

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 31 January 1996

The Council met at half-past Two o'clock

MEMBERS PRESENT

THE PRESIDENT

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

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

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

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

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

THE HONOURABLE SZETO WAH

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

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

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

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

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

THE HONOURABLE ALBERT CHAN WAI-YIP

THE HONOURABLE CHEUNG MAN-KWONG

THE HONOURABLE CHIM PUI-CHUNG

THE HONOURABLE FREDERICK FUNG KIN-KEE

THE HONOURABLE MICHAEL HO MUN-KA

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

THE HONOURABLE EMILY LAU WAI-HING

THE HONOURABLE LEE WING-TAT

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

THE HONOURABLE FRED LI WAH-MING

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

THE HONOURABLE JAMES TO KUN-SUN

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

DR THE HONOURABLE PHILIP WONG YU-HONG

DR THE HONOURABLE YEUNG SUM

THE HONOURABLE HOWARD YOUNG, J.P.

THE HONOURABLE ZACHARY WONG WAI-YIN

THE HONOURABLE CHRISTINE LOH KUNG-WAI

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

THE HONOURABLE LEE CHEUK-YAN

THE HONOURABLE CHAN KAM-LAM

THE HONOURABLE CHAN WING-CHAN

THE HONOURABLE CHAN YUEN-HAN

THE HONOURABLE ANDREW CHENG KAR-FOO

THE HONOURABLE PAUL CHENG MING-FUN

THE HONOURABLE CHENG YIU-TONG

DR THE HONOURABLE ANTHONY CHEUNG BING-LEUNG

THE HONOURABLE CHEUNG HON-CHUNG

THE HONOURABLE CHOY KAN-PUI, J.P.

THE HONOURABLE DAVID CHU YU-LIN

THE HONOURABLE ALBERT HO CHUN-YAN

THE HONOURABLE IP KWOK-HIM

THE HONOURABLE LAU CHIN-SHEK

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

DR THE HONOURABLE LAW CHEUNG-KWOK

THE HONOURABLE LAW CHI-KWONG

THE HONOURABLE LEE KAI-MING

THE HONOURABLE LEUNG YIU-CHUNG

THE HONOURABLE BRUCE LIU SING-LEE

THE HONOURABLE MOK YING-FAN

THE HONOURABLE MARGARET NG

THE HONOURABLE NGAN KAM-CHUEN

THE HONOURABLE SIN CHUNG-KAI

THE HONOURABLE TSANG KIN-SHING

DR THE HONOURABLE JOHN TSE WING-LING

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

THE HONOURABLE LAWRENCE YUM SIN-LING

MEMBERS ABSENT

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

THE HONOURABLE LO SUK-CHING

PUBLIC OFFICERS ATTENDING

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

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

MR MICHAEL SUEN MING-YEUNG, C.B.E., J.P.
SECRETARY FOR HOME AFFAIRS

THE HONOURABLE MICHAEL SZE CHO-CHEUNG, C.B.E., I.S.O., J.P.
SECRETARY FOR THE CIVIL SERVICE

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

SECRETARY FOR TRANSPORT

MR NICHOLAS NG WING-FUI, J.P.

SECRETARY FOR CONSTITUTIONAL AFFAIRS

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

SECRETARY FOR HOUSING

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

SECRETARY FOR HEALTH AND WELFARE

MR RAFAEL HUI SI-YAN, J.P.

SECRETARY FOR FINANCIAL SERVICES

MR JOSEPH WONG WING-PING, J.P.

SECRETARY FOR EDUCATION AND MANPOWER

MR PETER LAI HING-LING, J.P.

SECRETARY FOR SECURITY

MR BOWEN LEUNG PO-WING, J.P.

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS

CLERKS IN ATTENDANCE

MR RICKY FUNG CHOI-CHEUNG, SECRETARY GENERAL

MR LAW KAM-SANG, DEPUTY SECRETARY GENERAL

MISS PAULINE NG MAN-WAH, ASSISTANT SECRETARY GENERAL

MR RAY CHAN YUM-MOU, ASSISTANT SECRETARY GENERAL

PAPERS

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

Subject

| Subsidiary Legislation | <i>L.N. No.</i> |
|--|-----------------|
| Amusement Rides (Safety) (Fees) (Amendment) Regulation 1996 | 60/96 |
| Allowances to Jurors (Amendment) Order 1996 | 61/96 |
| Official Languages (Alteration of Text) (Credit Unions Ordinance) Order 1996 | 62/96 |
| Official Languages (Authentic Chinese Text) (Credit Unions Ordinance) Order | (C) 1/96 |
| Official Languages (Authentic Chinese Text) (Royal Hong Kong Auxiliary Police Force Ordinance) Order..... | (C) 2/96 |
| Official Languages (Authentic Chinese Text) (Auxiliary Forces Pay and Allowances Ordinance) Order..... | (C) 3/96 |
| Official Languages (Authentic Chinese Text) (Mass Transit Railway (Land Resumption and Related Provisions) Ordinance) Order..... | (C) 4/96 |
| Official Languages (Authentic Chinese Text) (Fisheries Protection Ordinance) Order | (C) 5/96 |
| Official Languages (Authentic Chinese Text) (Country Parks Ordinance) Order | (C) 6/96 |

Official Languages (Authentic Chinese Text)
 (Industrial Training (Construction Industry)
 Ordinance) Order..... (C) 7/96

Official Languages (Authentic Chinese Text)
 (Industrial Training (Clothing Industry)
 Ordinance) Order..... (C) 8/96

Official Languages (Authentic Chinese Text)
 (Forests and Countryside Ordinance) Order (C) 9/96

ORAL ANSWERS TO QUESTIONS

Conditions of Service for Local and Expatriate Judicial Officers

1. **MR AMBROSE LAU** asked (in Cantonese): *Will the Government inform this Council whether there is any disparity in the conditions of service between local judicial officers and expatriate judicial officers, particularly in regard to leave and passage benefits; if so, what the reasons are and whether the Government will eliminate such disparity in treatment?*

CHIEF SECRETARY: Mr President, the conditions of service for judges and judicial officers are largely similar to that for the Civil Service as a whole. For historical reasons, overseas terms and conditions of service are different from those offered to local officers. The relatively more favourable overseas conditions of service were originally designed for the purpose of attracting overseas officers to join the service when no suitable local person was available. They were also intended to help overseas officers, who would invariably suffer some dislocation from the environment to which they belonged, to set up a home and to renew regularly family and social ties in their country of origin.

Conditions of service for overseas judges and judicial officers at Directorate level 3 (D3 or equivalent) or below are more favourable than those for local judges and judicial officers of the same rank in terms of passage and leave entitlements: the "overseas additional" leave entitlements is available to overseas officers only; they are also entitled to annual leave passages, whereas biennial leave passages are provided to their local counterparts. There is also a

difference in terms of housing benefits entitlement between local and overseas officers below the level of District Court Judge. For judges and judicial officers at D4 rank or above, local and overseas conditions of service are now the same.

With a view to removing the differences in the Civil Service, the Administration has proposed that one set of new terms of appointment and conditions of service be introduced for general application. In line with the Administration's proposal, the Judiciary is also considering the introduction of one common set of conditions of service for judicial officers.

MR AMBROSE LAU (in Cantonese): *Mr President, in the reply of the Chief Secretary, it was mentioned that in order to remove the differences in the Civil Service, the Administration had proposed that one set of new terms of appointment and conditions of service be introduced for general application. Will the Administration inform this Council when they will be implemented? The Chief Secretary also mentioned that in line with the Administration's proposal, the Judiciary was also considering the introduction of one common set of conditions of service for judicial officers. When will the Judiciary get the result of its deliberation?*

CHIEF SECRETARY: Mr President, we put proposals on a common set of conditions of service to the Chinese side of the Joint Liaison Group (JLG) in November 1994. And as regards the introduction of a similar set of common conditions of service for judicial officers, that will have to depend on progress that we make with the Chinese through the JLG mechanism. But it is certainly our intention to try and reach early agreement with the Chinese and following that, I believe it is the intention of the Judiciary to look at their own set of common conditions of service with a view to early implementation.

DR ANTHONY CHEUNG (in Cantonese): *Mr President, will the Chief Secretary further clarify whether the Judiciary would, after considering the now proposed common conditions of service, eventually not follow suit?*

CHIEF SECRETARY: Mr President, I believe that there is acceptance that we ought to remove the disparity between the conditions of service and appointment for local officers and overseas officers amongst Judiciary officers. So I expect that when we have reached agreement with the Chinese on application for the Civil Service as a whole, then the Judiciary will be prepared to follow suit.

MR MARTIN LEE: *Mr President, since the historical reasons given in the answer to attract overseas officers has now long been replaced by the localization policy, in particular in relation to the Judiciary, will the Government actually take into consideration that those judicial officers who are bilingual ought to be given better terms of employment in drawing up the common set of conditions of service?*

CHIEF SECRETARY: Mr President, with your permission, I would like to refer this question to the Secretary for the Civil Service.

SECRETARY FOR THE CIVIL SERVICE: Mr President, the terms of appointment for judicial officers at present are determined by reference to the requirements for the job and by the Judicial Service Commission. It is, in fact, up to the Chief Justice and the Judicial Service Commission to prescribe any new sets of conditions of service and new requirements, should they wish to do so.

Certificates of Retraining

2. **MR LAU CHIN-SHEK** (in Cantonese): *Recently, some participants of the training course on elementary clerical skills organized by the Employees Retraining Board have complained about the Civil Service Branch not recognizing the certificate they have obtained on completing the course as fulfilling the entry requirement for junior clerical posts in government departments and subvented organizations. In this connection, will the Government inform this Council:*

- (a) *whether the Government will consider accepting "work competence and knowledge of skills" as a substitute for the academic qualifications currently adopted by the Government as the entry requirement for the above-mentioned posts; if not, why not;*

- (b) *of the annual number of persons who have completed retraining and who have been employed by government departments and subvented organizations respectively since the establishment of the Employees Retraining Scheme, as well as the proportion of such retrainees to the total number of persons who have completed retraining in each of the years over the same period;*
- (c) *whether the Government has any policy requiring government departments and subvented organizations to take the lead in employing persons who have completed retraining; and*
- (d) *whether the Government has any plan to hold discussions with the Employees Retraining Board on the development of retraining courses with a view to facilitating the Government employing more persons who have completed retraining?*

SECRETARY FOR THE CIVIL SERVICE (in Cantonese): Mr President,

- (a) Entry requirements are laid down for various ranks of the clerical grade, just as for other grades in the civil service. The academic qualifications for appointment to Clerical Assistant and Office Assistant are Form 4 and Form 3 respectively. In drawing up these qualifications, consideration was given mainly to the ability and skill required in the discharge of their duties, thus ensuring that quality and efficient service could be provided. Academic qualification is generally accepted as an effective, reliable and objective criterion to assess whether an applicant is competent for the post. Moreover, as far as the civil service pay policy is concerned, academic qualification is also the benchmark on which the starting salary points of various grades are determined.

According to information provided by the Employees Retraining Board (ERB), the vast majority (almost 95%) of the trainees attending clerical training courses possess academic qualification of Form 3 level or above. Hence, they can meet the Government's basic requirement for appointment to junior clerical ranks. In the recruitment of clerical staff by the Government, if academic qualifications are lowered to accept applicants who were trainees of

the ERB, it would not only be unfair to other qualified applicants, but also confuse the overall recruitment policy of the civil service and the carrying out of such policy. It would further create a situation under which preferences would be accorded to applicants who have attended retraining courses in the application for civil service appointment. In that case, the ERB would be regarded as a shortcut to civil service employment, thereby imposing a heavier demand for such retraining courses as well as extra burden on the Board.

- (b) According to the statistics provided by the ERB, 100 000 trainees have completed its retraining courses. However, the ERB does not have a systematic record of the number of trainees who are subsequently employed by the Government or subvented organizations. In fact, according to the existing recruitment policy of the Government and subvented bodies, all applicants are treated equally. Since applicants are not required to state whether they have taken retraining courses offered by the ERB, there is no reliable figure on the number although the Government and subvented bodies have employed retrained workers.
- (c) Civil service vacancies are usually filled up through open recruitment. According to the existing recruitment policy, except for the handicapped who are given priority in recruitment, all applicants for civil service posts are treated equally and no preferential treatment is given to anyone. Such arrangement may seem inflexible and unreasonable but the fact is, it is the fairest and most reasonable policy. Thus, people who have completed retraining by the ERB will have equal opportunities as all other applicants in their applications for civil service jobs.
- (d) The ERB is of the view that as far as civil service posts are concerned, junior clerical posts (that is, Clerical Assistant and Office Assistant grades) are more suitable for retrained workers. In this regard, the Civil Service Branch has held discussions with the Board with a view to enhancing co-ordination in the retraining and recruitment work relating to the Clerical Assistant and Office Assistant grades. This will allow the Board to design the relevant syllabus and step up training for the prospective candidates

according to the requirements of the Government. In future, the Government will also inform the Board of the recruitment of these grades so that more of its students can apply in time. It is believed that under free competition, trainees who have completed the relevant course of the Board will give a satisfactory performance in the interview and have a better chance of getting the appointment if they can make good use of the knowledge and skills they have learnt.

MR LAU CHIN-SHEK (in Cantonese): *Mr President, the Employees Retraining Board (ERB) helps trainees find jobs and the certificates issued by the ERB show the trainees' work competence and knowledge of skills. Will the Secretary for the Civil Service inform us whether the Government is adopting any measures to encourage both public and private organizations to employ ERB trainees? If there are such measures, what is their actual effect?*

SECRETARY FOR THE CIVIL SERVICE (in Cantonese): Mr President, we definitely encourage the retrainees to apply for Civil Service jobs under open recruitment. As I stated in my main reply, in the Civil Service, the most important point on which we must stress is fair competition. It is of vital importance that everyone has an equal chance of applying for Civil Service posts. Our existing effective Civil Service may have to face an unnecessary impact if civil servants are not recruited under the principle of open and fair competition which is generally accepted.

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

MR LAU CHIN-SHEK (in Cantonese): *Mr President, in his reply, the Secretary for the Civil Service indicated that in fact he would not do anything and he only emphasized open and fair competition. In this case, the Government and subvented organizations*

PRESIDENT: Was that part of your original supplementary?

MR LAU CHIN-SHEK (in Cantonese): *Yes.*

PRESIDENT: I agree your original supplementary was not answered. But that was about the private sector. I think it is not within the authority of the Secretary for the Civil Service to answer. It is outside the scope of the original question, in any case. If you wish to ask a further supplementary I can put you down at the end of the queue, Mr LAU Chin-shek

MISS CHAN YUEN-HAN (in Cantonese): *In the face of all the trainees under the Employees Retraining Scheme of Hong Kong, has the Government, as the employer of the 180 000-strong civil servants, apart from the just-mentioned rules based on requirements for academic qualifications and assessment system, considered adopting some new measures for the Civil Service?*

PRESIDENT: Miss CHAN Yuen-han, are you asking a supplementary on new measures to be adopted for the Civil Service?

MISS CHAN YUEN-HAN (in Cantonese): *I only want to follow up the question raised a moment ago. Has the Government, as the employer of the 180,000-strong civil servants, considered absorbing the retrainees in the wake of their existence?*

SECRETARY FOR THE CIVIL SERVICE (in Cantonese): Mr President, in my main apply, I raised two points: Firstly, 95% of the trainees attending clerical training courses in the Employees Retraining Scheme can meet the entry requirement for appointment to junior clerical ranks, so this is not a problem; and secondly, we have held discussions with the ERB with a view to bringing the junior clerical retraining courses closer to the needs of the Civil Service. Should this goal be achieved, the trainees, upon completion of the retraining courses, would definitely have the edge on the others in applying for junior clerical posts in the Civil Service. Perhaps I have to stress a point that this is a matter of the existence of the number of such vacancies in the Government, and

not a matter that the plan has gone wrong. For instance, in 1995, there were only 49 Office Assistant vacancies in the Civil Service, whereas over 1 000 people applied for the posts. As a matter of fact, the limited number of vacancies poses a major problem.

MR LEE CHEUK-YAN (in Cantonese): *Mr President, the Secretary for the Civil Service replied a moment ago that there would be discussions with the ERB to bring some courses closer to the requirements for appointment to civil service posts so that retrainees could join the Civil Service. Must the Civil Service Branch stick to its requirements for academic qualifications? If a trainee only attains the Form 1 or Form 2 level and is not up to the Form 3 level, but he has already completed the ERB's training course, will the Civil Service Branch recognize the ERB course and consider accepting him under fair competition? Or, will the Government stick to the required academic qualifications? I do not mean that the Government has to lower the required academic qualifications for posts. I only want to enhance the status of ERB training courses.*

SECRETARY FOR THE CIVIL SERVICE (in Cantonese): Mr President, in this connection, I would like to raise two points: Firstly, the ERB courses are relatively short to meet actual needs. If a trainee only attains primary school education, I think it is very difficult to raise his academic qualifications to the Form 3 or Form 4 level in a short period of time. Besides, this is not the duty of the ERB. Mr LEE said he did not require us to lower the entry requirements for academic qualifications. This is a very important point because academic qualification is a rather generally accepted benchmark on civil servants' pay and other conditions of service. Under such circumstances, should the academic qualification be lowered, we could not rule out the possibility of an impact on the determination of the pay and starting salary points of various ranks. This is an issue all the Civil Service unions persist in.

MR LAU CHIN-SHEK (in Cantonese): *Mr President, the Secretary for the Civil Service has not answered my question raised a moment ago. I asked if the Government had adopted any measures to encourage the public and private sectors to employ retrainees. Even if he has answered the part concerning public organizations, he has utterly given no reply to the part about private organizations. I would like to ask again what measures have been adopted to*

encourage public and private organizations to employ retrainees and what is the actual effect of such measures? If both the Government and subvented bodies insist on not giving the retrained workers priority in recruitment, what can the Government do to ensure that private organizations will not make things difficult for and refuse to employ the retrainees for various reasons?

PRESIDENT: Mr LAU Chin-shek, as I stated earlier, the Secretary for the Civil Service is not in a position to answer questions on the private sector and, in any case, a supplementary on the private sector is outside the scope of the original question.

MR LAU CHIN-SHEK (in Cantonese): *I am sorry. I do not require him to answer questions about private organizations. I am only asking what will have to be done if the Government itself does not take the lead to give priority to retrainees in recruitment?*

SECRETARY FOR THE CIVIL SERVICE (in Cantonese): Mr President, the strongest merits of the Civil Service recruitment system are: people are recruited because of their abilities and all applicants are treated equally and no one is given any preferential treatment. I can say for sure that no one has given me any privileges during my some 20 years' service in the Government. I think that we must value this system. In our existing system, only the handicapped are accorded priority and this practice has been accepted by the entire society. Nonetheless, I consider that there is not much difference between the trainees of the ERB and ordinary job seekers, for all of them are looking for jobs. In view of the above, the effective, open and fair Civil Service recruitment system will be disrupted if we give some people preferential treatment merely because they have attended the retraining courses. I think this is a point to which we cannot agree.

Quality Control on Note Issue

3. **DR LAW CHEUNG-KWOK** asked (in Cantonese): *It is learnt that some Hong Kong dollar notes issued by the Hongkong Bank bearing no signatures or having identical serial numbers have recently been found in the "misprinted*

Hong Kong dollar notes" market. In this connection, will the Government inform this Council:

- (a) of the respective quality control systems adopted by the territory's three note-issuing banks in the bank notes printing process;*
- (b) whether the Government monitors such quality control systems; and*
- (c) whether the Government has approached the note-issuing bank concerned to find out the cause for the misprint for the notes and to suggest ways for improvement?*

SECRETARY FOR FINANCIAL SERVICES (in Cantonese): I have been advised that the misprinted banknotes referred to in the question are notes of The Hongkong and Shanghai Banking Corporation Limited (Hongkong Bank) printed by a note-printer in the United Kingdom in the early 1980s. Hongkong Bank is aware of the existence of these notes which do occasionally turn up in note-collectors' shops.

Since 1984, all banknotes issued by the three note-issuing banks are printed by Thomas De La Rue (HK) Limited in Tai Po. Compared with its United Kingdom counterpart, the Hong Kong printer has installed much more sophisticated machines than those available in the early 1980s. Note-numbering, for example, is now entirely computerised. The printer also has strong commitment to quality with a quality assurance system measuring up to international standards. All the finished notes are checked rigorously with stringent security and material audit systems in place to guard against misprinting. Even if misprinted notes are discovered, they will be destroyed immediately and not issued.

The Hong Kong Monetary Authority has frequent contacts with the note-issuing banks and with the note-printer to ensure that the quality and security of printing are up to international standards. There are also regular meetings with the printer management and inspections to the plant. Members are also aware that recently we have concluded an agreement with De La Rue plc to acquire its Hong Kong operations. We are committed to maintaining these high standards of printing and quality assurance after the acquisition while continuing to draw on technical assistance from the company.

We are not aware of any case of misprinted banknotes since the establishment of the note-printing plant in Hong Kong in 1984. We are certainly not complacent and will continue to review constantly ways in which the control system can be further improved.

DR LAW CHEUNG-KWOK (in Cantonese): *Mr President, according to some newspaper analysis, one of the reasons for the recent Government acquisition of De La Rue is that the company may have some security loopholes in the course of printing bank notes. Will the Government inform us of the actual situation?*

SECRETARY FOR FINANCIAL SERVICES (in Cantonese): *Mr President, De La Rue plc, which attains international standards and enjoys international goodwill, is generally recognized as a company capable of printing extremely high standard of bank notes and other security documents. Since 1984, the note-issuing banks and the Government authorities concerned have been very satisfied with its products, system and quality control. As regards the so-called security problem mentioned by Dr LAW, we have never heard of any particular security problems.*

MR ANDREW CHENG (in Cantonese): *Mr President, during our recent discussions with the Commercial Crime Bureau, we learned that the police considered the best way to assure the quality and prevent forgery and misprinting of bank notes was for the Bureau, the Hong Kong Monetary Authority, the Financial Services Branch, the three note-issuing banks and the note-printer to set up a standing liaison group to take follow up actions instead of making frequent contacts when a problem occurs. Will the Secretary for Financial Services consider the police's suggestion of setting up a standing liaison group?*

SECRETARY FOR FINANCIAL SERVICES (in Cantonese): *Mr President, the note-issuing bodies, including the banks, the note-printer, the Hong Kong Monetary Authority and the Government security departments concerned, the police in particular, have all along established an informal close link. However,*

Mr CHENG's proposal is a very good one because since the passing of the Bank Notes Issues (Amendment) Bill 1995, the Hong Kong Monetary Authority has all along held discussions with the note-issuing banks concerned in the hope of formulating a comprehensive, detailed and highly technical mechanism on note-issuing arrangements. I can assure the Honourable Andrew CHENG that we will consider setting up within the mechanism a standing body including the police to review all the security problems concerning issuing and printing of bank notes.

MR FREDERICK FUNG (in Cantonese): *Mr President, recently, a large number of fake bank notes have been found. In view of the existence of misprinted, fake and genuine bank notes, how can the Government help members of the general public distinguish the three kinds of notes so that they will not be arrested and prosecuted?*

PRESIDENT: I am sorry, it is outside the scope of the original question.

MR FREDERICK FUNG (in Cantonese): *Mr President, may I ask the question in another way?*

PRESIDENT: Mr FUNG, please.

MR FREDERICK FUNG (in Cantonese): *Mr President, at present, probably three kinds of bank notes, that is misprinted, genuine and fake bank notes, exist in the market and this situation makes members of the general public confused. In this connection, has the Government considered, in the note-issuing process and system, ensuring that members of the general public can easily know which bank note is usable?*

PRESIDENT: I would like to know the answer, Secretary.

SECRETARY FOR FINANCIAL SERVICES (in Cantonese): Mr President,

first of all, I have to emphasize two points on misprinted notes: Firstly, to our understanding, no such misprinted notes have been found since the establishment of a note-printing plant in Hong Kong in 1984; and secondly, misprinted notes are also legal tender. So please do not have an impression that Hong Kong residents have to face different kinds of notes which make it difficult for them to make decision in using money.

Forgery of notes is of course another matter. Fake bank notes appear from time to time but with a very limited circulation. For example, in 1995, the police found that the number of the so-called fake notes in circulation was less than 2 000. If the general public wants to check if there is anything wrong with the bank notes, they may pay attention to the features of the fake notes publicized by the police and the Hong Kong Monetary Authority. Of course, the general public may further verify with banks in case of doubt. In fact, the Hong Kong dollars now circulated in the territory are in order and special methods for handling them is unnecessary.

Accommodation for Foreign Domestic Helpers

4. **MR JAMES TIEN** asked: *Mr President, it is learnt that in his Report of the Investigation on Accommodation for Foreign Domestic Helpers, the Commissioner for Administrative Complaints (COMAC) has made certain recommendation on how to ensure that foreign domestic helpers are provided with reasonable accommodation by their employers. Will the Government inform this Council whether it accepts that it is within the authority of the COMAC to make such recommendations; and, if so, on what basis?*

CHIEF SECRETARY: Mr President, section 7(1) of the Commissioner for Administrative Complaints Ordinance provides that:

"The Commissioner may investigate any action taken by or on behalf of an organization in the exercise of its administrative functions in any case where -

- (a) a complaint is made by a person who claims to have sustained injustice in consequence of maladministration in connection with that action; or
- (b) notwithstanding that no complaint has been made to him, he is of the

opinion that any person may have sustained injustice in consequence of maladministration in connection with that action."

We accept that the investigation into the procedures adopted by the Immigration Department in processing applications for change of employer filed by foreign domestic helpers on accommodation grounds is an investigation duly made under section 7(1)(b) of the Commissioner for Administrative Complaints Ordinance. The Ordinance poses no restrictions on the nature of the conclusions and recommendations that the Commissioner may draw from the findings of his investigation.

MR JAMES TIEN: *Mr President, section 7(1)(a) says that if a complaint is made by a person, the COMAC will investigate and make recommendations. Section 7(1)(b) says that notwithstanding that no complaint has been made to him, the COMAC may do something if he decides to do something.*

Then the Government's reply is that under section 7(1)(b), the Ordinance poses no restrictions on the nature of the conclusions and recommendations that the Commissioner may draw from the investigation.

Will the Government please inform this Council that in this particular case, since it is under section 7(1)(b) and the Ordinance poses no restrictions, does that mean that the Immigration Department and employers of the foreign domestic helpers do not have to take any action on the COMAC's conclusion and recommendations as far as this accommodation issue is concerned?

CHIEF SECRETARY: Mr President, I do not think I was suggesting or commenting on the action that may or may not be taken in response to recommendations made by the Commissioner. The Commissioner, of course, exercises his discretion and takes a decision on whether a particular investigation falls within his jurisdiction. If he exceeds his jurisdiction, then of course his decision may be subject to judicial review.

In this particular case of the report into the accommodation requirements for foreign domestic helpers, the Commissioner has indeed made a number of recommendations, of which four have been accepted by the Director of Immigration, and six are still under consideration by the Administration.

MRS SELINA CHOW: *Mr President, could the Chief Secretary inform us as to whether the four which the Director of Immigration has already decided on, include one which obligates certain conditions regarding accommodation conditions or accommodation details for foreign domestic helpers who are either serving here or will be coming here?*

CHIEF SECRETARY: Mr President, it might help if I clarified which of the specific recommendations made by the Commissioner have been accepted by the Director of Immigration. The four are as follows:

First, a recommendation that we should produce a Chinese translation of the employment contract;

Second, that we should consider the need to conduct more random record checks on routine foreign domestic helper visa applications without undermining efficiency;

Third, redefining the criteria for classifying applications with a view to ensuring that dishonest and malicious applications can be screened-in for further examinations; and

Finally, considering the issue of a different type of ID Card for foreign domestic helpers and other imported workers so as to minimize chances of illegal deployment and employment.

So, the short answer to Mrs Selina CHOW's question is that, I do not believe we have accepted any recommendations that in any way affect accommodation requirements.

MR RONALD ARCULLI: *Mr President, if I understand the purport of the second paragraph of the answer by the Chief Secretary, it seems that complaints regarding accommodation would fall within the purview of the Commissioner's function under section 7(1)(b). If that be so, could the Chief Secretary inform this Council whether complaints by tenants or owners of housing, produced*

whether by the Housing Authority, Housing Department, Housing Society, temporary housing, and so on, would fall within the confines of his duties?

CHIEF SECRETARY: Mr President, I think, in accordance with the relevant Ordinance, where there is any suggestion of maladministration, it clearly falls within the jurisdiction of the Commissioner for Administrative Complaints to either respond to a specific complaint, or if indeed he feels that there is evidence to suggest maladministration, he may of his own accord cause an investigation to be made.

The Ordinance does not define what is meant by a policy issue as distinct from administrative functions. We accept that where pure policy is concerned, in the absence of administration, it clearly falls outside the Commissioner for Administrative Complaints' jurisdiction. But since there is no clear definition of what is meant by policy and what is meant by administration, and given that in practice, invariably I think there will be grey areas between policy issues and administrative acts, I think we have to consider each investigation on its merits on the basis of the powers given to the Commissioner under the Ordinance.

PRESIDENT: Mr ARCULLI, are you saying that your question was not answered?

MR RONALD ARCULLI: *Mr President, perhaps I did not make myself too clear. I think the purpose, really, of my question is that if the complaint was against the quality or the size of the accommodation, would that fall within the purview of the Commissioner's function? Is that described as maladministration if in fact the administration provides housing or under a policy that does not provide adequate accommodation?*

PRESIDENT: Chief Secretary, except that part about landlord/tenant relationship; employer/employee, yes.

CHIEF SECRETARY: Mr President, I believe that I have already answered that question in response to the earlier supplementary. It really is, ultimately, for the Commissioner to decide whether a particular complaint or investigation falls

within his jurisdiction.

MR JAMES TIEN: *Mr President, could the Chief Secretary also confirm that in referring to the Immigration Department, that the current problem with the importation of labour on the airport construction dealing with the Immigration Department, is also under the COMAC's purview area?*

CHIEF SECRETARY: Mr President, could I seek a ruling on whether that supplementary falls within the scope of the original question? The original question arose out of the specific report on foreign domestic helpers.

PRESIDENT: Mr TIEN, could you repeat your question?

MR JAMES TIEN: *Mr President, yes. My question deals with the Immigration Department's handling of imported labour. Certainly, foreign domestic helpers are imported labour, similar to the airport construction workers, and they both fall under the administration of the Immigration Department. So, I am just simply asking whether the current problem with the wage dispute of the airport construction workers falls under the COMAC's purview?*

PRESIDENT: The original question was one on the COMAC's jurisdiction over government policy and suspected maladministration on the issue of provision of adequate accommodation for foreign domestic helpers. It is in that light that I ruled Mr Ronald ARCULLI's question, insofar as the part about landlord/tenant is concerned, out of order. And your question is out of order, too.

Land Resumption Consequent upon Western Corridor Project

5. **MR ALBERT HO** asked (in Cantonese): *It is reported that the proposed Western Corridor project is scheduled for completion in 2001, and that the whole railway project will involve taking up 1.3 million sq m of private land. In this connection, will the Government inform this Council:*

- (a) of the proposed timing for the commencement of this large-scale land resumption programme as well as the estimated time required to complete the entire land resumption process;*
- (b) whether the Government has assessed the difficulties which may arise in the land resumption process; if so, what are the details and what measures will be adopted by the relevant departments to ensure that the land resumption programme can be completed on schedule; and*
- (c) what is the timetable for the construction of the entire Western Corridor, and what measures will be taken by the Government to ensure that the railway project can be completed in 2001 as scheduled?*

SECRETARY FOR TRANSPORT: Mr President, in response to the Government's invitation, the Kowloon-Canton Railway Corporation (KCRC) submitted its formal proposal to build the Western Corridor Railway (WCR) in November 1995. This submission serves as the basis for in-depth discussions between the Government and the Corporation and on which the Corporation intends to carry out further in-depth planning and design work. The main features of the Corporation's proposals were presented to the Legislative Council Transport Panel a fortnight ago.

Turning now to the Honourable Albert HO 's specific questions:

- (a) The Government has always been conscious that the land requirements of the WCR project will be very substantial. The KCRC estimates that the project will require some 4 million sq m of land. This includes about 1.3 million sq m of private land, comprising over 2 600 lots, which will need to be resumed. To meet the target completion date of late 2001, the KCRC's programme requires land to be made progressively available from the third quarter of 1997.*

The exact timing of the land resumption programme can, however, only be firmed up after the alignment, scope and phasing of the proposed project have been confirmed and agreed. Meanwhile, the

Administration is now considering the need for legislation that will include powers to facilitate the resumption of land for the railway project.

- (b) The vast land resumption requirements will give rise to significant staffing implications, particularly for the Lands Department. We are currently exploring how best the necessary resources can be made available. Other difficulties associated with land resumption such as grave and village removals will also need to be overcome.
- (c) Our target is to complete the WCR by late 2001. It must however be recognized that this project will be the largest single railway project ever undertaken in Hong Kong. In terms of size, its rail length is about one and half times that of the Airport Railway. Complicated land, environmental, financial and engineering considerations will arise and will need to be resolved. Steering and Project Working Groups have already been set up within the Transport Branch and Highways Department to co-ordinate work related to the WCR. We will do our best to press ahead with this enormous task.

MR ALBERT HO (in Cantonese): *Mr President, after hearing the reply given by the Secretary of Transport, I am still very concerned and worried about whether this vast project can be completed by 2001 to solve the transport problem in Northwest New Territories. This is particularly the case as the Secretary for Transport, in paragraph (a) of his reply, pointed out that to meet the target completion date of 2001, the programme of Kowloon-Canton Railway Corporation (KCRC) required land to be made available in the third quarter of 1997. The exact timing of the land resumption programme can, however, "only be firmed up after the alignment, scope and phasing of the proposed project have been confirmed and agreed".*

As far as I know, an ordinary land resumption programme takes two years to complete. However, time is running out because what is left in the run up to the third quarter of 1997 is less than two years. Apart from an increase in staffing as the Secretary for Transport stated, will there be any other method to accelerate the land resumption procedures?

SECRETARY FOR TRANSPORT: Mr President, the target completion date of 2001 in fact provides a period of time between now and then to deal with the detailed design and other aspects of the project. If I can, again, briefly outline the timetable. We received the submission from the KCRC in November 1995; during the year 1996, we of course will study the various aspects of this project, both the land requirements, the financial aspects of this, and the engineering technicalities.

Insofar as land resumption is concerned, we have, as I have said in my main reply, to determine the exact alignment and the scope as well as the possible phasing of various projects. And in fact, during the current year, we will be looking at these various aspects.

Mr President, can I defer to my colleague, the Secretary for Planning, Environment and Lands, to perhaps provide a little more detail on the land resumption aspect.

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Mr President, we intend to set up a planning group in the Lands Department in April this year to be exclusively responsible for studying the aspects about the land required by the Western Corridor Railway (WCR) project, including the problems involving land resumption. Once the Government determines the alignment and timetable of the project, the *ad hoc* group can carry out related work as soon as possible.

On the other hand, as the Secretary for Transport said a moment ago, we have to consider amending relevant legislation to ensure the smooth implementation of the land resumption programme. We have already commenced the preliminary study in this respect.

MR LAU WONG-FAT (in Cantonese): *Mr President, in the past, when the Government resumed land in the New Territories, there was a so-called "land gift" policy, that is the land owner could take the initiative to give the Government land as a gift at an early stage. Such an arrangement can omit the step of gazetting on the one hand and can save time and manpower on the other. Will the Government consider resuming this practice?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Mr President, we can consider this point. As Mr LAU just now stated, in the past, land owners' surrendering their land to the Government could to a certain extent facilitate the land resumption programme. However, it is now extremely difficult for us to carry out this task, for we have to know the alignment and area to be covered by the WCR project before we can work out the area involving private land ownership. The planning group to be set up by the Lands Department will consider this point.

MR WONG WAI-YIN (in Cantonese): *Mr President, according to the reply made by the Secretary for Transport, I dare to estimate that the WCR project will not be completed and operational by 2001, for the Secretary for Transport, in paragraph (a) of his reply, stated that to meet the target completion date of 2001, land would have to be made progressively available from the third quarter of 1997. As the Honourable Albert HO just now said, it will take at least 18 months to two years for the Government to complete the land resumption process. Mr Bowen LEUNG stated a moment ago that they would not set up a work group to study the issue until April. Actually, it is just over one year in the run up to mid-1997.*

PRESIDENT: Mr Wong, could you come to your question please.

MR WONG WAI-YIN (in Cantonese): *It means that it is impossible to follow the Government's original procedures to resume land. Will the Government clarify in detail what is said in the second point in paragraph (a) of the reply (it is necessary to enact new legislation to empower the authorities concerned to resume land)? Will the KCRC or any other organizations be empowered to resume land? Will the new legislation be expounded in detail?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Mr President, the Secretary for Transport has stated clearly in his

reply the requirement for land to be made progressively available from the third quarter of 1997. However, this neither means that all the land must be made available simultaneously in the third quarter of 1997, nor that all of the land must be resumed land.

As proposed by the Transport Branch or the KCRC, the WCR project will be carried out progressively. We will try our best to make the land for the project available from the third quarter of 1997 because as a matter of fact, a lot of the land is Crown land and not necessarily private land to be resumed.

As regards the second part of the question concerning legislation, the current Government land resumption programme is for public use, but the resumption of land for the railway project is for the railway corporation. We therefore in the first place should enact legislation to enable us to resume land for the construction of the railway. We adopted a similar legislation process when we built the Mass Transit Railway, so that the Mass Transit Railway Corporation (MTRC) could acquire land for the development of the railway system. We are also considering the way to let the KCRC carry out part of the procedures and work concerning land resumption, but we have just started the plan and no final decision has yet been made.

MRS MIRIAM LAU (in Cantonese): *Mr President, will the Secretary for Transport inform this Council whether the WCR project's completion date of 2001 was the Government's subjective target date or the estimated date calculated by the Government according to the actual timetable of the project? If it is the latter, is the present actual progress of the project on, ahead of or behind its schedule? If it is ahead of or behind the schedule, what is the gap between the actual progress and the schedule?*

In addition, is it necessary to consult the Chinese side about this huge project? If so, when will we consult the Chinese side and will the consultation cause further delay in the project?

SECRETARY FOR TRANSPORT: Mr President, regarding the completion date, Honourable Members will recall that when I first announced the strategy in this Council over a year ago, Members asked if the programme could be expedited. At that time, I already made it very clear that railway projects require a very long lead time and that completing them at the end of 2001 was

already a very ambitious programme.

In my reply this afternoon, I have highlighted many aspects that will obviously throw up problems: engineering, financial, land, technical and so forth. We in the Administration will do our best to tackle these problems as quickly as we can. That target date of 2001 remains our estimate at this point in time. Until such time as we finalize the actual line with the KCRC, we cannot go firm, but we will do our best. Having said that, because it is the largest railway project undertaken in Hong Kong, there obviously will be very tight time constraints and we will have to, later on, reassess the project completion date.

Insofar as consultation with the Chinese side is concerned, Mr President, we have all along kept the Chinese side fully informed. When the study was announced, we informed the Chinese side. When the strategy was released, we briefed the Chinese side. And later on, in May last year, we did inform the Chinese side that we have invited the KCRC to undertake the WCR project, and the MTRC to undertake the Tseung Kwan O extension. And because at this point in time the proposals have just come in and we have engaged both engineering and financial consultants to help us evaluate the detailed proposals, we are not yet in a position to approach and consult the Chinese yet.

Once we have firmed up the final details, we shall consult the Chinese. Consultation with the Chinese is nothing significant, nothing special, because as Honourable Members know, the Chinese side has a legitimate interest in all major projects which straddle 1997. It is only in the interest of co-operation and speedy completion that we need to consult them.

PRESIDENT: Not answered about the timing?

MRS MIRIAM LAU: *Yes, I was asking a specific question which does not seem to have been answered.*

SECRETARY FOR TRANSPORT: Mr President, I believe I have answered the question. The original question was regarding completion dates and I said

that at this point in time our estimate is still 2001, late 2001.

PRESIDENT: Mrs LAU was asking whether at this stage you are ahead of time, behind time or on time?

SECRETARY FOR TRANSPORT: I beg your pardon. At this stage we are spot on time.

MR LEE WING-TAT (in Cantonese): *Mr President, when the WCR project was announced last year, the estimated cost stood at \$35 billion. Now the KCRC estimates it as \$75 billion, that is the cost doubled in only one year.*

Mr President, since this involves the Government's future fund injection into the KCRC for the construction of the railway, has the Government preliminarily considered the period of consultation on this fund injection programme and is there an intention to seek the opinion of the Legislative Council as well as the general public?

PRESIDENT: It is not covered in the original question and answer.

MR LEE WING-TAT (in Cantonese): *Mr President, in paragraph (c) of the reply, the Secretary for Transport mentioned that a delay in the project might be the result of complicated land, environmental, financial and engineering considerations. Mr President, as this concerns financial considerations which may cause a delay, I think this conforms to the main question.*

PRESIDENT: I still rule it out of order. The main thrust is on land resumption and the completion date of 2001.

DR SAMUEL WONG (in Cantonese): *Mr President, the main reply stated that Steering and Project Working Groups had been set up within the Transport*

Branch and the Highways Department to co-ordinate work related to the WCR. However, as far as I know, the KCRC is inviting over 100 international companies and more than 10 local engineering companies to take part in the design of the WCR. When the consultants complete the design, the KCRC itself will have to examine it and the Transport Branch of the Government will have to send a group of experts to look at it. Is it that not a single person in the KCRC and MTRC, and even in the government departments, knows how to design railways? Is it necessary to commission design consultants in such an overlapping way?

PRESIDENT: That is outside the scope of the original question.

Response Time of Ambulances

6. **MR JAMES TO** asked (in Cantonese): *According to the targets set out in the Performance Pledge of the Fire Services Department, ambulances should arrive at the scene within the standard ten-minute travelling time in 93.5% of all emergency ambulance calls and that fire engines should arrive at the scene within the standard six-minute response time in 90% of all fire calls. In this connection, will the Government inform this Council of:*

- (a) the criteria adopted for determining the standard ten-minute travelling time for ambulances;*
- (b) the reasons for taking six minutes as the standard response time for fire engines and 10 minutes as the standard travelling time for ambulances;*
- (c) the reasons why the activation time of a fire call is included in the standard six-minute response time for fire engines, whereas the standard ten-minute time for ambulances takes account of the travelling time only; and*
- (d) a breakdown of the number of ambulances despatched in response to emergency calls which are able to arrive at the scene within 10, 15, 20 minutes or a longer time respectively (that is from the time of the receipt of calls by the Fire Services Communication Centre to*

the time of arrival of the first ambulance) in each of the past three years, as well as their respective proportions to the total number of ambulances despatched?

SECRETARY FOR SECURITY (in Cantonese): Mr President,

- (a) The criteria adopted for determining the standard 10-minute travelling time for emergency ambulance calls were set following a 1986 Consultancy Study on the delivery of ambulance services. In setting the standard, we considered:
 - (i) the demand and distribution of emergency calls at that time;
 - (ii) the projected demand and distribution taking into account historical trends, plus population forecasts and infrastructure developments anticipated over the five-year period to 1991;
 - (iii) traffic conditions and road configurations throughout the territory;
 - (iv) the actual performance then being achieved by the ambulance service. At that time, about 95% of calls were being met within travel times of 15 minutes;
 - (v) the standard applying elsewhere. For instance, the Metropolitan Health Authority in London had a standard 11-minute target travel time; and
 - (vi) the optimal use of resources then available to us.
- (b) The second part of the question concerns the different targets adopted for fire appliances and for ambulances. I have just mentioned the criteria that we adopted in setting a 10-minute target travel time for ambulances. This 10-minute target applies uniformly throughout the territory.

We have a graded response time target for fire appliances. In the urban area and areas of assessed high fire risk, our target is that we aim to respond to 90% of building fire calls in six minutes, which is

the accepted international standard response time. In other areas of dispersed risk and isolated development, the graded response time varies from nine to 23 minutes.

For fires, we have a graded response time target because the risk levels vary in different parts of the territory. This is obviously not the case with ambulances: an injured or sick person requires the same level of ambulance service wherever they are.

- (c) Turning to the third part of the question, we have always used response time targets for fire calls. We adopted a 10-minute travel time target for ambulance services following the conclusions of the 1986 ambulance service consultancy study. The consultant recommended this for the reasons I gave in my answer to the first part of the question.

The 1986 Consultancy Study on ambulance services was updated by a further consultancy study last year. One of the conclusions reached by the consultant was that it is now more feasible to consider how to place emergency ambulance services on a response time target. However, the consultant recommended that we should not do this formally until we are able to regularly meet our current 10-minute travel time target. In the meantime, however, we are exploring the feasibility of monitoring overall response times so that we can establish a benchmark for future reference.

- (d) Our current statistical system does not allow us to give the detailed statistics asked for by the Honourable Member in this part of the question. However, I can offer some figures on ambulance performance against the 10-minute travel time target.

In 1993, the total number of emergency calls is 268 943, of which 248 718 calls that is 92.5% are able to arrive at the scene within the 10-minute target travel time. The total number of calls in 1994 is 289 289, of which 265 220 calls that is 91.7% responded within the 10-minute target travel time. For 1995, the total number of calls is 317 749, and 284 481 calls that is 89.5% achieved the 10-minute target travel time.

criteria should be adopted for determining the standard service time. As far as I know, in the urban area and areas of assessed high fire risk, fire engines' response time is six minutes because calculation shows that in case the fire spreads to an uncontrollable state, fire engines will have to arrive in six minutes to fight and control the fire. However, as far as ambulances are concerned, it seems that paragraph (a) in the reply only mentioned what could be done and traffic conditions

PRESIDENT: Please come to your question, Mr TO.

MR JAMES TO (in Cantonese): *Mr President, my question is: the reply did not mention that consideration would be given to the conditions of ambulance service users: for example, a person will die if he is out of oxygen for how many minutes; a severely injured person must receive medical treatment within how many minutes, or else he will never recover; and, the life of a heart disease patient can no longer be saved after what period of time. In setting future targets, should the Government consider these factors and not only the matters of what we can really do or what we can achieve within certain minutes? Should the Government consider the genuine demand of the people who need such services so as to set the service standards by basing on objective criteria?*

SECRETARY FOR SECURITY (in Cantonese): Mr President, regarding fire service standard, I have briefly stated in my main reply that we mainly base on the assessed risk to set the standard. Nevertheless, the assessment was not made merely on theory. We have also taken into account actual conditions such as the development density and traffic congestion conditions of the area. Such factors have also been considered when we set the ambulance service standard. As I have mentioned in my main reply, we have to consider the demand and distribution of ambulance calls as well as traffic conditions and road configurations including traffic congestion. After setting our work targets, we will try every possible means to improve our work efficiency to achieve them. In fact, the best way remains that we should follow our current practice by giving consideration to the actual conditions while not totally ignoring the resources issue. If we only base on theories to set our work performance standard, probably what we get is an entirely infeasible and impracticable level. It is likely that in our further discussions, someone may state that the demand of a certain kind of patients and injured persons is so and so, whereas the demand of another kind of patients and injured persons is different. Such discussions will

be of no particular help to our setting workable work targets and standards that we can achieve.

PRESIDENT: It seems that the questions and answers are becoming more and more argumentative. I will take one more supplementary and suggest to Members that they may wish to discuss it in detail in the Security Panel.

DR JOHN TSE (in Cantonese): *Mr President, why were the service standards set on the basis of administrative considerations instead of medical reasons? Why is it that the standard travelling time for fire engines is six minutes and that for ambulances is 10 minutes?*

SECRETARY FOR SECURITY (in Cantonese): Mr President, in my main reply and the reply made a moment ago in response to the follow up question, I have answered in detail the factors and rationale considered in setting the service standards of ambulance and fire engines. I would like to give further explanations in this connection. Our work target is used as a benchmark to guide us to achieve it by every possible means on the one hand and to improve our services as far as we can to meet the standards on the other. In my opinion, services cannot be improved if we purely adopt some theoretical and impractical standards as our targets.

WRITTEN ANSWERS TO QUESTIONS

Claim Limit of Small Claims Tribunal

7. **MR BRUCE LIU** asked (in Chinese): *At present, the Small Claims Tribunal only has jurisdiction to hear claims which do not exceed the amount of \$15,000, whereas the District Court is empowered to hear civil claims of up to a limit of \$120,000. In this connection, will the Government inform this Council:*

- (a) *when the above-mentioned limits were set;*
- (b) *of the criteria adopted for determining these limits; and*

- (c) *whether these limits are subject to regular review, and whether consideration will be given to raising such limits?*

CHIEF SECRETARY: Mr President, the answer to the questions are as follows:

- (a) The present financial limits of the civil jurisdiction of the Small Claims Tribunal and the District Court came into effect in 1988.
- (b) The criteria adopted for determining these financial limits include:
- (i) the effect of inflation;
 - (ii) the cost that a litigant has to bear in relation to the amount of his claims; and
 - (iii) the public interest.
- (c) The financial limits are kept under review from time to time. The Judiciary is proposing to raise the limit from \$120,000 to \$300,000 for the District Court and from \$15,000 to \$30,000 for the Small Claims Tribunal. It is expected that these proposals will be placed before this Council before the summer recess.

Home Care Services for Hospital Patients

8. **MR HOWARD YOUNG** asked: *Will the Government inform this Council whether it has conducted any study on the viability and feasibility of promoting "home care" for hospital patients who can be provided with medical and nursing services at home rather than in hospital; if so, what is the outcome of the study?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, the Government is mindful of the need to keep in view developments of new medical technology or treatment which will reduce the length of hospital stay and enable patients to recover in a community setting. However, this must be balanced against the availability of professional manpower, local living conditions, social circumstances and individual patient needs.

The Hospital Authority has taken positive steps in recent years to expand ambulatory care such as day surgery and geriatric/psychiatric day hospitals, as well as to strengthen out-reach programmes including community nursing service and specialist medical teams. Both of these new initiatives are intended to complement the home care services offered by welfare agencies, community carers, volunteer groups and the private sector.

Several studies are being conducted by the Hospital Authority to review the existing mode of operation and evaluate the outcome of community nursing service. The Government will maintain a close dialogue with all interested parties to explore different options to develop home medical and nursing care in Hong Kong.

Route 7

9. **MR IP KWOK-HIM** asked (in Chinese): *The Government has planned to build Route 7 in Southern District back in 1988 to relieve traffic congestion in the district. However, it is learnt that the project is still in Category C of the Public Works Programme. In this connection, will the Government inform this Council:*

- (a) *whether it has any plan to upgrade the project in the near future; if not, why not; and*
- (b) *what interim and long-term measures will be adopted to improve the traffic congestion problem in Southern District, and which of those measures can be implemented first?*

SECRETARY FOR TRANSPORT: Mr President,

- (a) An integral part of Route 7, from Kennedy Town to Aberdeen, is the section passing over the proposed Green Island Reclamation. As no decision has yet been taken on the reclamation, we cannot proceed with the project at present. We shall reinstate the project in the Public Works Programme once decisions have been taken on the reclamation.

- (b) To provide improvements to traffic to and from the Southern District, a number of new highway projects have been planned and some of them are being implemented. Projects in progress which are scheduled for completion in 1997 include:

Junction improvements at Pokfield Road/Pok Fu Lam Road

Widening of Pok Fu Lam Road from Pokfield Road to western entrance to Hong Kong University campus

Smithfield Extension

Rock Hill Street Extension

Belcher Bay Link to Western Harbour Crossing

Victoria Road/Pok Fu Lam Road junction widening and signalization

Victoria Road/Cadogan Street junction widening

Improvements to Victoria Road between Sandy Bay Road and Mount Davis Road.

All these projects should bring improvement to traffic flow to and from the Southern District.

Also under planning are further improvements to Victoria Road between Sassoon Road and Pok Fu Lam Road and a flyover at the Pok Fu Lam Road/Sassoon Road junction. These projects are scheduled for completion by the year 2000.

Suicides amongst Police Officers

10. **MRS SELINA CHOW** asked (in Chinese): *It is reported that a total of five police officers have committed suicide last year, with three cases taking place in December alone. The number of such suicide cases in 1995, as compared with that in 1993 and 1994 which stood at one and three respectively,*

represents an increase of 400% and 60% respectively. This has aroused concern among the public as well as within the Police Force. In this connection, will the Government inform this Council:

- (a) of the respective number of police officers who have committed and who have attempted to commit suicide in each of the past three years;*
- (b) what measures the Police Force will take to prevent the occurrence of similar incidents;*
- (c) how many cases requiring counselling are handled by the two clinical psychologists in the Police Force daily; and whether, given that in non-urgent cases police officers requiring counselling have to wait for at least one to two weeks before they are seen by the clinical psychologists, the Government will consider increasing the establishment of clinical psychologists in order to increase the counselling service; and*
- (d) whether, in view of the concern among some officers that promotion prospects of those who have received counselling may be jeopardised if their counselling records are passed to the Force management, the Police Force will ensure that such records will not be taken into consideration in the assessment for promotion process?*

SECRETARY FOR SECURITY: Mr President,

- (a) The figures for the past three years are as follows:

| | 1993 | 1994 | 1995 |
|--------------------------------|------|------|------|
| (i) Officers committed suicide | 1 | 2 | 5 |
| (ii) Officers | 6 | 4 | 8 |

attempted
to commit
suicide

(It should be noted that the number of officers committing suicide in 1994 should be two instead of three as stated in the question.) Honourable Members may also wish to note that the police suicide rate is broadly comparable to that of the rest of the community. For example, the mean annual suicide rate of police officers in the past six years is 14 per 100 000, compared to 11 to 14 per 100 000 for the rest of the community.

(b) The Force Management has always recognized that police service is a stressful occupation. Accordingly, the Force has taken proactive measures to equip and support police officers to cope with stress. These include:

- (i) promoting peer and community support;
- (ii) providing stress management training;
- (iii) providing sports and recreational facilities;
- (iv) improved welfare services to family members of police officers, for example, Police Welfare Fund, Police Education Trust, Police Education and Welfare Trust;
- (v) special services for health-impaired officers, for example, special counselling, posting, retraining.

In addition, the Force Management has emphasized the importance of early identification of officers at risk so that professional counselling services could be offered by Police Clinical Psychologists to those officers and their family members at the earliest opportunity.

(c) The daily number of cases handled by the two Police Clinical

Psychologists fluctuate, depending on the nature and complexity of the cases involved. To better reflect their workload, it is more useful to provide the caseload figures and the consultation sessions for the past three years:

| | <i>Cases</i> | <i>Total Consultation Sessions</i> |
|------|--------------|------------------------------------|
| 1993 | 647 | 803 |
| 1994 | 722 | 840 |
| 1995 | 788 | 925 |

Naturally, cases with a potential of suicide are accorded top priority in arranging counselling services. As a result, less urgent cases are delayed. In view of the increase in workload, the police will be considering the need to increase the number of Police Clinical Psychologists.

- (d) The Force Management has confirmed that the counselling records are kept in strict confidence and will not be disclosed for any other purposes including promotion or career development.

Rehabilitated Teenage Drug Addicts

11. **MR ERIC LI** asked (in Chinese): *In October last year, the Education Department rejected the application of the Christian Ching Sang Church to establish a special school for teenage drug addicts. In this connection, will the Government inform this Council:*

- (a) *of the reasons for rejecting the application of the Christian Ching Sang Church to establish the special school;*
- (b) *of the number of rehabilitated teenage drug addicts returning to mainstream education, as well as the number of such students who have subsequently dropped out, in each of past three years;*

- (c) *whether there have been any cases of a school refusing to admit rehabilitated or addicted teenagers in the past three years; if so, what is the number of such cases in each of the past three years and what are the reasons for refusal; and*
- (d) *whether any practical assistance is provided to rehabilitated students in helping them to integrate into mainstream education; if not, whether consideration will be given to providing additional resources and allowances for schools which have admitted rehabilitated students, requiring teachers of these students to receive special training, requesting such schools to provide special counselling to these students and arranging regular home visits?*

SECRETARY FOR EDUCATION AND MANPOWER: Mr President,

- (a) The Christian Ching Sang Church mentioned in the question should read Christian Zheng Sheng Association. We could not support the Association's proposal to set up a special school for young drug addicts because our primary objective is to assist these young people to reintegrate into ordinary schools or society as soon as possible. Joining a proposed special school would stigmatize them and jeopardize their early reintegration.

- (b) and (c)

The Education Department does not have figures on the number of rehabilitated juvenile drug addicts returning to mainstream education and those who have subsequently dropped out, nor figures on such students being refused admission to schools. This is because personal information on the past history of students, including criminal records, addiction to drugs, health condition and so on, is not required to be made known to the school authority or the Education Department.

- (d) As explained in (a) above, our present policy is to reintegrate rehabilitated juvenile drug addicts into ordinary schools as early as possible. The arrangement is that while young drug addicts undergo treatment, they will continue to receive education in basic

subjects. This will minimize the disruption to their school education. It will also facilitate their eventual return to the ordinary schools.

Starting from September 1995, the Education Department provides a block grant to drug treatment/rehabilitation centres for the delivery of educational programmes to young drug abusers up to 18 years old, plus resource teaching materials and education television programmes. Also, the drug treatment/rehabilitation centres concerned may, in consultation with the Education Department, propose a suitable school placement plan for the young rehabilitees including whether they should be placed in schools with a more practical content such as practical schools or skills opportunity schools. Upon receipt of such a proposal, the Education Department will initiate follow-up placement arrangement.

Once back to school, the young rehabilitees have equal access as other students to a wide range of guidance, counselling, psychological and remedial support services provided by the schools and the Education Department, to assist them in overcoming their adaptation, learning difficulty and other reintegration problems. Where necessary, student guidance teachers/officers in primary schools and school social workers in secondary schools will conduct home visits. If serious family problems are identified, referrals for support from the family services units of the Social Welfare Department will be made.

On teacher training, the Hong Kong Institute of Education has included drug education in the curriculum of its teacher education programmes. The Education Department, in conjunction with the Narcotics Division of the Security Branch, regularly organizes in-service training courses for primary and secondary school teachers to enhance their knowledge on drug abuse and skills in implementing drug education. Starting from 1995, it also jointly organizes with the Community Drug Advisory Council drug education courses for teachers. To provide teachers with more information on drug education, a Drug Education Resource Centre will be set up in late March 1996.

Legislative Control on Transportation of Asbestos Waste

12. **DR LEONG CHE-HUNG** asked: *Will the Administration inform this Council:*

- (a) whether there is any legislation currently in operation governing the transportation of substances containing asbestos, such as dismantled building wastes;*
- (b) if the answer to (a) is in the affirmative, which government department is responsible for enforcing the law; what is the number of prosecutions instituted against those in breach of the law in the past three years; and what is the average as well as the range of penalty imposed on those convicted;*
- (c) if the answer to (a) is in the negative, whether the Government will introduce legislation to control the transportation of substances such as asbestos dust which is harmful to health; and*
- (d) when Parts VIII and IX of the Air Pollution Control Ordinance, dealing with control of environmental asbestos and asbestos control works, which were enacted in February 1993, will be brought into operation; and what have been the reasons for the delay?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President,

- (a) The collection, transportation and disposal of asbestos waste are controlled under the Waste Disposal (Chemical Waste) (General) Regulation of the Waste Disposal Ordinance (Cap. 354).
- (b) and (c)

The Environmental Protection Department is responsible for the enforcement of the legislation. A total of three prosecutions covering 11 separate offences for the improper handling of asbestos waste were made in the past three years, one in 1994 and two in

1995. The penalties imposed on the offences ranged from HK\$3,000 to HK\$10,000.

- (d) The implementation of the asbestos control provisions under Parts VIII and IX of the Air Pollution Control Ordinance requires subsidiary legislation for the registration of qualified personnel for handling of asbestos materials and a code of practice on asbestos abatement works. Consultation with the trade on the detailed controls and the related administrative arrangements has taken some time. Both the Regulation and the Code of Practice are now at the final stage of drafting. We aim to implement the control scheme by mid-1996.

Traffic Accidents Involving Siren-sounding Police Cars

13. **MR FRED LI** asked (in Chinese): *Regarding the incident which occurred in Kwun Tong in October last year in which a siren-sounding police car struck down and killed a pedestrian who was crossing the road whilst the pedestrian signal was displaying the green light, will the Government inform this council:*

- (a) *of the code of practice governing police officers using the siren in police cars;*
- (b) *whether siren-sounding police cars will be exempted from legal liability in the event of such cars being involved in traffic accidents;*
- (c) *whether there is any safety code on siren-sounding police cars passing through pedestrian crossings; if so, what the details are; if not, why not; and*
- (d) *what specific measures have been put in place to prevent similar incidents from occurring?*

SECRETARY FOR SECURITY: Mr President, let me first convey, on behalf of the Commissioner of Police, the Force's regrets over the tragic accident that occurred in Kwun Tong in October last year. The victim's family has been

awarded the maximum amount under the Traffic Accident Victim Assistance Scheme (TAVAS); in addition, they have the right to pursue compensation through civil proceedings. Police officers are required to exercise extreme caution and to give top priority to the safety of pedestrians and other road users when they are in high-speed pursuit of vehicle or in a siren-sounding police car. Proper measures have been put in place to prevent similar accidents from occurring. I shall now elaborate on these and answer the respective questions below.

- (a) The code of practice governing police officers using the siren in police cars is carefully laid down in the Force Procedures Manual, Police General Orders, and the relevant Headquarter Orders. In essence, the code sets out the following:
 - (i) The siren is used to give proper warning to other road users and its use should be kept to the minimum.
 - (ii) The senior officer in a vehicle should exercise his/her discretion on the use of the siren, having regard to the nature of the incident to which he/she is responding, the degree of obstruction caused by vehicular or pedestrian congestion, and the adverse effect the siren may have on the likelihood of arresting the culprits at the scene of crime.
 - (iii) When the driver of a police vehicle has to proceed against traffic light signals in the course of answering an emergency call, he/she should do so only when he/she is certain there is no risk of causing an accident, using extreme caution and sounding the siren continuously.
- (b) Siren-sounding police cars are not exempted from legal liability if they are involved in traffic accidents. The driver of a police vehicle is personally accountable in law for any careless or reckless driving. In addition, police officers driving in pursuit of vehicles, regardless of whether the siren is sounding, are not immune from criminal prosecution in respect of offences committed during the pursuit, or from civil proceedings in respect of injuries sustained by any person as a result of the pursuit. In the case referred to in this question, the police officer has been charged with "reckless driving causing death".

- (c) The safety code on siren-sounding police cars passing through pedestrian crossings is part of the code of practice governing police officers using the siren in police cars, which are summarized in (a)(iii) above.
- (d) To prevent similar accidents from occurring, the following measures have been put in place by the Police Force:
 - (i) *Code of Practice*: as mentioned above, guidelines on high-speed pursuit and the use of siren are carefully laid down in the Force Procedures Manual, Police General Orders and relevant Headquarter Orders. Police officers on driving duty have been reminded of the importance of complying with these guidelines.
 - (ii) *Stringent and Regular Training*: Police drivers, be they full time or otherwise, are subject to very stringent training before they are qualified to drive a police vehicle. The basic training includes a four-week full-time course, which is supplemented by advance courses with a minimal training of two weeks for each type of police vehicle. All police drivers are re-tested every five years.
 - (iii) *Remedial training*: Once a police driver was involved in a traffic accident while on duty, the Senior Superintendent of Police (Transport) will study the facts of the incident. Should the officer be considered at fault, he will be suspended from driving duty until he is re-tested at the Police Driving School, even when the fault does not constitute a breach of the Road Traffic Ordinance.

Sponsored Visitors' Programme

14. **DR DAVID LI** asked: *In regard to the visits to the territory by ministers from overseas countries arranged under the Information Services Department's*

Sponsored Visitors' Programme, will the Government inform this Council of the following:

- (a) what is the total number of such visits arranged by the Information Services Department in the past three years; and what is the number of such visits where the programme of activities has included meetings with Members of this Council;*
- (b) what is the total amount of expenditure incurred by the Government in connection with such visits in the past three years;*
- (c) what follow-up actions, if any, have been taken by the visitors in reflecting the territory's political, social, and economic developments to their respective Governments; and*
- (d) whether any assessment has been made to determine the value and benefits of such visits?*

SECRETARY FOR HOME AFFAIRS: Mr President,

- (a) The total number of visits arranged by the Information Services Department for overseas VIPs in the past three years is as follows:

| | <i>Type of Visit</i> | <i>1992-93</i> | <i>1993-94</i> | <i>1994-95</i> | <i>1.4.95-31.12.95</i> |
|-------|----------------------|----------------|----------------|----------------|------------------------|
| (i) | Fully-sponsored | 42 | 38 | 59 | 42 |
| (ii) | Partially-sponsored | 46 | 65 | 31 | 45 |
| (iii) | Programme-only | 121* | 148* | 90(594)* | 86(459)* |

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

As can be seen from the table, there are three types of VIP visits arranged by the Department: (i) fully-sponsored visits where the visitors are invited to Hong Kong by the Government and all expenditure relating to airfares, hotel accommodation, meals and

land transport is met by the Government; (ii) partially-sponsored visits where the VIPs visit Hong Kong for their own purposes and are invited to extend their visits by a few days to undertake a government programme. Hotel accommodation, meals and land transport of these visits are paid for by the Government; and (iii) programme-only visits where the Government simply arranges a programme of visits and meetings for the visitors and thus government expenditure is minimal.

Since mid-1994, it has been the practice to ask the Legislative Council Secretariat to arrange a meeting with representatives of as wide a range of political parties as possible and individual independent Members for each fully-sponsored visitor, as well as for visitors in the other two categories who may request such meetings. Prior to this time, meetings were arranged for all British MPs and other VIPs who indicated an interest to meet Members.

- (b) The total expenditure incurred by the Government in respect of all fully-sponsored, partially-sponsored and programme-only visitors in the past three years is as follows:

| <i>1992-93</i> | <i>1993-94</i> | <i>1994-95</i> | <i>1.4.95-31.12.95</i> |
|----------------|----------------|----------------|------------------------|
| \$2.53m | \$2.54m | \$3.46m | \$3.15m |

- (c) It is not practicable for the Hong Kong Government to monitor and record every occasion on which VIP visitors make their home governments aware of developments in Hong Kong. Nevertheless, feedback from the Government's overseas Economic and Trade Offices (ETOs) indicates that many VIPs do, indeed, use their newly-acquired knowledge of Hong Kong when taking part in debates involving the territory or in other ways pertaining to their own professional backgrounds. (Not all VIP visitors are politicians: the Government also targets senior officials, business people, academics and think-tank personnel.)
- (d) Since the outcome of these visits does not lend itself to quantitative analysis, no attempt has been made to measure their impact. Nevertheless, feedback (both written and oral) from those in Hong Kong who brief the visitors, the Government's ETOs and the

visitors themselves indicates very strongly that the vast majority of these visits succeed in instilling in the visitors, very favourable impressions of Hong Kong and in correcting any ignorance or misperceptions which the visitors may have harboured before they arrived.

Overall Thermal Transmission Value Submissions

15. **DR SAMUEL WONG** asked: *With the enactment of the Building (Energy Efficiency) Regulation in July last year, the submission of Overall Thermal Transmission Value (OTTV) calculations on prescribed forms, along with the submission of building plans, has become a statutory requirement. In this connection, will the Government inform this Council:*

- (a) *how many OTTV submissions have been received by the Buildings Department in the past six months; and*
- (b) *of the submissions referred to in (a), how many have been approved by the Buildings Department, how many have been rejected necessitating re-submission, and how many are in respect of existing buildings requiring renovation/redecoration work that would affect the OTTV?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President,

- (a) Since 21 July 1995, the Buildings Department has received eight Overall Thermal Transmission Value (OTTV) submissions arising from new commercial or hotel development. The Department, however, does not compile statistics on OTTV submissions specifically for renovation/redecoration works in existing buildings;
- (b) Out of the eight submissions mentioned in (a), seven have been accepted and one has been rejected. No re-submission has been received.

Control of Signboards

16. **DR JOHN TSE** asked (in Chinese): *Will the Government inform this Council of the following:*

- (a) *what legislation or administrative measures are in place to monitor the hanging of signboards outside buildings; whether such legislation and measures impose any limit on the size of signboards; if not, whether it will consider introducing legislation to that effect;*
- (b) *whether it will consider introducing legislation requiring the commercial establishments concerned to take out insurance on their signboards hanging outside buildings, so as to ensure that victims will be compensated in the event of an accident;*
- (c) *what measures it has taken to ensure that worn-out or out-dated signboards will be disposed of without using public funds; and*
- (d) *whether it will consider imposing charges on those signboards occupying public space?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President,

- (a) There are a number of legislative and administrative measures to control the erection of overhanging signboards outside buildings. The more important ones and their main purposes are as follows:

Legislation

- Buildings Ordinance: to ensure that the overhanging signboards outside private buildings are structurally safe;
- Crown Land Ordinance: to control unauthorized signs or signboards on unleased Crown land;
- Shipping and Port Control Ordinance: to empower the Director of Marine to direct the removal or screening of a light or illuminated sign if it obscures, restricts, interferes or

may be mistaken for any signal or navigational light which might adversely affect the safe navigation of vessels in Hong Kong waters;

- Summary Offences Ordinance: to empower the police to prosecute a person who causes an obstruction by setting up an unsafe projection from a building or allowing a sign to be left in public place and thereby causing obstruction to other persons or vehicles.
- Section 105 of the Public Health and Municipal Services Ordinance: to authorize the removal of signboards which are dangerous or likely to become dangerous;
- Advertisement By-laws made under the Public Health and Municipal Services Ordinance: to ensure that the overhanging signboards do not obstruct any fire escape or become any source of serious risk of fire.

Administrative Measures

- Land lease conditions.

The size of a signboard may be a factor in deciding whether or not its erection is prohibited under the above legislation or administrative measures.

- (b) No. Victims in an accident may be able to claim for damage by taking civil action.
- (c) Staff of the Buildings Department regularly carry out inspections to identify dangerous, potentially dangerous or abandoned overhanging signboards for subsequent removal. The Department has also sought the support and co-operation of district boards in carrying out district-based clearance operations.

Where the signboard owner can be traced, the Government will recover from him the costs of the removal works, including a supervision charge.

- (d) At present, only signboards containing non-commercial advertisement on matters of interest to the public are allowed to be displayed on Government land and there is no financial charge for such display. Commercial advertisements are not allowed to occupy government land for display.

Road Access to Fo Tan

17. **MISS EMILY LAU** asked (in Chinese): *As there is only one main road connecting Fo Tan in Sha Tin with other districts, any congestion on that road may cause delay to rescue work in the event of fire or accident. In this connection, will the Government inform this Council whether:*

- (a) *it has any contingency plan to cope with the above situation such as calling in the Government Flying Service for assistance, and whether there is any place within the district which can be used for landing and take-off by helicopters; and*
- (b) *consideration will be given to building more roads to link up Fo Tan with other districts so as to improve the traffic situation in the district?*

SECRETARY FOR TRANSPORT: Mr President,

- (a) The emergency services are trained and equipped to deal with major fires and accidents. The departments involved review their contingency plans periodically; this includes determining how best they can get to the scene of any emergency as quickly as possible. There are standing arrangements to request assistance from the Government Flying Service (GFS) should such a need arise. The following sites in the Fo Tan area can be used by helicopters:
 - (1) the open ground near Sui Wo Court adjacent to the market;
 - (2) the open ground near Lai Wo Lane adjacent to the service

reservoir; and

- (3) the open ground near Greenwood Terrace adjacent to the Sui Wo Road cul-de-sac.
- (b) There are plans to improve roads in Fo Tan and to provide an additional external road link. These include the widening of Fo Tan Road to a dual three-lane carriageway and the provision of an additional access route linking Lok Shun Path to Tai Po Road north of Fo Tan. These two new road schemes require land acquisition. Every effort will be made to speed up the legal and administrative process to enable us to start work early. In the interim, a package of short-term traffic management schemes covering junction widening, signal improvements and no-stopping restrictions will continue to be pursued to improve traffic circulation.

Rural Primary Schools

18. **MR WONG WAI-YIN** asked (in Chinese): *In regard to the closing down of rural primary schools, will the Government inform this Council:*

- (a) *of the number of rural primary schools at present;*
- (b) *what is the total number of rural primary schools which have closed down over the past three years, and how many rural primary schools are expected to close down in the coming year; and what is the proportion of these schools to the total number of rural primary schools in the territory;*
- (c) *of the reasons for the closure of these schools;*
- (d) *of the arrangements made for the pupils and teaching staff affected by the closure of these schools; and*
- (e) *whether the Government has any comprehensive policy on rural primary schools, and whether consideration will be given to converting existing half-day rural primary schools into whole-day schools to facilitate the development of such schools?*

SECRETARY FOR EDUCATION AND MANPOWER: Mr President, the *1981 White Paper on Primary Education and Pre-primary Services* reviewed the continued existence of rural primary schools and noted that very small schools were by and large educationally inefficient. It therefore concluded that rural primary schools of less than six classes should be closed wherever possible. In accordance with this policy, we have over the years closed a number of rural primary schools and replaced them by larger schools serving a wider catchment area.

As regards part (a) of the question, there are 104 rural primary schools in the 1995-96 school year.

As regards part (b) of the question, a total of 30 rural primary schools were closed in the past three years, broken down as follows:

| <i>Year</i> | <i>No. of rural primary schools closed</i> |
|-------------|--|
| 1993 | 7 |
| 1994 | 11 |
| 1995 | 12 |

All these schools had less than six operating classes at the time of their closure. We intend to close another seven rural schools of similar sizes in 1996, representing 6.7% of all rural primary schools in the territory.

As regards part (c) of the question, the reason for the closure of these schools is set out in the opening paragraph of this reply.

As regards part (d) of the question, when a rural primary school is closed, arrangements will be made for the affected pupils to continue their studies in a larger school or schools nearby. Wherever possible, they are placed in standard schools which have better environment and facilities. Alternative employment in other aided schools will also be arranged for the staff affected through a placement service of the Education Department.

As regards part (e) of the question, the current policy on rural primary schools is laid down in *the White Paper on Primary Education and Pre-primary Services* published in 1981 referred to in the opening paragraph. This includes the establishment of new central primary schools to replace smaller rural primary

schools in the vicinity. Between 1984 and 1995, we have built four central primary schools — two in Sai Kung, one in Sha Tau Kok and one in Hang Hau — replacing a total of 23 smaller rural schools. Furthermore, we have encouraged rural primary schools to adopt the Activity Approach in teaching, under which they will receive enhanced recurrent and non-recurrent grants, and to convert from bi-sessional to whole-day operation, under which they will receive an enhanced class grant. At present, 65 of the existing 104 rural primary schools already operate on a whole-day basis. The Education Department will continue to encourage rural primary schools to convert to whole-day operation wherever possible, taking into account factors like the demand and supply of school places in the area, and the views of the teachers and parents.

Temporary Bus Services to New Airport

19. **DR LAW CHEUNG-KWOK** asked (in Chinese): *It is learnt that the new Airport at Chek Lap Kok will be completed and inaugurated in April 1998, while the Airport Railway will not be ready until June of that year. In order to fill the two-month "vacuum" period, the Government will make arrangements for the deployment of 180 buses to provide services to passengers. In this connection, will the Government inform this Council:*

- (a) *whether the Government has formulated any plan for such deployment; if so, what are the details;*
- (b) *what measures will be taken to ensure that such deployment will not affect normal public bus services; and*
- (c) *whether consideration has been given to the adoption of effective measures which will enable the Airport Railway to be completed earlier to tie in with the inauguration of the new Airport?*

SECRETARY FOR TRANSPORT: Mr President, the Administration commissioned the Transport Study for the New Airport (TRANSNA) in June 1995. The primary objective of TRANSNA is to develop a strategy for the provision of public transport services to the New Airport and Lantau for the period from 1997 to 2006, having regard to passenger demand, financial viability,

public acceptability and fare levels.

The Airport Railway will be an integral mode of the public transport system to the New Airport. On the basis of the respective target opening dates of the New Airport and the Airport Railway in April and June 1998, TRANSNA has identified that an additional 180 buses will be required to cater for the needs of air passengers.

The Administration and the Mass Transit Railway Corporation (MTRC) will do its best to accelerate the earlier completion of the Airport Railway. In the event that extra buses have to be provided as an interim measure, this can be arranged with the assistance of existing operators, for example, through adjusting their bus acquisition and disposal programmes. Normal bus services will not be affected since there is no question of reducing the frequency of buses from existing routes.

The construction of the Airport Railway is progressing well. The MTRC has a good track record of completing projects ahead of schedule and within budget. We are constantly reviewing with the MTRC the construction programme of the Airport Railway. The Corporation will make every endeavour and take all possible steps to complete the project earlier so as to synchronize the opening dates of the airport and the railway as far as possible.

Summary Administration of Estate

20. **MR BRUCE LIU** asked (in Chinese): *Under the Probate and Administration Ordinance, the survivor(s) of a deceased person may request the Official Administrator to administer an estate in a summary manner if it does not exceed \$50,000 in total value. In this connection, will the Government inform this Council:*

- (a) *when the limit of \$50,000 was set, and what criteria were adopted for determining such a limit;*
- (b) *whether the limit is subject to regular review and whether consideration will be given to raising that limit; and*

- (c) *how many people have requested the summary administration of estates in each of the past three years?*

SECRETARY FOR HOME AFFAIRS: Mr President,

- (a) The limit of \$50,000 was set in 1983 having regard to inflation since the limit was previously prescribed in 1971.
- (b) The limit is reviewed from time to time. Consideration is currently being given to the Honourable Bruce LIU's Member's "Probate and Administration (Amendment) Bill 1996" which proposes to raise the limit to \$150,000.
- (c) The number of people in the past three years who have requested and been granted summary administration of estates by the Official Administrator is given in Column I in the table below.

Column II of the table lists out the number of people who have been rendered assistance by the Probate Registry in preparing papers for the issue of a grant of representation for the applicant himself to administer the deceased's estates. In some cases, the value of the estates were over \$50,000 and below \$100,000.

| <i>Year</i> | <i>Column I</i> | <i>Column II</i> | <i>Total</i> |
|-------------|-----------------|------------------|--------------|
| 1993 | 1 342 | 2 220 | 3 562 |
| 1994 | 1 716 | 2 449 | 4 165 |
| 1995 | 1 808 | 2 872 | 4 680 |

BILLS

First Reading of Bills

BIOLOGICAL WEAPONS BILL

CRIMINAL PROCEDURE (AMENDMENT) BILL 1996

MENTAL HEALTH (AMENDMENT) BILL 1996**ENVIRONMENTAL IMPACT ASSESSMENT BILL**

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

Second Reading of Bills**BIOLOGICAL WEAPONS BILL**

THE SECRETARY FOR SECURITY to move the Second Reading of: "A Bill to prohibit the development, production, acquisition and possession of certain biological agents and toxins and of biological weapons."

He said: Mr President, I move that the Biological Weapons Bill be read a Second time.

This Bill seeks to localize the provisions of the Biological Weapons Act 1974 of the United Kingdom which has been extended to Hong Kong for the purpose of implementing in Hong Kong the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction. It is well recognized that biological weapons are extremely dangerous and capable of causing mass destruction and suffering. As an important centre for international trade in goods and services, it is desirable that we should make it clear to the international community that the obligations arising from the Convention will continue to apply to Hong Kong as we are committed to the prevention of the proliferation of weapons of mass destruction. The enactment of the Bill would enable Hong Kong to continue to implement the Convention after 30 June 1997. The continued application of the Convention after the transfer of sovereignty and the localization of the relevant United Kingdom legislation have been agreed in the Joint Liaison Group.

Thank you, Mr President.

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

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

CRIMINAL PROCEDURE (AMENDMENT) BILL 1996

THE SECRETARY FOR SECURITY to move the Second Reading of: "A Bill to amend the Criminal Procedure Ordinance."

He said: Mr President, I move that the Criminal Procedure (Amendment) Bill 1996 be read a Second time.

This Bill, in conjunction with the Mental Health (Amendment) Bill 1996, seeks to achieve two main objectives. First, in cases involving accused persons who are unfit to plead in court, the jury should be empowered to determine whether the accused person did the act or made the omission charged. Secondly, in dealing with accused persons who are found not guilty by reason of insanity, the court should be able to exercise a wider range of disposal options. These options will include guardianship orders, supervision and treatment orders, and orders for absolute discharge. The Bill also provides for these disposal options to be extended to the magistracy. I shall explain these proposals in more detail.

At present, under the Criminal Procedure Ordinance, the only option to deal with an accused person found unfit to plead in court or not guilty by reason of insanity is to send that person to the Siu Lam Psychiatric Centre or a mental hospital for indefinite detention. Since an accused person found unfit to plead is incapable of being tried and there is no requirement for the court to determine whether such a person did the act or made the omission charged, it is possible that an innocent person can be detained in a mental hospital indefinitely because he suffers from a mental disability and is unfit to plead.

Such indefinite detention can happen no matter how minor the alleged offence is or how harmless the accused person may be. The period of detention may greatly exceed the maximum sentence for the alleged offence. Clearly, the present provisions in the law are far from satisfactory, because they do not allow sufficient flexibility of options for the court to properly deal with accused persons who are mentally disordered and are unfit to plead.

The same problems arise with cases handled by the magistracy. Although a magistrate has no jurisdiction to make a finding of unfitness to plead or not guilty by reason of insanity, he has discretion under the Mental Health Ordinance and in respect of an offence punishable on summary conviction by imprisonment, to make an order to detain an accused person in the Siu Lam Psychiatric Centre or a mental hospital. The magistrate can make such an order if he is satisfied that the person did the act or made the omission charged, and is suffering from mental disorder which warrants the detention.

The present law is based largely on the United Kingdom Criminal Procedure (Insanity) Act 1964, which was widely criticized in the United Kingdom for the problems I have just mentioned. The Act was, therefore, amended in 1992 to enable a jury to determine whether an accused person who is unfit to plead did the act or made the omission charged. The jury may now return a verdict of acquittal, or a verdict that the person did the act or made the omission charged. In the latter case, the court may exercise additional disposal options besides detention in a mental hospital. These additional options are guardianship orders, supervision and treatment orders, and orders for absolute discharge. The amended legislation in the United Kingdom also provides that these various options can apply to accused persons who are found not guilty by reason of insanity.

We propose to introduce similar provisions to those available in the United Kingdom, and to extend the comprehensive range of disposal options to the magistracy, in addition to the High Court and the District Court.

We also propose, as a separate amendment, to introduce measures to protect child witnesses from the trauma of testifying in court in incest cases. An example of such measures is to allow a child's videotaped testimony to be produced as evidence in court. Under existing legislation, protection of this kind accorded to child witnesses in criminal proceedings is not applicable in incest cases.

The proposed legislative amendments I have just described are improvements to existing arrangements. These changes are desirable and should be welcomed by the public.

Thank you, Mr President.

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

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

MENTAL HEALTH (AMENDMENT) BILL 1996

THE SECRETARY FOR SECURITY to move the Second Reading of: "A Bill to amend the Mental Health Ordinance."

He said: Mr President, I move that the Mental Health (Amendment) Bill 1996 be read a Second time.

The purpose of this Bill is to set out the details of the additional disposal options which I mentioned when I spoke on the Criminal Procedure (Amendment) Bill 1996 earlier. I have already explained the merits and principles of these legislative amendments and shall not repeat them here.

Thank you, Mr President.

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

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

ENVIRONMENTAL IMPACT ASSESSMENT BILL

THE SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS to move the Second Reading of: "A Bill to provide for assessing the impact on the environment of certain projects and proposals, for protecting the environment and for incidental matters."

He said: Mr President, I move the Second Reading of the Environmental Impact Assessment Bill.

This important Bill is part of the Government's efforts to prevent future abuses of the environment. The provision of statutory backing to Environmental Impact Assessments (EIA) will enable us to better safeguard the well-being of the community and protect the environment, as well as improve upon the existing administrative arrangements for EIA.

First, the Bill will help to ensure that project proponents comply with the notification requirements for projects, undertake subsequent EIA studies, fully implement the mitigation measures recommended in such studies, and make allowance for the cost and programming implications of EIA findings at the planning stage.

Second, the Bill will provide an effective enforcement mechanism to ensure that EIA recommendations are properly complied with. We shall be able to apply the EIA requirements consistently to major development projects, and obviate the need for lengthy negotiations between project proponents and officials on how EIA recommendations can be enforced.

Third, by providing a clear framework for the environmental assessment of projects likely to have a significant impact on the environment, the Bill will replace the existing administrative arrangements with statutory provisions that are clear-cut, transparent, and accountable to the public. I will now highlight the main clauses of the Bill to illustrate how these improvements are provided for.

Part II of the Bill deals with the EIA itself. For example, clause 4 provides for the designation of development projects with the potential to cause environment impacts as Designated Projects which require an Environmental Permit. These projects are listed in the Schedules to the Bill, and cover both public and private sector developments.

Clauses 5 to 8 of the Bill outline the EIA process, the key features of which are the requirement that a proponent of a Designated Project apply to the Director of Environmental Protection for an EIA study brief, the requirement that

the Director act on such an application, and if necessary subsequent environment assessments, within statutory time limits; and the provision for formal public consultation.

On public consultation, this Council will be pleased to hear that project proponents will be required to make the EIA reports available for the inspection of the public and advisory committees. The comments from the public and advisory bodies, such as the Advisory Council on the Environment, will be taken into account when determining whether an Environmental Permit should be issued and what conditions, if any, should be stipulated.

Clause 9 of the Bill renders it an offence to carry out a Designated Project without an Environmental Permit, or not in accordance with conditions of such a Permit, and lists projects which are exempt from the provisions of the Ordinance, for example, existing and committed projects which have already commenced construction or operation.

In order to assist project proponents to fulfill their statutory obligations, clause 16 in Part V of the Bill provides for technical memorandums to cover the principles, procedures, guidelines, requirements and criteria for the various stages to be followed. Such memorandums will have the status of subsidiary legislation and will be submitted to this Council for negative approval after enactment of the Bill and after consultation with interested parties. To assist Members in their examination of the Bill, a draft Technical Memorandum, reflecting several years of experience in administering EIA, will be circulated to Members shortly.

Part VII and VIII of the Bill provide for enforcement issues and penalties for offences. The Director of Environmental Protection may, for example, investigate possible offences and, with the approval of the Secretary for Planning, Environment and Lands, require the cessation of works. The principal offences are failure to obtain an Environmental Permit, breaching the terms of a Permit and interference with the enforcement of the legislation.

Finally, the Bill also provides for an independent Appeal Board to settle disagreements on major decisions relating to an environmental permit and on the conditions imposed in the permit.

Mr President, the Bill represents a right balance between the need to protect our environment and the need to allow important development projects to take place. The Administration also believes that this view is shared by the community. A number of organizations, including major industrial and commercial undertakings, government branches and departments involved in public works, the Real Estate Developers Association of Hong Kong, the Lands and Building Advisory Committee, the Industry and Technology Development Council, environmental groups, and professional bodies concerned were consulted in the formulation of the proposals and provisions of the Bill.

An outline of the proposed statutory framework for the conduct of EIA was presented to the Advisory Council on the Environment in April 1994, and to a joint meeting of this Council's Environmental Affairs and Planning, Lands and Works Panels in July 1994. Having advised on a number of implementation details, these bodies supported the legislation in principle, and asked for early introduction of the Bill. The draft Bill was considered and supported by the Advisory Council on the Environment in November 1995.

As the Bill largely formalizes existing requirements, we do not envisage that the statutory arrangements for EIA will lead to additional project costs or more time to implement a project. But we do believe that the Bill will have major environmental benefits and will bring Hong Kong into line with other modern communities where similar arrangements apply.

Thank you, Mr President.

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

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

MEMBER'S MOTIONS

PROTECTION OF WAGES ON INSOLVENCY ORDINANCE

MR LEE CHEUK-YAN to move the following motion:

"That -

- (1) with effect from 2 February 1996 ("the effective date"), section 16 of the Protection of Wages on Insolvency Ordinance be amended -
 - (a) in subsection (2)(b) by repealing "\$18,000" and substituting "\$36,000";
 - (b) in subsection (2)(e)(i)(B) by repealing "\$6,000" and substituting "\$22,500",
 - (c) in subsection (2)(f)(i) by repealing "\$24,000" where it twice occurs and substituting "\$36,000";
- (2) the Ordinance as amended by this Resolution shall not apply in respect of wages, wages in lieu of notice and a severance payment the liability for payment of which arose before the effective date; and
- (3) the Ordinance as in force immediately before the effective date shall apply to wages, wages in lieu of notice and a severance payment the liability for payment of which arose before that date as if this Resolution had not been made and passed."

MR LEE CHEUK-YAN (in Cantonese): Mr President, I move the motion standing in my name on the Order Paper.

The main point of my motion is to improve payments from the Protection of Wages on Insolvency Fund. The purpose of establishing the Fund is to make payments to employees who are owed arrears of wages, wages in lieu of notice or severance payment by their insolvent employers so as to protect their statutory rights. I have to emphasize here that we are not talking about amending the Employment Ordinance or enabling employees to acquire more protection under the Employment Ordinance. What I am talking about is merely how to ensure that, on insolvency of their employers, the workers will not lose the protection they are entitled to under the Employment Ordinance. It is therefore hoped that Members will take note at the outset that we do not intend to add to the burden of

the employers.

My motion mainly seeks to increase the maximum limits of payments in respect of arrears of wages from \$18,000 to \$36,000 and wages in lieu of notice from \$6,000 to \$22,500 while the Government in its amendment proposes to increase the payments to \$32,000 and \$10,000 respectively. As to severance payment, my motion seeks to increase the maximum limit from \$24,000 plus 50% of the balance entitlement to \$36,000 plus 50% of the balance entitlement, while the Government proposes in its amendment that it is to remain unchanged.

Why do I want to increase the protection? It is mainly because increasing the protection will benefit both the workers and the employers. Increasing the protection will not add to the burden of the employers but it will give maximum protection to the workers so that they can enjoy their full statutory rights. The employers will also benefit if the workers have better protection of their statutory rights. This is because if the workers can have better protection from the Fund, the contradictions between the workers and the employers will be less severe. The workers will feel more at ease, knowing that the Fund will at least give them the necessary protection.

As to the second reason, I would like to draw Members' attention to the fact that the financial position of the Fund is very sound. As there is a sizable surplus year after year, there is no reason why we should not introduce substantial improvement. Let me disclose the present financial position of the Fund: it has now accumulated a huge surplus of almost \$800 million. The annual income of the Fund is \$200 million but its annual expenditure is only \$100 million. So, the Fund has an annual surplus of \$100 million. Under such circumstances, why should we not introduce more improvement? Let me figure it out for you: My resolution will only cause the Fund to increase its annual expenditure by \$40 million for the next three years, and the Fund still has an annual surplus of \$60 million. Thus, my resolution will not adversely affect the financial position of the Fund by turning it to a deficit. With an annual surplus of \$60 million, the financial position of the Fund is still very strong and why should we not be more generous to the workers?

I would like to appeal to Members to give more protection to the workers of Hong Kong by letting them enjoy better statutory rights.

Someone asked if I had worked out the proposed figures arbitrarily. Let me show you how they are worked out. Regarding the maximum limit of

arrears of wages, I propose that it should be raised from \$18,000 to \$36,000 while the Government proposes that it should be raised to \$32,000, which is \$8,000 small x 4, \$8,000 being the median wage in the fourth quarter of 1994. Now if you look at the development of the median wage, you will see that it was \$8,200 in the first quarter of 1995 and \$8,500 in the third quarter of 1995. Assuming that there will be a 10% increase, it is estimated that the median wage in the first quarter of 1996 will be \$9,000. My proposed maximum limit of \$36,000 is worked out on the basis of a median wage of \$9,000. The Government, however, uses the median wage of the fourth quarter of 1994, which lags more than one year behind.

Regarding the maximum limit of wages in lieu of notice, I propose that it should be raised from \$6,000 to \$22,500 while the Government proposes that it should be raised to \$10,000. How do I work out the proposed \$22,500? As you know, there is a maximum monthly salary of \$22,500 for calculating severance pay and long service gratuity in accordance with the labour legislation. Since the labour legislation has accorded the monthly paid workers such maximum protection, I think it is logical that the Fund should give workers the same maximum protection.

As to my proposal to raise the maximum limit of severance payment from \$24,000 to \$36,000, some said that the limit was raised in July last year. I recall telling the Government during the debate in July that I would propose an amendment as soon as possible. What is most important is that since the financial position of the Fund is so good, there is no reason why we should not improve the severance payment. Why should we insist that since the payment was increased half a year ago, there should be no more increase? I have to emphasize once again that what we are talking about is the statutory rights which are accorded to the workers under the labour legislation. We are after something we are entitled to, not something extra. For this reason, I think that my proposal is more realistic than that of the Government.

I believe the Government will later on accused me of undermining the mechanism of the Labour Advisory Board (LAB) and the Protection of Wages on Insolvency Fund Board. The Fund Board is a management body appointed by the Government while the LAB is the Government's advisory body. Does the Government mean that these two organizations are above the Legislative Council? If the Government's logic stands, then the decisions made by the 400-odd advisory boards and committees in Hong Kong will have to be accepted by the Legislative Council. Perhaps someone may say that the LAB is different, because what is being discussed there will have to be funded by the employers.

I would like to reiterate that what we are talking about will not involve the employers financially. The employers have already taken out an insurance policy and a Fund has also been established. The Fund has a surplus of \$100 million and so the employers do not have to pay any extra money. There is no need to increase the levy of \$250, although I know that the Honourable James TIEN wants to have it reduced. Just like the proposals of other advisory boards and committees, my proposal will not incur any extra payment on the part of the employers. I hope Members will note that my proposal should not be construed as adding to the burden of the employers.

On the other hand, I would like to point out how the decision was reached. When the Fund Board discussed the Government's proposal, two labour representatives raised their objections. They said they had reservations because they wanted to increase the limits. When the LAB discussed this matter, certain labour representatives also asked if the limits could be further increased. However, the LAB as an advisory body does not function like the Legislative Council. In the Legislative Council, a Member can move a motion to increase the limits for all Members to vote on it. However, it is quite different in the case of the LAB. The Government will only give you one choice and you will have to decide whether or not to accept it. The labour representatives may suggest some improvement but the Government will not accept any change. The labour representatives have to accept the Government's proposal, as there is no other choice. My proposal is based on the opinion expressed by the labour representatives at the meetings of the two Boards in order to give the Legislative Council a chance to increase payments from the Fund Board.

The Government may later on accuse me of undermining the mechanism of the relevant boards. It was the Honourable LEE Kai-ming who reminded me yesterday that the Protection of Wages on Insolvency Fund Board had previously requested the Government to exempt them from administration fees. Did the Government accede to their request? Not at all. It is the Government that has undermined the mechanism of the Fund Board by not listening to their request. I think this is double standard. If the Government accuses me of undermining the mechanism, I will ask the Government why it did not accede to the request of the Fund Board for exemption from administration fees.

Finally, I hope Members will carefully consider not to accept the Government's amendment but to support my motion so that the workers may have better protection before the Chinese New Year. Thank you, Mr President.

Question on the motion proposed.

PRESIDENT: The Secretary for Education and Manpower has given notice to move an amendment to this motion. His amendment has been printed on the Order Paper and circularized to Members. I propose that the motion and the Secretary's amendment be debated together in a joint debate.

The Council shall debate the motion and the amendment together in a joint debate. As there is only one amendment, I now call on the Secretary for Education and Manpower to speak and to move his amendment and after I have proposed the question on the amendment, Members may express their views on the motion and the amendment together.

THE SECRETARY FOR EDUCATION AND MANPOWER's amendment to MR LEE CHEUK-YAN's motion:

"That the motion to be moved by the Honourable LEE Cheuk-yan under section 16(3) of the Protection of Wages on Insolvency Ordinance (Cap. 380) at the Legislative Council sitting on 31 January 1996 be amended -

(a) in paragraph (1) -

(i) in subparagraph (a) by deleting "\$36,000" and substituting "\$32,000";

(ii) in subparagraph (b) by deleting "\$22,500" and substituting "\$10,000";

(iii) by deleting subparagraph (c);

(b) in paragraphs (2) and (3) by deleting ", wages in lieu of notice and a severance payment" and substituting "and wages in lieu of notice".

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr President, I move an amendment to the resolution proposed by the Honourable LEE Cheuk-yan under section 16(3) of the Protection of Wages on Insolvency Ordinance.

The amendment seeks to increase the maximum limits of *ex-gratia* payments from the Protection of Wages on Insolvency Fund in respect of arrears of wages from \$18,000 to \$32,000 and wages in lieu of notice from \$6,000 to \$10,000. Since the limit on severance payment has been revised substantially from \$8,000 plus 50% of the balance entitlement to \$24,000 plus 50% of the balance entitlement in July 1995, we propose that it should remain unchanged for the time being.

Let me provide you with the background of the Protection of Wages on Insolvency Ordinance, which was first enacted in 1985. It enables employees who are owed arrears of wages, wages in lieu of notice or severance payment by his insolvent employer to apply for *ex-gratia* payments from the Protection of Wages on Insolvency Fund, subject to the maximum limits set out in the Ordinance.

Under section 3 of the Ordinance, the Protection of Wages on Insolvency Board has been formed to administer the Fund. The Fund Board comprises equal numbers of employee and employer representatives. It conducts regular reviews on the maximum limits payable from the Fund to keep them in line with changes in wage levels and to ensure that most applicants will have their entitlements covered. Since the establishment of the Fund, the maximum limits have been increased six times.

In October 1995, the Fund Board carried out a review and endorsed the proposal to raise the maximum limits of arrears of wages from \$18,000 to \$32,000 and wages in lieu of notice from \$6,000 to \$10,000. The proposed limit of \$32,000 in respect of arrears of wages payment is worked out on the basis of the monthly median wage of all sectors in the first quarter of 1995 — I would like to clarify that it is in the first quarter of 1995 — of about \$8,000 x 4, which is the four months coverage period under the Ordinance. The proposed limit of \$10,000 in respect of wages in lieu of notice is slightly above the monthly median wage of \$8,000 to ensure that it also benefits higher paid applicants.

As the basic maximum limit of severance payment was last increased substantially from \$8,000 to \$24,000 in July 1995, the Fund Board considered that it should remain unchanged for the time being.

The Fund Board's proposal was discussed and agreed by the Labour

Advisory Board (LAB) comprising employee and employer representatives in December 1995.

We consider that the maximum limits agreed by the Fund Board and the LAB are reasonable. They are well above the average claims of applicants between April and December 1995. For arrears of wages, the average claim is \$8,900 as compared with the proposed maximum limit of \$32,000. For wages in lieu of notice, the average claim is \$3,500 as compared with the proposed maximum limit of \$10,000. For severance payment, the present limit of \$24,000 plus 50% of the balance payment also exceeds the average claim of \$22,000. It is our estimate that the Fund Board's proposal will enable more than 90% of the applicants to have their entitlements fully covered.

I would like to stress that the objective of the Fund is to provide prompt relief in the form of *ex-gratia* payment to applicants. It is intended to be an insurance against non-payment of wages and other termination benefits. It is not intended to take over the obligation of the insolvent employer to meet the employees' claims.

Good labour relations are essential to business confidence and Hong Kong's economic success. They also serve the short-term and long-term interests of the workers. We have in Hong Kong a well-trying and time-honoured system of consultation between employee and employer representatives on the LAB and other Boards and Committees, with the Government playing a mediating role. The Administration's amendment to Mr LEE Cheuk-yan's motion aims to give effect to the consensus reached between the two sides after careful deliberation by the Protection of Wages on Insolvency Fund Board and the LAB. Members on these two Boards represent a wide spectrum of employer and employee interests. It is only right that their advice and recommendation should be very carefully considered.

We do not support the motion moved by Mr LEE Cheuk-yan who, in his earlier speech, speculated that I might confront him with accusations. I hope this is going to be a sensible debate. I would not accuse anybody but I do hope that other people would resort to reasons, which is very important. As I understand it, the essential point of Mr LEE Cheuk-yan's motion is to provide the workers with more benefits. Of course, every employee representative wants to fight for the maximum benefits of the workers, or else he could not be their representative. I am sure this is also the ultimate aim of all labour

representatives on the LAB and the Fund Board who have recommended the proposal as reflected by the Administration's amendment. The aim of all the labour representatives is no less than, if not exactly the same as, that of Mr LEE Cheuk-yan. But unlike Mr LEE Cheuk-yan, they understand clearly that improvements to labour benefits are sustainable only if they are product of consultation and conciliation among the labour sector, the business sector and the Government.

Mr LEE Cheuk-yan mentioned just now that certain labour representatives had expressed their desire at the LAB meetings that the proposed maximum limits could be increased. This is certainly understandable as at any LAB meeting, there are always individual labour representatives who hope the outcome would be better and more fruitful. At the same time, there are also individual employer representatives who wish that their burden would be less. But what is most important is that they have come to a consensus in the end. This does not mean that, though they have reservations, they have not raised any objection. They have in fact reached a consensus. Earlier on, Mr LEE Cheuk-yan made the point that his suggestion would not adversely affect the financial position by turning it to a deficit. While I concur with his view point, I have to point out that the prudent administration of the Fund depends on a well-founded and proper system of financial management, taking into account the long-term requirements of the Fund rather than simply focusing on its short-term financial position. Administration of the Fund is the responsibility of Fund Board during their tenure of office. The crux of the problem is not simply how much surplus the Fund has but whether their recommendation is supported by sound reasoning and data and at the same time accepted by both employers and employees. In fact, we support the proposal agreed by the Fund Board and the LAB which provides for substantial increases to the *ex-gratia* payment to enable over 90% of applicants to get their full entitlement. It is totally unreasonable to overturn the consensus reached between employers and employees and unilaterally propose further increases to the maximum coverage just because the Fund is in a healthy financial position.

Let me respond to the speculation of Mr LEE Cheuk-yan that I might confront him with accusations or that the Administration might put the LAB above the Legislative Council. I am afraid I may have to disappoint him, as I have no intention whatsoever to accuse him of anything. It is even not worthwhile debating on this issue. The Legislative Council has of course its mandatory powers to exercise or else what are Members like Mr LEE Cheuk-yan

here for? Every proposal, whether put forth by the Government or Mr LEE Cheuk-yan, has to be endorsed by the Legislative Council before it can be put into practice. Such being the case, there is no question of any organization being put above the Legislative Council. If Mr LEE Cheuk-yan still does not understand this point, there are many lawyers in this Council who might care to explain it to him. What is most important is that we have such a mechanism. Both the Fund Board and the LAB are composed of representatives of the employers and the employees. They must have spent a lot of time deliberating, arguing and scrutinizing numerous data before reaching a consensus. Should we not at least respect their recommendation? Should we not give such a proposal due consideration? Unless we have strong grounds, we should not change their recommendation arbitrarily. I think this is the crux of the matter and I do not think that we should politicize or emotionalize this issue. We should not speculate whose powers are greater. Powers are indeed very important but how powers are exercised calls for great responsibility. Every vote cast represents not only how a Councillor exercises his powers but also that he clearly understands where his responsibility lies, how he is going to account for his decision and what consequences he will have to bear.

Both the Fund Board and the LAB (including the labour representatives on the Boards) have come out openly to urge this Council to respect their recommendation. I believe they have done so with the short-term and long-term interests of the workers in mind. I do not think that the concept and expectation of such an open request are lower than those of Mr LEE Cheuk-yan. The present tripartite system will be undermined and the labour relations adversely affected if some employee representatives or political parties in this Council choose to ignore these calls and for no good reason amend the package agreed by the employee and employer representatives beforehand.

In conclusion, I urge Members to consider the matter very carefully. In considering whether the recommendation of the existing mechanism is reasonable, we should put the interests of the workers and the community at large before party, political or personal interests. If Members find the recommendation reasonable, I hope they will support the Administration's amendment.

Thank you, Mr President.

Question on the amendment proposed.

MR ALLEN LEE (in Cantonese): Mr President, the Liberal Party is against the resolution proposed by the Honourable LEE Cheuk-yan. In seeking to increase the maximum limits of payments from the Protection of Wages on Insolvency Fund, Mr LEE Cheuk-yan has alleged that some people would say that he has undermined the consensus reached between the Labour Advisory Board (LAB) and the Fund Board; but I would say that he has purposely undermined not only the consensus reached between the two Boards but also the Legislative Council's usual practice of maintaining the balanced interests for all parties concerned. At a House Committee meeting of the Legislative Council, I suggested to set up a sub-committee to discuss the Protection of Wages on Insolvency Ordinance but this was flatly turned down by Mr LEE Cheuk-yan, saying that there was no need to do so. He was supported by the Democratic Party. I can hardly agree with them in this matter, as the Democratic Party or Mr LEE Cheuk-yan might in future also want to set up a sub-committee to discuss certain issue. There might be such a chance pretty soon. I would not elaborate whether this is the sort of attitude a responsible Member should adopt.

After careful deliberations, the LAB has already increased substantially the maximum limits of payments from the Protection of Wages on Insolvency Fund. It is also after some discussions that an agreement has been reached in principle. If you were a member of the LAB or the Fund Board, what would you think? You have done so much, but what is the result? Of course, any Member of the Legislative Council has powers to exercise, but we have to bear in mind whether it is appropriate to exercise such powers under the present situation of Hong Kong, or whether there are grounds to do so. Mr LEE Cheuk-yan has just now said that he hopes his resolution can be passed before the Chinese New Year. What he really means is to give away some lucky money at the expense of others. Are there any grounds to do so? I can hardly find any! On the other hand, it is noted that the LAB and the Fund Board have reached a consensus after careful deliberations, having balanced the interests of all parties concerned. For this reason, Mr President, there is no way the Liberal Party will support Mr LEE Cheuk-yan's motion. We will, however, endorse the Government's amendment which is based on the consensus reached between the LAB and the Fund Board.

MR CHAN KAM-LAM (in Cantonese): Mr President, as it is the bounden duty of Legislative Councillors, political parties and trade unions to "plead for the people", they would have no reason to shirk the duty of improving the treatment of the labour class and striving for their benefits.

I am sure that the intention of the resolution moved by the Honourable LEE Cheuk-yan today is to improve labour benefits, which have my support. Furthermore, we are also of the opinion that there is still room for improvement in the existing Protection of Wages on Insolvency Ordinance. In theory, we do not object to Mr LEE Cheuk-yan amending the Ordinance.

However, it is noted that a consensus on amending the Protection of Wages on Insolvency Ordinance has already been reached by the Labour Advisory Board (LAB) consisting of representatives from the labour sector, the business sector and the Government and that the Secretary for Education and Manpower has moved an amendment based on the consensus reached by the LAB. On the other hand, the proposal made by Mr LEE Cheuk-yan has never been tabled at this Council or any other boards and committees for consultation and discussion. Consequently, Members of this Council and even government officials have no chance to study and discuss the resolution in detail.

It is for this reason that I think the Legislative Council should not support Mr LEE Cheuk-yan's resolution today, or else the consultation mechanism of the LAB will be undermined.

In fact, in proposing to increase the maximum limit of arrears of wages from \$18,000 to \$36,000, Mr LEE has worked out his proposal on the basis of \$9,000 times four while the \$32,000 as proposed by the LAB has been worked out on the basis of the median wage of \$8,000 in the first quarter of 1995 times four. There is a difference of only \$4,000. Mr LEE's resolution could have been more acceptable if he had discussed with the Government beforehand in order to reach a consensus.

It is also noted that when the Legislative Council increased the maximum limit of severance payment from \$8,000 to \$24,000 in July 1995, Mr LEE Cheuk-yan did not request that it should be increased to \$36,000. If the maximum limit of severance payment is to be increased again within six months, it will only arouse the resentment of the business sector, thinking that the labour sector is insatiable. And this might result in some irrational discussions or debates. In fact the business sector has recently been quite dissatisfied with the agreement reached between representatives of the labour sector and the Government on the Supplementary Labour Importation Scheme. Thinking that the agreement is an example of the Government collaborating with the labour

sector, the business sector has threatened to withhold their support of the Mandatory Provident Fund Vote. This shows that the consultation mechanism between the employees and the employers has been affected to some extent. If this situation is allowed to continue, it will also be detrimental to our fight for labour benefits.

The Democratic Alliance for Betterment of Hong Kong (DAB) is of the opinion that, in the existing Protection of Wages on Insolvency Ordinance, apart from the fact that the maximum limits of protection payments should be improved, the period of protection of wages on insolvency should also be re-considered. We should not, just because the Fund has accumulated about \$800 million, arbitrarily propose to increase the payments without considering whether there are reasonable grounds to do so.

On the other hand, it is noted that the Fund has accumulated some \$780 million towards the end of 1995. Assuming there is an average of 10% return on the investment, there should be an annual income between \$70 million and \$80 million in this respect, not to mention the additional annual income of nearly \$200 million from the levies. The total expenditure during the past five years was but \$320 million. Should we thus think up ways and means of spending money indiscriminately just because the Fund has a sizable surplus year after year? The DAB thinks that it is about time the Government should, in consultation of the LAB and the Fund Board, review the existing practice of charging all business undertakings, including self-employed individuals, an additional levy of \$250 on each Business Registration Certificate. We suggest that the Government should consider reducing or even waiving the levy until the financial position of the Fund has dropped to a dangerous level. In this way, we can reduce waste of our resources on the one hand and lessen the burden of all the employers on the other.

Mr President, with these remarks, the DAB supports the Secretary for Education and Manpower's amendment out of respect for the consensus reached between the employee and employer representatives of the LAB. At the same time, we hope that the Secretary for Education and Manpower would seriously consider our suggestion. Thank you, Mr President.

MR FREDERICK FUNG (in Cantonese): Mr President, my speech today will concentrate on mechanism. As I share the viewpoint of the Honourable LEE

Cheuk-yan on how the money should be used, I am not going to dwell on this point any more.

As we all know, the mechanism of the Labour Advisory Board (LAB) is advisory in nature, and it is the duty of the LAB to submit its recommendations to the Government for consideration. To sum up, it is the LAB that advises the Government on matters concerning the Employment Ordinance and labour policies. As to decision making, matters concerning labour problems, labour benefits and labour legislation are considered by two different bodies: The Government makes decisions on labour policies, while the Legislative Council makes decisions on labour legislation. It is therefore quite obvious that the LAB is the Government's advisor concerning decision making of policies. The LAB is not expected to advise the Legislative Council on legislation matters. We can thus see that the Legislative Council and the LAB are two different bodies, the latter being an advisory body of the Government. I think that the LAB and the Legislative Council are two independent organizations and that the LAB is an advisor to the Administration, not the Legislative Council. Has the Legislative Council got its own advisor on labour legislation? The answer is yes. Theoretically speaking, the Manpower Panel of the Legislative Council is its advisor on labour policies. However, the discussion of system, policies and legislation does not belong to any one panel of the Legislative Council. Today's incident may well serve to explain to some independent Councillors and political parties that conflicts of the legislative and policies sub-committees may lead to this situation. It would be much better if there were a standing committee responsible for discussing legislation and policy matters before submitting its recommendations to the Legislative Council for endorsement. In this respect, the Standing Committee of the Manpower Panel should be the advisor to the Legislative Council. Such an advisory system would have been in place had it not been for the objection of some political parties (except the Hong Kong Association for Democracy and People's Livelihood). The inadequacy of the advisory system has led to the present situation.

In view of this situation (I hope to explain further later in my speech), I think it would be ideal if some kind of mechanism could be set up between the Legislative Council and the Administration with its advisory body such as the LAB.

PRESIDENT: Mr Frederick FUNG, are you speaking on the motion or the

amendment? Or are you speaking on the committee structure of the Council?

MR FREDERICK FUNG (in Cantonese): Mr President, I am expressing my opinion on legislation. This is because the Secretary for Education and Manpower has just now said that there are problems concerning advisors and the mechanism. In fact, I am responding to the Secretary as to why the LAB mechanism becomes

PRESIDENT: Are you speaking for the motion, against the motion, for the amendment, or against the amendment? Or are you speaking on the committee structure of the Council?

MR FREDERICK FUNG (in Cantonese): I support the Honourable LEE Cheuk-yan's motion.

PRESIDENT: Please come to the point.

MR FREDERICK FUNG (in Cantonese): Therefore, I think that if we want the Legislative Council to be in a better position to discuss matters concerning labour policies and legislation, there are a few points we should bear in mind. First,

PRESIDENT: Mr FUNG, you are still on the same irrelevant subject, nor on the motion, nor on the amendment.

MR FREDERICK FUNG (in Cantonese): Mr President, I was only responding to the comment made by the Secretary that the mechanism of the LAB

PRESIDENT: Are you saying that therefore you cannot agree with the amendment because of the irrelevant point?

MR FREDERICK FUNG (in Cantonese): It is my understanding that the Secretary has said that the resolution proposed by the Honourable LEE Cheuk-yan will undermine the mechanism of the Government and the LAB. I just want to respond to his comment.

PRESIDENT: Please come to your point.

MR FREDERICK FUNG (in Cantonese): Therefore, if the Legislative Council wants to make a success of its labour legislation work, the LAB should, firstly,

PRESIDENT: The question under debate is not the future workings of the Council. It is the motion and the amendment, Mr FUNG.

MR FREDERICK FUNG (in Cantonese): Mr President, if you do not want me to continue my speech along these lines, I would only say that under the present circumstances and mechanism, I do not support the Government's amendment.

MR HENRY TANG (in Cantonese): Mr President, I am the Chairman of the Federation of Hong Kong Industries. We would not object to improving labour benefits because we think that Hong Kong owes its economic success to its hardworking labour force. What really matters are how much improvement is required, how frequent and under what circumstances should we improve labour benefits. Should we bring in the necessary improvement step by step through consultation and deliberation and after a consensus has been reached among the labour, the business sector and the Government? Or should we "decide the matter by simply casting votes without prior consultation and deliberation"?

Nowadays, what is the role played by the Labour Advisory Board (LAB)? Most of the recommendations of the LAB are the product of consultations and deliberations among the labour sector, the business sector and the Government. However, when forwarded to the Legislative Council, the recommendations are to be turned down and we have to go through the whole process once again.

I support the Government's amendment. This is because the Government's proposal has been made with regard to the recommendations of the LAB, while the Honourable LEE Cheuk-yan's resolution will involve public money. We cannot be over prudent in dealing with public money, especially when the economic outlook of 1996 is not so promising.

It is learned that in 1994-95, more than 85% of the applicants recovered their full entitlement of arrears of wages, and about 75% of the applicants their full entitlement of wages in lieu of notice. It is estimated that the Government's proposal will enable more than 90% of the applicants to have their full entitlement. I think this is already a reasonable improvement. As to the remaining applicants who cannot have their entitlement fully recovered, I think their claims might have exceeded the maximum limits, that is, "four months' wages prior to the date of application". It might also be because their wages were so high, say \$50,000 per month, that even the maximum limits as proposed by Mr LEE Cheuk-yan could not enable them to have their full entitlement.

As to the severance payment, it was already increased threefold on 21 July 1995, from \$8,000 plus 50% of the balance payment to \$24,000 plus 50% of the balance payment. There is really no need for another increase within such a short period as six months. I know there are colleagues who would support the increase but I want to know what they would think if a public utility corporation or an enterprise, having increased their charges or fees by 200%, request yet another increase within six months.

Recently, the contradictions between the employees and the employers over different issues have led to numerous conflicts. I think it is the duty of the Government, the employers and the employees to ease the tension. I do not wish to see the Legislative Council become a centre of dispute between the labour and the employers. This will make both sides suffer: the employers will not have a favourable investment environment; and the employees will hardly have better labour benefits.

With these remarks, I support the amendment.

MR LEUNG YIU-CHUNG (in Cantonese): Mr President, first of all I would like to refer to the comments made by some of my colleagues that if we support

the Honourable LEE Cheuk-yan's resolution, we will create the impression that the workers of Hong Kong are insatiably avaricious. I hope my colleagues in this Council will clearly understand that Mr LEE Cheuk-yan's resolution only seeks to ensure that the workers of Hong Kong will get the payments they deserve under the law. In fact, the resolution itself as proposed by Mr LEE Cheuk-yan is a conservative one. Why is it conservative? It is because under the existing labour laws, the workers have every right to recover their arrears of wages, severance payments and wages in lieu of notice. However, some heartless employers have ventured on business undertakings without first considering their own financial position. As a result, they become unable to effect payments on insolvency, causing the workers failing to get what they are entitled to under the law. Before the Fund was set up in 1985, it had given rise to much controversy. Why should some "good-hearted" employers subsidize some "heartless" employers? We did not support setting up the Fund at the time, but there was nothing we could do. The Fund was eventually set up, because the Hong Kong Government was unable to prevent some heartless employers from evading their responsibilities. For this reason, the Fund was set up to compensate the workers. There has been considerable improvement in the economy of Hong Kong during the past decade, but why is it that the workers of today can still not fully recover the money they deserve? They can now get only part of what they deserve and I do not think that they are being insatiably avaricious. However, if you still insist that they are being insatiably avaricious, you are just trying to defend some conservative employers or the conservative policies of the Government by impairing or degrading the dignity of the Hong Kong workers.

On the other hand, I hope Members will understand that the Fund Board is but a public body whose duty it is to compensate the workers when they cannot get what they deserve from their employers. There is no comparison between increasing the amount they deserve and increasing the charges and fees of the public utility corporations. What we should consider is whether the Fund can afford the increases. As Mr LEE Cheuk-yan has just pointed out, the Fund has a sizable surplus year after year. The total surplus of the past decade is no doubt much greater. In the circumstances, we think that increasing the maximum limits gradually is not enough. What we should do is to consider in a practical manner whether the Fund can really afford the increases.

Some people have said that Mr LEE Cheuk-yan has not carefully considered the implications. I just wonder how they have come to the

conclusion that Mr LEE has not carefully considered the matter before proposing the resolution. He is the official representative of the Hong Kong Confederation of Trade Unions, consisting of more than 30 trade unions with over 100 000 worker members. The resolution is based on the proposals of the Confederation having regard to the plight of a large number of workers. I think that, in criticizing Mr LEE Cheuk-yan having not carefully considered the matter, we should ask ourselves if we have carefully considered the matter before making the criticism. Mr LEE Cheuk-yan has not proposed the resolution arbitrarily. In the past, he has proposed numerous amendments to the labour laws. I remember he called a press conference two months ago, indicating that he would propose amendments to 10 major labour laws. The present resolution is one of them. It is therefore clear that he has not proposed the resolution arbitrarily but after careful consideration.

As we all know, there are equal numbers of employee and employer representatives in the LAB. It is therefore very difficult for the LAB to achieve anything. It has also come to our knowledge that many bills could not get through because of the objections voiced by the employer representatives of the LAB. We have also witnessed that, because of the obstruction of the LAB, the Government has failed to forward some new bills for this Council to debate on. Occasionally, the LAB is made used of by the Government as a pretext of not doing something. We should bear in mind that the LAB only plays the role of an advisor. It is not a decision making body. We may consider its proposals but we do not have to abide by them. The Legislative Council has its own role to play. Now that it is clear that the LAB is but an advisory body, why should we not make our own decision here today?

Seeing that more and more workers are being troubled with arrears of wages, particularly when our economy is on the decline, why should we not increase the payments for the benefit of the workers? We can scarcely speak of maintaining our prosperity and stability if our workers have to suffer as a result of the insolvency of their employers. At present, we do not have any social security, let alone unemployment security. Payments from the Protection of Wages on Insolvency Fund in respect of severance payments, wages in lieu of notice and arrears of wages are in fact a kind of social security for the workers, offering them financial assistance after they have lost their jobs and thereby reducing social insecurity. I hope Members will carefully think over this matter. If we do not enable them to get what they deserve, what can they do? There being neither social welfare nor unemployment assistance for them, what can

they do?

I think when we consider this matter, we should not simply jump to the conclusion that the workers are being insatiably avaricious, demanding free lunches. That is absolutely not the case. We just want to give them what they deserve under the law.

I hope Members will understand two points. First, as has been pointed out by Mr LEE Cheuk-yan, the Fund has accumulated a sizable surplus. Second, we just want to give the workers what they deserve. They have suffered just because some heartless employers have engaged in some business undertakings without proper strategy. They have devoted their time and energy to serve their employers and there is no reason whatsoever to ask them to bear the consequences of their employers' failure in business. I think that is absolutely an unfair and unreasonable thing in our society.

Mr President, with these remarks, I support Mr LEE Cheuk-yan's resolution.

MR JAMES TIEN (in Cantonese): Mr President, if an employer goes bankrupt in his business, must he be a heartless employer? I do not think so. It is because he wants to earn some money that he has engaged in business, investing a lot of money on it. He has gone bankrupt probably because his heartless employees have demanded very high wages, because his heartless landlord has increased his rents or because the heartless consumers have not patronized him. After an employer has gone bankrupt, is it true that, as alleged by the Honourable LEE Cheuk-yan, each of his employees can only get back a few thousand dollars? That is in fact not the case. Unless all the properties have been mortgaged to a bank, a company going bankrupt is bound by law to pay its employees first with proceeds from selling its properties. Supposing you are a supplier of flour or oil for a food manufacturing company which has become bankrupt, you have to wait until all the arrears of wages have been paid to the employees before you can collect your debts, provided there is still money left. It is therefore hoped that Members from the labour sector will not mislead other Members into thinking that an employee can only get a few thousand dollars. The fact is that many of the companies that have gone bankrupt still hold some assets. It is unlikely that they will become penniless. If they still have some money, they will pay their employees first. Some employees may get a few thousand dollars, while others may get tens of thousand dollars. The balances are to be paid from the

Protection of Wages on Insolvency Fund. Who should be responsible for paying the employees if, unfortunately, a company goes bankrupt? I am of the opinion that, if the other employers have paid their profit taxes, it should be the responsibility of the Government to take care of them.

The employers fell into a trap in 1985 when the Government said it would no longer take care of the workers in case a company became bankrupt, suggesting that the other healthy companies should take up the responsibilities. As a result, a Fund was set up, by levying an extra \$100 on the Business Registration Fee, to help the unfortunate, but not heartless, bankrupt employers to pay the balances of wages owed to their employees. (The Business Registration Fee was then increased from \$1,000 to \$1,100.) I doubted then why the companies had to pay so much as \$100 each, as there were hundreds of thousand companies. However, the Government insisted that for the sake of security, it did not matter if the levy was temporarily set at \$100. The levy was subsequently increased to \$250 in 1991.

Mr President, not all the companies are large scale corporations like the Hongkong Bank. At present, each company has to pay an annual Business Registration Fee of \$2,250, out of which \$250 will go to the Fund. There are hundreds of thousand petty business operators, such as "won ton" noodle shops, to whom the additional amount of \$250 means a great deal. They might even be more unfortunate than those workers referred to above. After bankruptcy, such petty business operators will once again become unemployed. They have lost all their money without any compensation. They have to queue up to look for a job. Who have suffered more?

The Fund has now accumulated a surplus of \$800 million. I agree with the comments made by the Member from the Democratic Alliance for the Betterment of Hong Kong that, if the Fund has accumulated \$800 million, we should consider whether we should use up all the fund or suspend the levy for the moment until such a need arises again. The business sector thinks that the Government should seriously consider this suggestion. Some may speculate that many companies will possibly wind up their businesses in 1997. It does not matter if they wind up their businesses as long as they are in a position to pay the arrears of wages to their employees. In the circumstances, the Protection of Wages on Insolvency Fund will not get involved. I wonder if the situation would be really so bad in 1997 that we have to make use of the \$800 million from the Fund to pay the arrears of wages on insolvency.

Mr President, I would like to talk about the situation of the employers vis-a-vis their employees. Years ago, it was very difficult for the employers to employ workers, and the workers should have chosen their jobs "with discerning eyes". They should have found out what kind of a job it was, not just accepting the job with a higher pay without considering other factors. They should have investigated if the company offering the job was financially stable and what kind of business they were undertaking. Of course, the labour sector may say that the existing unemployment rate is so high that there is really not much choice for the workers, but during the past few years, the workers tended to switch jobs to look for higher pay. If the maximum limit is increased to \$22,500 as proposed by the resolution, the workers will readily accept any job offered even though they know very well that the employer will become bankrupt pretty soon. This is because they are sure that when the company goes bankrupt, they will get \$22,500 anyway. Is that fair?

Mr President, I know you do not want me to repeat the discussions of the LAB. However, I would like to point out that, on the LAB, there were four representatives from the associations of manufacturers and merchants. When their representatives decided to make a concession, the employers just gave their support and there would be no way of going back. Thus, from the viewpoint of the employers, the \$6,000 in 1993 should now be increased to about \$8,000 if inflation is taken into account. The median wage should likewise be about \$8,000. At the LAB meeting, the labour representatives said that \$8,000 was not enough and suggested that it should be increased to \$10,000. The employer representatives finally agreed to increase it to \$10,000. Now it has come to the Legislative Council and some Members have said that we should give some more. \$22,500 is certainly not a small amount. How was the maximum limit of \$18,000 worked out in 1993? It was the then median wage of \$6,000 times three months. And now, the Government has finished its review which proposes that the maximum limit should be increased to \$32,000 which is \$8,000 times four months. The employer representatives of the LAB objected to the maximum limit of \$32,000 and queried why this \$6,000 should be increased to \$8,000 and why \$6,000 times three months should become \$8,000 times four months. They doubted if there was such a need to do so. Of course it is now very difficult for the Government to make any decision because it fears that some Members may introduce a Member's Bill. The Government has therefore asked the employers to increase the limits of \$18,000 and \$6,000 to \$22,500 and \$10,000 respectively within two years. The other point I want to make has already been pointed out by some Members. It was only in July last year that

the maximum limit of \$8,000 was increased threefold to \$24,000. The Government thinks that this amount should remain unchanged but Mr LEE Cheuk-yan has said that it should be increased to \$36,000.

We think that the proposed increases are too much. We should not spend all the money even though the Fund has managed to accumulate a surplus. Mr President, what we Members from the business sector would not do is to go back on the consensus reached by the labour and employer representatives on the LAB. People in the commerce and industry sector have recently felt rather unhappy and even "indignant" that although the labour and employer representatives on the LAB have reached a consensus despite their differences, they are now being forced in the Legislative Council to give some more to the workers. If this is the case, we wonder if there is any need for the Government to discuss any of its proposals with the LAB in future. The Government may as well put forth its proposals directly to the Legislative Council for approval. We Members from the commerce and industry sector certainly do not want this to happen. We have to respect the recommendations of the LAB. The Hong Kong Government is still executive-led, and we should take the middle course in handling labour relations.

Mr President, with these remarks, I object to Mr LEE Cheuk-yan's resolution but reluctantly support the Government's amendment. Thank you, Mr President.

MR MICHAEL HO (in Cantonese): Mr President, the Democratic Party supports the Honourable LEE Cheuk-yan's motion. We have considered the two proposals. In fact, neither the Government's proposal nor Mr LEE Cheuk-yan's is able to tell us with very clear and scientific data what should be the upper limits. Both proposals are quite acceptable. However, there are no data to tell us which proposal is more reasonable than the other. Nor is there any evidence to show us what the Fund's income will become if more companies become insolvent next year. We can only estimate what the increase in expenditure will be when more companies become insolvent and their employees queue up for payments from the Fund.

Frankly speaking, whether the payment for outstanding wages should be \$32,000 or \$36,000 is a very subjective decision. The fact with which we are confronting is really so. We have studied the viewpoint of the Government. We understand the Fund Board's decision and we totally agree that this decision

of the Board is an improvement. All of us agree that members of the boards concerned have made great efforts. Today, in the light of this motion of Mr LEE Cheuk-yan, we see a more distinct fact that as far as figures are concerned, workers can benefit more from Mr LEE's proposal than that of the Government. Having assessed the relevant spending increase, we think that the increased spending is what the Fund Board can bear.

I do want to respond to what the Secretary for Education and Manpower just now stated. He said that he called on Members not to make amendments rashly, otherwise labour relations would be impaired. The Democratic Party is eager to declare here that in case we hold divergent views on the proposals, draft resolutions and bills raised by the Government, we would definitely propose amendments and raise draft resolutions because this is the constitutional power of our Members. However, I do want to tell the Government that our making this amendment or any similar amendments is not tantamount to any disrespect for the Government or the Labour Advisory Board (LAB).

This existing mechanism of the LAB has been in operation for many years. As a matter of fact, the mechanism has been effective. Nonetheless, we must not forget that over the past few years, the Legislative Council has undergone dramatic changes. Today, we will not discuss the issue of whether the existing mechanism has gone wrong and if any amendment is necessary. However, in the absence of any input from the Legislative Council or political parties, the existing mechanism will inevitably meet with some amendments in this Council.

Mr President, we support Mr LEE Cheuk-yan's motion. The Democratic Party is aware that members of the LAB or Fund Board may be very unhappy because the outcome of their endeavour is not accepted by this Council. We earnestly hope that in future, the LAB or Fund Board will communicate with this Council frequently. What I mean is: we, as Members of the Legislative Council, have to look into some bills or draft resolutions. If there are two different bills or draft resolutions, ultimately we must choose to support one of them.

We the Democratic Party listen to the voice of the labour side as well as the employers. In this process, however, we also hope that while the Legislative Council is giving heed to the views of the LAB, in future, the LAB or the Fund Board should also listen to the voice of the Legislative Council before

making their decisions. To this end, I earnestly hope that the Government can find a way to improve this situation.

In view of the above viewpoint and the fact that no prior decision or pledge have been made with the LAB or the Fund Board, the Democratic Party will choose a proposal which can benefit the workers more. As we consider this proposal affordable to the Fund, we object to the Government's amendment and support Mr LEE Cheuk-yan's original motion.

Mr President, I would also like to briefly respond to the views just now expressed by the Honourable Allen LEE. He said that at the very beginning when we were to discuss this draft resolution, the proposal to set up a committee was opposed. I admit that this decision may make the colleagues from the Liberal Party unhappy. Since these are our current procedures, I suggest to have this matter discussed by the Committee on Procedural Matters to see if it is necessary to revise some procedures so that Honourable Members are not allowed to raise objections. I think this is the only proper way.

In response to what was said by the Honourable CHAN Kam-lam, the proposal of the Democratic Alliance for Betterment of Hong Kong (DAB) to reduce or stop levying fees in fact surprises me very much. I think that the DAB has seemed to become a spokesman for the business sector. Since the Fund has surpluses, why cannot we spend some more money which the Fund can afford. I stress that what we support is spending some more money but not "exhausting all the money" as alleged by the Honourable James TIEN.

Mr President, I so submit. The Democratic Party objects to the Government's amendment and supports Mr LEE Cheuk-yan's original motion.

MISS CHAN YUEN-HAN (in Cantonese): Mr President, though local employees are given definite protection under labour laws, they are in a pitiable plight when their employers go bankrupt. For instance, in a similar case that I handled yesterday, the employer of the workers concerned had owed them several months' wages. As the end of the year is approaching, they are badly in need of the money, yet their employer has no money to pay them. What can they do? They had no alternative but to approach the Protection of Wages on

Insolvency Fund for payments to meet their pressing need, but they were also aware that there would be a wide gap between the amount of money to be paid by the Fund and the sum they were going to claim. In view of the above, finally they had to take rather radical action by rushing into their employer's office in the hope of compelling the employer to give them a few months' outstanding wages. The case that I handled yesterday exactly reflects the existing problems of the Fund and this is why the whole labour sector considers it necessary to raise the amount of payment from the Fund.

Mr President, despite an increase in the sum of payment from the Fund, there is still a gap between the payment and the actual cases. Just think. On the sudden insolvency of a company, a worker will encounter great difficulties. For the sake of the healthy development of the entire society, I think that Honourable Members should support a rise in the amount of payment made by the Fund. Therefore, today, Members from the Hong Kong Federation of Trade Unions (FTU) support Mr LEE Cheuk-yan's original motion. However, as Members from the labour sector, we are also aware of the difficulty that the proposal raised by the Labour Advisory Board (LAB) and the Fund Board is the outcome of the consultations between the labour and management sides, notwithstanding the fact that this is an outcome with a question mark. In most cases, the labour side is not very happy with the proposal put to endorsement, but the minority has to be subordinate to the majority. Superficially, this is the result of consultations. As a matter of fact, many views expressed by the labour side, including what I have just said, have probably not been included. We nevertheless respect the existence of this mechanism, so we, the FTU, sent our representatives to participate in all the previous LAB elections. We understand that the LAB labour representatives are of representativeness because they were elected by over 400 labour organizations in Hong Kong. Under such circumstances, today, Members from the FTU find it difficult to make a decision on the amendment proposal raised by the Government. Should we support the Government? To me, Mr President, it is really a great difficulty. The Government has to confront with the LAB and Legislative Council, while the Members have their own due rights. It is most regrettable that the Government has not found an effective mechanism within the above two bodies to help remove the contradictions which have been in existence since the past. Frankly speaking, we support the Government today merely because we respect the voting results of the LAB labour representatives elected by over 400 labour

unions. This does not mean that we are supporting this amendment of the Government.

Mr President, I made the above remarks on behalf of our three Members from the FTU. Today, we support an increase in the sums paid by the Protection of Wages on Insolvency Fund (as proposed in the Honourable LEE Cheuk-yan's original motion) on the one hand, and are also compelled to accept the original LAB proposal on the other. Thank you.

MR CHIM PUI-CHUNG (in Cantonese): Mr President, no matter who wins this motion debate today, it cannot be said as fair because whoever gets enough votes can raise a claim again at any time. \$36,000 may be insufficient, and even \$106,000 may also be insufficient. In view of the above, what is the point of holding further discussions? The main point is whether we respect the system or not. Since the proposal of the Labour Advisory Board (LAB) is not accepted, I think the Government had better dissolve the LAB, for there will be no fruitful result no matter what this body discusses. The LAB representatives from all sides, through co-ordination and consultations with public funds, have reached consensus, which is more or less of representativeness. However, if the LAB proposal is still considered to be useless, I think the Government should in the first place consider whether it is still worthwhile for the LAB to exist. If the Government thinks it should continue to exist, the decisions made by the LAB should be legally binding. If the Government thinks the contrary, it had better dissolve the LAB. This is my personal opinion.

Furthermore, concerning the Protection of Wages on Insolvency Fund, I also consider it appropriate to dissolve this Fund if everybody shares such view. Why? Just now the Honourable Members from the labour sector mentioned unscrupulous employers. However, these employers did not intimidate you to work for them. Why did you not distinguish good from bad and work for an employer who would never become insolvent but would give you a pay rise every year? The employers do not want to close their business.

I therefore think that every company I do not know whether the companies under me have paid that \$250. If they did pay, I think they should get back the money, for, since it is no longer effective, why should we pay the sum and allow the Fund to accumulate to an amount as large as \$800 million? Actually, we should make a larger sum of payment to workers and exhaust the

Fund to get over this matter. In future, in case of a closure of business, workers had better respectively seek an appropriate way to bail themselves out. I personally find it proper for them to be insured, for I am after all a representative from the insurance sector, so it is reasonable for me to hope that there are more customers for insurance companies. Since no agreement has been reached on the Government's proposal, I suggest we stop the argument because in Legislative Council debates, whoever gets the majority votes can have his views endorsed.

Last time a threefold increase was considered inadequate and just now some Members said workers should probably get \$36,000, yet in future, they may say that \$360,000 is the sum that workers should get. I will not argue whether this sum is what the workers deserve to get. The question is, who is going to pay the sum? The Government should therefore make an overall review from a realistic point of view. We should no longer argue the issue if this target cannot be achieved. Mr President, the Government has lobbied me to support it, saying that this was of paramount importance, but I have all along thought the Government should in theory face the reality and should not end up failing to please both sides. I therefore have not made up my mind on the issue.

MR LAU CHIN-SHEK (in Cantonese): Thank you, Mr President, I have been engaged in striving for labour rights and interests since the early 1970s. In the late 1970s, that is after doing such work for almost a decade, I thought that the biggest labour problem at that time was: an employer, after failing in his business, could evade the solution of the problem by walking away from it, and as a result, the biggest workers unable to get their wages. Why should the workers work so hard? In fact, they work hard just for earning a living. However, they cannot get a cent after working so hard. Their plight is too deep for tears. In the early 1980s, the closure of a Tuen Mun toy factory with more than 1 000 workers gave rise to the largest ever claim for outstanding wages in Hong Kong. As a result of this case, the Hong Kong Government set up the Protection of Wages on Insolvency Fund with the participation of the Honourable LEE Cheuk-yan and I, as well as some the Hong Kong Federation of Trade Unions members. The Fund was not set up until a large number of workers had failed to get their wages. Actually, the motion moved by Mr LEE Cheuk-yan can look after the interests of both sides. I said so because the motion can lead to a rise in the sum of compensation paid by the Fund, so as to benefit employees. I nevertheless wish to point out that the amount of statutory compensation approved by labour laws

not increase at all.

Today, many Honourable Members have expressed their views on this issue. After hearing what they said, I still think that their ideas are confusing. After all, can workers get more compensation because of this motion? Definitely not. All they can get is what is given to them in accordance with the law. On the other hand, the closer the amount of compensation obtainable by workers to the sum stipulated by the law, the less the chance of an occurrence of conflicts. I do not want to see the scene of workers arguing with the Honourable CHIM Pui-chung, shouting outside his home and complaining about him. Maybe Mr CHIM Pui-chung is so lucky that his company will not be closed down and he will not owe his employees any wages. However, he will be affected if such conditions happen in a shop in his neighbourhood. In view of the above, the amendment is also good for the employers themselves.

The "four major unscrupulous cases" stated by the Honourable James TIEN today have never been heard of and seen. Nonetheless, I think Mr James TIEN must understand that in the process of recovering outstanding wages on insolvency, things are not like what you said, that is the insolvent company will leave something or money for the workers and money will be drawn from the Fund only when what the company leaves behind is insufficient.

Perhaps you do not know that in insolvency cases, the legal procedures involved take a few years and no one can guarantee what will still be left then. I once worked in a factory. When there is a decision to auction, somebody will replace the new things with old ones from the rear stairs and then move the new things away. In this case, how many things are still left for auction? The answer is none. How many employers are as good as you? Most of the employers are not so good. Frankly speaking, they will not declare insolvency if they have a way out, and they will not have anything to leave behind. It is impossible to let workers wait for several years before getting compensation. In view of the above, the purpose of setting up the Fund is to pay the workers some money in advance after the announcement of insolvency and liquidation. And, when the insolvency and liquidation process is completed, they will be given the balance of compensation. Nonetheless, they must wait for several years before getting the money. As a matter of fact, the employees of not many insolvent companies have ever obtained money. It is also said that the Fund has "too much money"

PRESIDENT: Is it a point of order?

MR JAMES TIEN (in Cantonese): Mr LAU said I am a good employer. I would like to tell him that I am now speaking and I have not gone bankrupt.

MR LAU CHIN-SHEK (in Cantonese): Mr President, I did not say that he has gone bankrupt.

PRESIDENT: Mr LAU Chin-shek did not say you were bankrupt.

MR JAMES TIEN (in Cantonese): We are discussing insolvent employers. What are the relations between this issue and that I am a good employer? I have not gone bankrupt at all. Is that right?

MR LAU CHIN-SHEK (in Cantonese): Mr TIEN also queried if we had wanted to withdraw all the money from the Fund. In fact, every time when the compensation amount was revised, some people would say that this would make the Fund bankrupt. Nonetheless, there is too much idle money in the Fund every year. Some colleagues would suggest to give workers all the money in the Fund and then abolish the Fund in the interest of the whole society as well as the business community. Mr TIEN even said that the employers of some small companies had experienced difficulties in contributing to the Fund. I would like to ask: what is the monthly contribution to the Fund if the annual sum stands at \$250? The answer is about \$20. Would it be an excessive demand to require someone to be insured with this sum? Is it true that some employers cannot afford to pay the sum? The contribution is only \$20 a month. I hope Honourable Members can look at the Fund issue from the following point of view: Should workers be under protection? Are employers required to contribute an amount of money unfair and unaffordable to them? I hope Members can think about it from this angle. Thank you, Mr President.

PRESIDENT: Mr LEE Cheuk-yan, do you wish to speak on the amendment?

MR LEE CHEUK-YAN (in Cantonese): Mr President, I wish to respond to the views just now expressed by Members. My address would nevertheless be a very brief one.

First of all, I think all of you must make clear one point. Just now some Members said that employers were required to pay more money. Actually, things are not like that. I must reiterate the point that we do not require employers to pay more money. Moreover, the Honourable James TIEN said a moment ago that a company, after going insolvent, can put its things up to auction and workers are given the priority of repayment of debts. In fact, the Honourable LAU Chin-shek has explained this point, but I want to provide some additional information. There is a so-called "8-2-8" upper limit for preferential debts, that is a maximum of \$8,000 for outstanding wages, \$2,000 for payment in lieu of notice and \$8,000 for severance pay. As Mr TIEN is an employer who has never failed in his business, he may not have a clear picture of the above information.

PRESIDENT: Mr TIEN, a point of order?

MR JAMES TIEN: Mr President, you said that Mr LEE is supposed to comment on the amendment, but he is now commenting on my statement and I have not moved any amendment.

PRESIDENT: Mr LEE, you are reminded to speak on the amendment. Of course, when you speak on the amendment, you can say that your motion should be supported rather than the amendment. You have a chance to make a final reply after the question on the amendment has been put and voted on.

MR LEE CHEUK-YAN (in Cantonese): Mr President, thank you. Finally, I still have to stress one thing. You always talk about data, but the Government is unable to tell us on what data the range between \$6,000 and \$10,000 is based. At the same time, the Government is also unable to provide any data to explain

the reason why the figure of \$24,000 is unchangeable. It only said that the sum of \$24,000 was first introduced in July of last year, so it would be unreasonable to change it in six months. My aim is very simple. When I dealt with labour disputes, I saw that workers were owed wages and severance pay when their employers became insolvent and faced liquidation, so I told them their entitlement of protection. In many cases, I had to tell them that the Fund was unable to pay them all the money owed to them, so they had to rely on themselves. My wish is very simple. I only hope that in future, I can tell them, "Your entitlement of protection has been enhanced. Now you do not have to fend for yourselves and you will not be helpless." I hope that Members will support me and set their target as simple as mine, so as to put Hong Kong's "working class" under better protection. Do not be fettered by so many shackles. Well, why should we talk about mechanism, procedures, Legislative Council and Labour Advisory Board! In fact, may we finally make it simple by just talking about helping Hong Kong's "working class"?

Thank you, Mr President.

Question on the amendment put.

Voice vote taken.

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

Mr James TIEN claimed a division.

PRESIDENT: Council shall proceed to a division.

PRESIDENT: I would like to remind Members that they are now called upon to vote on the question that the amendment moved by the Secretary for Education and Manpower be made to Mr LEE Cheuk-yan's motion. 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: Still one short. 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 NGAI Shiu-kit, Mr LAU Wong-fat, Mr Edward HO, Mr Ronald ARCULLI, Mrs Miriam LAU, Dr LEONG Che-hung, Mr CHIM Pui-chung, Mr Eric LI, Mr Henry TANG, Dr Samuel WONG, Mr Howard YOUNG, Miss Christine LOH, Mr James TIEN, Mr CHAN Kam-lam, Mr CHAN Wing-chan, Miss CHAN Yuen-han, Mr CHENG Yiu-tong, Mr CHEUNG Hon-chung, Mr CHOY Kan-pui, Mr David CHU, Mr IP Kwok-him, Mr Ambrose LAU, Miss Margaret NG and Mr NGAN Kam-chuen voted for the amendment.

Mr Martin LEE, Mr SZETO Wah, 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 James TO, Dr YEUNG Sum, Mr WONG Wai-yin, Mr LEE Cheuk-yan, Mr Andrew CHENG, Dr Anthony CHEUNG, Mr Albert HO, Mr LAU Chin-shek, Dr LAW Cheung-kwok, Mr LAW Chi-kwong, Mr LEE Kai-ming, Mr LEUNG Yiu-chung, Mr Bruce LIU, Mr MOK Ying-fan, Mr SIN Chung-kai, Mr TSANG Kin-shing and Dr John TSE voted against the amendment.

Mr YUM Sin-ling abstained.

THE PRESIDENT announced that there were 26 votes in favour of the amendment and 27 votes against it. He therefore declared that the amendment was negatived.

PRESIDENT: Mr LEE Cheuk-yan, do you wish to make a final reply?

MR LEE CHEUK-YAN (in Cantonese): Honourable Members, thank you for your remarks and support. I think all of us want to send a good New Year gift to the workers. Thank you.

Question on the original motion put.

Voice vote taken.

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

Mr Michael HO claimed a division.

PRESIDENT: Council shall proceed to a division.

PRESIDENT: I would like to remind Members that they are now called upon to vote on the question that the motion moved by Mr LEE Cheuk-yan be approved. 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 Martin LEE, Mr SZETO Wah, 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 James TO, Dr YEUNG Sum, Mr WONG Wai-yin, Mr LEE Cheuk-yan, Mr CHAN Wing-chan, Miss CHAN Yuen-han, Mr Andrew CHENG, Mr CHENG Yiu-tong, Dr Anthony CHEUNG, Mr CHEUNG Hon-chung, Mr Albert HO, Mr LAU Chin-shek, Dr LAW Cheung-kwok, Mr LAW Chi-kwong, Mr LEE Kai-ming, Mr LEUNG Yiu-chung, Mr Bruce LIU, Mr MOK Ying-fan, Mr SIN Chung-kai, Mr TSANG Kin-shing, Dr John TSE, Mrs Elizabeth WONG and Mr YUM Sin-ling voted for the motion.

Mr Allen LEE, Mrs Selina CHOW, Mr NGAI Shiu-kit, Mr LAU Wong-fat, Mr Edward HO, Mr Ronald ARCULLI, Mrs Miriam LAU, Dr LEONG Che-hung,

Mr CHIM Pui-chung, Mr Eric LI, Mr Henry TANG, Dr Samuel WONG, Mr Howard YOUNG, Miss Christine LOH, Mr James TIEN, Mr CHAN Kam-lam, Mr Paul CHENG, 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.

THE PRESIDENT announced that there were 33 votes in favour of the motion and 23 votes against it. He therefore declared that the motion was carried.

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

POLICY ON CHINESE IMMIGRANTS

MR LAW CHI-KWONG to move the following motion:

"That, in view of the fact that more than 53,000 immigrants are arriving from China annually, this Council urges the Government to expeditiously formulate a comprehensive policy to assist these Chinese immigrants in adjusting to the local way of life and establishing a sense of belonging in Hong Kong as soon as possible; and to make provisions in the relevant policies in anticipation of the impact on the community which may be brought about by the possible influx, within a short period after 1 July 1997, of tens of thousands of children from China, who will have the right of abode in Hong Kong under the Basic Law."

MR LAW CHI-KWONG (in Cantonese): Mr President, I move to pass the motion standing in my name on the Order Paper. A 50-year-old man should have been very happy today because his three sons would come to Hong Kong

with one-way permits for family reunion in a few days. However, a few days ago, he lost his job which he had been doing for over 20 years. He has immediately met with financial difficulties and his future is unknown. Moreover, he is now living in a bed space. Though he has rented a wood partitioned cubicle of less than 100 sq ft, he is now worrying whether he is able to pay the rent of the next month. Only his three sons, of whom the smallest is five, will come to Hong Kong this time because his wife is not granted a one-way permit. His children's future education and daily life worry him very much. As the common saying goes, "He is more pitiful than LEUNG Tin-loi". Nevertheless, in the 1990s, the LEUNG Tin-loi case is not a particular one, for similar conditions happen in Hong Kong frequently, and some individual cases have developed into family tragedies which were very often headlines in newspapers.

In addition, two years ago, a young woman in her thirties came to Hong Kong with two children for reunion with her husband and they lived in a wood partitioned cubicle in a flat shared by five families. The couple were married over 10 years ago and her husband is 20 years older. In the past, except the long Lunar New Year holidays, her husband could only return to the Mainland and stay with her for two days when there was a statutory labour holiday joining a Sunday, so they were not a very affectionate couple. When this young woman came to Hong Kong two years ago, she looked forward to marked improvement in her life. However, she found that her living environment was even worse than that in her home town. She gave up her plan to go back to her home town only for the sake of better education and development for her children. Unfortunately, her husband has been unemployed since last year when the factory for which he had worked closed down. She had no alternative but to look for a job half a year ago, but owing to discrimination, she could only get a pay lower than other workers. She was in a state of utter exhaustion because she had to earn a living on the one hand and to be busy at housework and look after her children on the other. Misfortune never comes singly. Since he was out of job, her husband has become more and more moody and very often, her children and she are beaten by her drunken husband. She doubts more and more whether she should have come to Hong Kong and what her future will be.

The Hong Kong Government has all along considered that the majority of the new immigrants came to Hong Kong for family reunion, so the Government does not have to take care of them because they will be looked after by their families. The above-mentioned cases aptly reflect that not all the family

reunion cases can have a happy ending. These cases are not very isolated ones. Very often many recipients of social welfare services have such experience. What makes social workers sigh with regret is that when such cases emerge, very often what can be done is just to clear up the messy situation.

The arrival of 150 one-way permit entrants from China every day makes a total of over 54 000 a year. If 10% of the new immigrants meet with adjustment difficulties, probably 5 000 immigrants will be in a predicament due to inadaptability, and family and juvenile problems will follow.

One morning when I was listening to the radio, a listener phoned in and below is the gist of what he said: "We do not have to treat the "Ah Tsans" (new Chinese immigrants) so good. We came to Hong Kong after the war had experienced difficulties for a few decades before we could enjoy a comfortable life now. How come that those "Ah Tsans" want to share our fruitful results without working hard? They should suffer first! We Hong Kong people do not want them to come. It is they who want to come. Why should they want our help since inadaptability is their own problem?" I thought: "In the 1950s and 1960s, most of the Hong Kong people were in poverty. At that time, there was a case in which 70 families living under the same roof helped one another and worked very hard together. Now in the 1990s, Hong Kong is ranked as one of the affluent places in the world with a wide gap between the rich and the poor and utterly no contact among occupants under the same roof. Under such circumstances, it will be more difficult for the nowadays new immigrants to adjust themselves than their counterparts in the 1950s and 1960s. Since they came to Hong Kong with one-way permits and have become Hong Kong residents, why do we not welcome them and help them to be part of us as early as they can?"

The above remarks with discriminatory meaning is not unique. Most of the new immigrants have received discriminatory treatment in finding school places, seeking jobs and renting houses. Just think. The figure of 54 000 new immigrants a year makes a total of 540 000 in a decade. If we take their offspring into account, the figure will be larger. How can they have a sense of belonging in Hong Kong if they are facing an icy cold society which not only rejects them but also discriminates against them? After all, what kind of a society do we want Hong Kong to be? A 16-year-old youth who has been in Hong Kong for nearly a year, in expressing his feeling, said, "I will return to my home town once I earn enough money. I do not want to stay here." Of course,

money is never enough, but the remarks of this youth are worthy of our self-examination. Do we want to establish an apathetic society in which people have utterly no sense of belonging but only want to leave after earning enough money, or a society filled with concern and sense of belonging?

There is much underlying social worry behind the feeling of the 16-year-old youth. Owing to the fact there are only nine years' compulsory education in the territory, it is very difficult for a youth of over 15 to find a school place. However, he is unable to join quite a few trades and vocational training courses because he fails to meet the requirements of the Form three level academic qualification. In other words, on his arrival, he has become a youth out of both education and work. It is discouraging that the situation emerges merely because they have just arrived from the Mainland to Hong Kong and there is nothing to do with their performance and choices. It is of course extremely difficult for them to earn "enough money", unless they I think I would better not say any more. As far as this youth is concerned, we can imagine that we have in fact planted many time bombs in society if we do not help those young people to adjust themselves to Hong Kong and give them a good chance for development. In foreign countries, very often, the places where new immigrants inhabit are also the black spots of juvenile problems and crimes. We have to take warning from this.

Moreover, a woman who arrived in Hong Kong four years ago have been almost confined to her home to look after her children and it is her husband who goes shopping after work. To her, Hong Kong is a tiny place. She would have still been out of line with the society and would not have known how to seek help should anything happen had she not contacted social workers. At present, the organizations concerned have only provided new immigrants from China with very limited information. At the Lo Wu checkpoint, new immigrants can only obtain information about anti-corruption, family planning, addresses and telephone numbers of district education offices and the induction programme. In the Tsim Sha Tsui Office of the Immigration Department, the International Social Service Hong Kong Branch distributes to them a guide to life in Hong Kong, which provides some simple general knowledge such as schooling, employment and medical care.

In fact, it is no easy task to provide new immigrants with information and

services. Due to social and cultural differences, the terms such as family counselling and youth services are strange to most of the new immigrants. For example, after hearing the name of Family Planning Association, many new immigrants will associate this with compulsory sterilization without knowing what is health examination service for women and understanding what is family planning.

The above are only a few examples. However, we can see from the examples the difficulties with which new immigrants confront. Apart from the obvious adjustment problem on culture and dialects, they also encounter problems like education, housing, health, marital relations, wife and child abuse, employment, discrimination and security.

In addition to the above problems, in the later part of the transition period, Hong Kong has to face with another hidden worry which forms the second part of the motion I move today: the anticipation of the impact on the community which may be brought about by the possible influx, within a short period after 1 July 1997, of tens of thousands of children from China, who will have the right of abode in Hong Kong under the Basic Law. We have to give consideration to this issue. We can imagine the scene that after the midnight of 30 June 1997, apart from the People's Liberation Army garrison to be stationed in Hong Kong, tens of thousands of children will be coming to Hong Kong in different ways to watch fireworks displays together with us.

The Government not only does not have an accurate number of those children, but also does nothing but to hope that the Mainland public security authorities can effectively prevent those children from sneaking into Hong Kong or that those children can wait patiently in the Mainland until formal one-way permits are issued to them. It seems that the hope is not practical. Can we adopt a more positive method? I am eager to hear some satisfactory proposals from the Government.

I raised this motion for debate today in the hope of inviting honourable colleagues to express their views and urging the Government to formulate a comprehensive policy towards new immigrants and to make an overall review on the education, housing, health, social welfare, manpower and security policies. This debate aims at bringing about more concern and discussions to heighten the awareness of the whole society of Hong Kong, so as to help new immigrants to integrate into the community and to be part of us.

Mr President, these are my remarks and I am going to listen to the views of Honourable Members.

Question on the motion proposed.

SECRETARY FOR HOME AFFAIRS (in Cantonese): Mr President and Honourable Members, both people of all walks of life and the Government of Hong Kong are most concerned about the problems with which new immigrants from China confront and hope to adopt appropriate measures to help them integrate into the local society quickly and smoothly. Our target is to ensure that those new immigrant will become members of our society as soon as possible. Our policy is to provide adequate and appropriate measures as well as relevant supporting services to achieve this target.

We should avoid regarding new immigrants as a special group because considering them as aliens will make them separate from the community, thus running counter to our work target. In fact, with the support of society, many new immigrants are able to tackle various difficulties they are facing without a hitch. In the history of Hong Kong, new immigrants from China have kept on joining us to make magnificent contribution to the economic development of the territory.

Nevertheless, quite a few new immigrants, upon their arrival in Hong Kong, really encounter some difficulties and therefore need other people's help to adjust to this society where probably all the habits and customs are entirely different from those in their previous society. Those needs are most obvious in the first year after their arrival when they very often have to face with a lot of real difficulties. For instance, they have to use a new dialect in their daily life, to find school places for their newly arrived children, to help their children tackle problems arising from their studies, and to look for new jobs. Moreover, the new living environment or present over crowded living environment, the need to adapt to an entirely new living environment, the difficulty of adjusting to the need of living with the spouse's family and a lack of the support of social contact also pose a problem.

In view of the above, our foremost task is to assess more accurately the needs of this group of the latest members of the society and to ensure that the

departments which provide services can provide the services according to their most urgent needs. And, their demands should be satisfied in the best way. Later, my colleague will explain to Honourable Members our efforts in providing various services to new immigrants. I am now concentrating on the work of the Home Affairs Department (HAD) in this aspect.

The HAD is mainly responsible for monitoring and assessing various relevant services and for deciding what kind of assistance is mostly needed. We have set up a Steering Committee chaired by the Director of Home Affairs and composed of relevant government departments responsible for providing services. We know that some non-governmental organizations also have active participation in this kind of work, so we will in future invite them to attend the Committee's meetings. The Steering Committee will be responsible for ascertaining new immigrants' needs and advising those departments and organizations providing services the measures to be adopted to cater for those needs. Though the Committee was set up not long ago and has not attained remarkable achievements, in future, it will give suggestions to the departments and organizations providing services according to our needs and will also ask them to apply for more allocation of resources.

The 18 District Offices under the HAD have set up similar bodies to co-ordinate and support the work of the Committee. District Officers are the suitable persons for the task. Through the area liaison network and frequent contacts with the organizations and residents in their districts, they can find out the problems with which new immigrants may face before reflecting them to the Central Steering Committee so that relevant matters can be handled by the higher level. District Officers have got down to work in many aspects. For example, the Wong Tai Sin District Office has conducted a survey in the district to find out the needs of new residents, and the Sham Shui Po District Office has organized a seminar on this specific topic. Moreover, the Director of Home Affairs and his colleagues will visit the centres providing services for new immigrants from time to time to help us understand the feelings and needs of new immigrants on the one hand and to directly collect the views of the organizations providing services on the other.

To establish effective communication with new immigrants, the authorities have made preparations for obtaining more accurate personal particulars of them. To this end, the HAD has joined hands with the Immigration Department to arrange for the new immigrants from China to complete a simple survey form

when they apply for identity cards after their arrival in Hong Kong to supply information such as age, particulars of children, dialects spoken and district of residence. Such information can help us determine new immigrants' needs for social services, education, housing and welfare. With the information about the districts where new immigrants live, we are able to consider different needs of respective districts so that the organizations providing services can concentrate on providing certain kinds of essential or necessary services. As a result of our simple pilot survey in December, we have made some amendments and improvement. It is expected that this work will be in full swing in the coming few months.

As I said earlier, later my colleagues will explain to you in detail the categories of the existing services provided for new immigrants. However, right now we can adopt some measures to help new immigrants to know easily what kind of services are offered to them by the Government and the service agencies concerned and where they can get such services. We are therefore printing a brochure which will list in detail the services supplied by various government departments and voluntary agencies. The brochure will give a detailed account of the services and will also provide the address and telephone number of each voluntary agency. We intend to distribute these brochures to new immigrants at Lo Wu and put them at the district offices of government departments for the general public to collect. Distribution of the brochure is expected to begin in March this year.

Other than publishing the brochures, we are joining hands with the International Social Service Hong Kong Branch to produce a short video to be shown at immigration checkpoints and the offices under the Immigration Departments. This short video will give an account of the social services for meeting the immediate needs of new immigrants. International Social Service Hong Kong Branch, which has been all along providing services needed by new immigrants, is very experienced in this aspect. We will continue our close co-operation with that organization as well as other voluntary agencies. In addition, the HAD has also taken part in a research programme jointly organized by that organization and the University of Hong Kong. We hope that, through this research programme and the survey conducted by the HAD that I mentioned earlier, we can further probe into how new immigrants can more effectively adjust to local life and also know better their needs, so that we can allocate resources and services more effectively to cope with their needs.

Regarding the conditions after 30 June 1997, following the increase in the

daily quota for one-way permits from 105 to 150 since July last year, we estimate that by 1 July 1997, some 29 000 Mainland children eligible for coming to Hong Kong will still stay in China. It is expected that they can come to Hong Kong in line with the present quota system within the 15 months after 1 July 1997. We believe that with this assurance of allowing children to come within a reasonable period, their parents will not take the risk of arranging their children to enter Hong Kong illegally. Moreover, this can avoid the vast influx of Mainland children in 1997. The quota system will continue after 1997 so that the current Government and the future government of the Hong Kong Special Administrative Region can draw up their service plans appropriately. Moreover, this can also facilitate the orderly arrival of Hong Kong residents' spouses for family reunion.

Mr President, the Government is determined to make further efforts to strengthen the measures for helping new immigrants to integrate into society. We are confident that, like the previous immigrants of Hong Kong, new immigrants can integrate into society quickly to contribute to the bright future of Hong Kong. Thank you.

MRS SELINA CHOW (in Cantonese): Mr President, the influx of new immigrants into Hong Kong has been a long-standing problem. Over the past four to five decades, there has been massive influxes of immigrants from time to time. However, the Government of Hong Kong, trusting to luck, has never formulated a complete set of policies to help them.

Once an academic said that at present, new immigrants "had come at a wrong time". In the past, they had supplied Hong Kong with a cheap labour force to give impetus to the territory's economic development. However, owing to the present economic slowdown in Hong Kong, those new immigrants have become a burden. I nevertheless consider that new immigrants' experience and productivity definitely can provide Hong Kong with extra resources and help us out of economic difficulties as long as we can utilize such experience and productivity properly.

However, to fully utilize the economic prowess of those new immigrants, we must in the first place help them integrate into society.

As Mr Michael SUEN just now said, at present, probably the Government has begun to adopt various measures to publicize some government services

upon the arrival of new immigrants. In fact, do the departments concerned have adequate resources to accept this task? We are not certain about this. We do hope that this is a good beginning and ultimately there will be adequate resources to help them progressively. With the Government's co-ordination of various departments, I suggest that it is a rather unified method to set up an inquiry hotline which may be called "the hotline for new immigrants". This hotline should be used for answering questions about the problems with which new immigrants may face. Even if the hotline cannot answer their questions instantly, it can guide the help seekers to the right places for assistance or further inquiries, so as to save their trouble of approaching a dozen of departments or noting down a dozen of telephone numbers for help.

The staff responsible for answering hotline calls, other than speaking Cantonese and Putonghua, must also speak other dialects to avoid communication problems.

It is easier for immigrant children to learn Cantonese because they can learn it at school. Just like Hong Kong emigrants in foreign countries who are provided language courses, immigrant adults in Hong Kong should be provided an easy channel for learning Cantonese.

However, we all know that it will be rather difficult for adults to attend courses. We probably have to think of a way to iron out the difficulty because they may not take the initiative to do so. An instance can prove that it is necessary to help new immigrants improve their language ability. The day before yesterday, the police pointed out at the Security Panel of the Legislative Council that of the illegal immigrants who had committed crimes in the territory recently, most of them were from the North, probably because they had no alternative but to commit crimes after sneaking into Hong Kong and failing to work even as illegal workers owing to the language barrier. It is therefore necessary for us to urge the Government to find a way to improve new immigrants' language ability to avoid their rushing into danger as a result of failing to integrate into society.

I believe the mass media can play an important role in this aspect. At present, radio and television stations provide many programmes for teaching Putonghua, but there is none for teaching Cantonese. The Government should make use of these mass media to help new immigrants hear and speak Cantonese. The Government must understand that the new arrivals, unlike the previous

arrivals who were to a definite degree able to look after themselves, have to rely on the assistance of society. Our present investment in helping them to grasp the essential skills of integrating into society will benefit the future overall social burden and population quality more.

Moreover, we should make it easier for new immigrants to find jobs. For example, relaxation of the entry requirements for trainees of employees retraining programmes so that new immigrants can enroll will give new immigrants a chance of learning the skills for earning a living. One must bear in mind that the employment obstacles to new immigrants may not only result in the financial difficulties of their families. What makes us worry more is that new immigrants' being compelled to do lower ranking jobs will produce definite negative psychological effects and pressure on them.

The findings of a survey reveal that the adjustment problem has exerted pressure on 70% of the new immigrant women in respect of their mental health and self-esteem. According to the statistics of the Refuge for Battered Wives, of the women maltreated between 1994 and 1995, as high as 70% were new immigrants. A report also points out that some new immigrant women who came to Hong Kong for reuniting with their husbands had not known that their husbands' financial situation was not so good until they came, thus triggering off marital problems or even husband abuse cases. If the authorities do not face up to the relevant problems by stepping up psychological counselling services for new immigrants, this time bomb may affect and hurt many new immigrant families at any time.

It has been learned that some of the new immigrant women, after their arrival in Hong Kong, have been compelled to work in sex dens or establishments doing business at night because they could not find any decent jobs. If you notice recent newspaper recruitment advertisements, you can find that quite a few karaoke, night clubs and massage parlours aim at attracting new immigrant women in recruiting staff. Some advertisements also state that the monthly income can be as high as \$210,000. One can imagine what kind of job this is. Actually, all of the above reflect that the problem has come to a level that allows of no negligence.

Mr President, due to the fact that Hong Kong is not a welfare society, we should make more efforts to help new immigrants to integrate into the community so that they can be self-reliant and will no longer need social assistance. Moreover, family problems and other problems arising from

employment difficulties will no longer emerge. As my above proposal is to fully utilize the Government's existing resources and policies to make appropriate improvement to cope with new immigrants' needs, it will produce little effect on government spending, yet its result will be conducive to overall economic development and social stability. Since the proposal will do only good but no harm, I cannot see why the authorities have to delay adopting it.

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

DR LEONG CHE-HUNG: Mr President, may I start by thanking my honourable colleague, Mr LAW Chi-kwong, for moving this motion — a motion that to me touches the core of social issues in Hong Kong; a motion that is timely, for, unless the Government answers the call of this motion, Hong Kong could well be holding a hot potato, too hot to handle by that time.

It might be said that Hong Kong has so far faced many waves of influx of immigrants. For example, we have an influx of immigrants from China in the early fifties after the Communist take-over; there was another wave from across the border in the early sixties when there was famine in China; and recent history was the flow and influx of Vietnamese illegal migrants — yet we have ridden all these waves, come out a winner, or nearly so. In some cases, Hong Kong has gained actually from them. In fact, many of our businessmen, tycoons, and multi-billionaries were migrants or refugees who utilized this once a barren rock as a stepping stone to the greener pasture of the western world, but overstayed because of this rock being so ludicrous to their business advantage.

Why is it different this time? Whilst the human floods of the past were issues which Hong Kong had no control, with goodwill, between our two sovereigns, this forthcoming influx could well be streamlined. The same number could be admitted with minimal disturbance to Hong Kong. Similarly, proper planning will ensure that the dark ages of the hill-side squatter huts, make shift classrooms, back alley unregistered doctors and dentists are only shameful remnants of the past, and that our new migrants will be offered the amenities that a well developed territory should provide. We have our pride. We want to be prepared for the onslaught.

Influx from three fronts

Mr President, when I mentioned onslaught, I am addressing a possible influx from three directions. Firstly, the continual 150 one-way permit daily

quota that brought 53 000 into this territory per year.

Secondly, we all know that there are many children born of Hong Kong parentage either out of wedlock or otherwise in China. They, according to the Basic Law, have the right of abode in Hong Kong by July 1997. In essence, they are not migrants, they will be Hong Kong citizens. They will be entering this territory like the armada.

Thirdly, unless the queries over the right of abode in Hong Kong is clarified to the satisfaction of our Hong Kong migrants to the western world, these people might return in full force to retain their Hong Kong right of abode status.

Mr President, the number is unknown, and any number produced by the Government, is an overly under-estimated guesstimate!

Two Governments need to work together

As part of a smooth transition, it is important for the British and Chinese Governments to put their heads together and clarify two areas. Would it be possible by administrative means to control the entry of people from China with the right of abode to Hong Kong through a quota system even after July 1997? Secondly, what is China's stand on the status of Hong Kong citizens who have acquired foreign nationality in relation to the right of abode in Hong Kong? It is high time for these people to be put on solid ground so that both of them and the Hong Kong Government can prepare for the future.

Mr President, I would like to dwell on the needs and the possible problems facing health services provision. We will be facing an increase in number, no doubt, the size of which is still unfathomed. More importantly, we might be facing people whose health care needs may well be different from the usual trend we see in Hong Kong.

Impact on health services for children

Data collected in the last few years have shown that a very high percentage of the migrants from China are in their young and formative age. Are their health status similar to their comparable ones in Hong Kong? What is the incidence of inborn anomaly, for example, that is different from our children?

For example, whilst immunization for many infectious diseases is universally practised in Hong Kong in all infants, with a coverage rate of some 98% — these include of course BCG for TB, vaccine for Hepatitis B, what is the programme in China, in particular, in rural China?

Experience from frontline dentists working in new towns where new migrants predominate will tell you that it takes much longer time to do dental check-up and treatment for the same number of school children than in areas where few migrant families live. The answer is obvious. The dental state of these migrant kids are substantially substandard comparing with our own kids and require more care!

Mr President, I am in no way denigrating the health system of China. Yet, there must be difference between us and them and we have to bring all up to par. Regrettably, Hong Kong to date has no data of these variations in spite of the many years of open door to Chinese migrants. There are no data for us to plan for the special types of health care that we need to provide for the 1997 human influx.

The introduction of the new Student Health Service as a means of health screening for school children perhaps unexpectedly becomes a windfall to help solve the problem. Through the data collected via the Student Health Service and if we can intelligently differentiate those from local against migrant children, a pattern may very soon emerge, through which planning for specific health care provisions could be instigated. We must therefore act now!

Impact on health services for women

Another sizable group will be child bearing ladies. These ladies of productive age will definitely need the usual counselling of mothers-to-be, the usual antenatal check-up and the usual regular health assessment. All add up to a need for increase in gynaecological and obstetrical services. It may be said that the Government does provide this service. But are there adequate provision for people to know that this service exists?

Impact on health resources

Mr President, for many years, the medical profession, the public and this

Council have warned the Government that as far as health care financing is concerned, we are sitting at the edge of a volcano. Health care cost is soaring and there is no way that a finite budget can cope with unlimited needs.

With the migrant scenario of 1997, the problem will obviously be a splitting headache. For with more number that will need health care, more children requiring special vaccines, more special centres to cater for special needs, more staff that need to be trained to run these centres, all in all, an even bigger slice is needed from our public coffer. Let us stop procrastinating any more.

Mr President, we are having two motions today — a highly charged political debate, and this one, a highly essential social debate. Neither is less, nor more, important than the other. May I appeal to the Government, the media and this Council to give them the same rating. They are both Category III in importance to Hong Kong by any forms of measurement.

I support the motion.

MR ALBERT HO (in Cantonese): Mr President, a fact which allows of no negligence is that every year, the some 53 000 legal new immigrants from China really have a long-term, wide and far-reaching impact on the Hong Kong society.

Once those new immigrants take up permanent residence in Hong Kong, they have already become members of our society, so it is really our social and moral responsibility to show concern for them and to look after their basic needs, including meeting their demand for housing, education, medical and health as well as other aspects of their life, so that they can settle down happily and integrate into the big family of the Hong Kong society harmoniously.

However, I have to say it is regrettable that it seems the Home Affairs Branch responsible for the policies towards new immigrants is unable to understand and to assess the importance of this issue earlier so as to formulate long-term and comprehensive policies to meet the demand. On the part of the work target for new immigrants from China stated in the Policy Commitments in last year's policy address, the Secretary for Home Affairs only generally and simply said, "The Home Affairs Department will, through the network of all district offices, decide new immigrants' needs in the first place and to propose the

most effective way to satisfy those needs in the second."

At last December's Legislative Council Home Affairs Panel meeting, the Director of Home Affairs, in reply to Honourable Members' questions, pointed out that the Government was collecting and looking into information about new immigrants so as to assess their needs and he also promised to report to the Panel later. In response to the question of whether the Government had collected the data on how many mainland children would be eligible for immigrating to Hong Kong after 1997, the Director of Home Affairs then replied that consultations with the Home Affairs Branch would be needed.

Mr President, judging from the above fact, I think that the Government has just begun to conduct a comprehensive study, survey and assessment. Of course, today I am rather pleased to learn that at least the Secretary for Home Affairs at the beginning mentioned more information such as their estimate that after 1997, some 29 000 mainland children would come to Hong Kong and an improvement of the situation with a number of proposed services and measures. However, we think they are insufficient and probably not comprehensive enough.

Honourable Members, the issue is in fact an urgent one. We hope that the Government will centralize resources immediately to face the problem and shoulder the responsibilities so that new immigrants can, with the support and help of the Government and all the authorities concerned, smoothly integrate into the local society.

Our colleagues from the Democratic Party will speak on the aspects of education, social policy, housing and employment. I will mainly respond to the several major services mentioned by the Secretary for Home Affairs a moment ago. Firstly, the Secretary for Home Affairs mentioned that they would collect information and assess new immigrants' needs and that the immigrants would be required to complete forms upon their arrival so that statistics and surveys could follow. The above is really necessary and should be done earlier. I would like to stress that by collecting information upon their arrival, perhaps we can know from where they come, what dialects they speak, their education level and even where they will live in Hong Kong. This is only a horizontal survey which we consider to be inadequate. We need some vertical case-by-case follow-up surveys so that we can have a full picture or at least we can randomly know of what specific problems some immigrants have encountered after their arrival. Just now the Honourable LAW Chi-kwong pointed out many real cases to allow

us to know that those new immigrants, after their arrival to Hong Kong, have virtually experienced a lot of difficulties and there is the need for us to make every effort to formulate policies and improve measures to help them. I therefore consider it a must to conduct vertical surveys.

The Secretary for Home Affairs also said earlier that they hoped to be in line with the research programme of the University of Hong Kong. I therefore hope that stress will be made on cases so as to formulate some strategies on services and to review the policies.

Secondly, the Secretary for Home Affairs mentioned the inter-departmental Steering Committee chaired by the Director of Home Affairs. This is doubtlessly a good arrangement. I would nevertheless like to emphasize that we need a higher level inter-departmental group which can formulate and also constantly review comprehensive policies towards new immigrants. This should allow us to get hold of more information and have a better understanding of the new situation and, with the implementation of the Basic Law, there will be a continuous influx of new immigrants. We therefore may have to formulate some comprehensive policies. The policies are not only those for improving services but also those concerning the present comprehensive social security assistance payments and restrictions to allocation of public housing units for new immigrants (this is of course definitely related to the supply and demand of our housing). For this reason, we need a higher level group to study whether it is necessary to amend those policies. In addition, as Dr the Honourable LEONG Che-hung said earlier, there is also a question of whether it is necessary to render services such as health examinations or immunization injections. We have to formulate and review comprehensive policies in an all-round way. We think that only by conducting horizontal and vertical surveys to get a picture of the situation can we adjust and co-ordinate the policies.

Finally, the Home Affairs Department should in fact play a more important and leading role in providing services. They should not only just co-ordinate some organizations and supervise some voluntary agencies, but also draw up some strategies. For example, consideration should be given to whether it is necessary to assess the demand for some services district by district before centralizing resources to meet the demand of respective districts. The Home Affairs Department itself should set up some information and liaison centres to at least ensure that new immigrants would not be afraid of, worried and helpless because they are unable to contact appropriate departments and organizations. I hope that the Secretary for Home Affairs can consider the several points that I

just now proposed and then make a review. Thank you, Mr President.

MR IP KWOK-HIM (in Cantonese): Mr President, a family, from living apart in two different places to family reunion, is of course considered a happy thing. Nonetheless, it is not necessarily so. Every year, new immigrants from China, in the course of starting their new life in Hong Kong, have to face with problems in many aspects such as adjustment to the new environment and integration into society. To some of the new immigrants, taking up permanent residence in Hong Kong may only be the beginning of their sufferings.

Of the new arrivals to Hong Kong, over 40% are children born of the wedlock of Hong Kong residents and their mainland spouses, and most of them have reached the school age. In view of the above, one of the main difficulties which new immigrants experience is how to tackle the education problem.

At present, new immigrant children in general have to run about busily and to spend one to three months for finding school places to continue their education. The compatibility problem is more obvious in secondary school education. The school management has full autonomy in enrolling students and the Education Department seldom exercises its power to compel individual schools to accept this kind of students. However, due to a definite degree of prejudice against those students on the part of quite a few schools, such students experience rather great difficulties in finding school places. Moreover, even if these new immigrant children can enroll at schools, very often they are put together in some schools in lower bands. At school, due to their limited knowledge of English, generally they are placed in classes one or two levels lower. New immigrants therefore have to surmount numerous difficulties before they can study at school.

After successfully enrolled, new immigrants have to face with the problem of adjustment to the education system and curricula of Hong Kong. Though the Governor, in his policy address, pledges to set aside \$8 million for voluntary agencies to run some adjustment courses for students, most of such courses are of an amateur nature and their tutors may not have the professional qualifications. As the courses do not just focus on education, it is doubtful if they can produce any fruitful results. Moreover, voluntary agencies have not publicized the courses effectively, so the parents are unable to know the existence of such services. As a result, the courses cannot be fully utilized and some of them are even a waste of resources.

Mr President, it is the basic demand and right of every school-age child to study at school. To tackle the education problem with which immigrant children have to face, the Democratic Alliance for the Betterment of Hong Kong (DAB) proposes that the Government should establish a central school placement allocation mechanism to help new immigrant children to enroll at school as soon as possible to change the chaotic situation brought about by the present district school placement arrangements, so that they no longer have to go through the whole territory before enrolling at schools. It is more suitable for the schools concerned to directly provide those students with appropriate curricula. Moreover, new immigrant children, apart from experiencing adjustment difficulties, very often also receive unnecessary discriminatory treatment at school, resulting in emotional disturbance. The Government should therefore increase the ratio of school social workers to help them ease mental pressure. The Government should of course promote civic education to remove the society's misunderstanding of and discrimination against new immigrants.

Mr President, these are my remarks.

MR FREDERICK FUNG (in Cantonese): Mr President, regarding the motion debate raised by the Honourable LAW Chi-kwong, the Hong Kong Association for Democracy and People's Livelihood will discuss the policies on welfare, housing and education. My remarks will focus on welfare and housing. Dr the Honourable LAW Cheung-kwok will speak on education later.

The Secretary for Health and Welfare, in the 1995 Policy Commitments, pointed out that it was one of their targets in the transition period to ensure that new immigrants from China could enjoy the existing welfare services. The Secretary also pledged to join hands with International Social Service Hong Kong Branch to provide specialized services for helping new immigrants. However, what is the actual situation?

In 1993, International Social Service Hong Kong Branch only had 10.5 staff members responsible for services provided to new immigrants. That 0.5 staff does not mean half a person. It may probably mean a part-time staff member. At the end of 1995, the number increased to only 14.5. On the other hand, 110 000 new immigrants arrived in Hong Kong in these three years. I think that the 10-odd staff members are extremely inadequate for looking after

the new immigrants of which the number increase by tens of thousands every year. Though the Secretary for Health and Welfare declared that they would look after immigrants' needs, actually, over the past year, the Social Welfare Department has only given three additional social workers to International Social Service Hong Kong Branch. Is this the commitment of the Government on welfare services?

Though the authorities concerned can say that new immigrants, after their arrival, can use Hong Kong's existing services and, just like the other Hong Kong people, use the existing welfare services, utilization of the existing resources to look after new immigrants in fact have weakened the current services as well as lower their quality. This will probably arouse dissatisfaction among the users of existing services, resulting in the general public's resistance to new immigrants. This is a situation that we do not want to see. In my opinion, the ultimate solution is to increase resources and encourage other voluntary agencies to introduce services for new immigrants to look after their needs.

Apart from the services exclusively for new immigrants, I would also like to discuss the financial position of new immigrants. Quite a few new immigrant families are in the lower class with meagre earnings to eke out their living. Once the wife and children come to Hong Kong, their families will be in financial difficulties. In addition, at present, the Chinese and Hong Kong Governments, in approving mainlanders' applications for right of abode in Hong Kong, do not regard a whole family as a unit. There is always the case that only children are permitted to come, whereas the mother's application is yet to be approved. The children, after coming to Hong Kong, have to solely rely on the care of the father who very often has no alternative but to quit his job and depend on Comprehensive Social Security Assistance payments to maintain the family. As a matter of fact, family reunion is a kind of human rights. I hope the Government can negotiate with its Chinese counterpart to strive for considering a whole family as a unit in approving mainlanders' applications for the right of abode in Hong Kong.

Furthermore, I also urge the Government to provide new immigrant families with the services of nurseries, child care centres and occasional child care service to lessen their child care burden. This is particularly important to the fathers. With the services, they can continue to do their jobs and do not have to rely on Comprehensive Social Security Assistance payments. I also request the authorities concerned to take their situation into consideration to see

if there is any need to review the one-year residence rule for Comprehensive Social Security Assistance recipients, so as to give such kind of new immigrants special care.

New immigrants is a major issue for Hong Kong during the transition period. If we handle it improperly and fail to help them integrate into the local society, they will probably become a time bomb which will likely affect the social stability of the society of the future Special Administrative Region. It is hoped that the Government can face squarely this problem.

Moreover, regarding housing, with the continuous influx of new immigrants, our social structure has undergone substantial changes. For example, the ratio of the two genders, distribution of wages and categories of housing are subjects which deserve study. Undeniably, new immigrants have housing needs. At present, the Government has no information on the distribution of wages and categories of the housing of new immigrants. Some organizations have conducted such surveys, but probably the specific outcome has not been available. However, judging from some superficial conditions, we may reach a preliminary conclusion.

To my own understanding, most of the new immigrants live in Kwun Tong, Sham Shui Po and Tsuen Wan, the districts which are categorized as places inhabited by the low income people. Judging from this, we can assume or believe that new immigrants are not well off. Some of them may be eligible for applying for public housing, but many new immigrant families have more than half of their members living in Hong Kong for less than seven years, so they are not entitled to public housing units. Recently the Secretary for Housing told the mass media that in the short run, the increase in the quota for new immigrants would not affect housing demand, but would on the contrary result in more overcrowded living conditions of their family members in Hong Kong. In other words, some families' quality of living has deteriorated because of an increase in their members. In fact, the demand will not increase until seven years later when they are eligible for public housing.

Last year, the Governor promised that by 2000, the waiting period of applicants would be shortened from seven years to five years. However, because of the continuous increases in new immigrants, whether this target can be achieved highly depends on the Government's determination in its commitment to public rental housing. What I am most worried is that the

promise may finally become a dishonoured cheque. The Government's current public housing policy has been on the wrong track. Which social stratum needs assistance most? Over the past year, the Housing Authority (HA) has kept on attracting public housing tenants to purchase Home Ownership Scheme (HOS) units or private accommodation. However, the group of people in poor financial situation have not been offered special assistance and the number of public rental housing units has not been increased to cope with the situation, whereas public housing and HOS housing are built on a one-to-one basis. I think public housing policy should focus on public rental housing and the Steering Group on Long-Term Housing Strategy under the Housing Branch has a number of drafts on future housing. Under my observation as a member of the HA, it seems that the Government's policy has turned to the right, that is trying to put as many housing units on the market as possible. I think this is open to discussion and we must take into consideration the conditions of the low income group.

With these remarks, I support the original motion.

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

MR FRED LI (in Cantonese): Mr Deputy, Hong Kong is a society composed of immigrants and most of our parents and elders came from the Mainland. In the course of our growth, we would not consider that the immigrants of our generation posed a problem because all of us were new immigrants. Moreover, three to four decades ago, there was not a major difference between the living standard of Hong Kong and that of Guangzhou or other major Mainland cities. As a result, the new immigrants coming to Hong Kong at that time faced fewer adjustment problems than the new immigrants nowadays. Things are not the same now because Hong Kong and the Mainland are two different worlds. How to help them adjust to and integrate into Hong Kong is a key issue in formulating policies which the Government very often neglects.

In my opinion, in providing new immigrants with social services, a very important principle is to contact them in a great network. The present services provided for new immigrants of course fall short of the demand. However, the most vital problem is, many new immigrants are not aware of and do not have a clear picture of the existing services.

For example, only those people who have been living in Hong Kong for at least one year are eligible for Comprehensive Social Security Assistance payments, and district social security officers of the Social Welfare Department can approve applications from applicants who have not been living in Hong Kong for a year in case of special conditions. We nevertheless are not discussing whether "one year" is a good criterion. The question is, many new immigrants, upon their arrival, have utterly no knowledge of the Comprehensive Social Security Assistance Scheme and they lack the confidence in front of staff of the Social Welfare Department, so they will not persist in their demand. The survey on the assistance recipients in 1990 reveals that 1 774 people living in Hong Kong for less than five years, representing only 2.9% of the total applications at that time, applied for this kind of assistance. Probably we would say that this was because of the low demand of such assistance from new immigrants, but most likely they did not know how to use this service and no one would take the initiative to introduce it to them.

Just because no new immigrant will go from Yuen Long to Sha Tin or Cheung Sha Wan for the service, what we need is not one or two large new immigrant service centres, but a broad network in communities to help them integrate into life in Hong Kong.

Foreign experience tells us that a large number of volunteer groups should be set up with one volunteer responsible for a new immigrant family by giving them a phone call once a week, eating with them once a month or conducting some group activities purely for the purpose of getting some people familiar with the local conditions together with new immigrants so that they will not feel lonely. Moreover, somebody will teach them how to handle problems when they arise. The advantage of this pattern is that it does not need a lot of resources, yet it can establish a broad network. The above are what we can consider and try.

On the other hand, the front-line social workers told us that new immigrant women face more serious adjustment problems. Now at least 30 of the additional daily quota are reserved for women coming to Hong Kong with one-way permits. This is in addition to the number of women in the original quota of 75.

At present, many newly arrived women are legitimate wives of Hong Kong residents who had married them in the Mainland and then applied for their right of abode in Hong Kong. When they were in the Mainland, they could lead a comfortable life with their husbands' income earned by working as blue-collar workers. After their arrival, they found that it was not so easy to live comfortably in Hong Kong and their husbands could only afford to live in wood partitioned cubicles of less than 100 sq ft or very tiny public rental housing units. It is indeed frustrating that they left their home towns for Hong Kong only to find that their living standard here is much lower than that of their previous homes. In addition, before they themselves can fully adjusted to the environment, they have to face with their children's adjustment problem on learning and the problem of controlling them. The above exert greater pressure on them.

The existing services for Hong Kong women are already inadequate, not to mention those for new immigrant women. If this issue cannot be handled properly, many family problems will arise. It has been learned that of the cases handled by the Refuge for Battered Wives, about one third are about new immigrants. We can thus see the high demand for services for new immigrant women. We therefore hope that the Government, in drawing up new immigrant policies, can regard the work on women a key project.

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

MR CHOY KAN-PUI (in Cantonese): Mr Deputy, during the three years from 1993 to 1995, over 110 000 immigrants arrived in Hong Kong from China. From July 1995 onwards, the monthly quota of new immigrants has increased to 150. That is to say, in the one and a half year from now up to mid-1997, another 80 000 legal immigrants will come to Hong Kong. In only five years' time, at least over 200 000 new immigrants, a number equivalent to the population of a new town, are coming to Hong Kong. Moreover, it is estimated that at least a few tens of thousands of mainland-born children of Hong Kong permanent residents will flock to Hong Kong after 1997. In the three years between 1993 and 1995, immigrant children and young people aged between five and 19 accounted for about 30% of the total number of new immigrants. If this group of people are well educated and nurtured, they will become the pillars of society and if they can effectively integrate into society, they will become valuable human resources; otherwise, they will not only meet with difficulties in living in Hong Kong, but may also pose some public order, juvenile and family

problems. This will definitely produce negative effects on Hong Kong's social stability, so this issue cannot be ignored.

New immigrants will experience great difficulties in adapting to a new environment and integrating into society in the wake of the unfamiliar environment with different habits and customs and even some language problems. People in different age groups experience different problems.

Concerning children and young people: in the course of learning, they may experience difficulties in communication, differences of teaching methods and curricula and discrimination from schoolmates. They therefore need special care and guidance in academic, physical and psychological development, otherwise, their development will be hampered and many youth problems may emerge.

As regards adults, before their arrival, they may look forward to a brilliant future in Hong Kong. After their arrival, they find that the reality is entirely different from their ideal and they have to face with the employment problem. In general, either the new immigrants' academic attainment and qualifications are rather low, or are not recognized in Hong Kong. As they do not have working experience in Hong Kong and the territory has experienced economic recession in recent years, they meet with difficulties in finding jobs. It is therefore necessary to give them guidance and provide them with a channel to find jobs in line with their own conditions; otherwise they will be helpless and be compelled to take a risk which will pose a public order problem in Hong Kong.

Regarding women, in recent three years, 38% of the total new entrants have been women aged between 20 and 44 and most of them are married women coming to Hong Kong for family reunion. They mainly face with marital and family problems. In the past, they and their husbands were living in two different places, did not have much communication and understanding and some even got married for financial benefits. After their arrival in Hong Kong, they are unable to win the understanding of their husbands. In daily life, they experience unhappy things such as housing, children and financial situation, thus sparking off many family disputes. Some women even have extramarital affairs and those who fail to resist material temptation will engage in immoral transactions, thus posing a social problem. They and their husbands are badly in need of some family counselling to know how to face squarely their marriage and solve their family problems to avoid a break-up of their families.

Of the large number of problems with which new immigrants encounter, the housing problem is very often the most serious and is difficult to tackle. Moreover, the housing problem will trigger off other problems. As they are not permanent residents, they do not qualify for public housing immediately and all they can do is to join their relatives in their dwelling places in Hong Kong. However, very often their relatives are already in poor living conditions and the new immigrants' joining them will aggravate the already overcrowded situation. Nevertheless, it will be unfair to those on the waiting list if they are given priority to live in public housing units. I suggest the Government should consider setting aside part of the demolished or soon to be demolished Temporary Housing Areas (THA) for redevelopment into temporary housing units with conditions better than the existing ones to be exclusively used for accommodating new immigrants with special needs. However, the precondition is that they are only allowed to live there for a specified period such as one or two years, after which they must move out to let other new immigrants move in. This can avoid a repetition of the present conditions in THA where occupants very often live there for more than a decade. Generally speaking, new immigrants can adjust to the lifestyle in Hong Kong within one to two years after their arrival.

At present, government departments and voluntary agencies provide not many services exclusively for new immigrants and they experience a lack of resources and manpower. In addition, the extensiveness of the existing problems makes it difficult to satisfy all the needs. I therefore suggest the Government should formulate an overall policy towards new immigrants as soon as possible and consider allocating more resources in the next fiscal year to look after new immigrants' special needs, particularly those on housing, employment, child education and family counselling. Moreover, it should also determine a clearcut target and a corresponding progress chart on relevant services to help them adjust to the environment and integrate into society as early as possible.

With these remarks, Mr Deputy, I support the original motion.

MR LEE WING-TAT (in Cantonese): Mr Deputy, on behalf of the Democratic Party, I will concentrate on discussing new immigrants' housing problem.

Mr Deputy, this Council has on a number of occasions debated the issue concerning the housing pressure on Hong Kong residents. It is known to all

that residents of private accommodation have to spend 20% or even 30% of their family income on renting flats of substandard living environment. However, new immigrants have to face greater difficulties. According to the rules of the Housing Department, only a family with at least half of its members living in Hong Kong for seven years or more are eligible for a public housing unit. However, an applicant who does not meet the above requirement may be put on the waiting list first. According to the staff of the Housing Department, if an applicant is on the top of the waiting list but still does not meet the seven-year rule, he will be interviewed and told the time he will be allocated a unit which is generally a few years' later. He will also be interviewed for a test of his eligibility before he is formally allocated a public housing unit. In general, a new immigrant family will not be eligible for a public housing unit until they have been living in Hong Kong for seven years. Is it realistic for the Government to allow new immigrants to come to Hong Kong as legitimate residents on the one hand and leave the new immigrants to solve their housing problem by themselves on the other?

Members of the general public have to pay high rental or to spend more than half of their income to pay mortgage instalments. They have constantly complained about this. The new arrivals have to adjust to changes in many aspects and as most of them are in the low income class, they cannot afford the expensive rent. According to the survey conducted in July by the International Social Service Hong Kong Branch on its service targets, new immigrants mostly live in the old private housing flats in Kwun Tong, Sham Shui Po and Tsuen Wan. A survey report compiled by the Society for Community Organizations has revealed that 83% of the new immigrants live in co-rented or sub-let units. As regards the number of tenants, 51% are with two tenants and 48% are with three to five tenants. That means most of them live in wood partitioned cubicles. One can imagine how overcrowded their living conditions are. It is not unusual for a family of several members living in a tiny wood partitioned cubicle of 40 to 50 sq ft. The monthly rental for such a cubicle stands at some \$1,500 to \$2,000. So basically, rental accounts for a very high proportion of a new immigrant family's income. Expensive rental makes a family poorer.

The situation of the new immigrants living in public housing or Temporary Housing Area (THA) is no better. If a new immigrant's family originally lived in a public housing or THA unit, the new immigrant can only be an illegal tenant of that public housing or THA unit because he is not entitled to be registered as a member of that household immediately. As a result, the whole family has to

live in overcrowded conditions. One can say that a new immigrant coming to Hong Kong for family reunion may be required to live in a very overcrowded environment.

Mr Deputy, over the past few months, I have met the general public every week. In many cases, some families living in THA or public housing units lodged complaints and below are two real examples. Originally two single adults were sharing a unit of 60 sq ft. Whether it is fortunate or not, the two single adults have respectively applied for their wives and children to come to Hong Kong. One of them also has a daughter and the other one has four children coming to Hong Kong. The 60 sq ft unit originally occupied by two people is now occupied by nine people with each occupying an area of less than 10 sq ft. However, under the existing housing policy, the two families may not qualify for being registered as additional members of the households. Even if they can do so, under the existing housing policy, the THA families will not be granted a larger THA unit, not to mention a public rental housing unit. According to the present policy, even if there are vacant THA units, they will not be allocated to households with additional members.

Another example is about a father who had successfully applied for his wife and two daughters to come to Hong Kong. But because of housing problem, he sent his wife and a daughter back to the Mainland and put the other daughter under the care of an elderly woman in Yuen Long while he himself continued to live alone.

Mr Deputy, the housing problem is an urgent matter with which new immigrants are confronting.

Mr Deputy, discussions and determination of new immigrants' housing demand must be under an important principle: to consider those people our compatriots who are members of the society of Hong Kong. The Government, in formulating policies for satisfying new immigrants' housing demand, must bear in mind that they should avoid adopting the means test to split society. It worries me very much that setting new immigrants' housing demand against those of people on the waiting list, occupants of units to be demolished and other Hong Kong residents will cause a split within society. It would be most distressing if the Housing Branch, Housing Department and Housing Authority do so. Of course the Government would explain that owing to a lack of housing resources, there should be limitations on new immigrants' applications for public

housing. As a matter of fact, nine years ago, that is in 1987, the Government, in formulating long-term housing strategies, pledged to Hong Kong residents that all the applications on the waiting list would be cleared by 1997 (next year). If the Government can honour its pledge, there should be no more applications on the waiting list and new immigrants' applications for public housing and their housing problem can easily be solved. But if the Government fails to do so, there will still be 150 000 applicants on the waiting list.

Mr Deputy, a government official has said that the arrival of new immigrants has not posed any additional public housing problems. I worry very much about this remark because I am afraid that the Government will cut the total figure of the future housing demand and reduce the number of public rental housing units to be built. Mr Deputy, I hope the Secretary for Housing would not agree to this government official's remark that new immigrants would not cause additional housing demand in Hong Kong. Though the demand is not an immediate one, an additional demand for housing will emerge when they have lived in Hong Kong for seven years. In the near future, the Housing Department should review the policy for new immigrants to be registered as additional members of public housing and THA households and consideration should be given to allocating larger units to them.

With these remarks, Mr Deputy, I support the Honourable LAW Chi-kwong's motion.

MISS CHAN YUEN-HAN (in Cantonese): Mr Deputy, the number of new immigrants from China has increased from 75 per day to 105 per day and the present 150 per day. We can see that with the relaxation of the quota, more and more new immigrants have arrived. Judging from the existing policies, we do not think the Government has done anything to tackle the problems arising from the ever-increasing new immigrants. Mr President, I am a new Member. When I first joined this Council, the Government asked me to attend a three-day course to familiarize myself with the large number of complicated Legislative Council affairs. I believe without this course, I might get very confused, yet up to now, I am still confused and I am even unable to find the toilet. I mention this in a bid to indicate that even new Legislative Council Members have to rely on a course provided by the Government to be familiar with the new environment. It is a pity that in policies towards new immigrants, we can only see that the Government has relaxed the quota but cannot see if there is any specific measures

to help new immigrants solve the problems they face. I therefore think that today's motion is very meaningful. This is particularly the case before the release of the Budget because the motion can remind the Government to formulate new policies to tackle this problem, though this is no longer a new one.

At present, new immigrants are facing various kinds of problems and the most pressing ones are: 1. housing; 2. education; and 3. employment. These are only the major ones but this does not mean that the others are unimportant. However, as time is short, I will focus on discussing the above three aspects. As the Honourable Members just now stated, owing to the stipulations of the existing policy, new immigrants who have not been living in Hong Kong for seven years or more are not eligible for public housing allocation. We therefore can see that many new immigrants are living in rooftop wooden huts, hillside squatter huts and private accommodation. Though some lucky new immigrants can live in public housing units, they live there in overcrowded conditions. I have here in my speech examples similar to those just now cited by the Honourable LEE Wing-tat. Since he has mentioned them, I should perhaps skip mine. Of the public housing households living in overcrowded conditions, quite a few are new immigrant families. However, the Government does not have a series of policies to give them assistance.

Moreover, education is also a big problem. Over a long period of time in the past, new immigrant children have experienced great difficulties in finding school places. When I was a District Board Member in North Point North between 1988 and 1991, I came across many new immigrant children who had been rejected by local schools. At that time, only some so-called "leftwing" schools such as Fukien Middle School and some Band Five schools were willing to enroll them. I was aware of the absence of any policies such as a central school placement allocation mechanism in the whole society for helping those newly arrived immigrant children. Those children could not but go everywhere to plead for help from District Board Members and enthusiastic persons in the community, who have also met with a lot of difficulties. Of the new immigrant children, quite a few are in the embarrassing age group between 15 and 21 who are no longer entitled to the nine-year free education on the one hand, and are not offered any special help by the Government to meet their needs for education on the other.

Other than education, employment has also been a problem. In fact, even local workers are experiencing unprecedented employment difficulties, not to

mention these new immigrants who are not familiar with Hong Kong. These people are in a pitiable plight because they are from the Mainland or other places with basically different cultural background from that of Hong Kong people. At the same time, they have to face with the difficulties brought about by Hong Kong's current economic restructuring. Also, there is a language barrier and even some professionals among them cannot solve their employment problem. Despite the above conditions, the Government has not formulated any policies to help them integrate into society and find jobs. The housing, education and employment problems are the troubles I witnessed in the past when I had been engaged in community work for a long time. In my opinion, the Government should formulate policies right now to help new immigrants integrate into society. To this end, the Government must set up an inter-departmental committee to tackle the problems with which new immigrants confront. The committee must comprise officers from the Immigration Department, Social Welfare Department, Education Department and Housing Department instead of only the representatives of a certain department.

In addition, the Government should strengthen the role of the Home Affairs Department because at present, this Department is unable to play a crucial role. The Government should also have a full picture of the information about new immigrants so as to understand their housing and education demands. To help new immigrant children iron out the difficulties in finding school places, the Government should establish a central school placement mechanism. With this mechanism, new immigrants will no longer have to go everywhere to find school places and seek assistance. I think this current situation of Hong Kong is extremely undesirable, so I do hope that the Government will solve the problem of school placement for new immigrant children.

Concerning the employment problem, as I have just said, even local residents have to face with this problem owing to the economic restructuring, not to mention the new immigrants who are unfamiliar with the local conditions. Could the Government set aside some resources of the Employees Retraining Board for running training programmes, including those on languages and skills, for new immigrants to help them integrate into society and find jobs?

Owing to the fact that many current public assistance recipients are new immigrants, I consider it necessary to make corresponding amendments to our social security system. At present, the Government stipulates that only those people who have been living in Hong Kong for one year or more are eligible for public assistance. I think the Government should revoke this rule to allow the

new arrivals who are in a plight to be looked after by the whole society.

Among the above points, the most important one is that once the new immigrants arrive in Hong Kong, they become members of our society, so the Government should not regard them as aliens. It is of vital importance that the Government should take the lead in helping them integrate into society with a complete set of policies. As a matter of fact, some people in society misunderstand and discriminate against new immigrants and the Government is mainly to blame for such situation. I therefore think that the Government should be the first one to improve the policies towards new immigrants and relevant work.

With these remarks, Mr Deputy, I support today's original motion.

MR CHEUNG MAN-KWONG (in Cantonese): Mr Deputy, I feel most regretful and sorry that we discuss today the education of new immigrant children from China. It is regrettable because the Education Department should have expected the emergence of this problem as early as the Government increased the quota for Chinese children to come to Hong Kong. However, as time goes by, government departments have not been able to formulate a whole set of policies towards new immigrants. Up to now, when the average daily number of children coming to Hong Kong is large enough to fill a classroom, we still find that many small new immigrant children have to follow their parents to go here and there to find school places and have a taste of being rejected repeatedly. A student failed to find a school place after approaching 18 schools from Kowloon City to Mong Kok. A father had to find school places for three children at different class levels. These miserable stories happen every day. We should be grieved and ashamed no matter whether we are engaged in educational work or not.

Mr Deputy, it is the duty of our society to arrange for those new immigrants to receive the nine-year compulsory education. Nonetheless, even if the new immigrant children seek the help of the Education Department, all they can get is a list of schools and they have to try their luck for enrollment. Though the Education Department is planning to set up a central placement

system to put new immigrant children failing to find school places to attend schools in other districts, such a system will not function until the students have actually failed to find school places in their own districts. In other words, students still have to undergo the painful process of finding school places for themselves.

Even if the new immigrant children are so lucky as to successfully enroll in schools, many of them will still be perplexed by the problem of repeating their studies. Generally, most of them have to be repeaters or even have to study in a class several levels lower just because their English is not up to the local standard. Although the Education Department provides remedial English teaching, a one to two months' short course which covers a dozen of subjects other than English cannot effectively meet their needs for improving English. Moreover, the requirement for them to be repeaters because of the English subject alone will not do any good to their physical and mental development. From the economic point of view, the average cost for every school place amounts to some \$14,000. A colossal sum of additional education cost has to be spent on school places taken by the new immigrant children who are repeaters. If the Education Department can utilize such resources properly through conducting rather long-term and systematic English training to help them study in appropriate classes, why should the students waste their time in repeating their studies? Why should society waste vast resources?

Even school-age children experience great difficulties in finding primary or junior secondary school places, to say nothing of new immigrants aged 15 and above, who are all the more helpless if they want to pursue further studies. They are not entitled to attend the induction programme nor primary or secondary school places on the one hand and lack of vocational training on the other. It is not easy for them to find jobs, not to mention studying unless they can afford the expensive fees charged by private schools. Though the Education Department has recently decided to lower the age limit of students of Adult Education Courses to 15 to enable them to attend evening courses, the Department must really make arrangements for those new immigrant children who want to pursue further studies to receive normal day-time education and to provide them with more diversified outlets.

Mr Deputy, in line with the questions I raised a moment ago, I make a three-point proposal:

1. To improve the planned central placement system to a "proactive"

and "automatic" enrollment mechanism. The word "proactive" means that upon the children's arrival in Hong Kong, arrangements are made for school placement for them instead of providing assistance upon the parents' request after their children have failed to find school places. "Automatic" means that unless the parents refuse to accept the school placement, the central placement system of the Education Department performs its functions which include arranging a unified academic standard assessment test for children to determine in which classes they should study and to give children and schools a guide for appropriate remedial services.

2. To set up a learning centre for new immigrants to provide an induction programme for children on the one hand and, what is more important, to provide different levels of longer-term intensive English training for the students whose English is not up to standard, and to arrange for them to enter the suitable class level in the following new academic term following a simple assessment by the Education Department, so as to avoid sending the students to lower class levels when they enroll in schools after the beginning of a school term. Should the students, after enrollment, still experience difficulties in learning English, some extended programmes on remedial English could be provided to continue to give them guidance to achieve better teaching results.
3. To patch the existing blind spot in senior secondary education for new immigrants, the Education Department has to establish a systematic mechanism to arrange for aged above 15 intending to pursue studies to study in senior secondary school classes and to review vocational training as well as employees retraining programmes so as to help them fully involve in the local labour market.

Finally, to solve the problem of frequent frustrations among the children from the Mainland, I would like to point out that the rural schools and schools with only a small number of classes which are being phased out and have all along been neglected by the Government can meet new immigrants' needs. There are guidance groups or even tutoring classes in such kind of schools to help students improve their standard of English and Chinese. Moreover, closer relations between teachers and students there resulting in better care to the

students is conducive to the development of individual students. However, the most important point is that such schools are more flexible in accepting students at different points of time. Even though those schools are in rather remote areas and are only suitable for new immigrant children living in the neighbourhood, the Government should not treat lightly any method which can ease the problem.

With these remarks, Mr Deputy, I fully support the Honourable LAW Chi-kwong's motion.

MR PAUL CHENG (in Cantonese): Mr Deputy, I fully understand newly arrived immigrants' helpless feeling and I also think that the Government should give them assistance. As far as I know, of the 150 new immigrants arriving in Hong Kong per day, 45 are children and 30 are for reuniting with spouses, that is these 75 people come on the ground of family reunion. As regards the remaining 75 people, I consider that the Government should learn about their background and give them proper assistance as far as possible. I believe that the new immigrants coming to Hong Kong for family reunion will be supported and looked after by their family members and relatives because Chinese people have strong family ties and they help and look after one another in a family. As a result, it is easier for those new immigrants to integrate into Hong Kong society's working environment and life. However, if new immigrants come to Hong Kong independently and have no one to depend on, the Government should give them more assistance in getting engaged in and contributing to society. As many Members have made many good suggestions, I would not repeat them. I nevertheless suggest that the Government should at least set up a special office as soon as possible to meet new immigrants and put them under different categories such as individuals and family reunion and to study in detail the information about their backgrounds to understand their academic qualifications and professional knowledge, so as to give them appropriate guides such as how to find jobs and solve their housing problem. From the point of economic and social development of Hong Kong, we should absorb new immigrants with professional knowledge and potential so as to build Hong Kong with concerted efforts. Just think. Our negligence towards them will indirectly lead them to a wrong path and hence probably affect our social stability. In that case, the Government will have to spend resources on helping them back to the right path and the time and resources needed for this purpose will be much more than those for giving them assistance now.

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

DR LAW CHEUNG-KWOK (in Cantonese): Mr Deputy, on behalf of the Hong Kong Association for Democracy and People's Livelihood, I will focus my discussion on new immigrants' education problem in response to the motion moved by the Honourable LAW Chi-kwong today.

According to government figures, women and children form the main part of new immigrants. For instance, in 1995, 38% of the mainlanders coming to Hong Kong were under 15 and, over the past three years, 35 000 children under 15 have arrived in Hong Kong. Judging from the present rate of granting one-way permits to mainlanders for coming to Hong Kong, it is estimated that after 1997, every year, about 29 000 mainland children with the right of abode in Hong Kong will come here for family reunion. These figures tell us that new immigrants will exert great pressure on Hong Kong's education.

In my opinion, since they live in Hong Kong and are members of the territory, they should have the right to receive good education like other children and we are obliged to help those new immigrant families tackle their children's learning problems.

In learning and receiving education, new immigrant children mainly experience problems in three aspects: 1. Finding suitable school places for children; 2. New immigrant children's learning adjustment; and 3. Learning and employment problems of young immigrants aged above 15.

Firstly, I am going to discuss the school placement of new immigrants. Quite a few new immigrant families have met with the difficulties of finding places in suitable schools for their children. As most of them will have to enroll in the middle of a school term and many schools do not want to accept students midway for fear of disrupting their operation, they are very often rejected. They are not welcome probably because the school authorities are afraid that their sub-standard English will affect the learning progress of the whole class. Moreover, the parents do not know which school has vacant places. As many Members just now said, the parents have to take their children to go here and there, yet it is not an easy task for them to find suitable school places.

At present, the government departments concerned are adopting a very

passive policy regarding school placement for new immigrant children. The Government distributes to new immigrants information leaflets on school placement and requires them to take the initiative to approach district education offices for help. Many new immigrant families are in the lower class who have not much general knowledge. Very often they do not know where they should turn to. I think that the authorities concerned should take the initiative to contact them and offer help. I welcome the recent announcement of the Education Department that a central registry of placement records will be set up to help immigrant children find school places and a proactive approach by contacting new immigrant children and their parents in writing will be adopted. I hope that the Education Department will carry out this positive and proactive measure as soon as possible.

Regarding the assessment of new immigrant children's academic level in the course of school placement, many new immigrant children have to face with the problem of jointing a lower class level or repeating their studies. Such conditions arise because of the need to accommodate the three school places allocation mechanisms (that is the Primary One Admission System and the Secondary School Places Allocation System and the Junior Secondary Education Assessment System) and mainly because their English is not up to standard. In fact, their results in other subjects may not be so poor, only that in general their English is not as good as the local students at the same age. Repeating or joining a lower class level will not only make them feel frustrated, but will also cause a serious waste of education resources. In my opinion, a better way is to set up an assessment mechanism to appraise new immigrant children's academic level and the appraisal results can also be used for reference in class grouping. In doing so, we can not only avoid unnecessary arrangements for joining a lower class level or repeating but can also give schools a clearer understanding of the standards of new immigrant children, and help them integrate into Hong Kong's education system in a more proper and objective way.

Secondly, concerning new immigrant children's learning adjustment problem, due to the difference in the curricula of Hong Kong and the Mainland, particularly the great gap between the English standard of the two places, new immigrant children meet with great adjustment difficulties. At present, the Education Department is running induction and extended programmes to help them iron out learning problems. The original intention of such programmes is good. However, those programmes of 60 hours lasting for four weeks are in fact too short. Moreover, there is a lack of detailed guides for the contents of

the programmes. In addition, the entry requirement of having arrived in Hong Kong for less than half a year is actually too rigid. I think that the programmes should be extended to half a year or above and the entry requirement should be relaxed.

Thirdly, as regards further studies among the young people aged above 15, those new immigrants, due to their ages, will definitely meet with more problems than primary school pupils in adjusting to normal schooling. Since they lack proper academic qualification and skills, in the long run, they may be unemployed for a long period of time and experience difficulties in integrating into Hong Kong society. We urge the Government to formulate long-term policies in this aspect to help the young people aged above 15 to integrate more actively into our society and to provide suitable training so that they can be useful to our society.

With these remarks, I support Mr LAW Chi-kwong's motion. Thank you, Mr Deputy.

DR JOHN TSE (in Cantonese): Mr Deputy, I would like to discuss the policies towards new immigrants from the angle of protecting basic human rights.

Article 2 of the International Covenant on Economic, Social and Cultural Rights stresses that one shall not be discriminated against because of one's national or social origin or other status. Though this Covenant applies to Hong Kong, it is most regrettable that new immigrants from the Mainland to Hong Kong are not under its protection. The Covenant requires the signatories to recognize that everyone shall enjoy equal rights, including the right to work, education and live. However, evidence shows that new immigrants are treated unfairly in these aspects. Many employers refuse to employ new immigrants once they hear their accents. Even if the employers recruit them, they will wilfully give them lower pay. Landlords are reluctant to let out rooms to them when they know that they are new immigrants. Quite a few new immigrant children are rejected by schools even though they are willing to join a lower class level because of their low standard of English. They think that they have received unfair treatment merely because they are "made in China". Everyone thinks that they are definitely incapable and are sure to cause troubles. Though many of us, or even our past generation, were new immigrants, very often we still discriminate against them. We use to call new immigrants "Ah Tsan", "uncle" and "cousin". These forms of address reveal our negative attitude towards new

immigrants: from despising them, looking down upon them and regarding them to be "bumpkins", to thinking that they are criminals doing no decent work. No matter what "these printed impressions" are, these forms of address aptly show our intense prejudice against new immigrants. Due to the requirement of the period of residence in Hong Kong in applying for social welfare and public housing, and the fact that most of the new immigrants are in the low income bracket, they are not leading a comfortable life. The addition of public discrimination increases their suffering. Discrimination against new immigrants will in fact be an obstacle to their integration into our big family. This situation will also cause social instability if it continues. As a matter of fact, they are not aliens. On the contrary, in many cases, their conditions are the result of many Hong Kong people's marriage and the birth of their children in the Mainland.

Since we have accepted them as part of Hong Kong, we should allow them to enjoy the same rights as we do and should not discriminate against them unreasonably. From this point of view, we can base on two considerations to formulate policies towards new immigrants. On the one hand, I request the Government to allocate more resources to help them establish a network for adjusting to the life in Hong Kong. The Governor, in his policy address, pledged to give more support to International Social Services Hong Kong Branch. However, they have met with great difficulties in their plan to set up a service centre in Wong Tai Sin and to find a suitable new office in Sham Shui Po. I hope that the Government will honour its promise as early as it can by helping them solve the problems concerned quickly. On the other hand, I earnestly hope that the Government would not neglect the anti-discrimination work by stepping up education on the public in the aspect of anti-discrimination and removing public's misunderstanding of new immigrants. In addition, there should also be a study of broadening the scope of anti-discrimination law so that new immigrants would not receive unfair treatment because of their status.

Mr Deputy, I would like to take this opportunity to say to members of the general public, "Since we are of the same origin, why do you torment them so hard?" Our acceptance to new immigrants is the only best way to help them integrate into our society.

With these remarks, I support the motion.

MR CHAN WAI-YIP (in Cantonese): Mr Deputy, among the numerous minority groups in Hong Kong, the new immigrants from the Mainland can be

said as the one whose rights are most neglected and who are most ignored by social policies and systems. Other than the offspring of high ranking cadres, most of the new immigrants from the Mainland live in slum areas: hillside squatter huts, run-down old buildings, illegal rooftop structures or temporary housing areas where they gather.

Economically speaking, new immigrants from the Mainland can provide Hong Kong with a rather cheap labour force. Socially speaking, new immigrants can aptly fill the gap left by the emigration of Hong Kong people. Although new immigrants have made significant contribution to Hong Kong, what the Hong Kong Government has provide for them are only pathetically meagre services.

When I was a Tsuen Wan District Board Member in the mid-1980s, at the district board meetings, I already called on the Government to be more concerned about the problems experienced by new immigrants and requested the Government to provide new immigrants with social adjustment services and courses to avoid their feeling helpless. However, up to now, many new immigrants still sigh with emotion, "The poor are ignored even if they are on the roadside; the rich have many visitors even though they are in remote mountains". Many of them, after arriving in Hong Kong, have faced with financial difficulties and have had to rely on the assistance of their relatives and friends in Hong Kong. And being in a society with significant political, economic and cultural differences from the Mainland makes it easy for them to develop psychological resistance.

New immigrants find it difficult to adapt themselves in view of the problems on psychological adjustment, rebuilding their social circles, employment and schooling. However, the existing services and support system provided by society are grievously inadequate, so how can new immigrants' depression and psychological pressure be relieved? Most of them are at a loss and in a constant state of anxiety in the face of their plight. I believe their suffering is not what the high-pay ranking and technical bureaucrats can understand.

Mr Deputy, I consider that it is necessary for the Government to provide appropriate social services for new immigrants to help them adjust to life in Hong Kong as soon as possible. Relevant services should cover the following three aspects:

(1) *Schooling*

At present, the Government has adopted a non-intervention policy towards the matter of whether school-age new immigrant children are able to go to school. Actually, bureaucracy is behind the scene in that there is an indifferent and rigid system to deal with school-age children's needs. The current public condemnation of the Education Department is by no means fortuitous. Let's leave aside post-secondary education. New immigrants have to find primary or secondary school places for their children if they want to go to school. The parents, after their arrival in Hong Kong, have to find vacant school places all by themselves and they also have to rely on the district network and connection to locate schools. The Education Department will not lend them a helping hand and will only leave them unattended even if the parents fail to find school places for their children under 15 resulting in suspension of their schooling. As a matter of fact, this attitude of the Education Department will most likely turn this group of school-age children into street gangs as a result of the discontinuation of their studies. This will lead to grave consequences.

In view of the above, I think the Education Department has to provide the services of finding suitable school places for new immigrant children instead of just providing them with a list of schools for them to find school places themselves. This can avoid new immigrant children going astray as a result of the discontinuation of their studies.

(2) *Employment*

Quite a few immigrants from the Mainland to Hong Kong were professionals or intellectuals in China. However, after coming to Hong Kong, the university and professional qualifications they attained in the Mainland are not recognized because Hong Kong is a British colony. As a result, those professionals and intellectuals are unable to go back to their professions after their arrival in Hong Kong. To earn a living, many of those professionals and senior intellectuals have no alternative but to become manual workers. This is not only unfair to this group of new immigrants but also a waste of an elite group as far as Hong Kong is concerned.

As the 1997 return of sovereignty is approaching, I hope the Government will consider progressively recognizing mainland Chinese professional qualifications through a fair mechanism to improve the situation so as to make the best use of them.

(3) *Psychological counselling*

Currently, the International Social Service Hong Kong Branch is the only organization in Hong Kong which provides counselling services for new immigrants. This voluntary agency has only two service centres, one in Wan Chai and the other in Sham Shui Po. In addition, it also has two outreach service offices respectively at Kowloon Railway Station and the Registration of Persons Office in Empire Centre, Tsim Sha Tsui. However, that agency now only has a small workforce of six full-time social workers and eight supporting system personnel as well as half a part-time staff member. Such an establishment can hardly handle the incessant influx of new immigrants at a rate as high as 50 000 a year.

I think the Government must allocate more resources exclusively for increasing the staffing of the organizations providing services for new immigrants, so as to provide adequate and professional social services for new immigrants to help them establish a self-aid and mutual aid network, integrate into society and strengthen their identification with and involvement in society as early as possible. In fact, many regions in the world provide services to meet the needs of new immigrants. It is surprising and regrettable that Hong Kong, as a so-called advanced and prosperous society, rarely provides such services for new immigrants.

Mr Deputy, new immigrants are our residents. It is of vital importance to help them integrate into society and prevent them from having the feeling of detachment and being discriminated, or else, the feeling of being pressurized and rejected on the part of the tens of thousands of new immigrants arriving annually will form a factor of community instability. The issue of providing services that new immigrants need has all along been a question avoided by the Government. I hope that through this debate, the issue can arouse the concern of all sectors so that the Hong Kong Government will provide new immigrants with more comprehensive and in-depth services as soon as possible.

With these remarks, I support the motion.

THE PRESIDENT resumed the Chair.

DR ANTHONY CHEUNG (in Cantonese): Mr President, regarding the motion moved by the Honourable LAW Chi-kwong today, I would like to express my

opinion on education. At present, 150 one-way permit holders come to Hong Kong from the Mainland every day, thus making a total of some 54 000 immigrants a year. According to statistics, in 1995 (between January and November), about 13 000 new immigrants aged between five and 19 came from the Mainland, that is nearly 15 000 a year, accounting for about 27% of the total number of immigrants from the Mainland. Judging from this, we can see that new immigrant children have become more and more significant in Hong Kong. After 1997, the mainland-born children of Hong Kong permanent residents will have the right of abode in Hong Kong. In view of the above, among the problems brought about by new immigrants, schooling is one which must not be neglected. On education, new immigrant children from the Mainland are facing with two major problems:

- (1) Adaptability: Owing to the difference between the school curricula and social environments in the Mainland and those in Hong Kong, it is no easy task to reach compatibility. Moreover, many new immigrant children, due to their low standard of English and difficulties in communicating in Cantonese, or the lack of any knowledge about the complex form of Chinese characters, very often are required to join a lower class level. They have to make greater efforts and spend more time to adjust to Hong Kong's education system and the local teaching method.
- (2) Localization: Migration has given arise to extra difficulties to the growth of young people: they have to learn new behaviour and languages afresh and to establish their own network of new friends. Such changes will have a great impact on new immigrant children. The parents of those children who have not been in a stable financial position have to go out for work for a long period of time and hence spend relatively less time in looking after their children. Those children therefore are badly in need of appropriate guidance for integrating into the local society and learning environment.

At present, the Education Department has indeed provided some supporting services for new immigrant children. For example, forms are distributed at Lo Wu to collect information about new immigrant children and some induction courses and assistance in finding school places for them are provided. Moreover, there are induction programmes run through voluntary agencies to help them learn Cantonese, English and other social or general

knowledge and some guidance services are provided as well. However, these services remain inadequate and are not very effective. For instance, the response to the induction programme for new immigrant children is not so good due to a lack of publicity. Furthermore, the question of whether this 60-hour induction programme can really help the majority of the new immigrant children to adjust to so many new things is yet to be reviewed. Just now the Honourable CHEUNG Man-kwong has commented that an improvement of the school placement inquiry service is badly in need. I would not repeat this point here.

Mr President, the newly arrived immigrant children are most concerned about schooling. As most of the new immigrant children are at school age, we also have to attach great importance to the question of whether there are enough school places and whether school places can be allocated by taking into account the places where the children live.

Regarding the supply of school places, the statistical figures of the Education Department show that since 1993, there have been 40 000 primary and over 10 000 secondary school vacancies each year on average throughout the territory. It appears that the overall supply is sufficient. However, it is not so simple. A more in-depth study of the figures reveals that since 1992, there has been a shortage of more than 1 000 Secondary One places a year on average.

In addition, there is uneven geographical distribution of school places. In places like Kwun Tong and Tsuen Wan, where most of the new immigrants live, there are only a few hundred extra secondary school places, whereas in places like Central and Western District and Wan Chai where relatively few new immigrants live, there are more than 1 000 extra secondary school places, and there are nearly 2 000 such school places in some districts. With the continuous increase in the number of new immigrant children, we must also face squarely the question of whether the allocation of our school places, including those in primary and secondary schools, can really satisfy the demand from various districts so as to avoid the need for students to go to school in other districts.

The Education Department has recently announced the setting up of a central registry of placement records in February or March of this year to study the feasibility of centralization of school placement. We think this method deserves our consideration. However, in the Secondary School Places Allocation System, we have to pay attention to three points: Firstly, whether this allocation method is a measure limited to certain districts or a territory-wide

measure. Secondly, whether it covers all levels from Primary One to Secondary Five, and thirdly, what are the criteria and basic allocation method?

Mr President, former Deputy Director of Education, Ms Elaine CHUNG said earlier that between 1997-98 and 2001, the Government would build 10 new primary schools and 10 new secondary schools. It seems that there is a plan to increase school places to look after the children from the Mainland. Nevertheless, as I have just said, due to the fact that the demand for school places varies in different districts, attention should be paid to the location of the schools to be built in the hope of achieving the goal of meeting the learning needs of the children.

Mr President, helping new immigrant children integrate into the local society depends on appropriate guidance services. We hope that the Education Department, apart from giving new immigrant children support in their studies, will also make proper arrangements for providing them with psychological counselling. In the face of the changing student population structure and the increasing new immigrant children ratio in a class, it is also necessary for the Government to give our teachers proper training, particularly on how to give new immigrant children guidance.

All in all, there are some inadequacies regarding the question of education for new immigrant children. First there is the inadequacy in adaptability. There is a lack of publicity on the inquiry services and courses on adjustment, an uneven supply and district distribution of school places, and inadequate guidance. I think that it is now necessary for the Government to make a comprehensive and thorough assessment of the existing measures to make basic improvement.

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

MR LEE CHEUK-YAN (in Cantonese): Mr President, my remarks will be very short and I will only raise a two-point proposal which I hope the Government will accept. Firstly, I think that new immigrants, once arriving in Hong Kong, very often face with great adjustment difficulties. In this respect, it is of course good if there is more co-ordination among government departments. However, what I most want to see is the setting up of a new immigrant services section by the Government which will open cases for new immigrants upon their arrival and then take follow-up action and give them assistance according to the needs of

each family.

I believe only by doing so can we absorb them into Hong Kong society at the fastest speed. The other point that I would like to raise to the Government is on employment. At present, the Employees Retraining Board (ERB) does not accept new immigrants and only some needy people are allowed to attend courses as visitors. In my opinion, if we hope that new immigrants would solve their employment problem as quickly as they can, the ERB should also look after new immigrants' need for training. I nevertheless have to tell the Government clearly that this does not mean to set aside part of the existing resources for the benefit of new immigrants because in doing so, local workers will be affected. What I mean is to increase the existing resources so that the ERB is able to carry out more work on new immigrants. It is hoped that the Government will accept my proposal. By doing so, new immigrants can be engaged in the job market as soon as possible.

In the meantime, if the new immigrant services section attains achievements, students can find suitable school places quickly and adults can find jobs successfully. Only by doing so can Hong Kong have long-term development because we have all along said that human resources are most valuable in Hong Kong and new immigrants are in fact a stream of valuable human resources. I earnestly hope that the Government will be able to do these two things. On the one hand, new immigrants can be absorbed by our society to give full play to their ability and the other hand, I believe that they can make good contribution to the overall development of the territory. From the point of the new immigrants, the absorption of them by society is undoubtedly to their advantage. However, from the point of the whole society, their rapid integration into society will be advantageous to the entire society. I hope that the Government will accept my two-point proposal by setting up a new immigrant services section immediately and by providing ERB training for new immigrants. Thank you, Mr President.

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr President, an immediate and important issue facing the immigrant parents of school-age children is finding suitable school places. This is understandably not an easy task for new arrivals who are not familiar with the local education system. In fact, we have adopted many measures to help them find school places and adjust to the new environment. We have drawn up a series of new

measures to provide better services for those parents. In the first place, we are adopting a proactive approach. That is, instead of waiting for the parents to approach us for help, we will reach out to these parents and offer our services. Upon their arrival at Lo Wu, the parents will be requested to provide details of their children in a form to enable the Education Department (ED) to take follow-up action. Based on the information, the District Education Officers of respective districts will approach the parents to arrange for suitable school placement for their school-age children.

Immigrant parents can also continue to approach District Education Officers for help. If a District Education Officer fails to find placement for the children in their respective districts, he or she will refer the case to the central office at the ED for suitable referral to another district. In other words, the ED will centralize the management of all difficult cases of school placement. A central registry of placement records for all immigrant children will be set up next month at the ED headquarters to facilitate referral arrangements to nearby districts as necessary. There will be no need for parents to approach another district themselves if no sufficient vacancies are available in the district they live.

Another important target of our work on education is to help the immigrant children integrate into the local school system within a short timeframe. We have since April 1995 introduced a 60-hour induction programme operated by voluntary agencies. There are now 19 voluntary agencies running this programme in 40 centres all over Hong Kong. This free programme covers both social adjustment and education aspects which include remedial teaching in Chinese and English, as well as homework guidance. We have recently further improved the programme by:

- (1) reducing the class size from 15-20 to 10-15 per class;
- (2) implementing split class teaching for age groups 6-10 and 11-14;
- (3) introducing an extended programme of 60 hours on remedial English to improve the standard of English of the immigrant children within a short time to enable them to enter the class level suitable for their age group;
- (4) increasing the amount of subsidy from \$13,500 to \$15,000 per class; and
- (5) introducing radio announcements in both Cantonese and Putonghua

to give wider publicity to the programme. This is in addition to distributing information leaflets on the programme and other education services at the Lo Wu checkpoint and all district education offices and district offices.

Support services are also available to the immigrant children in schools. These services include:

- (1) educational and personal guidance provided by student guidance teachers in primary schools and school social workers and guidance teachers in secondary schools;
- (2) remedial teaching in English, Chinese and Mathematics;
- (3) the issuance by the ED to all schools of a curriculum guide in September 1995 containing a framework of teaching contents and strategies for teachers teaching immigrant children; and
- (4) the provision of a spectrum of intensive remedial services for children who have more severe learning or adjustment difficulties.

In addition, the ED will also produce a self-learning package on English for self-study by immigrant children at home. This package will be distributed through non-profit-making voluntary agencies and schools.

Furthermore, the ED provides assessment and support services such as psychological services, speech and other therapy services to help those children with special needs.

We will closely monitor and regularly review these programmes and services to ensure what we offer caters for the needs of the new immigrant children. Some Honourable Members said that new immigrant children had received discriminatory treatment. As a matter of fact, grouping new immigrant and local children together in learning and playing as early as we can is a way to eliminate discrimination. We therefore should not segregate them.

As regards the provision of more school places to meet the rise in demand

arising from the quota increase in July 1995, we have agreed with the Chinese authorities that for the first 12 months, the additional quota of 30 for eligible children will be allocated to those aged five and below and between 16 and 20 years old. This arrangement is intended to reduce the immediate demand for compulsory education school places. Nevertheless, to provide more school places, we are building five additional primary schools for completion in 1997-98. We shall also conduct a review of the longer term requirements for school places at different levels in the second half of this year. In the interim, we are making use of the existing vacancies in primary and secondary schools resulting from an overall decline in the school population to accommodate the immigrant children.

For the parents themselves and other new immigrants of working age, they would merge into our society primarily through employment. For those who want to find a job, assistance is readily available from the Labour Department. The Local Employment Service (LES) is free for all Hong Kong residents, so is the highly successful Job Matching Programme. We are committed to helping all new immigrants who seek employment at our LES offices.

As for vocational training and adult education, depending on the availability of places, new immigrants can enroll in such courses provided they meet the respective entry requirements.

Due to high demand and limited resources, retraining programmes administered by the Employees Retraining Board (ERB) are restricted to permanent residents, that is those who have been living in Hong Kong for more than seven years. We will monitor the situation regarding new immigrants closely and if necessary, discuss with the ERB to see if this provision in the Employees Retraining Ordinance should be relaxed.

SECRETARY FOR HOUSING (in Cantonese): Mr President, I have listened with interest to the comments made by Honourable Members, and wish to respond on the housing aspects. The fundamental principle behind our housing policy is to help all the households to have access to suitable and affordable housing. As new arrivals from China become members of the Hong Kong community, they will immediately come within our planning parameters and provision of services. Our target is to ensure that the long-term housing needs of new immigrants from China are met. Since only permanent residents living

in Hong Kong for seven years or more are eligible for public rental housing, new immigrants will be treated similarly and we should not give them preferential treatment to avoid being unfair to local residents. However, we allow — and indeed encourage — new immigrants from China to submit applications for public rental housing and to place themselves on the General Waiting List as soon as possible so that their applications can be considered once they have met the seven-year rule and become permanent residents. In 1995, there were about 46 000 one-way permit entrants. The vast majority — over 43 000 — came here for the purpose of family reunion: joining their parents, spouses or children in Hong Kong. Among them, about 20 000 were under 20 and 1 200 were at 60 or above. These figures will help us estimate the future profile of new immigrants from China.

The arrival of new immigrants has implications both for our private and public housing programmes. Many new immigrants join families already living in private accommodation. Dependants of existing tenants in public rental housing and interim housing are of course allowed to join their families immediately. Similarly, new immigrants can join their relatives in Home Ownership or Sandwich Class Housing flats. In extreme cases where new immigrants face real difficulty in accommodation, they may temporarily be accommodated in transit centres until they can make other housing arrangements. Because of the seven-year rule, few of these new immigrants will qualify for public rental housing accommodation in the short term. Our public housing production targets for the period April 1995 to March 2001 of building 141 000 public rental flats and 175 000 subsidized flats for sale have therefore not been affected by the recent increase in the immigrant quota. Even in the longer term, the fact that a high proportion of the immigrant population consists of dependent children and spouses of Hong Kong residents means that relatively modest additional demand will be generated for separate accommodation, so we expect that this will not severely affect our public housing production targets. I can nevertheless guarantee that this implication will be taken into account in our planning parameters in setting our housing production targets up to the year 2006.

Since most of the immigrants come to Hong Kong for family reunion, their immediate housing needs are for shared accommodation. They are allowed to join their families in public rental housing and interim housing if they are dependants of existing tenants. Where this results in overcrowded living conditions, these households can apply for re-allocation to larger flats, or

"allocation of permanent housing" through other channels.

We are also mindful of the needs of the elderly and will exercise flexibility by allowing a single elderly immigrant from China to share a public rental housing unit with another elderly singleton. We will also consider exercising flexibility in genuinely deserving cases for compassionate rehousing upon the recommendation of the Social Welfare Department. As the number of immigrants from China increases, I accept the need to inform them of the housing programmes from which they can benefit. The Housing Department has already made available pamphlets on housing arrangements at various information centres of the Home Affairs Department. In addition, new immigrants can obtain information directly through the Housing Department hotline. Thank you, President.

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): Mr President, it is very important for new immigrants to integrate fully into our society as soon as possible after their arrival at Hong Kong. Just like other Hong Kong people, they have the right to use various health and welfare services provided by public funds. When we set the planning objectives of these services, we have taken into consideration the projected increase of new immigrants from mainland China. We will adopt a cautious attitude in providing such services so as not to give excessive prominence to new immigrants, for such an act will run counter to our main objective of helping them to integrate into society. As far as health and welfare supportive services are concerned, new immigrants have similar needs as other local people — the biggest difference is that the authorities concerned should make it clear to them where such services are available and help them obtain the services they need.

Today I will focus on various welfare services available in Hong Kong. Some of these services can go a long way towards meeting the special needs of new immigrants.

First of all, the Social Welfare Department of the Hong Kong Government and many voluntary agencies have provided many kinds of services for Hong Kong people and new immigrants. I would like to talk about the services provided by the family service centres. Counselling and guidances are provided to new immigrants to help them overcome those problems they may encounter when adjusting to the new environment. For instance, should new immigrants feel frustrated and helpless due to adjustment difficulty, family service centres

will provide counselling service and spiritual support, inducing them to "open up" themselves to the outside world, and assisting them to establish a social network with their friends and neighbours.

The second type of commonly provided services are the family life education programmes. Apart from helping new immigrants establish harmonious family and interpersonal relations, such services also help them to deal with the stress brought about by adaptation to new environment and other related problems. The above-mentioned programmes include holding talks and seminars on the relations between parents and children, husband and wife; conducting group discussions on the roles played by various members in a family and how to cope with household chores; and holding family camps to enhance relations among family members.

The third type of services are group work services which aim at helping new immigrants establish a mutual-aid network with their neighbours and enhancing their adjustment ability. Moreover, social groups and skill training programmes are introduced specially for new immigrants, including setting up counselling units to enhance the adjustment ability of participants to school life, help schoolchildren establish a positive self-image, or instill to parents knowledge about how to bring up their children.

Those new immigrants who cannot take care of their children in the day time can use the facilities provided by child care centres. There are currently over 300 child care centres in the territory. If necessary, low-income families may apply for financial assistance to pay for the fees charged by such centres.

Children from new immigrant families are one of the main service targets of children and youth centres. Such centres will provide counselling and supportive services to them. Under the auspices of the Education Department, more than 15 children and youth centres are now running "induction programmes for schoolchildren of new Chinese immigrants" to help such children adjust to the local way of life. School social workers also help them overcome various problems encountered in school (such as language barrier and how to get along with classmates) through orientation course and individual counselling service.

Should new immigrants require financial assistance, they may apply for assistance under the Comprehensive Social Security Assistance Scheme (CSSAS). Upon approval, they may enjoy free medical services provided by

public hospitals and clinics. As regards those new immigrants who have financial problems but have not applied for CSSA, they may request medical social workers of public hospitals and clinics to help them claim exemption from payment of medical fees.

The authorities concerned are also holding regular briefing sessions to enable front-line social workers to obtain the latest information on the general needs of and problems commonly encountered by new immigrants so that they will be better equipped to provide new immigrants with appropriate services. Should there be any need, front-line workers will also be encouraged to conduct more activities for new immigrants, such as holding talks and briefings on how to adjust to the new way of life so that new immigrants may get to know about the facilities of our society and community, and setting up children social groups and housewives support teams for new immigrants.

Since 1970 we have been sponsoring the Hong Kong Branch of the International Social Service (HKISS) to provide services for needy new immigrants so as to help them settle down in Hong Kong. Such services include holding talks to assist new immigrants and their children to adjust to the new way of life and providing short-term counselling and referral services to those who find it hard to adjust to the local way of life or those who need assistance in regard to education, housing, employment, social welfare or other services.

The Social Welfare Department is now co-operating with the HKISS to improve and expand the new immigrant services provided by the latter. Additional resources have been allocated to the HKISS to enhance its counselling and referral services. New units have been set aside to enable the HKISS to expand the programme to help new immigrants to adjust to the new way of life. Posters, booklets and leaflets on our housing, education, employment and health and welfare services have been prepared and widely distributed at places frequented by new immigrants such as offices of the Immigration Department, district offices of the Home Affairs Branch, housing estate offices of the Housing Department, government clinics and other offices. Before March 1996, the HKISS will complete the production of a video tape dubbed in Cantonese and Mandarin which will be shown at the above places so that new immigrants may know more about the social services available in Hong Kong and the general living environment. To help plan future services for new immigrants, the HKISS has been conducting a research on the adjustment

problem and special needs of new immigrants from China since December 1995 and the research is expected to be completed by August 1996. The data obtained from the survey on the ages and distribution of new immigrants conducted by the Home Affairs Branch will be used in the research being conducted by the HKISS to assess the needs of new immigrants of various districts so as to provide the most suitable services to them.

Mr President, I am confident that we can take care of the health and welfare needs of new immigrants. We have already introduced the necessary services to meet their needs and we will review such services from time to time. As in the past, our aim is to help new immigrants steadily and fully integrate into our society as soon as possible.

Thank you.

PRESIDENT: Mr LAW Chi-kwong, you are now entitled to reply and you have four minutes 19 seconds out of your original 15 minutes.

MR LAW CHI-KWONG (in Cantonese): Mr President, I am very glad that so many colleagues have spoken today.

Although all Members of this Legislative Council are elected, we are still willing to offer some views on how to improve the quality of life of new immigrants who are not eligible to vote, reflecting that elected legislators do not merely think of how to win more votes. I also have to thank the Government for its sincerity in sending four of the most senior Policy Secretaries to make replies. But regrettably, their replies are somewhat disappointing, especially in the education and housing areas. In regard to education, many colleagues in this Council have made very strong criticisms today, but the Government only reiterates what is being done, and has not shown any sincerity in trying to make any improvement. As regards the housing problem, the situation is quite similar.

The Secretary for Health and Welfare has given a very comprehensive reply. But as a matter of fact, the reply can be summarised simply with one sentence: All health and welfare services in Hong Kong may be used by new immigrants; and in addition, more than a dozen social workers of the Hong Kong

Branch of the International Social Service are providing services to them. So it seems to us that although our resources are limited, we are still providing a lot of services to new immigrants. This reminds me of what many front-line social workers have told us: in fact some Hong Kong permanent residents who use the above-mentioned services are sometimes grumbling, for they do not understand why do the agencies concerned provide so many services to new immigrants. In view of the above, should we consider allocating more resources to various service agencies? After listening to the views expressed by many colleagues today, I at first intend to make a brief summary of their opinions for detailed discussion and recommendations to the Government in future. However, I have recorded nearly 30 suggestions. As I believe that no one would have the patience to listen again to these suggestions which have just been raised, so I am not going to repeat those 30 or so suggestions. Nevertheless, I still hope that the Government will not just remember what it has done, but listen to the various specific suggestions raised by many of our colleagues today. I will work hard and continue to do research in this area in the hope that I may be able to draw up more comprehensive suggestions in the coming months for Government consideration and public consultations.

I hope that today you will all support the motion and urge the Government to formulate a comprehensive policy. Thank you, Mr President.

Question on the motion put and agreed to.

SHADOW GOVERNMENT

MISS EMILY LAU to move the following motion:

"That, in view of the public's lack of confidence in the vague promise made by the Chinese officials that a 'second power centre' will not be established in Hong Kong, and their fear that the Chinese Government will unilaterally form a 'shadow government', thereby resulting in the continuation of colonial rule in Hong Kong after 1 July 1997, this Council urges the Chinese Government to immediately make preparation for the Chief Executive and Members of the Legislative Council of the Hong Kong Special Administrative Region (HKSAR) to be elected on the basis of one person one vote, and to allow all people of Hong Kong to fully participate in the formation of the HKSAR Government."

MISS EMILY LAU (in Cantonese): Mr President, in 1992 when the British Government decided to substitute David WILSON, the then Governor, with Christopher PATTEN, the Chairman of the Conservative Party who suffered defeat in the general election held in April 1992, Hong Kong people had not been consulted, and so Hong Kong people could not play any part in selecting their governor. This was a kind of out-and-out colonial rule. Following the end of British rule, Hong Kong people hope that they may shake off colonial rule and enjoy a high degree of autonomy, including of course, the right to elect their own Chief Executive (CE).

Mr President, the United Kingdom has implemented colonial rule in Hong Kong for more than 150 years, pursuing an obscurantist policy: not to encourage people to have any concern for politics, not to nourish civic-mindedness, and not to introduce a democratic system. The rule of the elite has been put in place for years with a small number of businessmen and professionals appointed by the Government. The consultative machinery, including the Executive and Legislative Councils, are all set up by the British. The functional constituencies election, which was highly valued by China, is also a continuation of the rule of the elite.

Officially, the British rule will come to an end on 1 July 1997. But this does not mean that Hong Kong people can definitely shake off colonial type of rule. Hong Kong people hope that they can fully participate in making a decision for their own future, this is essential to realizing the principles of "one country, two systems", "a high degree of autonomy and Hong Kong people ruling Hong Kong". However, according to the present situation, the Chinese rule in Hong Kong after 1997 is likely to be a copy of the British colonial rule.

The formation of the Hong Kong Special Administrative Region Preparatory Committee (PC) early this month has fully demonstrated that the Chinese Government refused to listen to any opposing voices. Under the circumstances, how can Hong Kong people expect that the PC which is lacking in representation can draw up a blueprint for the implementation of "a high degree of autonomy and Hong Kong people ruling Hong Kong" after 1997?

Mr President, subsequent to the formation of the PC, various sectors have

been working more vigorously to create a favourable situation for their own CE candidates. When Mr LU Ping, the Director of Hong Kong and Macau Office, said that there was a "dark horse" running for the post, the political tug of war started to turn white-hot. Although Hong Kong people are fond of horse-racing, the excessive use of horse-racing terms in the choice of the CE is an insult to the solemn process.

On the eve of the first meeting of the PC held in Beijing, Mr FOK Ying-tung, a Vice-Chairman, openly expressed support for Mr TUNG Chee-hwa, another Vice-Chairman, saying that he was the most suitable candidate for the CE post. Meanwhile Mr ANN Tse-kai, a Vice-Chairman, publicly supported Mr LEUNG Chun-ying, also a Vice-Chairman. Mr LI Ka-shing, a PC member, had once vehemently objected to the idea of allowing any businessman to take up the CE post. But when he learnt that this businessman might be his own business partner, he changed his mind and said that businessman could also fill the post.

Mr President, at the PC meeting held in Beijing last week, Mr JIANG Zemin, President of China, took the initiative to approach Mr TUNG Chee-hwa and shook hands with him under the very eyes of all PC members and the media. The "extraordinary" move of the Chinese leader has prompted people to think Mr TUNG's prospects are encouraging.

Even before the formation of the 400-member Selection Committee which is responsible for choosing the CE, China has made some indications in regard to the CE candidates, creating a favourable situation for its own pick. These moves not only annoy Hong Kong people, but also make the provision in the Sino-British Joint Declaration that the CE should be chosen by election or through consultations become empty words.

In the mid-1980s, Mr TUNG Chee-hwa's family business ran into difficulty and no one was willing to give a helping hand. Eventually, it was with the help of Mr FOK Ying-tung and the Chinese Government that the TUNG family's shipping business could tide over the difficulty. The problem is that if a person who owed China such a big favour was appointed by the Chinese Government as the CE, would his independence be put to question? Moreover, Mr TUNG has business ties with some rich businessmen who are PC members, would such relations give rise to serious conflict of interests?

"No gold is entirely pure and no man is perfect", I believe that any person running for the CE post will come under the criticisms of many people. As that post is so important and the candidature so controversial, the whole process should have a very high degree of transparency and must conform to the principle of being fair and democratic. Through election on the basis of one person one vote, electors can make a choice basing on the merits and demerits of the candidates. Conversely, if the CE is nominated by means of private arrangements, Hong Kong people will lose faith in the entire system.

Taiwan will conduct a historic direct election on March to elect their president. May I ask why we Hong Kong people are denied the right to elect our own CE?

Under British colonial rule, Hong Kong is fortunate enough not to get involved in the cruel power struggle in China. After the withdrawal of the British, the nightmare which has haunted many local people may soon come true. There are indications that the factional disputes in China may have already extended to the selection process of the CE. No wonder Hong Kong people cannot help feeling scared.

Mr President, according to a survey conducted after the release of the list of PC members, the confidence of Hong Kong people in its political future has plummeted to a record low since the June 4th massacre. The reason is that the closer we move towards 1997, the tighter will be the control exerted by China over Hong Kong. Even before the arrival of 1997, Hong Kong people are worrying that China will set up a power centre in Hong Kong in advance. In November 1995, Sir Sze-yuen CHUNG, a then Preliminary Working Committee member, said that the Chinese Government would set up a "shadow government" and a "shadow legislative council" in Hong Kong this year. Sir Sze-yuen's remarks resulted in a public outcry. Although Chinese officials and Sir Sze-yuen later denied such intention, how many Hong Kong people will believe their denial?

Many Hong Kong people are really worrying that when the CE-designate and the "staff team-designate" have been selected in the middle of this year or next year, the "staff team-designate" will become a shadow government, making "indiscreet criticisms" on Hong Kong affairs and challenging the Hong Kong Government on each and every matter. If the "staff team-designate" really does so, the administrative authority of the Government will be severely undermined,

resulting in social chaos and unrest. As a matter of fact, officials of the Hong Kong and Macau Affairs Office and the Xinhua News Agency, Deputy Director of Xinhua News Agency ZHANG Junsheng in particular, launch attack at the Governor and the Hong Kong Government on television every evening. The continuous criticisms on Government's decisions have almost turned the Government into a "lame duck".

Mr President, in order to dispel the fear of Hong Kong people against the Chinese Government, Mr LU Ping, Director of the Hong Kong and Macau Affairs Office, recently reassured that no "supersovereign" would emerge in the SAR government, no Communist Party Secretary would be created above the CE. We all remember that in the memoir of Mr XU Jiatun, when Mr XU was sent to Hong Kong in 1983, nominally he took up the post of Director of Xinhua News Agency Hong Kong Branch, but in fact his "real post" was Secretary of the Hong Kong and Macau Working Committee, or the "chief superintendent" of the Chinese Government stationed in Hong Kong. As China has never denied that the Hong Kong and Macau Working Committee will continue to exist in Hong Kong after 1997, will that Committee become a "supersovereign" of the SAR? Will the future Xinhua News Agency and the Chinese Foreign Office which will be housed in a 20-storey building being built by Cheung Kong Holdings under Mr LI Ka-shing become another "supersovereign"?

The Sino-British Joint Declaration provides that the CE will be "selected by election or through consultations held locally" and that the Legislative Council will also be constituted by election. A general election based on one person one vote is widely recognized as the best method to realize democracy. My proposal to elect the CE and Members of the Legislative Council by general election is completely in conformity with the provision of the Sino-British Joint Declaration and can thoroughly realize the principle of "a high degree of autonomy".

Unfortunately, in regard to the method of selection of the CE and the formation of the Legislative Council, the Basic Law has imposed the rule of "in the light of the actual situation and applied in a gradual and orderly way", and general election is only considered as the ultimate goal which is so remote to be reached. In accordance with a resolution of the National People's Congress made in April 1990, the PC would set up a Selection Committee (SC) of 400

members that would be responsible for selecting the first CE. The SC "must be broadly representative", but the resolution did not specify about the formation of the SC.

Mr President, may be you have also noted that recently some newspapers have reported that Mr XIAO Weiyun, the Chinese side SC panel convener under the PC, remarked that it was very difficult to set up the SC by election; but if the SC was not formed by election, it would not be broadly representative. Nevertheless, in view of the time constraint and other problems, he believed that the 400-member SC could hardly be set up through election. As the motion I move today and the decision which the PC will be compelled to make are both against the resolution of the National People's Congress, it is better to elect our CE by democratic election on the basis of one person one vote. The National People's Congress can then adopt another resolution to support choosing the CE by general election.

As regards the Legislative Council, Mr President, the Chinese Government has also repeatedly ignored the objection of Hong Kong people, insisted to dissolve the Legislative Council in 1997 and set up a Provisional Legislature (PL) instead. But neither the Sino-British Joint Declaration nor the Basic Law has made any mention of the PL. If anyone criticizes the motion which I move today as a violation of the Basic Law, why does he or she also not criticize the proposal to set up the PL by the Chinese Government as going against the Basic Law?

Mr President, in the final analysis, mechanisms such as the PC and the SC, are veils used by the Chinese Government to cover its total control over Hong Kong.

As 1997 draws near, many people are worrying about deterioration in law and order, increase in corruption and special rights and privileges. If those who hold power only know how to please Beijing, it is no wonder that corruption and privileged treatments will proliferate. Economic growth depends on fair competition. Should the conditions for fair competition disappear in Hong Kong, the general public will indeed suffer a lot.

When the social situation has deteriorated and there is no formal channel for people to express their opinions, social order will easily be undermined.

Through democratic election people can participate in choosing their ruler, express their opinions, and learn how to respect dissenting views as well as the rule of the majority.

Mr President, as the people have lost confidence in the various structures provided by the Basic Law, I hope that Members of this Council would support that the CE and Members of the Legislative Council be chosen by general election, for only by doing so can we really give effect to "a high degree of autonomy and Hong Kong people ruling Hong Kong", and not let the British colonial type of rule extend beyond 1997.

With these remarks, I beg to move.

Question on the motion proposed.

PRESIDENT: Mr Bruce LIU, Mr David CHU and Mr IP Kwok-him have separately given notices to move amendments to the motion. As there are three amendments to the motion, I propose to have the motion and the amendments debated together in a joint debate.

The Council shall now debate the motion and the amendments together in a joint debate. As Members were informed by circular on 26 January, I shall ask Mr Bruce LIU to speak first, to be followed by Mr David CHU and Mr IP Kwok-him; 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.

MR BRUCE LIU (in Cantonese): Mr President, the Association for Democracy and People's Livelihood (ADPL) is set up for the purpose of fighting for democracy and improving people's livelihood. In the past the ADPL adopted a firm stand to support the fight for direct elections in 1988 and also to fight for a democratic Basic Law. At the end of this year, the ADPL will transform itself into a political party and "fighting for democracy" will remain its main objective.

The ADPL has previously made a lot of criticisms on the Basic Law, such

as pointing out that the pace of democratic development stipulated by the Basic Law is too slow. According to the Basic Law, by 2007, only 50% of the seats of the Legislative Council will be returned by direct elections, and the Chief Executive (CE) will still be chosen by the Selection Committee (SC). Hong Kong people really feel very impatient at this snail-paced democratic development.

The democrats are unanimous in their fight for a faster pace of democratic development. However, they are divided on the following issues: while fighting for democracy, should regard be made to the provisions of the Basic Law, and should the Basic Law be amended in the first place so that the pace of democratic development can be speeded up "in accordance with the law".

The ADPL seeks to amend the Honourable Miss Emily LAU's motion because the two sides hold different views on this matter. The ADPL opines that any amendment to the Basic Law should be made after 1997 for the following two reasons:

- (1) *To establish the practice that proposals to amend the Basic Law should be raised by the Special Administrative Region (SAR).*

According to the Basic Law, any proposal to amend the Basic Law by the Central People's Government can be put forward by the Standing Committee of the National People's Congress (NPC) or the State Council. However, the ADPL holds the view that the raising of amendment proposal by the Central People's Government will run counter to the principles of "Hong Kong people ruling Hong Kong and a high degree of autonomy". If we want any amendment to the Basic Law to be accepted by Hong Kong people, it is better to have that amendment thoroughly discussed within the Hong Kong community first, and then let the Hong Kong SAR put forth the amendment proposal. Such procedures follow more closely with the principles of "Hong Kong people ruling Hong Kong and a high degree of autonomy".

Some people think that the Basic Law can be amended before 1997. Legally speaking this can be done. However, if amendment were made before 1997, all amendment procedures including the raising of amendment proposal, would have to be completed by the Standing Committee of the NPC. Should this precedent be set, the Standing Committee may speed up the pace of democratic development today after listening to the views of the democrats, but it may also reverse its decision tomorrow after listening to the opinions of a certain

dignitary, thus stifling democratic development.

- (2) *The Basic Law is not effective before 1997 and the SAR has yet to be set up, and so the mechanisms and procedures to amend the Basic Law cannot be implemented in accordance with the law.*

Hong Kong people often criticize China for its lack of law or not abiding by the law, and for its rule by people but not rule of law. If on the issue of amending the Basic Law, we put aside the law first by ignoring the amendment mechanisms in the Basic Law, the consequences will be quite serious and tantamount to crushing our own wall of defence. If everybody does not abide by the rule of the game laid down in the Basic Law, who is to suffer in the end? By that time can Hong Kong put up any defence?

It is precisely in this area that Miss Emily LAU's motion fails to give a clear account. The wording of "immediately make preparation" contained in the motion do not indicate when the CE and Members of the Legislative Council will be elected on the basis of one person one vote. Whether the election is to be conducted prior to or after 1997? If it is conducted before 1997, it will mean that the Basic Law has to be ignored or amended prior to 1997, to which the ADPL does not agree.

Both democracy and the rule of law are my objectives. The stand of the ADPL is to safeguard the rule of law and establish a tradition based on law. This is of equal importance as the fight for democracy. The road for the fight of democracy is long and rugged, the ADPL will launch a constitution amendment campaign after 1997 with a view to amending the part concerning government structure laid down in the Basic Law, speeding up the pace of democratic development and electing the CE and Members of the Legislative Council directly by universal suffrage.

Mr President, when Hong Kong is returned to China, the British colonial rule of 150 years will come to an end. The principles of "one country, two systems; autonomy of a high degree and Hong Kong people ruling Hong Kong" will be implemented. For over a hundred years, the colonial style of administration can be described as "reform through obscurantism". The major premise of the administration is "stability and prosperity", turning Hong Kong people into "economic beings". Politically, the administration has been entirely run by officials coming from the United Kingdom.

After 1997, Hong Kong people have to stand up to become masters of their own affairs. If the administration of the SAR is still run entirely by China, "Hong Kong people ruling Hong Kong" can hardly materialize. Hong Kong people should, therefore, fully participate in the formation of the SAR government, including the election of the first CE by adopting the most democratic method permitted by the Basic Law. In the first place, the SC with broad representation should be formed by means of election and then the first CE should be elected in Hong Kong by the SC.

The ADPL proposes that the formation of the SC should conform with the following two principles:

- (1) *Dividing the 400-member SC into four categories according to the provision of the Basic Law.*
- (2) *Each category should choose its own representatives by means of election to fill the quota allotted to it.*

After 1997, the Basic Law should be amended as soon as possible so that the "Hong Kong ruling team", including the CE and all Members of the Legislative Council, can be directly elected by universal suffrage.

Finally, I have to express our voting intention on behalf of the ADPL. As the amendment by the Honourable David CHU is lacking in substance whereas the amendment by the Honourable IP Kwok-him fails to make a positive response to the appeal for democracy by Hong Kong, the ADPL will abstain from voting in regard to the above two amendments.

As regards the original motion moved by Miss Emily LAU, as it is incompatible with the stand which has all along been firmly held by the ADPL that the Basic Law should be amended only after 1997, should the amendment proposed by the ADPL fails to get through, we will abstain on the vote also.

With these remarks, I put forth the amendment on behalf of the ADPL.

MR DAVID CHU (in Cantonese): Mr President, now is the defining moment for Hong Kong. The Preparatory Committee (PC) for the Hong Kong Special

Administrative Region has already been set up, and the People's Liberation Army garrison for Hong Kong has also been formed. Now is the time for us to decide to do something favourable or harmful to Hong Kong, to help or trouble Hong Kong people.

Looking back to the past three and a half years, we can see that confrontation will not do us any good. Since China and Britain have co-operated again in the past few months, we can see the results brought about by diplomatic efforts. Evidences have indicated that co-operation is much better than confrontation.

With the second half of the transition period for Hong Kong gradually passing, the transfer of sovereignty is drawing near. We cannot afford to waste time any more, should not make any more shows through exaggeration, and should all the more refrain from impressing people by using flowery language.

Most people have now accepted the reality of Hong Kong reuniting with China under the principle of "one country, two systems". The PC is a working body which is willing to seek public views, and to make contributions with everybody to a new era of which all Chinese are proud.

Soon after the release of the list of PC members, the Chairman of the Democratic Party has expressed his intention to co-operate with the PC, and also indicated acceptance of the Basic Law. Meanwhile, I feel that the public also support the PC. As long as we have the same objective of setting up the Special Administrative Region with autonomy of a high degree in accordance with the Basic Law, we can resolve our different views.

The Chinese Government has clearly pledged that a second power centre will not emerge in Hong Kong during the second half of the transition period. We should believe in China as China should believe that we are able to maintain Hong Kong's prosperity and stability. If we do not have confidence in our mother country, how can we expect her to have faith in us?

Mr President, I appreciate the objective of the amendments proposed by the Honourable Bruce LIU. However, I have to point out that his appeal to the British Government to ask the Chinese Government to form the Selection Committee (SC) by election is infeasible, for the Sino-British Joint Declaration

has provided that the appointment of any PC or SC is regarded as the internal affair of China. The formation of the SC is based on the Basic Law which is the only legal deed between Hong Kong and China. Without the Basic Law, the principle of "one country, two systems" cannot exist.

In regard to the fear of a "shadow government" mentioned by the Honourable Miss Emily LAU, such fear is in fact imaginary. The fact before us is very simple, the PC is responsible for setting up the first SAR government, but not interfering with the current Hong Kong Government. The Democratic Party is willing to co-operate with the PC and I agree to their stand.

I hope Members will support my amendment and face the future with foresight, moderation and a co-operative attitude. My amendment does not show any contempt for the motion moved by Miss Emily LAU, but rather examine from a positive angle the reality which we are facing, the reality on which our existence must rely.

Mr President, with these remarks, I amend the motion moved by Miss Emily LAU.

MR IP KWOK-HIM (in Cantonese): Mr President, the sovereignty over Hong Kong will be officially transferred in 500-odd days' time. The Special Administrative Region Preparatory Committee (SARPC), which is responsible for setting up the SAR government, selecting the first Chief Executive (CE) and other related work, has also been formally established in Beijing, indicating that the handing-over of the rule of Hong Kong has now formally entered into the actual operation stage. Every second will count to get the work done in the days to come.

Many Hong Kong people, including some Members of this Council, the Honourable Miss Emily LAU in particular, are worrying that subsequent to the formation of the PC, the selection of the CE-designate and "the staff team-designate", a "second power centre" will emerge in Hong Kong. As a result, following Mr CHENG's undue worries at the last debate held in this Council, this time we have Miss LAU fretting herself over nothing. In regard to the worry over the emergence of the "second power centre", several Chinese officials responsible for Hong Kong affairs have repeatedly clarified that there is actually no question of the existence of a "second power centre". Mr LU Ping, Director of the Hong Kong and Macau Affairs Office, remarked that the main

duty of the PC would be to make preparation for various work after the transfer of sovereignty in 1997, but it could not interfere with the effective administration of the United Kingdom over Hong Kong before 1997. Besides, the Chinese side had time and again indicated that China would not like to see the Hong Kong Government becoming a "lame duck".

The Democratic Alliance for the Betterment of Hong Kong (DAB) opines that as a working body which was set up and derived its power from a resolution of the National People's Congress, the PC cannot shed responsibilities but has to make decisions on the formation of the SAR, such as how to establish the Selection Committee responsible for selecting the first CE, how to form the first Legislative Council and so forth. The smooth operation of the PC is essential to the formation of the SAR government.

Mr President, Sino-British relations had been at a standstill for the past three years because of the political reforms launched by the Governor Christopher PATTEN. After the Foreign Ministers of the two countries exchanged visits in October 1995 and January 1996, both sides reached a consensus on a number of issues about Hong Kong. Relations between the two nations gradually thaws and the atmosphere has relaxed. But the DAB thinks that "the sky has not yet fully cleared up". Therefore, in this second half of the transition period, if China and the United Kingdom can closely co-operate with each other on various transition matters, it will not only facilitate the Hong Kong Government in maintaining an effective administration before 1997, but also help the Civil Services keep up its morale and boost its confidence. Moreover, only with co-operation from both sides to jointly arrange for the "taking over by the staff team-designate of the SAR government" can the handover proceed smoothly, reducing the shock to society around July 1997. Mr President, with the handover of sovereignty just more than one year away, I hope that on the matter of co-operating with the PC, the Hong Kong Government will not make excuses again or try to make things difficult deliberately. If the British wish to withdraw from Hong Kong with honour, and want Hong Kong people to remember after 1997 that the British have done something "good" for the territory, the Hong Kong Government should be ready to co-operate fully with the PC, and offer assistance to the PC in a pragmatic and positive manner to ensure that the SAR government can be successfully set up.

In regard to Miss Emily LAU's original motion that the CE and Members of the Legislative Council of the Hong Kong SAR be elected on the basis of one-

person-one-vote, if the above election were to be conducted before 30 June 1997, it would mean that political structure election of the sovereign state, the People's Republic of China, would be conducted under British rule. This is extremely absurd. At this time when over 100 years of colonial rule is drawing to an end, how can we accept the so called democratic election be conducted under the supervision of the foreign ruler? Conducting the above election after 1997 is also incompatible with the provision of the Basic Law: The first CE should be selected by the 400-member Selection Committee through consultations or through nomination after consultations. Miss Emily LAU should not ignore this fact.

Mr President, the DAB agrees that after the handover of sovereignty in 1997, amendments can be made to the Basic Law in the light of the actual situation in Hong Kong at that time and in accordance with the procedures laid down in the Basic Law, so that the CE can be chosen by general election not later than 2007 and that the Legislative Council can also be constituted by direct election.

In regard to the viewpoint put forward by Miss Emily LAU and the Honourable Bruce LIU that Hong Kong should not be put under colonial style of rule after 1 July 1997, I find it hard to understand. According to the Basic Law and the Sino-British Joint Declaration, apart from matters relating to national defence and foreign affairs, Hong Kong will implement the principles of "Hong Kong people ruling Hong Kong and autonomy of a high degree". The two Members seem to have mixed up the recovery of Hong Kong after 1997 by China as its sovereign state with the occupation of Hong Kong over a hundred years ago by Britain as an invading country, thinking that the two actions are similar. In the past, the Letters Patent and Royal Instructions have conferred power to the Governor, and the British have implemented a sort of colonial rule which regards foreigners as superior to local people. After 1997, although the interpretation of certain provisions of the Basic Law ultimately rests with the Standing Committee of the National People's Congress, such power should rightfully belong to the sovereign state and should not be mistaken as a form of colonial rule.

With regard to the amendment proposed by the Honourable David CHU, the DAB considers that his view is very close to ours, only the way of expression is slightly different, and so the DAB will support Mr David CHU's amendment.

These are my remarks.

DR YEUNG SUM (in Cantonese): Mr President, the 1995 election platform of the Democratic Party was based on two main objectives: "Striving for democracy and improving people's livelihood". The future of Hong Kong mainly depends on whether the concept of "one country, two systems and a high degree of autonomy" can be fully implemented. In order to implement "one country, two systems and a high degree of autonomy", the Democratic Party will try its best to fight for a democratic political system, promote democracy in Hong Kong to ensure that various local political structures will be set up by democratic means, and safeguard the political rights of the people.

Therefore, Mr President, the 1995 election platform of the Democratic Party was to ask the Chinese Government to amend the Basic Law before 1997 so as to elect the first Chief Executive (CE) and the Legislative Council on the basis of one person one vote. It can be seen from the election results achieved by the Democratic Party that the public in general support the democratic reform programme put forward by the Democratic Party.

Mr President, in order to fulfill its election pledges, the Democratic Party will do its best within and outside this Council to attain the objective of electing the first CE and the Legislative Council on the basis of one person one vote.

Some critics have pointed out that the demand of the Democratic Party can materialize only if the Basic Law is amended before 1997, but it is inappropriate to ask the Chinese Government to amend the Basic Law prior to 1997. Mr President, I do not agree to the above comment.

In reality, where there is a will, there is a way. If the Chinese Government respects the appeal of Hong Kong people for a democratic political structure, amending the Basic Law before 1997 is absolutely feasible. The reluctance of the Chinese Government to amend the Basic Law in accordance with the appeal for democracy of the Hong Kong people is an indication of ignoring public opinion on the part of the Chinese Government.

If the Chinese Government is determined to amend the Basic Law before 1997, there should not be any problem. We may recall that when the Basic Law was promulgated, there was no mentioning of the formation of the Provisional Legislature. But is not the Chinese Government now striving to set up the

Provisional Legislature? Obviously, the preparation for the Provisional Legislature has basically amended the provision of the Basic Law. Of course, the Chinese Government will not openly admit this point.

Thus, Mr President, amending the Basic Law before 1997 is not impossible. It can be done so long as the Chinese Government can and is willing to respect public opinion. The crux of the problem is whether the Chinese Government has the sincerity to faithfully implement "Hong Kong people ruling Hong Kong and a high degree of autonomy", and refrain from unilaterally emphasizing the "self-oriented" sovereign doctrine.

Mr President, it is not merely due to the fear of the emergence of a "shadow government" that the Democratic Party requests for choosing the first CE and the Legislative Council by general election. Promoting the democratization of our political structure has always been the objective of the Democratic Party, and we are convinced that choosing the CE and the Legislative Council by direct election can enhance the representation, recognition and credibility of the first SAR government.

Mr President, the Preliminary Working Committee has come to an end and the Preparatory Committee (PC) has formally been set up. Opinion polls indicated that the credibility and representation of the members of the two committees are very much open to question.

The composition of the PC has generally been criticized as not being embrative enough, lacking of representation and biased towards the business sector, and the formation method is undemocratic.

Meanwhile, the PC general meeting has decided to adopt collective responsibility and confidentiality as its mode of operation. Mr President, I would like to express my deep regret for this decision. The composition of the PC has already been widely questioned by the public, with the adoption of the cabinet system of collective responsibility and confidentiality, basically the transparency of the PC can hardly be increased, so it is certain that its recognition and credibility will seriously be undermined. What makes Hong Kong people feel even more disappointed is that the Chinese Government has successfully imposed its own way of conducting business onto our society. In

the eyes of the Chinese Government, there is only one concept of "self-orientation" — "basing on the wishes of China", whereas the wishes of Hong Kong people are ignored, especially the appeals for faithfully implementing "autonomy of a high degree" and setting up the democratic mechanism for autonomy.

Mr President, from television news reports, I heard Mr JIANG Zemin telling the PC that Hong Kong should "take the lead to set an example" for the unification of China. The above remarks have aroused my feelings. Mr President, I lament that Mr JIANG was in fact "stating his own views" only, but failed entirely to put forth an effective solution for an existing problem. Taiwan is at a more advanced stage of democratization than Hong Kong. From the composition and operation of the PC, we can see the common practices of the Chinese Government, namely discriminating against those who hold dissenting views, one person alone has the say and black-box operation. Thus, it is very hard to arouse the interest of Taiwan in "one country, two systems".

Mr President, when the history of colonialism is drawing to a close, the Chinese Government should do some self-examination, and not keep "stating one's own views". If the Chinese Government really wants to use Hong Kong's "one country, two systems and autonomy of a high degree" as an example, she should increase the transparency of the PC, openly consult Hong Kong people on matters relating to the transition, and not to let the PC strip the future SAR government of its power and interfere with its autonomy of a high degree. The PC should also turn down the proposals of the Preliminary Working Committee, including the proposals of reinstating the draconian laws and setting up the Provisional Legislature (PL). Of course, the Chinese Government should respect the democratic appeals of the Hong Kong people to choose the first CE and the Legislative Council by general election.

Mr President, as regards the Hong Kong Government, it is beyond reproach and in fact appropriate for the Government to co-operate with the PC. However, the Government should stick to the principle that such co-operation should not exceed the Sino-British Joint Declaration and the Basic Law, nor should the Government offer any assistance to set up the PL which is an unlawful body. According to an English newspaper report today, a lecturer of the Faculty of Law at the Hong Kong University publicly said that as the formation of the PL was essentially against the Basic Law, it should be regarded as an unlawful body, and so the Government should not offer any help towards its formation. The Government should also openly and regularly report to the Legislative Council about its co-operation with the PC.

Finally, Mr President, recently Mr LU Ping had clarified that there would not be a "supersovereign" above the SAR government. However, the Chinese Government should further explain to the Hong Kong people about the status of the Hong Kong and Macau Affairs Office and that of the Hong Kong Branch of the Xinhua News Agency after 1997. Hong Kong people would not like to see the emergence of a second power centre apart from the SAR government.

Mr President, lastly I would like to stress that striving for "Hong Kong people ruling Hong Kong and a high degree of autonomy" is the established objective and position of the Democratic Party. With perseverance and a manner which is neither supercilious nor obsequious, we will endeavour to fight for autonomy of a high degree under Chinese sovereignty. I hereby urge all Members of this Council and the general public to unite together to strive for "one country, two systems and a high degree of autonomy".

With these remarks, I support the Honourable Miss Emily LAU's motion.

MRS SELINA CHOW (in Cantonese): Mr President, speaking on behalf of the Liberal Party, I strongly oppose the motion proposed by the Honourable Miss Emily LAU, for that motion is an unsubstantiated and one-sided judgement which has completely ignored the existence of the Basic Law. Other than misleading Hong Kong people making them become more fearful of the future, the motion does not make any contribution.

Within the existing political structure of the Hong Kong Government, there is in fact no space for a second power centre. As a matter of fact, it is also impossible for China to take over the rule of Hong Kong from the British Government before 1997. How can there be a "shadow government"? Unlike the United Kingdom, within the political structure of Hong Kong, there can never be a government in power co-existing with a shadow government. This has been the case for the past hundred years or so, the situation is the same now and will remain the same up to 30 June 1997.

Hong Kong people have worries just because some persuasive and influential political figures like Miss Emily LAU always use such terms as "the second power centre" and "shadow government" to frighten people, creating in society an atmosphere of distrust of China and the future Special Administrative Region (SAR) government. We all understand or even agree that there is a confidence problem among Hong Kong people about the future beyond 1997.

When facing such a trial, leaders can choose to direct people to make an outcry, airing their fears in an emotional way. However, this kind of action is not only useless, but also makes people become more frustrated and bewildered. Leaders can also decide to direct the masses to actively finding a way out to regain hope again. Regrettably, Miss Emily LAU has chosen the first option.

As we all know, after 1997, Hong Kong will become a part of China, a Special Administrative Region of China, but not a leased colony nor an independent nation. This fact is indisputable. From the Sino-British Joint Declaration and the Basic Law, we can see that Hong Kong will definitely not be subject to a colonial type of rule after 1997.

Of course, someone may clamour, "I will never believe that! No matter what I will not be convinced!" If a person really thinks so, who can change his mind? Apart from true facts, nothing can convince him. It is only a waste of effort to offer any explanation to him now. There are some other persons who still refuse to believe even when the facts are presented before their eyes. We all know that there are really such persons in this world. Are such persons headstrong or fond of ill-treating themselves, we know what's what.

Of course, those "who will never believe" can just leave Hong Kong for good. However, we have to bear in mind that the great majority of Hong Kong people cannot leave. Is it proper to instill continuously negative thinking into their minds, advocating that Hong Kong people can go their own way, ignore the existence of China and do everything according to their own wishes?

Once again Miss Emily LAU proposes "general election on the basis of one person one vote" and completely ignores the existence of the Basic Law. Whether the proposal arises from an ideal, stubbornness, headstrongness or craziness, it contravenes the Basic Law all the same, and the Liberal Party will not support it.

In regard to the various amendments, the amendment proposed by the Honourable Bruce LIU urges the British Government to ask the Chinese Government to amend the Basic Law. However, a set of arrangements for amending the Basic Law has already been prescribed by the Basic Law itself, and so the proposal of Mr Bruce LIU has entirely ignored the provisions and procedures of the Basic Law. Moreover, amending the Basic Law is not a business of the British Government which in fact has no place in the amendment

mechanism. We can wait for the formation of the Legislative Council of the SAR, and ask the Legislative Council or the local deputies to the National People's Congress (NPC) to put forth amendment for deliberation and adoption. After endorsement by the Chief Executive, the amendment can be submitted to the NPC by the Hong Kong deputies. This is the correct procedure for amending the Basic Law.

I believe that we all hope that the Basic Law can be faithfully implemented and respected. But in the first place, we ourselves should not do anything contravening the Basic Law. Thus, the Liberal Party opposes the amendment proposed by Mr Bruce LIU.

With no substantial differences in general, the amendments proposed by the Honourable David CHU and the Honourable IP Kwok-him call for co-operation with the Preparatory Committee to achieve a smooth transition, certainly the Liberal Party is not against this principle.

Mr President, these are my remarks.

MISS CHRISTINE LOH: Mr President, today's debate is really about trust and about institutions. The motion and the amendment by the Honourable Bruce LIU propose that trust can be gained if appropriate institutions are there to give people reason to trust. The amendments proposed by the Honourable David CHU and the Honourable IP Kwok-him propose that there is no reason to distrust because Chinese officials have already given the appropriate assurances.

I will return to the issue of trust and distrust in a moment, but first let me talk about the motion and the amendment by the Honourable Bruce LIU. They bring up two important points, Mr President. One point is that they wish to resist colonial rule. Second, they want to have institutions, laws and procedures in place to ensure that political power will be vested in the people of Hong Kong.

On the first point, you might well ask whether it is appropriate to refer to colonial rule when the British imperial power is about to leave and Hong Kong about to be reunified with China. For the lack of a better term, Mr President, I believe what the motion and the amendment is attempting to signify is that whilst there will be a change of sovereignty in 1997, it will regrettably not be accompanied by decolonization. That is, that political power will not be handed directly to the people. The motion and the amendment embody the fear that the

arrangements for the future, as stated in the Basic Law, will merely have the effect of extending rule by an oligarchy.

Thus, the motion proposes that China should allow the future Chief Executive and the Members of the SAR Legislature be elected by universal suffrage. The Honourable Bruce LIU's amendment calls for the Selection Committee to be truly representative and that after 1997 the Basic Law should be amended to allow for universal suffrage.

I prefer the motion and the spirit behind the Honourable Bruce LIU's amendment to the other two amendments because the problem with the Basic Law as it stands is that it does not provide for an authentic system of representative government. Instead, it will continue to deny elected representatives the power to rule. Mr President, as between the original motion and the Honourable Bruce LIU's amendment, I prefer the motion for its sense of immediacy and clarity.

You might say that the motion is impractical because the Preparatory Committee is already formed and it will soon set up the Selection Committee which will recommend the future Chief Executive. For this reason, you may say, it may be better to choose the amendment. Well, yes, I can see that argument but I would like at least to assert my overwhelming desire for an even more ideal arrangement as embodied in the original motion.

Let me now return to the issue of trust. The Honourable David CHU asked us to acknowledge the assurances from China. If "acknowledge" means that this Council should express appreciation for such assurances, well, I can go along with that. It is always nice to hear reassuring words. However, if "acknowledge" means to admit the truth of the assurances, then I do not believe this Council should agree. We cannot concur because in the second system, and that is, the system here in Hong Kong right now, in determining public issues, we rely on institutions and on transparent procedures, not just words from people in power who may or may not be there tomorrow. In this second system, we have learnt to place our trust in institutions, not in individuals.

Mr President, let me give you an example of what I mean. China's Vice Premier and Chairman of the Preparatory Committee, QIAN Qichen, said some jolly reassuring things just a few days ago. He said that the Preparatory Committee must —and I quote — "be ready to listen to opinions from every

quarter of Hong Kong society." He even said that, and I quote again, "as the old Chinese saying goes, greatness lies in the capacity to accommodate. We must be able to take in different views." These are wonderful words. I appreciate them, but I cannot be sure of its truth until the Preparatory Committee publishes more details about how it is going to carry out its work, like the membership of the Selection Committee and how it will carry out consultation as is required under the Basic Law.

During dinner tonight, Mr President, I asked Mr David CHU whether he even knew where the office of the Preparatory Committee was and he did not. So far, what we know is extremely discouraging. Not only has the Preparatory Committee muffled Members by imposing the requirement of collective responsibility, but it has also chosen to use the secretariat of the Chinese Communist Party as its channel for relaying to the public information about its work via briefing sessions by the secretariat. This bit of news comes from a newspaper article published yesterday by the Chairman of the DAB, another member of the Preparatory Committee. For God's sake, why choose the secretariat of the Chinese Communist Party? Perhaps the Honourable IP Kwok-him and his party colleagues in this Council can tell us how the Hong Kong public and the media can contact the Chinese Communist Party secretariat in Hong Kong if we want to know what the Preparatory Community is doing. Do we call up somebody in Beijing, or maybe somebody in Shenzhen to save on telephone costs or perhaps somewhere else? Or will the Xinhua News Agency in Hong Kong now come clean and acknowledge its role as the Party mouthpiece in Hong Kong? Or maybe the Party, the Communist Party this time, will make some other arrangements specially to speak on behalf of the distinguished members of the Preparatory Committee.

Well, I do not know, Mr President. Nobody else does. Mr President, I feel rather dispirited right now. Hong Kong people do not feel assured about their future. Many feel anxious and powerless. They ask me whether there is something that we can do. Unfortunately, I have no ready answer. But I do wish to commend the continuous effort by the Honourable Miss Emily LAU to do whatever is possible, even if it is only to raise this motion debate, which you may say will not change anything. We speak from our hearts. It is from there that we find the courage and the energy to carry on. Mr President, whatever happens there will be no regret.

MR MARTIN LEE (in Cantonese): Mr President, I am speaking with the main

objective of pointing out that Hong Kong can successfully implement "one country, two systems, Hong Kong people ruling Hong Kong and a high degree of autonomy".

In October 1985 when I first spoke in this Council, I pointed out that everyone wished to see the full implementation of the Sino-British Joint Declaration, and no one would like to see our Government turning into a "lame duck" or the Chinese Government intervening in the Administration of Hong Kong. However, no matter how high-ranking government officials kept on emphasizing that they were not "lame ducks", and how Chinese leaders kept on stressing that they would not make any intervention, it was of little use because the most important thing was that they should be able to prove to the Hong Kong people by means of actions. At that time I drew up a formula for the future success of Hong Kong: "Full direct elections for the Legislative Council = Government accountable to the people = effective government administration = no intervention from the Central People's Government = one country, two systems = stability and prosperity".

Now 11 years later, the above formula still has its meaning, it is because not only our objective has not yet been attained, the democratic political development prescribed by the Basic Law is also far far away.

At present, judging from the proposals by the Preliminary Working Committee (PWC) and the formation of the Preparatory Committee (PC), we cannot help feeling that the Chinese Government is gradually moving towards a failure formula - "a nominated Provisional Legislature = Government not accountable to the people = Government lacking credibility = high degree of intervention from the Central People's Government = one country, one system = social unrest or even commotion".

Mr President, I believe that no one would like to see the failure formula coming true one day. On 4 May 1995 I moved a motion in this Council criticizing the Chinese and British Governments for jointly violating the Joint Declaration and the principles of "one country, two systems, and a high degree of autonomy". That motion was then adopted with no opposition. Today we still have to conduct a motion debate on "a high degree of autonomy" in the Legislative Council. This is a sad thing for Hong Kong indeed, reflecting that in the past 10 years or so, the Chinese and British Governments have not discharged their duties to put into effect the pledges they made in the Joint

Declaration.

There was an important assumption behind the concept of "one country, two systems" designed by the leader of China, DENG Xiaoping, about 10 years ago. The assumption was that Hong Kong people would strive hard to safeguard their own system, fighting for "Hong Kong people ruling Hong Kong", and not to allow the Mainland system to nibble at Hong Kong's established system, ending in "one country, one system".

If we compare "one country, two systems" to a "seesaw", in order to keep the game going and prevent the seesaw from tilting constantly to one side, the two persons sitting on each side should be of similar weight. When compared with the Mainland, obviously Hong Kong is outweighed. The heavier side must accommodate the lighter side by moving to the front as far as possible whereas the lighter side must sit as far back as possible so as to keep the game going. In regard to Hong Kong, we must stand together and converge our power to fight for a high degree of autonomy whilst the Mainland should not only encourage Hong Kong people to speak from the bottom of their hearts, but also urge Hong Kong people to come out and safeguard their own system.

The democrats have all along been safeguarding "one country, two systems, Hong Kong people ruling Hong Kong and a high degree of autonomy" as pledged by the Joint Declaration. They dare to criticize any policy which goes against the above commitments. This is not anti-China, but anti-leftist. I think this is the duty of each and every politician in Hong Kong.

Regrettably, our efforts have been deemed by the Chinese officials as unpatriotic. On the contrary, those people who turn a blind eye to the trampling of the Joint Declaration are hailed as "patriots who love China and Hong Kong". Chinese officials have previously indicated that "patriotic" means supporting China to resume the exercise of sovereignty after 1997 and support the Joint Declaration. The democrats are the first giving support to the reunification of Hong Kong with China, and we also earnestly strive for "one country, two systems and a high degree of autonomy". Judging from these two principles, how can people now say that we are unpatriotic?

Mr President, from the formation and operation of the PWC to that of the PC, we can see that the "self-oriented" policy adopted by China towards Hong Kong is drifting farther and farther away from "one country, two systems". Thus, we have to come out to make criticisms and clamour for "autonomy of a

high degree". Although Mr LU Ping said that the PC would not become a "shadow government" and assured that no "supersovereign" would emerge in Hong Kong, yet what we actually see is that "Hong Kong people ruling Hong Kong" as defined by China is to find an obedient Hong Kong person to be its agent to rule Hong Kong. As a matter of fact, Hong Kong really does not need a "supersovereign" or a SAR Communist Party Secretary because the Central People's Government has already ensured that everything will come under its control.

However, if our future development follows this formula, Hong Kong can only have "one country, one system", "Beijing puppets ruling Hong Kong" and "a high degree of ruling". The great ideal of Mr DENG Xiaoping can hardly materialize and in fact it is impossible to keep on playing the seesaw game of "one country, two systems".

To ensure the success of "one country, two systems", under the present circumstances, each and every one of us, including PC members, have a duty to make sure that the failure formula will not materialize.

Mr President, what is the direction of work of the PC in future? The answer is: "There is an old Chinese saying, ""greatness lies in the capacity to accommodate", we should be able to listen to dissenting views. So long as the view expressed is compatible with the objective of "one country, two systems" and is conducive to China's interests and Hong Kong's overall interests, we should readily accept good advice." The above remarks were recently made by Mr QIAN Qichen, Chinese Foreign Minister and PC Chairman in his address delivered at the closing ceremony of the first PC general meeting.

I agree completely that this should be the attitude of work adopted by the PC. I hope that all PC members would act according to this guidance, local PC members in particular, should stand together irrespective of their different backgrounds and political views, to fight wholeheartedly for a high degree of autonomy for Hong Kong. In regard to those proposals made previously by the PWC which are not popular with Hong Kong people, the PC should reject them on the basis of "greatness lies in the capacity to accommodate" and "readily accept good advice".

Finally, I would like to appeal to those colleagues who are also PC members to make use of the role they play in the Legislative Council which is a public opinion organ, to reflect public opinions to the PC. At the same time,

these colleagues should assist the PC to truly listen to the views of Hong Kong people, direct the PC to move towards an open and democratic way of operation by discarding the contentious black-box operation, for these are the duties which history imposes on them.

With these remarks, I support the motion on behalf of the Democratic Party.

MR NGAI SHIU-KIT (in Cantonese): Mr President, during the last 500 days or so in the later part of the transition period, what Hong Kong needs most is a social environment of economic prosperity and political stability so as to create the best conditions for a smooth transition to 1997 and implementation of "Hong Kong people ruling Hong Kong". The motion proposed by the Honourable Miss Emily LAU is, however, craving for big chaos, creating an unfounded feeling of distrust in our society before the resumption of the exercise of sovereignty by the Chinese Government as well as the implementation of the Basic Law. The above act which only cares about the political fame of oneself at the expense of the overall interests of the territory, is not what a responsible Member should do.

As we all know, the Basic Law has clearly provided that the Hong Kong SAR should implement "one country, two systems, and Hong Kong people ruling Hong Kong" after 1997. The Basic Law has also prescribed the method of selection of the Special Administrative Region (SAR) Chief Executive which cannot be changed at will. The formation of the SAR Preparatory Committee (PC) also fully manifests the established basic policy of China towards Hong Kong. In the PC, local members constitute about 60% of the total membership. They come from various strata of society, having accumulated much experience and the efforts they have contributed to the building of Hong Kong over the years can never be obliterated. They are not only responsible to the Chinese Government, but also accountable to our offspring. They have taken up the difficult and important responsibility of forming the SAR government which will look after the interests of Hong Kong people. In regard to China, the PC should shoulder the duty assigned to it by the Standing Committee of the National People's Congress, to translate the concepts of "one country, two systems, and Hong Kong people ruling Hong Kong" into specific policies. As regards Hong Kong, the duty of the PC is to maintain prosperity and stability of our society so as to enhance a smooth transition. Therefore, as far as the work of the PC is concerned, local and Mainland members have identical objectives. The remark

that China is intervening in advance with the affairs of Hong Kong is just ridiculous.

I must point out that the PC is engaged entirely in the work of forming the SAR government after 1997, and will not intervene in any way with the operation of the current government. The Sino-British Joint Declaration has also clearly stated that the British and the Hong Kong Governments are still responsible for the administration of Hong Kong before 1997. The remark made by Miss Emily LAU on "the second power centre" or "shadow government" is in fact logically unfounded. This is just alarmist talk, spreading a feeling of unrest with the intention of misleading people. Such remarks will not do society any good.

Honourable colleagues, as Members of the Legislative Council, our main duty is to scrutinize legislation and monitor government administration. Regrettably, instead of attending to their own duties, some Members adopt an interfering attitude, they waste taxpayers' money by obstinately interfering with the work of the PC. It is no wonder that someone has earlier remarked that some persons want to turn the Legislative Council into a "shadow Preparatory Committee". It seems such worry is not groundless. Thus I have to ask, "where do you intend to take Hong Kong people?"

Miss Emily LAU has adopted an attitude of distrust towards the Sino-British Joint Declaration and the Basic Law from the outset. She openly expressed in the newspapers her objection to co-operation between the Hong Kong Government and the "staff team-designate" of the SAR government. Does she consider co-operation between China and Britain over the Hong Kong issue as unimportant? Is a smooth transition incompatible with the interests of Hong Kong people? I advise those Members who ignore the interests of the people not to let themselves fall into an abyss, lest they will be discarded by the people in the end!

Mr President, with these remarks, I oppose to the original motion and support the amendment proposed by the Honourable IP Kwok-him.

MR LEE CHEUK-YAN (in Cantonese): Mr President, it seems that we have had some lively motion debates recently, often coming with three to four amendments to the original motions. Maybe this is out of the amendment-moving Members' intention to offer colleagues more options. Yet

what makes this debate quite special is: besides the need to make a decision in accordance with one's political orientation, colleagues may also have to consider the logical validity and soundness of certain wordings. Nonetheless, the final decision to support the motion or otherwise will certainly base on political orientation. It is a choice between democracy and siding with the Central Government.

As such, I will vote against all amendments and support the Honourable Miss Emily LAU's motion, which is the only option that best satisfies the aspiration of the Hong Kong Confederation of Trade Unions and the general public in their pursuit of democracy, and which is capable of embodying the commitment of the Chinese Government to practise "Hong Kong people ruling Hong Kong and a high degree of autonomy". Some may view that Miss LAU's request is incompatible with the method of producing the first Chief Executive and the Legislative Council as set out in the Basic Law. I must, however, emphasize that the pace of democratic development stipulated in the Basic Law cannot at all meet Hong Kong people's aspiration towards democracy and expectations of "a high degree of autonomy". If the Chinese Government really wants to allow Hong Kong people self-ruling and a high degree of autonomy instead of appointing some adulators to the Preparatory Committee to work behind closed doors for the establishment of the Special Administrative Region (SAR) government, the National People's Congress has all the liberty to amend the Basic Law before 1997 and offer a wider scope of democracy to Hong Kong. Such amendments, I am sure, will be welcomed by the majority of Hong Kong people.

As a matter of fact, in their struggle for democracy, Hong Kong people have all along kept their demand within bounds set by the Chinese and British Governments. We have time and again cut down our requests. But what have we got after making so much concessions and compromises? What good have our efforts contributed to the democracy and political systems of Hong Kong after 1997? I am wearied, totally wearied of a discounted democracy. I am also totally fed up with the concept of progressive democracy, an anti-democracy approach that we often hear about. People of Hong Kong should now make it clear and tell the Chinese Government in no uncertain terms that it is the wish of all of us to establish a fully elected government.

I agree with Miss LAU that people of Hong Kong are worried about the influence of a pre-1997 "second power centre" on the operation of the Hong

Kong Government. While the co-existence of two power centres in Hong Kong during its transition will certainly do harm to the community as a whole, what I am worrying about is an even worse scenario — the absence of any power centre in Hong Kong after 1997, the power centre being moved to mainland China like the manufacturing industry does today, rendering the Hong Kong SAR Government merely an executive arm of the Central Government. To avoid such a scenario, we must have the Chief Executive and Legislative Council returned through general election, thereby ensuring a genuine high degree of autonomy to maintain the life style we have valued. And this is where confidence lies.

The Honourable NGAI Shiu-kit said earlier that Miss LAU is anxious to see the world in disarray and disperses anxiety, whilst the Honourable Mrs Selina CHOW criticized Miss LAU of delivering a speech with wordings that scare the people of Hong Kong, hence shattering their confidence in our future. I believe, however, that Hong Kong people are capable of making their own judgement. They will not lose their confidence simply because of what Miss LAU says, nor will they feel confident because Mr ZHANG Junsheng tells them to be at ease. Hong Kong people need a system. What Miss LAU said right now is a system but not empty talks. Confidence depends on system, and a democratic system is the best assurance to the confidence of the people of Hong Kong.

Before closing, I wish to say a few words on the popular topic of "stables". Many people are speculating about who belongs to whose stable and who is the dark horse. Comparing the potential Chief Executive to a horse indeed serves him right. A Chief Executive not produced through general election is nothing but a horse. Without recognition of and authorization by the people, it is not legal at all. Be it white or black in colour, a horse not returned through elections is simply not a good horse.

MR CHEUNG MAN-KWONG (in Cantonese): Mr President, today I want to talk about horses. I am not interested in betting on horses. I only like reading. Recently I have read my daughter's story book on Chinese idioms for primary school pupils and noted many meaningful idioms about horses which I would like to share with you all.

Since Director LU Ping commented that a dark horse may turn out to be the Chief Executive, Hong Kong has begun a frenzied search for the champion

horse. During this period, the "Hong Kong Bill of Rights" storm has swept some people down their horses; and the "Passport" issue has thrown riders down their stumbled horses; the two-power-centre theory has helped an experienced old horse to become winner; and the white horse — the high ranking official who has the largest public support — has failed to become the chosen horse. The black horse with whom President JIANG Zemin shook hands recently is having the momentum of a heavenly steed galloping across the sky, so vigorous and unrestrained. Success is only a matter of time. All these changes have given us an impression of an end-of-century Derby and enlightened us on what "horse-racing continues" really means.

Yet in the heat of the champion horse-racing, we, as citizens of Hong Kong, feel helpless and sorry. Nearly 6 million Hong Kong people in all have to watch the Preparatory Committee (PC) with less than 100 Hong Kong representatives play the political game, watch their stables, trainer and competing horses, watch them lay bets, run the race, celebrate the victory of the winning horse and pay dividends, all by themselves. What kind of a world this is! It appears that we have returned to the times when the appointment system was practised under colonial administration, only that the background is a feudal kingdom in Zhongnanhai, Beijing. Hong Kong is already an international city. Its people know what democratic election is by experience. Will they submit themselves to being treated as a blind man on a blind horse heading towards the cliff of dictatorship?

The most miserable ones would most likely be members of the PC and the future Selection Committee. While the champion horse is starkly in place, they still work gravely on the racing programmes and rules, as though for real. They are just like the tailor in the story called "The king's new dress", who makes a non-existing new dress for the king to wear at the parade. But this trick cannot even fool a small child. Why all these gestures? Why bother to make a rubber stamp as though for real? Hong Kong people have already got used to the fair play under one person, one vote. Whether white or black, a horse selected is a good one so long as the game has not been tampered with. It will have public respect and credibility, and can rule Hong Kong with authority. In an enclosed power system, it is easy to obtain the rule of a territory with an order of the absolute ruler. But when the Chief Executive has to face the distrust and opposition of 6 million people, it is not at all easy to move a step.

President JIANG Zemin says that Hong Kong is the first stop in the journey to materialize the great cause of unification of the mother country, that

farther down the road are the Macau and Taiwan issues, and Hong Kong has to be a successful example of "one country, two systems". In other words, Hong Kong should be a model flat to show Taiwan how the country can be unified. Mr President, let us put aside the question of whether Taiwanese are willing to unify and accept the deformed concept of "one country, two systems". Let us just compare the two places from the angle of political democracy. While Taiwan will be returning their president through "one person, one vote" next March, Hong Kong is still playing the champion horse selection game and producing its Chief Executive by way of supreme ruler's endowment. With the difference poles apart, how can the Taiwanese be convinced to accept unification and succumb to the "one country, two systems" characterized by Chinese democracy?

At a PC meeting, Committee Chairman QIAN Qichen mentioned about holding fast to the principle of "I be the principal, and stand to face the Hong Kong people and rely on them". Theoretically, this is a self-contradictory statement. Since it has been decided that everything will be up to me to determine, it is tantamount to saying that I can boss around. Under such circumstances, how much room have we, people of Hong Kong, got to maneuver and raise any objection? In practice, when the "I be the principal" concept is applied to Chief Executive selection, it will be up to the 400 Selection Committee members to play the "false Pak Lok electing the real champion" show. The 6 million Hong Kong people simply do not have the opportunity to cheer, not to mention their right to vote. How can we take this as facing the Hong Kong people and relying on them?

In view of the above, Mr President, I fully support the proposal of the Honourable Miss Emily LAU to elect the Chief Executive and Legislative Council Members on the basis of one person, one vote. I know that the chance of realizing this proposal before 1997 is extremely remote, and that the road ahead is very long even after 1997. Yet to a person who supports democracy, this is the target that we must strive for. A long journey proves the stamina of a horse and long time association reveals one's true features. Nice people are always bullied and tame horses being rode on. Silence is not golden. It is now time for us to speak out our hope. Even if I were a horse, I am determined to make a little contribution in the pursuit of democracy.

With these remarks, Mr President, I fully support Miss Emily LAU's motion.

MR CHAN WING-CHAN (in Cantonese): Mr President, the first session of the Hong Kong Special Administrative Region Preparatory Committee came to a close last Saturday. In his speech delivered at the closing ceremony of the session, Vice Premier and Chairman of the Preparatory Committee (PC) QIAN Qichen emphasized, "Provisions of the Basic Law and under relevant resolutions of the National People's Congress (NPC) and its Standing Committee form the basis of preparatory work to establish the Hong Kong Special Administrative Region (SAR). The PC shall execute in full provisions specifically laid down in the Basic Law and under relevant resolutions of the NPC and its Standing Committee. Where no specific provisions have been made, the Committee should offer its input in accordance with the principle and spirit of the Basic Law, the NPC and its Standing Committee". This message is important in that it points out distinctly that future decisions and measures taken by the PC will all conform with related papers and laws. They will not be out of any individual's sudden liking and wild ideas. With regard to formation of the first SAR government, stipulations have been clearly spelt out in the Basic Law. The PC is responsible for setting up the Selection Committee, which will select the first Chief Executive by way of consultation or nomination after consultation. Being given the sole responsibility of setting up the Selection Committee, the PC has now set up Special Committees to perform this task. At present, members of the public should actively offer their views as to how representatives of different sectors should be chosen for the Selection Committee, and how the first Chief Executive should be selected by the Committee. The suggestion to elect the Chief Executive through one person one vote, which is miles away from the issue, is entirely meaningless towards preparing for the formation of the SAR government.

Regarding the first SAR Legislative Council, the Hong Kong Government's deliberate choice of an election system that runs contrary to the Basic Law has resulted in the passage of a resolution by the Chinese NPC that the current Legislative Council of Hong Kong cannot pass through 1997. To remedy the state of vacuum so incurred, the Chinese Government has suggested setting up a Provisional Legislative Council for the SAR. In light of this, the PC has set up a corresponding working group to study related issues. As the Basic Law has clearly provided for the SAR legislature to be returned through election, this principle should also apply to the Provisional Legislative Council. Citizens should, taking into consideration the actual situation, give their views to

the PC as to what kind of election system should be adopted. Concerning the question of returning the Legislative Council through universal suffrage, the Basic Law has already set a timetable. The Democratic Alliance for the Betterment of Hong Kong (DAB) also supports implementing this method by 2007. I consider that, if required, this question may be discussed after the Basic Law has been formally enforced in 1997. The proposal to practise one person one vote to elect the provisional or the first Legislative Council now seems incompatible with the Basic Law and is unacceptable.

Mr President, views on numerous issues regarding setting up the first SAR government are still required from the public. Vice Premier QIAN Qichen has pointed out specifically, "Every decision taken by the Preparatory Committee must be made after extensive consultation with the Hong Kong people, and it is necessary to carry out campaigns locally in Hong Kong to collect their views." I think this is a point that the PC must bear in mind.

To ensure the smooth implementation of various measures pertaining to the establishment of the first SAR government, there is apparently a need to call for full co-operation of the Hong Kong Government on many issues. The Chinese Government has made its stand very clear on this point. On the day the PC conducted the closing ceremony of its first session, the official Chinese paper *People's Daily* pointed out in its editorial that the Chinese Government has always sought for British co-operation, basing on the Sino-British Joint Declaration. It also pointed out that Sino-British co-operation is not only beneficial to Hong Kong and China, but is also to the best interest of Britain. Under the circumstance, we consider that Hong Kong Government should make immediate preparation for a down to earth and full co-operation with the PC, so as to ensure a smooth organization of the SAR government, to boost the confidence of Hong Kong people and to realize a stable transition.

Mr President, these are my remarks.

MISS MARGARET NG: Mr President, as the date of the transfer of sovereignty draws close, it is inevitable that a "Team Designate" for the Special Administrative Region (SAR) Government will be formed. Equally, it is inevitable that they will be seen as a "Shadow Government" briefing themselves into the job they are shortly to take over. This, Mr President, I say, is inevitable. Nor is it in itself undesirable, because we expect anyone who intends to take up the responsibility of overseeing the governing of Hong Kong to prepare

thoroughly for it.

But, in recognizing that inevitability, I must emphasize that it need not have become inevitable. Had the original promise of a high degree of autonomy for Hong Kong been kept, had Hong Kong been allowed to decolonize by letting Hong Kong people govern Hong Kong through a democratically elected government, we would not be facing this inevitability today. Had that happened, we would have already known now who comprise the "Team Designate" for, apart from the Chief Executive, they will just be the same people as the present team. Their work beyond 1997 will be just the same work they are doing now. There would be no need for any "briefing in" or warming up, and no shadow. We would, instead, be just looking forward to a simple change of some troops and a flag, as we had been promised in those fast forgetting years.

Mr President, I bring up the past not to cry over spilled milk, but to remind ourselves of our real goals and the guiding thought for all arrangements for the transition. Giving full recognition of the situation in which we have now arrived, we may yet consider how best can we chart the way forward.

There can be no doubt that this community's confidence in the future commensurates with the degree to which Hong Kong will be left to manage its own affairs, for we have confidence in ourselves. That confidence grows with the degree to which this community is empowered to participate and decide. It diminishes when the right to participate and decide weakens, thereby leaving a larger space for interference. This fact is fully recognized and accepted by both the British and Chinese authorities.

This being so, there can be no doubt that the fullest confidence will be achieved by China agreeing to a fully democratic system in Hong Kong. By having the Chief Executive and the legislature elected by universal suffrage, Hong Kong people will be given the most important ingredients of such a system. It will be a vote of confidence on this community, and this community, I am sure, will repay that confidence with their full confidence in the future under Chinese sovereignty.

Mr President, this is not just the dreams of an idealist. This is consistent with the Joint Declaration which enshrines the principle of a high degree of autonomy (3(2)), a Chief Executive appointed on the basis of the results of elections or consultations to be held locally (3(4)), and an elected legislature

(Annex I, I). It is also consistent with the Basic Law. Article 45 states clearly:

"The ultimate aim is the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures."

Article 68 states that:

"The ultimate aim is the election of all the members of the Legislative Council by universal suffrage."

Some Honourable Members may balk at the motion because of the words "immediately make preparations", because they appear to put aside the principle, also enshrined in the Basic Law, of reaching these ultimate aims by a "gradual and orderly progress". Further, part of how the progress should be made is expressly provided elsewhere in the Basic Law. The Decision of the National People's Congress (NPC) on 4 April 1990 provides for the selection of the first Chief Executive by recommendation "through local consultations or through nomination and election after consultations" by a 400-member Selection Committee. Annex I provides for his election "by a broadly representative Election Committee" of 800 after that.

Likewise for the legislature, the Decision of the NPC on 4 April 1990 provides for the composition and election of the first legislature. Annex II provides for the composition and election of its second and third terms.

Far be it for me to brush these provisions aside, elected as I am by the legal profession whose insistence on the rule of law is beyond compromise. But those words — "make preparations", I understand is taking all the necessary and proper steps, and going through all due processes, including the amendment of the Basic Law, to achieve the goals which are so desirable to this community. It is not for us to dictate, but certainly our duty to urge upon, the proper authorities what we consider to be in the public good, and this is exactly the business of the present motion debate.

Mr President, allow me to address the principle of "gradual and orderly progress", which is, in my view, what underlies the provisions referred to above. These words dominated the discussions of the future development of our government in the second half of the 1980s, before any direct election for the

legislature was ever held. It was understandable that some people in the community had reservations.

There were all sorts of worries, such as an ignorant public, not used to having a right to vote, politically apathetic, and so on, may not be able to cast their votes rationally. There was even the suggestion that popular actresses like Miss Dodo CHENG would get all the votes. Constitutional crises were envisaged, and a government paralyzed by Luddites.

None of these predictions materialized. Our votes have mastered the mechanism and the principles of voting in no time at all, and have shown themselves to be knowledgeable, rational and responsible. Is there not a case for reassessing what prudence really requires, and allowing this community to move forward in its natural, brisk pace?

It may be said that the Governor has never been elected. The community has never even been consulted, save a privileged few, on the candidates. But this is exactly where we ought to have learned our lesson.

Mr President, I entered the political arena as a commentator in 1979. Sir Murray MacLEHOSE was then the Governor. Since then he was succeeded by Sir Edward YOUDE, then Sir David WILSON, and then the Right Honourable Christopher PATTEN. Each and every one of them started with a handicap, which hounded them to the end of their office, which was the mistrust attached to their being appointed. They were always suspected to be here not for our interests but for the interests of those who appointed them.

That stigma can be removed from the Chief Executive of the SAR in the strongest possible way, by making him fully elected by the people of Hong Kong. How can we not recommend this to the Chinese authorities?

Mr President, I support the motion.

MR TSANG KIN-SHING (in Cantonese): Mr President, the Father of China, Dr SUN Yat-sen, once said, "The world trend moves on, vigorously and dynamically. Those who go with it will prosper and those against it will perish." The "trend" that Dr SUN referred to is "democracy".

Former President of the United States Abraham LINCOLN said, "A

democratic government is a government of the people, for the people and by the people". The specific way to realize governing "by the people" is through extensive political participation.

India's national hero GANDHI understood democracy as follows: "Under democracy, the weakest should enjoy equal opportunities as the strongest". By equal opportunities, he meant equal political rights, regardless of class, upbringing and wealth.

In the eyes of James MILLER, "the most difficult problem in politics is how people in power can be checked against abusing power, so as to offer protection to all." This concept resembles the western proverb: "All power corrupts. And absolute power corrupts absolutely."

Karl POPPER, the famous philosopher of science whom your goodself, Mr President, also speak highly of, believed, "Democracy ensures that we have means to get rid of a bad government when it appears". The means that he referred to is a universal, equal and direct election system.

The famous Chinese writer LU Xun wrote 70 years ago, "Tyrannical autocracy turns people cynical; obscurant autocracy turns people lifeless". Cynicism and lifelessness, I believe, are not the choices of people of Hong Kong and China while marching towards the 21st century.

WEI Jingsheng, who has been nominated for this year's Nobel Peace Prize by Members of this Council and legislators of other nations once wrote, "Anybody who deprives them (the people) of democracy is a shameless bandit, a downright bandit even worse than a capitalist who snatches away workers' money earned by hard toil". Let me ask you, honourable colleagues: is the Preliminary Working Committee (PWC) a bandit; will the future Preparatory Committee (PC) be a bandit; are Members of this Council who are also members of the PC bandits?

Former President of the United States John F. KENNEDY said, "Democratic system is a superior political system because it is founded on a respect towards human intellect." Yet how much respect have the Chinese and British Governments paid to the intellect of Hong Kong people; and what have they done towards establishing this superior political system?

At the time when Chinese leaders were still believing in "upholding the four fundamental principles", in his comments on the new people's democracy, MAO Zedong demanded to "abolish all reactionary laws which suppress people's freedom of speech, publication, assembly, association, thinking, belief and movement, so that the people can enjoy adequate rights of freedom." Now is the time to test whether we respect the "four upholdings" laid down in the Chinese Constitution, with particular emphasis on MAO Zedong Thought. Does the PWC or even the PC want to reinstate the six reactionary laws that strangle the rights of freedom of Hong Kong people? Do Honourable Members who also serve as PC members accept that rights of freedom are founded on a democratic system?

Mr President, I consider myself the least educated Member of this Council. I only hope that colleagues could randomly read a book or two and listen to the wise sayings of some personalities in the political arena. It is my intention to share some of these sayings with you today.

As WEI Jingsheng asked, "Do you want democracy or a new autocracy?" Would colleagues who are also members of the PC please ask yourself, whether you want an autocratic system or an open democratic system?

The present motion debate provides yet another opportunity to test the conscience of colleagues. Shall we go with the call of righteousness or follow the summons of the evil; shall we go with the trend of history or against it?

Mr President, we have in our community all sorts of "compromisism", "realism" and "pro-China rising celebrities" who look up to the Basic Law as divine works. Do you work for the interest of Hong Kong people, or do you want to submit yourself to the powerful, in the hope of gaining personal benefits from the transfer of power? What do you think is more important: amending the Basic Law immediately to ensure democratic elections and civil rights, or submitting yourself to appointment of the Chinese side? You can be a member of the PC today, a member of the Selection Committee tomorrow, and also be a black horse or white horse of the Provisional Legislative Council the day after tomorrow. Yet someday you will be discarded by the current of history, overthrown by votes of the public, and nailed on the historical pole of shame!

Mr President, the road to democracy is not only rugged but long, its supporters will even have to pay a price and commit themselves. I myself have already made some psychological preparation. Mr LU Xun said, "If there still exist in this world people who really want to live on, then they should be bold enough to speak, to laugh, to rant, to condemn, and defeat the cursed ages at this cursed place."

Many Members talked about horses earlier. In fact, being a horse is no easy task. Many Hong Kong people know a lot about horses. They do not welcome thoughtless remarks or tips from others. They like to place bets according to their own judgement. Voters are the same. Moreover, horses are always being whipped, and will be slaughtered and become dog food when they are no longer of use. I wish that PC members as well as the black horses and white horses will work for their own good.

With these remarks, I support the original motion and firmly oppose to all amendments.

MR AMBROSE LAU (in Cantonese): Mr President, the suggestion of a "shadow government" in the original motion is indeed terrifying. It impairs the confidence of Hong Kong people in the Special Administrative Region (SAR) government, and is detrimental to the smooth transition, stability and prosperity of Hong Kong.

To resume its sovereignty over Hong Kong, China is to establish the Hong Kong SAR in accordance with Article 31 of the Chinese Constitution to practise the "one country, two systems" policy. The Basic Law clearly provides that Hong Kong shall have a high degree of autonomy. With the exception of defence and foreign affairs, it shall enjoy executive, legislative, independent judicial and final adjudication powers. Therefore, any interference with the administration of the Hong Kong SAR, irrespective of its form and source, is in violation of the Basic Law. The Basic Law is enacted by the National People's Congress. Therefore, fearing that the Chinese Government will form a "shadow government" to administer Hong Kong is something beyond imagination. Miss LAU's fear is totally unwarranted, it will only unnecessarily add to the worry of some people of Hong Kong.

The motion mentions that Hong Kong will be subject to further colonial rule after 1997. I am really surprised by this paradoxical argument. Hong

Kong is Chinese territory. It is utterly impossible for China to exercise colonial rule in her own territory. The assertion of the original motion is simply ridiculous. Chinese people in the Hong Kong SAR will not say so, and even aliens in the Hong Kong SAR cannot say so, for Hong Kong is a territory of China, not of any other country. I am surprised to find somebody unable to get straight this simple and fundamental reasoning. I have racked my brain and come to the conclusion that serious phobia towards certain things may affect one's ability to make rational analysis, resulting in bewilderment and suspicion. The original motion also proposes intervention by an organ of a government that executes colonial rule in Hong Kong. This is indeed ironical.

The proposal to elect the SAR Chief Executive and Members of the Legislative Council by universal suffrage has been discussed time and again during the three-year period of formulation of the Basic Law. It is unrealistic and serves no purpose to provoke controversy on this topic again. Doing this will only create divisiveness in society. It is now only 517 days away from China's resumption of sovereignty of Hong Kong. Everyone of us in Hong Kong should put aside our prejudice and, with concerted efforts, actively assist the Preparatory Committee to form a SAR that fully embodies our wish.

Fear and bewilderment only create, rather than solve problems. As the saying goes, "The wise are free from perplexities; the courageous are free from fear." We should hold fast to the spirit of this proverb in our pursuit of a smooth transition, stability and prosperity at this historical turning point. (I must declare that the above proverb or "Ming Fun" is not a product of the Honourable PAUL CHENG and I have not committed any act of suspected piracy.)

Fear and suspicion will only make people catching at shadows, groping perplexedly for a nonexistent "shadow government", and inviting worry unnecessarily.

Mr President, these are my remarks.

MRS ELIZABETH WONG: Mr President, we are racing against time to make preparation for the Chief Executive of the Hong Kong Special Administrative Region (SAR), and to make preparation for the first Legislative Council. Talking about racing against time, I was amused by the many references to the

type of horses we are talking about — dark horse, white horse, gifted horse, crippled horse. But seriously, all these illustrate that we are in a very sorry state of affairs. What a circus it will all be if we do not have an acceptable system to determine our own political future and our own political structure.

If we dismiss the essence of the motion in a cavalier fashion, what hope is there for Hong Kong people? The change of sovereignty in 1997 is an important event. We look to the future leadership to take us over the threshold of time into the next century. It is imperative that we get the procedure right today within the rule of law and within the provisions of the Sino-British Joint Declaration and the Basic Law. Let me remind honourable friends that both Article 3(2) of the Joint Declaration and Article 2 of Chapter 1 of the Basic Law promise Hong Kong a high degree of autonomy.

Without wishing to emulate or repeat the eloquence of the many speakers before me, I would like just to focus on two points: first, the process and procedure to determine who should be our first Chief Executive; and secondly, the importance of a high degree of autonomy. First, the selection of our Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee is in accordance with democratic procedures and should be welcomed by those who recognize the importance of exercising the promised high degree of autonomy. The transfer of sovereignty has two prongs to it. One is sovereignty power will transfer. Secondly, of equal importance, is the promise of a high degree of autonomy. Without these, it is a crippled arrangement. Without these, it will not be able to stand on two legs.

As regards Shadow Government or Provisional Legislature, as far as I have researched into both the Sino-British Joint Declaration and the Basic Law, there is no authority either in the Joint Declaration or in the Basic Law to establish a Provisional Legislature or a Shadow Government. Now, honourable friends, if the first Legislature or the first Government under the Hong Kong SAR should not be founded on provisions under the law, what hope is there for our future Government to adhere to the rule of law? If the Hong Kong SAR's first Legislature should itself be established without a legal basis, how can we ensure a smooth transition? How can we remotely expect Hong Kong people in future to obey the laws to be passed in the first instance by an illegal body?

Mr President, without a credible procedure for determining our future

political structure, it will be a miscarriage of justice to Hong Kong people to whom we owe a duty to serve and by whom we have been elected to this Council. Mr President, I speak out of goodwill towards China. I speak out of love for Hong Kong people. I speak with hope for the future and trust in our vision. With these remarks, I support the original motion. Thank you.

MR CHIM PUI-CHUNG (in Cantonese): Mr President, as we can remember, the Honourable Miss Emily LAU proposed an amendment motion on 29 June 1994, suggesting that all 60 seats of the Legislative Council should be returned by direct elections. The 20 supporting Members who supported the amendment, except two or three, are present today. At that time I pointed out that the proposal could be regarded as one of the reasons for not supporting the Basic Law after 1997. Today I will give the same advice. I believe that it does not matter to have divergent views on political issues. Right or wrong, history will tell. Members voted in support of the motion have done these things one after the other. Members who have not supported the amendment for 60 directly elected seats on 29 June 1994 should think this over. I am not intimidating or threatening you. I am only offering my personal views.

As I have mentioned above, Mr President, though our political stands may be different, we must understand in the first place that resumption of Hong Kong by the Chinese Government is a fact. Therefore we must see things from the Chinese Government's point of view, then look at them at another angle as a member of Hong Kong people. Having done this, what we can see eventually are the things that will happen in future. It is my firm belief that Members of this Council and other people are definitely not opposed to China recovering Hong Kong. It is also the hope of the Chinese Government to make things run better in future, particularly to use the Hong Kong mode to make possible the return of Taiwan under similar situation. We cannot be so arbitrary as to say that this will never happen. My personal view is that after the March election in Taiwan, someone may ask China not to attack and recover Taiwan within 50 years, but to let Taiwan follow the "one country, two systems" concept in accordance with the Hong Kong mode after the 50-year period. Whether this may be the case, we will know after the March election.

Resuming sovereignty of Hong Kong by the Chinese Government is a divine task, but China has not committed to taking back the six million people in Hong Kong, because this is actually a responsibility of the British Government.

Furthermore, the Chinese Government has not promised to take back those Hong Kong people having different ideologies. Regarding those who want to emigrate, the Chinese Government only diligently fulfills its own role and raises no objection. It has neither rejected those in Hong Kong who do not endorse Chinese policies, and let them leave if they want to do so. These are objective facts. We must be cautious about having too much confrontation or disagreement. Some Members may be under the influence of colonial education or excessive idealism. Indeed, many Members have just made some very good remarks. Although we have different political stands, we have our own representativeness, our own ideas. In Hong Kong, we cannot stop people thinking in their own ways. Yet we must bear in mind that, as Members of the Legislative Council, we may influence the views of some citizens on certain issues. So I believe that stating the fact is better than just having an ideal or a theory.

Mr President, under these circumstances, Hong Kong has to move on. If "democracy" becomes the sole principle for everything, it is the dialectical conflict and struggle between time and politics. And this is not a responsibility that we must shoulder. We certainly have different views and beliefs, and will work towards or manifest our goal. The Honourable Member proposing the motion indeed has wide public support. But as someone pointed out earlier, success may turn oneself disorientated, going after an illusory objective and yet thinking that one is on the right track. I believe that the majority of the public will wake up gradually and continue with their living. If this is the case, then it will be impossible for them to follow some people to pursue their political objective or ideal. As Members of the Legislative Council, Mr President, we have to consider the situations of both China and Hong Kong. I also hope that the majority of the mass media can note both sides of the dialectical analysis, and arrive at a unified target.

As a matter of fact, the Basic Law has already spelt out how the Chief Executive of the Hong Kong Special Administrative Region should be produced and how other related issues should be handled. Of course, amending the Basic Law is not absolutely impossible, but it should only be done by the National People's Congress or other related authorities of the Chinese Government. As such, it is most important that the public should not be led to have any misconstruction on this. As I have mentioned before, Hong Kong only constitutes 0.5% of the territory of China. Whilst we hope that China can look after the interest of Hong Kong people, we also have to understand its actual

situation. What good can be done with excessive, direct and substantial confrontations? Indeed, personal interests are easier to look after, but interests of the public as a whole involve objective considerations. Handling a matter rationally is always better than achieving one's temporary success or goal.

Mr President, we know that politics is not for a gentleman to participate in. Victory is the only goal in politics. Yet one may be carried away by success. The votes for and against today's motion will be very close. I expect a tie of 26 to 26 votes. But whatever the outcome is, we must bear in mind that the public must not be misled.

Mr President, with this remarks, I oppose the original motion.

MR LEUNG YIU-CHUNG (in Cantonese): Mr President, the formal inception of the Hong Kong Special Administrative Region Preparatory Committee last week denotes that Hong Kong has entered its final stage of transition. An important point about this development is that it also completely shatters our hope for "a high degree of autonomy and Hong Kong people ruling Hong Kong." In light of such a tightly closed Preparatory Committee which is under dictatorial manipulation behind the scene and which has no public representativeness, coupled with such an undemocratic Basic Law, we can already foresee that the first Special Administrative Region (SAR) Government formed by the Preparatory Committee (PC) will be a puppet regime, a means of the Chinese Government to control Hong Kong people. We can also expect that the present colonial rule will be extended by the Chinese Government after 1997, turning from bad to worse.

To prevent the continuation of "colonial" rule in Hong Kong, to avert any indiscriminate suppression of the people by an autocratic regime, and to ensure the realization of "Hong Kong people ruling Hong Kong and a high degree of autonomy" as promised, the essential method is to introduce a fully democratic political system, that is, to return the first Chief Executive of the SAR and members of the first Legislative Council by the one-person-one-vote system as proposed by the Honourable Miss Emily LAU, instead of awaiting a decision by 2007. In fact, this is not the first time that Hong Kong people put forth such a request. It had time and again met with resistance and interference from the Chinese Government, rendering it unable to materialize. Since China and

Britain signed the Sino-British Joint Declaration in 1984, citizens of Hong Kong have already suggested a "democratic return", requesting that Hong Kong may set up a democratic government on the return of sovereignty to China. Regrettably, the Chinese Government has been arbitrary, domineering and self-centred on every occasion. From its opposition to the 1988 direct elections, up to the appointment of Basic Law Drafting Committee members and the finalization of the Basic Law, when has the Chinese Government really listened to the views of Hong Kong people; and when has it really accepted their voices and made improvements?

On the contrary, the Chinese Government has gone further to trample on and despise the voices of Hong Kong people. It even twisted different voices as opinion covertly manipulated by the British Government and accused the above demand for democracy as calculated moves to create confusion in the later stage of transition and to hamper a smooth transition. In 1992, the political reform proposal of Governor Christopher PATTEN attracted strong response from all sectors. Demand for all seats of the Legislative Council to be returned through direct elections was overwhelming. However, the Chinese Government responded with repeated coercion, saying that tenure of the Legislative Council will not pass beyond 1997 even if the PATTEN proposal, though conservative, was endorsed. It even threatened to form a provisional legislature. During this whole process, the Chinese Government only persistently accused the people asking for more democracy as being manipulated and utilized by the British Government. I must gravely point out here that all people in pursuit of democracy are acting in accordance with their conscience. They are not being ordered about by the British Government. On the contrary, their strong demand for full democracy is a forceful reaction to the long years of undemocratic colonial rule by the British Government. There is no reason for the Government after 1997 to extend this unreasonable and undemocratic colonial rule.

Mr President, I have never worried too much that a "shadow government" or "second power centre" will cause any problems, because under a democratic system and as long as the administration in power is returned by general election, it is quite normal to have a "shadow government" or "second power centre" during the transfer of regime. Moreover, a "shadow government" may also serve to monitor the administration of the ruling government. Nevertheless, the "second power centre" now in place in Hong Kong is undemocratically appointed by an autocratic government; the majority of its members cannot adequately represent the public; its operation follows the traditional top-down leadership mode of the Chinese Government; and its totally enclosed operation is beyond

monitoring by the Hong Kong people. I am not convinced and cannot accept that a SAR government formed by such a committee can represent the views of the public. On the other hand, operation of the PC since its inception has been nothing but a process of spoils sharing among a group of people with vested interests. This is evident from the highest number of members of the PC joining the Working Group of the Selection Committee. All of them are trying to have a finger in the pie during the selection of the provisional Legislative Council and Chief Executive of the SAR. The function of the PC and what its members want are really all too clear.

Mr President, once again I call upon the people of Hong Kong to unite themselves, to voice their opposition and to strive for the election of the Chief Executive and Legislative Council through universal suffrage. If we do not resist today, it will be much more difficult to have our voice heard tomorrow.

These are my remarks.

MR ERIC LI (in Cantonese): Mr President, this afternoon I delivered a speech at a regular luncheon meeting of the Zonta Club, and my speech has already been given to Dr the Honourable Anthony CHEUNG. So what I am going to say about the issue of confidence in the Preparatory Committee (PC) has already been said this afternoon and are not fresh comments made for the first time here. As I mentioned this afternoon, in order to have the confidence of Hong Kong people, it is most essential to "face the Hong Kong people, rely on Hong Kong people". Confidence must originate from rule by law and a fair system, a system not only trusted by Hong Kong people, but also commands their conviction. This confidence can by no means be obtained merely through succumbing to the ruling power.

I am not the only one who made the above comments at the PC. As a matter of fact, I have heard many members from Hong Kong and even some from China taking this view at the first session of the Committee. Some former members of the Preliminary Working Committee told me that they were happy to attend the session because they have heard many more voices striving for this end within the establishment. I believe that conviction in the rule of law and a fair system is the same to members of the Preparatory Committee and Legislative Council. What is different is only our *modus operandi*. In my opinion, the only way to win people's confidence is to fight and to construct within the establishment. I am not altogether approved of some colleagues deliberately doing fruitless, or in sterner terms, heedless acts within the system, and jeering at the Chinese, British and Hong Kong Governments and even some colleagues of

this Council today. I only feel sorry for those Members who really want to contribute towards the smooth transition but their efforts are not recognized. May I ask whether these negative criticisms are in the interest of Hong Kong people? Indeed one might have vented his feelings, but what we get in return is distrust of the present Hong Kong and future Special Administrative Region governments from Hong Kong people and the international community. The only result will be both sides being losers.

Let us look at the issue of confidence. The 11 years of transition have passed. Hong Kong people do have worries, but this is understandable in face of variable factors. Basically Hong Kong is quite stable. Despite economic ups and downs, the current development is still good. As regards migration, although hundreds of thousands of people have left, many have returned. Six million people will be staying behind to build Hong Kong. There have been squabbles between China and Britain, but basically both sides manage to adhere firmly to the Joint Declaration and have not gone beyond the bottom line. The international community has already accepted that China will resume its sovereignty over Hong Kong, and Hong Kong people have also accepted this scenario. China's internal political situation are getting more and more stable. If the PC can work faithfully for the overall long-term interests of Hong Kong and fulfills its tasks, then we can still expect a smooth transition, a turbulence-free transition, a transition whereby people can live in prosperity and contentment.

Many Members mentioned that the PC takes the stand of "I am the principal". I wish to make some clarification on this point here. Two Members have said that "I am the principal" means that China is the principal whereas Hong Kong is the subordinate. This interpretation is entirely wrong. If we have the opportunity to look at and understand the stand of China, we may realize that the "I" that it has frequently mentioned actually refers to the overall common long-term interests of Hong Kong and China. As long as we recognize that these interests are inseparable, our interests are concordant. "I" means China and Hong Kong as one, relative to Britain. It is absolutely not used to distinguish China from Hong Kong.

Hong Kong people hope very much for a successful transition. Under the present scenario and at this important historic time, I consider that the political future and even glory (such as the heroes whom the Honourable TSANG Kin-shing and other colleagues have talked about) or disgrace of an individual

are not too important. Not every politician who cannot continue to serve as a Legislative Council Member can become a street protester. If the Accounting Constituency no longer has this Eric LI, another Eric LI will be taking his place. So long as members of this constituency do not give up, they will definitely fight for the right to speak and to participate in the establishment. In doing so, we will feel positive and meaningful. This is always better than sitting still in the Legislative Council waiting to be divided.

At the last stage of this historical moment, the PC and Legislative Council should not be antagonistic to each other. People of Hong Kong are already fed up with the struggle between China and Britain. I believe that it is their wish that the struggle will not take place in Hong Kong, particularly at the Legislative Council. Obviously the Legislative Council and PC are two organizations which can determine the success or otherwise of our transition. If they can work in concerted efforts for the future of Hong Kong, then Hong Kong people will be blessed.

Before I agreed to serve as a member of the PC, I had sought clarification with the Chinese side and satisfied myself that it would not operate as a shadow government. The terms of reference of the Committee is now very clear. The agenda of all six working groups are designed to prepare for the formation of the future government. I have the feeling that the present situation is not that the PC functions as a "Shadow Legislative Council". On the contrary, the Legislative Council appears somewhat like a "Shadow Preparatory Committee". Well said the Honourable Martin LEE, "He who can accommodate is magnanimous". The next sentence is "He who has no selfish desires is austere". While the Chinese regime can embrace some Legislative Council Members to work together within the establishment, many Members of this Council lack the magnanimity to accommodate the PC. Indeed the Committee is not returned by elections, but many of its members do have the recognition of their respective sectors and are sincerely working for Hong Kong. I hope that we can put aside our prejudice. I believe that it is the wish of Hong Kong people to see these two organizations working together for the future of Hong Kong, regardless of whether they are a "shadow" or "power centre".

MR LEE WING-TAT (in Cantonese): Mr President, the following are my opinions of the Honourable David CHU's amendment.

The wording of the Honourable David CHU's amendment to the motion is:

"..... this Council acknowledges the assurances from the Chinese officials that there will be no "second power centre" in Hong Kong". But we can only count on the assurances from Chinese officials. Are they enough? The Chinese Government has, in fact, always adopted "the rule of man" and an authoritarian system. The Joint Declaration of 1984 clearly laid down in black and white that Hong Kong would enjoy "a high degree of autonomy under one country, two systems". What do we see now? China's Constitution even promises freedom of speech, freedom of assembly and freedom of association for our Chinese compatriots. But are the Chinese people enjoying these rights now? At present, what we have is basically "one country, two systems" being replaced by "one country, one system", "a high degree of autonomy" being replaced by "continuous interference" and "democratic rule for Hong Kong" being replaced by "rejection of dissidents".

Furthermore, China's policy towards the British Hong Kong Government today is "I as the principal". The Preparatory Committee (PC) has adopted a system of secrecy and collective responsibility. It is, in fact, responsible only to the Chinese side and does not "stand facing the people of Hong Kong". As a matter of fact, I disagree to the Honourable Eric LI's view that the word "I" in "I as the principal" refers to the compatriots in China and Hong Kong. In my opinion, the word "I" refers to the Communist Party and those people around that are subservient to it. People who are not subservient do not come within the area of "I".

Mr President, I think one can observe from the operation of the PC whether or not the Chinese side "stands facing Hong Kong people and relies on Hong Kong people". The transparency of the PC is now very low. Its meeting procedures and the way it releases information are different from those normally used by Hong Kong people. On the other hand, the way the Committee conducts its meetings is not much different from that of the National People's Congress and the Chinese People's Political Consultative Conference. It can thus be seen that many socialist ways of doing things have already been introduced into the PC. If this mode of operation is allowed to continue, I cannot see how the Preparatory Committee, or even the Selection Committee that follows, can reflect a "high degree of autonomy and Hong Kong people ruling Hong Kong", or even any socialist characteristic of capitalism. As a matter of fact, even now the PC does not know where and when it will be holding its meetings in the coming year. What I feel is that, apart from conforming to the Basic Law in terms of its organization and the fact that its members are all decent

and honest people, the PC is no different from any secret underground organization as far as its mode of operation is concerned.

On the other hand, Mr David CHU expressed the hope in his proposed amendment that the Hong Kong Government would work together with the PC to select the Chief Executive and members of the first Legislative Council. I hope everyone is aware of the fact that the Basic Law has already made provisions for the future legislature. There is now a working group on the provisional legislature under the PC. If Members of this Council who are also members of the PC wish to ask the British side how it would assist in the setting up of the provisional legislature, I suggest that they first ask if the people of Hong Kong endorse the formation of a provisional legislature and whether the provisional legislature is an organization that conforms to the Joint Declaration and the Basic Law. The answer is obviously no.

As a member of the PC, Mr David CHU is certainly aware that according to the Basic Law, the formation of the first legislature of the SAR is provided for in the "through train" arrangement set out in Annex I. The appointment of a provisional legislature is not provided for in the Basic Law and thus runs contrary to the provisions of the Basic Law. Therefore, according to the wording of Mr CHU's proposed amendment, Council Members should strongly oppose the decision to set up a provisional legislature. If this is the case, I hope Mr CHU would, in the relevant working group of the PC, unite all Hong Kong members, particularly those who are also Members of the Legislative Council, to strongly oppose the setting up of a provisional legislature and request the PC to abolish the working group on the provisional legislature.

Lastly, Mr President, I would like to say something about my colleagues in the Legislative Council who are also members of the PC. When 14 Members of the Legislative Council were appointed to the PC, they were interviewed, one by one, by the Hong Kong media, leftist, rightist and neutral. Everyone of them expressed the hope that they could do something for the people of Hong Kong and reflect the public's views by accepting the appointment. Before attending the PC's first meeting in Beijing, many Legislative Councillors issued statements in Hong Kong and expressed their views. When in Hong Kong, these PC members who are also Legislative Councillors made a lot of promises. But once they were in Beijing, they kept their mouths shut and became silent unanimously.

Mr President, the first meeting of the PC was held merely to discuss work procedures and regulations and those members from the Legislative Council already kept their mouths shut. If the core work of the PC, such as the question of the Selection Committee, and the election of the Chief Executive or members of the provisional legislature, is really discussed, I cannot imagine how our colleagues in the PC will behave. Will they, like kids, wear a "Superman" mask as they enter the conference room and then don the mask again as they come out? In this way they will not need to face Hong Kong people and express their opinions. Perhaps we should suggest that the Secretariat of the Preparatory Committee provide secret passages to the meeting venue, so that those who enter and leave do not have to face the press. If, after their meetings, they dare not even voice their decisions and opinions, and dare not face the people of Hong Kong, how then can they "rely on Hong Kong people" and collect their opinions?

Mr President, I feel it is something of a joke to be a member of the PC, and more so to be a member of the Selection Committee. This is because in many cases, decisions have already been made before the work is carried out. Unless one chooses deliberately to play a part in these farcical games, otherwise anyone with a slightly clear head would know that many things have already been decided upon. Why should we take part in a game where the Communist Party has already made all the decisions? Why are we reluctant to stand up and voice a different opinion? I think we should at least answer to our own conscience, so that we can get a sound sleep every night.

Mr President, I so submit in support of the motion.

MR CHAN KAM-LAM (in Cantonese): Mr President, the purpose of today's original motion is only to deliver a wrong message to the public. The message is that China will set up a second power centre in Hong Kong before 1997 and form a "shadow government", thereby practising colonial-style government in Hong Kong. Unfortunately, facts always speak louder than words, and time will prove everything. As everyone knows, the Chinese officials have repeatedly clarified and given their word that China will not set up any organ with duplication of power in Hong Kong, nor will it set up any so-called "shadow government".

It has already been clearly stated in the Sino-British Joint Declaration that

up to 30 June 1997, Britain will still be responsible for the Administration of Hong Kong with the object of maintaining and preserving its economic prosperity and social stability, and that the Chinese Government will give its co-operation in this connection. The Chinese Government has all along abided by the Joint Declaration. China's position during these 12 years has been clear for all to see.

Honourable colleagues, people are often taken to task for not making any commitment in a certain matter. But even if they make a commitment, they may also be taken to task for making empty promises. Mr President, doing the right thing is not easy! The Chinese side has already made its commitment in accordance with the Sino-British Joint Declaration. The people of Hong Kong should give their co-operation and support.

Mr President, the Basic Law has provided Hong Kong with its future political system. While some people are still not satisfied, the political system of the future Special Administrative Region (SAR) will definitely not be a continuation of the so-called colonial government.

Hong Kong's present colonial governor is a British appointed by the British Queen. But the appointment of the Chief Executive of the future SAR and the terms governing the appointment will be much stricter. Furthermore, the Chief Executive will not enjoy unlimited power as the present governor does.

The Basic Law has made specific provisions for the selection of the Chief Executive and members of the legislature and has set a general election as its ultimate target. The platform of the Democratic Alliance for the Betterment of Hong Kong (DAB) has already pointed out clearly that we expect the members of the future legislature to be returned entirely by direct election not later than 2007 and the Chief Executive to be elected by universal suffrage not later than 2007.

Furthermore, the future Chief Executive must be a Chinese citizen over the age of 40 and a permanent resident of the SAR with no right of abode in a foreign country. The Chief Executive must also be ordinarily resident in Hong Kong for a continuous period of at least 20 years. He/she must be selected by means of election or consultation in Hong Kong in accordance with the provisions of the Basic Law and appointed by the Central People's Government. He/she will serve a term of five years and is eligible to be re-appointed for one more term. Moreover, the Chief Executive will not have the power to arbitrarily

veto any bill passed by the future legislature.

The above provisions are stated clearly in the Basic Law. Perhaps the Honourable Miss Emily LAU has not read them before. So I brought along for Miss LAU a copy of *The Basics of the Basic Law*, published with financial assistance from the Civic Education Committee. It is my hope that she will find time to read it carefully.

As for the future legislature, apart from the gradual increase in directly elected seats and the retention of existing powers, members can also table motion to impeach the Chief Executive. The political system of the future SAR will provide for a system of checks and balances between the executive and legislature, as well as an independent judiciary. The present colonial system can, in no way, be compared to it.

Mr President, the above-mentioned facts are all common knowledge. Unfortunately there are people who always air alarming views to mislead the public either deliberately or out of misunderstanding. The Honourable Miss Christine LOH has just mentioned an article in the *South China Morning Post* about Mr TSANG Yok-sing, chairman of the DAB. It must be pointed out that the report stating that information regarding the Preparatory Committee must be obtained through the Communist Party Secretariat was entirely a mistake by the editor of the *South China Morning Post*. Mr TSANG had already demanded an apology and correction from the newspaper. Had Miss LOH read the *South China Morning Post* this morning, she would have seen the notice of apology in the newspaper.

In my opinion, to realize the principles of "one country, two systems" and "Hong Kong people ruling Hong Kong", and to uphold the Basic Law, Hong Kong needs the active and practical participation of all its citizens.

The SAR Preparatory Committee has already been set up. Its members come from different strata of society. They possess diversified experiences and different backgrounds. They will prepare for the setting up of the future SAR government in accordance with the provisions of the Basic Law, and their decisions will have far-reaching significance. Therefore, I urge the Government to work together with the Preparatory Committee to ensure that the work of preparing for the future SAR government can proceed smoothly.

Mr President, I so submit.

MR LAU CHIN-SHEK (in Cantonese): Mr President, Miss Emily LAU's motion reminds me of the story about "the emperor's new coat". While everybody was singing the praises of the emperor in one voice and marvelling at his beautiful new coat, the Honourable Miss Emily LAU blurted out, just like the child in the story, that the emperor was in fact wearing nothing. I wish to join Miss LAU in saying to the members of the Preparatory Committee (PC) who have never received recognition from the people of Hong Kong: You are wearing nothing. This story may even have a Hong Kong version. In this version, the person who is wearing nothing may not be an emperor at all. As popularly elected councillors, we must have the foresight to inform the people of Hong Kong that these people are, in fact, wearing nothing.

The handover of any regime is always a major event. It can be said that every step is fraught with danger. The case of Hong Kong in 1997 is particularly interesting because there is no precedent. Here I hope the PC members will not assume that "with the big boss from the north to back them up" they can do whatever they like and expect everyone to bow down beneath their authority which, in fact, does not exist. In order to have a smooth transition, the only backing we can expect is from the six million people of Hong Kong.

I vote in support of Miss Emily LAU's original motion.

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Mr President, the Honourable Miss Emily LAU's motion and the amendments to the motion moved by the Honourable Bruce LIU, the Honourable David CHU and the Honourable IP Kwok-him touch on a number of important transition issues. I wish to take this opportunity to explain to you the position of the Hong Kong Government in these issues.

First of all, let me respond to the major premise in Miss LAU's motion, namely the question of "a second power centre" or "shadow government". As mentioned by a number of Council Members, this question does not, in fact, exist and cannot possibly exist. According to the Joint Declaration, the British Government will continue to rule and administer Hong Kong up to 30 June 1997. The Chinese Government will give its co-operation in this matter. The Hong

Kong Government will not evade its responsibility nor will it accept any shadow or parallel government. During the next 17 months, the Government will continue to carry out its duties in a positive and conscientious manner, bearing in mind the best interests of society as a whole.

Of course, the Chinese Government is also a signatory to the Sino-British Joint Declaration. Senior Chinese officials responsible for Hong Kong affairs, including Mr LU Ping and Mr ZHOU Nan, have openly declared that:

- (1) The question of a second power centre or a parallel government does not exist; and
- (2) The Preparatory Committee of the Hong Kong Special Administrative Region (SAR) will not interfere in Hong Kong's administration before 1997.

Now let me say something about the Preparatory Committee. According to a resolution passed at the Chinese National People's Congress on 4 April 1990, the Preparatory Committee will be responsible for the formation of the government of the Hong Kong SAR, including the work of setting up a Selection Committee to select the SAR's first Chief Executive. As we all know, the Preparatory Committee has just commenced working. It should be up to the Preparatory Committee to decide how it will actually carry out its many duties. But we sincerely hope that the Preparatory Committee will take into full account the wishes of the Hong Kong people, including their desire for a successful transition and the formation of a Hong Kong SAR government that is truly creditable to the public. There are 94 Hong Kong members in the Preparatory Committee, 14 of whom sit in this Council. They will doubtless fulfill their roles and reflect the opinions and concerns of Hong Kong people. We are glad to hear Chinese Vice Premier QIAN Qichen's remark that the Preparatory Committee should "extensively collect the opinions of Hong Kong people". As a matter of fact, we know that one of the terms of reference of the Preparatory Committee is that the Committee should fully promote democracy and listen extensively to the opinions of people from all sectors.

As for the Hong Kong Government, we will strive to provide the Preparatory Committee with the assistance it needs. After the Chief Executive designate has been selected, we will also offer immediate assistance.

Regarding the mode of co-operation, at a meeting in London last October, the Chinese and British foreign ministers arrived at a high degree of consensus and agreed on the setting up of a liaison office within the Hong Kong Government to liaise with the Preparatory Committee. Earlier this month, the Chinese Foreign Minister reiterated to the British Foreign Secretary that the Chinese Government would accept our offer of co-operation with the Preparatory Committee. The Liaison Office is prepared to provide assistance to the Preparatory Committee at any time the Committee commences its extremely important work.

Finally, I wish to respond to Miss Emily LAU's proposal. Her motion contains many suggestions on how the first and subsequent Chief Executives as well as the first and subsequent legislatures of the Hong Kong SAR should be selected. The methods and procedures are already clearly stipulated in the Basic Law and the resolution passed at the National People's Congress on 4 April 1990. The work of implementing or amending these regulations is the responsibility of the Chinese Government and the future Hong Kong SAR government. Here I merely wish to point out two facts. First, regarding the selection of the Chief Executive, Article 45 of the Basic Law states that "the ultimate aim is the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures." Second, regarding the method by which the legislature comes into being, Article 68 of the Basic Law also states that "the ultimate aim is the election of all the members of the Legislative Council by universal suffrage."

The way in which the Chief Executive of the Hong Kong SAR comes into being and the specific method by which the legislature is formed will obviously have a great impact on the credibility of the SAR government. Hence, it is only natural that the people of Hong Kong are watching the procedures closely. Similarly, we can fully understand if members of the public expect the procedures to be open, transparent and fair, and it is also understandable if members of the public express these expectations openly. The Hong Kong Government has the same expectations and urges those responsible for deciding on the procedures for selecting the Chief Executive and setting up the future legislature to take the public's wishes into full consideration.

The 17 months ahead will be an important period for Hong Kong. The Government of Hong Kong will strive for a successful transition through an effective and responsible administration as well as genuine co-operation with the

Preparatory Committee and the Chief Executive designate. We hope that others will also do their parts in this important mission and that through concerted effort, we can realize the promise of "a high degree of autonomy" pledged to Hong Kong people in the Joint Declaration.

MR SZETO WAH (in Cantonese): Mr President, I was late for two seconds, having had to use the washroom, and could not be here in time for the show of hands. But you were kind enough to let me speak. Thank you. I wish to speak mainly on the three proposed amendments.

First, the Honourable Bruce LIU's proposed amendment. The crucial point of this amendment is that the Basic Law can only be amended after 1 July 1997 in order to hold a popular and direct general election for the selection of the Chief Executive and Members of the legislature. His position should be that of the Hong Kong Association for Democracy and People's Livelihood (ADPL).

I am not sure if he can recall when the legislation on the 1995 elections was passed in the Legislative Council last year, the Honourable Miss Emily LAU had also proposed that all Legislative Council Members, that is all 60 seats, should be returned by popular and direct election. At that time, the Honourable Frederick FUNG voted in favour of the amendment. He did not ask that the popular and direct general election be held after the Basic Law is amended in 1997. Mr FUNG's view on that occasion should also have reflected the position of the ADPL.

Mr Frederick FUNG today and Mr Bruce LIU today are taking a different position. Does this mean that the ADPL has "steered in another direction"? Why does the Association "steer in another direction"? Is it because two of its members have been appointed to the Preparatory Committee and have accepted the system of collective responsibility? Did this cause the change to take place? The Chinese side had stated many times that members of the Preparatory Committee joined in their own capacity. I hope the ADPL will not accept the system of collective responsibility just because two of its members are in the Preparatory Committee.

Mr Bruce LIU thinks that to amend the Basic Law prior to 1997 is to "destroy the Great Wall of one's own accord". But do we have a "Great Wall" now? Is it impossible to amend the Basic Law prior to 1997? To establish a

provisional legislature is to amend the Basic Law. So, where is the "Great Wall"?

Secondly, I wish to speak about the Honourable David CHU's proposed amendment. The wording of this amendment is: "..... in nominating the Chief Executive and in forming the first Legislative Council of the Special Administrative Region according to the methods laid down in the Basic Law". I heard him say just now that we should not "stir up confrontation" and that "stirring up confrontation" does no good. But his proposed amendment is precisely "stirring up confrontation". I am really a bit worried for him. Why do I say that he is "stirring up confrontation"? It is because he put the words "..... nominating the Chief Executive" before "..... according to the methods laid down in the Basic Law". That is to say, the Chief Executive does not have to be selected according to the Basic Law. As to how the Chief Executive is to be selected, he did not say. Should we hold a horse-race to decide?

He also put the words "the first Legislative Council of the Special Administrative Region" after "according to the methods laid down in the Basic Law" (in the Chinese version). But the Basic Law does not, in fact, provide for the formation of a provisional legislature, nor does it provide for any method of setting up a provisional legislature. Does this mean that he will oppose the formation of a provisional legislature and uphold the principles of the Basic Law?

His customary position runs completely contrary to the wording of the proposed amendment. Therefore I feel he should vote against his own amendment. If he takes my suggestion, he will set yet another new record in the Legislative Council. He had previously set a record of having only one vote in support of a motion. This time, he will have set a record of having the person who moved the amendment vote against the motion himself.

The last is the Honourable IP Kwok-him's proposed amendment. There are two important points in the motion. The first is the fact that he is "bursting with confidence" and his lack of any misgiving that the Preparatory Committee will not become a second power centre. The second is asking the Hong Kong Government alone, and not the Chinese Government, to be ready to co-operate fully with the Preparatory Committee. Some people are "bursting with confidence", yet become "astronauts". On this, I have nothing to say. As for co-operation, it takes two sides to do it. Asking one side to co-operate without asking the other side to do the same is like asking the other side to close ranks

with oneself.

Finally, I would like to say a few words about the Honourable Eric LI's speech. He said that at the recent Preparatory Committee meeting many people said they were very happy. Why were they so happy? Was it because they had watched a performance put up by the People's Liberation Army? Or was it because they had adopted a system of collective responsibility and secrecy? Could he please ask the many members of the public who could not attend the Preparatory Committee meeting whether they are happy about the system of collective responsibility and secrecy?

Another thing is that I do not find his interpretation of the term "I as the principal" correct. In his opinion, the "I" in "I as the principal" includes Hong Kong people as well. I can only say from the linguistic point of view that this term should not be interpreted in this way. Does he realize that the term "I as the principal" is followed by the phrase "stand facing the people of Hong Kong"? The "I" in "I as the principal" is the subject while "stand facing" is the verb and "the people of Hong Kong" is the object. In other words, I stand facing the people of Hong Kong. If "I" also includes Hong Kong people, then "I" will be facing "me" the whole day long, looking into a mirror all the time. Thus, his interpretation is not correct from the linguistic point of view.

PRESIDENT: Are you on a point of order, Mr LI?

MR ERIC LI (in Cantonese): Mr President, I would like to clarify certain points in the Honourable SZETO Wah's speech. I also wish to ask Mr SZETO

PRESIDENT: Mr SZETO Wah, are you prepared to yield?

MR SZETO WAH (in Cantonese): If you give me some more time to speak, I will answer his question. (*Laughter*) Otherwise I will not respond. I must continue speaking because there are only 30 seconds left.

PRESIDENT: I will stop the clock.

MR SZETO WAH (in Cantonese): I will continue to speak because there is little

time left.

PRESIDENT: Please continue, Mr SZETO Wah.

MR SZETO WAH (in Cantonese): Obviously, therefore, the word "I" in "I as the principal" is not only set against the British side, but also Hong Kong people as well because he must stand facing Hong Kong people. Thus I feel that Mr LI's interpretation is not correct. I say that his interpretation is incorrect merely from a linguistic point of view.

Mr President, with this speech I support Miss Emily LAU's motion.

MR FREDERICK FUNG (in Cantonese): Mr President, I would like to say something about the proposed amendments and the Honourable Miss Emily LAU's motion, particularly some of the questions which my colleagues have asked me.

The amendment moved by the Honourable Bruce LIU of the Association for Democracy and People's Livelihood (ADPL) is very clear. First, let me respond to the Honourable Mrs Selina CHOW's question. What we said was in order that Hong Kong will not come under a colonial-style, I repeat, colonial-style government, not colonial government. What is colonial-style government? In our opinion, the elections by so-called functional constituencies or electoral colleges have always been a part of colonial government practised in democratic countries in the last 50 years. We do not wish to see such methods being used after 1997. We would like to see them changed as soon as possible. "Colonial-style" is different from "colonial".

Second, the Honourable SZETO Wah asked us if the ADPL has "steered in another direction", and whether Mr Frederick FUNG has "steered in another direction". This seems to touch on the method of driving. As this question involves the question of the Basic Law, I will try to explain the position of the ADPL and my own position on the Basic Law and on amending the Basic Law over the last decade or so.

I remember back in the 1980s, when we were led to discuss the Basic Law

by the Joint Committee on the Promotion of Democratic Government, and after meeting with the neutrals and the industrial and commercial sectors, we wanted to add a provision to the Basic Law to the effect that the power of moving any amendment to the Basic Law rests solely with the Special Administrative Region (SAR) government. We did not want to see the Central Government move any amendment to the Basic Law on behalf of the Hong Kong government. Only in this way can "Hong Kong people ruling Hong Kong" be assured. Those who came up with this suggestion back then were the two flag-bearers of the Democratic Party who are now sitting among us today — Mr Martin LEE and Mr SZETO Wah. After this proposal was raised, it was unanimously passed at the 1988 members' general meeting of the ADPL. We have supported this proposal up to the present day and our position has never changed.

In 1992, before Governor Chris PATTEN came to Hong Kong, that is, before PATTEN's political reform package came into being, the ADPL had already come up with a reform package. The spirit of the reform was how, under the premise of a "through train" and the principle of the Basic Law, to devise a political system that will involve the greatest number of citizens. This was the spirit in which the Association formulated its proposed political system. After the proposal was drawn up and before Governor PATTEN's reform package was discussed and passed in the Legislative Council in July 1994, the ADPL had never voted in favour of or against any of the proposed reforms, including Miss Emily LAU's proposal for direct election of 60 seats in the Legislative Council. As everyone knows, a thousand changes can take place as the wrangling goes on. The ADPL is, in fact, holding fast to the Basic Law amidst all these changes, countering all changes with an unchanging stand. *(Laughter)* We stand unchanged, but outside, big changes have taken place. Even those who said they would not change are changing.

While "countering all changes with an unchanging stand", when did we find out that there could be a problem with the constraints of the Basic Law? It was precisely because our reform proposal was one intended to be carried over to 1997, we hoped that if the district boards, Urban Council and Legislative Council adopted the proposal of the ADPL, they would be able to make a transition to 1997. However, before the Legislative Council meeting, the Chinese National People's Congress passed a resolution that if PATTEN's political reform package was passed, the three levels of council would not be able to carry over to 1997. In other words, if PATTEN's package was passed, there would be no "through train". The "through train" proposal of the ADPL would thus lose much of its

significance and any discussion on PATTEN's proposed reforms including Miss Emily LAU's proposal would be entirely meaningless under the constraints of the "through train" and the Basic Law. In other words, how should we cast our votes before 1997 when the Basic Law does not have any constraint?

The ADPL had called a members' general meeting on this issue. It was an open meeting covered by the press. Our position was: Since there was no more "through train", the Association's proposal, which was one in which the greatest number of people could take part under the premise of having a "through train" and under the constraints of the Basic Law, might well become an option in which the least number of people could take part. So, there being no constraints, we decided that we would support any proposal in which the number of participants is greater than that provided for in the Association's proposal. Therefore, during the vote on the proposed reforms, we gave our support to the Association's proposal, PATTEN's proposal and Miss Emily LAU's proposal. However, that was without the benefit of a "through train" and without the constraints of the Basic Law.

Even now the ADPL still hopes that the Basic Law will be useful. Just now Mr Bruce LIU also pointed out that what we are talking about is the rule of law. If someone commits armed robbery, we will rebuke him and the police should arrest him. But I myself will not commit armed robbery. If someone violates the Basic Law, we will rebuke him. But we must still uphold the Basic Law and I hope our colleagues here will abide by the Basic Law. Abiding by the Basic Law does not mean there is no room left. Right now we have yet to provide the maximum room in the Basic Law. Why do we not all fight for it? I am only trying to bring this question up for discussion. You may think it rather stupid to abide by the Basic Law. But I have been stupid for more than a decade. From the time of the Joint Committee on the Promotion of Democratic Government up to the present day, I have remained so stupid. You may perhaps think that abiding by the Basic Law is a very conservative thing to do, but if the Basic Law can be implemented, it will be more progressive than the rumours that we are hearing now. It would be very hard for China to tell us that it is not necessary to abide by the Basic Law. Of course, what should not be observed should not be observed. I feel this is precisely the line that the ADPL has been upholding all along.

We never said that the Basic Law cannot be amended. But we would like to amend it immediately after 1997. Why after 1997? This is in response to

the view expressed by 109 organizations during the time of the Joint Committee for the Promotion of Democratic Government. In other words, we must ensure that the power to move a motion lies with the SAR government. The power to move a motion does not lie with the Standing Committee of the Chinese National People's Congress, nor does it lie with the State Council. If someone who is very influential said we do not need the Basic Law and do not have to abide by it, and if the public really believed this, then it would suit the wishes of certain people in the Chinese Government and everyone would not have to abide by the Basic Law. When everyone does not abide by the Basic Law, do you think Hong Kong's political system will be more progressive or backward than what you have proposed? Therefore, I think we should be more "cautious" and observe the Basic Law. If it needs to be amended, it should be amended after 1997. We can then immediately put pressure on the SAR government and propose amendments to the Basic Law to ensure that the Chief Executive and all the 60 seats in the Legislative Council can be elected on the basis of one person one vote as soon as possible.

I wish to inform you that up to the present day, I, Frederick FUNG, and the ADPL have never changed our position on the questions of the Basic Law, direct elections and immediate amendment of the Basic Law after 1997.

MR HOWARD YOUNG (in Cantonese): Mr President, since it is possible to start a new debate after the government representative has responded, I would also like to say a few words.

PRESIDENT: I have no authority under Standing Orders to stop Members from speaking if they wish to speak prior to my putting the question in a joint debate.

MR HOWARD YOUNG (in Cantonese): I remember reading the Honourable Miss Emily LAU's original motion about two weeks ago at a party group meeting of the Liberal Party. At that time, as a designate member of the Preparatory Committee about to assume office, I told my own colleagues in the party group that we should support the motion. It was because Miss LAU's motion then (I do not remember the entire contents, but if you would like to go back to past records, you can find the motion in the papers of the House Committee meeting two weeks ago) called on the Preparatory Committee not to become a second power centre. It also urged the Preparatory Committee to be transparent and to seek the views of the Hong Kong public. I did not find anything wrong with the

motion. I thought it was a good suggestion. That is why I did propose to support the original version of the motion. I even hoped that the debate would come to symbolize the co-operation between the Preparatory Committee on the one hand and the Legislative Council or the Hong Kong Government on the other, in a concerted effort to build and prepare for the SAR government. However, I was greatly disappointed because the motion subsequently underwent a substantial change and became the version that it is today. Many premises were added, such as Hong Kong people's lack of confidence, and so on. For this reason, I originally intended not to take part in the debate today because I find it rather meaningless. I would prefer to discuss the work of the Preparatory Committee in a more moderate and calm environment. I do not want to hear any more shocking remarks or see Members confronting each other. I find this really meaningless.

Mr President, many Members today raised the question of whether the appointment of the Preparatory Committee did accommodate more people, or why some people were not accepted. As a matter of fact, from my observations as a member of the Preparatory Committee myself, and I am not blowing my own trumpet (if you disagree with me, you can make your point), I feel that the Preparatory Committee with its 150 members is, in fact, far more representative than the Preliminary Working Committee. I am sure no one can refute this statement of mine. Moreover, there is a greater percentage of Hong Kong people in the Preparatory Committee. Of course, I also find it unfortunate that no member of a certain party has indeed been appointed. But the fact is, as everyone knows, members of the Preparatory Committee are appointed in their personal capacities. If they were appointed on the basis of political parties, I would not have been appointed, right? I myself acknowledge this fact.

Secondly, on the question of representation, I myself had twice taken part in the Legislative Council elections and was elected from the travel constituency. Regardless of the method of election, whether it is the method of the past or PATTEN's method, I am sure no one here will question my representation in the travel sector. That is why I think I should be representative in this regard. Of course, the next step is how to set up a Selection Committee. I have read the Basic Law. The Preparatory Committee does have the responsibility to decide on how to set up the Selection Committee. Whether as a member of the Preparatory Committee, a Member of the Legislative Council or a representative of the travel sector, I still hope that the representation of the future 400-member Selection Committee will be greater than that of the present Preparatory

Committee. Whether this can be done will depend on your efforts.

Nevertheless, I feel that if on the one hand, the party leader expresses willingness to co-operate with the Preparatory Committee but on the other hand, the other members talk as though they must be at war with the Preparatory Committee, things will be very difficult. I belong to the same group as the Honourable Eric LI at the Preparatory Committee meetings. I do not intend to repeat here word for word what I had said in the group. But at least from what I observed in my group, I find that the Hong Kong members could really speak their minds in the discussions and were able to make many penetrating remarks. I do not normally speak very sharply, but at the meeting, quite different from my usual practice, I was able to speak very sharply. We were able to discuss without reservation because we were all trying to do a good job.

Just now some Members touched on the question of being inflexible. Some Members even attacked others using erroneous reports from the press, reports that even the newspaper concerned had acknowledged to be wrong. Was this intentional or inadvertent? One Member even commented on Mr Eric LI's interpretation of the word "I" in the phrase "I as the principal". I find this grossly unfair. Of course, in terms of language and linguistics, everybody has his or her own interpretation. But I think the most important thing is who said those words and that person is the most qualified to interpret his or her own words. I can confirm that Mr LI's understanding of the word "I" as he expressed it just now was not of his own invention. He did not interpret it from the linguistic point of view, but it was the person who originally spoke those words, namely Mr QIAN Qichen, who told us so. At that time he had explained very clearly that the two phrases after "I as the principal" were intended to stand alone. That is why I wish to make some clarification here. I hope you will not take words out of their context or distort the meaning of certain reports or refute them without confirmation or even exaggerate the issue to the maximum. To me this is utterly futile.

As for the question of seeking the views of Hong Kong people, as a member of the Preparatory Committee, I am very willing to listen to the views of any Member of this Council. It is my sincere wish to do so. But up to now what I hear are only angry remarks. No one has given me any suggestion as to how the Selection Committee is to be set up in future. I hope to be able to do this during the next two weeks.

MR ALBERT CHAN (in Cantonese): Mr President, I just want to say a few words, specifically on historical facts. I hope no one is allowed to distort the facts of history here.

I remember the Joint Committee on the Promotion of Democratic Government was set up mainly to promote democracy in Hong Kong. Back then it was evident that the Joint Committee would not accept an undemocratic Basic Law. This is a historical fact.

On the question of change and not changing, for some people, it is in their nature for their political stand to change. As the saying goes, "only change is eternal". Some people's loyalty towards the Communist Party never changes. But some people change without seeming to do so while others change without knowing that they have changed. However, no matter how they change, they never deviate from the principle of "being pro-China".

PRESIDENT: Since Miss Emily LAU has not spoken on the amendments, I give her permission to speak for the second time, but on the amendments only. She has five minutes to speak on the three amendments. Miss LAU, do you wish to speak?

MISS EMILY LAU (in Cantonese): Mr President, I will briefly respond to the amendments moved by the three Members because many Members have already spoken on them and the Honourable SZETO Wah has said a lot on my behalf.

Regarding the amendment moved by the Association for Democracy and People's Livelihood, I have only this to say, and the Association's chairman had already said this just now: Anyone who violates the Basic Law should be rebuked. As you all know, the provisional legislature does not conform to the Basic Law and the Sino-British Joint Declaration. I had already touched on this point in my speech just now. But during today's debate, I did not hear any Member declare his or her stand on this issue and say whether or not the provisional legislature has violated the Basic Law. If it has, it should be denounced! If the Chinese Government has violated the Basic Law, the

Chinese Government should be denounced! Why all this beating about the bush? If it really violates the Basic Law, will you take part in the future provisional legislature? Even if you have no chance to speak out now, please do not speak any more. Might as well speak outside!

Another thing is that I heard that the Association for Democracy and People's Livelihood will be forming a party at the end of the year. This may be good news, or it may be bad news. Nevertheless, as a

PRESIDENT: Miss LAU, you are supposed to speak on the amendments.

MISS EMILY LAU (in Cantonese): He brought it up himself. Why can I not bring it up? He brought it up in his speech. Well then, never mind. I will not talk about this.

Let me talk about the Honourable David CHU's proposed amendment. Mr CHU declared from the start that he would speak in Cantonese. What I heard was a mumbo jumbo of neither Cantonese nor Mandarin. It is like some people saying: This is democracy. You cannot have democracy just by saying it; you have to see democracy to know it is there.

PRESIDENT: Miss LAU, may I explain this. In the last sitting, Mr SIN Chung-kai had a similar experience. You are given this opportunity so that you may speak on the amendments why they are not as meritorious as your motion, but not merely on the points made by movers of the amendments and other Members.

MISS EMILY LAU (in Cantonese): Very well, Mr President. Mr David CHU said my motion was confrontational. He said he was for co-operation. Which one of us here does not support co-operation? But the question is, if people create a situation whereby, as I have just said, a whole group of people is being swept out of the way and not a single whisper of dissent is allowed to be uttered, how can co-operation be achieved? Does Mr CHU's amendment want all of us keep our mouths shut and follow his wishes? I hope you, Mr President, will find this relevant to the subject of discussion. However, I believe we can never

do it, particularly since we are elected Members. We must speak up when we have to.

Mr CHU also talked about trusting China. But when has China ever trusted us? We have no guns, no canons. What means do we have to confront China with? Hong Kong people hope very much to have a good future. They hope to be able to work together in forming the SAR government. But we have all been kicked out of the door by the Chinese Government. Under this situation, what is the meaning of asking us to co-operate, telling us not to "stir up confrontations" and speaking to us of trust? We do not have much time left. What is the point? I do not understand why Mr David CHU is not here himself to hear what others have to say. As the Governor had said, if there is a debate, everyone should sit here and listen, instead of leaving after giving his or her own speech.

Finally, I wish to respond to the Honourable IP Kwok-him's remarks. Many Members have also asked what "colonial rule" is. According to them, it is only right and natural that China takes (Hong Kong) back; why then should I say colonial rule? I would like to give Mr IP my own interpretation which, I am sure, you must have read in a number of books. Colonial rule means being ruled by a group of people from outside. If, after 1997, we, the people of Hong Kong, and not a puppet in Hong Kong, are able to elect our own government, we will not have colonial rule. If, however, the government is made up of a group of people doing each other favours and appointing one another to office, even if you say that it is a government by Hong Kong people, I will not believe that this is not colonial rule. Therefore, I would like to tell Mr IP Kwok-him that if, in future, we cannot elect our own Chief Executive, if we cannot elect our own government, if we cannot elect our own legislature, then unfortunately, colonial rule will inevitably continue after 1997.

PRESIDENT: Mr Bruce LIU has given notice to move an amendment to the motion. His amendment has been printed on the Order Paper and circularized to Members. I now call upon him to move his amendment.

MR BRUCE LIU's amendment to MISS EMILY LAU's motion:

"To delete "view of the public's lack of confidence in the vague promise

made by the Chinese officials that a 'second power centre' will not be established in Hong Kong, and their fear that the Chinese Government will unilaterally form a 'shadow government', thereby resulting in the continuation of colonial rule in Hong Kong after 1 July 1997," and substitute with "order to avoid Hong Kong being subjected to colonial rule after 1 July 1997 and to give effect to the principle of 'Hong Kong people ruling Hong Kong'"; to delete "Chinese" after "this Council urges the" and substitute with "British"; to delete "immediately make preparation for" and substitute with "raise with the Chinese Government that the Selection Committee with wide representation should be formed by way of election in accordance with the Basic Law, and that amendments should be made to the Basic Law expeditiously after 1 July 1997 in order that"; and to delete all the words after "Members of the Legislative Council" and substitute with "will be directly elected by universal suffrage".

MR BRUCE LIU (in Cantonese): Mr President, I move that Miss Emily LAU's motion be amended as set out under my name on the Order Paper.

Question on Mr Bruce LIU's amendment proposed and put.

Voice vote taken.

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

Mr Frederick FUNG 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 Mr Bruce LIU's amendment be made to Miss Emily LAU's motion. 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 Frederick FUNG, Dr LAW Cheung-kwok, Mr LEE Kai-ming, Mr Bruce LIU and Mr MOK Ying-fan voted for the amendment.

Mr Allen LEE, Mrs Selina CHOW, Mr Martin LEE, Mr NGAI Shiu-kit, Mr SZETO Wah, Mr LAU Wong-fat, Mr Edward HO, Mr Ronald ARCULLI, Mrs Miriam LAU, Mr Albert CHAN, Mr CHEUNG Man-kwong, Mr CHIM Pui-chung, Mr Michael HO, Dr HUANG Chen-ya, Miss Emily LAU, Mr LEE Wing-tat, Mr Eric LI, Mr Fred LI, Mr Henry TANG, Mr James TO, Dr Samuel WONG, Dr YEUNG Sum, Mr Howard YOUNG, Mr WONG Wai-yin, Miss Christine LOH, Mr James TIEN, Mr LEE Cheuk-yan, Mr CHAN Kam-lam, Mr CHAN Wing-chan, Miss CHAN Yuen-han, Mr Andrew CHENG, Mr Paul CHENG, Mr CHENG Yiu-tong, Dr Anthony CHEUNG, Mr CHEUNG Hon-chung, Mr CHOY Kan-pui, Mr David CHU, Mr Albert HO, Mr IP Kwok-him, Mr LAU Chin-shek, Mr Ambrose LAU, Mr LAW Chi-kwong, Mr LEUNG Yiu-chung, Miss Margaret NG, Mr NGAN Kam-chuen, Mr SIN Chung-kai, Mr TSANG Kin-shing, Dr John TSE, Mrs Elizabeth WONG and Mr YUM Sin-ling voted against the amendment.

Dr LEONG Che-hung and Dr Philip WONG abstained.

THE PRESIDENT announced that there were five votes in favour of the amendment and 50 votes against it. He therefore declared that Mr Bruce LIU's amendment was negatived.

Suspension of Standing Order 36(4)

DR LEONG CHE-HUNG: Mr President, I rise to seek your consent for me to move without notice a motion to enable the duration of the division bell for certain divisions to be shortened. On 26 January 1996, the House Committee unanimously agreed that I move such a motion to reduce to one minute the duration of the division bell in respect of the second and subsequent divisions that may be claimed in this motion debate.

PRESIDENT: You have my consent, Dr LEONG.

DR LEONG CHE-HUNG: Mr President, I move that in the event of further divisions being claimed in respect of the motion on "Shadow Government" and any amendments thereto, Standing Order 36(4) be suspended so that the President may order that the Council shall proceed to each of such divisions immediately after the division bell has been rung for one minute. May I also appeal to Members to give their unanimous support and do not open this issue for debate. Mr President, I do so move.

Question on the motion proposed.

PRESIDENT: Members have the right to speak, but I am quite sure that they do not wish to speak.

Question on the motion put and agreed to.

PRESIDENT: I now order that in the event of further divisions being claimed for the rest of this debate, the Council shall proceed to each division immediately after the division bell has been rung for one minute.

PRESIDENT: Now that we have disposed of Mr LIU's amendment, Mr David CHU may formally move his amendment now so that Members may take a vote on it.

MR DAVID CHU's amendment to MISS EMILY LAU's motion:

"To delete ", in view of the public's lack of confidence in the vague promise made by the Chinese officials that a" and substitute with "this Council acknowledges the assurances from the Chinese officials that there will be no"; to delete "will not be established"; and to delete all the words after "in Hong Kong" and substitute with "and that it will cooperate with the Preparatory Committee in achieving a smooth transition, in nominating

the Chief Executive and in forming the first Legislative Council of the Special Administrative Region according to the methods laid down in the Basic Law".

MR DAVID CHU (in Cantonese): Mr President, I move that Miss Emily LAU's motion be amended as set out under my name on the Order Paper.

Question on Mr David CHU's amendment proposed and put.

Voice vote taken.

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

Mr Howard YOUNG claimed a division.

PRESIDENT: Council shall proceed to a division.

PRESIDENT: May I remind Members that they are now called upon to vote on the question that the amendment moved by Mr David CHU be made to Miss Emily LAU's motion. 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 NGAI Shiu-kit, Mr LAU Wong-fat, Mr Edward HO, Mr Ronald ARCULLI, Mrs Miriam LAU, Mr CHIM Pui-chung, Mr Eric LI, Mr Henry TANG, Dr Samuel WONG, Dr Philip WONG, Mr Howard YOUNG, Mr James TIEN, Mr CHAN Kam-lam, Mr CHAN Wing-chan, Miss CHAN Yuen-han, Mr Paul CHENG, Mr CHENG Yiu-tong, Mr CHEUNG Hon-chung, Mr CHOY Kan-pui, Mr David CHU, Mr IP Kwok-him, Mr Ambrose LAU and Mr NGAN Kam-chuen voted for the amendment.

Mr Martin LEE, Mr SZETO Wah, Mr Albert CHAN, Mr CHEUNG Man-kwong, Mr Michael HO, Dr HUANG Chen-ya, Miss Emily LAU, Mr LEE Wing-tat, Mr Fred LI, Mr James TO, Dr YEUNG Sum, Mr WONG Wai-yin, Miss Christine LOH, Mr LEE Cheuk-yan, Mr Andrew CHENG, Dr Anthony CHEUNG, Mr Albert HO, Mr LAU Chin-shek, Mr LAW Chi-kwong, Mr LEUNG Yiu-chung, Miss Margaret NG, Mr SIN Chung-kai, Mr TSANG Kin-shing, Dr John TSE, Mrs Elizabeth WONG and Mr YUM Sin-ling voted against the amendment.

Dr LEONG Che-hung, Mr Frederick FUNG, Dr LAW Cheung-kwok, Mr LEE Kai-ming, Mr Bruce LIU and Mr MOK Ying-fan abstained.

THE PRESIDENT announced that there were 25 votes in favour of the amendment and 26 votes against it. He therefore declared that Mr David CHU's amendment was negatived.

PRESIDENT: Now that we have disposed of Mr CHU's amendment, Mr IP may formally move his amendment now so that Members may take a vote on it.

MR IP KWOK-HIM's amendment to MISS EMILY LAU's motion:

"To delete "in view of the public's lack of confidence in the vague promise made by the Chinese officials that" and substitute with "as the Chinese officials have clearly promised that the Preparatory Committee of the Hong Kong Special Administrative Region (HKSAR) will not become"; to delete "will not be established in Hong Kong, and their fear that the Chinese Government will unilaterally form a 'shadow government', thereby resulting in the continuation of colonial rule in Hong Kong after 1 July 1997"; to delete "Chinese" after "this Council urges the" and substitute with "Hong Kong"; and to delete "for the Chief Executive and Members of the Legislative Council of the Hong Kong Special Administrative Region (HKSAR) to be elected on the basis of one person one vote, and to allow all people of Hong Kong to fully participate in the"

and substitute with "to co-operate fully with the Preparatory Committee, so as to ensure the smooth".

MR IP KOWK-HIM (in Cantonese): Mr President, I move that Miss Emily LAU's motion be amended as set out under my name on the Order Paper.

Question on Mr IP Kwok-him's amendment proposed and put.

Voice vote taken.

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

Mr CHAN Kam-lam claimed a division.

PRESIDENT: Council shall proceed to a division.

PRESIDENT: May I remind Members that they are now called upon to vote on the question that the amendment moved by Mr IP Kwok-him be made to Miss Emily LAU's motion. 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 NGAI Shiu-kit, Mr LAU Wong-fat, Mr Edward HO, Mr Ronald ARCULLI, Mrs Miriam LAU, Mr CHIM Pui-chung, Mr Eric LI, Mr Henry TANG, Dr Samuel WONG, Dr Philip WONG, Mr Howard YOUNG, Mr James TIEN, Mr CHAN Kam-lam, Mr CHAN Wing-chan, Miss CHAN Yuen-han, Mr Paul CHENG, Mr CHENG Yiu-tong, Mr CHEUNG Hon-chung, Mr CHOY Kan-pui, Mr David CHU, Mr IP Kwok-him, Mr Ambrose LAU, Mr LEE Kai-ming and Mr NGAN Kam-chuen voted for the amendment.

Mr Martin LEE, Mr SZETO Wah, Mr Albert CHAN, Mr CHEUNG Man-kwong, Mr Michael HO, Dr HUANG Chen-ya, Miss Emily LAU, Mr LEE Wing-tat, Mr Fred LI, Mr James TO, Dr YEUNG Sum, Mr WONG Wai-yin, Miss Christine LOH, Mr LEE Cheuk-yan, Mr Andrew CHENG, Dr Anthony CHEUNG, Mr Albert HO, Mr LAU Chin-shek, Mr LAW Chi-kwong, Mr LEUNG Yiu-chung, Miss Margaret NG, Mr SIN Chung-kai, Mr TSANG Kin-shing, Dr John TSE, Mrs Elizabeth WONG and Mr YUM Sin-ling voted against the amendment.

Dr LEONG Che-hung, Mr Frederick FUNG, Dr LAW Cheung-kwok, Mr Bruce LIU and Mr MOK Ying-fan abstained.

THE PRESIDENT announced that there were 26 votes in favour of the amendment and 26 votes against it. He therefore exercised his casting vote in the negative and declared that Mr IP's amendment was negatived.

PRESIDENT: For Members' and for the press' interest, a copy of Speaker DENISON's original decision of 1867 will be placed in front of Members and in the press room.

PRESIDENT: Miss Emily LAU, you are now entitled to reply and you have two minutes 43 seconds out of your original 15 minutes.

MISS EMILY LAU (in Cantonese): Mr President, just a few words briefly. Today's debate, just as the one on my 1994 motion on 60 directly-elected seats under the Private Bill, serves as yet another "candid mirror", reflecting clearly the true faces of our Members to the people of Hong Kong. I wish to thank honourable colleagues for their support. Just hang on for one or two minutes more and we will succeed.

Question on the original motion put.

Voice vote taken.

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

Mr IP Kwok-him claimed a division.

PRESIDENT: Council shall proceed to a division.

PRESIDENT: May I remind Members that they are now called upon to vote on the question that Miss Emily LAU's motion on "Shadow Government" be approved. 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: Three short of the head count. Before I declare the result, Members may wish to check their votes. Are there any queries? The result will now be displayed.

Mr Martin LEE, Mr SZETO Wah, Mr Albert CHAN, Mr CHEUNG Man-kwong, Mr Michael HO, Dr HUANG Chen-ya, Miss Emily LAU, Mr LEE Wing-tat, Mr Fred LI, Mr James TO, Dr YEUNG Sum, Mr WONG Wai-yin, Miss Christine LOH, Mr LEE Cheuk-yan, Mr Andrew CHENG, Dr Anthony CHEUNG, Mr Albert HO, Mr LAU Chin-shek, Mr LAW Chi-kwong, Mr LEUNG Yiu-chung, Miss Margaret NG, Mr SIN Chung-kai, Mr TSANG Kin-shing, Dr John TSE, Mrs Elizabeth WONG and Mr YUM Sin-ling voted for the motion.

Mr Allen LEE, Mrs Selina CHOW, Mr NGAI Shiu-kit, Mr LAU Wong-fat, Mr Edward HO, Mr Ronald ARCULLI, Mrs Miriam LAU, Mr CHIM Pui-chung, Mr Eric LI, Mr Henry TANG, Dr Samuel WONG, Dr Philip WONG, Mr Howard YOUNG, Mr James TIEN, Mr CHAN Kam-lam, Mr CHAN Wing-chan, Miss CHAN Yuen-han, Mr Paul CHENG, Mr CHENG Yiu-tong, Mr CHEUNG

Hon-chung, Mr CHOY Kan-pui, Mr David CHU, Mr IP Kwok-him, Mr Ambrose LAU, Mr LEE Kai-ming and Mr NGAN Kam-chuen voted against the motion.

Dr LEONG Che-hung, Mr Frederick FUNG, Dr LAW Cheung-kwok, Mr Bruce LIU and Mr MOK Ying-fan abstained.

THE PRESIDENT announced that there were 26 votes in favour of the motion and 26 votes against it.

PRESIDENT: In accordance with Speaker DENISON's principle of 1867 which is preceded by the original decision of 1861, I exercise my casting vote in the negative and declare the "Noes" have it.

ADJOURNMENT AND NEXT SITTING

PRESIDENT: In accordance with Standing Orders, I now adjourn the Council until 2.30 pm tomorrow, Thursday, 1 February 1996.

Adjourned accordingly at Eleven o'clock.

Note: The short title of the Criminal Procedure (Amendment) Bill 1996 listed in the Hansard has been translated into Chinese for information and guidance only; it does not have authoritative effect in Chinese.