

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 5 June 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 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 LO SUK-CHING

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.

DR THE HONOURABLE PHILIP WONG YU-HONG

PUBLIC OFFICERS ATTENDING

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

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

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

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

MRS KATHERINE FOK LO SHIU-CHING, O.B.E., J.P.
SECRETARY FOR HEALTH AND WELFARE

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

MR KWONG KI-CHI, J.P.
SECRETARY FOR THE TREASURY

MR KWONG HON-SANG, J.P.
SECRETARY FOR WORKS

MRS LESSIE WEI CHUI KIT-YEE, J.P.
SECRETARY FOR FINANCIAL SERVICES

MR LEO KWAN WING-WAH, J.P.
SECRETARY FOR ECONOMIC SERVICES

MR FRANCIS HO SUEN-WAI, J.P.
SECRETARY FOR TRADE AND INDUSTRY

CLERKS IN ATTENDANCE

MR RICKY FUNG CHOI-CHEUNG, 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>
Hotel and Guesthouse Accommodation (Fees) (Amendment) Regulation 1996.....	224/96
Road Traffic (Public Service Vehicles) (Amendment) Regulation 1996.....	225/96
Insurance Companies (Authorization and Annual Fees) (Amendment) Regulation 1996.....	226/96
Medical Practitioners (Electoral Provisions) (Procedure) Regulation	227/96
Immigration (Amendment) Regulation 1996.....	228/96
Registration of Persons (Amendment) Regulation 1996	229/96
Marriage Ordinance (Amendment of Second Schedule) Order 1996.....	230/96
Births Registration (Special Registers) Ordinance (Amendment of Fifth Schedule) Order 1996.....	231/96
Deaths Registration (Special Registers) Ordinance (Amendment of Fourth Schedule) Order 1996.....	232/96

Marriage Reform (Fees) (Amendment) Regulation 1996	233/96
Pilotage (Dues) (Amendment) Order 1996	234/96
Revised Edition of the Laws (Correction of Errors) Order 1996	235/96
District Court Equal Opportunities Rules	236/96
Labour Tribunal (General) (Amendment) Rules 1996.....	237/96
Tax Reserve Certificates (Rate of Interest) (No. 2) Notice 1996.....	238/96
Merchant Shipping (Seafarers) (Fees) Regulation	239/96
Merchant Shipping (Fees) (Amendment) (No. 2) Regulation 1996	240/96
Marine Parks and Marine Reserves Regulation.....	241/96
Rules of the Supreme Court (Amendment) Rules 1996.....	242/96
Bank Notes Issue (Amendment) Ordinance 1995 (98 of 1995) (Commencement) Notice 1996	243/96
Motor Vehicles (First Registration Tax) (Amendment) Ordinance 1996 (29 of 1996) (Commencement) Notice 1996	244/96
Judicial Officers (Tenure of Office) Ordinance (Cap. 433) (Commencement) Notice 1996	245/96

Official Languages (Authentic Chinese Text) (Loans (Asian Development Bank) Ordinance) Order	(C) 54/96
Official Languages (Authentic Chinese Text) (Partition Ordinance) Order	(C) 55/96
Official Languages (Authentic Chinese Text) (Standard Chartered Asia Limited Ordinance) Order	(C) 56/96
Official Languages (Authentic Chinese Text) (Lloyds Bank (Merger) Ordinance) Order	(C) 57/96
Official Languages (Authentic Chinese Text) (Royal Bank of Scotland Ordinance) Order.....	(C) 58/96
Official Languages (Authentic Chinese Text) (Deutsche Bank (Merger) Ordinance) Order	(C) 59/96
Official Languages (Authentic Chinese Text) (Rainier International Bank (Transfer of Hong Kong Undertaking) Ordinance) Order	(C) 60/96

Sessional Papers 1995-96

- No. 85 — The Government Minute in Response to
Report No. 25A of the Public Accounts Committee
dated February 1996
- No. 86 — Report of the Special Meetings of the
Finance Committee on the Draft Estimates of
Expenditure 1996-97

Addresses

PRESIDENT: We will start the sitting with three addresses. May I remind Members that under Standing Order 14(5), no debate may arise on the addresses, but I may allow short questions seeking elucidation on matters raised in the addresses.

The Government Minute in Response to Report No. 25A of the Public Accounts Committee dated February 1996

CHIEF SECRETARY: Mr President, laid on the table today is the Government Minute responding to the Public Accounts Committee (PAC) Report No. 25A on the subject of "the review of the housing benefits provided by the Hospital Authority to its employees".

Let me, first of all, express my appreciation of the hard work of the Committee in performing its role as a "watchdog" over public expenditure. As always, the Administration attaches great importance to the work of the PAC and has examined very carefully its conclusions and recommendations made in the Report.

The Executive Council's deliberations

On the PAC's concern that its scope of investigation is constrained by not being provided with the relevant Executive Council documents, we have already explained very clearly to this Council the Administration's position on this issue at the motion debate on 24 April this year. Suffice it for me to emphasize just this: it is essential to uphold the long standing principle that proceedings of the Executive Council should remain confidential to ensure that there is no inhibition of free exchange and presentation of views. However, the Administration will continue to provide to the PAC every full detail of the relevant parts of Executive Council papers, as necessary, though not the papers themselves.

The prevention of double benefits rule

The Committee has commented on the non-application of the double benefits rule to the cash allowance paid to Hospital Authority staff. We considered then, as we do now, that any attempt to renege on a clear undertaking which we had made to the staff would have had serious consequences on the successful formation of the Authority. That undertaking was that the prevention of double housing benefits rule would not apply in the case of the Flexible Spending Account which was subsequently replaced by a cash allowance. We must not forget the considerable pressure at the time to complete the package and set up the Authority as early as possible, and the then staff sensitivity over the Hospital Authority package.

We agree that it is opportune now to revisit this issue and we have drawn up a plan for the prevention of double housing benefits rule to be applied to the cash allowance of all Authority staff newly appointed after a future cut-off date. The same rules should also be applied to newly appointed clinical staff in the University Medical Schools. We are seeking the views of the Authority and the Universities and will bear their comments in mind in finalizing the plan.

As regards serving staff, we have considered the legal and contractual situation and have concluded that the rule should not be extended to the cash allowance received by these staff.

Working Group's review of the Hospital Authority remuneration package

On the principle of cost comparability, the Committee has recommended the Administration to clearly define and properly document the principle. We accept that the wording of the principle as quoted in the Audit Report, if taken out of context, might be open to interpretation. We have reviewed the principle of cost comparability which was agreed between the Government and the Authority in the design of its package. We have concluded that the principle should continue to be applied in the funding of the Authority. The principle is that, in terms of total cost to the Government as an employer, the cost of the Hospital Authority and the civil service remuneration packages should be comparable. The total cost refers to the aggregate of salary and oncost of staff in individual pay Bands using the relevant cost of the civil service package as the

basis of comparison. Since the Government's concern is overall funding of the Authority, it follows that the principle should relate to "cost to the Government as an employer" rather than "value to the employee".

The Working Group on the Review of the Hospital Authority Remuneration Package, chaired by the Secretary for Health and Welfare, has concluded that, in terms of total cost to the Government as an employer, the respective packages in respect of the Hospital Authority and the Civil Service (excluding the disciplined services) are broadly comparable at present. It is of the view that, over time, the total cost of the Authority and the civil service packages will diverge, with the major contributing factor being the different housing oncost rates.

The Government is discussing its plan with the Authority to introduce a revised arrangement to fund the Authority's staff appointed after a cut-off date to maintain cost comparability over time. The Government, however, recognizes the Authority's contractual obligations to its serving staff and therefore their staff costs will continue to be funded on the basis of the existing Hospital Authority package.

Here, I would like to stress again that the Government is highly appreciative of the dedicated efforts of the Authority staff in ensuring the provision of quality hospital care to the community.

Information to the Executive Council and the Legislative Council

Finally, I would like to assure this Council that the Administration will continue to make every effort to provide the Executive Council and the Finance Committee of this Council with full information where this would affect significantly the long-term cost of a policy option.

Report of the Special Meetings of the Finance Committee on the Draft Estimates of Expenditure 1996-97

DR YEUNG SUM (in Cantonese): Mr President, on behalf of the Finance Committee, I have the honour to table the Committee's Report of its special meetings to examine the Administration's draft Estimates of Expenditure for 1996-97 which were referred to the Committee by you as President of the Legislative Council under Standing Order 60(9) at this Council's sitting on 6 March 1996. The purpose of the examination is to ensure that the Administration is seeking a provision no more than is necessary for the execution of the policies concerned.

This Report contains the minutes of the special meetings which were held for three days from 20 to 22 March 1996. A total of six meetings divided into 18 sessions were held on these three days. During each session, Members raised questions on the draft Estimates of Expenditure, and on the presentations given by the attending Policy Secretaries and Controlling Officers.

Mr President, this is the thirteenth year that the special meetings of the Finance Committee were held in public. As in last year, we drew up guidelines on the logistical arrangements for the submission of written questions before the meetings to facilitate the smooth conduct of business. This year, Members raised a total of 1 123 written questions prior to the meetings, and another 80 supplementary questions were raised and answered after the meetings.

Mr President, I would like to thank Members for their questions which were submitted on time and were of high quality. I would also like to take this opportunity to express my gratitude also goes to Members and the Administration for their active participation and deliberations at the meetings, and to the staff of the Legislative Council Secretariat for their supporting services.

Thank you, Mr President.

Pesticides (Amendment) Regulation 1996

MR FRED LI (in Cantonese): Thank you, Mr President, for allowing me to address this Council on the Pesticides (Amendment) Regulation 1996.

This Regulation seeks to increase by about 9% the 13 types of charges in relation to the application for the issue, renewal and extension of pesticide licences or permits. A subcommittee set up by the House Committee to study this and two other regulations has asked for justification for the need to apply for licences and permits in relation to pesticides. The Administration has explained that control over the possession, manufacture, sale, storage and disposal of pesticides is necessary because of their potentially dangerous ingredients. Due to the high mobility in the pesticides trade and the need to ensure the permit or licence holders remain in compliance with the criteria for issue of the relevant permits or licences, annual renewal is considered appropriate.

The subcommittee noted that the proposed increases is based on the movement of the Government consumption, expenditure deflator. The fees are also set at levels sufficient to recover the full costs of providing the services.

With these remarks, I support the Regulation.

Country Parks and Special Areas (Amendment) Regulation 1996

MR FRED LI (in Cantonese): With your permission, Mr President, I would like to address this Council on the Country Parks and Special Areas (Amendment) Regulation 1996.

This regulation seeks to increase by about 9% the fees of six types of permits in relation to the use of country parks and special areas.

The subcommittee set up by the House Committee to study this and two other regulations has expressed concern about the cost effectiveness of the permit system. The total cost for providing the services for the issue of permits in connection with the use of country parks and special areas amounts to only \$60,000 and \$70,000 respectively for 1994-95 and 1995-96. Members have questioned whether it is a waste of manpower and resources to require for the application of permits. Some Members also queried the rationale for charging for the permits issued for the purpose of holding healthy and recreational activities.

The Administration has clarified that members of the public are free to use the country parks and the permit system is put in place in order to control certain specified activities conducted within the country parks areas, such as hawking and film shooting.

The subcommittee noted the proposed increase seeks only to offset inflation and is based on the movement of the Government consumption expenditure deflator. Whilst Members of the subcommittee support the proposed fee increase, they shared a view that the Administration should review the policy on charging for a service, the provision of which incurs only minimal costs and for permits issued for the purpose of holding recreational activities.

With these remarks, I support the Regulation.

PRESIDENT: Dr LEONG Che-hung, I understand you raised your hand just now seeking elucidation on the Chief Secretary's earlier address on the Government Minute in Response to Report No. 25A of the Public Accounts Committee. Do you wish to raise your point of elucidation now?

DR LEONG CHE-HUNG: *Mr President, I wonder if the Administration can inform this Council whether in the deliberation of the Government's Working Group on the review of the Hospital Authority remuneration package, were the staff ever consulted or were their feelings ever considered; and if not, why not?*

CHIEF SECRETARY: Mr President, with your permission, can I defer this question to the Secretary for Health and Welfare?

SECRETARY FOR HEALTH AND WELFARE: Mr President, in the deliberations of the Working Party on the Remuneration Package of the Hospital Authority, the staff of the Hospital Authority were not specifically consulted. First of all, this is an internal working party of the Government. However, in the study of the technical details and in the subgroups which looked at the detailed calculations, the Hospital Authority and the Director of Audit were asked to assist and both these organizations gave us very good advice and assistance.

DR LEONG CHE-HUNG: *Can I seek another*

PRESIDENT: Another question for elucidation; not the same?

DR LEONG CHE-HUNG: *It is another area of clarification, Mr President, if I may.*

PRESIDENT: Please proceed, Dr LEONG.

DR LEONG CHE-HUNG: *Thank you, Mr President. Could the Administration inform this Council whether the Administration is aware of or rather realizes the fact that if the Working Party's recommendations were implemented, there will be two grades of Hospital Authority employees performing the same functions? In other words, they are performing the same functions but receiving different salary packages and benefits.*

Now does the Government consider this a good arrangement, in particular, towards the morale of the staff and the principle behind the establishment of the Hospital Authority to provide a uniformed package of salary and benefits for all staff of the same grade? Thank you.

PRESIDENT: I am afraid I have to rule that out of order. This is not a question session. You are only permitted to raise short questions seeking elucidation on matters raised in the address.

DR LEONG CHE-HUNG: *Can I rephrase the question then?*

PRESIDENT: I am sorry, Dr LEONG, I have ruled.

But even on questions, before we proceed onto them, I would like to once again remind Members that it has previously been agreed amongst Members that Question Time should normally be limited to one hour and I therefore suggest that in order to enable more Members to raise supplementaries, Members should keep their supplementary questions as short as possible and as precise as possible. In particular, they should keep the preambles of their supplementaries very short, or else I will have to regard long preambles as addresses to the Council on a pending question in the guise of supplementaries and rule them out of order forthwith.

ORAL ANSWERS TO QUESTIONS

Maintenance of Potentially Hazardous Slopes

1. **MR CHEUNG MAN-KWONG** asked (in Cantonese): *With the onset of the rainy season, maintenance works have to be carried out expeditiously on potentially hazardous slopes situated within or in the vicinity of school boundaries. In this connection, will the Government inform this Council:*

- (a) *of the number of schools which have such slopes within or in the vicinity of their boundaries, and the ownership of the land titles of such slopes;*
- (b) *whether the Government carries out periodic inspections to assess the safety of such slopes and informs the school management concerned of the inspection results;*
- (c) *of the procedure for the schools concerned to file applications for slope maintenance works where these need to be carried out; the average time taken between the filing of an application and the completion of the maintenance works, and the parties which will bear the maintenance costs; and*
- (d) *of the liabilities such schools have in the event of landslides occurring, and whether the Government will compensate the parties concerned for any property losses, injuries and deaths; if so, how the amount of compensation is determined?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr President, with regard to part (a) of the question, 14 schools have been served with Dangerous Hillside Orders (DHOs) in respect of slopes on private land. Ownership of a private slope is conferred by the conditions in the relevant lease documents. There are another three substandard public slopes affecting five schools being upgraded under the Landslip Preventive Measures Programme of

the Geotechnical Engineering Office (GEO).

As regards part (b) of the question, for all public slopes within school boundaries, the Architectural Services Department and the Housing Department carry out routine maintenance inspections annually and engineering inspections every five years in respect of non-estate schools and estate schools respectively. Once a substandard public slope is included under the Landslip Preventive Measures Programme, the GEO will request the maintenance department to step up maintenance until the upgrading works by the GEO begin. The schools concerned are informed of the results of the slope inspections and any works or measures that are required. The private slopes within school boundaries in respect of which DHOs have been issued are expected to be regularly inspected by the Authorized Persons appointed by the schools and their consultants. A school issued with a DHO is required to appoint an Authorized Person registered under the Buildings Ordinance to study and carry out the repair works.

On part (c) of the question, as I said before, substandard public slopes within or in the vicinity of schools are covered under the Landslip Preventive Measures Programme. All government and aided schools can also apply for urgent slope repairs in emergency cases. Aided schools on private land issued with DHOs have to appoint an Authorized Person to study and carry out the repair works. All costs in respect of government or aided schools are borne by Government; those in respect of private schools are borne by the owners of the slopes.

In respect of public slopes within school boundaries which are not covered by the Landslip Preventive Measures Programme, emergency works are carried out immediately upon application. It may take nine to 18 months to complete the slope repair works, depending on factors such as size of the slope and complexity of the works involved.

In relation to part (d) of the question, in the event a landslide causes property losses, injuries or deaths, the owner of the slope concerned could be held responsible under the common law. The extent of liability, if any, is a matter for the court to decide. In respect of compensation, aided schools are covered under the block insurance policy on public liabilities and employees' compensation. In addition, Government will restore damaged school premises

including furniture and equipment. Private schools have been encouraged to purchase block insurance policy on public liabilities and employees' compensation.

MR CHEUNG MAN-KWONG (in Cantonese): *Mr President, upon the hoisting of the rainstorm black warning signal by the Royal Observatory, the Education Department will declare the suspension of classes, advising teachers and students to remain in schools and leave only at appropriate times. However, the 19 schools affected by dangerous slopes as mentioned in the question will face the danger of sudden landslide when there is a rainstorm. Therefore, when the rainstorm black warning signal is hoisted, should the teachers and students leave their schools or stay behind? They may find themselves in a dilemma because if they leave the school premises, they may be attacked by the rainstorm and flood, but if they stay behind, they may face the danger of landslide. Can the Government inform this Council what should the schools do? Before the completion of the upgrading works of the slopes mentioned earlier, how can the lives of close to 20 000 teachers and students of the said 19 schools be safeguarded?*

PRESIDENT: May I suggest, Mr CHEUNG, that you raise it when we debate Mr IP Kwok-him's motion on potentially dangerous slopes in Hong Kong. I have made the ruling on the basis of the anticipation rule.

MR CHEUNG MAN-KWONG (in Cantonese): *Mr President, if you do not allow me to raise this question, can I ask another supplementary question?*

PRESIDENT: I will put you down for a second supplementary.

MR ALBERT CHAN (in Cantonese): *Mr President, the 19 schools that the Honourable CHEUNG Man-kwong mentioned involve close to 20 000 students. However, in answering Mr CHEUNG Man-kwong's question, the Government did not state clearly when the maintenance and upgrading works of slopes affecting these 19 schools will be completed. Will the Government inform this Council, from the information the Government has got at present, of the completion dates of the works in respect of these 19 schools? In the meantime,*

prior to the completion of these works, how can the Government ensure the lives and safety of the students?

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr President, with the consent of Mr CHAN, I wish to reply in writing regarding the progress of the maintenance works for slopes affecting those 19 schools. Yet, I would like to add just one point. From the latest information that we have got, the slope maintenance works for one of the 14 schools served with the DHOs that I mentioned earlier have already been completed. As this question requires a detailed breakdown of the relevant information, I would like to reply in writing. (Annex I)

PRESIDENT: Mr CHAN, are you willing to accept a written reply?

MR ALBERT CHAN (in Cantonese): *Mr President, I accept the Secretary's suggestion in respect of the details of the completion dates of the works for slopes affecting those 19 schools. However, I would like him to explain to us how the safety of the students will be safeguarded prior to the completion of the slope maintenance works?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr President, I said in my main reply just now that the 10 schools which may be affected by slopes have appointed Authorized Persons registered under the Buildings Ordinance to study and carry out the repair works. These Authorized Persons will advise the schools on individual situations, telling the schools what actions they should take under what circumstances.

MR HENRY TANG (in Cantonese): *Mr President, in the fifth paragraph of the main reply, the Government said that in respect of compensation, aided schools are covered under the block insurance policy on public liabilities and employees' compensation. May I ask the Secretary this: In respect of compensation, what is the maximum amount of compensation for each person?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr President, the insurance policy covers first, public liability insurance and second, employees' compensation. In respect of public liability insurance, the maximum compensation for each case is \$7.5 million whereas the maximum amount of employees' compensation is \$200 million.

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

MR HENRY TANG (in Cantonese): *Yes, Mr President. Just now I asked how much each person, and that is each student, can get at the maximum as compensation. However, the Secretary said in his reply that it is \$7.5 million for each case and did not specifically say how much each person can get.*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr President, the \$7.5 million for each case that I said just now is the actual amount stated in the insurance policy. It is neither elaborated nor stated in the insurance policy what the maximum amount of compensation for each person is and so I have only cited the relevant clause in the policy.

PRESIDENT: What if 75 die instead of 7.5 persons die? Or 750 died?

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr President, I am not sure I understand what you mean. Are you putting another question to me?

PRESIDENT: If in total the maximum is \$7.5 million, then compensation per person would vary when you have 7.5 persons who died or 75 persons who died or 750 persons who died. I think that is the point made by Mr Henry TANG.

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr President, the relevant clause in the insurance policy states that in the event of an accident, the compensation granted by the insurance company is \$7.5 million at the maximum. This is the maximum amount of compensation granted by the insurance company.

MR CHEUNG MAN-KWONG (in Cantonese): *Mr President, in respect of the schools affected by dangerous slopes, 14 of them are affected by slopes which are situated on private land. According to the main reply, slopes on private land should be regularly inspected, or even repaired, by the Authorized Persons appointed by the schools and their consultants. However, if a school located on a private slope is short of the necessary funding to appoint consultants to carry out regular inspection, or if the slope in question urgently needs to be repaired, will the Government provide the school with appropriate assistance to safeguard the lives of the students and teachers of such schools located on those slopes?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr President, 13 of these 14 schools are aided schools. As I have explained in the main reply earlier, all costs for the appointment of Authorized Persons and the forthcoming maintenance works incurred by these 13 aided schools will be borne by the Government. As the one remained is a private school and it is located on private land, the costs shall be borne by the school itself.

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

MR CHEUNG MAN-KWONG (in Cantonese): *Yes, Mr President. If this school does not have adequate funding to repair the private slope, may I ask whether the Government will provide it with appropriate assistance as the school cannot be closed down simply because of the slope since it is accountable to the students? Mr President, the Secretary did not answer this part of the question.*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr President, as the school in question is a private school and meanwhile, the slope is situated on private land and the private owner of such slope is the school itself, the Government does not have the responsibility to shoulder the slope maintenance costs for this school.

MR TSANG KIN-SHING (in Cantonese): *According to the Secretary, 19 schools are affected by dangerous slopes. I think the parents whose children are so unlucky as to study in these schools should know which schools are affected. I think the Secretary should notify the parents of children studying in all the 19 schools that the schools their children attend are affected by dangerous slopes. In this way, the parents can make their own decision as to whether to send their children to school when there is a rainstorm. I think the Secretary is duty-bound to do this. When the parents are aware of the situation, they can decide whether to arrange for their children to study in another school. I call on the Secretary to make public the names of those 19 schools and the completion dates of the slope maintenance works, thereby conferring to the parents the right to know.*

PRESIDENT: Secretary, I will turn it into a question. Would you make known the names of such schools to members of the public?

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr President, in answering the Honourable Albert CHAN's question just now, I have already said that I will give him a written reply on the progress of the maintenance of slopes affecting those 19 schools. This will naturally include the names of those schools. I would like to add one point. Under the existing procedures, should there be slopes which are served with the DHOs or which are classified as substandard slopes under the Landslip Preventive Measures Programme of the GEO, notices will be put up by the government authorities concerned on such slopes at places where people can easily see them.

PRESIDENT: Mr TSANG Kin-shing, are you claiming that your question has not been answered? But you did not ask a question; I turned that into a question for you.

MR TSANG KIN-SHING (in Cantonese): *Mr President, he did not answer my question. The question is whether he will notify parents of the names of those 19 schools. What he told us will not be of much help. It is useless to put up notices on slopes even at places where such notices can be easily seen. Could it be that parents will go to these slopes to see what happens? I hope he can tell us whether he will keep the parents informed.*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr President, the Government, in fact, does not think it will be of any problem at all to make known the names of these 19 schools. As I said just now, we will inform Members of the progress of the maintenance works. According to the existing procedures, the people concerned, including the school management and parents, will learn of the situation from the notices that we put up at places where people can easily see them. The schools are definitely aware of the situation because they are required to appoint Authorized Persons to carry out the works. Therefore, the schools may consider whether to notify the parents. Let me

reiterate that the Government does not think it will be of any problem at all to make public this information.

MR MICHAEL HO (in Cantonese): *Mr President, the Secretary said just now in his reply that many slopes of this kind are on private land and that the Government will not provide assistance in respect of the stability of these slopes on private land. Can the Government inform this Council whether it will declare those places where such slopes are found in the vicinity of schools as sites not appropriate for schools; and whether it may consider directing these schools to close down?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr President, I said in my main reply that there are over 10 slopes which are served with the DHOs or classified as substandard slopes under the Landslip Preventive Measures Programme of the GEO. In both cases, there will be Authorized Persons, including professional engineers, carrying out studies, surveys and maintenance works. In the course of the maintenance works, Authorized Persons will give instructions or advice to schools individually on what actions should be taken under what circumstances. For instance, places or classrooms too close to the slopes are not suitable for conducting lessons. I think we will only take into consideration the professional opinions of Authorized Persons. In this connection, if an Authorized Person is of the view that under certain circumstances the slopes will become dangerous to the extent that it is absolutely not appropriate for any person to go near them or for any student to have lessons there, the school will be informed of these findings and will subsequently notify the Education Department. We will certainly consider taking the proper measures then.

PRESIDENT: Mr HO, are you claiming that your question has not been answered? I heard it loud and clear. The short answer was no.

MR MICHAEL HO (in Cantonese): *Yes, Mr President. I think the difference lies in the Secretary's assumption that the works on these dangerous slopes are*

all in progress now. Therefore, he said that Authorized Persons

PRESIDENT: I am afraid this is not a debate, Mr HO.

MR MICHAEL HO (in Cantonese): *Right, Mr President. I would like to elucidate my question.*

PRESIDENT: Please state which part of your question has not been answered.

MR MICHAEL HO (in Cantonese): *If the maintenance works have not yet been carried out for those slopes, will the Government direct the schools concerned to close down?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr President, in fact, I have made it very clear that under the law, if a school is served with a DHO, it should immediately appoint an Authorized Person. The Authorized Person can then advice the school on what should be done to deal with the problem. In other words, even though the maintenance works may require several months or even a year, the Authorized Person can give advice to the school during this period of time. For example, classrooms which are too close to the slope should not be used or fences should be set up around the slope to prevent people from going near. I would like to emphasize that we already have the procedures in place to enable schools affected by dangerous slopes to obtain professional advice.

PRESIDENT: The short answer was again no; but this is not a debate, may I remind you, Mr HO.

MR MICHAEL HO (in Cantonese): *Mr President, I am not debating the issue. What I refer to is a situation in which no repair work is being carried out and no*

Authorized Person is being appointed. He did not answer this part of the question. He only assumed that an Authorized Person has been appointed.

PRESIDENT: It is turning into a debate now, Mr HO. Please sit down. I am afraid we have to get on.

Central Compensation Fund for Employees

2. **MR CHENG YIU-TONG** asked (in Cantonese): *Will the Government inform this Council whether it has taken any follow-up action or conducted any feasibility study since the motion urging the Government to set up a central compensation fund for employees was carried in this Council on 3 November 1993 and, if so, what the details are?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr President, by way of background, let me first explain that the existing employees compensation system comprises two different systems— an individual liability system underpinned by the Employees Compensation Ordinance, and a collective liability system underpinned by the Pneumoconiosis Compensation Ordinance (PCO) and the Occupational Deafness Compensation Ordinance (ODCO). These two systems serve different purposes.

Under the individual liability system, all employers are required to insure their liabilities for a specified minimum amount with authorized insurers in the private sector. By contrast, under the collective liability system, compensation is paid to a particular group of eligible claimants, out of a statutory levy imposed on employers of the building, construction and quarrying industries under the PCO and on employees' compensation insurance premium under the ODCO.

Turning to the question, the proposal to set up a central employees' compensation fund (central EC fund) was fully debated in this Council in a motion debate on 3 November 1993. During the debate, the then Secretary for Education and Manpower explained in great detail why it would not be appropriate to make a fundamental change to the existing system. I do not wish

to repeat all the arguments as they have already become a matter of public record. But I would like to reiterate that we did not then and do not now see any justification for replacing the existing privately-run employees compensation insurance market by what would, in effect, be a central bureaucratic monopoly.

Having said that, the Government has taken follow-up actions by addressing the key concern behind the motion calling for the establishment of a central EC system, which is the need "to give better protection to industrial accident victims". Let me now give a brief account of what we have done.

First, we have set up the Occupational Deafness Compensation Scheme — another collective liability system in addition to the Pneumoconiosis Compensation Scheme, to compensate employees who suffer from noise-induced deafness by reason of their employment.

Secondly, we have completed a comprehensive review of industrial safety and are now implementing the recommendations in stages. For example, we have introduced into this Council the Factories and Industrial Undertakings (Amendment) Bill which would empower the Commissioner for Labour to issue improvement and suspension notices on safety grounds.

Thirdly, we have taken up the recommendation of the review of industrial safety to engage the insurance industry in promoting safety consciousness among employers and penalizing hazardous trades through insurance premium arrangements. In this respect, we have received confirmation from the industry that the insurers have put in place the practice of setting the insurance premia for employees compensation at different levels with due regard to the safety records of individual companies.

Fourthly, we have made substantial improvements to both the Employees Compensation Ordinance (ECO) and the PCO. For instance, we have revised the maximum levels of compensation under the ECO three times since 1993, and have expanded the scope of compensation to cover more occupational diseases and injuries suffered by an employee while travelling between Hong Kong and his place of work outside Hong Kong. Under the PCO, we have introduced the system of monthly payments in place of the previous lump-sum payments to eligible pneumoconiotics and made the compensation for pain, suffering, and loss of amenities a separate compensation item payable to all pneumoconiotics

irrespective of their degree of incapacity.

Fifthly, we have streamlined the employees compensation procedures. This has resulted in a reduction in the waiting time for attendance at Assessment Boards (for assessing the degree of permanent incapacity of injured employees) and for Court hearings on employees' compensation cases. We have also simplified the system for determining the compensation amount for permanent incapacity by extending the Certificate System of the Labour Department to cover all injury cases involving permanent incapacity.

In line with our commitment to promoting the safety and health of our working population, we will continue to make improvements to strengthen the protection of workers against work-related injuries as and when appropriate.

MR CHENG YIU-TONG (in Cantonese): *Mr President, I do not agree to what the Secretary has just said. He is saying that the establishment of a central compensation fund for employees is to take over the existing privately-run employees compensation insurance market. Mr President, when replying to my question, the Secretary has explicitly pointed out that the employees compensation system comprises two different systems: one is the individual liability system and the other is the collective liability system. Obviously, in a recent discussion on the improvement of the present ordinances governing the compensations provided to employees injured at work, the Labour Advisory Board has noted that a sharp increase in the premiums will scare off the employers and induce losses on the part of the employees. Why can the Government not establish a central compensation fund for employees to replace the individual liability system with a collective liability of the employers?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr President, as I have just said, the reason why the Government disagreed to the establishment of a central compensation fund for employees was explained in detail in 1993. I have mentioned in my main reply that there are two systems: one is the individual liability system and the other is the collective liability

system. But I have also indicated that the scope covered by the collective liability system is very small and it is applicable to only a particular group of workers who have sustained injuries after working for a long time in a certain environment. We feel that under such circumstance, these cases should be dealt with as exceptional cases under the collective liability system instead of the individual liability system. In fact, if Members look closely at these two systems, they will find that the scope covered by the collective liability system represents a very small portion of the overall employees compensation system. In terms of the compensation amount, it represents almost less than 1%. Therefore, our main point is that we do not agree to replace the privately-run insurance market with a central bureaucratic monopoly and this view should not be affected by the existence of the 1% coverage of the collective liability system.

MR LAU CHIN-SHEK (in Cantonese): *Mr President, one half of the premium of labour insurance is spent on re-insurance, commission and profit of the insurance companies. As a result, the compensations received by the injured workers are greatly reduced. In fact, every time when proposals about raising the statutory compensation amount under the ECO are put forward, as the Honourable CHENG Yiu-tong has said, the insurance companies will raise the premiums sharply. What measures has the Government taken in the past few years to ensure that the labour insurance premiums are fully spent on the workers? If the Government cannot thoroughly improve this situation, will it reconsider setting up a central compensation fund?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr President, I have already explained that the present insurance market, including the employees insurance market, is a privately-run market. There is competition among the insurance companies and hence the premiums they charge are not standardized. Besides, the determination of the premiums depends on the conditions of individual employers, including the so-called safe working environment. Therefore, other than laying down a framework such as having the Commissioner of Insurance to oversee the ordinary market, the Government does not feel it appropriate for it to participate or interfere in the determination of premiums set by any particular insurance company. However, just by looking at the percentage of employees compensation premium in the total wages of all workers in Hong Kong, we can see that in 1993 the premium represented 0.95%

of the total wages, in 1994 it was 1.18% and dropped to 1.07% in 1995. Under this circumstance, we still hold the conclusion that we arrived at in 1993 and that is, we do not see any significant reason for the need to consider establishing a central compensation fund for employees.

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

MR LAU CHIN-SHEK (in Cantonese): *Yes. I have simply asked whether the Secretary knows that the insurance companies charge a great deal of miscellaneous charges and when they pay the compensation to the workers, the premiums paid cannot be fully recovered. Has the Government taken any measures to rectify this situation? I am not asking what company to take out the insurance from; which company charges a lower premium and which company charges higher.*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr President, when a transaction takes place in any market, including the insurance market, there will certainly be various charges and charges such as the commission may be included. I have just wanted to point out in my reply that since we consider the insurance market a competitive market, we do not see the need for any intervention, including the intervention in whether a commission should be charged or the amount of commission to be charged.

MR LEE CHEUK-YAN (in Cantonese): *Mr President, the Secretary has said in his reply that the premium for employee compensation insurance represents about 1% of the total wages of all workers in the territory. Does it actually amount to over \$3 billion? Does the Secretary agree that the expenditure on compensation for the employees only amounts to about \$1 billion and therefore the insurance companies can make a profit of about \$1.5 billion per annum out of the employees compensation system? If it is taken over by the Government, will the Administration agree that this \$1.5 billion can be spent on the improvement of the employees compensation system instead of just going into the profit of the insurance companies?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr President, I want to answer this question briefly and avoid giving rise to another so-called substantive debate. First of all, I feel that making a profit is the aim of a businessman or an insurance company that operates in any market but whether they can actually achieve this goal is quite another matter. According to our findings, as regards the business of employees compensation insurance only, the companies involved in fact lost money in 1992, 1993 and 1994 and I believe this is one of Mr LEE's questions. As for the second question, I understand what he means. He was asking that as the premiums received is in fact a huge sum of money, whether it will be more efficient if the system is undertaken by the Government. I have to point out that no evidence convinces us that it will be more efficient for the Government to monopolize this market and abolish the privately-run market. Perhaps I can quote some statistics. We understand that the recurrent administrative expenses of the insurance industry is currently over \$1.6 billion per annum and out of this \$1.6 billion, about 17% is spent on employees compensation. Since their current administrative expenses is such a huge amount, if we are to set up another scheme to replace it, we have to consider whether it is worth the Government's efforts to set it up and what faith or evidence we have to indicate that while having to spend the same amount of money, we will get a better result than that of the privately-run market.

MISS CHAN YUEN-HAN (in Cantonese): *Mr President, I am not starting a debate but rather I am raising a question. From the angle of commercial operation, I believe that the cost of transactions "passing through one hand" should be lower than those "passing through two hands". My question is actually very simple. We hope that the Government will manage the central compensation fund for employees and directly bear the total benefits of these workers. However, the Government refuses to do so and still employ the scheme which has to pass through one or two hands. Everyone knows that this is a free mechanism and having to pass through one or two hands will obviously incur a lot of expenses and will finally impede the interests of our workers. Our neighbour Singapore has set us a very good example. After Singapore has*

implemented the centralized compensation system for employees, the employees' interest has clearly increased. I do not understand why the Government is unwilling to bear this responsibility. Is it simply because the Government is lazy or it does not want to take up any responsibility? My question is that simple.

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr President, I do not want to debate this issue either because we have explained it very clearly already. Whether the market has to go through the first hand, second hand or third hand, I feel that it is solely for the market to decide. Our basic argument is that we do not see that a monopolized system can be more efficient than a competitive market.

PRESIDENT: It is becoming a debate. But in short the question was: Has the Government studied the Singapore scheme? Yes or no? If yes, why has the Singapore scheme not been adopted?

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr President, we have also studied other countries' experience although we can say that we do not feel we should spend too much time studying other countries. If our basic view is that we are not convinced that a monopoly should replace a privately-run market, other countries' experience in this respect may not be of much help. At the same time, the overall labour protection schemes in other countries may be more than a protection for the workers as it may also include the entire social security system. We have also visited other countries, such as Australia, and have found that they suffer great losses in their central compensation fund.

MR LEUNG YIU-CHUNG (in Cantonese): *Mr President, when answering the questions, the Secretary has, whether conceptually or in principle, taken a negative attitude towards implementing a central compensation fund for employees. Can the Government — actually Mr CHENG Yiu-tong has raised the same question — conduct a feasibility study which covers such topic as: if the Government actually implements the central compensation fund scheme for employees, in what way it will be better when compared with the current market*

operation? Will it carry out a feasibility study with respect to employees' compensation particularly?

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr President, perhaps I will give a brief answer. As a matter of fact, starting from 1993, the Government has not seen the need to spend money on conducting a study to arrive at a conclusion that we have already reached.

PRESIDENT: I will let you have the last supplementary, Mr LAU Chin-shek. You moved the original motion, the 1993 motion, in the first place. It was your motion, was it not?

MR LAU CHIN-SHEK (in Cantonese): *Yes, Mr President. The Secretary does not seem to have answered whether the Government has studied the case of Singapore. He has kept saying that they have studied other countries. Nevertheless, my question is about the third paragraph. The Government has kept using the term "monopolized" when referring to the central compensation fund. Has the Government pondered that if it is not "monopolized" and if it has to compete with the privately-run undertakings, will it be feasible? Has the Administration studied this issue?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): The Government has not studied this issue because we have always had the impression that Members, or some Members, want a central compensation fund to replace the privately-run insurance market. Now that Mr LAU inquires whether the central compensation fund can compete with the current privately-run insurance market rather than replacing it, my view is: why should we not let the current privately-run market continue its competition and continue

to provide the service?

Liberalization of Telecommunications Markets

3. **MR SIN CHUNG-KAI** asked (in Cantonese): *Regarding the Government's participation in an international conference on the liberalization of telecommunications markets convened by the World Trade Organization (WTO) in April this year, will the Government inform this Council:*

- (a) whether an agreement on the liberalization of global telecommunications markets has been reached among member states of the WTO at the above conference; if so, what the details of the agreement are;*
- (b) of the stance taken by the Government on the agreement reached and whether the Government had put forward any proposals at the conference; and*
- (c) given that the exclusive right granted to Hong Kong Telecom International (HKTI) to operate international telecommunications services will not expire until the year 2006, whether the Government has given consideration to terminating the HKTI's exclusive right earlier, in order to avoid contravening the WTO's commitment to liberalize the international telecommunications markets by 1 January 1998; if so, what the details are?*

SECRETARY FOR ECONOMIC SERVICES: Mr President, the first two parts of this question concern the process and outcome of the extended track of negotiations on basic telecommunications conducted under the framework of the World Trade Organization (WTO) General Agreement on Trade in Services. These negotiations concluded on 30 April 1996 in Geneva.

- (a) An agreement was reached on opening up markets for basic

telecommunications services to foreign suppliers which will come into effect on 1 January 1998. There is no common liberalization plan for all participants to follow. Instead, each participant submits its own individual commitments; each is bound to the extent of these commitments.

Under the agreement reached, participants in the negotiations will have the flexibility to make final adjustments to their commitments between 15 January and 15 February 1997, following further consultations on a few outstanding issues which arose very late in the negotiations.

Participants agreed that these issues needed to be studied more thoroughly. A special group will be formed to carry out such consultations which will commence within 90 days of 1 May 1996 and will complete by 15 February 1997.

- (b) We welcome the achievement — partial though it was — of the negotiations. In response to comparable offers made by the major negotiating parties, Hong Kong has offered to open up the market to the following:

- * local basic telecommunications services — fixed telecommunications network, mobile phones, radio paging, radio mobile data and trunked radio services;
- * international telecommunications services — call-back, self-provision of external satellite circuits, virtual private networks and mobile satellite services. These international services have been determined as falling outside the Hong Kong Telecom International's (HKTI) exclusive rights; and
- * regulatory principles to promote competitive supply of telecommunications services.

- (c) The third part of the question relates to the negotiations and the exclusive right to operate certain international telecommunications services which has been granted to HKTI until 30 September 2006. Hong Kong's offer on basic telecommunications is not in conflict

with HKTI's licence. Since we will only be bound to liberalize our basic telecommunications market to the extent of our offer, there will be no conflict with any rule of the WTO in maintaining HKTI's exclusivities to 30 September 2006. Our position regarding HKTI's licence is that we will honour it. We will continue to look out for opportunities to open up for competition those services which fall outside the exclusive right of the licence. We have no plans unilaterally to terminate the licence early.

MR SIN CHUNG-KAI (in Cantonese): *The Singapore Government has earlier on announced that the country's telecommunications market is to be liberalized earlier, and it terminates Singapore Telecom's exclusive right by compensating the company with \$1.5 billion Singapore dollars. What is the Government's view on such a move to terminate an exclusive right by making a compensation? If the Singapore Government really liberalizes the telecommunications market by the year 2000 whereas the international telecommunications services in Hong Kong will not be liberalized until the year 2006, would it be the Government's concern and worry that Hong Kong's status as Asia's telecommunications centre will be replaced by Singapore? How can Hong Kong increase its competitiveness in the telecommunications sector at the international level?*

PRESIDENT: Three supplementaries; I will take all three as one.

SECRETARY FOR ECONOMIC SERVICES: Mr President, I do not wish to comment on the action taken by a foreign government, but all I can say is Hong Kong will remain a competitive market in the telecommunications sector and we think our present offer to the WTO negotiations is comparable to many other offers during the negotiations.

DR HUANG CHEN-YA (in Cantonese): *Mr President, perhaps the Secretary for Economic Services can tell us why he thinks it is not right to terminate the exclusive franchise by making a compensation for any loss so as to liberalize Hong Kong's telecommunications market? Would it be more beneficial to the economy of Hong Kong if such a compensation is made?*

SECRETARY FOR ECONOMIC SERVICES: Mr President, I did not say or I did not comment whether we should or should not compensate for any loss

resulting from termination of the licence. All I said was we do not have plans to terminate the licence unilaterally early.

DR HUANG CHEN-YA (in Cantonese): *Mr President, I am not asking if the Government has such a plan. I am asking what the Government's view is on this issue. Can the Secretary explain why it cannot be done in such a way?*

SECRETARY FOR ECONOMIC SERVICES: Mr President, this whole question depends on a number of factors. It is a very complex issue. This includes such things as the development in technology in the telecommunications field, the development in the international and local telecommunications markets and the view of the company. But we must have regard to two principles. First, as I said in my main reply, the Government will honour the HKTI licence. Second, any proposal to change the terms of the licence will require the mutual agreement between the company and the Government.

MISS CHRISTINE LOH: *Mr President, it is accepted that obviously any variation to the contract will require the mutual agreement of the two parties. I think the question that my colleagues have been trying to ask is: Has this option, if it is to the benefit of Hong Kong, to open up the telecom market been considered? Obviously it will require negotiation with and agreement from the other party.*

SECRETARY FOR ECONOMIC SERVICES: Mr President, this is a very complex issue, as I said. An answer to this question depends on quite a number of issues such as development in the telecommunications technology field, the development in the international and local telecommunications market and also the view of the company. We cannot give a specific answer right now to this question.

MISS CHRISTINE LOH: *Mr President, I think the Secretary should be able to*

give a yes or no answer. Has this issue been considered by the Government, yes or no?

PRESIDENT: Must have thought about it, Secretary?

SECRETARY FOR ECONOMIC SERVICES: We have no plan to terminate the licence early.

MR FRED LI (in Cantonese): *Mr President, the Secretary keeps on saying that it is a very complex issue. However, as I have followed the issue over the last few years as a Legislative Council Member, I know very well and I believe it is not a complex issue at all. The point is that the exclusive right granted to Hong Kong Telecom International (HKTI) will not expire until the year 2006, an exclusive right with 10 more years to go; however, call-back service with lines 007, 008 and 009 is already available in Hong Kong and basically this has created severe competition. So why is it not an opportunity now to discuss with HKTI on reviewing the issue of whether or not the exclusive right that lasts until the year 2006 should be suitably liberalized?*

SECRETARY FOR ECONOMIC SERVICES: Now this is, I have to say again, a very complex issue, and it is underlined by those two basic principles that I described earlier on. This is a licence which is legally binding on the Government as well as on the company, and it takes both parties to agree before one can negotiate its early termination. So I think that is all I can say. Obviously, as I said earlier on, we are looking out for opportunities to increase competition.

MR SIN CHUNG-KAI (in Cantonese): *My question is targeted at the third part of the Secretary's main reply. He said that the Government had no plans unilaterally to terminate the licence early. Well, has the Government had any plan to enter into a negotiation with the other party regarding an early termination of the licence?*

SECRETARY FOR ECONOMIC SERVICES: Mr President, whether we should commence negotiation with the company will depend on the factors that I have just mentioned, the development in the technology field, in the market, as well as the view of the company underlined by those two principles that I have just said. We will honour the licence and we have to get the company's agreement before we can enter into any negotiation.

MISS MARGARET NG: *Mr President, can the Secretary inform this Council how they can get an agreement without negotiation, because what I heard is that the Government does not intend to negotiate until there is an agreement.*

PRESIDENT: I heard, or perhaps I misheard, the Secretary was saying the Government would not initiate negotiations.

Upsurge of Violent Incidents

4. MR IP KWOK-HIM (in Cantonese): *A series of violent incidents have occurred in the territory recently. Apart from the riot caused by Vietnamese migrants in the Whitehead Detention Centre, there was the brutal attack on a veteran journalist. In addition, threats were made to certain Members of this Council against the opening of their offices and the placards publicising the opening were criminally damaged. There were also reports that at a District Board meeting, a member openly threatened to beat up government officials. In this connection, will the Government inform this Council whether measures have been adopted to halt the spread of such a phenomenon and to uphold the morale of law enforcement officers?*

SECRETARY FOR SECURITY (in Cantonese): Mr President, we appreciate the concern of the Honourable Member over the incidents mentioned in the question. However, they are separate and isolated incidents and do not represent a spread of violence in the territory. In fact, in the first three months of 1996, the overall crime rate and the violent crime rate dropped by 8.4% and 10.2% respectively compared to the same period last year.

There is, however, no room for complacency. We share the importance placed by the people of Hong Kong on the maintenance of law and order. In

line with the community's and this Council's wishes, we have put additional resources in the last two years on increasing front-line police manpower. In 1995-96, we created 400 posts of police officers for front-line operational duties, of which 45 were assigned to anti-triad duties. In 1996-97, we have provided funds for creating over 350 posts for front-line operational duties, of which 227 would be devoted to anti-triad duties. As announced to this Council's Security Panel recently following the Whitehead incident, we will also be spending \$65 million in improving the security of Vietnamese migrants camps.

Hong Kong remains one of the safest metropolitan cities in the world. We do not tolerate violent acts. We are also determined to uphold law and order. We have over the years been updating our legislation to support the work of the law enforcement agencies. We have deployed more resources, and upgraded their equipments to enable them to do a better job. We will continue to do so. Our law enforcement officers are well-trained professionals, and are determined to face the challenges ahead. There is no question of their morale suffering as a result of some recent high profile incidents.

MR IP KWOK-HIM (in Cantonese): *Although the Secretary for Security, in his reply, denied that these incidents represent a spread of violence in the territory, I am still worried because I have heard a lot of opinions reflecting the reality from numerous law enforcement officers and government officials on many occasions. The Secretary, in his reply, said that the law enforcement officers are well-trained professionals. Can the Administration inform this Council of the content of these training courses? Is psychological counselling included? Can these courses effectively maintain the morale of the law enforcement officers and government officials?*

SECRETARY FOR SECURITY (in Cantonese): Mr President, I can say that the training now received by the law enforcement officers is comprehensive and adequate. Regarding the content of the training, I think I cannot read out every item in one hour. If the Honourable IP Kwok-him is interested in knowing that, I can arrange a discussion for Mr IP with the training officers, say in the police force. Morale does not only depend on training. I am of the opinion that job satisfaction and a sense of achievement is the most important thing for every officer and civil servant. On the whole, we think that the police officers and law enforcement officers have a sense of achievement in relation to their jobs.

Although they face a lot of difficulties in combatting crimes and dealing with Vietnamese migrants, we can see that they have achieved remarkable success during the past few years.

PRESIDENT: Mr IP Kwok-him, are you claiming that your question has not been answered?

MR IP KWOK-HIM (in Cantonese): *I asked whether psychological counselling has been included in the training.*

SECRETARY FOR SECURITY (in Cantonese): I believe all scenarios to be faced by the law enforcement officers are included in the training course, for instance, the psychological stress they will be subject to and how to allay such stress.

MR CHAN KAM-LAM (in Cantonese): *Mr President, in the third paragraph of his reply, the Secretary said that the Administration is determined to uphold law and order. I totally believe it. But on 19 May when the joint office of Mr CHAN Wing-chan and me in Tak Tin Estate was opened, our placards put up one week ago were found to have been damaged with malice in an orchestrated way and were discarded at the Tseung Kwan O cemetery. Furthermore, we were threatened by phone calls. This is a blatant challenge to the law and an attempt to achieve certain ends with violence and dirty tricks. In view of the fact that even Members of this Council have encountered such violent acts, will the Administration review the security measures now in force in order to protect the life and property of the public?*

SECRETARY FOR SECURITY (in Cantonese): Mr President, I think the security measures now in force are not inadequate. Should any person in Hong Kong, no matter whether he is a Member of the Legislative Council or not, face

criminal damage or intimidation, the best way to handle it is to report to the police and provide all the relevant information in order to facilitate investigation. The police will devote every effort to investigate every case no matter whether the person who reports the case is a Member of the Legislative Council or an ordinary citizen.

MR CHENG YIU-TONG (in Cantonese): *Mr President, the Secretary has cited two groups of figures in his reply. The first group concerns the overall crime rate and the violent crime rate for the first quarter of 1996 which dropped by 8.4% and 10.2% respectively compared to the same period last year. Another group of figures reveals that in the year 1995-96, the Administration created 400 posts of police officers. As the crime rate has dropped, it should be unnecessary to create more posts of police officers. But the Administration has created so many posts. Does it show that violence is spreading, a problem which is worrying Members? Thank you, Mr President.*

SECRETARY FOR SECURITY (in Cantonese): We have created more posts for front-line operational duties mainly due to the concern of the public and Members of the Legislative Council as they all hope that we can do a better job in security, especially in the prevention and combatting of crimes. So this does not mean that further improvement in our work is not needed when the crime rate has dropped.

MRS ELIZABETH WONG: *Mr President, there is no doubt in my mind that the police are doing good work in protecting law and order. But, will the Government inform this Council of the progress made by the Special Task Force set up to investigate the case of a brutal attack on the veteran journalist as referred to in the main question?*

SECRETARY FOR SECURITY: Mr President, I regret to say that I feel unable to make a report on the progress made on this issue because the matter is still

under investigation and I do not wish to say or disclose anything which would prejudice those investigations.

MR JAMES TO (in Cantonese): *Mr President, in relation to the spread of violence, I would like to ask the Secretary whether he feels or whether there is evidence to show that the degree of violence involved in fighting or robbery committed by young offenders is more serious compared with 10 years ago? Has the Administration conducted any assessment or evaluation in this aspect?*

SECRETARY FOR SECURITY (in Cantonese): If the crime rate in 1994 is compared with 1995, we see a drop of 15% in violence committed by young offenders. But we are not saying that juvenile crime is not serious. We in fact are very concerned about this problem and formulated a plan to combat juvenile crime last year. But, on the whole, no significant growth in juvenile crime was seen last year. Indeed, juvenile crimes are mainly shop-lifting or other kinds of theft.

PRESIDENT: Mr James TO, are you claiming your question has not been answered?

MR JAMES TO (in Cantonese): *Mr President, perhaps the focus of my question is not very clear and has therefore misled the Secretary. What I mean is that if we look at, for instance, the degree of violence used by young offenders, it is solely measured in terms of quantity, for instance, how many cases involve violence. This is one of the indicators. Again, for instance, fighting is a kind of violent act and, obviously, to cause bodily harm with a knife or one's fists falls within the same category of crime. But is there any indicator which can be used as a reference to show the degree of violence involved? Is there a higher*

degree of violence involved in some particular kinds of crimes?

PRESIDENT: Secretary, on the degree of violence.

SECRETARY FOR SECURITY (in Cantonese): Mr President, regarding the question to quantity, or whether the degree of violence has increased or not, we regret to say that no research has been conducted. Nor do we have any figures to show that the degree of violence is increasing or decreasing.

MR CHAN WING-CHAN (in Cantonese): *Mr President, Mr IP Kwok-him in his question has pointed out that Members have been intimidated and 47 placards were found to have been criminally damaged overnight. This is worth our attention. In the past, such criminal case seldom occurred. Can the Secretary tell us whether these cases show that crimes are being diversified? Will the police conduct a study in order to find out the trend in crimes and try to stop this trend?*

SECRETARY FOR SECURITY (in Cantonese): Mr President, such crime can be classified as criminal damage. Regarding criminal damage to Members' property or placards, I do not think there is a trend of a rapid increase in such crime. Of course, there has been one or two such criminal cases but I do not think a new trend has developed. On the whole, our principle in upholding law and order is that we will devote every effort to investigate and crack each case no matter whether the victim is a Member of this Council or an ordinary citizen. We will also draw up different publicity programmes according to the overall crime situation with a view to curbing crimes.

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

MR CHAN WING-CHAN (in Cantonese): *Mr President, the Secretary has not answered my question. Although one or two placards had been damaged in the past, the Secretary said that this is not a new trend. But I am of the opinion that this is a new trend. Why? Forty-seven placards publicizing the opening of the office of a Legislative Councillor were damaged overnight. Does the Secretary think that this is done by specialized people or people from organized syndicates? Is this new trend worth our attention because each of these 47 placards were damaged and severed into two halves overnight?*

PRESIDENT: I think the Secretary is familiar with the case. Simply answer the question.

SECRETARY FOR SECURITY (in Cantonese): Mr President, I absolutely do not mean that close attention to this case is not needed. But we cannot say that there is a new trend in the world or in Hong Kong on the basis of one or two or even three cases. We cannot jump to the conclusion that a new trend has developed just because of one or two cases.

MR CHAN WING-CHAN (in Cantonese): *But this incident should be given close attention.*

PRESIDENT: Mr CHAN, you should not have made that remark. This is not a debate, may I again remind you please.

MISS MARGARET NG: *Mr President, may I refer to the Secretary's earlier question on the degree of violence for young offenders. I imagine that the degree of violence may be reflected in (a) the charges; for example, common assault would cover the lighter degree of violence; wounding, obviously, would be a heavier degree of violence. Again, it may be reflected in the sentence, for example, if it is robbery, a very mild kind of robbery, then the sentence would be lighter; but if it is robbery with a weapon then it would be heavier. In view of this, could the Secretary provide this Council with figures, the breakdown of the kind of offences charged and the sentence, which might reflect the tendency or the trend in the degree of violence?*

SECRETARY FOR SECURITY: Mr President, I would be happy to research into the kind of charges or arrests, if there are appropriate figures, in relation to juvenile crime broken down by various types of offences, in writing, after the session. (Annex II)

MR WONG WAI-YIN (in Cantonese): *Mr President, recently a veteran journalist Mr LEUNG Tin-wai was brutally attacked. In retrospect, we can also find that quite a number of violent acts had occurred in the entertainment and press circles over the past few years. According to reports, hired professional killers were involved in these crimes. Can the Secretary provide us with figures showing whether or not the trend of hiring professional killers has worsened or become more serious over the past few years? If these killers are non-locals or illegal immigrants, will the Administration encounter difficulties in investigation? And how does the Administration overcome these difficulties?*

SECRETARY FOR SECURITY: Mr President, I am not aware of any figures to show that there has been an increase in the number of, if you like, hired killers. Whether the person committing the offence of wounding or murder or any other violent crime is a local person or an illegal immigrant, we will devote the same amount of attention to it. The investigation of crime, whether committed by different kinds of persons, obviously depend on the case, some are more difficult, some are less difficult; but on the whole, we believe that the Police Force have people of the right quality trained to solve these crimes. Our detection rate, in fact, is one of the best in the world; our detection rate is up to about 51%.

PRESIDENT: Mr WONG Wai-yin, are you claiming your question has not been answered? Please state which part of your question.

MR WONG WAI-YIN (in Cantonese): *Mr President, the part of my question that has not been answered is that I hope the Secretary can check how many of*

those who are charged with serious wounding or murder are hired killers and from these figures we can see the gravity of the problem. I hope the Secretary can give me a reply in writing. Thank you, Mr President.

SECRETARY FOR SECURITY: Mr President, I shall see if there are any such figures. If there are, I will write to the Honourable Member in writing. (Annex III)

Assistance to Children Deprived of Liberty

5. **MRS MIRIAM LAU** asked: *Mr President, Article 37 of the United Nations Convention on the Rights of the Child provides, inter alia, that States Parties shall ensure that every child deprived of his or her liberty shall have the right to prompt access to legal or other appropriate assistance. In this connection, will the Government inform this Council of:*

- (a) the number of cases brought before the Juvenile Court for care and protection orders in the past three years and the number of children or juveniles in those cases who were given legal representations; and*
- (b) in those cases in which no legal representation was given, how many involved the child or juvenile in question being placed in custody at an institution (for example, Boys' or Girls' homes) after appearing before a Magistrate in the Juvenile Court?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, under the Protection of Children and Juveniles Ordinance, a child or juvenile is brought before the Juvenile Court for care or protection proceedings when he or she has been or is at risk of being subject to abuse, or has behavioural problems which are beyond parental ability to resolve. Before a care or protection order is made, the child or juvenile concerned can be taken to a place of refuge for his or her protection from further abuse or neglect, while a welfare plan is worked out.

Within 48 hours after a child or juvenile is taken to a place of refuge, an application for a care or protection order in relation to the child or juvenile shall

be made to the Juvenile Court. The Juvenile Court has a duty to give due consideration to the interests and welfare of the child or juvenile in question and it has the power to request the Official Solicitor to act for the child or juvenile before a decision is made on his or her case. The Director of Legal Aid, who has been appointed as the first Official Solicitor, will normally provide legal representation for the child or juvenile in such proceedings. Other appropriate assistance such as counselling for the child or juvenile is also made available.

Care or protection proceedings are not criminal proceedings, parents often do not feel the need to seek legal representation for their children. In many cases, it is the parents who request that the child be taken into care because the child is out of their control. In the past three years from 1993-94 to 1995-96, out of a total of 5 613 care or protection cases brought before the Juvenile Court, 19 involved legal representation for the child or juvenile concerned. The great majority of care or protection cases were restored to home care.

In 1995-96, of the 1 855 cases where there was no legal representation, about 17% or 322 cases involved the child or juvenile in question being placed in institutional care after appearing before the Juvenile Court. We do not have readily available statistics on the number of such cases in 1993-94 and 1994-95.

MRS MIRIAM LAU: *Mr President, section 34E of the Protection of Children and Juveniles Ordinance provides that the court may order detention of a child in a place of refuge up to 56 days pending enquiries or reports. The courts frequently so order because information provided by the police is scanty. The children in question lose their liberty, but as is clear from the answer, the vast majority of them did not receive any legal representation. How does the Administration reconcile this state of affairs with the obligations set out under Article 37 of the United Nations Convention, which of course has been extended to Hong Kong, and which provides that every child deprived of his or her liberty shall have the right to prompt access to legal assistance?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, 56 days is the maximum aggregate that the child or juvenile can be put in a place of refuge

pending the granting of a care or protection order. Indeed, within 48 hours after the child or juvenile is taken to a place of refuge, an application must be made for a care or protection order in relation to the child or juvenile to the Juvenile Court. To protect the child or juvenile from further harm, the court may order continued institutional care not exceeding 28 days. Only when continued care is necessary will the court extend the period of institutional care not exceeding an aggregate of 56 days. The purpose of institutional care is for the protection or care of the child or juvenile rather than to facilitate the Government or the Social Welfare Department to prepare reports.

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

MRS MIRIAM LAU: *Mr President, I certainly am, because my question is: How does the Administration reconcile the state of affairs and the Article in question? That aspect has not been answered at all.*

SECRETARY FOR HEALTH AND WELFARE: Mr President, may I elaborate further. The current care or protection proceedings comply with Article 37 of the United Nations Convention. Apart from asking the child or the juvenile personally for their views during the court hearings, the judge or Magistrate can request the Official Solicitor to represent the child or the juvenile in court proceedings where necessary. Besides, social workers of the Social Welfare Department who handle care or protection cases, being professionally trained, are aware of the needs of the child or juvenile; they would channel requests for legal representation or recommend to the court to appoint the Official Solicitor to represent the child or juvenile.

May I also explain that all court hearings are for the welfare and best interests of the child or juvenile. The views of the child or juvenile are sought as far as practicable, having regard to his age, maturity and circumstances, during the course of formulating a welfare plan for him or her. His or her wishes will be stated in the Social Enquiry Report which will be read to the child or juvenile during the course of the hearing. The Magistrate may also ask the child or juvenile for his or her personal views during the court hearing.

MR ERIC LI (in Cantonese): *Under the existing law of Hong Kong, obviously, among the 5 613 children, only 19 obtained legal assistance, and 322 were sent to children's homes without any legal assistance and the liberty was restricted to a certain extent. Is the Government going to admit that the application of the existing law and its enforcement do not comply with Article 37 of the United Nations Convention on the Rights of the Child, does the Government have plans to amend the law in the long run to state clearly the conditions under which children should automatically have the relevant legal protection and will the Government in the short run notify and encourage Magistrates in the Juvenile Court to make more use of this legal assistance?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, I wish to repeat that the Administration considers that our current care and protection proceedings comply with Article 37 of the United Nations Convention. I should also like to add that both the Judiciary and social workers are fully aware of the provisions of Article 37 of the United Nations Convention. Whether the Magistrate decides to request the Official Solicitor to represent a child or juvenile is clearly a decision for the Magistrate. I do not think it is proper for the Administration to direct how the Magistrate should exercise his or her judgment.

MR ALBERT HO (in Cantonese): *Mr President, after listening to the reply given by the Secretary, we feel very perturbed. I think the United Nations Convention has not been complied with. The Secretary said the views of the child would be taken into consideration by the court. But I would like to ask the Secretary whether she can ensure that every child, when tried in a court and it is likely that as a result of criminal or certain proceedings involving care and protection order may be deprived of his or her liberty (since he or she may be sent to a children's home), will definitely obtain legal assistance just by requesting legal representation? Can the Government undertake that the children's application for legal assistance will not be rejected?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, I wish to again repeat that care or protection proceedings are not criminal proceedings; the child or juvenile has not committed any crimes. The fact that the Magistrate can request the Official Solicitor to represent the child or juvenile is there to protect the interests of the juvenile. I should also add that not everybody is placed in a home where they are deprived of liberty. There are various ways in which court

or proceedings orders are handled. There are basically four places where children can be asked to be cared for.

First of all, the Director of Social Welfare can be appointed as the legal guardian; secondly, the court can also commit a child or juvenile to a person or to an institution; it can also commit a child to a parent or guardian; it can also make supervision orders for not more than three years. In many cases, children or juveniles who live away from home are sent to various hostels and children's homes for their care and protection and, where necessary, if they are of school age, they are allowed to attend normal schools. If they are of a very young age, for example, young babies, they are obviously cared for in day nurseries or creche. But where they cannot attend normal schools, they are provided with special education within the institutions concerned. These institutions are managed both by the Social Welfare Department and by non-governmental organizations.

PRESIDENT: Mr HO, are you claiming that your question has not been answered, and if so, which part?

MR ALBERT HO (in Cantonese): *Yes, Mr President. My question includes criminal proceedings. That is to say, if a child is prosecuted*

PRESIDENT: It is not within the scope of the original question, I am afraid.

MR ALBERT HO (in Cantonese): *It is, Mr President. My question covers two situations. The Secretary only answered the case on care order*

PRESIDENT: Mr HO, that part of your original supplementary having to do with criminal cases is outside the scope of the original question.

MR ALBERT HO (in Cantonese): *Mr President, the last paragraph of the Secretary's main reply relates to criminal proceedings, and I was only following up on the last paragraph of the main reply. My question is*

PRESIDENT: The last paragraph is not on criminal cases.

MR ALBERT HO (in Cantonese): *Mr President, if we look at the original question asked by the Honourable Mrs Miriam LAU, part (b) thereof was about a Magistrate in the Juvenile Court. This usually has to do with criminal cases.*

PRESIDENT: The whole question is on care and protection orders.

MRS SELINA CHOW: *Mr President, I think that the Secretary has consistently missed the point of the question which in fact has been reiterated by Mrs Miriam LAU, and I would like to once again ask the question and request an answer to the question. How is she going to reconcile Article 37 which in fact promises that the signatory concerned shall ensure that every child deprived of his or her liberty shall have the right to prompt access to legal or other appropriate assistance? If you look at the last paragraph of the answer, at best, 322 cases were in fact given here where such assistance has not actually been granted to these children, regardless of whether they requested for it or not. And in fact Article 37, to a certain extent, obliges the Government to ensure that such assistance is granted. How does the Secretary answer that this is not being adhered to and is there any plan that it will be adhered to in the future?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, perhaps I shall attempt to answer this in another way. The Official Solicitor must provide legal representation for a child when directed by the court to do so and in this event, this must ensure that Article 37 of the United Nations Convention is complied with.

MRS SELINA CHOW: *Mr President, is the Secretary telling this Council that in fact it is not the State Parties who have the obligation to provide the assistance but the courts?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, Article 37 includes two areas, one is access to legal assistance, the other is other appropriate assistance. From the answers that I have given in my main reply, and the supplementary answers, I think the Government has complied with Article 37 of the United Nations Convention on the Rights of the Child.

MISS MARGARET NG: *Mr President, in the second paragraph of the Secretary's main reply, the Secretary refers to the "power" of the Juvenile Court to request the Official Solicitor to act for the child, but this is the power of the court. Article 37(d) refers to every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance. So can the Secretary inform this Council, under the present law, does the child have the right to legal representation?*

PRESIDENT: I do not have the Convention at hand. Does it say, "the right to prompt access to legal 'or' other appropriate assistance", or "prompt access to legal 'and' other appropriate assistance"?

MISS MARGARET NG: *It is "access to legal 'and' other appropriate assistance".*

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

MISS MARGARET NG: *Mr President, if I may. The Secretary refers to the "power" of the court, but the question is not whether the court will have the power to ask for legal representation. The question is that under the Article, it is the child who ought to have the right. So my question is: Under the present law in Hong Kong, does the child have the right to legal representation?*

PRESIDENT: Secretary, Article 37(d) reads:

"..... every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent independent and impartial authority and to a prompt decision on any such action."

So on this basis, the original question as stated "legal 'or' other appropriate assistance" is incorrect. The word or should read and.

SECRETARY FOR HEALTH AND WELFARE: Mr President, I understand the Member's question. The child can request legal assistance when the child appears before the Juvenile Court, and this often happens. When a child appears before the Magistrate in a Juvenile Court, his or her wishes and his or her views are sought as far as practicable. This is done, first of all, when the social worker interviews the child. And any request by the child is recorded in what is called a Social Enquiry Report, and this is read to the child or juvenile during the course of the hearing. In addition, the Magistrate may also ask the child or the juvenile about his or her personal views during the court hearing and any request for legal assistance can be made at that time.

PRESIDENT: Miss Margaret NG, are you claiming your question has not been answered?

MISS MARGARET NG: *No. In fact, Mr President, I am asking for an elucidation, if I may.*

PRESIDENT: This is not a debate, I am afraid you may not.

MISS MARGARET NG: *Well, maybe I could take it up with the Secretary later on.*

PRESIDENT: You may not seek elucidation, I am afraid.

MR ERIC LI (in Cantonese): *Mr President, although the Government insists that theoretically everything complies with the Convention, to me this is just bureaucracy. Even if I do not agree with the Government, there is nothing I can do. But is the Government prepared to accept the fact that there were 322 cases involving 5 594 children (that is, 5 613 minus 19) who failed to obtain assistance and had their liberty deprived. Nor did they get prompt legal protection. In view of such evidence, and as a responsible government, should it feel a need to accept criticism and take prompt remedial action?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, I do not know whether Mr Eric LI is making a personal observation or asking a question.

PRESIDENT: He is advancing argument in the guise of a question.

SECRETARY FOR HEALTH AND WELFARE: Thank you, Mr President. I think perhaps I should repeat that institutional care is only one of the options under a care or protection order. In the majority of cases, the child or juvenile is returned to home. There are, as I mentioned before, four areas where care or protection orders are made. The Juvenile Court can (a) appoint the Director of Social Welfare to be the legal guardian of such child or juvenile; or, (b) the court may commit the child or juvenile to the care of any person, whether a relative or not, who is willing to undertake the care of him, or of any institution which is so willing; or (c) order his parent or guardian to enter into a recognisance to exercise proper care and guardianship; or (d) without making such order or in addition to making an order in (b) or (c) make an order placing him for a specified period not exceeding three years under the supervision of a person appointed for the purpose by the court.

MR ERIC LI (in Cantonese): *Thank you, Mr President, for letting me ask the question, but obviously it has not been clearly answered. My question is: in view of the data available, is the Secretary prepared to accept criticism and take remedial action?*

PRESIDENT: I think the Secretary was saying that not only is the current arrangement and the current law consistent with Article 37 of the United Nations Convention, but that it truly is.

SECRETARY FOR HEALTH AND WELFARE: Mr President, yes, it complies with Article 37, but obviously there is always room for improvement and I will be happy to explore whether we can make improvement in areas where there is a specific need.

MRS MIRIAM LAU: *Mr President, I understand that the Duty Lawyer Service has actually offered to extend their services to children in care and protection order cases, but was rejected by the Director of Administration. Can the Secretary explain why the Duty Lawyer Service's offer was rejected?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, I apologize that I do not have the answer at hand. I shall provide a written reply to the Member. (Annex IV)

PRESIDENT: Or Mrs Miriam LAU might wish to put it down as a separate question, or a motion.

MRS MIRIAM LAU: *I will consider that, Mr President.*

PRESIDENT: But you certainly accept the Secretary for Health and Welfare's offer of a written answer.

MRS MIRIAM LAU: *Yes, Mr President.*

Interception of Sea-borne Illegal Immigrants

6. **MR WONG WAI-YIN** asked (in Cantonese): *Regarding the incident*

which occurred in the early hours on 13 May this year, in which the police intercepted a group of people in possession of a large quantity of weapons and believed to have entered the territory illegally, will the Government inform this Council:

- (a) of the blackspots in the territory used by illegal immigrants for landing, and the measures adopted by the police to intercept illegal immigrants landing from such blackspots;*
- (b) whether vessels registered in China entering Hong Kong waters are required to obtain the prior approval of the relevant departments in the territory; and*
- (c) of the number of stop-and-search operations in Hong Kong waters conducted by the police on Chinese vessels entering the territory in the past three years, and the number of such vessels found to be involved in illegal activities such as carrying illegal immigrants and smuggling?*

SECRETARY FOR SECURITY (in Cantonese): Mr President,

- (a) The landing blackspots for illegal immigrants (IIs) currently include the Western seafront, the Sai Kung Peninsula, Lau Fau Shan, Sha Tau Kok Peninsula and the Aberdeen Typhoon Shelter. To tackle the problem of IIs, especially those who come here to commit crimes, the police do not simply intercept them at landing blackspots. The police adopt a three-pronged approach to tackle the problem: prevention from entry, detection of those who evade border control and combatting crime.
- (b) Chinese registered vessels entering Hong Kong waters are treated in the same way as other vessels in accordance with established international maritime law. Prior approval from the Government is not required for transit vessels. However, this does not inhibit the right of the Government to stop, search, seize or arrest vessels in the

course of normal law enforcement activities. Vessels entering our waters with Hong Kong as destination are required to report to the Marine Department together with submission of the vessel document and cargo manifest upon arrival. They are required to undergo the necessary immigration and customs clearance procedures.

- (c) During the period 1993-1995, the police stopped and searched 19 883, 19 863 and 19 279 Chinese vessels respectively; 400, 448 and 250 vessels were found to be involved in illegal activities such as smuggling or carrying IIs in each of these three years.

MR WONG WAI-YIN (in Cantonese): *Mr President, in the first paragraph of the Secretary for Security's main reply, it is mentioned that there are five blackspots in the urban areas. Two of them are the Western seafront and the Aberdeen Typhoon Shelter, and both are within our urban centre. Will the Secretary inform this Council why have these two spots which are within our urban centre become the landing blackspots for illegal immigrants? Concerning these blackspots which are within our urban centre, what effective measures will the police take to rectify the situation?*

SECRETARY FOR SECURITY (in Cantonese) : Mr President, Hong Kong has a very long coastline and we have 1 800 sq km of waters. Also, Hong Kong is one of the busiest harbours in the world, and many vessels pass through everyday. It is therefore impossible to stop each and every vessel for searching. Our enforcement agencies certainly will try their best to intercept vessels involved in illegal activities at sea, but this is not at all an easy task. However, I would like to raise one point. The number of illegal immigrants coming by sea in the past three years is decreasing in proportion as shown in the statistics and records.

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

MR WONG WAI-YIN (in Cantonese): *Yes, Mr President, the Secretary has not answered the second part of my question. Concerning these blackspots, will the*

Government take some special measures, so that these places will no longer be the blackspots for illegal immigrants in the future?

PRESIDENT: You are, in the circumstances, saying that you have asked two supplementaries, which is against the rules.

SECRETARY FOR SECURITY (in Cantonese): The police will step up their patrols in these blackspots when necessary, both on land or at sea. The police has established an Anti-Illegal Immigration Information Control Centre and they can gather intelligence from all fronts. The police will deploy their manpower according to such information.

DR HUANG CHEN-YA (in Cantonese): *Mr President, according to newspaper reports, the police officers already informed the Marine Police immediately through wireless call when they spotted the illegal immigrants. However, the marine police launch could not intercept the boat when they arrived, and the illegal immigrants escaped at last. Will the Secretary inform us how many marine police launches are there in Hong Kong? In the control areas of these blackspots, how long does it take to go from one blackspot to the other? In other words, can our marine police launches sufficiently tackle this problem? Should we increase the number of marine police launches and other equipment?*

SECRETARY FOR SECURITY (in Cantonese): Mr President, generally speaking, our marine police launches are sufficient to tackle illegal activities that occur on the sea. We also have plans to phase out our older marine police launches and we have already set aside money in the current and last year's draft estimates. Concerning the number of marine police launches at present, I do not have the figures at hand. If Dr HUANG is interested, I will provide a written reply to him later concerning the figures of the marine police launches. (Annex V)

DR HUANG CHEN-YA (in Cantonese): *Mr President, the Government has not informed us how long does a marine police launch take to get from one spot to the other within the control areas of the police launches, especially near the blackspots. In other words, if a marine police launch is stationing at one spot and another spot is asking for help, how long will it take to rush to that spot —*

one hour, two hours, half an hour or 15 minutes? This of course is related to the speed of the marine police launch, and it has no relation to its control area

PRESIDENT: Dr HUANG, would you like to raise it at a Security Panel meeting? Obviously, you do not really understand the marine police districts.

DR HUANG CHEN-YA (in Cantonese): *Can the Secretary provide the information which I am asking? If not, perhaps he can give me a written reply?*

SECRETARY FOR SECURITY: Mr President, Marine Police operations are divided by sectors and districts and I cannot quite understand how one could infer that we have to jump with one Marine Police launch from one blackspot to another.

DR HUANG CHEN-YA (in Cantonese): *Mr President, the Government does not really understand my question. My question is.....*

PRESIDENT: I suggest the matter be discussed at a Security Panel meeting.

DR HUANG CHEN-YA (in Cantonese): *May I request the Government to give me a written reply on this question?*

PRESIDENT: Is the Government prepared to present a paper to the Security Panel on the operations of the Marine Police?

SECRETARY FOR SECURITY: Mr President, if the Security Panel asks for such a paper, I certainly will be very happy to provide it. If Dr the Honourable HUANG Chen-ya does have a question he wishes to ask us, I will be very happy to answer it if he would provide the question in writing.

MRS SELINA CHOW (in Cantonese): *Mr President, in the first paragraph of the main reply, the Secretary mentioned a "three-pronged approach" and the first one is prevention from entry. Will the Secretary inform this Council about the measures on prevention from entry, and whether the authorities concerned can have the proper co-operation from the Chinese side?*

SECRETARY FOR SECURITY: Mr President, by prevention from entry, there are several things. First of all, we try to prevent illegal immigrants from entering Hong Kong and to this end the Police Force has set up, for example, checkpoints at strategic locations along the border and conducted patrols both on land and at sea. The police and the Immigration Department also maintain regular liaison with the Chinese authorities to seek their co-operation in tightening border control on the Chinese side and we believe that we have had the co-operation that was expected.

In addition, of course, as I also mentioned before, the Police Anti-Illegal Immigration Control Centre collects intelligence on illegal immigrants and related criminal activities such as the prevalent routings and methods of entry into Hong Kong. Such information is useful not only for the deployment of the Police Force in tackling the problem in Hong Kong, but also for the purpose of exchanges of intelligence with the Chinese side. As I said, we believe that we have had very good co-operation from the Chinese border authorities on the prevention of illegal immigration into Hong Kong and that, to some extent, can be illustrated by the fact that the number of illegal immigrants that we have seen over the last three years has been decreasing from about 37 000 in 1993, to about 31 000 in 1994 and, to about 26 000 in 1995.

MR JAMES TO (in Cantonese): *Mr President, although the figures cited by the Secretary just now illustrate that the number of illegal immigrants has been*

declining, we can see from the figures provided by the Secretary that 37 000 people were arrested in 1993 and, if we look at the proportions of these people entering by land and by sea, only 20% or 30% of them were entering by sea. Although the number of illegal immigrants has dropped to 26 000 now, nearly half of them are intercepted at sea. Under such circumstances, if we look at the absolute figure, the problem of illegal immigrants entering by sea is now probably more serious. Can the Secretary inform this Council, how will the police strengthen its operation on intercepting illegal immigrants entering by sea?

SECRETARY FOR SECURITY (in Cantonese): Mr President, I have just mentioned that we already have plans to phase out the older marine police launches, so that the Marine Police can carry out their operations more effectively. I would like to talk about the proportions of illegal immigrants entering Hong Kong by land and by sea in the past few years. The figures are as follows: 42.3% of the illegal immigrants came by land in 1993 and it increased to 47.5% in 1995; and regarding the number entering by sea, 57.7% came by sea in 1993, but it dropped to 52.5% in 1995. The decrease, of course, was not so significant, but it can illustrate that the problem of entry by sea is not that serious.

WRITTEN ANSWERS TO QUESTIONS

Home Purchase Loan Scheme

7. **MR FREDERICK FUNG** asked (in Chinese): *Will the Government inform this Council of:*

- (a) *the ratio between white and green form applicants who have successfully purchased property under the Home Purchase Loan Scheme (HPLS), as well as the number of such applicants who were*

formerly Waiting List applicants and their proportion in the total number of successful applicants under the HPLS, in each of the past five years; and

- (b) *the ratio between white and green form applicants who have successfully purchased property under the Home Ownership Scheme (HOS), as well as the number of such applicants who were formerly Waiting List applicants and their proportion in the total number of successful applicants under the HOS, in each of the past five years?*

SECRETARY FOR HOUSING (in Chinese): Mr President, the information in respect of successful applicants under the Home Purchase Loan Scheme is set out below:

<i>Year</i>	<i>Ratio of green form applicants to white form applicants</i>	<i>Number of applicants who were on General Waiting List</i>	<i>Proportion of applicants who were on General Waiting List to total</i>
1991-92	56:44	401	38.5%
1992-93	52:48	120	44.6%
1993-94	35:65	116	16.5%
1994-95	40:60	136	15.2%
1995-96	70:30	506	15.0%

The information in respect of successful applicants under the Home Ownership Scheme is set out below:

<i>Ratio of green form</i>	<i>Number of applicants</i>	<i>Proportion of applicants who were</i>
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<i>Year</i>	<i>applicants to white form applicants</i>	<i>who were on General Waiting List</i>	<i>on General Waiting List to total</i>
1991-92	67:33	4 183	22.2%
1992-93	66:34	4 017	18.7%
1993-94	55:45*	5 517	36.5%
1994-95	67:33	1 424	10.6%
1995-96	67:33	2 265	17.4%

* In that year, the ratio of green form applicants to white form applicants was 50:50 for two phases of sales and 67:33 for another phases.

Protection of Bank Customers' Personal Data

8. **MR ERIC LI** asked (in Chinese): *It is learnt that some banks in the territory have commissioned the work of their computer departments to professional computer firms and, as a result, the personal data of the customers of these banks have been transferred to the computer firms concerned. As these computer firms are not part of the banking sector, the relevant legislation governing the banking sector cannot therefore apply to these firms. In view of this, will the Government inform this Council whether it will consider requiring these computer firms to obtain a special licence to undertake such work, so as to ensure that the personal data of the customers of the banks concerned are not released to outside organizations, thus safeguarding the interests of the customers?*

SECRETARY FOR FINANCIAL SERVICES (in Chinese): Mr President, the outsourcing of data processing operations by banks is not unusual in other countries and, if it is done in a proper manner, can increase banking efficiency and reduce costs. The Administration does not consider that there is a need to require computer firms performing data processing operations for authorized institutions (AIs) under the Banking Ordinance to obtain a special licence. Upon the commencement of the Personal Data (Privacy) Ordinance 1995, a computer firm employed by an AI for processing the personal data of the AI's customers is prohibited from disclosing such information to a third party for any purpose other

than the one for which the data were to be used at the time of the collection of the data by the computer company or a directly related purpose without the prescribed consent of the AI's customers.

The Monetary Authority (MA) also has adequate powers under the Banking Ordinance to regulate such outsourcing activities. Under clause 12 of the Seventh Schedule to the Banking Ordinance, AIs are required to conduct their business with integrity, competence and in a manner not detrimental to the interests of depositors and potential depositors. To comply with this authorization criteria, AIs which intend to outsource their data processing operations are expected to discuss their plans with the MA in advance and to satisfy the MA with regard to the relevant systems and controls before they proceed with such plans. In considering such proposals, the MA will take into account the financial soundness and reputation of the proposed contractor and whether there are adequate safeguards to ensure that the outsourcing arrangement will not compromise the integrity and confidentiality of customer information. Typical safeguards include undertakings by the contractor that the company, and its staff, will abide by confidentiality rules; contractual rights of the AI to take action against the contractor in the event of a breach of confidentiality; segregation of the AI's data from that of the contractor and its other clients; and unrestricted access by the AI's internal and external auditors to review the operations of the contractor.

The MA has a power under section 55 of the Banking Ordinance to inspect the books, accounts and transactions of AIs. This power is not limited to inspection on an AI's premises. The MA can exercise this power despite the fact that the AI has outsourced its data processing operations. The AI is expected to give an undertaking that the MA will have unrestricted access to review the operations of its contractor.

If the MA considers that, as a result of outsourcing, the AI is carrying on its business in a manner detrimental to the interests of its depositors, potential depositors or creditors, the MA has powers under section 52 of the Banking Ordinance to require the AI to take such action in relation to its affairs and business as he may consider necessary. This could include a direction to the AI to terminate the outsourcing arrangement if the MA is not satisfied with the control measures.

The MA also has powers under section 59(2) of the Banking Ordinance to

require AIs which have outsourced data processing to submit reports prepared by their auditors on the adequacy and the operation of the systems and controls for protecting the integrity and confidentiality of customer information. The MA expects external auditors to have unrestricted access to the outsourcing contractor for this purpose.

Disposal of Toxic Wastes in Hong Kong

9. **MR CHIM PUI-CHUNG** asked (in Chinese): *Will the Government inform this Council whether there were any cases involving foreign countries transporting toxic wastes to the territory for disposal in the past three years; if so, what safety measures were adopted by the departments concerned in the disposal of such wastes?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Chinese): Mr President, the Environmental Protection Department has not received any application for the import of toxic waste into Hong Kong for disposal in the past three years. The import of such waste into Hong Kong for disposal is subject to control under the Waste Disposal Ordinance, which prohibits such imports unless a permit has been obtained in advance from the Environmental Protection Department. The Environmental Protection Department would not normally grant such a permit. Any disposal that was permitted would need to be carried out in an environmentally sound manner to the satisfaction of the Director of Environmental Protection.

Follow-up Consultation for Chronically-ill Patients

10. **MR AMBROSE LAU** asked (in Chinese): *It is learnt that at present, the majority of patients suffering from chronic illnesses have to wait for six to 12 months for a follow-up consultation at public clinics under the management of the Hospital Authority (HA) and the Department of Health (DH). In view of this, will the Government inform this Council:*

- (a) *of the total number of chronically-ill patients attending such clinics for medical consultation in each of the past three years, and the major types of their illnesses;*

- (b) *whether any guidelines have been issued by the HA and DH regarding the waiting time for chronically-ill patients seeking follow-up consultations; if so, whether the current waiting time for such consultations is in line with the standard stipulated in the guidelines; and*
- (c) *given that the territory's population is ageing and the number of chronically-ill patients may continue to rise, whether the Government will adopt any measures to reduce the waiting time for chronically-ill patients seeking follow-up consultations?*

SECRETARY FOR HEALTH AND WELFARE (in Chinese): Mr President, given the lack of a clear definition of "chronic illnesses", the term "chronic patients" has often been used in a general context to refer to those requiring regular medical care on a long-term basis. Some examples of the major illnesses involved are hypertension, diabetes mellitus, chronic lung disease, ischaemic heart disease and renal failure.

All patients, including those commonly referred to by people as "chronic patients", may obtain medical treatment and consultation at public clinics. Specialist clinics run by the Hospital Authority cover a full range of clinical specialties, while those operated by the Department of Health are only designed to cater for general cases.

Since we classify patients according to the nature rather than acuteness of their conditions, it is only possible to provide the total number of specialist consultation in the past three years. The relevant figures are 4 699 000 for 1993-94, 5 140 000 for 1994-95 and 5 539 000 for 1995-96 respectively.

Patients attending specialist clinics can be categorized into two main groups: new referrals and follow-up cases. All new referrals are screened by specialized nurses through a triage system to ensure that urgent cases can be treated without delay. For a majority of non-urgent patients, an appointment for medical consultation will be given to them within about 12 weeks.

Other cases requiring follow-up consultation will be given appointments at specified intervals based on individual patient's needs. Although some unstable patients would require more regular consultation to assess their response to treatment and progress of recovery, many patients can be seen at relatively longer intervals.

With the implementation of the computerized block appointment system and other measures to enhance productivity, we have been able to make significant reduction of the waiting time for specialist consultation despite an average increase in the attendance rate of over 10% per annum during the past three years. A number of refurbishment and redevelopment capital projects are also in the pipeline to improve the physical environment as well as the capacity of our specialist clinics to meet prevailing needs.

Government is still working towards achieving its target to reduce the average waiting time for first appointment at all specialist clinics to five weeks by the year 2000.

Computer Education in Publicly-funded Secondary Schools

11. **MR LEUNG YIU-CHUNG** asked (in Chinese): *Will the Government inform this Council:*

- (a) *of the amount of funds allocated for providing computer studies courses in the publicly-funded secondary schools in 1995-96, and the average number of computers provided for each secondary school for teaching purposes;*
- (b) *of the objectives in providing such courses, and whether the Education Department (ED) will review whether these objectives meet the practical needs of secondary school students in computer application in their daily life; and*
- (c) *of the length of time it normally takes for the ED to process an application by a school for the purchase of computer facilities; and how the ED will solve the problem of the approved computer facilities not catching up with the developments in computer*

technology by the time the schools concerned have obtained approval to purchase such facilities?

SECRETARY FOR EDUCATION AND MANPOWER (in Chinese): Mr President,

- (a) 386 government, aided and caput schools have joined the Computer Studies Scheme introduced in 1982. Each participating school will receive 21 sets of computer equipment and relevant software packages for teaching Secondary One to Five computer subjects.

In addition, 125 schools are participating in the Sixth Form Computer Subjects Project which started in 1992. Each participating school will receive 16 to 31 computers and software packages.

In 1995-96, a total of about \$8.7 million has been allocated for the purchase of computer equipment and software and for curriculum grants to purchase consumable items such as floppy disks, printer ribbons, printer forms and other teaching aids in publicly-funded secondary schools.

- (b) There are four computer subjects in secondary schools. They are Secondary One to Three Computer Literacy, Secondary Four to Five Computer Studies, Secondary Six to Seven AS-Level Computer Applications and A-Level Computer Studies. These subjects aim to enhance students' knowledge of computer concepts, programming and computer applications.

In October 1995, the relevant subject committees of the Curriculum Development Council and the Hong Kong Examinations Authority set up a joint working party to review the full range of computer education syllabuses from Secondary one to seven in order to ensure that they keep up with the changing needs of the 21st century. The working party has proposed to include computer technology

developments and applications such as Internet and multimedia technology in the syllabuses; and to encourage the use of information technology and the application of specific software to deal with the day-to-day problems. The target of the working party is to have the draft revised syllabuses ready for public consultation by early 1997.

- (c) The Education Department provides computer facilities to support the computer curriculum in secondary schools and processes the applications centrally. It usually takes about one to two months to complete a tender exercise. The process may be extended to two to three months for schools requiring room conversion to house the computer facilities. We are not aware of any problem of approved computer facilities not matching up with developments in computer technology by the time the schools have obtained approval to purchase such facilities, particularly as the lead time is relatively short.

Communications Equipment for Ambulance Staff

12. **DR DAVID LI** asked: *It was reported that the ambulance staff of the Fire Services Department (FSD) who were endeavouring to rescue unconscious passengers in the MTR trains on 6 May 1996 were hamstrung by a lack of walkie-talkies and mobile phones. In view of this, will the Government inform this Council whether it will seek funds for the acquisition of such equipment and, if so, what the estimated total cost is and when such equipment will be available for use by the ambulance staff of the FSD?*

SECRETARY FOR SECURITY: Mr President, all FSD ambulances are equipped with radio telephones for communication with the Fire Services Communication Centre (FSCC). For incidents involving multiple casualties, a Mobile Casualty Treatment Centre (MCTC) with portable radio sets will be despatched to the scene. This equipment will be used by the attending ambulance officers. These radio sets are provided only to crew leaders to ensure effective emergency communications and to avoid excessive radio traffic.

In an emergency situation, it is essential that communications are simple, direct and co-ordinated through a single centre, in order to ensure that the emergency response can be well commanded. Mobile phones are not suitable

for operational use in these situations because they can provide communications only between individual officers and the FSCC.

The FSD and the Mass Transit Railway Corporation (MTRC) have well-established and practiced procedures for conducting rescue operations for various types of emergencies in MTR stations. Ambulance crews should, in the first instance, make use of the telephones available on the platforms in station control rooms, or in the other telephone facilities available from the MTRC. If a situation is of such a scale that centrally co-ordinated communications are necessary, ambulance crews will use the portable radios provided on MCTC, operating on repeaters for underground work.

We have no plan to acquire additional walkie-talkies and mobile phones. The FSD will, however, continue to conduct regular reviews on the effectiveness of its communication equipment to ensure that it meets the Department's operational requirements.

Poor Ventilation in Public Housing Estate Markets

13. **DR LAW CHEUNG-KWOK** asked (in Chinese): *Will the Government inform this Council of:*

- (a) *the number of cases concerning poor ventilation inside markets in public housing estates which have been discussed by various District Boards in the past three years, and the major causes of poor ventilation in such cases; and*
- (b) *the measures that have been adopted to improve ventilation inside markets in public housing estates and the effects of such measures?*

SECRETARY FOR HOUSING (in Chinese): Mr President, three cases concerning poor ventilation inside markets in public housing estates were

discussed by District Boards in the past three years. These markets were designed to be naturally ventilated and the storage of cartons by operators on top of their stalls affected cross ventilation. The use of large refrigerators and air-conditioners by operators aggravated this problem.

The Housing Department (HD) took remedial measures, including the provision of electric fans, extraction fans and extraction ducts. Where technically feasible, and where the operators concerned were willing to pay the necessary expenses, central air conditioning was installed. These measures improved air circulation, removed offensive odours and lowered indoor temperatures.

The HD has taken steps to improve ventilation in new markets. Privatized markets completed in recent years have been installed with central air-conditioning. From next year onwards, all newly completed markets (whether privatized or under HD management) will be provided with central air-conditioning.

Remuneration Package of Hong Kong Monetary Authority Chief Executive

14. **MISS EMILY LAU** asked: *It is learnt that the remuneration package of the Chief Executive of the Hong Kong Monetary Authority (the Chief Executive) in the past year was around \$6.5 million to \$7 million, which was much higher than that of the Financial Secretary. In this connection, will the Administration inform this Council:*

- (a) of the basis and justifications for determining the remuneration package of the Chief Executive;*
- (b) of the authority and mechanism for approving the remuneration package of the Chief Executive; and*
- (c) how it ensures that the remuneration package of the Chief Executive is determined in an appropriate manner?*

SECRETARY FOR FINANCIAL SERVICES: Mr President, it is not appropriate to draw comparisons between remuneration packages of government employees on civil service terms with those on Hong Kong Monetary Authority's (HKMA) terms and conditions of employment as different approaches to

remuneration are adopted. The HKMA adopts a total package approach for its remuneration. In other words, no housing benefit, pension, education allowances, passage allowances, and so on are payable.

- (a) Our policy is that HKMA's remuneration packages should be in line with the market in which it competes for human resources and should be able to attract and retain staff with the appropriate calibre, experience and expertise capable of performing the functions of the HKMA in a manner that commands the confidence of the people of Hong Kong and the international financial community. This applies to the Chief Executive of the HKMA and his staff.
- (b) The HKMA's remuneration terms, irrespective of ranks, are determined by reference to the prevailing market rates. Pay level and pay trend surveys are conducted by an independent consultant every year to establish whether pay packages and their intended annual adjustments are in line with the market. On the basis of the results of these surveys, and having regard to performance, the Financial Secretary, on the advice of the Exchange Fund Advisory Committee (EFAC), determines the remuneration packages of individual senior officers including the Chief Executive. Under delegated authority, the Chief Executive in turn determines the remuneration packages of other officers, subject to the overall budget approved by the Financial Secretary on the advice of the EFAC.
- (c) The Administration considers that the mechanism for determining the remuneration packages for HKMA staff to be appropriate, having regard to the circumstances described above. Adequate control is exercised by the Financial Secretary on the advice of the EFAC, the members of which are familiar with the market practice regarding pay package determination and adjustment.

Hong Kong Monetary Authority Staff Costs

15. **MR SIN CHUNG-KAI** asked: *According to the 1995 Annual Report of the Hong Kong Monetary Authority (HKMA), the expenses on staff costs increased from \$196 million in 1994 to \$250 million in 1995. In this*

connection, will the Government inform this Council of:

- (a) the comparisons between the remuneration package of staff at different levels of the directorate of the HKMA and that of their counterparts in the Civil Service, in each of the years from 1993 to 1995;*
- (b) the mechanism adopted by the HKMA for determining the pay adjustment for its staff; and*
- (c) the specific measures the Government has put in place to monitor the staff costs of the HKMA?*

SECRETARY FOR FINANCIAL SERVICES: Mr President, to put the staff costs of the Hong Kong Monetary Authority (HKMA) in perspective, the increase in 1995 was mainly attributable to the increase in staff members to undertake a number of new initiatives. Only 9.8% of the increase in 1995 was due to pay adjustment.

- (a) As there are no HKMA counterparts in the Civil Service, it is not appropriate to draw comparisons between the remuneration packages of HKMA staff with those of the Civil Service. Allowing HKMA to have its own terms and conditions of employment is to make sure that it can compete with the private sector for the necessary expertise in financial markets.
- (b) The Financial Secretary, on the advice of the Exchange Fund Advisory Committee (EFAC), determines the overall pay adjustment for the HKMA as a whole by reference to the result of a pay trend survey conducted by an independent consultant. Adjustments for individual officers are totally performance related.
- (c) The Financial Secretary, on the advice of the EFAC, scrutinizes and approves the budget of the HKMA each year. Any spending exceeding the budget has to be approved separately by the Financial Secretary. Monthly reports on the budget are made to EFAC.

Third Party Insurance for Incoming Vessels

16. **MR WONG WAI-YIN** asked (in Chinese): *Will the Government inform this Council:*

- (a) *whether cargo vessels and passenger liners entering Hong Kong waters are currently required to take out third party insurance to ensure that vessels which have caused accidents in Hong Kong waters resulting in casualties and property losses pay compensation to the victims concerned;*
- (b) *if the answer to part (a) is in the negative, which party would be held responsible for paying compensation in the event of the occurrence of such accidents; and if the vessels causing the accidents are not registered in Hong Kong, whether the Marine Department can prosecute the vessels when they have contravened certain regulations; and*
- (c) *of the number of accidents which have occurred in Hong Kong waters in the past three years involving locally-registered vessels being hit by vessels not registered in Hong Kong, the total amount of losses incurred by such accidents, and the actions which have been taken by the Marine Department concerning these accidents?*

SECRETARY FOR ECONOMIC SERVICES (in Chinese): Mr President,

- (a) The Marine Department requires ocean going vessels entering Hong Kong waters to comply with Conventions made under the auspices of the International Maritime Organization (IMO), of which Hong Kong is an Associate Member. Currently the IMO Conventions require compulsory liability insurance on tankers carrying more than 2 000 tons of oil. There is no mandatory requirement for ships other than this to carry third party insurance. It is however a matter

of sound business sense for shipowners to take out such insurance and a recent survey of ocean going vessels indicates that 95% of such vessels carry third party insurance.

- (b) If a vessel, foreign or local registered, is involved in a collision causing casualties and property losses to third parties, the owner of such vessel, if at fault, is liable to damages through civil litigation.

The Marine Department investigates every collision case within Hong Kong waters. Where a breach of the laws of Hong Kong is suspected, the owner of the vessel, the master and any person otherwise responsible for the vessel is each liable for prosecution under section 10 of the Shipping and Port Control Ordinance (Cap. 313).

- (c) The numbers of collisions involving locally licensed vessels and vessels not registered in Hong Kong over the past three years were:

1993	-	57
1994	-	48
1995	-	79

Most of these accidents were minor incidents. Among these accidents, only one, four and one incidents have resulted in injuries or fatalities in 1993, 1994 and 1995 respectively. Each case is examined by the Marine Department's Casualty Investigation Unit to find out the causes and the lessons to be learned. Prosecution action will be taken if necessary. In 1995, 113 successful prosecutions were taken for breaches of navigation regulations such as exceeding speed limits, proceeding on the wrong side or obstructing shipping fairways. We however do not have the information relating to the total amount of losses incurred by such accidents as the cost of repairs and apportionment of damage claims between the owners of vessels involved in collisions is a matter of civil litigation.

17. **MR ERIC LI** asked (in Chinese): *Will the Government inform this Council whether computer studies is one of the subjects in the curriculum of primary schools in the territory; if so, whether it is a compulsory subject; if not, whether the Education Department will introduce computer studies into the curriculum of primary schools and make it a compulsory subject?*

SECRETARY FOR EDUCATION AND MANPOWER (in Chinese): Mr President, Government is fully aware of the importance of promoting information technology in schools. Since the introduction of the Computer Studies Scheme in the secondary sector in 1982, a full range of computer subjects is being offered in secondary schools; and Government provides support in the form of computer equipment and software, in-service teacher training and curriculum grants to schools.

The subject of Computer Studies is not included in the current primary curriculum. This is because the study of the subject requires certain pre-requisites, such as a reasonable level of mathematical concepts and command of English. Hence, we consider the present arrangement of introducing computer studies at Secondary One level and above appropriate.

However, it should be noted that an increasing number of schools have included computer classes as part of their extra-curricular activities. Government welcomes this initiative as it can expose students to computer technology at an early stage and better prepare them for the study of the subject at secondary level.

Liquidation of Limited Companies

18. **MR CHIM PUI-CHUNG** asked (in Chinese): *Will the Government inform this Council:*

- (a) *of the number of limited companies registered in Hong Kong which went into liquidation in the past three years, (including cases of liquidation initiated by the shareholders and those ordered by the court), and the number of such companies of which the Official Receiver acted as their liquidator; and*

- (b) *according to the records of the Official Receiver's Office, of the longest period of time taken for a limited company to go through the entire liquidation process and the reasons for the time taken?*

SECRETARY FOR FINANCIAL SERVICES (in Chinese): Mr President, the number of limited companies registered in Hong Kong which went into liquidation in 1993, 1994 and 1995 are shown below -

		1993	1994	1995
(I)	Members' Voluntary winding-up	2 775	2 515	3 037
(II)	Creditors' Voluntary winding-up	114	131	124
(III)	Compulsory winding-up before Court	408	426	481
	Total:	3 297	3 072	3 642

The Official Receiver has acted as the Liquidator of 399 limited companies in compulsory liquidations in 1993, 420 in 1994 and 471 in 1995. The Official Receiver is not involved in voluntary liquidations.

According to the records of the Official Receiver's Office, the longest time taken to complete a compulsory liquidation is 24 and a half years. A winding up order against the company concerned was made in November 1971 and an order granting the Official Receiver's release from the liquidatorship was made in May 1996. The major exceptional reasons for the time taken for this particular case are as follows:

- (a) the case involved a complicated legal dispute, relating to the unsettled assignment of 47 flats, between the company concerned and the petitioning creditors, who were directors of the company's joint-venture partner;
- (b) the need to obtain funding to sue the joint-venture partner for specific performance in respect of the assignment of the properties and the lengthy litigation in the High Court, the Court of Appeal and the Privy Council before the appeal of the joint-venture partner was

ultimately dismissed;

- (c) the deaths of the three directors of the joint-venture partner causing delays in the clarification of the joint-venture's accounts, the settlement of taxed costs of the Privy Council appeal and the disposal of the unsold flats of the joint venture; and
- (d) the need to wind up the joint-venture partner to clear the unsettled issues as set out in (c) above.

Housing Expenditure of Public Service Staff

19. **MISS EMILY LAU** asked (in Chinese): *According to the results of the 1994-95 Household Expenditure Survey (HES) conducted jointly by the Census and Statistics Department and the Hang Seng Bank, the proportion of expenditure on housing had increased by four to five percentage points, as compared to the results of the HES conducted in 1989-90. In respect of the relatively low expenditure households, the proportion had increased from 21% to 25%; for the medium expenditure households, from 24% to 28%; and for the relatively high expenditure households, from 29% to 34%. By contrast, for many years senior civil servants and teaching staff of tertiary institutions who live in staff quarters provided by the Government and the tertiary institutions are only required to pay 7.5% of their monthly salary as rental payment. In this connection, will the Government inform this Council:*

- (a) of the respective numbers of civil servants and teaching staff of tertiary institutions who pay 7.5% of their salary as rental payment, and the grades to which they belong;
- (b) the year in which the 7.5% rate was formulated and the basis for it;
- (c) why the above rate has remained unchanged despite the fact that the

housing benefits for civil servants have been changed several times over the year; and

- (d) whether there is any plan to review the 7.5% rate mentioned above?

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

- (a) 1 725 civil servants residing in non-departmental quarters, and 740 officers receiving the Private Tenancy Allowance (PTA) pay 7.5% of their salary as rent. All officers were employed before 1 October 1990. They are in grades with salary points above Master Pay Scale (MPS) point 34 or equivalent.

As for the tertiary institutions, there are 1 770 teaching staff residing in quarters and 2 004 receiving a PTA who pay this level of rent.

- (b) The payment of rent as a proportion of salary came into effect on 1 April 1971. Prior to that date rent paid by civil servants living in non-departmental quarters (NDQs) was set on the basis of salary "platforms" corresponding to different grades of quarters. This system emerged from the recommendations of the 1947 Salaries Commission. In 1971, the Salaries Commission considered that in order to simplify administration of rent payments and to rectify anomalies inherent in such a "platform rent" system, rent should be assessed as a percentage of salary not exceeding the average of the percentage represented by the mid-point of each of the platforms. By reference to the then prevailing rent platforms (Appendix), the percentage recommended was 7.5% for quarters of G grade and above (and 5.0% for quarters below G grade). These arrangements were implemented with effect from 1 April 1971. The percentage of deduction has no direct relationship to average expenditure on housing incurred by the general public.
- (c) The provision of civil service housing benefits was reviewed in 1989. The result was the introduction of new forms of housing

benefits. Civil servants joining the service on or after 1 October 1990 are only eligible for these new benefits, that is, the Home Financing Scheme for staff on or above MPS point 34 or equivalent, or the Home Purchase Scheme if they serve on a lower salary point. Staff appointed on overseas contract terms receive an Accommodation Allowance. Those who joined the service before the cut-off date were given the option to join the new Schemes.

The provision of NDQs and the PTA has ceased for staff employed after 1 October 1990, and is a declining benefit. For entitled staff who joined before that date, however, they remain a condition of service: the provision of NDQs with rent deduction of 7.5% of salary is stipulated in the Memoranda on Conditions of Service which cannot be varied unilaterally by the Government.

- (d) There is no plan to review the present percentage of rent deduction for quarters.

Appendix

Grading and Salary Platform of Quarters in 1971

Percentage of Salary

<i>Salary range</i> <i>(\$)</i>	<i>Mid-point</i> <i>(\$)</i>	<i>Grade of</i> <i>quarter</i>	<i>Rent per</i> <i>month</i> <i>(\$)</i>	<i>Lowest</i> <i>point</i>	<i>Mid</i> <i>point</i>	<i>Highest</i> <i>point</i>
Over 10,300	11,800	AA	668	6.5%	5.7%	5%
6,351 - 10,300	8,000	A	553	8.7%	6.9%	5.4%
5,223 - 6,350	5,661	B	472	9%	8.3%	7.6%
4,564 - 5,222	4,893	C	384	8.4%	7.9%	7.4%
3,904 - 4,563	4,233	CD	336	8.6%	7.9%	7.4%
3,019 - 3,903	3,461	D	260	8.6%	7.5%	6.7%
2,435 - 3,018	2,726	E	201	8.3%	7.4%	6.7%
2,088 - 2,434	2,261	F	172	8.2%	7.6%	7.1%

1,514 - 2,087	1,800	G	130	8.6%	7.2%	6.2%
1,232 - 1,513	1,372	H	83	6.7%	6.1%	5.5%
766 - 1,231	998	I	53	6.9%	5.3%	4.3%
576 - 765	670	IJ	42	7.3%	6.3%	5.5%
409 - 575	492	J	27	6.6%	5.5%	4.7%
395 - 408	401	K	20	5.1%	5%	4.9%
Under 395		L	15		3.8%	3.8%

Employers Defaulting on Payment of Compensation

20. **MR LEUNG YIU-CHUNG** asked (in Chinese): *It is learnt that recently many employers who were ordered by the Labour Tribunal to pay compensation to their employees have failed to pay the amounts of compensation to the employees concerned. In view of this, will the Government inform this Council :*

- (a) *of the total number of cases in the past three years involving employers defaulting on payment of compensation to their employees as ordered by the Labour Tribunal;*
- (b) *whether, in view of the execution fee amounting to some \$4,000 payable by an employee when applying to the District Court to sequester the office or factory of the defaulting employer, the Government will consider reducing such fee in order to lessen the burden on the employee concerned in recovering the arrears of compensation from his employer; and*
- (c) *whether it will consider formulating measures to enable employees to obtain arrears of compensation from their employers within a stipulated period of time?*

SECRETARY FOR EDUCATION AND MANPOWER (in Chinese): Mr President, under Section 38 of the Labour Tribunal Ordinance, a final award of the Labour Tribunal (which includes the award of compensation to the employee by the employer) may be registered in the District Court, and will become for all purposes a judgement of the District Court which may be enforced accordingly, notwithstanding that the amount of such award is beyond the jurisdiction of the District Court.

As regards part (a) of the question, the Government has no statistics specifically on the number of employees who fail to recover from their employers the amount awarded to them by the Labour Tribunal. The only statistics available are the total number of judgement creditors (comprising both employers and employees) who are issued with certificates of award to enable them to register their awards in the District Court with a view to enforcing them. The number of Certificates of Award issued in the past three years are as follows:

<i>Year</i>	<i>Certificates of Award issued</i>
1993	313
1994	447
1995	584

Although no breakdown is available, it is likely that most of these certificates are issued to the employees.

As regards part (b) of the question, the fees for the enforcement of an award against a judgement debtor are prescribed under the District Court Civil Procedure (Fees) Rules. To enforce an award, the claimant has to commence a Miscellaneous Proceeding in the District Court at a filing fee of \$630. If the claimant decides to apply for the execution of a writ *fi. fa.* to seize and sell the personal goods and chattels belonging to the employer, he has to pay a deposit for security guard fees (\$2,800 for urban area and \$3,200 for rural area) to cover the cost of watchman (\$330 per day) and the transportation expenses incurred. The deposit will be refunded if the watchman is eventually not required.

The existing fees are inadequate to cover the Government's cost of providing the above services. We therefore do not consider it appropriate to

reduce the fees. Nonetheless, all the charges will eventually be borne by the defendant that is the employer or judgement debtor, unless the enforcement of the award is not successful.

As regards part (c) of the question, the Government has put in place a number of channels through which an employee who fails to receive an award made in his favour by the Labour Tribunal can seek to recover such payment.

If the employer concerned has become insolvent, the employee can approach the Labour Relations Service of the Labour Department for assistance. The Labour Department will refer the employee to the Legal Aid Department for assistance in initiating winding-up or bankruptcy proceedings against the employer and to apply for ex-gratia payment from the Protection of Wages on Insolvency Fund. An employee will normally receive payment from the Fund within one month after the filing of the winding-up or bankruptcy petition, or after the Legal Aid Department recommends payment without a petition.

If the employer concerned is not insolvent, the employee can approach the Legal Aid Department for assistance in registering the award in the District Court as a judgement and then seek to enforce this judgement through the various means under the existing legal system. These enforcement instruments include the execution of a "writ *fi. fa.*" as mentioned above, a "charging order" to recover the award from the proceeds of sale when the employer sells the property, a "garnishee order" requiring the bankers or debtors of the employer to pay the bank deposits or debts to the employee, or filing a petition for bankruptcy or winding up of the employer at the High Court. The time taken under these procedures varies from two to five months.

As the circumstances surrounding the employer's default payment of compensation to the employee and the legal procedures involved differ from case to case, it is impracticable to stipulate an across-the-board time limit within which any award payment should be settled.

MOTIONS

PUBLIC BUS SERVICES ORDINANCE

THE SECRETARY FOR TRANSPORT to move the following motion:

"That the franchise conferring the right on Citybus Limited to operate a public bus service on the routes specified in the Schedule of Routes (Citybus Limited) Order 1996 (L.N. 156 of 1996) and in any subsequent order made by the Governor in Council shall not, for the entire period of the franchise, be subject to sections 27, 28, 29 and 31 in Part V of the Public Bus Services Ordinance."

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

Sections 26 to 32 of the Public Bus Services Ordinance provide for a profit control scheme and also stipulate certain provisions relating to the calculation of operating costs and the disclosure of operational and financial information. A significant feature is that the scheme does not guarantee any minimum level of profit but limits the maximum amount that can be earned by a franchised bus operator. Indeed, our current policy for processing fare increase applications is to take various factors into account, particularly operating costs, performance and public affordability rather than to provide for a profit level based on a percentage rate of return of average net fixed assets. Given this practice, our conscious approach has been to exclude all references to a profit control scheme when negotiating new bus franchises.

Citybus is not subject to a profit control scheme under its existing franchise. Likewise, its new franchise, which will commence on 1 September 1996, will not be subject to any such scheme.

We therefore need to disapply sections 27, 28, 29 and 31 of the Public Bus Services Ordinance which govern the operation of the profit control scheme whilst retaining:

- (a) section 26 which defines the meaning of key terms;

- (b) section 26A which specifies that financial penalties levied against the bus company cannot be counted as operating expenses for the purposes of fare determination;
- (c) section 30 which enables the Government to specify depreciation rates in respect of franchise related fixed assets; and
- (d) section 32 which requires the company to produce accounts and other information needed for effective monitoring of its bus operations.

The resolution before Honourable Members will give effect to the arrangements I have described. Thank you, Mr President.

Question on the motion proposed, put and agreed to.

MATRIMONIAL CAUSES ORDINANCE

THE SECRETARY FOR THE TREASURY to move the following motion:

"That the Matrimonial Causes (Fees) (Amendment) Rules 1996, made by the Chief Justice on 13 May 1996, be approved."

SECRETARY FOR THE TREASURY (in Cantonese): Mr President, I move the motion standing in my name on the Order Paper.

In accordance with Section 54 of the Matrimonial Causes Ordinance, the Chief Justice has made the Matrimonial Causes (Fees) (Amendment) Rules 1996 to prescribe fees for divorce proceedings commenced by joint application. These require the approval by resolution of the Legislative Council.

At present, divorce proceedings can only be conducted on the basis of a petition. The Matrimonial Causes (Amendment) Ordinance enacted in May 1995 provides, among other things, for divorce by joint application. The Chief Justice has already made the Matrimonial Causes (Amendment) rules 1996 to prescribe the legal procedures in connection with divorce by joint application. The main procedures involved are the filing of a joint application for divorce and

the entering of the joint application in the special procedure list. The Matrimonial Causes (Amendment) Rules 1996 were tabled in this Council on 8 May 1996 and will come into operation on a day to be appointed by the Chief Justice in the Gazette.

The processing of joint applications for divorce is a new service to be provided by the Judiciary. It is therefore necessary to prescribe fees payable in order to implement the Matrimonial Causes (Amendment) Rules 1996. For divorce proceedings conducted on the basis of a petition, a fee of \$630 is now charged for both filing a petition for divorce and setting down an undefended cause for trial. As the work involved in handling the filing of a joint application for divorce, and its entry in the special procedure list is similar to that in handling the filing of a petition and setting down an undefended cause for trial respectively, we propose to charge a fee of \$630 for each of the two new procedures.

The proposed fees will bring in revenue estimated at \$650,000 per annum.

Mr President, I beg to move.

Question on the motion proposed, put and agreed to.

BILLS

First Reading of Bills

BANKING (AMENDMENT) BILL 1996

AVIATION SECURITY BILL

NEW TERRITORIES LAND EXCHANGE ENTITLEMENTS (REDEMPTION) 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

BANKING (AMENDMENT) BILL 1996

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

SECRETARY FOR FINANCIAL SERVICES (in Cantonese): Mr President, I move that the Banking (Amendment) Bill 1996 be read a Second time.

The main objective of the Bill is to amend the Banking Ordinance to provide a legal framework for the regulation of the issue of multi-purpose stored value cards and of foreign exchange and deposit brokers operating in the wholesale market. We also take the opportunity to amend other provisions of the Ordinance to bring them up to date with current requirements and streamline the appeal and penalty provisions.

We need to regulate multi-purpose stored value cards because the issue of such cards is akin to the taking of deposit or to the issue of banks notes. A proliferation of these cards would also have significant implications for the payment system and may create new opportunity for money laundering.

Restricting the issue of multi-purpose stored value cards to authorized institutions is in line with the regulatory inclination of European countries and Singapore. While the market for stored value cards is still evolving and some countries have adopted a "wait and see" approach, we see the need for early action. The later we introduce the regulatory framework, the more difficult it would be to modify any features in the market which are later found to be inappropriate. The legal framework which we propose to put in place now, however, must contain adequate flexibility so as not to stifle technology innovations.

In deciding who may issue multi-purpose stored value cards, we seek to strike a balance between the broad public interest of product innovation and convenience and the need to maintain the stability of the payment system.

We therefore propose that:

- (1) licensed banks would be deemed to be approved to issue or facilitate the issues of general purpose multi-purpose stored value cards;
- (2) a company the principal business of which is or will be the issuing or facilitating the issue of multi-purpose stored value cards (that is what we call "a special purpose vehicle") may be approved as a restricted licence bank or a deposit-taking company; and
- (3) the Monetary Authority would be given a discretionary power to exempt a stored value card from the monitoring regime.

In applying these criteria, it is our intention that the issue of "general purpose" multi-purpose stored value cards should be confined to licensed banks (which are the only entities having access to the payment system). The cards to be issued by "special purpose vehicles" will be more limited in scope. The exact extent of the scope will be specified in the guidelines to be developed by the Monetary Authority in consultation with the various interested parties. The multi-purpose stored value cards to be exempted from the regulatory framework would be those which can only be used to pay for an even more restricted range of low value goods and services.

The Bill does not provide for the regulation of single purpose stored value cards as they are similar to prepayment for specific goods and services. This kind of stored value cards is currently not subject to any regulation. Some Honourable Members have suggested that such cards should also be subject to a limit on the maximum value that can be stored on the card as a means to protect cardholders. We shall further study this suggestion and consider whether an amendment should be made at the Committee Stage.

An orderly and efficient interbank foreign exchange and money market is very important to Hong Kong. The Hong Kong Association of Banks and the Hong Kong Foreign Exchange and Deposit Brokers Association have found self-monitoring difficult because of a lack of statutory protection for them in

exercising disciplinary actions. We propose that the Monetary Authority should be the authorization authority for foreign exchange and deposit brokers. A formal authorization regime will help ensure that high standards of integrity and fair dealing are observed by the brokers. The proposed regulatory framework has the support of both associations.

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).

AVIATION SECURITY BILL

THE SECRETARY FOR SECURITY to move the Second Reading of: "A Bill to make provisions for the prevention and suppression of acts of violence against civil air transport and for connected purposes."

He said: Mr President, I move the Second Reading of the Aviation Security Bill.

The international civil aviation community has, over the years, developed a framework of measures to combat unlawful acts of interference against aircrafts, airports and passengers. These measures are embodied in several international conventions, including the Chicago, the Tokyo, the Hague and the Montreal Conventions. Together, they established internationally recognized aviation security standards. Both the United Kingdom and China are signatories to these international Conventions.

At present, we rely on United Kingdom aviation security related legislation extended to Hong Kong by a number of Orders-in-Council. These Orders, however, are piecemeal by nature, and do not extend all the relevant international requirements to Hong Kong. They will also cease to apply after 30 June 1997. Although the aviation industry has hitherto been very helpful in co-operating with the Government to maintain a high standard of aviation security in Hong

Kong, it will be to the advantage of all of us to have a comprehensive statutory framework for implementing aviation security measures, now and beyond 1997. We have a common interest in ensuring the safety of our airport, the aircrafts fly into and out of it, and the passengers they carry.

The proposed Bill is divided into two main parts; the first part localizes the United Kingdom legislative provisions currently applying to Hong Kong. These provisions specify offences relating to unlawful activities against the safety of an aircraft. Acts which would cause damage or destruction to an aircraft or which endanger the safety of the aircraft, hijacking, and other offences committed on board a Hong Kong registered aircraft will be offences under the Bill.

The second part of the Bill aims to give a statutory basis to the internationally recommended aviation security measures currently implemented through administrative means. A public officer, who shall be designated the Aviation Security Authority, will be responsible for developing and implementing an Aviation Security Programme. This Programme will provide the guidelines and standards for protecting and safeguarding aircrafts, passengers, crews and the general public against any acts of unlawful interference. The Authority will be empowered to issue directions to any company or agency requiring it to comply with specific requirements under the Aviation Security Programme. Non-compliance may lead to enforcement action and penalties.

The aviation industry has been extensively consulted on both the Aviation Security Bill and the Aviation Security Programme during the course of drafting. The Bill and the Programme thus reflect a broad consensus on the most practical way to implement our obligations under the various international Conventions. Our aim is to implement these aviation security requirements on an ongoing basis in co-operation and consultation with the industry. In broad terms, the action that the Authority will be able to take to ensure compliance with the Aviation Security Programme's requirements is progressive in nature. The process will

begin with directions requiring compliance, before actual enforcement actions are taken. Penalties are only sought against persistent offenders and as a last resort. Although the penalties are severe, they are justified having regard to the potential consequences on the loss of life and property, and the damages to our economy of serious aviation security-related incidents.

The Bill does not propose any major change to the arrangements currently in place at the Kai Tak Airport. We have already started discussions with the Airport Authority and the major tenants as regards the proposed aviation security requirements for the new airport at Chek Lap Kok. We are satisfied that our requirements can be met without significant additional financial implications to the industry.

In addition to the informal consultations we have already undertaken with the industry, the Bill also provides for a formal channel of liaison and consultation with the Aviation Security Authority by establishing an advisory Aviation Security Committee. Members of the Committee will include a cross-section of concerned government departments and industry representatives. This Committee will provide advice and assistance to the Authority in his consideration of matters relating to aviation security.

It is important for us to demonstrate to the international community that Hong Kong is meeting, and will continue to meet, internationally accepted aviation security standards and obligations. The Bill enables us to do just that and, in so doing, ensure that Hong Kong's airport remains among the safest in the world.

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).

NEW TERRITORIES LAND EXCHANGE ENTITLEMENTS (REDEMPTION) BILL

THE SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS to move the Second Reading of: "A Bill to provide for the payment of redemption money in respect of land exchange entitlements to the owners thereof, for the extinguishment of rights against the Government under land exchange entitlements, and for matters incidental thereto and connected therewith."

He said: Mr President, I move the Second Reading of the New Territories Land Exchange Entitlements (Redemption) Bill.

New Territories land exchange entitlements, commonly known as Letters A/B, were issued between 1960 and 1983 to landowners in the New Territories whose land was required for development. Letters A were issued if the land was surrendered to the Government before notices of resumption were issued. Letters B were issued if the land was surrendered to the Government after notices of redemption had been issued.

Letters A/B holders were entitled to exchange their entitlements, as an alternative to cash compensation, for building land. The land surrendered or resumed was credited with a face value assessed with reference to the level of land values at the time the land was surrendered or resumed.

The issue of Letters A/B was stopped in 1983 because of increasing difficulties in meeting the exchange commitment. Since 1 April 1984, Letters A/B holders have had the additional option of surrendering their documents for cash in accordance with a schedule of monetized values, which are Gazetted and revised twice a year. These monetized values are determined having regard to the movements of property prices in the New Territories.

Over the years, about 95% of all the Letters A/B have been redeemed by the Government either through land tenders or cash payment. The Director of Lands estimates that a total of about 6.75 hectares of entitlements are still outstanding at present. Out of this, 4.68 hectares of equivalent building land are held by four major property developers. The ownership of the remaining 2.07 hectares of building land is likely to be untraceable because the owners might have died intestate and the estates remain unclaimed or they may have emigrated.

It has been, and remains, the Government's intention to redeem all the outstanding Letters A/B as soon as possible. To this end, sufficient land has been made available in the 1996-97 Land Disposal Programme to cover all the outstanding commitments.

Despite the efforts made, it is unlikely that we will be able to clear all outstanding Letters A/B commitments. The wording of the Letters A/B is open-ended as regards the date of redemption. Moreover, we have no way of knowing when the untraceable Letters A/B may surface and their owners seek to redeem them. These untraceable Letters A/B may remain outstanding for a longer period of time and the Government would not be able to ascertain when it would be called upon to fulfill its commitments to provide land. It is not possible for the Government to make land available in each year's Land Disposal Programme to await such redemption. In any case, it is not feasible for the Government to continue providing land to redeem the residual untraceable commitments which are likely to be held in small packets. We consider that the best way forward is to completely resolve the question by way of legislation.

The purpose of the New Territories Land Exchange Entitlements (Redemption) Bill is to make the land exchange entitlements redeemable for cash only rather than land after an appointed date. We will make available in the current financial year sufficient land to redeem the known outstanding commitments. The new legislation is therefore likely to apply only to those entitlements which are untraceable and likely to be held in such small packets as to make the provision of land for redemption impracticable.

Under the Bill, an owner of a land exchange entitlement may lodge his claim for redemption with the Director of Lands in a specified form. He is required to furnish the director with any required particulars or evidence in support of his claim.

Redemption money shall be payable by the Director to the owner in proportion to their respective shares in the legal ownership of the land exchange entitlement, at the rates set out in the Schedule to the Bill. The scheduled rates are the most recent values published in the Gazette in respect of land exchange entitlements.

We propose that any redemption money payable shall bear interest from the commencement date of the proposed legislation until the date of payment. The rate of interest payable shall be at the lowest rate payable from time to time by note-issuing banks on deposit at 24 hours' call.

The Director may, as a condition of making payment of redemption money and interest to a claimant, require the latter to surrender all or some of the documents furnished to the Director in support of his claim. The Director may also require the claimant to execute an indemnity in favour of the Director in respect of any payment made and of all liabilities, losses, costs, charges and expenses incurred by the Director by reason of or in respect of the payment. This is to enable the Government to seek refund and to recover losses from the claimant in case of fraudulent cases.

A person who furnishes any false or misleading information in a material particular in connection with a claim commits an offence and is liable to a fine at level 5 and imprisonment for three months.

We propose that, except as provided in the Bill, all rights against the Government under a land exchange entitlement shall be extinguished on redemption. The legislation shall come into operation on a day to be appointed by the Secretary for Planning, Environment and Lands.

Following the enactment of the Bill, we will seek in due course the

approval of the Finance Committee of this Council for the creation of a new subhead under Head 701 — Land Acquisition of the Capital Works Reserve Fund for the payment of redemption money.

Mr President, the New Territories Land Exchange Entitlements (Redemption) Bill is aimed to achieve a practical and fair solution to deal with the outstanding Letters A/B. It crystallizes the Government's commitments in respect of the untraceable entitlements and helps persuade holders of the other remaining Letters A/B to exchange their entitlements for land as soon as possible. I commend it to Members for favourable consideration.

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

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

MR FRED LI to move the following motion:

"That in relation to the Waterworks (Amendment) Regulation 1996, published as Legal Notice No. 176 of 1996 and laid on the table of the Legislative Council on 15 May 1996, the period referred to in section 34(2) of the Interpretation and General Clauses Ordinance for amending subsidiary legislation be extended under section 34(4) of that Ordinance until 26 June 1996."

MR FRED LI (in Cantonese): Mr President, I move the motion standing in my name on the Order Paper.

The Waterworks (Amendment) Regulation 1996 seeks to increase water charges and the fees for connection of pipes and miscellaneous services with effect from 1 July 1996. The Subcommittee formed to study this Regulation

and two other Regulations has held one meeting with the Administration. The Subcommittee considers it necessary to seek further information from the Administration on the breakdown of the operating costs of the waterworks before arriving at a decision on the proposed fee increase. As such, the Subcommittee recommends that the expiry period for making amendments to the subsidiary legislation be extended until 26 June 1996.

Mr President, I beg to move.

Question on the motion proposed, put and agreed to.

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

DR LEONG CHE-HUNG to move the following motion:

"That in relation to the Dangerous Drugs (Amendment) Regulation 1996, published as Legal Notice No. 191 of 1996 and laid on the table of the Legislative Council on 22 May 1996, the period referred to in section 34(2) of the Interpretation and General Clauses Ordinance for amending subsidiary legislation be extended under section 34(4) of that Ordinance until 26 June 1996."

DR LEONG CHE-HUNG: Mr President, I rise to move the resolution standing in my name as printed in the Order Paper.

Mr President, in these days of rampant abuse of dangerous drugs, any move by law or otherwise to curb the abuse either through preventing the abusers to obtain the drugs or to "nab" the unscrupulous providers, be they doctors, dentists or pharmacists, is to be welcome.

The Dangerous Drugs (Amendment) Regulation 1996 must therefore not

only be supported but commended in spirit and policy. Regrettably, it has not taken into consideration the moral aspect of the medical and dental practice.

Amongst others, the amendment to the regulation requires the doctors, dentists and pharmacists to record the ID card number of a patient to whom a dangerous drug is supplied. As the Administration rightly pointed out, such would provide a more identifiable and reliable means to trace to whom the drug has been supplied to and would facilitate investigation and law enforcement action.

At the same time, the Administration has pointed out that doctors and pharmacists have no power to check the ID card. Yet under the law, they are the authorized persons responsible to ensure that such number must be correct or face possible prosecution which includes a heavy fine and prison terms.

It therefore is not simply a case of whether a doctor or a pharmacist will use a wrong ID card number as a means to defend his/her unscrupulous supply of dangerous drug illegally, but that the patient may purposely supply a wrong record for which the authorized person will have to take the blame through no fault of his/her own.

In its present form, Mr President, the regulation will create an offence of strict liability with the consequence that an offender would not be able to resort to such defence as to mental element as would normally be available to an offence of a truly criminal nature.

In short, in spite of the fact that a doctor or dentist is performing proper *bona fide* treatment in giving out drugs, but if he non-wilfully put down the wrong ID number, though in good faith, he still stands a good chance of being prosecuted.

Let us look at another scenario that the patient said he forgot to bring his ID card. The Administration has hinted that the doctor can refuse the consultation in the same way as a shop which is not willing to accept a cheque for the sale of a product unless an ID card is produced as proof. The fact

remains that treating a patient is very different from dealing with a commodity. The society expects and the doctor's practice goes much more beyond what is confined in law and the issue of morality is often taken on board. It would be unacceptable to the public and definitely against the good nature of the medical practice to refuse to treat somebody who is sick simply because out of desperation he forgot to carry with him his ID card.

The Administration has said that whether a prosecution would be taken depend on all circumstances of a case, and not every technical breach of the record-keeping requirements will result in prosecution. Yet, the explanation so far essentially relies merely on an assurance of a sensible prosecution policy. This is of course something which the public should take for granted, but it obviously does not address the legality of the problem.

It is, therefore, imperative that in the regulation, some proper defence should be provided to an authorized person who has a reasonable excuse for non-compliance, to ensure that he would not be made criminally liable if he reasonably relies on information supplied by another person or is genuinely unable to comply.

Similar views have been raised by the medical and pharmaceutical organizations. Moreover, at the Security Panel meeting on 2 April of this year, colleagues of both the Security and Health Services Panels had great reservation over the Administration's ambiguous explanation. Regrettably, the Government prefers to push through the amendment before having properly addressed the problems raised.

My motion today, Mr President, which is supported by the House Committee, seeks to extend the period for amending such subsidiary legislation until 26 June of this year, so as to enable the Administration to come out with acceptable suggestions, failing which Honourable Members of this Council may have to introduce necessary amendments. I so move.

Question on the motion proposed, put and agreed to.

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

MR LEE CHEUK-YAN to move the following motion:

"That in relation to the Disability Discrimination Ordinance (86 of 1995) (Commencement) Notice 1996, published as Legal Notice No. 184 of 1996 and laid on the table of the Legislative Council on 15 May 1996, the period referred to in section 34(2) of the Interpretation and General Clauses Ordinance for amending subsidiary legislation be extended under section 34(4) of that Ordinance until 26 June 1996."

MR LEE CHEUK-YAN (in Cantonese): Mr President, I move that the first motion as set out in the Order Paper under my name be approved.

The purpose of the Disability Discrimination Ordinance (86 of 1995) (Commencement) Notice 1996 laid on the table of the Legislative Council on 15 May 1996 is to enable the Equal Opportunities Commission to start operation. I hope we can have more time to consult with the legal advisers of this Council to see if some other provisions in the Notice can become effective at the same time. So I hope more time is allowed for studying this issue. I hope Members will agree that the debate be postponed to 26 June 1996. Despite that, however, I would like to point out that the operation of the Equal Opportunities Commission will not be affected.

Thank you, Mr President.

Question on the motion proposed, put and agreed to.

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

MR LEE CHEUK-YAN to move the following motion:

"That in relation to the Sex Discrimination Ordinance (67 of 1995) (Commencement) Notice 1996, published as Legal Notice No. 185 of 1996 and laid on the table of the Legislative Council on 15 May 1996, the period referred to in section 34(2) of the Interpretation and General Clauses Ordinance for amending subsidiary legislation be extended under section 34(4) of that Ordinance until 26 June 1996."

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

This motion is related to the Sex Discrimination Ordinance (67 of 1995) (Commencement) Notice 1996, and this Notice is also related to the Equal Opportunities Commission. The reason that I move to extend the effective date of the Sex Discrimination Ordinance is the same as what I mentioned in the first motion. It is hoped that more time can be allowed for studies so that more provisions will be put into effect.

I hope you will pass this motion.

Question on the motion proposed, put and agreed to.

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

MR JAMES TIEN to move the following motion:

"That in relation to the Waste Disposal (Charges for Disposal of Chemical Waste) (Amendment) Regulation 1996, published as Legal Notice No. 167 of 1996 and laid on the table of the Legislative Council on 8 May 1996, the period referred to in section 34(2) of the Interpretation and General Clauses Ordinance for amending subsidiary legislation be extended under section 34(4) of that Ordinance until 26 June 1996."

MR JAMES TIEN: Mr President, I move the motion standing in my name on the Order Paper.

I would not have moved this motion if it were not for the disappointing

meeting between the Federation of Hong Kong Industries and the Administration on 29 May. The Waste Disposal (Charges for Disposal of Chemical Waste) (Amendment) Regulation 1996 was Gazatted on 3 May. The Federation of Hong Kong Industries has pondered the Regulation, gauged the views of its Committee members and objected to the suggested 36% increase, subsequently revised to 35% for the compulsory use of the Chemical Waste Treatment Centre. The hefty rise in fees, if adopted without modification, will certainly affect many factories. They feel that the Executive Council has not considered their concerns or interests before approving the high increases.

I am sure Members of this Council are committed to a fair rise for an industry that provides many jobs. I hope that Members will not only agree to this motion but also to only a reasonable rise in fees being charged for the compulsory use of the Chemical Waste Treatment Centre. I would talk in more depth on the matter when we return to a debate on the fees.

Mr President, for now I thank Members for their understanding.

Question on the motion proposed, put and agreed to.

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 3 June. The movers of the motions will each have 15 minutes for their speeches including their replies, other Members, will each have seven minutes for their speeches. Under Standing Order 27A, I am obliged to direct any Member speaking in excess of the specified time to discontinue his speech.

SLOPE SAFETY

MR IP KWOK-HIM to move the following motion:

"That, with the onset of the rainy season and in view of the numerous precipitous and potentially dangerous slopes in Hong Kong due to its special geographical environment, the problem of slope safety will certainly become a cause of public concern once again, this Council urges the Government to face the problem by developing more manpower to speed up preliminary surveys on slopes in the territory and, through

enhanced publicity and educational campaigns, to urge all the government departments and owners of private properties concerned to shoulder the responsibility for surveying and improving slopes and retaining walls, in order to prevent the recurrence of landslips which lead to heavy casualties and to safeguard lives.

MR IP KWOK-HIM (in Cantonese): Mr President, I move the motion standing in my name as printed on the Order Paper.

The rainy season has now arrived. As Hong Kong has a mountainous terrain, the earth may easily become loose as a result of erosion by the rain. Hong Kong being a densely populated city, a landslip on any scale may cause heavy casualties. For this reason, the problem of slope safety has become a cause for public concern once again. In order to prevent the recurrence of any serious landslip similar to that at Kwun Lung Lau in Western District in 1994, or that in Fei Tsui Road, Chai Wan and that in Shum Wan, Aberdeen last year, it is my hope to call on colleagues of this Council and the Government, through this motion debate, to face the problem of slopes in Hong Kong squarely. I also urge the Government to deploy more manpower to speed up the preliminary surveys on slopes in the territory and enhance publicity and education campaigns to make government departments and owners of private properties concerned shoulder the responsibility of surveying and improving slopes and retaining walls, thereby making a concerted effort to remove the threats of landslips to safeguard people's lives.

A catalogue of slopes was compiled by the Hong Kong Government in the year 1977-78 and 10 840 slopes in the territory are registered in this catalogue. The target of the Government is to complete the surveying and upgrading works of these 10 000-plus slopes before 2000. However, as slopes in the New Territories are not registered in this catalogue and in recent years we have seen rapid development of land in the New Territories and urban areas, the number of artificial slopes has increased significantly. According to recent estimates by the Government, there are now 50 000 large artificial slopes in total in the territory and it is expected that the identification and registration of new slopes will not be completed until the end of 1997. Nevertheless, judging from

the progress of the Government in handling such slopes, it will take a century to finish surveying and upgrading these close to 40 000 new slopes.

It may be a bit exaggerated that it should take a century because not all the 50 000 slopes need to be upgraded and repaired. Yet, it is doubtless that the Government is making a sluggish progress in handling slopes in the territory.

From the information provided by the Geotechnical Engineering Office (GEO), of the 50 000-plus slopes in the territory, 60% to 70% are government slopes and the other 30% to 40% are private slopes. In handling these slopes, the current practice of the Government is to start with the identification and registration of slopes and then proceed to determine the risk index of each and every slope. Priority is set according to the degree of danger each slope entails and subsequently geotechnical engineers will be sent to the scene to conduct field surveys.

The Hong Kong Government has now commissioned six consultants to carry out upgrading works for the prevention of landslips and one additional consultant will be employed within this year. Each consultant is responsible for studying 200 private slopes and surveying 40 slopes of which the repair works are to be handled by government departments. As the works relating to rock drilling and the construction of slopes are time-consuming, it will take about two to three years for a slope requiring repairs and upgrading works to go through the whole process from its being identified and registered to the completion of the upgrading works. The Administration estimated that over 1 200 government slopes in total will need to be upgraded between 1996 and 2000. They include 400 slopes under the Highways Department, 200 under the Water Supplies Department, 210 under the Housing Department, 250 under the Architectural Services Department and 120 under other government departments.

At present, in addition to the surveying of slopes in the territory, the GEO is also required to advise various government departments responsible for handling slopes on technical matters and send its engineers to assist in the maintenance and upgrading works. Given the strenuous works involved in upgrading slopes and the limited manpower of the GEO, the Democratic Alliance

for Betterment of Hong Kong (DAB) is of the view that as soon as the GEO has identified a dangerous slope which comes under the jurisdiction of a government department, the GEO should be able to immediately send a notification to that department concerned, which can, in turn, appoint on their own a geotechnical engineer to carry out follow-up actions. In this circumstance, the GEO can pool the available resources to expeditiously complete the preliminary surveys of slopes in the territory so that the public will know early which slopes have a tendency to collapse, thus preventing any undue major panic.

Mr President, regarding private slopes, when the GEO has identified a potentially hazardous private slope, it will send an advice of maintenance to the Buildings Department, which will, in turn, serve a Dangerous Hillside Order to the owners, requiring the owners to carry out slope maintenance works within a designated period of time. Under the Buildings (Amendment) (No.2) Bill 1996 currently under the deliberation of this Council, owners are also made responsible for clearing drains within the boundary of their estates or they may face prosecution.

For private slopes which entail the danger of collapse at any time, the Buildings Department will commission consultants to carry out the works required on behalf of the owners and recover the cost from owners upon the completion of such works. The whole process will take about 24 to 30 months.

From the information provided by the Buildings Department, the Buildings Department has issued, upon the advice of the GEO, a mere 20 Dangerous Hillside Orders a year on average over the past 11 years. In order to tie in with the new initiative to accelerate the Landslip Preventive Measure Programme, the GEO and Buildings Department have jointly set a new target to issue 200 Dangerous Hillside Orders yearly.

The Principal Government Geotechnical Engineer, Dr A. W. MALONE, told me that his office could assign all engineers to handle private slopes if the circumstances so warrant and that the number of Dangerous Hillside Orders issued could be increased to 500 yearly. However, the Slope Safety Section newly set up under the Buildings Department only consists of 27 staff members. Given the limited strength of this section, a mere 200 Dangerous Hillside Orders can be handled a year.

As slope maintenance and upgrading works will incur an exorbitant cost, general surveying works will need more than \$500,000 and the maintenance and upgrading works may even cost millions of dollars at a rough estimate. Owners may face a great deal of difficulties in raising the necessary capital, thus delaying the progress of the works.

With regard to the way private slopes are handled, the DAB suggests that the Buildings Department should accord higher priority to the handling of slopes and deploy its staff flexibly so that staff can be duly deployed, where necessary, to give priority to the handling of private slopes.

As most of the owners have little knowledge of slope maintenance, even when they are served with the Dangerous Hillside Order, they may not know what to do. In this connection, the DAB suggests that a working group made up of staff from the GEO, Home Affairs Department and Buildings Department should be established to help private owners to carry out slope maintenance works. Its terms of reference should include highlighting to residents the importance of slope maintenance and assisting those owners who are served with the Dangerous Hillside Order in carrying out repair works. The Government should also consider enacting laws to require private owners to inspect the slopes regularly to prevent them from sudden collapse due to the lack of maintenance. In this case, owners will not be able to evade their responsibilities and this will prevent delays in the progress of the maintenance works as a whole.

Finally, I would like to speak on the way emergency landslips are handled by the Administration. Mr President, from my own experience in attending to accidents caused by landslips on a different scale at a diversity of places in the territory in the wake of successive heavy downpours in 1995, there is an acute shortage of manpower in the GEO to cope with emergencies. On many occasions of minor landslips, no one from the GEO arrived at the scene even six or seven hours after the accident had taken place. This not only affected the progress of emergency repair works, but also caused inconvenience to residents as they might be held up on their way to work, to shopping or to the market because of the closure of roads.

The DAB urges the GEO to set a performance target, undertaking that in the event of an emergency landslide, engineers shall arrive at the scene within one hour after the landslide is reported to take command of the contingency works.

In this connection, the Civil Engineering Department should increase the number of engineers working on shifts to maintain a 24-hour operation of the emergency control centre. Instead of just one team of engineers, there should be three to four teams of engineers standing by and, where necessary, all seven teams of engineers should be deployed in order to cope with emergency landslips in a more effective way.

Later, other Members from the DAB will speak on other aspects. The Honourable CHAN Kam-lam will speak on the problem of slopes in Kwun Tong; the Honourable NGAN Kam-chuen will speak on planning and the development of land in the New Territories and the Honourable CHAN Wing-chan will put forward our views on the deployment of additional staff.

With these remarks, I move the motion.

Question on the motion proposed.

MR EDWARD HO: Mr President, as the rainy season approaches once again, we remember the tragedies caused by landslides, the one in Kotewall Road in 1972 and the one more recently at Kwun Lung Lau two years ago and the Shum Wan landslide just a year ago. Much of Hong Kong's development have been built on slopes. Professor MORGENSTERN, world renowned geotechnics expert, has commented that Hong Kong will never be entirely free from the fear of landslides.

As a result of the Kwun Lung Lau tragedy, the recommendations of Professor MORGENSTERN who was called in to study the cause of the landslides, and the recommendations of members of the Select Committee set up by this Council for the same purpose, have been received by the Government. The Civil Engineering Department which is responsible for the works has made regular reports on progress of its work in following up with the recommendations to the Planning, Lands and Works Panel. I shall therefore not make any detailed comments on those areas.

Though much has been done, much more still has to be done both by the Government and private owners to render our slopes substantially safe, especially

those which would affect human lives and properties if there is failure.

The Finance Committee of this Council has approved a total of \$73.6 million in May 1996 for the Government to accelerate its programme of systematic identification of maintenance responsibility of man-made slopes in Hong Kong. The Government's programme of completing its investigation programme of slopes is in the year 2000, still some four years away. The Government should ensure that the target of this programme will be met. At the same time, it should consider whether there are ways to accelerate this programme, so that the people of Hong Kong can have peace of mind sooner.

Slopes in the public ownership are the responsibilities of different government departments, belonging to the Highways Department, the Housing Department and many others. The Civil Engineering Department has taken on the responsibility and authority to co-ordinate and supervise the different government departments on slope matters. I hope that it will deal with this in a very diligent manner. Mr IP Kwok-him's suggestion of more manpower and also letting different departments to take up more responsibility is a very good suggestion.

Insofar as private slopes are concerned, there has always been a grey area. Private owners, especially those owners of individual flats, are often not aware of their responsibility under the lease to maintain slopes in sound and safe condition. In particular, areas outside of private properties' boundaries which sometimes have been placed within the responsibility of the owners as part of the lease conditions are often neglected.

The consequence is that slope maintenance is often neglected until the condition of the slope had deteriorated to such an extent that signs of possible failure alerted the government authorities to take action. This would already have posed dangers. In addition, there then are often arguments between the owners and between the owners and the government authorities as to the financial responsibilities, thus delaying the necessary works.

There is a strong need of a much more widespread public awareness as to owners' responsibilities for slopes in their ownership. This should be an ongoing exercise. I also recommend that the Law Society should ask its members to explain clearly to properties purchasers, during the property transaction stage, about the latter's obligations for slopes.

Already, besides enforcement under lease conditions, there are legislative means by which the Government can require to investigate and repair slopes. Where owners failed to comply within a reasonable time, according to the extent of the problem, the Government should take expeditious actions to avoid dangers, and to charge the cost back to the owners.

The Bills Committee set up to study the Buildings (Amendment) Bill 1996 has just finished scrutinizing the Bill. The passage of the Bill in this Council will give more legislative means to deal with drains and sewers buried in slopes which are in private ownership and which pose a risk to slope safety.

This Council is also studying the Buildings (Amendment) (No. 3) Bill 1995 which purports to enhance safety on sites. The eventual passage of the Bill will enable the Building Authority to create a register of specialist contractors who would be responsible for works connected with slopes.

On the other hand, the Bill has not provided for the registration of geotechnical engineers for slope works. This needs to be addressed, as without a register of geotechnical engineers, there is no assurance that professionals employed for geotechnical works are qualified for the job. When problems occur, the Administration would put the total blame on the Registered Structural Engineer who may be a generalist and who may employ a geotechnical engineer to advise him or to do the job for him, or on the Authorized Person who himself may be an architect or a building surveyor and not an engineer whose job was only to co-ordinate the works.

Mr President, the Buildings Ordinance was enacted in 1955. It never anticipated the complex building environment in modern day Hong Kong. Through the years, piecemeal amendments have been made to the Ordinance and its regulations, similar to the (No. 3) Bill. I urge the Government to work with the professional institutions on a comprehensive and fundamental review of the building control system to really bring about substantial enhancement of safety for buildings and for slopes.

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

MR ALBERT CHAN (in Cantonese): Mr President, talking about the slopes and rolling boulders, that reminds me of the Myth of Sisyphus in ancient Greek mythology. This story is about a tyrant in ancient Greece called Sisyphus. He was condemned to punishment in Hades when he died. Zeus ordered him to push a boulder uphill. However, every time the stone would roll down again when it reached the hilltop. Sisyphus had to push the stone up once again, and the same story went on forever. In fact, the problem of slopes in Hong Kong is just like this. Cases of landslides and the rolling down of big boulders have repeated time and again in these years and the victims are the general public. However, the fault does not lie with them. It is all because the Government has turned a blind eye to this issue in the past years, rendering the general public innocent victims.

The Democratic Party and the former United Democrats of Hong Kong have told government officials many times in these years about the potential danger of the slopes in Hong Kong. We have requested the Government to allocate more resources and increase the manpower to improve the supervision, repair and maintenance of slopes. Regrettably, the attitude of the Government is far from positive. It speaks in a servile tone but without taking any concrete action. It was not until July 1994 when the slopes in Kwun Lung Lau collapsed, resulting in serious casualties that the Government implemented emergency measures hastily under public criticisms. I feel really sorry that the Government chooses to do nothing until there are casualties.

In October 1995, the Governor promised in his policy address that \$1.3 billion will be allocated to improve the potentially dangerous slopes in the next five years. We all welcomed this idea. However, the Geotechnical Engineering Office (GEO) has indicated that this fund is only sufficient for inspecting and upgrading the 10 000 slopes listed in the 1977-78 Catalogue of Slopes. According to the GEO's latest estimates, at least 25 000 slopes are not listed in the Catalogue of Slopes. Therefore, in order to finish the inspection and to carry out inspection and repair and maintenance on the other 25 000

slopes, the Government at least has to allocate \$5 billion more. Concerning this expense, the Government so far has not made any promise. What I mean is no concrete plan is yet available concerning these 25 000 slopes.

On the other hand, the GEO estimates that there should be 15 000 private slopes in Hong Kong. But during the 20 years from 1976 to 1994, the Government had only issued 400-odd dangerous hillside orders, that means an average of only about 20 orders each year. Only because quite a number of private slopes collapsed in recent years that the Government has allowed the GEO and the Buildings Department to increase their manpower to speed up the inspection of private slopes. I hope that private property can obtain better protection with this increase in manpower.

As I have mentioned in the very beginning, the Democratic Party thinks the main reason for the many landslides in these years is the general neglect by the Government of slopes and inadequate resources allocation. Hong Kong is hilly with few flat land, and most of the buildings and roads are built along the hillside. Therefore, the supervision and maintenance of slopes are very important. By checking the actual allocations for repairing and upgrading roadside slopes in the past years, we can easily discern the Government's negligence on slopes. The Government allocated some \$64 million to address this problem in 1992-93 but only some \$56 million was allocated in 1993-94. It was only in 1994-95 that the allocation was increased to more than \$180 million.

Since there are numerous slopes in Hong Kong, the above allocation is only a drop in a bucket. Although the Government has increased the allocation significantly in recent years, the Democratic Party thinks the Government should also look at the following points:

Natural Slopes

The present allocation of resources by the Government are for the inspection and improvement of man-made slopes, but there is no upgrading plan for natural slopes. The GEO has explained that since most of the natural slopes are far away from residential areas and the urban districts, it would cause no harm even if they collapsed. Therefore, the GEO only makes use of the aerial-photography method to observe changes in the natural slopes. The Democratic Party thinks there is a very big loophole in this approach. If we take the section of Castle Peak Road between Tsuen Wan and Tsing Lung Tau as

an example, we can see there are a lot of natural slopes. In August 1994, landslips occurred from the natural slopes along that section, causing one death and 17 injuries and Castle Peak Road had to be closed for more than two weeks. Subsequently, after inspection, the Government admitted that there were potentially dangerous slopes in 39 places along that section of Castle Peak Road. The Democratic Party thinks it is necessary for the Government to adjust the present order and methods of handling natural slopes, and to improve the safety of the roadside natural slopes as soon as possible, particularly those natural slopes which are near the residential areas to protect the safety of the public.

Private Slopes

Concerning private slopes, although the Government has strengthened its publicity in recent years, requesting the owners of private buildings to pay attention to the safety of their slopes, and published a free pamphlet *Layman's Guide to Slope Maintenance* for the public, many owners of private buildings are still at a loss. If there are no Incorporated Owners, particularly for those free-standing blocks and old buildings, no one will be willing to take the lead in raising fund for such works. Even if these buildings have received the dangerous hillside order from the Buildings Department, it is difficult for them to carry out the repair works.

I think the Government, especially the district offices, should take up most of the responsibilities to assist these owners to set up their incorporations as soon as possible. The officers in the district offices should take the initiative to contact the owners of these buildings, and provide them with the information on setting up incorporations. Also, they should explain to them the owners' liabilities on repairing private slopes, so as to make them understand their responsibilities. In addition, the Buildings Department and the GEO have to co-ordinate with the district offices to provide professional assistance to individual owners.

Mr President, the rainy season in Hong Kong has begun. We still have vivid memories about the serious landslides in the past few years. I sincerely hope that we will never see any serious landslides nor any casualties resulting from such accidents. However, this hope can only be fulfilled with more inputs from the Government and the property owners.

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

MR CHAN KAM-LAM (in Cantonese): Mr President, earlier on, the Honourable IP Kwok-him has set out the Democratic Alliance for the Betterment of Hong Kong's proposals for the government departments to deal with the problem of dangerous slopes. I would cite Kwun Tong District as an example to demonstrate the inadequacies of the Hong Kong Government's policy on the issue concerned.

There is an old adage which says, "a gentleman should never stand near a dangerous wall". Some residents of Kwun Tong, however, have to live under the constant threat of dangerous slopes against their will. There are a number of blackspots in Kwun Tong in which landslides are bound to occur during the typhoon and rainy season every year. In the less serious cases, traffic would be held up for a short while and in the more serious cases, people would be killed, property would be damaged and traffic would come to a total standstill. Everyone in Kwun Tong knows very well where these blackspots are. Every year, we would remind the authorities concerned to take preventive measures before the onset of the rainy season. However, the Government has often adopted a slow and passive attitude and would only seek remedies after a tragedy has occurred.

In August last year when typhoon signal No.8 was hoisted, serious landslides occurred. The slip of the dangerous slope in Fan Wah Street in Cha Kwo Ling caused many people to lose their homes. This slope, for example, was registered in the Catalogue of Slopes as early as in 1977 and in recent years, landslides of different scales have occurred along this slope almost every year, but the Government only carried out improvement works on this slope once in 1985. The Kwun Tong District Board had discussed the issue before the onset of the rainy season in June last year and asked the Geotechnical Engineering Office to carry out investigation and repair works. However, the officials responsible said that no reinforcement works was needed because there was no immediate danger. However, while the issue was still fresh in everyone's mind, a landslide occurred in less than two months and it was necessary for the Geotechnical Engineering Office to carry out an investigation. Has the issue been treated as too trifling a matter?

Although nobody was injured or killed in the incident, 40 to 50 families had to flee their homes in panic in the stormy weather. The Government should really be blamed for creating this awkward situation.

Another example is the slope near Ma Wan and On Lei Sai Village in Lei Yue Mun. The Government had not carried out any prior assessment, but after serious landslides occurred on a number of occasions last year, the Geotechnical Engineering Office admitted that the slope might slip again in case of heavy rain. However, when the district board and the residents demanded that reinforcement works be done to the slope, the Geotechnical Engineering Office put them off on the pretext that such works had to be carried out in co-operation with other departments and could only be carried out after the squatter huts within the dangerous area have been cleared and the residents affected resettled. Finally, the rainy season approaches again and the squatters have to live under the threat to their lives and property once again.

I wrote to the Geotechnical Engineering Office last month concerning the problem of falling rocks and landslides from the slope near Jats Avenue and Shatin Pass Road in Kowloon Peak during heavy rains and asked the authorities concerned to carry out reinforcement works before the onset of the rainy season. However, the Government replied that since the slope near Jats Avenue had not been registered in the Catalogue of Slopes of 1977, there was as yet no plans of reinforcement for that slope. The case would only be referred to the Landslip Preventive Measures Committee so that it can consider and assess whether reinforcement works of the slope is needed when the scheme for the prevention of landslides is implemented next year. I hope the authorities concerned do realize that for slopes which do not have landslide records, it does not mean that this kind of accidents can never occur.

Whenever there is a heavy downpour, a landslip would occur in Shatin Pass Road. However, the Geotechnical Engineering Office has no plans to carry out investigation and repair works on that natural slope and emergency repair works would only be carried out by staff of the Highways Department at sites where rocks have fallen or on those sections of the slope where a landslide has occurred. This kind of negligent approach is really worrying.

Mr President, as a result of the speedy development of land, a lot of man-made slopes have not been included in the Catalogue of Slopes of 1977. Although the Government expects to complete the registration of new slopes by the end of 1997, the investigation and reinforcement works of more than 10 000 slopes listed in the current Catalogue are expected to be completed only by 2000 because of a shortage of staff. Although we are not saying that the hazard of

landslides is imminent for all the slopes, the progress of work is so slow that it lags far behind what is required to ensure the safety of the public. The above examples demonstrate the problem of a shortage of staff and wrong observation and judgment of the situation of slopes on the part of the Hong Kong Government.

In recent years, the Government has tried to persuade the owners of private buildings to shoulder the responsibility of repairing the slopes within the vicinity of their property. However, the progress of the repair works of the dangerous slopes within the vicinity of government property has been very slow. For example, there had been a number of serious landslides from the slope in Shek Kip Mei in the 1970s in which more than a hundred people were either injured or killed. Although the Government established the Geotechnical Engineering Office after the incident to register all the slopes in Hong Kong, yet the repair works of the said slope formally commenced only recently and will not be completed until September next year, not to mention the progress of repair works for the other slopes.

Besides, the Government did not pay attention to the problem of slopes in its plans to build schools in the past. According to the data provided by the Education Department, more than 400 secondary schools in Hong Kong are situated near slopes and there are a total of 63 schools in Kwun Tong which are built on or near slopes. If these slopes should slip, the lives of hundreds and thousands of teachers and students will be at stake. The slope near St. Antonius' Girls' School and Ko Lui Secondary School actually had a minor landslip last year.

I think the Government should take up the responsibility of repairing the dangerous slopes within the vicinity of schools or near schools so that unhappy incidents can be avoided.

Mr President, the Slope Safety Technical Review Board, which is composed of three world-famous experts in rock-soil mechanics, has recently recommended that the Geotechnical Engineering Office check the volumes of rainfall in different regions by computer and to establish a regional landslide warning system. I hope the Government will really examine the feasibility of

the recommendations and implement as soon as possible the short-term measures of putting up warning signs near the dangerous slopes to warn residents and passers-by. However, in the long term, the Government should deploy additional manpower and other resources to investigate and repair all the slopes in the territory on a regular basis.

These are my remarks.

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

DR SAMUEL WONG (in Cantonese): Mr Deputy, Hong Kong is very hilly and there is little flat land. Therefore, ever since Hong Kong was established as a trading port in 1841, apart from pulling down hills for land, we have to depend largely on reclamation to cope with the demand for housing and other public facilities. For example, Queen's Road East on Hong Kong Island was better-known as "the main road", and Kennedy Road was better known as "the second main road". So, we can see that Queen's Road East was actually the Wan Chai waterfront in the past.

Numerous dangerous man-made slopes have been created because we have to level some slopes for more land. According to a survey report in 1977, there were about 10 000 man-made slopes in an area of 1 040 sq km. The inspection results in the past few years reveal that the number of man-made slopes has increased rapidly to 50 000. That means for every 50 sq km, there is a man-made slope. If we divide this figure by our present 6 million-odd population, every 6 300 people will "own" one man-made slope. We can see that no other countries or places in the world can compare with Hong Kong regarding the loss of lives and property as a result of landslides.

We are all very familiar with the disasters caused by slopes failures. I hope the Government can take early precautions. Regrettably, it is not an easy task to assess the safety of a slope. Even a man-made slope built with the most advanced technology and design can still collapse because of changes in the soil and weather and also heavy rainfall. Also, despite all the resources being allocated to construct and maintain these slopes, we still cannot be absolutely sure about their safety. Therefore, in terms of making the best use of resources and ensuring slope safety, we have to strike a balance to achieve the highest cost

effectiveness.

On the one hand, we have to move the residents living in temporary housing areas under dangerous slopes to flat land. On the other hand, we have to choose between resources and safety standard in order to classify the slopes under "high risk" or "tolerable risk", so that we can properly allocate the limited resources to deal with the dangerous slopes.

Between the 1950s and the 1960s, owing to the construction of roads, many steep slopes were created, but the Government still does not have any intention to improve the situation. Meanwhile, many people are excavating illegally, and that has resulted in landslides. However, even if these people are charged, the penalty for them is surprisingly low.

Over the past 20 years, we have pointed out many times that we are very short of geotechnical engineers. We can read from the newspapers nearly everyday that the Government is recruiting professionals in this field. Actually, should we blame the poor co-ordination between the tertiary institutions and the industry leaders concerned or is it because our young people are reluctant to join this profession with not much prospects?

Generally speaking, in order to deal with the dangerous slopes, we not only need to have adequate resources and manpower. More importantly, we have to make the public understand that despite all the resources being allocated, we still cannot be absolutely sure about the safety of the slopes. Therefore, we have to let the public understand clearly that they should be responsible for repairing the slopes and examining whether the sewer facilities are properly installed within their property rights. In other words, the Administration has to work harder to publicize this, so as to strengthen the awareness of the public and remind them of their responsibility for the slopes within their property rights.

Recently, someone suggested stopping the reclamation projects for land, but I do not agree with this idea. If Hong Kong does not carry out the reclamation projects, does that mean our future development will all be built on slopes?

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

DR HUANG CHEN-YA (in Cantonese): Mr Deputy, in its investigation into the Kwun Lung Lau incident last year, the Select Committee of the Legislative Council put forward numerous recommendations to the Government for improving slope safety. In the 1997-98 Budget, the Democratic Party will be suggesting that the Government allocates more resources to expedite the improvement of slope safety. Therefore, I will not be speaking on these policies today. I will concentrate on talking about other issues.

Mr Deputy, owners of private properties have a duty to survey and improve their slopes and retaining walls. However, owners generally lack the professional knowledge and do not know what is involved and what scope should be covered in the survey works of slopes and retaining walls. For example, in the Kwun Lung Lau incident, the Housing Society (HS) indicated that it did not know whether the consultant company had actually completed the necessary survey works by doing only the first stage of investigation and a surface inspection of the slope. Despite the works department in the HS, even a large-scale organization such as the HS is not in a position to safely judge whether the opinion of the consultant company is correct or not. How can the general owners of private properties be in a position to judge the same? Owners certainly do not want consultant companies to provide substandard service at reduced costs. However, a range of survey works naturally result in substantial charges. On the other hand, owners also worry about being overcharged by consultants conducting unnecessary inspections and maintenance works.

In the light of the foregoing, the Government should provide detailed guidelines so that owners know what to survey, what the scope of such surveys should be, why examinations are carried out, what the purposes of such examinations are, and what the nature of maintenance works is. As it is not until now that owners of private properties are charged with such responsibilities, the Government had better provide advisory service to help owners decide the scope and extent of survey and maintenance works. Regrettably, the Government has adopted a totally irresponsible attitude. We from the Central and Western District have tried many times to invite government representatives to attend owners' meetings to explain to owners what they should do. The Government, however, has been reluctant to send anyone to attend. What kind of attitude is this? What kind of policy is this? I do hope the Government can give us an explanation later. I also demand that the Government states clearly how it will help owners so that they can be really effective in discharging their duties.

Mr Deputy, a few days ago, I went to Kung Man Tsuen in Mount Davis to study the slope problem there. The experience allowed me to see a number of problems the Government must face up to and solve.

At a number of places on the slope at Kung Man Tsuen, there was severe loss of soil. On being knocked, some of the spots sounded like a drum, showing that the slope was very unsafe. The Housing Department (HD) Office taking care of Kung Man Tsuen only attended to the maintenance of the slope surface and did some grouting for the slope. On rainy days, residents there can still hear the gushing of water underneath the slope. HD, however, indicated that nothing could be done as the water did not seep through the slope surface. Moreover, HD said they were not in a position to do anything as the rain water in the soil might have come from government slopes outside the housing estate. On the other hand, in response to our queries, the Government said seeping has not caused any danger, and is therefore not taken as a priority. Furthermore, HD was not sure which department was to deal with Crown land, drainage or slope seepage. So, the dangerous slope at Kung Man Tsuen has become a time-bomb about which no one cares to take any action. This situation resembles the story about arrow-cutting from the book propagating ruthless and unscrupulous deeds. In the story, an unscrupulous doctor just sawed off the shaft of the arrow protruding from a victim's wound. The part that remains in the body, though poses a threat to the well-being of the victim, has nothing to do with the doctor. From this story, we can see that the two government departments have used the arrow-cutting method to deal with the problem.

In practice, a number of private slopes and government ones border on each other. Water and soil go without regard to ownership, not knowing how ownership is distributed. Therefore, in encouraging owners of private properties to maintain and repair slopes, the Government must also ensure the safety of government slopes that affect private slopes. It should also review the law and policies to enable private owners and the Government to work together more closely and more effectively. For example, when a consultant working on a private slope has doubts, can it be allowed to enter Crown land to investigate the source of seepage to survey the safety of the entire slope, or ask the Government to provide data about Crown land surveys? Matters such as these should all be reviewed.

Recently, the Slope Safety Advisory Board pointed out that the tragedies

in Chai Wan and Shum Wan did not occur without signs and warning. If the Government could pay heed to small-scale landslips, large-scale ones can be avoided. Obviously, the Government should make a priority list in slope maintenance as soon as possible to enable urgent cases to be dealt with first.

As regards slope safety, in addition to allocating more manpower and resources, the Government should improve the execution procedures and work methods. It should also enhance the effectiveness of surveying and maintenance works.

With these remarks, I support the motion.

MR AMBROSE LAU (in Cantonese): Mr Deputy, whenever the rainy season comes, the problem of slope safety will become a matter of particular concern to members of the public. In time of torrential rain, slopes which are potentially dangerous pose a constant threat to the lives and property of the public. For a long time, the Government has failed to solve the problem of slope safety and it faces even greater pressure in rainy seasons. That the Government addresses itself to the problem of slope safety only during the rainy seasons is a typical reflection of the lack of early preparation. Strangely enough, as soon as the pressure in respect of slope safety brought by the rainy season is over, the Government will become lax towards the problem of slope safety again. What exactly is the crux of the problem?

Under the existing law, when the Buildings Department identifies that a slope within the boundary of a building is a problem slope, a repair order will be issued to require the owners to carry out maintenance works. However, the Geotechnical Engineering Office (GEO), which is responsible for conducting surveys, and the Buildings Department, which is responsible for serving the slope repair orders on owners, are not performing satisfactorily in terms of work efficiency. In addition, as the maintenance of dangerous slopes will cost several hundred thousand dollars generally, the owners have to agree among themselves to raise the money before they can invite tenders from contractors. It will take several months to one year for the GEO to conduct preliminary surveys and the Buildings Department to issue a repair order. And it will take roughly the same period of time for owners to raise the capital and choose a contractor. With such procrastination, it is little wonder that the progress of the maintenance of dangerous slopes is making an ever sluggish progress. As a result, even those

slopes which have been surveyed and identified as dangerous are not provided with timely repairs. Moreover, the potential dangers of even more slopes which have not yet been surveyed are threatening the safety of the public every year when the rainy season comes.

Mr Deputy, judging from the landslips that occurred in the past few years, there is an upward trend of landslips involving roadside slopes. Last year, more than half of the landslips involved slopes along busy highways and pedestrian walkways but the Government has consistently neglected the potential dangers posed by slopes along busy roads, without giving priority to surveying and upgrading such slopes. This is, evidently, a loophole. This year, the Highways Department has pinpointed 30 roads where landslips have occurred previously and asked consultants to give priority to these slopes to ensure that the inspection of these slopes will be completed before the rainy season arrives. However, the Highways Department is now responsible for managing roads of some 1 700 km in length, with 4 000 roadside slopes situated along 670 roads. Some of these slopes are even situated alongside busy highways and pedestrian walkways. In view of the upward trend of landslips involving slopes beside busy roads, the Government should speed up the surveying and upgrading works of all slopes along busy roads. The consultant commissioned by the Highways Department has completed the preliminary inspection of 4 000 roadside slopes in the territory but engineers found that there are, at present, 1 000 slopes of which the stability cannot be determined with the naked eye. These cases have now been referred to the GEO for further safety assessment. The Government should provide additional resources and manpower to carry out surveys on these 1 000 slopes alongside busy roads and, if there is any danger, remedial works should be carried out promptly.

Mr Deputy, the Highways Department has issued a total of 500 repair orders since 1985 but still, repair works have not been completed in more than 100 cases. We should not put all the blame on the owners of private slopes for the slow progress in the maintenance of dangerous slopes. The Government is also not doing its part. First, neither the GEO nor the Buildings Department are performing satisfactorily in terms of work efficiency when surveying private slopes and issuing repair orders. Second, the Government has not taken a serious attitude towards the strengthening of publicity and education on slope safety for private owners. The Home Affairs Department has neither provided adequate technical support for owners nor enhanced the organizational work of the Building Management Co-ordination Team. All these have caused delays in

the maintenance of dangerous slopes. Such being the case, the GEO and the Buildings Department should improve their work efficiency and the Home Affairs Department should provide technical support to owners to enable the early commencement of the work in respect of fund-raising, tenders and the maintenance of dangerous slopes.

Mr Deputy, in view of the 40 000-plus slopes in Hong Kong, the Government should focus on the crux of the matter. It should also improve efficiency in order to remedy the situation or the problem of dangerous slopes will remain unsolved year after year despite the fact that the matter is brought up for discussion year after year.

I so submit.

MR NGAN KAM-CHUEN (in Cantonese): Mr Deputy, the Honourable IP Kwok-him has just explored in detail the problem of slope safety. I will try to further elaborate from the perspective of development strategy and planning for the whole territory.

Hong Kong has long been facing the problem of insufficient land. In order to sustain its economic development and cater for housing needs, we have to constantly look for suitable pieces of land for development. However, the situation of demand exceeding supply is still very serious. Land prices continue to soar and some pieces of land which are of poor quality or close to the slopes are also being developed. This is particularly so in the urban areas and the urban fringes.

There is no doubt that these pieces of urban fringe land have comprehensive transport infrastructure and have easy access to the commercial centres. Even though slope safety problem exists, they are still very popular among the real estate developers. Under the temptation of considerable land sales revenue, the Government is also willing to sell these pieces of land.

Nevertheless, this approach of development is not far-sighted and only focuses on short-term benefits. Although housing shortage can be relieved, there will be endless troubles for the future.

The Government may conduct surveys before putting the land for sale in order to ensure that it is suitable for construction and the developers may also reinforce the slopes. But if after some years the slopes are improperly maintained or have not been maintained for a long time, it is difficult to ensure that the landslide tragedies will not occur again.

By some simple statistics, we can discern that those fringe areas on Hong Kong Island like Western District, Island South and Chai Wan are the main locations of slope failures which led to heavy casualties in the last few years. All these areas are densely built and the buildings are constructed along the hills, very near to the natural or reinforced slopes. Once there is any accident, the result will be disastrous.

The Government so far is still going ahead with this wrong direction of development. As far as I know, there is a slope near to the yacht club in South Bay on Hong Kong Island which was originally allocated for recreational purposes but has recently been changed into residential use. It is now being developed by the Housing Society for the construction of sandwich class housing. How come the Government has not learned from past lessons and still does not seriously start planning to solve the slope safety problem completely?

Hong Kong has an area of about 400 sq km. Among the 6 million population, two thirds of them are living in the urban areas comprising less than one tenth of the total area. According to the development strategy for the whole territory, the population of Hong Kong will reach 8 million by 2011. By that time, there will be insufficient land in the urban areas for development to accommodate the huge population and to stimulate economic development. If the Government does not adjust its strategy and is still dependent on developing the urban areas and the urban fringes, it will be very difficult to improve the quality of the urban environment and also to relieve the slope safety problem in the urban area.

In my view, the Hong Kong Government should face squarely the problem concerning the imbalance in developing the New Territories and the urban areas. It should have the development scattered throughout the entire territory and release most of the land in the New Territories bearing potential for development. Since an overwhelming proportion of these pieces of land are flat and are not prone to slope hazards, if only the Government can speed up levelling the land,

improving the transport infrastructure and increasing the urban facilities, the appreciation in value in regard to these pieces of land should not be lower than those in the urban areas.

Mr President, in view of the slope safety problem, apart from increasing the resources for speeding up the surveys on slopes and the reinforcement works, the Government should also consider the overall planning and development of Hong Kong and make long-term plans for slope safety.

With these remarks, I support the motion.

MR CHOY KAN-PUI (in Cantonese): Mr Deputy, given Hong Kong's geographical conditions and its limited space but large population, not a few Hong Kong residents are living on or near to the slopes. As the geological structure of Hong Kong is largely quite loose, a lot of slopes are potentially hazardous. Together with the imperfect drainage system, the neglected environment and the blocked drains, during the rainy season when torrential rain cannot be drained away in time, slope failures and landslips will easily occur. With the increase in the number of slopes and the degree of danger, people living down the slopes can hardly rest while passers-by cannot set their hearts at ease either.

After the "June 18 downpour" in 1972 triggered off the landslips in Sau Mau Ping of Kwun Tong and Kotewall Road in the Mid-Levels on Hong Kong Island, incurring heavy losses of human lives and properties, the Government undertook that it would spend 20 years to inspect the more than 10 000 slopes at that time. However, some 20 years have elapsed, but the dangerous slopes remain there while the number of man-made and natural dangerous slopes is ever increasing. Disregarding the cases long time ago, the collapse of the retaining walls at Kwun Lung Lau two years ago and the Shum Wan landslide in Aberdeen last year both incurred heavy casualties. As the "Report on the Slope Safety Review" recently released by the Government points out, it is not until 2000 that the Government can accomplish the inspection and improvement work of the more than 10 000 slopes designated in the undertaking at that time. The slow progress is indeed disappointing. In the light of the rapid land development in Hong Kong, the number of slopes of varying sizes in the territory has already increased by 40 000 by now. Given the current pace and resources, do we really have to wait for more than 80 years in order to complete the review of all the present slopes? Not to mention solving the problem of dangerous slopes!

The situation is as such because the Government has not learnt the past lessons but is still sticking to the stop-gap and last-minute measures. It does not have the determination to solve this problem thoroughly. Among the 50 000 man-made and natural slopes of varying sizes in Hong Kong at present, about 40% of them are private slopes. These slopes should be repaired by the owners concerned. However, since there are a lot of owners and the costs of repairing are considerable, the owners do not have a strong sense of responsibility in regard to repairing the dangerous slopes. Therefore, unless the Buildings Department issues a repairs order, the private owners will seldom carry out any repairs and reinforcement work out of their own initiative. Besides, due to the policy and manpower problems, the progress of the Geotechnical Engineering Office (GEO) in surveying the slopes is very slow. Thus, from the surveying of the GEO to the issuing of a repairs order by the Buildings Department, it usually takes a rather long period of time. Furthermore, there are too many owners for each slope. It will take another long period of time for them to negotiate and then raise money for repairing the slope. Therefore, the progress of the repairing and reinforcing work is normally extremely slow. In respect of repairing the non-private dangerous slopes, the progress is not much better. Unless the slope poses some imminent danger, otherwise the Government will simply procrastinate.

Apart from the above, one of the very important reasons for dangerous slopes to develop is the underground drainage system. This issue has long been neglected by the Government. It is not until recently that the Housing Department is learnt to have the intention of allocating nearly \$100 million to hire a consultant to do a large-scale inspection of the underground drains. The purpose is to survey the drainage systems under the Housing Department in order to prevent any drainage blockage which may affect the stability of slopes. As a matter of fact, is the underground drainage problem merely affecting the public housing estates?

All in all, it is because of the Government's failure to look squarely at the problem of dangerous slopes, allocate sufficient resources to expand the manpower of the departments concerned and provide enough training to the GEO staff in the past that the slope problem could not be solved properly. The Hong Kong Progressive Alliance opines that the Government should really pay more attention to the problem of slope safety and redress the deficiencies mentioned

above thoroughly.

Mr Deputy, on behalf of the Hong Kong Progressive Alliance, I support the motion of the Honourable IP Kwok-him.

MR CHAN WING-CHAN (in Cantonese): Mr Deputy, Professor MORGENSTERN, the Canadian geotechnics expert, was invited by the Administration to come here to conduct an investigation on the Kwun Lung Lau incident in which the retaining walls of the building collapsed. Recently, a few more foreign geotechnics experts have also been invited to Hong Kong for surveying the slopes in the territory. How come the Government is only looking for experts from foreign countries instead of recruiting them locally? Mr Deputy, I think that the situation is solely created by the Government.

The Government is responsible for the grave shortage of geotechnical engineers

All along, the Hong Kong Government has not been paying much attention to the training of local geotechnical engineers and there has been a shortage of rock mechanical experts in the civil service. Even after the massive landslide in Sau Mau Ping which incurred extremely heavy casualties in 1972, the Government was not active in training this kind of experts. It is not until recently that the first batch of graduates on geotechnical engineering majoring in rock mechanics is trained from the local tertiary institutions. I, therefore, reckon that it is indeed difficult for the training of local talents to match the Hong Kong Government's progress in tackling the slope safety problem quickly. It is indeed necessary for the Government to improve this situation.

The Government's short-term solution to manpower shortage in the Geotechnical Engineering Office (GEO)

Mr Deputy, hence in the short run, the Hong Kong Government should absorb the first batch of locally trained geotechnical engineers mentioned above into those government departments concerned as soon as possible. Besides, I think that the Government can recruit geotechnical engineers for the departments concerned to be responsible for the slope maintenance works within their respective areas. This will help relieve the pressure on the GEO, which can thus be better prepared for any contingency in the coming rainy seasons by

allocating more resources to the survey of private slopes.

Furthermore, the Government should also increase the number of engineers on duty round-the-clock at the proposed emergency control centres so that they can deal with emergencies in landslips more efficiently. In order to be in line with the recommendation of the Slope Safety Technical Review Board in regard to changing the existing territory-wide landslip warning system into one on regional basis, the Administration should also make immediate arrangements on manpower as well as other resources so that the system can work as expected.

Long-term manpower arrangement to improve slope safety

Mr Deputy, the Government should conduct a thorough review of the medium and long-term manpower arrangements for those public works departments like the Buildings Department, the GEO and so on. Before formulating a proposal on manpower targets, it should draw up a performance pledge for the GEO. It will be better if it is undertaken that in the event of a sudden landslip, an engineer will arrive at the scene within one hour upon notification received by the department so as to take command of the various contingent work.

Corresponding legislative work to be in line with manpower deployment

Moreover, if the Government is doing a good job in regard to the medium and long-term manpower deployment, it can consider enacting legislation to provide more resources in dealing with the above situation so that private property owners will be more responsible for the slope maintenance and consolidation works within the vicinity of the buildings.

Conclusion

Finally, I would like to see more local geotechnical engineers in the Hong Kong Government in eight or ten years' time rather than seeing it solely relying on foreign experts as in the present situation.

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

DR JOHN TSE (in Cantonese): Mr Deputy, slope safety is not a new subject. It has also aroused public concern previously. But regrettably, we still have to debate on this issue today and it is still the centre of Members' concern. It is difficult not to doubt the effectiveness of the Government's work in this respect.

All along, the Government has only emphasized on alerting the people to slope safety, which is in fact not enough. In particular, for those owners of flats in private buildings where there are no Owners' Corporations or property management agents to take care of the buildings, although they are well aware of the dangerous slopes in their vicinity, they cannot carry out the repair works because of the difficulty in raising the fund. It is of great urgency to find out how to ensure that flat owners of private buildings have the ability to take up the responsibility of repairing the slopes. In addition, the Government should consider providing those owners with a list of contractors who are qualified to carry out slope repair works so as to reduce the owners' difficulty in finding suitable contractors.

Furthermore, I hope that the Government will not just pay attention to the artificial slopes and neglect the danger of natural slopes, especially those in the New Territories. In the past, the natural slopes were far away from residential areas in the New Territories. Even when there were landslides, few problems arose. But along with the rapid development of the New Territories, the population has increased; and at the same time, the cutting of the hillsides has affected the stability of the natural slopes. Hence, the Government should pay more attention to their safety.

Slope safety is directly related to people's personal safety. The Government should not wait any longer. I hope that the Government will put in more manpower to complete the inspection of all slopes in the territory, establish an information bank of all these slopes as soon as possible and ensure the safety of all slopes through regular inspection.

Mr Deputy, I so submit.

MR YUM SIN-LING (in Cantonese): Mr Deputy, Hong Kong is probably the city with the greatest number of tall buildings built on slopes or near slopes in the world. Amongst cities which come under the attack of typhoons, it is also rare for one which has so many miles of major highways that are close to slopes.

Obviously, the safety of the slopes has a great potential impact on the traffic and the lives and property of the people in Hong Kong.

Mr IP Kwok-him's motion concerns about the safety of slopes and demands that the Administration should take preventive measures and take up the responsibility of surveying. These are very good ideas which I agree with in principle. However, according to an estimation by the Geotechnical Engineering Office (GEO), there are at present 50 000 man-made slopes in Hong Kong, and about 40% are private slopes. It will take about 20 years for the 50 000 slopes to be included in the register for new slopes for evaluation and reinforcement works. The works to be carried out on the slopes at present should cost about \$400 million a year, which is quite a huge sum. Even those for private slopes should cost \$160 million a year. We can see from this that the number of slopes within private land is not a small one. If the works for all these slopes are to be handled by the Government, it would seem unfair to the other taxpayers, and it would also be a heavy burden in terms of time. Therefore, they must not be dealt with by the Government alone. What the Government should do is to set down the minimum qualifications for civil engineers responsible for the surveying of slopes and to launch a publicity campaign overseas so that more consultants or private engineers may take part in slope surveying. Last time, for the Kwun Lung Lau landslip, the Government hired a Canadian consultant to conduct a review. As a matter of fact, many returnees to Hong Kong or those Chinese civil engineers who are residing overseas but are prepared to return to Hong Kong may also take part in the surveying of private slopes. The Government can concentrate on public slope surveying, while various private companies can then be easily engaged very soon to survey private slopes. Hopefully this will speed up the surveying process.

Apart from prevention, we are more concerned about the handling of contingencies. According to the inspections carried out by the Highways Department through its consultant, there are over 4 000 roadside slopes in the territory, and more than 1 000 roadside slopes along some 300 roads need to undergo soil investigation to assess their safety. Last year, there was an accident in Tuen Mun Road in which a huge boulder crashed a retaining wall and blocked the traffic. The police did not adopt the most effective way to ease off the traffic (which entailed altering the traffic direction of one of the lanes on the other side of the road) for reason of insufficient manpower at the scene. It was really regrettable. Indeed, the police could have assigned some of its officers from nearby police stations and that should be the correct way of dealing with the

situation.

Also, according to the Contingency Plan for Disasters in Hong Kong drawn up by the Security Branch, the police and the Fire Services Department are normally the first parties to be notified whenever a disaster occurs, and they will trigger the warning system which relays the message to the Security Branch. The Government Secretariat Emergency Co-ordination Centre (GSECC) will then start the operation and ultimately co-ordinate the so-called "non-military" contingency measures. Such kind of planning looks fine, but can it really deal with contingencies at the soonest moment in the course of operation? Take the above-mentioned example of Tuen Mun Road, it seems that the final decision rests with the police instead of the GSECC. Therefore, I propose that an accidents unit should be set up in every district office to deal with contingencies. This accidents unit has to have permanent members who will, on the one hand, convene meetings regularly and, on the other, invite all the relevant departments (including the Security Branch, Transport Department, GEO, Social Welfare Department and the hospital(s) in the district), owners of the slopes involved and District Board Members to take part in the work of the unit. Thirdly, there ought to be a way to contact people in case of emergency. For instance, if anything happens and the District Board Members are the first to be notified by the public, they can inform the unit immediately.

Earthquake does not happen in Hong Kong, but flooding does occur in some parts of the territory. However, the water level during a flood rises gradually, which is unlike the disaster of a landslide that occurs in a matter of seconds and it is often impossible for people to escape in time. For this reason, slope crisis should receive the utmost concern. It is hoped that by today's motion, we can set the Government off to improve its preventive measures and thus also strengthen the organizations for contingency planning to tackle disasters.

Mr Deputy, with these remarks, I support the motion. Thank you.

SECRETARY FOR WORKS (in Cantonese): Mr Deputy, first of all, I would like to thank all Members for their valuable advice. The Government understands their concern for slope safety. But the most important problem we are now facing is a great amount of work and a colossal project to be undertaken. Members have mentioned some problems which have to be solved as a matter of

priority. What they have said reflects a problem: whether we have sufficient resources and manpower. Today I am glad to hear that Members agree to have more resources and manpower allocated by the Government for slope-related works. I ask for Members' support so that the Works Branch can get more funds to speed up all slope-related works. I can assure Members that slope-related works are given top priority among all other projects of the Branch. We will make the best use of our resources and manpower in solving slope problems speedily and effectively.

Mr Deputy, in fact, we have already started to apply for more manpower. In February 1995, the Executive Council approved the Report on the Slope Safety Review prepared by the Works Branch. The report recommended that more manpower and funding should be allocated to the Geotechnical Engineering Office (GEO) and the Buildings Department in order to speed up surveys on slopes listed in the Catalogue of Slopes prepared during the years 1977 and 1978 and to carry out necessary follow-up actions as soon as possible. It is because these two departments can give full play to their capacity and work done in the coming years can be doubled after more manpower and funding have been allocated to them. In other words, Dangerous Hillside Orders issued to private property owners based on investigation results and the number of improved government slopes will increase tremendously. However, we must understand that there is actual limitation to the works that can be done by these two departments because, as Members have mentioned, it depends on whether there is sufficient manpower, the progress of the recruitment exercise for geotechnical staff and the practical engineering problems that may be encountered. These two factors affect the progress of work of these two departments.

The Government is now drafting a plan to identify all previous artificial slopes which will then be put into a new Catalogue of Slopes for study and treatment. Regarding the total amount of resources needed for slope improvement, I believe this can only be determined after we have obtained information from surveys. But we expect that slope cataloguing will be completed by the end of 1997. I believe we can determine who should be responsible for the maintenance of what kind of slopes by the year 1999 at the latest.

Regarding the stepping up of publicity and educational campaigns, I believe this is a long-term strategy. We clearly understand that public education

on slope safety is needed in order to mitigate the threat of landslides to Hong Kong. Since 1992, the GEO has been implementing a systematic slope maintenance plan which includes continuous public educational activities. The main purpose of these campaign activities is to convey a message to the public that regular inspection and slope maintenance are needed to ensure the structural safety of slopes, and that property owners should be responsible for the maintenance of slopes. We believe the costs involved will not be too great if there is regular inspections and maintenance of slopes. The target participants of these campaign activities include owners of private properties and those government departments responsible for slope maintenance such as the Buildings Department, the Architectural Services Department, the Highways Department, the Water Supplies Department and the Agriculture and Fisheries Department.

The *Layman's Guide to Slope Maintenance* published by the GEO can provide property owners with guidelines on slope maintenance. The Office will also provide enquiry service on slope maintenance in the next two years.

The GEO will soon launch a new publicity-cum-education activity with the purpose of mitigating the threat of landslides in rainy season. Through these activities, the public can obtain suitable advice as to what precautions should be taken in bad weather. In rainy days, the Government will erect appropriate warning signs at places where landslides are apt to occur.

The Government will press the relevant departments and private owners to take up the responsibility for slope surveys and the improvement of retaining walls. Although there is an increasing public awareness as to the importance of slope maintenance, the maintenance of slopes, on the whole, is still not satisfactory. The Government is now actively considering taking the last resort: to force property owners to maintain private slopes through legislation and compel them to carry out slope maintenance.

Regarding government slopes, maintenance is carried out by the responsible departments and GEO. In fact, all departments concerned under the Works Branch have carried out general maintenance and surveys. Those departments which are responsible for slope maintenance will follow the guidelines in Geoguide Volume Five which has excerpted the work standards published in *Layman's Guide to Slope Maintenance* published by the GEO. In so doing, maintenance projects can be speeded up and the occurrence of landslides, especially those which will affect the use of public roads, can be

reduced.

Thank you, Mr Deputy.

PRESIDENT'S DEPUTY: Mr IP Kwok-him, you are now entitled to reply and you have four minutes 27 seconds out of your originally allotted 15 minutes.

MR IP KWOK-HIM (in Cantonese): Mr Deputy, first of all, I would like to thank the Honourable Members for their support to my motion today. Other than the problem of flooding in the New Territories, slope safety is also a matter of utmost concern to members of the public whenever the rainy season comes. Just now many Members have made a reference to the geographical environment of Hong Kong and, in particular, the fact that many buildings and residential premises on Hong Kong Island are built on the slopes of mountains and so it seems inevitable that residents have to face the problem of slope safety. That said, it is never the wish of the public to see a recurrence of accidents in every rainy season similar to the collapse of the retaining wall at Kwun Lung Lau in 1994 or the landslips at Shum Wan Road and at Fei Tsui Road in Chai Wan last year, which caused heavy casualties. I must stress again that under Hong Kong's present economic conditions, the Government must attach great importance to the problem of slope safety by injecting more resources such as manpower, material support and so on with a view to safeguarding lives. The Secretary for Works has stated earlier that additional resources will be provided and this, I believe, will be strongly supported by Members of the Legislative Council.

At present, there are 50 000 large slopes in the territory. If the preliminary surveys of these slopes cannot be completed shortly, we will be very worried about their safety. It is because as a result of erosion by rainy weather, these slopes will, over time, become a "time bomb" that follows us everywhere as we may not have the slightest idea on which day and at what time the slope beside the road that we usually pass or the slope near our residence will eventually collapse. We are very happy to learn that the Geotechnical Engineering Office is currently looking into a regional landslip system, under which rainfall in various districts will be monitored. This will enable us to forecast the risk of landslip in different districts. I think this is a very

encouraging message and hope that the Government can earnestly study and implement this system. The Administration must also arrange for the appropriate deployment of manpower and other resources to tie in with the operation of the new system to ensure that when the system sounds the alarm, someone will be there to attend to the situation promptly.

It can be said that Honourable colleagues in this Council have reached a consensus today to urge the Government to concern itself with the problem of slope safety. The Government must address this issue squarely. The Secretary for Works has mentioned just now that the Government will undertake a host of work on slope safety covering the resources, publicity and education. He also mentioned that the Works Branch will accord top priority to the problem of slope safety. Yet, the thing is members of the public have an increasingly high expectation of the Government's commitment towards slope safety. For this reason, the Government must step up its implementation of more effective and appropriate measures to respond to the call of the community.

Just now many Members have made a lot of good suggestions which I hope the Government will take into consideration. The Honourable Edward HO brought up the questions of whether lawyers should explain to property purchasers in more detail and whether an open register of geotechnical engineers should be introduced to enable the general public to have a better understanding. The Honourable Albert CHAN also recommended that a joint working group consisting of representatives from the Geotechnical Engineering Office, the Home Affairs Department, the Buildings Department and so on should be set up to assist in the maintenance of private slopes. As an elected District Board Member of Kwun Lung Lau, I absolutely do not wish to see any recurrence of landslips causing casualties in this rainy season. I so submit.

THE PRESIDENT resumed the Chair.

Question on the motion put.

Voice vote taken.

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

Mr CHAN Wing-chan claimed a division.

PRESIDENT: Council shall proceed to a division.

Division Bell rang for three minutes.

PRESIDENT: I would like to remind Members that they are now called upon to vote by division that the motion on slope safety moved by Mr IP Kwok-him as set out on the Order Paper be approved.

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

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

Mrs Selina CHOW, Mr Martin LEE, Mr SZETO Wah, Mr Edward HO, Dr LEONG Che-hung, Mr Albert CHAN, Mr CHEUNG Man-kwong, Mr CHIM Pui-chung, Mr Frederick FUNG, Mr Michael HO, Dr HUANG Chen-ya, Mr LEE Wing-tat, Mr Eric LI, Mr Fred LI, Mr James TO, Dr YEUNG Sum, Mr WONG Wai-yin, Mr CHAN Kam-lam, Mr CHAN Wing-chan, Mr Andrew CHENG, Mr CHENG Yiu-tong, Dr Anthony CHEUNG, Mr CHEUNG Hon-chung, Mr CHOY Kan-pui, Mr Albert HO, Mr IP Kwok-him, Mr Ambrose LAU, Dr LAW Cheung-kwok, Mr LAW Chi-kwong, Mr LEE Kai-ming, Mr Bruce LIU, Mr LO Suk-ching, Mr MOK Ying-fan, Miss Margaret NG, Mr NGAN Kam-chuen, Mr SIN Chung-kai, Dr John TSE and Mr YUM Sin-ling voted for the motion.

THE PRESIDENT announced that there were 38 votes in favour of the motion and none against it. He therefore declared that the motion was carried.

INCREASING FUNDING FOR FUNDAMENTAL EDUCATION

MR CHEUNG MAN-KWONG to move the following motion:

"That, as the accumulated increase in funding for fundamental education during the past five years has lagged far behind the economic growth, this Council urges the Government to expeditiously increase the funding for fundamental education to make up for the shortfalls of allocation which has lagged behind the economic growth, to actively seek resources for reforming the school curriculum; increasing the number of teachers and strengthening their training; introducing modern teaching facilities; providing more space for school activities and improving the teaching environment, and to formulate promptly the timetable for implementing whole-day primary schooling and abolishing floating classes in secondary schools, in order to promote the overall development of students and enhance the effectiveness of school education."

MR CHEUNG MAN-KWONG (in Cantonese): Mr President, four years ago, I initiated a motion debate in this Council because the Government reduced the funding for fundamental education. At that time, I quoted the following lines of Mr LU Xun as my conclusion because they reflect my conviction in the aims of education: "I bear the heavy burden of following the out-moded rules and push against the gate to darkness. I let them out to a bright and open environment where they will live happily and reasonably thereafter." Today, I would use these lines as my preamble because I really think that it is a pity that there are too many heavy burdens of following the out-moded rules in the education system in Hong Kong. These burdens are in fact continuously put on the shoulders of our children and deprive them of a bright and open environment. Therefore, I have to move a motion to increase the funding for basic education once again to remind the Government that education is the most important investment and that it is a shameful sin to take advantage of our children. The society will eventually have to bear the evil consequences.

My accusation is not intended to be a random remark. If we take a look

at the accumulated growth in the funding for basic education over the past four years, we will realize that it is 12% less than Hong Kong economic growth rate. The accumulated growth of the past four years in the funding for primary education, which is only 8%, and that for secondary education, which is only 10.9%, have both been lower than the economic growth rate. Here, I have only compared the figures for the past few years. If we look back at the history of primary and secondary education, we will notice that the floating-class system has existed in secondary schools for more than 20 years while the half-day school system has even existed in primary schools for more than 40 years. The heavy burden of following the out-moded rules which has been carried for generations still exists.

Although our society has progressed, our education system has continued to regress. Hong Kong is not a place where one can receive quality education. Those who have been to other countries will praise and admire the education systems there and people who have returned to Hong Kong after emigration can only find what they regard as a good school in one of the international schools. Why is our local education system so problematic and why are there so many flaws? In fact, if we are to keep the tally, there are at least seven sins which are apparent:

1. The Government has long neglected secondary education, primary education, kindergarten education and special education and has not formulated any comprehensive and effective policy to improve basic education. Besides, there has been a constant shortage of appropriations for education and basic education has never been considered as the most important investment in manpower. Worse still, the children's right to receive good education has consistently been deprived of. How can we expect to produce talented people from generation to generation by providing low-cost education of poor quality?
2. We are living in an age of advanced technology and our society is undergoing the process of economic transformation, but our curriculum is very much out-dated. Our education cannot keep pace with the times and the development of society while our school

education and the level of language proficiency can neither satisfy the curiosity of students nor the needs of our society.

3. There is an excessive number of students in each class in our primary and secondary schools, making it impossible to have individual counselling or teach according to the aptitude of individual students. Those students whose abilities fail them or those who lag behind would often lose interests in learning as a result of a lack of proper care and they would become the losers or sacrifices of the present education system.
4. Since there is a lack of teachers, discipline masters, counsellors, social workers and clerks in schools and there is a shortage of professional support staff in special schools, it is impossible to carry out education reforms, implement new teaching measures and to discipline and counsel students in schools. Teachers thus have to suffer a lot of stress at work.
5. Facilities in schools are out-dated. Although home computers are becoming more and more popular nowadays, there are still only a blackboard and chinks in the classroom. Even the more modern audio-visual equipment is seldom used, not to mention the introduction of modern computer-aided instruction in preparation for the new era.
6. School premises are cramped and there is little room for free movement. The designs of school buildings are traditional, they are dilapidated and the classrooms are designed like closed cubicles. Imagine that students have to stay in the same old place to be taught for most of the day, how can they have the best physical and mental development?
7. Since the inception of universal education, efforts have been made to provide sufficient school places. Attention has been paid to the

quantity of education at the expense of the commitment in quality. The system of half-day school in primary schools and the system of floating classes in secondary schools were meant to be temporary measures. However, even these temporary measures have been implemented for 30 years or more and soon they will have been implemented for half a century. Very soon, things will really have remained unchanged for 50 years. Stagnation for 50 years means that there has been no improvement in education for half a century and the price to be paid is immense.

In order to prepare for today's motion debate, the Hong Kong Professional Teachers' Union, to which I belong, has asked school principals and teachers to fill in survey questionnaires concerning the funding for education. The result shows that almost 80% of the interviewees think that the funding for kindergarten education is the most insufficient and 75% of them think that the funding for primary education is insufficient. This shows that these two aspects of basic education have the poorest foundation.

After more than 10 years of struggle by the non-government bodies, there has been a breakthrough in kindergarten education from a state in which there was no policy to one in which policies have been formulated. However, the amount of subsidies that can be obtained is still pathetically small. A pupil studying in a subsidized kindergarten only receives government subsidies amounting to \$790 a year. The case of primary schools is not anything better either. The unit cost of primary education for each pupil is between \$16,000 and \$20,000. The age of three to 15 is the most important stage of a child's growth process. Is the provision of low-cost education for these children going to benefit or harm them?

According to the result of our survey, more than 90% of the interviewees agree that the education sector should do its best to ask the Government to increase the funding for secondary education, primary education, kindergarten education and special education. Those who disagree only constitute less than 1% of the interviewees. People have a common notion as to what is good and reasonable. If the group of interviewees in this survey had been expanded to include parents, we would have mustered even greater support because students, parents and teachers will be those directly afflicted by inadequate funding for education. Eventually, the quality of education and the general quality of manpower of our society will suffer.

It is an indisputable fact that the funding for basic education is insufficient. How should the funding for education be increased and allocated? According to the survey, almost 70% of the interviewees think that the appropriations for secondary education, primary education, kindergarten education and special education should not fall short of those for other aspects of education. I believe the teachers and social workers have expressed such a view out of an awareness of an excessive pace of development in tertiary education which is obviously out of line with that of basic education in recent years. I think "patching-up" or "skin-grafting" is not the way to solve the problem. I also think that the training of talents in tertiary institutions should be emphasized and developed and therefore I do not agree that the funding for tertiary education should be cut to make up for the shortage of funding for basic education. However, I am very concerned about the effect that the development of these two aspects are not in line with each other. The community is already complaining that primary and secondary education is hindering tertiary education, affecting the quality of students that universities take in and the quality of university graduates. However, why do we not go to the root of the problem and face up to the Government's neglect of its investment in manpower covering primary and secondary education?

If the Government respects our debate, it may ask this follow-up question: How much do we have to invest in basic education before it can be said that the investment in manpower covering secondary education, primary education, kindergarten education and special education is given sufficient attention? According to the survey that I have mentioned, more than 50% of the interviewees think that the funding for basic education should be substantially increased such that the rate of increase can match our economic growth and that the total expenditure on education (including tertiary education) should take up 4% of the GDP and be comparable to other places in Asia.

The annual economic growth rate of Hong Kong is about 5%. However, the real growth rate of the expenditure on primary and secondary education is only 1% to 2% in these two years. Behind the scenes of economic prosperity, primary and secondary schools have not received any better treatment despite economic growth. The glamour of the Pearl of the Orient is incompatible with school life which is gloomy and dull. The financial reserve of the Hong Kong Government will accumulate to \$150 billion before 1997 and it will be even greater after 1997, but investment in education has continued to dwindle and

there is no intention to increase it either. What is the explanation for this?

Not only does the progress of education in Hong Kong lag behind our economic growth, it is also slow when compared with other countries. According to the data released by the Organization for Economic Co-operation and Development, the average share of GNP that expenditure on education takes up among the major developed economies in Asia and Europe is 4.9%, of which 1.2% is spent on tertiary education and 3.4% is spent on primary and secondary education. While the share of GNP that expenditure on education takes up in the developed economies in the world is 5% and that in Asia also exceeds 4%, the share in Hong Kong is only a pathetic 2.7%, which is not even comparable to the amount spent on the development of primary and secondary education in other countries. Considering that Hong Kong is a world-famous financial centre, this is really an irony which has stricken a discordant note!

Education is an area where full-scale reform is long overdue. In the questionnaire, I have listed 28 areas of education for principals and teachers to pick those in which they consider improvement is needed. The result is that all of the items are considered important. In fact 90% of the teachers and principals have agreed that the following three items are important: First, that the number of students in each class should be reduced to a maximum of 30. Second, kindergarten teachers should be provided with good training. Third, school premises should be expanded to give students more room to move around and to improve the environment of education.

Other areas where improvement is needed include the basic facilities required in the establishment of a school, increasing the number of teachers and support staff and their training, subsidies which should be provided to make real improvements in education, improving the standard of kindergarten education, strengthening special education, the professional status of teachers and research in education. These areas will be discussed in detail by my colleagues from the Democratic Party. We urge the Government to increase the funding and carry out reform in education.

Finally, I want to point out the most common request among educators as shown by the result of the survey. When the interviewees were asked to choose three out of 28 items of suggestions and reforms which they considered to be the most important, 50% of them selected an expansion of the school premises to give the students more room to move around and to improve the environment of education as the most important item. This shows that the desire of educators is

not so much related to their own salaries and interests as the provision of a bright and spacious environment for students to receive education so that they can have in their essential school premises a learning environment that is conducive to their psychological well-being and character development. Educators are committed to the mission of allowing students to live a happy and reasonable life. But they are deterred by the lack of room and the poor conditions they face. This burden which was already heavy, is becoming even heavier for them to bear!

The heavier the burden that teachers have to bear, the more the students will have to suffer. One wonders what sort of evil consequences would result from the seeds sown today. Redemption has to be made for the seven sins in basic education. Allowing the students to continue to suffer at school is the last thing we should do. Here I would solemnly ask the Government to increase the funding for basic education without delay, to make up for the funding which fell short of the rate of economic growth and to raise the investment in education to a level at least comparable to those of other Asian or even Western countries. These debts in education have to be repaid to make up for the loss suffered by students in the past, present and future.

Mr President, with these remarks, I move the motion.

Question on the motion proposed.

MR SZETO WAH (in Cantonese): Mr President, I have been in the education sector for 40 full years. Although I have already retired for four years, it is still impossible for me not to care about the education cause of Hong Kong and the growth of the next generation.

In the past, during the numerous budget and education-related debates, I did criticize severely the Administration for only attaching importance to quantity instead of quality for the sake of saving resources, particularly in regard to primary and pre-primary education. I reckon that this motion will be carried today without objection. And I hope that the Administration will not turn a deaf ear to the views expressed today.

Fundamental education includes pre-primary, primary and secondary education. My speech will only concentrate on increasing the funding for

primary education. The following are the few aspects of primary education which are in urgent need of extra funding for further improvement.

- (1) Early implementation of whole-day primary schooling. Apart from implementing whole-day primary schooling in all the newly established primary schools, the Administration should also find some sites for building new schools in the old urban districts so that the existing bisessional primary schools in these districts can be converted into whole-day schools as soon as possible. This will enable a continual expansion of primary education in the mode of whole-day schooling. The Administration can consider areas like: the vicinity of Kai Tak Airport after commissioning of the new airport; the area around which the West Kowloon Reclamation Project and the West Kowloon Mass Transit Railway Project will be completed; the new reclaimed area under development in the Western District of Hong Kong; all the redeveloped old districts and housing estates and so on. To tie in with the development of the city, the Administration should work out a timetable for implementing whole-day primary schooling and to have it carried out at full steam by providing sufficient land and resources. Besides, it should also further study the timetable of whole-day classes so that school life can be more enriching and lively, thus improving the quality of primary education. Furthermore, the staff establishment for whole-day schooling should be 0.2 more than that for bisessional schooling, that is 1 : 1.5, and has to be implemented in all the whole-day schools immediately.
- (2) The one student guidance teacher per school proposal should be implemented as soon as possible. Free compulsory education has brought family and social problems into schools and these have to be solved with the help of professionals. The ratio of 1 : 2500 at present has made it difficult for the student guidance teachers to deal with the heavy workload of counseling, precaution and remedy. A student guidance teacher usually has to work among three or four primary schools. Not only is he merely touching the surface of the problems he is charged with solving, but he is also weighed down with work. If student problems and problematic students cannot be handled properly, they will be a cause of great disruption to the teaching work.
- (3) The number of clerical staff should be increased without delay. It

has long been the case that since there is insufficient clerical staff in the primary schools to deal with the large amount of work, many duties are then transferred to the teachers, thus increasing the latter's responsibilities while disrupting the normal teaching work. In some schools where there are fewer classes, they do not even have a clerk. And all the tedious clerical work has to be done by the headmasters. This issue has already been broached for quite some time. But why is the Education Department still not making any improvement to it?

- (4) To increase the number of graduate teachers in primary schools so as to reach the target of 35% by the year 2007, and to increase the number of senior teachers to one in three classes. This actually is a policy already confirmed by the Administration. The problem is that the Administration has refused to allocate funding to expedite its implementation. Having the policy but without the funding is just like a pie painted on the wall.

Fundamental education is the foundation of the entire education cause. And primary education is the basis of this foundation. If the foundation is not strengthened, the high-rise building will collapse. There is already a crisis with regard to the foundation of education in Hong Kong which has to be strengthened without delay. The sentiments of discontent have been spreading already. I hope that the Administration will look squarely and not lightly at this problem. Otherwise, confrontation will be triggered off which all will loathe to see.

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

MR HENRY TANG (in Cantonese): Mr President, on Valentine's Day in 1994, Mr LAM Woon-kwong, the Director of Education then, had a meeting with me. We talked about some problems in education and I said to him, "Compared with other countries, the funding for education in Hong Kong is surprisingly low. From 1983 up to now, it has been maintained at between 2.7% and 3.1% of the gross domestic product (GDP), much lower than the average of that of our neighbours in Asia, which is 4.3%. Can it be raised to 4.5%?" The answer that Mr LAM gave me then was, "Hong Kong has adopted the mode of operation of a small government. This mode ensures that we can maintain a highly efficient government." This statement can be viewed as the Government's tradition over the years and cannot be forsaken.

I very much agree to this golden rule of the Government as presented by Mr LAM Woon-kwong. However, on matters of education, I do not think that all the things can apply. Most of the resources allocated to education by the Government are spent on the teachers and students while the administrative costs only represent a small proportion. Therefore, the argument that allocating more funds will undermine this "small government" cannot be sustained.

Secondly, if we are to calculate the proportion of the unit cost per student to the per capita GDP, we will find that the per capita GDP of Hong Kong is about \$180,000 while the annual average expenditure on a primary school pupil is less than \$17,000, which means 9.4%; the annual expenditure on a subsidized secondary school student is around \$24,000 on average, the proportion is 13.3%; and the annual expenditure on a university student in Hong Kong is over \$200,000 on average, the proportion is 111%. According to international trends, the differences among the three figures tend to be greater in developing countries but smaller in developed countries. The situation in Hong Kong can be said as close to the least developed country.

Judging from the figures, the most puzzling thing about Hong Kong's education is that the expenditures on primary and secondary students are far lower than those in developing countries but the expenditure on university students doubles that in developed countries. This strange phenomenon where the top is heavier than the bottom is exactly the crux of the problem with Hong Kong's education. No wonder we have the strange phenomenon that universities are turning into secondary schools and secondary schools are turning into primary schools.

To find out how great an effect the investment in education can have, we need only to look at the quality of the people in a country. One very important factor for the economy of the Four Little Dragons in Asia to take off by leaps and bounds in the past several decades is that the Four Little Dragons took a much shorter time to launch free education than the developed countries in Europe and America did. It took Germany, France and Britain 125 years, 92 years and 48 years respectively to complete the launching of universal primary education but it took the Four Little Dragons less than 10 years to achieve this. Developing the quality of the people is exactly the most powerful weapon of the Four Little Dragons for achieving sustained economic growth.

Nevertheless, having the policies does not necessarily mean having good

quality of education. Hong Kong has the policy of free education but it does not have adequate resources to support it. Such a ridiculous situation has made it extremely difficult for those working in the front-line of education to proceed with their work. After the Government first launched the policy of free education in the 1980s, the demand for school places rose by 50% a few years later. But the Government did not inject any additional resources at that time. As a result, there emerged the strange thing of "floating classes". The number of classes in a school increased from 24 to 30 and the excess number of students usually went up to between 100 and 200. It became an extra burden on the already strained facilities and space, making the operation and administration even more difficult. Today, the problem of "floating classes" is not yet resolved. Other issues like whole-day schooling for primary schools and mother tongue teaching have all proceeded at a speed slower than a snail climbing up a tree.

There will be a significant impact on society to have inadequate resources for basic education. We can have a glimpse of the impact by looking at the failure of Korea's education policy. There is no doubt that the Korean government lays great emphasis on education. However, as regards the allocation of resources for education, problems arise. They put all the resources on hastening the delivery of professionals but regard basic education as a secondary item because the investment is great but the effect is not so quickly seen. As a result, the institutions of higher education and vocational and technical training have made a definite achievement but the parents of most students in the junior secondary schools still have to bear their children's full tuition and there is also a serious shortage of facilities for basic education in Korea. There are as many as 60 students in a class in some of the junior secondary schools.

Today, the Korean Government has finally realized that when free basic education is not developed properly, the quality of higher education will be affected. And when the quality of the people is not good, the competitiveness of the Korean economy will slip gradually. Therefore, the Education Reform Council of Korea has also made a proposal that the Korean Government must increase its investment in education and provide nine years of free education throughout the country by 1997.

Though the situation in Hong Kong is not quite a complete failure as in Korea, Hong Kong being a world-famous international financial centre, our investment in basic education is simply a big laughing stock. While the economy of present-day Hong Kong is flourishing, we must not only demand that

"everyone has the chance to receive education", but more importantly, we also have to raise the quality of education for students and develop an all-round education.

True education should allow the students to acquire physical and mental freedom. I hope that one day, we can see an open, flexible and smart new generation who care about the society! Of course, if they have an understanding in the requirements of all aspects of democracy, I believe that they will lead an even better life!

Thank you, Mr President.

DR YEUNG SUM (in Cantonese): Mr President, teachers are spiritual engineers who make education work. In a school, teachers are like parents who nurture and bring up the children. Having good teachers is half way to success in education, as being able to give appropriate guidance to students, enhance their interest in learning and impart the knowledge of the subjects has already fulfilled the part of teaching, while the rest depends on the natural gift of the students and what they can learn.

Teaching is a calling which requires higher intelligence and academic level as well as professional training. According to a survey conducted by the Hong Kong Professional Teachers' Union (PTU), two measures for improving education are deemed important by 90% of the teachers. They are to reduce the number of students in a class to no more than 30 and to provide quality training to kindergarten teachers.

Oversized classes create difficulties in teaching. One problem is that order in the class cannot be maintained; and another is that there are fewer chances for individual contact between teachers and students. I remember an absurd proposal put forward by the Government four years ago that in order to cut down expenditure on education, the number of classes in the primary and secondary schools was to be reduced and the number of students in a class was to be increased to 42. This proposal met with strong opposition among educationists and none in society could accept such an undesirable approach.

Forty students in a class already crowd the classroom. The conventional teaching approach where the teacher give lectures in front of a large class in a one-way-traffic manner can only fulfil the purpose of teaching but cannot take

care of the part of learning. In order to let the students learn well and understand, an inductive activity approach should be advocated but it is a shame that we may not even be able to adopt this approach in our kindergartens. Some primary schools claim to have adopted this approach; while some can really persist on employing this approach up till Primary Three but at the higher levels, they have to revert to the conventional way.

Oversized classes is one of the causes for the failure in teaching. If the number of students in a class can be reduced to 30, it will certainly be beneficial to both teaching and learning. Today, the primary schools which adopt the activity approach have already attained this class size. I feel that it can only be deemed reasonable when primary and secondary schools can meet the minimum requirement of attaining this class size, particularly now that the Education Department is planning to fully implement the Target Oriented Curriculum Scheme throughout the territory. The philosophy behind this curriculum reform is to teach the students with regard to their aptitude. It will be very hard to achieve this goal if the number of students in a class is not reduced accordingly.

To improve the teaching quality, the qualification and training of the teachers are, of course, essential. At present, the qualification that the Government requires of a kindergarten teacher is two passes in the Form V Certificate of Education Examination and the Government also requires kindergartens to fill 40% of their teaching posts with trained and qualified teachers. This falls far short of the expectation of the parents and the public. The PTU survey reflects the yearning for quality kindergarten training in the education sector. Because the training of kindergarten teachers started off rather late, untrained teachers are still permitted to teach. Previously, there was only in-service training for the teachers and it was only last year that the Hong Kong Institute of Education started to offer formal full-time courses. But the prospective teachers are worrying about their future. They fear that they will face unemployment when they graduate and no kindergarten may want to hire them. The prospects in this occupation has not been improved following the Government's subsidization of the kindergartens. I hope that the Government can look squarely at this problem.

As for the primary schools, although 90% of the teachers are trained and qualified, subject teachers of English, physical education, music and art have not received sufficient specialized training on these subjects. This directly compromises the quality of language, physical and cultural education in primary

schools. In addition, most of the primary teachers are not graduate masters (GMs). Although the Government has been creating graduate teacher posts for primary schools, because of the serious mismatch between the policy and actual demand, not only the goal of having graduate masters in 35% of the teaching posts in primary schools by 2007 cannot be achieved, much unnecessary division and trouble among the schools and teachers have been created as a result of uneven distribution and demand exceeding supply. In its recent work report on the provision of graduate primary teachers, the Education and Manpower Branch has practically given no answer to the issue of speeding up the creation of the above posts. The Branch only says that everything depends on the availability of resources but it dare not put forward any concrete proposals. The policy is there but the Government wants to go back on its words and shy away from allocating adequate funding. It is like a shameless rascal who does not honour its words.

There should be a breakthrough in the ratio of seven GMs to three certificated masters in secondary schools. It is not an unreasonable demand for all secondary teachers to be GMs. What is most puzzling to me is that many secondary schools cannot even attain this 7:3 ratio and prevocational schools have to bear with a 5:5 ratio. That is totally unrealistic and unjustifiable. Moreover, other than the fact that the quality of secondary teachers awaits improvement, another fatal problem that we must look squarely at is, Mr President, the obstacles in the implementation of mother tongue teaching.

In a society where Chinese is the mother tongue and yet the teachers have to use impure English or a mixture of Chinese and English as the medium of instruction while secondary students learn the various subjects in a language they do not have adequate command, the result is that the teachers teach poorly and the students learn even more poorly. We cannot afford to wait any longer to implement mother tongue teaching. The Government needs to encourage all schools and teachers to attach great importance to the interest of the students and adopt mother tongue teaching. The most practical way is to provide additional subsidies to those secondary schools which adopt mother tongue teaching. Furthermore, it is not a simple thing for teachers who are used to teaching in English to switch to mother tongue teaching. There is a need to design Chinese

teaching aids for the various subjects and at the same time arrange retraining for the teachers. Only when these are done that the obstacles in teaching can be eliminated.

Investment in education is very important. Nothing can be done without resources. I hope that the Government will not make any more excuses to refuse to allocate more funding for basic education and delay its development because that will only affect the quality and effectiveness of education. I hope that the Government will later give us a positive answer.

With these remarks, I support the motion.

DR ANTHONY CHEUNG (in Cantonese): Mr President, the Government has all along failed to give due weight to fundamental education. Funding for fundamental education has lagged far behind demand for long. As a result, a number of measures and policies aiming at improving fundamental education have stagnated. We saw a delay in the implementation of recommendations for improvement in education as proposed by educational bodies because of insufficient funding from the Government. For instance, although the Education Commission Report No. 5 has proposed that the proportion of graduate teachers in primary schools should be increased to 35% by the year 2007, yet no specific timetable for resources arrangement for the implementation of this proposal has been made by the Government. As a result, the gradual upgrading of teaching posts in primary schools to graduate status has yet to be realized. Furthermore, the progress towards whole-day primary schooling has slackened because new and additional school premises cannot be built due to insufficient funding from the Government. As the Government is reluctant to make a comprehensive and specific financial commitment, there is difficulty in the realization of the following plans: the abolition of floating classes in secondary schools, the stepping up of counselling service in primary schools, the upgrading of resource classes, the expansion of the scope of subvention for kindergartens and the enhancement of teachers' qualification and so on.

While modern science and technology advance rapidly and new educational facilities continue to come on stream, facilities for teaching in our schools are still very old-fashioned. Financially, schools are in straitened circumstances and subject to a lot of restrictions as all expenditures must adhere to a list of items which are both conservative and of low standard. According to

this list, the schools are unable to pay the copyright royalty for the computer software used by teachers nor the royalty on music scores for music lessons. It is extremely absurd for many schools, in fact the teachers, to be forced to become copyright pirates.

To cope with the needs of a modern society, modern education is required. To catch up with the computer age, access to the Internet should be provided at schools. To adopt modern teaching methods, fully equipped audio-visual resources rooms are needed. To upgrade the teaching efficiency of Chinese and English, language laboratories with modern facilities are necessary.

The basic facilities for schools as currently set down by the Education Department have lagged far behind social demand and prevailing conditions. In order to cope with the industrial and commercial development in Hong Kong and to maintain Hong Kong's leading position as an Asian financial centre, it is necessary to increase funding for education and to allocate grants for the purchase of modern teaching facilities in secondary and primary schools.

Mr President, what is the consequence of insufficient investment in fundamental education? Employers have complained that our graduates are well below the expected standard. They find that the competence of graduates, no matter whether they are school leavers, matriculants or university graduates, is limited and cannot meet the latest requirements of the service sector in the business world. During the past few years, universities have to lower the entrance requirements of some faculties because of the deteriorating standard of matriculants. The standard of matriculants is, of course, closely related to secondary education in its entirety. In fact, each level of education is inter-related to one another. The effectiveness of secondary education is inseparable from the quality of primary education. On the other hand, the effectiveness of primary education is linked to the quality of kindergarten education. In a nutshell, fundamental education which begins in kindergarten is the cornerstone of the whole education system. Insufficient funding and an unsound foundation will lead to various problems in matriculation and even tertiary education. So it brooks no delay to increase funding for fundamental education in order to promote the overall development of education.

However, I have to emphasize that the Government should not reduce the funding for tertiary education as a means to increase funding for fundamental education. Why are we worried about that? It is because the Government

recently has tremendously increased the tuition fees of universities. It is said that the Government has also requested all colleges and universities to cut their recurrent expenditures. Meanwhile, in the report of the consultants hired by the Government, it is recommended that the interest rate on loans provided to tertiary students should be increased. All these measures give us an impression that the Government is trying to reduce its commitment to tertiary education on the quiet so as to allocate the saved resources for fundamental education in response to public opinion and pressure. Those who recommend cutting the funding for tertiary education have not only caused conflicts in the education community but also advocated that government investment in tertiary education is excessive. We find this argument unacceptable.

In fact, the number of university students is on the rise in recent years. This is for the fulfillment of parents' expectation that their children should receive tertiary education. Furthermore, the number of young people who are receiving education has also increased. As a result, tertiary institutions have also increased their enrolments continuously. Hong Kong's economic development calls for an improvement of human resources and employees with high educational standard. For sure, tertiary education is a kind of expensive investment. But this kind of investment is a must in a modern society. In order to improve the standard of tertiary education and to ensure "proper investment" in the high-cost tertiary education to bear fruit, we have to give more weight to fundamental education, through which students can be better prepared for university education. For instance, nowadays the language standard of university students is slipping mainly because they lacked a good foundation at the early stage. If they have a good language foundation, then there should be no need to spend valuable resources on remedial programmes at the university stage to help improve their Chinese and English standards.

Mr President, investment in fundamental education has to be strengthened immediately. This is indeed necessary whether in terms of the general expectation of the public and the education sector, improvement in the facilities, academic system and teachers' qualifications in primary and secondary schools, or co-ordination with the development of tertiary education.

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

MR ALBERT CHAN (in Cantonese): Mr President, in Hong Kong, sending children to school is like sending them into some overcrowded and stuffy busy

streets where people jostle, vehicles and people vie for road space and the whole place is impenetrable. The school premises of a primary school is used by classes of the morning and afternoon sessions; and for secondary schools, over 30 classes of students are to make do with the 24 classrooms that are available. The result is that primary school students have to experience the morning and afternoon shifts, and secondary school students have to float from classroom to classroom. These students are energetic and active young people. It would be strange if we cram them into a crowded space without having them bumping against each other, quarreling and moving around restlessly!

It would be too much of course if I expect that the school environment is like an open and idyllic countryside where children may receive their education in a pleasant setting. However, there should at least be space for activities, so as not to hinder the physical and mental development of children, and this is an essential condition of school life. Education in Hong Kong has remained where it was decades ago. The half-day schooling from the 1950s and the floating classes of secondary schools from the 1970s can be seen as a damage to the normal development of children.

When I was studying in Canada, I saw children going to school happily. The children there can do their homework in school, where they have their teachers' guidance. They also have a lot of extra-curricular activities, and so enjoy a rich school life. In Hong Kong, however, children have only half-day schooling, and for the rest of the day they are either busy doing their homework or watching television. Those who are not looked after will roam about in the streets and can easily be led astray.

It was fortunate for us that there were no floating classes when we were secondary school students, and we could conduct some activities in our own classrooms, for example, display board design and decoration, staying behind after school to have self-study or to organize some get-together activities. Of course, there were some activities which were mischievous in nature. Compared with us, students nowadays are less fortunate, for they do not have their own classrooms and therefore have to move around, taking with them their schoolbags; also, they do not have a base to liaise with one another, hence making it difficult to organize many of the extra-curricular activities. From this, we can see that it would be difficult for students of these schools to cherish a sense of belonging. On the other hand, with a balanced five-element education

as our objective, if we cannot achieve a balanced programme on moral, physical, social and aesthetic education, it would seriously hinder the physical and mental development of students.

In the secondary schools today, not only is the provision of classrooms not sufficient, the other usable space such as laboratories and art rooms are also used for other teaching purposes. For instance, part of the playground or the school hall is adapted by reconstruction or partitioning and then fitted out with desks and chairs to serve as a classroom. Whilst the space for students' activities is already very inadequate, students are even made to have science classes without the provision of enough laboratories; to have their oral English classes without a standard language laboratory. What is more, when they have their physical education session, they can only move about in the small playground, and it will not be spacious enough if they want to have ball games. As for the school hall for lectures and assembly, it may not even be possible for all the students to gather together there to enjoy shows or listen to speeches. Even for regular classes, the space for activities is in such a state, to say nothing of the limitation on extra-curricular activities. Student unions, interest classes and extra-curricular activity groups, for reason of short of space, have all become dispensable, or are only carried out haphazardly.

The demand to implement whole-day primary schooling and to eliminate floating classes in secondary schools is really to restore in schools the most basic conditions and environment. When I discussed with my overseas friends about the abnormal situation of Hong Kong's education, they were all surprised and baffled. Those who left Hong Kong and come back will find that Hong Kong has undergone enormous changes, with all those gorgeous buildings in their novel designs. At present, the old areas can be rebuilt, and if land is in short supply, more land can be reclaimed; investments in infrastructure in Hong Kong are quite often to the tune of hundreds of million dollars, and some of them are projects spanning over 10 years. However, the long-term project of cultivating talents which requires a century to complete is confined in primary and secondary schools that have been monotonously designed, with crowded space. It is like nurturing seedlings on poor soil, which may not yield a blade of grass, or will just yield a haphazard growth of weeds. It baffles one's mind how Hong Kong can possibly work miracles in this respect and produce the future pillars of the Hong Kong society.

Over the past decades, Hong Kong had gone through a period of poverty.

However, Hong Kong has developed into a society in which businesses are thriving and the economy is booming, and Hong Kong is also enjoying the status as an international financial centre. So it is really unjustifiable if Hong Kong's education should fall short of society's status and demand. I am entirely with the demand to increase funding for basic education, and in the first place, the space for activities in schools has to be expanded and the teaching environment has to be improved. Furthermore, sufficient subsidies should be provided in order that modern teaching facilities can be introduced. Also, a ten-year plan for school construction should be worked out so as to make it possible for primary and secondary school students to have their own school premises and classrooms, which will promote an all-round and balanced development of students both physically and mentally.

With these remarks, I support the Honourable CHEUNG Man-kwong's motion.

DR LAW CHEUNG-KWOK (in Cantonese): Mr President, according to a report by the World Economic Forum, Hong Kong's competitiveness ranks second in the world, just behind Singapore. Another report published by the World Management and Development Institute also points out that Hong Kong's economic competitiveness is remarkable, ranking third in the world. As a Hong Kong citizen, I am really proud of that. The reason Hong Kong can have such an enviable achievement is that apart from the wisdom of our entrepreneurs, the appropriate participation of an honest government in economic activities and having a sound information system and infrastructure, the supporting role of our human resources is also very important. In order to maintain a quality work force, sufficient resources have to be committed. However, what is Hong Kong's position in this respect?

According to the figures provided by the Administration, in the many years from 1992 to 1996, the cumulative general growth in real terms is 23%, and incidentally the growth of funding for education is also 23%. On the face of it, the growth in education funding has managed to keep pace with the overall economic development. But when we look more carefully at these figures once more, we find that areas that receive more resources are confined to higher education, whereas the rates of growth of funding for secondary and primary schools lag far behind the economic growth and are standing respectively at 11% and 8% only.

It has been for several years in a row that the growth of basic education funding cannot catch up with economic growth, resulting in a number of measures to improve basic education being overlooked and delayed. These include whole-day primary schooling, upgrading of certificated master posts to graduate master posts for primary schools and the issue of floating classes for secondary schools. Take whole-day primary schooling as an example, the Government has been using the lack of land for building schools to explain away why whole-day primary schooling cannot be fully implemented; on the other hand, however, it has not worked out a suitable timetable to realize the objectives in question, and this raises the doubt whether the Government has the sincerity to implement whole-day primary schooling, or it merely wants to delay the matter and tries to muddle through. The situation is the same for the upgrading of certificated master posts to graduate master ones for primary schools. Although the Government has just completed the review report and has a good idea that if the objective of upgrading 35% of primary school teacher posts to graduate master posts by the year 2007 is to be achieved, it will be necessary to have at least 500 additional teaching posts every year. However, having published the report, the Government does not have any concrete commitment to add graduate master teaching posts, and the Government just plays the same old trick by promising to make a review in three years' time, thus delaying the issue further. As for floating classes of secondary schools, the Government actually makes no mention of it and no measure has been adopted to improve the situation.

A shaky foundation will naturally affect future development. In recent years, we hear more and more complaints from employers that the general standards of university graduates are falling, and their command of English is far weaker than that of students in the past. In the face of such a situation, people would attribute this to the drastic expansion of tertiary education in recent years and the rapid increase in the number of university places. However, we must understand that apart from the above-mentioned reasons, the falling academic standards of university students are also the result of the shaky foundation formed in the days of primary and secondary school education. Obviously their shaky foundation is directly linked to the Administration's having failed to invest sufficient resources in basic education. Because of their shaky foundation, a lot of remedial courses are required at the university stage, but to make things right at the university stage, obviously needs much more resources. If even the quality of our university students is not satisfactory, then those young people who have failed to gain entry into the university and have to start their career of working right away may even be less satisfactory in their language ability and in

other academic knowledge. This being the case, I cannot help asking this: To about 80% of the young people who cannot enter the university, what should we do so as to improve their prospects of studying and employment?

Both the Hong Kong Association for Democracy and People's Livelihood and I go along with the view that the Administration should increase the funding for basic education in order to make up for the shortfalls of allocation which lagged behind the economic growth in the past. According to relevant information, this figure would be about \$4 billion to \$5 billion. The government funding for education this year is \$34 billion, that is, 21% of the public expenditure, standing at the number one position amongst other policy areas, yet, this funding is only about 2.7% of the GDP of Hong Kong, which is rather low compared with those of other Asian countries such as Japan and Taiwan, as it is 5% for Japan and nearly 6% for Taiwan. In order to strengthen the investment in Hong Kong's basic education, I share the view that the overall expenditure in respect of education in Hong Kong should be at least 4% of the GDP, and the Government should seriously review the standard and level of cost-effectiveness of university education.

With these remarks, I support the motion.

MR ANDREW CHENG (in Cantonese): Mr President, this is not the first time that a motion for increasing the funding for fundamental education is taken to the Legislative Council for debate. Over the past four years, not only has the funding for fundamental education seen no increase, but it has also fallen far behind the economic growth of Hong Kong. It is really baffling that such is the situation in a modern city, in a place where the nurturing of talents should be a priority. What is even more puzzling is that among the various areas of basic education overlooked, kindergarten education that is supposed to lay a sound foundation for students in the process of education is the most neglected one. Mr President, as I am a member representing parents of kindergarten pupils on the Education Department's Committee on Home-School Co-operation, my daughter being one of the 180 000 or more children in Hong Kong's kindergartens, I shall focus on the much-neglected kindergarten education.

According to educators, the development of children during the period from three years old to six years old has a far-reaching effect on their whole lives. For this reason, if children can be placed under the care of good teachers at this

stage and learn in school premises with all the proper facilities and a nice environment with other children, they will grow up healthily and happily, wearing broad smiles on their faces!

However, Mr President, let us look at the real situation in Hong Kong. Since the White Paper on Primary School Education and Preschool Education Services was published in 1981, and the Education Commission Report No.2 in 1986, the Government has made promises after promises for the improvement of the quality of kindergarten education. Though they were not exactly empty promises but the one made more than 10 years ago has been honoured initially only recently. Last year, the Government allotted a funding of \$163 million for kindergarten teacher education over a span of four years, and it had also earmarked \$80 million for the kindergarten subsidy scheme. On the one hand we feel delighted that the Government has eventually agreed to make a change in its policy, but we think on the other hand that the funding is merely a drop in the bucket. It is even disproportionately meagre when compared with the funding for other also-neglected areas of basic education that has been itself growing less than our economic growth. This is really disappointing.

Mr President, when we found that the funding for pre-primary education for 1996-97 stood at only 1.5% of the total expenditure for education, our hope that the Government would keep its promise to improve the quality of pre-primary education and to enhance the pre-primary education profession was once again dashed. Last year the Education Department put forth the kindergarten subsidy scheme, but it turned out that only 200 or so kindergartens, or 30% of the total number of kindergartens in Hong Kong, had taken part in the scheme. It is, of course, attributable to the low subsidy level.

Mr President, for kindergartens that take part in the scheme, only \$790 are granted to each student a year. However, the kindergartens so subsidized have to pay their teachers according to the pay scale specified by the Government, and they may be asked to charge less school fees. The result is that those kindergartens that have taken part in the scheme are unable to make ends meet, and have incurred losses. Therefore, they have chosen not to take part in the subsidy scheme. In order to reduce expenditure, participating kindergartens have to replace teachers with higher salaries, more experienced and proper training, with teachers who are less experienced, who have no training and whose salaries are lower; or they will increase the number of students in each class so as

to raise the ratio of students to teachers and thus cut their costs. As a result, it basically has not solved the problem of wastage of pre-primary teachers, nor has it increased the proportion of qualified and trained pre-primary teachers, to say nothing of improving the quality of pre-primary education.

Mr President, once again we strongly demand that the Government:

- (1) subsidize the salaries of kindergarten teachers directly and fully: In order to improve the quality of pre-primary education, the ultimate method is to include kindergarten education as an area for subsidies and subsidize directly and fully the salaries of pre-primary teachers; only by doing so can pre-primary teachers set their minds at ease and remain in this profession to further their career, or attract others to join this profession and contribute towards educating our future generations.
- (2) provide quality teacher training programmes for kindergarten teachers: The work of education is people-oriented. To deal with small children who go to school for the first time, apart from looking after them with love and care, teachers also have to undergo suitable training. To provide quality training for kindergarten teachers is an important element in upgrading the pre-primary education profession.
- (3) provide diversified quality refresher courses for qualified pre-primary teachers: Since the target of education is people, methods and approaches should not remain unchanged. In order to move with the times and update the concept of pre-primary education, the Government should provide diversified and quality refresher courses for qualified in-service pre-primary teachers.
- (4) increase the subsidy level granted to each kindergarten student: At present, the subsidy granted to each student is \$695 a year, which is a small, pathetic and almost shameful sum as an investment in education. Although the sum will be increased to \$790 in the coming year, given the fact that the high cost of those kindergartens which have 40% or more than 40% trained pre-primary teachers on their teaching staff, the meagre sum granted by the Government can hardly benefit either the kindergartens or the children.

Mr President, there is a Chinese saying: "the cleverest housewife cannot cook a meal without rice". Let us imagine when there is no rice, or when we only have rice that has gone bad having been insect-eaten, no cook, no matter how skilful he is at cooking, will be able to cook delicious rice. For the Government, it has rice and provisions, having a foreign exchange reserve to the tune of \$150 billion. So what is the use of the reserve if it is just stowed away in the barn instead of having it used for food? It is not what we want to see when our teachers are starved badly, or our students starved to death. In the days to come, the Government has to attach importance to kindergarten education and increase the funding.

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

DR JOHN TSE (in Cantonese): Mr President, an academic has once remarked that, from the viewpoint of education as a profession, special education is an enterprise of love, the Government's commitment to special education a show of its conscience, and public support for special education a manifestation of social justice.

I wish to comment on Hong Kong's special education from the point of view of an academic. It is a pity that, given all the favourable conditions of having advanced development, economic prosperity and ample resources, Hong Kong allocates just a meagre sum for services in special education. It is reluctant to shoulder more responsibilities or undertake more ambitious plans. This shows the Government's lack of love, conscience and a sense of social justice.

Whereas economic development should be the responsibility of all sections across the community, the fruits of economic achievements should likewise be shared by all. Special education and rehabilitation services should be parallel and complementary to each other. Despite the high cost required in providing these services, they should be the pride of an affluent, stable, and advanced society.

Regrettably, government investment in overall fundamental education has long been extremely inadequate, and has been out of proportion with the

economic growth of Hong Kong. The development of special education is done only as a mere afterthought. Although a special education section was set up in the Education Department in 1960 to deal with matters on special education and certain needs have been met in terms of quantity, nothing worth mentioning has been done in the quality of services in special education.

Although the Education Commission Report No.4 published in 1990 conceptually re-affirmed the importance of special education, proposals for improvement can only address isolated problems and are unable to tackle operational problems in special education. The present position is that there are insufficient nurses in special schools, and there is wastage in occupational therapists physiotherapists, speech therapists, and educational psychologists. In addition, pressure is mounting on teachers who need to face the increasingly complicated and difficult problem of handling students with disabilities. All these are the more thorny problems that need to be dealt with in special education. Some issues are related to major interests of disabled students, some affect their rehabilitation and some concern their leading an independent life in future. All these are subjects of the urgent appeals by the parents of disabled students and workers in special education.

Since the promulgation of the White Paper on Rehabilitation in 1977 by the Administration, it was not until the end of the year before last that a comprehensive review was done on special education services. Recently, an *ad hoc* group of the Board of Education completed a report on the matter and is carrying out extensive consultation. As far as I am aware, the report will cover the improvement of special education and its development direction in the next few years. It is estimated that the Administration will need to commit a sum of nearly \$700 million.

In education policies, it is not unusual to have proposals but not the funds to implement them. The review report on special education, however, embodies the hopes of disabled students in Hong Kong over the years, the earnest cries of their parents and the desires of the workers in special education. The Administration should not take the matter lightly, should instead make specific commitment and provide sufficient funding for the implementation of plans and measures to improve special education.

The amount of concern and emphasis the Administration attaches to

special education is in fact an important indicator of love and conscience. Education development is holistic. It involves students with different backgrounds, different aptitudes and different needs. That special education is indispensable signifies the need to cater fully to individual differences in our students and to develop their individual abilities. So, to go one step further, one may say that to improve special education is in fact closely related to promoting the quality of education in general.

On the other hand, how people look at the disabled and what attitude they hold towards the disabled is related to whether social justice is manifested. Service centres for the disabled, and practical schools and special skills schools for students with learning difficulties or inattentive students have all been discriminated against by the general public, leading to delays in the provision of services by the relevant institutions and the building of such schools. It is the community's responsibility to treat students with special needs well. I sincerely hope that these students can be accepted and can get appropriate and better attention. This will help their integrating into society in a healthy manner.

To set aside more funds to improve special education is more urgent than ever. With these remarks, I support the motion.

MR YUM SIN-LING (in Cantonese): Mr President, I believe the majority of people would support any demand for an increase of funding for education because in the traditional Chinese community, people would do their best to give their children as much education as possible. According to the figures provided by the Honourable CHEUNG Man-kwong, while expenditures on education have taken only a small percentage of the Gross National Product in China because of its population and economic problems, we notice that expenditures on education in Taiwan have taken a larger percentage than those in Japan and other countries in North America and Europe. In Malaysia, where there is a larger Chinese population, the expenditures on education are also higher than those in other South East Asian countries. This shows that where economic conditions allow, the Chinese communities are quite willing to invest resources in the education of the younger generation. However, the expenditures in this respect in Hong Kong have obviously taken a smaller percentage than those in other South East Asian countries which are less well-off. This is something which we should reflect upon and make speedy improvements. We should allocate more resources for education. Since there has been a lack of balance between our

tertiary education and basic education for many years, naturally we should increase the funding for basic education substantially.

I am particularly concerned about the financial assistance to students with special needs. The intelligence quotients of some students may not be low, their eyesight or hearing may not be impaired and they may not have emotional problems. They are just comparatively slow in learning. We should not look at these students with curious eyes. Instead, we should give them more opportunities. I have once read a newspaper article which says that some teachers regard teaching in the resource class as an inferior task. This is certainly a misconception. Very few teachers have received special training in Hong Kong. Perhaps the Government should provide more training to enable more teachers to teach in resource classes so that students with lower learning abilities can learn effectively under the careful guidance of professional teachers?

Meanwhile, the numbers of Chinese students who have returned to Hong Kong after emigration and new immigrant students from mainland China have increased constantly. Many general schools have refused to accept them. This makes one query whether these educators who are in-charge of those schools educate for the sake of education or whether they educate for their own selfish career objectives. Because of that, many students who have returned to Hong Kong after emigration have no choice but to attend expensive international schools which may not be suitable for them. Even if some schools accept new immigrants students, these students still have a lot of difficulties in learning. Therefore, some schools have to offer resource classes to enable teachers to give these students extra care and attention so that they can adapt faster to the learning environment. I think more resource classes should be offered. These classes can be offered mainly in those schools in the older districts which have vacant places so that part of the current resources can be more effectively utilized and additional resources need not be allocated all too often.

On the whole, I support the major recommendations of the motion. However, I hope that the Government can conduct an in-depth review and reallocate the resources so that they can be utilized more effectively.

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

MISS CHAN YUEN-HAN (in Cantonese): Mr President, both the Hong Kong

Federation of Trade Unions (HKFTU) and the Democratic Alliance for Betterment of Hong Kong (DAB) are in support of the spirit of this motion, but we have different ideas on its wording. Perhaps I have not really heard what the Honourable CHEUNG Man-kwong said just now, I would like to put forward some different views.

Nowadays, education in Hong Kong is not the same as that in our days when teachers were expected to be strict with students or otherwise be blamed for being lazy. Nowadays, if we are to teach our children properly and to provide proper fundamental education, we have to rely on financial support from the Government. Therefore, "increasing funding for fundamental education" has become the demand of most people and also the issue of this motion debate.

Concerning the objective "to promote the overall development of students and enhance the effectiveness of school education" as mentioned in the motion, we certainly do not have much criticism, but I think it is necessary to question its rationale.

The motion has indicated that it is necessary "to make up for the shortfalls of allocation which has lagged behind the economic growth". Undoubtedly, education is related to the economic situation to a certain extent, and the transformation of the economy will affect manpower training in the long run. For example, in order to meet the demand for workers and professionals through the education system and school places, adjustments should be made in education. On the other hand, the investment on human resources for the purpose of education can enhance economic development, the two will complement one another. Therefore funding for education should not fluctuate with our economic performance. Society should not cut education funding drastically even at the worst of economic times; on the contrary, we have to focus on the training of talents so as to improve the economy. The relationship between education and the economic situation cannot be made directly proportional, and there does not exist anything as "to make up for the shortfalls of allocation which has lagged behind the economic growth". Rather, it is more important to see whether the funding for education itself is adequate. Certainly, while we talk about quantity, we have also to stress quality, that is the quality of education.

Mr President, funding for education in developed countries is about 5% to 7% of their Gross National Products (GNP), but it has been maintained at 2.7% to 3.1% in Hong Kong over the last ten-odd years which is even lower than the

average of 4% in other Asian countries. In the past, we only had a low increase in our education funding, and it was not even in line with the demand of the development of society. The Government also neglected our fundamental education, that is most important, and most of the resources were concentrated on higher education, resulting in a rapid expansion in tertiary education. Since fundamental education and tertiary education were not balanced and there lacked an overall co-ordination, and also the implementation of teaching in the mother tongue has been delayed, the quality of the students has decreased. Apart from the lopsided allocation of resources, funding is also very limited, and a large portion having gone to the salary of the teaching staff, so how much money then can be spent on teaching?

The Government certainly has to increase its allocation in view of the inadequate funding for education. It is imperative to "introduce modern teaching facilities" and "reform the school curriculum", but "providing more space for school activities and improving the teaching environment", and "abolishing floating classes in secondary schools" are only aimed at providing a better learning environment. Such measures may perhaps enhance the students' sense of belonging to their schools, and may help learning to a certain extent, but cannot provide any direct help to achieve the aim of "promote the overall development of students and enhance the effectiveness of school education". So it is a matter of relative importance and priority. If funding for education can be increased, it should be allocated to address the more urgent problems in education. Is it urgent to make the students feel more comfortable in learning? I do not believe so. The aim should be to raise the education standard in Hong Kong as a whole, and fundamental education is on top of the list. Since the present allocation for primary schools and kindergartens is not adequate, the funding should be increased substantially.

Mr President, the growth of the new generation and their education are of great significance to the development of our society. Implementing whole-day primary schooling is good for the students, teachers and parents. The teachers and students can have more time together in the morning and the afternoon, so that they can have more interaction, understanding and communication. As a result, the students can have an overall development morally, intellectually, physically and socially.

Mr President, the HKFTU has always criticized the Government for not paying attention to the urgent need of the families for whole-day primary schooling. We think we cannot neglect the fact that for every family, if primary education can have a whole-day learning environment for the children, its burden can be made less heavy. Mr President, the Government was preparing to implement "whole-day primary schooling" progressively a few years ago, but the plan has not been fully implemented and this is very disappointing. Concerning pre-school education, there is a shortage in finance, resources and the training of teachers, we think the Government should increase its funding significantly. Apart from benefiting the students, this can release the financial burden of the parents and allow the women to have time to join the workforce.

Mr President, although tertiary education has taken a sizeable portion of the funding for education, the Government should not increase the tuition fees drastically and reduce its subsidies to the universities. The so-called "cost recovery" and the "user pays" principles are actually turning our education into a commodity and ignoring the quality of education. Therefore, our demand for increased funding does not mean that we agree to let the Government cut its subsidies to university education. On the contrary, the Government has to continue to provide the funding in order to allow university students to be free from financial worries and to concentrate on their studies.

In addition, increasing funding for fundamental education should also cover corresponding areas in special education and assistance to new immigrant students attending schools so as to help them integrate into society.

Mr President, although there is an inadequacy in the original motion, its spirit is in line with our views, we will therefore support the original motion.

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Firstly, Mr President, I am grateful to Members who have spoken today about the importance of fundamental education. Let me reassure Members that the Government is just as concerned as Members that education services, not only at the basic level but also beyond, should continue to develop and improve.

As I have stressed on many occasions before, the Government has accorded and will continue to accord high priority to education. This is clearly

demonstrated by the fact that education has always been the single largest item of government spending: representing over 20% of the Government's recurrent expenditure. Yet every so often, we hear comments that the Government has paid insufficient attention to education, in particular at the basic level. Is this true? First of all, I cannot agree with the description by a Member that Hong Kong's education system is plagued with problems and defects. If this is the case, every educator, not only the Government, should bear the responsibility. I also do not agree that Hong Kong's education system has not made any progress for half a century. If this is true, many Members and I would not have a chance to debate educational issues here today. I do not wish to use exaggerated words to discuss a serious subject like education. I would only like to spend some time to brief Members on the actual situation.

On basic education, we have set in train a number of development programmes over the past few years. These efforts are on-going. Members are familiar with them but, in this motion debate, let me quote 12 examples:

- (1) Improving the teaching and learning environment in existing schools through the School Improvement Programme: Announced in the Governor's Policy address in 1993, this massive programme is to be conducted in eight phases for primary schools and six phases for secondary schools. We are inviting all schools in the public sector to join this programme. We expect to cover about 240 schools in the first two phases for completion in 1998 at a total cost of \$3.4 billion. We will assist those schools found not feasible for improvement works under this programme through other means, such as reduction of classes. In addition, we will provide assistance to a total of 614 schools under the Noise Abatement Programme to reduce the disruption caused by excessive noise pollution. The programme comprises four phases at a cost of over \$1 billion.
- (2) Assisting schools with a high proportion of low achievers: We will have a permanent Curriculum Support Team at a cost of \$13.3 million a year to provide expert support to schools with a large intake of Band 5 students to assist them in tailoring and developing specific curricula to suit their students' needs. In parallel, we will establish a new Student Discipline Team at a cost of \$6.9 million a year to provide professional advice and assistance to schools with

serious discipline problems. Other support measures include experience-sharing forums for teachers, advance provision of an additional graduate teacher to new secondary schools and additional clerical support to schools with a high intake of Band 5 students.

- (3) Phasing out the floating classes in secondary schools: We aim to phase out floating classes at Secondary One to Five by the year 2000. We aim to achieve this by building new schools and by adding extra classrooms through the School Improvement Programme.
- (4) Implementing whole-day primary schooling: All new primary schools built since 1993 are to operate on a whole-day basis where practicable. We are also converting existing bi-sessional schools into whole-day operation when there are sufficient places in the area to meet demand. We are now conducting a review on the future supply of school sites with a view to speeding up the programme where possible. Our preliminary estimate is that we need about 170 additional schools to implement whole-day schooling in all primary schools. Members will appreciate that given the resource constraints, in particular the identification of so many sites in the school zones concerned for building new schools, this cannot happen overnight. We will need a step by step approach with a realistic timetable, taking into account the demand and supply situation of individual districts. We hope to complete the review on the supply of school sites as soon as possible, and Members will be briefed in due course.
- (5) Broadening the school curriculum: We fully recognize the need for our school curriculum to keep up with changing times so as to equip our students with the knowledge and skills required by an increasingly service-based economy. Let me highlight some important initiatives we have taken. We aim to extend the Target Oriented Curriculum to all primary schools by the year 2000. We are conducting a comprehensive review of the curriculum in prevocational schools and hope to complete the study this year. We will issue new guidelines on civic education to schools in September 1996, and we are developing and plan to introduce a new Putonghua curriculum in September 1998.

- (6) Enhancing language proficiency: We have accepted all the recommendations of the Education Commission Report No. 6 on enhancing language proficiency, and have set aside the resources to implement the phase one programme which entails a total non-recurrent expenditure of \$65 million and an annually recurrent expenditure of \$21.3 million in the first year rising to \$43.3 million in the fourth year.
- (7) Supporting the schooling of new immigrant children from China: Our objective is two-fold to provide sufficient school places for these children and to assist their integration into the local school system. To this end, we will build five more primary schools by 1997-98 at a cost of \$310 million. We are now conducting a review on the longer term requirements of school places at different levels. We expect to complete the review by the latter part of this year. To enable the new immigrant children to enter schools at their appropriate levels and to adapt to the local education system as fast as possible, we provide induction and English courses outside schools and remedial and other support measures in schools as necessary at a total cost of \$9.1 million in this year.
- (8) Improving facilities in schools: There are many improvement measures implemented in schools every year. Members raised the point that computer facilities in schools are inadequate. This is definitely not a problem today. The great majority of secondary schools have computer studies supported with adequate computer facilities for teaching purpose. As regards school administration, the Education Department is developing the School Administration and Management System for completion in 1997 to strengthen communication between schools themselves and between schools and the Education Department.
- (9) Conditions of service of educators: The condition of service of educators in Hong Kong, in terms of salary and working environment, definitely compare favourably with Asian or other developed countries in the world. In view of the level of subsidies received by schools in Hong Kong, education should not be described as a "cheap commodity".

- (10) We have since 1993 reduced standard class size from 40 to 35 from Primary One onwards. For 1996-97, the reduction will be implemented up to Primary Four. For schools using the activity approach, the class size is further reduced to 30. This, compared to the class size of 45 during my school days, is a very significant improvement.
- (11) On medium of instruction, the Education Department will issue firm guidelines to schools in 1997 to further promote mother tongue teaching.
- (12) On graduate teacher posts for primary schools, we have just completed a review, and have undertaken to try our best to seek resources to speed up the provision of such posts to reach the planning target.

There are three other areas I wish to mention. The first is special education. The Sub-Committee on Special Education under the Board of Education has recently published its report on a comprehensive review on the provision of special education services for public consultation. I hope that practitioners in the field, as well as the public, will give us their views to help shape the further development of special education in Hong Kong. I will accord priority to the examination of the Board of Education's recommendations as and when they are received and to seek funding for the proposals eventually adopted by the Government. Another point that should not be overlooked is that the Government has invested a lot of resources over the years to educate parents and the public not to discriminate against those who are mentally or physically handicapped.

The second area is teacher education. Acting on the recommendations of the Education Commission Report No. 5, the Government established the Hong Kong Institute of Education in 1994. The main objective is to upgrade the quality of teacher education and to provide continuous professional development for teachers in Hong Kong. The Government has also allocated \$2.3 billion for the construction of a new campus for the Institute in Tai Po so that by the time of its completion in 1997, we can have modern and centralized campus facilities dedicated to teacher education for some 5 000 full-time equivalent teacher trainees. Our recurrent subvention on teacher education for the Institute in

1996-97 is nearly \$700 million.

The third area is kindergarten education. The Government has provided \$227 million for the additional training of 1 130 kindergarten teachers each year for four years starting from 1995-96. In order to further improve the quality of kindergarten education through a higher requirement on trained teachers without causing heavy fee increases, the Government introduced the Kindergarten Subsidy Scheme in 1995-96. We will be introducing significant improvements to the Scheme in the coming school year by raising the rate of subsidy by 14%.

While I fully share the sentiments of Members of the need to continue to enhance basic education, of equal importance, however, is the need to ensure that we use our resources effectively so that we get full value for the money we spent.

In this connection, the Education Commission is studying the related issues of school quality and school funding. The Commission will consult the public on some broad principles governing school education and ways to improve performance in mid-June. Public feedback on the subject will help form the basis of the Commission's next report, that is, Education Commission Report No. 7 on Quality School Education. I believe that this report will point to a major reform in school education.

We apply a similar approach to the tertiary sector regarding the effective use of resources. We will work closely with the University Grants Committee to improve the quality of our graduates whilst seeking to reduce unit costs at the same time. This has become our focus as we have entered into a period of consolidation following the rapid expansion of tertiary education in the years 1990 to 1994.

Some Members argued that the Hong Kong Government's expenditure on education, at about 3% of GDP, is too low when compared to some developed countries where the shares are reported to be either close to or above 5%. I would like to caution Members that a straight comparison of such figures may not reflect the full picture. One should bear in mind the fact that Hong Kong has a relatively small government sector: our overall government expenditure represents only about 17% of GDP, compared to something like 30% to 40% in many developed countries.

I think policy makers should be more concerned about how a government

allocates resources within its control to the various competing programme areas. A more appropriate basis for comparison should therefore be the proportion of government expenditure devoted to education. On this, Hong Kong's record speaks for itself. We have, for the past five years, been spending between 17% to 18% of our total government budget annually on education. By comparison, the corresponding figures for the United States, the United Kingdom and Japan (based on the latest data published in the UNESCO Statistical Yearbook 1994) are in the region of 12.3%, 12.9% and 16.5% respectively. Take a look for a moment at two of our neighbouring countries, South Korea and Singapore. The former spends about 4% of its GNP on education, but the amount represents less than 15% of its total government spending. As for Singapore, it allocates about 14% of its government budget on education, although education spending represents only about 3% of its GNP. All these are intended not to stir up another round of debate, but to illustrate the fact that in terms of the importance accorded to education, Hong Kong compares favourably with many neighbouring countries or regions.

Some Members suggested that we should further increase our share of education spending to 4% of GDP. As Secretary for Education and Manpower, I am of course in favour of more spending in my policy area. But I think Members should be aware that such an increase will result in augmenting the share of total education expenditure in the overall government expenditure from the present 17% to 24.6%, that is an increase of over 7%. Unless Members are arguing for a substantial increase in total government expenditure, with what that entails, such a planning target in education expenditure could only be achieved if there is a corresponding reduction in expenditure in other policy areas. But I am not aware that Members have put forward any concrete measures in this regard.

Let me assure Members that I will do my very best to seek new resources for basic education. Members should know clearly that demands can be unlimited while the resources of the Government are limited. As a matter of fact, the Director of Education is now stock taking all the Education Commission reports and results of other reviews to improve basic education. This is for the purpose of redeploying or seeking new resources as necessary to implement effectively and quickly the practicable recommendations. As Government's resources are limited, we need to prioritize the various competing bids. Members are being consulted as part of the annual budgetary process on the community's expectations and the priorities of the political parties they represent. Again,

speaking as Secretary for Education and Manpower and having heard Members' passionate plea in the debate to increase funding for basic education, I sincerely hope that Members will make this a top priority demand for any additional resources that may be available in the next financial year.

Thank you, Mr President.

PRESIDENT: Mr CHEUNG Man-kwong, you are now entitled to reply and you have two minutes 27 seconds out of your original 15 minutes.

MR CHEUNG MAN-KWONG (in Cantonese): Mr President, I would like to respond to a few points.

First, initially I intended to speak more politely and ask the Government to increase the funding for fundamental education. However, if I were to put it more bluntly, I would demand that the Government make up for the shortfall as a result of its bias against basic education. The Government says that demands can be unlimited, but in fact it is not. The system of half-day school has been implemented for 42 years now; I am only asking that our students be educated in full-day schools, just like students elsewhere. Could this be an unlimited demand? The system of floating class has been implemented for 20 years now; I am asking that secondary school students can have their own classroom. Could this be an unlimited demand? I am asking that kindergartens do not have to struggle for survival with a funding which is 1.5% of the total education budget. Could this be an unlimited demand? I am asking that additional staff and resources be allocated to the neglected area of special education which is suffering from a severe shortage of staff. Even the Government has admitted in its report that resources worth more than \$700 million have to be injected in this area to meet the demand. Could this be an unlimited demand? Should someone like the Secretary for Education and Manpower have the heart to treat a demand for what is the most basic need of children as "unlimited demand"?

Second, the Secretary has mentioned countries in Asia and elsewhere. He said that it is not practicable to compare the percentages of Gross National Product taken up by education budgets. Yes, that may be correct because the governments of many countries have military and other expenditures which Hong Kong does not. Given the fact that there is no military expenditure in Hong

Kong, is the demand to increase its expenditure on education to a level comparable to those of other Asian countries unlimited?

In fact, the Secretary has not answered my substantive question and which is, why is the percentage of our expenditure on basic education smaller than that for economic expenditure by a hefty 12%? Why does the Secretary not answer this question? If we ask that the expenditure on education be increased at the same pace as that of economic expenditure, could this be an unlimited demand?

I would also like to answer the Honourable Miss CHAN Yuen-han's question in the hope that she would feel more comfortable when she supports this motion. Our demands are: first, that the funding for basic education be increased. Second, that the amount that fell short of the rate of economic growth over the past be compensated. Third, that positive steps be taken to obtain resources so that more new demands can be met. I would not be satisfied with an increase in expenditure on education being pegged to the rate of economic growth. However, considering what the Secretary for Education and Manpower has said earlier on, I am afraid we would be disappointed. If the Secretary can even speak so plausibly when the increase in expenditure on education falls short of the rate of economic growth, how can he be qualified as the Secretary for Education and Manpower who is supposed to promote education and the interests of students in Hong Kong?

Mr President, I am grateful to Members who have spoken, but I hope the Secretary for Education and Manpower will change his mind and speak fairly to promote fundamental education when we have a discussion on the appropriation in July this year. I hope the Secretary will no longer consider demands which are only basic to the education of children as unlimited. To say that they are unlimited is really an exaggeration.

Thank you, Mr President.

Question on the motion put and agreed to.

ADJOURNMENT AND NEXT SITTING

PRESIDENT: In accordance with Standing Orders, I now adjourn the Council until 2.30 pm on Wednesday, 26 June 1996.

Adjourned accordingly at twenty-one minutes past Eight o'clock.

(*Note:* The short titles of the Motions/Bills listed in the Hansard, with the exception of Public Bus Services Ordinance and Banking (Amendment) Bill 1996, have been translated into Chinese for information and guidance only; they do not have authoritative effect in Chinese.)