服務是否足夠。

一些老人基層健康服務的調查指出，老人平均要輪候四小時才可以獲得公立醫院及診所的門診服務。四小時絕不是一段短時間，再加上不少輪籌的地方並沒有足夠的遮蓋和遮蔭，也沒有靠背的椅子，令已經身體不適的老人飽嘗日曬雨淋及坐至腰痛的痛苦，他們的病情可能更因此而加重。由於輪候時間實在太長，有些老人可能有病亦不看街症，寧願自己買成藥或留在家中休息。我們在此促請政府改善現時輪候門診的情口，按照每區老人人口的比例，增加老人籌的數目，盡快改善現在的輪籌設施，並且按區內的需求，增加醫護人員，縮短老人輪候的時間。

隨口人口不斷老化，預防更勝於治療，倘若老人家能夠適時做身體檢查，及早作出預防措施，我相信有很多的疾病是可以避免的。但現時老人的基層健康教育並不普及，而老人健康院只有四間，到九七年亦最多只增至七間。這個數目實在少得可憐，我認為政府應檢討現時的規劃，在每一個行政區內至少設立一間老人健康中心，並且加強宣傳，令這些中心能夠充分得到利用。

除醫療及保健服務外，老人的物質生活條件亦是相當重要的。在年初政府公布了綜援的檢討報告，各項綜援金均有改善，但單身老人的綜援金卻原



封不動，只隨通脹調整。我覺得政府無視老人的苦口，使他們過口捉襟見肘的生活。試想一個月只有一千九百多元，每日只有六十多元，又如何維持一個有尊嚴、合理的生活水平？遇有突發的事故，又哪有金錢應急？

民協一向要求將綜援提高至工資中位數的三分之一，即2,700元，這個水平是根據國際貧窮線而釐定的。但當局指出綜援金並非退休保障而拒絕了我們的要求。我覺得政府的講法否定了這些老人以往對社會的貢獻。他們為建設香港社會付出了半生勞力，在晚年時希望有尊嚴的過活，難道這是過分的要求？倘若不是政府在退休保障上“真戲假做”，不願意作出承擔，這些老人又何需靠綜援金渡日？

最後，我想談談設立老人事務委員會的建議。其實，香港老人人口不斷上升，整個社會也須長遠面對及解決老人問題。老人問題本身涉及福利、醫療、房屋等不同政策的範疇，需要政府協調及統籌。所以我同意成立一個獨立、常設的老人事務委員會，負責制定及統籌老人的長遠政策，並不時對有關政策作出檢討，而小組的成員亦應包括老人代表及前線社工。

主席先生，本人謹此陳辭。

**蔡根培議員致辭：**主席先生，生老病死是人生必經階段，任何人都無可避免地面對這些客觀規律。隨口平均壽命的延長，根據一九九五年年中人口統計，60歲以上的老人佔全港總人口13.5%。人口不斷老化，而社會老人福利服務又不能面對老人服務的需求，隨之而來的老人問題遂變成嚴重的社會問題。

過去照顧老人的責任一般都是由個人或其家人承擔，隨口社會意識受西方思想影響，孝順之風式微，子女孝順父母之心遠遜於父母愛子女之心，年青時含辛茹苦養育子女成人後，到晚年不少卻被子女冷落。另一方面，由於香港遲遲尚未推行全面退休保障計劃，低下階層老人哪有積蓄安享晚年呢？

近年來，香港社會對老人關心程度有所增加，但仍不足夠。政府在老人服務方面以推行社區照顧為主，讓老人可在自己熟悉的社區生活，原則上是值得支持的。但社區照顧政策在很大程度上取決於家庭的支援及鄰舍的守望相助，可惜資源不足，根本未能在各方面得以發展。目前，政府在社區亦只有兩隊老人外展隊及一些家務助理。老人醫療外展隊，根本無法應付老人服

務的需求。老人年老體弱多病，行動不便，需要特別的全面照顧，故此港進聯建議在本港每區都建立一支老人外展隊，同時設立一套完整的老人專科醫療服務，並迅速增建護理安老院及老人服務中心。

除了健康問題外，老人的住屋問題長期受忽視，特別是一些獨居老人，相信各位對春節期間老人凍死事件還記憶猶新吧！很多老人的居住環境相當惡劣，他們不少居住在床位、板間房、天台，甚至一些僭建的後巷或鐵籠；有些更面臨政府、土地發展公司、私人發展商的收樓威脅，被迫至流離失所，無家可歸。一些輪候多年後可獲分配“上樓”入住公屋，但大多獲配一些舊型屋□單位，設施不足，缺乏維修；若要編排新型屋□則租金較昂貴；若被編排較偏遠的地方，則生活習慣被迫改變，故此，我們希望政府在編配公屋時，多考慮一些老人需要，以原區安置入住一些新型公屋，及以津貼形式補貼租金，讓這些老人能在晚年得以安居。此外，政府應加快增建安老院，以解決老人院宿位長期嚴重不足的問題。

最後，本人談談有關綜援金問題。全港目前有三成老人有資格接受綜援，而現時只得一成老人申請，他們每月只得一千九百多元，這種綜援水平實在無法為有需要的老人提供基本生活開支，更遑論要安享晚年！政府訂立這個綜援金額標準實在過低，但政府卻指出獨立老人的開支已比全港最低收入的5%住戶高出16%，政府這樣比較是否要“窮鬥窮”呢！提高老人生活質素的最直截了當方法是提高老人綜援金額，港進聯贊成將綜援金逐步提高至香港工資中位數的三分之一，即2,700元，以改善老人福利。

踏入下一個世紀，老人問題將成為本港最嚴重的社會問題之一，本人認為現在已是時候全面檢討我們的“老人政策”了。

主席先生，本人謹此陳辭，支持議案及修正案。

**黃偉賢議員致辭：**主席先生，我會集中講述有關老人自殺及心理□生服務這兩方面的問題。

一直以來，香港政府動用了大量資源協助青少年解決自殺問題。當然，年青人自殺是一件令人惋惜的事，但我們亦不可因此而忽略了本港老人自殺問題長期受到漠視這現實。雖然每年一些有關團體，例如撒瑪利亞防止自殺會會公布老人自殺的數字，而香港的輿論總會泛起一陣漣漪，但很快便會沉寂下來，問題就好像平伏了。

其實香港的老人自殺問題非常嚴重。九四年發表的老人服務工作小組

報告書指出，在八一年，老年人的自殺率約為30.8%，八六年上升至42.7%，而九一年則是37.4%。過去十多年來，老人自殺率都維持在一個高水平。該報告書第153段也指出本港的老人自殺率相當高。根據香港大學去年所進行的有關香港人自殺研究報告，60歲以上老人家的自殺率急增。整體來說，香港每年平均都有大約250至300名老人家自殺，佔全港自殺人數的三分之一。其實很多老人自殺個案都被歸類為意外，所以實際數字一定較政府的統計數字為高。

正如老人服務工作小組報告書第152段指出，自殺是一個十分複雜的問題，原因不一，包括社會、心理、情緒及處境等因素，而長期病患、所愛者去世、家庭煩惱、受挫、失望和絕望，也是老人企圖自殺的一些原因。該份報告書又指出，其實在很大程度上，很多老人家自殺主要都是因為病患或心理和情緒抑鬱所導致。當老人家久病，自然便會厭世，又或身體機能衰退，感到孤單，都會令老人家萌生去意。

現時政府的政策只是很被動地設立老人中心，提供一些老人服務，便以為老人去那些中心，得到娛樂後，便會天下太平。政府根本無意識去主動尋找一些特別需要幫助或所謂的“危機老人”，向他們提供額外的服務。其實香港的精神科服務嚴重不足，特別是針對老人的心理或精神方面的服務，例如對一些性格孤僻，患有老人精神病，如抑鬱症、痴呆症的老人的服務就更少。

九四年發表的老人服務工作小組報告書中，提到沙田醫院在九三年開展了一隊老人精神科小組，成員包括一名高級講師、兩名醫官、一名職業治療師和13名護士，主要工作包括探訪四間護理安老院和三間老人宿舍，為那些老人提供精神科治療和評估服務。這些服務除了可以起治療作用外，自然也有預防作用，減少老人家因為心理抑鬱和情緒問題而走上自殺之途。

老人服務工作小組認為這老人精神科小組的服務方式非常有效，醫院管理局亦總共成立了三個類似的小組。為了達到一個醫院區域內有一個社區老人科小組和一個老人精神科小組，老人服務工作小組建議成立四個老人精神科小組。但我認為現時所提供的服務遠遠不足以應付有關需求。雖然很多老人家未必懂得怎樣去尋求這方面的援助，但假如我們能夠主動一些，正如剛才很多同事所說，情況當可改善。現時政府只設有兩隊外展老人社工隊，服務荃灣和東區，遠遠不足以應付需求。本局很多同事一直要求政府在每一個行政區內均設立老人外展社工隊，主動接觸老人家，了解他們的心理和精神狀況，及早發覺問題的存在而對症下藥。

主席先生，老人自殺問題相當複雜，而本港的老人自殺率也相當高，但很可惜，政府至今似乎對這問題仍然束手無策。我很希望政府除了加強剛才我所說的老人心理及健康服務外，也應該對老人的自殺問題進行全面和深入的研究，了解老人為何自殺，特別是有關數字顯示，年紀越大的老人的自殺率越高。我很希望衛生福利司稍後就這方面會有一個正面的回應。

多謝主席先生。

田北俊議員致辭：主席先生，香港人口老化，很多同事剛才也有提到。現時香港年過65歲的老人家已經有60萬，在不久的將來，可能更會增至八、九十萬。我們都明白到，這群老人在香港這數十年來的經濟發展中，都曾扮演一個很重要的角色。當然，其中有些是不幸的一群，即他們在香港的經濟發展中所獲得的效益不大。可能在他們做工的時期，須供養家中子女，儲錢不多；又可能今時今日兒女長大了，但他們的收入在養育自己的下一代之後已所餘無幾，再無力供養父母。在這情況下，工商界和自由黨支持照顧這群特別有需要的老人家。

梁智鴻議員的原議案和兩位同事的修正案都要求政府照顧這群需要特別照顧的老人，即“elderly at risk”，而並非要求政府照顧全部60萬的老人，有別於我們曾經討論過的“老人金”概念。基於這個理由，自由黨和工商界對原議案和兩項修正案，都會表示支持。

主席先生，我認為有兩點是值得一提的。第一，現時的所謂“危機老人”是否只得8萬之數？政府說在60萬老人中，獲得綜援的有八萬、九萬，但“危機老人”的數目會否多些呢？主要是因為我們認為政府在申請綜援方面，做得並不足夠，而綜援的申請表格也十分繁複。其實不要說申請綜援，往往在工商界的運作中所須填寫的申請文件，也要很多人才可以應付得來。如果單靠一名學識水準不高的老人在填寫這麼多表格後才可申請，政府才會批准的話，可能有很多需要特別照顧的老人因不懂得申請而被人認為沒有出現問題。因此，我們促請政府研究這事。當然，這會帶到專業社工的問題上。如果有多些專業社工幫助這些老人家填寫表格，就會清楚知道他們是否符合申請綜援資格。

第二，工商界認為現時老人綜援金每月只得一千九百多元是遠遠不足的。我們認為剛才數位同事提到的工資中位數三分之一的2,700元，是較為

合理的數目。當然，從社會福利的支出方面而言，這五年的實際增長有60%之多，我們認為在整體而言是足夠的，特別是一家四口的綜援金達到10,200元，其實已算頗高。與老人家只拿取一千九百多元相比，實在相差太遠。

主席先生，最後，我想一提的是，從工商界的角度而言，現時聘請老人家工作，難免會如陳婉嫻議員所說，出現工資低、工作環境差的情況。這個同工同酬問題可能全世界的老人都要面對。因為僱主付給工人工資，當然希望工人能有一定程度的工作量。無可否認，老人家的工作量是較低的。

此外，我也想提出一點，而這是其他議員沒有提到的，那就是我希望現時香港300萬“打工仔”都要為自己退休後的生活準備一下。如果沒有能力就沒有法子，但如果有能力的話，我希望他們能多儲蓄，因為終有一天，300萬“打工仔”會變成現時所說的60萬老人家。我不希望他們到時問社會如何照顧他們，或工商界如何製造多些就業機會給他們。我希望他們及早考慮自己的問題，不要依賴社會太多。

主席先生，我謹此陳辭，支持原議案和修正案。

**何敏嘉議員致辭：**主席先生，在今年二月寒流襲港時，寒冷的天氣令香港部分老人因為缺乏照顧而死亡。我很希望在此集中討論一下，從基層健康角度來看這一群缺乏照顧的老人。

首先，我想看一看環境衛生方面，這個環節與個人的健康情況有莫大關係。一些生活環境欠佳，例如住在天橋底的露宿者，很多都缺乏了一些基本的保暖工具，這些都是我們所說的基層健康的重要一環。單單這種環境就已經可以令他們染上很多氣道的疾病，例如氣管炎和肺炎而導致死亡。他們每天在天橋底吸入的汽車廢氣或在籠屋內的混濁空氣，都是令他們的胸肺長期不健康的原因，使他們容易染病。他們肯定也沒有一個健康的生活。很多露宿者都沒有均衡的營養，一來因為他們的收入少，二來是他們的保健知識不足，使他們的基本抵抗力較一般老年人為低。如果再加上因為面對經濟困難而產生的心理壓力，就令他們更難以抵抗病魔。有關心理健康方面，黃偉賢議員剛才已作出很詳細的討論，我不準備在此重複。

有關健康服務方面，我很希望在此清楚指出，我們說的其實並不是一些老人中心提供的身體檢查或防疫服務，而是要包括一些重要的健康教育。不少老年人的飲食習慣相當不均衡，除了是因為欠缺健康教育外，還與他們的牙齒很有關係。沒有牙齒當然對他們的健康會有影響，但很多老年人的營養

出現問題，其實都是因為他們沒有牙齒而吃得不好。如果政府進行研究，便會很容易發現其實老人所以吃得不好，其中一個主要理由是他們沒有一副好的牙齒，這是全世界很多研究和文獻都有記載的。因此，對於政府今天回覆李華明議員的書面質詢，說不打算改善為老人提供的牙科服務，我感到非常失望。我所說的健康教育，並不是在診所內放幾塊展板或舉行展覽就可以達到，而是我們要主動將這些有效的信息帶給老人家。如果我們只是依靠現時傳統的中央教育組所做的工作，又或只是放幾塊展板在診所內，這些信息顯然不可以傳達至最需要健康教育的老人家。

還有一個情況，就是這些人士很多都患有慢性疾病，他們可能在日常的情況，心臟或呼吸系統早已處於一個遠不算健康的狀態。一旦遇上例如寒冷的天氣或病菌的感染，就會使他們本已屬病態的心肺系統百上加斤，感染非常嚴重的疾病而導致死亡。政府要特別加強服務，令他們知道自己染上何種慢性疾病，怎樣可以保護自己，讓他們知道自己的心肺系統已經不如常人，當他們受到感染，就會很難痊愈。

我很希望政府可以在這些方面切切實實做一些工夫，令這些信息可以傳達至這些老人家。我很希望政府會有具體建議，而不要停留在現時以一些傳統的方式來宣傳健康教育。

我謹此陳辭。

**張漢忠議員致辭：**主席先生，民建聯認為現時的問題是政府缺乏整體具前瞻性的老人政策。就老人的住屋和經濟上的需要，民建聯的同事會發表意見。本人將會集中在醫療、社區支援及心理健康方面發言。

目前的老人政策，一貫以社區照顧為目標，即協助老人盡量在自己的社區內安度晚年。可是，目前的政策徒有目標，卻未有全面的協調及配合。社區照顧的成敗取決於家庭的支援、鄰舍的守望相助及社區的支援。目前的問題正是網絡未能建立，及社區照顧老人的能力不足，缺乏適當的資源及支援配合。

主席先生，民建聯建議協助獨居老人減少生活危機的措施包括：訂定全面的老人服務政策，成立老人外展服務，協助“危機老人”，目標是盡量為所有“危機老人”建立社區照顧網絡。訂立各區“危機指數”，令“高風險區域”，如私人樓宇密集的舊區，可獲優先外展服務。房屋署及社會福利署應盡速為“有特別需要的老人”提供免費救命鐘設施，解決救急扶危的需

要。全面為獨居老人裝置電話，並將之接通救命鐘設備，裝置費用及月費開支，由政府支付。此外，督促社會福利署職員主動探訪獨居老人，並在長假期前，及早安排轄下社工為老人做好照應準備。最值得一提的是，政府應為全港老人及露宿者制定一套全面的“禦寒解困”機制及策略，加強與志願機構合作。社會福利署與房屋署須檢討現時老人宿舍的“解困應急”設備。

至於在老人醫療服務方面，我們覺得政府缺乏中央統籌的老人保健服務，同時經費一向不足，老人專科醫療服務亦明顯缺乏，療養病床數目不足，以及老人基層醫療也嚴重欠缺。因此，我們建議政府必須增加經費，設立專責部門統籌老人保健服務，於全港18區每區設立最少一間老人保健中心，為60歲以上老人提供健康檢查、轉介專科、家訪等服務。加強老人專科門診服務，提高救護車護送服務水平。此外，按老人人口數目，重新評估老人對護養病床的需要，並為輪候護養病床的老人提供社區支援服務。

在提到社區支援服務方面，我們覺得應擴展老人外展服務。香港人口現正邁向老齡化，老人遇到的各種生活問題以及各種服務需要亦越來越明顯。雖然，政府透過資助非政府機構，提供各類院舍住宿服務和社區支援服務，一般只能採取以中心為基礎，或收取轉介的模式，並不能主動發掘有需要的個案，但對於一些獨居、體弱多病、行動有困難、或對社會服務欠缺認識，存在“不想靠人”、“不想□救濟”觀念的老人，他們有很大程度的困難去使用上述兩種服務。故此，他們極需要有專業知識的老人外展社工主動接觸，了解其需要，以便提供所需服務或作出適當的轉介。

除了對老人在經濟及物質提供照顧外，對老人的心理健康亦不容忽視。本港老人自殺的情□相當嚴重，他們自殺的原因各有不同，但未必與經濟或物質有直接關係，可見心理的障礙亦是其中重要原因。老人多因自尊、固執而不願向人傾訴，因此，本人建議政府在每個區成立老人社區服務中心，提供專業心理輔導服務，亦可由外展社工推介，在該中心內，接受心理輔導專業人士服務，協助解決消除心理障礙，加強自信，融入社會，適應社會，將老人自殺的危機減至最低。

主席先生，為了確保本港所有老人均可備受尊重地安享晚年，本人認為政府應盡快制定積極和前瞻性的老人政策，並促請政府考慮“需要特別照顧的老人”的健康、經濟和住屋的需要，建立全面的社區支援網絡，包括擴展老人外展服務，使老人獲得全面的照顧，以有尊嚴及無憂的生活方式，度過人生最後路程。

主席先生，本人謹此陳辭，民建聯會支持原議案及兩項修正案。

羅致光議員致辭：主席先生，今個立法年度，討論老人政策及老人福利問題已有多次，在這裏我亦不想重複過往所提過的問題和意見。事實上，聽了這麼久，我只需要說“同上”就已經差不多可以坐下來。不過，我想轉換一下話題，不談福利，只集中討論一下醫療服務問題。這當然也由於這項議案是由梁智鴻議員提出，所以我覺得應該集中討論醫療問題。

在老人醫療服務方面，面對的問題很多，我想集中討論三項。第一是身體健康的預防性服務；第二是收費；第三是輪候時間。

現時老人身體檢查及預防性服務不足，不少老人家身體有毛病，但因得不到適當照顧，而令身體健康惡化。明顯的例子便是老人家患上糖尿病後得不到適當照顧，而產生其他毛病，如白內障。這可說是由於預防及照顧工作不足，而令醫療開支增加。換言之，改善老人健康及預防性服務是刻不容緩的。

醫療費用往往是老人的主要開支之一。那些收入稍高於現時綜合援助水平的老人家，面對的困難更大。因此，我希望政府考慮兩個可能的方法，去解決老人醫療費用問題：

1. 所有60歲以上的老人使用公共醫療服務，半價收費。
2. 在綜援水平之上，多定一個水平，即由於醫療開支高，而令生活水平下降至綜援水平的病人，全部豁免收費。

第一個方法簡單，行政費低，所有老人都可以受惠。第二個方法給予有特別需要的老人的幫助更大，但增加了行政費用。

第三個問題是輪候時間，剛才莫議員也有提及，一般門診的輪候時間很長，十多年前我已進行研究，結果顯示要等候四、五小時；現在進行研究，結果也是要等四、五小時。多年來這問題均受到不少批評，但不見有多大改善。輪候時間對於有病的老人家影響最大，他們往往由早上六時排籌，不幸的要到十一時才可以見到醫生。而這些診療所給輪候人休息的地方不足，實在令人難以接受。增加老人籌，改善老人預約複診安排，至為重要。

今年舊曆新年，由於寒流，間接導致百多名老人死亡所反映的問題，今天很多發言的議員已談及不少，在此我不再重複。現時，我正在努力籌組一個非牟利的老人緊急呼援中心，為家居的老人提供緊急警報設施及呼援服



務，我非常希望得到政府及各界的支持。有關細則安排，我會在短期內公布。現時可以說的是，捐款已有百多萬元，問題是何時可以盡快設立一間非牟利的機構進行。明天我會去看地方，而房屋署亦已考慮提供一些我們可以使用的地方。日後大家會聽到更詳細的消息。

民主黨非常支持梁智鴻議員的議案，亦在事前就議案的字眼給予梁智鴻議員一些意見。不過，今天有兩名議員就這項議案提出修正，就這方面，我們不能不表示意見。陳婉嫻議員及梁耀忠議員的修正案，令我們感覺到兩難。一方面，我們認為立法局議員應互相尊重，當原則上我們同意原議案時，便不應加上自己的字眼。如果有細節的意見，便應及早聯絡原動議人，希望他吸納自己的意見。作出細節上的修改，民主黨認為是對原動議人不尊重。但另一方面，我們亦不能不表示支持這兩項修正案，因為它們都符合民主黨的政策立場，我們又不能投反對票，否則，在記錄上會令人誤解。

因此，民主黨會對兩項修正案投贊成票，但我們呼籲立法局的同事不要做“修正議員”，給予提出原議案的同事一個基本的尊重。

本人謹此陳辭。

**PRESIDENT:** I now invite Dr LEONG Che-hung to speak on the amendments to his motion. You have five minutes to speak on the two proposed amendments.

梁智鴻議員致辭：主席先生，首先，我很多謝兩位同事修正我的原議案，希望所有同事除了支持我的原議案外，亦同時支持其他兩項修正案。因為事實上，情況很簡單，兩項修正案所希望推動政府做的事，第一，已包含在我的議案演辭內；第二，他們想推動的事，其實我從一九九一年至今亦不斷推動，所以他們其實是想給政府多些壓力而已。

我亦多謝剛才羅致光議員說，不要只作修正議案的議員，我們應該尊重原議案。在這方面，有人問我：“既然你已經同意這兩項修正案，為何沒有加入他們想修正的字眼？我有三點理由。第一，因為該兩位同事提出修正時，已經太遲，我不能再修正我原議案的字眼；第二，我覺得在那麼中性的辯論裏，多些議員提出修正，自然會引起多些議員發表意見，是一件好事，因為能給予老人多些支持，推動政府為老人多做些工作；第三，在現時的環

境來說，假如不想別人修正自己的議案的話，最簡單的做法是將整篇演辭寫在題目欄內，那就不會有人修正了，因為題目已經包含了全部想說的話。

我今次提出的議案範圍比較窄，原因很簡單，我們就整體的老人政策，已經討論了很多次，但二月時有那麼多老人冷死，我看到有一群需要我們立即關注的老人，那就是所謂“危機老人”，我希望政府能在這方面多做工作。假如我們集中討論這群老人，便有如集中火力推動政府在這方面多做工作。

在這方面我想澄清一點，就是剛才梁耀忠議員似乎誤會了“危機老人”的意思。“危機老人”絕非指那些快要死的老人，其實社工界和政府都對“危機老人”有一個準則，我現在再說一次。“危機老人”是指那些獨居、居住環境欠佳或四周有危險、因身體或精神健康欠佳而要經常留在家中、不知道如何獲得服務或不喜歡別人幫助，以及受到虐待的老人。換句話說，這些“危機老人”可以是任何一位老人家，即使與家人同住，他們的晚年也可能會隱藏□危機。因此，我希望大家明白我提出這項議案的原因。剛才李華明議員說不太明白我為甚麼會提出這項議案，其實很簡單，因為我解釋時他剛好去了吃飯。（眾笑）不錯，李議員是猜對了，純粹是因為今年二月有老人冷死而引發我提出這項議案。

無可否認，兩項修正案都能表達我們對老人的關懷，我自己會支持兩項修正案，我亦希望其他同事會支持。

謝謝主席先生。

**SECRETARY FOR HEALTH AND WELFARE:** Mr President, this is a timely debate and I welcome Members' constructive views today. Based on our current level of life expectancy, we can all expect to live to a ripe old age. We are all therefore understandably interested in ensuring that the policies are in place to provide for a dignified and fulfilling life in our twilight years. We are happiest and most satisfied when we are at home surrounded by our family, our friends and a familiar environment. Our fundamental policy goal is to provide the opportunity for as many people as possible to grow old in such circumstances. We give the highest priority to implementing concrete plans to achieve this policy. Because people's outlook and expectations are constantly changing, we

must also constantly keep our plans under review. I could not agree more, therefore, with the Honourable Miss CHAN Yuen-han that our planning must be both pro-active and forward looking.

The most comprehensive review of our plans was undertaken in 1993 by a Working Group on Care for the Elderly. The Group reviewed existing policies on the full spectrum of services for the elderly. All 71 recommendations of the Working Group were accepted by the Government and funds have been earmarked to implement them.

But our efforts to improve services for the elderly have not stopped there. As I said before, the expectations and needs of the elderly are evolving and the Working Group recognized the need to carry out in-depth studies of the needs of the elderly for community support and residential care. We are about to commission an important consultancy study to assess whether the needs of the elderly are being adequately served by existing services and whether new services need to be introduced. The study will also recommend how public and private sector resources should be deployed most effectively to meet these needs. The outcome of this study will help us fine-tune our services and set them on the right path to meet the needs of those of us who will be in our old age in the early years of the next century.

### *Elderly at risk*

Talking about elderly at risk, as much as we would all wish to see our elderly age living contentedly in their home environment, the cruel fact is that eventually health may deteriorate to the point where constant care is needed. Worse still, elderly people are all too often faced with too little or dwindling incomes to support themselves. The traditional role of children faithfully providing for their elderly parents has sadly broken down in many cases. So here we have a recipe for disaster — elderly people with failing health, with inadequate financial resources and all too often living alone with no family support. These are some of the most vulnerable members of our community — what Dr the Honourable LEONG Che-hung calls the "elderly at risk". It is for these that the Government has a special responsibility of providing care and support.

### *Meeting the financial needs of the elderly*

A well-established retirement protection scheme is the best way of providing financial security for one's old age. Many Members have spoken on this. This is why we are working actively on introducing the Mandatory Provident Fund (MPF) Scheme. But meanwhile we have in place a Social Security Allowance Scheme to provide financial assistance to meet the special needs of the elderly arising from old age or disability. This Scheme comprises the Old Age Allowance (OAA) and the Disability Allowance (DA); both of which are not means-tested. About 420 000 elderly people of 65 years of age or more are receiving the OAA, the total expenditure on which was about \$2.8 billion in 1995-96.

The Comprehensive Social Security Assistance (CSSA) Scheme provides a safety net for those elderly people in proven financial need. At present, there are about 94 000 elderly recipients, representing about 60% of all our CSSA recipients. Later year, we spend about \$3 billion on this group of CSSA recipients. As with all other groups receiving CSSA, the payments for elderly are set at a level to meet their basic needs.

During the recent cold spell which a number of Members alluded to, a lot of concern was expressed about the importance of providing our elderly people, especially those living alone, with an efficient means of calling for help in case of emergency. Under the CSSA Scheme, elderly persons who need a telephone are eligible to receive a special grant for this purpose. The grants cover both the installation cost and recurrent charges. To ensure that elderly people at risk are aware of this assistance, the Director of Social Welfare has just started a new initiative whereby his staff will pro-actively visit elderly CSSA recipients living alone to inform them about this special grant and to assist them to apply for it.

### *Meeting the health needs of the elderly*

In meeting our health need of the elderly, many Members have also commented on this very important aspect of care for the elderly. To care for the health of our elderly population, we have a comprehensive system of health and medical facilities. People aged 65 and above are by far the biggest user of

public medical and health services vis-a-vis patients of other age groups. The total attendance of patients in the General Outpatient Clinics under the Department of Health totals over 5 million in 1995 and 34% of these are patients aged 65 and above. The total bed-days for patients in public hospitals were 6.9 million in 1995 and 39% of those were for elderly patients. They also constitute an estimated 32% of the total number of patients attending the Medical, Surgery and Orthopaedic outpatient clinics. The Honourable Fred LI and others commented on dental care needs of the elderly. As for dental care, the financially disadvantaged elderly who are eligible for CSSA, can seek treatment at the non-profit-making dental clinics designated by the Social Welfare Department and their fees are reimbursed through the CSSA Scheme.

In order to improve our medical and health facilities for the elderly, a range of new services has been developed exclusively to care for the health of elderly people in the past few years. These include the setting up of seven elderly health centres by 1997 to provide and promote preventive health care for elderly people aged 65 and above. So far, four centres have been brought into operation and another three will be opened this year. These new centres will be set up within general outpatient clinics to provide a more integrated service to meet the needs of elderly patients. In addition, the Hospital Authority has set up seven community geriatric and one psychogeriatric assessment teams to provide outreaching medical services to elderly people residing in residential care institutions. These teams undertake assessments to ensure proper placement of elderly patients who need residential care. They also provide specialist support in the form of medical/nursing care and rehabilitation service for elderly persons in care-and-attention homes. One additional community geriatric team and three psychogeriatric teams will be set up this year. Geriatric assessment clinics will also be set up in the various hospitals to provide outpatient medical services to the elderly in our community.

Clinics under the Department of Health and public hospitals are well-geared to deal with crisis situations, whether this occurs in the elderly population or in the general community. Again arising from the recent cold spell, consideration is being given to enhancing the public health programmes to promote public awareness of the sort of care needed for the elderly during extreme weather conditions. The Department of Health is considering the best

way to step up its health education and for elderly persons living in the community through social centres and public housing estates. The Department has also launched a Health Ambassador Programme for the Elderly, the main objective of which is to disseminate health messages amongst the elderly community. I agree with the Honourable Michael HO's suggestion that we need to devise more innovative schemes to promote health education for elderly persons.

*Meeting the residential care needs of the elderly*

For those elderly whose health condition does not allow them to remain at home, a full range of residential care services are provided to meet their varying needs. They range from self-care hostels for those who are still capable of self-care but require certain support in their daily living; to care-and-attention homes which provide personal care and limited nursing care to elderly persons; and to infirmaries where intensive medical and nursing care are given. As of 31 March 1996, there are 19 665 subvented residential care places for the elderly. This represents a 30% increase in such places over the last three years.

In his policy address in 1993, the Governor announced the introduction of a new nursing home service for the elderly. It provides medical and nursing care as well as residential care to those elderly who have lost personal care ability and whose medical conditions, while stabilized, still require regular medical attention. There are six nursing homes under planning with a total provision of 1 400 beds. Four of them will be completed in 1997 and two more will be completed by mid-1998.

Temporary accommodation and emergency placements are provided for elderly people urgently in need of accommodation while awaiting other long-term placements. Such facilities are either in emergency places of subvented residential care homes or in emergency shelters run by government or non-governmental organizations. In addition, places are reserved in temporary shelters and hostels for single persons to meet the special needs of elderly people at risk.

Despite the continuous increase in the provision of residential services, the waiting time for residential places still remains an issue of great concern. Strenuous efforts are being made to shorten the waiting time. These include:

- first of all, increased provision of subvented residential places, particularly care-and-attention places where the demand is most acute. An additional 1 150 places will be provided in the coming two years. The consultancy study on elderly needs which will be commissioned shortly will examine the current planning ratios for residential care places to ensure that they accurately reflect the needs of the elderly;
- secondly, more places will be bought from private residential homes through the Bought Place Scheme. Funds are available to purchase additional 300 places;
- efforts are being stepped up to encourage private and voluntary organizations to operate self-financing, non-profit-making residential homes. These homes provide an alternative for those who are ready to pay for better quality service, thereby releasing subvented places to those genuinely in need of them. At present, there are 2 105 self-financing places in residential homes. With the setting up of the Elderly Services Development Fund following the recommendation of the Working Group on Care for the Elderly, we hope more organizations will come forward to apply for financial assistance from the Fund for operating more of these self-financing residential care services; and
- finally, the waiting list system for residential homes is to be streamlined by introducing a computerized, integrated system for all applicants, thereby making the system fairer and more effective.

*Meeting the need for social support of the elderly*

Many Members commented on the social support for the elderly. Various forms of services are presently provided to reach out to elderly people at risk. Apart from the two subvented outreaching teams, staff of home-help teams are in regular contact with elderly persons who receive such services. Through these

home visits, elderly persons with special needs are identified and referred by our home helpers to professional social workers for assistance and other welfare organizations. Professional social workers from family services centres and medical social services of the Social Welfare Department and non-governmental organizations also reach out to elderly people in need. To encourage neighbourhood and volunteer support in the provision of services to vulnerable groups, the experimental Older Volunteers Programme and the Volunteer Workers Programme have been launched in 10 multi-service centres for the elderly. They aim to reach out to elderly persons at risk and help them make use of services available in the community.

To strengthen the support network, a telephone service has also been provided in these multi-service centres as an integral part of the programme to answer enquiries from elderly people and to provide peer support as well as to refer elderly persons to appropriate welfare agencies where needed. In addition, mutual help groups and support networks are organized by service units of the Social Welfare Department and non-governmental organizations in their community support projects and concern visit programme to elderly persons living alone.

As a new initiative, the Social Welfare Department are taking the lead to co-ordinate with other government departments, non-governmental organizations and local groups in each district to mobilize community and volunteer support to reach out to vulnerable elderly persons. A list of elderly persons at risk will be compiled and volunteers will be identified to conduct regular visits to these elderly persons. The programme will be conducted under the planning and supervision of professional staff in the district offices of the Social Welfare Department and in multi-service centres. A sum of \$17 million has been earmarked to conduct this project over the coming two years.

### *Central Committee on the Elderly*

The Honourable LEUNG Yiu-chung has proposed the setting up of a Central Committee on the Elderly. My response to this is that we already have a comprehensive consultative machinery in place to advise the Government on



all aspects concerning the elderly: the Social Welfare Advisory Committee advises the Government on welfare policies including those that concern the elderly; the Health and Medical Development Advisory Committee advises on health and medical policies while the Housing Authority takes care of public housing policies concerning the elderly. The Hospital Authority is responsible for the management of all public hospitals. It is in these four main areas that the vast majority of services for the elderly are provided. The Elderly Services Division of my Branch which co-ordinates policy matters concerning health, medical and welfare of the elderly will seek advice from these bodies when the need arises. In addition, the Council's own Panel on Welfare Services monitors and advises the Government on matters relating to elderly services. An important ongoing dialogue is also maintained with the Hong Kong Council of Social Service and non-governmental organizations involved in the provision of elderly services. The existing consultative channels are therefore more than adequate to monitor the work of the Government on all aspects of elderly services.

Ensuring those elderly people in need are properly provided for is, without doubt, one of my heaviest and most challenging duties. But may I remind Honourable Members that it is not solely the Government which has a heavy responsibility in this regard. In our society, it is traditionally a key role of the family to ensure that elderly persons are cared for with the respect and dignity they deserve. I appeal to all members of our community not to neglect this role. Through a combination of these traditional values and the comprehensive services and the financial support we provide for the elderly, I am confident that we shall succeed in meeting our responsibilities towards them.

Thank you, Mr President.

房屋司致辭：主席先生，我想就政府在高齡人士方面的房屋政策發言。首先我想節錄《大同篇》裏的一句名言：“老有所終……幼有所長。”這是我們的理想，亦是我們的工作目標。為此，在房屋政策方面，政府採取了多項主動和積極的措施。

我相信很多人都會知道，我們主要是透過房屋委員會，其次是房屋協會，為本港不少高齡人士解決住屋問題。同時，政府亦有決心繼續改善高齡人士的住屋問題，故此政府已訂定未來數年的工作目標。概括來說，我們有四個工作範疇。第一，我們會興建足夠和合適的公屋單位，以滿足高齡人士的住屋需求。第二，我們會繼續讓高齡人士在輪候公屋單位方面享有優先權利，以致較快地獲得分配居住單位。第三，我們將竭盡所能，讓現時尚未在公屋輪候冊上登記的高齡人士知道有關申請公屋的事宜。第四，我們會改善在公共屋宇裏為高齡人士提供的設施和服務。我將會在下文就這四個工作範疇，作進一步的闡釋。

### *高齡人士住屋單位*

我們的首要目標，是為高齡人士提供足夠和合適的租住公屋單位。我們計劃在二零零一年前，提供27 000個單位，以滿足在此期間內的預計需求。這些單位包括一人單位及兩人或以上共住的單位；這主要是顧及希望獨自生活的高齡人士，及喜歡與別人共同居住，以便在健康、社交和情緒等方面互相照應的高齡人士。

### *高齡人士的各種優先配屋計劃*

我們的第二個目標，是優先為老人編配租住公屋單位。在這方面，現時主要有三項計劃。在“共享頤年優先配屋計劃”下，願意與他人共住的高齡人士，通常可以在登記後兩年獲配單位。“家有長者優先配屋計劃”是鼓勵家庭成員與年老親屬共住，以方便照顧。在這個計劃下，申請人的輪候時間可縮短達三年之多。選擇獨居的高齡人士，可透過“高齡單身人士優先配屋計劃”申請。他們通常可以在登記後兩年獲配單位。

### *為高齡人士輪候公屋進行登記*

第三，我們關注到約有27 000名仍然在環境欠佳的私人居所生活，而並未有在公屋輪候冊登記的高齡人士。為此，我們進行了多項宣傳工作，並盡量跟這些高齡人士作個別接觸。同時，我們在高齡人士密集的地區，成立房屋事務詢問處，協助他們申請公屋。這些措施均得到令人鼓舞的反應。

### *為高齡人士提供的服務*

我們的第四個目標，是致力改善公共屋宇的設施和服務，以照顧高齡人士的特別需要，和提供適當的援助。我們已在高齡人士密集的11個公共屋

□ 推行“屋□老人社區服務計劃”，以促進社區互助精神。在今年內，這個計劃將會擴展至另外15個屋□，並以後每年逐步增加屋□的數目。我們亦改善了高齡人士住屋單位的設計和設備，例如設置曬衣架、裝置光管、在淋浴室內加設扶手及在地上鋪上防滑磚等。我們因應個別高齡人士的要求，在考慮過他們的健康狀況及需要後，在部分公共屋□內為他們安裝了緊急警報系統。剛才，我留意到部分議員就如何改善警報系統發言，包括引進隨身攜帶的微型呼救器，或一套更先進的可以接駁往一個中央控制中心的電子警報系統。在這方面，我們須聯同其他政府部門，研究此類警報系統的效果和可行性，然後才就下一步計劃作出決定。

### 結語

主席先生，總括而言，政府已經採取了多項主動和積極的措施，以滿足希望入住公屋的老年人的房屋需求，並使他們可以安享舒適和有尊嚴的晚年生活。

謝謝主席先生。

PRESIDENT: I now call upon Miss CHAN Yuen-han to move her amendment to the motion.

### ***MRS CHAN YUEN-HAN 's amendment to DR LEONG CHE-HUNG's motion:***

"To delete all the words after "That" and substitute with ", in order to secure a dignified old age for all senior citizens in Hong Kong, this Council is of the view that the Government should expeditiously come up with a proactive and forward-looking elderly policy; and also urges the Government to take into consideration the health, financial and housing needs of "the elderly at risk" and establish a comprehensive community support network, including the development of outreach services for the elderly and the provision of free emergency alarm facilities for the needy elderly".

陳婉嫻議員致辭：主席先生，我動議修正梁智鴻議員的議案，修正案內容一如議事程序表內於我名下所載。

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

**PRESIDENT:** Mr LEUNG Yiu-chung, as Miss CHAN Yuen-han's amendment has been agreed, your amendment cannot proceed in its present form. Would you like to seek permission to alter the terms of your amendment?

梁耀忠議員致辭：主席先生，首先我要就事實作出澄清。今次我提出這項修正案，並不是為了修正而修正，更不是羅致光議員所說，我想作一位“修正先生”。事實上，我曾經與梁智鴻議員商量，並徵求他的意見，而梁議員也接受我的修正案內容。本來他也想自行提出修改，但可惜容許他修改的時間已過，所以他對我說歡迎我進行修改。因此，我今次是無可奈何地提出修正案，希望各位議員明白，不要以反對某些“修正先生”的態度來反對我的修正案。

多謝主席先生。

**PRESIDENT:** You have my leave to revise the terms of your amendment. In accordance with the House Committee's recommendation which I have accepted, you have up to three minutes to explain your revised amendment.

***MR LEUNG YIU-CHUNG 's amendment to DR LEONG CHE-HUNG's motion:***

"To delete the full-stop at the end and substitute with "; and to set up an independent Committee on Elderly Affairs."."

梁耀忠議員致辭：主席先生，如獲准許，我擬修改修正案的措辭，修正案內容一如現於會上提交各位議員參閱者。

**PRESIDENT:** Technically, this speech ought to be confined to explaining the difference between the new terms and the old terms and as far as I can see, there

is only one difference — a punctuation mark.

梁耀忠議員致辭：主席先生，我動議由梁智鴻議員動議並經陳議員修正的議案，應按我經修改的修正案作進一步修正。

*Question on Mr LEUNG Yiu-chung's amendment proposed.*

**PRESIDENT:** Dr LEONG Che-hung, you are now entitled to make your final reply and you have three minutes 40 seconds out of your original 15 minutes.

梁智鴻議員致辭：主席先生，首先我要多謝各位同事踴躍發言，雖然今天有兩項修正案，但並沒有引起任何政治上的爭拗，可見我們都想為老人做點工作。各位同事今天積極發言，並提出了很多寶貴意見，但因時間關係未能一一詳細討論。我現時想特別討論兩、三點問題。

第一，李華明議員和何敏嘉議員提到老人的牙齒護理問題，我在一九八八年已開始推動政府在基層的牙齒護理方面做點工作。我很高興見到民主黨今天好像突然睡醒了一樣，希望民主黨能繼續支持我推動政府為特別的人士提供牙齒護理，在這方面能得到較佳的結果。相當可笑的是，政府一方面告訴老人家，如果他們能及早護理牙齒，到80歲時仍可以有20顆牙齒；但另一方面，政府卻不提供這方面的服務，試問又怎能有這個效果呢？

第二，我想特別提出一點，就是剛才黃偉賢議員提到的老人自殺問題。不錯，數字顯示，香港的老人自殺個案在全世界站在一個頗高的位置，這並不是香港可以引以為榮的事，因此，我希望政府在這方面能多做一些工作。

我很高興今天政府隆重其事，派了兩位司級官員來講述政府想做的事。兩位司級官員提出了很多政府可以做或想做的事，我希望政府能真正落實執行，而不只是空談。在很多情形下，我對政府的答覆都感到有點失望，因很多時候答覆只是屬於“行貨”。兩位司級官員提及政府花了很多錢，例如在公援方面用了多少錢，在綜援老人金方面又用了多少錢，但請不要忘記，這些老人家需要的並不只是金錢，他們還需要關心和照顧。

當今年二月發生老人冷死事件時，我剛巧在英國。眼見老人家一個一個相繼死去，感到很痛心。但更痛心的是，全世界的傳媒都在□笑香港，當時

他們用的字眼是 "Heartless Hong Kong" — “沒有良心的香港”。具有這樣發展成績的香港竟讓人產生這種看法，我覺得是一個口辱。更令人覺得口辱的是，當時政府官員東奔西跑趕送毛氈。如果政府訂有長遠計劃去照顧老人家的話，就不應有這種事發生。

最後，我還想提一提老人事務委員會。我在九一年曾經提出這建議，今天梁耀忠議員再次提出，我希望政府能夠慎重考慮。不錯，雖然現時有醫院管理局和醫務發展諮詢委員會等做事，但如果沒有一個組織致力作統籌，是不能夠推動為老人提供全面照顧的。

謝謝主席先生。

*Question on Dr LEONG Che-hung's motion, as amended by Miss CHAN Yuen-han and as further amended by Mr LEUNG Yiu-chung, put and agreed to.*

#### ADJOURNMENT AND NEXT SITTING

**PRESIDENT:** In accordance with Standing Orders, I now adjourn the Council until 2.30 pm on Wednesday, 8 May 1996.

*Adjourned accordingly at seven minutes past Nine o'clock.*