

(ii) 並不造成該名合資格人士完全傷殘的傷病；及

(b) 以綜合評定的方式就(a)(i)及(ii)段所提述的兩項因由而評定所得的傷殘程度，並不高於單獨就(a)(ii)段所提述的因由而評定所得傷殘程度，

則須支付下述撫恤金，以代替若非因本條原須根據第 7 或 8 條就該項傷殘而支付的任何撫恤金 —

(i) 假若該項傷殘僅由(a)(i)段所提述的因由引致則須根據第 8 條支付的撫恤金；及

(ii) 假若該項傷殘僅由(a)(ii)段所提述的因由引致則須根據第 7 或 8 條支付的撫恤金。

#### 10. 經常照顧津貼

如 —

(a) 任何合資格人士根據本條例（不論是否憑藉第 7 或 9(ii)條的適用）有權獲支付任何根據第 7 條須以恩恤金方式而就任何程度不低於 80%的傷殘支付的撫恤金；及

(b) 已向評議局證明而使評議局信納該名合資格人士由於該項傷殘以致需要經常照顧，

則除根據本部須支付的任何其他撫恤金外，須以經常照顧津貼的方式而按評議局在顧及有關個案的全部情況後不時厘定並且不超過附表 5 第 2 欄就該項津貼所列出的付款率支付撫恤金。

#### 11. 特別嚴重傷殘津貼

如 —

- (a) 任何合資格人士根據本條例有權獲支付根據第 10 條須以經常照顧津貼方式而就任何傷殘支付的撫恤金；及
- (b) 評議局認為該項傷殘相當可能是永久存在的，

則除根據本部須支付的任何其他撫恤金外，須以特別嚴重傷殘津貼的方式而按評議局在顧及有關個案的全部情況後不時厘定並且不超過附表 5 第 2 欄就該項津貼所列出的付款率支付撫恤金。

## 12. 安撫津貼

如任何合資格人士根據本條例（不論是否憑藉第 7 或 9(ii) 條的適用）有權獲支付 —

- (a) 任何根據第 7 條須以恩恤金方式而就任何由多於一項傷病引致且程為 100% 的傷殘支付的撫恤金；及
- (b) 任何根據第 10 條須以經常照顧津貼方式支付的撫恤金，

則除根據本部須支付的任何其他撫恤金外，須以安撫津貼的方式而按評議局在顧及有關個案的全部情況後不時厘定並且不超過附表 5 第 2 欄該項津貼所列出的付款率支付撫恤金。

## 13. 高齡津貼

如任何合資格人士 —

- (a) 根據本條例（不論是否憑藉第 7 或 9(ii) 條的適用）有權獲支付任何根據第 7 條須以恩恤金方式而就任何程度不低於 40% 的傷殘支付的撫恤金；及
- (b) 已年滿 65 歲，

則除根據本部須支付的任何其他撫恤金外，須以高齡津貼的方式而按附表 5 第 2 欄就該項津貼所列出並適合其傷殘程度的付款率支付撫恤金。

#### 14. 醫療開支津貼

如任何合資格人士由於服役以致傷殘，且該名合資格人士已招致任何開支，而評議局裁定該等開支是就醫療、外科或康復治療或就輔助物品及適應物品並且是完全或主要由於該項傷殘所招致的，則除根據本部須支付的任何其他撫恤金外，須以醫療開支津貼的方式而按評議局在顧及如此招致的開支的款額後所決定的條件和款額上限以整筆款項的形式支付撫恤金。

### 第 IV 部

#### 就去世付款

#### 15. 由於服役以致去世

如任何合資格人士由於服役以致去世，則除本條例其他條文另有規定外，根據本部須就此支付的任何撫恤金（不論以恩恤金、補助金或其他津貼的形式支付），須支付予該名合資格人士的尚存配偶。

#### 16. 尚存配偶的恩恤金

如任何合資格人士由於服役以致去世 —

(a) 若該名合資格人士的尚存配偶 —

(i) 已年滿 40 歲；或

(ii) 被評議局認為缺乏謀生能力，

即須以恩恤金的方式而按附表 6 第 2 欄所列出

並適合該名合資格人士的軍階的付款率支付撫恤金；

- (b) 在任何其他情況下，則須以恩恤金的方式而按附表 6 第 3 欄所列並適合該名合資格人士的軍階的付款率支付撫恤金。

#### 17. 高齡尚存配偶的高齡津貼

如任何合資格人士的尚存配偶 —

- (a) 根據本條例有權獲支付任何根據第 16 條須以恩恤金方式支付的撫恤金；及
- (b) 已年滿 65 歲，

則除根據本部須支付的任何其他撫恤金外，須以高齡津貼的方式而按附表 7 第 2 欄列出並適合該名尚存配偶的年齡的付款率支付撫恤金。

#### 18. 尚存配偶恩恤津貼

(1) 除第(2)款另有規定外，如任何合資格人士去世時，他已根據本條例獲支付根據第 10 條須以經常照顧津貼方式而就截至其去世為止的任何期間支付的撫恤金，或根據本條例另有權獲支付上述撫恤金，則除根據本部須支付的任何其他撫恤金外，須以恩恤津貼的方式支付撫恤金，該撫恤金包括以下各項付款 —

- (a) 一項付款，付款率相等於為計算如上所述須就截至該名合資格人士去世為止的期間支付的撫恤金所依據的付款率；
- (b) 如該名合資格人士去世時，他已根據本條例支付任何根據第 III 部並非以整筆款項的形式而須就截至他去世為止的任何期間支付的其他撫

恤金，或根據本條例另有權獲支付上述的其他撫恤金，則為就該等其他撫恤金而各別支付的付款，付款率相等於為計算如上所述須就截至該名合資格人士去世為止的期間支付的該等其他撫恤金各別所依據的付款率；及

- (c) 如該名合資格人士去世時，他根據本條例有權獲支付根據第 14 條須以醫療開支津貼方式支付的撫恤金，則為一項以整筆款項的形式支付並且與該撫恤金款額相等的付款。

(2) 凡任何合資格人士去世，不得就超越自該名合資格人士去世日期起計的 26 星期的任何期間而根據第(1)(a)或(b)款支付任何款項。

## 19. 婚姻及共同生活的影響

(1) 儘管本部任何其他條文另有規定，如任何人身為合資格人士的尚存配偶而與另一人結婚或與另一人儼如夫妻般共同生活，則任何若非因本條原須根據本部就自結婚日期或共同居住時開始的任何期間而向該名尚存配偶作為尚存配偶支付的撫恤金，不論該婚姻或共同居住存續的期間長短，均不再須予支付。

(2) 如任何撫恤金因第(1)款而不再須支付予任何人，則如評議局酌情決定，須以補助金的方式而按評議局在顧及有關個案的全部情況後所厘定的款額以整筆款項的形式支付撫恤金，該撫恤金的款額，不得超過假若撫恤金並非不再須予支付則在其不再須予支付的公曆月中原須支付的款額乘以 12 之後所得出的數目。

## 第 V 部

### 撫恤金的支付

## 20. 付款條件

- (1) 儘管第 III 或 IV 部任何條文另有規定 —

- (a) 任何人無權根據本條例獲支付任何撫恤金（不論以恩恤金、補助金或其他津貼的形式支付）；及
- (b) 任何撫恤金（不論以恩恤金、補助金或其他津貼的形式支付）無須根據本條例支付，

除非在符合本條例就該等撫恤金所列出的任何其他條件或規定外，一項關於該等撫恤金的申索已根據本條例獲接納。

(2) 為施行第(1)款，如果且僅如果任何申索已在下述情況下獲接納，該項申索方視為已根據本條例獲接納 —

- (a) 該項申索已獲評議局依據一項決定而接納，而該項決定 —
  - (i) 是根據第 21(4)條作出的；及
  - (ii) 並沒有在第 22 條所指的覆核中被更改或推翻，或就該項決定而言第 22 條所指的覆核並沒有因其他原因而仍未了結；
- (b) 該項申索已獲評議局依據一項決定而接納，而該項決定 —
  - (i) 是在第 22 條所指的覆核中作出的；及
  - (ii) 並沒有在第 23 條所指的上訴中被更改或推翻，或就該項決定而言第 23 條所指的上訴並沒有因其他原因而仍未了結；或
- (c) 該項申索已獲行政上訴委員會依據一項在第 23 條所指的上訴中作出的決定而接納。

## 21. 申索程序

(1) (a) 除(b)段另有規定外，任何人如聲稱根據本條例有權獲支付任何撫恤金（不論以恩恤金、補助金或其他津貼的形式支付），可藉向評議局送達符合評議局所指明格式的通知，向評議局呈交其申索。

(b) 為施行(a)段，如就任何合資格人士由服役引致的傷殘或去世，已有任何申索按照該段呈交，則即使在該項申索中並沒有包括就任何根據本條例而須以津貼的方式就該合資格人士的傷殘或去世（視屬何況而定）支付的撫恤金呈交的申索，在如此呈交的申索中須當作包括就該等津貼而呈交的申索。

(2) 評議局須在任何申索按照第(1)款呈交後，裁定該項申索。

(3) (a) 評議局可藉向呈交申索的人送達的書面通知，規定該人向評議局提交評議局所指明的支持其申索的進一步的資料或證據，或另行在評議局席前或在評議局所指明的其他人或機構席前出席。

(b) 在不局限(a)段的一般性的原則下，凡已為或已就任何合資格人士呈交申索，評議局可規定為該名合資格人士提交一份或多於一份的醫學報告。

(4) 評議局在裁定任何申索時，可 —

(a) 接納整項申索；

(b) 拒絕整項申索；或

(c) 接納該項申索的某指明部分或某些指明部分而拒絕其餘的部分。

(5) 評議局須在根據第(4)款裁定任何申索後 1 個月內，藉向呈交申索的人送達的書面通知，將下述項目通知該人 —

- (a) 評議局裁定該項申索的決定；及
- (b)
  - (i) 如評議局接納整項申索或該項申索的某部分或某些部分，則為憑藉獲如此接納的該項申索或該部分申索或該等部分申索（視屬何情況而定）而須支付的款額以及該款額的付款條款；
  - (ii) 如評議局拒絕整項申索或該項申索的某部分或某些部分，則為拒絕理由。

## 22. 對裁定的覆核

- (1)
  - (a) 任何人如在任何時間因評議局在根據第 21(4)條裁定任何申索時就其作出的決定而感到受屈，可藉向評議局送達符合評議局所指明的格式的通知，向評議局申請覆核該項決定。
  - (b) 評議局在任何申請就評議局在根據第 21(4)條裁定任何申索時作出的決定而根據(a)段向評議局提出後，須覆核該項決定。

(2) 評議局如信納其在根據第 21(4)條裁定任何申索時作出的決定有下述情況，可主動覆核任何該等決定 —

- (a)
  - (i) 該項決定是在不知曉任何具關鍵性事實的情況下作出的，或是由於關於任何具關鍵性事實的錯誤而作出的，或是由於關於法律的錯誤而作出的；或
  - (ii) 該項決定是基於任何就該項申索所給予或作出的任何虛假或具誤導性資料、陳述、報告或紀錄而作出的；或

- (b) 自作出該項決定以來，情況已有任何有關改變，以致需作該項覆核。

(3) 評議局在根據(1)或(2)款覆核任何決定時，可確認、更改或推翻該項決定。

(4) 評議局須在根據第(3)款作出覆核後 1 個月內，藉向呈交與該項覆核有關的申索的人給予書面通知，將下述項目通知該人 —

- (a) 如作為該項覆核標的之決定獲確認，即為該項確認；

- (b) 如作為該項覆核標的之決定被更改或推翻 —

- (i) 評議局在該項覆核中的決定，以及作出該項決定的理由；及

- (ii) 繼覆核後憑藉該申索而須支付的款額(如有的話)以及該款額的付款條款。

## 23. 上訴

任何人如因評議局在第 22(3)條所指的覆核中就其作出的決定而感到受屈，可在接獲關於該項決定的通知後 28 天內，向行政上訴委員會上訴。

## 24. 由政府一般收入中支付撫恤金

所有不時根據本條例須作為撫恤金（不論以恩恤金、補助金或其他津貼的形式支付）支付的款項，須由政府一般收入中撥款支付。

## 25. 撫恤金須就甚麼期間支付

如任何人就任何根據本例而須並非以整筆款項形式支付的任何撫恤金（不論以恩恤金、補助金或其他津貼的形式支付）的支付而呈交申索，且該項申索如第 20 條所指已根據本條例獲接納，則為施行本條例，除作出接納該項申索所依據的決定的評議局或行政上訴委員會另有任何相反決定外，該人有權且僅有權獲支付的付款，為該人在獲如此接納的該項申索假若是就下述期間所呈交時則須獲支付的付款 —

### (a) 如獲如此接納的申索 —

(i) 是就任何根據第 16、17 或 18 條而須就任何合資格人士的去世支付的撫恤金的支付而呈交的；及

(ii) 已在自該名合資格人士去世的日期開始的 3 個月內呈交，

則為該名合資格人士去世的日期翌日開始的期間；

(b) 在任何其他情況下，則為自呈交該項申索的日期開始的期間。

## 26. 付款方式

根據本條例須支付的任何撫恤金（不論以恩恤金、補助金或其他津貼的形式支付），可按庫務署署長決定的方式支付。

## 第 VI 部

## 雜項規定

## 27. 醫學報告

(1) (a) 除(c)段及第(2)款另有規定外，如為本條例任何條文的施行而須備有關於任何合資格人士的醫學報告，該醫學報告須為一份符合評議局所指明格式的關於(b)(i)或(ii)段（視屬何情況而定）所述的醫學檢驗的報告。

(b) (i) 如(a)段所提述的合資格人士通常居住於香港，該段所提述的醫學報告，須為一份關於按衛生署署長安排而由一名醫生就該名合資格人士進行的醫學檢驗的報告。

(ii) 如(a)段所提述的合資格人士並非通常居住於香港，則該段所提述的醫學報告須為一份關於下述醫學檢驗的報告 —

(A) 按獲評議局接受的任何當地機構安排而由一名當地醫生就該名合資格人士進行的醫學檢驗；或

(B) 如評議局信納按照(A)分節安排一項醫學檢驗並非合理地切實可行，則為由一名當地醫生就該名合資格人士進行的醫學檢驗。

(c) 除非評議局另有指明，否則如 —

(i) 評議局根據第 21(3)(b)條規定須就任何合資格人士提交醫學報告；及

(ii) 為本條例的施行，先前已有一份或多於一

份醫學報告就該名合資格人士向評議局向提交，

則該醫學報告除須符合(b)段所劃出的規定外，該醫報告所報告的醫學檢驗，須由一名並非進行與第(ii)節所述的一份或多於一份先前的醫學報告所關乎的任何醫學檢驗的醫生或當地醫生（視屬何情況而定）進行。

(2) 為施行本條例，除非有關的醫學報告符合下述規定，否則第(1)款的規定不得視為已經符合 —

- (a) 如屬第(1)(b)(i)或(ii)(A)款所指的醫學報告，該醫學報告是由安排有關的醫學檢驗的機構直接送評議局交的；
- (b) 如屬第(1)(b)(ii)(B)款所指的醫學報告，該醫學報告是按評議局規定（如有此規定）由進行有關的醫學檢驗的人直接送交評議局的。

(3) 如任何醫學報告是按照第(1)及(2)款的規定提交的，且評議局認為任何人由於該等規定而合理招致任何費用及開支，則該等費用及開支須由政府一般收入中撥款支付該人。

(4) 在本條中，“當地醫生”(local practitioner)就任何醫學檢驗的進行而言，指任何有資格在進行該醫學檢驗所在的地方行醫的人。

## 28. 持續的條件或規定

儘管本條例任何其他條文另有規定，如任何人根據本條例不時有權獲支付任何撫恤金（不論以恩恤金、補助金或其他津貼的形式支付），則 —

- (a) 在本條例中就該撫恤金的支付而列出的任何條

件或規定，除文意另有所指外，須解釋為一持續的條件或規定；及

- (b) 如任何被如此解釋為持續的條件或規定的條件或規定，在任何方面不再獲得符合，該人即不再有權就自該條件或規定不再獲得符合的日期開始的任何期間獲支付該撫恤金。

## 29. 行政費用

(1) 評議局在履行其職能和行使其權力方面所招致的全部費用及開支，須由政府承擔。

(2) 政府為本條例的執行或在與本條例的執行相關的情況下所招致的全部費用及開支，須由政府一般收入中撥款支付。

## 30. 在有錯誤等的情況下對撫恤金的追討

(1) 如任何人藉本條例任何條文的適用或看來是藉本條例任何條文的適用而獲支付任何作為撫恤金或某部分或某些部分撫恤金所支付的款項（不論以恩恤金、補助金或其他津貼的形式支付），而 —

(a) 該項付款 —

- (i) 是在不知曉任何具關鍵性事實的情況下作出的，或是由於關於任何具關鍵性事實的錯誤而作出的，或是由於關於法律的錯誤而作出的；或
- (ii) 是基於任何就該項付款所給予或作出的任何虛假或具誤導性的資料、陳述、報告或紀錄而作出的；

(b) 該項付款是依據符合以下說明的決定而作出的

—

(i) 如該項決定是根據第 21(4)條作出的，該項決定已在第 22 條所指的覆核中被更改或推翻，以致按照在該項覆核中所作的決定該項付款原是不應支付予該人的；

(ii) 如該項決定是根據第 22 條在覆核中作出的，該項決定是在第 23 條所指的上訴中已被更改或推翻，以致按照在該項上訴中所作的決定該項付款原是不應支付予該人的；或

(c) 該人已為該項付款或就該項付款而被裁定犯了第 32 條所訂的任何罪行，

則一筆款額相等於該項付款款額的款項，可作為欠政府的民事債項，向該人追討。

(2) 根據第(1)款追討所得的任何款項，須撥入政府一般收入。

### 31. 撫恤金享有權不得移轉等

(1) (a) 任何人根據本條例就任何撫恤金（不論以恩恤金、補助金或其他津貼的形式支付）的支付所具有的享有權，除可全部或部分用於清償或部分清償該人欠政府的債項外，不得轉讓或移轉。

(b) 在違反(a)段的情況下作出的任何轉讓或移轉，均屬無效。

(2) 任何人有權根據本條例獲支付任何撫恤金（不論以恩恤金、補助金或其他津貼的形式支付）的權利 —

(a) 在其去世時不得為了其遺產的利益而留存；

(b) 不得藉法律的實施而轉移予任何其他人。

(3) 根據本條例須作為撫恤金（不論以恩恤金、補助金或其他津貼的形式支付）而支付予任何人的款項，不得因或為任何債項或申索（該人欠政府的債項除外）而被扣押、扣記、暫押或查押。

(4) 如根據本條例須向任何人支付任何撫恤金（不論以恩恤金、補助金或其他津貼的形式支付），而該人欠政府債項，則庫務署署長可將該等款項全部或部分用於清償或部分清償該債項。

## 32. 罪行

(1) 任何人就任何申索而 —

(a) 提交任何資料，而他知道該等資料在某要項上是虛假的或是具誤導性的或他不相信該等資料在某要項上是真實的；或

(b) 出示任何陳述、報告或紀錄，而他知道該等陳述、報告或紀錄在某要項上是虛假的或是具誤導性的或他不相信該等陳述、報告或紀錄在某要項上是真實的，

即屬犯罪，一經定罪，可處第 5 級罰款及監禁 3 個月。

(2) 儘管《裁判官條例》（第 227 章）第 26 條另有規定，就第(1)款所訂罪行提出的法律程序，可在該罪行發生後 6 個月期間內或在評議局發現該罪行後 6 個月期間內任何時間提出，而該兩段期間以較遲屆滿者為準。

## 33. 通知

(1) 評議局根據本條例送達任何人的通知，可以下述方式送達 —

- (a) 將該通知以面交方式交付該人；
- (b) 將該通知留在該人最後為人所知的地址；或
- (c) 以郵遞方式並註明由該人收件，將該通知寄交該人最後為人所知的地址。

(2) 任何看來是由主席簽署的證明書，在相反證明成立之前，須為其內所述與根據本條例須由評議局送達的任何通知的送達有關的事實的證據。

#### 34. 職能及權力的轉授

(1) (a) 除第(2)款另有規定外，評議局可以書面方式將其認為合適的在本條例下的評議局的職能或權力（第(3)款所指明者除外）一般地或為任何特定目的轉授予 —

- (i) 任何評議局成員；
- (ii) 根據第 4(2)(a)條設立任何委員會；
- (iii) 第(ii)節所提述的任何委員會的任何委員；或
- (iv) 任何公職人員或其他人。

(b) 除第(2)款另有規定外，庫務署署長可以書面方式將其認為合適的在本條例下的庫務署署長職能或權力（第(3)款所指明者除外）一般地或為任何特定目的轉授予任何公職人員或其他人。

(2) 根據第(1)款作出的轉授，並不阻止評議局或庫務署署長（視屬何情況而定）隨時履行或行使如此轉授的任何職能或

權力。

(3) 不可根據第(1)款轉授的職能或權力如下 —

(a) 根據第(1)款作出轉授的權力；

(b) 如屬評議局根據第(1)(a)款作出的轉授 —

(i) 評議局根據第 21(4)條裁定任何申索的職能；

(ii) 評議局根據第 22 條對其在根據第 21(4)條裁定任何申索時作出的決定作覆核的職能或權力；及

(iii) 第 4(2)(a)及(b)條所指明的評議局權力。

### 35. 附表的修訂

衛生福利司可藉命令修訂任何附表。

### 36. 過渡性及保留條文

(1) (a) 如 —

(i) 任何人在緊接修訂條例的生效日期前，已依據修訂前的條例獲支付任何根據附表 8 第 1 欄所列出的任何命令條文須以恩恤金、補助金或撫恤金形式而就截至該生效日期為止的任何期間支付的款項，或依據修訂前的條例另有權獲支付上述款項，而該人是憑藉任何就上述款項所呈交的申索已依據修訂前的條例獲接受而如此獲支付或有權獲支付上述款項的；及

(ii) 若非因修訂條例對本條例所作的修訂，該人憑藉上述申索已如上所述獲接受，原有

權依據修訂前的條例獲支付根據任何該等命令條文須以恩恤金、補金或其他撫恤金形式而就自該生效日期開始任何期間支付的進一步付款，

則在符合(b)及(c)段的規定下，該人原有權獲支付的第(ii)節所指的進一步付款，須支付予該人，猶如該付款是下述撫恤金一樣：該撫恤金是根據本條例第 III 或 IV 部須支付的，並且在修訂條例生效時，已有一項申索就該撫恤金而按照第 21(1)條呈交並依據第 21(4)條所指的評議局的決定獲接納。

(b) 凡憑藉(a)段而須支付任何付款，且其支付若非因本段原須根據附表 8 第 1 欄內所列出的一項命令條文作出，則如評議局酌情決定，該項付款須調整為按附表 8 第 2 欄內所列出的付款率中，在與附表 8 第 1 欄內所列出的該命令條文相對之處所列出的付款率支付。

(c) 為免生疑問，現宣布 —

(i) 除第(ii)節另有規定外，本條例的條文在作出必要的變通後，適用於憑藉(a)或(b)段須支付的任何付款的支付，一如該等條文適用於下述撫恤金的支付一樣：該撫恤金是根據本條例第 III 或 IV 部所須支付的，並且在修訂條例生效時，已有一項申索就該撫恤金而按照第 21(1)條呈交並依據第 21(4)條所指的評議局的決定獲接納；

(ii) 第 18(1)(b)及 21(5)條不適用於憑藉(a)或(b)段而須支付的任何付款的支付。

(2) (a) 如 —

- (i) 任何人在緊接修訂條例的生效日期前，已依據修訂前的條例獲支付任何並非根據附表 8 第 1 欄所列出的任何命令條文而須以恩恤金、補助金或其他撫恤金形式就截至該生效日期為止的任何期間支付的款項，或依據修訂前的條例另有權獲支付上述款項，而該人是憑藉任何就上款項所呈交的申索已依據修訂前的條例獲接受而如此獲支付或有權獲支付上述款項的；及
- (ii) 根據本條例第 III 或 IV 部須支付的任何撫恤金（不論以恩恤金、補助金或其他津貼的形式支付），由評議局認為在性質上與第(i)節所提述的款項相對應，

則在符合(b)段的規定下，第(ii)節所提述的撫恤金須支付予該人，猶如在修訂條例生效時，已有一項申索就該撫恤金而按照第 21(1)條呈交並依據第 21(4)條所指的評議局的決定獲接納一樣。

(b) 為免生疑問，現宣布 —

- (i) 除第(ii)節另有規定外，本條例的條文在作出必要的變通後，適用於憑藉(a)段須支付的任何撫恤金的支付，一如該等條文適用於下述撫恤金的支付一樣：在修訂條例生效時，已有一項申索就該撫恤金而按照第 21(1)條呈交並依據第 21(4)條所指的評議局的決定獲接納；
- (ii) 第 21(5)條不適用於憑藉(a) 段而須支付的任何撫恤金的支付。

(3) 儘管本條例任何其他條文另有規定，凡已依據修訂前的條例就任何事宜作出付款，修訂條例對本條例所作的任何修訂，均不授權就該事宜而根據本條例支付評議局認為在性質上與該付款相對應的撫恤金（不論以恩恤金、補助金或其他津貼的形式支付）。

(4) 在本條中 —

“命令”(Order)指《1983年海軍、陸軍及空軍等(傷殘及去世)恩恤金令》(S.I. 1983/883 U.K.)；

“修訂前的條例”(pre-amended Ordinance)指在修訂條例生效日期前的本條例；

“修訂條例”(amending Ordinance)指《1997年陸軍義勇軍及海軍義勇軍恩恤金(修訂)條例》(1997年第 號)。

附表 1 [第 2(5)(b)及  
35 條]

#### 軍階類別

第 1 欄

第 2 欄

第 3 欄

軍階級別

香港陸軍義勇軍  
軍官或隊員

香港海軍義勇軍成員

軍官軍階

上校

副指揮

中校

上校

少校

中校

上尉

少校

中尉(軍需官、  
助理薪餉出納官)

上尉

中尉

少尉

署理中尉

初級軍官

高級官委軍官(分科)

官委軍官(由准尉調升)

少尉

准少尉

准尉

軍官生

第 1 欄	第 2 欄	第 3 欄
軍階級別	香港陸軍義勇軍 軍官或隊員	香港海軍義勇軍成員
	一級准尉	軍團准尉長
	二級准尉	特級上士
	一級非官委士官	上士
	參謀上士	全能海員
	二級非官委士官	普通海員
	上士	
	中士	
	士兵、炮兵、電信兵等	
	第五級兵	

附表 2

[第 6 及 35 條]

## 第 I 部

## 傷殘程的評定原則

## 1. 除本部條文另有規定外 -

- (a) 任何合資格人士由服役引致的傷殘程度，須以下述方式評定：將如此引致傷殘的該名合資格人士的情況與一名年齡和性別相同而健康正常的人的情況作比較，而不考慮該名合資格人士在其傷殘情況下在其自己的或任何其他特定行業職業中的謀生能力，亦不考慮任何個人因素或外在情況；
- (b) 為評定任何合資格人士由服役引致的傷殘程度，如該項傷殘是由在服役前已存在或在服役期間產生並曾經由此而加重且仍然是經如此加重的傷病所引致，則 —

- (i) 在評定該名合資格人士在服役終止日期所存在的傷殘程度時，須考慮由該項傷病引致並在該日期存在的一切傷殘情況；及
- (ii) 在評定其服役終止日期之後任何日期所存在的傷殘程度時，自該終止日期以來所發生的在傷殘程度方面的增幅，僅可在增幅是由於該項傷病因服役而加重的範圍內，方予考慮；
- (c) 如任何合資格人士由服役引致的傷殘，是由多於一項的傷病引致的，則須參照所有該傷病的綜合影響而對傷殘程度作出綜合評定；為施行本條例，該綜合評定須視為相當於該名合資格人士的傷殘程度。

2. 任何合資格人士由服役引致的傷殘程度的評定，須在臨時性的基準上作出，除非該名合資格人士的情況允許對該項傷殘的幅度（如有的話）作最終評定。

3. 根據本部評定的傷殘程度，須以百分率表達，完全傷殘以100%表示（即為最高評定值），較低程度則以與完全傷殘的百分率相比的方式表示，但20%或以上的傷殘程度須以10的倍數的百分率表達，而低於20%的傷殘程度除在第II部適用的情況外須以適合附表4第II部的施行的式表達。

4. 如任何合資格人士由服役引致的傷殘是由第III部所指明的任何傷病引致的，或是一項如此指明的傷殘，且在上述任何一種情況下，該項傷殘已到達一穩定情況，則為施行本部，該傷殘程度在沒有任何特殊徵狀的情況下，須以第III部所指明並適合該項傷病或該項傷殘的百分率表達。

## 第 II 部

## 由輕度傷病所導致的傷殘程度

第 1 欄	第 2 欄
傷病類別	傷殘程度 %
喪失：	
A. 手指 —	
食指 —	
多於 2 節，包括喪失整隻手指	14
多於 1 節，但不多於 2 節	11
1 節或其中部分	9
指尖截斷但沒有喪失髓	5
中指 —	
多於 2 節，包括喪失整隻手指	12
多於 1 節，但不多於 2 節	9
1 節或其中部分	7
指尖截斷但沒有喪失髓	4

## 無名指或小指 —

多於 2 節，包括喪失整隻手指	7
多於 1 節，但不多於 2 節	6
1 節或其中部分	5
指尖截斷但沒有喪失骨骼	2

## B. 腳趾

## 大腳趾 —

經跖趾關節	14
部分，喪失一些骨骼	3

## 1 隻其他的腳趾 —

經跖趾關節	3
部分，喪失一些骨骼	1

## 2 隻腳趾，不包括大腳趾 —

經跖趾關節	5
部分，喪失一些骨骼	2

## 3 隻腳趾，不包括大腳趾 —

經跖趾關節	6
部分，喪失一些骨骼	3

## 4 隻腳趾，不包括大腳趾 —

經跖趾關節	9
部分，喪失一些骨骼	3

## 第 III 部

由指明傷病所導致的傷殘程度及某些  
其他傷殘的傷殘程度

## 第 1 欄

## 第 2 欄

## 傷病類別

傷殘程度  
%

## 裁斷類別 — 上肢

喪失雙手或在較高部位截斷	100
上肢完全截斷	100
經肩關節截斷	90
肩下截斷，自肩峰頂端起計殘肢少於 20.5 厘米	80
自肩峰頂端起計 20.5 厘米至自肘突頂端下少於 11.5 厘米處截斷	70
在肘突頂端下 11.5 厘米處截斷	60
喪失姆指	30
喪失姆指及其掌骨	40
喪失 4 隻手指	50
喪失 3 隻手指	30
喪失 2 隻手指	20
喪失姆指末節指骨	20

## 裁斷類別 — 下肢

經大腿作雙截斷，或經一側大腿截斷和喪失另一隻腳，或大腿下至膝下 13 厘米處作雙截斷	100
在低於膝下 13 厘米處經腿作雙截斷	100
在低於膝下 13 厘米處截斷一條腿和喪失另一隻腳	100
截斷雙腳造成末端承受體重的殘肢	90
經跖趾關節近側截斷雙腳	80
經跖趾關節喪失雙腳全部腳趾	40
在近掌的趾骨關節近側喪失雙腳全部腳趾	30
在近掌的趾骨關節遠側喪失雙腳全部腳趾	20
下肢在髌腹間截斷	100
經髌骨關節截斷	90
髌下截斷，而自大轉子頂端起量度殘肢長度不超過 13 厘米	80
髌下與膝上之間截斷，而自大轉子頂端起量度殘肢長度超過 13 厘米，或在膝部截斷但不造成末端承受體重的殘肢	70
在膝部截斷造成末端承受體重的殘肢，或在膝下截斷而殘肢不超過 9 厘米	60
膝下截斷，而殘肢超過 9 厘米但不超過 13 厘米	50
膝下截斷，而殘肢超過 13 厘米	40

## 裁斷類別 — 下肢

截斷一隻腳造成末端承受體重的殘肢	30
經跖趾關節近側截斷一隻腳	30
在近掌的趾骨關節近側喪失一隻腳全部腳趾，包括 經跖趾關節作截斷	20

## 其他特定傷病

喪失一隻手和一隻腳	100
喪失一目，無併發症，另一目正常	40
一目失明，無併發症或眼球損形，另一目正常	30
失明	100

## 其他傷殘

極嚴重面部毀容	100
完全失聰	100

註 — 如為任何涉及多項喪失情況的指明傷病所指明的傷殘程度，不同於為各獨立的傷病而指明的傷殘程度的總和，則就本附表而言，前者須視為適當的傷殘程度。

附表 3

[第 7 及 35 條]

## 傷殘恩恤金的付款率

第 1 欄	第 2 欄	
傷殘程度 %	每月付款率 (港幣\$)	
	軍官軍階	隊員軍階
100	5,668	5,664
90	5,102	5,098
80	4,535	4,531
70	3,968	3,965
60	3,401	3,399
50	2,835	2,832
40	2,268	2,266
30	1,701	1,699
20	1,134	1,133

附表 4 [第 8、9 及 35 條  
及附表 2]

輕度傷殘補助金付款率

第 I 部

指明傷病的付款率

第 1 欄	第 2 欄	第 3 欄	
傷病類別	傷殘程度	款額 (港幣\$)	
		軍官軍階	隊員軍階
喪失：			
A. 手指 —			
食指 —			
多於 2 節包括喪失整隻手指	14	62,013	61,640
多於 1 節，但不多於 2 節	11	49,635	49,325
1 節或其中部分	9	41,342	41,094
指尖截斷但沒有喪失骨骼	5	24,756	24,631
中指 —			
多於 2 節，包括喪失整隻手指	12	53,720	53,409

第 1 欄	第 2 欄	第 3 欄	
傷病類別	傷殘程度	款額 (港幣\$)	
		軍官軍階	隊員軍階
中指 —			
多於 1 節，但不多 於 2 節	9	41,342	41,094
1 節或其中部分	7	33,049	32,863
指尖截斷但沒有 喪失骨骼	4	20,671	20,547
無名指或小指 —			
多於 2 節，包括喪 失整隻手指	7	33,049	32,863
多於 1 節，但不多 於 2 節	6	28,964	28,778
1 節或其中部分	5	24,756	24,631
指尖截斷但沒有 喪失骨骼	2	12,378	12,316
B. 腳趾			
大腳趾 —			
經跖趾關節	14	62,013	61,640
部分，喪失一些骨 骼	3	16,462	16,400

第 1 欄	第 2 欄	第 3 欄	
傷病類別	傷殘程度	款額 (港幣\$)	
		軍官軍階	隊員軍階
1 隻其他的腳趾 —			
經跖趾關節	3	16,462	16,400
部分，喪失一些骨骼	1	8,293	8,231
2 隻腳趾，不包括大腳趾 —			
經跖趾關節	5	24,756	24,631
部分，喪失一些骨骼	2	12,378	12,316
3 隻腳趾，不包括大腳趾 —			
經跖趾關節	6	28,964	28,778
部分，喪失一些骨骼	3	16,462	16,400
4 隻腳趾，不包括大腳趾 —			
經跖趾關節	9	41,342	41,094
部分，喪失一些骨骼	3	16,462	16,400

## 第 II 部

## 第 I 部不適用時的付款率

第 1 欄	第 2 欄	第 3 欄	
傷殘估計持續 的時間	傷殘程度 %	款額 (港幣\$)	
		軍官軍階	隊員軍階
暫時而少於 1 年	1- 5	3,489	3,414
	6-14	7,772	7,598
	15-19	13,594	13,284
暫時而多於 1 年	1- 5	6,977	6,841
	6-14	15,494	15,159
	15-19	27,127	26,531
不能確定	1- 5	20,944	20,435
	6-14	46,531	45,389
	15-19	81,430	79,369

附表 5

[第 10、11、12、  
13 及 35 條]

## 其他津貼的付款率

第 1 欄	第 2 欄
津貼類別	每月付款率 (港幣\$)
經常照顧津貼	4,286 (最高額)
特別嚴重傷殘津貼	2,144 (最高額)
安撫津貼	918 (最高額)

第 1 欄	第 2 欄
津貼類別	每月付款率 (港幣\$)
高齡津貼，傷殘程度為 —	
(a) 40 至 50%	378
(b) 高於 50%，但不超過 70%	584
(c) 高於 70%，但不超過 90%	834
(d) 高於 90%	1,166

附表 6 [第 16 及 35 條]

## 尚存配偶的恩恤金的付款率

第 1 欄	第 2 欄	第 3 欄
合資格人士的軍階	每月付款率 (港幣\$)	每月付款率 (港幣\$)
軍官軍階	4,439	4,439
隊員軍階	4,294	1,005

附表 7 [第 17 及 35 條]

## 高齡尚存配偶的高齡津貼的付款率

第 1 欄	第 2 欄
高齡尚存配偶的年齡	每月付款率 (港幣\$)
年滿 65 歲但未滿 70 歲	488
年滿 70 歲但未滿 80 歲	939
滿 80 歲或以上	1,397

附表 8

[第 35 及 36(1)  
及(2)條]

經調整的付款率

第 1 欄	第 2 欄
命令條文	每月付款率 (港幣\$)
18	3,501
21	2,136
26A	2,036” 。 ”.

**Clause 6**

That clause 6 be amended, by adding the following as the Chinese text of the clause —

"6. 廢除

《陸軍義勇軍及海軍義勇軍(恩恤金評議局)任命》(第 202 章，  
附屬法例)現予廢除。 ”.

**Clause 7**

That clause 7 be amended, by adding the following as the Chinese text of the clause —

“相應修訂  
《行政上訴委員會條例》

7. 修訂附表

《行政上訴委員會條例》(第 442 章)的附表現予修訂，加入 —

“39 《陸軍義勇軍及海軍義勇  
軍恩恤金條例》(第 202 章)  
在第 22 條所指的覆核  
中作出的決定。 ” 。  
”.

*Question on the amendments put and agreed to.*

*Question on clauses 1 to 7, as amended, put and agreed to.*

Long title

**SECRETARY FOR HEALTH AND WELFARE:** Mr Chairman, I move that the long title be amended as set out in the paper circularized to Members.

*Proposed amendment*

**Long title and enactment**

That the long title and enactment formula be amended, by adding the following as the Chinese text of the long title and enactment formula —

"本條例草案

旨在

修訂《陸軍義勇軍及海軍義勇軍恩恤金條例》

由香港總督參照立法局意見並得該局同意而制定。"

*Question on the amendment put and agreed to.*

**AUXILIARY MEDICAL SERVICE BILL**

Clauses 1 to 27, 29, 31 and 34 were agreed to.

Clauses 28, 30, 32 and 33

**SECRETARY FOR SECURITY:** Mr Chairman, I move that the clauses specified be amended as set out in the paper circularized to Members.

These amendments are technical and clarificatory in nature and have received the House Committee's endorsement.

Mr Chairman, I beg to move.

*Proposed amendments*

**Clause 28**

That clause 28(1) be amended, in paragraph (a) —

- (a) by adding "without lawful authority or reasonable excuse," at the beginning;
- (b) by deleting "and is not able satisfactorily to account for his possession of that document or article".

**Clause 30**

That clause 30(2) be amended, by deleting paragraph (k).

**Clause 32**

That clause 32(1) be amended, in the Chinese text, by deleting "《Essential Services (Auxiliary Medical Services) Corps Regulations》" and substituting "

That clause 32(3) be amended, by deleting "“醫療輔助隊” 及".

That clause 32(4) be amended, in the Chinese text, by deleting "《Essential Services Corps (General) Regulations》" and substituting "基要服務團（一般）規例》".

That clause 32(5) be amended, in the Chinese text, by deleting "《Essential Services Corps (General) Regulations》" and substituting "基要服務團（一般）規例》".

### Clause 33

That clause 33 be amended, by deleting subclause (1) and substituting —

"(1) Nothing in this Ordinance shall affect the right of any person under -

- (a) regulation 17 of the Essential Services Corps (General) Regulations (Cap. 197 sub. leg.), including that regulation as applied by section 23(1) of the Auxiliary Forces Pensions (Miscellaneous Amendments) Ordinance (20 of 1997); or
- (b) the Auxiliary Forces Pay and Allowances Ordinance (Cap. 254),

to apply for or receive any pension, gratuity, allowance or other payment in respect of an injury sustained, or death resulting from an injury sustained by a former member of the AMS Unit before the commencement of this Ordinance, and those provisions shall continue to apply in respect of such pension, gratuity, allowance or other payment as if this Ordinance had not been enacted."

That clause 33(2) be amended, by deleting "輔助隊任何單位" and substituting "單位的任何".

*Question on the amendments put and agreed to.*

*Question on clauses 28, 30, 32 and 33, as amended, put and agreed to.*

Schedules 1 and 2 were agreed to.

### Schedule 3

**SECRETARY FOR SECURITY:** Mr Chairman, I move that Schedule 3 be amended as set out in the paper circularized to Members.

These amendments have been discussed in detail by the House Committee and have received the Committee's endorsement.

Mr Chairman, I beg to move.

### *Proposed amendment*

### **Schedule 3**

That Schedule 3 be amended —

(a) in section 3 -

- (i) in the heading before the section, by deleting "及有關";
- (ii) in the Chinese text, by deleting the heading and substituting -

"就執行非常規職責的服務批予退休金利益";

- (iii) by deleting "及有關";
- (iv) in the Chinese text, in paragraphs (a) and (b), by deleting "or" wherever it appears and substituting "或";
- (v) in the Chinese text, by deleting paragraphs (a)(iii) and (b)(iii) and substituting in both cases -

"(iii) 加入 -

“(e) 《醫療輔助隊條例》（1997  
年第        號）所指的醫療輔

助隊隊員，” ;”;

- (vi) in the Chinese text, by deleting paragraph (c) and substituting -

"(c) 在第(3)款中 -

- (i) 廢除“或基要服務團”而代以“、基要服務團或醫療輔助隊” ;

- (ii) 廢除“或服務團”而代以“、服務團或醫療輔助隊”。”.

- (b) in section 4 -

- (i) in the Chinese text, by deleting the heading before the section and substituting "退休金利益條例（設定職位）令”;
- (ii) in the Chinese text, by deleting "《Pensions Benefits Ordinance (Established Offices) Order》" and substituting "《退休金利益條例（設定職位）令》”.

- (c) in section 6 -

- (i) in the Chinese text, by deleting the heading before the section and substituting "《基要服務團（一般）規例》”;
- (ii) in the Chinese text, by deleting the heading and substituting -

"服務團團員的體格檢驗”;

- (iii) in the Chinese text, by deleting "《Essential Services Corps (General) Regulations》" and substituting "《基要服務團（一般）規例》”.

(d) in section 15 -

- (i) in heading before the section, by deleting "及有關";
- (ii) in the Chinese text, by deleting the heading and substituting -

"就執行非常規職責的服務批予退休金利益";

- (iii) in the Chinese text, by deleting "及有關";
- (iv) in the Chinese text, in paragraphs (a) and (b), by deleting "or" wherever it appears and substituting "或";
- (v) in the Chinese text, by deleting paragraphs (a)(iii) and (b)(iii) and substituting in both cases -

"(iii) 加入 -

“(e) 《醫療輔助隊條例》（1997  
年 第 號）所指的醫療輔助隊隊員，” ;”;

- (vi) in the Chinese text, by deleting paragraph (c) and substituting -

"(c) 在第(3)款中 -

- (i) 廢除“或基要服務團”而代以“、基要服務團或醫療輔助隊”；
- (ii) 廢除“或服務團”而代以“、服務團或醫療輔助隊”。”。

*Question on the amendment put and agreed to.*

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

### **CIVIL AID SERVICE BILL**

Clauses 1 to 27, 29, 31 and 34 were agreed to.

Clauses 28, 30, 32 and 33

**SECRETARY FOR SECURITY:** Mr Chairman, I move that the clauses specified be amended as set out in the paper circularized to Members.

The amendment to clause 32(3) is technical in nature to better the presentation.

The other amendments to the clauses specified have already been referred to in the Second Reading debate. They have been discussed in detail by the House Committee and have received the Committee's endorsement.

Mr Chairman, I beg to move

#### *Proposed amendments*

### **Clause 28**

That clause 28(1) be amended, in paragraph (a) —

- (a) by adding "without lawful authority or reasonable excuse," at the beginning;
- (b) by deleting "and is not able satisfactorily to account for his possession of that document or article".

### **Clause 30**

That clause 30(2) be amended, by deleting paragraph (k).

**Clause 32**

That clause 32(1)(a) be amended, in the Chinese text, by deleting "《Essential Services (Civil Aid Services) Corps Regulations》" and substituting "《基要服務團（民眾安全服務隊）規例》".

That clause 32(1)(b) be amended, in the Chinese text, by deleting "《Civil Aid Services Direction》" and substituting "《民眾安全服務隊指令》".

That clause 32(3) be amended, by deleting "“民眾安全服務隊”及".

That clause 32(4) be amended, in the Chinese text, by deleting "《Essential Services Corps (General) Regulations》" and substituting "基要服務團（一般）規例》".

That clause 32(5) be amended, in the Chinese text, by deleting "《Essential Services Corps (General) Regulations》" and substituting "基要服務團（一般）規例》".

**Clause 33**

That clause 33 be amended, by deleting subclause (1) and substituting —

"(1) Nothing in this Ordinance shall affect the right of any person under -

- (a) regulation 17 of the Essential Services Corps (General) Regulations (Cap. 197 sub. leg.), including that regulation as applied by section 23(1) of the Auxiliary Forces Pensions (Miscellaneous Amendments) Ordinance (20 of 1997); or

(b) the Auxiliary Forces Pay and Allowances Ordinance (Cap. 254),  
to apply for or receive any pension, gratuity, allowance or other payment in respect of an injury sustained, or death resulting from an injury sustained by a former member of the CAS Unit before the commencement of this Ordinance, and those provisions shall continue to apply in respect of such pension, gratuity, allowance or other payment as if this Ordinance had not been enacted."

*Question on the amendments put and agreed to.*

*Question on clauses 28, 30, 32 and 33, as amended, put and agreed to.*

Schedule 1 was agreed to.

Schedule 2

**SECRETARY FOR SECURITY:** Mr Chairman, I move that Schedule 2 be amended as set out in the paper circularized to Members.

These amendments have also been discussed by the House Committee and have received the House Committee's endorsement.

Mr Chairman, I beg to move.

*Proposed amendment*

**Schedule 2**

That Schedule 2 be amended —

(a) in section 3 -

(i) in the heading before the section, by deleting "及有關";

(ii) in the Chinese text, by deleting the heading and

substituting -

"就執行非常規職責的服務批予退休金利益";

(iii) by deleting "及有關";

(iv) in the Chinese text, in paragraphs (a) and (b), by deleting "or" wherever it appears and substituting "或";

(v) in the Chinese text, by deleting paragraphs (a)(iii) and (b)(iii) and substituting in both cases -

"(iii) 加入 -

“(e) 《民眾安全服務隊條例》  
(1997年第 號)所指的  
民眾安全服務隊隊員，” ;”;

(vi) in the Chinese text, by deleting paragraph (c) and substituting -

"(c) 在第(3)款中 -

(i) 廢除“或基要服務團”而代以“、基要服務團或民眾安全服務隊” ;

(ii) 廢除“或服務團”而代以“、服務團或民眾安全服務隊”。”。

(b) in section 4 -

(i) in the Chinese text, by deleting the heading before the section and substituting "退休金利益條例 (設定職位) 令";

(ii) in the Chinese text, by deleting "《Pensions Benefits

Ordinance (Established Offices) Order 》" and substituting "《退休金利益條例（設定職位）令》".

(c) in section 10 -

(i) in the Chinese text, by deleting the heading before the section and substituting "《基要服務團（一般）規例》";

(ii) in the Chinese text, by deleting the heading and substituting -

"服務團團員的體格檢驗";

(iii) in the Chinese text, by deleting "《Essential Services Corps (General) Regulations》" and substituting "《基要服務團（一般）規例》".

(d) in section 15, by deleting paragraph (b)(i) and substituting -

"(i) in paragraph (d), by repealing ", the Auxiliary Medical Services Unit and the Civil Aid Services Unit" and substituting "and the Auxiliary Medical Services Unit";".

(e) in section 20 -

(i) in the Chinese text, in the heading before the section, by deleting "及有關";

(ii) in the Chinese text, by deleting the heading and substituting -

"就執行非常規職責的服務批予退休金利益";

(iii) by deleting "及有關";

(iv) in the Chinese text, in paragraphs (a) and (b), by

deleting "or" wherever it appears and substituting "或";

- (v) in the Chinese text, by deleting paragraphs (a)(iii) and (b)(iii) and substituting in both cases -

"(iii) 加入 -

“(e) 《民眾安全服務隊條例》  
(1997年第 號)所指的  
民眾安全服務隊隊員，” ;”;

- (vi) in the Chinese text, by deleting paragraph (c) and substituting -

"(c) 在第(3)款中 -

- (i) 廢除“或基要服務團”而代以“、基要服務團或民眾安全服務隊”；
- (ii) 廢除“或服務團”而代以“、服務團或民眾安全服務隊”。”。

*Question on the amendment put and agreed to.*

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

## **OFFICIAL SECRETS BILL**

Clauses 1, 4, 7, 10, 17, 19, 21 and 23 to 28 were agreed to.

Part II Heading before clause 2, clauses 2, 3, 5, 6, 8, 9 and 11

**MISS CHRISTINE LOH:** Mr Chairman, I move that Part II Heading before clause 2, clauses 2, 3, 5, 6, 8, 9 and 11 be amended as set out under my name in the paper circularized to Members.

All the amendments are proposed by the Bills Committee to improve and modernize the Bill, and also in order to prevent possible abuse. I have covered the major amendments to clauses 3, 8 and 11 in respect of the offence of espionage in my earlier speech at the resumption of Second Reading debate, and I will not repeat them here. The proposed amendment to clause 3 is most important because it incorporates the requirement of a specific intent for the offence. Clause 3, as it now stands in the Bill, is too broad, vague and loose.

Let me now turn to the other proposed amendments. The Bills Committee considers that an amendment to the Part II Heading before clause 2 is necessary because some clauses in Part II, such as clause 6(1)(b), are not related to espionage. Whilst a heading has no legal effect, we think it would be better to amend it appropriately to "ESPIONAGE AND OTHER MATTERS".

In clause 2, a definition of "defence" is added along the same lines as that in clause 12 under Part III on Unlawful Disclosure.

The other amendments are mainly for the purpose of consistency and modification for clarity.

Mr Chairman, maybe I can just spend one minute responding to a question raised by the Honourable Ronald ARCULLI in the Second Reading debate. He said that as Chair of the Bills Committee, I might not have properly highlighted the reservations of the Liberal Party. The reason that I did not do that was that every time we took the vote, the Liberal Party members were never there. So when I took a look at the support, each one of them was unanimous at the time the decision was taken. Thank you.

### *Proposed amendments*

#### **Part II Heading before clause 2**

That Part II Heading be amended, by deleting "ESPIONAGE" and substituting "ESPIONAGE AND OTHER MATTERS".

**Clause 2**

That clause 2 be amended, by adding before the definition of "document" —  
""defence" (防務) means -

- (a) the size, shape, organization, logistics, order of battle, deployment, operations, state of readiness and training of the armed forces;
- (b) the weapons, stores or other equipment of the armed forces and the invention, development, production and operation of such equipment and research relating to it;
- (c) defence policy and strategy and military planning and intelligence;
- (d) plans and measures for the maintenance of essential supplies and services that are or would be needed in time of war;"

**Clause 3**

That clause 3 be amended —

- (a) by deleting subclause (1) and substituting -

" A person commits an offence if he, with intent to harm the defence of the United Kingdom or Hong Kong -

- (a) approaches, inspects, passes over or enters a prohibited place;
- (b) makes a sketch, plan, model or note that is calculated to be or is intended to be directly or indirectly useful to an enemy; or
- (c) obtains, collects, records or publishes, or communicates to any other person, any secret official code word or password, or

any sketch, plan, model or note, or other document or information, that is calculated to be or is intended to be directly or indirectly useful to an enemy."

- (b) by deleting subclauses (2), (3), (4) and (5).

### **Clause 5**

That clause 5 be amended —

- (a) in subclause (1) by deleting "for any other purpose prejudicial to the safety or interests of the United Kingdom or Hong Kong -" and substituting "with intent to harm the defence of the United Kingdom or Hong Kong -".
- (b) by deleting subclause (2).

### **Clause 6**

That clause 6 be amended —

- (a) in subclause (1)(a) by deleting "for any purpose prejudicial to the safety or interests of the United Kingdom or Hong Kong" and substituting "with intent to harm the defence of the United Kingdom or Hong Kong".
- (b) in subclause (1)(b) by adding "without lawful authority or excuse," before "allows any other person".
- (c) by deleting subclause (2).

### **Clause 8**

That clause 8 be amended —

- (a) by deleting subclause (1) and substituting -

- " (1) (a) A superintendent of police may, for the purpose of an investigation into an offence under section 3, make an ex parte application to a magistrate for an order under paragraph (b) in relation to a person whom he reasonably believes to be able to furnish information as to the offence.
- (b) A magistrate may, if on such an application he is satisfied that there is -
- (i) reasonable ground for suspecting that an offence under section 3 has been committed; and
- (ii) reasonable ground for believing that the person is able to furnish information as to the offence or suspected offence,
- make an order complying with subsection (2) in respect of the person to whom the application relates."
- (b) in subclause (2) by deleting "If the Governor grants the permission mentioned in subsection (1), the Commissioner of Police may authorize" and substitute "The order under subsection (1)(b) shall authorize".
- (c) by deleting subclause (3) and substituting -
- " (3) (a) Where the Commissioner of Police has reasonable ground to believe that the case is one of great emergency and in the interest of the United Kingdom or Hong Kong immediate action is necessary, he may authorize in writing a superintendent of police, or any police officer not below the rank of inspector to exercise the

powers mentioned in subsection (2) without applying for an order of a magistrate.

- (b) Where the Commissioner of Police has so authorized a superintendent of police or other police officer under paragraph (a), he shall within 48 hours of granting such authorization, apply to a magistrate for an order to be made under subsection (1)(b).
- (c) If an application under paragraph (b) is refused, the Commissioner of Police shall as soon as practicable stop any action being or to be taken pursuant to his authorization under paragraph (a) and destroy any information obtained."
- (d) in subclause (4), by deleting "authorization under subsection (2)" and substituting "order under subsection (2) or authorization under subsection (3)(a)".
- (e) in subclause (5), by deleting "authorization under subsection (2)" and substituting "order under subsection (2) or authorization under subsection (3)(a)".
- (f) in subclause (6), by deleting "authorization under subsection (2)" and substituting "order under subsection (2) or authorization under subsection (3)(a)".

## Clause 9

That clause 9(3) be amended, by deleting "prejudicial to the safety of the United Kingdom or Hong Kong" and substituting "harmful to the defence of the United Kingdom or Hong Kong".

**Clause 11**

That clause 11 be amended —

- (a) in subclause (2), by deleting "Where it appears to a superintendent of police" and substituting "Where a superintendent of police has reasonable ground to believe".
- (b) by adding -

"(3) Where a superintendent of police has exercised his power under subsection (2), he shall, within 48 hours of exercising such power, apply to a magistrate for a search warrant to be granted under subsection (1).

(4) If an application under subsection (3) is refused, the superintendent of police concerned shall as soon as practicable stop any action being or to be taken pursuant to his order under subsection (2) and cause anything seized pursuant to the order to be surrendered to a magistrate who shall have the power to make an order for its disposal."

**MR RONALD ARCULLI:** Mr Chairman, I beg to disagree with the Honourable Miss Christine LOH but I do not think we should really waste any time arguing the point. I remember at one meeting when we discussed the breadth of the clause 3 amendment and I said that we were basically on different planets and there was no purpose for my staying behind. Maybe she did not recall my rather emotive language.

**MISS MARGARET NG:** Mr Chairman, I cannot stay silent about what the Honourable Ronald ARCULLI said on behalf of the Liberal Party opposing the amendments. He did that in the Second Reading debate. With respect, his points are based on some grave misapprehensions about a number of things.

First, spying. He said that if the elements were just the purpose and the act of approaching a prohibited place he would be concerned, but he believes that there are "other elements". Mr Chairman, there are no other elements. All my honourable friend has to do is to read clause 3(1)(a) again. Therefore, Mr ARCULLI and his Liberal Party ought to be concerned as we are.

Second, my honourable friend refers to the Mutual Legal Assistance Bill which is currently being scrutinized in the Bills Committee. May I say there again the Administration proposes wide powers. The Bills Committee seeks to narrow them down and place safeguards, especially where such rights as the right of silence and again self-incrimination are concerned. Our approach is consistent. Indeed, in that Bills Committee my honourable friend's position is with us. It is he who is being inconsistent.

Third, on the public interest defence my honourable friend expresses .....

**MR RONALD ARCULLI:** May I ask the Honourable Member through you, Mr Chairman, when she referred to "he is with us", who is "us"? Is that the Government or is that the honourable Member herself and the Royal Prerogative?

**MISS MARGARET NG:** Mr Chairman, I refer to the Bills Committee of the Mutual Legal Assistance Bill. I apologise if I have been unclear. I am not yet in the habit of using the Royal plural!

Third, on the public interest defence, my honourable friend expresses alarm on the basis of how he saw the public interest immunity as used by the Chief Secretary in the Select Committee. He says it shows that the use of a public interest immunity would "drive a horse and coach through it". This is very bewildering. Mr ARCULLI is a Member of this Select Committee. He is aware of its stance and decision, as indeed are Members of this Council and the public, and that is the Chairman of the Select Committee does not accept the very wide way in which the Chief Secretary proposed to claim public interest immunity. He ruled against her claim. She accepted it and produced the document in question. This illustrates precisely the balance of interest. This example supports the appropriateness of a public interest defence, not cast doubt on it as my honourable friend argues.

In sum, none of the reasons set out by Mr Ronald ARCULLI on behalf of the Liberal Party can stand. They have no valid grounds for opposing the amendments. I urge them to change their minds.

Mr Chairman, with the amendments, the Bill is one we can live with now and seek to improve later. Without the amendments, the enactment of this Bill will be an unmitigated disaster for the people of Hong Kong. Thank you, Mr Chairman.

**MR JAMES TO** (in Cantonese): Mr Chairman, it seems that this amendment will be beaten, but it is beaten by the June 4 Gathering, as many Members have already left. Anyway, I hope that those Members who remain can support this amendment. Today is June 4, a very sad day. We commemorate those Beijing students killed in the June 4 massacre. Dr The Honourable Samuel WONG, my good friend who used to sit next to me here, passed away today. It is also a day when we are thrown back in our laws and system to the dark old days of the 1980s when the former Special Branch operated with arbitrary power. If there could be hope, then the hope, some might say, would be that Mr TUNG, the Chief Executive and his government would not, or when Mrs Anson CHAN was locked in disagreement with him or begged him for mercy, he would not exercise those powers ruthlessly.

Mr Chairman, if these amendments were not passed today, but the whole Bill was passed, I feel that Mr Chris PATTEN would find himself in great shame. The British Government's exit from Hong Kong would be marred by great shame. What he would leave behind for the colonial government, and the SAR Government are the dictatorial power of the former colony. I hope that those Members who oppose the amendments but allow the original provision to pass can do something in future for this society so as not to allow the Government abuse this power, otherwise we shall be in a dark age. That is what I want to say.

**MR IP KWOK-HIM** (in Cantonese): Mr Chairman, the Democratic Alliance for the Betterment of Hong Kong (DAB) has not taken part in the work of the Bills Committee studying this Bill because the DAB is of the view that the introduction of this Bill is to localise the 1989 Official Secrets Act to be in time for the handover on 1 July 1997 and the official implementation of the Basic

Law.

We are very clear that since 1992 when the Privy Council ordered that the 1989 Official Secrets Act be applicable to Hong Kong, there are problems here in Hong Kong. However, we also see that up to now, there is nothing in the intervening period that shows that this Act is doing Hong Kong any harm. We must also see, and admit, that this Ordinance is enacted under the historical context of 1920 and 1939. It is therefore understandable, and there is also an actual need, that appropriate amendment has to be made to this Ordinance. But the DAB considers that such complex and important amendments must be made with reference to the Basic Law, and the more appropriate and practical way to go about with such amendment is to leave it to the first Legislative Council in 1998 after it has conducted extensive consultation and has considered the actual condition at that time. Only then will there be an Official Secrets Ordinance that is appropriate for the condition then.

These are my remarks and I support the original Bill of the Administration and oppose any amendment.

**MR LEUNG YIU-CHUNG** (in Cantonese): Mr Chairman, I originally did not intend to speak, but after listening to the Honourable IP Kwok-him's speech, I find it hard to accept his view. They did not join the Bills Committee of this Bill, but they say that any amendment would only be appropriate after extensive consultation is conducted in 1998.

In fact, why do they still sit on the Legislative Council? They act like this on a number of ordinances. If consultation is to be conducted in 1998, then they can now give up their job as Councillors. If they want to be Councillors, there are a lot of jobs to do. Carrying out consultation is your duty. You do not tell us now that it is very complex, and leave it to be done in 1998. Are you not a Legislative Councillor? I feel that they are very pathetic. While occupying a position here, they say that they should not do this. How can you be accountable to the public? Now, people pay us to take up this position, and to do this job. How can we be accountable to them? Mr James TO and I have the same feeling: Today, June 4, is an unhappy day. If this amendment cannot be passed, it is very pitiable.

I was to host a talk at the Victoria Park, but I did not go. I want to stay here because it is my responsibility to support the amendment of the Honourable Miss Christine LOH. It is my responsibility, and I have joined the Bills

Committee and consulted many of my friends. They all think that it is an important issue. I shall therefore perform my duty and act like a Councillor and do what I should do.

Mr Chairman, these are my remarks.

**SECRETARY FOR SECURITY:** Mr Chairman, the Administration is opposed to the Committee stage amendments proposed or will be proposed by the Honourable Miss Christine LOH for the reasons that I have explained in my Second Reading debate speech. I have nothing further to add, Mr Chairman.

**MISS CHRISTINE LOH:** Mr Chairman, it is with great regret that many people who supported the Bill will not be here to vote for the Bill tonight.

*Question on the amendments put.*

*Voice vote taken.*

**CHAIRMAN** (in Cantonese): This Committee will now proceed to a division.

**CHAIRMAN** (in Cantonese): I would like to remind Members that they are now called upon to vote on the question that the amendment moved by the Honourable Miss Christine LOH in respect of the Heading of Part II, clauses 2, 3, 5, 6, 8, 9 and 11 be approved.

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

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

Mr Martin LEE, Dr LEONG Che-hung, Mr Frederick FUNG, Mr Michael HO,

Dr HUANG Chen-ya, Mr LEE Wing-tat, Mr Fred LI, Mr James TO, Mr WONG Wai-Yin, Miss Christine LOH, Mr Andrew CHENG, Dr Anthony CHEUNG, Dr LAW Cheung-kwok, Mr LEUNG Yiu-chung, Mr Bruce LIU, Mr MOK Ying-fan, Miss Margaret NG, Mr SIN Chung-kai, Dr John TSE, Mrs Elizabeth WONG and Mr YUM Sin-ling voted for the amendments.

Mr Allen LEE, Mrs Selina CHOW, Dr David LI, Mr NGAI Shiu-kit, Mr LAU Wong-fat, Mr Edward HO, Mr Ronald ARCULLI, Mrs Miriam LAU, Mr Eric LI, Mr Henry TANG, Dr Philip WONG, Mr Howard YOUNG, Mr CHAN Kam-lam, Mr CHAN Wing-chan, Miss CHAN Yuen-han, Mr Paul CHENG, Mr CHENG Yiu-tong, Mr CHEUNG Hon-chung, Mr CHOY Kan-pui, Mr IP Kwok-him, Mr Ambrose LAU, Mr LEE Kai-ming, Mr LO Suk-ching and Mr NGAN Kam-chuen voted against the amendments.

THE CHAIRMAN announced that there were 21 votes in favour of the amendments and 24 votes against them. He therefore declared that the amendments were negatived.

*The original Part II heading before clause 2, clauses 2, 5, 6, 8, 9 and 11 were agreed to.*

Clauses 12 to 16, 18, 20 and 22

**MISS CHRISTINE LOH:** Mr Chairman, I move that clauses 12 to 16, 18, 20 and 22 be amended as set out under my name in the paper circularized to Members. All the proposed amendments in these clauses are in relation to the offence of unlawful disclosure, so you can all redeem yourselves in this section even if you did not vote for our amendment last time.

As I have explained in my earlier speech at the resumption of Second Reading debate, the proposed amendment to clause 13 is to incorporate a harms test. The amendment to clause 22 is to incorporate a public interest defence. The proposed amendments in other clauses are mainly for the purpose of consistency and modification for clarity.

*Proposed amendments*

**Clause 12**

That clause 12(1) be amended, by deleting the definition of "defence" and substituting —

""defence" (防務) has the meaning assigned to that term by section 2(1);".

### **Clause 13**

That clause 13 be amended —

(a) in subclause (1) by deleting "discloses" and substituting "makes a seriously damaging disclosure of".

(b) by adding -

" (1A) For the purposes of subsection (1), a disclosure is seriously damaging if -

(a) the disclosure causes serious damage to the work of, or any part of, the security or intelligence services;

(b) the information, document or article in question is of such a nature that its unauthorized disclosure would be likely to cause such serious damage; or

(c) the information, document or article in question falls within a class or description of information, documents or articles the unauthorized disclosure of which would be likely to have that effect.".

(c) in subclause (3), by deleting "that the information, document or article in question related to security or intelligence." and substituting -

"that -

- (a) the information, document or article in question related to security or intelligence; or
- (b) the disclosure would be seriously damaging within the meaning of subsection (1A).".

#### **Clause 14**

That clause 14 be amended —

- (a) in subclause (1), by adding "seriously" before "damaging disclosure".
- (b) in subclause (2) -
  - (i) by adding "seriously" before "damaging";
  - (ii) in paragraph (a), by adding "serious" before "damage";
  - (iii) in paragraph (b), by adding "serious" before "damage".
- (c) in subclause (3)(b), by adding "seriously" before "damaging".

#### **Clause 15**

That clause 15 be amended —

- (a) in subclause (1), by adding "seriously" before "damaging disclosure".

- (b) in subclause (2) -
  - (i) by adding "seriously" before "damaging";
  - (ii) in paragraph (a), by adding "seriously" before "damages";
  - (iii) in paragraph (c), by adding "seriously" before "endangers" where it twice appears.
- (c) in subclause (3)(b), by adding "seriously" before "damaging".

## **Clause 16**

That clause 16 be amended —

- (a) in subclause (1), by adding "seriously" before "damaging disclosure".
- (b) in subclause (2) -
  - (i) by adding "seriously" before "damaging";
  - (ii) in paragraph (a) -
    - (A) by adding "seriously" before "endangers" wherever it appears;
    - (B) by deleting ", seriously obstructs the promotion or protection by the United Kingdom or Hong Kong of those interests".
- (c) in subclause (4)(b), by adding "seriously" before "damaging".

## **Clause 18**

That clause 18 be amended —

- (a) in subclause (3), by adding "seriously" before "damaging" wherever it appears.
- (b) in subclause (4) -
  - (i) by adding "seriously" before "damaging";
  - (ii) by adding "person or" before "public servant";
  - (iii) by adding "13," before "14".

## **Clause 20**

That clause 20 be amended —

- (a) in subclause (1), by adding "seriously" before "damaging" wherever it appears.
- (b) in subclause (4) -
  - (i) by adding "seriously" before "damaging";
  - (ii) by adding "person or" before "public servant";
  - (iii) by adding "13," before "14".

## **Clause 22**

That clause 22 be amended, by adding —

- " (10) It is a defence for a person charged with an offence under

subsection (1), (4), (5) or (6) to prove that it was in the public interest for him to do or fail to do the act which is the subject matter of the charge."

*Question on the amendments put.*

*Voice vote taken.*

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

**CHAIRMAN** (in Cantonese): Committee will now proceed to a division.

**CHAIRMAN** (in Cantonese): I would like to remind Members that they are now called upon to vote on the question that the amendment moved by the Honourable Miss Christine LOH in respect of the Heading of Part II, clauses 2, 3, 5, 6, 8, 9 and 11 be approved.

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

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

Dr LEONG Che-hung, Mr Frederick FUNG, Mr Michael HO, Dr HUANG Chen-ya, Mr James TO, Mr WONG Wai-Yin, Miss Christine LOH, Mr Andrew CHENG, Dr LAW Cheung-kwok, Mr Bruce LIU, Mr MOK Ying-fan, Miss Margaret NG, Mr SIN Chung-kai, Dr John TSE, Mrs Elizabeth WONG and Mr YUM Sin-ling voted for the amendments.

Mr Allen LEE, Mrs Selina CHOW, Dr David LI, Mr NGAI Shiu-kit, Mr LAU Wong-fat, Mr Edward HO, Mr Ronald ARCULLI, Mrs Miriam LAU, Mr Eric LI, Mr Henry TANG, Dr Philip WONG, Mr Howard YOUNG, Mr CHAN Kam-lam, Mr CHAN Wing-chan, Miss CHAN Yuen-han, Mr Paul CHENG, Mr CHENG Yiu-tong, Mr CHEUNG Hon-chung, Mr CHOY Kan-pui, Mr IP Kwok-him, Mr Ambrose LAU, Mr LEE Kai-ming, Mr LO Suk-ching and Mr NGAN Kam-chuen voted against the amendments.

THE CHAIRMAN announced that there were 16 votes in favour of the amendments and 24 votes against them. He therefore declared that the amendments were negatived.

*The original clause 12 to 16, 18, 20 and 22 were agreed to.*

New clause 21A

Public interest defence

New clause 21B

Prior disclosure

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

**MISS CHRISTINE LOH:** Mr Chairman, I must express my disappointment that Members did not stay to vote for the second part of the Bill just now because the three parts of the amendments can stand on their own, and it is a pity that people decided to leave in such a great hurry.

I move now that new clauses 21A and 21B as set out under my name in the paper circularized to Members be read the Second time. The new clauses 21A and 21B are proposed by the Bills Committee to build in a public interest defence and a prior disclosure defence. I have given the Bills Committee's view on these new clauses in my speech at the resumption of Second Reading debate, and I will not go into in any further details.

I only wish to reiterate that these clauses are of vital importance for the protection of freedom of expression. I ask Members again in this Council to reconsider as a last go to support these two amendments which will still offer some improvement to the Bill as a whole.

**MR JAMES TO** (in Cantonese): Mr Chairman, we have a public interest defence. Our belief is that, as the Honourable Ronald ARCULLI said, we cannot allow a law enforcement agency to have the final power to decide what public interest is. The reason can be found in many examples. Even those law

enforcement agencies, such as some intelligence and security agencies, that in law are said to have served the public well and are protective of public safety, can betray the interest of the people and give no regard to such interest. For example, President CLINTON of the United States of America has to apologize to the blacks because the American government had carried out experiments, in which the blacks, after receiving a few hundred dollars, voluntarily (including those who had knowledge or did not have knowledge of what they were doing) allowing themselves to be "guinea pigs" for testing chemical and biochemical weapons.

Decades ago, the United States Administration at that time, including the President, National Security Advisor and the Director of the CIA, might consider that such acts were for the good of state security. Finally, when we reflect on the facts and the judgment of history and the people, even the present President has to give an apology for this. So are we asking too much if we let a judge or a third party to determine what public interest is? Can we feel at ease if we leave the determination of public interest in the hands of the executive? If it is so, then our Select Committee, including those of you who are about to vote, would challenge the decision of the Chief Secretary to disclose the reports of the ICAC and supervisory committee as revealed in the hearing of Mr LEUNG Ming-yin. I think that it is very important that we give the final adjudicating power to the court to balance what the public interest is.

I hope that all Members can clearly consider this issue. What we are discussing now is whether we should give our power of determination, even the power of disclosure, to the executive. Just like the Watergate example I cited, it was inconceivable to us that a President could be brought down by a journalist disclosing a piece of scandal of the President, or when an intelligence agency has done something wrong against the people, and without the defence of public interest, it would finally be sentenced by court to prison. Do you think this balance is appropriate and sufficient? The Honourable IP Kwok-him said there might be amendment in future. I sincerely hope that they will consider this view.

**MR IP KWOK-HIM** (in Cantonese): Thank you, Mr Chairman. I have listened carefully to the speech of the Honourable Mr James TO. However, I would like to reiterate here that the DAB is of the view that at the present stage, the Bill is for localization purpose. It is therefore our view that this Ordinance be given force after 1 July so that Hong Kong can have as soon as possible an

Ordinance like this to implement the Basic Law.

As to the question on public interest, I have already said that it would be opportune to leave the review of this Ordinance to the first legislature of 1998.

Thank you, Mr Chairman.

*Question on the Second Reading of the clauses proposed, put and negatived.*

### **INLAND REVENUE (AMENDMENT) (NO. 2) BILL 1997**

Clauses 1 and 3 to 8 were agreed to.

#### **Clause 2**

**SECRETARY FOR THE TREASURY** (in Cantonese): Mr Chairman, I move that clause 2 be amended as set out in the paper circularized to Members.

The 1997-98 Budget proposes to provide certainty in law in respect of the deduction in the assessment of profits of foreign withholding tax paid by a company on income which is subject to profits tax in Hong Kong. This deduction is made available by virtue of the current main deduction provision under section 16(1) of the Inland Revenue Ordinance. However, section 16(1)(c), as it stands at the moment, stipulates that deduction of foreign tax charged on interest income or the like derived from Hong Kong is allowed only for a corporation which is managed and controlled in Hong Kong. The restriction in respect of residency status is in conflict with our intention and casts doubt on the application of the general deduction provision in section 16(1) in respect of foreign withholding tax. We therefore proposed in the Amendment Bill to delete section 16(1)(c).

The Hong Kong Society of Accountants (HKSA) has pointed out to us that the deletion of section 16(1)(c) in its entirety may have the inadvertent effect of removing a deduction currently available in the law. We are grateful to its view and appreciate its concern. Instead of deleting the whole of section 16(1)(c), we consider that it should be adequate, for the purpose of providing certainty in law in the manner we intended, to just remove the reference "which is managed and controlled in Hong Kong" in that section. This arrangement has the support of

the HKSA and Members who have shown their concern on the Amendment Bill.

To further allay the concern of the tax profession, the Commissioner of Inland Revenue will issue Practice Notes to re-affirm our policy in respect of deduction of foreign withholding tax charged on income in profits tax assessment.

Mr Chairman, I beg to move.

*Proposed amendment*

**Clause 2**

That clause 2 be amended, by deleting paragraph (a) and substituting —

"(a) in subsection (1)(c), by repealing "which is managed and controlled in Hong Kong";".

**MR ERIC LI** (in Cantonese): Mr Chairman, this amendment was originally proposed to the Government by the accountancy constituency. I am very glad that the Administration has implemented it in the budget and introduce this Bill.

After the introduction of the Bill, the accountancy constituency, as the Secretary for the Treasury has said, made a number of technical proposals. In fact, the original proposal has three options. At first I intend to talk, for record purpose, briefly on these technical proposals. Given that we have a long day today, and a consensus has already been reached, and that the House Committee has already had sufficient record on this, I therefore do not want to talk further.

I just want to thank specially the Administration for the patience it showed when I talked at length at the House Committee, and we spent much time on studying this Bill. I am also very appreciative of the professionalism, openness and objectiveness displayed by the Administration when it studied this Bill with me, so that we could come to a consensus in a short time. On behalf of the accountancy constituency, I hope that Members will support this Bill.

*Question on the amendment put and agreed to.*

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

## **REGISTERED DESIGNS BILL**

Clauses 1, 3 to 7, 9 to 12, 14 to 22, 24 to 27, 29, 33, 35, 36, 38, 39, 43, 44 to 47, 49, 50, 52 to 63, 65 to 69, 71 to 77, 79, 82, 84 to 90, 93, 95 and 96 were agreed to.

Clauses 2, 8, 13, 23, 28, 30, Part III Heading before clause 31, clauses 31, 32, 34, 37, 40, Part V Heading before clause 41, clauses 41, 42, 48, 51, 64, 70, 78, 80, 81, 83, 91, 92 and 94

**SECRETARY FOR TRADE AND INDUSTRY:** Mr Chairman, I move that clauses 2, 8, 13, 23, 28, 30, Part III Heading before clause 31, clauses 31, 32, 34, 37, 40, Part IV Heading before clause 41, clauses 41, 42, 48, 51, 64, 70, 78, 80, 81, 83, 91, 92 and 94 be amended as set out in the paper circularized to Members.

These amendments have already been discussed by and endorsed by the Bills Committee. Mr Chairman, I beg to move.

### *Proposed amendments*

#### **Clause 2**

That clause 2(2)(c) be amended, by deleting "在該項外觀設計中" and substituting "該項外觀設計".

#### **Clause 8**

That clause 8 be amended —

- (a) in the heading, by deleting **"and protected layout-designs (topographies) are not registrable"** and substituting **", protected layout-designs (topographies) and designs for articles of a primarily literary or artistic character"**.

(b) by renumbering the clause as clause 8(1).

(c) by adding -

"(2) Provision may be made by rules for excluding from registration under this Ordinance designs for such articles of a primarily literary or artistic character as the rules may specify."

### **Clause 13**

That 13(a) be amended, by deleting "class of designs" and substituting "class of articles".

### **Clause 23**

That clause 23(1) be amended, by deleting "在該冊外觀設計中" and substituting "註冊外觀設計".

### **Clause 28**

That clause 28(5)(a) be amended, by deleting "在該項外觀設計中或在其下" and substituting "該項外觀設計的任何權利或在該項外觀設計下".

### **Clause 30**

That clause 30(2)(b) be amended, by deleting "在該項外觀設計中" and substituting "該項外觀設計".

### **Part III Heading before clause 31**

That the Part III Heading before clause 31 be amended, in the heading, by deleting "在註冊外觀設計中" and substituting "註冊外觀設計".

**Clause 31**

That clause 31 be amended —

- (a) in subclause (2), by deleting "在該項註冊外觀設計中" and substituting "該項註冊外觀設計".
- (b) in subclause (4), by deleting "在該項註冊外觀設計中" and substituting "該項註冊外觀設計".

**Clause 32**

That clause 32 be amended —

- (a) in subclauses (1) and (2), by deleting "在其中或其下" and substituting "任何註冊外觀設計的任何權利或在任何註冊外觀設計下".
- (b) in subclause (6)(a), by deleting "在該項註冊外觀設計中或在其下" and substituting "該項註冊外觀設計的任何權利的任何轉讓或按揭，或在該項註冊外觀設計下".
- (c) in subclause (6)(b), by deleting "在其中或其下" and substituting "任何註冊外觀設計的任何權利或在任何註冊外觀設計下".

**Clause 34**

That clause 34 be amended —

- (a) in the heading, by deleting "在註冊外觀設計中" and substituting "註冊外觀設計".
- (b) in subclauses (1) and (2), by deleting "在某項註冊外觀設計中或在其下" and substituting "某項註冊外觀設計的任何權利或在某項註冊外觀設計下".
- (c) in subclause (3)(a), by deleting "，在其中或其下" and substituting "、註冊外觀設計的權利的轉讓或在註冊外觀設計下";

- (d) in subclause (3)(e), by deleting "或在其中或其下" and substituting "、某項註冊外觀設計的任何權利或在某項註冊外觀設計下".

### **Clause 37**

That clause 37(7) be amended, by deleting "在該項註冊外觀設計中" and substituting "該項註冊外觀設計".

### **Clause 40**

That clause 40(3) be amended, by deleting "during any further period specified under section 28(5), but before the payment of the renewal fee and any additional fee prescribed for the purposes of that section" and substituting "at any time during the period referred to in section 28(5) but before the fees referred to in that section are paid".

### **Part V Heading before clause 41**

That the Part V Heading before clause 41 be amended, in the subheading "裁定在註冊外觀設計中的權利的法律程序", by deleting "在註冊外觀設計中" and substituting "註冊外觀設計".

### **Clause 41**

That clause 41 be amended —

- (a) in subclause (1), by deleting "在該項外觀設計中或其下" and substituting "該項外觀設計的所有權權益或在該項外觀設計下".
- (b) in subclause (1)(c), by deleting "在該項外觀設計中或其下" and substituting "該項外觀設計的任何權利或在該項外觀設計下".
- (c) in subclause (2)(b), by deleting "在該項外觀設計中或其下" and substituting "該項外觀設計的任何權利或取得在該項外觀設計下".

- (d) in subclause (2)(c), by deleting everything after "批予" and substituting "在該項外觀設計的任何特許或其他權利或批予在該項外觀設計下的任何特許或其他權利；或".
- (e) in subclause (4), by deleting "在該項外觀設計中或其下" and substituting "該項外觀設計的任何權利或在該項外觀設計下".
- (f) in subclause (5), by deleting "在該項註冊外觀設計中或其下" and substituting "該項註冊外觀設計的權利或在該項註冊外觀設計下".

#### **Clause 42**

That clause 42(2) be amended, by deleting "在該項外觀設計中或其下" and substituting "該項外觀設計的任何特許或其他權利或在該項外觀設計下".

#### **Clause 48**

That clause 48(1) be amended, by deleting "在註冊外觀設計中" and substituting "註冊外觀設計".

#### **Clause 51**

That clause 51(3) be amended, by deleting "during any further period specified under section 28(5), but before the payment of the renewal fee and any additional fee prescribed for the purposes of that subsection" and substituting "at any time during the period referred to in section 28(5) but before the fees referred to in that section are paid".

#### **Clause 64**

That clause 64(2)(c) be amended, by deleting everything after "影響" and substituting "註冊外觀設計及註冊申請的權利的交易、文書或事件的詳情，或關乎影響在註冊外觀設計及註冊申請下的權利的交易、文書或事件的詳情；及".

#### **Clause 70**

That clause 70(4) be amended, by adding ", notwithstanding that the design has not been registered," after "subsection (1)".

#### **Clause 78**

That clause 78 be amended, by deleting the heading and substituting "**Forfeited articles**".

#### **Clause 80**

That clause 80(2)(b) be amended, by deleting "14" and substituting "16".

#### **Clause 81**

That clause 81(1) be amended, by deleting everything after "註冊" and substituting "並規定影響註冊外觀設計和外觀設計的註冊申請的權利的交易、文書或事件，或影響在註冊外觀設計和外觀設計的註冊申請下的權利的交易、文書或事件須予註冊。".

#### **Clause 83**

That clause 83 be amended, by deleting paragraphs (a), (b) and (c).

#### **Clause 91**

That clause 91 be amended —

(a) in subclause (1), by deleting "of the class".

(b) in subclause (2) -

(i) by deleting "that date" and substituting "the date

immediately preceding the date of commencement of this Ordinance";

- (ii) by deleting "of the class".

That clause 91 be amended, in subclauses (3)(b)(i) and (ii) and (4)(b)(i) and (ii), by deleting "設計中" and substituting "設計".

## Clause 92

That clause 92 be amended —

- (a) in subclause (1), by deleting "in accordance with this section".

- (b) by deleting subclause (2) and substituting -

"(2) If the registered proprietor of the design desires to renew the period of registration for a further period of 5 years after the initial period of registration referred to in section 91(3) or (4) expires, he shall submit an application to the Registrar in accordance with subsection (3)."

- (c) in subclause (3), by deleting "for the first extension of the period of registration" and substituting "referred to in subsection (2)".

- (d) in subclause (3)(b) -

- (i) in subparagraph (ii), by deleting "and";

- (ii) by adding -

"(iv) such other information, documents or matter as may be required by the rules; and".

- (e) by deleting subclause (4) to (6) and substituting -

"(4) Section 28(3), (4) and (5) applies to any further renewal of the period of registration of a design deemed by section 91 to be registered under this Ordinance."

## Clause 94

That clause 94 be amended —

- (a) by deleting the heading "《官方訴訟條例》" before the clause and substituting "《官方法律程序條例》".
- (b) in the Chinese text, by deleting the clause and substituting -

"94. 關於工業財產的條文

《官方法律程序條例》（第 300 章）第 5 條現予修訂

-

- (a) 在第(1)款中，廢除“包括根據《1949 至 1961 年註冊設計法令》（藉《聯合王國設計（保障）條例》（第 44 章）而適用於香港）而存續的任何設計版權”而代以“，或侵犯任何註冊外觀設計”；
- (b) 在第(2)款中 -
  - (i) 刪去“《1949 年註冊設計法令》（1949 c. 88 U.K.）第 12 條及附表 1”而代以“註冊外觀設計條例》（1997 年第      號）第 36 至 40 條”；
  - (ii) 刪去“，而上述法令”；
  - (iii) 刪去“藉”；
  - (iv) 刪去“《聯合王國設計（保障）條例》（第 44 章）而適用於香港”；

- (c) 在第(3)款中，在“版權”之後加入“或註冊外觀設計”。

*Question on the amendments put and agreed to.*

*Question on clauses 2, 8, 13, 23, 28, 30, Part III Heading before clause 31, clauses 31, 32, 34, 37, 40, Part V Heading before clause 41, clauses 41, 42, 48, 51, 64, 70, 78, 80, 81, 83, 91, 92 and 94, as amended, put and agreed to.*

Schedule

**SECRETARY FOR TRADE AND INDUSTRY:** Mr Chairman, I move that the Schedule be amended as set out in the paper circularized to Members. The changes are technical.

Mr Chairman, I beg to move.

*Proposed amendment*

Schedule

That Schedule be amended —

- (a) by adding under the heading **"Countries which have acceded to the Paris Convention"** -

"Equatorial Guinea  
Sierra Leone".

- (b) under the heading **"Countries, territories and areas which have acceded to the World Trade Organization Agreement (not including countries which have acceded to the Paris Convention)"** -

- (i) by deleting -

"Sierra Leone

Tanzania";

(ii) by adding -

"Angola  
Papua New Guinea  
Soloman Islands".

That Schedule be amended, in the subheading "已加入《巴黎公約》的國家" —

(a) by deleting -

"中華人民共和國  
立陶宛  
馬其頓  
梵蒂岡  
摩爾達維亞";

(b) by adding -

"中國  
立陶宛  
馬其頓，前南斯拉夫共和國  
羅馬教廷  
摩爾多瓦共和國".

*Question on the amendment put and agreed to.*

*Question on the Schedule, as amended, put and agreed to.*

## **OUTER SPACE BILL**

Clauses 1 to 15

**MR JAMES TO** (in Cantonese): Mr Chairman, I shall make my speech brief. We oppose to using "national security" as a ground to be introduced into the provisions on marches and assemblies. I am afraid that in future there might be people, or even the Chief Executive's Office, who would say that we gave our consent to the Outer Space Bill in which the Administration could revoke the licence for launching a satellite on the grounds of national security. I therefore

must give the reason for record purpose; otherwise we would be criticized for being inconsistent.

In fact, we have actually considered carefully whether "national security" can be a ground, with respect to the Outer Space Bill, for launching or salvaging satellite and the relevant responsibility. Our conclusion is affirmative. We have studied carefully the relevant laws of other countries and to what extent the launching of satellites and these satellites would affect military, intelligence and national security. I find that this is straightforward and obvious. We therefore think that using "national security" as a ground for revoking a licence is totally different from revoking a licence for a purely peaceful assembly.

After careful consideration, we agree that the Bill, as presently drafted, can enable a revocation decision be made, and provide for the details of the relevant procedure. We support the passage of this Bill.

**SECRETARY FOR ECONOMIC SERVICES** (in Cantonese): Mr Chairman, I would like to thank Mr James TO for his support for the Outer Space Bill. We need to enact this Bill so that through a licensing mechanism we can monitor and control the satellites of Hong Kong. This Bill will also help Hong Kong achieve the goal that its status as the telecommunication and broadcasting centre of the region can be maintained.

Clauses 1 to 15 were agreed to.

Clause 16

**SECRETARY FOR ECONOMIC SERVICES** (in Cantonese): Mr Chairman, I move that clause 16 of the Bill be amended as set out in the paper circularized to Members.

After this Bill was introduced to this Council, the Chinese text of the Telecommunication Ordinance was declared authentic on 16 May 1997. The above amendment is technical amendment made consequential upon the above situation, and will bring this Bill in line with the Chinese authentic text of the Telecommunication Ordinance.

Mr Chairman, I beg to move.

*Proposed amendment*

**Clause 16**

That clause 16 be amended, in the Chinese text, by deleting the clause and substituting —

"16. 釋義

《電訊條例》（第 106 章）第 2 條現予修訂，在“空間物體”的定義中，廢除“經《1990 年宇宙空間（香港）令》引伸而成為香港法律的一部分的《1986 年宇宙空間法令》（1986 c. 38 U.K.）第 13(1) 條”而代以“《外層空間條例》（1997 年第      號）”。

*Question on the amendment put and agreed to.*

*Question on clause 16, as amended, put and agreed to.*

**CIVIL AVIATION (AMENDMENT) BILL 1997**

Clauses 1, 3 and 18

**SECRETARY FOR ECONOMIC SERVICES** (in Cantonese): Mr Chairman, I move that the clauses specified be amended as set out under my name in the paper circularized to Members.

Clause 1 is amended to obviate the need for a commencement notice in order to ensure that the Civil Aviation (Amendment) Bill 1997 will come into operation before 1 July 1997.

Clause 3 is amended to improve the Chinese translation of the Bill.

Clause 18 is amended to incorporate the Chinese text of the consequential amendment to the Telecommunication Regulations into the Chinese text of the Civil Aviation (Amendment) Bill 1997 as a result of the recent authentication of the Chinese text of the Regulations.

Mr Chairman, I beg to move.

### *Proposed amendments*

#### **Clause 1**

That clause 1 be amended —

- (a) in the heading, by deleting "**and commencement**".
- (b) by deleting subclause (2).

#### **Clause 3**

That clause 3 be amended, in the proposed section 2A —

- (a) in subsection (2)(g), by deleting "就該等用途" and substituting "與該等用途有關";
- (b) in subsection (2)(m), by deleting "航空方面" and substituting "與航空有關";
- (c) in subsection (2)(n)(i), by deleting "航空方面" and substituting "與航空有關".

#### **Clause 18**

That clause 18 be amended, in the Chinese text, by deleting the heading before the clause and the clause and substituting —

"《電訊規例》

18. 修訂附表 3

《電訊規例》（第 106 章，附屬法例）附表 3 中航空器電台牌照的第 7 項條件現予廢除，代以 —

“7. 本牌照不得當作就《民航條例》（第 448 章）或根據該條例所訂立的任何規例或命令施加於任何人士的規定，作出任何豁免。”。

*Question on the amendments put and agreed to.*

*Question on clauses 1, 3 and 18, as amended, put and agreed to.*

Clauses 2 and 4 to 17 were agreed to.

Council then resumed.

**Third Reading of Bills**

THE SECRETARY FOR TRANSPORT reported that the

**RAILWAYS BILL** and

**DISCOVERY BAY TUNNEL LINK BILL**

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

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

Bills read the Third time and passed.

THE SECRETARY FOR HEALTH AND WELFARE reported that the

**MIDWIVES REGISTRATION (AMENDMENT) BILL 1997** and

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**VOLUNTEER AND NAVAL VOLUNTEER PENSIONS (AMENDMENT) BILL 1997**

had passed through Committee with amendments. She moved the Third Reading of the Bills.

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

Bills read the Third time and passed.

THE SECRETARY FOR SECURITY reported that the

**AUXILIARY MEDICAL SERVICE BILL** and

**CIVIL AID SERVICE BILL**

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

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

Bills read the Third time and passed.

THE SECRETARY FOR SECURITY reported that the

**OFFICIAL SECRETS BILL**

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

Mr James TO drew the President's attention to the lack of a quorum.

**PRESIDENT** (in Cantonese): Will the clerk please do a head count?

7.48 pm

**PRESIDENT** (in Cantonese): Because there is a lack of a quorum, I order that all Members be summoned back.

7.50 pm

A quorum was then formed.

**PRESIDENT** (in Cantonese): As a quorum has been formed, this Council shall resume dealing with the motion for a Third Reading moved by the Secretary for Security just now.

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

Bill read the Third time and passed.

THE SECRETARY FOR THE TREASURY reported that the

**INLAND REVENUE (AMENDMENT) (NO. 2) BILL 1997**

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

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

Bill read the Third time and passed.

THE SECRETARY FOR TRADE AND INDUSTRY reported that the

**REGISTERED DESIGNS BILL**

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

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

Bill read the Third time and passed.

THE SECRETARY FOR ECONOMIC SERVICES reported that the

**OUTER SPACE BILL and****CIVIL AVIATION (AMENDMENT) BILL 1997**

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

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

Bills read the Third time and passed.

**MEMBERS' MOTIONS**

**PRESIDENT** (in Cantonese): Two motions with no legal effect. I have accepted the recommendations of the House Committee as to the time limits on speeches for the motion debates and Members were informed by circular on 2 June. The movers of the motions will each have 15 minutes for their speeches including their replies, other Members will each have seven minutes for their speeches. Under Standing Order 27A, I am obliged to direct any Member speaking in excess of the specified time to discontinue his speech.

**MEASURES AGAINST INFECTIOUS DISEASES**

***MR CHAN KAM-LAM to move the following motion:***

"That this Council expresses concern about the recent outbreak of infectious diseases, and urges the Government to expeditiously review the existing preventive measures against diseases and plug loopholes in the relevant legislation, and to strengthen the co-operation between the Department of Health and the two municipal services departments to enhance the territory's responsiveness in monitoring and containing infectious diseases as well as in preparing for contingencies; furthermore, with regard to the sources of the recent cholera cases, this Council also urges the Government to step up the inspection of food processing factories and restaurants, provide in-service training to restaurant workers, improve the existing licensing system and demerit points system and carry out wide-ranging publicity and educational campaigns, so as to safeguard public health."

**MR CHAN KAM-LAM** (in Cantonese): I move the motion as set out on the Order Paper.

Hong Kong people all along have confidence in the Hong Kong Government. However, the performance of the Department of Health in the areas of public medical care and health has been disappointing. On several occasions in the past, when foreign countries found something wrong with certain foodstuffs or drugs, or when they noticed the spread of certain infectious diseases, the Department of Health, instead of warning the people to be alert, usually adopted the tactic of burying its head in the sand, behaving as if there was nothing wrong. Though not every incident or disease did come to Hong Kong, the Department of Health, taking no precaution beforehand on the beautiful pretext of not wishing to stir up panic, was in fact in total disregard of the people's health.

Over the past few months, Hong Kong has had the frightening experience of successive outbreaks of infectious diseases. First, in early April there was an outbreak of tuberculosis in several schools. Then there have been 13 confirmed cholera cases since May. In the first five months of this year, German measles attacked over 2 000 people, one of whom died from complications. An Indian man has recently been down with malaria and is still being hospitalized. All these make the public very nervous. However, the government officials, in face of the fact that the various infectious diseases are showing signs of spreading,

tend to adopt the attitude of "ducking out whenever possible", and will not tell the truth unless it is absolutely necessary.

In fact, since 1978 the Government has been taking the measure of giving schoolgirls in primary and middle schools inoculation injections against German measles. As a result of this, over 90% of the females aged under 30 are inoculated. Therefore, persons recently down with German measles are mainly males who have not been given inoculation injections. We can note from this that German measles is not merely an infectious disease for females. Many members of the medical profession are lashing out at the Hong Kong Government for following the British policy before 1990 in not giving males inoculation injections.

Mr President, members of the medical profession have pointed out that as the Department of Health in 1994 classified German measles as an infectious disease required to be reported, and thus forecasting a peak outbreak in Hong Kong within a few years, it is, therefore, necessary to take sufficient precaution measures, and, in particular, call upon "high-risk" persons, those not yet inoculated and prone to the disease, to get the inoculation injections as soon as possible so as to safeguard themselves. The Department of Health had not done so but kept on covering up the seriousness of complications arising from German measles before the occurrence of mortality, thus putting the people off guard, and resulting in some 800 cases just in the month of April. Even members of the public, people with no medical knowledge, can sense that there is something abnormal in the matter. We really did not know that the Department of Health could be so tolerant!

Some time ago, the Director of Health even said that whether or not to change the inoculation policy to give all people, including males, inoculation injections against German measles was not for her to decide alone but had to be considered by a departmental committee of disease prevention experts. It was immediately pointed out by members of the expert committee that the Director of Health was misleading the public as the committee had met only four times since 1989. Information presented to the committee by the department was not forward looking, the focus being on "putting out the fire". At the same time, the committee only plays an advisory role, and decisions on specific disease prevention policies ultimately rest with officials of the Department of Health.

Mr President, in 1994 the Department of Health forecast a high outbreak of German measles. Why did it not convene a meeting on disease prevention right away to launch massive disease prevention projects?

Last week, the Director of Health released the news on the peak period of measles. The Department of Health plans to arrange inoculation injections for people aged under 20, justifying the measure on the ground that most adults have immunity from past affliction. I think that is not enough as complications and mortality rate arising from measles are far worse than those from German measles. In fact many members of the medical profession have pointed out that it is necessary to arrange booster injections for people as immunity derived from one single injection will fade away as time goes by and in the case of some people, no antibodies may be produced even after the inoculation injection.

Mr President, yesterday I received a complaint from a member of the public. According to that person, all these years she has been fortunate enough not to have been affected even though she had had no inoculation injection while in primary school. However, on hearing the announcement of the Director of Health, she wanted to get the inoculation injection well in advance as she had the worry that she might be inflicted during the peak period of next year. When she contacted a private doctor, she was told to go to a clinic of the Department of Health for injection. But when she went to a clinic, officers there advised her to go to a maternal and child health centre as she is an adult. However, according to the person in charge of the maternal and child health centre, only Rubella vaccine, but not combined vaccine, was available. So she could not get the injection. After several rounds of going back and forth, she said she still did not know where to get the injection!

Mr President, though the Hong Kong Government so far has no plan to provide vaccination services to everybody, I think the Department of Health should at least provide the people with more information so that those wishing to get inoculation injections know where to go.

In fact, we are now only about half a year away from the peak outbreak of German measles. To give booster injections to 1.2 million people aged under 20, it is necessary to vaccinate, on the average, 10 000 people a day. Having regard to both the supply of vaccine and the manpower of the Department of Health, I think this is a mission hard to accomplish. In my opinion, the present situation is one of "burning no joss sticks on normal days and only praying to the

Buddha at time of peril".

Mr President, infectious diseases that are recently of concern to the people are not just measles and German measles; they are also familiar with tuberculosis, malaria, chicken pox and scarlet fever. This year the World Health Organization (WHO) has already issued warning that cases of tuberculosis and malaria will increase this year. In Hong Kong, it has, unfortunately, been correct in the case of tuberculosis. Though Hong Kong is not a place rife with malaria, every year many people get malaria from outside in summer. Last year, a foreign teacher even died of that disease. So it is necessary for the Department of Health to step up prevention in this respect.

Though infectious diseases have different ways of spreading, the common point is that they are closely related with density of living, standard of living, and hygiene conditions. Judging from Hong Kong's special living environment of high density, and the fact that past statistical figures indicate that hospitalization rates are in reverse proportion to family incomes, people belonging to the low-income bracket are more prone to the affliction of infectious diseases. Educational publicity of the Department of Health should, accordingly, be concentrated on densely-populated low-income districts to provide the people with comprehensive education on pathology and health knowledge so as to lower the morbidity among the grassroots.

Furthermore, only the Department of Health is in possession of important data on the morbidity of infectious diseases in the territory and changes in population. Disease prevention policies can only be formulated accordingly on the basis of such information. The committee on disease prevention under the Department of Health, instead of following the present way of doing things in doing hasty "patching up" work only at the outbreak of infectious disease, should meet regularly to review the outbreaks of the various infectious diseases and make relevant information known to the public periodically so as to step up the public's guard against infectious diseases.

On the other hand, with regard to cholera, which once ran rampant, even though the Department of Health and the two municipal services department under much public pressure were able to trace the sources of the disease quickly, exposed under the eyes of the public are very unhygienic food-processing factories and restaurants. Clearly, the Administration's supervision on, and

visits to, these food-processing factories and restaurants are gravely inadequate. The Democratic Alliance for the Betterment of Hong Kong (DAB) is of the view that the people's confidence in food hygiene will collapse totally unless the Administration immediately reviews and tightens the relevant supervision and punishments.

Mr President, recent discussions at the Legislative Council Select Committee and among members of the public have in fact highlighted the focal point of the problem, that is the Administration's supervisory visits are too few, there is not enough co-ordination between the Department of Health and the two municipal services departments, and the systems of supervisory visits and demerit points are too lax. The DAB earlier on put forward to the Government's inter-departmental panel a series of suggestions. It is hoped the Government can effect them as soon as possible.

In our opinion, the more significant one among them is the point that the two municipal services department all along do not have the legal authority to summarily revoke the licences of operators seriously violating regulations, as a result of which for a long time summary prosecutions cannot be initiated against restaurants or food-processing factories and, consequently, public health is still at risk. It is our hope that the Hong Kong Government will seriously consider the recommendations from the Urban Council, the Regional Council and the two municipal services departments and revise the legislation as soon as possible to authorize directors of the two municipal services departments to summarily terminate the business licences of restaurants and food-processing factories not meeting the basic hygiene requirements.

In addition, the DAB is of the view that it is necessary for the Hong Kong Government to set up a Food Management Bureau with members coming from the Urban Council, Regional Council, Department of Health, and the two municipal services departments to put together supervisory powers that are at present scattered here and there so as to strengthen legislation and law enforcement in respect of food safety. At the same time, legislation should be made as soon as possible to set up a system of food origin permits to regulate all processed food.

Mr President, with these remarks, I so move.

*Question on the motion proposed.*

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

**MR HOWARD YOUNG** (in Cantonese): Mr Deputy, today's motion debate reflects recent successive cases of infectious diseases which have been causing much concern to this Council as well as to the people. In less than one year, Hong Kong has successively experienced tuberculosis, cholera and, more recently, German measles, which indeed has aroused much concern among the public. If news of this type spreads abroad through the mass media, foreigners may think that Hong Kong is a backward Third World nation rife with infectious diseases. But Hong Kong is a progressive city, ranking among the top ones in terms of economic strength and per capita income. Yet there come diseases that are extinct at places far lagging behind Hong Kong in economy and health conditions. I think the Government should, as mentioned in the motion, see if there are legal loopholes requiring plugging.

However, Mr Deputy, I am of the view that besides looking for legal loopholes, we ought to see if there are administrative loopholes as well. On the one hand, the Department of Health monitors and manages health matters, but on the other hand, many diseases, including the infectious diseases mentioned just now, start from the mouth. This being the case, it means that it has something to do with food establishments, including those that are up to standard, those that are lawful, and even many that are unlawful. Hong Kong people quite frequently dine out. I remember that several years ago, when there were cases of infectious diseases, a Government spokesman said that thanks to Chinese people's habit of eating cooked food, the diseases had not spread. In my opinion, a government should not say that the non-spread of diseases totally relies on the eating habit of its people.

Mr Deputy, I think the recent cases of cholera have given us much food for thought. An example is the case to trace the sources of food back to the food-processing factories. There has been criticism from many people. At a Panel meeting, you, Mr Deputy, also put to the Government the question why it could not quickly trace the sources of the disease this time whilst it was able to do so at the previous outbreak of cholera. However, the Government ultimately managed to trace the sources. Being a layman, I do not have the professional knowledge in this field. Anyway, in the end the sources of the diseases were

traced, which proves that Government's work is effective. I believe that for most cases in the world, it might not be possible to trace the sources. It is indeed a great shock to see on television the deplorable conditions of the food-processing factories. They ventured to process food with polluted well water and that processing factory was one that was licensed and lawful. I, therefore, think that it probably has something to do with loopholes or imperfection in law, or provisions becoming out of date. We, therefore, urge the Government to consider the question as to whether or not it is necessary to review current regulations governing food-processing factories and restaurants. If revision or upgrading is needed, it should be submitted to the Legislative Council as it has to go through legal procedures. As modern society is advancing, in deciding whether or not to issue licences, we cannot follow the standards used decades ago or even in the last century.

Earlier on, some Members also raised the point as to whether or not there should be a demerit points system for food establishments, or a review to improve the existing licensing system. Mr Deputy, I am of the view that if there is a demerit point system under a licensing system, the transparency of the system ought to be improved to a certain extent. For example, people were unaware of the point that the relevant processing factory in the present case was graded as Class C. Only after the incident did we come to know such a grading system. Foods produced by food-processing factories get into the market easily; they can be bought in supermarkets. In my opinion, as some processing factories are found to be below hygiene standards but not so bad as to get their licences cancelled, it is perhaps advisable to introduce a certain degree of transparency so as to let the public know the grading after they have been graded. Even if that is not to be made known to the public, is it at least necessary to let retailers or purchasing bodies know? If the Government fears that displaying processing factories' grading on food wrappings might cause panic, restaurants should at least be allowed to know as it is up to restaurants to decide whether or not to order goods from these processing factories.

Mr Deputy, I think there is something wrong with the mechanism. Earlier today, when the Government responded to a query about the Urban Council raised by Honourable Members, the Secretary from the policy branch concerned merely stood up and said that all he could do was to convey to the Urban Council viewpoints of the Members, and that he had no power to exercise control. This indicates that there is probably loophole in the mechanism.

Strictly speaking, the Urban Council and the Regional Council are the licensing authorities of restaurants. Some might question if the Legislative Council has the power to interfere. Fortunately, the Legislative Council at present has a Member representing the food industry, who provides a channel for us to understand problems in that area or put in efforts to improve the laws in that aspect. However, the 1998 political system currently under discussion might do away with this functional constituency. I just hope that such situation will not reoccur.

Finally, the Government today announced that it might be necessary to spend some \$10 million to buy vaccine in order to cope with the infectious disease of German measles. If resources are needed, it is my hope that the Government can present the matter to the Finance Committee of the Legislative Council for consideration as soon as possible. Even if it cannot make it in time, the Provisional Legislative Council, I believe, will fully support the move.

THE PRESIDENT resumed the Chair.

**MR CHAN WING-CHAN** (in Cantonese): Mr President, these days people turn pale on the mention of diseases, with infectious diseases like cholera, E Coli O-157, tuberculosis, and German measles running rampant. Taken ill just in the first five months of the current year were over 2 000 people, some of whom even died from complications. Still more people are likely to be taken ill in the next few months. It is the duty of the Department of Health to prevent diseases so as to safeguard people's health. What measures has the Department of Health adopted to curb the spread of diseases? Are current measures sufficient? Is there a need for review?

Today I learned from reports that as there is going to be an outbreak of measles next year and there have been mounting cases of measles this year, the Government is going to have the Department of Health arrange to give some 1.2 million people aged between one and 19 booster doses against measles from late July to mid-November this year so as to improve their resistance to measles and nib next year's outbreak of measles in the bud. This is an appropriate move as "prevention is better than cure". But can consideration be given to the idea of scheduling the work earlier before the end of July?

With regard to food hygiene, the Department of Health at present has the

responsibility to exercise surveillance over imported or locally produced food to ensure that food bought by consumers is not contaminated. The Administration also periodically takes food samples for chemical analysis, bacilli check, and toxicity test to ensure that the food is harmless to human body. All these measures ought to be stepped up.

Cases involving food not meeting hygiene standards, the incident of individual workers of a Tuen Mun restaurant becoming cholera carriers, and, most alarming of all, the deplorable hygiene conditions mentioned by Mr Howard YOUNG in respect of some food-processing factories reveal that the Urban Services Department and Regional Services Department have yet to further review and improve supervision on food and avoid having again the type of food-processing factories mentioned above, which are not up to hygiene standards. I surely support stepping up surveillance and control, but it is my worry that the food industry will have to bear the brunt. Now "wind is strong and flame is high"; the government departments concerned will "push on with the inspections to drive you dizzy"! There might be the phenomenon of over-inspections. In fact, all along most restaurants are very self-disciplined. Workers also have certain knowledge about the code of practice on food hygiene.

At present, the two municipal services departments adopt a set of stricter regulations in exercising surveillance and inspection on the hygiene of restaurants. A grading system has been applied to licensed food shops since 1992, with frequencies of inspection divided into classes A, B and C. In denoting food hygiene conditions of licensed food shops, Class A and Class B refer to very good standard and satisfactory standard respectively. Class C means that the hygiene conditions of the licensed food shop are not acceptable, and that the licence-holder must immediately take active steps to bring the hygiene conditions of the shop up to standard. For food shops graded as Class C, officers from the two municipal services departments will make visits fortnightly. There are also strict systems of demerit points and cancellation of licences. All these are designed to ensure that food shops do meet hygiene standards. It can be said that these measures have been quite effective in keeping a watch on food shops as well as in improving hygiene.

I, of course, do not want to see restaurants have their "licences terminated" as that will jeopardize business operations and employees' livelihood. However, I must stress that members of the food industry have to attach weight to food hygiene, personal hygiene, and the cleanliness of shop premises. If we

get our work on hygiene well done, the health of the over 2 million customers who daily patronize restaurants can then be safeguarded. All of us can then "eat at ease and eat with glee". Merit thus gained is not measurable. Everybody will benefit from it.

It is my hope that the Department of Health can make preparation beforehand. Do not "pray to the Buddha only at time of peril". Hasty actions tend to upset field plans, and, consequently, kick up a lot of dust. In the area of proper food hygiene and the task of preventing imminent spread of infectious diseases, the Department of Health should have every piece of work done well in advance so as to maintain Hong Kong's reputation as the world's "capital of good food", and not to let hygiene problems ruin Hong Kong's fame and image.

**DR LEONG CHE-HUNG:** Mr President, I rise to speak in support of the motion and to thank the Honourable CHAN Kam-lam in bringing this motion to light. This motion, as we see it, consists basically of two angles, all on infectious diseases. Perhaps more to the interest of the public is the issue of food hygiene, food surveillance, co-ordination of relevant government departments and branches to ensure that we are ingesting safe food. Now, all these have been discussed in the last few weeks to ad nauseam and it has been very much highlighted by both Mr CHAN Kam-lam and Mr Howard YOUNG, and I do not intend to duplicate.

More important to Hong Kong in general, and perhaps to the health care professionals in particular, is the issue of infectious disease in general, and the policy involved in the education, surveillance, prevention and treatment of these diseases which could lead to varying degrees of mortality and morbidity. I would like, therefore, to make use of the two current Hong Kong infection fears, namely, tuberculosis, or TB for short, and measles as examples to raise my concern and hope that the Administration can categorically respond.

But perhaps before I start I would like to make it very, very clear to honourable Members in this Council that diseases, in particular infectious diseases, are always there. It is impossible to eradicate them completely. It is a matter of degree that we have to control and it is for the Government, and also it is the Government's responsibility, to try its best to contain it, but the public at

large too must play its part.

Mr President, some 150 years ago when the British set foot in Hong Kong, this piece of rock was a basin of many infectious diseases. It is due to the untiring efforts of the successive health authorities and the health care personnel in Hong Kong that Hong Kong is now free of epidemic. We owe it, therefore, to them our gratitude but we also owe it to them our sustained effort to determine new policies and directions to keep Hong Kong a permanent non-epidemic port, not only when the British are about to leave but also in the future and beyond.

Mr President, TB could well be considered as an infectious disease of civilization, for whilst the disease has been found even in the era before Christ, in Europe and the American continent, this disease reached its peak during the Industrial Revolution. The reason is simple. It is spread by droplets. Civilization has brought people together, especially as people smoke together in a close proximity favouring the spread of the disease.

In Hong Kong, the peak was in the early fifties, but thanks to the improvement of sanitation, improvement of people's resistance, through improvement in nutrition and the introduction of compulsory BCG inoculation, the incidence of TB has dropped some seven to eight-fold and it now remains only around 100 people per 100 000 population. Of course, the recent repeated discovery revealed by the media has brought on new impetus. The public is thus concerned and it begs the following questions.

Firstly, why is there no way to bring down further the incidence, given that Hong Kong is such an affluent society? Secondly, how infectious are these people? Should they be isolated and identified? Thirdly, how effective is the preventive measures like the BCG inoculation? And finally, how much of this is the result of new immigrants?

Mr President, the medical profession supports the Department of Health and are of the view that these patients do not need isolation as most of them are not open cases and do not carry the bacilli in the sputum. Furthermore, modern-day medications are so effective as to render even open cases bacillus-free after about 10 days or two weeks of medication. In relation to immigrants, data shows that only 2% to 3% of the positive cases of TB identified are new immigrants.

But be that as it may, there is a dire need for adequate publicity, not only

on health knowledge but also on the availability of public health provisions at the access of these few immigrants, for these newcomers must be properly assimilated into our culture and lifestyle. They should not be used as a scapegoat whenever there is an outbreak of an infectious disease.

Mr President, the recent panic over the possible waves of measles makes me bring on another issue that the Government must be responsible for. I am not saying the Government is responsible for the measles, but the Government is responsible for the panic. I am sure every honourable Member in this Chamber must have thought that since the Government provides a comprehensive vaccination programme for measles at birth most of us would have immunity. It therefore comes as a surprise if not a shock to realize that some might not fall within the immunity net unless they have received a second or a booster dose. To recover lost ground, the Administration yesterday, rightly so, announced a plan to launch a massive re-vaccination programme in the next five months for 1.2 million people between the age of one to 19. This is a welcomed move and a necessary step.

But why did it take a crisis or an imminent crisis to start these necessary wheels in action when obviously the health authorities must have known the need or the value of a re-vaccination? A revised health policy of introducing a re-vaccination programme should have been introduced some time ago. The public rightly so is panicked. A rush to doctors' offices to receive re-vaccination has produced a stampede in the last few days. Many private doctors have a shortage of available measles vaccines in this territory, and yet the panic should never have happened if properly planned, preventive and communicative measures had been taken with good time.

Let me also warn the Administration that in extending a massive re-vaccination programme there are yet two further areas that have to be considered for data has shown that morbidity and mortality could also arise from the vaccine itself. Therefore the Government must make known to the public that such complications are possible.

Secondly, with summer holidays just round the corner, it would be a hard job for the health authorities to perform, having to cope with the number of school children that need a jab before the winter.

Mr President, much of this depends on getting new policies that are very much technically and professionally dependent, to which with respect the

relevant policy branches in the Government do not possess. It may well, therefore, be timely for the next Administration if not this to consider the introduction of professional people into their senior staffing levels in these policy branches where technical and professional know-how are in dire need.

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

**MR MOK YING-FAN** (in Cantonese): Mr President, if a tourist, after enjoying Hong Kong's beautiful scenery and good food to his heart's content, watches on the television the way in which Hong Kong handles chicken legs, he, I believe, will never revisit Hong Kong for sight-seeing or the taste of good food for the rest of his life. However, it is still at least gratifying that the trunks and heads of those slaughtered chickens are no longer separated. Chicken legs go with chicken legs; chicken trunks go with chicken trunks. Even though the Tourist Association spends hundreds of million dollars to promote the message that Hong Kong is the Pearl of the Orient or the Paradise of Good Food, the impact is far weaker than the short documentary on "The Food-processing Factory next to Funeral Urns".

Not just foreign tourists, even many locals also find it hard to visualize that behind all the prosperity of Hong Kong there still exist such filthy and backward food-processing factories. Such mode of producing food is different from forging paper money or producing pirated C-D ROMs; the authorities concerned should be able to find out quickly in the course of inspections where the problems are. Rusty cement mixers are used to prepare chicken legs; cooking utensils lie all over on the ground covered with dirty water; freezers are wide open; the factory is located outside an abandoned chicken farm, and flanked by funeral urns and garbage. All these can be seen on television. The factory has been in operation since 1986 despite the many inspections, preparing for members of the public day after day food unfit for eating but already consumed!

According to the information from the Regional Services Department, the factory mentioned above is of Class C, that is the category with the poorest hygiene conditions and required to be visited fortnightly. Throughout its period of operation, the factory has only been prosecuted four times, with fines ranging from \$350 to \$1,000 only. Now in the New Territories there are 499 food-processing factories, of which some 180 are of Class C, that is to say, in poor environmental hygiene conditions.

A fine of a thousand dollars or so is no solution. Though the department repeatedly stressed that this was an individual case, yet food goes in through our mouths and thus directly affects our health. Cholera and E Coli O-157 are life-threatening bacteria. It goes without saying that there should be no tolerance for individual cases. Even for restaurants and food-processing factories graded as Class C, I doubt very much if they ought to be allowed to continue operation at all.

All these involve loopholes in laws as well as negligence of duty in enforcement. Under current laws, for food-processing factories suspected of producing bacteria- or bacilli-contaminated food, not until they are convicted by courts, the Regional Services Department can only advise them to stop operation. To schedule such cases for court hearings takes about three to four months. During that period, the department cannot "make arrest and close the premises". The fine does not have any deterrent effect as it only amounts to a thousand dollars or so. Had there been no publicity on the alarming conditions of such food-processing factories by the mass media following a serious outbreak of over 10 cholera cases, the authorities concerned will, I believe, keep on making visits as usual and give routine warnings and advice as usual. As for those food-processing factories, they will go on with their business as usual to serve the public, thus leaving people's health in danger as usual.

I, therefore, support the suggestion that once there is evidence showing that a food-processing factory is infected with cholera or E Coli, an order can be issued immediately to suspend its licence for three to six months. The reason is that hygiene conditions can be judged from specific environment of a food-processing factory. Furthermore, I am of the view that punishments should be made heavier and the demerit points system tightened so as to produce real deterrent effect.

Hong Kong all along has lopsidedly stressed economic development, thus contributing to the worsening pollution problem. Moreover, there are increasingly more new immigrants from China. So it is again time to conduct extensive publicity education accordingly. The Hong Kong Government has the duty to make all walks of people, especially those operating restaurants and food-processing factories, know how to prevent diseases, and understand the importance of environmental hygiene so that Hong Kong today in the 21st century would not repeat scenes from "old Cantonese films", where tuberculosis,

cholera, smallpox and measles ran rampant. Thank you, Mr President.

**MR NGAN KAM-CHUEN** (in Cantonese): Mr President, under the Quarantine and Prevention of Disease Ordinance, Hong Kong has some 20 diseases that are classified as infectious and required to be reported. In the brief period of the first half of 1997, these infectious diseases have been like phantoms resurrected, with tuberculosis, E Coli O-157, German measles, and cholera attacking Hong Kong in succession. Next year there will be a peak outbreak of measles. Over the last two days or so, we have learned of the occurrence of malaria. It seems that crises are coming in successively whilst the Government is unable to make preparation beforehand. As a result, there is a general panic. The people's living and work are being adversely affected. It is the hope of the Democratic Alliance for the Betterment of Hong Kong (DAB) that through today's motion debate the Government can be urged to review as soon as possible existing disease prevention measures, step up surveillance and control on infectious diseases, and improve contingency efficiency so as to safeguard people's lives and health.

I am going to speak on regulating and managing food hygiene.

Cholera is rampant recently. The Government has confirmed 13 cases so far, and three other cases under suspicion. The rapid speed at which the epidemic spreads and the extent of its affliction are really worrying. With the Department of Health and the two municipal services departments tracing the sources of the disease under public pressure, all of a sudden several food-processing factories with deplorable hygiene conditions were exposed right under people's eyes. The lack of strict regulation and management on the food hygiene of food-processing factories has sounded the alarm for public health.

The DAB is of the view that the state of affair has reached a very serious stage. Unless the Government expeditiously reviews and tightens the regulation and management on food-processing factories, the people's confidence in food hygiene will collapse entirely.

So the pressing task of the moment is to pay immediate visits to food-processing factories with poor hygiene conditions and Class C restaurants as well. Furthermore, food-processing factories and restaurants not meeting the basic hygiene standards should be punished right away with their licences suspended. At the same time, there should be a crackdown on illegal restaurants

and unlawful food-processing factories. Besides these measures, the Government should comprehensively review as soon as possible regulatory measures on food-processing factories so as to plug the current loopholes of poor regulation and lenient punishments.

These measures include: improving the existing three-tier system of inspecting restaurants by doing away with the third class and replacing it with a two-tier system; strictly instructing food-processing factories and restaurants not satisfying the hygiene standards to make improvement immediately; dealing with food-processing factories and restaurants not meeting the basic hygiene standards by revising the laws to give the directors of the two municipal services departments the power to terminate their food business licences immediately.

The reappearance of E Coli O-157 further reminds us of the need to step up health education for members of the food industry. Given the Government's existing equipment and technique, it takes a week to find out whether or not there is E Coli O-157 in beef. During that period, meat with such problem can have the chance to get into the market. The safeguard for the public is far from being adequate. The Government, therefore, should mandate that licence-holders or managerial personnel of restaurants, meat stalls and food-processing factories must receive training in hygiene knowledge and step up publicity on hygiene knowledge for employees.

Mr President, ever since some confirmed cases of cholera were first brought into light, the Regional Council has been actively urging the department to take measures to stop the further spread of the disease. The Regional Council asked the department to inspect premises of all restaurants within a short period of time, prosecute restaurants not satisfying hygiene standards, and ban the use of well water by food-processing factories for the preparation of food. So far the department has made 112 prosecutions.

With regard to corresponding moves in law, late last month the Regional Council passed a motion proposed by the Honourable CHEUNG Hon-chung to urge the Administration to draw up legislation to regulate hygiene requirements in respect of food in transit. This month the Council will also get the Government to review the by-laws on food hygiene so as to tighten the existing demerit points system and, as a warning for others and a move to promote self-discipline and zeal for improvement among members of the industry, to announce the names and locations of some 2 000 New Territories restaurants and

food-processing factories with the worst hygiene conditions.

There is a common saying that "Food is of utmost importance to the common people." Food hygiene is, therefore, closely related with people's health. In the face of the recent threat of rampant infectious diseases, the Government should expeditiously review existing disease prevention measures and the general mechanism, and improve the co-ordination between the Department of Health and the two municipal services departments so as to improve Hong Kong's hygiene standards and prevent the outbreak of infectious diseases.

Mr President, with these remarks, I support Mr CHAN Kam-lam's motion.

**SECRETARY FOR HEALTH AND WELFARE** (in Cantonese): Mr President, I very much thank the Honourable Members for views expressed in response to today's motion.

### *Introduction*

Recent successive cases of infectious diseases have aroused among the people a concern about Hong Kong's disease prevention measures and public health. I want to take this opportunity to explain to Honourable Members existing situation of infectious diseases in Hong Kong and the Government's measures and future plans for curbing and preventing infectious diseases.

### *Existing situation of infectious diseases in Hong Kong*

First of all, there are many kinds of infectious diseases. In Hong Kong 26 kinds of infectious diseases are being classified as ones that have got to be reported to the Department of Health. These include tuberculosis, hepatitis, whooping cough, measles, German measles, and cholera and so on. With high population density and mobility, there is a high inherent risk for the spread of diseases in Hong Kong. However, as a result of efforts from different quarters, our overall figures in respect of the incidence of infectious diseases have been dropping over the past decades. In the fifties, our morbidity rate of infectious diseases was 630 out of 100 000, by the sixties it dropped to 470 out of 100 000, and in the seventies it further went down to below 300 out of 100 000. In 1996, our morbidity rate of infectious diseases was 140 out of 100 000. Our ability to

hold the spread of infectious diseases is due to factors in many areas, for examples, environmental hygiene, water quality, people's health, educational level and continuous improvement in medical care. The fight against and prevention of infectious diseases have thus been rendered much easier.

However, we definitely should not take infectious diseases lightly as some infectious diseases, for examples, tuberculosis and hepatitis, still pose a threat to the health of the public.

Though the morbidity rate of tuberculosis went down from over 460 out of 100 000 in 1956 to 100 out of 100 000 in 1996 as a result of years of hard efforts, tuberculosis is still the infectious disease with the highest incidence in Hong Kong. Of the some 8 600 cases of infectious diseases of last year, tuberculosis claimed 6 500 cases, topping the list of infectious diseases. The second and third places went to German measles and hepatitis respectively. In 1996, there were over 600 cases of German measles and over 470 cases of hepatitis.

### *Existing measure*

The Honourable Members urge the Government to review existing measures for the prevention of infectious diseases and to plug legal loopholes. In fact we have never stopped doing this; nor are we doing a review only as an after-shock measure following the recent outbreak. We understand that though figures are improving, it does not mean that we may go easy as the world trend tells us that infectious diseases might make a comeback anytime.

The Government all along controls infectious diseases through different channels, including mandatory reporting mechanism, implementation of inoculation programs, stepping up education for the public, enhancement of technical support, improvement to public hygiene, and establishing international links. These measures have been very effective over the past decades.

### *Legislation*

Hong Kong drew up legislation on prevention of diseases as early as the thirties. The Quarantine and Prevention of Disease Ordinance (Cap. 141) prescribes the duties and power of the Director of Health in the area of preventing and investigating diseases. At the same time, the Prevention of the

Spread of Infectious Diseases Regulations under the Ordinance also make it mandatory for all people, including physicians, to inform the Director of Health on discovering cases of infectious diseases for immediate follow-up actions by the departments concerned. The Department of Health is to launch investigation immediately on so notified so as to be sure of learning patients' case histories and conditions as soon as possible and take follow-up actions to prevent the spread of diseases.

There is also the Public Health and Municipal Services Ordinance (Cap. 132), which regulates food ingredients and packing. The Director of Health may collect food samples from food shops, ban the import of food under suspicion of contamination, and go into food shops for investigation.

#### *Control/Prevention measures*

The Government implements different plans in accordance with the types of diseases.

If classified on the basis of control measures, infectious diseases can be divided into three broad categories. Those in the first category are diseases spread by mosquitoes, such as plague and malaria. The focal point in prevention is on improving environmental hygiene for the purpose of curbing the growth of mosquitoes and rats.

Those in the second category are infectious diseases against which vaccines have been developed, for instance, measles and whooping cough. Starting from as early as the fifties, Hong Kong has been having an inoculation program for infants and students. At present inoculation programs for children and youngsters already cover nine infectious diseases, including tuberculosis, polio, diphtheria, tetanus, whooping cough, hepatitis B, measles, mumps, and German measles. Though inoculation is not a 100% proof against future affliction, it plays a positive role in containing infectious diseases. Hong Kong has had no diphtheria cases since 1982; nor has polio cases been found since 1985.

With regard to the prevention of tuberculosis, we, besides giving children BCG inoculation, place emphasis on encouraging people showing symptoms of the disease to have check-ups and treatment as soon as possible as well as on

working through the supervision of medical care staff to ensure that patients do complete the course of treatment. The reason is that this is the most effective way to prevent patients from having relapse and stop the spread of the disease.

Turning now to measles and German measles, which have recently aroused concern. The Department of Health all along has arranged for females aged between 11 and 14 and women of child-bearing age to be inoculated against German measles. As a measure put into effect since 1990, the Department of Health gives 1-year-olds combined vaccine against measles, mumps and German measles. With effect from 1996, the Department of Health give Primary 6 students of both sexes second doses of combined vaccine against measles, mumps and German measles.

Furthermore, the Department of Health forecast that measles is going to have a peak outbreak in the spring or early summer of 1998. The Vaccination Advisory Committee yesterday held a meeting to discuss the issue, all specialists unanimously agreeing that the Department of Health should launch a massive vaccination program to inoculate 1.2 million persons aged between one and 19 against measles. The Department of Health is planning to give those children and youngsters injections from late July to November.

As for measures to prevent hepatitis B, we have special inoculation program for high-risk persons, such as babies and medical care personnel. We also have mechanism to prevent contamination to blood or blood products. Apart from this, mothers visiting maternal and child health centres are tested for hepatitis B. As from 1988, babies born in public hospitals have to be inoculated against hepatitis B.

Infectious diseases in the third category are primarily those spread by contaminated food and water. There is a common saying that "disease starts from the mouth". Ensuring food hygiene is very important to the elimination of these infectious diseases. With regard to the much concerned cholera cases of recent days, it is possible to reduce chances of affliction by improving the environment and food hygiene.

### *Monitoring mechanism*

We have a set of effective monitoring mechanism to detect and report on the outbreak of infectious diseases. On being notified of the outbreak of infectious disease, the Department of Health will conduct investigation and carry

out contingency plans in conjunction with relevant government departments and other medical care organizations.

In preventing and controlling gastroenteritic diseases, such as cholera and food poisoning, assistance from the two municipal services departments is very important as they issue licences, and regulate food shops and food-processing factories. At the same time, whether or not water from the Water Supplies Department is safe and clean is also a key factor to the prevention and control of infectious diseases.

In this area, there has been close co-operation between the Department of Health and the two municipal services departments. The Health Committee is chaired by the Director of Health, with members representing the Urban Council, the Regional Council, the two municipal services departments, the Agriculture and Fisheries Department and the Health and Welfare Branch. The Committee, meeting periodically, mainly formulates policies on food hygiene and co-ordinates the work among departments. For the purpose of preventing and controlling the spread of cholera, the Department of Health, since 1986, has formed a task force to keep a close watch on the situation and draw up contingency plans. Members of the task force include representatives from the two municipal services department.

Now on daily operation. The Department of Health is responsible for territory-wide surveillance, obtaining samples at wholesale and retail outlets for bacteria and chemical analysis to ensure no contamination to food. In the event that there are problematic food samples, the Department of Health will take follow-up actions and inform the two municipal services departments of the cases for actions to be taken against shop-operators or hawkers originating the food samples. If the place where the samples are collected has environmental hygiene problems, the Department of Health still will inform the two municipal services department of the situation for follow-up actions to be taken even though the food samples are totally up to standard.

System for the management of food shops and the issue of environmental hygiene are within areas of policies of the Urban Council and Regional Council. Policies drawn up by the two Councils are carried out by the two municipal services departments, whose duties include licensing and routinely inspecting food shops, environmental hygiene, market and hawker control and ensuring that food and goods sold by these shops or premises do satisfy hygiene requirements.

In reaction to recent cholera cases, Mr CHAN and other Honourable Members suggested that the two municipal services department step up inspections to food shops, provide in-service training to food-shop workers, and make improvement to the existing licensing system and demerit points system. I very much agree with all these, and have urged the Urban Council and Regional Council to expeditiously review the relevant ordinances and the monitoring systems so as to safeguard the health of the public.

Prevention measures, inspections and system of prosecution are, of course, important; so is awareness and alertness on the part of the public and members of the trade in respect of personal hygiene, environmental hygiene and food hygiene. Public education is, therefore, essential.

### *Public education*

Having learned from years of experience in this aspect, the Department of Health has been continuously making improvement to strategies for public education in a determined bid to make more people pay attention to personal health and food hygiene. The current method places stress on promoting a healthy lifestyle, paying attention to food hygiene and personal hygiene, and correct participation in inoculation programs.

Summer is a time when bacilli are active, and infectious diseases of any type, therefore, can easily appear. The Department of Health is going to organize several educational activities so as to remind people to pay attention to what they eat and drink and be aware of food hygiene by working through different departments, such as the Education Department, Home Affairs Department, Urban Services Department and Housing Department. Displays and talks on food hygiene will also be held in various districts to explain to restaurant operators and members of the public the importance of food hygiene.

### *International links*

In addition to taking measures in Hong Kong, the Department of Health also maintains close links with neighbouring places and the World Health Organization (WHO). Information on the situation of infectious diseases in Hong Kong is being supplied to WHO periodically. An understanding of global trends of infectious diseases is also obtained through the Organization. To strengthen links and to work out matching measures and contingency plans of

each place in the event of an outbreak of infectious disease at any one place, we also take part in the WHO-sponsored conference on infectious diseases in China, Hong Kong and Macau. We periodically hold meetings with Chinese departments in charge of food exports to have discussions on surveillance on food hygiene. All these arrangements do help to combat and prevent infectious diseases.

*Enhancement of technical support and stepping up training*

The Government also plans to enhance technical support and step up training to improve efficiency so as to face new challenges.

To strengthen our surveillance system for infectious diseases and enhance the efficiency of laboratory examinations, we plan to build a new public health laboratory, acquire advanced laboratory equipment and bring in technique of international standard. Upon the completion of that laboratory, the number of samples to be examined daily can be increased from the present figure of about 3 500 to over 4 800. A total of over 1.2 million samples can be examined in one year. With the efficiency of laboratory examination enhanced, we can quickly trace the sources of diseases, speed up law-enforcement procedures, and help the departments draw up suitable contingency plans. In addition, the Department of Health also plans to install more computer systems to link up all the clinics with the databank in the head office so as to improve the receipt and dispatch of information and data on viruses.

*Conclusion*

Mr President, to sum up, the Government, like the Honourable Members, is very much concerned about the recent problem of infectious diseases. At present, the Government has a set of comprehensive measures to combat infectious diseases. We have made thorough consideration and planning for inoculation, prevention and public education. In the face of the ever-changing problem of infectious diseases, we will continuously review existing systems to plug loopholes and closely monitor development of matters so as to draw up contingency measures at the first moment. I will also convey to the Urban Council and Regional Council views expressed by Honourable Members with regard to the systems for the supervision and management of food shops and urge them to strengthen their supervision and management so as to safeguard the health of the public.

Thank you, Mr President.

**PRESIDENT** (in Cantonese): Mr CHAN Kam-lam, you are now entitled to reply and you have one minute and 38 seconds out of your original 15 minutes.

**MR CHAN KAM-LAM** (in Cantonese): Mr President, it is very important for Hong Kong, an international financial centre, to keep the city clean and hygienic. We cannot afford to take this lightly, can we? In the past, we put in efforts to keep the city environment hygienic so as to prevent infectious diseases. The results are praiseworthy. However, we definitely ought not to feel conceited, become insensitive and self-satisfied because of the results gained. Though diseases that successively broke out this year have not spread out widely, they do indicate that the work of the departments concerned still leaves room for improvement, thus sounding the alarm for us.

Summer is just round the corner. We are of the view that before the arrival of a season favourable to the outbreak of infectious diseases and the multiplication of bacteria, the Administration should go into action to take effective measures to prevent epidemics. We also call upon every person in Hong Kong to take the initiative to be a citizen "both healthy and civilized" and uphold Hong Kong's reputation as a clean city. It is my sincere hope that today's motion debate can draw the entire society's attention to the issue of health so as to ensure that every citizen and visiting tourist can enjoy healthy living in Hong Kong.

With these remarks, I thank Honourable Members for their support.

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

## **LONG TERM POLICY TO MEET THE NEEDS ARISING FROM POPULATION GROWTH**

**MR CHEUNG HON-CHUNG** to move the following motion:

"That, as the latest population projection released by the Government shows that the population of Hong Kong will grow rapidly at a rate of almost 30% to over 8 million in the next 10-odd years, this Council urges the Government to expeditiously make corresponding adjustments to the policies on housing, education, medical care, transport, human resources and so on, and better utilize the fiscal reserve so as to satisfy the needs of the people in their daily lives and to make preparations for the social pressures brought about by the population growth."

**MR CHEUNG HON-CHUNG** (in Cantonese): I move the motion as set out on the Order Paper.

Mr President, according to the latest release by the Government, it is forecast that the population of Hong Kong will see an increase of nearly 30%, rising from less than 6.3 million in 1996 to about 8.2 million in 2016. Developments in areas such as housing, education, medical care, transport and human resources are based on population growth. All along, however, the Hong Kong Government has failed to formulate any population policy in line with the growth in population, the ageing of population, and the accommodating capacity of the society. Government officials once openly admitted that major slip in population forecast would adversely affect the life quality of the public and all the plans in connection with people's livelihood might go astray. So the Government has the duty to expeditiously make corresponding adjustments to policies on housing, education, medical care, transport, and human resources in accordance with the results of the population forecast. It should also have a comprehensive picture of future population trends and flexibly and effectively review the formulation of all areas of the policies, satisfy the needs of Hong Kong people in their daily life, and get prepared for the pressures on our society arising from population growth. If such needs arise, the Government should make use of the fiscal reserve to appropriately allocate additional resources for social needs foreseen to ensure that there is no dislocation between the supplies of services and the needs of the society and corresponding demands.

Mr President, to brief Honourable Members on trends of future population changes, I am going to give some figures published by the Census and Statistics Department.

It is estimated that the population of Hong Kong will climb from 6.29 million in mid-1996 to 7.38 million in mid-2006 and then go up to 8.21 million

by mid-2016, making an average annual growth of 1.3%, and pushing up the overall population by 30% during the same period.

The population will be ageing continuously in coming years. In 1996 those aged below 15 made up 19% of the total population. The proportion will still be declining in 2006 and will drop to 15% by 2016. The percentage of those aged 65 or above will increase from 10% to 11% between 1996 and 2016. Correspondingly, the median age of Hong Kong population is going to drop from 34 to 29 between 1996 and 2006 and then go up to 41 in 2016.

As population changes, there is also going to be obvious change in the dependence ratio, which indicates the number of people in the population requiring social support and belonging to the same age groups. For the age groups of those aged under 15 and those aged over 65, the dependence ratio will drop from 407 out of 1 000 to 251 out of 1 000 between 1996 to 2011 and then by 2016 will go up to 384 out of 1 000. Dependence ratio goes down as those once aged under 15 grow up and become productive. However, the dependence ratio exclusively for those aged over 65 will be on the increase continuously.

At the same time, another factor is those people who come from Mainland China for settlement here. They are going to be a main source of population growth. In 20 years, the accumulation from that source will go up to 1.1 million (on the assumption that the policy on the daily quota of 150 one-way entry permits for mainland Chinese is to remain unchanged). In the next 20 years, those from mainland China are going to take up 57% of the population growth. As a comparison, 25% will be taken up by natural growth whilst local people, and those holding foreign passports (foreigners, foreign domestic helpers, and returning emigrants included) are to claim 18%. If comparison is made between the population forecasts of 1992 and 1997, the population forecast indeed erred seriously.

The population figure published by the Census and Statistics Department last year (mid-1996) is 6.31 million, exceeding the 5.88 million forecast in 1992 by 0.42 million, and representing a discrepancy of 7.2%. Clearly, the 1992 population forecast by the Government, which was based on the data from the 1991 census, under-estimated the population growth. At that time, the Hong Kong Government estimated that the average annual growth rate for the few years following was 0.69%, but in fact during the period between 1992 and 1996, the population growth ranged from 0.8% to 2.5%. According to the forecast of

the Hong Kong Government, the population of Hong Kong will not exceed 6.3 million until sometime between 2006 and 2007.

The Administration tried to give explanation for the inaccurate population forecast, mainly attributing it to deviations from assumptions made at the time of forecast in respect of the number of new immigrants and the mobility of locals. The principal reason is that the net figure of locals' departures is lower than expected (with the returning emigrants increasing sharply). A factor second in importance is the point that the number of foreign domestic helpers has been growing faster than expected. More immigrants coming from China, foreign workers increasing in number, and birth rates going up again as opposite to expectation are also the reasons. In brief, the unstable factor of population mobility is believed to be the main reason for the constant inaccuracy in population forecasts.

Mr President, from the viewpoint of long-term development for Hong Kong, the Government must draw up a set of comprehensive population policies to formulate suitable measures in accordance with the population structure of Hong Kong and the accommodating capacity of the society, covering mainly housing, medical care, transport, education, employment and social welfare and so on, and making adjustments in line with population trends. At present, the population of Hong Kong is clearly gradually ageing. As the population is ageing, it is the pressing task of the moment to address the issue regarding the livelihood of old people after retirement. According to earlier information on the analysis of age-dependence ratios, each productive person will be required to support more retired people. The figure indicates that there might be a need for Hong Kong to increase income tax in the future. To avoid having to follow the foot-steps of Western nations in the future in making some people pay heavy taxes to support retired persons' living and medical care, it is congruent with the general well-being of Hong Kong to formulate now comprehensive and long-term retirement programs for old people. Now let us take an overall view. In Hong Kong over the years in the past, a period of 10 years has been used as a cycle for census. However, the factors stated above have complicated the changes in Hong Kong population. It is necessary to have more frequent censuses. With more frequent censuses, population data can be more accurately grasped, and there can be less discrepancy, and, consequently, fewer errors in the formulation of policies.

Mr President, with regard to the requirements in respect of various social

policies, I now briefly state the standpoints of the Democratic Alliance for the Betterment of Hong Kong (DAB). First, on housing, the DAB is of the view that the Housing Branch should clearly fix the middle-range and long-range targets of housing policies. Long-range targets should focus on making plans to open up land, increasing land supply, and getting complimentary facilities ready for transport and infrastructure. They should also keep in line with city planning developments and be geared for a duration of 20 years so as to be in line with the Territorial Development Strategy. With regard to middle-range targets, it is necessary to have more accurate population forecast. As to land supply, it includes newly-opened land, redeveloped or converted sites, land formation projects, and materialization of transport infrastructure. The number of additional units to be built annually should also be reviewed. According to the estimate of the DAB, if the waiting time for public housing is to be shortened from six years to two years by 2006, it is necessary to provide 31 000 rental units annually.

Mr President, with regard to education, it is very important for the society to have sound and high-quality education, especially because we have noticed that a sizeable ratio in our growing population are school-age children from China, who, unless given sound education, might one day become problematic persons, and give rise to social problems. To provide them with sound education, therefore, seems to be particularly important. Young immigrants are going to become part of the main frame of the Hong Kong society. At present, Hong Kong's educational services still leave much room for improvement. There are still floating classes in secondary schools and it will take a long time to implement whole-day primary schooling. With continuous population growth and the upsurge in the number of school-age children, improvements to educational services have to keep abreast with the changes.

Mr President, I now turn to employment problems. For the present and future population increases, adult immigrants from mainland China constitute a significant portions. They, invariably coming here for family reunion, are already members of the work force in the Mainland. They are bound to burden the society unless they are converted into energy for labour production. Furthermore, Hong Kong's industries are undergoing a transformation, heading for a capital intensive pattern from a labour intensive pattern. It is undeniable

that the economic accomplishments of Hong Kong over the past decades are achievements that all people in Hong Kong ought to be proud of. The per capita GDP of Hong Kong is ahead of many Western nations. Geographically, Hong Kong lacks land and natural resources. Yet economically Hong Kong managed to rise so rapidly. The "human" factor must not be ignored. To Hong Kong, manpower resources are wealth. Innovative and sharp entrepreneurs have promoted Hong Kong's prosperous economic development. Today the elite in possession of professional knowledge and skills can further enhance Hong Kong's economic production. Proper utilization of manpower resources and training talents at different levels are keys to the continual economic growth of Hong Kong. To keep abreast with social development, the Government has to draw up a set of policies on manpower resources that are comprehensive and forward looking, placing emphasis on developing and conserving manpower resources to replace the present fragmentary labour policies. To develop manpower resources, it is necessary to strengthen education of various types, including that of technical institutes and education in other professional subjects. Conservation of manpower resources ought to be done through training and re-training. The targets of the SAR Government's long-term policies on manpower resources should be the promotion of resource-matching and a balanced supply and demand in various professions, and the bestow of quality and skills on the labour force to make hi-tech personnel more congruent with economic and industrial technical developments and render it possible for low-tech workers to catch up with the pace of the society and be divorced from poverty.

Mr President, to improve new immigrants' productivity and have them trained can reduce the burden of the entire society. So proper employment policies should be formulated on the basis of changes in the population to cater for the long-term well-being of Hong Kong. There is genuine need in this respect.

Mr President, my final point is on transport. Comprehensive and balanced infrastructural developments are important to the society and economy. The Government should ensure that the existing infrastructure matches the growth of every profession in the society so that in the 21st century Hong Kong can retain its existing status as a centre of international trade, tourism and cargo shipment. Furthermore, the Government should keep on making improvements to the transport at sea, on land and in the air. Supervision and management of the information industry should also be enhanced.

Basically, Hong Kong's harbour and infrastructural developments of today are in step with the developments in both China and Hong Kong. However, it is still our hope that the harbour and infrastructural facilities can further develop complimentary services so as to improve the efficiency of passenger transport and cargo shipment. With regard to sea transport, container terminals meeting international standards and well-equipped can help strengthen the development of cargo shipment and upgrade Hong Kong competitiveness. The Government should keep on improving harbour facilities, give support to mid-stream transport operation, and promote the growth of Guangdong-Hong Kong river trade. Concerning air traffic, to cope with the ever-growing volume, the Government must step up liaison and co-operation with nearby airports to ensure aviation safety so that Hong Kong can become the hub of aviation in Asia and southern China.

Mr President, the DAB is of the view that Hong Kong's transport planning development should be directed forward for at least 20 years in catering for needs to ensure that the three Category A railway items mentioned in the Report on Railway Study can be launched as scheduled. These items include the North-Western Railway, the Cheung Kwan O MTR Extension, and the East Kowloon Railway projects. We think it is also necessary to schedule earlier the construction of the Tsim Sha Tsui extension, the Diamond Hill line, and the Northern Hong Kong Island line. To ease road congestion, the Government should, as far as possible, broaden the roads and build more highway networks. The Government should review the border-crossing arrangements between China and Hong Kong, with particular reference to those between Hong Kong and Guangdong, to simplify arrival and departure formalities, and take specific measures to ease traffic jams between the two places.

Mr President, judging from the analysis of population growth, new immigrants from mainland China constitute the bulk of the increase, while local natural growth takes up a small portion only. Therefore, the social policies for the new immigrants should be revised. Such policies should include ways to train up the new immigrants' children to join the backbone of our society, and the task of giving job training to adult immigrants to meet the local job requirements. It is necessary to put in a lot of resources for policy adjustments. However, under the existing concept of fiscal management in Hong Kong, that is, expenditure should not exceed economic growth, present expenditure can only cater for social developments of the existing social foundation. It is, therefore,

most likely that we will have to use the fiscal reserve to meet the expenses arising from adjustments to social policies to cater for the needs of the population growth. This is in line with Hong Kong's principle for fiscal management, that is to use the reserve to meet sudden needs. We ought not to take on conservative views and become a miser as in the long run this is in line with Hong Kong's overall well-being.

Mr President, it is indeed a pressing task for the Government to make corresponding adjustments to policies because of population growth. I call upon colleagues to support the motion so that we can send to the Government a powerful and effective message urging the Government to conduct a study as soon as possible for the formulation of corresponding policies.

I so submit.

*Question on the motion proposed.*

**MISS CHAN YUEN-HAN** (in Cantonese): Mr President, as the population grows, the demands for various social services will inevitably go up. In the past, the increases in the population of Hong Kong could be regarded as natural growth. Compared with the growth rate of other nations or places, our growth rate was not high. I think that had much to do with the "one is enough" concept promoted by the Family Planning Association, whilst the exodus of migrants over the last dozen years or so also had a part to play. That being the case, the Government has not made much improvement to social policies as there has not been significant growth in population. However, according to the population forecast of "The Hong Kong Population Projection from 1997 to 2016" recently published by the Government, the population in the next 20 years will rise sharply. This can be taken as a warning to government departments! They must consider carefully the need to match future developments with population growth.

I say so because policies launched by the Government often tend to under-estimate the situation. For instance, in the area of housing and employment, there are the two typical examples that I am going to speak on

today, that is, housing and employment.

Let us look at housing first. As repeatedly pointed out by me over the past year or so since I joined the Legislative Council, because of the mistake made by the Government in 1990 regarding the supply of land for housing, our supply of public housing has been grossly inadequate in recent years.

The other issue is employment, a topic I am most familiar with. In the 1970s, Hong Kong's economy already underwent restructuring and gradually moved away from the labour-intensive pattern. I remember that Mr BREMRIDGE, the then Financial Secretary, headed a working group to study Hong Kong's industrial policies. Regrettably, it so happened that China was then launching reforms and opening its door; so the Government shelved the plan without studying how to support industries or how to help the manpower resources of Hong Kong adapt to the social growth. The erroneous projections have caused the difficult employment situation that the "working class" of Hong Kong are facing. But it seems that the Government has not noticed such a situation. On many occasions we took to the street to stage rallies and protest. Eventually some unemployed workers even resorted to committing suicide. Only that managed to get the Governor to hold three successive summit meetings the year before last to address the problem of unemployment. All these are due to erroneous estimates made by the Government in the past. However, the Government is oblivious to the reflections from community bodies. These two issues have in fact taught us a profound lesson.

Mr President, I will specifically expound our views so as to bring these two issues to light. On the errors regarding housing, because of the mistakes made in 1990 in respect of land for public housing, which I have just mentioned, the Housing Panel of this Council has had frequent discussions in recent years on how to increase the production to solve the housing problems of the public. Apart from this current problem, the population of Hong Kong is going to have a sharp growth, with an increase of 2 million in 20 years, 60% of whom are new immigrants made up mainly of the grassroots with housing needs. With regard to our own problems, the Government originally said that by 1996, the housing problems of the people on the Waiting List could be solved. But at present 148 000 persons are still waiting for public housing. The problem comprising new immigrants and the people on the Waiting List for public housing is for the Government to solve.

I want to be optimistic about this problem but it does not appear to be optimistic. According to the Government, 141 000 public housing units will be built by 2001. But the Government added that this could be done "if nothing unexpected happens". However, both the chairman and vice-chairman of the Housing Authority recently said explicitly or otherwise that it might not be possible to accomplish the task although every effort would be made. They explicitly and implicitly indicated that it was due to the problem with land. Yet, for reasons unknown, the Government said two days ago that there will be 75 hectares of land for building low-density houses. I am not saying that no luxurious properties should be built in Hong Kong. The point is that in spite of all the open and hidden signs indicating inadequacy of land and the need to build some 140 000 public housing units by 2001, the Government still decides to build some low-density houses. I, therefore, really have to ask the Government whether it has given due consideration to the hardship facing the people in respect of housing. Whilst existing problems remain unsolved, new problems are cropping up. How are we to face the housing problem?

A short while ago, in preparing this speech, I read again a government document on Long-Term Housing Strategy. It has come to my awareness that the Government has solved neither the problems I have just mentioned nor those in the future. On page 20 of the document, the Government says, "On the other hand, many public housing tenants in fact no longer need the huge housing benefits that they are enjoying. The proportions of family incomes they spent on rental payments are smaller than those of families living in private buildings." This is the Government's analysis, an analysis of public housing tenants under the current housing situation. This analysis again erred. Why do I say so? To address the current housing problem, one that "sets the people seething", the Federation of Trade Unions (FTU) conducted a questionnaire survey last January. Results show that conditions of public housing tenants are not as rosy as the Government's description. It is in fact just the opposite. However, someone might dispute figures obtained by us and label them as biased. For this reason, the FTU recently commissioned a consultant firm to prepare a consultant report, which is almost 100 pages long. According to the report, one-third of public housing tenants have difficulty in making rental payments. I have informed the Secretary for Housing of the findings. Attaching much attention to this issue, he said he is going to look into the causes. In fact the issue has to be studied by the Government as a whole. So it is advisable not to raise rents sharply as suggested by the document on Long-Term Housing Strategy so as not to drive people to desperation. Determined efforts should be made to solve residents'

current problems as well as problems arising from future population growth.

The second issue is employment, which is a very big problem. We can notice that at present hundreds of thousands of people in Hong Kong cannot catch up with the overall developments of manpower resources in the society. In the future, 60% of the new immigrants are the grassroots. What are we going to do about it? The Government has to have determination to draw up a complete set of plans for the training of manpower resources. I, therefore, again urge the Secretary for Education and Manpower to set up a body for employment co-ordination to co-ordinate economic development and employment situation, and pool together existing training resources. It is my hope that the three consultant reports of last year can be implemented. Coming to this point, we cannot but bring back to our memory the late Dr Samuel WONG of this Council, who was the person in charge of the respective bodies. Though he is dead, it is still hoped that the Government can press on with the tasks of the Vocational Training Council and Employees' Re-training Board to solve for the unemployed the problem of employment.

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

**MR HOWARD YOUNG:** Mr President, on behalf of the Liberal Party I rise to support today's motion. Today's motion is a very wide-embracing one. The basis of moving today's motion by the proposer is that, as stated, that Hong Kong's population will grow rapidly at a rate of almost 30% to reach eight million in about the next 10 years.

Mr President, this is not an alarmist figure. 30% growth in 10 years is but a roughly 2.5% compound growth. If you look at the immigration figures from China, even at the current rate of 100 per day, that provides for 55 000 more or less per annum or almost 1% of our population. Then also this still does not take into account how to deal with many children born of Hong Kong residents in China who, as from 1 July, will have the right to live in Hong Kong. So, therefore, Mr President, the population base and projection is, we believe, a sound one and we must take measures to not just deal with how to help solve these people's livelihood but also how to create employment and let Hong Kong remain competitive at the same time.

In response to the various areas in the motion, that is housing, education, medical care and transport, one needs to look no further than our own Liberal Party's manifesto, which although was drafted and finalized as far back as May 1993, for the policies as expounded by us then, are still valid as of today. We had two chapters in our manifesto. One was to invest in the people, and second was to invest in Hong Kong, specifically the infrastructure.

Firstly, take the people and education. This is the key to the matter and the Liberal Party believes that Hong Kong's stability and development needs to be supported by a suitable education policy, no matter whether considered from the viewpoint of an individual or society or analyzed from an economic or political perspective. We believe that the Government should invest more, having done so a lot in primary and secondary and even tertiary education over the last few decades. In the long term, we believe that pre-school education should also become fully subsidized.

Although education in Hong Kong is universal, we must continue our efforts to improve the quality of education, and that means investment in teaching staff, in teaching institutions and also teaching facilities.

In order to strengthen our competitive ability and maintain Hong Kong's pre-eminent position as a centre for trade, finance and tourism, there is a need to improve the proficiency of Chinese and English language skills, and that also needs investment. And at a recent debate sponsored by the Honourable Mrs Selina CHOW, we did highlight the point that we did need to, on the one hand advocate teaching in the mother tongue, but at the same time not let go on improving the level of our English teachers, including the employment of native-speaking English teachers.

Another aspect of software investment is in health services. We believe that health insurance should play a greater role in health care financing, and the Hospital Authority should ultimately be encouraged to run its own insurance scheme in competition with the private sector.

Whilst we applaud the great improvements as a result of investment in the services by the Hospital Authority, we believe that those who are willing and able to pay more for hospital services should do so, either through health

insurance or direct payments in return for more comfortable services and facilities, and therefore saving more government financial resources for investment in services that are needed by those who cannot pay.

Specifically, we would also like to see increase in funding for developing and introducing advance health care facilities at a rate commensurate with our economic growth.

Now, apart from investing in people, we also have a strong belief in investing in the infrastructure, and specifically today's motion mentions transport. To keep Hong Kong moving, we must also improve our internal transport network and, especially with the resumption of sovereignty over Hong Kong by China next month, we should look even more to expanding our cross-border facility to ease congestion of cross-border traffic.

Our transport service must be comprehensive, reaching out to our new urban towns, providing us with the choice of a range of services and fares. Specifically we would like to see more links, not just by road but by rail, and also sea links with the main part of China in order to strengthen our infrastructural links, including some well-talked of but yet-to-materialize bridges linking the Mainland with Hong Kong.

We also wish to see more encouragement of constructive competition between local, public transport services, and perhaps the need for more co-ordination in order to better utilize the competition between different transportation services and also the investment that has been provided in them. For instance, Mr President, is there a better way to co-ordinate for the benefit of the public the situation where we have three tunnels crossing the harbour now, one with a tax on it, one without a tax on it and one with prices being charged so high that business does not seem to be where it is supposed to be? Perhaps we should have a unified body and a unified charge for all three tunnels.

On land, Mr President, we notice that yesterday the Government and also the Chief Executive (Designate) said that we need to provide more land and he earmarked the luxury market. We in the Liberal Party believe that the way out is to encourage more members of the community to own their own homes, and to streamline government procedures to encourage development of under-developed properties and to pursue the formulation in implementation of a land policy that will meet the housing needs of our community well into the next century.

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

**MR MOK YING-FAN** (in Cantonese): Mr President, it is said that the population of Hong Kong has already gone beyond its sustainable capacity. It is also said that Hong Kong, with its 1 115 sq km of land, can accommodate a population of 11 million. Perhaps no one can tell how many people Hong Kong can accommodate, but we know that in the recent decade, the number of applicants on the Waiting List is getting longer and longer, queues of cars are jamming the Tuen Mun Highway and the Lion Rock Road, and KCR and MTR stations are crowded with commuters early in the morning and late in the evening. I could not help but ask what causes all this?

I believe the most important reason is that we do not have a long-term population development strategy that sets long-term goals, and that is why discrepancies are found in areas such as housing, education and traffic. It is alarming to learn that Hong Kong will face a dramatic population increase in the short-term. This will certainly aggravate the existing problems.

According to the forecast of Statistics and Census Department in May 1997, the population of Hong Kong will increase from the present 6.29 million to 8.1 million in the year 2016, which is an annual growth of 1.3%. 55% of this growth will be new arrivals from China. Facing such an increase, we must plan together to allocate more resources for housing, education, traffic and human resources, and plan early so as to meet the increasing demands as a result of population growth and improve the living standard of the people now living here.

With regard to housing policy, as the Administration tends to be conservative in its population forecast in the past, housing supply for the years 2001 to 2006 will be falling short by 50 000 flats. Furthermore, the supply of public housing is also inadequate, resulting in a queue of 150 000 applicants for public housing. According to government statistics, about 1 million people will immigrate to Hong Kong from China between now and 2016. This will definitely exert enormous pressure on the demand for public housing.

There are all sorts of problems in our current housing policy. For

example, having to go through four branches and nine departments, the land approval procedure is just too long and will slow down land supply. In the private residential market, serious monopoly exists with the major developers hoarding up lands and flats. Hence the prices of private housing remain at a high level and beyond the affordability of ordinary people.

To resolve Hong Kong's housing problem to meet the imminent dramatic increase in population, the Association for Democracy and People's Livelihood (ADPL) thinks that we should revise our long-term housing strategy by providing chiefly rental and public housing. At the same time, instead of setting an average per annum figure for completed flats, the number of completed flats for the coming five years should be increased to satisfy the short-term hike in demand. One of the methods is to entrust the whole process of site formation for housing development to one single developer. For example, the construction of Regency Gardens only took 36 to 40 months to complete, which is 20 months shorter than the tendering process for individual works that is being used by the Housing Authority.

To build more flats, the Government should increase land supply by measures such as increasing plot ratios, rezoning industrial land for residential use, redeveloping existing single-block government facilities into multi-storey and multi-purpose complexes, reducing the provision of low density residential lands and altering the use of farm land. In the long-term, only by increasing the supply of land and accelerating the relevant approval procedures can the supply of housing be increased and a supply-and-demand equilibrium be achieved. Only by then will the housing problem be solved. At the same time, the Administration should accelerate the development of north-west New Territories and Northern District and other suburban areas to provide more land.

We believe that corresponding transport and infrastructure are very important for the development of the central, western and northern New Territories and suburban areas. We therefore propose to the Administration that it should complete as quickly as possible the Ma On Shan Railway, MTR Tseung Kwan O Extension, Kowloon Extension and the extension of the western terminus of the existing Northwest Railway terminal to Tuen Mun south, so that a larger population in western New Territories will be served. The Administration has been planning its social policy and infrastructure according to the magnitude of population growth. However, as the Administration's population forecast is erroneous and too conservative, the policies that affect the

livelihood of the people and infrastructures fail to keep in line with the growth of population, let alone improvements in the living conditions of the people.

The ADPL thinks that while adjusting its policies and allocating more resources to match the dramatic increase in population, the Administration should not neglect its duty to improve the qualities of living of the people. Services in public health, education and employment should also be taken into account.

Regarding the Government's financial management, the ADPL is especially dissatisfied with the Administration taking a balanced budget as a pretext to restrict expenditure. We all know that today's investment will become tomorrow's assets. The ADPL therefore considers that the Administration should aim at a balanced budget for each 5-year period so that the Administration can have greater flexibility in allocating resources and solving the existing problems and meeting the needs and challenges of the future.

In the long term, Hong Kong should, as far as possible, draw up an immigration policy so as to exercise strategic control on population growth and to provide the social facilities that meet the demand of population growth. To live and work in peace and contentment has been the dream of Hong Kong people, and it is also a fundamental demand of the people that Hong Kong, having achieved remarkable result economically, should satisfy. The ADPL therefore hopes that the Administration can really improve people's livelihood and formulate a long-term development strategy for Hong Kong so that it can handle the dramatic increase in population and improve the living quality of the people.

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

**MR AMBROSE LAU** (in Cantonese): Mr President, according to the latest projection of the Statistics and Census Department, the population of Hong Kong will reach 7.38 million by the year 2006. Basing on this figure, the Administration thinks that there is no need to make massive upward adjustment in its estimation of housing demand. Before 2006, the supply of public and private housing will remain at 73 000 flats each year.

As population growth is affected by many factors, the latest statistics may not represent the actual population growth over the coming 10 years. In

drawing up its long-term policy to meet the population growth, the Administration should still stick to the original presumed high growth population of 8 million.

Mr President, as Hong Kong is enjoying richer material life and continued improvement in medical and health services, the life expectancy of the general population is getting longer. The ageing population will pose a significant social problem. Any future policies on housing, medical and health and welfare services should take into account the ageing trend of the population. According to government statistics, by the year 2016 the population aged 65 or above will be over 1 million. What should be noted is that the demand of the elderly for medical and health services, housing and homes for the aged will not be affected much by other social factors. The Administration, therefore, should prepare for the rainy days by making preparation to meet the needs of the elderly.

Mr President, though the proportion of children in the overall population is declining, the Statistics and Census Department estimated that in 10 years the declining birth rate will start to rise again. Furthermore, children born in China of parents who are permanent residents of Hong Kong will also increase the proportion of children in the overall population. Based on this trend, the Administration must revise the education policy which in the past neglected the basic education but overly increased the number of tertiary places. The Administration should properly use its financial reserves by investing more in basic education and by training and providing more quality primary and secondary school teachers. The dire consequence of the Administration's policy of neglecting basic education but over-expanding tertiary education has surfaced now. The poor quality of locally produced university graduates will affect Hong Kong's competitiveness. A long-term policy on human resources should be based on basic education. A weak foundation will fundamentally affect the source of local talents.

Mr President, to counter the effect of the growing population on the demand for housing, transport and other basic facilities, there must be feasible long-term planning. The Administration now proposes that between 2006 and 2011, it will find housing sites in a number of new strategic development districts, such as Southeast Kowloon, Tseung Kwan O, Tung Chung and Tai Ho, to build 385 000 flats. The problem is that the development potential of Southeast Kowloon and Tseung Kwan O is very limited. Though the development of Tung Chung may be driven by the new airport, its lack of infrastructure and the

high transport cost for people commuting between Tung Chung and the urban areas will restrict its scope of development. To go with the Northwest Rail Link project, the Administration can accelerate the development of Yuen Long plain. As Hong Kong will be returned to China soon, the Administration should link the strategic development of Hong Kong with that of the Pearl River Delta when it draws up its long-term policy to cope with the increase in the population of Hong Kong. So doing will augment the complementary advantage of both places in terms of transport, employment and industrial development.

Mr President, in the face of population growth, the Government must make long-term planning in respect of housing, education, medical and health services and transport. Furthermore, means to control the quality and quantity of immigrants is also an issue the Administration should not overlook.

Mr President, the Hong Kong Progressive Alliance thinks that any long-term policy to handle the population growth should be set with a long-term vision. In the past, because of the short-sightedness of the Administration, there were a lot of errors in its planning. For example, the long-term planning strategy formulated in 1980 set the year 2011 as the development target, but the two amendments made in 1993 and 1996 still kept the year 2011 as the development target. The lack of foresight makes it impossible for the Administration to formulate a long-term policy to deal with population growth, thus seriously affecting the choice and development of strategic development districts. I therefore urge the Administration to carry out an in-depth study for a long-term development strategy, and to extend the target development year to 2020, and incorporate the trend of town planning development of the Pearl River delta in its plan so that both places can benefit from each other's development.

Mr President, these are my remarks.

**MR CHAN WING-CHAN** (in Cantonese): Mr President, let me talk about the problem with the ageing population. According to a population projection, the population of people aged 65 or above will increase from 0.63 million in 1996 to 1.09 million in 2016, and the percentage of the aged population in the overall population will increase from 10% in 1996 to 13% in 2016. The current level of medical service for the elderly is unable to catch up with the structural change in the ageing population. The resources made available by the medical department to treat the diseases commonly found among the elderly are very

limited, and there is no specialist geriatric treatment. The Administration seems to be lagging behind the ageing process of the population. The medical services in Hong Kong for the elderly have been under constant castigation. It can neither meet the needs nor solve the immediate problems faced by the elderly. The hospital does not regard the long-term care of elderly patients as important. If the proportion of old people in the overall population continues to increase, the Administration must review the matter expeditiously.

The elderly have a great demand for preventive, therapeutic and rehabilitative medical services. However, the Government does not provide regular medical check-ups for the elderly. As most elderly people do not have much medical knowledge, at the early stage of their illness they usually try to treat themselves by taking Chinese herbal medicine and pharmaceuticals, dieting and resting, and they would only seek medical help from hospital when their condition deteriorates and their ill health persists.

As the family pattern becomes nucleated, fewer elderly people are living with their families. Many old people with illness do not have the care of their families. Some elderly people may suffer from a number of illnesses, and some even suffer from chronic illnesses that require regular treatment and medication. The medical expense alone is already a heavy burden for them.

Actually, the demand of the elderly for medical services is much higher than other age groups. More than 30% of the people using the Government's outpatient medical service are aged 60 or above. Currently, only 10% of the priority chips for outpatient service is given to the elderly, who, for each visit, often have to spend hours waiting before they can be treated. There are only two Elderly Health Centres in Hong Kong. As these centres have not been sufficiently promoted, their actual utilization rate is low and they do not contribute much to the health services for the elderly.

The Government does not attach much importance to geriatrics. Only a few hospitals have designated beds for the elderly, thus forcing them to take up specialist beds. Given this discrepancy in supply and demand, the elderly have to wait for a long time before they can get specialist treatment. The elderly are thus made to suffer for their illness and the long wait may worsen their condition.

The Elderly Society has made a number of demands in respect of the medical and health services for the elderly, as detailed in the Green Paper on Rehabilitation. Examples of these demands are the setting up of geriatric specialist treatment and elderly community rehabilitation team. With full support to this demand, I also suggest that the Administration should promote health education for the elderly and develop comprehensive community medical care. Besides geriatrics, the Administration should also set up elderly mental health units and caring homes that serve only those with dementia, provide outward bound medical and escort service, expand outpatient and hospital service for the elderly, set up health clinic for the elderly in every district, provide health check and concessionary medical service to old people, conduct promotion of free medical service or exempt some of the fees and streamline the application procedures, so that those families with financial difficulty can get the assistance.

In conclusion, the Administration must prepare for the rainy days and assess the situation as early as possible, especially when the demand of the elderly for medical and health services is great and that planning and matching policy has to be made to provide sufficient resources to meet the growth trend in the population of old people.

Mr President, with these remarks, I support the Honourable CHEUNG Hon-chung's motion.

Thank you, Mr President.

**MR NGAN KAM-CHUEN** (in Cantonese): Mr President, the statistical projection of Hong Kong population as released earlier by the Government shows that the population of Hong Kong will increase from the current 6 million to 8.21 million in 2016, of which 60% are new arrivals from mainland China. Though the population growth may slow down the trend of ageing in Hong Kong, the increased population will also put our infrastructure and ecological environment under an enormous pressure.

In the past the Administration lacked a comprehensive forward-looking population policy, and also failed to make full use of such population statistics to draw up matching policies. What it devised was just some stopgap measures by devising a policy to meet the needs of a particular area. There was no long-term vision in policy-making. Any error in population projection would lead to a lot of problems, like housing, medical, social welfare, education, employment and

transport. Now I would like to talk mainly on transport.

In terms of regional population distribution, Hong Kong Island has a population of around 1.3 million, 2 million in Kowloon and 2.9 million in the New Territories. Over the past five years, there was an increase of 0.53 million in population, and the New Territories had the biggest jump, an increase of more than 20%, while Kowloon saw a 2.5% drop. This shows that an increasing number of people choose to live in the New Territories, so there is a need to accelerate the improvement of transport infrastructure of the New Territories.

To meet the rapid increase in population, the Administration has developed new lands and new towns to encourage people to live there. However, though the housing problem has been solved, the external transport of these new towns becomes another deadlock.

The DAB proposes that the Administration should formulate a contingency strategy for land use and town planning to cope with the long-term population growth. The Administration should revise its land, housing and territory-wide strategic planning cycle from 15 years to 30 years, and the strategic planning cycle for transport should be at least 20 years.

It should not be overlooked that in developing new towns and building more houses, there must be matching transport networks. The anticipated traffic capacity of road networks must meet the needs of long-term development so as to avoid a re-occurrence of the congested condition in north-west New Territories. The Administration should learn from its mistakes made in new town developments and seriously address the traffic problems of new towns by developing high volume mass transit networks that link new towns with the urban areas. The three Category A railway projects listed in the Railway Study Report, including the Northwest Rail Link, Tseung Kwan O MTR Extension, and Eastern Kowloon Railway project, should commence and be completed as soon as possible.

To relieve the gridlock situation on our roads, the DAB proposes that the Administration should widen the roads and extend the road network. Indicators must be set down for reviewing the maximum capacity of each transport system so as to ensure that the speed of road traffic during peak hours will not be lower than 20 km/hr. The capacity of each mass transit system should also be reassessed and reviewed.

The Government is now conducting the Third Comprehensive Transport Study. The DAB hopes that the Administration can give a comprehensive review of the proposals given in the Hong Kong Railway Development Strategy so as to draw up more specific objectives, work plans and schedules for the development of Hong Kong's railway transport. The Administration should strengthen its leading and supervisory role to ensure that the Hong Kong Railways Development Strategy can complement the Territory-wide Development Strategy.

Mr President, with these remarks, I support the Honourable CHEUNG Hon-chung's motion.

**MR IP KWOK-HIM** (in Cantonese): Mr President, according to the Government's latest study, the population of Hong Kong is estimated to increase from 6.3 million in 1996 to 8.2 million in 2016, a growth of almost 30%. To ensure social harmony and balanced development, the Administration must revise its policies in all areas of people's livelihood to bring them in line with the population growth. Failure in the task will lead to social problems that will affect the future development of Hong Kong.

Hong Kong lacks natural resources, and human resources are its most important asset. If Hong Kong is to maintain its competitiveness in the global market and promote its social development, it is important that we put our human resources to effective use. Education planning plays a very crucial role in increasing our human resources. Being the future pillars of our society, the youth are like pieces of jade that "could not become jadeware without being polished". The Administration must provide quality education so that the youth of Hong Kong can become useful young man who will contribute to our society. According to the population projection, people aged between 15 and 64 will take up 72% of the population in 2016. How to put these human resources to effective use is an urgent problem that a forward-looking and responsible government must address. Regrettably, in recent years we have witnessed how basic education in Hong Kong is mired in serious problems. Not only is the literacy standard falling, the youngsters feel confused in the direction and values to take. These reflect the ills in our present education system and require urgent reform. The DAB proposes that the Administration should, in the coming five years, increase the investment in local education to 4% of our GDP so as to raise the overall standard of education in Hong Kong.

Mr President, since enhancing its human resources is the way forward for Hong Kong, and education planning is closely related to human resources, it is doubtful whether the Administration can accurately estimate the needs of the human resources if it still bases its planning on the 1991 Human Resources Report. Long-term comprehensive education planning is the key to the future development of Hong Kong. The Administration must seriously re-assess the future demand for human resources so as to avoid any disruption that may occur between our long-term education planning and economic development and the disjointment in the supply and demand of human resources and wastes of resources. With its economy undergoing structural change, Hong Kong is developing its service industry and high-value-added industry. The education, particularly tertiary education, must design and plan to match the curricula. Universities should not blindly go for expansion just for having a more respectable percentage and do not care if the courses will actually support our future economic development.

Mr President, planning for our future education is a very important issue. With children born of parents who are permanent residents of Hong Kong about to arrive in Hong Kong after 1 July 1997, it is urgent for the Administration to make reasonable design in the supply and demand and allocation of places for this group of children. Though figures show that Hong Kong still has a surplus of school places, for example, there are 30 000 in primary schools and 10 000 in secondary schools, new arrivals will not concentrate in any particular district. Allocation of our education facilities should be meticulously and systematically planned so that there would not be insufficient places in any particular district. Matching planning therefore must be put in place.

Mr President, the current birth rate in Hong Kong is very low, which is a trend prevalent in every developed country and region. Over the past, and up to the present, Hong Kong has been a society of immigrants. My father is also an immigrant. The achievements and contributions of immigrants to Hong Kong are there for all to see. What Hong Kong is today is the result of the diligence and entrepreneurial spirit and the contribution of the immigrants. We therefore should be friendly, loving and positive in helping these new arrivals, so that they can quickly merge with the rest of the society and build a bright Hong Kong for our Hong Kong Special Administrative Region Government.

Mr President, with these remarks, I support the Honourable CHEUNG

Hon-chung's motion.

**SECRETARY FOR HOUSING** (in Cantonese): Mr President, in the past 40 years, the population of Hong Kong has grown from some 2 million to more than 6 million. In the face of this continued growth, we have, with the persistence of the Foolish Old Man and pioneering spirit, achieved results that have won the praise of the world. A number of Members have already spoken on problems that future population growth may give rise to. May I thank those Members who have spoken on the housing problem and provide information for us to consider in formulating housing policies.

First of all, I want to talk about the relationship between population projection and housing needs. The Commissioner for Census and Statistics published recently the population projection for 1997 to 2016, which shows that the projection is different from that done in 1992. This is mainly due to the growth in the number of new arrivals from China, natural population growth and an increase in the number of returnees.

This latest projection does not bring us any surprise in respect of land and housing development because, when the Hong Kong-wide development strategy was drawn up in 1993-94, the Administration had already taken those factors into consideration. Early this year, I published the Consultative Document on Long Term Housing Strategy, in which we used the "high-growth plan" for the population projection, that means, we expect that by 2001 the population will be about 8.1 million. This projection is higher than the figure published by the Commissioner for Census and Statistics by 300 000. The Housing Branch will continue to use this "high-growth plan" as the basis for future land development and formulation of long-term housing strategy. So doing will provide an additional allowance for difference to ensure that there will be sufficient housing units to meet the long-term demand.

In fact, the quantity of flat production we mentioned in the past few months has also taken this variable of population growth into account. For example, for the two planning periods spanning from 1995 to 2006, we estimated that on average the annual demand for flats is 80 000; and within the first six years of the planning period, the annual demand is 85 000, and within the following five years, it is 78 000. These figures have actually included the 7% allowance for difference.

For the first planning period, that is from 1995 to 2001, we have reserved enough land for housing purpose. For the second planning period, that is from 2001 to 2006, the various plans are already under active preparation. We expect that 390 000 flats will be built, which include 180 000 redeveloped flats and flats built on land reserved for housing, 165 000 flats of the first batch built on strategically developed sites, and 45 000 flats that will be built on land the use of which has been modified and land the building density of which has been increased.

The Housing Branch will continue to work closely with other government departments to provide sufficient land and infrastructure, and to accelerate the approval process for housing development. Moreover, we shall constantly update our projection on housing demand and monitor the progress of construction works to meet such demand.

As to the problem of land supply in the long term, that is after 2007, we have already begun working with our colleagues in the Lands Department and Planning Department so that sufficient land can be made available timely to meet the long-term housing demand.

Now I would like to respond to specific concerns expressed by Members. Some Members have referred to the situation of the elderly. Aging population is a global problem, and Hong Kong is no exception. Compared with the current figure, the population over 60 will be 100 000 more by 2001. Most of them will be single, requiring us to provide appropriate housing. On this question, we have actually made many specific proposals in the recent Consultative Document on Long Term Housing Strategy, which include providing public rental housing flats to more than 20 000 seniors. Moreover, small urban sites will be used for building small flats, which will be rented or sold to the elderly; private developers would be encouraged to provide affordable housing to the elderly. We would continue to use other means to increase the supply of flats suitable for the elderly.

In planning future housing development, attention will be paid to the demand for different sizes of flat as a result of changes in family composition. For example, an increase in the number of nucleated families and single person households will increase the demand for small and medium-sized flats. However, the sons and daughters of new arrivals joining their parents here will

increase the demand for larger flats. Such situations will always be kept under review.

We shall continue to complete more public rental housing and increase the circulation so that those with genuine needs would be allocated public housing. For example, in the planning period from now to 2001, we shall provide 170 000 public housing flats, which will be allocated to those on the waiting register and other categories of people. By 2001, we can shorten the average waiting time for public housing to less than five years. We also hope that sufficient public housing flats will be provided so that the waiting can further be shortened.

Mr President, the rapid growth in population certainly will increase the demand for housing, but we basically have the right sort of policy and plan to deal with these problems. We shall continue to work aggressively to provide a good living environment to the people. "Where there is a will, there is a way." As long as we can all work together, I believe that any problem associated with population growth can be overcome.

Thank you, Mr President.

**SECRETARY FOR EDUCATION AND MANPOWER** (in Cantonese): Mr President, it is Hong Kong Government's school education policy to provide nine years compulsory and free education to children aged between six and 15, and, with substantial subsidy, senior high school or industrial education to about 95% of children aged above 15. The Administration is making continuous improvement in the quality of education of various educational stages. Substantial increase in funding is allocated in recent years to assist children of new arrivals from China in their education so as to enable them to adapt as soon as possible to Hong Kong's education environment and curriculum.

The Administration has released the latest figure on population projection. The Education Department (ED) will, with reference to the number of school places required and the principal measures to be adopted to improve basic education, carefully analyse the effect of population increase on education.

In line with the result of the analysis, the ED will incorporate the additional requirement in the school building programme so that sufficient places will be provided to meet the expected population increase. In fact, the school

building programme of the ED is reviewed every year with reference to the latest figures so as to adjust the number of new schools to be built. When the budget is prepared every year, the ED will also calculate and apply for the necessary resources to implement the various supportive measures.

In respect of tertiary education, the Administration, on consulting the University Grants Committee (UGC), has scheduled every three school years as one planning period for reviewing and determining the number of places and the amount of subsidy tertiary education requires. The Administration will be able to take into account of all relevant factors, including the latest estimation on population and manpower requirements when the Administration plans every three years.

Besides the government subsidy made to tertiary education through UGC, the Open University of Hong Kong also provides many further education opportunities to people on employment to have a tertiary education by offering degree level and other courses.

In summary, the education policy of the Administration for recent years and the future is to raise the quality of basic education. I hope at the right time a series of specific improvement measures will be introduced. The manpower policy of the Administration is, by providing industrial education and vocation training, to provide a well-trained working population for Hong Kong to meet the need of the ever-changing labour market and to help Hong Kong maintain its overall economic competitiveness. In recent years, we have been working hard to ensure that, in terms of content, direction and emphasis, the industrial education and vocational training of Hong Kong can meet the need of the ever-changing economy.

The projected population growth, especially in the 15-24 age group, means that the need for vocational training will increase. We must meet this need, especially the need of new arrivals for vocational training. In fact, since late last year, the Employees' Retraining Board has begun a retraining scheme that addresses the needs of the new arrivals. The Labour Department has also received funding to strengthen the vocational counselling service for the new arrivals.

On the other hand, because the population aged 15 decreases, we have to strengthen our recruitment exercise to ensure that there will be sufficient

15-year-olds on the vocational training courses and that the number of graduates can be maintained at the current level.

Aging population means that there will be fewer people to support the continued development of Hong Kong's economy. We therefore have to raise the productivity of the working population. One of the ways is through upgrading skills and retraining. We shall continue to provide such training. This is also why the Administration began reviewing the Vocational Training Council and the Employees' Retraining Board last year. When the review is completed, we shall announce and carry out the relevant proposals. We shall carry out careful analysis with reference to the latest population projection to ensure that our education and manpower policies work together, so that the society and economy of Hong Kong can continue to benefit from a well-trained workforce.

Thank you, Mr President.

**SECRETARY FOR HEALTH AND WELFARE** (in Cantonese): Mr President, according to the 1996 by-census, the Hong Kong population will grow from 6.3 million in 1996 to 8.2 million in 2016, and the population will be aging, with the population aged 65 or above increasing from 10% to 13% for the period. Population growth, structure and distribution impact directly on the demand for and development of medical services. For example, with the population aging, the number of chronically ill people will increase accordingly, thereby the pressure for more rehabilitation and infirmary beds will increase.

First of all, I want to point out that the planning of medical service is a complicated process with constant changes. In determining the requirement for various medical services, besides the consideration to be given to population growth, structure and distribution, we have to take into account other important factors, which include development in medical technology, the rate of use of current services, trends of diseases and the modes of services.

These factors will change as the society develops with the lapse of time, and they will also interact with each other. Over the past years, we have put in place a mechanism to carry out regular study of the relevant factors so as to review the direction of development of the current medical service and whether economical application has been made of the resources and whether the long-term need of the citizens can be met. This regular review will continue.

Taking hospital beds as an example, the Hospital Authority (HA) carried out a Hong Kong-wide review on hospital bed requirement in 1992 and 1995. This year the HA will, with reference to the latest information, including the latest population projection, plan the number of hospitals and beds and other service facilities.

With respect to the population growth and regional movement of population in recent years, we have planned and carried out a number of large-scale hospital improvement and redevelopment projects. The number of hospital beds in Hong Kong has increased from 21 000 in 1991 to about 26 000 in 1997, an increase of more than 20%. For the same period, the hospital bed-to-population ratio has increased from 3.8 beds per 1 000 population to 4.1. It is estimated that in 2001, the number of hospital beds will increase to 30 000 and the hospital bed-to-population ratio will increase to 4.4.

With respect to basic health service, the Health Department will, in the coming few years, opens up a number of clinics. The HA will also carry out a number of redevelopment and removal projects for specialist outpatient buildings. On the whole, with the increase in population and more services added, the recurrent expenditure on public medical services has increased from \$9.8 billion to \$25.8 billion in the past six years, which represents an increase of more than two times.

Besides the various medical services and corresponding facilities, we understand that a healthy life style and public health can reduce the incidence of diseases. Over the years, the HA and Health Department have been promoting health education, and in future, we shall put in more resources to develop basic health education.

In view of the aging of the population, we are prepared by expanding the medical and other services for the elderly. The new Tai Po Hospital that will open this year will provide more than 200 rehabilitation and infirmary beds. We shall also establish more community elderly assessment groups. In the coming two years, six infirmaries will be completed, providing 1 400 beds. We shall provide more resources to train workers and family members who will care for the elderly. We hope that such services will enable the elderly live their old

age in good health and with dignity.

I think you will concur that for more than a decade and with the continuous effort of the medical and caring staff in Hong Kong, our medical and nursing level has been rising. With this sound foundation, we can certainly meet the pressure on medical service arising from population growth.

Thank you, Mr President.

**SECRETARY FOR TRANSPORT** (in Cantonese): Mr President, I would like first of all to thank the Honourable CHEUNG Hon-chung and those Members who have spoken on what the Administration should look at in respect of transport development in the coming 20 years. In fact, it is most opportune that we have this motion and the views of Members now as the Administration is about to carry out a series of studies. A Green Paper on Hong Kong's transport policy for the coming 10 to 20 years will be published shortly for public consultation.

Having heard the views expressed by Members this evening, I have great confidence because I am sure I will have the necessary support when I go to the Finance Committee for appropriation of funds; at least I know I should approach which Members then.

With respect to transport infrastructural development, there are some basic data which are used internationally. For example, with road construction, many international comparisons will use the number of kilometres of highway built by a territory, state or city within a certain period of time as a basis for comparison. Some cities would use car speed on the roads to gauge if the growth of traffic network is a success or failure, and there are cities which use a country or city's growth in its railway network, that is the total railway length and passenger carried, as a basis for comparison, to determine if the transport network of the city can meet the growth in population or economy.

Because of the limited time we have this evening, I am not prepared to give a comparison or analysis on all the topics. With reference to the Administration's existing development plan, I want to make a prediction with respect to railway and highway. As in-depth consultation and detailed analysis will be forthcoming, I welcome your views at that time on which of the topic

should be given priority. I have not set any priority on the topics about which I am about to talk. No decision has been made on many of the routes, but my referring to them is to let you know what our thinking is.

First of all, with railway development, the Railway Plan published by the Administration in 1994 has been implemented in three stages. The three railways referred to by Members, including the North-West Railway (reaching Yuen Long, Tuen Mun and the border), Ma On Shan Railway (the new trunk route running from Tai Wai to Ma On Shan) and the Mass Transit Railway (an extension from Lam Tin to Tseung Kwan O), are all within the first stage of the 1994 Railway Development Plan; that is, they are projects of the highest priority. If you re-read the report of that year, projects of the second and third stages were also listed. I want to mention again some of the projects here so that you know in the coming 20 years, there are much room for us to continue the development of our railway network.

Besides the three new railway lines I mentioned just now, the Railway Plan definitely has mentioned that the Mass Transit Railway be extended westward to Green Island or Kennedy Town. It may in the future be extended to connect with North-eastern part of Lantau, passing through the container port on North-eastern Lantau and linking the existing Airport Line and Tung Chung line. This route not only can relieve the pressure on the Airport Line during peak hours, but also provide a new direction for developing a new railway line.

Future studies definitely will look into the need for a fourth cross-harbour railway line. If this plan is carried out, the railway service between Hong Kong and Kowloon will increase, and with the development of a new railway line, consideration might be given to an extension of the railway network to the former airport site at Kai Tak or from Kai Tak northward to Tai Wai of the Ma On Shan Railway.

I have just touched on a number of possibilities. If the length and carrying capacity of the new railway network are to be compared with the existing network, and if the above railway lines were built in the coming 20 years, the carrying capacity will be 100% over the present figure. In other words, if the population only grows by 30%, and we can reach the goal with respect to the railway network, the railway development will far exceed the need of population. Building new network not only can solve the transport problem between two points — the North-West Railway is a very good example, which serves people

living in Tuen Mun and Yuen Long, it can help develop new land that previously did not have any development potential, for example land in Kam Tin Valley or Yuen Long, Tuen Mun and the north-eastern district where the land use is yet to be fixed.

The last example is the development of the highway network. With the completion of the 10 core projects of the new airport, and the opening of the Route 3 and Ting Kau Bridge in 1998, Hong Kong sees dramatic changes in its network of roads. Not only is there an increase in length, there is also new environment opened, resulting in unprecedented improvement in the transport link between north-western district and Lantau, and the urban district. In the coming 20 years, consideration must be given to building as many as three to four trunk routes.

If it is determined that north-western New Territories and Shekou or any of the cities on the Pearl River Delta is to play the role of a bridge or otherwise be a connection point, then besides the current plan for north-western New Territories, that is Route 3, a new network of highway is needed to link the north-eastern Lantau with the railways I just mentioned. Alongside it may be built highways to run directly to Western District on Hong Kong Island and, along Route 7, onwards to the southernmost of Hong Kong. In our conception, this north-western corridor can run directly from the southernmost point of Hong Kong to the northernmost part in north-western New Territories, and there will not be any traffic light along the way.

With the development of eastern New Territories, the Administration already has in mind that there will be a new trunk route running from Sha Tau Kok to the urban area via eastern New Territories, though the actual routing and the time are yet to be fixed. As to how the urban area can be linked up with other road networks, it is yet to be studied. If there are new trunk routes in the east and west, they at least have to be linked up somewhere, and that could begin at Yuen Long and end at Tai Po or Fanling.

Moreover, traffic along the major roads in Kowloon, like Prince Edward Road, Boundary Street and Waterloo Road, have all reached saturation level. The Administration is looking for new roads to link up the new road network in Western Kowloon with Eastern Kowloon, especially the former Kai Tak site.

At that time, the east-west running traffic in Kowloon will not have to run through any of the presently congested roads.

Mr President, I have cited only a number of examples today. If these roads can be built in the coming 20 years, the growth in the length of our roads and effect that may have on transport will far exceed the growth in population.

We shall consult Members on the direction of a number of plans, and hope that we can have your views and your support as well when we come to you for funds appropriation. Thank you, Mr President.

**PRESIDENT** (in Cantonese): Mr CHEUNG Hon-chung, you have two minutes 30 seconds out of 15 minutes for your reply.

**MR CHEUNG HON-CHUNG** (in Cantonese): Mr President, there are seven Members in all who have spoken in support of the motion. We all think that any development in housing, education, medical services, transport and human resources in Hong Kong should be based on the growth in population. The social problems that we have to face today, including those in housing, transport and the retiring elderly, are all the results of a lack of vision and long-term policies on the part of the Administration. Some twenty or so days from now, Hong Kong will enter a new era, becoming a special administrative region of China. Instead of continuing with the "quick fix" way in formulating social policies, we should have a vision when we set any social policies that affect the livelihood of the people.

I am very thankful of the seven Members, but I regret that Members of the Democratic Party and the Frontier have not taken part in the debate and spoken on the motion. There are views among the public that they talk more of politics than work for the good of the people. Today this has been proven to me and I must show my regret.

Thank you, Mr President.

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

**ADJOURNMENT AND NEXT SITTING**

**PRESIDENT** (in Cantonese): In accordance with Standing Orders, I now adjourn the Council until 2.30 pm on Wednesday, 11 June 1997.

*Adjourned accordingly at twenty-eight minutes past Ten o'clock.*

*Note:* The short titles of the Bills/motions listed in the Hansard, with the exception of the Coroners Ordinance, Supplementary Appropriation (1996-97) Bill 1997, Discovery Bay Tunnel Link Bill, Midwives Registration (Amendment) Bill 1997, Auxiliary Medical Service Bill, Civil Aid Service Bill, Official Secrets Bill, Inland Revenue (Amendment) (No. 2) Bill 1997, Registered Designs Bill, Outer Space Bill, Civil Aviation (Amendment) Bill 1997 and Railways Bill, have been translated into Chinese for information and guidance only; they do not have authoritative effect in Chinese.