

## **OFFICIAL RECORD OF PROCEEDINGS**

### **立法局會議過程正式紀錄**

**Thursday, 4 July 1996**

一九九六年七月四日星期四

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

下午二時三十分會議開始

### **MEMBERS PRESENT**

**出席議員：**

THE PRESIDENT

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

主席黃宏發議員，O.B.E., J.P.

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

周梁淑怡議員，O.B.E., J.P.

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

李柱銘議員，Q.C., J.P.

THE HONOURABLE SZETO WAH

司徒華議員

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

何承天議員，O.B.E., J.P.

THE HONOURABLE 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

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, O.B.E., J.P.

李家祥議員，O.B.E., J.P.

THE HONOURABLE FRED LI WAH-MING

李華明議員

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

唐英年議員，J.P.

THE HONOURABLE JAMES TO KUN-SUN

涂謹申議員

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

黃秉槐議員，M.B.E., F.Eng., J.P.

DR THE HONOURABLE YEUNG SUM

楊森議員

THE HONOURABLE HOWARD YOUNG, J.P.

楊孝華議員，J.P.

THE HONOURABLE ZACHARY WONG WAI-YIN

黃偉賢議員

THE HONOURABLE CHRISTINE LOH KUNG-WAI

陸恭蕙議員

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

田北俊議員，O.B.E., J.P.

THE HONOURABLE 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 CHOY KAN-PUI, J.P.

蔡根培議員，J.P.

THE HONOURABLE ALBERT HO CHUN-YAN

何俊仁議員

THE HONOURABLE IP KWOK-HIM

葉國謙議員

THE HONOURABLE LAU CHIN-SHEK

劉千石議員

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

劉漢銓議員，J.P.

DR THE HONOURABLE LAW CHEUNG-KWOK

羅祥國議員

THE HONOURABLE LAW CHI-KWONG

羅致光議員

THE HONOURABLE LEUNG YIU-CHUNG

梁耀忠議員

THE HONOURABLE BRUCE LIU SING-LEE

廖成利議員

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

李鵬飛議員，C.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 LAU WONG-FAT, O.B.E., J.P.

劉皇發議員，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.

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

黃震遐議員，M.B.E.

DR THE HONOURABLE PHILIP WONG YU-HONG

黃宜弘議員

THE HONOURABLE LEE CHEUK-YAN

李卓人議員

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 DAVID CHU YU-LIN

朱幼麟議員

THE HONOURABLE LEE KAI-MING

李啟明議員

THE HONOURABLE LO SUK-CHING

羅叔清議員

THE HONOURABLE MOK YING-FAN

莫應帆議員

## **PUBLIC OFFICERS ATTENDING**

出席公職人員：

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

CHIEF SECRETARY

行政局議員布政司曾蔭權先生，O.B.E., J.P.

MR RAFAEL HUI SI-YAN, J.P.

FINANCIAL SECRETARY

財政司許仕仁先生，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.

## **CLERK IN ATTENDANCE**

---

列席秘書：

MR RICKY FUNG CHOI-CHEUNG, SECRETARY GENERAL

秘書長馮載祥先生

PURSUANT TO STANDING ORDER 4AA, HIS EXCELLENCY THE GOVERNOR, THE RIGHT HONOURABLE CHRISTOPHER FRANCIS PATTEN, ATTENDED TO ADDRESS THE COUNCIL AND TO RECEIVE QUESTIONS.

總督彭定康先生依據《會議常規》第 4AA 條的規定出席會議，向本局致辭，並接受質詢。

**PRESIDENT:** Members please remain standing for the Governor.

**CLERK:** His Excellency the Governor.

**PRESIDENT:** The Governor will answer questions on the four topics which have been notified to Members. These four topics are: Western Corridor Railway, industrial safety, employment of people with a disability and future reporting under the International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Civil Rights (ICESCR). A Member who has asked a question may for the purpose of seeking elucidation ask a short follow-up question. A show of hands please. Mr Albert HO.

何俊仁議員問：今天我想提出的質詢是有關一個“新鮮熱辣”的問題，但卻不是在四個題目範圍以內。我想提出關於香港人出入中國境的自由問題，我相信總督先生會很樂意回答。主席先生，不知我可否提出這項質詢呢？

**PRESIDENT:** It is in order.

何俊仁議員問：我相信總督先生也很清楚最近本局有數位議員和一些民間團體代表企圖返回國內，向中方官員和平表達他們的意見。很不幸，他們抵達北京機場時被拒絕入境，而他們的回鄉證也全被沒收。香港市民都很關心這件事。事實上，隨□九七回歸，香港和中國大陸的關係越來越密切，有不少香港人在國內工作和投資，甚至有很多香港人在國內結婚、生兒育女。香港和中國之間的關係實在難以分得清，每天不斷有人流往返香港和中國大陸。如果中國政府可以利用入境條例，隨意無理地拒絕香港人入境，沒收我們的旅遊證件或回鄉證，我相信會引起很多香港人憂慮，並會影響他們的利益。請問總督先生，香港政府可以為我們做甚麼，包括可否要求中方澄清其出入境政策；以及有否辦法替我們爭取出入中國國境（其實她是我們自己國家）的權利和自由，保障香港人的權益？



**GOVERNOR:** First of all, I can assure the Honourable Member that the question does come under those subjects which are suggested for today. I think it comes under safety at work! (*Laughter*)

**PRESIDENT:** For people with a disability though! (*Laughter*)

**GOVERNOR:** I think that would get me into trouble with the Equal Opportunities Commission if I was to say anything like that.

I think the whole community has been shocked by what happened this week. Some may not have been surprised. But I think most have been shocked. A group of legislators, carrying a petition and more importantly, carrying what I understand to be perfectly valid travel documents, were stopped from entering China, their country after 1997, and had their travel documents removed. I am not quite sure under what law or under what regulation. I am sure that there would be a local and international outcry if the Government in Hong Kong was simply to take away people's travel documents in a similar way. It would be intolerable because we have the rule of law in Hong Kong. It is the spine of our system.

So we, I think understandably, expressed our concern to the New China News Agency and asked what the reason for this course of action was and I think the New China News Agency declined to add to the comments made by officials in Beijing that this was because the legislators in question, or may be the petition in question, represented some sort of threat to state security. Now, sometimes I disagree with Honourable Members, but I have never thought of them as being terribly threatening and we know perfectly well that other people have carried petitions to Beijing before and have been very courteously received, even when officials have not agreed with the terms of the petition. We know that Greenpeace protesters, none of them I think are about to become Chinese citizens, recently had their petition accepted perfectly courteously by Chinese officials. So I do think this was most unfortunate and I think that inevitably it had a rather bad taste on a day when people were thinking about what lies ahead in a year's time. It is another example of confidence being disturbed, not by the present Government, not by the British Government, but by Chinese officials.

Now, I always think that it is better to talk to people rather than to anathematize them. I came back from a visit to the United States recently and was greeted by a crowd of friends of the New China News Agency, gathered in from the highways and byways of Mongkok, to salute my re-emergence in Hong Kong society. I did not regard that as being threatening, I regarded it as being, even though I disagreed with what they were saying, one of the aspects of living in a free and open society. And I do think it would be better for China's reputation internationally and better for China's image, as we approach the transition in Hong Kong, for Chinese officials to talk to people even when they disagree with them rather than try to reject their views out of hand.

Nothing is going to change the fact that the majority of public opinion in Hong Kong supports the continuance of a free, open, democratic society and that is not going to be changed by the calendar, and it is not going to be changed by taking away people's valid travel documents.

There is a limit to what the present Hong Kong Government can do about it except to make its views clear, as I have made my views clear today and as other officials have made their views clear in the last few days.

It is inconceivable, I assume, that the same thing could happen after 1 July 1997 when those concerned would all, of course, be in a real sense citizens of one country, of China, and in those circumstances if anything like that was even contemplated, I am sure that the Special Administrative Region (SAR) Government would want to make sure that a decision like that was reversed. I assume that it is only because they have been waiting for a meeting in order to express their point of view, that members of the Preparatory Committee will want to say some of these things, though they may wish to say them in private rather than in public because I do not think this has been a very happy episode in the transition. People may disagree with those who went to Beijing. They may disagree with what they were saying in their petition. But I do not honestly think that anybody regards them as a horrendous threat.

何俊仁議員問：主席先生，我很同意總督先生對這件事的看法。不過，大家最關心的是現在有甚麼事可以辦到。我們覺得無論是在九七年前或九七後，香港政府也有責任盡量代表我們，保障我們的權益。在這個階段而言，一些香港市民，包括議員的證件遭無理沒收，以及無理被拒入境，可能有很多人

入境後無理被拒出境，而須留在國內。請問總督先生看到這種情況後，有否打算將此事提交中英聯合聯絡小組討論？又有否辦法使香港政府和中國政府達致一些共同理解，甚至雙方之間須簽署備忘錄，就這些出入境問題有一些更好的安排，讓香港人知道，而投資者在計劃投資時，或香港人到國內工作時，也有所準備，知道前景如何？不知道總督先生可否說說具體可以怎樣做？

**GOVERNOR:** To be honest with the Honourable Member, I am not quite sure what the subject would be on the Joint Liaison Group (JLG) agenda. Would the subject be that those with Chinese travel documents should be able to travel around the world on them? I mean, of course that must be what Chinese travel documents mean and I presume there is some law in China which should govern these matters and there may be legal remedies available to Honourable Members at some time in China. I am not sure, but we know that there are slightly odd things that sometimes happen to people with travel documents with a Chinese chop on them. We have living in our midst a Chinese trade unionist who, even though he had a valid Chinese passport, is refused re-entry to China on it, presumably because he too is regarded as some sort of threat.

All I can say to the honourable gentleman is that I very much hope that there will not be similar incidents like this because they not only raise concerns in this community, but they raise concerns outside this community about issues like freedom of travel for people in Hong Kong in the future. And those are concerns which it is in nobody's interest to raise.

**PRESIDENT:** Mr Edward HO.

何承天議員問：我想向總督先生提出有關西部走廊鐵路的質詢。最近我們就此事曾舉行多次會議，加上昨天我們已進行了議案辯論，所以我不會再談細節問題。我們感到可惜的是，西鐵的完工日期必會延遲，而動工及完工日期也無法預知。據我所知，原本中方也很支持這計劃，他們一直以來所不滿的，是香港政府總不願將資料和研究報告交給他們。最近，香港政府給立法局議員一份數千頁的報告，我想這些文件應可公開給公眾。如要跟中方合作

和對話，令這重大基建工程得以開始興建或研究，而港府卻不給中方這些資料（雖然這些資料仍未獲香港政府承認是準確，甚或仍未有決定，但這些資料已被公開）。請問總督先生，如果不給中方這些資料，在策略方面有何益處呢？我知道運輸司下星期可能上北京，但我仍想問，在策略上，為何當時有此決定，不給中方這些資料？

**GOVERNOR:** But we did. We briefed the Chinese side in the JLG consistently and I think the honourable gentleman is raising a very large red herring. On the one hand, he says that he wants us to get on with the Western Corridor Railway, while on the other hand, he stirs up again an argument about whether somehow we are failing to inform the Preparatory Committee or Chinese officials and must do so and get their chop before we take any further steps.

I think things have been said in the context of the Preparatory Committee discussions in the last few weeks which have been extremely unfortunate and unhelpful and perhaps have more to do with the dynamics of the Preparatory Committee than they do with the dynamics of public transport in Hong Kong.

Let us be clear with what I think the community is agreed about. I think the community has made up its mind that it wants the Western Corridor Railway and the other associated elements in the railway development strategy. I do not think, there is, as it were, a "whether question". The issues are how we best build the railway, how much it is going to cost, how we can do it in the most expeditious and financially sensible way, and that is what we are trying to examine at the moment. We are undertaking a number of studies. Now some Honourable Members say that the studies are too expensive, that there are too many of them. I have to say that in proportion to the total likely cost of the project, the cost of the studies is not out of line. We have just come to this Legislative Council and got approval for \$90 million in order to undertake studies for electronic road pricing, which we reckon will cost in all about a billion. So almost 10% is going in consultancy fees in studies to make sure that the project is as efficient as possible, and by and large, that sort of percentage figure, of a total project, is not out of order. We need those studies and we will keep Honourable Members wholly informed, as we have in the past, about the studies we are going to do and about the results of those studies. Now the

sooner those studies, particularly on the alignment of the Western Corridor Railway, give us the opportunity to reach decisions, we will reach those decisions. But it must be perfectly obvious to Honourable Members that the Western Corridor Railway is going to be built by the SAR Government and it will be a matter within the SAR Government's autonomy. The Government of Hong Kong will reach decisions as soon as it can. If those decisions have to be arrived at before 1 July 1997, we would of course need to have the enthusiastic agreement of my successor. Otherwise it would make no sort of sense whatsoever. If the main decisions are taken on the other side of 1 July 1997, I want to make sure that my successor has the best possible and most informed basis on which to take those decisions. But I really do not think that we should allow this important discussion to get distorted by arguments about whether or not we have given China enough information, particularly, as I repeat, since when it comes to building this project, it should be a matter wholly within the autonomy of the SAR.

**PRESIDENT:** Mr HO, do you have a follow-up?

**MR EDWARD HO:** *Yes, thank you, Mr President. Maybe the translation did not come through very well so I will just have to follow up in English. I think the Governor probably has a prepared answer, but that was not the question I asked. First of all, I did not raise any question about the costs of studies and so on and so forth, because I am not in a position to comment on the cost until all the figures are known and all that.*

*And I am certainly not trying to stir up something. I am merely asking a simple question as far as how to co-operate with the Chinese during this period. I fully agree that after 1997, this is the kind of project that the Hong Kong SAR Government should do on its own, should decide on its own. But unfortunately at this time, we do have to co-operate with the Chinese and I am merely asking the question whether the Governor agrees that the flow of information would be beneficial?*

**GOVERNOR:** Totally, totally, and we have provided a great deal of information to Chinese officials, both inside the JLG and outside and will continue to do so.

The only point that I was seeking to make is that the decisions taken about the Western Corridor Railway, in many cases, will be taken either on the brink of the transition or after the transition and they will be about a project which lies wholly within the autonomy of the SAR. Now that does not mean that Chinese officials should not be kept fully informed. Of course, they should be kept fully informed. But I do not think we should think that we have to negotiate each element as we try to put together the information, out of which a decision will be shaped, with Chinese officials. I do not think that would be in the interests of Hong Kong and I do not think it would be in the interests of getting on with the project as quickly as possible.

So I am all for giving maximum information. I am also all for ensuring that we have all the information that we need in order to make a decision as soon as we can.

The Honourable Member actually mentioned two issues which I did not touch on; one issue, namely, the commencement date. We will obviously want to start the project if it is agreed to go ahead with it, as soon we can. The problems are not unique, but the problems that we particularly face with the Western Corridor Railway are those of land resumption in the New Territories which will both take time and be fairly costly. We will be coming to this Council later in the year with legislative proposals which would enable us to resume land, not just for the Western Corridor Railway, but for other rail projects as well and I hope that Members will deal with that legislation expeditiously. It will not, I can assure the Honourable Member and others, tie their hands as far as the Western Corridor Railway is concerned. But it will make it possible to go ahead with the Western Corridor Railway rapidly, if Honourable Members here and others decide that that should happen.

**PRESIDENT:** Dr YEUNG Sum.

楊森議員問：主席先生，我比較關心那些弱小的群體，就是殘疾人士的就業問題。請問政府在這方面如何能起帶頭作用，向殘疾人士提供就業機會？同時，政府如何鼓勵僱主聘用殘疾人士？

**GOVERNOR:** We had what I thought, and I believe those present thought, was a third interesting and useful summit on the issue of disability and employment last week. Certainly, one Member of the Council who is here at the moment was there and played a distinguished part in the proceedings.

I think that those meetings, like the ones we have held on disability and transport, have helped to push things forward, though in the area of disability and employment there is, I still think, much further to go. It has been perhaps particularly difficult over the last year because of the tightening in the labour market generally. But we have still managed to place about 1 400, just over 1 400 people with disabilities through our own Labour Department services. We have still managed to increase the number of people with a disability employed in the Government to about 4 200 and we managed to do better than our target of 500 in creating new job opportunities elsewhere for people with disabilities. We actually got to about 550.

Now we have increased those targets for the coming year, for example, the last target from 550 to 700 and I hope that we will make it.

My impression is that the most important thing that we have to do is to encourage employers to understand that they are doing themselves a favour by employing somebody with a disability rather than doing the person with a disability a favour. I think we have a real problem of education and it is interesting how, in some sectors, one or two firms employ a lot of people with disabilities and others hardly any. Let me give one example which may not be well taken by those that I do not mention. In the area of the media and broadcasting, ATV has an outstandingly good record. We appealed to a number of organizations during the course of this year to take on more people with a disability. ATV, I think I am right in recalling, took on an extra 14. Hong Kong Commercial Broadcasting took on an extra couple. None of the other people whom we contacted replied.

So it is an indication of how employers, individual firms, if they focus on the issue, if they make a real effort, can actually help and help themselves by getting loyal, hard working and dedicated members of staff, even if those members of staff have a disability.

**PRESIDENT:** Mr WONG Wai-yin.

黃偉賢議員問：主席先生，總督先生曾經在去年的施政報告內強調，政府的當前急務是要應付新界西北區的對外交通問題，他與他的政府並多次強調會盡最大的努力，務求在二零零一年完成西北鐵路工程。可是上月他卻說西北鐵路的建造與否須留待九七年後的特區政府決定，即意味二零零一年不能完成西北鐵路工程，也不知何時可以完成，令新界西北部、元朗、屯門八十多萬居民非常失望，還不知要繼續受多少年塞車之苦。總督先生對此有否感到內疚呢？同時，對於目前居民要繼續不知忍受多少年塞車的苦況，政府會有一些甚麼新的承擔呢？

**PRESIDENT:** May I suggest that, as this is the last sitting for the Governor's Question Time for this Session and at this rate I think we can only take five, six questions, Members keep their questions succinct and the Governor keeps his answers succinct too. *(Laughter)*

**GOVERNOR:** The Governor will try to be only a little longer than the questions in his answers.

Let me make it clear again what I have said. I do not think the Honourable Member disputes the fact that the Western Corridor Railway, if it is decided to be built, will be built by the SAR Government. Now, the initial decision may be taken, if we get all the studies we have to do completed in time, before 1 July 1997. But we would obviously need, in those circumstances, to take those decisions with the agreement of my successor. Otherwise we would be in a ridiculous position and we would be in a position which was extremely unfair to the SAR Government.



That is not an attempt to cop out of the importance of getting ahead with this project as rapidly as possible. I share the honourable gentleman's commitment to this project, and the other elements in it. I know from my visit to Tuen Mun the other day how much concern there is in that community about getting on with the project. We have, as the honourable gentleman knows, agreed to extend the Western Corridor Railway from the outskirts of Tuen Mun to the centre and the sooner the project can be completed the better.

I hope the Honourable Member and other Honourable Members are out there supporting the Government when we start having arguments about land resumption when we find ourselves dealing with the problem of 1 000 graves in the New Territories and all those other issues. We will need support from Honourable Members then and I hope we get it.

黃偉賢議員問：其實我的質詢是，總督先生說二零零一年不能完成建築工程，那麼政府有否一些新的承擔，可以紓緩這幾年的交通擠塞情況？

**GOVERNOR:** I cannot tell the honourable gentleman exactly when we will be able to complete it. It may be that the decision will be taken to do the project in phases and, for example, to complete the passenger railway system to the northwest New Territories which will generate financial flows, before other parts of the project. It is very difficult to know whether, how to take those decisions and when to take them. But I can assure the honourable gentleman that we understand as well as he does the transport problems in the northwest New Territories. The main answer to them is the Western Corridor Railway in my judgement, though I am not pre-empting later debate. But we also have to continue to do things like improving the road system and the ferry system to the northwest New Territories and particularly Tuen Mun.

**PRESIDENT:** Mrs Selina CHOW.

**MRS SELINA CHOW:** *Mr Governor, if we can now make the decision on the*

*second runway for it to be completed by the end of 1998, why can the decision on the Western Corridor Railway not be made in the same way? And would the Governor do anything or everything he can to expedite this very important and urgent decision in the same way that he has resolved the question on the second runway?*

**GOVERNOR:** Well, can I just say once again that I am delighted now that the questions are all about pressing us to complete the Western Corridor Railway as rapidly as possible rather than questions focusing on some of the intestines of consultants' reports. I think that is a very helpful development in the debate. In the case of the second runway, we were dealing with a proposal that came to us from the Airport Authority, a proposal which clearly added to the economic and transport viability of the project which is nearing completion. It is a project which does not need any resumption of land and in relation to the rest of the project, it is relatively, well, not cheap, but it is not as expensive as something like the Western Corridor Railway. In the case of the Western Corridor Railway, we are talking about the need to deal about 400 hectares of land. We are dealing with a project which at present prices is likely to cost \$75 billion and we are dealing with a lot of queries, not least reasonable ones, from some Honourable Members about whether this or that alignment is right, about whether this or that particular proposal for the railway is the right one. So it is a rather more complicated business, but I assure the honourable lady that we will try to complete the whole business of coming to a decision as rapidly as we can and then get on with the project as rapidly as we can, and I hope we can complete it in Hong Kong time.

**MRS SELINA CHOW:** *I entirely take the Governor's point. But the gist of my question really lies with the point as to why we should be taking into consideration the appointment of the Chief Executive Designate. Why can we not just press ahead and do whatever is necessary to expedite that decision irrespective of when that Chief Executive Designate is appointed?*

**GOVERNOR:** I can assure the honourable lady that if we were able to come to a decision next week or the week after that or within a couple of months, we in the Government would want to make that decision. We would of course, in those

circumstances, want to go to the Chinese officials in the Preparatory Committee and say that we intended that we wanted to go ahead in that way. I was merely seeking to be realistic and I am sure the honourable lady would be very shocked if we were in a position, after the appointment of a Chief Executive Designate has been announced, to make the decision and we did not consult the Chief Executive Designate about it. We are not trying to shovel off our responsibilities. We are merely trying to ensure that the Government of Hong Kong and the development of some of the biggest infrastructure projects in Hong Kong represents a seamless transition as far as possible.

**PRESIDENT:** Mr LAW Chi-kwong.

羅致光議員問：主席先生，總督先生剛才提到政府有4 200名公務員屬於殘疾人士，不過，據我了解，其中有950名是色盲的，而我們一般不把他們當作為殘疾人士。如果是這樣計算的話，公務員體系中只有不足2%是殘疾人士。請問政府有否計劃訂下一個聘用殘疾人士的目標，例如4%或5%？又會否要求一些法定團體或政府資助團體訂立一個聘用殘疾人士目標？

**GOVERNOR:** Let me be helpful straightaway to the honourable gentleman. We have been asked this question so many times before that the Secretary for the Civil Service has decided we will put ourselves in the position in which we no longer have to answer it next year. So, we are going to redefine the figures and we are going to take out those who are colour-blind and set a new and appropriate target.

But let me tell the honourable gentleman what the consequence of that is. At present, there are 70 grades in the Civil Service where you need to have the ability to distinguish between colours. Some of those grades are obvious, for example, the Fire Services — and not just to see the red fire-engines. If you take out the number of people employed in those grades from the total number of civil servants, and if you then take away from the figure of those civil servants with a disability — those whose disability is colour-blindness, the proportion of disabled civil servants in the figure that is left goes up, not down. So in a sense, the Government's position, in percentage terms, looks better if we remove the figure for those with the impairment that the honourable gentleman mentioned,

an impairment which — and I will not embarrass him — is shared by one of the honourable gentleman's honourable friends.

So we will, from next year, present the figures differently. We will give an aggregate figure which includes those with a colour-blindness. But we will give a separate figure removing both the grades which need full colour on the one hand and those among the disabled with colour-blindness too. And then, on the basis of that new baseline, we will have to set ourselves a new and higher target year on year. This year, we did rather better than our target and I hope we can do so in the future.

I am loathe to direct bodies outside the Government, but we have encouraged bodies outside the Government to pursue the same sort of employment policy that we have been following, and some — the Housing Authority is a case in point — have done pretty well in providing opportunities for people with a disability, and we are very grateful to them. But I do think that if you set up organizations to run a sector of public administration, you should be a little bit careful about how many things you direct them to do.

羅致光議員問：我建議政府可以考慮把救傷車或救火車轉為綠色，我曾在外國見過。

**GOVERNOR:** I would consider anything. It may disappoint quite a lot of children. (*Laughter*)

**PRESIDENT:** The industrial safety-cross is certainly green in colour.

**GOVERNOR:** Perhaps it will be more environmentally-friendly if we change the colour.

**PRESIDENT:** Mr SIN Chung-kai.

單仲偕議員問：主席先生，最近有一批香港人士前往北京被拒入境，中方是

根據一份名單而拒絕他們入境的。香港人現時是使用身分證和英國國民（海外）護照出境的，我們擔心在九七年之後，這份不知是黑還是白的名單同樣會在香港的人民入境事務處過關時引用，收回了我們的英國國民（海外）護照或身分證。如果收回了這兩份旅遊證件，世界上沒有其他地方可以容納我們。事實上，我估計坐在這議堂內而又在名單上的，沒有30也有20人。不知政府在這方面可以做些甚麼呢？

**GOVERNOR:** Well, I attempted to answer this question at some length earlier, or a related question. I think the point the honourable gentleman is making is what would happen if, presumably after 1997, people with valid documents to go in and out of Hong Kong had them taken away. Is that the point the honourable gentleman is making?

單仲偕議員問：主席先生，其實很簡單，現時我們很多人都想在九七年前多往旅遊，因為在九七年後不敢再去，恐怕離開香港後，不能再入境，同一份名單可能會在香港引用。根據香港的法例，現時沒有甚麼可以做。現時也許沒有，但將來會有又怎辦呢？

**GOVERNOR:** I see why the events on Monday raise that anxiety in people's minds. But it is, of course, I think I can say this with confidence, far fetched. Immigration is one of the issues that comes within the responsibilities of the Hong Kong SAR Government and it will be for the Immigration Department of the Hong Kong Government to apply the law and operate under the rule of law and under the rule of law, it is simply inconceivable that the events that the honourable gentleman described could happen in Hong Kong, either before or after 1997. If that were to happen, it would mean that the rule of law had simply been trampled underfoot.

**PRESIDENT:** But the list, if the list exists, it is not the responsibility of the Hong Kong Government, is it?

**GOVERNOR:** Well, I think the question of a list was a sort of sub-text to the honourable gentleman's main anxiety, but certainly we have no list which

contains the name of legislators whom we think represent a threat to the security of this astonishingly stable community.

**PRESIDENT:** Mr Henry TANG.

**MR HENRY TANG:** *Mr President, Mr Governor, I would like to ask a question regarding employment of the disabled. I was very encouraged to hear that the Governor is prepared to commit the Hong Kong Government to taking a leading role in employing disabled persons.*

*After the last summit, I must say that I was overwhelmed by the response I received, especially from disabled groups that they do not see themselves as a burden on society, they do not like to receive welfare and they like to be able to contribute to the community as much as anybody else.*

*So, as far as what I proposed in the last summit, if the Government were to be able to co-operate together with the disabled people, then I am prepared to co-ordinate to open convenience stores in government institutions such as schools, hospitals and other government institutions. Now judging from the overwhelming response, I think it is something that they would very much like to pursue.*

*I would like the Governor to clarify for me today whether you are prepared to commit the Education and Manpower Branch or the Health and Welfare Branch, that those facilities would become available if I can come up with the capital and the disabled groups who are prepared to do that and employ predominantly disabled people?*

**GOVERNOR:** The honourable gentleman's response last week to that point when it was put, I think by Sir Harry FANG, was extremely encouraging and of course we would want to give that initiative a fair wind. I suggest that perhaps the Secretary for Education and Manpower should get in touch with the Honourable Member, and with perhaps the Secretary for Health and Welfare. There may be a number of ways in which we can help, not just by the provision of facilities, but also by trying to target supported employment places on a scheme like that. But I am very grateful for the positive response which the honourable gentleman has made.

I know that there are other employers, like the Mass Transit Railway (MTR), who have been extremely positive in the view they have taken of the employment of people with a disability and the MTR, like the honourable gentleman, and like other employers, I mention ATV again, find the truth of what disability groups have said to the Honourable Member, that is, that people with a disability are tremendous contributors to the workforce and to the rest of society whenever they are given the opportunity.

**PRESIDENT:** Mr TANG, a short follow-up please.

**MR HENRY TANG:** *Yes, it will be a very short follow-up. If I may make a suggestion to the Governor that actually the Civil Service Branch does not strip colour-blindness off the statistics —because I do not want to go into these micro arguments about which job really requires full colour awareness or which job you can get away with some degree of colour-blindness, otherwise the figures will be even more esoteric and difficult to decipher in the future.*

**GOVERNOR:** I think what we should do is to give an aggregate figure as we do today, but then give the doubting Thomases the other figure as well, so that people do not simply think that we are, as it were, employing people with colour blindness as though they had greater disabilities than they do.

**PRESIDENT:** Mr Andrew CHENG.

鄭家富議員問：主席先生，我想提出一項與《公民權利和政治權利國際公約》有關的質詢。大家都知道，港英政府堅決反對臨時立法會，直至現時這一刻，立場仍是如此。反對臨時立法會大聯盟在星期一的遭遇，剛才兩位同事已經提過。那些記者在出境時，中方迫他們簽了悔過書，清楚說明大聯盟是非法組織才可出境。請問總督先生，如果大聯盟和支聯會在九七年後都被指為非法組織，而香港政府說會按《公民權利和政治權利國際公約》再次向聯合國提交報告，（但中方已堅決說它不會提交，）請問政府在這份報告內，

會否將我們今次的遭遇，例如被列入黑名單、甚至被收回回鄉證等，堅決向聯合國反映，希望民主派人士在九七年七月一日後仍可享有我們的公民權利？

**GOVERNOR:** First of all, can I say that I cannot conceive of how the organization to which the honourable gentleman belongs could be regarded as an illegal organization either before or after 1997. I cannot conceive of how that could be the case if the Bill of Rights and the International Covenants were still being applied to Hong Kong. Hong Kong, if that were to happen, would not only be a much less agreeable place in which to live, it would be a much less successful place and a much less prosperous place in which to live, because that sort of Hong Kong would not attract international investment like today's Hong Kong does. So I do not believe that could conceivably be on anybody's agenda and I am sorry that the events of Monday give the impression that it might be on the agenda.

I think the United Nations Commission on Human Rights is fully aware of our position on democratic development in Hong Kong. I am not sure whether a reference in our report to the treatment of Honourable Members in China would be relevant. It might be more relevant if China itself was a signatory to the International Covenants and that, of course, is the most important way in which China could underline its commitment to the application of those covenants in Hong Kong. At present, there are undertakings in the Joint Declaration and the Basic Law that the International Covenants should be applied to Hong Kong and within the International Covenants themselves, there are specific references to the reporting obligation. So there is no question in my mind, in the mind of the United Nations Human Rights Commission, in the mind of the European Union or in the mind of the International Commission of Jurists, that China has an obligation to report under the International Covenants after 1997.

鄭家富議員問：我想作出簡單的跟進，因為聽完總督先生給我的答覆後，我也聽不到港英政府有些甚麼渠道可以協助我們。最低限度，在座已有五位立法局議員被沒收回鄉證。我想提出一項具體的質詢。由於我們是反對臨時立法會大聯盟，與港英政府現時的立場一致，而立法局議員以大聯盟身分往北京，竟被沒收回鄉證，請問總督先生有何方法可替我們取回回鄉證？

**GOVERNOR:** I have said to the Honourable Member earlier that if the Chinese



Government confiscates a valid Chinese document from a post-97 citizen who is travelling, there is a limit to what either the Hong Kong Government or the British Government can do to make them change their mind and disgorge the document. We, as the honourable gentleman knows, raised the issue with the New China News Agency vigorously. It has been referred to by the Chief Secretary during her visit to London. I have referred to it this afternoon. And unfortunately, the authorities in Beijing persist in believing that the honourable gentleman represents some sort of threat to state security. I am not quite sure that I have ever regarded him in that alarming light and I am not sure that many other people around the world would be quite so worried about the honourable gentleman. He seems like a perfectly amiable fellow to me. *(Laughter)*

**PRESIDENT:** Mr YUM Sin-ling.

任義寧議員問：主席先生，我想問問總督先生，會否透過中英聯合聯絡小組，反映這次我們在北京被拒入境及被沒收證件，可能會影響將來特區護照在國際間獲得承認呢？

**GOVERNOR:** I answered the question on the JLG earlier, saying that I was not sure under what heading we would deal with the confiscation of Chinese travel documents by the Chinese authorities. But we can certainly consider the matter before the next JLG meeting in September. I hope that what happened on Monday will not raise doubts about the SAR travel document and the returnability of people with the SAR travel document, because if that was to happen, it would send an extremely bad signal around the world. Let me emphasize again why it should have no bearing, reprehensible as it was, on the question of greater ease of travel for people with the SAR travel document.

Immigration is a matter which falls to the SAR Government within the terms of the Joint Declaration and the Basic Law, so it will be for the Immigration Department of the SAR Government to determine policy and frontier controls and I cannot conceive of circumstances, I repeat, in which the Immigration Department of an SAR which will be operating within the Basic Law and applying the rule of law, could deny returnability to people with valid travel documents.

**PRESIDENT:** Dr John TSE.

謝永齡議員問：主席先生，我想提出一項關於弱能人士就業的質詢。一向以來，我都很關心弱智人士的就業問題。以前我也在本局提出，政府聘用很少弱智人士。香港估計有二十多萬弱智人士，但政府現時只聘用了34人，百分率相當低。我不想只是說弱智人士，但如果說弱能人士，按照現時政府的方向，它很□重教育，令商界聘用弱智人士。英國和日本都訂有一個百分比，即所謂正面的歧視，即公司有多大，就要聘用某一百分比的弱能人士。請問總督先生，香港會否考慮訂立類似的法例呢？

**GOVERNOR:** I think the Honourable Member is not strictly correct about the position in the United Kingdom, though it is some time since I have been there. But I do not think that is a completely accurate reflection of the position in the United Kingdom. But I think that he has described the position in Japan.

I am not, I have to say, very much in favour of statutory quotas which I think give employers or some employers the impression that somehow they are doing something which is not in their interests. I think we have to get employers to understand that employing people with a disability is in their interest and we have to make sure that there are other services available in society like better transport for the disabled which make it possible for people with a disability, having got a job, to get to it.

In the Government, I realize that we must go further. We have made substantial progress in the last couple of years, since we began these summit meetings. We intend to continue to make progress. We recognize that we have to give a lead but we hope, as well, that some of those who lecture us on doing better, like the media, will themselves do better and employ more people with a disability.

謝永齡議員問：主席先生，我想總督先生並不很想提及英國，我也認識英國有關的法例，他不想提是因為英國有法例規定機構大約要聘用2%的弱能人士，但有研究指出，他們通常都只聘用了百分之一點幾，所以情況頗為尷尬，因為英國即使訂有法例，也沒有人遵從。剛才總督先生提到交通問題，其實香港也沒有方法解決弱能人士的交通問題。大家都知道，坐輪椅的人根

本就不能乘搭公共巴士。我不想說交通的問題，因為我提出的是有關就業的質詢。請問總督先生，會否考慮成立基金，協助弱能人士自聘呢？

**GOVERNOR:** I am certainly prepared to look at that. I think it is an issue which has been examined in the past when sometimes it has been suggested that it is not only people with a disability who should be helped with government support to become self-employed. There are, of course, some existing financial mechanisms which could be used, including, I assume, supported employment which could assist to some extent. But I will look at the honourable gentleman's question and come back to him on it.

**PRESIDENT:** Miss CHAN Yuen-han.

陳婉嫻議員問：主席先生，很高興你讓我提出質詢。這範圍今天沒有議員提出質詢，是有關工業安全的問題。

總督先生，讓我給你說一些故事。去年新蒲崗棚架倒塌，跌了大石下來，壓死在巴士上的一名婦人。當時我與工業安全主任在新蒲崗及黃大仙地區巡視各個地盤。在巡視時，我發現了一個令人驚奇的現象。巡視私人樓宇時，他們說工業安全由勞工處負責，但當我在慈雲山見到有大棚架可能出現問題時，他們卻告訴我那不是由勞工處，而是由房屋署負責的。之後，一些搬運工人在搬運貨物上船時，不幸從跳板跌下海裏，我才知道這事故正踏□“灰色地帶”，那既不是由勞工處負責，也不是由海事署負責。我想問問政府，為何在香港如此發達的社會，會有這種奇怪現象呢？這是否正是我們在工業安全方面做得不好的重要因素呢？政府是否有責任用一個統一的機制來解決我剛才所說的故事呢？

可能總督先生會對我說，政府設有職業安全健康局（“職安局”），勞工處也有工業督察。但我想告知總督先生及政府，現時職安局所做的只是歌舞昇平的事，它沒有負起職安局的職責。本來，在九十年代成立職安局時，整個社會的人都期望職安局能統籌全港有關職業安全的問題。可惜，最後的結果是它只做了一些歌舞昇平的事。當然，我不否定職安局現時的作用，但問題是政府在面對目前工業意外頻生的情況，為何出現這種情形？我希望政府能回應我這個頗長的故事，為何政府不成立一個中央機構來作出統籌？

**GOVERNOR:** I honestly think that if the problem in Hong Kong on industrial safety was just a question of central co-ordination, we would have no difficulties. I think the problem is much more difficult than that and much more tragic than that and I would, without reservation, like to say to the honourable lady and other representatives of trade unions in this Legislative Council, that they have done as much as anybody to focus the community's attention on this, one of the worst blots on Hong Kong's record.

Our figures on industrial safety, though they have been coming down slightly, are still appallingly high for a civilized community like this and we do have to work to bring them down much more. There are a lot of things we could do and are trying to do, following the report that we produced in 1995. One of them is to co-ordinate things within the Government better, and the group of colleagues under the chairmanship of the Secretary for Education and Manpower, which met about three weeks ago, is meeting again next week to continue to try to ensure that we get a grip in the Government on the various aspects of our responsibility for dealing with the problem.

I think we have to continue to increase the amount of inspection and regulation that we do. I have to say that we have actually increased the number of factory inspectors on the ground six-and-a-half-fold since 1992 — six-and-a-half times as many factory inspectors now in place as there were in 1992. We have increased penalties. We have increased regulation. I hope that the two bills which are, at present, in the Legislative Council which have a bearing on these matters will be passed as quickly as possible. We will be bringing at least four or five further measures to the Legislative Council later in the year.

But after doing all this, at the end of the day, the real issue is whether we can get employers and employees to recognize that they have to work within a wholly different concept of safety than that which tends to have prevailed in the last few years. I hope we can make that breakthrough. So long as we fail to do so, there will alas be too many widows, too many fatherless children, as a result of accidents which are preventable and should be prevented in a civilized society like Hong Kong.

**ADJOURNMENT AND NEXT SITTING**

**PRESIDENT:** In accordance with Standing Orders, I now adjourn the Council until 2.30 pm Wednesday, 10 July 1996.

*Adjourned accordingly at twenty-five minutes to Four o'clock.*