

## **OFFICIAL RECORD OF PROCEEDINGS**

### **立法局會議過程正式紀錄**

**Wednesday, 23 October 1996**

一九九六年十月二十三日星期三

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

下午 2 時 30 分會議開始

### **MEMBERS PRESENT**

**出席議員：**

THE PRESIDENT

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

主席黃宏發議員，O.B.E., J.P.

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

周梁淑怡議員，O.B.E., J.P.

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

李柱銘議員，Q.C., J.P.

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

李國寶議員，O.B.E., LL.D. (CANTAB), J.P.

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

倪少傑議員，O.B.E., J.P.

THE HONOURABLE SZETO WAH

司徒華議員

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

劉皇發議員，O.B.E., J.P.

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

何承天議員，O.B.E., J.P.

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

夏佳理議員，O.B.E., J.P.

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

劉健儀議員，O.B.E., J.P.

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

梁智鴻議員，O.B.E., J.P.

THE HONOURABLE ALBERT CHAN WAI-YIP

陳偉業議員

THE HONOURABLE CHEUNG MAN-KWONG

張文光議員

THE HONOURABLE CHIM PUI-CHUNG

詹培忠議員

THE HONOURABLE MICHAEL HO MUN-KA

何敏嘉議員

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

黃震遐議員，M.B.E.

THE HONOURABLE LEE WING-TAT

李永達議員

THE HONOURABLE ERIC LI KA-CHEUNG, O.B.E., J.P.

李家祥議員，O.B.E., J.P.

THE HONOURABLE FRED LI WAH-MING

李華明議員

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

唐英年議員，J.P.

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

DR THE HONOURABLE PHILIP WONG YU-HONG  
黃宜弘議員

DR THE HONOURABLE YEUNG SUM  
楊森議員

THE HONOURABLE ZACHARY WONG WAI-YIN  
黃偉賢議員

THE HONOURABLE JAMES TIEN PEI-CHUN, O.B.E., J.P.  
田北俊議員，O.B.E., J.P.

THE HONOURABLE LEE CHEUK-YAN  
李卓人議員

THE HONOURABLE CHAN KAM-LAM  
陳鑑林議員

THE HONOURABLE CHAN WING-CHAN  
陳榮燦議員

THE HONOURABLE CHAN YUEN-HAN  
陳婉嫻議員

THE HONOURABLE CHENG YIU-TONG  
鄭耀棠議員

DR THE HONOURABLE ANTHONY CHEUNG BING-LEUNG  
張炳良議員

THE HONOURABLE CHEUNG HON-CHUNG  
張漢忠議員

THE HONOURABLE CHOY KAN-PUI, J.P.

蔡根培議員，J.P.

THE HONOURABLE DAVID CHU YU-LIN

朱幼麟議員

THE HONOURABLE ALBERT HO CHUN-YAN

何俊仁議員

THE HONOURABLE IP KWOK-HIM

葉國謙議員

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

劉漢銓議員，J.P.

DR THE HONOURABLE LAW CHEUNG-KWOK

羅祥國議員

THE HONOURABLE LAW CHI-KWONG

羅致光議員

THE HONOURABLE LEE KAI-MING

李啟明議員

THE HONOURABLE LEUNG YIU-CHUNG

梁耀忠議員

THE HONOURABLE BRUCE LIU SING-LEE

廖成利議員

THE HONOURABLE LO SUK-CHING

羅叔清議員

THE HONOURABLE MOK YING-FAN

莫應帆議員

THE HONOURABLE NGAN KAM-CHUEN

顏錦全議員

THE HONOURABLE SIN CHUNG-KAI

單仲偕議員

THE HONOURABLE TSANG KIN-SHING

曾健成議員

DR THE HONOURABLE JOHN TSE WING-LING

謝永齡議員

THE HONOURABLE LAWRENCE YUM SIN-LING

任善寧議員

## **MEMBERS ABSENT**

### **缺席議員：**

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

李鵬飛議員，C.B.E., J.P.

THE HONOURABLE FREDERICK FUNG KIN-KEE

馮檢基議員

THE HONOURABLE EMILY LAU WAI-HING

劉慧卿議員

THE HONOURABLE JAMES TO KUN-SUN

涂謹申議員

THE HONOURABLE HOWARD YOUNG, J.P.

楊孝華議員，J.P.

THE HONOURABLE CHRISTINE LOH KUNG-WAI

陸恭蕙議員

THE HONOURABLE ANDREW CHENG KAR-FOO

鄭家富議員

THE HONOURABLE PAUL CHENG MING-FUN

鄭明訓議員

THE HONOURABLE LAU CHIN-SHEK

劉千石議員

THE HONOURABLE MARGARET NG

吳靄儀議員

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

黃錢其濂議員，C.B.E., I.S.O., J.P.

## **PUBLIC OFFICERS ATTENDING**

### **出席公職人員：**

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

CHIEF SECRETARY

行政局議員布政司陳方安生女士，C.B.E., J.P.

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

FINANCIAL SECRETARY

行政局議員財政司曾蔭權先生，O.B.E., J.P.

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

ATTORNEY GENERAL

行政局議員律政司馬富善先生，C.M.G., J.P.

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

SECRETARY FOR HOME AFFAIRS

政務司孫明揚先生，C.B.E., J.P.

MR CHAU TAK-HAY, C.B.E., J.P.

SECRETARY FOR BROADCASTING, CULTURE AND SPORT

文康廣播司周德熙先生，C.B.E., J.P.

MR GORDON SIU KWING-CHUE, J.P.

SECRETARY FOR TRANSPORT

運輸司蕭炯柱先生，I.S.O., J.P.

MR NICHOLAS NG WING-FUI, J.P.

SECRETARY FOR CONSTITUTIONAL AFFAIRS

憲制事務司吳榮奎先生，J.P.

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

SECRETARY FOR HOUSING

房屋司黃星華先生，O.B.E., J.P.

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

SECRETARY FOR HEALTH AND WELFARE

□ 生福利司霍羅兆貞女士，O.B.E., J.P.

MR JOSEPH WONG WING-PING, J.P.

SECRETARY FOR EDUCATION AND MANPOWER

教育統籌司王永平先生，J.P.

MR BOWEN LEUNG PO-WING, J.P.

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS

規劃環境地政司梁寶榮先生，J.P.

MR KWONG KI-CHI, J.P.

SECRETARY FOR THE TREASURY

庫務司鄭其志先生，J.P.

MISS DENISE YUE CHUNG-YEE, J.P.

SECRETARY FOR TRADE AND INDUSTRY

工商司俞宗怡女士，J.P.

MR LAM WOON-KWONG, J.P.

**SECRETARY FOR THE CIVIL SERVICE**

公務員事務司林煥光先生，J.P.

**MR STEPHEN IP SHU-KWAN, J.P.**

**SECRETARY FOR ECONOMIC SERVICES**

經濟司葉樹堃先生，J.P.

**MRS CARRIE YAU TSANG KA-LAI, J.P.**

**SECRETARY FOR SECURITY**

保安司尤曾家麗女士，J.P.

**CLERKS IN ATTENDANCE**

**列席秘書：**

**MR RICKY FUNG CHOI-CHEUNG, SECRETARY GENERAL**

秘書長馮載祥先生

**MR RAY CHAN YUM-MOU, ASSISTANT SECRETARY GENERAL**

助理秘書長陳欽茂先生



**PAPERS**

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

*Subject*

Subsidiary Legislation	<i>L.N. No.</i>
Prison (Amendment) (No. 2) Rules 1996.....	417/96
Merchant Shipping (Safety) (Gas Carriers) (Amendment) Regulation 1996 .....	420/96
Air Pollution Control (Specified Processes) (Removal of Exemption) Order 1996 .....	421/96
Import and Export (General) Regulations (Amendment of Fourth Schedule) Order 1996 .....	422/96
Public Health and Municipal Services Ordinance (Public Markets) (Designation and Amendment of Tenth Schedule) (No. 3) Order 1996 .....	423/96
Public Health and Municipal Services Ordinance (Public Pleasure Grounds) (Amendment of Fourth Schedule) (No. 6) Order 1996.....	424/96
Public Swimming Pools (Designation) (No. 2) Order 1996 .....	425/96
Official Languages (Translation) Rules .....	426/96
Declaration of Change of Title (Commissioner for Recreation and Culture) Notice 1996 .....	427/96
Rabies Regulation (Amendment of Schedule 1) Notice 1996.....	428/96

Tate's Cairn Tunnel Ordinance (Amendment of Schedule) Notice 1996 .....	429/96
Declaration of Markets in the Urban Council Area (Amendment) (No. 3) Declaration 1996.....	430/96
Companies (Amendment) Ordinance 1995 (83 of 1995) (Commencement) Notice 1996 .....	431/96
Criminal Procedure (Amendment) Ordinance 1996 (37 of 1996) (Commencement) (No. 2) Notice 1996.....	432/96
Mental Health (Amendment) Ordinance 1996 (38 of 1996) (Commencement) Notice 1996 .....	433/96
Nurses Registration (Amendment) Ordinance 1996 (47 of 1996) (Commencement) Notice 1996 .....	434/96
Official Languages (Authentic Chinese Text) (The Hong Kong Polytechnic University Ordinance) Order.....	(C)99/96
Official Languages (Authentic Chinese Text) (Munsang College Incorporation Ordinance) Order .....	(C)100/96
Official Languages (Authentic Chinese Text) (Vocational Training Council Ordinance) Order .....	(C)101/96
Official Languages (Authentic Chinese Text) (The Hong Kong University of Science and Technology Ordinance) Order .....	(C)102/96
Official Languages (Authentic Chinese Text) (Hong Kong Baptist University Ordinance) Order .....	(C)103/96
Official Languages (Authentic Chinese Text) (City University of Hong Kong Ordinance) Order .....	(C)104/96

Official Languages (Authentic Chinese Text)  
 (The Hong Kong Academy for Performing Arts  
 Ordinance) Order..... (C)105/96

## 文件

下列文件乃根據《會議常規》第14條第(2)款的規定而正式提交：

## 項 目

附屬法例	法律公告編號
《1996年監獄（修訂）（第2號）規則》 .....	417/96
《1996年商船（安全）（氣體運載船） （修訂）規例》 .....	420/96
《1996年空氣污染管制（指明工序） （撤除豁免）令》 .....	421/96
《1996年進出口（一般）規例（修訂附表4）令》 .....	422/96
《1996年公眾衛生及市政條例（公眾市場） （指定事宜及修訂附表10）（第3號）令》 .....	423/96
《1996年公眾衛生及市政條例（公眾遊樂場地） （修訂附表4）（第6號）令》 .....	424/96
《1996年公眾泳池（指定）（第2號）令》 .....	425/96
《法定語文（翻譯）規則》 .....	426/96
《1996年宣布更改職銜（康樂文化事務專員） 公告》 .....	427/96
《1996年狂犬病規例（修訂附表1）公告》 .....	428/96

《1996年大老山隧道條例（修訂附表）公告》 .....	429/96
《1996年市政局轄區內街市（修訂） （第3號）宣布》 .....	430/96
《1995年公司（修訂）條例（1995年第83號） 1996年（生效日期）公告》 .....	431/96
《1996年刑事訴訟程序（修訂）條例（1996年第37號） 1996年（生效日期）（第2號）公告》 .....	432/96
《1996年精神健康（修訂）條例（1996年第38號） 1996年（生效日期）公告》 .....	433/96
《1996年護士註冊（修訂）條例（1996年第47號） 1996年（生效日期）公告》 .....	434/96
《法定語文（中文真確本）（香港理工大學 條例）令》 .....	(C)99/96
《法定語文（中文真確本）（民生書院 法團條例）令》 .....	(C)100/96
《法定語文（中文真確本）（職業訓練局 條例）令》 .....	(C)101/96
《法定語文（中文真確本）（香港科技大學 .....	(C)102/96
條例）令》	
《法定語文（中文真確本）（香港浸會大學 條例）令》 .....	(C)103/96
《法定語文（中文真確本）（香港城市大學 條例）令》 .....	(C)104/96
《法定語文（中文真確本）（香港演藝學院 條例）令》 .....	(C)105/96

## Sessional Papers 1996-97

- No. 17 — Report of changes to the approved Estimates of Expenditure approved during the first quarter of 1996-97  
Public Finance Ordinance : Section 8
- No. 18 — Land Development Corporation  
Annual Report 1995-1996
- No. 19 — The Land Registry Trading Fund Hong Kong  
Annual Report 1995-96
- No. 20 — Office of the Telecommunications Authority Trading  
Fund Report for the period 1 June 1995  
to 31 March 1996
- No. 21 — Hong Kong Post Office  
Annual Report 1 April 1995 to 31 March 1996

## 一九九六至九七年度會期內提交的文件

- 第17號 — 一九九六至九七年度第一季  
獲批准對已核准的開支預算作出更改的報告  
公共財政條例：第8條
- 第18號 — 土地發展公司  
一九九五至一九九六年年報
- 第19號 — 香港土地註冊處營運基金  
一九九五至一九九六年度年報
- 第20號 — 電訊管理局營運基金報告書  
一九九五年六月一日至一九九六年三月三十一日
- 第21號 — 香港郵政署年報  
一九九五年四月一日至一九九六年三月三十一日

主席：本局開始會議，首先有兩項發言。根據《會議常規》第14條第(5)款，議員

不得就發言進行辯論，但本席可准許各位提出簡短問題，就發言內容要求澄清。

## Addresses

### 發言

#### **Office of the Telecommunications Authority Trading Fund Report for the period 1 June 1995 to 31 March 1996**

電訊管理局營運基金報告書

一九九五年六月一日至一九九六年三月三十一日

**SECRETARY FOR ECONOMIC SERVICES:** Mr President, pursuant to section 8(2) of the Trading Funds Ordinance, it is my pleasure to table the first Annual Report of the Office of the Telecommunications Authority (OFTA) Trading Fund together with the certified financial statements and the Director of Audit's Report under the powers and duties delegated to me by the Financial Secretary.

The OFTA Trading Fund was established on 1 June 1995 by resolution of this Council dated 10 May 1995. During its first 10 months of operation ending 31 March 1996, the financial performance of the OFTA Trading Fund has surpassed the budgeted targets. This was mainly due to the very rapid growth in the telecommunications market in Hong Kong, particularly the mobile telephone sector, over the past year. In addition, the OFTA managed to exercise stringent control of its expenditure and its total costs for the 1995-96 financial year were kept to a low level, only about 0.2% of the turnover of the telecommunications industry. It is also noteworthy that the radio pager annual licence fee was reduced from \$80 to \$75.

The OFTA Trading Fund maintains a Development Fund in which any financial surpluses above the target rate of return are retained. This will help ensure telecommunications licence fees remain at their existing levels for the next few years.

The OFTA Trading Fund has met all its performance targets including the processing of licence applications, investigation of radio interference complaints, and so on in the reporting period. The OFTA will continue to make use of the financial flexibility under trading fund operation to improve its services in the 1996-97 financial year and beyond.

Thank you.

**Hong Kong Post Office Annual Report 1 April 1995 to 31 March 1996**

香港郵政署年報

一九九五年四月一日至一九九六年三月三十一日

**SECRETARY FOR ECONOMIC SERVICES:** Mr President, pursuant to section 8(2) of the Trading Funds Ordinance, it is my pleasure to table the first Annual Report of the Post Office Trading Fund together with the certified financial statements and the Director of Audit's Report under the powers and duties delegated to me by the Financial Secretary.

The Post Office Trading Fund was established on 1 August 1995 by resolution of this Council dated 19 July 1995. During its first eight months of operation ending 31 March 1996, the Post Office Trading Fund achieved a 9% return, against a target of 6.5%.

Turnover at \$2.4 billion was very slightly below budget. This, however, was more than offset by a drop in expenditure. The Post Office has kept to its pledge of only raising postal rates broadly in line with inflation. Indeed, the increase in September was some 0.4% below inflation.

For the first eight months of operation as a trading fund department, the Post Office has taken further some of its achievements and more so, the Postmaster General has set in place a new "Vision, Mission and Values" which provides the direction for the whole department to commit itself to serving the business community and members of the public.

The Post Office has been able during the year to achieve and exceed the performance pledges made on its services. The only exception was for the next-day delivery of local mail which at 97.7%, although an improvement on recent years, fell slightly short of the target of 98%. The Post Office has extended speedpost acceptance to 12 additional offices, opened two new post offices at Chai Wan and Sai Wan Ho, and also extended the single queuing system to more post offices.

The Post Office is operating on a sound financial footing as the overall profitability is moving towards its target and there is further potential to improve. The flexibility provided under trading fund operation allows the Postmaster General to respond better to changes in the market environment. He will be developing measures to generate volume growth. He has also proposed a number of projects to improve efficiency and service standards. The details of these measures have been set out in the Annual Report tabled. I am confident

that the public will benefit from improved services of the Post Office as it develops under the new trading fund regime.

Thank you.

## WRITTEN ANSWERS TO QUESTIONS

### 議員質詢的書面答覆

#### Slippage in Flood Control Scheme

##### 防洪計劃延誤

1. 張漢忠議員問：總督在一九九四年的施政報告承諾在未來3年為大約12個特別容易出現水浸的村落推行防洪計劃，但一九九六年的工作進度報告顯示，只有3個鄉村的防洪計劃工程已展開。有見及此，政府可否告知本局，餘下9個鄉村的防洪計劃工程延遲動工的原因為何？

規劃環境地政司答：主席，正如一九九五年施政報告所解釋，餘下9個鄉村的防洪計劃工程延遲動工，是由於所涉及的收地程序較為複雜，所需的時間亦較預期長。不過，除了1個鄉村因土地問題以致工程再被阻延3個月外，4個鄉村的工程現已如期進行，另外7個鄉村的工程，進展則較預期快了1個月。有關計劃在一九九五年曾受阻延，至今仍未能趕上進度，原因是地盤工程的開展，須視乎能否收回土地而定。不過，我們預期在一九九八年雨季來臨前，大部分的防洪計劃工程已相當接近完成階段。在進行這些工程後，再加上採取適當的臨時防洪措施，鄉村的水浸情況將會獲得改善。為全部12個鄉村進行的工程，會在一九九九年年底前完成。

#### Bilingualism in Court Proceedings

##### 法院訴訟雙語制

2. **MR AMBROSE LAU** asked: *Under section 6 of the Official Languages Ordinance, the Chief Justice may by notice published in the Gazette specify the date from which a court (which means any court, and any board, tribunal or person having by law the power to hear, receive and examine evidence on oath) and legal representatives may use either or both of the official languages (namely, Chinese and English) in specified proceedings in a specified court. In this connection, will the Government inform this Council whether the*



*Government has formulated a policy and a timetable regarding the introduction of the use of Chinese in the hearing of cases in the "court" mentioned above (in particular the Board of Review under the Inland Revenue Ordinance); if so, what the progress in implementing such a policy is; if not, whether the Government will consider formulating such a policy and a timetable for its implementation?*

**CHIEF SECRETARY:** Mr President, the Official Languages (Amendment) Ordinance 1995 was enacted in July 1995 to remove the restriction on the use of Chinese in higher courts and to facilitate the setting up of a bilingual court system by phases before 1 July 1997. Section 6(1) of the Official Languages Ordinance (Cap. 5) provides the Chief Justice with the power to allow Chinese to be used in specified proceedings in a specified court on a trial basis. Section 6(2) stipulates that the proceedings of the Court of Appeal, the High Court, the District Court and the Lands Tribunal shall be conducted in English until a notice is published under section 6(1)(b) to enable Chinese to be used. The restriction on the use of Chinese in the District Court and the Lands Tribunal was lifted in February this year. Section 6(3) provides that either or both of the official languages may be used in proceedings in a magistrate's court, an inquiry before a coroner, a juvenile court, an Obscene Articles Tribunal, the Labour Tribunal, and the Small Claims Tribunal.

The Judiciary is committed to furthering the use of Chinese in the higher courts. It is intended that the use of Chinese will be introduced to the High Court and the Court of Appeal by early next year. The plan is to put in place before the transfer of sovereignty a truly bilingual system which allows both Chinese and English to be used at all levels of the courts.

As regards appeal boards and tribunals (including the Board of Review established under the Inland Revenue Ordinance (Cap. 112)) which fall outside the purview of the Judiciary, it is already the case that either or both of the official languages can be used in the hearing of cases. Simultaneous interpretation services may be provided where necessary.

## **Inadequately Housed Families**

居住環境欠佳的家庭

3. **MISS CHRISTINE LOH** asked: *Will the Government inform this Council:*

*According to the supplementary information provided to the United Nations Committee on Economic, Social and Cultural Rights regarding the Third Periodic Report in respect of Hong Kong under Article 11 of the International Covenant on Economic, Social and Cultural Rights, the estimated number of families inadequately housed in Hong Kong in 1995 was 173 000 (approximately 452 000 persons). In this connection, will the Administration inform this Council:*

- (a) of the projected figures on inadequately housed families and persons for the years from 1996 to 2001, taking into account the projected population increases in the same period;*
- (b) whether the Administration has done any projection on the trend of inadequately housed families and persons for the years 2001 to 2010; if so, what the projected trend is; and*
- (c) what steps the Administration will take to tackle the problem of having a substantial number of inadequately housed persons?*

**SECRETARY FOR HOUSING:** Mr President, the information about inadequate housing which we have provided to the United Nations Committee on Economic, Social and Cultural Rights covers temporary housing, non-self-contained public and private housing, and sharing in private self-contained housing. It would be difficult to provide a projection of the numbers of families and individuals who are likely to be inadequately housed for the period 1996 to 2001 since the figures would be subject to the interplay of many factors including population growth and the resultant demand for housing, supply of residential units, prices and rents in the private residential market, people's affordability, the Government's housing policies and so on.

Because of various measures taken by the Government and other clearance and redevelopment projects in both the private and public housing sectors in the years ahead, we expect that the number of inadequately housed people in the next 15 years will decline.

One of the Government's housing objectives is to help all households gain access to adequate and affordable housing. We seek to achieve this by a series of measures including:

- (a) the redevelopment of all non-self-contained flats in public rental housing estates before 2001;
- (b) the clearance of most of the Temporary Housing Areas by the end of 1997;
- (c) the conversion of self-contained flats in older rental blocks into interim housing;
- (d) the clearance of squatter areas and cottage areas for development purposes or safety reasons; and
- (e) the construction of a massive public housing programme to make available by 2001 over 220 000 new and refurbished rental flats to meet demand from those in genuine need, including inadequately housed families living in private premises.

In addition, any person who suffers financial hardship can apply for assistance under the Comprehensive Social Security Assistance Scheme administered by the Social Welfare Department. The Scheme is designed to bring the income of such individuals or families up to the prescribed level where the basic and essential needs including rent can be met.

### **Two Police Superintendents' Breach of Civil Service Regulations**

兩名高級警司違反《公務員事務規例》

4. 劉慧卿議員問：據報道，兩名高級警司沒有遵守他們在晉陞現職前許下會留任最少一年的承諾，在陞職後數月便提出退休的申請，因而可領取較高的退休金。就此，政府當局可否告知本局：

- (a) 該兩名高級警司的做法有否抵觸《公務員事務規例》的有關規定；
- (b) 有否其他同類的申請個案獲得批准；若有，詳情為何；及
- (c) 會否採取措施防止日後此類申請獲得批准？

公務員事務司答：主席，就上述質詢，我們的答覆如下：

- (a) 根據有關《公務員事務規例》，凡在陞職生效日期後，不能提供12個月服務的人員，一般不會被考慮提陞。晉陞委員會在推選人員陞級時，都堅守該等《公務員事務規例》。此外，按應用於香港的英國海外公務員補償計劃，英國海外公務員有權在一九九六年七月一日至一九九七年六月三十日之間退休，惟他們須給予香港政府6個月的通知（不包括退休前假期在內）。有關申請均按補償計劃的法例處理。我們一共收到3份該類在晉陞後及退休前提供少於12個月服務的退休申請。
- (b) 除上述個案外，並無其他類似申請。
- (c) 所有退休申請，都會按有關法例及規例處理，我們亦已引進適當的行政程序，避免同樣情況再發生。

### Ma On Shan Rail Link Feasibility Study

#### 馬鞍山鐵路綫可行性研究

5. 黃偉賢議員問：政府最近表示已把馬鞍山鐵路綫可行性研究的範圍擴大，以便檢討是否有需要增建1條鐵路綫，連接沙田與九龍。就此，政府可否告知本局：

- (a) 是在何時作出須檢討是否需要增建鐵路綫連接沙田與九龍的決定；以及有關的可行性研究進度如何；
- (b) 興建馬鞍山鐵路的工作時間表為何；及
- (c) 是否計劃將馬鞍山鐵路交與私人財團興建及管理；而目前是否已有私人財團表示有意參予這計劃；若然，該等財團為何？

運輸司答：主席，

- (a) 馬鞍山至大圍的鐵路綫和紅磡至尖沙咀的九廣鐵路延長部分，是《鐵路發展策略》所建議的3項優先鐵路計劃之一。這計劃的可行性研究範圍原本包括工程、運輸及環境影響，以便確定所採用鐵路系統的類別、路綫設計、技術要求及計劃所需成本。我們在一九九六年五月決定擴大研究的範圍，檢討是否需要增建1條鐵路綫，連接沙田與九龍。檢討工作會評估人口的預測增長（根據《全港發展策略檢討》，到了二零一一年，預測人口會由642萬增至750萬或810萬）對馬鞍山鐵路綫的影響。這工作還包括對新界東北部、九龍及港島之間各條鐵路走廊的預測載客量，進行初步檢討。整項檢討預期在一九九七年二月完成。
- (b) 檢討完成後，我們可掌握更多資料，決定推展這計劃的最佳方式，包括制訂計劃的施工時間表。
- (c) 我們會研究這計劃由私營機構抑或由公營部門推行會較為適當。我們曾收到私營機構表示有意推行這計劃的興趣表達書，並已通知他們，如果我們決定讓私營機構參與，則會以招標競投方式選出營辦商。

### **Chek Lap Kok Airport Landing Fees**

赤鱗角機場着陸費

6. **MR HOWARD YOUNG** asked: *Will the Government inform this Council :*

- (a) *whether the Airport Authority is seeking to charge aircraft landing related fees at the new airport at Chek Lap Kok at twice the current level of fees charged at the Kai Tak airport; and*
- (b) *whether consultations with the international airlines have been conducted on aircraft landing related fees at the new airport; if so, what the outcome is?*

**SECRETARY FOR ECONOMIC SERVICES:** Mr President, charges in

connection with the landing, parking and taking off of aircraft at Hong Kong's new airport at Chek Lap Kok will be higher than those at the Kai Tak airport reflecting the cost of constructing and operating a new, larger airport with a much higher standard of facilities and services. As proposals on these charges will not be finalized until early next year, it is premature, at this stage, to speculate on what the level of charges at the new airport will be. However, both the Government and the Airport Authority will be mindful of the objective to maintain Hong Kong's position as an international and regional aviation centre.

The Airport Authority has commenced consultations with airlines on airport charges, including landing related fees. Four rounds of discussions have been held with the Hong Kong User Charges Task Force of the International Air Transport Association (IATA). The views of local airline representatives are also being obtained through the Hong Kong Board of Airline Representatives and other channels.

This process of consultation will continue. The views of the local and international airline community will be taken into account as the Airport Authority formulates its proposals for charges at the new airport.

### **Government Assistance to Statutory Public Organizations in Securing Loans** 政府協助公營法定機構貸款

7. 單仲偕議員問：政府當局可否告知本局：

- (a) 在過去3年，政府或金融管理局（“金管局”）有否協助法定公營機構向外貸款；若然，請列出每宗貸款個案的資料如下：
  - (i) 所涉及的公營法定機構及貸款機構的名稱；
  - (ii) 貸款的方式（如債券、銀團貸款等）、金額、年期、利率與信貸評級；及
  - (iii) 政府所承擔的角色（如擔保、發行、或託管等）與責任；及
- (b) 政府在何種情況下會協助法定公營機構舉債？

庫務司答：主席，

過去3年，政府在法定公營機構向外貸款方面所給予的協助，只限於與機場管理局及香港地下鐵路公司（“地鐵公司”）就新機場及機場鐵路計劃訂立財務支持協議。

在這些協議下，政府就有關計劃向貸款機構作出若干保證，令上述兩個法定機構，可在符合經濟效益的原則下，取得商業貸款，為轄下工程提供經費。政府並沒有為這些貸款作出擔保，也不承擔這方面的或有負債。

金管局在協助法定公營機構貸款方面所擔任的工作，只限於與地鐵公司訂立協議，按公平商業原則，在一九九五年五月推出的港元票據發行計劃下，為該公司擔任籌備、管理及代理工作。

至目前為止，該計劃已發行3批票據，全部均為5年定息票據。詳情如下：

發行日期	金額	票面息率	平均接納收益率
一九九五年五月二十二日	5億元	年息7.9%	年息7.98%
一九九五年十一月九日	5億元	年息7.3%	年息7.31%
一九九六年八月十六日	5億元	年息7.35%	年息7.51%

金管局並沒有為地鐵公司發行的票據擔任發行人、擔保人或託管人，也沒有在信貸或借貸費用方面為該公司提供協助。地鐵公司透過金管局的安排直接向百多家銀行出售票據。這些銀行在該計劃下，擔任代銷商或市場莊家。

金管局參與地鐵公司票據發行計劃的目的，是推動港元債券市場的發展。金管局現正考慮為機場管理局行將發行的債券安排同類計劃。該局亦會按個別情況，考慮為其他法定機構就發行債券的安排提供意見及協助。

法定公營機構如欲請政府協助申請商業貸款，須具備充分理據，向政府

提出要求。政府會按個別情況考慮。

### Average Number of Vehicles per Km of Road Surface

每公里道路的平均汽車數目

8. 黃偉賢議員問：政府可否告知本局：

- (a) 過去4年，每年本港每公里的道路平均有多少輛汽車；
- (b) 在同一時期，每年車輛在繁忙時間在市區行走的平均時速為何；
- (c) 有關每公里道路的平均汽車數目及車輛在繁忙時間的平均時速，是否有訂定的國際標準；若有，上述(a)及(b)項答覆中所提及的數字是否符合該等標準；若否，政府計劃達到的目標為何；及
- (d) 會否在未來數年進行主要道路工程計劃，以減少本港每公里道路的平均車輛數目，以及增加車輛的平均時速？

運輸司答：主席，

- (a)及(b) 過去4年，每公里公用道路的车辆密度，以及市區在早上繁忙時間的平均行車速度分別如下：

年份	每公里公用道路的 領有牌照車輛數目	早上繁忙時間的平均 行車速度 (公里／小時)
一九九二	266	24.4
一九九三	271	21.8
一九九四	274	21.8
一九九五	267	22.7

- (c) 有關車輛密度和市區的行車速度，目前並沒有任何國際標準。我們可以新加坡的情況作為參考。在一九九二、九三及九四年，新加坡的車輛密度分別為每公里188、195及202部；至於平均的行車速度，則沒有任何資料。我們並沒有就每公里道路的



車輛數目設定上限。但一如解決交通擠塞措施工作小組所建議，我們的目標，是把私家車數目的每年增長率抑制在約2%至3%的水平。

- (d) 為改善路面情況，我們會在未來10年繼續擴展本港的運輸基礎設施。現正進行或已納入長遠計劃的主要工程項目包括：

*道路工程*

- 3號幹綫，包括西區海底隧道、西九龍快速公路、葵涌高架道路、藍巴勒海峽橋、長青隧道、汀九橋以及3號幹綫郊野公園段
- 青嶼幹綫
- 北大嶼山快速公路
- 第二條青衣南橋
- 青衣北岸公路
- 屯門公路改善工程
- 龍翔道及呈祥道改善工程
- 紅磡繞道及公主道連接路
- 16號幹綫（西九龍至沙田）
- 吐露港公路擴闊工程（元洲仔交匯處至馬料水交匯處一段）
- 西岸公路（將軍澳至東九龍）
- 7號幹綫（林士街至香港仔）
- 深井連接路（連接新界西北部與北大嶼山，並可能興建與深圳和珠海連接的過境通道）

- 另1項或會進行的主要道路工程計劃，是興建1條由新界東北部向南伸展至市區，在北面連接深圳鹽田的道路

#### 鐵路工程

- 地下鐵路將軍澳支綫
- 地下鐵路鰂魚涌支綫
- 西部走廊鐵路
- 東九龍綫 — 馬鞍山至大圍鐵路綫，以及紅磡至尖沙咀的延長部分

### Sharp Rise in Premium of Urban Taxis and Public Light Buses 市區的士及公共小型巴士牌價急升

9. 劉慧卿議員問：據報道，市區的士及公共小型巴士牌價炒風熾熱，前者由一九九六年初的210萬元急升三成至現時的270萬元，後者更急升四成，由210萬元升至300萬元。有見及此，政府可否告知本局：

- (a) 有否調查市區的士及公共小型巴士牌價急升的原因；若有，其原因為何；及
- (b) 上述牌價急升的情況會否引致市區的士及公共小型巴士的車費上升？

運輸司答：主席，多年來，的士及公共小型巴士的牌照一向都作為營業牌照和投資資產買賣。影響牌價的因素，包括利率、金融機構的貸款政策以及對本港經濟前景的一般信心。車主司機大多認為牌照是營業的必備工具，對付通脹的保障，以及退休或轉業時可供套現的投資。

近幾個月來，本港的住宅物業及股票市場都出現好轉，而的士及公共小型巴士牌照的市價也告上升。同期間，金融機構放寬了分期償還牌價貸款

的政策，提供優厚的貸款條件，例如較長的還款期和較低的利率。因此，購置的士牌照每月須付的還款額沒有大增。

的士和公共小巴的牌價上升，不會導致的士和公共小巴的收費相應增加。政府在釐定的士和專線小巴的收費時，只會考慮經營成本，包括人工、燃料、車輛折舊及維修保養的成本。

過去幾年，政府已深入研究的士發牌制度，並已徵詢交通諮詢委員會的意見。我們現正密切監察有關情況，並會特別就最近的牌價變動，再次徵詢交諮會的意見。

### **Pickpocketing in Tourist Areas**

#### **遊客區扒竊活動**

10. **MR HOWARD YOUNG** asked: *Regarding pickpocketing in tourist areas, will the Government inform this Council:*

- (a) *of the number of pickpocketing cases reported by tourists in the Tsim Sha Tsui and Causeway Bay districts, as well as the numbers of arrests of pickpockets in the districts and prosecutions in the past 12 months;*
- (b) *whether there is an upward trend in the number of pickpocketing cases in the above districts reported by tourists in the first nine months of this year, as compared with that in the corresponding period in the past two years; and*
- (c) *whether police enforcement action will be strengthened to combat pickpocketing in tourist areas?*

**SECRETARY FOR SECURITY:** Mr President,

- (a) The tourist area in Causeway Bay falls under the Wanchai Division of the police, which covers the area west of Victoria Park and north

of Queen's Road, Morrison Hill Road and Leighton Road. From 1 October 1995 to 30 September 1996, there are 80 and 37 cases of pickpocketing reported by tourists to the Tsim Sha Tsui Division and Wanchai Division of the police respectively. The numbers of persons arrested and prosecuted are 27 and three respectively.

- (b) The statistics on pickpocketing in the above districts have increased, albeit only slightly in the case of Causeway Bay. Comparative figures are as follows -

<i>Year of Report</i>	<i>Police Division</i>				<i>Annual Total</i>	
	<i>Tsim Sha Tsui</i>		<i>Wanchai</i>			
	<i>No. of reported cases</i>	<i>No. of arrest/prosecution cases</i>	<i>No. of reported cases</i>	<i>No. of arrest/prosecution cases</i>	<i>No. of reported cases</i>	<i>No. of arrest/prosecution cases</i>
1993	41	21	3	1	44	22
1994	20	11	23	2	43	13
1995	37	25	23	4	60	29
1996 *	61	18	27	1	88	19

\* until 30 September 1996

- (c) The police will strengthen enforcement action against pickpocketing in popular tourist areas. Such action includes:
- (i) deployment of two teams of officers, each consisting of five persons, to combat pickpockets in Tsim Sha Tsui;
  - (ii) deployment of plainclothes and uniformed officers to areas where pickpockets are reported to be active based on intelligence gathered from victims and arrested persons;
  - (iii) posting of warning signs in major tourist areas to heighten awareness among tourists of pickpockets;
  - (iv) broadcast at major shopping areas to warn tourists of

pickpockets; and

- (v) distribution of relevant leaflets to warn tourists of the prevalence of this crime.

### Technical Training for Contracting Cotton Spinning Industry

#### 萎縮中棉紡業的技術訓練

11. 田北俊議員問：鑑於近年棉紡業發展不斷萎縮，且面對技術勞工（特別是機械維修技工）嚴重缺乏的問題，政府可否告知本局，有何措施加強培訓棉紡業技術人員和協助棉紡業加快推行工序自動化，及到目前為止該等措施的成效為何？

工商司答：主席，一九九五年十二月，職業訓練局（“職訓局”）曾對紡織業進行人力調查，結果顯示棉紡業的技術勞工並沒有短缺的情況。棉紡機械維修技工的人數如下：

	僱員 人數	受訓 人數	空缺 數目	預測在一九九 六年十二月底 前的僱員人數
紡織機械工	197	18	0	195

至於為加強培訓機械維修技工而採取的措施，職訓局轄下的多間工業學院和紡織業訓練中心，均為紡織業紡紗部門的工人提供職前和在職訓練課程。一九九五年，在工業學院完成訓練課程的紡織機械工畢業生有63人，紡織技術員畢業生有69人，而一九九六年的相應數字則分別為42人和78人。一九九五年，修畢紡織業訓練中心基本技術課程和技工證書課程的畢業生共有129人，而一九九六年則有82人。職訓局提供了不少受過優良培訓的機械維修技工，協助棉紡業進一步邁向自動化，這一點是無庸置疑的。

此外，紡織業訓練委員會近年亦就自動絡紗機、紡紗自動化和紡紗機械的最新發展，舉行多次座談會。參加這類座談會的在職僱員約有600人。此外，香港理工大學也在學位以下程度的各項時裝和紡織課程內開辦有關梭織和紡紗技術的單元。僱主亦可利用新科技培訓計劃，安排僱員在本地或海外接受訓練，並可獲半費資助。

香港生產力促進局轄下的設計及信息技術科自動化服務部就自動化的事宜，向工業界不同行業的客戶提供顧問意見。不過，在過去兩年，並沒有棉紡公司委託該局推行自動化計劃。

政府的工業支援資助計劃是另一個可以提供協助的渠道。對於工業及科技發展局認為有利香港工業及科技發展的計劃，該資助計劃提供財政支援。自該計劃於一九九四年成立以來，共批准了28項與紡織製衣有關的計劃，涉及的撥款達5,080萬元。不過，在所接獲的申請中，並沒有任何一份是特別為促進棉紡公司自動化而提出的。

### Supply of Residential Flats

#### 住宅單位的供應

12. 陳偉業議員問：據報道，地政總署最近修訂了一九九六至九七年度售地計劃，撤回在深井及愛秩序灣的兩幅住宅用地，代之以上水石湖墟1幅商住用地及馬鞍山1幅酒店用地。如此一來，本年度由賣地而產生的住宅供應量將減少約3 900個單位，以致住宅單位供應因而更為短缺。有見及此，政府可否告知本局：

- (a) 會否繼續尋找合適的土地，安排在本年度內拍賣，以紓緩住宅單位供應短缺的情況；及
- (b) 預計本年度會批准多少宗重建及把土地用途改為住宅用途的申請；以及估計該等獲批准的申請可提供多少個住宅單位？

規劃環境地政司答：主席，

- (a) 除上水和馬鞍山的兩幅用地外，我們現正物色其他土地，以便在一九九六至九七年度出售。此外，我們會在將軍澳多批兩幅土地，以贖回甲／乙類換地權益書。一九九六至九七年度賣地計劃下私人樓宇住宅單位的建屋目標，將會達到。
- (b) 在一九九六年四月一日至一九九六年八月三十一日期內，已簽立的契約修訂和換地個案有27宗，可提供約5 000個單位。現

時，地政總署正在處理192宗這類申請，預計其中81宗會在本財政年度內完成，可提供約24 000個單位。

### Protection of Wet Land

#### 保護濕地

13. 謝永齡議員問：總督在本年度的政策大綱中提及會於一九九七年初根據《拉姆薩爾公約》劃定的地點，為米埔沼澤區／內后海灣制訂1套全面的管理策略。有鑑於本港其他濕地亦具備重要環境價值，政府可否告知本局：

- (a) 有關部門有否定期統計本港濕地的總面積；若有，請詳列過去3年以來，每年的濕地總面積，及濕地總面積增加或減少的原因；
- (b) 現時有否法例或行政措施，以監管及限制該等濕地的發展計劃；及
- (c) 有否長遠措施以確保濕地的總面積不會減少？

規劃環境地政司答：主席，

- (a) 我們沒有定期統計本港濕地的總面積，原因是並非所有濕地都具有重要生態價值。不過，我們估計有重要生態價值的濕地的總面積約為2 600公頃，其中包括魚塘、紅樹林、米埔沼澤區和內后海灣。在過去3年，本港一些重要的基礎建設計劃使用了小部分這類濕地，以致濕地總面積有所減少。這些計劃包括在錦田、元朗、上水與腹地興建主要排水渠、深圳河治理計劃工程和3號幹綫工程。
- (b) 大部分具重要生態價值的濕地位於新界西北部。在法定圖則（即發展審批地區圖或分區計劃大綱圖）範圍內的所有濕地，是受到《城市規劃條例》所規管的。在法定圖則上劃為保護區、具特殊科學價值地點或沿岸保護區的濕地，在未經城市規劃委員會批准前，不得進行發展計劃或更改土地用途。如在發展審批地區

圖或分區計劃大綱圖範圍內填塘，亦須獲城市規劃委員會許可。此外，所有擬議的大型發展計劃，均須進行包括研究對濕地影響的環境影響評估。而根據城市規劃委員會有關“擬於后海灣緩衝區內進行發展的規劃申請指引”，米埔沼澤區及內后海灣的生態易受滋擾地區、四周的魚塘及基圍，都已劃為緩衝區。在第一緩衝區內，除有助保護自然特色及景觀的發展計劃外，其他新的發展計劃將不會獲准進行。在第二緩衝區內，現有的濕地將予保留，除非申請人可證明，擬議的發展計劃可增加緩衝區內的生態特質，使區內濕地成為野生生物自然生長地，而同時又可與現有魚塘互相兼容，否則發展計劃不會獲得批准。一九九五年九月，《拉姆薩爾公約》把米埔沼澤區及內后海灣列為國際公認具有重要價值的濕地，我們現正就未來對該地區自然環境的保護策略及管理計劃進行研究。

- (c) 政府的政策是防止濕地的消失，並盡可能對因進行重要發展計劃而減少的濕地作出補償。倘獲撥所需資源，我們打算在一九九七年年中委聘顧問進行研究，以解決本港各項主要發展計劃長期以來對濕地所造成的影響，並就濕地的補償制訂協調的處理方法。該項研究會評估各項主要發展計劃對濕地資源的影響、提出切實可行的緩解措施、確定可以修復、加強保護或增闢濕地的地點，以及為工程地盤範圍內外的緩解措施制訂準則和指引。現時，我們正在進行“后海灣地區魚塘生態價值研究”，亦將制訂防止后海灣魚塘減少的建議。

### **Optional Medical and Dental Group Insurance Scheme for Civil Servants**

公務員非強制醫療及牙科集體保險計劃

14. **DR LEONG CHE-HUNG** asked: *Regarding the Government's recent implementation of an optional medical and dental group insurance scheme for civil servants, will the Government inform this Council:*

- (a) *of the financial implications of the above scheme on the Government;*
- (b) *of the range of annual premium for each participant, and the number of civil servants who have taken part in the scheme so far;*



- (c) *whether the Government anticipates any decline in the number of civil servants using government medical and dental services in the next 10 years because of the above scheme; if so, what the projected decreases are; and*
- (d) *whether, in the long run, the Government will consider hiving off the medical and dental services currently provided to civil servants to the private sector, or replacing the provision of such services partly or wholly by group insurance schemes?*

**SECRETARY FOR THE CIVIL SERVICE:** Mr President, following discussion with the staff side, a voluntary medical insurance scheme was introduced in May 1996 to provide an option for those civil servants who wish to have flexibility over the choice of medical treatment they receive. Civil servants' eligibility for medical and dental benefits provided under their terms of employment is not affected by this scheme.

- (a) Participation in the scheme is entirely voluntary. Subscribers are required to pay the full premium. There are no financial implications arising from the scheme for the Government.
- (b) The premium for hospital and surgical coverage ranges from \$423 to \$1,671. There are also options for additional coverage such as out-patient, dental, maternity, emergency evacuation, and personal accident at extra cost to the participant. As at 31 September 1996, 1 901 applications for joining the scheme have been approved.
- (c) Since participation in the scheme is entirely voluntary and civil servants' eligibility for medical and dental benefits provided under their terms of employment will not be affected, it is not possible at this stage to anticipate whether there will be any change in the number of civil servants using public medical and dental services.
- (d) We believe the current arrangements for the provision of medical and dental benefits to civil servants are on the whole reasonable and appropriate. Both serving and retired civil servants and their families have access to the full range of medical services available.

We have considered the possibility of replacing the current arrangements but have concluded that none of the alternatives available is suitable or practicable. We will continue to monitor the level of services and developments in this field, but we have no intention to change the current arrangements at this time.

### Government Contracts Awarded to Japanese Contractors

批予日資承建商的政府合約

15. 羅祥國議員問：政府可否告知本局：

- (a) 現時由日資承建商承包的政府工程合約總值為何；及
- (b) 過去3年，每年批給日資承建商的政府工程合約主要分類及有關的價值為何？

工務司答：主席，

- (a) 目前，由日資承建商承建的政府建造工程（包括合資承建的工程合約中日資所佔部分）總值為138億港元。
- (b) 過去3年，批給日資承建商承建的政府建造工程（包括合資承建的工程合約中日資所佔部分）的價值主要分類如下：

年份	建築工程 (百萬元)	土木工程 (百萬元)
一九九三	—	3 233
一九九四	257	2 506
一九九五	92	1 687

### Addition of Persons to Public Rental Housing Tenancies

租住公屋戶籍增加人數

16. 馮檢基議員問：根據現行政策，18歲以上人士不能加入租住公屋戶籍內，然而，房屋署可以因應個別情況，容許18歲以上人士加入戶籍，以照顧

居住於租住公屋單位的60歲以上高齡單身人士。就此，政府可否告知本局：

- (a) 過去3年，每年分別有多少60歲以上單身人士居於租住公屋單位；
- (b) 過去3年，每年分別有多少申請18歲以上人士加入租住公屋戶籍的個案，其中有多少宗申請獲得批准；及
- (c) 房屋署一般會否發出“臨時戶籍”予18歲以上人士，方便他們照顧居於租住公屋單位的高齡單身親屬，而附帶條件是戶主不能再申請其他人士加入戶籍，及當戶主去世後，持有臨時戶籍的人士須遷出該公屋單位；若然，將於何時推行有關安排；若否，原因為何？

房屋司答：主席，目前，約有33 000名60歲以上單身人士在公共租住屋邨居住，而一九九五年的人數則為3萬名。我們並無保存一九九五年之前的數據。

有關申請18歲以上人士加入租住公屋戶籍，以方便他們照顧高齡單身住戶的個案，情況如下：

	一九九三	一九九四	一九九五
接獲的申請數目	92	133	156
批准的申請數目	25	52	72
駁回的申請數目	67	81	84

房屋署不會發出臨時戶籍予18歲以上人士，以照顧在租住公屋單位居住的高齡住戶。房屋署是根據每宗個案的特殊情況作出考慮，並會顧及高齡住戶的特別需要。倘永久加入戶籍的申請不獲批准，房屋署可能會視情況所需，批准暫時居住。

## **Appointments to Kowloon-Canton Railway Corporation Management Board**

九廣鐵路公司董事局的委任

17. 張漢忠議員問：政府可否告知本局，在委任個別人士為九廣鐵路公司

(“九鐵”)的董事局成員時，考慮哪些因素，以及會否檢討現時該等委任的機制和準則，以確保董事局履行其監察九鐵運作的責任？

運輸司答：主席，

《九廣鐵路公司條例》(第372章)第3(2)條規定，九鐵的董事局成員，須包括1名主席及不少於4名但又不多於8名的其他成員，他們都由總督委任。

董事局成員來自不同界別及專業，如法律、會計、銀行及運輸界。政府的主要目標，是確保能委出符合九鐵董事局各方面要求的最佳人選。政府是根據個別人士的長處而委任適當人選，考慮因素包括個人能力、經驗、專業知識、品德及是否熱心參與公共服務。為確保能滿足市民對公共交通服務的需求及嚴密監察九鐵的運作，庫務司及運輸司同為九鐵董事局的當然成員。

委任九鐵董事局成員的現行機制，與其他法定機構的委任機制類似。政府會不斷檢討這委任制度，確保所委任的人選最能符合公眾利益。

### **Reciprocal Provision of Medical Services between Hong Kong and Britain** **英港醫療服務互惠協議**

18. 葉國謙議員問：本港與英國政府訂立的醫療服務互惠協議，實施至今已有14年之久。就此，當局可否告知本局：

- (a) 是否知悉在過去5年，本港與英國市民因上述協議而受惠的人數及兩地所涉及的有關開支每年分別為何；若然，詳情為何；
- (b) 這項協議在一九九七年七月一日本港主權移交後會否繼續有效；及
- (c) 除英國以外，有否計劃與其他國家訂立類似的醫療服務協定，以確保本港居民在該等國家能得到醫療服務？

衛生福利司答：主席，根據健康醫護服務互惠協議，急需在本港的公營醫院

及診療所接受治療的英國公民，可按本港居民享有的資助額繳付醫療費用。同時，本港居民也可自由使用英國的全國衛生服務。

根據所得數據顯示，在一九九四至九五及一九九五至九六年度，分別有395及538名英國公民根據健康醫護服務互惠協議在本港使用住院服務。我們暫時未能提供有關過去5年及門診診症服務的統計數字。此外，當局也沒有記錄根據互惠協議在英國獲得醫療服務的本港居民人數。

互惠協議是在一九八二年以書面作實，並且不受屆滿日期規限。除了英國以外，香港沒有與其他國家簽訂類似的協議。

### **Legal Department's Agreement with a Case Defendant**

#### **律政署與某宗案件被告達成協議**

19. 詹培忠議員問：據報道，律政署最近與某宗案件的被告達成協議。有見及此，政府可否告知本局：

- (a) 律政署有否訂定任何指引，規定在何種情況下該署可與被告人達成協議；及
- (b) 有哪些機制監管律政署處理該等事宜？

律政司答：主席，

- (a) 律政署訂有指引，規定何種等級人員才可與或授權與被告人達成協議。至於有哪幾類協議可以或不可以達成，可從權威性的法庭判決中找到有關的規則。控方是可以在審訊之前或期間表明，如果被告人承認那些比其所控罪名較輕的罪名，或承認其中一些控罪而非全部控罪，控方便不會繼續證明被告人犯了其餘控罪。

控方決定是否作這項表示時所採用的指導原則是，被告人所承認的控罪，必須充分反映案件的犯罪行為，方會得到接納。控方亦須考慮其他有關因素，包括案件是否具有充分證據、審訊所花的時間、審訊如繼續進行，對證人所造成的不便或情緒影響，以及被告人可能被判處的刑罰等。

- (b) 控方律師須準備在公開法庭，向法官合理解釋接納被告人按這途徑承認控罪的原因。由獨立司法機構作出的公開監察，無疑是一個最有效的機制，保障公眾利益。

**Stamp Duty from Share Dealings****股票交易印花稅**

20. 詹培忠議員問：政府可否告知本局：

- (a) 過去3年，從股票交易中所徵收的印花稅款額分別為何；
- (b) 當局有否考慮取消股票交易印花稅；若否，原因為何；及
- (c) 目前本港股票交易印花稅的稅率與其他亞洲國家比較，分別為何？

庫務司答：主席，

- (a) 過去3年，從股票交易中所徵收的印花稅款額如下 —

一九九三至九四年度    一九九四至九五年度    一九九五至九六年度

49.06億元

29.59億元

33.78億元

- (b) 上述數字顯示股票交易印花稅在政府收入中佔相當重要的比重（在一九九五至九六年度，佔政府一般收入的2.2%）。取消此稅項對本港穩定的稅基有重大影響。不過，我們經常根據股票市場的競爭能力，以及本港的整體財政狀況，檢討印花稅稅率。在一九九一至一九九三年間，我們把印花稅稅率削減了50%（每宗股票交易的印花稅由0.6%減至0.3%）。財政司在一九九六至九七年度財度預算案中表示，倘若證券業人士提出削減經紀費的計劃，以加強本港股票市場的競爭力，則他會進一步檢討印花稅稅率。

- (c) 目前本港股票交易印花稅稅率與其他亞洲國家的比較如下：

	印花稅稅率 (每宗股票交易)	備註
香港	0.3%	—
澳洲	0.3%	—

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台灣	0.3%	—
馬來西亞	0.2%	—
日本	0.12%	透過日本證券公司進行的股票交易；
	0.21%	透過其他公司進行的股票交易。
新加坡	0.1%	只適用於本國股票，海外股票無須繳交印花稅。

不過，印花稅只佔股票交易整體成本的一部分。股票交易整體成本還包括經紀費、徵費／結算費用等。綜合而言，本港的股票交易整體成本較日本、馬來西亞和澳洲為低，但略高於新加坡和台灣。

## GOVERNMENT'S MOTIONS

### 政府議案

#### Ozone Layer Protection Ordinance

《保護臭氧層條例》

***SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS to move the following motion:***

"That the Ozone Layer Protection (Products Containing Scheduled Substances) (Import Banning) (Amendment) Regulation 1996, made by the Governor in Council on 24 September 1996, be approved."

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

The Ozone Layer Protection (Products Containing Scheduled Substances) (Import Banning) Regulation was introduced in 1993 to discharge Hong Kong's obligation under an international agreement known as the Montreal Protocol on Substances that Deplete the Ozone Layer. The Regulation prohibits the import of products containing ozone depleting substances from a country or place which

is not a party to the Protocol.

Halons, which are mainly used for fire extinguishing, are the most potent of all controlled substances under the Ozone Layer Protection Ordinance. Its bulk import has been banned in Hong Kong since January 1994. The current amendment Regulation aims to prohibit the import of portable fire extinguishers containing halons from all countries and places. This measure is a further step to phase out the use of halons in Hong Kong.

Alternative non-halon portable fire extinguishers are commercially available at a comparable price. Since 1992, we have ceased to procure new halon fire extinguishers for government buildings. The proposed control would help protect the environment by reducing unnecessary release of ozone depleting substances. I urge Members to give this amendment Regulation favourable consideration.

Thank you, Mr President.

*Question on the motion proposed.*

議案經提出待議。

謝永齡議員致辭：主席，民主黨支持政府對破壞臭氧層的物質加以管制，但質疑政府是否取易捨難，只限於入口，對於現存的這類破壞臭氧層的物質卻沒有妥善的處理措施。

就以家庭雪櫃和冷氣機為例，雖然在九三年本法例實施後，氟氯烴的入口已經受到管制，但是在九三年前入口的雪櫃和冷氣機卻仍然含有氟氯烴，對臭氧層造成破壞。而這些雪櫃和冷氣機被棄置後，有關方面並沒有為這類氟氯烴的收集和處理提供適當的協助。因此，民主黨促請政府除了立法限制入口外，也應該制訂配合的行政措施，處理被淘汰的手提哈龍滅火器以及雪櫃和冷氣機的氟氯烴。

本人謹此陳辭。

**SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS:** Mr President, I would like to thank the Honourable Member for his views. We



would certainly look into his proposals. But the Regulation at the moment is that we have to further implement our obligations under the Montreal Convention. And as far the follow-up of other substances to be controlled or being controlled under the Ozone Layer Protection Ordinance, we will further investigate into his proposals and will implement appropriate follow-up measures.

*Question on the motion, put and agreed to.*

議案付諸表決，並獲通過。

## GOVERNMENT BILLS

### 政府條例草案

#### First Reading of Bills

##### 條例草案首讀

## DISCOVERY BAY TUNNEL LINK BILL

《愉景灣隧道及連接道路條例草案》

## OCCUPATIONAL DEAFNESS (COMPENSATION) (AMENDMENT) BILL 1996

《1996年職業性失聰（補償）（修訂）條例草案》

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

條例草案經過首讀，並依據《會議常規》第41條第(3)款的規定，受命安排二讀。

#### Second Reading of Bills

##### 條例草案二讀

## DISCOVERY BAY TUNNEL LINK BILL

《愉景灣隧道及連接道路條例草案》

***THE SECRETARY FOR TRANSPORT to move the Second Reading of: "A Bill to confer powers for the purpose of constructing a tunnel and a road to connect Discovery Bay in Lantau Island and Siu Ho Wan in North Lantau of that Island (subject to the limitations contained in the Ordinance), to provide for the operation and the maintenance of the tunnel and the road, to permit the use of the tunnel and the road for the passage of vehicular traffic (subject to any limitations contained in the Ordinance), to empower the charging of tolls or fees for such use, to provide for the payment of royalties in respect of such tolls or fees and matters ancillary to or connected with those purposes."***

運輸司致辭：主席，我謹動議就《愉景灣隧道及連接道路條例草案》進行二讀。

目前通往愉景灣唯一的運輸工具是小輪服務。一九九二年八月，香港興業有限公司（“香港興業”）提出進一步發展愉景灣的計劃，其中包括建造一條隧道及連接道路，由位於愉景灣的現有發展區，通往北大嶼山快速公路。興建這條隧道及連接道路的目的，是為愉景灣的居民提供更直接、更方便的陸路，來往新機場、東涌及未來的大嶼山港口發展區。

這條隧道除了為愉景灣提供車輛通道外，隧道內還可建造污水管，將污水從坪洲及愉景灣轉送到大嶼山北部的小蠔灣污水處理廠。這建議符合離島污水收集整體計劃。不過，根據這計劃的時間表，污水改道措施是需要到二零零零年代中期才會實施。污水管如果與這條道路及隧道一併興建，則政府就可提早3至4年實施污水改道措施，從而改善愉景灣的水質。

基於以上這兩個原因，政府原則上支持香港興業的建議。政府最關注的問題，是假如通往愉景灣的道路不設行車限制，所產生的交通量會否對北大嶼山的道路網，尤其是青衣至大嶼山幹綫，構成不利影響。

經詳細研究有關工程對附近交通可能造成的影響後，政府認為可以接納香港興業的計劃。不過，該項計劃須符合以下3個條件：

第一，這條隧道及連接道路是一條私家路，由香港興業自資建造、維修和經營；

第二，使用這條隧道及連接道路車輛，僅限於經運輸署署長批准的住宅巴士和服務車輛，私家車和的士一概不准使用；及

第三，渡輪仍然是愉景灣的主要交通工具，並且不會因為興建了這條連

接道路，而香港興業可以縮減渡輪服務。

香港興業接納了以上3個條件，並隨即與政府商討如何落實這計劃。政府經聽取律政署的意見後，認為立法是最有效的方法，能讓政府對隧道的設計、建造、管理、經營和維修，可加以適當管制。這便是我今天向本局提交《愉景灣隧道及連接道路條例草案》的原因。

至於管制方面，條例草案第18條規定運輸署署長必須接納隧道已適合行車，方可批准車輛使用隧道及連接道路。而根據條例草案第23條，運輸署署長是可以決定哪些類別或種類的車輛屬“指明車輛”，可使用隧道及連接道路。如果署長認為情況緊急而是有需要的，亦可決定容許其他“獲准許車輛”在其指明的期間內，使用隧道及連接道路。條例草案第20條授權路政署署長可在緊急情況下關閉隧道。而條例草案第27條則規定隧道公司如果因為安全、維修或運作上的理由而須關閉隧道，必須通知運輸署署長。

條例草案第28條授權運輸司，可就與隧道及連接道路有關的經營及維修而需隧道公司履行的責任，訂立規例。條例草案第30條授權愉景灣隧道有限公司可訂立附例，規管在隧道區內的交通和使用者的行為，有關附例須經立法局批准。

最後，香港興業雖然不打算收回隧道計劃的建設成本，但仍希望能徵收使用費，收回經營和維修的開支。條例草案第24條授權隧道公司可徵收經運輸司就指明車輛及獲准許車輛的通過而批准的使用收費；惟政府車輛及緊急服務車輛則無須繳費。政府會按照現行做法，根據草案第6條就批出的通行權向隧道公司徵收地價。政府也會就條例草案第21條的規定，向隧道公司徵收運輸署和路政署因監察有關經營和維修隧道而招致的成本開支。此外，與大老山隧道的做法一樣，條例草案第7條規定政府向隧道公司徵收專營權費的計算和程序，徵收款額則須視乎隧道的使用而定。

主席，我謹向在座各位議員推薦《愉景灣隧道及連接道路條例草案》。謝謝主席。

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

條例草案二讀議案經提出待議。

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

辯論中止待續，條例草案依據《會議常規》第42條(3A)款的規定交付內務委員會處理。

**OCCUPATIONAL DEAFNESS (COMPENSATION) (AMENDMENT)**

**BILL 1996**

《1996年職業性失聰（補償）（修訂）條例草案》

***THE SECRETARY FOR EDUCATION AND MANPOWER to move the  
Second Reading of: "A Bill to amend the Occupational Deafness  
(Compensation) Ordinance."***

教育統籌司致辭：主席，我謹動議二讀《1996年職業性失聰（補償）（修訂）條例草案》。

這條條例草案旨在延長在職業性失聰補償計劃下，某類申請人士提交補償申請的最後限期。這些申請人是在一九九五年七月一日職業性失聰補償計劃實施前72個月內，不再從事高噪音工作的人士。這條條例草案使他們可以繼續申請補償。

《職業性失聰（補償）條例》規定，因工作噪音導致失聰的人士，必須曾在該條例訂明的17種高噪音行業工作，為期合共最少10年。即使他們在職業性失聰補償計劃實施日期前72個月內不再從事高噪音工作，亦可申請補償。但是，他們必須在這項計劃實施後的12個月內，即最遲在一九九六年六月三十日前提出申請。

立法局在一九九五年四月通過《職業性失聰（補償）條例》時，政府承諾在這項補償計劃實施1年後進行檢討。在一九九六年四月，勞工處成立工作小組檢討這項計劃，並特別優先研究應否為上述類別的申索人訂定提交補償申請的最後限期。雖然檢討工作仍在進行，工作小組已就申請限期作出結論。

工作小組認為應該保留提交申請的最後限期，因為人的聽力會隨着年齡的增加而減弱，僱員離開高噪音工作的時間越長，在醫學上便會越難準確地評估他因從事高噪音工作而引致聽力受損的程度。此外，職業性失聰補償管理局要核實申請人的受僱紀錄亦更困難。但是，工作小組考慮到部分合資格申請補償的人士，因一時大意錯過最後限期，以致未能及時提交補償申請，如身在外地，就更無法及時申請。因此，工作小組建議延長申請限期12個月。

我們衡量各項因素後，採納工作小組的建議，延長申請補償的限期12個月，至一九九七年六月三十日，讓錯過了上次申請限期的合資格申索人提出申請。此外，我們預期工作小組在今年年底，將會完成整個職業性失聰補償計劃的檢討，並於明年年初進行諮詢，以便在這個立法年度內向立法局提交有關的條例草案。

主席，我謹動議議案。

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

條例草案二讀議案經提出待議。

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

辯論中止待續，條例草案依據《會議常規》第42條(3A)款的規定交付內務委員會處理。

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

恢復條例草案二讀辯論

## **EMPLOYMENT (AMENDMENT) (NO. 3) BILL 1996**

《1996年僱傭（修訂）（第3號）條例草案》

## **Resumption of debate on Second Reading which was moved on 10 July 1996**

恢復於一九九六年七月十日動議二讀辯論

鄭耀棠議員致辭：主席，現行的《僱傭條例》中有關疾病津貼的規定極不合時宜，也不合理，因為其規定“打工仔”只能連續病足4天，才能領取疾病津貼的三分之二工資，而這條條例亦已十多年沒有改動，早已被“打工仔”批評得體無完膚。

因此，本人和工聯會另外兩位同事陳婉嫻議員和陳榮燦議員當選立法局議員後，承諾要做的其中一件事，就是以議員條例草案形式修訂《僱傭條例》，使僱員領取疾病津貼的規定作出改善。正正由於我們的要求，政府也答應對此問題進行檢討。經過勞工顧問委員會的討論後，今天政府向本局提交將要通過的條例草案，即僱員病假津貼由三分之二提高至五分之四工資。

本人及工聯會雖然對這條例草案的新建議未盡滿意，但我們仍然持支持的態度，因為我們希望這一修訂條例能盡快在本局審議通過，使“打工仔”早日得益。主席，我們說這項修訂有未盡圓滿之處，在於有關僱員可領津貼的有薪病假日數仍保留僱員要病足4天才可領津貼是不合理的，是對僱員身心的一種摧殘。但有關僱主就認為，假如放寬病假日數勢必造成濫用和增加成本，但我們認為這種擔憂是沒有必要的，因政府的統計數字顯示，僱員疾病津貼由三分之二工資增至五分之四後，僱主用於薪酬方面的總開支平均只不過增加0.001%；而統計處的調查也顯示，僱員放病假少於4天的情況並不普遍，即每100名僱員中只有4宗。

根據上述數字，僱員濫用病假並不嚴重也不普遍，亦不會造成太大的成

本負擔。既然政府已向勞工顧問委員會作出承諾，在1年內對領取疾病津貼的日數及僱員可累積最高120天的疾病及住院規定作出檢討，本人就等待政府全面檢討的結果，希望為“打工仔”帶來福祉。

主席，《1996年僱傭(修訂)(第3號)條例草案》是經勞工顧問委員會在今年五月勞資雙方討論有結果後，較快地提交本局恢復二讀辯論的勞工條例草案，這是值得讚賞的。但是勞工顧問委員會在過去一段日子裏，也建議了一些勞工法例的修訂，至今還有些未提交本局審議，即使已提交本局審議的，也拖了很長時間，因此，本人十分關注這個情況。作為“打工仔”，自然希望有關條例草案能盡快在立法局通過而實施。此外，本人及工聯會的立法局議員希望政府盡快向本局提交所有已在勞工顧問委員會通過的條例草案，以保障廣大“打工仔”的利益。

主席，本人謹此陳辭，支持議案。

**梁耀忠議員致辭：**主席，《1996年僱傭(修訂)(第3號)條例草案》的內容，儘管是將疾病津貼額由工資的三分之二增至五分之四，實際上有一定程度的改善，但由於僱員須連續放取不少於4天的病假，才可獲發醫療疾病津貼，所以基本上可享用這種津貼的僱員為數不多，對一般僱員來說，保障根本不大。這次的修訂，雖然是勞工顧問委員會的勞方代表花了很大的氣力爭取得來，但最終仍然是“換湯不換藥”的妥協結果，實在使人感到很遺憾。

長久以來，很多僱員都批評要病足4天才可獲病假津貼，根本是一種對僱員不尊重，而且完全缺乏道理的規定，所以很多有良心的僱主早已容許僱員放取一天病假也可領取疾病津貼。不過，很可悲的是，政府在這方面的態度一直過於守舊，罔顧僱員在患上疾病後，除了要付出醫藥費外，還要被僱主剋扣工資所承受的雙重打擊。直至最近，在議員要提出私人條例草案的威嚇下，政府才提出這象徵式的修訂，對僱員來說，根本不是一項大好的喜訊。

主席，生老病死是常人所不能夠抗拒的自然規律。在今天香港這繁榮都市，政府已經願意成立平等機會委員會，又訂立《人權法》，目的是想打擊歧視，但為何政府卻歧視一些基層市民的基本權益呢？事實上，目前很多大機構的僱員和行政人員，甚至公務員放取一天病假都可以享有全薪津貼。政府今次只提出增加疾病津貼的薪金百分比，完全沒想到要取消連續放取4天病假的規定，政府為何這樣歧視一般小市民，歧視一般“打工仔”呢？這種做法實在令人感到可恨及憤怒。

主席，雖然政府強調在通過這條例草案後，將來仍會作出檢討，但須知道，這類空話，香港市民實在聽得厭煩。難道我們不記得以前政府曾說過，

要就長期服務金有關65歲以上僱員替同一僱主做滿10年後，而要自動辭職這規定作出檢討嗎？政府說會在九一年檢討，但最終是在去年有議員提出私人條例草案後，這種情況才獲得改善。因此，主席，今天政府的態度是否向議員招手，期望議員就連續4天病假這規定提出私人條例草案，才加以修改呢？如果是這樣的話，主席，我樂意回應政府這態度。如政府不做的話，我會做。

本人謹此陳辭。謝謝主席。

**教育統籌司致辭：**主席，首先，我要多謝各位議員支持這條條例草案。

這條條例草案建議修訂《僱傭條例》訂明的每天疾病津貼額，由現時相等於僱員工資的三分之二，增加至五分之四，但保留僱員必須連續放取4天病假才可領取津貼的規定。就如政府為立例改善僱員權益而提出的其他建議一樣，這條條例草案是根據勞工顧問委員會（“勞顧會”）勞資雙方代表達成的共識來草擬的。這項建議合乎香港的社會和經濟發展，並參考鄰近國家的情況後才提出的。

在上一個立法年度，政府提出4條條例草案，以改善僱員權益，《1996年僱傭（修訂）（第3號）條例草案》便是其中之一。除了這條條例草案外，其餘3條仍未恢復二讀。這些條例草案都是依據勞顧會的共識來擬定，亦適當地平衡僱主和僱員在有關事宜上的利益，因此，我謹請本局議員優先審議其餘3條條例草案，以便能早日實施改善建議。同時，我可以證實，我們現正檢討有關疾病津貼的其他條文，並會將結果交給勞顧會討論。

謝謝主席。

*Question on the Second Reading of the Bill put and agreed to.*

條例草案二讀議案付諸表決，並獲通過。

**Bill read the Second time.**

條例草案經過二讀。

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

條例草案依據《會議常規》第43條第(1)款的規定，付委予全體委員會審議。

**NOISE CONTROL (AMENDMENT) BILL 1996**

《1996年噪音管制（修訂）條例草案》

**Resumption of debate on Second Reading which was moved on 8 May 1996**

恢復於一九九六年五月八日動議二讀辯論

*Question on the Second Reading of the Bill put and agreed to.*

條例草案二讀議案付諸表決，並獲通過。

Bill read the Second time.

條例草案經過二讀。

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

條例草案依據《會議常規》第43條第(1)款的規定，付委予全體委員會審議。

**TELECOMMUNICATION (AMENDMENT) BILL 1996**

《1996年電訊（修訂）條例草案》

**Resumption of debate on Second Reading which was moved on 22 May 1996**

恢復於一九九六年五月二十二日動議二讀辯論

**MRS SELINA CHOW:** Mr President, I am reporting on behalf of the Bills Committee on Telecommunication (Amendment) Bill 1996 of which I was elected Chairman. The Bills Committee had a total of two meetings with the Administration.

The purpose of this Bill is two-fold. Firstly, it seeks to repeal section 13C(3)(a) of the Ordinance to remove the powers of the Broadcasting Authority to require radio licensees to refrain from broadcasting certain programmes. Secondly, it proposes to replace section 28 with a new provision which is aligned with Article 47 of the Constitution of the International Telecommunication Union (CITU). According to the Administration, these amendments have been proposed following a review of legislation which might affect press freedom or freedom of expression.

Some members of the Bills Committee have expressed concern about the



possible curtailment in regulatory power over the broadcast of radio programmes which might result from the repeal of section 13C(3)(a). In response, the Administration has assured members that regulatory power is still available under other provisions. Section 13M of the Telecommunication Ordinance vests in the High Court, instead of the Executive, with the power to prohibit the broadcast of undesirable programmes on application from the Chief Secretary. Besides, the Broadcasting Authority is also empowered under the Broadcasting Authority Ordinance to issue codes of practice and written directions which can serve to regulate the standard of programmes or advertisements. Members have also been given to understand that in the United Kingdom, neither the Government nor the Radio Authority has powers of pre-censorship similar to section 13C(3)(a).

Members are of the opinion that the provisions in the existing radio broadcasting licences of the Hong Kong Commercial Radio Broadcasting Company Limited and the Metro Broadcast Corporation Limited which reflect section 13C(3)(a) should also be deleted following the repeal of the section. In the case of the Commercial Radio, the Administration will take the opportunity of the mid-term review of its licence to delete the relevant provision from its licence before the end of 1996. Responding to members' concern, the Administration has also agreed to recommend to the Governor in Council, subject to the repeal of the section and the advice by the Broadcasting Authority, to delete the relevant provision from Metro's licence. The Bills Committee has found this proposal acceptable.

The Administration has advised the Bills Committee that the proposed amendment to section 28 of the Telecommunication Ordinance will serve to reflect more closely the objective of meeting the obligation of Article 47 of the CITU. Members have therefore suggested that "urgency signals", as appeared in Article 47 of the CITU, should also be included in the proposed section 28. Although the Administration has considered that the expression already falls within the phrase "distress, safety or identification signal", it has finally agreed to add "urgency signals" into the section and this change was accepted both by the members and the Administration.

Under the proposed section 28, a person is guilty of an offence only if he transmits certain signal "knowing it to be false, or with the intent to deceive".

At the meetings with the Administration, members have pointed out the importance of striking a balance between upholding the freedom of information and safeguarding the public against false messages which may cause public unrest. Members agreed on the need to further amend section 28 to further provide that a person who transmits a signal "believing" it to be false also commits an offence. Having considered members' suggestion, the Administration has agreed to include this additional limb into section 28.

When the Bills Committee reported its deliberations to the House Committee, some Members suggested that section 28 should be further amended to make it an offence only if a person sends a false signal which he knows or believes to be false and so on. In other words, if the matters to which the signal relates turn out, contrary to the person's belief, to be true, then, there is no offence under this section. The Administration is agreeable to the suggestion and having consulted members of the Bills Committee, it will move the necessary Committee stage amendments to section 28.

Mr President, I shall end my report here and I believe Honourable Members would wish to further express their views when we proceed to the Committee stage.

Thank you.

顏錦全議員致辭：主席，民建聯支持《1996年電訊（修訂）條例草案》。

條例草案的其中一項修訂是刪除《電訊條例》第13C(3)(a)條，撤銷《電訊條例》賦予廣播事務管理局禁止電台持牌機構播放某些節目的權力。民建聯認為這項措施能夠更有效地保障新聞自由。

眾所周知，在一場公平的足球比賽中，例如昨晚的南華對日本八鯨隊，參賽球員是否犯規，應該由裁判決定。即使主辦者有異議，亦只能向裁判作出申訴，最後仍然要以裁判的決定為依歸。這個規則行之有素，並為我們所共同接受。

借這個比喻，我想說明的是：針對廣播持牌機構，限制不宜廣播的節目的最終權力應由法院行使，而非行政機關。行政機關並不應該具有預先檢查節目內容的權力，這樣，公眾利益及發表的自由才能夠獲得更佳保障。

在支持條例草案之餘，民建聯亦希望，如果條例草案獲得通過而成為法例，則香港商業廣播有限公司和新城廣播有限公司現有牌照中的第27條，即反映《電訊條例》第13C(3)(a)條的條文能夠盡快從牌照中刪除，以維護法例的完整和公平。

主席，本人謹此陳辭。

**SECRETARY FOR ECONOMIC SERVICES:** Mr President, I would like to thank the Honourable Mrs Selina CHOW, Chairman of the Bills Committee, and other members of the Committee who have carefully scrutinized the Telecommunication (Amendment) Bill 1996 during the summer recess.

They have looked carefully at all aspects of the Bill and have put forward proposals to fine tune the scope of the application of the Bill. The Administration agrees with the Bills Committee's proposals, and I shall move amendments to the Bill during the Committee stage.

This Bill removes provisions in the Telecommunication Ordinance which might affect press freedom or freedom of expression. The first part of the Bill is to repeal section 13C(3)(a) of the Telecommunication Ordinance which empowers the Broadcasting Authority to include a condition in the radio licence under which the licensee may be required not to broadcast radio programmes which would contravene a direction by the Governor in Council or the Broadcasting Authority or other regulations. This provision has never been invoked since its enactment and it is considered unnecessary. It could be capable of being used to undermine press freedom or freedom of expression. The Bills Committee has indicated support for the repeal of section 13C(3)(a).

Section 13C(3)(a) is reflected in the radio licences of both the Hong Kong Commercial Broadcasting Company Limited and the Metro Broadcast Corporation Limited. In response to concerns expressed by some Members, the Broadcasting Authority is recommending to the Governor in Council that the licence condition in Metro's licence reflecting this section should be removed as soon as possible. The Broadcasting Authority has also put forward a similar recommendation with respect to the identical provision in the licence of the Commercial Radio as part of the mid-term review of its licence. These recommendations will soon be put to the Governor in Council.

The second part of the Bill replaces section 28 of the Telecommunication Ordinance by a new provision governing the transmission of false or deceptive distress, safety or identification signals. The existing section makes it an offence to transmit by telecommunication a message known to be false. This provision is too vague and too onerous and might have an impact on freedom of expression. The new provision serves to restrict the operation of section 28 to meeting the obligation under Article 47 of the Constitution of the International Telecommunication Union. The Bills Committee has indicated support for the new section 28, subject to further fine-tunings which I shall elaborate when moving amendments to the Bill during the Committee stage.

Thank you.

*Question on the Second Reading of the Bill put and agreed to.*

條例草案二讀議案付諸表決，並獲通過。

Bill read the Second time.

條例草案經過二讀。

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

條例草案依據《會議常規》第 43(1)條的規定，付委予全體委員會審議。

### **Committee Stage of Bills**

條例草案全體委員會審議階段

Council went into Committee.

本局進入全體委員會審議階段。

### **EMPLOYMENT (AMENDMENT) (NO. 3) BILL 1996**

《1996年僱傭（修訂）（第3號）條例草案》

Clauses 1, 2 and 3 were agreed to.

第 1、2 及 3 條獲得通過。

**NOISE CONTROL (AMENDMENT) BILL 1996**

《1996年噪音管制（修訂）條例草案》

Clauses 1, 2, 4 and 5 were agreed to.

第 1、2、4 及 5 條獲得通過。

Clause 3

第 3 條

**SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS:** Mr Chairman, I move that clause 3 of the Noise Control (Amendment) Bill be amended as set out under my name in the paper circulated to Members.

The Bill seeks to eliminate the noise nuisance arising from vehicle alarms. Clause 3 sets out three measures to control the emission of audible signals from vehicle alarms and I am grateful for Members' support of these proposals. Our first control is to make a false alarm an offence. The second control will limit the duration of an alarm sounding to five minutes. On commencement of the Bill, these controls will be applied to all vehicle alarms. We shall publicize these measures extensively to ensure that vehicle owners are aware of them and have sufficient time to make necessary adjustments to their alarm systems.

The third control, originally intended for newly registered vehicles, is essentially a precautionary measure to prevent continuous noise disturbance from repeated automatic re-activation of alarms. The proposal makes it a statutory requirement for alarm systems to be equipped with a manual re-setting device so that, after an initial activation, the alarm will not be automatically re-armed.

After the publication of the Bill, we have received submissions from the motor trade indicating that, as a result of recent technological advances, the security features of a number of new alarm models are integrated into the computerized control system of a vehicle. These new systems are therefore more reliable and less prone to false activation, the problem we sought to overcome with the third control mentioned above. However, these new systems are unable to comply with the proposed requirement for manual re-setting and

would, therefore, technically commit an offence if the control provision comes into effect.

Consequently, we have carefully reviewed this third control proposal in the light of submissions from the trade about the latest vehicle alarm technology. As the proposed preventive control, while desirable, might preclude advanced systems and the latest vehicle models with built-in security alarms from being used in Hong Kong, I propose to withdraw the control proposed in section 13B(2) by deleting the subsection. With the proposed controls on false activation and alarm duration, we envisage that the majority of unnecessary noise nuisances from vehicle alarms will be eliminated and a source of public annoyance removed.

Thank you, Mr Chairman.

*Proposed amendment*

擬議修正案內容

**Clause 3**

第 3 條

That clause 3 be amended, in the proposed section 13B —

- (a) in subsection (1), by deleting "Notwithstanding subsection (2), every" and substituting "Every";
- (b) by deleting subsection (2);
- (c) in subsection (3), by deleting "or (2)";
- (d) by renumbering subsections (3) and (4) as subsection (2) and (3) respectively.

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

修正案經提出待議，付諸表決，並獲通過。

*Question on clause 3, as amended, proposed, put and agreed to.*

經修正的第 3 條經向委員會提出待議，付諸表決，並獲通過。

**TELECOMMUNICATION (AMENDMENT) BILL 1996**

《1996年電訊（修訂）條例草案》

Clauses 1, and 2 were agreed to.

第 1 及 2 條獲得通過。

Clause 3

第 3 條

**SECRETARY FOR ECONOMIC SERVICES:** I move that clause 3 be amended as set out in the paper circularized to Members.

These amendments serve to better define the scope of application of the new section 28 of the Telecommunication Ordinance governing the transmission of false or deceptive distress, safety or identification signals.

The amendment set out in paragraph (a) of the paper addresses the concern of some Members that a person commits an offence by sending a distress, safety or identification signal even though the situation or fact to which such signal relates turns out to be true. With the proposed amendment, such a person will not commit an offence under the new section 28.

The amendment set out in paragraph (b) of the paper aims to better reflect the intention of complying with Article 47 of the Constitution of the International Telecommunication Union which requires steps to be taken to prevent the transmission of false or deceptive distress, urgency, safety or identification signals.

The amendment set out in paragraph (c) addresses the Bills Committee's concern about the narrow scope of application of the new provision which makes it an offence only when a person transmits a distress, safety or identification signal knowing it to be false or with intent to deceive. With the proposed amendment, section 28 is also enforceable against such a person who transmits the signal believing it to be false.

Mr Chairman, I beg to move.

*Proposed amendment**擬議修正案內容***Clause 3****第 3 條**

That clause 3 be amended, in the proposed section 28 —

- (a) by adding "false" before "distress";
- (b) by adding "urgency," after "distress,";
- (c) in paragraph (a) by adding "or believing" after "knowing".

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

修正案經提出待議，付諸表決，並獲通過。

*Question on clause 3, as amended, proposed, put and agreed to.*

經修正的第 3 條經向委員會提出待議，付諸表決，並獲通過。

Council then resumed.

全體委員會隨而回復為立法局。

**Third Reading of Bills****條例草案三讀**

THE SECRETARY FOR EDUCATION AND MANPOWER reported that the 教育統籌司報告謂：

**EMPLOYMENT (AMENDMENT) (NO. 3) BILL 1996**

《1996 年僱傭（修訂）（第 3 號）條例草案》

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

已無經修正通過全體委員會審議階段。他動議三讀上述條例草案。

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



條例草案三讀的議案經提出待議，付諸表決，並獲通過。

Bill read the Third time and passed.

條例草案經三讀通過。

THE SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS reported that the

規劃環境地政司報告謂：

**NOISE CONTROL (AMENDMENT) BILL 1996**

《1996 年噪音管制（修訂）條例草案》

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

經修正後已通過全體委員會審議階段。他動議三讀上述條例草案。

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

條例草案三讀的議案經提出待議，付諸表決，並獲通過。

Bill read the Third time and passed.

條例草案經三讀通過。

THE SECRETARY FOR ECONOMIC SERVICES reported that the

經濟司報告謂：

**TELECOMMUNICATION (AMENDMENT) BILL 1996**

《1996 年電訊（修訂）條例草案》

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

經修正後已通過全體委員會審議階段。他動議三讀上述條例草案。

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

條例草案三讀的議案經提出待議，付諸表決，並獲通過。

Bill read the Third time and passed.

條例草案經三讀通過。

**MEMBERS' MOTIONS****議員議案****APPOINTMENT OF SELECT COMMITTEE****委任專責委員會*****MR IP KWOK-HIM to move the following motion:***

葉國謙議員動議下列議案：

“委任一個專責委員會調查前人民入境事務處處長梁銘彥先生離職事件及有關事宜；而該專責委員會在執行其職務時獲授權根據《立法局（權力及特權）條例》（第382章）第9(2)條行使該條例第9(1)條所賦予的權力。”

葉國謙議員致辭：主席，本人動議委任一個專責委員會調查前人民入境事務處處長梁銘彥先生離職事件及有關事宜；而該專責委員會在執行其職務時獲授權根據《立法局（權力及特權）條例》（第382章）第9(2)條行使該條例第9(1)條所賦予的權力。

***Question on the motion proposed.***

議案經提出待議。

周梁淑怡議員致辭：主席，前人民入境事務處處長梁銘彥突然辭職，公眾對於事件的知情和了解，嚴格來說是沒有任何新的發展。政府和梁銘彥本人不是三緘其口，就是問非所答，又或大耍太極。政府官員最近更直接或間接地向我們曉以大義，說如果我們就事件糾纏下去，將令其他國家以為我們的安排出了甚麼問題，影響到特區護照的聲譽和全球的接受性。

我想，與其說我們為了解真相而按本身職權去做事，也會影響特區護照的地位，不如更正確地說，我們要去矯正政府或有關人士意圖隱瞞事實，因為這不單止影響特區護照的認受性，更影響香港政府的國際形象。

其實事情發展至今，已經引起社會的種種揣測。事發後，即時有人猜測是梁銘彥持有外國護照而不能過渡，又有指他旨在盡早“過檔”私人機構而辭職；七月十日的報道就更指事件與梁銘彥與中方過從甚密，因而擔心他洩露高官的國籍和外國居留權，而港府是掌握了對他不利的資料而迫令他自動辭職。之後亦陸續有其他的揣測，包括事件與簽發特區護照之事有關等。

直至十月六日，更震撼性的猜測來自英國的《每日快報》報道，指梁銘彥多年來為中國政府做事，把數以萬計居英權計劃下的護照持有人資料洩露

給中方，甚至連國內公民單程來港人數增加亦列為他的罪狀。該報道更以“靠估”的口吻，指梁銘彥“可能”將滯港的大陸民運人士名單交給中方。

除了梁銘彥做了甚麼錯事，以及港府背後有甚麼不可告人的動機，惹來猜測之外，即使我們立法局議員也未能倖免。有市民以為政府已經透過簡布會或其他渠道，向議員交代了事件始末；甚至有人指名道姓的說某議員已經得知詳情。我不知其他議員是否知情，最少我就不知，亦沒有官員直接或間接向我透露過比新聞報道以外更多的資料。

由於有人相信議員已經知情，因此，就更有人認為現時立法局繼續要求召開聆訊，只是為整件事“做騷埋尾”。我想清楚指出，這場不是“騷”，而是我們要了解真相，對政府有這個非常的安排，我們應該知道發生了甚麼事。我們只是盡作為議員的責任，令事情得以大白，亦希望能從而避免類似的事情再次發生。

無論如何，事情一日未知真相，就一日繼續有猜測或傳言，這些都只會令事件添上林林種種的陰謀假設，不單止對了解真相無助，更只會損害政府和立法局的公信力，特別是彭定康總督來港以後，一手提高了政府的透明度，但現在又有意無意中似乎要隱瞞一些事情，相信刻意包裝開明形象的總督，最終都不希望見到自己功虧一簣。

主席，記得年前本局決定要為徐家傑事件進行聆訊時，政府的態度與現在是大同小異的。直至今天，相信大家都會認為本局處理徐家傑事件是正確的，是負責任的。我知道官員中仍然有人覺得上次本局的做法是沒有必要的，但我深信上次的成果會令公眾不只對事件看真一點，更會讓大家上了一課公民教育，深切了解廉政公署的專業性，而並沒有對它的威信構成一些不必要的威脅。

主席，本人謹此陳辭，支持議案。

**張文光議員致辭：**主席，自從七月上旬，即距離主權回歸之前的1年，突然傳出在任7年的梁銘彥先生，即時退去人民入境事務處處長的職位，事前沒有跡象，事後亦缺乏合理和令人信服的解釋，令傳言滿天飛。港府在處理這次離職事件更是黑箱作業，處處迴避，非但不能澄清公眾對事件的疑慮，反而令事件動搖了港人對政府的信心。

事件發展之初，梁銘彥先生沒有向外界交代一個解釋，就好像在自己的私人公司服務一樣，來去自如。後來或許是輿論的壓力，才向傳媒說，是因女兒逝世的哀傷和工作壓力的理由離職，意圖平息謠言和風波。政府所說

的，還比梁銘彥先生簡單，個人理由就是個人理由，無需解釋！的確，若議員和公眾希望得知的是梁銘彥先生的個人私隱，例如他患了甚麼病，他的經濟出了甚麼問題等，在我們這個尊重私隱的社會中，是不應該容許也不適宜的。但是，我可以很清楚地告訴政府，我們對梁銘彥先生的私隱沒有興趣，我們所窮追猛打的，不是想滿足議員和公眾無聊的八卦慾；我們要追查的，是當中涉及的政府行為，是政府有沒有隱瞞了重大而公眾應該知道的真相。但是，至今政府還欠公眾一個合理的解釋！

如果我們用平常心去看公務員以至梁先生的離職，解釋可以很多，包括任何年屆退休的公務員，均可以選擇退休，而梁先生已經55歲，任職政府超過31年，有家庭、有妻兒，加上臨近九七，人人都有權為自己打算，退休是人之常情。可是我們不能隨意接受這些普遍的理由，因為事件有頗多不尋常處，並且引起傳言滿天飛，疑團陣陣。為甚麼港府宣布梁銘彥先生離職的消息，剛好是總督彭定康先生和布政司陳方安生女士離港外訪之際？為甚麼港府一反常態，匆忙批准？據悉，當梁先生在星期五早上，即港府宣布他離休前的一天還要上班，第二天，即星期六便批准他即時退休，並放取退休前的休假。有甚麼理由需要以這樣快的速度，一天之內便可以解決了這樣職位高而職務敏感的官員的退休大事？為甚麼越過了所有申請退休的手續，尤其是首長級官員必須在1年前作出通知的規定，而且沒有恰當的解釋？為甚麼港府始終不敢正面回答梁銘彥先生何時何日申請退休，繼任人葉劉淑儀女士何時何日獲得委任？為甚麼在沒有候任人選的情況下，倉卒公布梁銘彥先生的離休？

還有一個最重要的地方，至今港府仍然多次迴避：究竟是梁銘彥先生主動提出退休的要求，還是像傳媒所說，梁先生退休之前一個很短的時間，可能只是十多小時，或是若干天，港府官員主動聯絡梁先生，建議、暗示、要求、勸諭、以至強迫他以私人理由即時退休，這算不算是港府的行為？港府在這七大關鍵問題之前兜兜轉轉，實在令議員無所適從，疑問更深。難道這連串的疑點，是議員和公眾無聊八卦的無的放矢嗎？

主席，傳言的確已經造成破壞。港府的誠信已經受到影響，這從民意調查中可以看到；梁銘彥先生的聲譽有否受到影響，相信他自己才知道。不過，謠言至今還未平息，好像最近，更有外國傳媒指梁銘彥先生在未預先知會港府的情況下，兩年前與中方達成增加單程證來港的數目，港府因而一直懷疑他的誠信。孰真孰假，我們難以知道，但指控的嚴重，罪名的驚人，已經超出任何的私隱範圍，而成為香港政府必須澄清的焦點，否則，事件越描越黑，打擊了香港的信譽，港人和國際的信心。因此，立法局現在要履行它的權力和責任，尋找真相，尋找當中涉及的政府行為，讓事件大白於天下。

主席，對於今次聆訊，政府方面是持否定態度的。港府多次重申，會批准官員出席立法局的聆訊，但對於梁銘彥先生離職事件並無補充。但是，面對香港人的疑慮，和海外不斷出現的新指控，政府實在有補充和答辯的需要。有人說，謠言止於智者，但智者也必須掌握情況，才可釋疑。因此，更確切地說，是謠言止於政府的公開、透明和坦誠。

我希望，政府能與立法局通力合作，提供聆訊所需要的資料和人證，讓公眾從中看得見政府的無私和誠信。

本人謹此陳辭，支持議案。

**詹培忠議員致辭：**主席，部分立法局議員對中國政府的一些國策有所非議，但是對香港的事務則有時在政府的游說下得過且過，特別作為民主派議員應關心社會、關心市民，這樣的態度絕對要不得。

彭定康先生來港時，強調政府須公開，具有透明度，但在今次梁銘彥事件中，政府所採取的態度卻絲毫不顧一切輿論，絲毫不顧立法局和市民的反應。試問未來過渡後，也會有部分司級官員仍然留任，如果他們抱着這樣的態度，在九七年前為何不揭開給人看個清楚呢？有甚麼難言之隱呢？這絕對不是公務員事務司他個人可以背負得起的責任，他賺多少錢呢？為了服務市民，為了給立法局更好的配合，他不應該咬着不放，咬着不放就是不說，大丈夫不說就不說。當天很多市民在電視上看到司級官員這種態度，他們應該感到很為難，他們已經很棒，但他們是否應該承受這樣的壓力呢？因此，我極力主張政府無論是令政府蒙污也好，還給政府一個公道也好，抑或還給梁先生一個公道也好，無論如何也要將事情公開，坦坦白白說出來。

主席，近期司法機構部分官員在法庭上，為了九七而將很多案件草草了事，這種做法已備受市民質疑。為了香港面對過渡九七以後，各方面須承擔更大的責任，無論情況如何，我認為梁先生都應勇敢地承擔，甚至是要面對一些不光彩，以至法律上的責任。同時，這事件也會令很多司級官員懷疑英國政府以此來表示對香港還有管治權。它以前有這權力，現在餘下還有8個月，正要顯示它仍有這種能力，官員一定要聽它的說話，跟它配合，否則，任何時間都可以叫你們“執包袱”。這樣是否所謂有透明度呢？是否能夠光榮引退呢？相信市民的眼睛是雪亮的。

作為立法局議員，在這件事情上無論如何絕對要盡自己的職責，向市民

和選民作出一個清楚和清晰的交代，不能只說這事涉及政府的重大利益而卻步。就以水門事件為例，它何嘗不是涉及美國政府重大利益，但終於也是公諸於世，我相信梁先生的職位不會比尼克遜總統高。既然他們也可以公開，並獲得全世界的認同，我們的政府無論如何困難或黑箱作業，始終都要面對。

我本來打算參加委員會，但為了各方面的方便，最後我決定不參加，但不參加不代表我希望政府會輕易放過這事，它要更清晰、更清楚為過渡九七做一齣好戲。

主席，我謹此陳辭，支持成立委員會。

**公務員事務司致辭：**主席，在今年七月十一日公務員及資助機構員工事務委員會會議席上，我已經向各位議員作出解釋，政府是在考慮梁先生依例要求退休，並申請豁免12個月通知期後，決定批准梁先生的申請。我也解釋政府的決定是基於我們的判斷，即使梁先生在短時間內離職，也不會對人民入境事務處的服務構成不良影響，公眾利益也不會因而受到損害。

作為一個開明和負責的政府，我們一貫致力提高政府的透明度，我們也認同公眾對公共政策和施政是有知情權，但是公眾的知情權不應該被無限的引申。作為僱主，政府有必要對公務員的個人情況和資料，在無損公眾利益的情況下，我重複，是在公眾利益無損的情況下，予以保密，今次也不應該例外。主席，本局的議員絕大部分屬於僱主或僱員身分，設身處地，我相信大家對政府採取的立場是應該能夠理解的。

主席，我想重申，梁先生依例有權退休，而批准豁免給予12個月退休通知期的決定也有多宗先例可援。舉例來說，由九四年四月至今，總共有30位首長級人員獲得豁免給予12個月退休通知期。

在僱主和僱員雙方同意，再加上公眾利益並未因此受到損害的情況下，我們看不到有理由需要委任專責委員會來調查梁先生退休的情況。政府因此不支持這項議案。

**葉國謙議員致辭：**主席，前人民入境事務處處長梁銘彥先生在七月突然以私人理由、健康因素而退休，並且即時獲得批准，及開始退休前的休假，打破了首長級公務員第五級應該在1年前申請退休的慣例。政府如此一反常態的處事手法，確實反映出這件事非比尋常；引起公眾的極大關注，是無可避免

的。

梁銘彥先生離職前，出任人民入境事務處處長之職長達7年之久，而且他曾經擔任中英聯合聯絡小組國籍問題專家小組的英方成員，並多次代表英方與中國就特區護照簽發問題進行談判，身分與工作都非常敏感。因此，過去雖然有多名高官退休，也有些是提前退休，但從沒有像梁銘彥先生今次離職引起這麼多揣測。再加上港府處理這事十分倉卒，在沒有定出繼任人的情況下，便批准梁銘彥先生離職，與過往的程序截然不同，令人感到整件事撲朔迷離。

主席，港府高層由總督至公務員事務司在這件事上，全都統一口徑，稱接受梁銘彥先生以私人理由辭職，尊重他的私穩及個人意願，不會公布原因。政府如果是基於不損害公眾的利益，運用酌情權批准梁銘彥先生免需1年前申請離職的慣例，為何又會有“天要下雨，娘要嫁人”這無奈的言論呢？香港政府一直倡議提高透明度，剛才我們有些議員也特別強調，要公開、公平，但港府處理梁銘彥先生離職這事，為何又這樣隱晦呢？因此，本局議員要求繼續跟進這件事，使我們政府要清楚向市民作出解釋及交代。

每個公務員，包括高級公務員都有權去決定他自己的去留，個人的選擇應該得到尊重。港府雖然可以用私隱權作為理由，不公布離職原因，但卻不可忘記，公眾是應該有知情權的。因此，港府應該在保障知情權及私穩權兩者之間取得平衡的前提下，盡可能作出適當的解釋，向公眾有所交代。

今次這事件也引起公眾質疑政府的公信力。這件事會否有官官相衛，濫用酌情權的情況存在；還是政府要蓄意隱瞞一些不可告人的內幕呢？政府總不能以一句私人理由、特殊個案而把事情完結。

近日又有梁銘彥先生離職的新聞在海外傳回香港，令這件事的發展更為複雜。今次我是以籌備成立研訊前人民入境事務處處長梁銘彥先生退休事件及有關事宜專責委員會的小組委員會主席身分，提出這項議案，要求政府盡早作出交代，令市民能夠知道事件真正的來龍去脈。

主席，本人謹此陳辭，同時也向各位議員，無論是支持、棄權或反對議案的議員，致以謝意。

謝謝主席。

*Question on the motion put and agreed to.*

議案經提出待決，並獲通過。

**MOTION OF THANKS****致謝議案****Continuation of debate on motion which was moved on 16 October 1996****接續一九九六年十月十六日動議的辯論**

主席：本局現恢復致謝議案辯論。本局在上次會議表決贊成一項修正原議案之修正案。故此經修正之議案現為：“本局感謝總督發表施政報告，但由於英國政府長期以來在本港實施殖民統治及拒絕在本港推行全面民主，令港人的民主權利長久以來遭到無理剝奪，對此，本局深表遺憾”。

在上次會議，有58位議員已就梁智鴻議員之議案或經李卓人議員修正之議案發言。根據本局已確立之傳統，除動議原議案之議員可於各議員及公職人員發言後發言答辯之外，在公職人員已開始發言後，其他議員再不發言。現由政府當局公職人員作出回應。

**CHIEF SECRETARY:** Mr President, in accordance with tradition, my government colleagues and I will respond today to the points made by Members in their speeches last week. I would like to begin by expressing my regret that Members have decided to amend the Motion of Thanks in a way that goes completely against the original purpose of the motion and Hong Kong's long established legislative tradition.

As the Chairman of the House Committee pointed out, the Motion of Thanks is nothing more than a simple courtesy to thank the Governor for delivering his policy address. Support for the motion does not mean that Members have to agree with the contents of the address. I see no need to politicize the Motion of Thanks by amending it in the way now proposed. If Members wish to move a motion on a particular issue, they have the opportunity to do so in this Chamber each week — although I note with some surprise that not many Members have bid for debates so far this Session.

I also regret the fact that some Members chose to devote their speeches to making personal attacks on the Governor rather than dealing with the issues he raised. Such behaviour does little for the reputation of the Members concerned or for this Council.



I would also like to take this opportunity to dispel some apparent misconceptions about the Governor's policy address. First, it is true that the address itself did not go into as much detail about the Government's policy proposals as has usually been the case in the past. The Governor himself made it clear that this year's address was a departure from the norm, and he explained why. But it is not true to claim that the Government has therefore not set out any policies or programmes for the years ahead. As in the past, the policy address must be read in conjunction with the Progress Report and the Policy Commitments. These spell out in considerable detail what the Government's current programmes and new initiatives are for each policy area.

Secondly, it is quite wrong — and perhaps even intentionally mischievous — to suggest that the Governor was trying to make life more difficult for the Chief Executive when he set out 16 benchmarks by which the Special Administrative Region will be judged. Far from it. He was simply drawing attention to a simple fact — that the world will be watching Hong Kong with special interest after 1 July 1997, and it will be watching to see if the commitments laid down in the Joint Declaration will be carried out. It is, regrettably, also a fact that some people both here and overseas do doubt that these commitments will be carried out. We cannot ignore these doubts. Rather, we must do all we can to prove the pessimists wrong.

I referred just now to the Progress Report and the Policy Commitments. I was disappointed, I confess, to hear two Members complain that our 93% success rate was unsatisfactory because the 7% slippage rate covered the Government's most important commitments. It would have been nice if they — like some others — had instead congratulated us for our openness and frankness in acknowledging that some of our original targets have not been achieved. No government is perfect, and this one does not claim to be. We are not happy that some of our commitments have slipped, and we are doing everything we can to redress the situation. But we are perhaps unique in the openness with which we admit our failures, and I would have expected all Members of this Council to welcome that.

Having said that, it would be churlish of me not to acknowledge with pleasure the compliments that many Members chose to bestow on the Civil Service. I am of course biased, but on this subject at least I can heartily support Members' views. In recent years, there has, I think, been widespread agreement

about the importance of the Civil Service during the period of the transition, and also some concern about its stability. It is a considerable tribute to our Civil Service that these concerns have proved to be unfounded, and that it is continuing to operate efficiently and effectively as 1 July 1997 approaches.

Dr the Honourable LEONG Che-hung expressed concern about the heavy legislative agenda for the 1996-97 Session. I entirely agree with him. I have said before that this Session is a special one. Not only will all bills not passed before the end of the Session lapse, as was the case also in 1995, but in addition there are a number of public bills dealing with transition-related issues which must be enacted before the handover. We have informed the Legislative Council that up to 41 public bills have to be enacted before 1 July 1997, for transition-related or other reasons. We will give these bills top priority, and will introduce them into the Legislative Council as soon as they are ready. I hope Members will co-operate with us and also accord top priority to scrutinizing these bills once they have been introduced.

Our ability to enact these bills in time will not be helped by the present backlog of bills already in the Legislative Council. There are at present 15 Bills Committees in operation, and 20 bills on the waiting list. It seems unlikely that more than seven Bills Committees will complete their work before the end of the year, but during this period the Administration will introduce another 20-odd bills into the Legislative Council. We clearly have a problem, and both sides must work hard — and co-operate with one another — to resolve it.

For its part, the Administration welcomes any proposal to increase the number of Bills Committees, and we will certainly consider any associated request for more resources quickly and sympathetically. We do of course hope that these additional resources will be used to expedite Members' consideration of public bills, but I would like to stress that there is no question of us insisting that these should be used exclusively for this purpose. Apart from anything else, we do not have the power to do this. But I must make the point that our ability to pass these important Bills in time will be jeopardized if Members continue to place more importance on introducing their own bills into the Legislative Council. I accept of course that Members have a constitutional right to introduce bills; but we all know that the proliferation of Members' Bills has placed a great strain on the resources of both the Administration and the Legislative Council. I do not think it is unreasonable to ask, in the public

interest, that Members should recognize the importance of giving top priority in this special Session to passing those public bills that have specific deadlines, and accordingly exercise restraint in introducing Members' Bills.

I turn now to the question of legal aid. Some Members criticized the Administration for dragging its feet on the establishment of an independent legal aid authority. This is simply not true. The establishment of the Legal Aid Services Council (LASC) last month represents a major step in enhancing the independence of our legal aid services. As Members know, the Administration has not ruled out the possibility of an independent legal aid authority. Indeed, section 4(5) of the LASC Ordinance requires the Council to advise on the feasibility and desirability of the establishment of such an authority. The fact is that this is a complex matter with wide-ranging implications. The LASC's independent advice will be most helpful to the Government in coming to a view on the matter.

I cannot agree with the Honourable Miss Margaret NG that "many of the present discouragements for better services are inherent in the fact that legal aid is run by a government department". She has made no attempt to substantiate this remarkable statement. Of course we must do what we can to give ordinary people access to the courts, and eliminate undue delays and unreasonable restrictions on the scope of legal aid. But, as Miss NG well knows, the single greatest problem with legal aid schemes is the cost of litigation. No country has managed to find a satisfactory balance between trying to help as many people as possible who genuinely cannot afford to pay for litigation themselves and the enormous potential cost to the taxpayer of a scheme that actually achieved this.

But our record in Hong Kong is not one to be ashamed of. When we last revised the financial eligibility limits for legal aid in 1995, we estimated that about 45% to 63% of all local households were eligible for the standard legal aid scheme. We have just completed a review of the present limits, taking into account inflation since 1995, and we propose to introduce a bill into this Council to increase the limits, after consulting the legal profession and the LASC. We will also carry out, early next year, a comprehensive review of our overall approach towards assessing the financial eligibility of applicants.

Two Members, the Honourable Albert HO and the Honourable Miss Margaret NG, raised rather different concerns about the progress being made in

the use of Chinese in courts. As Members will know, the Judiciary is committed to putting in place a truly bilingual system which will allow the use of Chinese, along with English, at all levels of courts before 1 July 1997. It is a fair point that a change of this magnitude requires preparation and training. I am glad to hear that the Legislative Council Panel on the Administration of Justice and Legal Services will be discussing this important issue in detail on Saturday. I am sure all concerned will co-operate to ensure that the laudable targets set by the Judiciary will be met in the interests of our community.

Mr President, 11 of my colleagues will follow me today in responding to points made by Members in last week's debate. It only remains for me to emphasize once again the importance of this Legislative Council Session, to repeat the Administration's determination to give top priority to the bills which must be passed before 1 July 1997 and to urge Members to co-operate with us in ensuring that everything possible is done to ensure that the Hong Kong Special Administrative Region starts off with the soundest possible legislative foundation.

Thank you, Mr President.

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

代理主席梁智鴻議員暫時代為主持會議。

憲制事務司致辭：代理主席，

*香港的民主發展*

首先，我想談談民主發展這個課題，李卓人議員提出的修正案動議斷言，政府在促進香港的民主發展步伐方面，所做的工作並不足夠。這其實是毫無根據的。讓我們從基本的概念談一談。

究竟我們的目標是甚麼？究竟我們要達到甚麼目的？一直以來，我們都致力謀求循序發展代議政制，令代議架構更開放，更廣受支持。這裏的關鍵字眼是“循序發展”。市民要求對本身的事務有較大的決定權，並且希望積極參與其事，這點是不爭的事實，而這種要求亦是合理的；不過，同樣明顯的是他們希望一切是循序漸進發展，逐步展開的。當然，自《中英聯合聲明》簽署和《基本法》頒布後，我們必須按這兩份文件的既定準則行事。我們審慎調校進度，按部就班發展代議政制，正是為了達到此目標。

在座各位都會記得，一九八四年立法局的議席還是全部由委任產生，其中沒有任何選舉成分。不過，我們後來便逐步開展民主進程。讓我簡述在這過程中的一些重要發展。

一九八五年立法局舉行首次選舉，選出24個議席，而當時的選民範圍是不太廣泛的。一九八八年，民選議席的數目增至26個。接着，在一九九一年，首次有立法局議席透過分區選舉，以普選形式產生。該屆立法局的60個議席中，共有39席經選舉產生，開創民選議席佔多數的歷史先河。

去年的立法局選舉更是另一個重要的里程碑。我們多年來不斷努力發展代議架構，最終令該次選舉達致成功。社會人士對該次選舉的廣泛支持，從破紀錄的參選及投票人數，可見一斑。我們現有的，是一個完全經由選舉產生的立法局，而所採用的選舉制度亦是公平、公開，為大眾所信任和尊重的。

有言論認為，我們推動民主進程的步伐，應該比《基本法》所訂的更快。對此，我的回應非常簡單。倘若香港政府依從這些言論，便是毫不負責的政府。我們多年來的工作，正是根據循序漸進這一個行之有效的原則，為香港民主進程奠下良好基礎，讓香港的民主能一如《基本法》所保證，進一步發展。正如《基本法》已清楚列明，最終目標是達致全部立法會議員由普選產生。我們會朝着這方向邁進。我們會為達致這最終目標繼續努力。

### 臨時立法會

很自然，這便帶到臨時立法會的問題。在這問題上，英國政府和香港政府的整體立場是明確一致的。香港現時的立法局是經由廣大市民認為公平公開的選舉方法產生，因此實在無理據成立臨時立法會。同樣，也沒有理由現屆立法局，一個獲明確授權的立法機構，不能完成慣常的4年任期。不論何時，香港只能有一個符合憲法的立法局，這點亦是顯而易見。

我們的立場是毋庸置疑的。首相、外相和英國政府其他部長級官員，已在不同場合向中方一再明確表達此立場。外相最近在紐約與中國副總理錢其琛會面時，亦重申此立場。在未來的日子，我們會繼續把握一切機會，促請中方再三考慮他們的立場。我們期望他們三思，避免採取與香港利益不相符的行動。

*與候任行政長官合作*

有數位議員的演辭提及香港政府與候任特區行政長官合作的承諾。我不認為這方面的承諾有任何值得懷疑之處。我們已多次指出，我們會盡可能向候任行政長官提供一切協助，而公務員隊伍亦會以積極和專業的態度處理任何合作要求。除了關於臨時立法會一事外，我們的承諾是毫無保留的。總督在發表施政報告，以及與立法局和公眾人士會面時，已一再確認此承諾。我們隨時可以與中方和候任行政長官商討具體安排，以便適時提供有效的協助。

接着下來，我想將話題轉到過渡安排的事宜。眾所周知，我們在《聯合聲明》簽署後，已為過渡做了大量的準備工作。我們已確保香港司法制度繼續獨立自主，而法治亦可延續。我們已確保目前的公務員隊伍符合預見中特別行政區政府的留用條件。我們已在鈔票、郵票、旅行證件、身分證等事宜上，作出過渡安排。我們已採取措施執行《聯合聲明》中有關人權的條文。我們正安排防務責任有秩序移交。我們已確保香港在經濟和財經事務上，繼續自主。我們亦已確保將有一流的基礎建設，作為香港未來發展的支柱。

當然，這並非意味我們已完成所有的工作。事實上，還有數項重要的問題尚待解決。不過，我可以肯定的說，大部分工作已經完成。我深信只要中英雙方抱着友好的態度加強合作，餘下的問題在一九九七年七月一日前必獲解決，為特區政府良好的開始奠下穩固的基礎。

**SECRETARY FOR HOUSING:** Mr Deputy, I am grateful to Honourable Members for their comments and suggestions on the Government's housing policies and programmes and will deal with the major points raised.

First, some Members have questioned whether our housing production targets for the current planning period up to 2001 will be met. On the public housing side, I wish to point out that we have already allocated or earmarked sufficient sites to allow the construction of 141 000 public rental flats and 175 000 subsidized home ownership flats, that is to say, all our committed targets. Flat production is on schedule. We will work together closely with the Housing Department, relevant government departments and the Housing Society to ensure that these targets will be met.

As regards our pledge to facilitate the development of 195 000 flats in the

private sector for the planning period up to 2001, we expect about one third of this total to come from each of the following three categories: development of new sites; redevelopment of sites involving lease modifications or land exchange; and redevelopment of sites with unrestricted leases.

We have disposed of sufficient new sites and processed the lease modifications or land exchange of enough redevelopment sites for the production of about 65% of the target. We are satisfied on the basis of information to hand that sufficient new land will be put up for sale and redevelopment sites will be available to enable the remaining 35% of private flats to be produced. And we will continue to ensure through the Housing Project Action Team, chaired by me, that problems affecting major housing projects, both public and private, will be resolved quickly and efficiently to ensure rapid construction of residential premises.

Secondly, some Members have criticized the Government for not meeting the housing problem of people in need. Let me assure Members that we remain fully committed to providing public rental housing to those in genuine need. Priority schemes for groups with special needs, including the elderly and those deserving compassionate treatment, are also in operation.

As regards waiting time, it is our intention to reduce it from the present six and a half years to just under five years in 2001. Over the next five year we will build more flats and minimize the number of vacant flats. We expect to allocate about 88 000 flats to qualified applicants on the Waiting List. This will substantially reduce both the effective Waiting List and the average waiting time for the allocation of a rental flat to just under five years in 2001.

Thirdly, let me turn to interim housing. Some Members have criticized the Government for not fulfilling its pledges on the clearance of temporary housing areas and the rehousing of residents. To say the least, I find these criticisms surprising and unfounded. We have done a great deal and have fulfilled or are on schedule to fulfill all the pledges we have actually made. To recapitulate, we will clear all the pre-1984 THAs by the end of this year. So far we have cleared 10. The remaining four are already under clearance. We will

rehouse by 1997 almost three quarters of our temporary housing population as at October 1992. We are well ahead of schedule. So far we have rehoused over 90% of those involved. We will offer flats by 1997 to all those living in THAs in 1993. Again, we are ahead of schedule. So far we have offered flats to over 85 % of those involved.

I have made a further commitment last year to offer flats by the end of 1997 to all authorized residents living in THAs in September 1995. We are also well on target and about 80% of the population involved have been offered rehousing. To put the matter in perspective, we have cleared 30 out of the 55 THAs in operation in April 1993. We will clear another 12 by the end of 1997, thus retaining only 13 THAs. They will be refurbished and improved in terms of management in order to provide temporary accommodation for a specific group of people, including legal immigrants, who are not eligible for public housing and who become homeless for one reason or another.

Meanwhile, we have also developed new forms of interim housing to gradually replace the traditional THAs. We have designated three older rental blocks in the urban fringe areas for use as interim housing, and we are identifying more rental blocks for this purpose. We are also experimenting with a new type of prefabricated interim housing which is of higher quality, and a pilot scheme will begin shortly in Sha Kok Mei THA.

Fourthly, on home ownership, we are well aware of the increasing aspirations of the community and the fact that only part of this demand can be satisfied through the private sector. We will continue, therefore, to provide subsidized housing schemes to enable those in the relevant income groups to buy their own homes. During the current planning period up to 2001, we will build 175 000 subsidized home ownership flats, that is to say, 151 000 flats under the Home Ownership Scheme (HOS), Private Sector Participation Scheme (PSPS) and Flats-for-Sale Scheme for low-income groups, and another 24 000 flats under the Sandwich Class Housing Scheme for middle-income families. We will also help a further 16 000 families through loan schemes administered either by the Housing Authority or by the Housing Society. All these measures I refer to will enable a total of 191 000 households to own their own homes in the next few years.



We have also made new commitments to encourage home purchase. We will introduce legislation to relax the re-sale restriction on HOS and PSPS flats. This measure will help to increase market turnover, provide flexibility, to meet home purchase demand and release public rental flats for reallocation to those in need. We will also raise the Sandwich Class Housing Scheme monthly income limit from \$50,000 to \$60,000 to help middle-income families to purchase their own homes.

Some Members referred to our forecast in 1992 of a home ownership rate of just under 60% by 1997. As explained last year and also this year in our progress reports, the relatively high prices in the private residential property market in 1993 and 1994 and a decision in 1993 to abandon temporarily the proposal to sell public rental flats to Housing Authority tenants, have made the original target more difficult to achieve. We are considering further measures to enhance the home ownership rate and we hope that the target may be reached by 2001.

Fifthly, some Members have called for a review of our existing housing policies. I would agree. Indeed in the past year we have been so engaged. Our review of the Long Term Housing Strategy will soon be completed. We intend to publish a document on our conclusions and recommendations for public consultation before the end of this year. This is an important exercise and I look forward to an objective and constructive debate on all the issues involved.

Thank you, Mr Deputy.

**SECRETARY FOR HEALTH AND WELFARE:** Mr Deputy, I should like to start by responding to issues raised by Members in relation to our social welfare policies and health policies.

I must say that from the general tone of most of the comments made on social welfare in particular, one would have gained the impression that we have recently been going through a period of general stagnation or even decline in the Government's efforts in this field. This is, of course, far from being the case. At \$16.5 billion, this year's social welfare spending has gone up by 65% in real terms, that is 65% over and above inflation in four years. This year alone saw a 14.7% increase in real terms. None in this Council has expressed any concern that we may now be spending too much. I believe that is because Members know that we have managed to implement this massive increase in funding while

keeping within our budgetary guidelines. This has been done only by giving welfare spending a higher priority when sharing out the cake of annual recurrent public expenditure. Welfare's portion of that cake has grown from 7.7% four years ago to 10.1% now. This has occurred at a time when the size of the cake has itself grown from \$91 billion to \$164 billion. But money is not everything. To better understand the effect of this growth, we need to look at examples of how we have used it.

We have increased the number of residential care places for the elderly by about 30% in the last three years and are now well on the way to providing the additional 5 888 places we targeted for 1997. We will also complete four new nursing homes for the elderly next year, providing nearly 1 000 places and will remain on target to provide over 7 000 additional residential and day-care places for people with a disability. I could, of course, quote many other examples of these extremely ambitious targets which have been set out in our Progress Report on meeting policy commitments. In focusing on what there is still to be done, I hope Members will also recognize just how far we have come. Every one of those places I have just mentioned means a great deal to the person who benefits from it. The opening of every new place represents many years of hard work and dedication by those working in a strong and fruitful partnership which exists between us and the non-governmental sector in Hong Kong.

I think Members will not be surprised to hear that I shall focus most of my remarks today on the needs of the elderly and those in need of financial support from the Government. We shall be spending over \$10 billion this year on services to the elderly. Most of our efforts are targeted at improving service for them, services which are provided to meet the various pressing needs of the elderly, needs which cannot be readily met by social security payments alone.

I have already mentioned the progress we are making in increasing the number of residential care places for the elderly, but the waiting lists remained long. Why are the lists so long? With an aging population, it is of course difficult to keep supply running ahead of demand, but this is only part of the explanation. We believe the length of the waiting list is not an accurate reflection of need. Many on that list probably have no current need for residential care, rather, being prudent and in the knowledge of the length of the list, their names are put down in anticipation of a need which may arise in several years' time. We have a very important study in hand, one of its purposes is to

establish what is the real level of current need for residential and community support services for the elderly. The results, which should be available in the middle of next year, will be very helpful in enabling us to review our planning ratios and overall approach to the provision of services to support the elderly.

In a similar vein, we are actively pursuing a project to bolster social networking in support of vulnerable elderly persons, especially those living alone. These people do not necessarily need to live in an institution. What they do need is a higher level of care and attention from their own family, from a neighbour or from a caring volunteer to make them feel wanted in order to provide the social contact which far too many elderly people living alone seem not to enjoy.

As regards financial support for the elderly, I believe our position is well known. I make no apology for repeating it. It would be financially irresponsible to attempt to hijack a non-contributory social security system, such as our CSSA, and use it for the purposes of a retirement protection scheme. There is no justification in criticizing the level of a social security payment to the elderly by measuring it against the level of payment which a pension or retirement protection scheme might be expected to provide. Social security paying solely from taxpayers' money is designed to provide a safety net to cover basic needs. Retirement protection schemes to which beneficiaries contribute generally aim at the higher goal of supporting a more comfortable lifestyle in one's old age. This higher goal is the object of the Mandatory Provident Fund Scheme, a subject my colleague, the Secretary for Financial Services, will be referring to at greater length.

Under the current CSSA Scheme, a single elderly person receives on average a payment of \$2,980 per month. Fees for medical treatment at government clinics and in Hospital Authority hospitals are also waived for such elderly CSSA recipients. The entire CSSA system has just undergone an extensive review, resulting in many significant improvements at an additional cost of over \$500 million per annum. I am not saying I see no problems with how our social security system is working, especially insofar as the elderly are concerned. I believe sincerely that the system itself is fair, and the rates as recently adjusted are adequate in terms of their stated function as a safety net covering basic needs. But there are indications of problems in service delivery, in making the system work as it should.

Like many Members, I am concerned that there may be many elderly people eligible for CSSA who are not coming forward to apply for it. This is a very serious phenomenon, the causes of which are multi-faceted. Various possible causes have been quoted, such as there remains a strong cultural resistance to seeking financial support from the Government, and the details of the scheme may not be easily understood and thus people may not realize they are eligible. I have heard all of these claims raised at one time or another. Here we must do and are doing more, but it would take some time to address these problems. It takes time to change attitudes. Service delivery will improve once the major increase in staffing recommended and agreed in the CSSA review begins to have effect at the frontline.

To deal with an elderly applicant for CSSA with the amount of courtesy, care and patience needed takes time. This time has not always been available to staff at the frontline who have been coping with an overwhelming workload in recent years. We are however committed to addressing this problem. We are considering how to improve our publicity for the CSSA Scheme and in particular to encourage elderly persons in need to seek assistance. We also need all workers in the field to know how best to advise them to obtain social security support.

In respect of health, I fully agree with Members that our public health care system is subject to increasing pressure due to an aging population, rising community expectations, and advances in medical technologies. I am pleased that there is a general consensus that a comprehensive review of our health care system is needed to address these issues, with a view to improving overall efficiency and effectiveness in the system. Some Members, however, have expressed concern about the scope and timing of the review.

Let me first clarify that the review will be a comprehensive one, covering not just health care financing, but also the relationship between primary, secondary and tertiary care, the respective roles and relationship between the public and private sectors, funding options, patients' eligibility and services to be provided, health care delivery models, and a range of subsidiary and closely related issues. Results of the review will shape the future health care system into the next century. I hope Members will appreciate that the issues involved are wide-ranging and interrelated. Given its importance, the study cannot be a

quick and superficial one. I wish to assure Members that we shall take full account of community sentiments and views of this Council in the course of this important exercise.

Thank you, Mr Deputy.

保安司致辭：代理主席，我們在本局辯論過許多涉及民生的社會及經濟問題，但如果問普羅大眾，甚麼基本要素令本港社會經濟活動可以持續發展，答案往往離不開香港必須維持治安良好，以確保市民遊客、投資者，以及所有居港的人士生命財產有保障。事實上，在邁向一九九七的過渡期間，很多人會常問以下類似問題：本港的執法能力會否改變？本港的罪案會否演變成華南部分地區一樣，急劇增多？本港的警隊會否廉潔自持？或者我們是否在法治下，會否繼續清楚明確地知道我們慣常享有的權利和義務？在回應議員所提出的一些具體問題前，我想指出一點，保安科及紀律部隊的56 000位同事，以及有分參與保安科工作的其他部門，無論在現在及九七年後，必定繼續同心協力，維持本港治安，令市民安居樂業。

首先說一下維持治安方面。或許大家會聽過一些較悲觀的講法，以為香港在邁向九七年間，治安情況會轉壞，然而事實並非如此。與一九九二年相比，本年首8個月的整體罪案率下跌了約9%，而暴力罪案率則減少約23%。一九九六年首8個月與去年同期相比，更顯出罪案持續下降的趨勢。整體罪案率下降13.7%，舉報罪案總數減少11.5%，而暴力罪案總數則下降11.6%。越境罪案（例如偷車）亦有所遞減。至於非法入境者犯案的問題，一如議員指出，我們也同樣地關注。由於最近有報道關於一些駭人聽聞的觸目案件，難免給人印象以為非法入境者犯案日益增加；但情況並不如印象中那麼嚴重。今年首6個月，與去年同期比較，涉及行劫案的非法入境者，數目減少8.4%，涉及爆竊案的數目減少13.5%，涉及藏有攻擊性武器的罪案，則減少11.5%。此外，涉及各類罪案的非法入境者數目，也由一九九三年的2 519名，減至一九九五年的2 231名。

但是我們並不會就此而容許任何的鬆懈。我們正有系統地推行警察管理及編制檢討報告中一系列有關警隊管理和組織的建議，並已慎重地優先處理市民認為急切關注的事項。關於要求增派警員在街上巡邏，以保障市民安全一點，我們已因應要求，在一九九二年至一九九五年期間，增派了1 200名警員加入前綫工作。我們正努力履行本年度的承諾，再增派350名警員加入前綫行動工作，其中包括232名會派駐各總區及分區反黑組。在未來數年，我們會繼續朝這方向走，繼續調派更多警員執行前綫工作。

代理主席，整體來說，本港的警力仍然穩健。員佐級警務人員及督察的招募工作可謂頗成功。在過去數年來，申請人數大幅上升，申請者的質素亦比往年優秀。由於部分外籍人員離任，警隊首長級確實出現一些人手流失的情況。但預期在接任方面不會造成問題，因為現時在每個職級，被評定為適合晉陞的合資格人員都比實際需求人數為多，他們未獲晉陞，只因為空缺不足而已。

在過去5年，警方以容忍的態度，既不失威嚴，又能發揮專業精神，每年平均處理超過1 400宗大大小小的公眾集會及遊行事件。這方面不論是本港市民眼中或其他國家看我們，都視之為一項重要成就。香港已發展成為一個卓越先進的城市，市民往往有權透過和平、有秩序和合法進行的公眾聚會，發表各方面的言論及意見。我們在一九九五年已經修訂了《公安條例》，免除進行公眾遊行前須領取牌照的規定，並就禁止進行公眾聚會及遊行方面，列明清晰合理的理由，又簡化及重訂有關程序，讓市民知所遵從。此外，亦成立了一個獨立的公眾集會和遊行上訴委員會，令市民如想反對警務處處長為執行《公安條例》而作出的決定，有渠道可提出上訴。我們又修訂了《公安條例》，務求與《人權法案條例》並行一致。經過我剛才以上一連串的修訂，我們認為並無必要按照涂謹申議員最近在十月九日提出的議員條例草案，進一步修訂《公安條例》。我希望各議員在表決這項草案之前，先行審慎研究議員條例草案所涉及的影響。我們均有責任確保在修訂任何法例時，於保障個人言論及集會自由和保障市民安全及維持治安方面，就兩者都取得平衡。

我想說出入境的事務。我們明白，很多香港人仍然很關注一連串與香港過渡有關的出入境和國籍問題。與很多議員和市民一樣，我們都渴望見到這些問題能盡快獲得解決，使每個人都清楚知道日後自己的身分、將來持有的是何種旅行證件，以及所得到的旅遊的快捷程度。

今年年初，我們已跟中方就香港特區護照的印製和簽發事宜，達成協議。協議規定，香港人民入境事務處將會是唯一負責批准簽發特區護照的機關。該款護照經過高度保安設計，採納最新的證件保安特式，並會在本港最嚴密管制的情況下印製。我們現正繼續與中方商討這項協議的實施細則，同時，我們也在積極籌備簽發特區護照，其中最重要的一環是設計一個電腦系統，作簽發護理和儲存資料的用途。籌備工作正如期進行，我們有信心可於一九九七年七月簽發新的特區護照。

但我們更為關注的問題，就是特區護照持有人所得到的旅遊方便程度。關於這一點，我們仍要拭目以待，因為特區護照是新的旅行證件，需要時間與第三國家磋商免簽證入境事宜。我們正就此事與中方繼續商討。在此期

間，英國政府已公開宣布，特區護照持有人將與英國國民（海外）護照持有人一樣，可享有免簽證入境的優待。新加坡和西薩摩亞兩國，亦作出同樣聲明。加拿大則原則上同意，准許特區護照持有人免簽證入境，但還須要與香港人民入境事務處磋商，就合作打擊非法入境和遣返非法入境者、逾期逗留者和其他不受歡迎人士等事宜，商議決定技術上的安排，然後，才落實免簽證入境的決定。美國、澳洲及新西蘭雖然現時仍未准許英國國民（海外）護照持有人免簽證入境，但均已同意給將來特區護照持有人的待遇，不會遜於英國國民（海外）護照持有人。日本亦已表示，他們對特區護照的處理，將有別於中國護照。我們相信，香港居民到外地旅行時，如能秉承固有美德，遵守當地法律，我們便有充分理由相信，第三國家會給予特區護照持有人旅遊上的較大方便。

另一個市民十分關注的，是居留權問題。《基本法》第二十四條列明關於香港特區居留權的一般原則，但關於這個問題似乎仍然存有很多誤解。我謹藉此機會說明幾點。對於大多數沒有第二國籍的本港居民（包括英國國民（海外）護照持有人）來說，所享有的居留權利將不會改變。目前仍然存在的不明朗情況，是關乎擁有其他地方居留權的“非中國國民”。這包括所謂“回流移民”和長期居港的外籍僱員。今年五月十五日，全國人大常委會就《中國國籍法》在香港特別行政區實施的問題，通過了決議。據我們理解，該項決議訂明，香港的華裔人士如向當局申報改變國籍，將會失去中國國籍。這似乎表示，已移居外地並取得外國國籍的香港永久居民，可以選擇不申報外國國籍，以保留其中國國籍。具有中國國民身分的香港永久居民，將繼續擁有香港居留權。不過，當然不會同時享有外國領事保護權。

對於選擇申報外國籍而被視作外國公民的人士，中方的意見似乎是認為，假如他們在一九九七年七月一日之前回港定居——我強調是定居——便可同時保留居留權及外國籍。籌備委員會在一九九六年八月十日通過的“關於實施香港特別行政區《基本法》第二十四條的意見”內已列明這點。至於選擇申報外國籍，而在一九九七年七月一日之前沒有回港定居的人士，會被視為放棄了居留權，須從頭在香港特區住滿7年，並須視香港為永久居留地，才能夠重新取得香港居留權。在此期間，他們會獲給予適當的移民身分，以便他們一樣可以在香港安居樂業。

籌委會相信，若要符合以香港作永久居留地的規定，有關人士須符合一些準則，包括：

- (a) 在香港應有慣常居所；
- (b) 主要家庭成員（即配偶及未成年子女）應通常在香港居住；

(c) 在香港有正當職業或穩定的收入；及

(d) 在香港依法納稅。

這些規定應該怎樣去引用，目前仍與中方商討。我們的目的，是使到有資格得到居留權的人，可以用最簡便和快捷的方法得到這個權利。我希望可以在最快的時間內，澄清這些問題。

有些議員關注到一些少數族裔人士的處境。目前，這些少數族裔人士除擁有香港英國屬土公民的身分外，並無其他國籍。但憑着《基本法》第二十四(二)(六)條，他們在香港特別行政區的居留權得到保障。根據這項條文，在一九九七年七月一日前，只在香港有居留權的人士，可續享在香港的居留權。但是必須注意，我們的立場仍維持不變，仍然全面支持那些只有英籍身分的少數族裔人士，可以獲得英國公民身分。這個目標是我們所一直支持的，而且我可以保證，香港政府會繼續在這方面努力游說。

我想說一下越南船民，這是大家關注的問題。我在此重申，英國和香港政府的一貫目標，是盡快把所有越南船民遣送回國。儘管困難重重，但我們在達致目標方面，仍取得一定的進展。自八五年甄別政策以來，我們已根據自願遣返計劃和有序遣返計劃，把59 000名船民遣返越南。單是今年一九九六年以來，我們已成功遣返了其中的1萬名船民。本年五月，有序遣返越南的船民，已增至每月600人。由本月起，我們每月會把約1 000名船民有序遣送回越南。由於我們決意加快推行有序遣返計劃，自願回國的船民人數也相應增加。預料本月約有700至800名越南船民自願返國。因此，在十月份送返越南的船民，總數約為1 700至1 800人，是一九九四年一月以來按月錄得的最高數字。

雖然我們已全力推行遣返計劃，但仍有不少障礙和困難須要克服。現時仍有約4 000名越南船民，等候越南當局審批回國。我們就這個問題與越南政府繼續緊密聯絡。最近，我們曾在河內舉行會議，商討各項有關遣返船民的問題。在本月十五日，英國外相和越南副外長在倫敦的磋商中，包括討論遣返越南船民問題。越南方面同意，在香港主權移交前，把所有船民遣返，也是越南政府的首要工作；他們會繼續與英國政府磋商如何達致這個目標。英國政府方面，則會致力與越南政府繼續磋商，以解決所有尚待解決的問題，包括所謂“非國民”問題。雙方會繼續就越南船民問題，進行高層外交接觸。英國外相會在本月底至十一月二日，訪問越南，期間他會與越南總理及外交部長等高級官員會面，遣返越南船民將會是討論項目之一。英國外相



將要求越南方面與我們聯手，共同進一步努力，解決所有問題，好等我們能在一九九七年六月三十日政權移交前，完成遣返所有越南船民的工作。我們又會促請聯合國難民專員公署，清還仍然欠付的債項。

主席，我想再花少少時間交代我們對市民服務的承諾，總的方向是更有效率地服務市民和提高透明度。本港大部分的執法機關，都與市民有很多接觸和聯繫，而執法機關的人員都意識到，一定努力為市民效力。一直以來，我們不斷向我們的同事灌輸服務市民的觀念，務求為大眾提供更方便快捷的服務。例如：對於在截止日期前收到的大量英國屬土公民入籍申請，人民入境事務處已加以靈活處理。此外，該處又積極研究如何紓緩入境管制站的擠塞情況，以及可能的話，看看可否發出旅遊通行證給經常使用啟德機場出入境的人士。去年，消防處已達致其工作目標，即是按各等級的火警召喚，有90%能夠在規定時間內抵達現場。消防處明年更會把目標提升至91%。另外，懲教署亦會逐步改善工作成績和效率。

說一下警隊方面，我們已致力加強市民對投訴警察制度的信心，希望《投訴警察獨立監察委員會條例草案》不久將來即可通過。事實上，香港的投訴警察制度，設有一個包括有立法局議員組成的民間組織監察，這種情況只有少數亞洲國家實行得到，這點是不容忽視的。我們的投訴警察制度，已能與世界各地看齊。今後幾個月內，我們還會實施一套改善措施，改善現行的制度，包括設立特別小組，監察嚴重投訴的調查工作；推出回應時間方面的服務承諾；以及加強投訴警察獨立監察委員會秘書處的培訓和人手。有些人以為我們不願意革新，這是不對的。我希望謹此表明清楚，只要我們肯定目標正確，一些改善會令現行架構更加完善，我們定會向大家提出及跟進。

剛才我提到我們作出了一些措施改變現行投訴警方的制度，但我必須同時指出，我們預期在未來數年間，警方的角色不會有所轉變。這一點，我覺得必須向廣大市民清楚交代。《聯合聲明》和《基本法》已訂明：香港特別行政區負責維持香港特別行政區的社會治安。我有把握相信本港的警隊繼續成為亞洲最優秀的一支警隊。市民大可放心，將來的警隊仍是誠正不阿、執法無私。我們已特別致力打擊警隊的負債和貪污現象，確保警務人員廉潔自持、捍衛警隊一貫清廉形象。此外，我們打擊罪案的國際聯絡網也同樣穩健。在聯合聯絡小組會議上，已經同意在九七年後，香港會以“中國 — 香港”名義，以中國國家中心局分局身分，繼續參與國際刑警的工作。同時，我們又會全力推展移交罪犯和刑事司法互助計劃，確保他們更全力參與撲滅國際罪案。越境罪案現時大幅下降，應歸因於本港警方與中國當局合作無間。預期雙方仍會緊密合作，在主權移交後，更會加強合作。

明年，警隊的工作將更為繁重，因為警隊除了要肩負打擊罪惡和維持香港治安的日常職務外，還要參與其他工作項目，包括政權交接儀式、在交接期內舉行的其他有關活動，以及世界銀行或國際貨幣基金一九九七年年會。

警隊已做好充分準備，早於四月成立一支8人特別隊伍，由一名警務處助理處長帶領，負責策劃和監督這些活動的保安安排。

各位議員應已注意到，我們未來的工作將會相當繁重，在今次致謝議案辯論，我未能逐項闡述出來。我相信，經過較早時候在十月七日舉行的施政報告簡介會和立法局各事務委員會的討論會議後，各位議員應已掌握了我們所負責的大部分工作項目。我們已向本局提交了一些條例草案，在未來數月，我們還會有條例草案提交上局。我期望得到你們的衷誠合作，讓我們可以把各項有關建議，早日付諸實行。

謝謝代理主席。

**運輸司致辭：**代理主席，首先，讓我多謝上星期12位議員就總督施政報告發表有關運輸政策的意見。議員的意見可以歸納在4個議題之下：

- (一) 議員希望政府能盡早落實所有改善交通運輸方面的承諾；
- (二) 議員希望政府能加強對公共交通機構的監管；
- (三) 議員希望政府優先發展例如鐵路集體運輸系統計劃；
- (四) 議員希望督促政府應該制訂一份跨越二十一世紀的長遠運輸計劃。

我會就此4項作出簡短回應。

在承諾方面，劉健儀議員及黃偉賢議員曾提醒我們要繼續努力實踐已承諾的所有工作。我感謝議員在這方面的督促。我與運輸科、運輸署以及路政署所有同事，會繼續致力確保香港運輸設施能夠配合香港整體的經濟發展，滿足商界、社會各界或社會人士康樂各方面的交通需求，同時亦能加強香港與南中國交通網的聯繫。

我同意有幾個項目進展比較我們預期緩慢，但這並不代表在落實這些承諾方面政府是有所鬆懈的。例如我們原先希望把落馬洲邊境車輛檢查站數目，由14個增加至24個，但為了應付日益增加的過境旅客，我們現在正考慮加建旅客出入境大樓，使旅遊巴士有等候區此等設施，而我們亦會繼續努力，希望在一九九九年前完成所有工程。

我非常同意劉議員的建議說要取消現在過境通道專車專口岸的做法。其實，與深圳當局商量時，我們發覺大家的看法並沒有大分別，不過若要實施此計劃，首先要進行電腦方面的聯繫，我們估計在明年三月將可完成此方面

的工作，屆時，將會在夜間試行取消專車專口岸的限制，如果效果是良好的話，則此限制將會全面取消。

黃偉賢議員提到屯門公路慢車綫工程，此項目我們今早亦談過。其實政府已經完成了整個工程的86%，行車情況已經有改善，在大欖段工程進度是因為去年有大石滾下產生意外，所以受影響而有阻延。我們現正商討研究解決辦法，希望能盡快完成餘下的工程。

說到小輪服務，我希望重申，油蔴地小輪其實已經推行了部分服務改善措施，包括添置新雙體船、增加屯門與中環間渡輪班次，目前在繁忙時間，即早上7時至9時，由屯門開往中環的渡輪一般還有10%的載客量剩餘。

至於劉議員提議政府對小輪公司提供實質協助，政府正就此事進行檢討，原則上同意為小輪公司提供碼頭結構及保養維修方面的援助，我們會繼續與小輪公司商討具體情況。關於渡輪服務在本港整體公共交通服務所擔當的角色問題，劉議員認為政府應該在政策上作出檢討，我同意此看法。我們會將這項檢討列入即將進行的全港第三次整體運輸研究計劃的範疇之內，我稍後會再詳細談及此計劃。

在貨車停泊位方面，我相信議員亦明白到在土地資源有限的情況下，要迅速解決貨車位供應問題並非這麼容易，但在各有關政府部門合作之下，我們會增設臨時停車場；由去年八月至今年八月的1年內，這一類用地面積增加了15%。運輸署亦不斷在各區街道物色更多貨車的泊車位，特別在晚上可以給貨車停泊的泊位。另外，政府亦打算修訂香港規劃標準和規則，在多層商用的停車場，指定車位給貨車在晚間停泊，又在規劃用地計劃時，撥出土地作為興建多層停車場之用，主要亦是為貨車提供停泊位。

現在，我想談一談第二個課題，就是公共運輸機構的監管。單仲偕議員擔心政府為了維護運輸機構商營的原則，可能會犧牲乘客的利益，他亦懷疑政府近年會否逐步減少對公共交通機構的監管。其實，政府的做法是正加強對這些機構的監管，在最近延續城巴和中巴的專營權時，政府已經加入更多監管條款，其中包括中期的檢討，和要求提供更多有關營運資料。劉千石議員和單仲偕議員都提出了議員條例草案，以期立法局可以批准巴士或鐵路的票價，我們會繼續與兩位議員積極研究這個問題。

在監管公共交通機構的運作方面，其實政府要兼顧三方面的利益。首

先，要以負擔得來的票價為乘客提供高質素的服務；第二，要為這些機構的員工提供合理的待遇，使他們能夠盡心工作，為乘客提供優良的服務；第三，政府亦要顧及投資者的利益，讓他們的投資得到合理的回報，而投資者得到合理回報時才可以再作新的投資，翻新車輛、改良服務。當前的問題就是要這3方面找到適當的平衡。

對於議員要求增加公共交通機構透明度和問責性，我完全支持。我們會盡量向議員提供所有有關這些機構營運的資料。議員希望交通機構作出服務承諾，這一方面我們會盡力鼓勵和督促交通機構發表他們服務的約章，為乘客提供更完善的服務。但是如果立法局要以議員條例草案審批票價，我們就要很小心考慮，以免影響兩間鐵路公司的國際信貸評級，因為我們擔心，如果票價是要經過立法局批准，信貸評級會降低，利息負擔會加重，成本的增加最終會轉嫁到乘客身上，最終受害者仍然是乘客本身。長遠來說，信貸評級的降低，會打擊兩間鐵路公司發展大型鐵路計劃的能力，亦會影響巴士公司更新增大車隊、改善服務的計劃。

說到鐵路問題，在政府推展3項鐵路計劃的策劃工作方面，多位議員擔心工程會有延誤，亦擔心票價將來會否合理、成本會否太昂貴，而政府監察工作面所做是否足夠。我向各位重申保證，政府會以屯門、元朗、將軍澳、馬鞍山居民的利益為大前提，為他們提供高效率的集體運輸系統，政府會依照一九九四年作出計劃的方針邁進，而在今年年底，我們就會就西北鐵路和將軍澳支綫作出的決定向各位匯報。

蔡根培議員認為單是興建連接馬鞍山和大圍鐵路綫、連同紅磡至尖沙咀九廣鐵路延長部分，不能夠解決新界東北的交通問題，我想向蔡議員保證，政府現在進行的顧問研究會考慮這個問題，亦會進一步評估有否需要另外增建一條連接沙田或大圍和九龍之間的鐵路，而這個研究將會在一九九七年二月完成。

最後，我想談整體運輸研究的問題。要制訂一個整體而長遠的運輸計劃，一定要充分掌握市民和香港生活所有有關交通和運輸方面需求的數據，為了達到這方面的目的，政府曾在一九七六年做過第一次香港整體運輸研究，在一九八九年做第二次這一種的研究，而在當年就以綠皮書的形式進行廣泛的公眾諮詢工作，隨即在九零年初發表了一份邁進二十一世紀的交通政策白皮書。我們現在的計劃，是在一九九七年委聘顧問公司進行香港第三次整體運輸研究。這個研究會分4個大的主題：第一，公路發展的長遠計劃；第二，公共交通需求和發展的策略；第三，在管理運輸需求和設施方面，以及道路收費的策略；第四，中港過境交通運輸需求和連接的一系列問題。這

項研究會在一九九八年完成，我們會就顧問公司主要的建議和政策性的問題，再次以綠皮書方式進行全面而廣泛的公眾諮詢，從而制訂長遠公共運輸政策的新藍本。我會在十一月立法局交通事務委員會會議上，向議員詳細講解這個研究的內容。

代理主席，最後我想就二十一世紀交通運輸發展提出一些比較前瞻性的看法。香港政府及世界上很多的地方政府均有一個共同面對的問題，一方面需要做新的基建，但另一方面亦需研究怎樣以最先進的科技，盡量發揮交通運輸網絡現有的流量。在進行全港性第三次整體運輸研究的同時，香港政府會密切留意各國在這方面進行中的研究及實驗，看看科技可以怎樣協助我們解決能源、保護環境等方面的問題；看看科技怎樣為駕駛者提供更準確、前瞻性的交通情況；看看科技怎樣可以連同其他的車上電腦系統，為駕駛者提供更清晰的指示，確保行車量能夠暢順及安全。

我以上所說的，不是異想天開，因為這種形式的研究正在各地進行，深信在未來數年，便會有較新的交通管理及導航儀器面世，為香港二十一世紀運輸系統提供更多元化的選擇。

謝謝代理主席。

THE PRESIDENT resumed the Chair.

主席恢復主持會議。

**SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS:** Mr President, I am grateful to Members for their comments on a number of subjects in my policy areas. I have provided details on many of the subjects in our current and previous Policy Commitments and when I attended the special Panel meetings of this Council following the Governor's policy address this year. However, there are a few points on which I believe it would be helpful if I explain the Administration's position further today.

*Supply of housing land*

First, the supply of land for housing. As I said in my Policy Commitments, the Administration's policy is to make the best use of Hong Kong's valuable but scarce land resources by providing enough land to meet demand without sacrificing the quality of our life. We have been implementing this policy faithfully by supplying land both to the Housing Authority (HA) and to the private sector for residential development.

Perhaps we should look at the records. We have allocated a total of 430 hectares of land for public housing since 1986-87 when the Long Term Housing Strategy was announced. In addition, we reserved in 1995 about 30 hectares of additional land for allocation to the HA. The total amount has fully satisfied the Government's policy objectives in the provision of public housing up to the year 2001. I would like to spend a little time to explain what this means. The Long Term Housing Strategy announced in 1987 envisaged the provision of 38 000 public housing units each year up to 2001 and we set about our task to meet this demand. Members should bear in mind that the housing units being produced now are on land which had been allocated to the HA some seven years ago based on the then agreed housing strategy. The target has however been revised upwards continuously since 1987 to take account of increasing housing demand, rising expectations and new eligibility criteria. For example, the floor space per person in public housing rental units was increased by 70% from 3.25 sq m to 5.5 sq m in 1987 and further increased by 27% to 7 sq m in 1991. The eligibility criteria were also revised every year. These meant that even when we faithfully acted to provide for the demand of land forecast in the Long Term Housing Strategy, the number of units which could be produced would be less and that the Housing Waiting List would not be shortened. As a result, the 1987 target was also revised subsequently. It was 42 900 units in 1990 and 45 200 in 1992. In 1995, the Governor announced a new target of an annual provision of 52 670 units up to 2001. In the eight years between 1987 and 1995, the target has increased by 38%. Despite this, we took active steps to ensure that sufficient land was given to the HA and other public bodies to enable them to meet the continuously changing target. I am glad to say that with the joint effort of all parties concerned, we have secured enough land to meet the provision target up to 2001.

I should also explain why it is unfair for the Administration to be criticized for not providing enough land on a year by year basis. This is because the production of land does not happen overnight. Due to various constraints, the amount of land produced also fluctuates from year to year. By the time we produced the land in response to the target set in a previous year we find that the goal posts have moved, and moved upwards. That is why we think it would be better to look at the picture at some distance and take a longer term view, rather than that related to a specific year.

As regards the private sector, the Land Commission has approved a total of about 290 hectares of land for residential development since 1986-87. More than half of the land has been approved since 1992, in response to public concern about rising flat prices. In the same period, the Lands Department has also approved a total of 1 543 number of lease modifications and land exchanges for the purpose of private housing development. To facilitate the private sector to supply more residential units, we have been increasing the capacity of the Lands Department and improving its productivity. The number of staff involved in lease modifications and land exchanges has increased from 179 in 1994 to 217 in 1995. The number of days involved in processing a case has dropped from 504 days in 1994 to 455 days in 1995. I hope Members would appreciate that the supply of housing units in the private sector depends however on a number of factors, not just the supply of land. Developers would respond to the situation in the market when deciding whether to proceed with their investments and projects. For example, following the decline in property prices after April 1994, the number of applications for lease modifications and land exchanges received by the Lands Department dropped from 264 in the previous year to 232 in that year. We expect the recent picking up of the market would have a positive impact on the supply of units.

Looking ahead, while we have sufficiently provided for the housing land requirements up to the year 2001, we have identified further needs to provide land to accommodate about one million people between 2001 and 2006. The Territorial Development Strategy Review, published in July this year, has recommended a number of development areas to provide land to meet the demand. Given the long lead time required to complete the development process, we are moving expeditiously to make sure that adequate land will come on stream on time. For example, feasibility studies in respect of many of the development areas, such as Southeast Kowloon, are being done. We are also exploring measures to increase the supply of housing land on top of that in the proposed development areas to see if more land could be made available earlier in the five-year period between 2001-2006. These measures include :

- (a) reviewing the development intensity of public housing sites now being planned to see if we could increase the number of units to be produced;

- (b) examining the sites reserved for non-residential uses which do not have a firm programme to see if they could be rezoned for residential use;
- (c) identifying undeveloped sites within existing public housing estates for residential development;
- (d) identifying sites suitable for more intensive residential development;
- (e) identifying new housing sites in the periphery of new towns; and
- (f) redeveloping suitable flatted factory estates for housing.

*Territorial Development Strategy Review (TDSR)*

I now turn to the Territorial Development Strategy Review. The document is still under public consultation and so it is inappropriate for me to comment on the views expressed on it at this stage. However, I would like to correct a misconception that we did not take into account the developments in South China or China when drawing up the Strategy. The fact is that the basic assumptions we adopted in the study process had fully taken into account developments in South China, in particular the Pearl River Delta (PRD) region, and how they and the development in Hong Kong would integrate with each other. The details of this approach have been dealt with in Technical Reports Part 1 and Part 2, and these reports were distributed to Members of this Council on 5 January 1996. We also explained this to the Planning, Land and Works Panel on 9 February 1996. Specifically, the study has focused on the following aspects in the PRD:

- economic development trends;
- provision of key infrastructure;
- environmental conditions; and
- potential future growth and development scenarios as well as implications for Hong Kong.

Moreover, I can sense that there is still some misunderstanding on the



population figures used in the TDSR. Let me make this clear once more. The figures in the TDSR are no more than planning parameters used for the purpose of drawing up scenarios to produce a planning framework capable of responding to a number of situations. In the event, we postulated two scenarios to test our capability to cope with different levels of land and infrastructure demand. Scenario A assumes a population of 7.5 million, while Scenario B assumes a population of 8.1 million up to year 2011. However, we are not forecasting that the population in Hong Kong will be 8.1 million in 2011. What we are saying is that if the population is 8.1 million in year 2011, what we should do now to make sure that there is enough land and infrastructure to cope with the situation. As we have said in the TDSR report, we will await the results of the 1996 By-census to see whether adjustments to the planning scenarios should be made.

### *Town planning*

A concern raised by a few Members is that the town planning procedure and, in particular, those proposed in the Town Planning White Bill would slow down the pace of development in Hong Kong. I would wish to clarify that this is simply not true. The town planning procedure we are using is derived from the Town Planning Ordinance which has remained largely unchanged for a number of decades already. The White Bill has in fact made a number of proposals to streamline procedures and improve efficiency. For example, the present Ordinance does not provide for time limits for the Town Planning Board to consider objections to a statutory plan. Owing to the increasing number of objections to gazetted Outline Zoning Plans, it now takes on average over two years for the Board to complete the process and submit the plan to the Governor in Council for a final decision. To speed up the process, the White Bill proposes that a statutory time limit of nine months be set for the Board to consider and hold an inquiry into adverse representations and submit the draft plan to the Governor in Council for a decision. This would both shorten the time for processing of representations and also provide certainty to all parties concerned. Similar clear time limits are proposed for other parts of the town planning procedure, including the issue of planning certificates, which, in short, would speed up the pace of and provide certainty for development in Hong Kong. The White Bill is a public consultation document and we look forward to receiving the views of this Council and the community before deciding the final proposals in the Blue Bill.

*Unauthorized development*

Turning now to the control of unauthorized land uses, one Member has asked us to adopt a more tolerant approach in enforcing the law in respect of unauthorized developments in the New Territories, mainly for container storage and vehicle repairs and parking uses. I am afraid this would put us in a very difficult position. Members will recall that this Council supported the Bill to amend the Town Planning Ordinance in 1991 to deal with this particular problem. The Council also approved a resolution in June 1995 to increase the penalty for unauthorized development as a better deterrent against such practices. We have also received numerous complaints from district boards, rural committees and residents against the nuisances, the traffic congestion, the flooding, and the danger to pedestrians posed by such indiscriminate land uses. We are responding faithfully to the demands of the Council and the public. We would fail in our duty if we now turn a blind eye. In any event, many of these operators have since 1991 been given ample notice to stop or make good the nuisances. I am sad to say that many simply take advantage of our tolerance. In some cases, however, the operators did respond to our advice and made applications to the Town Planning Board to regularize their operation. We have received a total of 279 such applications and have approved 117 cases so far. We look forward to further regularizing the situation and identifying more land for open storage. But in cases where the unauthorized usages cannot meet the conditions for interim approval, the Administration has no alternative but to enforce the law.

*The environment*

Last, but certainly not the least, the environment. Although not too many Members spoke on the subject, I am grateful to those who indicated their support that more should be done. Our long-term environmental programme is spelt out in detail in our White Paper and its Reviews, and highlighted in each year's Policy Commitments. As the Governor said, we have achieved considerable results through the implementation of a series of rigorous and comprehensive pollution control measures in recent years. For example, the first two phases of the Livestock Waste Control Scheme have reduced pollution from livestock waste by over 70%. The last phase of the Scheme, to be implemented in 1997, will reduce pollution from this source by over 90% within the next three years.

I am particularly grateful for Members' concern on air pollution. This is a subject to which we will give particular priority in the next few years and I look forward to Members' support when the Administration brings forward to this Council further control measures to combat the problem. However, we should also note that the combined effects of the restrictions on fuel sulphur and lead contents, rigorous licensing controls on polluting industrial processes and measures to reduce emissions from motor vehicles over the last few years have made significant improvements to our air quality in terms of reductions in sulphur dioxide and lead. Recognizing that our main air pollution problem now and in the future is high concentrations of respirable suspended particulates caused by diesel vehicles, we have been actively exploring the use of cleaner alternative motor fuel. An inter-departmental working group has recently been set up to study the technical feasibility of introducing gas vehicles in Hong Kong. Issues such as safety, fuel and vehicle supply, and repair and maintenance framework are being carefully examined.

Members have also remarked on the state of air quality inside the road tunnels. In my reply to Members' questions on this subject in the last legislative Session, I already explained the measures we implemented to monitor and improve the air quality in the tunnels. For government tunnels, we have already taken action when the management contracts were renewed to bring the standard on carbon monoxide in line with those set out in the Practice Notes issued by the Environmental Protection Department. To date, all government tunnels, except the Aberdeen Tunnel for which the management contract will be renewed in 1998, have adopted the relevant Practice Note standards. As far as improvement works are concerned, a new ventilation system with nitrogen oxide monitors has recently been installed in the Lion Rock Tunnel and action is in hand to upgrade the air quality monitoring facilities in the Airport Tunnel. Our plan is to implement the upgrading work in the remaining government tunnels as soon as possible. It is therefore not true to say that the air quality in government tunnels is not subject to any control.

As regards the three franchised tunnels, we have been liaising with the operators closely to make sure they comply with the Practice Note standards. For example, since July 1996, ventilation inside the Tate's Cairn Tunnel has been strengthened during busy hours. In August 1996, the Tunnel operator also commissioned a consultancy to formulate a long-term strategy to improve the air quality inside the Tunnel, which will be completed later this year. Mr President,

we share Members' concern on air quality in tunnels, and are considering the need for legislation to standardize the air quality guidelines for all tunnels.

Thank you, Mr President.

文康廣播司致辭：主席，首先，我要多謝議員對文康廣播科各項政策所提出的意見，我想先就廣播及公眾娛樂政策作出回應，然後再談康體的發展。

任善寧議員認為本地的電視廣播業在面臨鄰近國家或地區較大的競爭下，已日漸經營困難。在一個商業社會裏，競爭是必然的。香港一向奉行自由貿易，以市場為主導，在廣播政策上，我們的一貫政策是營造一個多元化、公平、開放而又有競爭的廣播環境。事實證明，我們的廣播業仍處於優勢。廣播業的發展，不但沒有停滯不前，九六年可說是生機蓬勃的一年，衛星電視服務、本地電視及有綫電視各方面的發展，都取得不少成績，政府就自選影像服務推出的配套工作，亦進行得如火如荼。

在衛星電視方面，以香港為基地的衛星廣播(香港)有限公司(STAR TV)正不斷發展它在亞洲不同地區的廣播服務。更值得鼓舞的是，香港第二個區域性衛星電視牌照最近亦獲得中英聯合聯絡小組同意簽發。最近，“美高梅金裝電影頻道”宣布計劃於九七年初，在香港設置地區總部，再一次證明香港作為亞太區廣播中心，並非只是一個口號，所以，若有任何人士像鄭家富議員一般，認為本港電視廣播業因九七年的主權回歸而停滯不前，均是與事實不符的。其實，無論是香港政府或廣播業界都積極爭取每一個發展的機會，包括市場和技術演進而提供的機會。

有關《綜合廣播條例草案》，誠如我在本年一月的聲明中所言，將它暫時擱置是以便能集中資源處理其他優先項目：制訂自選影像服務規管架構，有綫收費電視的檢討，包括削減無綫及亞視廣告收入所需繳付的專利稅，及回應消費者委員會有關電視廣播市場的競爭性研究報告，都是在過去9個月內進行的。後兩件事情現已完成，而有關自選影像服務的法例，我們亦計劃在短期內提交立法局審議。

我不同意暫時擱置《綜合廣播條例草案》便會令廣播政策沒法可依。立法只是推展、落實政策可考慮採取的其中一個途徑，我們不要忘記，是先有政策然後由法例落實。我們的廣播政策都反映在現行的《電視條例》、《電訊條例》及《廣播事務管理局條例》。政策若有所改變，我們定會因應需要，修改有關法例。因此，若說本港的廣播政策無法可依，實教人摸不着頭腦。我們已宣布的自選影像服務規管架構，正正是政策上的決定，讓有意投入經營者明確知道政府的政策及能有所依從。若擔心他們沒法可依，我懇請議員，當我們提交有關修訂條例草案時盡快審議通過，問題便不會出現。

至於鄭家富議員批評我們計劃在九八年才對電視業作出檢討，我是不能同意的。我們剛在九六年才完成檢討收費電視，而自選影像服務最快會在九七年年中才推出。承諾在九八年即距今不足兩年的時間內再次作出全面檢討，實在是政府有承擔的積極表現，亦顯示我們是有魄力的。

在電台及電視人才培訓方面，本港可說是人才輩出，很多我們接觸過的國際衛星電視經營者，都稱許本港在這方面的人才。除了大專院校專科畢業生外，即使是技術人員，不但得到電台、電視台積極栽培，本港的教育機構，如香港演藝學院及職業訓練局屬下的工業學院亦有提供好些例如攝影、舞台設計等課程。缺乏資源栽培之說，並不成立。但是，我們不會因此自滿。各間院校亦不斷發展它們的課程，以應付我們經濟環境上的改變，包括廣播業的迅速增長。

我們深信在現有的情況下，我們的政策是恰當的，但我們絕不會無視正在轉變的情況。不過，一如其他地方，我們暫時並不知道自選影像服務對本地電視市場的影響，故在九八年進行檢討是適時不過。再者，國際電腦網絡屆時的發展情況，也會列入我們檢討的範圍。如情況需要，我們亦可把這檢討提前進行。

## 公眾娛樂

對於鄭家富議員提及在施政報告中政府承諾在協助電影業發展時，沒有一個長遠的發展計劃，也沒有同意成立電影發展委員會，因而對政府的誠意感到懷疑。在這方面，我覺得需要再次解釋清楚政府的工作。

政府的角色是輔助性的，是要維持一個有助電影業蓬勃發展的環境。電

影業的持續發展，實有賴業內人士繼續扮演主導角色，改善電影製作的質素，以及提高競爭力。

至於有關成立電影委員會的提議，我們在詳細及小心考慮有關的因素後，在今年六月已明確表示，鑑於政府各部門現時對電影業所提供的服務，已大致上包括了建議中該委員會的職能。因此，政府認為並無充分理由以公帑成立電影委員會，尤其是政府尚須以有限的資源應付多項其他需優先處理的事項。但是，雖然不成立電影委員會，在政策大綱中，我們仍然提出一系列扶助電影業發展的措施。

在淫褻及不雅物品的管制方面，鄭家富議員要求政府改革影視處，增加該處的資源及權力。我想在這裏列舉一些數據，來證明影視處已有足夠人手及權力去執行監管淫褻及不雅物品的工作。在一九九五年，影視處共有16名人員從事有關這方面的執法工作，其中11名負責戶外巡查工作。影視處為應付新工作，已進一步增加執法人手。現時有20名人員負責該條例的執法工作，其中15名負責定期進行戶外巡查及監察。在一九九六年一月至九月，影視處共進行8 828次巡查，比較一九九五年同期進行的3 660次巡查多出141%。我希望這些數字，可以顯示出政府在打擊發布淫褻及不雅物品活動方面，實在是不遺餘力的。

至於加強宣傳影視處工作，我很高興在這裏有機會向議員們報告，由一九九六年八月開始，除原有的電話投訴熱綫外，另增加一條方便市民記憶的新投訴熱綫，及在本港報章刊登廣告，並在電台與電視台播放宣傳帶及短片加以宣傳。此外，我們今年前後3次向報販、書店及影視店派發新印製宣傳單張，並透過各區政務處、分區警察公共關係處向市民、家長及教師，派發該單張。

鄭家富議員認為現時《淫褻及不雅物品管制條例》對“淫褻”及“不雅”概念，並沒有定下清晰定義，因此建議政府參照外國的法例，更清晰地界定“淫褻”及“不雅”的定義。為應這要求，文康廣播科最近完成搜集及分析的工作，亦有徵詢法律意見，並檢討在執行工作上演繹“淫褻”及“不雅”的定義時是否遇到困難，以及參考以往的研究及外國的經驗。檢討結論是現時法例在執行上沒有太大問題。至於有關檢討的詳細內容，我會盡快提交立法局文康廣播事務委員會。

至於法庭判罰的罰款太低，事實上，影視處聯同律政署，一直有密切注視法庭對違反《淫褻及不雅物品管制條例》的刑罰，並會於適當及必要時提出上訴。由一九九六年一月至九月，影視處共6次向法庭申請加重刑罰。

康體發展

在康體發展方面，得知議員普遍歡迎政府成立運動員基金，我感到很高興。不過我亦知道，部分議員略嫌政府對基金的撥款不足。到目前為止，社會人士對基金的捐款已有大約350萬元，而根據政府先前作出按捐款額給予同額撥款的承諾，基金實際上已有700萬元款項。以運動員基金成立僅兩個月來說，這成績已是不錯了。

雖然我相信社會人士會繼續慷慨捐助，但我確實希望該基金能夠為運動員提供適當資助，讓他們安心在體壇上發展事業。因此，我很高興宣布，政府承諾即使社會人士的捐款不足800萬元，當局亦會撥捐這數額給該基金。

運動員基金只是支持康體發展的途徑之一。康體發展局是負責促進及統籌本港康體發展的法定機構，而政府主要是透過撥款給該局，來推動康體發展。鄭家富議員和任善寧議員曾建議政府在這方面增加撥款。

康體發展局現正研究如何縮減行政開支及精簡架構，以確保能夠將撥款盡量用於發展康體活動及資助本港各體育總會方面。至於文康廣播科，則會致力於設法提高發展局每年所得撥款的實質水平，使該局可以落實為本港康體運動發展所訂立的計劃，及取得更好成績。

除支持各體育總會外，康體發展局亦積極資助培訓計劃。陳偉業議員及楊孝華議員曾建議我們在培訓本地運動人才方面作更大努力，使本港不斷在國際賽事中取得卓越成績。康體發展局已因此而與各體育總會緊密合作，計劃一系列精英培訓制度，以積極爭取社會各界人士的支持，並確保本港的優良體育設施能夠協助及配合運動員發展所長。

當然還有很多工作尚待推行，請恕我不能一一詳述，而有見及此，兩個市政局及康體發展局最近計劃在籌辦推廣本港康體運動的發展方面加強合作。我衷心鼓勵它們這樣做，並深信此舉將有助我們日後在康體運動方面更進一步的發展。

謝謝主席。

**教育統籌司致辭：**主席，我多謝議員上星期在一九九六年施政報告辯論中，對教育和就業政策表示關注。我打算從教育、人力策劃及培訓、輸入勞工和工作安全四方面，回應議員的意見。

首先讓我談談教育事宜。

## 教育

許多議員強調，我們應重視基礎教育，並應增加基礎教育的撥款。正如我在本年六月回應“增撥基礎教育經費”議案辯論致辭時指出，我絕對贊成議員的看法，亦同意教育質素，特別是基礎教育，應該不斷提高。為此，我會在擬定一九九七至九八年度的財政預算草案時，致力爭取額外資源。

高等教育在過去5年迅速擴展，現已進入鞏固期。大學教育資助委員會現正為檢討香港高等教育的發展報告書作最後定稿。我們會根據檢討報告書的建議制訂策略，改善高等教育質素，以及減低大學生的單位成本。

我們現時在基礎教育方面，推行多項重要改善計劃。有關計劃已在一九九六年政策大綱內詳細列出。我亦在十月八日立法局教育事務委員會簡報會上簡述。在未來12個月進行的一些重要改善計劃，包括：

- 為收取較多成績欠佳學生的學校，提供額外輔助措施；
- 進行大規模的基本工程計劃，改善官立及資助學校的教學和學習環境；
- 擴大學校課程，確保學生學到的知識和技能，足以應付香港不斷轉變的政治、經濟和社會情況；
- 推行教統會第六號報告書有關提高語文能力的建議；
- 安排中國新來港兒童入學和提供輔助計劃；
- 積極研究教育委員會特殊教育小組報告書，特別是協助有特殊教育需要的學生，入讀主流學校；
- 提供器材和其他輔助措施，以便在學校推廣資訊科技；及
- 編訂中一至中三的公民教育課程綱要，以及給予津貼，鼓勵中學開設公民教育課程。

有些議員特別關注全日制小學教育。我們已在上星期五向立法局教育事務委員會簡報全面檢討結果，並定出時間表，把全日制小學所佔比例，由現時的24%，提高至二零零一年的48%。我們希望透過敦促半日制和上下午班



制小學，改為全日制，以及興建更多新學校來達到這個目標。至於二零零一年後的進度，我們會研究多個方案，解決缺乏建校地點的最大困難。我們會在6個月後向立法局教育事務委員會匯報情況。

我要再次強調，教育一向是政府最優先處理的要務，將來亦是一樣。我們用於教育的一分一毫，就是對香港的未來和我們的下一代的投資。我希望和議員繼續合作，提高本港的教育質素。

### 人力策劃和培訓

現在我談到政府的人力政策。多位議員極為關注香港的人力政策與就業情況的關係。在兩星期前，我在立法局就“本港人力資源培訓制度的檢討與前瞻”議案致辭時，已詳述政府的立場和觀點。我不想在今天複述，只想提出幾項要點。

首先，政府確實有長遠的人力政策。一直以來，政府的政策是透過工業教育及職業訓練，為香港提供訓練有素的工人，應付香港的經濟需求，並藉此加強香港的整體競爭力。近年來，我們在推行人力政策時，致力確保工業教育和職業訓練的路向和內容，能夠切合香港經濟不斷轉變的需求，特別是香港現正處於經濟轉型階段。

正是為了這個原因，我們在過去幾個月，為職業訓練局（“職訓局”）和僱員再培訓局（“再培訓局”）進行檢討。檢討目的是確保這兩間培訓機構角色鮮明，為本港工人提供最適當培訓，特別是能夠應付在經濟方面急劇轉變的需求。此外，檢討亦要確保職訓局和再培訓局能以成效顯著和符合經濟效益的方法，並因應市場需要發揮功能。這兩項檢討結果會成為制訂長遠策略的依據，確保我們有受過適當訓練的工人，協助本港經濟持續增長。我們認為，讓有關團體和人士詳細考慮檢討結果是十分重要。因此，在決定未來路向前，政府需要全面諮詢公眾，我們亦會徵詢議員的意見。

在修改長遠的人力訓練和再培訓計劃的同時，我們亦竭盡所能，採取一系列措施，優先協助失業人士和受經濟轉型影響的僱員，重新就業和繼續工作。這些措施包括擴大就業服務，特別是就業選配計劃；提供更多以安排就業為目的的再培訓課程，以及加強巡查，打擊僱用非法勞工的情況。這些措施直接或間接改善近期的就業情況，失業率已由一九九五年年底最高的3.6%，下降至今天的2.6%。我們會努力不懈，繼續協助求職者找尋工作，以及盡量減少職位空缺與工人具備的技能不配對的情況。

### 輸入勞工

接着我想談談輸入勞工政策。事實上，輸入勞工是我們整體人力政策的一部分，確保我們有足夠和具備所需技能的工人，紓緩本港經濟在人手方面的樽頸情況。我知道提起輸入勞工會刺激僱主和僱員的情緒。但我想從全面的角度客觀地看看輸入勞工的實際情況。現時本港的勞動人口有310萬人，包括約15萬的外籍家庭傭工和過萬名海外專業人士，而輸入這兩類僱員，並沒有引起爭議。現時經常引起勞資雙方爭論的外勞，是指在本港工作的大約 14 000名根據輸入勞工計劃來港工作的工人。他們只佔香港整體勞動人口不足千分之五，而其中有8 700人是在以前根據一般輸入勞工計劃來港工作的，預計他們會在明年年底前約滿陸續離港。我們容許這個數目非常少的外勞來港，是為了紓緩勞工市場人手不足的情況，只是為“補足”而不是“取代”本地工人。這正符合我們輸入勞工政策的兩大基本原則：就是本港工人必須有優先就業機會，以及僱主如確實未能在本地聘得所需人手，應可輸入外勞填補這些職位空缺。

### 補充勞工計劃

補充勞工計劃嚴格遵照上述兩大基本原則實施，一直以來運作良好。這項計劃是由勞工顧問委員會（“勞顧會”）監察。到現時為止，政府全部接納勞顧會就應否批准某宗輸入外勞的申請所作的建議，正好說明這個三方協商機制成功運作，亦證明我一向所持的信念是正確的，就是僱主和僱員是可以就應否批准輸入外勞的申請個案，客觀地討論和達成共識的。

### 為新機場及有關工程而設的特別輸入勞工計劃

至於為新機場及有關工程而設的特別輸入勞工計劃，我必須指出，自從機場核心工程約在6年前動工後，已為本地工人製造大量就業機會，特別是建造業的各類技術職位。截至本年九月底，約有29 000名工人受僱於新機場及有關工程，其中82%是本地工人，亦即是說，只有18%是外地勞工。這個事實充分反映了外勞只是補充本地工人的不足。

由於興建新機場的時間緊迫，而我們亦須及時完成各項重要基建工程，因此，我們要加倍努力，協助承建商在本港聘用具備所需技能和足夠數目的工人。我們的工作包括在勞工處增設特別就業組；成立機場核心計劃就業中心，以及與承建商和工會代表舉行三方會議，以便加快引薦本地工人填補職位。新機場和有關工程不久便會進入高峰期，對工人的需求亦會更為殷切。我們打算與承建商和工會協力找尋其他途徑，以期盡快安排具備所需資

歷的本地工人，填補職位空缺。如果事實證明本港確實無法聘用所需人手，我們便須考慮如何根據特別輸入勞工計劃，更快捷和靈活地引入外勞，填補這些職位空缺。我必須強調，特別輸入外勞計劃是純粹為應付新機場工程而設有時限的措施。

### 工作安全

我們關注本港的工業安全紀錄。我要再次向議員保證，政府對促進工業安全不遺餘力，並與僱主、僱員和執行職業安全的人員通力合作，聯手加強執法、訓練、教育和宣傳工作。

在立法方面，本局在本年七月，制定《工廠及工業經營(修訂)條例》。新的條例授權勞工處處長發出暫時停工通知書，着令僱主立即中止可能對工人造成嚴重身體傷害的危險工作，或停止使用危險設施。此外，法例亦授權勞工處處長發出敦促改善通知書，要求僱主在指定時間內，糾正比較輕微的違例情況。事實證明這兩項措施在預防工業意外方面，十分有效。

展望未來，我們會在本立法年度，向本局提交多項與工地安全有關的法例。其中最重要的兩項法例，是《職業安全與健康條例草案》，使工業安全和保障工人健康的適用範圍，擴展至包括非工業僱員。此外，我們亦會再次修訂《工廠及工業經營條例》，規定指定的工業經營和建築地盤，採用安全管理制度。

我知道有些人關注建議的法例，可能會把確保工業安全的全部責任，轉嫁到承建商和僱主身上。我要強調，政府、僱主和僱員在改善工地安全方面，擔當同樣重要的角色。建議採用的安全管理制度，是要求三方承擔責任。我們在上月推出的職業安全約章亦是根據這種精神來制訂的。這份約章提醒僱主和僱員，有責任改善工地安全和保障工人健康。一個安全和健康的工作環境有賴僱主和僱員雙方合作，以及政府的支持和對違例人士採取行動。此外，我亦同意一位議員的意見，就是發展商和專業人士亦有責任保障工地安全。我歡迎議員在這方面發表具體的建議。

我們亦相信，為工人提供安全訓練，是預防工業意外的有效方法。在建造業訓練局的協助下，我們已為房屋委員會和政府其他工務部門的工人提供安全訓練。政府現正徵詢建造業的意見，希望亦可為私人建築工程的工人提供安全訓練。

最後，為使政府各部門在工業安全方面有更好的協調，教育統籌科已

正式成立職業安全組，以便與其他有關的科、組和部門保持密切聯繫。

### 總結

在未來1年，政府在教育 and 人力方面有全盤的計劃。我承諾會與各位議員緊密合作，以達致所訂目標。我亦已小心記下議員在施政報告辯論中，就個別問題提出的具體意見。在未來1年，我會在適當場合作出回應。

**政務司致辭：**主席，議員在上星期總督施政報告辯論中提出一些有關政務科的意見和建議，我在此向他們致謝。我想就着議員提出的兩項主要問題，就是新移民和人權的問題，作出回應。

### 新移民

有議員關注到我們為新移民所提供的各種服務。我可以切實告訴各位議員，政府有關部門，尤其是政務總署，會繼續與志願機構合作，提供多項一般和專門服務，協助新移民盡快融入本港社會。我們也會不斷檢討這些服務，以確保能夠進一步加以改善。

未來數月，我們會致力處理以下事務：

- (a) 加強宣傳為新移民提供的服務；
- (b) 重新分配在各區所提供的服務，把重點放在較多新移民聚居的地區，例如東區、觀塘、九龍城和深水埗等；
- (c) 加強政府部門、志願機構和地區組織之間的協調工作，合力為新移民提供支援；及
- (d) 鼓勵新移民參與社區事務。

宣傳方面，政務總署已經製備了一份詳細、以簡體字印製的服務手冊，清楚列出為新移民提供的各項服務及有關服務的申請方法。迄今，我們派發了約15萬份手冊。現正編印第二版手冊，我們會增加有關房屋、就業輔助和職業訓練等資料。

為了方便提供服務，特別是評估新移民在教育 and 福利上的需要，政務

總署已與人民入境事務處作出安排，在新移民抵港後申請領取身分證時，請他們填寫一份簡單的調查表。調查的目的，是要了解新移民和他們居住地方的概況。首次調查的結果，已於本年八月公布。我們計劃每季進行一次調查，搜集最新的資料，以協助各區政務專員和有關部門，更有效地監察、評估、規劃對新移民提供的服務。

政府已設立有效的機制，加強中央和地區為監察和評估有關新移民服務方面的合作。由政務總署署長擔任主席的中央督導委員會，以及在18區分別成立的跨部門工作委員會，已為各有關決策科和部門，提供了一個有效的聯絡網。這些委員會定期舉行會議，以確保協助新移民能融入本港社會的各種措施，能夠順利推行。

為了加強群體精神及鼓勵新移民參與社區事務，政務總署會繼續通過各區政務處，接觸地方團體和鄉親會，要求他們協助，為區內新移民舉辦輔導及語文課程。舉例來說，本年十一月，東區政務處將會聯同社會福利署和東區區議會，在東區合辦一個新移民輔導計劃。我們希望透過各區政務處，鼓勵新移民參與地區事務，從事建設社區的工作。

根據督導委員會的調查結果及所作建議，有關部門現正訂定一套配套措施，以改善為新移民提供的各項服務。至於福利方面，社會福利署會加強志願機構之間的協調，合力為新移民提供服務。本年度，政府已把撥給國際社會服務社的資助額提高一倍，以擴展為新移民提供的服務。教育方面，我們會興建更多學校，應付學額需求。教育署會繼續通過志願機構，為新移民學童提供適合課程和英語延續課程，幫助他們適應本港的教育制度。此外，新移民也可與分區教育處聯絡，徵詢有關求學機會的意見。政府會在本立法年度，修訂《僱員再培訓條例》，使新移民可參加僱員再培訓計劃。督導委員會很快會公布這方面計劃的詳情。

## 人權

現在讓我談談人權問題。

約在此同時，聯合國人權事宜委員會正在日內瓦舉行聽證會，討論根據《公民權利和政治權利國際公約》所提交有關香港的補充報告。聽證會上會聽到律政專員（法律政策）的開場聲明。其中一項內容一直受到本港市民關注，就是在明年六月三十日後，繼續向聯合國人權事宜委員會提交報告的問題。律政專員會告訴委員會，本港市民已把這些報告看作基準，用來衡量本港在推行人權保障方面的進展。

事實上，英國政府已多次向中國政府指出，基於《聯合聲明》，中國政府已作出承諾，確保《公民權利和政治權利國際公約》中適合香港的條文，日後在香港特別行政區依然有效。中英政府在這方面已作過許多次討論，並通過各種渠道予以進行，包括外交部長級的會議，以及聯合聯絡小組的會議。我們深信，在一九九七年之後，能按照公約提交報告，是顯示香港特別行政區繼續實施公約條文的一個好方法。我們同時注意到，正在日內瓦舉行的聽證會上，有關人士提出方案，尋找解決這個問題的辦法。

除了國際條約之外，其實在本港奠定了保障人權的基礎，還包括我們的法治制度、真正獨立的司法機構和《人權法案條例》。此外，我們設有健全完善的法律援助制度、有效的申訴制度、由公平選舉產生的立法機關，以及積極進取的公民教育諮詢委員會。另一方面，香港新聞自由，令政府的運作不但受到新聞界監察，也受到本地和國際非政府機構關注。

以上的措施，為我們提供了一個有效保障香港人權的架構。我們認為，與其設立一個職權範圍廣泛但界綫不清的全新機構，例如有些議員所提及的人權委員會之類，倒不如更積極因應市民的關注，採取更有效的辦法，推行實際可行的措施，從而鞏固現有的機制。

為了達到上述目標，我們已在過去數年，推行連串、共10項具體措施：

1. 我們已於一九九四年，把《兒童權利公約》引申到香港；
2. 在本月中更把《消除對婦女一切形式歧視公約》引申到香港；
3. 我們在去年制定了《性別歧視條例》和《殘疾歧視條例》，並且在今年五月成立平等機會委員會，鼓勵和確保各方面遵守有關條例的規定；
4. 我們在去年制定《個人資料（私隱）條例》，並且在今年夏季委出個人資料私隱專員，以保障個人資料保密的權利；
5. 我們已向司法機構增撥資源，以加快法院的工作，特別是讓有關《人權法案》的案件，以及根據《性別歧視條例》和《殘疾歧視條例》而提交法院的案件，可以盡快開審；
6. 我們亦已制定法例，改善《人權法案》案件獲得法律援助的情況，

以便在有關《人權法案》的民事案件中，若個別人士提出值得受理的申索，法律援助署署長可酌情免除申請人的經濟上限。我們也成立了獨立的、法定的法律援助服務局，監察法律援助署的運作，並就法律援助政策和撥款規定，向政府提供意見；

7. 我們已增撥資源，推動人權教育；
8. 我們正在實施《公開資料守則》的行政措施，並會在本年年底，如期把該守則的適用範圍，擴展至整個政府，以提高政府的透明度；
9. 我們已採取措施，加強申訴專員的職能，以便成為有效的申訴渠道；及
10. 我們已採取措施，改善處理投訴警方的制度。

以上各項措施，加上獨立的司法制度和《人權法案條例》，將會在一九九七年前後，充分和有效地保障香港的人權。

謝謝主席。

**FINANCIAL SECRETARY:** Mr President, during the debate on the Motion of Thanks last week, few Honourable Members commented on the performance of the economy as a whole. I regard this lack of comment as evidence that this Council is generally content with the current strength and robustness of our economy, as well as with the Government's economic policies.

As always, our starting point must be that Hong Kong has an open economy with a large traded sector. This makes us very susceptible to external developments. In particular, the changing economic performance and policies of our leading trading partners intimately affect our own economy. I highlight this feature of the Hong Kong economy to remind us that we do not have a heaven-sent guarantee of perpetual prosperity. But Hong Kong is not completely at the mercy of the outside world. We have managed to overcome our limitations and to turn obstacles and crises into challenges and opportunities. Our record shows that we have both the strength and the determination to grow our way out of trouble. Because of our ability to respond promptly and to adjust

effectively to a constantly changing economic environment, Hong Kong is so often quoted as the best real-life illustration of how an economy can succeed by espousing the principle of a free and competitive market system.

Hong Kong is now one of the world's leading trade and business centres. Over the past four decades, we have experienced ups and downs in our economic performance. But we have managed to achieve positive economic growth ever since we first began to compile GDP figures (in 1961). The rapid economic adjustments over the past 18 months in particular further demonstrated the strength of our economic fundamentals. Let me try to summarize how we have been strengthening our capacity for future expansion.

There has been an encouraging improvement in the labour market. Last year, the unemployment rate peaked at 3.5% to 3.6% in around October and November. This year, the unemployment rate came down steadily to 3.2% in the first quarter, 3.1% in the second quarter and a further 2.6% in the third quarter. The under employment rate also dropped, from 2.5% in the third quarter of 1995 to 1.4% in the same quarter this year. The improvement in the employment situation was broad-based, despite a continuous increase in labour supply. Total employment has remained robust in 1996.

The property sector has performed satisfactorily. The property market underwent a cyclical adjustment from the second half of 1994 until towards the end of 1995. Higher US dollar interest rate trends in early 1994 were opportune in helping to cool down the speculative surge in the local property market. The subsequent series of government anti-speculation measures further strengthened the adjustment. As a result, rentals softened and significantly relieved pressures on inflation and hence the cost of doing business in Hong Kong. Given our large population and economic growth, there is always a strong underlying demand for property. After consolidation for about one and a half years while interest rates stabilized, interest in property revived and there has been a marked pick-up in trading activity since the beginning of this year. The fact that people are again prepared to invest in property is a clear sign of investors' confidence in Hong Kong's future.

Inflationary pressures have eased. Consumer price inflation began to moderate in the fourth quarter of 1995. In the third quarter of 1996, it stood at 5.6% (as measured by CPI(A)) which is significantly lower than the 8.6% increase in the same quarter last year, as well as lower than the increases of 6.2%



and 6.4% in the first and second quarters of this year. This improvement was due to two factors. First, the softening in wages and rentals alleviated domestic inflationary pressures. Second, imported inflation was also subdued by the strength of the US dollar (and hence the Hong Kong dollar) as well as lower inflation in China, Japan and the United States, the major sources of imports for Hong Kong.

Confidence in our economic robustness has helped share prices. Good corporate profits, satisfactory land auction results and stable interest rates all helped to boost trading. The Hang Seng Index reached an all-time high of 12 600 earlier last week. This was an 8% gain over end of June and represented a faster rise than the price gains recorded in other major overseas stock markets. Indeed, rightly or wrongly, many observers tend to take the Hang Seng Index as a barometer of confidence and suggest that the feel-good factor has returned in strength.

Mr President, a number of Honourable Members spoke about the importance of the manufacturing sector to our economy. I share their view and would like to reiterate the Government's total commitment to helping industrialists to help themselves. Before I explain what I mean by this, let me be very clear on what the Government will not do.

We will not embark upon arbitrary industrial targeting. Centrally determined visions of the future have no place in our economy, which is totally dependent on, and totally exposed to, the outside world. Moreover, the dreams of central planners have always proved highly disappointing in the long run. The over-investment in the so-called high-tech electronic manufacturing in several of our neighbouring countries is one case in point. The conversion of so many centrally planned economies to market economies is another.

Hong Kong cannot afford to try to salvage an unprofitable industry simply because it provides jobs. This is not to say that I do not feel real sympathy for the genuine difficulties encountered by people displaced from jobs they have held for many years. I do. And the Government has put in place a variety of programmes to ease the pain of these people and help to retrain them for other jobs. However, we must not go out of our way to arrest the decline of those industries which are no longer competitive. To do so would not only be costly and ineffective, it would also distract us from the new opportunities available in

the market place. For an economy with a *per capita* GDP in excess of US\$23,500 a year, we must concentrate on those manufacturing and other industries that give us the added value which we need to at least maintain our current levels of prosperity. We cannot use our resources on the artificial resuscitation of sunset industries. In this regard, the Government cannot be a market-maker. It must accept the verdict of market competition.

The Hong Kong Government's policy is clear. It leaves the private sector free to decide which paths to follow in response to market forces. But the Government provides maximum support along those paths. That is why on the hardware side, we are putting so much emphasis on physical and technical infrastructural support.

We are providing a first class physical infrastructure, including highways, railway projects, port and airport development. This infrastructure is designed to complement the new production configuration of our manufacturing sector which radiates from Hong Kong into the entire Pearl River Delta and beyond. Witness our determination to pursue the construction of Container Terminal No. 9 and Chek Lap Kok Airport.

We have, over a period of many years, pursued a consistent policy of upgrading Hong Kong's technological infrastructure and support services, in order to help industry move up-market. Thus, the Government provides industrial estates to facilitate industrial diversification and technology upgrading. We offer purpose-built accommodation to promote technology-based operations. We operate a number of funding schemes to encourage applied research and development in industry. We proactively promote Hong Kong overseas and encourage overseas companies to invest in the manufacturing and services sectors in Hong Kong. We know that we must do even more to raise the technological level of our industries. Consequently, we are proceeding full speed with the planning of a Science Park, a second technology centre and a fourth industrial estate.

On the software side, we have vastly expanded tertiary education, undertaken a review of vocational training, reinforced industrial retraining and language training. In mapping out new strategies and partnerships between the Government and the private sector, we have supported major studies being

undertaken by a group of Harvard scholars on Hong Kong's competitiveness, a group of MIT scholars on the future development of Hong Kong's manufacturing industries, and a group of eminent local academics on various essential aspects of Hong Kong's economy. These are not simply academic studies. We shall act on them.

The Government's work on our economic infrastructure does not end there. Our initiative in helping the development of our services industries is plain for all to see. Since I announced in March our thinking and policy directions on supporting and promoting our services industries, we have been able to take forward many of our earlier ideas. Our industry and trade support organizations, including the Trade Development Council, the Productivity Council and the Export Credit Insurance Corporation, have restructured themselves and developed new products so as to better support our services industries. Our newly established Small and Medium Enterprises Committee has already met twice. Its recommendations will be of great benefit to our services industries.

Very soon, we will invite the first batch of applications for the Services Support Fund which has been set up to provide financial support to projects which are beneficial to the competitiveness of Hong Kong's services sector. Action is in hand for establishing a small core unit, reporting directly to me, to co-ordinate and monitor the progress of the services support and promotion efforts that are being undertaken on various fronts.

Mr President, some Honourable Members expressed concern about our ability to maintain Hong Kong's status as an international financial centre. Let me reassure the Council that these worries are not justified. We have Asia's second largest stock market in terms of market capitalization. We are the world's fifth largest banking centre in terms of external financial transactions. We are also the world's fifth largest foreign exchange market in terms of forex turnover by authorized institutions. We are one of the world's leading insurance centres. The World Bank has ranked Hong Kong's *per capita* GDP, in terms of purchasing power parity, the sixth highest in the world. The Heritage Foundation has named Hong Kong the freest economy in the world. And, most of all, we are not complacent.

The Hong Kong Government is wholly committed to the maintenance of Hong Kong's status as an international financial centre of the first rank. I cannot over-emphasize the importance of this commitment which is laid down in Article 109 of the Basic Law of the Hong Kong Special Administrative Region.

The preservation of our status is always uppermost in my mind.

I have spoken elsewhere before of the four pillars which underpin Hong Kong's success, and I am prepared to repeat myself as often as necessary. They are the rule of law, a level playing-field in all business sectors, a non-corrupt public service and the free flow of information. These four pillars are vital for the future, and our professional Civil Service will continue to defend them vigorously.

As far as the financial markets are concerned, our consistent policy has been to keep intervention to a minimum. Our goal is to ensure the orderly operation of the markets and to encourage the development of new products and new services. Prudential regulation is vital to ensure the continued reliability and high reputation of our goods and services. On the other hand, we are careful to ensure that this regulation does not stifle competition, innovation and freedom in our markets.

This balance is a notoriously difficult one to strike. That is why I am not surprised by the seemingly contradictory views from Honourable Members about the degree of regulation they perceive as necessary in our financial markets. Overall, I am happy to say that we seem to have got the balance about right. Let me reassure Honourable Members that I have not said these words lightly. Our financial services regulatory systems have evolved over time and in response to changes in the international scene. Our regulators have continued to develop and refine the regulatory framework and the risk management systems. We are confident that the arrangements now in place are efficient by international standards and can meet the demands of a sophisticated financial marketplace.

The balance between market freedom and adequate supervision is true not only of the financial sector but of our whole economy. The Government believes that the best way forward in the development of an effective competition policy is to keep markets open. The Government is committed to using appropriate prudent measures to rectify unfair business practices, safeguard competition and protect consumer interests. To this end, we have commissioned the Consumer Council to conduct a series of studies on the state of competition in six business sectors. The Consumer Council has completed these studies, and the Government has implemented the recommendations in five of them where appropriate. In addition, the Consumer Council will soon

conclude an overall assessment of the competition environment in Hong Kong and release its findings publicly. In the light of these findings and the views of the community, the Government will consider whether and what additional measures should be introduced to promote competition in Hong Kong.

Mr President, Hong Kong's economy is both resilient and flexible. It has enormous strength, dynamism and ingenuity. By allowing market forces to determine the allocation of resources, Hong Kong has generated the maximum wealth and the maximum benefit for the community. We have the right formula for managing the economy and will continue to stick with it, thus enabling the private sector to promote new economic activities and create new jobs. I am convinced that is the right way, the only way, to improve our living standards and create high-value jobs for our people. We must not look backwards. In particular, we must not blindly adopt outworn slogans or empty policies which are based on protectionist concepts. We must not respond blindly to a downturn in a particular industry or to the adverse impact of economic restructuring on a particular sector. Most of all, we must not allow bureaucrats to use tax payers' money to dictate development strategies for our business community. These have been the foundations on which we have built our prosperity in the past. These must remain the sources of our growth and expansion for the future.

**DR LEONG CHE-HUNG:** Mr President, I would like to start by making reference to the opening remarks made by the Honourable Henry TANG. He said it is just courteous to thank somebody if you are given something and this must be the spirit of this annual conventional Motion of Thanks. Mr TANG went on to say that if you are not given anything and you still say "thanks", then you are overdoing things. I think we all agree. It is because of that, he said, he would not thank the Governor because the policy address gave him nothing. Yet, he said he was frustrated after this address. Well, let me tell Mr TANG he did actually receive something — frustration.

Regrettably, Mr President, frustration is something that perhaps all Members of this Council felt in different degrees. At least, that is how I perceive in almost all the speeches delivered by Members of this Council. Mr President, events that happened in the last two days have not made things any better. It was reported immediately there would be some 12 localization bills to

be introduced very near to the close of Session of this Council, and that the Administration had asked Members of this Council to "scrap the Bills Committee". Let me stress to the Administration in no uncertain terms that the needs or otherwise of Bills Committees is the prerogative of this House for which the Government has no control.

Yes, the Administration has the right to push for resumption of Second Reading debate of any bills without the consent of this House, but has to face the consequence of their bills being thrown out of this Council. It would be most unfair for the Administration to introduce late bills for adaptation or localization purposes and to use the lack of time as weapon to force the House to forego proper scrutiny of any bills by the formation of a Bills Committee. If Members vote against these bills because they have no chance to study them, they face accusation of being irresponsible. Similarly, if Members allow bills to go through, they will still face the accusation of not doing their proper duty of bills scrutiny. Mr President, pardon my slightly unparliamentary language, Members are being landed in the situation of a, and I quote, "damned if you do and damned if you don't". We stand to oppose this.

Mr President, let me remind the Administration that we are all in a situation where we know there will be problems; problems that should be tackled by sharing responsibilities, definitely not by shedding responsibilities. Let me stress to the Administration that this House will do our utmost to finish the necessary legislative programme within our physical possibilities. I am therefore glad to hear the Chief Secretary's commitment of government assistance. I am sure our Secretariat will be happy to hear that funds needed could also be forthcoming.

Mr President, replies from the government officials today regrettably still have not shed enough light to the people of Hong Kong on how the Administration will steer Hong Kong for the next eight months and what blueprints the Administration will have for Hong Kong for continued stability and prosperity.

Mr President, time will not allow me to comment on all, and I am sure Members of the respective panels will delve into their details, but if I could take some examples. The Secretary for Housing, for example, gave beautiful figures and commitments and we do not have any reasons to doubt his sincerity. Yet,

can the Government meet the commitment that they can build enough public rental housing and home ownership flats before 2001? Furthermore, the over-optimistic estimation of the Government has already led to a long queue of 150 000 applicants in the public rental waiting list and a very high subscription rate in the Home Ownership Scheme. The Government should really put more commitment into action by allocating more land to the Housing Authority and speed up the whole design and construction programme.

In the area of welfare, again the Secretary has said that a lot of money will be spent and there are a lot of talk about numbers in building institutions. But what directions do we have for the elderly? Is giving them an institutional space would be all and end all? The Secretary rightly so mentioned that they may enjoy more in their own environment and with their friends, but how could such be implemented?

Repeatedly we have heard the British Government stress their concern for Hong Kong after the change of sovereignty, but repeatedly the Administration has proven that these are just words and no deeds. Some Members today and the Member sitting next to me have complained to me that there have been no replies from the Works Branch. We look forward to the Secretary responsible to answer to Members' comments perhaps in writing.

Mr President, I would like to turn to make some comments on the speeches and deliberations of Members. Topics in their speeches are far and wide this time, ranging from reminiscence of their childhood days to criticism of the Chinese Vice-Premier, Qian Qichen, from control of infectious diseases in Hong Kong when it was a barren rock to the proper use of the English language. Mr President, while there is an expected overflowing dose of criticism, ironically there has been an inadequacy of constructive suggestions. There are within this Council, Mr President, sizeable political factions and political parties where brains conglomerate. Yet never in the history of this Council have you heard from them suggestions of a structured blueprint of how they themselves would like to see Hong Kong being governed. I hope this could be forthcoming or this will be forthcoming, for until then Hong Kong cannot claim to have mature party politics.

Mr President, one Member in his speech accused a Member of this Council who had been conferred honours by the British Government for criticizing the Governor. That Member also alleged that should those who are in possession of such honours would like to be a turncoat, perhaps the best way to appease China

was for them to give up their conferred honours instead of criticizing the Governor. Let me point out to this Honourable colleague that the award of an honour, in my mind and I have to declare my interest as a recipient of one, is based on recognition of service to the community of Hong Kong and not a carrot to kowtow to the British Government. Criticizing the Administration when it is not performing to the needs and satisfaction of the people of this community is, therefore, a responsibility of any member of Hong Kong, let alone elected representatives, whether they are recipients or otherwise of honours from the British Government. I do hope the Administration will clarify this issue whenever the opportunity arises.

I would like now to turn to the amended motion. I have said that the Motion of Thanks is a conventional motion for Members of this Council to criticize and to make suggestions for better governance of Hong Kong. Under this motion, anything under the sun would be discussed, and it has. Any amendments, in my mind, would have upset the principle of the motion and made a mockery of the spirit of the debate. Sir, I entirely support the feelings of Mr LEE in his amendment and have actually made comments in that direction myself when I moved the motion. I still believed that this amendment, or any other, is really uncalled for. Yet, Mr LEE can take solace to the effect that, in my mind, both his amendment and the Governor's policy address are right amendments and right speeches, but delivered at the wrong time and on the wrong occasion.

Mr President, I would hate to guess the outcome of today's debate. Yet whether the final vote is a yes or no, Hong Kong has to go forward. Mr President, this Council also has a role to play and one of them must be to work with the Government to ensure that there is proper governance in Hong Kong in the next eight months, and to promote a direction for a stable and prosperous Hong Kong of the future.

Thank you, Mr President.

*Question on the amended motion put.*

經修正之議案經向本局提出待決。

Voice votes taken.

聽取聲音表決。



主席：本局現進行點名表決。

MR MARTIN LEE: Mr President, may I raise a point about the motion. Is it proper or improper for a Member to amend the Motion of Thanks under Standing Orders?

主席：根據《常規》第6條第(6)款，“本條第(5)款（即本局感謝總督發表施政報告）所述的議案可無經預告而動議作出修正，但修正案只限於在句末增添字句”。在本席容許該項修正案前，已經裁決此項修正案合乎規程。

請各位議員先按表決器上端之按鈕表示在席，然後從下面三個按鈕中選其一按下，以進行表決。

主席：在本席宣布結果之前，請各位議員核對所作之表決。是否有任何疑問？

Mr Martin LEE, Mr SZETO Wah, Mr Albert CHAN, Mr CHEUNG Man-kwong, Mr Michael HO, Dr HUANG Chen-ya, Mr LEE Wing-tat, Mr Fred LI, Dr YEUNG Sum, Mr WONG Wai-Yin, Mr LEE Cheuk-Yan, Dr Anthony CHEUNG, Mr Albert HO, Dr LAW Cheung-kwok, Mr LAW Chi-kwong, Mr LEUNG Yiu-chung, Mr LIU Sing-lee, Mr MOK Ying-fan, Mr SIN Chung-kai, Mr TSANG Kin-shing, Dr John TSE and Mr YUM Sin-ling voted for the amended motion.

Mrs Selina CHOW, Dr David LI, Mr NGAI Shiu-kit, Mr Edward HO, Mr Ronald ARCULLI, Mrs Miriam LAU, Dr LEONG Che-hung, Mr CHIM Pui-chung, Mr Eric LI, Mr Henry TANG, Dr Samuel WONG, Dr Philip WONG, Mr CHAN Kam-lam, Mr CHAN Wing-chan, Miss CHAN Yuen-han, Mr CHENG Yiu-tong, Mr CHEUNG Hon-chung, Mr CHOY Kan-pui, Mr David CHU, Mr IP Kwok-him, Mr Ambrose LAU, Mr LO Suk-ching and Mr NGAN Kam-chuen voted against the amended motion.

Mr LEE Kai-ming abstained.

The President announced that there were 22 votes in favour of the amended motion and 23 votes against it. He therefore declared that the amended motion was negatived.

主席宣布贊成者22人，反對者23人，他於是宣布經修正之議案被否決。

## **MEMBERS' BILLS**

### **議員條例草案**

#### **First Reading of Bill**

##### **條例草案首讀**

#### **EMPLOYMENT (AMENDMENT) (NO. 4) BILL 1996**

《1996年僱傭（修訂）（第4號）條例草案》

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

條例草案經過首讀，並依據《會議常規》第41(3)條的規定，受命安排二讀。

#### **Second Reading of Bill**

##### **條例草案二讀**

#### **EMPLOYMENT (AMENDMENT) (NO. 4) BILL 1996**

《1996年僱傭（修訂）（第4號）條例草案》

***MR LEUNG YIU-CHUNG to move the Second Reading of: "A Bill to amend the Employment Ordinance."***

梁耀忠議員致辭：主席，《1996年僱傭（修訂）（第4號）條例草案》的目的是要修訂《僱傭條例》中有關停工的定義，從而改善“吊鹽水”問題。現時法例規定，凡僱傭合約內訂明如僱員的工資是視乎僱主提供的工作量而定，則僱員在下列情況下視為“被停工”，因而有權獲得“遣散費”：

- (1) 在任何連續4個星期的期間內，僱主未能向僱員提供的開工日數，超過正常工作日的總數的一半，而該僱員並未獲支付一筆相若的工資；或

- (2) 在任何連續26個星期的期間內，僱主未能向僱員提供的開工日數，超過正常工作日的總數的三分之一，而該僱員並未獲支付一筆相若的工資。

以上的法例，主要是為僱主面對暫時無法為僱員提供正常的開工日，但又不致要結業遣散員工時，限制僱員不得隨意向僱主索取遣散費；客觀上，是強制僱員要與僱主“共度難關”。

無疑，僱員大多諒解一些行業，尤其是製造業，往往會出現旺淡季，所以普遍工友都願意與僱主共同面對困難，接受一段期間內支取較微薄的收入而繼續為僱主工作。

但自八十年代中末期以後，由於所謂的“國際分工現象”，即投資者為了要賺取更豐厚的利潤，把工序轉移到經濟發展落後的地區，進行更赤裸的剝削，這導致香港的工業不斷出現萎縮現象。年青一輩的工友，抵受不住收入的不斷下降，紛紛轉投其他行業，但對於一些長年資的工友，他們既沒有專長，又因為長年資的關係，如果自動辭職，則過去的年資便立時化為烏有。而以現存的法例的所謂保障，根本不能讓他們得到合理及基本生活的水平。因此，他們所面對的確實是非常艱難的歲月。

有些無良老闆的做法更是令人髮指。最近，就有一間製衣廠，本來一直擁有大量訂單，但為求減輕成本，非法地把工序轉移到大陸，而又為了要應付本地海關的巡查，惟有保留三十多名員工在廠內工作。這群工友的工齡大多在8至15年之間，在過去一年內，工廠不斷出現持續性的開工不足，但老闆卻一直符合現存法例規限而付出工資，令工友無法索取遣散費。在今年七月，這間工廠竟然出現一星期只有兩至三日有工開，而一期糧就只得100至200元左右；相較過往每天100元的工資，大家可以想像這群工友現在所面對的情況是如何的悲慘！由於僱主熟悉法例，到另一期糧時，便湊足法例需求的日數，補足給工友，使工友在名義上獲得足夠的工資，但工友所得的工資只是約2,000元，試問這樣低的工資水平如何可應付一個家庭的開支呢？

又有一個例子，有3位工友在一間錶廠做了8年，由於僱主希望以3年時間慢慢將工序北移，但又不想支付長期服務金或遣散費，故此這3位工友便要“吊鹽水”。經過3個月，工友實在抵受不住這種“吊鹽水”的情況而要自動辭職，喪失了8年的工齡。

因此，現時的法例根本就不是保障員工，而是讓僱主擁有一種殺人於無形的武器，把僱員願意與僱主共度難關的良好意願，轉變為對僱員進行殘酷的剝削。

為了改善以上問題，我不得不提出議員條例草案，修訂“停工”定義，改為在下列情況下僱員便有權要求遣散：

(1) 在任何連續4個星期的期間內，僱主未能向僱員提供的開工日數，超過正常工作日的總數的三分之一，而該僱員並未獲支付一筆相若的工資；或

(2) 在任何連續26個星期的期間內，僱主未能向僱員提供的開工日數，超過正常工作日的總數的四分之一，而該僱員並未獲支付一筆相若的工資。

無疑，新建議仍然不是十全十美的，它仍然保留了工友體諒僱主會有短暫出現困難的情況而願意接受少於正常的收入，保存着“同舟共濟”、“共度難關”的崇高精神，所以這條條例草案只不過是將開工日作出輕微提升，給工友多一點最低的收入保障，其實，最終還是工友作出了犧牲。

主席，勞工界多年來一直爭取修訂“停工”定義，以改善遭到“吊鹽水”工友的困境。我記得，過往就有工友拿着一個“吊鹽水”的樽到總督府請願，以表達他們面對的困局，但可惜的是，政府一直充耳不聞，視而不見。因此，現時我不得不提出對法例進行修改。這條例草案看來提得太遲，但遲提總較沒有提出為佳。因此，我希望本局的同事能夠支持這條條例草案，使它能夠獲得通過。

主席，本人謹此陳辭。

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

條例草案二讀議案經提出待議。

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

辯論中止待續，條例草案依據《會議常規》第42條第(3A)款的規定交付內務委員會處理。

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

恢復條例草案二讀辯論

**UNIVERSITY OF HONG KONG (AMENDMENT) BILL 1996**

《1996 年香港大學（修訂）條例草案》

**Resumption of debate on Second Reading which was moved on 9 October 1996**

恢復於一九九六年十月九日動議二讀辯論

*Question on the Second Reading of the Bill put and agreed to.*

條例草案二讀議案付諸表決，並獲通過。

Bill read the Second time.

條例草案經過二讀。

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

條例草案依據《會議常規》第 42 條第(3A)款的規定，付委予全體委員會審議。

**THE ORTHODOX METROPOLITANATE OF HONG KONG AND SOUTH EAST ASIA BILL**

《香港及東南亞正教會條例草案》

**Resumption of debate on Second Reading which was moved on 9 October 1996**

恢復於一九九六年十月九日動議二讀辯論

*Question on the Second Reading of the Bill put and agreed to.*

條例草案二讀議案付諸表決，並獲通過。

Bill read the Second time.

條例草案經過二讀。

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

條例草案依據《會議常規》第 42 條第(3A)款的規定，付委予全體委員會審議。

**Committee Stage of Bill**

條例草案全體委員會審議階段

Council went into Committee.

本局進入全體委員會審議階段。

### **UNIVERSITY OF HONG KONG (AMENDMENT) BILL 1996**

《1996 年香港大學（修訂）條例草案》

Clauses 1, 2 and 3 were agreed to.

第 1、2 及 3 條獲得通過。

### **THE ORTHODOX METROPOLITANATE OF HONG KONG AND SOUTH EAST ASIA BILL**

《香港及東南亞正教會條例草案）》

Clauses 1 to 13 were agreed to.

第 1 至 13 條獲得通過。

Council then resumed.

全體委員會隨而回復為立法局。

### **Third Reading of Bills**

條例草案三讀

DR DAVID LI reported that the

李國寶議員報告謂：

### **UNIVERSITY OF HONG KONG (AMENDMENT) BILL 1996**

《1996 年香港大學（修訂）條例草案》

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

已無經修正通過委員會審議階段。他動議三讀上述條例草案。

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

條例草案三讀的議案經提出待議，付諸表決，並獲通過。

Bill read the Third time and passed.

條例草案經三讀通過。

MR ERIC LI reported that the

李家祥議員報告謂：

### **THE ORTHODOX METROPOLITANATE OF HONG KONG AND SOUTH EAST ASIA BILL**

《香港及東南亞正教會條例草案》

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

已無經修正通過委員會審議階段。他動議三讀上述條例草案。

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

條例草案三讀的議案經提出待議，付諸表決，並獲通過。

Bill read the Third time and passed.

條例草案經三讀通過。

### **ADJOURNMENT AND NEXT SITTING**

#### **休會及下次會議**

主席：按照《會議常規》，本席現宣布本局休會，並宣布本局於一九九六年十月三十日星期三下午2時30分續會。

*Adjourned accordingly at fifteen minutes to Seven o'clock.*

會議遂於下午6時45分休會。