

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 15 October 1997

The Council met at half-past Two o'clock

MEMBERS PRESENT:

THE PRESIDENT

THE HONOURABLE MRS RITA FAN, J.P.

THE HONOURABLE WONG SIU-YEE

THE HONOURABLE JAMES TIEN PEI-CHUN, J.P.

THE HONOURABLE DAVID CHU YU-LIN

THE HONOURABLE HO SAI-CHU, J.P.

THE HONOURABLE EDWARD HO SING-TIN, J.P.

DR THE HONOURABLE RAYMOND HO CHUNG-TAI, J.P.

THE HONOURABLE NG LEUNG-SING

PROF THE HONOURABLE NG CHING-FAI

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

DR THE HONOURABLE DAVID LI KWOK-PO, J.P.

THE HONOURABLE LEE KAI-MING

THE HONOURABLE ALLEN LEE, J.P.

THE HONOURABLE MRS ELSIE TU, G.B.M.

THE HONOURABLE MRS SELINA CHOW, J.P.

THE HONOURABLE MRS PEGGY LAM, J.P.

THE HONOURABLE HENRY WU

THE HONOURABLE NGAI SHIU-KIT, J.P.

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

THE HONOURABLE RONALD ARCULLI, J.P.

THE HONOURABLE YUEN MO

THE HONOURABLE MA FUNG-KWOK

THE HONOURABLE CHEUNG HON-CHUNG

DR THE HONOURABLE MRS TSO WONG MAN-YIN

THE HONOURABLE LEUNG CHUN-YING, J.P.

DR THE HONOURABLE LEONG CHE-HUNG, J.P.

THE HONOURABLE MRS SOPHIE LEUNG LAU YAU-FUN, J.P.

THE HONOURABLE MOK YING-FAN

THE HONOURABLE CHAN CHOI-HI

THE HONOURABLE CHAN YUEN-HAN

THE HONOURABLE CHAN WING-CHAN

THE HONOURABLE CHAN KAM-LAM

THE HONOURABLE TSANG YOK-SING

THE HONOURABLE CHENG KAI-NAM

THE HONOURABLE FREDERICK FUNG KIN-KEE

THE HONOURABLE ANDREW WONG WANG-FAT, J.P.

DR THE HONOURABLE PHILIP WONG YU-HONG

THE HONOURABLE KENNEDY WONG YING-HO

THE HONOURABLE HOWARD YOUNG, J.P.

THE HONOURABLE YEUNG YIU-CHUNG

THE HONOURABLE IP KWOK-HIM

THE HONOURABLE CHIM PUI-CHUNG

THE HONOURABLE BRUCE LIU SING-LEE

THE HONOURABLE LAU KONG-WAH

THE HONOURABLE LAU WONG-FAT, J.P.

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

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

THE HONOURABLE CHOY KAN-PUI, J.P.

THE HONOURABLE PAUL CHENG MING-FUN, J.P.

THE HONOURABLE CHENG YIU-TONG

DR THE HONOURABLE TANG SIU-TONG, J.P.

THE HONOURABLE KAN FOOK-YEE

THE HONOURABLE NGAN KAM-CHUEN

THE HONOURABLE LO SUK-CHING

DR THE HONOURABLE LAW CHEUNG-KWOK

THE HONOURABLE TAM YIU-CHUNG, J.P.

THE HONOURABLE CHOY SO-YUK

MEMBERS ABSENT:

THE HONOURABLE HUI YIN-FAT, J.P.

DR THE HONOURABLE CHARLES YEUNG CHUN-KAM

THE HONOURABLE TIMOTHY FOK TSUN-TING

PUBLIC OFFICERS ATTENDING:

THE HONOURABLE MRS ANSON CHAN, J.P.
CHIEF SECRETARY FOR ADMINISTRATION

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

THE HONOURABLE ELSIE LEUNG OI-SIE, J.P.
SECRETARY FOR JUSTICE

MR MICHAEL SUEN MING-YEUNG, J.P.
SECRETARY FOR CONSTITUTIONAL AFFAIRS

MR CHAU TAK-HAY, J.P.
SECRETARY FOR BROADCASTING, CULTURE AND SPORT

MR NICHOLAS NG WING-FUI, J.P.
SECRETARY FOR TRANSPORT

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

MR RAFAEL HUI SI-YAN, J.P.
SECRETARY FOR FINANCIAL SERVICES

MR JOSEPH WONG WING-PING, J.P.
SECRETARY FOR EDUCATION AND MANPOWER

MR BOWEN LEUNG PO-WING, J.P.
SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS

MR LAM WOON-KWONG, J.P.
SECRETARY FOR THE CIVIL SERVICE

MR TAM WING-PONG, J.P.
SECRETARY FOR TRADE AND INDUSTRY

CLERKS IN ATTENDANCE:

MR RICKY FUNG CHOI-CHEUNG, J.P., SECRETARY GENERAL

MS PAULING NG MAN-WAH, ASSISTANT SECRETARY GENERAL

MR RAY CHAN YUM-MOU, ASSISTANT SECRETARY GENERAL

PAPERS

The following papers were laid on the table pursuant to Rule 21(2) of the Rules of Procedure:

Subject

Subsidiary Legislation	<i>L.N. No.</i>
Environmental Impact Assessment (Appeal Board) Regulation.....	455/97
Environmental Impact Assessment (Fees) Regulation.....	456/97
Companies Ordinance (Amendment of Eighth Schedule) Order 1997.....	457/97
Limited Partnerships Ordinance (Amendment of Schedule) Order 1997.....	458/97
Companies Ordinance (Fee for Taking Affidavit, Affirmation or Declaration) (Amendment) Notice 1997.....	459/97
Public Health and Municipal Services Ordinance (Public Pleasure Grounds) (Amendment of Fourth Schedule) (No. 5) Order 1997	460/97
Public Health and Municipal Services Ordinance (Public Swimming Pools) (Amendment of Fourteenth Schedule) Order 1997	461/97
Family Status Discrimination (Investigation and Conciliation) Rules.....	462/97
Family Status Discrimination (Formal Investigations) Rules	463/97

District Court Equal Opportunities (Amendment) Rules 1997	464/97
Labour Tribunal (General) (Amendment) Rules 1997	465/97

Sessional Papers

- No. 11 — Revised list of works annexed to the
Provisional Regional Council's Estimates of Revenue
and Expenditure for 1997-98
- No. 12 — Provisional Urban Council
A list of revised works for the quarter ended 30 June 1997
- No. 13 — Additional information on the Schedule of revisions to
the 1996-97 Estimates approved by the former
Urban Council during the fourth quarter of the
1996-97 financial year
- No. 14 — Ocean Park Corporation
Annual Report 1996-1997
- No. 15 — Annual Report of the Protection of Wages on
Insolvency Fund Board 1996-97
- No. 16 — The Government Minute in response to the
Ninth Annual Report of the Ombudsman issued in June 1997
- No. 17 — Hong Kong Council on Smoking and Health
Annual Report 1996-97

ADDRESSES

PRESIDENT (in Cantonese): Addresses. Mr Ronald ARCULLI will address the Council on the Ocean Park Corporation Annual Report 1996-1997. Mr ARCULLI.

Ocean Park Corporation Annual Report 1996-1997

MR RONALD ARCULLI: Madam President, tabled before the Council today is the 1996-97 annual report of the Ocean Park Corporation.

In the financial year ended 30 June 1997, the Ocean Park enjoyed a record attendance of 4.1 million visitors, an increase of 23% on last year's 3.34 million. The Park's operating income was \$443.2 million while its total surplus was \$83.9 million.

The strong attendance growth in comparison with previous years reflected increased tourist visits and stronger overall demands, with many local visitors returning more frequently. This was largely due to improvements in the Park and new attractions opened during the year.

One of the main contributing factors was the opening of the Film Fantasia simulator ride in the Lowland Gardens. More than one million guests visited the Park during July and August 1996 for this dynamic experience in the premier movie "Dino Island", which took guests on a simulated scientific expedition around a volcanic island.

The Film Fantasia launch was followed by a massive \$70 million renovation of the Ocean Theatre. The project included the installation of a state-of-the-art ozone sterilization system, new chillers, life support system, upgraded emergency power supply, and refurbished pool surface to ensure the highest possible water quality and improved living conditions for our marine mammals.

The momentum continued in the summer of 1997 when the Park announced the opening of the educational and entertaining Discovery of the Ancient World. The 300-metre long adventure trail takes visitors through the ruins of an ancient civilization in a rainforest setting filled with animated replicas of wild animals and plants.

The year under review was also a time when the Park started celebrating its 20th Anniversary. The celebration began in February 1997 when the Park launched its new advertising campaign based on the "20 Years Into Infinite Fun" theme line. The new Flying Swing thrill ride and the fifth Fancy Goldfish exhibition were launched during the Chinese New Year to coincide with the

occasion. A series of promotional events then followed which included the launch of advertising campaign, television programme broadcast, corporate banquet, free admission offers, in-park promotions, roadshows and territory-wide bus parades.

In line with the Park's educational commitment, the "Windows to the Ocean" outreach programme was enhanced during the year with sponsorship from the American Express Foundation. 10 000 students have enrolled already. The enriched programme is expected to benefit up to 6 000 more students annually who are of younger ages or whose schools are far away from the Park. In addition, the highly popular Educational Tours programme will also be expanded to the secondary schools.

Alongside its educational efforts, the Park's commitment in conservation continued in full strength. The hosting of the second Conservation Day on 11 January 1997 has successfully raised more than \$1 million for the Ocean Park Conservation Foundation. The Park also reaped success in the territory's first ever release of the Common Birdwing Butterflies into the wild, while a Bottlenose Dolphin calf, a sealion, several sharks, and two rare varieties of goldfish were also successfully bred in the year.

Looking to the future, the transition of Hong Kong into the Special Administrative Region of the People's Republic of China brings new opportunities for the Park to serve the community, as more will discover the delights the Park has to offer. We will continue to improve existing facilities, widen the selection of attractions and expand the scope of our activities in community services to ensure our visitors will receive value-for-money entertainment experience.

The work of the past 20 years has built round an excellent foundation from which the Ocean Park can continue to grow to offer even more enjoyment to Hong Kong residents and overseas tourists. We are committed more than ever in providing a balanced mix of recreation, education and conservation to the public. And under prudent management, the corporation will strive to generate an appropriate level of operating surplus for re-investment in the Park, and to guarantee an outstanding experience for all visitors in the years to come.

Thank you, Madam President.

PRESIDENT (in Cantonese): The Chief Secretary for Administration will address the Council on the Government Minute in response to the Ninth Annual Report of the Ombudsman issued in June 1997. Chief Secretary for Administration.

The Government Minute in Response to the Ninth Annual Report of the Ombudsman Issued in June 1997

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Madam President, the Ninth Annual Report of the Ombudsman of Hong Kong was presented to the former Legislative Council on 23 June 1997. The Government undertook then to prepare a Government Minute in response to the Ombudsman's recommendations on the cases listed in Annexes 7 and 11 of the Annual Report. The Government Minute is hereby presented to the Provisional Legislative Council.

The Government Minute covers complaint cases in respect of which investigations were carried out and recommendations made, as well as three direct investigation cases on which the Ombudsman initiated investigation of his own volition from late 1995 to 1996. The majority of the bureaux and government departments involved in the cases have fully accepted the Ombudsman's recommendations and taken follow-up actions accordingly. Only a very small number of the bureaux and departments concerned have, due to operational constraints, made slight amendments to some of the Ombudsman's recommendations instead of accepting them in full, with detailed reasons given in the Government Minute.

Organizations involved in the cases mentioned in the Government Minute also included the Judiciary and two public bodies, namely, the Hospital Authority and the Mass Transit Railway Corporation. The two bodies, although not being government departments, have undertaken the responsibility to be accountable to the public by providing the Government with information on the follow-up actions taken by them in response to the Ombudsman's recommendations.

The public expect to have a liberal Government and this is also our objective. The Ombudsman's contribution in this respect is commendable. Moreover, the relevant legislation was amended in December 1996 to further improve the operation of the redress system and extend the Ombudsman's

jurisdiction. At present, the Ombudsman has also been empowered to investigate complaint cases relating to alleged contraventions of the Code on Access to Information by the police or the Independent Commission Against Corruption. The Government will continue to give full support to the Ombudsman in the performance of his duties, and will do its utmost to ensure a harmonious working relationship between the Office of the Ombudsman and the public bodies within his jurisdiction.

Should Members require any further explanation on the contents of the Government Minute, the Government would be willing to provide such information.

ORAL ANSWERS TO QUESTIONS

PRESIDENT (in Cantonese): First question. Mr CHIM Pui-chung.

Legal Aid to a Victim Suffering from Insecticide Damage

1. **MR CHIM PUI-CHUNG** (in Cantonese): *Madam President, it is reported that the Legal Aid Department provided legal aid to a person, who was injured after inhaling pesticide, to claim compensation. As the result, the Department incurred a considerable amount of costs. In this connection, will the Government inform this Council of:*

- (a) *the entire process of the claim for compensation;*
- (b) *the total costs (interest included) incurred by the Department in the case, and the person responsible for approving payment of the costs; and*
- (c) *the criteria adopted by the Department in determining the amount of assistance granted, whether there is an upper limit of the amount, and how it ensures that every aided person is treated consistently?*

PRESIDENT (in Cantonese): Chief Secretary for Administration.

CHIEF SECRETARY FOR ADMINISTRATION: Madam President,

- (a) The case which the Honourable CHIM Pui-chung referred to relates to an incident that happened in June 1987. A musician with the Hong Kong Philharmonic Orchestra suffered organic and then psychiatric injury as a consequence of exposure to a harmful substance while rehearsing at the Hong Kong Academy for Performing Arts in the course of a pesticide operation.

He was immediately hospitalized. Although he initially made a partial recovery, his condition subsequently deteriorated and he had to leave his job and return to the United States.

Legal aid was granted in 1990 and proceedings subsequently commenced against five defendants, including the contractor responsible for the spraying, the Hong Kong distributor of the insecticide, the manufacturer of the insecticide, the Hong Kong Philharmonic Society as the employer and the Hong Kong Academy for Performing Arts as the venue owner.

The case proceeded to trial in the first part of this year. The legally aided person won his case and was awarded damages of \$24.5 million plus costs of his action. The judgement is enforceable against any or all of the five defendants.

- (b) Up to September 1997, the Legal Aid Department has disbursed about \$30 million on this case. However, as the legally aided person has been awarded costs by the court, the above sum will be recoverable from the defendants, and from the damages awarded to the aided person. Therefore, the expenses of legal aid to be met out of Public Fund in this case are likely to be minimal.

As in other cases, the Director of Legal Aid and his senior directorate staff exercised their statutory authority to approve the grant of legal aid and the payment of fees in this case.

- (c) The Director of Legal Aid will determine the granting of legal aid to a person having regard to the financial circumstances of the applicant, the merits of the case, and the nature and requirements of

the case. This practice applies consistently to each legally aided person. No cost ceiling is set for each legal aid case because the nature and complexity of each case varies. To do so could also prejudice the proper conduct of a legal aid case. Our prime concern is to safeguard the interests of the aided person. At the same time, the Director of Legal Aid has an obligation to monitor the conduct of all legally aided cases to ensure that public funds are properly spent. Funds voted for legal aid purpose is of course subject to the approval of the Finance Committee of this Council.

PRESIDENT (in Cantonese): Mr CHIM Pui-chung.

MR CHIM PUI-CHUNG (in Cantonese): *Madam President, the cost of litigation incurred in this case, as I was told in a complaint, amounted to several hundred million dollars. That is much greater than the about \$30 million I have just been informed. In the main reply, the Chief Secretary mentioned that the plaintiff had returned to the United States. Is it because he is an American or an American citizen holding a United States passport? Secondly, although \$30 million is an enormous sum, the Chief Secretary said that the expense is likely to be minimal. The public is eager to know how much public fund has been disbursed in this case. If the Chief Secretary cannot give this Council and the public an accurate figure right now, we can wait for a written reply.*

PRESIDENT (in Cantonese): Chief Secretary for Administration.

CHIEF SECRETARY FOR ADMINISTRATION: Madam President, I think I have made it clear in my principal reply that the cost incurred by the Legal Aid Department so far amounts to \$30 million. I am not aware of any other costs. I think I have disclosed a total cost but I also pointed out in my principal reply that of the \$30 million incurred in legal expenses by the Legal Aid Department, we believed that the bulk of it will be recovered from the defendants and from the compensation awarded to the legally aided person.

MR CHIM PUI-CHUNG (in Cantonese): *Madam President, I would like to ask a follow-up question.*

PRESIDENT (in Cantonese): Mr CHIM, do you want to ask a follow-up question? For the sake of clarity, you have to confine your follow-up to the part which has not been answered by the Chief Secretary.

MR CHIM PUI-CHUNG (in Cantonese): *Madam President, as the Legal Aid Department has disbursed \$30 million in the case, I would like to know how much money it can recover. Is it going to recover the \$30 million in full? I would like to have an accurate figure.*

PRESIDENT (in Cantonese): Chief Secretary for Administration.

CHIEF SECRETARY FOR ADMINISTRATION: Madam President, I iterate we actuate that the costs incurred by the Legal Aid Department so far is HK\$30 million. How much of the \$30 million can be recovered depends on the final judgment to be delivered by the court later in the year and also depends on whether any or all of the defendants decided to appeal. We understand that at least one defendant has decided to appeal. In which case, of course, the determination of a cost and how cost will be apportioned and met will have to await the hearing of appeal and the outcome of that appeal.

PRESIDENT (in Cantonese): Mr CHENG Kai-nam.

MR CHENG KAI-NAM (in Cantonese): *Madam President, in view of the controversy resulting from the question, can the Government tell us whether or not it has conducted a comprehensive review on the legal aid system such as the accountability of the Legal Aid Department, the approval procedures, the setting of cost ceiling or its scope of statutory powers and so on?*

PRESIDENT (in Cantonese): Chief Secretary for Administration.

CHIEF SECRETARY FOR ADMINISTRATION: Madam President, we are, in fact, currently reviewing various aspects of the legal aid scheme. In the course of this review, if Members feel that there is a need to look at various aspects of the scheme, we would of course be very happy to consider this request from this Council.

PRESIDENT: Mrs Elsie TU.

MRS ELSIE TU: Madam President, may I ask the Secretary if any effort was made to reach an out-of-court settlement in the case to save the long proceedings, pressure on defendants and public expenses?

PRESIDENT: Chief Secretary for Administration.

CHIEF SECRETARY FOR ADMINISTRATION: Madam President, I do not have information available, but I believe as a common interpretation of this case, that the Director of Legal Aid has attempted to settle this case out of court and only in the event of not succeeding would he have proceeded to a court case. But I shall ascertain the exact situation from the Director of Legal Aid and let Mrs TU has a written reply. (Annex)

PRESIDENT (in Cantonese): Mr MOK Ying-fan.

MR MOK YING-FAN (in Cantonese): *Madam President, I believe that the Hong Kong Academy for Performing Arts does not have such an enormous sum of money. May I ask the Government who is going to pay the compensation of \$30 million? Besides, will future labour compensation be reduced after the Government has paid such a huge sum of compensation?*

PRESIDENT (in Cantonese): Chief Secretary for Administration.

CHIEF SECRETARY FOR ADMINISTRATION: Madam President, as I pointed out in my principal reply, the costs incurred by the Legal Aid Department will be recovered from the defendants because the legally aided person has won his case. I do not think that this will in any way affect the payment of labour compensation.

PRESIDENT (in Cantonese): Mr CHIM Pui-chung.

MR CHIM PUI-CHUNG (in Cantonese): *Madam President, in my opinion, the Legal Aid Department has the responsibility to explain clearly to the public how it spent several ten million dollars in one single case. We want to know what criteria are adopted by the Legal Aid Department. We know from press reports that in many criminal cases, the defendants have to go through the judicial review before they are granted legal aid. May I ask the Chief Secretary whether the plaintiff was given preferential treatment by the Legal Aid Department in this case because he is an American (the fact that he had returned to the United States as disclosed in the Government's reply proves that he is American)?*

PRESIDENT (in Cantonese): Chief Secretary for Administration.

CHIEF SECRETARY FOR ADMINISTRATION: Madam President, can I first of all stress that the costs incurred by the Legal Aid Department will be recovered, if not in full, at least substantially in part, from the defendants and from the compensation awarded to the plaintiff. In reply to the second part of the Honourable CHIM Pui-chung's question, let me make it clear that no preferential treatment has been given to this particular applicant because of his nationality.

PRESIDENT (in Cantonese): Next question. Mr Ambrose LAU.

Employment of Fresh Social Work Graduates

2. **MR AMBROSE LAU** (in Cantonese): *It is reported that the Social Welfare Department has cut back on recruitment due to a slowdown in the growth of social welfare spending this year, and this has resulted in a number of social service programmes failing to meet the set targets. Meanwhile, among the more than 900 fresh graduates of full-time degree and diploma courses in social work, 70% are still unable to obtain employment. In this connection, will the Government inform this Council:*

- (a) *of the employment situation of fresh social work graduates in terms of whether they are employed, unemployed or under-employed;*
- (b) *of the factors leading to the above situation of unemployment or under-employment, and whether it has resulted from a slowdown in the development of social services or from the oversupply of social work places in tertiary institutions;*
- (c) *whether it will conduct investigations into allegations made by some fresh social work graduates that in seeking jobs they have been discriminated against on the ground of religious belief; and*
- (d) *of the measures in place to assist fresh social work graduates in finding jobs?*

PRESIDENT (in Cantonese): Secretary for Health and Welfare.

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): Madam President,

- (a) According to statistics recently obtained from the tertiary institutions, there are respectively 376 and 517 full-time social work degree and diploma graduates in 1997. On the basis of the information available from the tertiary institutions so far, it does appear that not all graduates have been able to secure employment at this point in time. There are however many factors which affect

employment, such as when students want to start work, whether they wish to remain in the social work field, when non-governmental organizations need to recruit staff and so on. For its part, the Government examines the employment situation of fresh social work graduates every year as part of the manpower projection exercise it makes in conjunction with the tertiary institutions and the Hong Kong Council of Social Service.

- (b) I would briefly outline how we arrive at manpower forecasts for this sector. Projections on the supply of, and demand for, social workers are updated every year taking into account information collected from the Social Welfare Department (SWD), organizations employing social workers and the tertiary institutions.

The manpower projection exercise involves many variables. the annual supply is calculated by aggregating the current strength of social workers and the number of graduates for the year, taking account of the number of non-entrants. Demand is estimated on the basis of funds available for approved projects, and replacement for wastage.

Factors such as the wastage and non-entry rates, the attractiveness of other jobs in the market and the general economic situation, are relevant. For example, actual wastage rates have dropped to relatively low levels in recent years. For the social work officer grade, the rate has fallen from 6.8% in 1992-93 to 1.6% in 1996-97. An increase in the number of overseas returnees may have further complicated the situation. Factors such as these may account for differences between the projected and actual manpower situation.

As regards the demand for social workers, we have, over the past few years continued to increase the resources allocated to the welfare sector. We are spending over \$19.5 billion, in terms of recurrent funding, on welfare services in 1997-98. This represents real growth of 9.4% compared with the previous year. Expenditure on direct services increased from \$3 billion in 1993-94 to \$7.2 billion in 1997-98.

The University Grants Committee (UGC)-funded institutions basically follow a triennial planning cycle to coincide with the recurrent grant allocation exercise. The UGC is currently reviewing the institutions' academic proposals for the 1998-2001 triennium. We are liaising closely with the Education and Manpower Bureau and the UGC to work out a plan for the coming triennium to match supply and demand in the social work discipline.

- (c) The SWD has not received any complaints of discrimination on grounds of religious belief. However, the Department always acts on the receipt of complaints and investigates the matter with the assistance of the relevant non-governmental organizations.
- (d) The SWD will also request non-governmental organizations to publicize their social work post vacancies through a variety of channels including placing recruitment advertisements in the Labour Department, the appointment offices of tertiary institutions and by placing advertisements in newspapers.

PRESIDENT (in Cantonese): Mr Ambrose LAU.

MR AMBROSE LAU (in Cantonese): *In part (a) of the main reply, the Secretary pointed out that according to statistics obtained from the tertiary institutions, it appears that not all fresh graduates have been able to secure employment. The Government also pointed out that it examines the employment situation of fresh social work graduates every year as part of the manpower projection exercise it conducts in conjunction with the tertiary institutions and the Hong Kong Council of Social Service. May I ask what actual figures the Government has got from its survey this year?*

PRESIDENT (in Cantonese): Secretary for Health and Welfare.

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): Madam President, in the past, we usually conducted a manpower projection every three years and updated the figures annually. A projection made three years ago may not be very accurate because the real situation of each year is different. From previous years' figures, we can see that our projected demand has exceeded the actual demand mainly because of a discrepancy in the projected wastage. We take an average wastage percentage for a three-year period. In 1992-93, the wastage rate was 6.8% but it has been dropping year after year to 1.6% this year. An accumulation of these discrepancies has led to a great difference.

From May to October this year, we have been creating new posts for fresh graduates. These include posts in the SWD and non-governmental organizations. However, the number of posts available depends on the funds allocated to each organization. As funds are usually made available in September, ample posts are created and staff mobility is also greater after September. So I do not think I can give the Honourable Member an accurate figure at this moment.

PRESIDENT (in Cantonese): Mr LAU Kong-wah.

MR LAU KONG-WAH (in Cantonese): *Madam President, although the Government said that accurate figures are not available, we know that 70% of the fresh social work graduates are still unemployed. If we ask the fresh graduates, they can give us a clear answer. In the White Paper published by the Government in 1991, it was clearly pointed out that there would be serious shortage of social work manpower in the several years after 1991. However, six years later, the social workers are facing serious unemployment problem. Is it due to a serious erroneous projection or a stagnant social service development?*

PRESIDENT (in Cantonese): Secretary for Health and Welfare.

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): Madam President, we normally undertake the projection exercises with a relatively

optimistic approach. In other words, we look at the demand for the services we will provide in the future and every year we have to bid for the resources in order to provide such services. However, demand for services may not fully match resources obtained, and this is a reality that we have to accept. Besides, in the projection of wastage rate, I must admit that there has been a great discrepancy. For a number of years, there has been a drop in the wastage rate and relatively the demand has been suppressed. As a result, some social work graduates may not be able to find suitable employment right now. However, I must say that not all graduates would enter the field, a small portion of them may enter other sectors. This has always been the case. Not all graduates will join the social work profession. Many of them will get jobs in other fields according to their preference and the demand and supply situation in the market.

PRESIDENT (in Cantonese): Mrs Peggy LAM.

MRS PEGGY LAM (in Cantonese): *Madam President, the Secretary mentioned that the manpower projection for social workers is revised and updated annually. The education community has been asking for providing one social worker per school. May I ask the Government whether it will consider implementing this manning scale?*

PRESIDENT (in Cantonese): Secretary for Health and Welfare.

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): Madam President, many people in the social welfare sector have time and again proposed to me this manning scale. However, this is not the policy objective of our school social work service to have "one social worker per school". We provide social work service according to the needs of the schools because the demand for social work service in some schools may be greater than that in the others. So, the provision of social work service depends on the needs of the students rather than a rigid manning scale of one social worker to one school. This is because the situation of every school is different. We will keep this service provision model under review to see if it is the best one.

PRESIDENT (in Cantonese): Mr CHOY Kan-pui.

MR CHOY KAN-PUI (in Cantonese): *Madam President, in the Government's projection, when will all social work graduates be able to secure employment in the field?*

PRESIDENT (in Cantonese): Secretary for Health and Welfare.

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): Madam President, the question as to when all fresh graduates can find suitable jobs depends on the vacancy position and their own preference because some posts may not suit their preferences. From October this year to early 1998, we will have new vacancies which include newly created posts and posts vacated by incumbents. Why has there been such a great discrepancy between the projected and the actual wastage rates? This is because three or four years ago, the social welfare sector saw a massive expansion. As a result, the average age of our social workers is quite young and the wastage rate through retirement has been dropping. The fact that our staff are relatively young has led to the difference between this grade and other grades.

PRESIDENT (in Cantonese): Mr WONG Siu-yee.

MR WONG SIU-YEE (in Cantonese): *Madam President, the Health and Welfare Bureau has pledged a lot of new commitments in the policy address. Can the Government tell us how many new social worker posts are expected to be created as a result of these new commitments?*

PRESIDENT (in Cantonese): Secretary for Health and Welfare.

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): Madam President, as far as I can remember, for the new commitments we have pledged, most of the expenditure items may not require the recruitment of social work

degree graduates. This is also true for rehabilitation and elderly service. There is no direct relationship between the number of new social worker posts and the new commitments. Of course, we are going to create 14 school social worker posts. For family service and youth service, a different number of new posts will also be created. But the exact demand still depends on the wastage.

PRESIDENT (in Cantonese): Mrs Peggy LAM.

MRS PEGGY LAM (in Cantonese): *Madam President, I would like to raise another follow-up question. One social worker is provided in each newly established care and attention home. However, in the previously purpose-built homes for the aged, there is no social worker. As there are over 200 old people in each of these homes for the aged, there should be strong demand for social workers' counselling service. May I ask the Secretary whether she will consider providing social workers to these homes in view of the large number of unemployed social workers?*

PRESIDENT (in Cantonese): Secretary for Health and Welfare.

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): Madam President, we will look at various service programmes within our portfolio, including the actual needs of the care and attention homes, and provide suitable social work service to our clients.

PRESIDENT (in Cantonese): Next question. Mr WONG Siu-yee.

Traffic Chaos During the World Bank Annual Meetings Period

3. **MR WONG SIU-YEE** (in Cantonese): *During the World Bank and International Monetary Fund annual meetings held in Hong Kong, the departments concerned made a series of traffic redirections which resulted in traffic chaos. Take 23 September as an example, traffic in the Central District and the surrounding area came to a standstill for almost the entire day. In this*

connection, will the Government inform this Council:

- (a) whether any review has been undertaken to determine the propriety of the traffic arrangements made by the departments concerned during that period; if so, what the findings are; and*
- (b) whether the departments concerned have learned any lesson from the traffic arrangements on that occasion, so that similar traffic chaos will not recur when big international events take place in future on non-public holidays in Hong Kong; if so, what the details are?*

PRESIDENT (in Cantonese): Secretary for Transport.

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, there were some 9 000 participants and visitors during the World Bank/IMF Annual Meetings which were held from 13 to 25 September 1997 at the Hong Kong Convention and Exhibition Centre. In view of the scale of the event, special traffic arrangements were introduced in Wan Chai North to facilitate traffic into and out of the meeting venue. The key elements were as follows:

- (a) Introduction of a one-way clockwise gyratory road system involving Harbour Road, Convention Avenue and Fleming Road to facilitate convenient access to and exit from the Hong Kong Convention and Exhibition Centre;
- (b) Prohibition of all traffic except buses and taxis in the northbound direction of Fleming Road Flyover to reduce the traffic in Fleming Road which was the main exit of the meeting venue. Traffic was diverted to either Marsh Road Flyover or Arsenal Street Flyover;
- (c) Closure of the U-turn loop in Fleming Road immediately south of the junction with Convention Avenue to reduce traffic on Fleming Road; and
- (d) Designation of more kerbside picking up/setting down spaces in

Harbour Road and Convention Avenue for participants of the World Bank/IMP Annual Meetings.

These arrangements were widely publicized in advance and traffic police were deployed to direct traffic on the ground. During the period when the special traffic arrangements were in force, the Transport Department and police closely monitored the situation on site. They were satisfied that the special traffic arrangements were effective in facilitating traffic circulation and minimizing congestion in Wan Chai.

Among the participants of the Meetings were a large number of senior ministers and officials of other governments who had to be provided with special protection under international conventions for events of this nature. The need to co-ordinate the transport movements of a large number of Internationally Protected Persons who took part in the Meetings and the associated activities inevitably created some inconvenience to other commuters. Every effort had been made to minimize such inconvenience.

The 1997 World Bank/IMF Annual Meetings were special and important events for Hong Kong. They allowed the international community to see Hong Kong after the handover. We are aware that the events have caused some inconvenience to Hong Kong people. We hope they will understand. Our experience on this occasion will be taken into account when we plan traffic arrangements for similar major international events in future.

PRESIDENT (in Cantonese): Mr WONG Siu-yee.

MR WONG SIU-YEE (in Cantonese): *Madam President, in fact, I did not ask the Secretary to explain the importance of the World Bank/IMF Annual Meetings and the detailed arrangements on that day. I have asked whether the Government has reviewed the propriety of the traffic diversion and whether it can ensure that traffic will not come to a standstill on similar occasions in future?*

PRESIDENT (in Cantonese): Secretary for Transport.

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, if Mr WONG has read my reply carefully, he would have noticed that by outlining the arrangements in detail, I was trying to answer his question concerning, first, whether those arrangements were necessary; second, what kind of inconvenience was caused; third, how to make improvement on similar occasions and venues in future by learning a lesson from those arrangements. As I stressed in my reply, inconvenience was inevitable, but we tried our best to reduce such inconvenience to a minimum. Special traffic arrangements are certainly required for such large scale meetings at the Hong Kong Convention and Exhibition Centre. We will try to minimize any short-term inconvenience. In the long run, we will consider how to improve on measures previously taken according to the actual situation when arrangements are to be made for future occasions. Basically, we have to strike a balance between smooth traffic for the participants on the one hand and minimizing the inconvenience to other commuters on the other.

PRESIDENT (in Cantonese): Mrs Miriam LAU.

MRS MIRIAM LAU (in Cantonese): *Madam President, the Secretary in his reply stressed that the Transport Department and the police did effectively minimize the congestion and make every effort to minimize the inconvenience. In the last paragraph of his reply, the Secretary also mentioned that the Government would learn from their experience gained on that occasion. May I ask the Secretary what lesson has been learnt from that occasion? What improvement will be made to arrangements so as to prevent the recurrence of similar chaos?*

PRESIDENT (in Cantonese): Secretary for Transport.

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, when the World Bank/IMF Annual Meetings were held in September, it was the second

time we had an event of such a large scale in the new annex to the Hong Kong Convention and Exhibition Centre. It was also the second time of putting special traffic arrangements in place. The experience acquired on these two occasions tells us that the arrangements and the measures are feasible. As to the traffic congestion, it was inevitable and secondly, it had been minimized. Of course, this does not mean that we will not adjust and improve our arrangements according to the actual situation. Nevertheless, these measures and arrangements are basically necessary and we have struck a balance as far as possible.

PRESIDENT (in Cantonese): Mr CHIM Pui-chung.

MR CHIM PUI-CHUNG (in Cantonese): *Madam President, the Secretary in his reply mentioned that this occasion was highly acclaimed. The point is, in view of the traffic conditions in Hong Kong, is Hong Kong well-qualified to regularly hold similar or equally important international events in future?*

PRESIDENT (in Cantonese): Secretary for Transport.

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, since we have received such high acclaim and the Meetings were held so smoothly, we are sure that we are qualified and capable to hold similar events in future.

PRESIDENT (in Cantonese): Mr CHOY Kan-pui.

MR CHOY KAN-PUI (in Cantonese): *Madam President, the Secretary said that the Government would learn from the experience. But in view of the chaos on that day, was there any problem in terms of co-operation and co-ordination among the departments concerned?*

PRESIDENT (in Cantonese): Secretary for Transport.

SECRETARY FOR TRANSPORT (in Cantonese): No, Madam President.

PRESIDENT (in Cantonese): Mr WONG Siu-ye.

MR WONG SIU-YEE (in Cantonese): *Madam President, the Central District is the heart of Hong Kong economy. Does the Secretary think that a standstill in traffic in Central District for one whole day is reasonable and acceptable?*

PRESIDENT (in Cantonese): Secretary for Transport.

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, I do not need to stress once again that Hong Kong is a small and densely populated place with high traffic volume. I believe we did all we could to facilitate traffic circulation under all these constraints. During the World Bank/IMF Annual Meetings period, quite a lot of related activities were held in our commercial centre, namely, Central District and Wan Chai. In order to ensure that the participants could attend these activities, we tried our best to make proper arrangements. However, in Wan Chai North and Central District, space for facilitating traffic circulation is limited and congestion was therefore inevitable. But basically we did our best to minimize the chaos. Inconvenience was inevitable, but we hoped to minimize it by our arrangements and measures.

PRESIDENT (in Cantonese): Mr CHIM Pui-chung.

MR CHIM PUI-CHUNG (in Cantonese): *Madam President, the Secretary's reply appears to suggest that the community should absolutely tolerate such traffic congestion. Does this mean that the Government is incompetent and cannot handle this problem?*

PRESIDENT (in Cantonese): Secretary for Transport.

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, we try to tackle every problem positively. We also handle and solve problems with the resources available. During the Annual Meetings period, we did our best in traffic arrangements as far as our capability allowed. But I must stress that it does not mean that we are not going to adjust our measures with flexibility according to the actual circumstances of each event.

PRESIDENT (in Cantonese): Next question. Mrs Selina CHOW.

Patronage of the Western Harbour Crossing

4. **MRS SELINA CHOW** (in Cantonese): *Madam President, it is reported that the average traffic volume of the Western Harbour Crossing (WHC) is currently around 20 000 vehicles per day, which is much less than half of the original Transport Department estimate of 59 000 vehicles per day. In this connection, will the Government inform this Council:*

- (a) whether the daily average traffic volume of the WHC is lower than expected; if so, what the reasons are;*
- (b) whether, in order to attract more motorists, it will consider reducing the tolls of the WHC, particularly in view of the fact that they are higher than those of the other two cross-harbour tunnels; and*
- (c) whether it will adopt other measures to encourage more motorists to use the WHC; if so, what the details are?*

PRESIDENT (in Cantonese): Secretary for Transport.

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, the traffic volume of the Western Harbour Crossing (WHC) has been lower than expected, probably because of the following reasons:

1. it takes time for motorists to familiarize with the WHC;
2. the temporary congestion along the approach roads in Central District due to Airport Railway works might have discouraged some

motorists travelling to or from Central, Wan Chai and Hong Kong Island East from using the WHC; and

3. the higher toll of the WHC makes it less attractive.

There has, however, been a gradual increase in the traffic volume of WHC from a daily average of 20 600 vehicles in May to 23 100 vehicles in September.

The tolls charged by the WHC are stipulated in Schedule 1 of the Western Harbour Crossing Ordinance. Under section 33 of the Ordinance, "the Company may, from the operating date until the expiry of the franchise period, demand and collect in respect of the passage of motor vehicles through the tunnel, the tolls specified." In the circumstances, it is solely a decision for the Company whether to charge the specified tolls, or lower tolls. Nevertheless, the Government has reflected to the Company that there have been calls from the public for reducing the tolls and urged the Company to give consideration. The Company has drawn up a promotional strategy including free tickets and free passage and so on to attract motorists to use the Tunnel.

The Government has taken steps, both before and after the opening of the WHC, to facilitate the use of the Tunnel. They include:

1. construction of high capacity roads at both ends of the Tunnel;
2. erection of about 400 new directional signs guiding motorists to the WHC: 110 on Hong Kong Island, 260 in Kowloon and 40 in the New Territories;
3. new traffic management schemes to facilitate traffic flow in the vicinity of the Tunnel, for example, widening of Ferry Street and Canton Road in Kowloon, and Victoria Road and Pokfulam Road on Hong Kong Island; and
4. publicity programmes for the opening of new roads leading to the Tunnel.

The Company was fully consulted on and endorsed these measures. We will continue to monitor the traffic conditions and work with the Company to

make further improvements, particularly in traffic signages. The Smithfield Road Extension, when completed at the end of this year, will provide an alternative route for motorists to travel from the Polfulam area to the Tunnel.

PRESIDENT (in Cantonese): Mrs Selina CHOW.

MRS SELINA CHOW (in Cantonese): *Madam President, it is undeniable that a reduction in tolls seems to be the best way to directly boost the traffic volume of the Tunnel, especially in the short term. In paragraph (b) of his reply, the Secretary implied that he has no statutory power to reduce the tolls. So he may have to eloquently persuade the WHC Company to draw up promotional strategies. Can the Secretary tell us when these promotional strategies, which are in fact price reduction strategies, will be implemented? Does the Government think that the present price reduction strategies are sufficient to stimulate the use of the Tunnel to the originally estimated level? If the strategies are not successful, what can the Government do to persuade the Company to reduce the tolls to a reasonable level so as to attract more people to use this excellent Tunnel?*

PRESIDENT (in Cantonese): Secretary for Transport.

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, it is obvious that a commercial organization has to consider the actual circumstances when it draws up promotional strategies or other concrete arrangements in order to achieve the expected objective. Regarding the toll arrangements and other special measures of the WHC, the Company launched a promotional strategy called the "Smooth, Speedy, Smart" in April 1997 through television, radio, newspapers and other publicity channels. Other marketing strategies were also adopted at the same time, for example, two extra free tickets were given for every purchase of 10 tickets; free maps were distributed and free passage days were launched. Obviously, the WHC Company has to take into account the actual situation, and certainly it will consider stepping up publicity when the need arises.

On the part of the Government, the supporting measures we can adopt are to facilitate the traffic circulation at the entry and exit of the tunnel and to ease congestion in its vicinity so that motorists can move in and out of the tunnel smoothly. As to actual commercial operation practices, we must leave it to the Company itself.

MRS SELINA CHOW (in Cantonese): *Madam President, the Secretary has not answered my question. My question is: If, after assessment, the Government thinks that these promotional strategies are inadequate to boost the traffic flow to the expected level, what measures and actions will the Government take?*

PRESIDENT (in Cantonese): Secretary for Transport.

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, as a commercial undertaking, the WHC Company needs to develop specific ways to attract motorists to use the Tunnel if it finds that there is a discrepancy between the actual utilization rate and the expected level. As I have said in my reply, there are several reasons for the Company's failure to get the originally targeted traffic volume. A higher toll level than those of the other two tunnels may be one of them. There are other reasons, for example, motorists are not familiar with the Tunnel and the nearby area. So we hope that through publicity or free passage days, motorists will familiarize themselves with the Tunnel and things may begin to look up. The congestion problem, especially in the Central District, which is caused by temporary road diversions and infrastructure projects, will only improve when the projects are completed. However, the targeted utilization rate can only be achieved with the co-ordinated efforts of the various parties concerned. When the new airport is commissioned next year, the WHC will certainly play a part in smoothing the traffic to and from the new airport. By that time, its traffic volume will increase substantially.

PRESIDENT (in Cantonese): Mrs Miriam LAU.

MRS MIRIAM LAU (in Cantonese): *Madam President, the Government indicated that after the Tunnel had been commissioned for a period of time, it*

would review the actual situation to decide whether a toll adjustment was needed to regulate the traffic volume. In light of the low utilization rate, will the Government carry out a review; if so, when will it be carried out?

PRESIDENT (in Cantonese): Secretary for Transport.

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, we have been monitoring the utilization rate of the WHC and the other two cross-harbour tunnels. A more comprehensive review will be done as part of the Third Comprehensive Transport Study. In the Study, we will review the long-term pricing strategy of various cross-harbour tunnels and their roles in smoothing traffic flow. The outcome of the Study will definitely be used as the reference when we regulate the utilization rates and toll levels of the three tunnels in future. This is a relatively comprehensive and long-term review. However, we are closely monitoring the traffic volume and congestion in the three tunnels on a daily basis. If traffic management measures are effective in facilitating traffic flow, they will be adopted. I believe a smooth traffic flow will help boost the utilization rate of the WHC.

PRESIDENT (in Cantonese): Mrs Miriam LAU, are you raising a follow-up question? A follow-up question is raised solely for the purpose of asking the Secretary to answer the part of the question that has not been answered. If yes, please go ahead.

MRS MIRIAM LAU (in Cantonese): *Madam President, I would like to ask a follow-up question about the study of the tunnels' traffic volume in the Third Comprehensive Transport Study mentioned by the Secretary. But the Study will take a long time to complete. May I ask the Secretary whether a long-term study can resolve the immediate problem of the low traffic volume of the WHC?*

PRESIDENT (in Cantonese): Secretary for Transport.

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, as I have said just now, the Third Comprehensive Transport Study is a thorough review on traffic congestion in Hong Kong and the need for infrastructure and other

facilities to ease the overall traffic flow in the territory. It is a comprehensive and long-term study which undeniably will take some time to complete. The whole report will be available in 18 months and there may be an interim report. As regards the urgent traffic volume problem facing the WHC, as I have just said, we are seeing a gradual increase in the traffic volume in the WHC. I hope that with the commissioning of the new airport next year, the traffic volume in the WHC will pick up.

PRESIDENT (in Cantonese): Members, I would like to explain the difference between a follow-up question and a supplementary question. If you feel that the Secretary has not answered your supplementary question, you may immediately raise a follow-up question which must be related to the part unanswered. A supplementary question is another matter. If you wish to ask another point after hearing the Secretary's reply, then that will be a supplementary question. You have to raise your hand to indicate your wish to ask a supplementary question. Mr CHEUNG Hon-chung.

MR CHEUNG HON-CHUNG (in Cantonese): *Madam President, the Secretary said that the slogan of the WHC is "Smooth, Speedy, Smart". But in the public's view, it is "Expensive, Smooth, Speedy, Smart". The Government has admitted that many motorists are deterred from using the Tunnel by the exorbitant toll level. The problem is that in its planning stage, the WHC was supposed to have a specific role in facilitating traffic flow. But now with the number of motorists using the Tunnel standing at only half of the expected level, the Tunnel has failed to play its role. Has the Government carried out an assessment of this factor? What is the outcome of the assessment? Are there any long-term or short-term measures to tackle the problem?*

PRESIDENT (in Cantonese): Secretary for Transport.

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, the WHC has definitely served to ease the traffic congestion of the other two tunnels. Let me give Members some figures: Before the commissioning of the WHC, the daily average traffic throughput of the Eastern Harbour Crossing (EHC) was about 89 000 vehicles. After the commissioning of the WHC, it is about 84 000 vehicles, a reduction of 5%. Turning to the Cross Harbour Tunnel (CHT) at Hunghom, before the commissioning of the WHC, the daily traffic throughput was about 124 000 vehicles. After, it is 121 000 vehicles, a reduction of 2.4%.

So the WHC has certainly served to ease the congestion of the two cross-harbour tunnels. It is true that there has been a slight overall increase in the number of vehicles using the tunnels. This may be the result of some motorists, who did not use the two very congested tunnels to cross the harbour previously, having used the newly-commissioned WHC. In fact, the WHC, after its commissioning, has eased the congestion of the two older tunnels. We, of course, hope that it can play its fullest possible part in easing traffic.

PRESIDENT (in Cantonese): Mr CHAN Choi-hi.

MR CHAN CHOI-HI (in Cantonese): *Madam President, the present transport network of the Central and Western Districts cannot cope with 59 000 vehicles. On the first free passage day of the WHC, the traffic of the whole Western District came to a standstill. May I ask the Secretary whether there are any long-term or instant measures to ensure a smooth traffic flow even when there is a sudden flush of 60 000 vehicles into the Central and Western Districts?*

PRESIDENT (in Cantonese): Secretary for Transport.

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, a corollary of what the Honourable Member has said is that we must not reduce the tolls because that will lead to very serious congestion in the Western District. Basically, the long-term solution for easing the congestion in the Central and Western Districts will rely on the provision of new infrastructure. The Government does have plans to improve the traffic conditions. But under various constraints, what we can do is very limited. In the long term, we need a new road through Central and Wan Chai. Basically, in the face of the various constraints, we are trying to maintain a relatively smooth traffic flow in the Central and Western Districts through traffic management measures.

PRESIDENT (in Cantonese): Mr Howard YOUNG.

MR HOWARD YOUNG (in Cantonese): *Madam President, the low traffic volume of the WHC is similar to the problem of dwindling number of visitors in our tourism industry. This problem leads us to ponder who is right. With the WHC toll set at an expensive level, three times as much as those of the other tunnels, will the Government take a more proactive approach rather than wait for a toll reduction by the WHC Company? The proactive approach is just like the Chief Executive's appeal on price reduction and we should wait and see whether the WHC will make response. As an alternative, has the Government considered playing a co-ordinating role in setting a uniform toll level for the three tunnels, without the two other tunnels needing to increase their revenue? Can an adjustment mechanism be introduced whereby the discrepancy in toll levels of the three tunnels can be removed, and there can be an even traffic volume in all the three tunnels, with each tunnel managing to receive a stable revenue?*

PRESIDENT (in Cantonese): Secretary for Transport.

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, in my reply to another Member's supplementary question, I said that the Government has referred to the Company the call for a toll reduction so as to attract more motorists to use the WHC. In fact, we have taken a proactive approach and referred such a view to the Company. With regard to setting a uniform toll or an averaged toll level for the other two tunnels, I believe the Honourable Howard YOUNG will recall that during the 1995-96 Legislative Session, we proposed to Members at the time that the passage tax on private cars and taxis using the CHT and the EHC be increased so as to bring the toll levels of these two tunnels closer and to ease the congestion of these two tunnels. Unfortunately the bill was not supported by the Bills Committee of the then Legislative Council. If Members have the same wish now, we are happy to submit a bill to the same effect.

PRESIDENT (in Cantonese): Six Members have raised their hands to express their wish to ask supplementary questions. I will draw a line there and proceed to the next question. Mr WONG Siu-yee.

MR WONG SIU-YEE (in Cantonese): *Madam President, two days ago I met a responsible officer of the WHC Company. He told me that the Board of Directors would not reduce the toll. He gave me the impression that they did not want to see the three tunnels competing for business by cutting price. I think they will increase rather than decrease tolls. Another impression I got from him was that their decisions were based on the revenue they received. In their viewpoint, the present traffic volume is quite satisfactory because, at a toll level of \$30 per trip, the Company is viable with the revenue generated from 20 000-odd vehicles a day. On the contrary, they may not sustain the operation if the toll is reduced. In fact, they do not assess their business on the basis of traffic volume. May I ask the Government whether it can persuade the Company to consider public interest and set their objective in terms of traffic volume rather than the revenue generated?*

PRESIDENT (in Cantonese): Secretary for Transport.

SECRETARY FOR TRANSPORT (in Cantonese): When we submitted the Western Harbour Crossing Bill to the then Legislative Council for scrutiny, we had explained in detail the WHC's toll level and criteria for setting the toll level, how arrangements were to be made and what principles should be considered. Only after in-depth discussion and explanation were we able to set out in detail the toll collection mechanism and toll adjustment mechanism in the ordinance. As I have said just now, the Company operates on commercial principles. It can adjust the toll levels within permitted statutory parameters and the actual utilization rate of the Tunnel. I think this should be considered and decided by the Company itself. The Government can, of course, reflect the views of the public and the motorists to the Company. Mr WONG was also able to talk to the management of the Company. After consideration, they have formed their own opinion. What we can do is to keep reflecting the actual situation to the Company.

MR WONG SIU-YEE (in Cantonese): *Madam President, he has not answered my question. I ask whether the Government is able to do so.*

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, the toll

level of the WHC is determined according to the law. Under the provisions of the law, we must act according to the law and the WHC Company must act according to the law too.

PRESIDENT (in Cantonese): Mr Edward HO.

MR EDWARD HO (in Cantonese): *Madam President, from the financial point of view, will the present low traffic volume affect the repayment period of the WHC? If it does, will the Government be concerned that the WHC may apply for a further toll increase?*

PRESIDENT (in Cantonese): Secretary for Transport.

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, it appears that Mr WONG has already answered this question for me. According to the information he got, the management of the WHC is quite satisfied with the present situation.

PRESIDENT (in Cantonese): Mr Edward HO.

MR EDWARD HO (in Cantonese): *Madam President, I think he has not answered my question. Mr WONG Siu-yee was not supposed to answer my question. My question is very clear: Will the present traffic volume lengthen the repayment period and as a result, will the company have to apply to the Government for a toll increase?*

PRESIDENT (in Cantonese): Secretary for Transport.

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, I will not ask you to rule whether this is a hypothetical question. However, I can say that the Western Harbour Crossing Ordinance has provisions clearly stipulating the toll increase mechanism and the permitted parameters for toll increase. All these are clearly stipulated in the Ordinance.

PRESIDENT (in Cantonese): Dr Raymond HO.

DR RAYMOND HO (in Cantonese): *Madam President, I originally intended to ask a question about planning error. However, when the Secretary was answering Mr Howard YOUNG's question, I was so alarmed that another question popped up in my mind. Madam President, would you allow me to ask two questions?*

PRESIDENT (in Cantonese): What is your question then? Anyway, you can ask only one question.

DR RAYMOND HO (in Cantonese): *Madam President, I would like to ask the first question. Just now the Secretary mentioned that in 1995, the Government proposed to increase the tolls of the CHT and the EHC from \$10 to \$30. As I was the Chairman of the Transport Advisory Committee at that time, I strongly opposed it because there was no justification to increase the tolls to such a high level. Moreover, it was unfair to the public because there was no alternative route for the public to cross the harbour. If we bring the tolls of the three tunnels to the same level, it will be very unfair to the public unless there are other facilities such as an additional cross-harbour MTR line or rail link. The purpose of building the tunnels is to enable the public to cross the harbour more conveniently and more comfortably.*

PRESIDENT (in Cantonese): What is your question? *(Laughter)*

DR RAYMOND HO (in Cantonese): *My question is: Would it be very unfair to the public if the Government considers bringing the tolls of the other two tunnels*

to \$30 when there is no other alternative transport facilities for them?

PRESIDENT (in Cantonese): Secretary for Transport.

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, I believe I did not say that we would consider increasing the toll levels of the other two tunnels to \$30. I just responded to Mr Howard YOUNG's question as to whether the Government had considered adjusting the toll levels of the other two tunnels in order to attract more motorists to use the WHC. In answering his question, I referred to the Government's proposal in the 1995-96 Session. But at the present moment, we have no plans to submit any new and urgent proposal on this issue to the Provisional Legislative Council. Further deliberation is needed to determine if we have to do so in the future.

PRESIDENT (in Cantonese): Mr CHOY Kan-pui.

MR CHOY KAN-PUI (in Cantonese): *Madam President, on what basis did the Transport Department originally estimate the daily average traffic volume? Has the Department over-estimated the utilization rate?*

PRESIDENT (in Cantonese): Secretary for Transport.

SECRETARY FOR TRANSPORT (in Cantonese): We have to consider many factors in estimating the growth in traffic and demand. In practice, some factors may turn out to be beyond our control. In this case, the traffic volume projection was basically based on the most accurate data available at that time. Of course, there may be discrepancy between the estimation and the actual situation now due to a number of reasons as I have already mentioned. In this aspect, I think we can see whether there is a discrepancy in the actual traffic volume and the projected volume only after the WHC has been operated for some period of time. We had similar experience with the EHC. When the EHC was first commissioned, there was a discrepancy between the actual traffic volume and the projected volume. After a certain period of time, the traffic volume not

only reached our expected level but even exceeded it. I think we have to monitor the situation for some time and wait till the commissioning of the new airport to make a judgment in the light of the actual situation.

PRESIDENT (in Cantonese): Mr IP Kwok-him.

MR IP KWOK-HIM (in Cantonese): *Madam President, in the Secretary's reply, he mentioned that the Government has adopted a number of measures to attract more motorists to use the WHC after its commissioning. For instance, 400 new directional signs guiding motorists to the WHC have been erected at both ends of the Tunnel. May I ask the Government which department paid the cost of these directional signs? Will the Government review the directional signs leading motorists to various districts upon leaving the tunnel?*

PRESIDENT (in Cantonese): Secretary for Transport.

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, I did not hear clearly the last few words of Mr IP's question.

MR IP KWOK-HIM (in Cantonese): *Madam President, I asked if the Government would review the directional signs leading motorists to various districts upon leaving the tunnel?*

PRESIDENT (in Cantonese): Secretary for Transport.

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, certainly we will carry out a review on this. The WHC and roads leading to other districts are a new road network. Although some roads are not yet completed, the operation of the WHC is not affected. We will carry out a review on the actual situation including the location and the number of directional signs. The

road signs along the approach roads and roads leading motorists leaving the Tunnel to other districts are clear and noticeable.

MR IP KWOK-HIM (in Cantonese): *The Secretary has not answered part of my question. Who paid the cost of these 400 new directional signs?*

SECRETARY FOR TRANSPORT (in Cantonese): The road signs are the responsibility of the Government.

PRESIDENT (in Cantonese): Mrs Selina CHOW.

MRS SELINA CHOW (in Cantonese): *Madam President, in answering Mr CHAN Choi-hi's question, the Secretary said that a reduction in toll would lead to traffic congestion. I think this is just the opposite of "trimming one's toes to fit the shoes" argument. If this argument is further stretched, then it would be better not to build so many roads, without which there would not be traffic congestion. In his reply, the Secretary said that the traffic condition was affected by Airport Railway works. May I ask the Secretary whether these works will be completed on schedule so that traffic congestion can be eased? Will there be any delay? What measures can be adopted in order to ease congestion as early as possible?*

PRESIDENT (in Cantonese): Secretary for Transport.

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, regarding the problem of traffic congestion in the Central District caused by Airport Railway works and works in Central, according to our estimation, such works will be completed in June 1998 which is the scheduled completion date. But I have to stress that — I have made this point many times and Members

may feel that I am too long-winded — congestion in Central will not be greatly improved even when works of the Airport Railway Central Station are completed. All along, Central has been the only principal fairway of the whole Central District. Since there are only one or two roads in Central, it is insufficient. To solve the problem in the long term, we have to reclaim land, we have to build more roads. However, we have, within all our capability, tried our best to perfect the traffic management systems in an attempt to minimize congestion in Central.

PRESIDENT (in Cantonese): I originally intended to draw a line after Mrs Selina CHOW's question has been answered. But I think, as two Members are eager to raise questions, disallowing their questions may leave them regretful. Dr Raymond HO.

DR RAYMOND HO (in Cantonese): *Madam President, thank you for your understanding. This is, in fact, a very important question because the present daily traffic volume of the WHC is just over 20 000 vehicles while its designed capacity is 180 000 vehicles for its three-lane layout. However, if its traffic volume is further increased, the congestion in and around Central will get worse. Motorists are unwilling to use the WHC because the directional signs in the approach roads to the Tunnel are unclear and insufficient; and at the same time, they will get stuck in Western District after coming out of the Tunnel. Is it because insufficient supporting roads were planned at the planning stage? In his reply, the Secretary also mentioned that the progress of road construction in the periphery of the tunnel area was being speeded up. Is it true to say that the construction of the Central-Wan Chai Bypass should have commenced five years ago so that it could have been completed and in use now? Is this a mistake in planning again?*

PRESIDENT (in Cantonese): Secretary for Transport.

SECRETARY FOR TRANSPORT (in Cantonese): It is undeniable that there has been a planning delay. But this is attributable to many factors and one of them is that we have been unable to implement many of our planned major

projects. Basically, the design of supporting transport facilities needed for the operation of the WHC has served its purpose. Regarding the Central District, as I have said, the Central Station works will bring inevitable and temporary new congestion for some time. When the work is completed, there will certainly be improvement. But the typical congestion problem caused by increased traffic volume will not be totally eradicated because a complete solution to this problem is to provide infrastructure in the long term.

PRESIDENT (in Cantonese): Mr Howard YOUNG.

MR HOWARD YOUNG (in Cantonese): *Madam President, a moment ago, I did not intend to raise a supplementary question for the sake of saving time. But after hearing Dr Raymond's words, I think I have to clarify one point. I do not know why Dr HO suddenly mentioned an increase of toll level to \$30. I am afraid that I would be wrongly blamed for this. The question I just asked concerned a uniform toll. From a mathematics point of view, will the Secretary agree that by averaging the tolls of the three tunnels, that is \$30 plus \$10 plus \$10 and divide the sum of \$50 by three, we get \$16-odd, and by discounting certain concessions, we will obtain an average toll for all tunnels of around \$15? I do not know where the figure \$30 came from.*

PRESIDENT (in Cantonese): Secretary, if I have understood it correctly, Mr YOUNG is saying that a uniform toll is feasible when necessary. Do you agree? Is that what you mean, Mr YOUNG?

MR HOWARD YOUNG (in Cantonese): *Madam President, I did not propose to impose a passage tax or a uniform toll of \$30 for all tunnels.*

PRESIDENT (in Cantonese): Mr Howard YOUNG, you put this question to the Secretary but the Secretary is not our arithmetic teacher. I think he needs not answer your question.

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, with your permission, I would try to tackle this question. First of all, Mr Howard

YOUNG did not propose \$30, nor did I. I do not know why it was mentioned at all. Secondly, I also have some knowledge in basic mathematics. If we want to impose a uniform toll, there are in fact many ways to achieve that. The three tunnels can either charge a uniform toll of \$30 because the highest toll is \$30 or \$10 because the lowest toll is \$10. We can also add up the tolls of the three tunnels and then take the average. Is it \$16-odd? I have no calculator on hand and I am not sure about it. If we have to do so, there are in fact many ways to come to a uniform toll.

PRESIDENT (in Cantonese): Next question. Dr Raymond HO.

Deterioration of Air Quality in Hong Kong

5. **DR RAYMOND HO** (in Cantonese): *On 19 and 20 August this year, the Air Pollution Index (API) exceeded 100 for two consecutive days for the first time. The Environmental Protection Department explained that the weather condition and undispersed motor vehicle emissions were the main causes. In this connection, will the Government inform this Council of the following:*

- (a) *the principal cause of air pollution in Hong Kong;*
- (b) *the impact of air pollution on the health of the public, especially those working long hours outdoor, when the API exceeds 100;*
- (c) *whether it has considered issuing health guidelines to the public, listing out the matters to be noted and the measures to be adopted when the air quality deteriorates;*
- (d) *the specific measures adopted by the Government to improve the air quality of the territory and to reduce motor vehicle emissions; amongst the measures adopted, whether it has studied the feasibility of the use of motor vehicles driven with natural gas and electricity, and the reinforcement of the control over the increase in the number of motor vehicles; and*
- (e) *details of the facilities for monitoring the air quality at street level?*

PRESIDENT (in Cantonese): Secretary for Planning, Environment and Lands.

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Madam President, it is a five-part question, and I shall reply in the order of the parts.

- (a) The dominance of diesel vehicles in Hong Kong and the considerable mileage they make is the main cause of Hong Kong's air pollution problem, which is characterized by high ambient concentrations of a harmful air pollutant known as respirable suspended particulates (RSP) emitted primarily from combustion of diesel fuel.
- (b) Researches have shown that episodes of poor air quality are associated with increased morbidity and mortality in persons with heart or respiratory diseases, young children and the aged. The general public may develop symptoms like eye irritation, cough and throat discomfort when exposed to air pollution for a prolonged period. Persons working long hours outdoor in polluted areas are at a higher risk of developing such symptoms.
- (c) The Environmental Protection Department (EPD) has published a pamphlet on "Air Pollution Index" which advises the public on the potential health effects associated with high API readings and the precautionary measures to be taken. The Department is revising the information pamphlet to include more detailed advice. On days of poor air quality, advice to susceptible persons with heart or respiratory disease to reduce physical exertion and outdoor activities are made through TV and radio announcements and schools.
- (d) We have implemented a comprehensive programme to abate air pollution. Polluting industrial processes are subject to rigorous licensing controls under the Air Pollution Control Ordinance and are required to adopt the best practicable measures to minimize

emissions. Construction activities are required by law to implement specified dust suppression measures. As regards vehicle emissions, our strategy comprises the following elements:

- (i) since 1992, to require newly registered petrol vehicles to operate on unleaded petrol and be fitted with catalytic converters;
- (ii) to adopt the most stringent practicable emission standards for diesel vehicles;
- (iii) to upgrade the quality of motor diesel fuel progressively. Since April 1997, the sulphur content of motor diesel was further reduced to 0.05%, making our diesel fuel the cleanest used in Asia; and
- (iv) to strengthen the annual inspection arrangements for commercial vehicles, including the use of a more revealing dynamometer test.

However, as our air pollution problem is caused by the large number of intensively used diesel vehicles, only a substantial reduction in their numbers can bring sufficient improvements to our air quality. In the long term, therefore, we aim to introduce LPG vehicles to replace part of our diesel vehicle fleet. We will launch a trial of LPG taxis in November 1997 to ascertain their technical reliability when operating in the local driving environment and to obtain information on their fuel consumption and repair and maintenance requirements for devising a viable motor fuel strategy to improve air quality.

We have also been monitoring the development of clean fuel alternatives such as electric and natural gas vehicles. At present, they are not practicable options for Hong Kong.

The lack of stable supply and an infrastructure for distribution and storage preclude the introduction of natural gas vehicles at this stage. As for electric vehicles, the technology is still at a prototype stage

and is not yet mature enough for large scale commercial production and use.

On transport demand management, our policy is to promote the use of public transport through the improvement and expansion of mass transit by railway and facilitation of the movement of people by bus by such measures as introduction of bus-only lanes. The Third Comprehensive Transport Study commissioned by the Transport Department would examine and recommend a balanced transport strategy which would also address air quality concerns.

- (e) The EPD has been operating a roadside air quality monitoring station at Mong Kok. Two roadside stations are being constructed in Causeway Bay and Central. They will come into operation in November 1997 and April 1998 respectively.

PRESIDENT (in Cantonese): Dr Raymond HO.

DR RAYMOND HO (in Cantonese): *Madam President, the copious rainfall in summer usually brings us cleaner air, so it is disappointing that the API exceeded 100 for two days last summer when rainfall was heavier than that in previous years. Now that winter is approaching, the situation may further deteriorate. May I ask the Government whether it is necessary to give special guidelines to the elderly, the children or those of poor health and advise them to wear masks when the API reaches a certain level, say 100, 120 or 150? Will the Government consider handing out masks to those who are in need of them in public places like the Mass Transit Railway stations, because it seems to me that there is no short-term solution to the environmental and air pollution problems? Thank you, Madam President.*

PRESIDENT (in Cantonese): Secretary for Planning, Environment and Lands.

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Madam President, I think the reason that Dr HO has asked this

question is the TV reports about the situation in some Southeast Asian countries. The authorities of these countries request or urge the people to wear masks because the API of some of their places is as high as 500, 600 or even 800. Since we introduced API in 1995, on only been seven occasions had the API slightly exceeded 100. Never has the API reached 500 or 600. According to information available to us, we need not require the public to wear masks. What we have to do is to urge people with cardiac or respiratory troubles and persons at risk to reduce activities or physical exertion. Doing so can protect themselves. As long as they stay indoors, they will not be exposed to polluted air outdoor.

PRESIDENT (in Cantonese): Dr Raymond HO.

DR RAYMOND HO (in Cantonese): *Madam President, can I follow up one point in the Secretary's reply? It seems that the Secretary has not answered my question: at what level of the API will air pollution be deemed to be harmful? Is there any opinion from the medical profession which can be used as a reference? Thank you.*

PRESIDENT (in Cantonese): Secretary for Planning, Environment and Lands.

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Madam President, according to the medical information we have collected, when the API exceeds 100, as I have said, morbidity in those who have cardiac or respiratory problems may increase and they should reduce outdoor activities and physical exertion. When API exceeds 200, even healthy people may be affected. Their throats and respiratory systems will be more vulnerable to the harmful effects. So we think that the general public should take precautionary measures. But, of course, it depends on the physical conditions of each individual. We cannot say what people should do at API 100 and what they should do at API 200 or 150. Decisions should be made on the basis of the actual medical advice or diagnosis. However, there is one point we are sure: when API is high, incidence of the above diseases will also increase. This is a finding based on the researches we have conducted.

PRESIDENT (in Cantonese): Mrs Miriam LAU.

MRS MIRIAM LAU (in Cantonese): *Madam President, it is found in a recent survey conducted by an educational body on environmental protection that vehicle maintenance technology in Hong Kong lags behind those in other advanced countries by two decades. Furthermore, 65% of our vehicles lack proper maintenance and give out more emissions, causing air pollution. Does the Secretary agree that vehicle maintenance is directly related to the amount of emissions? If the Government does agree to this point, will it adopt measures to upgrade the vehicle maintenance technology in Hong Kong?*

PRESIDENT (in Cantonese): Secretary for Planning, Environment and Lands.

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Madam President, I can say that I only agree with half of this statement. If vehicles, diesel vehicles in particular, are rarely or very poorly maintained, or without maintenance at all, the vehicles will give out emissions. Now we are studying to see what we can do. On the other hand, we can approach this problem from another angle. If we can substitute cleaner fuels for diesel, we can get to the root of the problem without the need of requiring the mechanics or auto-repairers to sit for a licence examination or test. So I hope we will study these two possibilities.

PRESIDENT (in Cantonese): Mr NG Leung-sing.

MR NG LEUNG-SING (in Cantonese): *Madam President, in part (a) of his reply, the Secretary said that the dominance of diesel vehicles in Hong Kong is the main cause of Hong Kong's air pollution problem. But, in part (d)(iii), the Secretary also pointed out that after the Government has implemented the strategy to upgrade the quality of motor diesel fuel progressively, the sulphur content of motor diesel was further reduced to 0.05% since April 1997, making our diesel fuel the cleanest used in Asia. Can we deduce from this statement that Hong Kong will have probably become the cleanest city in Asia since April this year?*

PRESIDENT (in Cantonese): Secretary for Planning, Environment and Lands.

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Madam President, not necessarily. But Hong Kong's air quality is more or less the same as that in cities at a similar stage of development. I would like to point out that we are talking about two different types of air pollution. First, diesel vehicles using high sulphur content diesel fuel will emit sulphur dioxide which is a kind of pollutant. So many countries or cities will try to reduce the sulphur content in motor diesel as far as possible. Since April 1997, we have reduced sulphur content to 0.05%, which is the highest standard in Asia. On the other hand, however, RSP are emitted from fuel combustion in diesel engines. The amount of RSP will not be reduced simply by lowering the sulphur content in diesel fuel. The biggest problem we face is the high content of RSP in the air that has turned air pollution in Hong Kong a grave problem.

PRESIDENT (in Cantonese): Mrs Peggy LAM.

MRS PEGGY LAM (in Cantonese): *Madam President, as the Government is aware that motor diesel is the main cause of Hong Kong's air pollution, that the RSP emitted by combustion of diesel fuel is harmful to our health and that precautionary measures are necessary, has the Government considered banning the use of diesel fuel? A total ban on diesel fuel will be a better measure than a partial replacement of our diesel fleet in the future because the latter approach does not help to eliminate the harmful air pollution. If diesel fuel cannot be banned immediately, has the Government got a plan to totally ban the use of diesel fuel by a certain year? I know that in some cities in our neighbouring countries, diesel fuel has already been banned. Thank you.*

PRESIDENT (in Cantonese): Secretary for Planning, Environment and Lands.

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Madam President, I have to answer this question in two parts again.

At present, there are two types of diesel vehicles in Hong Kong. The first type are light vehicles such as taxis, minibuses or mini-vans; another type are heavy vehicles such as container trucks, buses, tour coaches or some other types of vehicles. At this stage, nothing can replace the diesel engines used in heavy vehicles because no other engine can generate such powerful torque and traction as they do. Like other countries, we cannot ban the use of heavy diesel vehicles. To tackle this problem, what we can do is to reduce the sulphur content in diesel fuel as far as possible, to increase the number of inspections required for these vehicles, and to upgrade the required standard of inspection, for instance, by adopting the more revealing dynamometer test as I have mentioned. On the other hand, light diesel vehicles can be substituted. To achieve our objective, we had proposed replacing these vehicles with unleaded petrol vehicles two years ago. But other problems prevented us from implementing this plan. Now we are conceiving a pilot scheme to test LPG vehicles. If the trial shows that LPG vehicles are feasible, we really want to convert all light vehicles to operate on LPG. In some countries, LPG minibuses are coming off the production line now. We will consider this matter at a later stage.

PRESIDENT (in Cantonese): Mr Kennedy WONG.

MR KENNEDY WONG (in Cantonese): *Madam President, in two different parts of his reply, the Secretary mentioned that Hong Kong's air pollution is caused by the large number of intensively used diesel vehicles. I would like to ask the Government whether it has assessed the industrial emissions in the contiguous places, like Shenzhen and Shekou, and the impact of emissions in these regions on Hong Kong's air pollution. If so, what is the result? Is it necessary to have cross-border co-ordination because there may be hundreds of thousands of diesel vehicles running on the roads in Shenzhen, our closest neighbour? Apart from that, a lot of Hong Kong's manufacturing industries have already moved to the Mainland. Has the Government conducted an assessment in this aspect? Thank you, Madam President.*

PRESIDENT (in Cantonese): Secretary for Planning, Environment and Lands.

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in

Cantonese): Madam President, thank you for Mr WONG's question. This is exactly what we intend to do. I answered the same question in the Provisional Legislative Council a few weeks ago. We are now having a dialogue with the Guangdong Environment Liaison Committee to see how we can work together to monitor the air pollution in Hong Kong, Shenzhen and the whole Pearl River Delta. We will also examine how concerted efforts can be made to improve, control or monitor the problem. While preparation work has been started, we are looking forward to having another meeting with the Guangdong Province by the end of this year to see how joint monitoring work can start next year.

PRESIDENT (in Cantonese): Mr Henry WU.

MR HENRY WU (in Cantonese): *Madam President, in the reply, the Government said that on days of poor air quality, advice will be given to the public through TV and radio announcements and schools. In fact every morning, members of the public are informed of the API of the day through the TV. May I ask the Secretary whether information broadcast in the morning is obtained from the Government's air monitoring set-ups and stations and how many air monitoring stations are there? In the last paragraph, the Government also mentioned that we will have a total of three roadside air quality monitoring stations in the future. How do they differ from the existing monitoring stations? How will the information obtained be used? Thank you, Madam President.*

PRESIDENT (in Cantonese): Secretary for Planning, Environment and Lands.

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Madam President, it is true that when people watch the daily evening news or the morning news, they will know the API forecast for the day. But I would like to stress that it is only a forecast. Our experience in the past two years tells us that forecast is one thing but atmospheric changes cannot always be predicted one day in advance. In August this year, for instance, when it rained, the wind suddenly died out. Data collected from air quality monitoring stations at seven o'clock, nine o'clock and eleven o'clock changed drastically. Under such circumstances, we had to inform the public of the newly adjusted API through the radio, TV and the schools. If we can accurately know one day in

advance of any foul weather, it is easier for us to advise the people earlier. Unfortunately the weather is capricious.

At present, there are seven air quality monitoring stations in Hong Kong spreading over different locations. Our system is one of the most advanced in the world. A United Nations committee on environmental protection inspected Hong Kong's situation and formed the opinion that our system was of top international standards. Some people have misunderstandings about our monitoring stations. They queried why these stations were installed at a level between the fourth and the sixth floors. They thought that these stations should be set up at the roadside in order to measure the pollution. In fact, according to international standards, data collected by these stations should reflect the quality of air that the general public are often exposed to. To put these stations at the roadside, what you are doing is directly measuring the concentrations of emissions from the vehicles' exhaust pipes. In real life situation, though it is true that people will walk past the road and be exposed to emissions that are directly discharged from vehicles, it is not the air quality to which they are exposed to for long hours. In response to the public's concern, however, we are now planning to have a new system and a new index, that is "the roadside API". For this reason, we will set up three stations to directly measure roadside API as a supplement to what we call the ambient API.

PRESIDENT (in Cantonese): Mr CHAN Choi-hi.

MR CHAN CHOI-HI (in Cantonese): *Madam President, will the Government take the lead in using LPG vehicles in government departments? Will the Secretary consider using a LPG vehicle as his private car? I think the Government should take the lead because a pilot scheme involving 30 taxis is too late and the number of vehicles too small.*

PRESIDENT (in Cantonese): Secretary for Planning, Environment and Lands.

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Madam President, this is a good idea. But back to our original objective, we had hoped that our diesel vehicles could switch to using LPG

because LPG is a cleaner fuel. Cars in my office and my own car use unleaded petrol which is not the main cause of air pollution. So it will not help even if I switch to using LPG vehicles. Air quality will no doubt be improved slightly if unleaded petrol vehicles are switched to using LPG. But the improvement will not be apparent because over 90% of pollution caused by petrol vehicle emissions has already been reduced since unleaded petrol is used and vehicles fitted with catalytic converters. What we are aiming at is to improve emissions from diesel vehicles. As I am not using a diesel vehicle, I need not adopt the scheme for my car. Having said that, I am also considering whether we can introduce LPG vehicles into government departments in the future so that we can compare the results. But our present focus is the arrangements for commercial vehicles.

PRESIDENT (in Cantonese): Miss CHAN Yuen-han.

MISS CHAN YUEN-HAN (in Cantonese): *Madam President, my original question was the same as Mr Kennedy WONG's. But as the Secretary has already answered it, I would like to ask a question about another issue. The main reply gives me an impression that the Government is adopting a very conservative approach towards air pollution. Why do I say so? One or two years ago, there were some organizations advocating the use of LPG and complaining that the Government refused to promote it. Now the Government said that a pilot scheme of LPG taxis will be launched in November. But at the end of the reply, the Government said that the development of clean fuel alternatives is not practicable at this stage because of the problem of supporting facilities. This gives me an impression that the Government takes one step only whenever pushed. It is really too slow in reaction. Madam President, my question is: Can the Government do something to change its conservative image? The Government had shown different conservative styles at different stages in the past. I can even feel the conservative attitude of the Government when I read the written reply.*

PRESIDENT (in Cantonese): Secretary for Planning, Environment and Lands.

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Madam President, I am afraid that I do not agree with such a feeling or opinion because we are not conservative at all. About one or two years ago, we conceived the idea to require diesel vehicles in Hong Kong to operate on unleaded petrol. This was a government proposal and we were not conservative at all. People at that time did not think that we were conservative either. Please understand that unleaded petrol vehicles were used since 1992. By that time, we had already accumulated several years of practical experience and learnt that emissions by these vehicles were at an acceptable level. That was why we could switch to using unleaded petrol in that year. Meanwhile we also got some financial arrangements in place to encourage commercial vehicles to switch to using unleaded petrol. But because of various reasons, we could not implement the programme immediately. When we were contemplating this programme, we opined that it was feasible because the whole supporting system for unleaded petrol vehicles was already available. So the change would be minor and all that was needed was to modify the vehicles. As regards LPG vehicles, we still have to study the whole system of supporting facilities like gas filling station, maintenance work, inspection work, safety standards, training of skilled workers and so on. So a pilot scheme is to be launched at this stage.

As to using other clean fuels like natural gas, as a Member has just mentioned, I think it is easier said than done. For natural gas vehicles, we need an entirely different system of supporting facilities and the structure of the vehicles is also different. However, we have much confidence in using LPG; other cities are using it, so we can too. Moreover, LPG is one of the commonly used fuels in Hong Kong. As there is a LPG distribution network in Hong Kong, what we have to do is to ask the LPG suppliers to pump this domestic gas into the gas tanks of the LPG vehicles. For natural gas, what we need is an entirely different system. It is difficult for us to persuade the oil companies to spend several hundred million dollars to build a natural gas storage tank or a whole system for us to carry out just a pilot scheme. As to electric vehicles, even auto manufacturers cannot say for sure that they have reliable electric vehicles. At present, tests are being carried out on hybrid vehicles. But the results are extremely unsatisfactory.

PRESIDENT (in Cantonese): Dr TANG Siu-tong.

DR TANG SIU-TONG (in Cantonese): *Madam President, trials of LPG vehicles have proved to be very successful in overseas countries and in November 1997 we will carry out a pilot scheme on LPG vehicles. If the trial is successful, will there be a mandatory LPG vehicle scheme? If so, does the Government have a timetable for it?*

PRESIDENT (in Cantonese): Secretary for Planning, Environment and Lands.

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): *Madam President, half of this question is hypothetical because this trial has yet to start, how can we know whether it will be successful or not? But I would like to stress that I do hope it will be a success. We hope that this trial can last for one year. But we will conduct an interim review in six months to see if the number of vehicles on trial can be increased and the scope of the trial extended. To answer this hypothetical question, I would like to make a hypothesis that if the trial proves to be a total success, we are confident that all diesel taxis can be converted into LPG taxis within five years. But it is highly hypothetical because it depends on the taxi trade itself and other supporting facilities.*

PRESIDENT (in Cantonese): The last oral question seeking an oral answer. Miss CHAN Yuen-han.

Employment of Civil Servants on Pre-retirement Leave

6. **MISS CHAN YUEN-HAN** (in Cantonese): *According to the regulations concerning the retirement of civil servants, when retired civil servants enter into business or are employed within a specified period after retirement and the principal part of such business or employment is carried on in Hong Kong, they are required to obtain prior approval. It is learned that an Assistant Director of Information Services (on D2 scale) applied for retirement in March 1997 and was given approval to retire in November 1997 and to proceed on pre-retirement leave from March 1997. This official has taken up employment in two private organizations respectively in June and since September this year. In this connection, will the Government inform this Council whether:*

- (a) *civil servants of all ranks are subject to the relevant regulations upon retirement; if so, how the regulations for different ranks differ;*
- (b) *in general, the Advisory Committee on Post-retirement Employment processes and approves the applications from retired civil servants leniently; if so, whether it contravenes the spirit of the relevant regulations; and*
- (c) *the said retired Assistant Director of Information Services has been given approval to be employed during the specified period and the effective date of such employment?*

PRESIDENT (in Cantonese): Secretary for the Civil Service.

SECRETARY FOR THE CIVIL SERVICE (in Cantonese): Madam President, I will respond *seriatim* to the three issues raised by Miss CHAN.

- (a) Under the pensions legislation, all retired civil servants have to seek prior permission from the Chief Executive before they enter into business, become partners or directors, or become employees, if the principal part of the business or employment is carried out in Hong Kong, within two years after their retirement, or within three years for officers retiring at Director of Bureau rank and above.

All retired civil servants on pensionable terms, irrespective of ranks, are covered by the relevant legislation governing post-retirement employment; and all applications are considered against the same criteria. The basic principle is that there should be no impropriety in the proposed employment. Specifically, we will consider whether the proposed employment will conflict with the previous duties of the retired officer in the Government, and whether it will compromise public confidence in the integrity of the Civil Service.

Among the retired civil servants, only those who retired at Model Scale I ranks (basically Workmen) are given blanket approval to take up post-retirement employment, having regard to the nature of their duties and the unlikelihood of their post-retirement employment conflicting with the interest of the Government.

- (b) The Advisory Committee on Post-retirement Employment advises the Government on applications for post-retirement employment from directorate officers, according to the general principles and criteria mentioned above. I should add that the Committee is not the approving authority. Applications are approved by the Chief Executive or by public officers acting under delegated authority.
- (c) While I have to respect the privacy of individuals and am not in a position to disclose in public, details of the post-retirement employment of individual former civil servants, I can state that under the pensions legislation and the relevant Civil Service Regulations, approval may be given for an officer to take up employment while he/she is on pre-retirement leave, subject to the criteria mentioned above.

PRESIDENT (in Cantonese): Miss CHAN Yuen-han.

MISS CHAN YUEN-HAN (in Cantonese): *Madam President, I find part of the reply puzzling. According to part (a) of the Government's reply, applications are considered against the basic principle that there should be no impropriety in the proposed employment. The Government will also consider whether the proposed employment will conflict with the previous duties of the retired officer in the Government and whether it will compromise public confidence in the integrity of the Civil Service. I would like to quote an example. When an officer's retirement will only come into effect in November, he has already taken up private employment in March while he is on pre-retirement leave and still receiving government pay. If we look at the issue from this angle, I think the officer seems to have violated the above principle and may, at least, compromise public confidence in the integrity of the Civil Service. How can he receive government pay while taking up private employment at the same time? I am not referring to any particular officer. I just want to know the Government's criteria as a matter of fact.*

PRESIDENT (in Cantonese): Secretary for the Civil Service.

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

perhaps Miss CHAN does not quite understand how we civil servants can accumulate leave. A civil servant, during his civil service career, can accumulate leave up to a certain number of days, according to the length of his service. In other words, during his career, he might not be able to take leave and when he retires, he can take all accumulated leave. He has earned the leave accumulated during his long service. This is his entitlement. That is why when he is on leave, he is still paid because the leave has been accumulated during his long service. That should not constitute any integrity problem. When he has left the service and is on pre-retirement leave, and if there is no conflict of interests and no violation of the integrity rule, the Government will grant approval to his employment. In that case, I do not see any violation of the principle mentioned in my reply.

PRESIDENT (in Cantonese): Miss CHAN, do you think that the Secretary has not answered your question and want to raise a follow-up question?

MISS CHAN YUEN-HAN (in Cantonese): *Madam President, my question is not answered. In his reply, the Secretary made reference to public confidence in the integrity of the Civil Service. But he has not answered my question. He said that there was misunderstanding on my part. But I do not think so. When the case was broadcast by the media, there was a public outcry in the whole community. It seems that the Government's judgement is wrong, is it not?*

PRESIDENT (in Cantonese): Secretary for the Civil Service.

SECRETARY FOR THE CIVIL SERVICE (in Cantonese): Madam President, when a former civil servant gets his entitlement, that is, pay for the accumulated leave, and takes up post-retirement employment which does not cause any conflict of interests, I do not see any problem in integrity and I did not see any outcry in the community. Miss CHAN should consider whether her judgment about integrity is indeed in line with that of the community at large.

MISS CHAN YUEN-HAN (in Cantonese): *Madam President, I know I have to*

wait for my turn to ask a follow-up question. But the Secretary really has not answered my question.

PRESIDENT (in Cantonese): Mr CHAN Wing-chan.

MR CHAN WING-CHAN (in Cantonese): *Madam President, in part (c) of his reply to Miss CHAN Yuen-han's question, the Secretary mentioned that he has to respect the privacy of individuals and cannot disclose details of the post-retirement employment of individual former civil servants. Can the Secretary inform this Council how many applications for post-retirement employment from directorate officers were processed and approved by the Government in the past? Were there any officers who tried to take up employment on the sly and did not submit application, or took up employment in the private sector before approval was given? If there were such cases, were they penalized; and what was the penalty?*

PRESIDENT (in Cantonese): Secretary for the Civil Service.

SECRETARY FOR THE CIVIL SERVICE (in Cantonese): Madam President, in the past 10 years, we have received 344 applications for post-retirement employment from directorate officers. Of these 344 cases, four cases were turned down; 72 cases were approved with conditions attached; for the remaining 268 cases, approvals were granted. In the past, we did not detect any deliberate violation of the regulations. There have been a few cases where the former civil servants did not fully understand the regulations and took up employment before they had gone through all necessary procedures. For these cases, we took appropriate actions subsequently.

PRESIDENT (in Cantonese): Mr CHIM Pui-chung.

MR CHIM PUI-CHUNG (in Cantonese): *Madam President, I understand that the Securities and Futures Commission (SFC) is not a government department. But I have no idea whether its officers are civil servants. May I ask the*

Secretary a question: If officers of the SFC are given the same treatment as civil servants and, with the Government's approval, leave SFC service while they are in the course of investigating a particular case and take up employment in the company that is being investigated, will that compromise the integrity of the Civil Service or officers of the SFC?

PRESIDENT (in Cantonese): Secretary for the Civil Service.

SECRETARY FOR THE CIVIL SERVICE (in Cantonese): Madam President, officers of the SFC are not civil servants, I cannot answer this question.

WRITTEN ANSWERS TO QUESTIONS

Delay of Maintenance Works in Temporary Housing Areas

7. **MISS CHOY SO-YUK** (in Chinese): *With regard to repair works in Temporary Housing Areas, will the Government inform this Council:*

- (a) of the time taken by the Housing Department to complete repair works after receiving such requests from residents thereof; and*
- (b) whether work on such repair is often delayed and if so, whether the Housing Department has reviewed the causes of such delay and identified any solution?*

SECRETARY FOR HOUSING (in Chinese): Madam President, upon receipt of requests for repair works in Temporary Housing Areas, maintenance staff of the Housing Department will identify the problem and categorize the nature of works required. Emergency repairs will be carried out immediately. Minor repairs will normally be completed within a week. Major repairs, involving ceilings, floors or underground services, take two to four weeks.

The Housing Department has been monitoring the progress of repair works closely, and is satisfied that there has been no delay in general.

Geriatric Day Hospital at Yau Ma Tei Specialist Clinic

8. **MR MOK YING-FAN** (in Chinese): *Regarding the Geriatric Day Hospital (GDH) established in the Yau Ma Tei Specialist Clinic Extension, will the Government inform this Council:*

- (a) *of the types of services provided by this GDH, and the channels or referral procedures through which members of the public can gain access to the services of this GDH;*
- (b) *of the number of elderly who attended the above GDH in each of the past three years;*
- (c) *whether the services at this GDH are only offered to residents in the district who are at or over the age of 60; if so, whether there are plans to extend the services to residents in other districts who are at or over the age of 60;*
- (d) *whether, apart from this GDH, there are other GDHs operating in public hospitals or clinics; if so, what the total attendances at such GDHs in each of the past three years are; and*
- (e) *whether the Government or the Hospital Authority has any plans to set up such specialist hospitals in other districts; if so, of the working timetable and the amount of funds to be incurred; if not, why not?*

SECRETARY FOR HEALTH AND WELFARE (in Chinese): Madam President,

- (a) The Geriatric Day Hospital (GDH) at the Yau Ma Tei Specialist Clinic Extension, assesses the types of care and rehabilitation required by the patients, and then provide them with suitable treatments, for example, physiotherapy and occupational therapy. Its clients are mainly elderly patients discharged from hospital and those living in the community who require these services. As a

bridge between the hospitals and the community, GDHs facilitate re-integration of discharged patients into the community. Patients discharged from hospitals can be referred to the GDHs by their attending doctors. Patients in the community can be referred to the GDHs by any registered doctors.

- (b) The number of attendances for Yau Ma Tei Geriatric Day Hospital are:

<i>Year</i>	<i>Attendances</i>
1994-1995	10 440
1995-1996	12 110
1996-1997	12 880

- (c) The GDHs mainly serve elderly persons aged 60 and above. However, patients under the age of 60 who because of their health conditions require the special services provided in these day hospitals are also admitted.

The GDHs under the Hospital Authority operate on the basis of catchment areas. There are a total of 10 GDHs which cover the whole of Hong Kong. The Yau Ma Tei Geriatric Day Hospital provides services to residents of Tsim Sha Tsui, Yau Ma Tei and Mong Kok.

- (d) There are 10 GDHs under the Hospital Authority. They are situated in:

1. Caritas Medical Centre
2. Ngau Tau Kok Jockey Club Clinic
3. Pamela Youde Nethersole Eastern Hospital
4. Ruttonjee Hospital

5. Shatin Hospital
6. South Kwai Chung Specialist Clinic
7. Tuen Mun Hospital
8. Wong Tai Sin Hospital
9. Yau Ma Tei Jockey Club Clinic
10. Yung Fung Shee Memorial Centre

The total attendances for the 10 GDHs are:

<i>Year</i>	<i>Attendances</i>
1994-1995	62 650
1995-1996	76 310
1996-1997	91 740

- (e) With 10 GDHs operating in different parts of Hong Kong, there is no plan to set up more such hospitals in the near future. We will continue to monitor the need for this service closely and make plan when necessary.

Recent Turmoil in the Southeast Asian Currency Markets

9. **MR HENRY TANG** (in Chinese): *Although the strength of the Hong Kong dollar remains unaffected under the linked exchange rate system amid recent devaluations of several Southeast Asian currencies, the export trade of Hong Kong has suffered a blow. In this connection, will the Government inform this Council what impact this Southeast Asian currency turmoil will have*

on Hong Kong's economy (in particular the import and export trade) in the long run and what will the countermeasures put in place be in this regard?

SECRETARY FOR FINANCIAL SERVICES (in Chinese): Madam President, the recent significant depreciation of several Southeast Asian currencies have given rise to increased uncertainties in the economic prospects of the affected countries in the region, such as Thailand, Malaysia, Indonesia and the Philippines. Contractionary policies induced by the currency turmoil in these countries will curb their demand for investment and consumer spending and reduce their intake of imported goods, thereby dampening the growth of trade in the region. Thus Hong Kong's visible trade will be affected to some extent. In respect of invisible trade, Hong Kong's tourism will also face some downward pressure.

At the same time, the significant depreciation of these Southeast Asian currencies will weaken the competitiveness of the goods of Hong Kong and those of the Mainland exported via Hong Kong in the world market. However, the impact of exchange rate movements on Hong Kong's exports normally will only be reflected after one or two quarters, and only by then the extent of impact can be discerned more accurately.

On the other hand, the significant currency depreciation will also have a negative effect on import prices and production costs in these Southeast Asian countries. Higher interest rates and tighter liquidity will also restrain their output. Additionally, exports of the Southeast Asian region are relatively concentrated in electronic products, while those of Hong Kong and the Mainland are more diversified. Apart from electronic products, textiles, garment and toys also account for a considerable share of the exports of the two places.

Furthermore, in recent years Hong Kong has been continuously developing high value-added products and services in such fields as finance, information technology and business services. The competitive edge we maintain in these areas will help alleviate the impact of this Southeast Asian currency turmoil on the overall economic performance of Hong Kong.

We will certainly not view the impact of this currency turmoil lightly. Apart from closely monitoring the situation, we will continue to improve our

productivity and competitiveness and actively strengthen our marketing efforts, so as to strive for a better performance in our trade in goods and services under the current conditions.

Policy on Securing the Support of Democrats

10. **MR KAN FOOK-YEE** (in Chinese): *It is reported that the Special Adviser to the Chief Executive agreed that democratic parties in Hong Kong must be won over in order to make the Hong Kong Special Administrative Region (SAR) Government more acceptable to the public. In this connection, will the Government inform this Council:*

- (a) of its assessment of the present level of the public's acceptance of the SAR Government;*
- (b) whether it has formulated a set of policies in winning over democratic parties in the territory; and*
- (c) apart from democratic parties, whether it will devise strategies to win the support of other political parties?*

SECRETARY FOR HOME AFFAIRS (in Chinese): Madam President, my reply to the three points of the question is as follows:

- (a) Concerning the assessment of the public's acceptance of the Government, the Home Affairs Bureau conducts at two-month interval a telephone opinion poll in which the respondents are asked, *inter alia*, about their opinions on the Government's overall performance. The last telephone opinion poll conducted in September shows that 53% of the respondents were satisfied with the overall performance of the Government, which is higher than that in May 49% and July 50%.

On the other hand, 22% of the respondents indicated that they were dissatisfied with the Government's overall performance. This percentage is the same as that in July but lower than that in May

26%.

The Government always attaches great importance to the assessment of the public's acceptance of it and will continue with its telephone opinion poll to solicit the public's opinions on the Government's overall performance.

(b) and (c)

The Government's aim is to seek the widest support from the community, including all political parties, for its policies and programmes including political policies. We do not see the need for a specific policy or strategy targeted at any one political party.

Statistics on Labour Productivity and Wage Increase

11. **MR CHAN WING-CHAN** (in Chinese): *Will the Government inform this Council:*

(a) *in respect of the three years from 1994 to 1996, of the:*

(i) *nominal and real wage indices and wage increase rates; and*

(ii) *labour productivity and rates of labour productivity growth;*

in Hong Kong, broken down by "industry sector" and "occupation group"; and

(b) *whether the rates of overall labour productivity growth in these three years were higher than the rates of overall real wage increase during the same period; if so, whether the wage increases have had the effect of fuelling inflation in Hong Kong?*

SECRETARY FOR FINANCIAL SERVICES (in Chinese): Madam President,

(a) (i) Nominal and real wage indices and their respective rates of

change broken down by sector and by occupation from March 1994 to March 1996 are given in Table 1.

- (ii) Labour productivity index for the manufacturing sector and average labour productivity for the economy as a whole and their respective growth rates are given in Table 2. Labour productivity statistics for the other sectors are not available.
- (b) Overall labour productivity growth, averaged at around 2.5% for the past three years, was higher than the corresponding real wage increase, averaged at 0.2%. But labour productivity growth is also underpinned by other factors, apart from the improvement in workers' own efficiency. These include the structural shift in employment to higher value-added service activities; support from more extensive automation and mechanization; and adoption of more efficient production methods and techniques. It is therefore not appropriate to simplistically link labour productivity growth with real wage increase. In any case, the ongoing productivity improvement and the more moderate wage increase in the past few years have helped to alleviate local production costs. Coupled with continued stable import prices, local inflation has come down from 8.7% in 1995 to 6.0% in both 1996 and the first eight months of 1997.

Table 1 Wage Indices Analysed by Industry Sector by Broad Occupational Group

(September 1992=100)

<i>Selected industry sector/Broad occupational group</i>	<i>Nominal wage indices</i>			<i>Real wage indices</i>		
	<i>March</i>	<i>March</i>	<i>March</i>	<i>March</i>	<i>March</i>	<i>March</i>
	<i>1994</i>	<i>1995</i>	<i>1996</i>	<i>1994</i>	<i>1995</i>	<i>1996</i>
Manufacturing						
Craftsmen and operatives	113.5	118.6	125.2	102.2	97.5	96.6
	(+8.6)	(+4.5)	(+5.5)	(+0.6)	(-4.6)	(-0.9)
Supervisory, technical, clerical and miscellaneous non-production workers	117.7	128.2	135.7	105.9	105.3	104.7
	(+11.1)	(+8.9)	(+5.8)	(+2.9)	(-0.6)	(-0.6)

All selected occupations	115.2	122.4	129.3	103.7	100.5	99.7
	(+9.6)	(+6.2)	(+5.6)	(+1.5)	(-3.0)	(-0.8)
Wholesale, retail and import/export trades, restaurants and hotels						
Supervisory, technical, clerical and miscellaneous non-production workers	115.8	127.5	134.5	104.2	104.8	103.8
	(+10.1)	(+10.1)	(+5.5)	(+2.0)	(+0.5)	(-0.9)
All selected occupations	115.8	127.5	134.5	104.2	104.8	103.8
	(+10.1)	(+10.1)	(+5.5)	(+2.0)	(+0.5)	(-0.9)
Transport service						
Craftsmen and operatives	113.3	117.0	123.7	102.0	96.1	95.4
	(+10.8)	(+3.3)	(+5.7)	(+2.6)	(-5.7)	(-0.8)
<i>Selected industry sector/Broad occupational group</i>	<i>Nominal wage indices</i>			<i>Real wage indices</i>		
	<i>March</i>	<i>March</i>	<i>March</i>	<i>March</i>	<i>March</i>	<i>March</i>
	<i>1994</i>	<i>1995</i>	<i>1996</i>	<i>1994</i>	<i>1995</i>	<i>1996</i>
Supervisory, technical, clerical and miscellaneous non-production workers	116.0	130.4	140.1	104.4	107.2	108.1
	(+11.1)	(+12.4)	(+7.4)	(+2.9)	(+2.6)	(+0.8)
All selected occupations	114.7	124.1	132.4	103.3	102.0	102.2
	(+10.8)	(+8.2)	(+6.7)	(+2.6)	(-1.2)	(+0.2)
Financing, insurance, real estate and business services						
Craftsmen and operatives	112.2	122.5	134.6	100.9	100.7	103.8
	(+9.8)	(+9.3)	(+9.8)	(+1.7)	(-0.3)	(+3.1)
Supervisory, technical, clerical and miscellaneous non-production workers	119.6	131.9	141.6	107.6	108.3	109.3
	(+8.4)	(+10.3)	(+7.4)	(+0.4)	(+0.7)	(+0.8)
All selected occupations	119.5	131.7	141.5	107.6	108.2	109.2
	(+8.4)	(+10.2)	(+7.4)	(+0.4)	(+0.6)	(+0.9)
Personal services						
Craftsmen and operatives	115.7	127.6	136.6	104.1	104.8	105.4
	(+6.4)	(+10.3)	(+7.0)	(-1.4)	(+0.7)	(+0.5)

Supervisory, technical, clerical and miscellaneous non-production workers	121.1 (+16.4)	129.9 (+7.2)	140.5 (+8.2)	109.0 (+7.8)	106.7 (-2.1)	108.4 (+1.6)
All selected occupations	120.5 (+15.1)	129.8 (+7.7)	140.1 (+8.0)	108.4 (+6.6)	106.6 (-1.7)	108.1 (+1.4)
All industries						
Craftsmen and operatives	113.4 (+8.8)	118.5 (+4.5)	125.3 (+5.7)	102.1 (+0.7)	97.4 (-4.6)	96.7 (-0.7)
Supervisory, technical, clerical and miscellaneous non-production workers	116.8 (+10.2)	128.7 (+10.1)	136.6 (+6.2)	105.1 (+2.1)	105.7 (+0.5)	105.4 (-0.3)
All selected occupations	116.1 (+9.9)	126.6 (+9.0)	134.3 (+6.1)	104.5 (+1.8)	104.0 (-0.5)	103.6 (-0.3)

Notes: (1) Figures in brackets denote percentage changes over the same month of the preceding year.

(2) The real wage indices are derived by deflating the nominal wage indices by the 1994 to 1995-based CPI(A).

Source: Labour Earnings Survey.

Table 2 Labour Productivity Measures

	1994	1995	1996
Manufacturing			
Index (1980=100)	344	374*	408*
Rate of change	(+6.3%)	(+8.8%)*	(+9.0%)*
All Economic Sectors			
Labour productivity	253	261	265
(\$'000 (at constant 1990 market prices) per person engaged)			
Rate of change	(+2.7%)	(+3.3%)	(+1.3%)

Note: (*) Preliminary estimates.

Employees Retraining Courses

12. **MR CHENG YIU-TONG** (in Chinese): *Under the Supplementary Labour Scheme, if an application for a certain type of posts involves vacancies of 15 or more, the Employees Retraining Board will consider organizing tailor-made courses for that particular type of posts. In this regard, will the Government inform this Council:*

- (a) *of the number of applications as at the end of August 1997 which involve a certain type of posts with 15 or more vacancies, together with a breakdown of the vacancies in these applications by sector and by post; and*
- (b) *of the number of tailor-made retraining courses organized by the Employees Retraining Board for the applications mentioned in item (a); the number of people who graduated from these courses, and the number of graduates who were successfully employed in the vacancies mentioned in the answer to item (a); and the reasons why some graduates failed to get employed successfully?*

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

- (a) Under the Supplementary Labour Scheme, the Job Matching Centre of the Labour Department will refer to the Employees Retraining Board (ERB) any screened-in application for imported workers which involves 15 or more vacancies belonging to a particular job type. This is to explore whether it is feasible to organize any retraining courses tailor-made for the requirements of the employer in respect of the vacancies in question, so as to facilitate local workers filling such vacancies.

As at 31 August 1997, a total of 103 applications involving 4 385 vacancies were referred to the ERB for the purpose. The

breakdown of these applications by sector and by post is at Appendices A and B respectively. It should be noted that about 20% of the number of imported workers for these applications have been approved.

- (b) The ERB has been running tailor-made retraining courses which seek to cater for the specific needs of employers with respect to particular types of job vacancies since 1995-96. A total of 1 651 training places for the tailor-made programmes have been provided since late 1995. The majority of job vacancies involved in such courses are paging operators, sales persons and building attendants. Most of them are for the retail industry, telecommunications industry and the security and guarding industry.

So far, no tailor-made retraining programmes have been organized by the ERB specifically for the applications under the Supplementary Labour Scheme. This is mainly because the vast majority of the employer applications in question were looking for employees with certain years of relevant working experience or a specific level of skills or educational standards which the graduate retrainees of any tailor-made courses were lacking. Some examples of such job vacancies are electric arc and gas welders, levellers, electrical technicians, surveying technicians and divers.

Appendix A

A Breakdown of Vacancies by Industry

<i>Industry</i>	<i>No. of Vacancies</i>
Agriculture and Fishing	16
Manufacturing	
Clothing	802
Machine Shop	40
Other Manufacturing	196

Construction	1 965
Wholesale, Retail, Import/Export, Restaurants and Hotels	61
Transport, Storage and Communications	264
Financing, Insurance, Real Estate and Business Services	80
Community, Social and Personal Services	961
Total :	4 385

Appendix B

A Breakdown of Vacancies by Job Title

<i>Job Title</i>	<i>No. of Vacancies involved</i>
Security Guard	926
General Sewing Machine Operator	828
Structural Steel Erector	150
Electric Arc and Gas Welder	145
Leveller	127
Care Home Attendant	121
Labourer	110
Machine Operator	110
Carpenter	95
Skilled Labour	88
Knitting Machine Operator	86
Operator (Construction)	85
Driller	83
Steel Bender	80
Levelling Operative	75
Cleaner	73
Wet Trade Operative	70

Linking Machine Operator	68
Project Assistant	65
Electrical Engineering Technician	60
Mechanic Operative	60
Concretor	58
Container Repairer	50
Diver	50
Hand Stitcher/Knitwear Mender	50
Production Assistant	50
Wall and Floor Tiler	50
Rigger	42
Metal Scaffolder	40
Plant Mechanic	37
Bamboo Scaffolder	35

*Job Title**No. of Vacancies involved*

Plasterer	35
Welder	35
Cook	33
Foreman	32
Barbender	30
Civil Engineering Technician	30
Hair Washer	30
Fettler	25
Press Operator	20
Butcher	19
Forklift Truck Driver	18
Mechanic	18
Miner	16
Pig Farm Worker	16
Supervisor (Cleaning)	16
Building Automation System Operator	15
Printing Machine Operator	15
Zinc Operator	15

Total : 4 385

Control on Importation of Waste

13. **DR TSO WONG MAN-YIN** (in Chinese): *It is reported that because of its lax legislative controls on importation of waste, Hong Kong has become a popular place for trans-shipment of waste from foreign countries, some of which even contain toxic substances. It is also learnt that the destinations of most of the waste trans-shipped through Hong Kong are provinces and cities in the Mainland. In this regard, will the Government inform this Council:*

- (a) whether the local legislation on waste control is more lenient, with regard to penalty and deterrent effect, than the relevant legislation of other signatories to the Basel Convention;*
- (b) of the staffing establishment in the Environmental Protection Department responsible for the control of importation of waste; whether it has undertaken any review on the adequacy of such manpower; if so, what the findings and follow-up actions are; and*
- (c) whether it has any plans to strengthen co-operation with provinces and cities in the Mainland against the importation of waste; if so, what the details are?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Chinese): Madam President, a scheme to control the import and export of hazardous and contaminated waste, under the Waste Disposal Ordinance (WDO) (Cap. 354), came into operation on 1 September 1996. The WDO controls are fully in line with the letter and spirit of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal. The main control mechanism under the Basel Convention is to effect a system of prior notification and consent by the authorities of the states of import, export and transit prior to the commencement of shipments of hazardous or contaminated waste. The import of such waste without a permit, regardless of the purpose of the import, is an offence. The maximum penalties under the WDO are a fine of \$200,000 and six months' imprisonment for the first offence, and \$500,000 and

two years for subsequent offences.

During the first nine months of 1997, we received from other competent authorities under the Basel Convention a total of 18 transit notifications. None of these were destined for China. Up to the end of September 1997, there was a total of four shipments controlled under the Basel Convention which actually transited through Hong Kong after receiving consent. All these transit shipments originated from, and were destined for, OECD countries. All these transit shipments were given our prior consent under the Basel Convention notification/consent system.

Since September 1996, we have detected only two cases of illegal shipment of contaminated waste from overseas countries to the Mainland via Hong Kong. In both cases, the offenders were charged and convicted under the WDO.

In response to the specific questions raised:

- (a) We have not been able to compare our legislation and its deterrent effect with those of other Basel Convention signatories. Given the many different situations they face, it is likely that they vary from one country to the other. However, we consider the penalties and deterrent effect of our legislation to be sufficient, but we will review them from time to time.
- (b) The Director of Environmental Protection is satisfied that sufficient personnel are deployed to deal with this issue. If required, he is able to redeploy significant numbers of personnel from other areas to meet any short-term needs.
- (c) As explained above, the popular perception that Hong Kong is the transshipment port for large quantities of contaminated or hazardous waste from overseas countries en route to China is not borne out by the facts. Nonetheless, we have established good working relations with our counterparts in the Mainland and we intend to build on this in the future.

Demolition of the Two Squatter Areas in Diamond Hill

14. **MR CHAN KAM-LAM** (in Chinese): *As the Chief Executive earlier undertook to completely clear the two squatter areas at Diamond Hill by 2001, will the Government inform this Council:*

- (a) of the current number of occupants in these squatter areas;*
- (b) whether it has formulated any specific timetable for the clearance of these squatter areas; if so, what the details are;*
- (c) of the land use plan for these squatter areas after clearance, and the estimated number of public and private housing units that will be provided; and*
- (d) whether it has any plan for the clearance of all squatter areas in Hong Kong; if so, what the specific plan is?*

SECRETARY FOR HOUSING (in Chinese): Madam President, there are about 8 000 persons residing in the two squatter areas in Diamond Hill. The Government plans to clear them by 2001 for development purpose. A specific timetable will be announced as soon as the resources required, including resumption costs for private lots and rehousing resources, have been determined.

According to the draft Outline Zoning Plan, the site in question is zoned as a "Comprehensive Development Area" to be used for district centre, community, housing, retail and office purposes. Insofar as housing is concerned, some 3 000 residential flats will be built, and the proportion of public and private housing will be determined in due course.

As regards part (d) of the question, the Government will clear squatters when there is a public requirement for the site or when the living structures on the site are susceptible to geotechnical risk. The Government does not intend to clear other squatters at present. All squatters are encouraged to apply for public housing.

Control on Transportation of Dangerous Goods

15. **MR LEE KAI-MING** (in Chinese): *In February this year, a container exploded in Lung Cheung Road whilst in transit. Also, a container truck exploded in Siu Lik Yuen whilst unloading. In the light of these incidences, will the Government inform this Council of:*

- (a) the causes of the such incidents, and the measures in place to prevent the recurrence of similar incidents; and*
- (b) the controls over the transport of dangerous goods by container trucks, and the measures in place to safeguard drivers, the workers concerned and the public?*

SECRETARY FOR SECURITY (in Chinese): Madam President,

- (a) The initial finding of the Fire Services Department (FSD) on the cause of the incident at Lung Cheung Road is that sparks caused by the impact on the metal parts of the motorcycles under transportation inside the container ignited flammable vapour leaking from the fuel tanks of the motorcycles. The Government Chemist is still investigating into the cause of the incident.

As regards the incident at Siu Lek Yuen, the FSD believed that the explosion was caused by the disposal of lighted smoking material which ignited the flammable methanol vapour leaking from a ruptured plastic container.

The Transport Department (TD), the Marine Department, the Hong Kong Police Force and the FSD have been examining improvement measures to prevent the recurrence of similar incidents. Actions taken by the departments include:

TD

- (i) The TD would formulate additional guidelines to be

incorporated into the Code of Practice for the Loading of Vehicles, published under the Road Traffic Ordinance (Cap. 374), which deals with the safe loading/mounting of goods on vehicles. The guidelines will advise that the fuel tanks of all vehicles and motorcycles must be drained before they are packed and carried by vehicles;

- (ii) The TD has issued a summary pamphlet on the safe loading of vehicles with a paragraph on the safe transportation of vehicles; and
- (iii) The TD has also issued advisory letters to the Motor Trade Association, trucking industry and motorcycle importers to remind them of the safety guidelines on the transportation of motor vehicles.

FSD

The FSD has met representatives of the Container Transportation Employees General Union, explained to them the fire safety requirements under the Dangerous Goods Ordinance (Cap. 295) and its subsidiary legislation, and reminded them of the fire safety precautions to be observed by drivers of dangerous goods vehicles. The FSD has also sent representatives to attend the TD's regular meetings with the trucking industry to provide advice on fire safety matters.

Dangerous goods vehicles are inspected annually by different government departments prior to the renewal of their licences to ensure that the vehicles and their safety devices are functioning properly. In addition, various safety checks are carried out on a regular basis.

- (b) The Dangerous Goods (General) Regulations stipulates controls on the conveyance of Category 2 (compressed gases except liquefied petroleum gas (LPG)) and Category 5 (substances giving off inflammable vapours) dangerous goods. Under the Regulation, no person shall use any mechanically propelled vehicle for the

conveyance by road of these goods in containers unless the use of such vehicle has been approved by the Director of Fire Services (DFS). The DFS also needs to be satisfied that these dangerous goods are carried in a tank wagon of approved size, type and construction, and equipped for the carriage, loading and discharge of such goods.

It is a licensing requirement for dangerous goods vehicles under the Dangerous Goods (General) Regulations that the transportation of dangerous goods must be attended by an experienced attendant. The FSD provides training for drivers and attendants of dangerous goods vehicles licensed by the Department.

The conveyance of LPG either in bulk or in cylinder is governed by the Gas Safety Ordinance (Cap. 51). Only vehicles registered with the Gas Authority (GA) and constructed in accordance with the special safety requirements stipulated in the Ordinance are allowed to convey LPG. The Gas Safety (Gas Supply) Regulations require that at least two trained persons must be employed on a LPG vehicle. The training for drivers and attendants of LPG vehicles is provided by the respective gas supply companies to standards approved by the GA.

Under the Dangerous Goods (General) Regulations, a removal permit issued by the Commissioner of Mines (C of M) is required each time a vehicle conveys explosives by land via an agreed route. No vehicle shall carry more than 200 kg of explosives at any time except with the permission in writing of the C of M, and such vehicle needs to be purpose built and have approved safety devices installed. The driver of a vehicle carrying explosives and his assistant must be given special training on fire safety. The driver has to be registered with the C of M.

The Factories and Industrial Undertakings Ordinance (Cap. 59) also provides safety guidelines for personnel handling dangerous goods in the course of transportation.

Traffic Accidents involving Pedestrians

16. **MR FREDERICK FUNG** (in Chinese): *Will the Government inform this Council, as at 15 September 1997, of:*

- (a) *the number of traffic accidents in each district in Hong Kong, resulting in pedestrians being killed or injured in the past three years and the number of casualties involved;*
- (b) *the number of victims at or above the age of 60 among the casualties mentioned in the answer to (a) above; and*
- (c) *the measures in place to reduce the number of traffic accidents in various districts as well as the number of casualties involved (especially accidents involving the elderly), and when it will review the effectiveness of such measures?*

SECRETARY FOR TRANSPORT (in Chinese): Madam President, the number of traffic accidents involving pedestrians, the number of pedestrian casualties, and the number of casualties who were aged 60 or above since 1994 were as follows:

	<i>Traffic Accidents involving pedestrians</i>	<i>Pedestrian Casualties</i>	<i>Pedestrian Casualties who were 60 or above</i>
1994	5 435	5 964	1 363
1995	4 924	5 435	1 238
1996	4 756	5 266	1 227
1997	3 330	3 800	813
(up to 15 September 1997)			

A breakdown by districts is set out in Tables I to III in the Annex.

Despite the increase in population in the past few years, the number of traffic accidents involving pedestrians and the number of casualties involved have been decreasing.

The Road Safety Council, convened by the police and comprising

representatives from government departments and non-government organizations, acts as the focal point for road safety ideas and projects. It co-ordinates, monitors and reviews all the efforts made in enhancing road safety. The work on prevention of traffic accidents can be categorized as follows:

(i) *Improvements at accident blackspots and pedestrian problem spots*

The Transport Department carries out investigations of accident blackspots and pedestrian problem spots in its day to day district traffic studies. Based on the findings, improvement measures are tailor-made for each location to enhance pedestrian safety. Generally, they include provision of pedestrian railing, provision of anti-skid surfacing to roads, improvement to traffic signs and road markings, introduction of pedestrian phases in traffic signals, extension of pedestrian signal green time, and provision of new pedestrian crossing facilities, either at the same level as the road, or in the form of footbridges or subways.

(ii) *Review of territory-wide road safety strategy*

The Transport Department reviews periodically the territory-wide road safety strategies in the light of traffic accident data. Examples of new strategies introduced as a result of these reviews include separate driving test for light goods vehicles, installation of red-light cameras, drink driving legislation, and so on. They aim to encourage safe driving and enhance pedestrian safety. The effectiveness of the new measures is normally assessed 12 months after implementation. Based on the findings, further improvement will be formulated.

(iii) *Publicity and Education*

There are ongoing publicity activities on pedestrian safety. In 1996-97 and 1997-98, the main theme of the Road Safety Campaign is pedestrian safety with particular attention to the vulnerable groups, viz the elderly and the young. We have mounted both territory-wide publicity and safety campaigns that are district based.

On the territory-wide level, a publicity package comprising Television Announcement on Public Interest, posters and leaflets

was produced in 1996 to publicize the importance of safety in crossing roads, particularly focusing on the elderly and the young children. A leaflet on Road Crossing Code called "Captain Safety" is also issued widely in 1997 to remind pedestrians to observe crossing rules.

At the district level, the police also organize road safety campaigns in conjunction with the district boards and the Road Safety Association. Each police region has its own road safety team to conduct on-street road safety education activities. Such activities take various forms and scales, and include carnivals, variety shows, quizzes and competition, exhibitions, vehicle parades, distribution of leaflets and seminars at schools and community centres.

In addition, pedestrian black spots signs are erected at the relevant locations to warn pedestrians.

Road safety education should best start at an early age. Road safety education is now an integral part of the school curriculum starting from kindergartens. It is also included in primary school and junior secondary school levels.

(iv) *Law enforcement*

The police have made continuous efforts to enforce road traffic regulations so as to regulate road users' behaviour and encourage them to observe traffic rules and regulations.

Annex

Table 1: Pedestrian accidents by districts

<i>Year</i>	<i>1994</i>	<i>1995</i>	<i>1996</i>	<i>1997</i> <i>(1 January 1997 -</i> <i>15 September 1997)</i>
<i>District</i>				
Central and Western	441	349	351	230
Eastern	446	377	416	252
Kowloon City	565	529	536	334
Kwun Tong	465	416	387	294

Kwai Tsing	218	206	211	122
Mong Kok	414	395	368	261
North	113	117	117	82
Southern	205	145	155	103
Sai Kung	82	62	46	41
Sham Shui Po	511	402	417	305
Sha Tin	180	146	137	87
Tuen Mun	119	125	100	96
Tai Po	103	130	98	96
Tsuen Wan	297	310	289	173
Wan Chai	439	421	395	248
Wong Tai Sin	260	261	198	150
Yuen Long	129	112	136	159
Yau Tsim	443	417	389	290
Islands	5	4	10	7
Total	5 435	4 924	4 756	3 330

Table 2: Pedestrian casualties by districts

<i>Year</i>	<i>1994</i>	<i>1995</i>	<i>1996</i>	<i>1997</i> (1 January 1997 - 15 September 1997)
<i>District</i>				
Central and Western	470	391	379	268
Eastern	474	408	442	289
Islands	5	4	12	8
Kowloon City	607	562	585	365
Kwun Tong	537	491	476	370
Kwai Tsing	236	226	222	133
Mong Kok	444	424	413	296
North	125	131	131	84
Southern	221	162	169	118
Sai Kung	99	78	56	54
Sham Shui Po	552	446	454	333
Sha Tin	198	161	149	92
Tuen Mun	127	140	112	107
Tai Po	109	141	103	104

Tsuen Wan	352	339	317	182
Wan Chai	467	454	422	291
Wong Tai Sin	303	303	247	196
Yuen Long	149	126	146	170
Yau Tsim	488	448	431	340
Unknown	1	0	0	0
Total	5 964	5 435	5 266	3 800

Table 3: Pedestrian casualties (Aged 60 or over) by districts

<i>Year</i>	<i>1994</i>	<i>1995</i>	<i>1996</i>	<i>1997</i>
<i>District</i>				<i>(1 January 1997 - 15 September 1997)</i>
Central and Western	114	101	90	54
Eastern	129	100	103	65
Islands	1	0	2	1
Kowloon City	127	110	142	82
Kwun Tong	120	103	106	85
Kwai Tsing	42	30	37	17
Mong Kok	94	126	91	71
North	29	31	34	16
Southern	40	32	37	18
Sai Kung	22	14	14	14
Sham Shui Po	179	139	156	111
Shai Tin	45	27	31	19
Tuen Mun	26	31	18	19
Tai Po	21	34	25	18

Tsuen Wan	60	63	70	29
Wan Chai	95	88	84	64
Wong Tai Sin	78	93	62	55
Yuen Long	41	33	37	27
Yau Tsim	100	83	88	48
Total	1 363	1 238	1 227	813

Supply of Residential Flats

17. **DR CHARLES YEUNG** (in Chinese): *Regarding its pledge to supply an average of 85 000 residential flats a year over the next 10 years, will the Government inform this Council:*

- (a) *of the actual number of residential flats produced in each of the past five years and how it differed from the original estimate;*
- (b) *whether it is anticipating any difficulties in fulfilling the pledge; if so, what the major difficulties are going to be; and*
- (c) *of the other measures, besides the pledge, to ensure an adequate supply of residential flats to the public?*

SECRETARY FOR HOUSING (in Chinese): Madam President,

- (a) The actual number of residential flats produced in the public and private sectors in the past five years is given below:

<i>Financial year</i>	<i>Public housing</i>	<i>Calendar year</i>	<i>Private housing</i>
1992-93	38 384	1992	26 222
1993-94	45 486	1993	27 673
1994-95	28 598	1994	34 173
1995-96	36 756	1995	22 621
1996-97	32 795	1996	19 875
Total	182 019	Total	130 564

No formal or original estimate was made specifically covering the five-year period, although progress reports on annual flat production are compiled by individual departments from time to time.

- (b) The Administration has taken positive steps to ensure and is confident that the pledge made by the Chief Executive in his policy address on 8 October 1997 to produce not less than 85 000 flats a year from 1999-2000 onwards can be achieved.
- (c) To ensure that we can achieve the annual target, we will:
 - (i) provide a steady and sufficient supply of land for housing development;
 - (ii) make more efficient use of land for housing development;
 - (iii) fast-track the provision of housing related infrastructure;
 - (iv) make arrangements for an adequate supply of construction labour for housing development;
 - (v) provide greater opportunities for participation by the private sector in meeting the housing needs of the community;
 - (vi) streamline government procedures for housing production in the public and private sectors; and
 - (vii) put in place a strengthened mechanism to resolve problems in housing projects speedily at both district and central levels.

Illegal Child Immigrants

18. **MR MA FUNG-KWOK** (in Chinese): *Will the Government inform this Council of the following since the establishment of the Hong Kong Special Administrative Region (SAR) Government:*

- (a) *the number of Mainland-born children who landed unlawfully in Hong Kong (illegal immigrant children) and subsequently surrendered to the Immigration Department (the Department), and the number of "recognizance forms" (commonly known as "going-out passes") issued to such children by the Department;*
- (b) *the number of illegal immigrant children who have been repatriated by the Department, and among them, the number who surrendered themselves to the Department after the establishment of the SAR Government; and*
- (c) *the number of cases referred by the Department to the Chief Executive in Council for consideration under section 53 of the Immigration Ordinance, involving illegal immigrant children applying for review; and the number of such cases on which the Chief Executive in Council has concluded deliberation, and the average period of extension of stay granted to the applicants concerned?*

SECRETARY FOR SECURITY (in Chinese): Madam President,

- (a) Between 1 July 1997 and 5 October 1997, 469 mainland children surrendered to the Immigration Department (the Department) after entering Hong Kong illegally, of whom 421 were released on recognizance.
- (b) During the same period of time, 230 illegal immigrant children have been repatriated by the Department, of whom 156 children had surrendered themselves to the Department after the establishment of the SAR Government.
- (c) Under section 53(8) of the Immigration Ordinance, no objection can be made under section 53 to the making of a removal order. Appeals against removal orders, including those concerning illegal immigrant children, are considered by the Immigration Tribunal under section 53A. Accordingly, no such case has ever been referred to the Chief Executive in Council for consideration under section 53 of the Immigration Ordinance.

Installation of Air-conditioners in Public Housing Estates

19. **DR TANG SIU-TONG** (in Chinese): *A few months ago, the Housing Department demanded public housing tenants who had installed split-type air-conditioners to move the compressor units into their flats. Regarding the installation of air-conditioners by public housing tenants, will the Government inform this Council:*

- (a) of the present number of public housing tenants in Hong Kong who have installed split-type air-conditioners at unsuitable positions;*
- (b) how the Housing Department can ensure that the tenants concerned will install the air-conditioners at suitable positions; and*
- (c) whether the position of the compressor units inside the flats will affect the residents' health?*

SECRETARY FOR HOUSING (in Chinese): Madam President, there are about 5 000 public housing tenants who have installed split-type air-conditioners in unsuitable positions.

Under a phased enforcement programme, tenants involved in the first phase are required to make rectifications between April 1997 and March 1998. Guidelines and illustrative drawings on the proper method of installation and permitted positions have been provided. To ensure that air-conditioners are properly and safely installed, the Housing Department is taking stringent enforcement action on the requirements to obtain formal permission through the estate office, as stipulated in the tenancy agreement, and to employ registered technicians to install air-conditioners.

In order to obtain the co-operation of tenants in observing the requirements, the Housing Department mounted a territory-wide publicity campaign on the safety aspects and tenants' responsibilities early this year through press releases, media advertisements, newsletters and the Estate Management Advisory Committee system. Further publicity campaigns will be mounted when required.

As regards part (c) of the question, the Housing Department advises

tenants to install compressor units on the balcony near to the external wall so as to enhance the ventilation effect. The exhaust air emitted from compressor units can then be directly discharged into the open air and should not cause harm to the health of tenants.

Public Transport between Tuen Mun and Tung Chung

20. **DR DAVID LI:** *It is reported that privately-run ferries are operating between Tuen Mun and Tung Chung and that students from Tuen Mun are taking the 20-minute ferry ride instead of the two-hour bus journey to and from their schools in Tung Chung. In this connection, will the Government inform this Council whether it has undertaken any study on the adequacy of public transport for students travelling from Tuen Mun to Tung Chung; if so, what the findings are?*

SECRETARY FOR TRANSPORT: Madam President, at present, students who need to travel daily between Tuen Mun and Tung Chung New Town can either use franchised buses, or a school bus service arranged by their schools.

For those who wish to use the regular franchised buses, they can take any of the bus routes leaving Tuen Mun and interchange with Route E31 at Tsuen Wan for Tung Chung. The service frequency of Route E31 is eight minutes during peak hours.

In addition, a school bus service between Tuen Mun and Tung Chung New Town, organized by schools in Tung Chung for students living in Tuen Mun, has been in operation since 15 September. On school days, it departs Tuen Mun at 7.00 am for Tung Chung. The journey time is about one hour. The return trip leaves Tung Chung at 4.20 pm.

Surveys conducted by the Transport Department in the past few weeks indicate that the students are now adequately served by either public transport or school bus services.

BILLS

First Reading of Bills

PRESIDENT (in Cantonese): Bills: First Reading.

CLERK (in Cantonese): Employment and Labour Relations (Miscellaneous Amendments) Bill 1997
Employment (Amendment) (No. 5) Bill 1997
Occupational Deafness (Compensation)
(Amendment) (No. 2) Bill 1997

Bills read the first time and ordered to be set down for Second Reading pursuant to Rule 53(3) of the Rules of Procedure.

Second Reading of Bills

PRESIDENT (in Cantonese): Bills: Second Reading. Secretary for Education and Manpower.

EMPLOYMENT AND LABOUR RELATIONS (MISCELLANEOUS AMENDMENTS) BILL 1997

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Madam President, I move that the Employment and Labour Relations (Miscellaneous Amendments) Bill 1997 be read the Second time.

On 16 July, the Provisional Legislative Council passed the Legislative Provisions (Suspension of Operation) Ordinance 1997 which suspended the operation of the Employment (Amendment) (No. 4) Ordinance 1997, the Employee's Rights to Representation, Consultation and Collective Bargaining Ordinance and the Trade Unions (Amendment) (No. 2) Ordinance 1997 so that the Government could study and assess the impacts brought about by the new laws and consult the views of the parties concerned. We also undertook to review two other labour-related Ordinances which have not been suspended,

namely, the Employment (Amendment) (No. 5) Ordinance 1997 and the Occupational Deafness (Compensation) (Amendment) Ordinance 1997.

The Government, having carefully studied and reviewed in detail these five Ordinances and also consulted the views of the Labour Advisory Board (LAB), decided to table the Employment and Labour Relations (Miscellaneous Amendments) Bill 1997 and two other Bills which I will move to read a Second time later, namely, the Employment (Amendment) (No. 5) Bill 1997 and the Occupational Deafness (Compensation) (Amendment) (No. 2) Bill 1997. These three Bills are moved in accordance with the views of the LAB and after taking into consideration the social and economic development in Hong Kong at present. We believe that they meet the overall interests of Hong Kong and strike a balance between the interests of the employer and employee.

The main purpose of the Employment and Labour Relations (Miscellaneous Amendments) Bill 1997 is to carry out the proposals put forward by the Government after reviewing the three temporarily suspended Ordinances. In the Employment and Labour Relations (Miscellaneous Amendments) Bill 1997, it is proposed to repeal the Employment (Amendment) (No. 4) Ordinance 1997 and the Employee's Rights to Representation, Consultation and Collective Bargaining Ordinance, as well as to amend the Trade Unions (Amendment) (No. 2) Ordinance 1997. I will now briefly introduce the content of the Bill in the light of the result of the Government's review on these three temporarily suspended labour Ordinances.

The Employment (Amendment) (No. 4) Ordinance 1997 is made to strengthen the protection of employees so that they will not be discriminated against due to their participation in trade unions and related activities. We think that there is no need to enforce this Ordinance because the Employment (Amendment) (No. 3) Ordinance 1997 which took effect on and after 27 June this year has already provided similar protection to the employees, ensuring that they will not be dismissed due to their participation in trade unions and related activities. Secondly, the protection provided by these two Ordinances is more or less the same, if they are enforced at the same time, employer, employee and the Labour Tribunal will be faced with unnecessary confusion. Thirdly, in the LAB meeting on 15 August, the employer and employee agreed unanimously to repeal the Employment (Amendment) (No. 4) Ordinance 1997. In fact, the major difference between these two Ordinances lies in the provision concerning reinstatement. The LAB has decided to review the reinstatement provision one

year after the enforcement of the Employment (Amendment) (No. 3) Ordinance 1997.

The Trade Unions (Amendment) (No. 2) Ordinance 1997 (the Amendment Ordinance) is made to relax the restrictions on the controversial issues regarding trade unions in the existing Trade Unions Ordinance. Recently, we comprehensively reviewed the Trade Unions Ordinance, including the Trade Unions (Amendment) (No. 2) Ordinance 1997. The proposals we put forward after the review were passed unanimously by members of the LAB. Our proposals include:

- (1) to retain four provisions in the Amendment Ordinance, they are:
 - the age limit of the members of a trade union executive committee body is reduced from 21 to 18;
 - the stipulation about voting for changing the name of a trade union is relaxed, originally the change must be passed by two thirds of the trade union's voting members, it will be reduced to a majority of the trade union's voting members present at a general meeting;
 - the cancellation of the stipulation that members of a trade union federation cannot be engaged in different trade, industry or occupation, that means an inter-industry trade union is allowed to become a registered trade union; and
 - the repeal of the stipulation that officers of trade union federations must be engaged in related trades.
- (2) to reinstate the original four provisions in the Trade Unions Ordinance which were amended by the Amendment Ordinance, they are:
 - the stipulation that the officers of a trade union must be employed in the trade related to that particular trade union;
 - the stipulation that a trade union cannot provide subsidy or donation to a trade union or similar organizations outside

Hong Kong unless the consent of the Chief Executive has been obtained;

- the restriction on the application of funds: the application of funds of a trade union must receive prior consent of the Chief Executive; and
 - restriction on the use of funds of a trade union for political purposes.
- (3) to amend the provisions in the Trade Union Ordinance concerning the affiliation of a local trade union with organizations in foreign countries. A local trade union is allowed to become a member of an organization of workers or employers, or a relevant professional organization which is established in a foreign country, without the prior approval of the Chief Executive, but the trade union shall, within one month after becoming a member of the above-mentioned organization, notify the Registrar of Trade Unions of the Labour Department in writing of the fact. As for the affiliation with foreign organizations which are not trade unions (including political organizations), we propose to reinstate the former stipulation which requires the prior approval of the Chief Executive. Besides, we have added new provisions demanding the trade union, before its affiliation with any foreign organization, to have the proposal passed by secret ballot of a majority of its voting members present at a general meeting.
- (4) to enact the right to appeal so that a trade union can appeal if its amended, changed or newly made regulations are refused to be registered by the Registrar of Trade Unions.

The aims of the above proposals are to ensure that the trade unions in Hong Kong can develop healthily, and also to ensure that the activities of trade unions are organized with a view to safeguarding the welfare and interests of its members.

With regard to the Employee's Rights to Representation, Consultation and Collective Bargaining Ordinance, we have considered the opinions of the LAB and propose to repeal this Ordinance basing on the following five reasons.

Firstly, at this stage, Hong Kong does not have the need to legislate for introducing the employee's right to collective bargaining because, at present, the employer and employee at company level volunteer to negotiate directly and the Labour Department serves to provide mediatory service. This method has all along been effective and the labour relations in Hong Kong have always been harmonious. In the past three years, the number of working days lost due to labour dispute amounted only to half a day per 1 000 wage-earning people and salaried employees, which is one of the lowest records in the world. From this we can see that there is no need to change the mechanism.

Secondly, although legislation can force the parties concerned to carry out collective bargaining, whether or not an agreement can be reached is not guaranteed. Therefore, the legislation coercing collective bargaining which induces in particular strong opposition from the employer may bring about an opposite effect, harm the harmonious labour relations and lead to the ossification of system. It will not benefit Hong Kong in any way.

Thirdly, legislating to coerce collective bargaining will definitely lessen the effect of market force in the present course of determining salaries, especially during recession when capital and labour cannot employ and be employed according to the actual situation of supply and demand. As a result, the adaptability of the whole economic system will be influenced.

Fourthly, when there are more restrictions in the labour market, Hong Kong's attraction to overseas investors will be reduced. Therefore, the coercion of collective bargaining will, on the contrary, decrease the employment opportunity of employees and hurt their long-term interests.

Fifthly, most of the economic systems in the world are endeavouring to cut down the restrictions and eliminate the obstacles in the labour market, it would be unwise for Hong Kong to go in the opposite direction.

I have to stress that, although we object to legislating for compulsory collective bargaining, we subscribe to the voluntary bargaining between labour and capital. In fact, we have comprehensively enforced the Right to Organize and Collective Bargaining Convention, No. 98 of the International Labour Convention, since 1975. We have abided by the stipulations in the Convention through promoting voluntary bargaining and enhancing communication between

labour and capital. In order to further encourage direct dialogue and voluntary bargaining between labour and capital, the Labour Department will set up a special group which will be responsible for advancing communication between the two parties, promoting good management methods, investigating regularly the present voluntary bargaining methods in Hong Kong, encouraging and assisting target organizations to set up mechanisms of voluntary bargaining and efficient communication, as well as drawing up codes of practice and guidelines about collective bargaining for the reference of employer and employee.

This Bill also proposes a number of transitional provisions so that the lawsuits brought in pursuance of the Employment (Amendment) (No. 4) Ordinance 1997 while it was still effective and the collective agreements made in pursuance of Part IV of the Employee's Rights to Representation, Consultation and Collective Bargaining Ordinance before the enforcement of the Legislative Provisions (Suspension of Operation) Ordinance 1997 will still be effective.

Since the suspension period of the above three temporarily suspended Ordinances will expire on 31 October, we put forward the relevant proposals in the Panel on Manpower of the Provisional Legislative Council on 30 September and urged Members to give priority to the consideration of these proposals for early conclusion. The Government hopes that the Provisional Legislative Council can finish the examination and make a decision as soon as possible so that the Government can resume the Second and Third Readings on 29 October before the expiry date of the suspension period of the three temporarily suspended Ordinances. I would like to thank Members for their setting up of a Subcommittee last week, in this way the procedure of legislation can be sped up. The Subcommittee held its first meeting on 9 October and another meeting will be held on 20 this month. In accordance with the request made by the Subcommittee in its meeting on 9 October, we noticed the Provisional Legislative Council yesterday that we would try to prolong the suspension period of the three Ordinances to November by way of a resolution in the meeting on 19 October. I have to point out that the notice was made in order to comply with the stipulations in the Rules of Procedure of the Provisional Legislative Council: that is, a Member or a public officer who intends to table a resolution ought to notice the Provisional Legislative Council not less than 12 full days beforehand. The Government really hopes that the Subcommittee can finish its examination and make a decision before 29 October, so I hope the members of the

Subcommittee can, from now till 20 October, squeeze as much time as possible to ask the Government questions concerning the content of the Bill, so that we can answer and discuss these questions all together before or in the meeting on 20 October and thus speeding up the progress of examination. I wish that the Subcommittee can finish its examination before 29 October to negate the need for an extension of the suspension period. We will be happy to withdraw the resolution proposed yesterday before the expiry of the suspension period.

Madam President, I beg to move.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Employment and Labour Relations (Miscellaneous Amendments) Bill 1997 be read the Second time.

In accordance with Rule 54(4) of the Rules of Procedure, the debate is now adjourned and the Bill referred to the House Committee.

PRESIDENT (in Cantonese): Secretary for Education and Manpower.

EMPLOYMENT (AMENDMENT) (NO. 5) BILL 1997

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Madam President, I move the Second Reading of the Employment (Amendment) (No. 5) Bill 1997. This Bill seeks to carry out the proposals put forward by the Government after reviewing comprehensively the provisions about statutory holidays in the Employment Ordinance.

The purpose of the review is to study, after the establishment of the Hong Kong Special Administrative Region (SAR), ways to amend the provisions concerning floating holiday, as well as the influence brought about by the Employment (Amendment) (No. 5) Ordinance 1997 passed by the former Legislative Council in which 1 May is stipulated as an additional statutory holiday. After taking the opinions of the Labour Advisory Board (LAB) into consideration, we propose this Bill.

According to the present Employment Ordinance, an employee can enjoy two floating holidays each year at a date chosen by his employer or requested by

the employee as his additional annual leave. We propose to replace these two floating holidays by 1 July (the day on which the Hong Kong SAR was established) and 1 October (National Day of the People's Republic of China) as statutory holidays because these two dates are of great significance to Hong Kong.

In fact, 1 July and 1 October were designated as special statutory holidays this year. The proposal put forward in the Bill is to make corresponding amendments to the present provisions without affecting the existing number of statutory holidays. In the meeting on 15 August, the members of the Board agreed unanimously to this proposal.

The Employment (Amendment) (No. 5) Ordinance 1997 has added 1 May as a statutory holiday. We propose to change the year of the commencement of enforcement from 1998 to 1999.

We put forward this proposal because the Provisional Legislative Council has already passed the list of general holidays of 1998 and 1 May is not included. General holiday is applicable to employees of banks, schools and the Government, whereas the statutory holiday stipulated in the Employment Ordinance is applicable to all employees other than civil servants, including employees of banks and schools. If 1 May becomes a statutory holiday from 1998 onwards, inconvenience will be caused to banks and schools because this day is not a general holiday and these places have to work as usual, however, their employees are entitled to one day's holiday according to the law. This is obviously not a satisfactory situation. Although the employer can, in the light of the Employment Ordinance, arrange the employees to take another day as holiday, a lot of difficulties may arise in the allocation of manpower. Besides, certain non-government bodies which work on general holidays may face the same problem.

The above-mentioned unsatisfactory situation and problems will not appear if the time of enforcement is postponed for one year, that is, 1 May will not become a statutory holiday until 1999. In this way, the Government will have time to deliberate the following problems relating to the general and statutory holidays of 1999:

- (1) Should the total number of general holiday be maintained at 17 days as presently stipulated in the Holidays Ordinance? If there will be no addition or reduction, we have to extensively consult the public in order to decide which day in the six general holidays that are not statutory holidays is to be replaced by the holiday of 1 May;
- (2) Should we adopt a simpler method? That is, adding one more general holiday to the existing holiday list so that the total number of general holiday will increase to 18 days. But we have to assess the impact of this decision on the economy; and
- (3) Should the Buddha's Birthday on the eighth of the fourth month on the lunar calender be designated as a general or statutory holiday as requested by some organizations?

Most members of the LAB support the proposal that 1 May will not be designated as statutory holiday until 1999.

Other than the proposals above, we also think that certain technical and textual amendments have to be made to the provisions regarding statutory holidays in order to make the provisions more definite and clear.

Madam President, I beg to move.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Employment (Amendment) (No. 5) Bill 1997 be read the Second time.

In accordance with Rule 54(4) of the Rules of Procedure, the debate is now adjourned and the Bill referred to the House Committee.

PRESIDENT (in Cantonese): Secretary for Education and Manpower.

OCCUPATIONAL DEAFNESS (COMPENSATION) (AMENDMENT) (NO. 2) BILL 1997

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese):
Madam President, I move the Second Reading of the Occupational Deafness (Compensation) (Amendment) (No. 2) Bill 1997.

The object of the Bill is to implement the set of improvement measures proposed after a comprehensive review made by the Government of the Occupational Deafness Compensation Scheme (ODCS). These proposals were put forward by the working group of reviewing the ODCS and members of the working group include the Government, employers, employees, as well as representatives from the medical and audiological fields. After consulting the Occupational Deafness Compensation Board (ODCB) and the Labour Advisory Board (LAB), we have decided to adopt this set of measures and to table this Bill.

This set of improvement measures proposes to expand the scope of protection in the ODCS and to simplify the operational procedure. In drawing up the improvement plan, we have taken into account the influence brought about by the Occupational Deafness (Compensation) (Amendment) Ordinance 1997 (the Amendment Ordinance) and the financial arrangements required by the ODCB to enforce the Amendment Ordinance and to carry out other improvement proposals.

The Bill proposes 13 improvement measures in total, among them the four major ones are:

Firstly, adding eight noisy occupations to the existing list of 17 specified noisy occupations for which compensation is payable. It is estimated that 8 900 employees engaged in these eight occupations can thus be included in the scope of protection;

Secondly, waiving the payment of the costs of hearing tests and medical examinations by the claimants;

Thirdly, retaining the provision of reducing the minimum deafness

threshold from 50 dB to 40 dB in the Amendment Ordinance. In order to ensure that the ODCB has sufficient resources to carry out the improvement measures for expanding the scope of protection, after consulting the ODCB and the LAB, we propose to amend Schedule 4 to reinstate the table in the Occupational Deafness (Compensation) Ordinance when it was first enforced which converted different degrees of deafness into percentage of permanent incapacity, and to add the relevant percentage of permanent incapacity of the minimum deafness threshold of 40 dB. In order that the claimants who have applied for compensation before the enforcement of the Bill will not be influenced by this amendment, we propose to add a transitional provision so that they will be entitled to a higher rate of compensation in the light of the present Schedule 4.

Fourthly, we also propose to make another transitional arrangement such that those persons engaged in the specified noisy occupations on continuous contracts after 1 July 1989 who would otherwise be qualified for compensation but for their leaving employment for more than 12 months will be allowed to apply for compensation within 12 months from the commencement of the Bill. This transitional arrangement will make up for the insufficiency of the Occupational Deafness (Compensation) (Amendment) Ordinance 1997 so that the employees whose degree of deafness is between 40 dB and 50 dB and have left their employment for more than 12 months will be qualified to apply for compensation. According to the data provided by the ODCB, there are about 120 claimants whose degree of deafness is between 40 dB and 50 dB, and they can benefit from this arrangement. Besides, it is estimated that about 160 employees engaged in the eight newly added noisy occupations who have left their employment for over 12 months will also receive compensation due to this transitional arrangement.

The Bill also includes other improvement proposals, such as: revoking the restriction that hearing loss is solely assessed by pure-tone audiometry, listing the conditions of making application for compensation again, as well as other measures to improve the operational procedures of ODCS.

We know that, to the employees, healthy hearing is more important than compensation. So we propose to authorize the ODCB to use its funds to organize or subsidize educational and promotional activities concerning the prevention of occupational deafness.

In order to implement the various improvement measures, the Bill also

proposes to make relevant amendments to the Employees' Compensation Insurance Levies Ordinance, raising the ODCB's levy rate in the employees' compensation insurance premium by 0.8 percentage point, that is, increasing from 1.5% to 2.3%. As the biggest employer in Hong Kong, the Government should pay more levy.

The above improvement plan has already been passed by all the members of the LAB. Furthermore, members of the ODCB, including representatives of employers and employees, also think that the scope of protection in the ODCS should be expanded first, and the proposals to increase compensation should be considered later should there be sufficient resources. Therefore, we believe that the improvement proposals put forward in this Bill are practical and feasible in that, while more deaf employees can be protected, the ODCB will not be faced with financial problems.

Madam President, I beg to move.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Occupational Deafness (Compensation) (Amendment) (No. 2) Bill 1997 be read the Second time.

In accordance with Rule 54(4) of the Rules of Procedure, the debate is now adjourned and the Bill referred to the House Committee.

MOTIONS

PRESIDENT (in Cantonese): Motions. Motion under the Companies Ordinance. Secretary for Financial Services.

COMPANIES ORDINANCE

SECRETARY FOR FINANCIAL SERVICES (in Cantonese): Madam President, I move the first motion standing in my name on the Agenda.

The Companies (Fees and Percentages) (Amendment) (No. 2) Order 1997 has been made by the Chief Justice. It increases three fee items payable to the Registrar of Companies in relation to the inspection and photocopying of liquidators' statements sent to the Registrar under the Companies Ordinance.

The fees contained in the Order were last revised in March 1996. We propose to revise the fees on average by 9% in line with increase in costs due to inflation as measured by the movement of the Government Consumption Expenditure Deflator (GCED).

As a trading fund, the Companies Registry is required to provide an efficient and effective service while meeting the costs of the services that it provides from the income it receives. Since its establishment as a trading fund in August 1993, the Registry is continuously seeking to improve service quality and efficiency. Among the measures instituted so far are: introducing on-line receipt of documents, providing over 50 computer terminals showing indices of documents held by the Registry, all the directorships held by directors of listed companies and disqualification orders in respect of directors disqualified by the courts, organizing regular customer visits, conducting surveys and questionnaires to ascertain customer needs, setting up customer service desks and a touch-screen information system, as well as organizational restructuring to reduce costs and to streamline office procedures. Currently, the Registry is working on development projects which will further enhance the efficiency in making searches for company records by customers.

If the present fee levels are maintained, the Companies Registry in general terms will suffer an annualized financial loss of \$21 million in 1997-98. This will increase the difficulties in funding the development projects as outlined above and will reduce the rate of return of the trading fund to below the targeted 10%. The fee adjustments are therefore essential for the continual effective operation of the Registry and the financial health of the trading fund.

Thank you, Madam President.

The Secretary for Financial Services moved the following motion:

"That the Companies (Fee and Percentages) (Amendment) (No. 2) Order 1997, made by the Chief Secretary on 26 September 1997, be approved."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Companies (Fees and Percentages) (Amendment) (No. 2) Order 1997, made by the Chief Secretary on 26 September 1997, be approved. Does any Member wish to speak?

(No Member indicated to speak)

PRESIDENT (in Cantonese): I now put the question to you as stated. Will those in favour of the motion please say "aye"?

(Members responded)

PRESIDENT (in Cantonese): Those against please say "no".

(No Member responded)

PRESIDENT (in Cantonese): I think the "ayes" have it. The "ayes" have it.

PRESIDENT (in Cantonese): Motion under the Registered Trustees Incorporation Ordinance. Secretary for Financial Services.

REGISTERED TRUSTEES INCORPORATION ORDINANCE

SECRETARY FOR FINANCIAL SERVICES (in Cantonese): Madam President, I move the second motion standing in my name on the Agenda.

The fees included in this Order are in relation to inspection, certification and registration of documents payable to the Registrar of Companies under the

Registered Trustees Incorporation Ordinance. The extent and reasons for the proposed revision are identical to those as I have just outlined in moving the first motion.

Thank you.

The Secretary for Financial Services moved the following motion:

"That the Registered Trustees Incorporation Ordinance (Amendment of Second Schedule) Order 1997, made by the Secretary for the Treasury on 26 September 1997, be approved."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Registered Trustees Incorporation Ordinance (Amendment of Second Schedule) Order 1997, made by the Secretary for the Treasury on 26 September 1997, be approved. Does any Member wish to speak?

(No Member indicated to speak)

PRESIDENT (in Cantonese): I now put the question to you as stated. Will those in favour of the motion please say "aye"?

(Members responded)

PRESIDENT (in Cantonese): Those against please say "no".

(No Member responded)

PRESIDENT (in Cantonese): I think the "ayes" have it. The "ayes" have it.

MEMBERS' MOTIONS

PRESIDENT (in Cantonese): Members' Motions. First motion under the Interpretation and General Clauses Ordinance. Mr James TIEN.

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

MR JAMES TIEN: Madam President, the Securities and Futures Commission (Fees) (Amendment) Rules 1997 propose to increase and restructure various fees payable under the Securities and Futures Commission (Fees) Rules and to introduce two new fees relating to intermediaries.

A Subcommittee chaired by me was formed to study the Amendment Rules and seven other items of subsidiary legislation relating to fee increases gazetted on 5 September 1997. The Subcommittee held a meeting with the Administration.

The Subcommittee has noted that, at present, the Securities and Futures Commission (SFC) is approximately one-third funded by fees and charges in relation to services provided by the SFC and two-third by transaction levy. The fee proposals concern about the one-third funding of the SFC. According to information provided by the Administration, the total transaction levy received by the SFC for the period of January to August 1997 amounted to about \$328 million, as compared with \$107 million for the same period in 1996. The Administration has advised us that in accordance with the users pay principle, the transaction levy would not be used to subsidized services provided for specific identifiable market participants or users. As a result of the cost recovery programme, full cost recovery has generally been achieved in respect of services relating to intermediaries, and to the extent possible, investment products and corporate finance activities. The proposed increase on fees and charges relating to intermediaries aims to achieve full cost recovery at 1997-98 prices, while the increases on fees and charges relating to investment products and corporate finance would improve the cost recovery level.

We are aware that the Administration is discussing with the SFC and the Stock Exchange to reduce the costs for securities transaction including transaction levy.

Having considered the explanations by the Administration on various fee proposals, the Subcommittee has reservations about supporting the Amendment

Rules on the fact that the SFC has huge revenue from transaction levy and reserves and that its operation would not be affected if the fees and charges are frozen at the existing fee level. The Subcommittee has concluded that the said Amendment Rules be repealed.

I would like to point out to Honourable Members that the Amendment Rules, which were tabled on 10 September 97, have already taken effect on 16 September. The Subcommittee is dissatisfied with the arrangement as it would set an undesirable precedent where an item of subsidiary legislation comes into operation before the legislature actually has the opportunity to study it. This would also deprive Members of their right to amend or repeal the subsidiary legislation if government revenue is involved. The resolution which seeks to repeal the said Amendment Rules and to revive the fees payable under the SFC (Fees) Rules in force immediately before the commencement of the Amendment Rules, if passed, would take effect on the date of publication in the Gazette, that is 17 October 1997. The resolution does not affect anything done or any liability incurred under the Amendment Rules during the period from 16 September to 16 October.

The Subcommittee is willing to consider afresh any fees adjustment proposal by the Administration after there is a conclusion on the reduction in the securities transaction cost.

Madam President, I beg to move.

Mr James TIEN moved the following motion:

"Resolved that -

- (a) the Securities and Futures Commission (Fees) (Amendment) Rules 1997 ("the amendment Rules"), published as Legal Notice No. 430 of 1997 and laid on the table of the Provisional Legislative Council on 10 September 1997, be repealed and that the provisions of the Securities and Futures Commission (Fees) Rules (Cap. 24 sub. leg.) ("the principal Rules") in force immediately before the commencement of the amendment Rules shall, as from the date of publication of this

Resolution, be revived and be in force; and

- (b) notwithstanding anything in this Resolution, the fees provided for in the principal Rules as amend by the amendment Rules and applying immediately before the date of publication of this Resolution shall continue to be payable in relation to any application lodged or anything done under the principal Rules between the date of commencement of the amendment Rules and the date of publication of this Resolution as if this Resolution had not been made and passed."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Mr James TIEN under the Interpretation and General Clauses Ordinance as set out on the Agenda be approved. We will now proceed to a debate. Does any Member wish to speak?

(No Member indicated to speak)

PRESIDENT (in Cantonese): Secretary for Financial Services, do you wish to speak?

SECRETARY FOR FINANCIAL SERVICES (in Cantonese): Madam President, the fees of the Securities and Futures Commission (SFC) have not been adjusted since 1994, in other words, the level of fees has actually been reduced in the past few years. Just as Mr TIEN said earlier, the SFC is one-third funded by fees and charges from the people and organizations within the trade and two-thirds by transaction levy from free investors. Therefore, we have to identify clearly now whether we want to protect the interests of investors more, or the interests of organizations within the trade more. Under such circumstances, we are naturally very disappointed in this motion to freeze the fees. However, it is consolable to know that, as Mr TIEN said just now, the Administration is discussing with the SFC and the Stock Exchange to see how the costs for securities transaction, including the transaction levy, can be reduced. In other words, we hope that, after a few months, the transaction levy can be lowered and by then, that is, approximately in the first quarter of next year, we will be able to re-submit the proposal for increasing the fees of the SFC for

Members' consideration.

Thank you, Madam President.

PRESIDENT (in Cantonese): Mr James TIEN, do you wish to reply?

(Mr James TIEN indicated that he did not wish to reply)

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Mr James TIEN under the Interpretation and General Clauses Ordinance, as set out on the Agenda, be approved. Will those in favour of the motion please say "aye"?

(Members responded)

PRESIDENT (in Cantonese): Those against please say "no".

(No Member responded)

PRESIDENT (in Cantonese): I think the "ayes" have it. The "ayes" have it.

PRESIDENT (in Cantonese): Second motion under the Interpretation and General Clauses Ordinance. Mr James TIEN.

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

MR JAMES TIEN: Madam President, I move the motion standing in my name on the Agenda.

The Trade Marks (Amendment) Rules 1997 seek to increase the fees payable under the Trade Mark Rules in connection with the registration, search and opposition to registration of trade marks, the maintenance and alterations of

records.

A Subcommittee chaired by me was formed to study the Amendment Rules and seven other items of subsidiary legislation relating to fee increases gazetted on 5 September 1997. The Subcommittee held a meeting with the Administration.

The Administration explained to us that the fees are set at a level sufficient to recover the full operating costs for providing the services. The existing fee level, which represented 82% of the cost calculated at 1997-98 prices, were last revised in November 1994. Taking into account the increase in cost since the last revision, the Administration proposes to increase the fees by about 23% on the average.

The Subcommittee has noted from the Administration that the procedures for processing trade mark registrations and fees in connection therein were in accordance with the Trade Marks Ordinance. To modernize the trade marks legislation in Hong Kong and, *inter alia*, to streamline the procedures, the Administration is at present preparing a new Trade Marks Bill which is expected to be introduced into the first Legislative Council next year.

Whilst the Subcommittee is in support of the cost recovery principle, the Subcommittee has reservations about the proposed increases in view of the fact that a comprehensive review of the Trade Marks Ordinance is underway which would result in a reform of the fee structure totally. According to the Administration, the cost has been increased from \$94 million in 95-96 to \$99 million in 97-98. This is merely 6%. However, the average increase in fees is 23%. The Subcommittee considers the proposed increases not reasonable. As a large surplus of government revenue for this financial year is envisaged, the operation of the Intellectual Property Department should not be jeopardized if the fees are frozen at the existing level. The Subcommittee, therefore, agrees that the said Amendment Rules should be repealed. We call upon the Administration to table the new fee proposals after completion of the review of the Trade Marks Ordinance.

Madam President, I beg to move.

Mr James TIEN moved the following motion:

"That the Trade Marks (Amendment) Rules 1997, published as Legal Notice No. 438 of 1997 and laid on the table of the Provisional Legislative Council on 10 September 1997, be repealed."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Trade Marks (Amendment) Rules 1997, published as Legal Notice No. 438 of 1997 and laid on the table of the Provisional Legislative Council on 10 September 1997, be repealed. We will now proceed to a debate. Does any Member wish to speak?

(No Member indicated to speak)

PRESIDENT (in Cantonese): Secretary for Trade and Industry, do you wish to speak?

SECRETARY FOR TRADE AND INDUSTRY (in Cantonese): Madam President, the purpose of the Trade Marks (Amendment) Rules 1997, just as the Honourable James TIEN said, is to update and rationalize various fees under the Trade Marks Ordinance for the registration of trade marks and related services. These fees were last revised in November 1994. We are proposing an average increase of 23%.

I understand that some Members have doubted if the proposed amendments are appropriate because the increase seems higher than the inflation rate, and also because the Trade Marks Ordinance, first enacted in 1954, is now being exhaustively reviewed to keep up with future development. Some Members therefore think that the proposal of adjusting the fees should be put forward when the Ordinance is reviewed. I would like to respond to these two concerns.

First, on the proposed rate of fee increase. I can assure Members that users of our trade marks services are getting more than value for money for their payments. The proposed average increase of 23% is meant not only to cover the 20.4% price inflation since November 1994, but also to enable the Intellectual

Property Department to recover the full costs, rather than a mere 80% of these, of providing the trade marks services.

Madam President, it is long-accepted government policy to seek to recover the full costs of providing public services. The general taxpayers have already been subsidizing trade marks users since 1994. We do not see any valid grounds for their having to continue with this.

Second, on the review of the Trade Marks Ordinance. As I mentioned, this piece of legislation has been in existence for 43 years. The purpose of the review is to seek to modernize our trade marks regime, to simplify procedures, and to offer enhanced protection to trade mark proprietors in accordance with latest international norms. We will also consider the feasibility of simplifying and rationalizing the structure for trade marks fees. However, these changes are not the thrust of the modernization exercise. We have therefore decided to separate our current proposed fee revision, which is a pure costing exercise, from the review of the Trade Marks Ordinance, which involves policy, legal and other administrative considerations.

Madam President, our proposed fee increase only seeks to recover costs from trade marks applicants and owners for services we render and they receive. If a freeze were to be imposed, which would be the case if Mr James TIEN's motion were carried, the general public would have to continue subsidizing the trade marks proprietors pending an overhaul of the trade marks regime. The wait could well be over 18 months, since we cannot introduce the bill until the next Legislative Session begins in late 1998 and, having regard to the time required for deliberations, the new regime cannot be activated until early 1999. We see no reason why the interest of the general public has to be thus compromised.

Another undesirable consequence of imposing a freeze on the trade marks fees is that it would make the eventual increase sharper and less palatable to the trade marks proprietors. We have consulted and received no objection from the Law Society on our proposed fee increases. A freeze is really uncalled for even from the users' point of view.

Madam President, we see no justification for repealing the Trade Marks

Fees (Amendment) Rules. It does not benefit the general public; it may not even be welcomed by the trade marks owners in the longer run. I do recommend voting against the motion.

Thank you, Madam President.

PRESIDENT (in Cantonese): Mr James TIEN, do you wish to reply?

MR JAMES TIEN (in Cantonese): Madam President, the Secretary for Trade and Industry mentioned the general public's interests in a response to our proposal. In respect of trade marks registration, we have all along been in support of the Government's "users pay" and "cost recovery" concepts. However, we have to know what the costs are before we can calculate how much to recover. The Government said that only 82% of the cost could be recovered, not the full cost. This, in fact, is rather a good rate compared with many other services for which only 30% to 40% of the cost is recovered. Of course, we also support full cost recovery by the Government one day. We agree to that principle. However, the major problem here is that as revealed by the Government the fee charging regime in the ordinance is now being revised. At present, the Government has listed out 40-odd items of fees and charges in respect of trade marks registration. At the meeting with the Subcommittee, government officials told us that the review on the ordinance was completed. But why did they not submit the amendments to the Provisional Legislative Council for scrutiny? The Government explained to us that it was because the Provisional Legislative Council only dealt with necessary and indispensable legislation. The reason that the Government did not submit the amendments to this Council could be because this is not an indispensable piece of legislation. If that is the case, people in the trade will have nothing to say. If the new legislation is passed, the Government does not need to spend that much money and the cost will naturally be lowered. As a result, the cost recovery rate may be 100% rather than 82%.

So I hope that the Government can submit this new piece of legislation to this Council as soon as possible. If the Government is unwilling to do so and insists on waiting until after the elections of first legislature next year, I think the difference in revenue will not be too large and the Government is able to absorb it. Therefore, I hope Members would support the Subcommittee's advice. The

fees can be lowered if the legislation is now submitted to this Council and passed. Otherwise, we will have to wait until next year.

Thank you, Madam President.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the Trade Marks (Amendment) Rules 1997, published as Legal Notice No. 438 of 1997 and laid on the table of the Provisional Legislative Council on 10 September 1997, be repealed. Will those in favour of the motion please say "aye"?

(Members responded)

PRESIDENT (in Cantonese): Those against please say "no".

(Members responded)

PRESIDENT (in Cantonese): I think the "ayes" have it. The "ayes" have it.

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 two motion debates. The movers of the motions will each have 15 minutes for their speeches including their replies, and another five minutes to speak on the proposed amendments. Other Members, including the movers of the amendments, will each have seven minutes for their speeches. Under Rule 37 of the Rules of Procedure, I am obliged to direct any Member speaking in excess of the specified time to discontinue.

PRESIDENT (in Cantonese): First motion: Request for reduction and review of medical blunders. As Mr MOK Ying-fan is not in the Chamber, I propose to have a five-minute break before we go on.

5.21 pm

Meeting suspended.

5.28 pm

Council then resumed.

REQUEST FOR REDUCTION AND REVIEW OF MEDICAL BLUNDERS

MR MOK YING-FAN (in Cantonese): Madam President, first of all, I would like to apologize for my absence that necessitated a five-minute break of the meeting. But this may be good for the President because she has been sitting here for several hours and the short break will refresh her for the next part of the meeting.

Madam President and Honourable Members, I believe either you or someone among your friends and relatives may have had surgical operations. Usually it is the specialist surgeons who perform the operations on us. But when a doctor needs an operation himself, will he perform it himself? Of course not. Certainly, it is done by another specialist surgeon! Why cannot a doctor perform an operation on himself? The answer is simple. To excise other people's tumour can be a straightforward task. But when he has to perform such an operation on himself, he may not even be able to use the surgical knife on himself because of the fear of pain and blood. This is my first point of view.

Let me tell you the story of a famous practitioner of Chinese medicine, Mr CHEUNG Chung-king. Once his mother had a high fever and his own diagnosis dictated the prescription of the "baihu tang", a kind of medical decoction, for his mother. But the nature of this herbal broth was very "cold" in Chinese medical term because "cold" ingredients including gypsum had to be used, and he was worried that his mother who was over 80 years old could not take such strong medicine. So he dared not prescribe this decoction and just administered some milder medicine instead. As a result, his mother's condition did not improve. Eventually his apprentice prescribed the "baihu tang" and soon cured the old lady. After that, Mr CHEUNG said, "Had she been somebody else's mother, I would have prescribed the "baihu tang"."

In fact, the above analogy explains why I call for the establishment of a supervisory body to be named the Medical Oversight Committee (MOC) to oversee the medical blunders in our medical institutions. It is hoped that this MOC is a transparent and widely representative complaint mechanism, a supervisory body which overrides the Hospital Authority (HA). It will be responsible for overseeing the investigations into medical blunders and assessing the investigation reports.

Perhaps some colleagues may wonder why I insist on the establishment of the MOC while the HA has its own complaint mechanism. The answer is simple. As I have just said, to perform an operation on oneself is difficult and painful. If we let the HA supervise itself, I am afraid that the supervisor and the supervised are as closely related as flesh and skin; like one is asked to perform an operation on oneself, it will be painful and blood will flow, and one may even lose one's resolve. In order to avoid such a situation, it would be better to ask someone else to wield the knife.

I propose the setting up of the MOC mainly because of the recent occurrence of many medical blunders. Earlier on, there was a blood transfusion mix-up in one hospital and mistaken removal of a Fallopian tube in another. Indeed it is a matter of life or death. One blunder took the victim's life, the other made the woman barren. A medical error can lead to extremely serious consequence. It can change the fate of a person or his entire family. I am not trying to exaggerate the gravity of the matter. But without the Fallopian tube, a woman can never hope to bear children.

Despite the medical blunders uncovered during the past few months, I am afraid that they represent just the tip of an iceberg. According to the HA's statistics, the number of medical incidents has reached 15 927 cases in the previous year. I was indeed shocked by the first glance at this figure. I think this is the total number of cases reported in all hospitals last year. I repeat, there were over 15 000 cases in the whole previous year, the figure was almost double that of 1995.

Recently, I received a paper on long-term health care policy researched and compiled by the Provisional Legislative Council Secretariat. It reveals that in 1996, relevant organizations, including the Department of Health, the HA, the Medical Council, received over 2 500 complaints involving medical services.

Amongst the 168 complaints dealt with by the Medical Council last year, 101 cases related to doctors not having exercised due diligence in the treatment of patients. The Medical Council received 97 complaints in the first half of this year, most of them were about doctors' failure to exercise due diligence in patient care. This category of complaints totals at 53 cases, representing 55% of all the cases. I quote these figures to show that, apart from complaints against the efficacy of treatment, there is indeed medical negligence committed by quite a number of doctors.

Judging from the handling of past cases, hospitals usually treated these complaints lightly. Otherwise, the Legislative Council Members would not have received so many complaint letters. Not long ago, I also received a letter from a complainant whose father died in the Accident and Emergency Department of a hospital due to misdiagnosis. Only when these incidents were revealed by the media were they taken seriously by the hospitals concerned. By "taking these incidents seriously", I mean that the hospital will deliberately conceal the facts or pass the buck with everybody blaming everybody else. It ends up that no one knows who should be responsible for these incidents. Consequently we have very a strange phenomenon in Hong Kong. In Hong Kong where life and property are highly valued and where everyone has to be accountable for one's misdeeds, but no one is held responsible in case a patient is killed during treatment.

In March and July this year there were two serious medical incidents. The two doctors who had mistakenly removed a woman's Fallopian tube for the appendix only received warning letters. Under the personnel rules of the HA, there is merely a system of disciplinary actions for the medical staff who fail to comply with the rules. Most will get a verbal or written warning. The maximum penalty is dismissal. The two serious cases I mentioned ended with a warning only. It appears that the HA has never dismissed anybody by way of punishment. Yesterday I went to talk with Dr E.K. YEOH, the Chief Executive of the HA. I asked him how many doctors in HA hospitals were punished as a result of medical blunders, I also requested statistics. But as at today, they have not provided any information to me. They told me that the statistics were fragmentary and kept by individual hospitals and it was impossible for them to compile. So it would be even more difficult for the public to get such information. Is the sort of punishment I mentioned fair as a form of disciplinary action? Can we say we have high transparency? Or is it just a case of the

profession protecting itself?

The HA explained that complaints could be dealt with by the Patient Relations Officers of individual hospitals. Should the complainant be dissatisfied with the hospital's response, he can appeal to the Public Complaints Committee (PCC) of the HA.

However, this mechanism has too many loopholes. Firstly, members of the PCC are all appointed by the HA. I feel that with such a composition, it is far from being independent.

Secondly, the PCC has more than half of its members from the medical and nursing sectors. There lacks public representative or participation. Its impartiality is highly questionable.

Thirdly, the operation of the PCC lacks transparency. You might never know the existence of such a committee if I have not mentioned it or you have not read the HA's report. The HA rarely publicizes the existence of such a committee and the public is utterly unaware of such a complaint channel. Even though the public want to lodge complaints, they do not know how to do it. The PCC gradually loses its functions and exists in name only and becomes a lame duck committee.

Therefore, I suggest the setting up of the MOC which is very similar to the Independent Police Complaints Council (IPCC). Within the Police Force, there is already a Complaints Against Police Office (CAPO). At the same time, there is an IPCC which has been set up to monitor the CAPO's work. While even the police is subject to our monitoring, I wonder why the doctors, who have their patients' lives in their hands, should not be.

Seven years ago, a similar organization called "Medical Audit Commission" was set up in the United Kingdom. It is a highly independent body. Established under a statute drawn up by the British Government, its mission is to audit the finance, effectiveness, efficiency and the quality of the national health care service of United Kingdom. In nature similar to the Independent Commission Against Corruption in Hong Kong, the Commission is independent of the medical authorities and is not government funded. The

Commissioner has statutory power to audit the hospital records of operation procedures, laboratory test reports of patients, doctors' prescriptions, even the financial accounts of the whole hospital. If it identifies any abuse of resources or procedural errors which may lead to medical blunders, it can place them on record and publish them in a national periodical.

Since its establishment in the early 1990s, this Commission has completed 6 000-odd audit projects, with a lot of recommendations on ways to improve the quality of administrative and medical procedures as well as on ways to economically use medical resources.

While I would like the Hong Kong MOC to take after to the Medical Audit Commission, the two bodies are very different in terms of powers. I want to take the first step only. So in my proposal, the MOC is a relatively independent and transparent body with added public representativeness. Its membership should include representatives from the medical sector, the three-tier councils, the community and Patients' Rights Association as well as other different sectors. It should be able to examine medical incidents. While it does not need investigative powers, it should be tasked to monitor the findings of investigations. If the MOC is not satisfied with the findings of an investigation, it can direct the PCC to re-conduct the investigation.

Madam President, I believe it will only be through the establishment of an open, independent and objective monitoring mechanism that our medical appeal system can be viable. Let's not fool ourselves any more. Unless we perform the operation on it, though not without pain, we will see the death of this complaint system when we take the last breath of fresh air.

With these remarks, Madam President, I move the motion.

Mr MOK Ying-fan moved the following motion:

"That, in view of the recent series of blunders made by medical staff in the discharge of their duties, thereby causing psychological or physical traumas and even death to members of the public, this Council urges the Government to request the Hospital Authority to formulate and implement

measures aimed at reducing medical blunders, immediately review the existing mechanism for handling complaints about medical blunders, and consider the setting up of a transparent and widely representative statutory supervisory body to oversee the investigations into medical blunders and assess the investigation reports, so as to ensure that complaints lodged will be adjudicated fairly and safeguard the legitimate rights of the public when receiving medical services."

PRESIDENT (in Cantonese): Dr LEONG Che-hung has given notice to move an amendment to this motion. His amendment has been set out on the Agenda and circularized to Members. I propose that the motion and the amendment be debated together in a joint debate.

Council shall debate the motion and the amendment together in a joint debate. I now call on Dr LEONG Che-hung to speak and to move his amendment. After I have proposed the question on the amendment, Members may express their views on the motion and the amendment. Dr LEONG Che-hung.

DR LEONG CHE-HUNG (in Cantonese): Madam President, I move that Mr MOK Ying-fan's motion be amended as set out on the Agenda.

First of all, may I declare my interest as a Member of the Board of the Hospital Authority (HA). All the so-called "medical blunders", which are debated today, occurred in HA hospitals, unfortunately. Let me emphasize that I am not speaking on behalf of the HA. I am speaking as someone who knows the operation of the HA, someone who has been associated with it since the days of the Provisional Hospital Authority, someone who has acted both as a strong supporter and an uncompromised critique of the HA when it commits mistakes.

The series of medical blunders that have occurred and widely publicized in the media have brought a lot of pains to the patients and their families. Some have even resulted in loss of life. This is really regrettable. It is also regrettable that the occurrence of all these incidents has smeared the very good

image that the HA has tried so hard to project, and dented public confidence in the HA, adversely affecting the morale of most of the hard working frontline health care workers.

In fact, for all these medical blunders, not just the frontline staff, not just the HA executives but also the members of HA Board have to be responsible and take ownership. All efforts must be made by the HA and the Government to work out measures to prevent medical mishaps as soon as possible. In this respect, I strongly agree with and support the Honourable MOK Ying-fan's motion. But there is a second part of Mr MOK's motion calling for the setting up of a statutory supervisory body to oversee the HA. This, I beg to disagree.

Let me take a moment to explain the HA and its structure. The HA is a statutory body established under the Hospital Authority Ordinance 1990. Its Board Members, most being members of the public representing a wide spectrum of our community, are appointed by the Chief Executive to monitor the executive arm in their managing and control of public hospitals. Under the HA, there is a PCC, as Mr MOK has pointed out. This Committee is responsible for handling complaints. Let me clarify for Mr MOK's benefit that the Committee has nine members, and none of them is a HA employee. Amongst the nine members, only three, not two thirds as mentioned by Mr MOK, are related to the medical and nursing professions. And only three are HA Board Members.

In short, the HA Board is already a statutory body tasked to monitor the operations and functions of HA. Included in its functions is the monitoring of investigations into medical blunders and proper handling of complaints. If the Board is deemed to be not doing its job, not accountable to the public, the Government should disband the Board and replace its membership with persons who are capable of discharging its duties. But to establish another statutory body to supervise an existing one is redundant and unnecessary. Moreover, the Provisional Legislative Council through its relevant panels are in fact acting as a higher level watchdog over the HA.

However, I share a view of Mr MOK. Is the complaint mechanism of the HA without flaws? The answer must be in the negative. Had there been a perfect system, there would not have been so many people who poured their grievances to the media soon after the occurrence of any incident. I therefore call for immediate improvement to this complaint mechanism. I call for a more

transparent complaint mechanism which should include more patients' rights advocates or less members of the health care professions, who now make up one third of the membership. However, these health care professionals do play a very important role by giving professional advice. Undeniably, members from the health care professions in this complaint mechanism should be reduced to a minimum so as to avoid giving the public an impression that the profession protects itself, as pointed out by Mr MOK.

Furthermore, I also think the HA Board should be more transparent and its meetings should be open to the public. Only by doing so would public confidence in the supervisory functions of the HA be enhanced. The Government will recall that when they approached the Finance Committee of the former Legislative Council for funding to construct the HA Building, fund was approved on the conditions that it would enhance its transparency and the public would be allowed to attend the Board meetings. Now that the HA Building has been completed, I urge the Government to require the HA to honour that promise.

I would like to take this opportunity to respond to a number of points raised by Mr MOK. Firstly, as I have said earlier, the occurrence of medical blunders should not be the sole responsibility of any one profession. Rather, it is also the responsibility of the whole HA. Secondly, mishaps or blunders do occur in any profession and no doubt these incidents should be reduced to a minimum. We cannot, because of some isolated incidents, "strike all people on the boat with a long bamboo pole", that is, blame a whole governing body and all organizations in the entire profession. I think this is unfair. Mr MOK mentioned the operation of the Independent Police Complaints Council (IPCC) and the Complaints Against Police Office(CAPO). In fact, we can make the following analogy: member organizations under the HA are the CAPO while the HA Board the IPCC.

Finally, I would like to say that I can see no difference in spirit between Mr MOK's original motion and my amendment. We both want a sound health care system that can command the confidence of the public, benefit the public and at the same time enable health care workers, most of them are conscientious, to continue to work with their mind at ease.

With these remarks, Madam President, I beg to move.

Dr LEONG Che-hung moved the following amendment:

"To delete "consider the setting up of a transparent and widely representative statutory supervisory body to oversee the investigations into medical blunders and assess the investigation reports" and substitute with "enhance the transparency and representativeness of this mechanism by including more people who are not members of the Hospital Authority or of the medical and health care professions"."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment moved by Dr LEONG Che-hung be made to Mr MOK Ying-fan's motion. We will now proceed to a debate. Does any Member wish to speak? Mr CHAN Wing-chan.

MR CHAN WING-CHAN (in Cantonese): Madam President, Hong Kong always prides itself on having high medical and health care standards. So it is unfortunate that a spate of medical incidents had occurred recently, among which are blood transfusion mix-up and wrong administration of medical gas, resulting from human error and negligence. This makes us lament that our medical and health care system is itself plagued by diseases, makes us worry that unless these diseases are cured, there is no protection for people's lives and some may even avoid the doctors when sick. At the same time, we also query whether the department concerned has become oblivious and indifferent to the patients' rights because it is merely following the old beaten path!

At present, apart from the provisions in the Hong Kong Bill of Rights Ordinance, the Government has not legislated to protect the patients' rights. Moreover, without adequate medical knowledge, sick people often become fragile, helpless and passive. They place their lives in the hands of the medical and nursing professionals and in particular invariably observe the instructions of the doctors dutifully. In fact, medical blunders did occur in the past. They might not necessarily lead to death. But some patients were left with permanent injuries. The effect of an error in an operation can be irreversible. Indeed, every procedure, every move in the course of treatment taken by the medical and health care workers can be a matter of life and death to the patients. It also dictates the emotions and the life of the patients' families and friends. An error, albeit unintentional, of a medical practitioner may bring permanent harm to the

patients and their families. The death of the patients as a result of a medical incident will bring perpetual grieve and pains to their dear ones.

Enacted in 1995, the Patients' Charter sets out the rights and obligations of the patients. However, it has outlined only the major principles. There is no mention about the protection of the patients' rights. Within the HA which claims to have a "people-oriented" service culture, no comprehensive programme has been worked out to promote patients' rights. Its sincerity is called into question. At a recent session of the Panel on Health Services of this Council, the Vice Chief Executive of the HA, in his reply to Miss CHAN Yuen-han's question about medical incidents, said that only local medical professionals would be appointed to the investigative committee because of the urgency of the matters. The independence and impartiality of an "internal investigative committee" are thus questionable and can hardly inspire confidence.

To be fair, should we blame frontline workers for all the medical incidents? Recently I had a meeting with the people of the sector and was informed that the established resources policy of the HA produced a large number of senior officers who cost a big chunk of the funding, and in order to cut expenses, they resorted to reducing the number of frontline personnel and replacing permanent staff by temporary staff. As a result, there is a shortage of frontline workers and there are no substitute workers to take up the jobs of officers on leave, resulting in extra burden on other staff. What is more, applications for transfer are often jeopardized by the salary of the applicants because the overall salary costs of a department accepting more senior officers will increase. As a result, staff morale is seriously affected.

The mismatch of workload and manning scale, the absence of clearcut division of labour amongst different disciplines, and the inappropriate distribution of work in some wards, have resulted in some supporting staff having to take up nursing duties such as cleaning patients' wounds. This adversely impairs the quality of patient care and even puts the lives of the patients at risk. Madam President, the HA should formulate and implement a policy to prevent medical blunders and set up an effective complaint mechanism. It should not rely on stopgap measures. Meanwhile, it should formulate a reasonable manning scale, improve promotion opportunities, provide more training in order to attract new blood to the medical profession so as to boost manpower. Furthermore, the proportion of clinical and administrative work of senior medical staff should be reviewed. Supervision and training should be

strengthened. So should record-keeping and communication amongst staff. Apart from the above, the transparency of the review mechanism should be enhanced. The procedures of handling complaints and investigation findings should be published. The disciplinary actions against dereliction of duty should be made public. Finally, the HA should maintain regular dialogue and consultation with staff and staff associations in order to be really "people-oriented".

Medical service should not rely on the medical knowledge of the doctors and facilities alone. A trusting relationship between the patients and the health care workers must be forged. If the HA wishes to restore public confidence and does not want to see the sacred profession being smeared, it should ensure that the lives of patients are safeguarded and the interests of the patients protected.

Madam President, I so submit.

PRESIDENT (in Cantonese): Mr LO Suk-ching.

MR LO SUK-CHING (in Cantonese): Madam President, the recent spate of medical blunders has revealed that the public hospitals lack proper management of and adequate supervision on their medical staff. In fact, medical blunders did occur previously. Only now, with enhanced human rights awareness on the part of the people, a more effective monitoring role of the media, the enhanced transparency of the HA and public hospitals, it has become difficult to conceal the occurrence of such blunders. Though there has been improvement in respect of equipment, manpower, staff manners and the quality of service since the establishment of the HA, the recent spate of incidents, representing only the tip of an iceberg, shows that there are still a lot of problems in our public hospitals. In the public hospitals, with heavy workload and working overtime, frontline medical workers are under tremendous pressure, and this naturally compromises the quality of medical care.

We cannot but take two things very seriously in view of the recent series of medical incidents. The first is the training of medical staff and the supervision of frontline medical workers. Diagnosis and treatment of diseases is a very complicated process, involving a lot of uncertain factors, any serious mistake will lead to loss of life. In addition to enhancing the knowledge in clinical diagnosis

of the medical staff, the hospitals concerned and the HA should have a stringent supervisory mechanism to prevent errors and a remedial mechanism in the event of blunders. It is hoped that, after this spate of incidents, the HA will carry out a serious review rather than gloss things over.

The second concerns patients' rights. The patients and their families can seek assistance from the Patient Relations Officer in the hospitals. But this officer ranks quite low within the hospital hierarchy. If a major incident occurs, it is doubtful whether he can fight the hospital management for the interests of the patients and their families. If the patients act according to the existing complaint mechanism and lodge their complaints to the HA or the hospital concerned, it is also doubtful whether their complaints are dealt with in a fair and impartial way. Past experience shows that the hospitals would try to protect their management and medical staff for the sake of their own reputation. They would not disclose all the true facts, would carry out internal investigations and take internal disciplinary actions only. Only when the incident is uncovered or there is widespread media coverage will they admit their mistake.

Under the current legal system in Hong Kong, only those who do not have the means can get legal aid. For the general public, they have to take civil actions in order to claim damages. But the high cost of litigation is often a deterrent. Moreover, even though they take civil action to claim damages, it is very difficult to prove professional negligence. The fact that very few medical professionals in Hong Kong are willing to stand in court to testify against their colleagues does not help. Very often, the Legal Aid Department does not accept an application for legal aid even though the eligibility criteria are met because the chance of winning the case is very slim. Instead, the Legal Aid Department will try to persuade the victims to get an out-of-court settlement.

Thirdly, while there are some voluntary concern groups advocating rights of the patients and their families, they do not have enough resources in terms of expertise and funds to help the complainants.

All these are unfair to patients who are victims of medical blunders, and make the public lose confidence in the public health care system. People go to hospitals because they want to have their diseases cured quickly. There is nothing more important than a human life and it goes without saying that the medical workers who heal the sick and the wounded have tremendous responsibilities. It is a shame on the medical profession if medical blunders

lead to a loss of life. To restore public confidence in our public medical system, we have to establish a sound medical system, improve the quality of our health care profession to international standard, and upgrade medical equipment and intensify clinical supervision; but apart from all these, the most important thing is to set up a transparent and independent monitoring body with broad representation. This body must be a statutory and independent committee with direct investigative powers to centrally deal with all complaints, with a view to streamlining procedures and shortening the time required to give complainants a chance to receive fairer treatment.

The Government should also step up publicity on the rights of the patients and their families. Appropriate assistance should be given to the victims and cases should be dealt with fairly in order to ensure that the patients' reasonable rights are protected.

Thank you, Madam President.

PRESIDENT (in Cantonese): Mr NGAN Kam-chuen.

MR NGAN KAM-CHUEN (in Cantonese): Madam President, hospitals have been places where the sick and the wounded are treated. But recently there have been a series of medical blunders that left some patients psychologically or physically impaired and even dead. Because of these mishaps, people pale at the mere mentioning of hospitals. Although Mr TUNG Chee-hwa, the Chief Executive, mentioned in his first policy address that he would formulate an appropriate long-term policy to review the existing medical regime, the Democratic Alliance for Betterment of Hong Kong (DAB) hopes that the Government can be more forward-looking in its review and map out the direction for the development of our medical services in the 21st Century so as to enhance the standard of health care in Hong Kong.

In the past, the Hong Kong British Government was too short-sighted in formulating the medical policy and took piecemeal actions only to deal with whatever problems that might arise. Lacking long-term development and direction, it failed to make the best use of resources in the provision of medical services to meet the actual needs of the people. The DAB feels that Hong Kong should establish a healthy community in which the sick are properly attended.

And this should be the objective of our overall medical policy. Our health care policy should stick to the existing "dual track" system in which medical services are provided by both the public sector and the private sector.

Our medical and health care system has always been "dual tracked" in which the public medical system and the private medical system supplement each other. However, owing to the higher cost of private medical services and the substantially improved services in public hospitals since the establishment of the HA, most people have come to rely on public medical services. As a result, the market share of private medical services is dwindling. The DAB feels that there is a need to enhance the competitiveness of private medical services to ensure a balanced development in the "dual track" system so that the people can have a choice.

At the same time, the operation of the HA needs to be reviewed. The HA has been criticized for excessive increase in expenditure and providing services which are far more than actually needed. For proper use of resources, the authorities concerned should ensure that the HA adheres to the principle of high effectiveness rather than high expenditure.

The recent medical incidents, some of them fatal, have killed public confidence in public medical services and called into question the professionalism and integrity of our public hospital staff. The DAB opines that while the frontline medical staff are not entirely faultless in these medical incidents, there are a number of other contributory factors, such as shortage of staff, heavy workload and excessive work pressure. The authorities concerned should address manpower shortage problem squarely by recruiting more medical staff and increasing the ratio between doctors of all ranks and hospital beds. The HA should formulate a comprehensive on-the-job training programme for the medical staff to ensure that they have attained a certain standard. Meanwhile, it should actively reform the existing medical system to rid it of shortcomings and adopt measures to enhance the ability of the medical staff to react to emergencies. The DAB also proposes that the emergency care system in all public hospitals be reviewed thoroughly, any failings identified must be addressed as soon as possible.

At present, senior medical staff spend too much time on administration at the expense of clinical work and staff supervision. This is a problem. The DAB suggests that the effectiveness of hospital management reform undertaken

by the HA should be reassessed, and administrative duties should be taken up by experienced administrators who have good knowledge of hospital operation.

In respect of the complaint mechanism, members of the public can lodge their complaints to the HA or the Medical Council about the medical system and the integrity of the medical staff. Although the HA has a Public Complaints Committee comprising non-medical members, the DAB thinks that it is still inadequate. For example, if the HA is responsible for both internal investigation and adjudication, its neutrality and independence will be dubious. The DAB, therefore, proposes the establishment of an independent adjudication committee with more members from outside the HA and the medical profession to adjudicate complaints which have gone through HA internal investigation. This will enhance the transparency and representativeness of the complaint mechanism.

Regarding the establishment of a statutory supervisory body as proposed in Mr MOK Ying-fan's original motion, the DAB cannot agree to that because the HA is already a statutory body and it will be an overlapping of responsibility if we are to set up another statutory monitoring organization.

With these remarks, Madam President, I oppose Mr MOK's original motion and support Dr LEONG Che-hung's amendment.

PRESIDENT (in Cantonese): Mr Howard YOUNG.

MR HOWARD YOUNG (in Cantonese): Madam President,

Medical Blunders

In the last few months, we heard time and again news about medical blunders. I think these incidents did not all happen recently. It is likely that the widespread media coverage has given us the impression that there has been a substantial increase in these incidents. I am sure there are traffic accidents in every corner of the territory every day and quite a number of casualties are involved as well. However, as we are used to hearing these news, we do not normally feel that there are a spate of traffic accidents, though the actual number is by no means small and there may even be a slight increase. Of course, I am not urging the media not to report incidents of medical mishaps. Nor am I

telling people to be apathetic to these incidents. On the contrary, I hope the HA will enhance transparency and will not cover up the facts as if nothing has happened in case of a medical blunder. Instead, it should be bold in admitting mistakes. It had better not wait until the incident is discovered by the media before it comes out to face the public. No one wants to see any medical blunder. But if an incident did occur, the HA should admit the mistake and learn a lesson in order to prevent the recurrence of the same mistake, either by itself or by others. This is the best approach.

In fact, the HA has already responded to the spate of blunders. As far as I know, the HA has pledged to carry out improvement in four major areas, namely, (1) reduction in the administrative duties of senior doctors who will then take up more clinical work; (2) risk assessment of patients; (3) supervision of junior doctors by experienced doctors; and (4) increased training. The Liberal Party welcomes and encourages the HA to carry out these new arrangements. Concerning item (4), apart from the general medical training, the HA can consider strengthening the training for the medical staff in how to reduce and prevent errors and how to react in case of an error. This is to ensure that the medical staff can rise to an emergency.

Madam President, training in basic medical knowledge, training in error prevention, training in meeting emergencies are different levels of training with different contents. In management, these are often treated as different disciplines. Similar to the regular simulated air disaster drills conducted by airliners and the Civil Aviation Department, and the fire drills by many organizations and buildings, such training is an essential and integral part of daily management.

Complaint Mechanism

At the moment, the operation of the HA is supervised by the HA Board. Other than the Chief Executive of the HA, who is an *ex-officio* member, other members include government officials and members from different sectors of the community. None of them is a salaried employee of the HA.

Patients and members of the public can complain directly to individual hospital if they are dissatisfied with the HA or any of its hospitals. They can also complain to the Public Complaints Committee (PCC) which comprises representatives of patients, HA members, private medical practitioners, representatives of consumer interests, academics, religious people, lawyers and

engineers. They represent a good cross section of the community and I am sure they deal with complaints in a fair and equitable manner.

There are similar arrangements for other monitoring organizations of the Government in that there is participation by people outside that particular trade or professions. For instance, the Advisory Committee on Travel Agents comprises representatives from the Consumer Council, representatives of the consumers and professionals.

At present, we have a sound complaint mechanism to deal with complaints about medical blunders. Undoubtedly, transparency should be enhanced. But should we set up another statutory supervisory body on the top of an effective one? Should we have a redundancy to waste resources? I have reservation about such a proposal.

With these remarks, I support the amendment.

PRESIDENT (in Cantonese): Mr CHOY Kan-pui.

MR CHOY KAN-PUI (in Cantonese): Madam President, since its formal operation in 1991, the HA has indeed removed a lot of long-existing undesirable practices in the medical system of the public hospitals. Public hospitals have enjoyed a growing reputation in recent years and their market share has also jumped to over 90%, prompting some private hospitals to propose to the Government that people seeking treatment in public hospitals should go through a means test. Unfortunately, while the HA is improving the service quality of public hospitals, a spate of serious medical blunders occurred, drawing public attention to our medical service. On the one hand this is due to an increasing public awareness of patients' rights; on the other, it also reflects that problems do exist in the supervision of clinical service, professional training and development within the entire public medical system.

In the past few years, the HA was very keen on hospital management reform, advocating delegating power to all hospitals and departments to ensure that they can operate with flexibility to meet the demands promptly. This should help improve the hospital medical service. However, owing to financial and management problems, resources were not effectively used and service

quality compromised. The most conspicuous example is that consultants and senior doctors often have to take up administrative work, such as distribution of resources, assignment of duties, desk work and so on at the expense of clinical work and the supervision and training of frontline doctors. The HA has to reflect on this problem and learn a lesson from the spate of incidents. The HA should recruit more administrators for administrative work so as to enable the senior doctors so relieved to devote more time to perform clinical work and provide sufficient guidance, supervision and training to junior doctors. The senior doctors can then make the best use of their expertise and this will be more cost effective. Apart from that, there should be a thorough review on the training and supervision of frontline medical staff and on the decades-old British roster duty system.

Madam President, after the recent medical blunders, the hospitals involved eventually admitted their mistakes and took the blame under the pressure of the public and the media. This is a good start. But it also shows that the poor transparency of the supervisory mechanism of public medical service in the past has not help dispel the mystique surrounding the lofty medical profession. On the other hand, patients' rights have been neglected. Hong Kong does not nurture a culture in which patients' rights are emphasized. In the eyes of patients, doctors always assume a supercilious air. A patient who asks more than one question is scolded and even regarded as challenging and distrusting the doctor. This is particularly the case in public hospitals. Many patients have an uneasy feeling that they are treated out of mercy. Hospitalized patients, who meet with medical incidents, can only blame their bad luck and do not even know whether human error played a part, not to mention upholding their rights. The situation changes in recent years as the Government emphasizes more performance pledge and accountability on the part of public organizations and the public are more aware of patients' rights and ask for higher medical service quality. As a result, whenever a medical incident occurs, the hospital involved cannot just cover it up. At present, the HA has a complaint mechanism to deal with medical blunders. However, it is not an independent supervisory body and it lacks representativeness and transparency to effectively protect patients' rights because the medical profession will tend to protect itself when complaints are handled. At the same time, to try to evade legal and compensation responsibility and for fear of tarnishing its reputation the hospital involved, itself protected by the HA, will harbour the doctors concerned, resulting easily in unfair adjudication.

Everybody knows that medical and health care is a complicated issue. As there are thousands of diseases, no one can guarantee that there is no medical incident. In order to protect the reasonable rights of patients when they receive treatment and to strengthen the accountability of medical staff, I think there is a need to improve the present complaint mechanism, to enhance its transparency and representativeness. We should also consider setting up an independent ad hoc group to investigate and address medical incidents seriously and to serve a supervisory purpose. By setting up this mechanism, it can ensure that medical incidents are properly and reasonably adjudicated and handled. At the same time, from each incident, the ad hoc group can identify problems and recommend solutions and proposals to the HA and the Department of Health. Along the way, experience can be accumulated and recurrence of similar incidents can be reduced. Besides, the Government should consider setting up a statutory patients' rights body to promote a culture in which patients' rights are respected. This body will also play a certain role in supervising our medical system. Only by so doing will patients' life be better safeguarded during the treatment process in hospital and the quality of medical service be improved.

Madam President, I so submit.

PRESIDENT (in Cantonese): Mrs Sophie LEUNG.

MRS SOPHIE LEUNG (in Cantonese): Madam President, I speak in support of Dr LEONG Che-hung's amendment. Just like Dr LEONG, I have been participating in the work of the HA ever since its inception. We are sorry that the recent spate of medical incidents have seriously dampened public confidence in the HA. We are even more apologetic for the pains and harm suffered by the victims and their families. Having participated in the work of the HA for a number of years, I feel obliged to share with colleagues what I know about the complaint mechanism for medical blunders.

Under the present arrangements, complaints against unsatisfactory public hospital services should first be lodged with the hospitals concerned, each of which has its own complaint mechanism. Most of the 36 hospitals under the HA have the Hospital Governing Committees (HGC) which comprise members from all walks of life. I have obtained some information about the HGCs of which I have been a member. The HGC of the Hong Kong Buddhist Hospital,

for example, comprises 18 members, 72% of them are neither HA members nor medical practitioners. For the 12-member Castle Peak Hospital HGC, it is 67%. I do not want to labour the point. These HGC members are independent individuals from all sectors of the community who take part in the work of the committee and monitor the overall medical system. At each HGC meeting, members will discuss the complaints received by the hospital concerned and the case of each complaint. They will also find out whether the follow-up actions adopted by the hospital are satisfactory or not.

Other than to the hospital, the complainants can lodge complaints directly with the headquarters of the HA if they are still not satisfied. They can also express their grievances to the Public Complaints Committee (PCC) of the HA.

Dr LEONG has just briefed us on the PCC. Amongst its nine members, three are HA members. But none of them is a salaried employee of the HA. They are professionals from different sectors of the community. In my opinion, the complaint handling process is quite objective and impartial as the complaints are studied and followed up by these independent people.

Apart from that, people can pour out their grievances on the HA's public radio channel or through its 24-hour public enquiry hotline.

In view of the recent spate of medical incidents, the HA Board has set up an ad hoc committee to investigate the individual circumstances of the incidents. This ad hoc committee should consider investigating some special incidents if necessary in future. Although there is a variety of complaint channels, the public may not be aware of them. Very often, they will make complaints at the community level or through patients' organizations. They will even lodge complaints through the complaint mechanism of the Provisional Legislative Council, the district boards, the Office of the Ombudsman or the Medical Council. The HA has dealt with all these complaints and have received them as well.

A sound complaint mechanism only tackles the symptoms of the disease. In my opinion, to get to the root of the problem, we should first give priority to reforms to our present medical system. Just now, many a colleague has put forward suggestions in this respect and there is quite a lot of feedback from the community recently as well. I hope this problem will be given more weight so that there will be more public attention.

Secondly, I hope the HA can study ways to ensure that frontline medical staff can respond sincerely to complaints from patients so as to upgrade the standard of medical services in Hong Kong.

Thirdly, although the HA has a complaint mechanism, whether the patients or their relatives are willing or bold enough to use this mechanism is another matter. After all, Hong Kong people may not want to lodge confrontational complaints as they are aware that one day they may have to use this medical system. If we look at the problem from this angle and if we do care about our patients, we should take note of this. In Queen Mary Hospital for example, we have recently conducted a study and a review to see whether at the hospital level, the functions of patients' mutual care body can be strengthened so that the needs of the patients and their families will be better understood. Their needs and dissatisfaction can then be channelled to the relevant departments in a pragmatic way. Only by so doing can we really show care and concern to the patients.

However perfect a mechanism may be, there should be regular review and improvement. I therefore support Dr LEONG Che-hung's amendment in that the transparency of the complaint mechanism should be reviewed and enhanced.

Thank you, Madam President.

PRESIDENT (in Cantonese): Mrs Peggy LAM.

MRS PEGGY LAM (in Cantonese): Madam President, today we have a debate on how to reduce medical blunders. This shows that we are as concerned as the public about the recent spate of incidents. As a Chinese saying goes, "Harsh criticism is due to grave concern". I believe members of the HA will understand our motive.

First of all, I have to declare my interest. I am a member of the Regional Advisory Committee (RAC) of the HA and a member of the Hospital Governing Committee (HGC) of the Ruttonjee Hospital. As I have all along been participating in the work of the HA, in particular its operation at the district level, I would like to offer comments from my practical experience.

The establishment of the HA was the result of the Government's realization that the much bloated structure and entrenched and unremovable bureaucratic practices of the then Medical and Health Department had resulted in severely criticized quality of service despite the medical resources used, and the whole health care system needed to be overhauled. So, the Government decided to set up the Hospital Authority.

To improve the medical services, a fundamental approach is to allow public participation in the formulation of policies. In order to allow public participation, there are a lot of community representatives in the HA Board, the three RACs and the HGCs. For instance, all the 18 Provisional District Boards each has one member on a RAC in order to reflect the views and needs of the community to the HA's policy level.

The HGCs of the 36 public hospitals can also make a lot of contribution in various aspects so as to enhance the openness, transparency and accountability of hospitals.

Such a structure shows that the HA welcomes different views from the public and there are certain channels to convey public views.

In view of this, the recent spate of medical blunders could not be the result of inadequate representativeness or transparency in the management structure. Nor was it due to insufficient supervision by the community.

However, these incidents could not be coincidence either. As another Chinese saying goes, "A rope breaks at a weak point". If it is not a problem within the structure, what are the causes for these incidents?

In my opinion, the foremost factor is the heavy workload of the medical staff. Secondly, they have to tend the patients and take up the administrative work at the same time. Heavy workload may be due to shortage of manpower or rapid growth of demand. Let us look at this year's Budget. It is estimated that for the general in-patient services, there will be an increase of 40 000 attendances and for the accident and emergency departments, there will be an increase of 86 000 attendances. And the increases in demand for in-patient

services for the mentally sick and the handicapped, out-patient and community-based rehabilitation services have not been included. For all the increases, it is estimated that the medical staff will grow by 1 000 only. With such a demand and supply situation and a market share of over 92% in in-patient services, the work pressure faced by medical staff in public hospitals is understandable.

I agree that the HA should implement schemes to reduce medical blunders. Perhaps, these may include efficient communication channels, clear procedures of work and guidelines, enhanced supervisory system and the setting up of a review mechanism and so on. However, if, instead of trying to relieve their work pressure, we put forward these proposals and ask the medical staff to spend even more of their time to work out ways to cope with the regulatory system, are we just putting more burden on them?

If we agree that the cause of the problem is the heavy workload of the medical staff, a review of manpower will be inevitable. But empirical knowledge tells me that the demand cannot be met by simply increasing the number of medical staff because there is a maximum capacity for all facilities in hospitals. It is impossible to meet the patients' demand without any limit. So the most basic consideration is how to divert patients to private hospital services when schemes for reducing medical blunders are put in place.

I must emphasize that our public medical and health care system must reject no patients. However, unless we want to see the doctors and nurses being weighed down with work in order to meet the incessantly growing demand, both in terms of quantity and quality, I think, apart from building more hospitals and recruiting sufficient medical staff, the most efficient and effective way of deploying our overall medical resources is to make use of the spare capacity of the private hospitals.

How private hospital services and public hospital services can complement each other is a major topic. But this is not a topic for our debate today and should be discussed on another occasion. But at least I can point out clearly that we should not simply engage in theoretical talk about how to reduce medical blunders. Apart from establishing a monitoring and regulatory system, as well as increasing the number of medical staff, some more fundamental issue has yet to be solved. And that is the effective allocation of medical resources and how these resources can complement each other. This issue cannot be addressed by the HA alone. Nor is it the sole responsibility of the HA. The Government

needs to have a clear stance on and commitment to this issue.

In the motion, it is mentioned that a statutory supervisory body should be set up to oversee the investigations into medical blunders. I am a bit surprised at such a proposal because the HA is already a statutory body. If we are to set up a second statutory body to monitor the first one, should we also set up a third statutory body later to monitor the second one? I think this is putting the wrong focus on the question.

The problem now facing us is not the question of harbouring wrongdoers in the investigation of medical blunders or insufficient supervision. I am sure the present supervisory mechanism is sufficient provided that the transparency of the complaint mechanism can be enhanced. I do not agree that we should rely on a duplication of mechanism because too many responsible mechanisms may create a situation where nobody is to be responsible at the end of the day. It is a waste of resources, and the public will not benefit either.

Madam President, since I do not support the introduction of another supervisory mechanism on top of an existing one, I support the amendment.

PRESIDENT (in Cantonese): Mr CHAN Choi-hi.

MR CHAN CHOI-HI (in Cantonese): Madam President, there are two focal points in today's debate. The first is on the establishment of an effective and transparent complaint mechanism. I support Mr MOK Ying-fan's motion in this aspect because the setting up of an independent statutory mechanism should be better than the current arrangements. It is now obvious that people have lost confidence in the existing mechanism of the HA. Just now a Member said that the proposed body would be a duplication. But I think if we can give the present mechanism independence and statutory status, the objective can also be achieved. Then there will not necessarily be a redundancy. It is a matter of clear definition in the body's terms of reference and membership. To achieve our objective, we have to turn this supervisory mechanism into an independent and statutory one.

In relation to transparency, the Honourable Mrs Sophie LEUNG has just mentioned that there is a Hospital Governing Committee (HGC) in each of the 36

HA hospitals. Mrs LEUNG and I belong to the HGC of the same hospital. However, at our meetings, we do not spend all our time on the complaints as we have many other matters to deal with. Of course, we do ask about the number of complaints received, how they were handled and what follow-up actions have been taken. But in my opinion, these are not the functions of the HGC. I think there should be an independent body to oversee the investigations into medical blunders.

The second point of the motion is about the setting up of a mechanism to reduce medical blunders. I think we should consider this issue in a broader context. As the Chief Executive, Mr TUNG Che-hwa pointed out in his policy address last Wednesday, we have a growing and ageing population in Hong Kong. The past five years saw a rising number of patients treated by HA hospitals. Over 90% of patients are treated by HA hospitals. If we view it from one angle, the HA is successful because it has attracted so many "clients". But from another angle, this means heavy pressure of work. As many a Member has pointed out, there are problems in manpower, equipment and the system itself. From my personal experience, I absolutely agree. My wife once visited the accident and emergency department of a hospital for treatment during her pregnancy. The doctor said that she was suffering from an ordinary stomach-ache and discharged her the same evening. But in fact she got appendicitis. Why did a frontline doctor in an accident and emergency department make such a wrong diagnosis? What was the reason? A moment ago, quite a number of Members have mentioned that doctors' work pressure is indeed very heavy. Perhaps they have already worked continuously for 40 to 50 hours without sleep. Will this undermine their judgement? Or does it have anything to do with their experience? I think we have to face up to this problem seriously. Apart from that, the Honourable Mrs Peggy LAM has also mentioned the shortage of manpower. I think we have to consider how to enhance efficiency as well.

On the other hand, I note that in recent years the HA has been emphasizing management-oriented and quality-oriented approaches. These management objectives are not unsound. However, it has to be careful because a certain stage could be reached when management is done purely for management's sake. I have a fear in these internal mechanisms, particularly those within which numerous forms have to be filled out on many occasions. An accumulation of

problems in the internal mechanisms will lead to another form of bureaucracy and a bureaucratic system already exists in the HA. We must address this problem properly. We should not let such bureaucracy continue to exist in the HA.

In the longer term, I think primary health care should be further promoted and more should be done in this aspect. In fact, we should take one step further that is, we should cure a disease at an early stage, and take measures against disease so that there is no disease at all. In the policy address, it is mentioned that health services for the elderly will be strengthened and health clinics for the elderly will be upgraded. I suggest that community health care centres be set up at district level so as to meet the needs of the district with a form of district-oriented medical services. Can we combine certain functions like the medical function, health promotion function and co-ordination function so that medical services provided by different departments can be co-ordinated in a district-oriented approach to improve public health? The Family Planning Association has been very successful in that it has been encouraging women to take annual physical check-ups. But the concept of regular physical check-ups should not be limited to women only. We gentlemen, a Member has just been discharged from hospital, also need to do so. In fact, health care should be promoted among all people irrespective of age. If we have good primary health care services, it will certainly relieve the pressure of the HA. This is a fundamental measure tackling the root of the problem, it should be considered by the Government in the long term. I hope the Government can work out some plans to consult the public and publish the findings of the consultation with a view to further improving our medical and health care system.

PRESIDENT (in Cantonese): Mrs Selina CHOW.

MRS SELINA CHOW (in Cantonese): Madam President, it is already quite late and I do not want to repeat points that have been raised by Members. I fully concur with many of their views. Of course, I also full agree to the stance the Honourable Howard YOUNG elucidated on behalf of the Liberal Party on the original motion and the amendment. But may I make a few other remarks.

Members have raised a lot of points about the HA. But can the HA be solely responsible for the hospital services of the entire territory? Can medical incidents similar to those we recently read in the newspapers be totally avoided or eradicated simply by asking the HA to formulate and implement measures to reduce them? I do not think so. A main question is, why do we need the HA? Members may recall that in the past the Government was the sole co-ordinator and the central manager of medical and health care services. But then came the HA with a new management style and it delegated powers to the hospitals and let them be responsible for their own operation as far as they could. So the hospitals should be held responsible for these medical blunders and the situation may differ from hospital to hospital.

Secondly, should the frontline workers and the supporting staff of the hospitals shoulder a major part of the responsibility? Some medical doctors told me that some relatively junior doctors were very afraid of working in a hospital because they were not confident enough. Why is it that? Because in many hospitals, I cannot say all of them, the more senior the medical officers are, the more forbidding they are, and junior doctors are generally afraid of them. In case of an incident, junior doctors dare not consult the seniors. It is especially so after office hours. In that event and especially when the incident is not very serious, they might get a full dressing-down if they ask for help from the professors or consultants. This is the culture in hospitals. Is this the true picture? I have mentioned it to frontline doctors and senior doctors. The frontline doctors confirmed that such culture did exist and added that some junior doctors were even afraid of experienced nurses who might bully them. As a result, they were not confident enough and consequently prone to make mistakes. I think the senior doctors should reflect on this. Should monitoring and supervision entirely take the place of care and concern in the relationship between the superiors and the subordinates? What is the point of using a stick only and not giving a carrot? I think there should be team spirit within the profession so that support and guidance are given in a caring way. Can such spirit be fostered in every hospital? I am doubtful about it.

As regards the work pressure, there is more than just shortage of manpower which is, of course, a problem related to resources. I also heard many medical staff and even the supporting staff like the nurses say that the HA attached significance to management and adopted new initiatives, particular emphasis has been given to the so-called new concepts. How was

communication done when new concepts were implemented? By filling in forms. So, the so-called administrative work means filling in forms. In order to cope with the new management style, they were required to fill in a lot of forms. This took their time and energy from tending patients. I think the HA needs to review this practice. It is like a situation where the HA is running ahead of everybody like a locomotive while the rest are having a very hard time trying to catch up from behind.

I think there are two other points which may be indirectly relevant. I concur with Mrs Peggy LAM's opinion that a balance has to be struck between public hospital service and private hospital service. As we all know, public hospitals attract more patients than private hospitals because they offer affordable and yet quality service. It is a general consensus that for similar procedures, public hospital service is better than private hospitals, both in terms of medical treatment and in-patient service, and at a much less cost. As a result, more people prefer to stay in semi-private wards of public hospitals. Consequently, this has resulted in an unfair situation where the private hospitals are unable to compete with public hospitals. We may have to consider how to strike a balance there.

Heavy work pressure is also a headache of the out-patient departments. Frankly speaking, the present public out-patient services are bad and a thorough review and improvement should be made by the Government. Although this area is not within the ambit of today's debate, unsatisfactory out-patient services have added unnecessary burden to the accident and emergency departments of hospitals. Many people, such as children, will visit the accident and emergency department as there is no out-patient services at night although they are not suffering from urgent illness. Everybody knows that the doctors on duty in the accident and emergency department are required to screen for and give priority to urgent cases. This has strained the manpower of hospitals in an unnecessary way. The Government is duty bound to resolve these problems.

Just now, Mr Howard YOUNG has already explained why we do not support Mr MOK Ying-fan's motion. If a statutory body is set up whenever there is problem, there will be plenty of supervisory statutory bodies within the Administration. That will impose a heavy burden on our taxpayers.

Thank you, Madam President.

THE PRESIDENT'S DEPUTY, MR IP KWOK-HIM took the Chair.

DEPUTY PRESIDENT (in Cantonese): Mr LAU Kong-wah.

MR LAU KONG-WAH (in Cantonese): Mr Deputy, a number of medical blunders occurred recently which have of course aroused our concern about the complaint mechanism. We should also "diagnose" the present situation.

The mover of today's motion is a practitioner of Chinese medicine while the colleague who moved an amendment is a practitioner of Western medicine. Who has made a correct diagnosis, the former or the latter? I have been watching the whole process closely. I think "diagnosis" plays a crucial part as it will affect the "prescription" for these incidents.

Right from the beginning, Mr MOK Ying-fan compared the medical incidents, the complaint mechanism or the operation of the HA to a tumour. I am not very happy about such an analogy. Is our medical system or our HA suppurating like a tumour? Has it deteriorated to such a state that it must be removed? I think this is a very important clinical judgment. It is true that there have been a spate of medical incidents recently and the public are disturbed. But those members of the public I have contacted do think that the HA is making improvements to the entire medical structure and the operation of the medical system and there has been ongoing improvement in Hong Kong's medical system. I think that is the more important point. The public are particularly happy with the fees and charges. So, if because of these medical blunders we liken the system to a tumour and demand a surgical operation, I think we are dealing a serious blow to the morale of the frontline medical workers. I think this is a very important point. Our other colleague, a practitioner of Western medicine, treats the medical blunders as the system having a serious influenza, a disease requiring medication, but not operation.

Secondly, Mr MOK said that to operate on ourselves to remove a tumour would be very painful and we should let others do the job. But what is there to guarantee that this additional statutory body is impregnable and will never itself need an operation? This statutory body, as an organization, may have problems too. When it does, who cuts the tumour for it? There will emerge an endless

vicious circle of supervision over monitoring. I do not think this idea is appropriate for the present situation. In my judgement, our Chinese medicine colleague has made an erroneous diagnosis this time, and it will lead to medical blunders as well.

My two Honourable friends have written out prescriptions. Mr MOK has written out a prescription, so has Dr LEONG. The motion and the amendment are quite similar in wording. But the crux is whether there should be an independent mechanism. Their prescriptions are based on their different diagnoses which may bring different results. I think Mr MOK's proposed mechanism mainly aims at supervision, but a supervisory system already exists. The HA is also responsible for this system. If another supervisory mechanism is set up on top of an existing one, the effect will be as what I have just analysed. The prescription of Dr LEONG emphasizes self-improvement. That is to say when one is sick, one should take medicine and upon recovery do more exercises to enhance one's health. Self-improvement is more important.

From the public's point of view, they may not feel that the existing complaint mechanism is insufficient. The public are more concerned about an improvement mechanism than a complaint mechanism. They would like to know how to improve if problems occur within the HA. That is crucial. What I am quite dissatisfied is that, according to figures provided by the Government earlier, blood transfusion mix-up not only occurred this year, such medical blunders did occur a few years ago, but the matter was given slight attention. No detailed review on the entire blood transfusion system had been made to identify the problems. Now, we are told that there will be a review. This is indeed a case of blunder and procrastination. The disease should be treated with the right medicine. On the other hand, as many colleagues have just said, the frontline workers are required to carry out a lot of administrative work. I think the Government should respond to this problem and the HA should prescribe the right medicine to this particular disease.

To deal with the present situation, I have two proposals which I consider are the right medicine. In my opinion, to delegate the supervisory powers to the lower levels is better than to set up another monitoring mechanism on top of the original ones. In fact, each hospital has a Hospital Governing Committee (HGC), but it does not fully discuss every complaint case received or medical

blunders made by the hospital concerned. That is the main problem. The HGC is the most important body and some of its members are elected district representatives. But it has no supervisory power. If we refer these incidents to the HA Board, it will be several levels away. If another mechanism is set up on top of the HA mechanism, it will be even more distant. So, it will be far more important for the Honourable CHAN Choi-hi, as a member of the HGC and as an elected representative, to play a more active role in monitoring the hospital concerned for medical blunders. This is my first proposal.

My second proposal is of course about enhancing transparency. To the HGCs in the past, complaints might only be mere figures, such as 100 cases or 200 cases, with no details. I suggest that the HA should enhance transparency in this aspect.

In fact, we all have a common goal. We all want to diagnose these medical blunders and then write out the right prescription. Mr Deputy, I conclude by supporting Dr LEONG's amendment.

DEPUTY PRESIDENT (in Cantonese): Dr TANG Siu-tong.

DR TANG SIU-TONG (in Cantonese): Mr Deputy, first of all, I would like to declare my interest as a member of the Tuen Mun Hospital Governing Committee which is under the Hospital Authority (HA). My speech today will not be partial to any side, and in fact, it does not really matter anyway.

We are very sorry about the recent series of medical blunders, and they have quite an impact on society. The causes of these blunders are manifold, the main ones include shortage of manpower and insufficient funds and training.

When the HA was first set up, it operated on the commercial principle of cost-effectiveness and indeed had achievements both in financial terms and in services. However, running the medical system on pure financial management principles seeking only to meet quantitative targets without paying attention to the improvement of quality may be the one major cause of this blunder.

The HA adopts a "metabolic" system which is very effective in optimizing resources. However, this system also suffers from the drawback of sacrificing

the quality of service to suit the funds available. As is known to all, a lot of people seek medical treatment from the public hospitals lately and the attendances soar, but the manpower adjustment of medical and nursing staff cannot catch up with such increase. As a result, the health workers are weighed down by work, distressed and overdrawn, both physically and psychologically. Under such circumstances, medical blunders are unavoidable. The recent incidents of mix-ups in blood transfusion as well as infusion of milk and medical gases all reflect the insufficient training and basic knowledge of the medical staff, especially the nurses. Besides, with the senior staff spending too much time on administrative work, there is a shortage of frontline workers as well as inadequate supervision of and guidance for junior officers. This is also part of the reasons for the blunders.

Citizens naturally lose confidence in the public hospitals after so many incidents. In order to restore public confidence, we have to face the reality. First of all, the findings of investigations into the reports on medical blunders have to be made public, and the parties answerable should admit their faults and bear the responsibilities. Secondly, the HA's policies have to be reviewed, paying particular attention to the shortage of manpower and the ways of improvement. The HA has all along denied that it has a manpower problem. I met Mr Peter WOO to talk about the medical blunders and he said since there were people to connect the tubes, it proves that there were staff working. I think he missed the point. If that is the case, we may as well hire a butcher to act as a surgeon because he also works with a knife. But the most important issue is whether he is working in an appropriate capacity. Having someone working does not mean everything is fine.

At the same time, I think that the policies of the HA should not only aim at attaining the quantitative targets, but they should also attain the qualitative targets. Lately, many members of the public demand the right to know and the rights of patients. The HA should face these issues and increase the transparency of the mechanism for handling complaints so as to dispel public misunderstanding in this aspect.

In the long run, the Government should clearly demarcate the parts played by the public and the private medical services and tackle the problems surrounding medical financing. Meanwhile, the roles of public and private health services as well as those of practitioners of Chinese medicine and Western medical practitioners in Hong Kong's health care system should also be better

defined. I hope that the Government will give us a good reply concerning these problems in its long-term medical plan so as to genuinely upgrade the health care system of Hong Kong.

The original motion proposes to set up a statutory supervisory body to oversee, investigate and assess medical blunders. I do not find this very meaningful and it also seems redundant. The existing HA is already a statutory body and it has a similar body, that is, the Public Complaints Committee (PCC). We only need to enhance the transparency of the PCC and add to it some members who are neither from the medical profession nor from the HA, then the PCC will be able to take on the roles of a supervisory committee as proposed in Mr MOK Ying-fan's original motion. Moreover, doctors, nurses and other paramedics are all monitored by their own professional bodies to see whether their standard of work meets the respective professional requirements, so there is no problem in this area. Furthermore, it is the court which makes the final judgement as to whether a mistake was made in any specific and isolated incident and if damages should be awarded. Therefore, whether the supervisory body is statutory or not, the most important thing is to let the public know about the incident, just as what the Honourable LAU Kong-wah said earlier. At the same time, a statutory body cannot override the final judgement of the court and so the court's final judgement, that is, the rights and wrongs and whether damages should be paid, is the only true final judgement. I therefore subscribe to Dr LEONG Che-hung's amendment for enhancing the transparency and representativeness of the mechanism for handling complaints.

It can be said that these medical blunders have not happened suddenly, their causes have been there for quite some time, they also reflect the drawback of implementing medical policy on commercial management principles by the HA in the recent few years. Money is very useful, but it is not omnipotent. Strengthening patients' confidence in the doctors and advocating the spirit of Nightingale are inseparable parts of the medical policy. Although the blunders are unfortunate incidents, they are actually nevertheless timely wakeup calls for the HA. It is now time to review the medical policy so as to decide which aspects have to be improved, upgraded, strengthened or cut down. Only by doing so can the medical system of Hong Kong catch up with the advanced level of international medicine and regain public trust.

Thank you, Mr Deputy.

DEPUTY PRESIDENT (in Cantonese): Dr TSO WONG Man-yin.

DR TSO WONG MAN-YIN (in Cantonese): Mr Deputy, many of the problems I wanted to raise have already been mentioned by my Honourable colleagues, so I will just briefly put forward a few proposals of the Hong Kong Progressive Alliance (HKPA).

In the light of the recent series of medical blunders and the concern of society about these incidents, the HKPA had discussions with the Secretary for Health and Welfare, Mrs Katherine FOK, and the Chief Executive of the HA, Dr E. K. YEOH. After listening to the views of the various parties, the HKPA has come to a conclusion that the shortage of medical and nursing staff and the excessive pressure on the frontline workers are the major causes for the series of medical blunders. With regard to the training of doctors, as the setting up of the HA has put many senior doctors onto the management level and the number of patients is growing steadily, it is not difficult to predict that the future workload of doctors will become even heavier, especially in certain specialities. Data show that among all the out-patient specialty services, the average waiting time for the first appointment with the eye clinic is 23 weeks, and the waiting time for the first appointment with the surgery department of Tuen Mun Hospital is as long as 33 weeks. Long waiting time will only change or aggravate the patients' conditions, and indirectly increase the pressure on other specialty units of the hospital, in particular the accident and emergency department. Therefore, we think that the Government should attach importance to this issue and we propose that the Government should encourage the general practitioners to further their studies to become specialists in order to alleviate the immediate pressure on out-patient specialty services.

Besides, we think that adjudication in respect of the medical and nursing staff who caused the blunders should be made more transparent so that the citizens will believe the Government has the determination to improve the quality of medical services.

Just now Dr TANG Siu-tong said that the main reason behind the medical blunders could be traced to management problems. The HKPA believes the problems may lie in the organization and concept of management. One of the aims of setting up the HA is to strengthen the management of the hospitals and to expand the establishment of doctors to improve the ratio between consultant

doctors and junior doctors, so that the quality of medical services can be upgraded and a coherent and efficient health management system can be established to better utilize resources. However, the present HA has employed a commercial financial management method to manage resources, and focusing only on cost-effectiveness, and forced the hospitals to cut down on their manpower at the frontline. With the incessantly rising workload, the frontline medical and nursing staff are weighed down by work; this naturally leads to medical problems.

It is important to utilize resources wisely, but the ultimate goal of medical services is to save lives. Therefore, in order to improve more permanently and effectively the medical services of Hong Kong, we think that the HA has to review the present management organization and concept and to find a more effective management method. At the same time, the Administration ought to come up with a more effective mechanism to better tap the resources of the private medical sector so as to relieve the pressure on public hospitals, to meet the demand of the whole society and to upgrade the overall medical services of Hong Kong.

With these remarks, Mr Deputy, I support Dr LEONG Che-hung's amendment.

DEPUTY PRESIDENT (in Cantonese): Mr Frederick FUNG.

MR FREDERICK FUNG (in Cantonese): Mr Deputy, there are two key points in Mr MOK Ying-fan's motion today.

The first point is how to avoid medical blunders when the HA formulates and implements policies. I believe no one will object to this point. Just now my Honourable colleagues have offered different opinions and ways of improvement, which include tackling the shortage of manpower and resources, reviewing the management method of the HA, as well as cutting down the doctors' management workload so that they can concentrate more on medical responsibilities. I believe we have consensus there and Honourable Members' opinions are basically not contradictory. I hope that the Administration can hear the unanimous voice of this Council. Our greatest divergence of views, actually, lies in the dealing of complaints.

We are not saying that the complaints about medical blunders should not be first handled by the hospitals or the HA. It is not a question whether such complaints should be handled by them; the issue is that for them to handle the complaints alone is not good enough.

The Independent Police Complaints Council (IPCC) has been cited as an example, but Members think the example is not appropriate. I have to point out that the purpose of the example is not the IPCC per se, but the spirit of setting up the IPCC. Now let me, take the Housing Authority as an example. The tenants of the Housing Authority flats can always complain to the Housing Department, or to the Housing Officers and Housing Managers of their own estates, and even to the Housing Authority. However, if it is a complaint of a very significant nature such as one involving deletion, they can lodge their complaints with the Appeal Committee. The Appeal Committee is a statutory body under the Housing Ordinance and is not part of the Housing Authority.

Let us look at another example, the Provisional Urban Council. Complaints about urban services are of course handled by the Urban Services Department, but serious complaints such as one by an itinerant hawker about Provisional Urban Council refusal to grant him a licence or decision to revoke his licence can be lodge with another appeal board which is also not under the Provisional Urban Council.

The Government had asked these two appeal bodies to be separated from the Housing Authority and the Provisional Urban Council because the complaints involve very important issues, they are sort of life-or-death complaints. Deletion by the Housing Authority is the most severe penalty, so is Provisional Urban Council refusal of a licence to the hawkers. In medical and health services, the most severe penalty is literally a matter of life or death, which includes maltreatment leading to death of patients, erroneous excision of the Fallopian tubes leading to sterility, and so on. It really deals with lives.

I completely agree and accept that general complaints such as those about medical service, system or policy can all be filed with the HA and the hospitals concerned. What we are talking about now, however, are blatant mistakes in the process of treatment. For example, a doctor wrongly excised the Fallopian tube of a patient because he mistook the tube for the caecum, but he only got a

warning letter afterwards. Under such circumstances, if I were the patient, I would never be satisfied no matter what the result of the review on the mistake is. I would not care about the reasons behind the accident, be they the lack of manpower, the inappropriate policies or the mismanagement of the HA, and whether the problem has been adequately tackled. Whatever the reasons, the consequence remains: the patient has lost her Fallopian tube. This is an indisputable fact. The mix-ups in medical gases, milk and blood transfusion are all indisputable facts.

The patients do not care about the reasons behind a blunder. When they go to see a doctor they hope to receive appropriate medical service, but that may not be what they get. What gets injured is a human body or a life, this, and only this is the most important point. We are not trying to stack one authority on top of another as Mr LAU Kong-wah alleged. On the contrary, we do not want to see this happen, we want to set up an independent system divorced from the present mechanism to deal with these problems. We do not want to delegate things downwards either. Those "stack up, delegate down" things he said are not what we are talking about. The stacking of things, no matter how good it is, is not the issue we are now discussing.

What we are now discussing is the setting up of a mechanism outside the HA, objective and independent in the eyes of the public, that will be responsible for deliberating if a case involves any mistake. Owing to the lack of transparency, the public have the feeling that the appeal or complaint mechanism only serves to enable "doctors to protect doctors", at least this is the perceived image of the mechanism. The series of grave incidents have merely ended with only a few warning letters, and nobody was fired. How can we, as a third party, not to mention the patients themselves, be convinced that the penalties are commensurate with the investigation results under the present complaint mechanism?

In fact there is no need for any investigation. A wrong excision of a Fallopian tube is a wrong excision of a Fallopian tube, no matter how you investigate it is still a mistake; and no matter how you investigate a mix-up of milk is a still a mix-up. However, the people answerable just got warnings for their blunders. Some people even say that the professor concerned has already been punished intellectually. I really cannot accept this way of putting things. I find it unacceptable if a person's body or life is hurt but we cannot work out a fair and just system through which that person can appeal. We cannot rely on

the court for everything. If it is so, all the present appeal boards and committees would be out of business because any complaint would be adjudicated in court. However, not all people have the money to hire lawyers, and can clearly present their cases before the court. If the cases are to be judged by the court, it is using the professional or bureaucratic system to bar the general public from making complaints to air their grievances. So I think litigation is only the last resort, there should be other ways to deal with the problems before going to court. Other departments and institutions have already laid down proper measures and methods to handle complaints, I demand the same be done in respect of medical services.

Thank you, Mr Deputy.

DEPUTY PRESIDENT (in Cantonese): Mr LAU Kong-wah, do you have a point of order?

MR LAU KONG-WAH (in Cantonese): I just seek to clarify something: did Mr FUNG say that he did not want to stack things up but to set up another complaint mechanism by divorcing the complaint mechanism from the HA? Is that so? He said this a moment ago. So which proposal do they really want to put forward? Is it a mechanism on top of another so that the HA does not handle any complaint, or is it for another organization to deal with the complaints?

DEPUTY PRESIDENT (in Cantonese): Mr Frederick FUNG, would you like to respond or elucidate? Please be as concise as possible.

MR FREDERICK FUNG (in Cantonese): I would like to elucidate. I just want to respond to Mr LAU's query. He said he felt that it was redundant to stack things up, so there was no need to set up one more supervisory mechanism. My answer was that we were not talking about adding one more level in the structure of the HA. I have already pointed out that there is no problem with the system of directly making complaints to the hospitals and the HA, we just hope to set up an independent supervisory mechanism outside the present system. This independent mechanism will render the investigation procedure more open and transparent so that we may know whether a certain complaint case is handled

fairly and reasonably. What we are discussing is this matter, we are not proposing to add one level on top of another.

DEPUTY PRESIDENT (in Cantonese): Mr FUNG, you have made your point. Miss CHAN Yuen-han.

MISS CHAN YUEN-HAN (in Cantonese): Mr Deputy, the recent series of medical blunders in the public hospitals worry very much the people who are concerned about the health service in Hong Kong. It is particularly so when we see that the public hospitals' targets of service are mainly people at the grassroots level. Since they all rely on the public medical service for treatment, the Hong Kong Federation of Trade Unions (FTU) pays particular attention to this problem. More importantly, the citizens at the grass-roots level are incapable both financially and intellectually to take legal proceedings. I therefore feel that the transparency of the whole complaint mechanism has to be enhanced urgently.

In these few years I have been in contact with many frontline medical and nursing staff working in public hospitals, they include nurses, health care attendants and doctors. After the HA was set up, they proposed a lot of opinions stressing, among other things, on efficiency and cost-effectiveness under the management of the HA. In fact, in the HA's management concept hospitals are to be managed as if they are big companies. However, when it comes to managing health service, it is not as simple as running an ordinary company, such as asking the frontline medical and nursing staff to undertake more co-ordinating work and to work more, or asking the health care attendants to takeover the responsibility of feeding the patients or doing other jobs. The training received by these attendants is actually very different from that of nurses. They are originally only responsible for the basic-level duties in the wards, but now they are demanded to undertake some jobs of a more technical nature. Although the hospitals provided training, the demarcation line is never clear and this poses a serious problem. The organizations concerned hope that the HA can give them a clear and definite job guideline, but there has not been a comprehensive one up to now.

I told the Panel on Health Services of the Provisional Legislative Council and the former Legislative Council that I contacted certain nurse organizations and found that there really was a shortage of manpower, their pressure very high and their work toilsome. But under the administrative structure of the hospitals,

resources have to be optimized, so a job originally shared by four or five people is now done under pressure and hastily. The nurses are treated like sewing factory workers who have to work non-stop for eight hours a day. As is known to all, working in the patient care service is very different from working in the manufacturing industry. We cannot manage with this concept. Therefore, I think it is a very serious problem.

With regard to doctors, we have mentioned before that they sometimes have to work round-the-clock for more than one day in one single shift. Can they go on like this? Although they are trained to do so, they are after all human beings of flesh and blood. From the perspective of cost-effectiveness, they are an important team crucial to the health of Hong Kong people, we cannot treat them like machines. We have to treat them reasonably.

Besides, I know that the Administration has its own point of view. After resources are given to the HA, the effectiveness of health service has undeniably been changed greatly with continuous improvements and reforms, and a lot of citizens seek treatment at public hospitals. While attendance rises at the out-patient and emergency departments, the resources have not been increased and the result is, as we can all see, that problems arise in the upper, middle and lower levels of the whole system. I said many times in the former Legislative Council and the present Provisional Legislative Council that the Government should now re-allocate resources, but every time the Government only replied it would be done later. So all we can do is wait.

After the series of blunders, I have talked with health care attendants, nurses and doctors and found that they are all under great pressure. They all work full-heartedly and try their best to save lives "with the heart of parents", but the blunders created intense pressure on them.

I remember one night I met with a health care attendant in a hospital at Wong Tai Sin. He told me that he was very worried the ultimate responsibility of a blunder would fall on them, and the nurses had the same fear. Although they might have indeed made a mistake, they did not want to make it. Nobody will forgive them if they err, but what are the reasons behind the blunder? The Government should review comprehensively at this moment whether our medical team have become a commercial machine since the HA took over the public hospitals and is running them only with the target of cost-effectiveness in mind. I believe this is the right time for a review and it is a very important thing to do.

I think that the frontline workers should be given a pat on the back. I agree with Dr LEONG Che-hung that, as he said earlier, after the series of blunders, we should find out how to boost the morale of the frontline medical staff and, more importantly, where the crux of the problems lie. In the Panel on Health Services of the Provisional Legislative Council, we agreed that the complaint mechanism could be reconsidered, but the most important thing was to have an overall review of the clinical supervision, resources allocation and work in general of the present public health system.

Mr Deputy, I have some personal business to handle next week, but now a group of people have asked me to meet with the Government to discuss these issues. They are frontline workers at different levels and they hope that the Government can find out objectively what exactly the problems are in the public health service. I hope that, through today's debate, these problems can be solved. Clinical supervision is of utmost importance from my point of view.

Thank you, Mr Deputy.

DEPUTY PRESIDENT (in Cantonese): I now invite Mr MOK Ying-fan to speak on the amendment to his motion. Mr MOK Ying-fan, you have five minutes.

THE PRESIDENT resumed the Chair.

PRESIDENT (in Cantonese): Mr MOK Ying-fan.

MR MOK YING-FAN (in Cantonese): Madam President, I think the debate today is a very good one, but I would like to first expound my view on Dr LEONG Che-hung's amendment.

First of all, I want to respond to Dr LEONG's metaphor. Of course I do not intend to strike all the medical and nursing staff to death with a pole because if they are all dead, there will be no doctor to treat us. Madam President, Dr LEONG seemed to have missed some of the wording in my motion, but just as

Mr LAU Kong-wah said earlier, the wording practitioners of Chinese medicine use may sometimes be very complicated. In fact, the topic we are discussing is about whether we should consider setting up a supervisory body, not about setting it up immediately, that means we should have discussions. From time to time we practitioners of Chinese medicine may say that someone has a kidney deficiency. When you hear the term "kidney deficiency" you may be very afraid because you have no idea what it is. In fact, when practitioners of Chinese medicine say that, it may only be a very minor problem, the patient may have just visited the toilet one or two times more. Dr LEONG said that he had all along been an uncompromised critique of the recent medical blunders, but it seemed that he suddenly went soft on the issue. When I said we should "consider", he became irresolute and changed it to "enhance the transparency" in his amendment. If he claims to be an uncompromised critique, I think this is a bit too much.

Secondly, I want to make one correction: just now I said that two thirds of the members of the present Public Complaints Committee were members of the HA, in fact two thirds of them are medical and nursing staff, among them, three are representatives of the HA, two are doctors and some others are nurses. So it is true to say that over two thirds of the members are from the medical and nursing professions.

PRESIDENT (in Cantonese): Mr MOK, would you like to let Dr LEONG elucidate now? Or would you like to finish your speech before Dr LEONG elucidate?

MR MOK YING-FAN (in Cantonese): I would like to continue.

Thirdly, just now the Honourable Frederick FUNG already expressed some opinions about the most controversial part of today's debate, the setting up of an independent mechanism. He cited the Housing Authority and the Provisional Urban Council as examples, I would like to elaborate some more on the latter. The Honourable Mrs Elsie TU has been a Member of the Urban Council for a long time and she knows very well if a person is dissatisfied with licensing matters, he can lodge a complaint with the complaint mechanism of the Provisional Urban Council. If his complaint is denied, he can further complain to an independent body — the Municipal Services Appeals Board. The Board consists of one judge and some invited independent individuals who are

responsible for hearing the appeals of the complainants. Although the Provisional Urban Council is an elected council, it is still supervised by such a mechanism, why can the HA not be so?

Besides, I would like to provide Members with some figures for reference. At present, the HA spends over \$20 billion of the taxpayers' money each year, representing 11.5% of the public expenditure and accounting for 2% of the gross domestic product. Why can we not set up an independent mechanism to look into the medical blunders when this public body spends such an enormous portion of the taxpayers' resources? I want to ask Dr LEONG, as a taxpayer himself, what is his view on this?

Naturally, after listening to today's debate, I believe most of my Honourable colleagues will support Dr LEONG's amendment. However, I am certain that the HA does not want to make any changes because when I talked to its Chief Executive, Dr E. K. YEOH yesterday, he still insisted that their current mechanism and system were effective. I really hope that, through today's debate and after the HA has listened to the views of the Provisional Legislative Council, it will at least pay more attention to patients' rights even it does not accept the creation of a public complaint mechanism. If the HA can do so, I will be satisfied.

Thank you, Madam President.

PRESIDENT (in Cantonese): Dr LEONG Che-hung.

DR LEONG CHE-HUNG (in Cantonese): Madam President, I would like to elucidate the composition of the Public Complaints Committee because it seems to be a bit different from what Mr MOK said just now. In order to let my Honourable colleagues have a clear picture of the situation, I want to disclose the present membership of the Committee.

There are nine members on the Committee, among whom two are medical doctors. One is Dr LAM, I believe there is no need to reveal his name here, he is really a practising physician. The other one is Dr CHOI, who spends most of his time doing social work instead of medical work. In addition, there is one

nurse, and the remainder are professionals, but not of the medical profession. Thank you.

PRESIDENT (in Cantonese): Secretary for Health and Welfare.

SECRETARY FOR HEALTH AND WELFARE (in Cantonese): Madam President, I have listened carefully to the opinions expressed by Honourable Members today and the content of the debate. Many Members faced the recent series of medical blunders with a positive manner and offered the HA many proposals. We will later study them in detail one by one to see in which aspects we can improve.

I am greatly concerned with the recent series of medical blunders and would like to express my deepest sympathy and solicitude for the affected patients and their families. The HA also attaches great importance to the series of blunders. It will try to find out the causes leading to them and will, at the same time, adopt a positive attitude to work out remedies in order to avoid the recurrence of such accidents. The HA will also accept the responsibility for the blunders.

Causes leading to medical blunders are many, they include: the inherent risks of medical examination and treatments, the complications caused by diseases, structural and organizational factors, as well as human factors. I believe we all understand that medical treatment themselves definitely involve risks which cannot be eliminated completely, but what the public are most concerned about are the medical blunders caused by human factors.

The HA has all along had a mechanism to ensure the quality of health care staff so that they would provide the patients with services on the principle of "patients always come first". First of all, in order to guarantee all the health care staff reach a certain professional standard, all such staff working at the HA, including doctors, nurses and paramedics, must have received appropriate training and are qualified for providing professional services. During their employment with the hospitals, the HA would keep on providing these health care staff with continuous training and further studies to refresh and strengthen their medical and nursing knowledge. When they take care of the patients, the health care staff would also be clinically supervised and guided by more senior

and experienced health care staff.

Other than enhancing the quality of health care staff, the HA has also laid out a plan to systematically review or check clinical treatments, such as the steps and drugs employed, so as to ensure the quality and effect of the treatments, to reduce medical risks and to prevent medical blunders. Besides, the HA has also published clinical procedures and guidelines to ensure that the patients would receive appropriate health care services. Should there be medical blunders, the people concerned also have to comply with the existing report system and report them to the hospitals or the headquarters of the HA.

With regard to the recent medical blunders, the hospitals concerned already carried out thorough investigations of the causes and courses of the incidents and made many proposals for improvement with a view to avoiding the recurrence of similar accidents. Where deemed necessary, the HA and the hospitals also invited professionals not belonging to the hospitals or the HA to participate in the investigations. The above hospitals completed their investigations and submitted the reports to their respective Governing Committees. Explanation of the investigations was also given to the public on 19 last month.

In view of the recent medical blunders, the HA has set up an ad hoc group to make a comprehensive review on ways to reduce the risks of medical treatment so as to prevent or reduce medical blunders. The group consists of HA members and its convener is not from the medical or nursing profession. Furthermore, the group has also invited two overseas experts to give their views and proposals. The scope of the review includes:

- (a) reviewing the investigation results of the recent series of medical blunders;
- (b) looking at ways to improve the present system of clinical check and medical blunder reporting;
- (c) strengthening the accountability of health care staff, especially the clinical supervision of superior to subordinate;
- (d) reviewing the clinical work that is under acute pressure, working out order of priority and making appropriate deployment; and

- (e) studying how to strengthen the training of professional health care staff.

Although the scope of review this time is very extensive, it does not mean that the HA has made mistakes in all the above aspects, thus needing the review. On the contrary, the HA wants to make use of this opportunity to comprehensively review medical risks and relevant issues. This is worthy of our commendation. Since the review this time is comprehensive and in-depth, the HA estimates that it will take three months to finish. In connection with the above-mentioned scope of review, the improvement measures under consideration include the following:

- (a) In the area of clinical health care services, the HA suggests to the department heads, consultant doctors, ward managers and nurses that a clinical work-time target should be drawn up to remind the health care staff concerned that their main task is clinical health care services. Since the number of staff involved is too large, the HA is discussing with the chief executives and department heads of the hospitals on how to meet this target step by step.
- (b) The HA is studying the supervisory system of the clinical staff and try to define clearly the duties of senior and junior doctors so as to ensure that, when complicated situations or difficulties occur in the course of treatment, the junior doctors should seek the assistance and guidance of senior doctors. When a senior doctor allocate duties, he or she has to take the qualification and abilities of the staff into account.
- (c) The HA will also review the existing "on call" system and study the feasibility of arranging more senior doctors to make their rounds of visits at night so as to guide and supervise the work of junior doctors.
- (d) The HA is studying a series of proposals to ease the pressure on medical staff, they include rest arrangement for health care staff who are on extra long-hour duties, as well as reviewing the housemen's number of on-call times. Besides, the HA also considers to enhance the support to the wards and the clinical departments, for example, the central administration department of hospitals will

deploy more financial management and support services staff to assist the clinical departments to deal with non-clinical work.

- (e) The HA has also started to review with the department heads service areas that are under the highest pressure, with a view to optimizing the use of resources to cope with the increase in workload.
- (f) The HA is reviewing the needs of training with the goal of providing expanded and more effective training to health care staff to raise their professional standards and quality of service.
- (g) The HA will review the arrangements concerning the system of clinical check and risk management, including the setting up of a central working group by the headquarters to co-ordinate the clinical checks of all the hospitals so as to guarantee professional standards in clinical work and to prevent or reduce the incidence of medical blunders.

The proposals made in the light of the review will be submitted to the Board of Directors of the HA for consideration and will also be reported to the public. Since there are at present 42 public hospitals and institutions under the management of the HA, some of the proposals will have to be implemented in stages. The HA will consider carefully the feasibility of implementing these measures in different hospitals, and the Chief Executive of the HA has already discussed with the chief executives and department heads of the hospitals.

In our existing structure, different mechanisms have been set up to deal with the citizens' complaints against hospitals. In the light of past experiences, the complaints can be divided into three categories — complaints against the attitude or performance of staff, complaints against mismanagement and complaints against blunders and negligence in the course of treatment. With regard to the HA, if the citizens have opinions or complaints, they can voice them through the HA management hotline or write to the headquarters of the HA, they can also complain directly to the hospitals concerned. I would like to clarify some figures. Just now Mr MOK mentioned the complaint figure of the HA, maybe I should provide Members with some data for reference concerning this matter. Mr MOK said there were 15 900 complaint cases, in fact these are not complaints against hospitals but are reports on drugs. This is a very important system. If there are any ambiguities in prescription and pharmacy, a detailed

report has to be made to clarify whether things are written wrongly, whether they are clear and whether the prescription is appropriate. Things are all clarified and problems solved before filling a prescription. As for the complaint figures, we received 1 700 complaints in 1996 which were mainly directed against hospitals, whereas 33 complaints were lodged with the Public Complaints Committee of the HA. I would like to clarify these figures for Members' reference.

If the complainant is dissatisfied with the hospital's reply, he can appeal to the Public Complaints Committee of the HA. Many Members, including Dr LEONG Che-hung, talked about the composition of this Committee earlier. The Committee will investigate every appeal case thoroughly and, if necessary, will hear the complainant's view in person before they make a decision.

As for the complaints against the personal integrity and professional standards of individual members of the health care staff, the public would generally lodge their complaints with the relevant statutory professional bodies, such as the Medical Board of Hong Kong and the Nursing Board of Hong Kong. With regard to the complaints against mismanagement of hospitals, the citizens would normally file them with the Office of The Ombudsman.

The HA is a statutory body in charge of all the public hospitals in Hong Kong and its Board members come from all walks of life, including people not of the medical or nursing professions and government representatives. There are channels and mechanisms both inside and outside the HA to handle complaints against hospitals and medical blunders. For the above reasons, I do not agree to the motion moved by Mr MOK to set up one more statutory supervisory body to oversee the investigations into medical blunders and assess the investigation reports. This redundant way of doing things will only waste resources and it is not the only way to ensure that complaints lodged will be adjudicated fairly to safeguard the legitimate rights of the public. For example, in the recent medical blunders, the HA has set up an ad hoc group of experts after the mix-up in blood transfusion at Queen Mary Hospital to study the circumstances of the accident and make an in-depth review of the professional standard of the health care staff concerned.

However, I agree with Members on the proposal of enhancing the transparency and representativeness of the mechanism for handling complaints.

The HA is reviewing how to improve the existing mechanism for handling complaints in order to satisfy the increasing public demand for quality health care service, attitude of service and rights of patients. First of all, with regard to medical blunders, the health care staff concerned should, after the blunder has occurred, take the initiative to explain to the patient and his family the cause, course and effect of the blunder as soon as possible, reducing the chance of patients making complaints because they are dissatisfied. In handling complaints, the HA will strengthen the staff's training in communication skill, whereas the hospitals will report regularly to their respective Governing Committees and the headquarters of the HA on complaint figures, cases and improvement measures, so that the Governing Committees comprising members of the HA and other non-HA members can monitor the practice of handling complaints in different hospitals, and can find out from the complaint cases whether there are problems in the operation of the hospitals. The Public Complaints Committee consists of nine members at the moment, among them six are not members of the HA. Other than handling appeal cases of public complaints against hospitals, the Public Complaints Committee will, if it finds in these complaint cases areas to be improved, convey the idea to the HA. The headquarters will also report the progress of implementing improvement measures to the HA. To enhance transparency and representativeness, the HA will actively consider adding more non-HA members and people not from the medical profession to the Public Complaints Committee. In case of need, it will receive more complainants and listen to their feeling, trying to understand the course of the incidents, in order to make the right adjudication. In order to let the public understand more the HA's mechanism for handling complaints, the hospitals will strengthen publicity especially of the functions of the HA's Public Complaints Committee. However, more importantly, the HA will continue to imbue the staff with the value concept of "patients always come first", making the health care staff understand that, other than providing professional services, they also have to treat the patients politely and sympathetically. Complaints should also be dealt with positively as an opportunity to improve the services.

This kind of value concept also applies to the HA's handling of medical blunders. Although none of us would wish to see medical blunders, they cannot be avoided completely. However, I can assure you that the HA will try actively to find solutions and prevent the recurrence of similar accidents. This attitude has been giving impetus to the HA to undertake reforms in the past few years with a view to improving the quality of hospitals. I believe every member of the health care professions will made a concerted effort to continue to work hard

for providing patients with high-quality health care services.

Thank you, Madam President.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the amendment moved by Dr LEONG Che-hung be made to Mr MOK Ying-fan's motion. Will those in favour of the amendment please say "aye"?

(Members responded)

PRESIDENT (in Cantonese): Those against please say "no".

(Members responded)

PRESIDENT (in Cantonese): I think the "ayes" have it. The "ayes" have it.

PRESIDENT (in Cantonese): Mr MOK Ying-fan, you may now reply and you have one minute 40 seconds out of your original 15 minutes.

MR MOK YING-FAN (in Cantonese): Madam President, first of all I would like to thank the 15 Members who have spoken. I believe this is the motion debate on which the most Members spoke in the history of the Provisional Legislative Council so far, and it proves that the Provisional Legislative Council is more concerned with issues of people's livelihood. I wish Honourable Members will continue to move more motion debates on people's livelihood.

Secondly, I hope that we can combine Chinese and Western experience to write out a good prescription today to solve the problems of the quality and the provision of health service in Hong Kong in the future so that we can all live long lives.

Thirdly, I heard Miss CHAN Yuen-han say that the medical and nursing staff all acted "with the heart of parents". It suddenly inspires me to think that,

other than being so, they should also have a fair and just heart like Judge BAO in order not to hurt "all the parents' hearts". Thank you, Madam President.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Mr MOK Ying-fan as amended by Dr LEONG Che-hung be approved.

PRESIDENT (in Cantonese): Will those in favour please say "aye"?

(Members responded)

PRESIDENT (in Cantonese): Those against please say "no".

(No Member responded)

PRESIDENT (in Cantonese): I think the "ayes" have it. The "ayes" have it.

PRESIDENT (in Cantonese): Second motion: Speeding up the pace of democratization in Hong Kong.

SPEEDING UP THE PACE OF DEMOCRATIZATION IN HONG KONG

MR CHAN CHOI-HI (in Cantonese): Madam President, I move the motion as set out on the Agenda: "That this Council urges the Government of the Hong Kong Special Administrative Region to initiate steps to amend the Basic Law with a view to speeding up the pace of democratization in Hong Kong in order that the Chief Executive and all Members of the Legislative Council be returned by direct election as soon as possible, and give effect to the principles of "Hong Kong people ruling Hong Kong" and "a high degree of autonomy"."

Last Wednesday in this Council, the Chief Executive, Mr TUNG Chee-hwa, delivered the first policy address of the SAR, of which a large part

focused on people's livelihood. He highlighted that we should take a broad and long-term view, and a large part of the policy address was dedicated to housing and welfare, while democracy and human rights were barely touched on if not evaded. He used only two short paragraphs (paragraphs 145 and 146) to talk about the political framework, while they are nothing new to me, they do not seem to represent any broad and long-term view either. In the Question Time, he said that the political framework would develop in accordance with the Basic Law in the future. I feel that he has been relatively conservative in this aspect.

It is stipulated in the Basic Law that the Chief Executive and the members of the Legislative Council will eventually be returned by universal suffrage, that is to say, Hong Kong people will eventually elect the Chief Executive and the Members of the Legislative Council through universal suffrage. Since this target is written in black and white in the Basic Law, we have to give effect to the target in order to truly embody the principle of "Hong Kong people ruling Hong Kong" and "a high degree of autonomy". We cannot use "proceeding in an orderly fashion" as an excuse and deliberately delay the pace of democratization.

Madam President, I have moved this motion today in the hope that the SAR Government will not neglect a more important mission when it implements its various policies on people's livelihood, that is, it should begin to pave the way for a government by universal suffrage. We ought to know that when the Basic Law was promulgated seven years ago, the methods proposed for electing the first, second and third terms of the Chief Executive and members of the Legislative Council were just transitional arrangements. The ultimate aims are to allow Hong Kong people to elect by themselves the Chief Executive and all Members of the Legislative Council who are to serve them, and to eventually give effect to "Hong Kong people ruling Hong Kong". However, the Basic Law promulgated seven years ago was unable to foresee that Hong Kong people's demand for democracy has been increasing incessantly. Moreover, I believe that the political sense and educational level of the citizens and the communication of information in society are all more mature by now. The rapid economic progress after the Legislative Council elections in 1991 and 1995 shows that speeding up democratization not only does not hurt the economy, but will also reassure the public and strengthen the confidence of foreign investors. Therefore, even if we were to elect all Members of the Provisional Legislative Council or Legislative Council by universal suffrage now, there would absolutely be no problem at all, nor would there be any social unrest or adverse economic

impact. Since conditions in Hong Kong are now mature, why do we still bury our heads in the sand and refuse to prepare and arrange for a future system of government by universal suffrage?

Madam President, Annexes I and II of the Basic Law prescribe the method for the formation of the first, second and third Legislative Council and the method for the selection of the first and second terms of the Chief Executive. It also states that the future amendments to the above methods will not be decided until the year 2007. Article 159 of the Basic Law provides that the SAR has the power to propose amendments to the Basic Law. Deputies to the National People's Congress (NPC) have the power to submit amendment bills to the NPC after obtaining the consent of two thirds of all the Members of the Legislative Council, the Chief Executive and two thirds of the Hong Kong Deputies to the NPC, and after consulting the Committee for the Basic Law. Since the Basic Law has stipulated ways to amend the Basic Law, that means the Basic Law can be amended in accordance with the needs of the time and is not meant to be followed rigidly. If we cannot decide whether the future system of government will stride forward towards universal suffrage until 2007, that means we have to wait for another 10 years, I cannot help asking: do we have to wait that long? Madam President, 13 years have passed since 1984, we will have been waiting for 23 years if we have to wait for 10 more years. I can only call this kind of democracy which "proceeds in an orderly fashion" a "snail-paced" democracy. We may have to wait until our hair turns white before democracy comes in sight. I do not think this is doing Hong Kong any good.

Since the Basic Law has given the SAR the mechanism of amendment, and the conditions in different areas of the SAR have already matured, why can we not initiate steps to amend the Basic Law before 2007 so that democratization can be realized in Hong Kong earlier?

To achieve the aim, we can set up a committee to amend the Basic Law to consult and put forward proposals concerning the amendments. Besides, I believe people outside the Council who are concerned about the development of our system of government will also begin to take action. A group of social workers have already published a demand in the newspaper the other day. If the Government takes no action, I believe the non-governmental organizations will form their own joint association for amendment to the Basic Law.

With regard to speeding up democratization, other than that Hong Kong's

conditions are mature enough, I think we also have to look at other factors: firstly, do the economic development and the political development match each other? I am not a Marxist but I believe the base structure and the upper structure have to match. The present situation is like a lady in a beautiful dress with jewellery all over herself having only a pair of straw sandals on her feet. This is our latent contradiction. If the contradictions in society are not effectively monitored by the Council, unrests are likely to occur. For example, the 1967 disturbance happened because there was little elected element in the Legislative Council, so the contradictions in society could not be appropriately removed in time. Therefore, we have to pay attention to this point.

Secondly, I think we have to look at Hong Kong's pace of democratization in the context of democratization in China, Taiwan and Hong Kong. As is known to all, the President of Taiwan is already returned by universal suffrage. Their democratization is faster than that in any other Chinese communities. Let us take a look at our motherland, China. After the reforms and opening of economy, the system of government begins to change and strides towards democratization. In the rural areas of China, all the representatives are already returned by direct elections. If we add up all the voters in the villages of China, the number should exceed 6.5 million. We should not belittle the influence of Hong Kong's democratization on the Chinese communities, and we should not neglect the demands for democracy in the history of China. Hong Kong can well serve as a demonstration. If China wants unification, it must first implement democratization in Hong Kong and speed up democratization to give Taiwan confidence and to make us feel that this community is absolutely guaranteed by democracy.

Before the meeting, many Honourable Members asked me whether the badge I am wearing on my chest is a badge of MAO Zedong. This is not a MAO Zedong badge but a SUN Yat-sen badge. Dr SUN Yat-sen is our revolutionary pioneer. He demanded democracy in the Revolution of 1911 and this demand is still not met today. I feel that we, as Chinese, should endeavour to accomplish his mission. Chinese have a historical mission and all the Chinese communities should advance towards democratization. Therefore, I think it is appropriate for me to move this motion debate today and I hope Members will support my motion.

Mr CHAN Choi-hi moved the following motion:

"That this Council urges the Government of the Hong Kong Special Administrative Region to initiate steps to amend the Basic Law with a view to speeding up the pace of democratization in Hong Kong in order that the Chief Executive and all Members of the Legislative Council be returned by direct election as soon as possible, and give effect to the principles of "Hong Kong people ruling Hong Kong" and "a high degree of autonomy"."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That this Council urges the Government of the Hong Kong Special Administrative Region to initiate steps to amend the Basic Law with a view to speeding up the pace of democratization in Hong Kong in order that the Chief Executive and all Members of the Legislative Council be returned by direct election as soon as possible, and give effect to the principles of "Hong Kong people ruling Hong Kong" and "a high degree of autonomy".

Members have been informed, by circular on 9 October, that Mr Kennedy WONG and Mr IP Kwok-him have separately given notices to move amendments to this motion. As there are two amendments to the motion, I propose to have the motion and the amendments debated together in a joint debate.

PRESIDENT (in Cantonese): Council shall now debate the motion and the amendments together in a joint debate. I will call upon Mr Kennedy WONG to speak first, to be followed by Mr IP Kwok-him; but no amendments are to be moved at this stage. Members may then express their views on the main motion as well as on the amendments to the motion. Mr Kennedy WONG.

MR KENNEDY WONG (in Cantonese): Madam President, the main purpose of the Honourable CHAN Choi-hi's motion is to urge the Government of the SAR to initiate steps to amend the Basic Law and to speed up the implementation of direct elections. I will not spend too much time on this, but I would like to say that the Basic Law is in fact the mini-constitution of the SAR drawn up in a very strict and serious manner and after extensive consultations.

The Basic Law Consultative Committee was set up on 18 December 1985 and it completed the consultative work for the first and second drafts of the Basic Law before October 1989. The consultation was very extensive and hundreds of representatives from different organizations had expressed their opinions. The Basic Law was passed by the Standing Committee of the National People's Congress on 4 April 1990 and became effective on 1 July 1997 upon the establishment of the SAR. Up to now, it has been enforced for merely over a hundred days.

Just now Mr CHAN Choi-hi talked about the issue of democracy which I do not oppose. However, what actually is the objective situation of Hong Kong at present? Is public demand for speeding up democratization as strong and overwhelming as described by Mr CHAN Choi-hi?

Madam President, yesterday I commissioned the Hong Kong Institute of Asia-Pacific Studies of the Chinese University to conduct an opinion survey to see whether Hong Kong people think the pace of democratization as prescribed in the Basic Law is too fast, too slow or appropriate. I believe Honourable colleagues have already received the findings, and I have also given copies to the President and the mass media. The survey mainly targeted Hong Kong citizens over the age of 18 and was conducted between 6 pm and 10 pm last night. The survey is a scientific one with random sampling, but I will not elaborate the technical details here. I hope Honourable colleagues will note the principal findings of the survey: 3.8% of the respondents think that the pace of democratization is too fast, 47.6% think it is appropriate, whereas 30.4% think it is too slow, and 18.2% answer that they do not know. When we compare these figures, the 47.6% of people believing the pace is appropriate are over 50% more than the people who think it is too slow. This is the random survey conducted last night and is the latest opinion poll. The age, sex and educational level of the interviewees in the survey are also representing a broad spectrum in Hong Kong.

What message is actually conveyed to us through the survey? The message is: after the Basic Law has been implemented for a hundred-odd days after the establishment of the SAR, Hong Kong people find, in principle, the pace prescribed in the Basic Law satisfactory. The Basic Law stipulates that the mechanism for universal suffrage will be developed in accordance with the principle of gradual and orderly progress. Are the Hong Kong citizens ready for full direct elections any time now as alleged by Mr CHAN Choi-hi? Or are

there still certain deficiencies?

I would first like to tell Honourable colleagues the voter turnout rates and voter registration rates of the years between 1991 and 1995: the registration rate in 1991 was 51.9% and it increased to 65% in 1995, whereas the voter turnout rate was between 35.8% and 39.1% which means less than 40% of the registered voters actually turned up to vote in the past elections. Why was it so? Attached to the survey report I gave you earlier is a sample of the learning material for the subject of social studies in my daughter's school. In fact, the present civic education in Hong Kong is seriously insufficient. From my children I know that civics is not taught in their schools until Primary Four and then with a meagre curriculum, and definitely not in kindergartens or Primary One to Three. From Primary Five onwards the pupils start to discuss a bit about it and there are mock elections of class representatives, the meaning of elections and ballots would also be explained to the children.

Although there are such instructional materials and mock activities, what is the actual situation? I asked my daughter whether the class monitor, line monitors, librarian and group leaders in her class were elected by the pupils, she said definitely not, they were appointed by the teachers. The teachers would appoint whoever they liked. Why would such things happen? I also interviewed a few secondary school students. An 18-year-old Form Five student of a government school told me that their prefects were surely not elected by him, neither was the class monitor. He could participate in student union election, but it was only the fifth year they did so and most other schools had also this practice for just six or seven years. He thought that the student union election was unfair in some ways because certain teachers would publicly say that they supported a certain group of candidates. Under such circumstances, the students who were not mature enough or who did not have a strong sense of election would vote according to the will of the class teacher. As far as I know, student union elections only began in secondary schools five or seven years ago.

How is the situation of civic education in secondary schools? There is, on the average, less than one session per week, that is, less than 40 minutes.

PRESIDENT (in Cantonese): Mr Kennedy WONG, since the digital timer is out of order, you now have only half a minute left to speak.

MR KENNEDY WONG (in Cantonese): I think, for the Government, the immediate strengthening of civic education is a pressing matter of the moment. As is known to all, foundation has to be laid properly before a democratic government can be developed, and this foundation is built on civic education. The Chief Executive's policy address also states that our long-term goal is to elect the Chief Executive and all Members of the Legislative Council by universal suffrage. In view of this, we have to urge the Government to stipulate that civic education courses must be compulsory from primary school onwards, and the courses have to be well supported by family education which is very important. Try to think of it, who takes charge in the family? The wife or the children? All parties have to work together so that a good foundation can be laid.

Thank you, Madam President. I hope Members will support my amendment.

PRESIDENT (in Cantonese): Mr IP Kwok-him.

MR IP KWOK-HIM (in Cantonese): Madam President, people walk with different pace if their legs are of different length. By the same token, different social situations will also dictate different paces of democratization. The level of development in a country or a city is measured not only by its economic achievement, but also by its degree of democratization.

Annex I of the Basic Law clearly sets out the method for the selection of the Chief Executive of the Hong Kong SAR for the coming 10 years. It also prescribes that the method of selecting the Chief Executives for the terms subsequent to the year 2007 can be amended if the amendments are made with the endorsement of a two-third majority of all Members of the Legislative Council and the consent of the Chief Executive, and they shall be reported to the Standing Committee of the National People's Congress (NPC) for approval. Annex II clearly stipulates that, after 2007, the method for the formation of the Legislative Council can be amended if such amendments are made with the endorsement of a two-third majority of all Members of the Legislative Council and the consent of the Chief Executive, and they shall be reported to the Standing Committee of the NPC for the record. It took four years and eight months to

complete the drafting of the Basic Law at that time, during that period, the first open or group consultation consulted as many as 72 000 person-times, whereas up to 6 000 submissions were received in the second consultation. The Basic Law was made after extensive consultations and after considering the existing situation of the Hong Kong society and taking into account the interests of different strata. More than 10 years have gone by since the Basic Law was drafted. Within this time, Hong Kong has been unparalleled in its course of development. Economically, Hong Kong has grown rapidly; politically, it is the first place in history to have the "one country, two systems" mode of administration. To Hong Kong people, all these experiences are new and unique.

When the economy of a society has developed to a certain stage, it will begin to have conflict with the ideology of that time. The relationship between the quest for democracy and social stability and living standard is interactive.

Madam President, with regard to the issue of whether the pace of democratization should be fast or slow, the Chief Executive of the SAR, Mr TUNG, already openly admitted in the last meeting that he himself was "conservative" in this aspect, and he also said that he would not consider amending the Basic Law in the short term to speed up the pace of electing the Chief Executive and all Members of the Legislative Council by universal suffrage. With improving people's livelihood as his first priority and in order to give effect to the broad principles of the Basic Law, the conservative attitude of the Chief Executive, as the first one of the SAR, is understandable. Since the whole society is continually growing and developing, it is both inevitable and essential to review and amend when policies are formulated.

Madam President, since representative government was introduced to Hong Kong in 1984, citizens began to have the opportunity to take part in election and voting. The first Legislative Council elections after the establishment of the SAR will be held in May next year, and the relevant legislation for the Legislative Council elections was passed two weeks ago after a 19-hour marathon debate by Honourable colleagues, laying the foundation for the first Legislative Council elections.

The first Legislative Council elections are an important milestone in the development of the SAR's government system, marking the beginning of an era when Hong Kong people participate in the ruling of Hong Kong as Chinese

nationals. The Democratic Alliance for Betterment of Hong Kong (DAB) thinks that the appropriate time for Hong Kong people to discuss and express their opinions on the pace of democratization in Hong Kong will be the time right after the completion of these important elections. After collecting the views of different social strata, we can study whether there is a need to adopt corresponding measures to match the pace of democratization. In fact, because the Sino-British talks concerning government system broke up, the third Legislative Council to be formed under the present Basic Law will still be operating in 2008. On the other hand the Basic Law stipulates that the method for the formation of the Legislative Council can be amended after 2007 and this will provide a chance for directly electing all Members of the fourth term Legislative Council.

The DAB platform clearly proposes that the development of our government system be reviewed before 2007, so as to strive to have the Chief Executive of the term immediately following that year returned by direct election and all Members of the Legislative Council by geographical constituency elections.

As to the motion moved by Mr CHAN Choi-hi, the DAB will not support it. At a time when the SAR Government has just been set up, the DAB thinks that it is not appropriate to bring forward a motion similar to those debated in the former Legislative Council in this same Chamber for uncountable times in the last ten-odd years, to urge the Government to initiate steps to amend the Basic Law; nor is it opportune to, in the absence of new arguments or new tendency of popular will, subjectively and vaguely demand the SAR Government to speed up democratization in Hong Kong. Furthermore, the principles of "Hong Kong people ruling Hong Kong" and "a high degree of autonomy" have already seen initial implementation after the establishment of the SAR Government, so the DAB opposes Mr CHAN's original motion. On the other hand, although the Honourable Kennedy WONG's amendment is in the same direction as that of my amendment, its specific contents lack a public mechanism which will openly consult all sectors of the community at an appropriate time so as to provide a public opinion base, therefore, the DAB also has certain reservations regarding his amendment.

With these remarks, Madam President, I seek to move my amendment.

PRESIDENT (in Cantonese): Mr Allen LEE.

MR ALLEN LEE (in Cantonese): Madam President, in Hong Kong, the democratization of government system and the tendency towards universal suffrage are the trend of history. When the Central Government signed the Sino-British Joint Declaration in as early as 1984, it already promised that the legislature in Hong Kong would be constituted by election after 1997, and that the Chief Executive would be returned by election or through consultations. The Basic Law promulgated in 1990 further confirms that the Legislative Council will eventually attain the goal of electing all Members by universal suffrage. Basing on the principle of "gradual and orderly progress", the Basic Law has also included a specific timetable that, in 2007, we can decide whether the Chief Executive and Members of the Legislative Council will be elected by universal suffrage.

The above-mentioned democratization of government is of course not unchangeable. Article 159 of the Basic Law is a mechanism to amend the Basic Law, which allows the Government of the Hong Kong SAR to submit amendment bills to the National People's Congress to amend the Basic Law, including amending the provisions concerning government system.

The Liberal Party has all along been fighting to have universal suffrage by 2007, or even at an earlier date. We totally agree that, after the establishment of the SAR, we should grasp at the right opportunity to stride towards full democracy as soon as possible. The crux is: when is the right time to review the development of government system?

Mr CHAN Choi-hi proposes today to immediately initiate steps to amend the Basic Law with a view to speeding up the pace of democratization, whereas Mr IP Kwok-him of the DAB proposes to review the government system right after the formation of the first Legislative Council next year. The Liberal Party notices that, ever since the mid-80s, Hong Kong has been caught in the squabble over the timetable of the development of government system. In last Governor PATTEN's five-year term of office, the row over government system was even pushed towards new heights and the resources and energy of the Government were all thrown into electoral reforms. We all see that, in the past five years, the Hong Kong economy and people's livelihood were neglected. The Liberal Party thinks that the first important task of the SAR after its establishment is to

strengthen the economic competitiveness of Hong Kong and to improve people's livelihood as soon as possible. These two are arduous tasks and require the co-operation and complete dedication of different social strata in terms of time and energy. The first policy address of the SAR Government delivered last week only made the first step towards these two tasks, there is still a long way ahead.

I would like to reiterate that the Liberal Party supports the full democratization of government system, and that it also absolutely subscribes to the complete implementation of direct elections in 2007. However, we cannot endorse the proposals of Mr CHAN Choi-hi and Mr IP Kwok-him to hastily review the Basic Law immediately after the establishment of the SAR. The Liberal Party is of the view that, in 2000 after the second term Legislative Council is formed by election, if the public think democratization can speed up by then, we still have enough opportunities and time to propose amendments to the Basic Law and have universal suffrage in an earlier year.

I hereby speak on behalf of the Liberal Party and oppose Mr CHAN Choi-hi's motion as well as Mr IP Kwok-him's amendment. The Liberal Party will support Mr Kennedy WONG's amendment.

PRESIDENT (in Cantonese): Miss CHOY So-yuk.

MISS CHOY SO-YUK (in Cantonese): Madam President, whether the pace of democratization prescribed in the Basic Law is too fast or too slow is an issue which has been discussed for over 10 years. The Hong Kong Progressive Alliance (HKPA) has always believed that we cannot simply draw an equal sign between the possibility of early amendments to the Basic Law and the respect of democracy or the speeding up of democratization. It is full of misleading elements if one says the immediate or expeditious amendment to the Basic Law is democracy, and anything otherwise is undemocratic. Such saying would easily mislead the general public or the international community to think that the pace of democratization prescribed in the Basic Law is a sham, impractical, and is a source of excuses to suppress democracy. People would also be misled to believe that the Basic Law can be amended at will, disregarding that it is a solemn constitutional document and is the fundamental statute on which "Hong Kong people ruling Hong Kong" and "a high degree of autonomy" are based,

promulgated after extensive consultation and years of discussion. The authority of the Basic Law must be built upon the strict abidance and enforcement by all sides.

The HKPA thinks that the crux of giving effect to "Hong Kong people ruling Hong Kong" and "a high degree of autonomy" does not lie in amending the Basic Law, but in insisting on and enforcing the Basic Law. Only by consolidating the authority of the Basic Law can the development of democracy have a clear and definite direction and can democracy be realized with a steady pace. In fact, since the Basic Law was promulgated in 1990, the political structure it prescribes already exerted an indispensable influence which was not only conducive to forming social consensus and defining the broad direction of Hong Kong's political development after 1997, but also safeguarded smooth transition, stability and prosperity, all before it even had legal effect. Its contributions are unquestionable. Now that the Basic Law has just come into effect, its functions are more tangible than ever. We should not put the cart before the horse and give up completely the steady pace and clear direction of democratization. We should not rush to amend the Basic Law and give up all the old blueprints at this initial stage of democratization, groping blindly and ending up on a greyish and uncertain road.

The enforcement of the Basic Law itself is already a process of giving effect to democracy. Just as the Chief Executive, Mr TUNG Chee-hwa, pointed out in the policy address, the Basic Law has prescribed the method of electing the Chief Executive and Members of the Legislative Council for the next 10 years. The programme of the whole progress is very clear, but many details still have to be worked out at each stage upon enforcement. Our top priority is to appropriately arrange every detail and then implement them step by step in a gradual and orderly fashion. Unexpected problems may arise in the course and have to be solved by Hong Kong people with concerted efforts. However, if the democratization process prescribed in the Basic Law is queried at this stage, we are afraid that it will only complicate the issue and bring about opposite effects, leading the democratization of Hong Kong into a chaos with bleak prospects.

Rows do not benefit anyone. We should be practical and realistic and pool our wisdom so as to overcome the problems involved in democratization as prescribed in the Basic Law. We should also urge the Government to promote the Basic Law and strengthen civic education across the board in order to let real democracy strike root in the community.

Madam President, I so submit.

PRESIDENT (in Cantonese): Dr Raymond HO.

DR RAYMOND HO (in Cantonese): Madam President, I fully agree with the importance of speeding up democratization in Hong Kong, and I also believe this is the trend of the times. There is a very important point, however, that at the same time democratization speeds up, the Government has to thoroughly and sincerely consult the opinions of all social strata to draw up specific timetables before making any detailed study to amend the Basic Law to elect the Chief Executive and all Members of the Legislative Council by direct elections.

Many people are worried that, after the handover and the honeymoon period enjoyed by the SAR Government, the representative government will face great retrogression in term of democracy. This, I beg to differ. During the 150-odd years of colonial rule, did democratization and the development of government system in Hong Kong really advance by leaps and bounds? Therefore, it is totally impractical and unfair to criticize only the mode of administration of the SAR Government.

Although some people propose to urge the SAR Government to initiate steps to amend the Basic Law with a view to speeding up democratization in order that the Chief Executive and all Members of the Legislative Council will be returned by direct elections as soon as possible, in fact, democratization in Hong Kong has to keep pace with the development of society and be implemented in a gradual and orderly fashion. We should never act with undue haste. I think that the amendment to the Basic Law should definitely not be made in a hurry, there must be careful consideration beforehand. Otherwise, it may result in people proposing to amend every part of the Basic Law.

I am of the view that the amendment to the Basic Law and the direct election of the Chief Executive and all Members of the Legislative Council should best be done after the completion of the first Legislative Council elections of the SAR Government, and after consulting the opinions of different social strata. In reality, we cannot judge if a place or a country is democratized enough merely by checking whether its head of state or members of parliament

are all returned by direct elections. We have to understand that, to have full direct elections to speed up democratization, there must be sufficient time for preparations and any new arrangements have to match the conditions and the needs of society. The preparatory work will include among other things the strengthening of civic education so that the citizens and the new generation can understand their responsibility to society and the significance of their commitment. This is very important to and will help the future implementation of direct elections and the speeding up of democratization.

With these remarks, Madam President, I support Mr IP Kwok-him's amendment in view of the above reasons. Thank you.

PRESIDENT (in Cantonese): Mr NGAI Shiu-kit.

MR NGAI SHIU-KIT (in Cantonese): Madam President, it is said that Mr CHAN's present motion to amend the Basic Law is based on the opinions of the people from certain sectors. However, according to the rules laid down by the Preparatory Committee, the Provisional Legislative Council can only amend the laws of the Hong Kong SAR in accordance to the Basic Law's provisions, and not the Basic Law itself. Mr CHAN's motion obviously exceeds the range of duties of the Provisional Legislative Council. Therefore, I think it is inappropriate to include the present motion on the Agenda of the Provisional Legislative Council.

Madam President, it is known to all that the Basic Law's fundamental spirit concerning democratization is to develop democracy in a gradual and orderly fashion in the SAR. In fact, Annexes I and II of the Basic Law already have specific provisions for the methods for the selection of the Chief Executive and the formation of the Legislative Council of the SAR after 2007. According to such provisions, amendments to the methods can be made only with the endorsement of a two-third majority of all Members of the Legislative Council and the consent of the Chief Executive, and they shall be reported to the Standing Committee of the National People's Congress (NPC) for approval. This is the amendment procedure prescribed in the Basic Law.

The task proposed in the present motion obviously exceeds the original scope prescribed in the Basic Law, so we have to make amendment in accordance

with Article 159 of the Basic Law. As provided in this Article, the power of making amendment to the Basic Law shall be vested in the NPC, whereas the power to propose bills for amendments to the Basic Law shall be vested in the Standing Committee of the NPC, the State Council and the SAR. Amendment bills from the SAR shall be submitted to the NPC by the delegation of the SAR to the NPC after obtaining the consent of two thirds of the deputies of the SAR to the NPC, two thirds of all Members of the Legislative Council of the SAR, and the Chief Executive of the SAR. It is apparent that amending the Basic Law is a serious matter and has to be done by strictly adhering to the prescribed procedure. It can well be seen how perfunctory the present motion is, and it also exceeds the terms of reference of the Provisional Legislative Council.

Madam President, hasty amendments to the Basic Law will bring a lot of administrative troubles. Let us just concentrate on the amendment procedure of the Basic Law and not any other things. To amend the Basic Law, the deputies of the SAR to the NPC and Members of the Legislative Council have to deliberate thoroughly and give their consent. But the elections of the SAR's deputies to the NPC will be held very soon whereas the first Legislative Council elections will also be conducted in May next year. In the face of the imminent changes of membership in these two bodies, how can the work and process of amending the Basic Law be reasonably initiated? It is really puzzling. Mr CHAN's motion obviously lacks careful consideration and it seems that he has not taken the actual situation into account. Does Mr CHAN not have such political common sense? Does he intentionally or unintentionally overlook this political reality? Anyhow, it is irresponsible.

Madam President, according to the Rules of Procedure, we should not impute Honourable colleagues' motive of moving a motion. However, the elections of the first Legislative Council are not even held yet and Mr CHAN is already too impatient to act. He tries to please the public with claptrap and, just like the way ZHUGE Liang obtained arrows by tricks in the legend, to gain credits to enhance his capital for election. He has really calculated painstakingly, but the whole act is sad and lamentable. I have to give him a piece of advice: Mr CHAN, take care that you are not hit by numerous arrows before you collect them. Be careful, be careful.

Madam President, I support Mr Kennedy WONG's amendment.

PRESIDENT (in Cantonese): Mr CHIM Pui-chung.

MR CHIM PUI-CHUNG (in Cantonese): Madam President, our motion debate today basically revolves around three issues. The first issue is the so-called amendment to the Basic Law which many of my Honourable colleagues already have discussed. The second issue is the so-called democracy and election. We have heard recently from the mass media or other sources that elections, especially the "one person, one vote" universal suffrage, represent an advancement in democracy. The Secretary for Constitutional Affairs should better educate the public about this issue. Why is it? About one month ago, the Vietnamese Government conducted its first "one person, one vote" elections after many years of unification. That was already the "one person, one vote" mode of election favoured by the so-called democrats and it should be fair, but does that mean the country is very democratic? We all see the fact, right? And we all know the fact is that it may not be so. The elections in the Philippines are also "one person, one vote" ones, did we see a high degree of democracy in the President MARCOS era? Even in India, the situation is the same. Therefore, I very much hope that people can understand that the "one person, one vote" voting mode is only one of the many forms of election, it does not represent absolute democracy.

I hope people can understand the mode of election in Hong Kong. Hong Kong is not an independent country and does not have a ruling party. If there were one, the politicians would be more welcome and I believe the elections of the Legislative Council in 1998, even in 2000, would be more competitive. Since Hong Kong is not an independent state and there is a Central Government, the Central Government has to consider how to cope with the actual situation in Hong Kong. We can discuss and debate the things stipulated in the Basic Law, but is it of any use? The Central Government is very concerned about this because although the motion debate in this Council is not binding, yet if it were a bill, it would have legal status after being passed by over half of the Members. The Central Government might then think: Hong Kong is not independent, does it want to revolt?

Many democrats have acted and expressed their opinions, but actually they should reflect on themselves completely. Are the things they do really good for Hong Kong, good for China? Or are they making use of their seats to directly challenge the rule of the sovereign state? This matter is worthy of their

deliberation. They just cannot insist that as "one country, two systems" is practised in Hong Kong, they can do whatever they want. Hong Kong is after all not an independent place, how can the Central Government let you have your own way? This is merely your own wishful thinking. As a Member or a politician in the future, how can you expect the Central Government to have confidence in you and delegate part of its administrative power to you so that you can answer your voters' expectations? If, in the future, one single party becomes so powerful as to pose a threat to the Central Government, I firmly believe that the Central will then have to intervene. What else can you do then? In view of PATTEN's electoral reforms and their results we now face today, I want to advise the so-called democrats that they should try to understand thoroughly the actual situation. They can go raising funds from the citizens and asking for their supports in elections, but such great support may not be always given. At the end of the day, what will they get? On the contrary, if they can have the Central's co-operation, they may realize their aspiration to serve Hong Kong. In view of this, they must review how they can work with the Central Government.

Madam President, the Chief Executive has already given very clear indications but of course we may still discuss a bit. I firmly believe and also hope that, under the present circumstances, 45 Members will be returned by direct elections and 15 Members by functional constituencies in 2008, whereas full direct elections will be held in 2012. What circumstances do we need at that time? The present National People's Congress (NPC) is the 15th, and I hope that at the time of the 20th NPC, in other words, 25 years later in 2032, or in 2022, the leadership of China can also be returned by elections. This is not absolutely impossible. We have learned lately from the mass media or the newspapers that some counties and cities in China have already tentatively conducted elections. The trend is that this right will be given to the people gradually. But this does not totally mean democracy.

Therefore, if motion debates are moved at present to amend the Basic Law with a view to achieving other results, the possibility of success is nil. Even though there will be no results, it is harmless to debate. But I hope that people will understand the actual situation, which is, the Chinese Government, as the Central Government, will honour its promise to Hong Kong people. Since the Central Government has given Hong Kong people a promise, Hong Kong people, under circumstances they themselves do not understand, may likely lose everything if they challenge or try to challenge the authority of the Central. Former Governor PATTEN dragged Hong Kong into such a situation, I very

much hope that the democrats have learned a good lesson from this and will put forward some more constructive proposals.

Madam President, I so submit.

PRESIDENT (in Cantonese): Mr Bruce LIU.

MR BRUCE LIU (in Cantonese): Madam President, the "Hong Kong people ruling Hong Kong" principle supported by the Hong Kong Association for Democracy and People's Livelihood is actually "Hong Kong people ruling Hong Kong democratically", only by doing so can Hong Kong people really be the "masters of their own house". The pace of democratization prescribed in the Basic Law is indeed too slow and cannot meet the demand for democracy of Hong Kong people, neither can it attain the goal of "Hong Kong people ruling Hong Kong democratically". There is still a long way to go if Hong Kong people want to be the "masters of their own house". The Basic Law Drafting Committee and the National People's Congress which enacted the Basic Law did not believe that Hong Kong people had the ability to be their own masters, so they set a snail-pace timetable for democratization in the Basic Law. According to the timetable, this generation of Hong Kong people have to wait, from 1990 onwards, for almost 20 years before they can have universal suffrage. For the majority of Hong Kong people who pursue democracy, this timetable has never been acceptable.

Recently, the Chief Executive of the Hong Kong SAR, Mr TUNG Chee-hwa, used the phrase "everybody knows he is a conservative person" as a pretext to kill any possibility of reviewing and amending the Basic Law. I have to point out that Hong Kong is not Mr TUNG's personal enterprise, furthermore, it is not part of the TUNG's family. Whether Mr TUNG himself is conservative or not should not be a hindrance in deciding the development of democracy in Hong Kong; more importantly, it should not be a decisive factor. Mr TUNG should consider the overall interests of Hong Kong, take a look at the present extent of the development of our society and then judge if democratization should speed up.

It can be said that in the present development of the SAR, economy takes much precedence over politics. However, we cannot ignore the fact that economic development has to keep pace with politics. While Hong Kong has already grown into a first-rate prosperous city of the world, into a major

metropolis with high-standards in terms of economy, infrastructure and education, its political system still advances with the pace of a snail. This slow development cannot keep up with its own metropolitan image. The tide of democracy is so vast and powerful that those who submit will prosper, those who resist shall perish. As compared with many democratic, open countries and cities, such as Japan, West European nations or even our closest neighbour Taiwan, Hong Kong is only a backward city. If Hong Kong's "one country, two systems" design with its snail-like pace of democratization is used to beckon Taiwan, how can it be attractive or convincing enough to make Taiwan believe this is a good design for reunification with the motherland!

Madam President, I wish to use the time left to respond to Mr Kennedy WONG's speech. Mr Kennedy WONG provided us with a very detailed survey for reference. First of all, I feel that using a public opinion survey for a central argument in a debate is actually a typical example of abusing opinion poll. We should thoroughly discuss the content of today's motion instead of making decisions according to public opinions. If we follow his way, the Provisional Legislative Council does not have to debate at all. Every time there is a motion, we only have to commission a survey company to conduct a survey and the meeting can be adjourned. We have to look at the realities in society and discuss whether democratization should speed up in the light of the present situation in Hong Kong. Moreover, his survey did not offer the citizens choices. There should be choices like: does the interviewee agree or think rather than as provided in the Basic Law it would be better for all Members of the next Legislative Council to be returned by full direct elections in 2000 or for the Chief Executive to be similarly returned in 2002? Such questions were not included in his survey. He only cited certain examples and said that since the citizens thought the pace of democratization was appropriate, it would be better to strengthen civic education as a preparation. In my view, the best civic education is to allow public participation.

People were already able to elect Members to the Legislative Council by the ballot box in 1991. They have experience in voting and they are now mature enough to vote for 60 directly-elected Members. In fact, as elections go, there is no essential difference. Why do we have to suppress the demand for democracy and wait another 10-odd years? Why do we not try our best to speed up democratization so that every single citizen will be able to vote for the 60 Members of the Legislative Council?

Secondly, I wish to respond to the Honourable NGAI Shiu-kit's speech. He said earlier that our debate today might have exceeded the terms of reference of the Provisional Legislative Council. Since the President approved the debate, I believe it has not violated our terms of reference or the Rules of Procedure. However, most important of all, if our debate brings about a demand to initiate steps to amend the Basic Law, we must see that it is actually done in accordance with the Basic Law. If the goal of direct election is to be achieved as soon as possible — although Mr CHAN Choi-hi has not said so — all Members of the Legislative Council can actually be returned by direct elections three years later in 2000. If the first Legislative Council passes a motion, five years later, in 2002, our Chief Executive can also be returned by direct elections. In fact, the mechanism stipulated in Article 159 of the Basic Law can be used to achieve this. Such way of doing things will not exceed the power the Provisional Legislative Council possesses at present.

Madam President, with regard to the motion today, I reckon that the original motion will probably be negatived. However, this does not mean that the demand for democracy will be suppressed forever. A single spark can start a prairie fire. I believe that, in the days to come, there will be Members moving this or similar motions in every term of the Legislative Council until success is attained.

Madam President, I so submit.

PRESIDENT (in Cantonese): Mr NG Leung-sing.

MR NG LEUNG-SING (in Cantonese): Madam President, I think that the political structure of Hong Kong is already developing in the positive direction of liberalization and democratization. However, democracy should still be realized step by step in an orderly fashion in the light of Hong Kong's history and actual situation; we should not act with undue haste. I do not think this point of view is exceedingly conservative.

As we all know, democracy was never practised in Hong Kong during the century-long colonial rule. In the past, the Governor was appointed by the Queen and Members of the Legislative Council were appointed by the Governor, that was why the former legislature was always regarded as the government's

"rubber stamp". The democratization of Hong Kong's politics began only a few years ago. It was when the British realized that they were going to retreat soon that they hastily pressed for democratization in Hong Kong. Therefore, with regard to system, while it took more than 100 years to develop and form the democratic government system in the West, Hong Kong certainly lacks the foundation to develop the same Western-style democracy in a short time.

Since the colonists in Hong Kong did not pay attention to democracy, Hong Kong, with its favourable geographical position and so on, has developed into a financial, shipping and trade centre and is now a typical commercial society. Hong Kong people have long been accustomed to doing business to make money or working, mainly in the industrial or business fields, for a living. "In order to win the two meals a day", they do not have much time to develop interest in politics. Hong Kong also needs some time for its people to get to know and understand the overall development of democracy, so their interest in politics has to be promoted gradually through civic education.

In fact, the democratization progress as represented in the methods for the selection of the Chief Executive and for the formation of the Legislative Council has already been laid down clearly in the Basic Law. The timetable was drawn up after many years of extensive consultations with different social strata, thus it can be said that it basically conforms with the actual situation of Hong Kong. Therefore, we should insist on developing democracy in Hong Kong in accordance with the relevant stipulations and the timetable prescribed in the Basic Law. Only thus can the political development effectively meet the present demands of Hong Kong's economic development. I also believe that only thus can the economy and social stability in Hong Kong be enhanced eventually.

In view of this, I agree that, at the present stage, we should attach more importance to strengthening the effort of educating citizens about democracy, so as to make full and reasonable preparations for eventually electing the Chief Executive and all Members of the Legislative Council of the Hong Kong Special Administrative Region by universal suffrage.

With these remarks, Madam President, I support Mr WONG's amendment.

PRESIDENT (in Cantonese): Mr Frederick FUNG.

MR FREDERICK FUNG (in Cantonese): Madam President, just now the Honourable Bruce LIU has primarily elaborated the stance of the Hong Kong Association for Democracy and People's Livelihood (HKADPL). Now I would like to simply supplement that with some other viewpoints and comments.

Prior to 1997, we had a similar debate which was to urge that the Basic Law be amended before 1997. The HKADPL voted against the motion at that time. We did not agree to amend the Basic Law before 1997 because the Basic Law is a very important constitution for the Hong Kong SAR and if "Hong Kong people ruling Hong Kong" and "one country, two systems" are to be successful, it is of utmost importance that the bills for amendments are proposed by the SAR Government, and not by the Standing Committee of the National People's Congress or the State Council on our behalf. There was no way that the SAR Government could propose the bill if the Basic Law were to be amended before 1997, thus, at that time, the HKADPL objected to doing so and, as a result, objected to direct elections before 1997. After 1 July 1997, Hong Kong is reunited with China and the Basic Law is officially enforced, that means the mechanism for amending the Basic Law can be switched on anytime. The method stipulated in Article 159 of the Basic Law can be used, so the HKADPL now subscribes to Mr CHAN Choi-hi's motion to initiate steps to amend the Basic Law.

Why does the HKADPL think that all Members of the Legislative Council and the Chief Executive can be elected by universal suffrage at present? In fact, in this connection I do not agree that we look at the position in other countries for comparison. Other countries may or may not have successfully practised democracy, but it does not mean that we have to follow suit. What the United States has, Hong Kong does not have to have it as well. On the contrary, although democracy is not satisfactorily practised in India, that does not mean Hong Kong will do equally unsatisfactorily. Why do we have to cite India or the Philippines as examples? If they are performing poorly, is Hong Kong doomed also to perform poorly?

When I was studying political science in the Chinese University, I wrote a thesis on the social conditions required for the practice of democracy. What I am most concerned about now is: Does Hong Kong have these objective social conditions at present to implement democracy? In the 50s and 60s, some scholars made a study on 120 countries which elected their members of

parliament, prime ministers or presidents by democratic elections and the scholars tried to find out what basic points they had in common. After analyzing the countries through these common points and comparing their degrees of stability, several elements were found to be very significant.

The first element is literacy. If a certain country has a high literacy rate, the democratic government elected is a stable one. The reason is that only literate people can understand the platforms of the candidates, and only by understanding the platforms can they select the appropriate candidates and parties. The literacy rate of India, for example, is on the low side and, as a result, the elected government of India is relatively unstable. Therefore, according to that study, it would definitely be wrong to sabotage our democratic progress using India as an example.

The second element is the rate of ownership of communications equipment. In the past, such equipment included telephone, television and newspaper, whereas today it may have to include computer or the Internet. Readily available and advanced communications equipment allows people to communicate with each other and contact the whole world more easily, so that they would be more ready to absorb and master knowledge and the general public could be enlightened. The higher the rate of ownership of communications equipment, the more stable the democratic government of a place will be.

The third element is the rate of ownership of assets. This study was made in the 50s and 60s and at that time the assets included telephone, refrigerator, automobile and real estate. If the proportion of people possessing the above assets is high, the government they elect will also be relatively more stable.

The result of the study conducted on the basis of these three elements showed that the order of the countries studied was: the United States, West Germany, the United Kingdom and Japan. Unfortunately, the Members who object to our motion today believe that democracy is harmful to economy and will bring chaos to society. However, our close economic partners, including the United States, the United Kingdom, Japan and Germany, all elect their own governments and presidents democratically. Years of experience have proved that they are successful, so why are we so worried? Are we actually worried about democracy or other things? I think there are two reasons, firstly, it is worried that democracy may result in "free-lunch" in economy; secondly, it is

worried that "free seats" in the political arena may be lost. Before democracy is practised, the seats of the representatives elected through functional constituency elections or membership of the Election Committee are, to a certain extent, "free seats" as the number of voters involved only ranges from a few thousand to the least of a mere 36, as in the case of representatives elected from among Urban Council or Regional Council Members. But please do not worry, in the countries listed above, professionals and people of the business sector are not without influence. On the contrary, they are the most influential groups. For example, Mr Bill CLINTON, Mrs Margaret THATCHER a few years ago and Mr Tony BLAIR of today are all backed by the industrial and commercial sectors. The crux of a good political system is not the method of election, but is the free economic system. He who owns the tool of free economy has political clout. I do not mean that democracy will be unfavourable to the grassroots level and the business sector will be given absolute dominance. Democratic voting can actually allow the contradictions and conflicts of interests between labour and capital or between the lower and upper strata of society to be resolved in a peaceful way inside an elected assembly; in the same way transfer of power is also achieved. The most important task of a democratic system is to achieve this goal, so there is no need to worry.

Moreover, I agree even less with Mr CHIM Pui-chung who mentioned the Central Government 20 times in his speech. He used the Central Government as a shield and a weapon to oppress us. The Central has actually granted us a 100% universal suffrage in the Basic Law, why should we be worried? Article 159 also permits us to amend the Basic Law, why do we not make use of it? Please do not talk about the Central Government anymore. We are practising "one country, two systems", "Hong Kong people ruling Hong Kong".

Thank you, Madam President.

PRESIDENT: Mrs Elsie TU.

MRS ELSIE TU: Madam President, Mr CHAN Choi-hi makes a common mistake, in my estimation, of believing that better government will result from universal suffrage. That kind of statement misleads the public because while democracy is said to be the best of all bad systems, it is certainly not a panacea for all the ills of government. Indeed, certain democracies can lead to political

party struggle or even unstable government, unless it is introduced cautiously.

Mr Frederick FUNG seems to have a very high regard for all democracies, but I can see some democracies that I would not like to live in. I think it all depends upon how the democracy was instituted in the first place.

Almost every Wednesday we see demonstrations outside this Chamber on all kinds of issues, such as housing, labour problems and imported workers. They are all demonstrating very loudly. But today we are debating a faster pace of democracy, I did not see a single person demonstrating which indicates that there is not such a great demand after all for democracy, or we should have the whole place full of people demonstrating and calling for democracy.

I agree with Mr Kennedy WONG that education in democracy is by no means sufficient in Hong Kong. A large number of people over the age of 40 in Hong Kong, especially women, cannot read and some cannot even write their names; and that is not their fault — they were never given a chance of education. Those who did have education were not allowed to learn anything about democracy because until seven or eight years ago it was illegal to teach in school anything about politics and democracy. So how do you expect people to know about it?

Every month when there is a telephone survey, people mention many kinds of issues that they are concerned about. But the call for democracy seldom reaches more than 4% of those who are interviewed. So I cannot see this great demand for democracy that some people are talking about. We have roughly 4.5 million people in Hong Kong over the age of 18 who are qualified to vote. Mr Christ PATTEN was boasting that 900 000 people voted, that means 20%. So are we talking about what 20% of the people want? And even those 20% did not all vote for democracy, only 12% of them voted for democracy. The others were against Mr PATTEN's plan. So this great demand for democracy does not seem to exist strongly in Hong Kong.

We have already had five years of worry caused by those who oppose the Basic Law. I hope we would now follow the cautious steps offered in the Basic Law, and even after that, I think we should consider carefully what the next step should be. The Basic Law has offered us something infinitely better in 10 years than we have had in 150 years of colonialism, and I think we should be quite happy to follow that through. I support Mr Kennedy WONG's amendment.

Thank you, Madam President.

PRESIDENT (in Cantonese): Mr CHENG Kai-nam.

MR CHENG KAI-NAM (in Cantonese): Madam President, the view of the Democratic Alliance for Betterment of Hong Kong (DAB) on this issue is very clear. The Honourable IP Kwok-him will move an amendment and we hope to have a review after the elections of the first Legislative Council.

I believe Honourable colleagues who spoke earlier all have a clear and definite stance. Although it is already very late at night, I feel obliged to rise to respond to Mr Bruce LIU's speech concerning the quoting of public opinion survey findings. According to what Mr LIU said, the Honourable Mrs Elsie TU has just done something again that should not be done, that is, quoting certain survey results.

I think we can criticize that the results a survey are incomplete, and if we have opinions about the questions set out in the survey, we can always raise them. But why can we not quote survey results as the basis for argument? If Honourable members sitting here find the survey results poor, you should make your own survey which you think is comprehensive and complete. We should lay out the facts for discussion.

The amendment of Mr IP Kwok-him of the DAB proposing to carry out a review and consultation after the completion of the first Legislative Council elections is exactly seeking to hear the different voices of the people. If this cannot be used as the basis, what basis can we have for discussion? In fact, the debates in the former Legislative Council on the pace of democratization in the past decades were all based on people's responses. Therefore, as a Member said that the people have to be enlightened, the speech of Mr Bruce LIU demonstrates precisely that we really need to enlighten the people.

PRESIDENT (in Cantonese): Dr LEONG Che-hung.

DR LEONG CHE-HUNG (in Cantonese): Madam President, I would like to use

a very simple analysis to illustrate my view on the voting tonight.

Just now the Honourable Frederick FUNG clearly pointed out that there are actually two mechanisms. The first one is the right of universal direct elections that the Basic Law gives us and we can select the Chief Executive by direct elections. There is another mechanism prescribed in the Basic Law for amendments to the Basic Law after the establishment of the Hong Kong SAR Government. We should make use of these two mechanisms and, taking into account also Hong Kong people's ideas, see how "Hong Kong people ruling Hong Kong" can be given effect genuinely.

The Basic Law was discussed in the 1980s and was finalized seven years ago in 1990. In these seven years, we have all seen that the political sense of Hong Kong people has obviously improved a great deal, and in fact we have also seen that the political sense of the Central Government has improved. Mr CHIM Pui-chung said earlier that there are actually elections in the Mainland, which is an apparent improvement in politics. So why do we not try to take a look at Hong Kong people's present views on returning Members of the Legislative Council and the Chief Executive by universal suffrage? Are public views still the same as or are they different from the views prevailing at the end of the 80s and the early 90s?

Therefore, under such circumstances, I cannot support the original motion of Mr CHAN Choi-hi because he has moved it without consulting the public; but I also find it difficult to support Mr Kennedy WONG's amendment because, firstly, why does he not consult the public at this stage? Secondly, is it right to presume that Hong Kong people's political sense will be frozen for 10 years? I think this is the most important point. Therefore, I myself have said on many public occasions that I feel it is the right time to consult the people now and we can consider what pace of democratization we should adopt after obtaining the consultation results.

Thank you, Madam President.

PRESIDENT (in Cantonese): Mr NGAI Shiu-kit, do you want to elucidate the part of Dr LEONG Che-hung's speech relating to your speech? If so, you may elucidate now. I am sorry, Mr Andrew WONG, please let me ask Mr NGAI to speak first.

MR NGAI SHIU-KIT (in Cantonese): If Mr Bruce LIU wants to fall into a shit pit, he is free to do so, but his freedom does not

MR FREDERICK FUNG (in Cantonese): Point of order. As far as I understand it, Members can elucidate their own speech. But I did not hear the phrase "fall into a shit pit" before, this is the first time I hear it.

MR NGAI SHIU-KIT (in Cantonese): You have your own freedom but you do not have the freedom to change what I said. I never said that amending the Basic Law was not within the terms of reference of the Provisional Legislative Council. I did not mention the words "terms of reference", I just said that it was not within the range of duties of the Provisional Legislative Council, not terms of reference. This is a very important point which I have to elucidate. He does not have the right to do so. He can do his own things but he does not have the right to change my words.

Thank you.

PRESIDENT (in Cantonese): Mr Andrew WONG.

MR ANDREW WONG (in Cantonese): Madam President, after listening to the speeches of so many Honourable Members, I feel that this motion is like a mirror in which everyone is seen for what one is, whether one is beautiful or ugly, human or devilish, a god or demon. I do not intend to talk about the characters, especially the moral characters, of people right now. But this debate can indeed completely reveal Members' views on democratization.

First of all, I find an academic difficulty in Mr CHAN Choi-hi's motion because it is about the constitution of the whole political structure. Under the parliamentary democratic government system, must the Chief Executive be elected by universal suffrage like the one in the United States for presidential

elections? I am extremely sceptical about this. I find it hard to support the motion when the two are combined, but I still support him in spirit. Therefore, among the Honourable Members who have spoken, I agree with Mr CHAN Choi-hi, Mr Bruce LIU and Mr Frederick FUNG in that, since the Hong Kong SAR has already been established in 1997 and it is stipulated in the Basic Law that the Law itself can be amended, steps should be "initiated" to make the amendments now. Although these amendments have to be supported by two thirds of all Members, the amendment process does not have to be initiated by Members themselves. We are not talking about Members moving Members' Bills now, but we are hoping that the Chief Executive of the SAR can, begin this task, table the amendment bill, have the bill passed through three readings in this Council, and then submitted to the National People's Congress before making actual amendments to the Basic Law. Whether Members agree to it or not, this attempt is of course not without its merits. If Members think the pace should be faster, we may very well start now and need not wait till May 1998; if everyone agrees, we can at least start the work though it may take a long time to proceed. However, I feel that not all the Members who have spoken subscribe to the idea of speeding up democratization. I will later talk about why this idea is so recommendable. Basically, everybody thinks that it would be better to proceed slowly. The Chief Executive confesses that he is relatively conservative and Mr Frederick FUNG said the Chief Executive uses this as a shield. Naturally, there are some people among us who are more conservative while some are more radical. But the problem Hong Kong faces now is: If the political system itself is not democratic and open enough, people will form the wrong impression that it is controlled by a small group of people, once the economy declines in the future — I am not exaggerating things just to scare people, such accidents may happen anytime — a lot of people will allege that the interests of Hong Kong people are sacrificed because cliques of Members inside the SAR Government, the Provisional Legislative Council or the first Legislative Council have been partial to certain sectors and their own interests. If the political system is not reformed in time, the problems brought about will be even more serious. I think that when the economy develops to a certain extent, if the social and political systems are not open at the same time, the two will no longer be compatible with each other and this may bring even more turbulence. It will be bad to Hong Kong in the long run.

Among the Members who spoke just now, the most straightforward one

was Mr CHIM Pui-chung. He was the most honest one to admit that the "Central" would not agree. His most optimistic estimation is there will be 45 Members returned by direct elections in 2008, whereas 15 Members will still be returned by functional constituencies. This is certainly optimistic and it may not even be realized. Falling back on the authority of the "Central" and saying, "Forget it! It is uncalled-for even to propose" is a smartly practical move. In the last meeting I said that I was "daft". In fact, I am really "daft". I think there are "daft" and stupid people in the world who "do things knowing they are impossible". But I have to speak out what is on my mind because I sincerely believe in this analysis of the present situation. I hope people will not think only of the reality and simply accept it.

There are some other Members who mentioned the results of certain public opinion surveys, such as Mr Kennedy WONG and Mrs Elsie TU. The low voter turnout rate could very likely be the result of the belief that Members returned under this political system could not have any decisive functions. For example, voters can only select 20 out of the 60 Members to speak for them, even though these 20 Members may not really represent the public opinion and may be replaced by another bunch in the next elections. If other areas cannot be touched, how can we expect the voter turnout rate to be high? Therefore, a high or low voter turnout rate cannot represent the degree of people's support for democracy. It was also said that since there is no demonstration outside today, it means people do not support democracy. In fact, people do not come to demonstrate today because they do not want to "give the glory to" Mr CHAN Choi-hi or the Hong Kong Association for Democracy and People's Livelihood; on the other hand, it is also beyond reason that the Democratic Party would send people here to appeal for the public support of Mr Bruce LIU and Mr Frederick FUNG.

Therefore, people should take a look at the whole situation clearly. I do not want to criticize Mr Kennedy WONG's survey because it was done by the Chinese University. (*Laughter*) But if the questions asked in the survey could have been changed a bit, for example, replacing the multiple choices of "too fast", "appropriate" and "too slow" with "very satisfactory", "satisfactory", "unsatisfactory" and "very unsatisfactory", you would find that the results would be completely different. If the people who chose "appropriate" and accounted for 7.4% were further asked whether they liked the pace to be faster or slower? If the "appropriate" section was further divided into these two sub-questions, you could find that the results would be completely different. I believe that the

public generally hope to have a faster pace. This public opinion survey is actually very educational. We can clearly see that we need only to do it one more time, but I do not have enough money. The Chinese University should not use its resources to do private matter, although the matter is in the interest of the public.

I hope people can understand that democracy cannot guarantee a good government. Yet among all systems, democracy is the one that can best avoid the emergence of a bad government or bad rule. Nobody can build up a good government with democracy alone. Of course, a good government may also be born out of tyranny and dictatorship, in which case the most important thing is that the emperor has to have a kind heart, and he has to be a god who never makes any mistake. The most ideal ruler would be the one called "philosopher king" by Plato. He has to be a wise man, the most intelligent person, as well as a kind man with the best of hearts; with him, a good government can be guaranteed. However, this state can only be found in the paradise, well beyond the reach of us earthlings.

PRESIDENT (in Cantonese): Mr Andrew WONG, please stop speaking. I now invite Mr CHAN Choi-hi to speak on the amendments to his motion. Mr CHAN Choi-hi, you have up to five minutes to speak.

MR CHAN CHOI-HI (in Cantonese): Madam President, with regard to the two amendments, the amendment moved by Mr Kennedy WONG is educational, but cannot attain the goal of my motion at all. He deletes "initiate steps to amend the Basic Law". I find him a bit too conservative as he does not even dare to initiate steps to make amendments. This does not fit his age because he is the youngest Member in this Council. He is so conservative, I really must give him credit. The problem is about the time after 2007. He proposes in his amendment to make "proper preparation for possible amendments to the methods for the election of the Chief Executive and for the formation of the Legislative Council after the year 2007". I do not understand what is meant by "proper preparation". Proper arrangements are already prescribed very clearly in the Basic Law and we also have a mechanism to amend the Basic Law, I do not think we should dwell on what proper arrangements actually are. There is an existing mechanism for proper arrangements, the problem is only whether we have the

confidence, the resolve and the will to do so? And whether we can really represent public opinion as he said?

Just now Mr Andrew WONG also talked about public opinion very clearly. He said that if the questions asked in the survey could cover more and finer points, the results might be different. I believe my Honourable colleagues present or other people outside this Council may conduct their own polls on this issue in the future, but I would like to remind Mr Kennedy WONG that, in the past two months, many people already conducted a number of polls but the results might be totally different from his. I will not disclose the names or the people. Anyway, in the past one or two months, there were surveys published in the newspapers showing that Hong Kong people do have such demands. They hope that the Basic Law can be amended and democratization speeded up. Therefore, I will not support his amendment.

Now to the amendment moved by Mr IP Kwok-him. It is of course difficult to put the blame on him because he is the convener of his party and a leader in the Council, neither can I blame him for his elaboration on the platform of his party because if he did not do so, the party whip might castigate him. He said that the consultation on whether or not the Basic Law should be amended and whether or not democratization should speed up cannot be carried out until after the elections of the first Legislative Council. However, I think that we can start the consultation right now and we can also start amending the Basic Law right now. Why do we have to wait until after the elections of the first Legislative Council? In fact, the technical problems mentioned by Mr NGAI Shiu-kit can absolutely be solved at present. We cannot say that the current Provisional Legislative Council and the SAR Government cannot overcome the problems. I feel that we have met all the conditions to initiate steps to amend the Basic Law. The wording in my motion is "to initiate steps to amend the Basic Law", this is very important and I hope Members will note where the difference lies. After studying the two amendments comprehensively, I will not support any one of them and I urge Honourable colleagues not to support them either.

PRESIDENT (in Cantonese): Secretary for Constitutional Affairs.

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam

President, first of all, I would like to thank the Honourable Members who expressed their views on the motion debate today.

The Hong Kong SAR has been established for three months now. During this period, society has remained stable, our economy has been growing steadily, and public confidence in the future rising, while the lifestyle and social system have not changed due to the reunification.

On various important occasions, our national leaders have reiterated many times that the Central Government will firmly and unswervingly give effect to the basic principles of "one country, two systems", "Hong Kong people ruling Hong Kong" and "a high degree of autonomy", to keep the original social and economic systems and the lifestyle of Hong Kong unchanged.

Some Members mentioned that the Basic Law has already outlined a clear and detailed blueprint for the development of the system of government in the SAR. As for the selection of the Chief Executive, Article 45 of the Basic Law distinctly prescribes that "the ultimate aim is the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures". Regarding the method for forming the Legislative Council, Article 68 of the Basic Law stipulates that it "shall be specified in the light of the actual situation in the Hong Kong Special Administrative Region and in accordance with the principle of gradual and orderly progress. The ultimate aim is the election of all the members of the Legislative Council by universal suffrage". Basing on the principle of gradual and orderly progress, the Basic Law further includes specific methods for the selection of the Chief Executive and for the formation of the Legislative Council before the year 2007. Besides, it also provides us with a mechanism with which proposals and decisions to amend the methods for the selection of the Chief Executive and for the formation of the Legislative Council after 2007 can be made in accordance with the Basic Law.

Some Members also said that the Basic Law is the constitutional document of the SAR. I do not have to stress here that the Basic Law was enacted after extensive discussions by and thorough consultation of people from different walks of life. The provisions in the Basic Law concerning the development of our government system reflect exactly the two principles we have been upholding in the course of the development of representative government: firstly, the pace of development of our system of government has to be gradual and

orderly; secondly, the fashion of such development must be fair and open. These two principles have been upheld effectively in Hong Kong and generally supported and accepted by the public.

Certain Members are of the view that the pace of democratization prescribed in the Basic Law is too slow, but I beg to differ. I believe the development of democracy in Hong Kong is by no means inferior to that in the Western countries. For example, the United States introduced the electoral system into the country in the 18th century, but it took almost two centuries for all the Americans to enjoy suffrage. Of course, I am not suggesting or hinting here that it will take Hong Kong 200 years to achieve this goal, we are talking about merely 10 years, from now till 2007. In this relatively short period, we will decide how to use this mechanism in view of Hong Kong's unique situation, our needs and the pace we choose ourselves.

As for the criticism that the concept of election through functional constituencies is unfair, I have to point out that functional constituency election is a transitional arrangement in the course of our development of representative government. Our aim is to gradually change the appointment system of the former council to an electoral system. Not long ago, this Council passed the 30 functional constituencies stipulated in the electoral provisions ordinance, all of which are sectors of great representativeness and importance in Hong Kong. With their knowledge and participation, the representatives from these sectors can render the operation of the Legislative Council more professional and comprehensive. Moreover, both the functional constituencies and the Election Committee are transitional arrangements. According to the Basic Law, our ultimate goal is that the Chief Executive and all Members of the Legislative Council be returned by universal suffrage. While I believe this demand for democracy is unanimous, there is a slight difference in timing in our various proposals. But we are not talking about 200 years, we are talking about 10 years only. Basing on the various factors above, I think the pace of democratization prescribed in the Basic Law meets the actual situation of Hong Kong and our needs.

Just as I said earlier, the Basic Law has already provided a gradual and orderly arrangement for the development of our system of government in the SAR for the next 10 years that will steadily increase the number of Members of the Legislative Council returned by direct elections. This arrangement is made in view of the actual needs of the community and after extensive discussions by

society at large. I therefore do not subscribe to the motion moved by Mr CHAN Choi-hi which hastily proposes to amend the Basic Law before the arrangement in the Basic Law is implemented. Furthermore, like I said a moment ago, the Basic Law is a very important constitutional document, any proposal to amend it ought to undergo thorough discussions and receive wide support from the community. At this stage, I do not see any broadly-based mainstream view in society demanding for such amendments to the Basic Law.

For the same reason, I do not subscribe to the amendment moved by Mr IP Kwok-him either. Doubtlessly, we will definitely gain very precious experience from the elections of the first Legislative Council which will constitute a good foundation for our review of the development of our government system in the future. However, we should give Hong Kong people sufficient time to assess objectively the Legislative Council formed according to the Basic Law. If we consider amending the arrangements concerning the long-term development of our government system in the Basic Law merely based on the experience acquired from the first Legislative Council elections, I fail to see how this is conducive to the long-term development of Hong Kong.

I agree with Mr Kennedy WONG that our important task of the moment is not hastily making amendments to the Basic Law, but promoting public understanding of and participation in the elections of the councils of different tiers. In this way, the public will know more about the electoral system through active participation in the various electoral activities in the next 10 years, so that they will be more mature and prudent when they take part in the discussions on the future development of the SAR government system, including the election of the Chief Executive and other relevant issues. In order to achieve this goal, the Government's first important task will be a large-scale voter registration exercise at the end of this year to enhance public participation in the first Legislative Council elections.

An indispensable part of this task is to increase public civic awareness and political knowledge. I believe everybody knows that the Committee on the Promotion of Civic Education (the Committee) has been actively promoting and publicizing civic education for years. Through the various activities organized by its Community Participation Scheme, the Committee has all along been endeavouring to promote public understanding of and participation in elections, representative government and the concept of democracy. I firmly believe that the hard work of the Committee and the promotions and publicity efforts we are

planning for the Legislative Council elections next year will definitely improve the civic and political sense of the community.

Lastly, I hope to stress once more that the Basic Law has already provided us with a mechanism with which we can make proposals and decisions regarding the development of the SAR government system after 2007, including the methods for the selection of the Chief Executive and the formation of the Legislative Council. I believe that, basing on the present solid foundation of the development of our system of government in Hong Kong as well as the gradual and orderly development blueprint for the next 10 years, the ultimate goal of returning the Chief Executive and all Members of the Legislative Council by universal suffrage is just round the corner.

Thank you, Madam President.

PRESIDENT (in Cantonese): Mr Frederick FUNG.

MR FREDERICK FUNG (in Cantonese): According to what the Secretary said just now, it is stipulated in the Basic Law that the Chief Executive and all Members of the Legislative Council will be returned by universal suffrage. This is the same as the aim of the debate Members had just now, the only difference is in the timing. The Secretary also said that such difference was not 200 years, but 10 years. I would like the Secretary to elucidate whether the Government has the inclination to have all Members of the Legislative Council and the Chief Executive elected by universal suffrage in 2007?

PRESIDENT (in Cantonese): Secretary for Constitutional Affairs, you may choose to elucidate or not elucidate.

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): There is no need to elucidate.

PRESIDENT (in Cantonese): Mr FUNG, he does not intend to elucidate.

MR FREDERICK FUNG (in Cantonese): He will regret it.

PRESIDENT (in Cantonese): I now call upon Mr Kennedy WONG to move his amendment to the motion. Mr Kennedy WONG.

MR KENNEDY WONG (in Cantonese): Madam President, I move that Mr CHAN Choi-hi's motion be amended as set out on the Agenda.

Mr Kennedy WONG moved the following amendment:

"To delete "initiate steps to amend the Basic Law with a view to speeding up the" and substitute with "strengthen education across the board so as to enhance residents' civic awareness and political knowledge, thereby matching the gradual and orderly"; to delete "in order that" and substitute with "in accordance with the Basic Law, and making proper preparation for possible amendments to the methods for the election of the Chief Executive and for the formation of the Legislative Council after the year 2007 as stipulated in the Basic Law, thus advancing towards the target of returning"; and to delete "be returned" and "as soon as possible, and give effect to the principles of 'Hong Kong people ruling Hong Kong' and 'a high degree of autonomy'"."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment moved by Mr Kennedy WONG be made to Mr CHAN Choi-hi's motion.

PRESIDENT (in Cantonese): I now put the question to you as stated. Will those in favour of the amendment please say "aye"?

(Members responded)

PRESIDENT (in Cantonese): Those against please say "no".

(Members responded)

Mr CHAN Choi-hi rose to claim a division.

PRESIDENT (in Cantonese): Mr CHAN Choi-hi has claimed a division. The bell will ring for three minutes.

PRESIDENT (in Cantonese): Honourable Members, the question now put is: That the amendment moved by Mr Kennedy WONG be made to Mr CHAN Choi-hi's motion. Will Members please proceed to vote.

PRESIDENT (in Cantonese): If there are no queries, the result will now be displayed.

Mr HO Sai-chu, Mr NG Leung-sing, Prof NG Ching-fai, Mr LEE Kai-ming, Mr Allen LEE, Mrs Elsie TU, Mrs Peggy LAM, Mr Henry WU, Mr NGAI Shiu-kit, Dr TSO WONG Man-yin, Mrs Sophie LEUNG, Dr Philip WONG, Mr Kennedy WONG, Mr Howard YOUNG, Mr Ambrose LAU, Mr CHOY Kan-pui, Dr TANG Siu-tong, Mr LO Suk-ching and Mr TAM Yiu-chung voted for the amendment.

Dr LEONG Che-hung, Mr MOK Ying-fan, Mr CHAN Choi-hi, Mr Frederick FUNG, Mr Andrew WONG, Mr Bruce LIU and Dr LAW Cheung-kwok voted against the amendment.

Dr Raymond HO, Mr MA Fung-kwok, Mr CHEUNG Hon-chung, Miss CHAN Yuen-han, Mr CHAN Wing-chan, Mr CHAN Kam-lam, Mr CHENG Kai-nam, Mr YEUNG Yiu-chung, Mr IP Kwok-him, Mr CHIM Pui-chung, Mr LAU Kong-wah and Mr NGAN Kam-chuen abstained.

THE PRESIDENT announced that there were 19 Members in favour of the amendment, seven against and 12 abstaining. She therefore declared that the amendment was carried.

PRESIDENT (in Cantonese): Mr IP Kwok-him, as Mr WONG's amendment has been agreed, do you still wish to proceed with your amendment?

MR IP KWOK-HIM (in Cantonese): Madam President, I withdraw my amendment to the motion.

PRESIDENT (in Cantonese): Mr CHAN Choi-hi, you are now entitled to reply and you have five minutes nine seconds out of your original 15 minutes.

MR CHAN CHOI-HI (in Cantonese): Madam President, the motion today is a more politically controversial one than any since the establishment of the Provisional Legislative Council. Just like Mr Andrew WONG said, through this motion debate, we can see the views of different parties and Members on amending the Basic Law. We can also clearly see that some people are rather conservative, and I am particularly disappointed in what Mr Michael SUEN said. Although his appearance and his mustache make him look like Dr SUN Yat-sen and I even think that he can act Dr SUN, I actually feel that he is very conservative about the issue. We cannot blame him because his boss' opinions are his, it would be very difficult for Mr SUEN to escape his superior's control.

As for the criticism of certain Members against me, Mr NGAI Shiu-kit used some more extraordinary terms such as "irresponsible", "enhance.... capital for election", "please the public with claptrap", and so on. I find the wording familiar as I already heard them once. When we debated about the Comprehensive Social Security Assistance in Shenzhen, he seemed to have used the same wording. I think he is not very innovative. As a politician, I feel that I have the responsibility to put forward in this Council the views of the voices I represent, so I do not think that I am irresponsible, this is point number one.

The phrase "please the public with claptrap" is absolutely insulting to me. I hope Mr NGAI can use a more creative term next time and stop using the same wording over and over. In fact, Hong Kong people do have a demand for democracy at present, I do not understand why Mr NGAI fails to see this trend. His other comment was a real beauty, he cautioned me about that I being "hit by numerous arrows". This is indeed more creative and special and is new to me. However, I feel that if the goal of electing all Members of the Legislative Council by direct elections and the Chief Executive by universal suffrage can be attained tomorrow or as soon as possible, I, CHAN Choi-hi, am willing to let you shoot me full of arrows. I can absolutely sacrifice myself for this great cause, I doubt only if Mr NGAI can produce the arrows. I feel that he does not have arrows at the moment.

Certain Members have mentioned public opinion surveys. I do not think opinion survey is the thing we should do. Instead, we should have a referendum in 1998 to find out the wishes of the people. Other than consultation, a referendum is something we can do, and can be done very fairly, in an attempt to find out whether Hong Kong people approve of amending the Basic Law and speeding up the pace of democratization. I think this is something we can do.

Lastly, I would like to reiterate what I said in the beginning. The pace of democratization in Hong Kong should be viewed in the context of the history of the development of democracy in our whole Chinese nation. We should not confine our vision to the present or to Hong Kong, we should look at the whole Chinese nation. Wherever there are Chinese, there should be democracy. This is the direction towards which our last generation, this generation and the next generation should fight. Democracy is not yet attained, comrades should continue to work hard. Long live democracy.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Mr CHAN Choi-hi as amended by Mr WONG be approved.

PRESIDENT (in Cantonese): Will those in favour please say "aye"?

(Members responded)

PRESIDENT (in Cantonese): Those against please say "no".

(Members responded)

Mr CHAN Choi-hi rose to claim a division.

PRESIDENT (in Cantonese): Mr CHAN Choi-hi has claimed a division. The bell will ring for three minutes.

PRESIDENT (in Cantonese): Will Members please proceed to vote.

PRESIDENT (in Cantonese): If there are no queries, the result will now be displayed.

Mr HO Sai-chu, Dr Raymond HO, Mr NG Leung-sing, Prof NG Ching-fai, Mr LEE Kai-ming, Mr Allen LEE, Mrs Elsie TU, Mrs Peggy LAM, Mr Henry WU, Mr NGAI Shiu-kit, Dr TSO WONG Man-yin, Mrs Sophie LEUNG, Dr Philip WONG, Mr Kennedy WONG, Mr Howard YOUNG, Mr Ambrose LAU, Mr CHOY Kan-pui, Dr TANG Siu-tong, Mr LO Suk-ching and Mr TAM Yiu-chung voted for the amended motion.

Dr LEONG Che-hung, Mr MOK Ying-fan, Mr CHAN Choi-hi, Mr Frederick FUNG, Mr Andrew WONG, Mr Bruce LIU and Dr LAW Cheung-kwok voted against the amended motion.

Mr MA Fung-kwok, Mr CHEUNG Hon-chung, Miss CHAN Yuen-han, Mr CHAN Wing-chan, Mr CHAN Kam-lam, Mr CHENG Kai-nam, Mr YEUNG Yiu-chung, Mr IP Kwok-him, Mr CHIM Pui-chung, Mr LAU Kong-wah and Mr NGAN Kam-chuen abstained.

THE PRESIDENT announced that there were 20 Members in favour of the amended motion, seven against and 11 abstaining. She therefore declared that the amended motion was carried.

NEXT MEETING

PRESIDENT (in Cantonese): In accordance with the Rules of Procedure, I now adjourn the Council until 2:30 pm on Wednesday, 22 October 1997.

Adjourned accordingly at twenty-three minutes to Ten o'clock.

WRITTEN ANSWER**Written answer by the Chief Secretary for Administration to Mrs Elsie TU's supplementary question to Question 1**

According to the Director of Legal Aid, between 1995 and 1996, the assigned solicitor for the case made various attempts to reach an out-of-court settlement with the defendants. However, no satisfactory offer was forthcoming and the case had to proceed to trial and judgment.