

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 12 November 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 LEE KAI-MING

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 HUI YIN-FAT, J.P.

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.

DR THE HONOURABLE CHARLES YEUNG CHUN-KAM

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 TIMOTHY FOK TSUN-TING

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 ERIC LI KA-CHEUNG, J.P.

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

THE HONOURABLE ALLEN LEE, J.P.

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

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

MR DOMINIC WONG SHING-WAH, J.P.
SECRETARY FOR HOUSING

MR JOSEPH WONG WING-PING, J.P.

SECRETARY FOR EDUCATION AND MANPOWER

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

MR PETER LAI HING-LING, J.P.
SECRETARY FOR SECURITY

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

MR DAVID LAN HONG-TSUNG, J.P.
SECRETARY FOR HOME AFFAIRS

MISS DENISE YUE CHUNG-YEE, J.P.
SECRETARY FOR TRADE AND INDUSTRY

CLERKS IN ATTENDANCE:

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

MR LAW KAM-SANG, J.P., DEPUTY SECRETARY GENERAL

MRS JUSTINA LAM CHENG BO-LING, 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>
Insurance Companies (Authorization and Annual Fees) (Amendment) Regulation 1997	511/97
Road Traffic (Public Service Vehicles) (Amendment) (No. 7) Regulation 1997	512/97
Builders' Lifts and Tower Working Platforms (Safety) (Fees) (Amendment) Regulation 1997	513/97
Building (Administration) (Amendment) (No. 4) Regulation 1997.....	514/97
Building (Demolition Works) (Amendment) Regulation 1997.....	515/97
Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) (Amendment) (No. 2) Regulation 1997	516/97
Building (Ventilating Systems) (Amendment) Regulation 1997.....	517/97
Television (Royalty and Licence Fees) (Amendment) (No. 2) Regulation 1997	518/97
Dairies (Amendment) Regulation 1997	519/97
Marine Fish Culture (Amendment) Regulation 1997	520/97

Plant (Importation and Pest Control) (Fees) (Amendment) Regulation 1997	521/97
Pounds Fees (Amendment) Regulation 1997	522/97
Public Health (Animals and Birds) (Amendment) Regulation 1997	523/97
Public Health (Animals and Birds) (Animal Traders) (Amendment) Regulation 1997	524/97
Public Health (Animals and Birds) (Exhibitions) (Amendment) Regulation 1997	525/97
Public Health (Animals) (Boarding Establishment) (Amendment) Regulation 1997	526/97
Public Health (Animals) (Riding Establishment) (Amendment) Regulation 1997	527/97
Animals and Plants (Protection of Endangered Species) Ordinance (Amendment of Schedule 4) Order 1997	528/97
Import and Export (General) Regulations (Amendment of Schedules) (No. 2) Order 1997	529/97
Antiquities and Monuments (Declaration of Historical Building) Notice 1997	530/97
Eastern Harbour Crossing Ordinance (Amendment of Schedule) Notice 1997	531/97
Buildings (Amendment) Ordinance 1996 (54 of 1996) (Commencement) (No. 3) Notice 1997	532/97

Building (Administration) (Amendment) (No. 2)
 Regulation 1997 (L.N. 441 of 1997)
 (Commencement) Notice 1997..... 533/97

Electoral Affairs Commission (Registration)
 (Electors for Functional Constituencies)
 (Voters for Subsectors) (Members of Election
 Committee) (Legislative Council) Regulation 534/97

Sessional Papers

No. 32 - The audited Statements of Accounts of the Regional Council for
 the financial year ending 31 March 1997 and the Director of
 Audit's Report

No. 33 - Regional Council
 Annual Report 1996-97

No. 34 - The audited Statement of Assets and Liabilities, Statement of
 Receipts and Payments and Statement of Revenue and
 Expenditure by Select Committees of the Urban Council for the
 year ended 31 March 1997 and the Director of Audit's Report

No. 35 - Urban Council
 Annual Report 1996-97

ORAL ANSWERS TO QUESTIONS

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

KCR Fare for the Route from Sheung Shui to Lo Wu

1. **DR TANG SIU-TONG** (in Cantonese): *Will the Government inform this Council:*

- (a) *the basis for determining the train fare for the section of the Kowloon-Canton Railway (KCR) between Sheung Shui Station and Lo Wu Station;*
- (b) *whether the fare for this section, which is higher than those of other sections, includes a passenger departure tax; and*
- (c) *since Hong Kong has reunified with the motherland, and to facilitate residents commuting between the two places, whether the Kowloon-Canton Railway Corporation (KCRC) will consider lowering the fare for this section?*

PRESIDENT (in Cantonese): Secretary for Transport.

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, in setting fares for journeys along the East Rail, the KCRC takes into account (1) operating costs, (2) types of passengers carried, (3) public acceptability, and (4) market competition. The fundamental principle is to ensure that its recurrent revenue, which relies mainly on fare income, is sufficient to meet its recurrent cost and to achieve a reasonable target rate of return every year. Any operating surplus and non-recurrent income will be used to meet non-recurrent expenditure such as improvements to existing KCR stations and facilities.

Apart from the distance travelled for a particular route, the facilities and manpower required to operate and manage individual railway stations and other overheads constitute a significant portion of the operating costs of the railway service. Hence, while the distance between Lo Wu and Sheung Shui is similar to that between other stops such as Kowloon Tong and Tai Wai, the operating costs of providing a cross-boundary train service is much higher for the following reasons:

- (a) the Lo Wu Station platform is equipped with air-conditioning for the comfort of cross-boundary passengers as they may need to queue up there for a while before crossing the boundary; air-conditioning is not provided at the platform of other stations;

- (b) extra publicity and passenger direction or education are required to help cross-boundary passengers familiarize with the ticketing system and the passenger flow control arrangements at Lo Wu; and
- (c) during festive periods and long weekends, extra KCRC staff are redeployed, and temporary platform assistants employed, to help maintain passenger order at all East Rail stations, particularly at Lo Wu Station when large number of passengers are waiting to enter the immigration control area.

In 1996, the average operating cost per cross-boundary passenger is about 35% higher than the average operating cost per domestic passenger.

In addition, the existing KCRC fare structure takes into account the types of passengers carried. Domestic service passengers use East Rail regularly for travelling to and from school or work, whereas most of the cross-boundary passengers are holiday-makers or on business trips. With the existing fare structure, the regular domestic service passengers will be able to enjoy a lower fare.

It should be noted that the KCRC cross-boundary fares are still much cheaper than other transport modes. For example, the fares for cross-boundary bus services from Kowloon to Shenzhen via Lok Ma Chau are in the range of \$65 to \$90 on weekdays, while the fares for KCR from Hung Hom to Shenzhen via Lo Wu are only \$33 for standard class and \$66 for first class.

The KCRC cross-boundary fares do not include any passenger departure tax.

The KCRC reviews its fare structure regularly and will soon embark on another overall review, including the Lo Wu cross-boundary fare scale. It will consult the relevant parties, including the provisional district boards.

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

DR TANG SIU-TONG (in Cantonese): *Madam President, in paragraph two of the main reply, it was said the average operating cost per cross-boundary passenger is about 35% higher than the average operating cost per domestic passenger. However, the difference in fares far exceeds this amount. Can the Government explain this?*

PRESIDENT (in Cantonese): Secretary for Transport.

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, as I mentioned in the main reply one of the factors considered by the KCRC in setting fares is operating costs. There are other factors at work, such as types of passengers carried and market competition. Therefore, other than considering the operating costs, which are higher than other routes, other factors have to be taken into consideration in setting fares.

PRESIDENT (in Cantonese): Mr Howard YOUNG.

MR HOWARD YOUNG (in Cantonese): *Madam President, in paragraph two of the main reply, the Secretary listed a number of reasons to explain why the operating costs at Lo Wu Station are higher. But I do not think this is relevant to the fare. As far as I know, the fare at Lo Wu Station is double that at Sheung Shui Station. Is this due to the fact that most of the users of other stations work or live in the area so that when there is consultation about fares at provisional district boards, board members will certainly speak for the benefit of the people so that fares are kept low, but fares at Lo Wu Station are neglected? Is it because of political pressure or local users' pressure that the fares at Lo Wu Station are higher?*

PRESIDENT (in Cantonese): Secretary for Transport.

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, as I mentioned in the main reply most of the cross-boundary passengers are holiday-makers or on business trips whereas most of the other passengers using the East Rail regularly are commuters travelling to and from school or work. Indeed in setting fares the KCRC will consider this fact, which to a certain extent influences the setting of fares. Fares for such passengers are relatively lower than those for passengers who use the East Rail just occasionally for holiday or business. Such factors are certainly considered in the setting of fares.

PRESIDENT (in Cantonese): Mrs Miriam LAU.

MRS MIRIAM LAU (in Cantonese): *Madam President, the KCRC has been operating at a profit for corss-boundary transport but at a loss for domestic transport. For many years the KCRC has been using the profit generated from the former to cover the loss resulting from the latter. Can the Government inform this Council whether, in the coming overall review of fares, the KCRC will follow a principle whereby the fares for local service are not changed when the KCRC considers lowering those for cross-boundary service?*

PRESIDENT (in Cantonese): Secretary for Transport.

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, the review to be embarked on is an overall one. In conducting the review, the KCRC will consider various proposals and requests, including the remarks of the Honourable Mrs Miriam LAU. But whether that is practicable can only be known I think after the review is completed.

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

MR CHOY KAN-PUI (in Cantonese): *Madam President, will the Government inform this Council the percentage of passengers travelling between Sheung Shui and Lo Wu in the overall number of passengers using Lo Wu Station. Is there an unfair situation whereby the fomer have to subsidize other passengers?*

PRESIDENT (in Cantonese): Secretary for Transport.

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, at present half of the revenue of the East Rail comes from fares collected from cross-boundary passengers. The service caters for 20% of the total passenger volume, that is, 20% of the passengers, but the revenue collected accounts for half of the total income. Obviously, if the fares for cross-boundary passengers are lowered, those for local users have to be raised. Or as Mrs Miriam LAU asked just now: Could fares for Lo Wu Station be lowered with domestic fares unchanged? I believe we have to wait till the review is completed to tell whether that is possible. Basically, the income of the KCRC comes mainly from fares. If part of the fares are lowered, the overall revenue will naturally decrease. Then the fares for other sections may have to be raised.

PRESIDENT (in Cantonese): Mr CHAN Kam-lam.

MR CHAN KAM-LAM (in Cantonese): *Madam President, a colleague has asked what I wanted to ask.*

PRESIDENT (in Cantonese): Dr LAW Cheung-kwok.

DR LAW CHEUNG-KWOK(in Cantonese): *Madam President, in the main reply the Government says market competition is one of the considerations in setting fares. In fact, the East Rail almost monopolizes the public transport service to and from Lo Wu. There is little competition. Will this result in a higher fare charged by the East Rail and hence a bigger profit?*

PRESIDENT (in Cantonese): Secretary for Transport.

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, Dr LAW said "almost monopolizes", so it is not monopoly. As I said in the main reply, there are cross-boundary through bus services to and from Lo Wu costing much more than railway services. Taking a bus to Shenzhen via Lok Ma Chau costs from \$65 to \$90 but the train fare to there by standard class is only \$33 and is only \$66 for the more comfortable first class.

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

MR WONG SIU-YEE (in Cantonese): *Madam President, in paragraph two of the main reply the Government points out the operating cost per cross-boundary passenger is higher than the average operating cost per domestic passenger. However, in paragraph three it says under the present fare structure regular users enjoy lower fares. Can the Government inform this Council whether it will consider limiting fares for passengers who go to worship their ancestors to the same level as those for domestic passengers, that is, not exceeding \$33 or \$66?*

PRESIDENT (in Cantonese): Secretary for Transport.

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, if worthy progeny go to clean the graves of their ancestors every day or every week I believe the KCRC will consider the position of such passengers. But I am not sure whether that is the true position.

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

MR LAU KONG-WAH (in Cantonese): *Madam President, in dealing problems relating to its last fare increase, the KCRC promised the public to set up a fare review committee in September. It is now November already. What is the*

Government position about this?

PRESIDENT (in Cantonese): Secretary for Transport

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, the Government has been actively encouraging the KCRC to improve its communication with passengers or potential passengers, including taking steps to consult their opinions on its operation and matters relating to fares. In the main reply, I said the KCRC would soon embark on another overall review of its fare structure. One of the arrangements is to set up a consultative body or a consultative committee to consult passengers and the provisional district boards for their ideas on matters about fares.

PRESIDENT (in Cantonese): Mr Henry TANG.

MR HENRY TANG (in Cantonese): *Madam President, at present some people living in Shenzhen have to cross the border for work every day and some people living in Hong Kong have to go to the Mainland to work too. So, every day they pass through the Lo Wu Station. Can the Government consider charging these frequent users of the Lo Wu Station less and do not treat them as tourists or occasional users who use it for business purposes?*

PRESIDENT (in Cantonese): Secretary for Transport.

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, undeniably such passengers are increasing. In the review to be launched soon the KCRC will give due consideration to the change in the types of passengers. But data from the KCRC reveal that this type of passengers account for about 1% of the people using the Lo Wu Station.

PRESIDENT (in Cantonese): Mr CHEUNG Hon-chung.

MR CHEUNG HON-CHUNG (in Cantonese): *Madam President, I must point out that the fourth paragraph of the main reply is misleading. There is now a new service for passengers going from Shenzhen to Lok Ma Chau and it costs only \$7.*

PRESIDENT (in Cantonese): Mr CHEUNG Hon-chung, this is not a question. I suggest you ask the Secretary some other day whether he agrees that this is the case. (*Laughter*). Secretary, I believe you want to clarify.

MR CHEUNG HON-CHUNG (in Cantonese): *I just wanted to point out there is a mistake.*

PRESIDENT (in Cantonese): Secretary, would you like to clarify?

SECRETARY FOR TRANSPORT (in Cantonese): Madam President, the \$7 Mr CHEUNG referred to is the fare for what we call "shuttle bus service". I admit there is such a thing. But we are not comparing an apple with an orange. If we are to compare an apple with an apple we should be looking at fares for travelling from Kowloon to Shenzhen because at the moment KCRC does not provide shuttle service for short journeys. The KCRC, as everyone knows, has cheaper fares than buses for passengers from Kowloon to Shenzhen.

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

Employment Situation of and Difficulties Encountered by New Arrivals from the Mainland

2. **MR AMBROSE LAU** (in Cantonese): *Madam President, in recent years, many people from the Mainland have come to settle in Hong Kong. As their employment situation has a direct bearing on their living standards, will the Government inform this Council of:*

- (a) *the total number of persons who have come from the Mainland to Hong Kong for settlement over the past three years, together with a statistical breakdown of them by sex, age and occupation groups;*
- (b) *the current employment situation of these people, including whether they are unemployed or underemployed; and*
- (c) *the major problems encountered by these people in their daily life, and the specific measures in place to assist them in solving such problems?*

SECRETARY FOR HOME AFFAIRS (in Cantonese): Madam President,

- (a) The number of persons from the Mainland who have come to settle in Hong Kong over the past three years is as follows:

<i>Year</i>	<i>No. of persons</i>
1994	38 218
1995	45 986
1996	61 179

Their breakdown by sex and age is at Annex 1. 65% of these people are female, while 35% are male. 43% of them are aged 19 or below, 53% aged between 20 to 54, and 4% aged 55 or above. We do not have the breakdown by their occupation in Hong Kong.

- (b) According to the data collected in the 1996 Population By-census, it is estimated that about 61 200 persons from the Mainland aged 15 or above who have lived in Hong Kong for less than seven years were employed. The breakdown by their occupation is at Annex 2. As regards the situation of unemployment or underemployment, we do not have any statistics in this respect.
- (c) The major problems encountered by new arrivals from the Mainland in their daily life are in the areas of housing, education, employment and social welfare. Let me briefly explain them one by one.

Concerning the housing problem, if new arrivals face real difficulties in finding accommodation, they may temporarily be accommodated in transit centres until they can make their own housing arrangements. New arrivals who are dependants of existing tenants in public rental housing and interim housing are allowed to live with their family members. Where this results in overcrowded living conditions, these households can apply for re-allocation to larger flats. As regards the allocation of public housing, new arrivals aged 18 or above are eligible to apply for public housing. The applicant and more than half of the members of his family must have lived in Hong Kong for seven years or more at the time of the allocation of a public housing flat. Moreover, in case new arrivals and their family members have genuine housing needs on medical or social grounds, the Housing Department may, upon recommendation of the Social Welfare Department, offer compassionate housing.

As regards education, the Education Department will provide placement assistance to newly arrived school-aged children and youth. It also provides subsidy to non-government organizations for organizing induction and English extension programmes to assist them in adjusting to Hong Kong's education system and in improving their English standard. In addition, the Education Department has also introduced a school-based support programme and provided remedial services in schools to assist them in coping with school work and adjusting to school life. To cater for the need of young new arrivals aged over 15, the admission age for adult education courses has been lowered by the Education Department from 18 to 15 since September 1996. Young new arrivals may enrol in craft courses run by the technical institutes of the Vocational Training Council. Those aged 19 or below may apply to sit for the Hong Kong Certificate of Education Examination as private candidates, provided that they have attained the standard of Senior Secondary 2 or above in the Mainland. We will continue to co-ordinate with non-government organizations to organize more English classes for new arrivals of different ages.

As regards employment, the Labour Department provides, through the nine Local Employment Service Offices in Hong Kong Island, Kowloon and the New Territories, free employment services for job-seekers, including new arrivals. The latter may also join the Job-Matching Programme to obtain specialized and individual employment services. Placement Officers will match the job-seekers with suitable job vacancies according to their skills, working experience and expectations. In addition, an Employment and Guidance Centre for New Arrivals was set up in Shau Kei Wan this September by the Labour Department to provide a comprehensive range of employment and guidance services tailor-made for new arrivals.

As regards vocational training and employee retraining, new arrivals may enrol in courses run by the Vocational Training Council, the Construction Industry Training Authority and the Clothing Industry Training Authority. The Employees Retraining Ordinance was amended in January this year to enable new arrivals to enrol in courses run by the Employees Retraining Board.

As regards social welfare, new arrivals, like other members of the public, are entitled to use the full range of general social welfare services. For those who experience genuine hardship, the Government may offer them financial assistance under the Comprehensive Social Security Assistance Scheme and for those in need but who have only been living in Hong Kong for less than a year, the Director of Social Welfare may waive the residence requirement.

Since 1995, a Steering Committee chaired by the Director of Home Affairs has been set up to identify the needs of new arrivals and to formulate appropriate measures to assist their adjustment and smooth integration into society. In order to enable new arrivals to gain a better understanding of the above services, we have specially produced a Service Handbook for new arrivals for free distribution at Lo Wu immigration checkpoint and in all districts. Government departments have also strengthened publicity on these services.

Moreover, the Home Affairs Department and the Immigration Department have made arrangements to distribute questionnaires for collecting data from new arrivals so as to facilitate the formulation and implementation of relevant programmes by various service units. Since November 1995, the Home Affairs Department has been making regular visits to new arrivals and the non-government organizations which organize special education and orientation programmes for them.

In helping new arrivals, the Government has established a close partnership with non-government organizations in order to further address their problems and offer them appropriate assistance. Recently the Hong Kong Jockey Club has allocated funds for several such organizations to implement service programmes for new arrivals.

Annex 1

New Arrivals from the Mainland by Age by Sex, 1994-1996

<i>Age Group</i>	<i>1994</i>			<i>1995</i>			<i>1996</i>		
	<i>Male</i>	<i>Female</i>	<i>Total</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
0-4	1 550	1 339	2 889	2 535	2 272	4 807	3 600	3 199	6 799
5-9	2 629	1 980	4 609	3 999	3 608	7 607	6 380	5 858	12 238
10-14	2 059	1 599	3 658	2 516	2 368	4 884	3 157	3 022	6 179
15-19	1 484	956	2 440	1 363	917	2 280	1 977	2 192	4 169
20-24	1 452	1 850	3 302	1 213	2 281	3 494	911	2 359	3 270
25-29	1 249	4 494	5 743	1 191	5 178	6 369	1 069	5 291	6 360
30-34	1 113	3 933	5 046	937	4 107	5 044	914	4 135	5 049
35-39	855	2 724	3 579	765	2 762	3 527	598	3 465	4 063
40-44	650	2 277	2 927	612	2 744	3 356	560	5 306	5 866
45-49	359	1 217	1 576	329	1 531	1 860	344	3 540	3 884
50-54	183	612	795	157	669	826	159	1 148	1 307
55-59	146	444	590	172	528	700	132	623	755
60-64	189	317	506	198	422	620	193	441	634
65-69	80	166	246	94	254	348	124	223	347
70-74	59	100	159	36	114	150	56	112	168
75-79	25	43	68	17	59	76	11	48	59
80-84	15	31	46	9	21	30	7	17	24
85 and	22	17	39	2	6	8	3	5	8

over

<i>Age Group</i>	<i>1994</i>			<i>1995</i>			<i>1996</i>		
	<i>Male</i>	<i>Female</i>	<i>Total</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
Total	14 119	24 099	38 218	16 145	29 841	45 986	20 195	40 984	61 179

Note: 1994, 1995 and 1996 are calender years

Annex 2

Working New Arrivals from the Mainland by Occupation, 1996 (1996 Population by Census Statistics)

Working new arrivals from the Mainland

<i>Occupation</i>	<i>No.</i>	<i>%</i>
Elementary occupations	15 489	25.3
Service workers and shop sales workers	13 477	22.0
Craft and related workers	9 011	14.7
Clerks	8 244	13.5
Managers and administrators	5 177	8.5
Plant and machine operators and assemblers	5 077	8.3
Associate professionals	3 163	5.2
Professionals	1 102	1.8
Others	429	0.7
Total	61 169	100.0

Note: Working new arrivals from the Mainland include those aged 15 years or above who have lived in Hong Kong for less than seven years.

PRESIDENT (in Cantonese): Mr Ambrose LAU.

MR AMBROSE LAU (in Cantonese): *Madam President, as regards their housing, the Government has mentioned that if new arrivals are unable to find accommodation, they may temporarily be accommodated in transit centres and they may also apply for public housing. Will the Government tell this Council how many people under this category are residing temporarily in transit centres or are waiting for the allocation of public housing?*

PRESIDENT (in Cantonese): Secretary for Home Affairs.

SECRETARY FOR HOME AFFAIRS (in Cantonese): I do not have this information on hand. I wonder if the Secretary for Housing is able to furnish this information? Anyway, I would like to add that it is our hope to help them integrate into society quickly so that they can enjoy all welfare services provided by the Government, including housing, as the other members of the public do.

PRESIDENT (in Cantonese): Secretary for Housing.

SECRETARY FOR HOUSING (in Cantonese): Madam President, I do not have the exact figures on hand. But in general, concerning the accommodation of the new immigrants, they are mostly taken care of by their families or friends in Hong Kong, only a small number of them have to live in the transit centres. Therefore, I believe the number is minimal.

PRESIDENT (in Cantonese): Mr Ambrose LAU, do you wish to follow up?

MR AMBROSE LAU (in Cantonese): *Is the Secretary for Housing able to furnish us with the exact figures after the meeting?*

PRESIDENT (in Cantonese): Secretary for Housing, can you promise to answer in writing after the meeting?

SECRETARY FOR HOUSING (in Cantonese): Yes, Madam President, I can. (Annex I)

MR CHOY KAN-PUI (in Cantonese): *Madam President, will the Government tell this Council whether there are trades that are particularly willing to hire new arrivals. If yes, why? If not, has the Government any good ways to deal with that?*

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

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Madam President, so far no industries have indicated to us that they are particularly willing to hire new immigrants, neither have any indicated otherwise. As shown by the information provided by the Employees Retraining Board on the employment of its trainees and also the Labour Department's information on their success rate in job matching, the employment rate among the new immigrants are more or less the same as that of local residents. It is worth mentioning that the Employees Retraining Board has indicated that most new arrivals who have taken the Job Search Skills Courses have secured jobs such as clerks, salespersons, office assistants, domestic helpers, caretakers of buildings, cashiers and also waiters, an indication that many new arrivals are able to find work in these areas.

PRESIDENT (in Cantonese): Mr HUI Yin-fat.

MR HUI YIN-FAT (in Cantonese): *Madam President, according to the Secretary for Home Affairs, among the unemployed new immigrants, many are women; they may have to care for the family and hence cannot go out to work. In implementing the Family Status Discrimination Ordinance, has the Government considered helping these newly arrived women to ease their*

difficulties in getting employment on account of family factors? If yes, what are the specific measures taken?

PRESIDENT (in Cantonese): Secretary for Home Affairs, is that you to attempt to answer this question?

SECRETARY FOR HOME AFFAIRS (in Cantonese): Yes, Madam President. I am checking whether the Secretary for Health and Welfare is in the Chamber. Let me try to answer this question.

In respect of the family status, we do hope that everyone, new immigrants and local residents alike, can receive the same treatment. The figures that we have seen just now do indicate that over 65% of the unemployed are women and some of them come to live here only because their husbands are permanent residents of Hong Kong. They may not prefer to work outside their homes as they have to take care of their families. We will continue to visit them regularly and check their situation through voluntary organizations. We will follow up on individual cases and provide them with necessary assistance. This is a matter of social welfare. If they have financial difficulties in their families, they should receive the same treatment as other local residents do.

PRESIDENT (in Cantonese): Dr LAW Cheung-kwok.

DR LAW CHEUNG-KWOK (in Cantonese): *Madam President, in part (b) of its reply, the Government has not mentioned the unemployment situation of the new immigrants who have arrived in recent years. I think that it is very important for the Government to have a clear understanding of the unemployment situation of the new immigrants who have settled in Hong Kong in recent years in order to provide them with suitable assistance. In light of that, has the Government asked the Census and Statistics Department to design and include some simple and appropriate questions in their monthly survey on employment to allow the Government to collect some relevant information?*

PRESIDENT (in Cantonese): Secretary for Home Affairs.

SECRETARY FOR HOME AFFAIRS (in Cantonese): Madam President, the data provided in part (b) of the reply were collected by the Census and Statistics Department in the 1996 Population By-census. As regards the question raised by Dr LAW, we can follow up with the Department and see if there are ways to allow us to study further in this respect.

PRESIDENT (in Cantonese): Mrs Peggy LAM.

MRS PEGGY LAM (in Cantonese): *Madam President, the Secretary for Home Affairs mentioned that the Labour Department provides, through the nine Local Employment Service Offices in Hong Kong Island, Kowloon and the New Territories, free employment services for job-seekers. Yet, he followed by saying that an Employment and Guidance Centre was set up in Shau Kei Wan in September this year. May I ask what the difference is between a Local Employment Service Office and the Employment and Guidance Centre? And how come this centre is set up in Shau Kei Wan? Is that because there a particularly large number of new immigrants in Shau Kei Wan?*

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

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Madam President, first of all I have to clarify that the employment services provided by the Labour Department are available to all. New arrivals and long-time Hong Kong residents alike can seek assistance from the Labour Department such as joining the Job-Matching Programme and the Labour Department will also provide them free employment services. Nevertheless, we feel that since there has been an increase in the number of new arrivals in recent years, we also wish to set up an Employment and Guidance Centre which will direct its effort more to their situation and provide them with services more

tailored to their particular needs. For example, briefings on employment targeted at the new arrivals are held in the new centre opened recently in Shau Kei Wan. In the one and a half months since its opening, 13 briefings have been held and we have tried to provide information in various aspects in simplified characters. Staff there also speak putonghua. We find that in these one and a half months, this pilot scheme has been well-received with 194 people participating in the employment briefings and 121 applications submitted for participation in the Job-Matching Programme. These figures are higher than those of other ordinary centres. Therefore, we are now planning to open another Employment and Guidance Centre of the same nature in Kowloon in the next fiscal year to further enhance the employment services for the new arrivals.

PRESIDENT (in Cantonese): Mrs Peggy LAM, do you wish to raise a follow-up question?

MRS PEGGY LAM (in Cantonese): *The Secretary has not answered my question on whether there are particularly large numbers of new arrivals in Shau Kei Wan.*

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

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Generally speaking, Shau Kei Wan belongs to the Eastern District and that district is indeed a popular home for new arrivals. However, we did not conduct any thorough studies before choosing Shau Kei Wan. We just wanted to pick a spot to start with and see if this tailor-made service would be successful. It proves that it works.

PRESIDENT (in Cantonese): Eight Members have raised their hands for asking supplementary questions and I will draw a line there. After the eight Members have raised their questions, this Council will go on to the next question. Dr TSO WONG Man-yin.

DR TSO WONG MAN-YIN (in Cantonese): *Madam President, perhaps I can help speed up the process of this question as Mrs Peggy LAM has already raised my question and therefore we can save some time.*

PRESIDENT (in Cantonese): Mr Henry WU.

MR HENRY WU (in Cantonese): *Madam President, in part (c) of the reply, the Government said that one of the major problems encountered by new arrivals in their daily life is employment but in part (b) the Government said that they do not have any statistics about the situation of unemployment and underemployment of these people. I would like to ask when the Government will pay more attention to this problem and collect more data in order to have an early solution to the employment problem of these new arrivals.*

PRESIDENT (in Cantonese): Secretary for Home Affairs.

SECRETARY FOR HOME AFFAIRS (in Cantonese): *Madam President, in answering the questions of Members just now, I said that we will follow up with the Census and Statistics Department to obtain more data in this respect which we hope will be helpful to Hong Kong and to everyone. We will follow up on this.*

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

MR LAU KONG-WAH (in Cantonese): *According to the figures provided in Annex 1 of the main reply, the number of new arrivals of all age groups are rather steady except one that has shown a sharp increase. Comparing the years 1995 and 1996, we see that the number of children between five and nine years old has risen by 60%. I would like to ask the Government how it is to handle such a heavy pressure. Has the Government attempted to bring this substantial increase to the attention of the relevant Mainland authorities or will*

it do so?

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

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Madam President, I would like to tell Members how the Government deals with the education aspect of the newly arrived school-aged children. The Government fully understands that it must provide sufficient school places for these newly arrived children. Therefore, other than the five new primary schools opened in the 1997-98 academic year, the Education Department is now building two primary and nine secondary schools which are to expected to open in the 1999-2000 academic year. Taking into account that more such children are coming to settle in Hong Kong, the Education Department is planning to build 16 more schools, six primary and 10 secondary, before the 2001-2002 school year to meet the needs of the newly arrived children. Of course, other than providing more school places, we will, as we said in the main reply, continue to provide a series of remedial and adjustment courses for them to ensure their speedy adaptation to the Hong Kong education system.

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

MR LAU KONG-WAH (in Cantonese): *The Secretary has not answered my question. My question is whether the Government has brought to the attention of the relevant authorities this heavy burden of ours.*

PRESIDENT (in Cantonese): Will this question be answered by the Secretary for Security?

SECRETARY FOR SECURITY (in Cantonese): Madam President, I will answer this question.

I have lost count of the number of times the Provisional Legislative Council has discussed the issue of Mainlanders, including the local residents' spouses and children, coming to settle down in Hong Kong. In fact, everyone understands that there are many children in the Mainland waiting to come to Hong Kong to be reunited with their families. Early this year, we estimated that there are over 60 000 children who have the right of abode in Hong Kong as provided by sub-paragraph (3) of the second paragraph of Article 24 of the Basic Law. In the circumstances, we certainly understand that we have the responsibility to provide education for these school-age children after they come to Hong Kong.

In discussing the Immigration Ordinance in early July, we clearly indicated that under the existing system, it would take four years or more for all these 60 000-odd children to settle in Hong Kong. We have to understand that most of them come here to be reunited with their parents and under such circumstances, everyone feels that this is a rather long wait. Therefore, we keep discussing with the Mainland authorities on ways to allow these eligible children a larger proportion in the daily quota of 150 One-way Exit Permits so that they can settle in Hong Kong more quickly. If we can really allow more of them in every day, the Education and Manpower Bureau and other relevant departments will of course have to provide the corresponding effective and adequate education facilities.

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

MISS CHAN YUEN-HAN (in Cantonese): *Madam President, in a certain part of the main reply, the Secretary for Home Affairs mentioned the assistance given to the new immigrants by the Government through the Steering Committee headed by the Home Affairs Department which includes publicity work at Lo Wu. I feel that this is an improvement as compared to the past but it seems that there is nothing new about this. In fact, we know that many new immigrants have no idea whatsoever about these services after coming to Hong Kong. I would like to ask whether the Government can give these publications to the Chinese local authorities to hand them out to these people when they apply for emigration to Hong Kong. I know that before the changeover, the previous government had tried this method. Now that Hong Kong has returned to China and the "one*

country, two systems" policy is implemented, can the Government put these publications about the social services available to them in Hong Kong in places accessible to them upon their application?

PRESIDENT (in Cantonese): Secretary for Home Affairs.

SECRETARY FOR HOME AFFAIRS (in Cantonese): Madam President, I think that the duty of the Home Affairs Bureau is to co-ordinate the services provided by various government departments to the new arrivals in the hope that they can integrate into the Hong Kong society as soon as possible after their arrival. Therefore, we begin distributing the publicity pamphlets and information printed in simplified characters at Lo Wu. We not only distribute them at Lo Wu but also in all district offices in urban Hong Kong. Moreover, the Education Department provides information on education, the Housing Department also provides information on housing. As regards Miss CHAN's suggestion of distributing the pamphlets in the Mainland, we will look closely into it. Nevertheless, at present, as soon as the new immigrants arrive in Hong Kong, we will give them assistance to allow them to integrate into the community of Hong Kong as soon as possible. I will follow up on Miss CHAN's suggestion but if we distribute the publications in the Mainland, we worry that after they learn about these services, some may be more eager to come to Hong Kong early. Nevertheless, I will consider this suggestion.

PRESIDENT (in Cantonese): Miss CHOY So-yuk.

MISS CHOY SO-YUK (in Cantonese): Madam President, 42% of the new arrivals are under the age 19, I would like to ask the Government if there are data indicating the number of people among them whose native province is not Guangdong. After the children who are non-Guangdong natives come to Hong Kong, they will have difficulty adapting to the education in Hong Kong using Cantonese as the teaching medium. I would like to ask whether the Government

will consider increasing the number of schools using putonghua as the teaching medium or increasing the places in the existing schools that teach in putonghua. If yes, what the plan is; and if no, why not?

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

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Madam President, I do not have the information on the proportion of the native provinces of the newly arrived school children. As far as I know, a relatively large number of children do not speak Cantonese. They are not necessarily from provinces other than Guangdong and they may speak the Fujian dialect or Chiu Chow dialect. I believe that some schools in Hong Kong have already had experience in accepting these children. With the Government's efforts in promoting the use of putonghua, there will be a comprehensive programme starting from primary one next year and I believe that this will be of a certain help to the newly arrived children who do not speak Cantonese but speak putonghua.

PRESIDENT (in Cantonese): Dr Raymond HO.

DR RAYMOND HO (in Cantonese): *Madam President, the Honourable CHAN Yuen-han has already asked part of my question. What I want to follow up now is whether we do provide them with some very basic information such as the telephone numbers and addresses of the relevant organizations from which they may have to seek assistance with respect to education, medical services and others matters so that when these Mainlanders arrive in Hong Kong, they can receive the first hand information.*

PRESIDENT (in Cantonese): Secretary for Home Affairs.

SECRETARY FOR HOME AFFAIRS (in Cantonese): Madam President, we

do certainly provide them with such basic information that not only includes the telephone numbers and addresses but also an introductory brief on the various pressing problems that they have to face concerning education, housing and so on. Of course, we will continue to improve our service. We have so far distributed 200 000 to 300 000 such information pamphlets and we are going to print some with new information to be distribute to more people in need.

PRESIDENT (in Cantonese): Mr James TIEN.

MR JAMES TIEN (in Cantonese): *Madam President, after arriving in Hong Kong, these new immigrants become one of us and we should help them integrate into the Hong Kong society as soon as possible. Most of the Labour Department's counselling services on employment are directed at the new immigrants. Will the Government consider joining hands with employer bodies such as chambers of commerce to hold seminars or to prepare and print pamphlets, giving employers a chance to understand the best they can the situation of the new immigrants and allowing the Labour Department to take up its proper role as the intermediary?*

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

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Madam President, I am pleased to consider Mr TIEN's suggestion and I will ask the Commissioner for Labour to follow it up.

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

MR CHAN CHOI-HI (in Cantonese): *Madam President, when the Secretary for Home Affairs answered the questions just now, he had to ask the opinion or the help of other secretaries, this is obviously team work. I would like to ask whether it is the best arrangement to have the Secretary for Home Affairs to head a co-ordination team to handle the problems? Would the effect be better if all the policy bureaux work and co-ordinate together?*

PRESIDENT (in Cantonese): Secretary for Home Affairs.

SECRETARY FOR HOME AFFAIRS (in Cantonese): Madam President, the Chief Executive mentioned in the policy address that at present the Secretary for Home Affairs is the co-ordinator of various aspects of work. We have to understand whether it is possible for one department to handle all problems that need to be solved and all follow up work on its own. In fact, the problems faced by the new immigrants concern many respects. I have just listed four of them and there are others that have yet to be brought up, including the less significant ones such as medical and recreational issues. As Mr CHAN Choi-hi has said, this requires the co-operation of all policy bureaux and departments. I can assure the President and all Members here that we do have very good and harmonious working relations. When we run into problems, we solve them together. Therefore, I have the confidence in telling everyone that we will do our very best to help the new arrivals to integrate into the Hong Kong community in the shortest time. When they become part of us, they will be treated equally. I hope the time that it takes will be as short as possible.

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

Police Officers Receiving Psychological Treatment

3. **MR CHENG KAI-NAM** (in Cantonese): *Madam President, in connection with the recent incident in which a police constable on duty shot and killed a citizen who was being investigated in a police station, will the Government inform this Council:*

- (a) *of the number of cases in which police officers suffered from psychological pressure and mental disturbance arising from law enforcement duties or the working environment in each of the past three years, the main causes of these cases and, of these cases, the number of police officers in need of psychological counselling and therapy, or psychiatric treatment in each year;*

- (b) *of the number of police clinical psychologists responsible for providing psychological counselling and therapy to police officers;*
- (c) *whether it will review the guidelines on the carrying of guns and other equipment by the police officers while investigating citizens in police stations; and*
- (d) *of the measures in place to ensure that the morale of the police force will not be adversely affected by this incident?*

PRESIDENT (in Cantonese): Secretary for Security.

SECRETARY FOR SECURITY (in Cantonese): Madam President,

- (a) The police only keep statistics on the number of cases where police officers have sought psychological counselling services from the Police Clinical Psychologists. There were a total of 197, 166, 154 and 115 new cases of officers seeking such assistance in 1994, 1995, 1996 and in the first ten months of 1997 respectively. The reasons for seeking such assistance ranged from family or marital problems, indebtedness, disciplinary or criminal investigation, interpersonal problems to psychological illness. The majority of these cases can be dealt with through simple counselling and advice. Less than 10% of these cases required referral to senior medical professionals of the Hospital Authority (HA) for more in-depth treatment.
- (b) There are one Senior Police Clinical Psychologist and two Police Clinical Psychologists on the establishment. They are assisted by a Senior Inspector. One Police Clinical Psychologist recently resigned and the post is vacant pending recruitment. In addition, counselling services are provided by one Welfare Officer and three Assistant Welfare Officers who are qualified in social work in each Police region, as well as a District Staff Relations Officer in each police district.
- (c) There are stringent procedures governing the use and handling of

firearms by police officers. These procedures are regularly reviewed in the light of operational experience to ensure firearms are properly used. In addition, an in-depth investigation is conducted in every case where a police officer opens fire while on duty. Based on the result of these investigations, further amendments to the relevant Force Orders and Procedures can be made.

- (d) This has been a most unfortunate incident. The Police Force take a very serious view of the incident bearing in mind its impact on the public as well as members of the Force. Individual officers who had witnessed the incident or who might be otherwise affected by it have been offered counselling. The Commissioner of Police has also directed a full review of the management of officers who have encountered psychological problems. The review aims to ascertain the adequacy of current procedures and the psychological counselling services provided to police officers with a view to identifying areas of improvement. The Force management is conscious of the stress associated with police work and has been vigorously promoting a healthy lifestyle through a variety of activities such as sports, recreation, and health-related seminars.

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

MR CHENG KAI-NAM (in Cantonese): *Thank you, Madam President. The figures provided by the Secretary just now show a decrease in the number of cases of officers seeking assistance in the past three years. However, this does not necessarily mean that police officers suffered from less psychological pressure. Rather, it might mean that fewer officers were willing to seek assistance on their own initiative. I think it is quite normal that police officers suffer from psychological pressure in their work. Will the Government inform this Council whether they are concrete measures to ensure that police officers with psychological problems will not refrain from seeking psychological treatment and counselling on their own initiative out of fear that members of the public might think that it is abnormal for them to have psychological problems and whether their medical records are kept by their senior officers or by the*

professional psychologists? Generally, patients' records are kept by the doctors, while only the "medical certificates" issued by the doctors will have to be handed to our superiors. Could it be that they dare not seek psychological counselling due to these reservations and out of fear that they might be thought to be suffering from psychological illness?

PRESIDENT (in Cantonese): Secretary for Security.

SECRETARY FOR SECURITY (in Cantonese): Madam President, in the main reply, I pointed out that the number of cases of police officers seeking assistance from clinical psychologists each year has declined. I do not want to comment arbitrarily whether the decrease in the number of cases is a good thing or whether it might be due to other reasons. I believe that only after the completion of the full review of the services and procedures to deal with psychological problems in the Police Force directed by the Commissioner of Police can one draw a definite conclusion. But I can assure Mr CHENG that if police officers receive counselling from clinical psychologists, the content of their interview will certainly be handled according to the normal principles and procedures of confidentiality between doctors and patients. Their medical records will not be easily disclosed. Of course, the police management might need a professional opinion to help it make certain decisions. For instance, it might doubt whether a certain constable who has suffered from certain psychological impact is still fit to carry out law enforcement duties or carry firearms. In this case, it would have to obtain the professional opinion of the relevant police clinical psychologist. However, this only involves the professional assessment of the clinical psychologist. It does not mean that the medical records of the patient or the exchange between doctor and patient will be disclosed.

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

MR LAU KONG-WAH (in Cantonese): *Madam President, the Secretary for*

Security has not answered the question as to why police officers carry guns while interrogating witnesses. Although it is said there will now be a review, it is a fact that some officers are receiving psychological counselling and they need to undergo in-depth treatment. Does the Government have any immediate measures to stop these officers from carrying guns while interrogating witnesses?

PRESIDENT (in Cantonese): Secretary for Security.

SECRETARY FOR SECURITY (in Cantonese): Madam President, the police have always allowed officers to carry guns while interrogating witnesses or criminals. This is because the police have to deal with many things everyday and cannot ensure that each matter can be dealt with peacefully. Whether in the report room or the interview room, the police officers might come across people with a violent tendency or who might resort to violence, causing harming to the officers or other people. Thus, it is the current policy practice for police officers to carry guns while interviewing witnesses. However, there is a big difference between carrying guns during interrogation and opening fire. There are strict regulations governing the opening of fire by police officers. They are not allowed to open fire arbitrarily. They may only use firearms to protect themselves and others from being hurt by violent acts and in circumstances where it is absolutely necessary.

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

MR LAU KONG-WAH (in Cantonese): *The most crucial part*

PRESIDENT (in Cantonese): Which is the most crucial part? Please explain and let the Secretary for Security know.

MR LAU KONG-WAH (in Cantonese): *The review is now being carried out. However, some police officers are receiving psychological counselling and undergoing in-depth treatment. What immediate measures will the Police Force adopt with regard to these officers? Will these officers be barred from carrying guns during interrogation or will they still be allowed to do so?*

PRESIDENT (in Cantonese): Secretary for Security.

SECRETARY FOR SECURITY (in Cantonese): Madam President, in answering the last supplementary question, I already explained the present practice of the police. If necessary, the management of the Police Force or the superiors of the police officer may consult the clinical psychologist. In more serious cases, they may ask the Medical Board to have three doctors of the HA examine the officer who has physical health (including mental health) problems and give their opinion. The management of the Police Force will take the opinions of these psychologists or medical professionals into serious consideration and decide whether to allow a certain officer with psychological problems to carry guns or carry on law enforcement duties.

PRESIDENT (in Cantonese): Mr Bruce LIU.

MR BRUCE LIU (in Cantonese): *Madam President, the community is particularly concerned about this incident, as the police constable opened fire in the interview room. Why is it that the Government did not set up an independent commission of inquiry to conduct in-depth investigation into this incident and dispell the doubts of the public, rather than just resorting to the usual way of conducting regular reviews and in-depth reviews to deal with this matter? I think an independent commission of inquiry can more justly find out the source of this problem and make recommendations. In particular, it can review again whether police officers really need to carry guns during interrogation, since this question has been reviewed in the past. This will help*

improve the management of the Police Force and alleviate the problem of stress faced by police officers. Thank you.

PRESIDENT (in Cantonese): Secretary for Security.

SECRETARY FOR SECURITY (in Cantonese): Madam President, the Government deeply regrets this incident and has conveyed its condolences to the family of the deceased. The police have also dealt with the incident promptly and charged the police constable involved with murder, as well as begun criminal investigation into the case. Under Hong Kong's system, the investigation will definitely be carried out by the Hong Kong Police Force, the results of which will be handled prudently by staff of the Department of Justice, and the case will be tried in the court. Apart from charging the police constable involved with murder, an independent inquest might be conducted, which might examine the issues raised by Mr Bruce LIU.

As to the questions of psychological counselling or dealing with psychological illnesses, how to ensure the outstanding performance and strict discipline of the Police Force, whether there are sufficient resources to deal with incidents and how to make the procedures of dealing with incidents win the public's confidence, all these are questions of management of the Police Force. Therefore, we think that the most appropriate way to handle this is for the Commissioner of Police to direct a senior police officer to conduct the review, in which doctors of the HA will participate.

The Chief Executive of the Hong Kong Special Administrative Region made a statement last week indicating that he has full confidence that the Commissioner of Police will deal with and study the questions arising from this incident impartially. Therefore, he has no intention of appointing an independent commission to deal with it separately.

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

MR IP KWOK-HIM (in Cantonese): *Madam President, Hong Kong people are really upset about the recent incident in which a police constable on duty shot*

and killed a citizen in a police station. In his reply, the Secretary mentioned that the cases for seeking assistance involved reasons such as family or marital problems, disciplinary investigation etc. I would like to ask the Secretary whether the Government provides special psychological counselling to police officers who have been involved in shooting incidents. If yes, may we know the content of such counselling? How many such cases have occurred and are these cases still being followed up now? If not, why not? What are the reasons? Thank you, Madam President.

PRESIDENT (in Cantonese): Secretary for Security.

SECRETARY FOR SECURITY (in Cantonese): Madam President, the psychological counselling services and interviews provided by the Psychological Services Group are not exclusively reserved for members of the Police Force who feel the need for such services or those who the management considers to have the need to see a clinical psychologist since they have shown different symptoms. One very important point is that according to regulations, every officer who has opened fire must be interviewed by a police clinical psychologist. Thus I can tell Mr IP that the Police Force will certainly follow up these cases. However, I have no information on such cases now being followed up on hand. If Members are interested, I can find out whether the Police Force have such figures and give a written reply. But there is no way we can disclose the content of counselling sessions of each clinical psychologist and each patient or police officer. (Annex II)

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

MR CHAN WING-CHAN (in Cantonese): Madam President, in part (b) of the reply, it was pointed out that there are at present only three clinical psychologists on the establishment, of whom one has resigned, thus further reducing in strength. No one knows when the vacant post will be filled. My question is, whether it is easy or difficult to recruit clinical psychologists according to past experience, how long it will normally take and whether the medical records of police personnel who receive psychological counselling and treatment are kept by the police or the psychologists?

PRESIDENT (in Cantonese): Secretary for Security.

SECRETARY FOR SECURITY (in Cantonese): Madam President, with regard to the question of where the medical records of police officers are kept, I have already answered it in a reply to a supplementary question earlier. In dealing with the medical records of police officers interviewed, the clinical psychologists proceed in the same way as doctors handle the medical records of patients, that is, they will keep them strictly confidential.

With regard to the question of whether there are enough police clinical psychologists on the establishment, this will be studied in the review directed by the Commissioner of Police. We now have a vacant post pending recruitment and we hope to recruit a suitable person as soon as possible. As for how long it will take to fill a vacant post, I believe it is not a particularly meaningful question. But according to my personal experience, whether in my present post or in my former post in the Civil Service Bureau (previously known as the Civil Service Branch), it is indeed not easy to recruit clinical psychologists.

PRESIDENT (in Cantonese): Mr YEUNG Yiu-chung.

MR YEUNG YIU-CHUNG (in Cantonese): *Thank you, Madam President.*

With regard to the question of whether there are enough police clinical psychologists, the Secretary said it will be reviewed. My question is, what is the reason behind the present establishment? Is it because of a lack of resources or because we have used overseas experience as a reference, or because we do not attach enough importance to this matter? Thank you, Madam President.

PRESIDENT (in Cantonese): Secretary for Security.

SECRETARY FOR SECURITY (in Cantonese): Madam President, the present establishment was determined on the basis of our past experience, that is, we

assessed the demand of staff of the Police Force for the counselling services of clinical psychologists. There is nothing to clearly indicate that there is a shortage of manpower. Of course, as I said just now, we will have to review it to see if it is enough. However, I have to re-iterate one point. Please do not think that there are only three clinical psychologists to deal with the psychiatric or psychological problems of over 28 000 police officers. This is not true. The clinical psychologists are assisted by police officers who have undergone professional social work training. Moreover, the more serious cases may be referred to senior medical professionals of hospitals under the HA for follow-up. Therefore the 28 000-odd police officers have more than the three clinical psychologists to take care of their mental health. Things are not as simple as that.

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

MR NGAN KAM-CHUEN (in Cantonese): Thank you, Madam President.

In part (a) of the reply, the figures for the cases of officers seeking assistance between 1994 to 1997 were given. But those are just cases of officers seeking assistance. My question is, whether there are concrete measures to ensure that police officers will not refrain from seeking psychological counselling and treatment on their own initiative for fear of being considered psychologically ill and whether the Government has any mechanism to take the initiative in dealing with this.

PRESIDENT (in Cantonese): Secretary for Security.

SECRETARY FOR SECURITY (in Cantonese): Madam President, these cases of officers seeking assistance do not refer to cases where the officers sought assistance on their own initiative. I already said there are different ways to deal with new cases. As for how to help officers who feel they have a need to receive psychological counselling to overcome their reservations and fears and encourage them to see a clinical psychologist, I have repeatedly made it very clear and the Police Force have clearly explained that the content of counselling will remain confidential. Apart from the clinical psychologists of the Psychological Services Group, there are also several officers in each police region with professional social work training to provide counselling to staff in need. In addition, there is a welfare officer in each police district to provide counselling and give advice on relevant questions. If some officers feel the

need to see a clinical psychologist but fear that the information might leak out, I am sure the welfare officer will be able to answer this very clearly.

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

MR NGAN KAM-CHUEN (in Cantonese): *My question has not been fully answered. It is all very well when police officers know that they have a problem and go to these people for counselling on their own initiative. But in the course of the daily routine, will the authorities actively discover or find out these cases? What I mean is, whether the authorities will take any measures with regard to cases not yet discovered involving police officers who might have problems.*

PRESIDENT (in Cantonese): Secretary for Security.

SECRETARY FOR SECURITY (in Cantonese): Madam President, just now I already said that we will make a request or even require that an appointment be made with a clinical psychologist under one circumstance, and that is in each case when a police officer has opened fire. In cases of big incidents which involve a lot of casualties, we will also ask the police officers who have witnessed the incidents or are involved in the rescue work whether they need counselling services. In such major incidents, other disciplined forces also have the same arrangements as the Police Force. For instance, we had this arrangement after the Pat Sin Range fire or the Garley Building fire.

PRESIDENT (in Cantonese): Fourth question. Mr HUI Yin-fat.

Residency Requirement in the Application for Public Rental Housing

4. **MR HUI YIN-FAT** (in Cantonese): *Madam President, under the existing regulations of the Housing Authority (HA), in order to become eligible for allocation of public rental housing (PRH) units, a family must meet the requirement that half of its members have resided in Hong Kong for at least seven years. While this residency requirement is not applicable to children born in Hong Kong, it applies to Minland-born children who have the status of permanent residents of Hong Kong and come lawfully to Hong Kong for settlement in accordance with Article 24(3) of the Basic Law. In this connection, will the Government inform this Council:*

- (a) *of the criteria adopted by the HA in determining this residency requirement is not applicable to children born in Hong Kong;*
- (b) *of the reasons why, after 1 July this year, this residency requirement is still applicable to children born in the Mainland who enjoy the status of permanent residents of Hong Kong;*
- (c) *whether it will consider amending the existing regulation regarding the residency requirement to make it applicable to all children who have the status of permanent residents of Hong Kong; if not, why not; and*
- (d) *of the number of families on the General Waiting List which have not been allocated PRH units because their children members fail to meet this residency requirement?*

PRESIDENT (in Cantonese): Secretary for Housing.

SECRETARY FOR HOUSING (in Cantonese): Madam President, at present, an applicant for public rental housing must have at least seven years of residence in Hong Kong before he or she is eligible for allocation of a public rental flat. If the applicant has a family, then more than 50% of family members (including the applicant) must have at least seven years of residence in Hong Kong. All locally born children are considered to have met the residence qualification provided at least one parent has satisfied the seven-year residence rule. The Government offers this exemption to locally born children because we consider it fair and reasonable that scarce housing resources should first be allocated to meet the needs of longer-term residents and locally born children.

After 1 July this year, this seven-year residence rule is still applicable to mainland-born children who have Hong Kong permanent resident status. This is because permanent resident status has never been a qualification for PRH.

The Government has no intention to change the seven-year residence rule which aims to take care of longer term residents and locally born children first in the allocation of public rental housing. Indeed, since there is continuous demand for public rental housing and demand outstrips supply, at this stage we cannot offer the same exemption to child immigrants from mainland China as

locally born children.

Regarding the fourth part of the question, at present, about 2 800 applicants on the Waiting List have not been allocated public rental flats owing to the addition of mainland-born children to their applications. These families do not have a majority of family members with at least seven years of residence in Hong Kong.

PRESIDENT (in Cantonese): Mr HUI Yin-fat.

MR HUI YIN-FAT (in Cantonese): *Madam President, has the Government considered one point, namely, if it continues to impose on children with permanent resident status who were born in the Mainland the residence requirement, it is acting against Article 20 of the Bill of Rights Ordinance relating to rights of children, which states inter alia that a child shall not be subject to discrimination by reason of his birth?*

PRESIDENT (in Cantonese): Secretary for Housing.

SECRETARY FOR HOUSING (in Cantonese): Madam President, this has nothing to do with discrimination. This is only a question of priority. As I explained earlier, public housing resources are scarce and so we should give priority to meeting the needs of longer term residents and locally born children.

PRESIDENT (in Cantonese): Mr Bruce LIU.

MR BRUCE LIU (in Cantonese): *Madam President, the Government denies this is a discriminatory policy. It only says it is a matter of allocation of resources. I would like to ask about the phrase from paragraph three: "at this stage we cannot offer the same exemption." When is it suitable? Do they have to wait till the average waiting time for flat allocation is reduced from the current seven years to five, four, three, or two years? Will the Government appoint a time by which exemption can be given, providing there is no problem in supply and demand?*

PRESIDENT (in Cantonese): Secretary for Housing.

SECRETARY FOR HOUSING (in Cantonese): Madam President, Mr Bruce LIU raised a very good question. The whole question is about supply and demand. We surely cannot grant exemption now, but we promise we will reduce the waiting time for public housing. By 2001, 2003, 2005, we will gradually reduce the waiting time to an average of three years eventually. I estimate the Government will review and study the figures on supply and demand at these stages and then arrive at another conclusion.

PRESIDENT (in Cantonese): Mr Frederick FUNG.

MR FREDERICK FUNG (in Cantonese): *Thank you, Madam President. According to the Secretary's answer, obviously what makes the difference is whether a child with permanent resident status is born locally or not. Recently, there have been an increasing number of China-born children with one of the parents being a Hong Kong permanent resident coming to Hong Kong. At first, a child came to Hong Kong with the father. Then the mother came with another child. So, they have to wait another seven years. But before that they waited seven years already. Seven more years means a total of 14 years. Hence, this is some kind of hardship. Will the Government inform this Council whether it will consider special treatment in some cases? So, it is two if against two that makes it impossible for them to be allocated public housing, do they have to wait another seven years? Thank you.*

PRESIDENT (in Cantonese): Secretary for Housing.

SECRETARY FOR HOUSING (in Cantonese): Madam President, the Housing Authority in general will deal with the case as I said in my reply. But there are special circumstances. Should they arise and should they merit compassionate attention, the Housing Department will refer the case to the Social Welfare Department, listen to their views before deciding what to do with the application. If there is a real need for compassionate accommodation, the decision will be sent to the Housing Department, which will then allocate a public housing unit to the family on compassionate grounds. Thank you, Madam President.

PRESIDENT (in Cantonese): Mr Henry WU.

MR HENRY WU (in Cantonese): *Thank you, Madam President. The questions raised by Mr Bruce LIU and Mr Frederick FUNG were long questions but mine is a short one. There are 2 800 such applicant families on the Waiting List. What percentage does this number represent in the total number of applicants on the Waiting List?*

PRESIDENT (in Cantonese): Secretary for Housing.

SECRETARY FOR HOUSING (in Cantonese): Madam President, at present there are about 150 000 families on the Waiting List. Just now I said the number of applications by newly arrived immigrants from China for public housing is 2 800. This is a very small proportion. Thank you, Madam President.

PRESIDENT (in Cantonese): Mr Howard YOUNG.

MR HOWARD YOUNG (in Cantonese): *Madam President, the Secretary said a family needed to have a majority of family members with at least seven years' residence in Hong Kong to qualify for a public rental unit. If there are exactly four persons in a family and two members have lived in Hong Kong for seven years but the other two have not. So, it seems the family is qualified. But if another member of the family arrives from the Mainland, making more than half of the members without seven years of residence in Hong Kong, can the family choose not to include the newly-arrived as one of the applicants so that the application is not delayed? How would the Housing Department deal with such cases?*

PRESIDENT (in Cantonese): Secretary for Housing.

SECRETARY FOR HOUSING (in Cantonese): Madam President, I think this is a case in which one needs to look at the actual fact before deciding what to do. Technically, I cannot give a convenient answer. But in considering allocation of public housing, the Housing Department only looks at the number of applicants in a family. We would see if a majority of the family members have

more than seven years of residence in Hong Kong by looking at the members included in the household. If they meet the requirements, they should be allocated public housing. As regards how family problems should be dealt with, I am afraid as Secretary for Housing I am not in a position to give advice.

PRESIDENT (in Cantonese): Mr Andrew WONG.

MR ANDREW WONG (in Cantonese): *Madam President, what I want to say is the Secretary was not really answering Mr Howard YOUNG's question or Mr HUI Yin-fat's original one. The Secretary said "a majority" but Mr HUI Yin-fat originally said "half of the family members" have resided in Hong Kong for seven years. The answer should be in line three of the main answer: "a majority of the family members".....*

PRESIDENT (in Cantonese): Mr Andrew WONG, what actually is your question? I think people can judge what is said in an official's answer. I would rather you put forward your question.

MR ANDREW WONG (in Cantonese): *Madam President, what I want to say is that we are not talking about the same thing. My question is whether the Secretary has documentary evidence to prove that the policy when it was laid down was meant to allocate the scarce housing resource to meet the needs of longer term residents and locally born children. Can the minutes of meetings of the Housing Authority at the time be obtained to prove the policy was meant for that purpose? I believe, and I hope the Secretary can prove, that in the past when the policy was implemented, it was assumed a person was a permanent resident if he was born in Hong Kong and had the right of abode. Now, even though he had not resided in Hong Kong for prolonged periods, nor had he resided in Hong Kong for seven years, can he, being a permanent resident, and if he, upon returning to Hong Kong as an adult, and marrying a wife who is also a permanent resident, make an application jointly with his wife and still meet the requirement of "a majority"? If only one of the two satisfies the requirement, we cannot say it is a majority. So, the question I am raising and what I wanted to be clarified are related. However, I do not want to involve the children at this point because they will not be counted even if they have the right of abode. This is because they have not resided for seven years. But my view is that the entire position would be changed if the policy then was that adults could apply*

for public housing as long as they possess the right of abode. The crux of the matter lies in the issue of the right of abode, not in the fact whether one was born in Hong Kong or whether one has resided here for a period of seven years or not. Can the Secretary clarify this point? If he cannot provide documentary evidence now, can he provide a written reply?

PRESIDENT (in Cantonese): Secretary for Housing.

SECRETARY FOR HOUSING (in Cantonese): Madam President, Mr WONG's question has two parts. I can reply the first part by way of a re-explanation. As a matter of policy, applicants need to satisfy the seven-year residence requirement, and there must be "more than one half of family members" meeting the requirement. That means that exactly half or 2:2 or 1:1 in proportion among the family members satisfying the requirement is not enough. If I needed to explain, an example would be that for a two-member family, both of them would have to satisfy the seven-year residence requirement. Similar reasoning applies to three-member families and so on. We have relaxed treatment for the elderly. If both are over 60, we will not insist that both of them meet the requirement. So, for an elderly person with an elderly family member, they will get exemption even if only one of them satisfies the requirement. As to the second part of Mr WONG's question, I can say that that has been the policy since the Government implemented the public housing policy. If one wants evidence in terms of words and phrases in certain documents, I cannot guarantee I can find the document due to the lapse of time. At the time, I am sure it was because of consideration of such an individual case that the policy was laid down. But I can reiterate to Members the policy is an important one that the Hong Kong Government and the Government of the Special Administrative Region has been using. Thank you, Madam President.

PRESIDENT (in Cantonese): Mr Andrew WONG, do you have a follow-up question?

MR ANDREW WONG (in Cantonese): *He has not completely answered my question. My question was when the policy was formulated, was the seven-year*

residence or the status of permanent resident the main consideration? That is the crux of the matter. I do not think in the past applicants for public housing needed to prove they had resided in Hong Kong for seven years if they had permanent resident status

PRESIDENT (in Cantonese): Mr WONG, have you raised your question?

MR ANDREW WONG (in Cantonese): *But he has not answered that part of my question. He only referred to the long-term policy*

PRESIDENT (in Cantonese): The Secretary indicated he would answer your question. Mr WONG, could you please sit down. After raising your question, please make no more comments. This is a rule of this Chamber. Have you raised your question?

MR ANDREW WONG (in Cantonese): *Madam President, my question is: The crux of the matter is permanent residence, is it not?*

PRESIDENT (in Cantonese): You may sit down after raising your question.

MR ANDREW WONG (in Cantonese): *I hope the Secretary could answer by saying the policy has nothing to do with permanent residence but is related to the seven-year residence requirement.*

PRESIDENT (in Cantonese): Mr WONG, you must sit down first before he can answer your question. Secretary for Housing.

SECRETARY FOR HOUSING (in Cantonese): Madam President, I thank Mr WONG for the question. In fact Mr WONG's question is a new one rather than

a follow up to the question last asked. But his question has been answered in the main reply. In the second paragraph of the main reply, I said permanent resident status had never been a qualification for public rental housing but a seven-year residence was.

MR ANDREW WONG (in Cantonese): *The Secretary seemed to have refused to answer my question. I asked whether the policy relates to someone who possesses permanent resident status. If a couple have that status but have not resided for seven years, are they qualified to apply for public housing and be allocated a unit? This point can indirectly prove the effect of permanent resident status.*

PRESIDENT (in Cantonese): Secretary for Housing, have you got any further explanation?

SECRETARY FOR HOUSING (in Cantonese): Madam President, the question of the right of abode is a rather complicated one. It is highly technical too. A number of technical questions come from the Joint Declaration. But we are crystal clear in dealing with the housing policy. We do not use permanent resident status or the right of abode as the criteria. We look at the seven-year residence requirement, together with some other restrictions in our consideration. Thank you, Madam President.

PRESIDENT: Mrs Elsie TU.

MRS ELSIE TU: *Thank you, Madam President. I agree with the Secretary that scarce resources should be allocated to local people because many local people have to wait seven years, and I think that is on what the policy was based and what Mr WONG was asking. And I wonder if the Secretary is aware that in order to beat the policy some women are coming to Hong Kong to have their babies to put them on the housing waiting list. And also some women, when they do get a one-way permit to Hong Kong, they very quickly have two or three children so they avoid the seven-year wait if they can. Is this policy not*

encouraging women to come here to have babies in Hong Kong and is it not encouraging them to avoid what is supposed to be our birth-control policy?

PRESIDENT: Secretary for Housing.

SECRETARY FOR HOUSING: Madam President, I do feel that theoretically there is such a possibility and there could be such cases of women coming into Hong Kong to have their child born in order to have an the extra body qualifying for the seven-year residence exemption, and that would enable the family to apply and therefore be given public rental housing.

But, at the moment we cannot make any relaxation of the particular rule for the purpose of public rental housing, otherwise the numbers overall would be many, many times more. In other words, the numbers eligible for public rental housing, therefore, would be even much higher than to have certain women coming to Hong Kong, have their children born here and qualify for exemption. Thank you.

PRESIDENT (in Cantonese): Mr Frederick FUNG.

MR FREDERICK FUNG (in Cantonese): *Thank you, Madam President. According to the fourth paragraph in the Secretary's main reply, there are about 2 800 families on the Waiting List with that problem. The number is not large, so the Secretary also said. What I want to ask is whether the Secretary will consider relaxing the policy slightly, especially when their parents are permanent residents and have been on the Waiting List for some time, say five to seven-years. The "majority" requirement or the "1:1 ratio" is no longer met just because some of their children arrive in Hong Kong. In such cases, will the Secretary consider relaxing the policy. Otherwise, these people may have to wait for 14 years. Thank you, Madam President.*

PRESIDENT (in Cantonese): Secretary for Housing.

SECRETARY FOR HOUSING (in Cantonese): Madam President, up to now we have not considered this problem, or any measures for relaxation. But as far as I know, housing is never a problem for most of the families arriving in Hong Kong because they have help from their relatives or friends in Hong Kong. If there is no one they can turn to, and they need the Government or the Housing Authority to help, we have transit centres to provide them with temporary shelter. No family will be homeless. Therefore, in principle we will make sure every family has a place to live. However, at present our problem is living conditions, that is whether we should put them in transit centres or give them public rental units. The difference is that to be able to obtain a public rental unit, the applicant must meet the requirements I mentioned. Thank you, Madam President.

PRESIDENT (in Cantonese): Mr Andrew WONG.

MR ANDREW WONG (in Cantonese): *Madam President, in answering my question a short while ago, the Secretary said that in the main reply it was stated allocation of public housing was not related to the right of abode. I want him to clarify one point. In concerns paragraph (c) of the question, which was answered by the third paragraph in his reply. The question was: "whether it will consider amending the existing regulation regarding the residence requirement to make it applicable to all children who have the status of permanent residents of Hong Kong?" This is about children. The Secretary's reply said: "the seven-year residence rule aims to take care of longer term residents and locally born children first in the allocation of public rental housing." Could the Secretary explain when he said "longer term residents and locally born children", whether he was referring to children or all residents. If paragraph 3 answers paragraph (c) of the question, the word "residents" signifies that some children are locally born and hence have the right of abode; whereas some are not and if they come to Hong Kong on two-way exit permits they will need to reside in Hong Kong for seven years before they can acquire the status of permanent residents. If however they come to Hong Kong on one-way exit permits and have the right of abode when they come, that is, they are entitled to enter Hong Kong under sub-paragraph (4) of the second paragraph of Article 24 of the Basic Law and if they still do not have the right of accommodation, the "discrimination" mentioned by a number of Members seems*

to stand. Now, I would like the Secretary to confirm whether the third paragraph in the main reply is in answer to paragraph (c) of the question.

PRESIDENT (in Cantonese): Secretary for Housing.

SECRETARY FOR HOUSING (in Cantonese): Madam President, what I said in the third paragraph relates purely to whether the qualifying time of residence has been met. In this connection, we will take care also of longer term residents. This is about our residents. On the other hand we need to take care also of locally born children. Both categories of people have to be catered to. We will not favour just one of the categories. Thank you, Madam President.

PRESIDENT (in Cantonese): Fifth question. Mr Paul CHENG.

Assistance for HK-based Businessmen Who Encounter Difficulties in the Mainland

5. **MR PAUL CHENG:** *Madam President, the Government inform this Council whether there are established channels through which Hong Kong businessmen and investors, and I should add that this includes foreign businessmen who are forming companies in Hong Kong and using Hong Kong as a gateway to China, can seek advice, assistance and informative support when they encounter problems involving law and administrative regulations in respect of their economic activities in the Mainland; if not, whether there are plans to set up such channels?*

PRESIDENT: Secretary for Constitutional Affairs.

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, the Trade Department and Trade Development Council (TDC) collect and disseminate information on laws and regulations that may be relevant to Hong Kong businessmen or businessmen who have formed companies in Hong Kong in their pursuit of economic activities in the Mainland as in other places.

The do so by maintaining contacts with the relevant authorities in the Mainland, liaising regularly with various trade advisory bodies and trade associations in Hong Kong, operating information library services and organizing seminars and meetings including meetings between Hong Kong businessmen and officials from the Mainland. The TDC's network of 11 branch offices in the Mainland play an important role in the information collection and dissemination.

When Hong Kong businessmen or investors encounter problems involving the law and administrative regulations in the Mainland, it is understandable that some of them would wish to turn to the Hong Kong Special Administrative Region (SAR) Government for assistance. However, given the "one country, two systems" principle, there is the question of whether the Government should or could intervene in private business disputes involving the administrative, legal and judicial systems in the Mainland. The SAR Government therefore has a very limited role to play in doing anything substantive. But the 11 branch offices of the TDC in the Mainland stand ready to make use of their wealth of expertise and their network of contacts to offer advice and assistance to those who seek help. The SAR Government, particularly the Trade Department, keeps a close watch on issues which may have industry-wide impact.

We understand that there is perhaps room for further improvement to the present arrangements and we are liaising with the Central People's Government to explore whether there is any scope of assisting or otherwise advising specific complainants about the avenues available in the Mainland for them to pursue their cases.

PRESIDENT (in Cantonese): Mr Paul CHENG.

MR PAUL CHENG: *Perhaps, I misunderstood the Government's reply or the Government misinterpreted my question because I am only asking a very practical question and I am not asking the SAR Government to intervene in the Mainland's systems. I am therefore surprised that a practical business-oriented question is being answered by the Secretary for Constitutional Affairs and that the Government is shifting its responsibilities — at least it seemed to me anyway — over to Trade Development Council (TDC).*

Now, the general understanding of the TDC's role is to promote Hong Kong manufacturers' exports and re-exports and recently its mandate was enlarged to promote the service industry. So, will the Government please advise us whether the TDC's mandate has now been enlarged to include assisting small and medium-sized companies with difficulties they encounter in doing business in China? If so, is there a dedicated team within the TDC's Hong Kong headquarters providing this service? Have staff members in each of the TDC's 11 mainland offices been specifically trained to provide such service? Has the TDC publicized this service so that the business community knows this is the place to go for help?

PRESIDENT (in Cantonese): Secretary for Constitutional Affairs.

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, I will attempt to answer this question. Should there be any inadequacies, I would seek help from my colleagues.

Mr Paul CHENG's question is mainly concerned about what advice and informative support will be obtained by businessmen when they encounter difficulties involving legal and administrative regulations. In my principal reply, I have pointed out that the Trade Department and TDC can provide a lot of valuable information on legal matters for the promotion of trade between Hong Kong and China. Also, they have many contact networks. So they play a very important role in giving advice and information. That is why I gave the reply as I did. As to whether the TDC's mandate has been expanded to include this area of work, maybe the Secretary for Trade and Industry would like to answer this question.

PRESIDENT (in Cantonese): Secretary for Trade and Industry.

SECRETARY FOR TRADE AND INDUSTRY: Madam President, the Hong Kong Trade Development Council Ordinance states very clearly that the TDC's

mandate is to facilitate both imports as well as exports. Let me give an example to the Honourable Member. When Hong Kong manufacturers export production machinery into mainland China from time to time, they will encounter changes of administrative rules governing the conditions under which such equipment may be brought into the Mainland. For a case like this, it certainly falls within the mandate of the TDC which, after all, is to facilitate export from Hong Kong manufacturers to the rest of the world, including the Mainland.

I think the Honourable Member will be aware that about two to three years ago, the mainland Chinese authorities had proposed to impose an import tariff of around 40% on production machinery from outside the Mainland. This obviously affected Hong Kong manufacturers who wished to bring in some production machinery to the Mainland to facilitate their manufacturing operations there.

I give another example to this Council. From time to time, Hong Kong entrepreneurs with manufacturing operations in the Mainland encounter dumping allegations from major importing markets such as the United States, or the European Union. These dumping allegations are directed at products manufactured in the Mainland, not in Hong Kong. But because so many of our entrepreneurs have investments in the Mainland, they do seek assistance from not only the TDC but also the Special Administrative Region (SAR) Government. And to the extent possible, the SAR Government, through my Bureau and through the Trade Department, which is under the Trade and Industry Bureau, also offers assistance in the form of information to our traders.

So, I would like to stress that, first of all, assisting Hong Kong entrepreneurs' import as well as export to the rest of the world including the Mainland, is a function mandated by the Hong Kong Trade Development Council Ordinance for the Hong Kong TDC to discharge.

And I would also like to underline the fact that in addition to the work undertaken by the TDC, the SAR Government also provides assistance where possible. Thank you.

PRESIDENT: Honourable Paul CHENG.

MR PAUL CHENG: *Madam President, I do not think my three specific questions have been answered because I said "does the TDC have a dedicated team providing this service?" Are they trained or have they publicized it because I have received so many letters, since I submitted this question, from small and medium-sized businessmen saying, "Gee, you know, I am glad you are asking this question because we do not know where to go."*

PRESIDENT: So, your question specifically is?

MR PAUL CHENG: *No, the Secretary has not answered my three specific questions.*

PRESIDENT: Secretary for Trade and Industry.

SECRETARY FOR TRADE AND INDUSTRY: Madam President, the TDC conducts many publicity activities every year to publicize the services it provides to all entrepreneurs in Hong Kong, including small and medium-sized enterprises (SMEs). I will certainly convey the Honourable Member, Mr CHENG's view to the Hong Kong Trade Development Council. I think the view is maybe that the TDC is not publicising enough of its services to the SMEs. That I would be delighted to convey to the TDC.

May I also take this opportunity, perhaps, to let the Council know that some time this month, in fact, the TDC will be setting up a dedicated SME Centre in its new expanded office at the Hong Kong Convention and Exhibition Centre extension. It is a dedicated resource centre with over 2 000 sq ft. It will provide library service to SMEs. It will facilitate the marketing efforts of our SMEs to the rest of the world, including mainland China. I have no doubt SMEs will also be able to use the facilities and the services offered by the SME Centre to tackle questions and problems they may encounter in their import and export activities with mainland China.

PRSIDENT: Mr Paul CHENG, do you wish to follow up?

MR PAUL CHENG: It is another question.

PRESIDENT: Then, I have to put you in the queue. I will come to you later.
Mr NG Leung-sing.

MR NG LEUNG-SING (in Cantonese): *Madam President, in the second paragraph of the main reply, the Secretary said that the 11 branch offices of the TDC in the Mainland stand ready to make use of their wealth of expertise and their network of contacts to offer advice and assistance to those who seek help. Does the assistance include help for Hong Kong businessmen or investors who encounter difficulties because of commercial disputes with the Mainland organizations or units? Can the Administration give us some examples in the past related cases to illustrate what kind of assistance is the most popular to Hong Kong businessmen?*

PRESIDENT (in Cantonese): Secretary for Trade and Industry.

SECRETARY FOR TRADE AND INDUSTRY (in Cantonese): Madam President, the 11 TDC branch offices in the Mainland mainly provide information and advice to businessmen who are engaged in economic activities in the Mainland so that when they encounter difficulties, they know how to solve them. These offices give them advice. They will also liaise with and introduce the relevant Mainland departments to Hong Kong businessmen in order to help solve their problems encountered in the Mainland. The 11 TDC offices play the role of an intermediary, and make the required introduction. Besides, these 11 offices will also provide Hong Kong businessmen information such as information about how to hire lawyers or other professionals in the Mainland in order to solve their problems. If the difficulties Hong Kong businessmen encounter are related to their investments in export and import trade in the Mainland and have industry-wide impact, in other words, they are not related to a particular case or an individual company but have industry-wide impact, the TDC and the SAR Government will, through all possible avenues, convey these problems to the relevant departments in the Mainland. As regards to the last part of Mr NG's question about which kind of assistance is the most popular to the businessmen, I am sorry I do not have such information in hand. I will try to seek the information from the TDC and give Mr NG a written answer when it is available. (Annex III)

PRESIDENT (in Cantonese): Dr LAW Cheung-kwok.

DR LAW CHEUNG-KWOK (in Cantonese): *I have the impression that the Government is at a loss as to how to address the concerns of Mr Paul CHENG and other Members. The government officials mainly referred to the TDC and said that it can provide assistance to small and medium-sized enterprises when they encounter business difficulties and problems in the Mainland. Let me quote a simple example. If an SME has bought property in the Mainland that failed to materialize, can it turn to the TDC for help in order to address his grievance?*

PRESIDENT (in Cantonese): Secretary for Constitutional Affairs.

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, ours in fact is a reply to Mr CHENG's question. We cannot go beyond the scope of his question which asks what kind of advice, assistance and informative support will be given to Hong Kong businessmen and investors when they encounter difficulties involving the law and administrative regulations in respect of their economic activities in the Mainland. Here we do not provide opinion. Of course, Dr LAW has asked a very sensible question. With your permission, Madam President, I would like to venture some explanation.

Hong Kong and the Mainland have different legal systems. The procedures governing property development, the sale and purchase of properties, inspection, issue of certificates and even taxation matters are also different. Hong Kong legislation which is applied to local uncompleted flats cannot provide the same protection to people who have bought properties in the Mainland. In order to enhance protection to people buying property outside Hong Kong, the Law Reform Commission recently published the *Report on Sales Descriptions of Overseas Uncompleted Residential Properties*. The Report contained the Commission's views. The Housing Bureau is now consulting the views of the property developers, real estate agents, professional bodies and the Consumer Council about the recommendations of the Report. We hope that, by doing so, we can fully consider how to protect the interests of buyers of overseas property. Apart from that, the Consumer Council has collected various kinds of information to increase people's knowledge in the sale and purchase of overseas properties. This information includes the transaction mechanism for overseas properties, the crucial provisions contained in the contract document and the common types of contract documents used for these transactions. The public

can obtain such information through the "Choice" magazine, seminars, media publicity and articles in newspapers. Besides, the Consumer Council has kept in touch with the Mainland authorities. When the Council receives complaints against uncompleted flats in China, it will refer them to the Mainland authorities for action.

PRESIDENT (in Cantonese): Mr Paul CHENG.

MR PAUL CHENG: *Yes, Madam President, I am referring to the third paragraph of the original reply. The Government indicated that they are looking further into the matter and they are liaising with the Central People's Government to explore whether there is any scope of assisting or otherwise advising specific complainants about the avenues available on the Mainland for them to pursue their cases.*

I am delighted that the Government is taking this action. I just want to ask, how precisely are they liaising with the Central People's Government and what is the scope of their exploration? How long would it take before the Government can give us a more precise and concrete reply so that we do not have to keep touring the garden?

PRESIDENT (in Cantonese): Secretary for Constitutional Affairs.

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, as regards how cases concerning Hong Kong people encountering difficulties in the Mainland are handled, the Hong Kong Government wrote to the Hong Kong and Macau Affairs Office of the State Council last September to initiate discussions on ways to more effectively deal with such cases. In October, when we met officials of the Hong Kong and Macau Affairs Office, we raised the same question and we intended to follow up on this. We understand that the Mainland authorities are dealing with these matters and will need some time to come up with consolidated views from the relevant units in the Mainland before they will discuss the issue with us. That is the progress so far.

PRESIDENT (in Cantonese): MR YUEN Mo.

MR YUEN MO (in Cantonese): *Madam President, after the handover, investment in Hong Kong depends on foreign investment flow and trade between Hong Kong and China depends on the flow of international trade. In the Mainland, there is a corresponding unit, the China Council for the Promotion of International Trade (CCPIT), which serves as an arbitration authority when disputes occur. But for Hong Kong, we have only set up 11 offices in the Mainland. Do these 11 offices discharge the same function as mentioned above? Or, are there any other organizations or corresponding departments to provide assistance jointly with the CCPIT when Hong Kong investors are involved in commercial disputes?*

PRESIDENT (in Cantonese): Secretary for Trade and Industry.

SECRETARY FOR TRADE AND INDUSTRY (in Cantonese): Madam President, first of all, I would like to say that I totally agree to the first two points raised by Mr YUEN Mo. After Hong Kong was returned to China on 1 July 1997, Hong Kong-China economic and trade relationship is still the same in the sense that foreign economic relations and trade are the essence and the foundation. In area of trade and economic issue, if a Hong Kong manufacturer encounters difficulties, it is up to the businessman or the company to resolve the problem. The 11 TDC offices I just mentioned mainly serve as an intermediary to provide information and advice. In the end, it is up to the parties involved, that is, the company of the Hong Kong investors, to sort things out with the relevant units in the Mainland.

As far as I know, the relevant units in the Mainland are not only the CCPIT. There are various units which also play a role in economic relations and trade issues. We have to look at the nature of the matters and offer assistance to the Hong Kong investors or companies involved through the local TDC office, if any. With its experience, the TDC knows which Mainland units are in the most appropriate position to resolve these disputes. I believe in most cases, the CCPIT is not the only one to approach.

Also, I would like to stress that when there is a problem which affects not an individual company but the whole industry, such as the investment activities of an industry in the Mainland, the SAR Government will contact the Ministry of Foreign Economic Relations and Trade in order to gather more information and reflect our businessmen's difficulties to the Ministry. I would like to add that

apart from the SAR Government and the TDC, many chambers of commerce in Hong Kong have also done a lot. They have also received a lot of enquiries from their members. When they receive their members' complaints, they would also send delegations to the Mainland to reflect their members' problems to the Mainland authorities.

PRESIDENT (in Cantonese): Mr Paul CHENG.

MR PAUL CHENG: *Madam President, would the Government advise this Council why the Trade Department has no office whatsoever in the Mainland? In most major cities around the world, we have both a Hong Kong Government office and a TDC office. Why is it different in the Mainland, especially when the trade flow and investment flow is highest between Hong Kong and the Mainland?*

PRESIDENT (in Cantonese): Secretary for Constitutional Affairs.

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Madam President, as regards this question, I have explained our position in my main reply. I said that the SAR Government has a very limited role to play in doing anything substantive. And I also said that we know there is room for improvement to the existing mechanism. As I said earlier, we are liaising with the relevant units of the Central People's Government to see what improvement can be made to the present mechanism. We hope that after these steps have been taken, we will be able to tell whether there is more effective way to tackle these problems. If we still encounter difficulties in tackling these problems, we will further consider Mr CHENG's suggestion.

PRESIDENT (in Cantonese): Last question. Mr Frederick FUNG.

Expenses on Formation of Land by the Housing Authority

6. **MR FREDERICK FUNG** (in Cantonese): *Madam President, it is learned that out of the land that the Government has hitherto granted to the Housing Authority (HA) since the early 1990s, 25% was formed land and 75% was unformed land. In this connection, will the Government inform this Council:*

- (a) *whether there is an agreement between the Administration and the HA specifying the amount of formed land to be granted to the HA each year; if so, what the details are;*
- (b) *of the annual expenditure on land formation incurred by the Government in respect of the land granted to the HA over the past five years, and of the annual expenditure on land formation incurred by the HA over the same period;*
- (c) *of the respective percentage of formed and unformed land out of the land granted to the HA by the Government for the construction of public rental housing flats in each of the past five years; and*
- (d) *of the respective percentage of formed and unformed land out of the land granted to the HA by the Government for the construction of Home Ownership Scheme flats in each of the past five years?*

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

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Madam President, it is necessary for me to make two general comments before I answer the body of the question.

The first is to clarify that the statement that "of the land granted to the Housing Authority (HA), 25% was formed land and 75% was unformed land" refers to the state of the sites concerned when they were first identified for inclusion in the Public Housing Development Programme (which includes public rental housing (PRH), Home Ownership Scheme (HOS) and Private Sector Participation Scheme (PSPS) at the early planning stage. After the identification of sites, the Administration carried out the site formation works. By the time these sites were handed over to the HA for PRH and HOS development or to private developers for PSPS development, quite a number of these sites had already been formed. On the whole, of the land handed over to the HA or private developers for public housing development over the past five years, 66% was actually formed land while 34% was unformed land.

The second is that the question calls for detailed figures which cannot be answered verbally. I have therefore prepared a number of annexes to my reply

for circulation to Members to cover the statistics involved.

Turning to the question, I would like to inform Members that:

- (a) The Administration has agreed to provide formed land for the implementation of the approved Public Housing Development Programme in accordance with paragraph 2.2 (g)(i) of the Supplemental Agreement dated 31 August 1994 in respect of "Financial Arrangements between the HA and the Hong Kong Government". The Supplemental Agreement does not specify the amount of formed land to be handed over to the HA each year;
- (b) Over the past five years, the total actual expenditure on site formation incurred by the Administration and the HA for public housing development was \$1,073 million and \$541 million respectively, an annual breakdown of which is set out in Annex A.

Members may wish to note that of the HA's expenditure of \$541 million, \$77 million was site formation expenditure for redevelopment of existing public housing estates;

- (c) Of the land handed over to the HA for public rental housing development over the past five years, the percentage of formed land and unformed land is 50% and 50% respectively. The annual percentage is set out in Annex B; and
- (d) Of the land handed over to the HA for Home Ownership Scheme development in the past five years, the percentage of formed land and unformed land is 75% and 25% respectively. The annual percentage is set out in Annex C.

Annex A

The actual annual expenditure on site formation

incurred by the Administration and the Housing Authority
for public housing development
(including public rental housing, Home Ownership Scheme
and Private Sector Participation Scheme)
over the past five years

<i>Year</i>	<i>Administration's actual annual expenditure (\$ million)</i>	<i>Housing Authority's actual annual expenditure (\$ million)</i>
1992-93	354	132
1993-94	330	138
1994-95	150	29
1995-96	120	97
<i>Year</i>	<i>Administration's actual annual expenditure (\$ million)</i>	<i>Housing Authority's actual annual expenditure (\$ million)</i>
1996-97	119	145
Total	1,073	541*

Note:* Of the \$541 million, \$77 million was site formation expenditure for redevelopment of existing public housing estates.

Annex B

The annual percentage of formed land and unformed land
of the land handed over to the Housing Authority for
public rental housing development
over the past five years

<i>Year</i>	<i>Formed land (%)</i>	<i>Unformed land (%)</i>
1992-93	90	10
1993-94	33	67
1994-95	0	100
1995-96	32	68
1996-97	100	0
Over the five- year period	50	50

Annex C

The annual percentage of formed land and unformed land
of the land handed over to the Housing Authority for
Home Ownership Scheme development
over the past five years

<i>Year</i>	<i>Formed land (%)</i>	<i>Unformed land (%)</i>
1992-93	95	5
1993-94	0	100
1994-95	0	100
1995-96	26	74
1996-97	100	0
Over the five- year period	75	25

PRESIDENT (in Cantonese): Mr Frederick FUNG.

MR FREDERICK FUNG (in Cantonese): *Madam President, according to paragraph (a) of the reply, the Administration has agreed to provide formed land to the HA for public housing projects in accordance with paragraph 2.2(g)(i) of the Supplemental Agreement. But there is no specification as to the amount of unformed land to be handed over to the HA. Does a lack of specification mean that unformed land will be provided? In Annexes (B) and (C), for PRH projects, 50% of land handed over to the HA is unformed and for HOS projects, 25% of the land handed over to the HA is unformed. What is the reason for this discrepancy?*

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

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Madam President, the Supplemental Agreement does not specify how much land to be handed over to the HA should be formed. But our objective is to hand over formed land to the HA as far as possible. However, it depends on the actual design of the project and the actual situation at the time as well as the nature of the site. Very often, the Administration will have detailed discussion with the HA. In fact, for some of the sites, if they are handed over to the HA unformed, it could actually facilitate the design of the entire project and the whole process could be speeded up. In many cases, we found that such an arrangement could expedite the construction progress of some sites by 12 months. So we will negotiate with the HA and hand over unformed land to the HA with its agreement.

PRESIDENT (in Cantonese): Mr Frederick FUNG.

MR FREDERICK FUNG (in Cantonese): *Madam President, formed land and unformed land are different in appearance, apart from that, site formation costs money. When an unformed site is handed over to the HA which will have the*

site formed before building on it, is the site formation cost paid by the Government or the HA? If it is the HA, why is it so because the Government should bear the cost?

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

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Madam President, if the HA forms the site itself, the site formation cost will naturally be shouldered by the HA. If a particular site for HOS development is formed by the HA, then the site formation cost incurred by the HA will be deducted from the land cost payable to the Government. In other words, it is actually the Government which is paying the cost.

PRESIDENT (in Cantonese): Mr Frederick FUNG.

MR FREDERICK FUNG (in Cantonese): *Please allow me to ask the last supplementary question. If that is the case, there are two different approaches in granting land to the HA, especially for PRH projects. The Government will form the land and pay the cost before it hands it over to the HA. If unformed land is handed over to the HA, then the HA will pay the formation cost. Does the Government think that these two different approaches should be adjusted? In other words, as land formation is the responsibility of the Government, will the Government reimburse the HA for the cost? This is because the Government should hand over formed land and the current practice reflects two different standards.*

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

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Madam President, this practice is made according to a financial agreement between the Government and the HA. I do not think it is appropriate for me to comment on that arrangement now. But I would reiterate that under this agreement, the Government will hand over formed land to the HA as far as possible. But for some sites, we will negotiate with the HA about the design, timing, or anything concerning the whole project. In some cases, the HA is actually willing to form the land itself because both time and money can be saved. I wonder if the Secretary for Housing has anything to add here. But overall

speaking, we would try to form the site before we hand it over to the HA unless there are other special considerations connected with the site.

PRESIDENT (in Cantonese): The Secretary for Housing has nothing to add for the moment. That is all for the questions. Today we have spent two hours and 20 minutes on questions. I believe this is a record. I hope that Members can refrain from spending too much time on preambles, expressing their views or asking many rounds of questions. But I do not wish to blame Members, nor do I wish to blame officials for giving particularly long replies or too much details. Actually we welcome detailed answers and we welcome questions as well. So the only conclusion is that the President should assume the responsibility for today's prolonged question time. Perhaps the House Committee can discuss in the next meeting whether the question time can be extended from one hour to a longer period or Members should ask main questions or supplementary questions in a straight forward way so that the officials can have more time to provide Members with more information.

WRITTEN ANSWERS TO QUESTIONS

Accidents Involving Vehicle Safety Airbags

7. **MR HENRY WU** (in Chinese): *In view of a recent incident in which a driver was injured by the inflating airbag in a traffic accident, will the Government inform this Council:*

- (a) *of the number of incidents of this nature and the casualties involved, in each of the past three years;*
- (b) *of the number of incidents in which the airbags of cars inflated not because of accidents and the casualties involved, in each of the past three years; and*
- (c) *how the authority monitors and tests the installation of airbags in cars, so as to ensure the safety of users?*

SECRETARY FOR TRANSPORT (in Chinese): Madam President, according to police records, in the last three years, there were three incidents in which airbags caused injuries:

- (a) In June 1997, a private car lost control and hit the roadside barrier. The driver alleged that the loss of control was caused by the inadvertent activation of the airbag but there was no evidence to show whether the airbag was activated before or after the impact. Only the front seat passenger sustained slight injury.
- (b) In July 1997, a private car on Tolo Highway ran over a pothole. The airbags of both the driver and the front seat passenger were activated, causing facial injuries to the front seat passenger.
- (c) In October 1997, a private car hit the wall at the entrance to a police station on Tsun Wen Road, Tuen Mun. The airbag was activated and caused minor injury to the driver.

The Transport Department has also been monitoring press reports of incidents which have not been reported to the police and has noted the following two cases in the past three years:

- (a) In September 1996, a private car hit a pothole on Tuen Mun Road and the airbags of both the driver and the front seat passenger were activated. The front seat passenger was slightly injured by the airbag.
- (b) In January 1997, the airbag of a private car was suddenly activated while the car was turning a corner, causing slight injury to the driver.

In Hong Kong, there are no legal provisions for the mandatory installation of airbags or standards governing this device. Indeed, there are no universal industry standards yet. The Transport Department has nonetheless been monitoring overseas experience with the use of airbags and the technology, development of industry standards and legislation relating to airbags, particularly the safety aspects.

Overseas studies have indicated that most airbag-related injuries are

attributed to failure to wear seat belts, improper use of child restraint devices or sitting too close to the airbag outlet. For vehicles fitted with airbags, the owner's manual normally contains advice on safety precautions and many vehicles also have stickers with warning messages on the safe use of airbag. The Transport Department has recently published a pamphlet (copy attached) to advise motorists on the safe use of airbags. Copies are distributed through the Transport Department's Licensing Offices and Vehicle Examination Centres, as well as through District Offices. The Transport Department will continue to monitor the situation and issue safety guidelines from time to time.

(兩頁表)

Statistics on Child Mental Patients

8. **MR IP KWOK-HIM** (in Chinese): *It is reported that there is an increasing number of children suffering from mental illness in Hong Kong. Among these children, many are new arrivals, with the youngest one being only 18 months old. In this connection, will the Government inform this Council:*

- (a) of the present number of children suffering from mental illness in Hong Kong and, of these, the proportion of those who are new arrivals in the past five years;*
- (b) how these figures compare with those five years ago; and*
- (c) of the measures in place to prevent children (particularly new arrival children) from developing mental illness, and the kinds of services that are available for assisting such children?*

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

(a) & (b)

Since the Hospital Authority's information system captures patients' disease categories without a breakdown by age profile, we do not have readily available statistics on the number of children suffering from mental illness in Hong Kong, and hence, the proportion of those who are new arrivals in the past five years.

- (c) The Government and non-government organizations regularly organize various public education programmes to promote the awareness among parents and carers towards their children's mental health and to foster proper public attitude towards children suffering from mental illness. These programmes include the organization of an annual "Mental Health Month" and for the current year, the theme of this annual event is "Children and Mental Health". Highlights include children carnivals, visits, seminars, exhibitions,

radio and television programmes.

In general, preventive measures for child mental illness include strengthening family support for and communication with children, as well as assisting parents to understand children's mental development and to identify abnormal behaviour for early treatment. In this connection, the Social Welfare Department provides assistance to parents of children with suspected mental problems through its family centres, family education programmes, hot-line and counselling services. These services are provided to all residents in Hong Kong, including new arrivals.

For those children with mental illness, the Hospital Authority provides a comprehensive range of child psychiatric services through its psychiatric hospitals or institutions. These services are accessible to all children, including new arrival children, with behavioural and psychiatric problems on a referral basis from other medical institutions or schools. If necessary, medical social workers stationed in hospitals can provide social support services to hospitalized children and their families. Parents can also seek assistance from a Parents Resource Centre operated by a non-government organization for parents of mentally ill persons.

Plans to Improve the Equipment and Uniform of Police Officers

9. **MR CHAN CHOI-HI** (in Chinese): *Will the Government inform this Council whether:*

- (a) *it will review the existing equipment of the Police Force, such as whether the horsepower of police vehicles should be increased or whether police officers should carry foldable metal batons while on duty; and*
- (b) *it will consider improving the uniform of the Police Force, particularly the materials of summer uniform, the design of police caps and police shoes?*

SECRETARY FOR SECURITY (in Chinese): Madam President,

- (a) The Police Force constantly review its equipment to ensure that police officers are well-equipped to discharge their duties effectively. The requirements and specifications for police vehicles are reviewed when a new contract is tendered. When there is a need to increase the horsepower, it will be included in the specifications. The Police Force are also testing seven types of extendable batons to determine whether they can provide an effective replacement for the existing batons.
- (b) The Police Force are conducting tests to identify the most suitable material for making summer uniforms. In 1996, sport insoles were provided for police officers to fit into their shoes. At present, two new styles of shoes are being tried out by front-line police officers. In the longer term, a new design of the police cap will also be considered.

Accidents involving Children Left Alone at Home

10. **MRS MIRIAM LAU** (in Chinese): *In November last year, the Government undertook to review whether legislation should be introduced to prohibit parents from or penalize them for leaving their children alone at home, and whether the then relevant educational publicity measures were effective. In this connection, will the Government inform this Council of:*

- (a) *the progress or the outcome of the review; and*
- (b) *the total number of incidents in which children lost their lives or sustained injuries whilst staying alone at home since November last year, together with a brief account of each incident?*

SECRETARY FOR HEALTH AND WELFARE (in Chinese): Madam President, I should like to take this opportunity to once again reiterate our position that the primary responsibility for providing adequate care for children

must rest with their parents or guardians.

- (a) We have arranged, through the General Household Survey conducted by the Census and Statistics Department between April and June 1997, to endeavour to collect information on incidents involving children left unattended at home and parents/carers' attempts to seek alternative child care arrangements, including assistance from neighbours/relatives/friends, occasional child care services or after-school care services. The report will be available in March 1998 and we will then in the light of the information provided, consider whether changes are needed to our existing strategy.

The introduction of legislation to prevent parents and guardians from leaving their children unattended at home is one of many possible approaches to address this problem. However, there are mixed views in the community about following the legislative route as evidenced in public discussions in recent years.

Public education is vitally important in combating this problem and it must remain an on-going process. Publicity messages appealing to parents/carers not to leave children unattended are regularly channelled through the mass media. A new Television Announcement of Public Interest has been broadcast since February 1997 to appeal to the public not to leave children unattended at home and to promote awareness of the potential dangers of doing so. To add impetus to the publicity campaign, all 13 District Social Welfare Offices of the Social Welfare Department have organized between January and March 1997, district programmes aimed at arousing the awareness of the public to the potential hazards of leaving children unattended at home and child care arrangements available for parents in need of occasional child care services. Activities such as family days, game days, exhibitions, seminars, talks and various competitions, were organized and attended by over 40 000 participants. Similar programmes have also been organized by the Family Life Education Units of Social Welfare Department and non-governmental organizations (NGOs). In view of recent public concern on the problem of children being left unattended at home, we have made arrangements to step up our publicity efforts.

The new Child Care Services Ordinance took effect on 30 September 1997. New legislative provisions facilitate the formation of mutual help child care centres provided that certain basic safety requirements have been satisfied. These centres operate at more flexible hours to meet the needs of the children of their members. Publicity and other promotional activities, including briefings and radio programmes, to introduce the new legislative provisions, have been organized. We will continue with these publicity activities and encourage local organizations to establish mutual help child care centres to meet local needs.

In addition, to assist parents who cannot look after their children during the day, we have day care facilities for children below the age of six. At present, there are around 1 600 day crèche places and some 40 000 day nursery places in Hong Kong.

Occasional child care service is also provided in some of these child care centres for children whose parents/carers are unable to take care of them for brief periods during the day. At present, over 650 occasional child care places are provided in 214 centres. Some NGOs also provide after-school child care services mainly for primary students.

- (b) We are collecting information on incidents of children left unattended in locked premises since 1996. Such statistics are expected to be ready by the end of the year.

Assisting Primary Schools in Setting up Libraries

11. **MR YEUNG YIU-CHUNG** (in Chinese): *It is reported that while more than 60 primary schools set up their own libraries last year, they have yet to obtain funding from the Government for the purchase of books and the employment of librarians. In this connection, will the Government inform this Council:*

- (a) *of the reasons for these primary schools not having been granted*

the funds required;

- (b) of the total number of primary schools with libraries in Hong Kong and, of these schools, the number with full-time librarians;*
- (c) of the total number of full-time primary school librarians in Hong Kong and, of these librarians, the number of those who have received professional training in librarianship; and*
- (d) whether it has plans to set up libraries in more government and aided primary schools?*

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

- (a) The Education Department is setting up libraries in existing government and aided primary schools by phases under the School Improvement Programme. So far, 41 primary schools have been provided with libraries. All primary schools adopting the new school design have a library. To date, three new primary schools completed this year are equipped with a library. The Government has made plans to provide a library grant to schools with libraries. Details of the funding arrangements will be announced shortly.

(b) and (c)

At present there are altogether 44 government and aided primary schools which have a library.

At present, the libraries of the above primary schools are managed not by full-time librarians, but generally by school library co-ordinators who are school teachers or senior teachers having attended short-term training courses on library management organized by the Education Department.

The Government will, in the next four years, provide by phases one additional Certificated Master/Mistress post for each whole-day primary school and each bi-sessional primary school with 12 classes or more to co-ordinate library services and to support the Chinese and English Extensive Reading Schemes. To this end, we will be creating over 600 Certificated Master/Mistress posts. We plan to provide one-year in-service professional training for all teachers responsible for library services and the Extensive Reading Schemes. The training course will be run by tertiary institutions and the teachers will be required to attend classes one day per week.

- (d) We will continue to set up libraries in all existing primary schools wherever feasible. All newly designed primary schools will have a library.

Progress of the 99 recommendations in the Report of the Working Party on Primary Health Care being Implemented

12. **MR HUI YIN-FAT** (in Chinese): *The Health and Welfare Bureau has informed this Council that out of the 102 recommendations made in the Report of the Working Party on Primary Health Care published in December 1990, 99 have either been implemented or are under planning. In this connection, will the Government list out the specific details of the implementation or planning of these 99 recommendations, as well as the progress in this regard?*

SECRETARY FOR HEALTH AND WELFARE (in Chinese): Madam President, of the 102 recommendations in the *Report of the Working Party on Primary Health Care*, the progress of the 99 recommendations which have been implemented or are under planning is set out below:

Progress

<i>Scopes of Recommendations</i>	<i>Number of recommendations implemented or endorsed in principle</i>	<i>Number of recommendations being actively considered or planned</i>
Objectives and Principles of Primary Health Care	1	-
Health Promotion and Disease Prevention	23	-
Health Screening Service	7	-
Student Health Services	7	1
Primary Medical Care Service	24	-
Community Health Services and Rehabilitative Care	11	-
Training of Health Care Personnel	11	-
The District Health System	4	-
Fees and Charges Policy and Funding of Health Research	9	-
Financing of Health Care Service	-	1
Total	97	2

Implementation of Information Technology Education

13. **MR YEUNG YIU-CHUNG** (in Chinese): *It is set out in the policy address that the Government will formulate a five-year strategy to promote information technology education. In this connection, will the Government inform this Council:*

(a) *of the progress in the formulation of the strategy;*

- (b) *in view of the limited space available in secondary school premises, what arrangements will be made by the authority to ensure the availability of adequate space to install new computers next year; and*
- (c) *which institutions or government departments are responsible for enhancing information technology training among teachers and the measures to take?*

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

- (a) The Education and Manpower Bureau and the Education Department are jointly formulating a five-year strategy to enhance the use of information technology (IT) in school education. We will complete, by the end of the year, a draft framework consultation document. Consultation with interested parties, professionals, front-line educators and the public will take place early next year.
- (b) In General, public sector secondary schools are equipped with computer rooms. It was announced in the policy address that each public sector secondary school would be provided with, on average, 82 multi-media computers in the next school year. Some of these new computers will replace the existing facilities in computer rooms, while others will be installed in existing classrooms, special rooms and computer-assisted learning rooms converted from vacant classrooms. For schools with very limited space, they can choose to use notebook computers instead of desktop computers. We will try to increase the space for installing computer facilities in existing schools through the School Improvement Programme.

Moreover, some secondary schools to be completed in 1999 and all secondary schools scheduled for completion in 2000 and beyond will be equipped with, in addition to a computer room, a computer-assisted learning room to enable teachers to use computers to teach subjects other than computer studies. We are now conducting a review of the design and facilities of school premises to cater for the development of IT in education.

- (c) IT training for teachers is mainly provided by computer suppliers, tertiary institutions and non-profit making organizations.

The tender conditions for procurement of computers for schools will require the computer suppliers to provide basic training courses for teachers catering for their teaching needs. We will also liaise with tertiary institutions and interested non-profit making organizations with a view to jointly providing in-depth IT and tailor-made training for specific subjects.

In the long run, we aim to provide different levels of training for teachers through various arrangements to keep them up to date on IT development the application of IT in teaching. In the consultation document on the five-year strategy, we will put forward proposals on enhancing IT training for teachers.

Introduction of Chinese Opera in Secondary School Curriculum

14. **MR MA FUNG-KWOK** (in Chinese): *The Education Department has recently released a CD-ROM on traditional Cantonese opera and set up the Working Group on the Teaching of Cantonese Opera (the Working Group) to study revisions to the music syllabus as well as providing more support facilities for teachers in this respect. In this connection, will the Government inform this Council:*

- (a) *of the contents of the current music syllabus pertaining to Cantonese opera, and the expected completion date of the study of the Working Group;*
- (b) *how the Education Department is going to incorporate the relevant syllabus into the tightly-packed secondary school curriculum;*
- (c) *whether this CD-ROM can be read by the computer software currently used in schools; if not, whether there is any plan to upgrade the software and how much it will cost; and*

- (d) *whether it has studied the feasibility of using CD-ROMs as a teaching aid in other subjects; if so, what the details are?*

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

- (a) At present, Cantonese opera/operatic songs is included in the Listening and Music Projects of the music syllabus for secondary schools. The Music Subject Committee (Secondary) of the Curriculum Development Council (CDC) has appointed a working group in mid-April this year to examine and advise on the strategy and direction of promoting the teaching of Chinese traditional music in Hong Kong. It is expected that the working group will complete a preliminary studies report around April and May 1998 for submission to the Committee for consideration.
- (b) Teachers can make use of music lessons or extra-curricular activities to introduce Cantonese opera, so as to enhance students' interest in and knowledge of Chinese traditional arts.
- (c) At present, some of the computers in secondary schools can read multi-media educational software. Next year, additional computer facilities will be provided to primary and secondary schools to enhance the use of information technology in school education. All new computers installed in primary and secondary schools will be provided with drivers to read CD-ROMs including those on "Cantonese Opera Window".
- (d) The Education Department has produced CD-ROMs on secondary school subjects like computer studies, physics and chemistry to support computer-assisted teaching. The Department is also introducing a Computer-Assisted Learning Programme in primary schools whereby teachers are provided with computer-assisted learning software in respect of Chinese, English, Mathematics and General Studies subjects. The Programme is being piloted in eight primary schools. The CDC will examine how information

technology may be used to assist in the teaching and learning of more primary and secondary subjects.

Accidents Involving Snapped Mooring Ropes

15. **MRS MIRIAM LAU** (in Chinese): *Will the Government inform this Council:*

- (a) *of the total number of accidents in the past three years in which the mooring ropes of franchised ferries and licensed ferries suddenly snapped and, of the number of such incidents which caused casualties; and*
- (b) *whether it has issued guidelines to ferry companies on the measures to be adopted to prevent mooring ropes of ferries from snapping, hence causing injuries to passengers; if so, what the details are; if not, whether it will consider drawing up such guidelines?*

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

- (a) During the past three years there have been 30 cases of snapping of mooring ropes during the berthing and unberthing of ferries resulting in eight persons sustaining minor injuries.
- (b) In order to prevent such incidents, ferry companies are adopting the following precautions:
 - (i) Use of large sized natural fibre mooring ropes which can withstand greater strain and produce less recoil when snapping;
 - (ii) Regular inspection of mooring ropes for wear and tear by dedicated officers; and
 - (iii) Notices prominently placed to warn passengers to remain seated until berthing is completed and keep clear of mooring areas.

Marine Department inspectors carry annual and routine inspections of franchised and licensed ferries and will require ferry operators to immediately replace worn mooring ropes if detected during such inspections. In addition, Marine Department will promulgate notices from time to time to remind ferry operators of the precautionary measures which should be taken to prevent the parting of mooring ropes.

Measures to Combat Triad-related Crimes

16. **DR DAVID LI:** *A senior Independent Commission Against Corruption (ICAC) official has been reported as saying that triads are responsible for half of the reported crimes committed in Hong Kong and that ICAC intelligence showed that 50% of crimes was not reported. In this connection, will the Government inform this Council:*

- (a) how effective is "intelligence" in detecting unreported crimes;*
- (b) of the measures in place to encourage reporting of triad-related crimes to the police; and*
- (c) whether it has undertaken any study on the adequacy of the existing police resources for combating triad-related crimes; if so, what the findings are?*

SECRETARY FOR SECURITY: Madam President, there is no evidence of a growing triad problem in Hong Kong. The ratio of triad involvement in overall reported crimes has remained stable at about 4% to 5% during the past five years and only 3.9 % in the first nine months of 1997. In 1996, the number of triad-related reported crimes (including blackmail, intimidation, wounding and unlawful societies offences) dropped by 21% when compared with 1995. In the first nine months of 1997, the downward trend continued with a decrease of 17.8% when compared with the same period in 1996.

As regards the questions raised by the Honourable Member, the answers are as follows:

- (a) The police find intelligence very useful in detecting reported as well as unreported crimes. This is particularly so in those cases where victims get what they want from criminals and are unlikely to report the crimes to the police, such as in the case of loansharking and drug trafficking. In assisting us to assess the crime situation, we also conduct regularly a Crime Victimization Survey to seek information from members of the public on particulars of criminal acts including those that were not brought to the police's attention.
- (b) We adopt a variety of measures to encourage members of the public to report crimes, including triad-related crimes, to the police:
 - (i) the Police Public Relations Branch maintains close liaison with the public and runs a series of anti-triad publicity programmes. These include the screening of announcement of public interest on television, advertising billboards and the production of information leaflets on the channels for reporting crimes;
 - (ii) the Police Crime Prevention Bureau liaises closely with shops and firms to encourage them to report triad activities; and
 - (iii) the Police Central Witness Protection Programme offers protection to vulnerable witnesses to encourage members of the public to come forward to give evidence, particularly in triad-related cases.
- (c) We keep the adequacy of the existing resources for combating triad-related crimes under constant review. Over the past three years, we have strengthened the police's capability in tackling triads by creating 277 posts devoted to anti-triad activities. In addition, the police have established dedicated units, namely the Organized Crime and Triad Bureau and the Criminal Intelligence Bureau, to take proactive actions against triads. Both the Narcotics Bureau

and the Commercial Crime Bureau also take special interest in triad activities within their areas of responsibility. Furthermore, each Police Region has an Anti-Triad Unit and every Police District has its own Anti-Triad Squad.

Apart from providing sufficient manpower, we also ensure that there are adequate legislative powers to tackle the triad problem. On top of other Ordinances, the Organized and Serious Crimes Ordinance was fully implemented in 1995 to enhance the police's ability to investigate organized and serious crimes, including triad offences. The Ordinance makes provisions for special investigative powers and confiscation of proceeds of certain crimes including money laundering.

Measures to Deal with the Loss of Wetland

17. **DR TSO WONG MAN-YIN** (in Chinese): *It is reported the wetland in Northwest New Territories will be affected by a series of public works projects to be undertaken in future. Will the Government inform this Council:*

- (a) *of the public works projects which will affect the wetland;*
- (b) *whether it has formulated a set of long-term policy to prevent the loss of wetland; if not, why not; and*
- (c) *whether any measures are in place to reduce the impact of such projects on the ecology of the wetland; if so, what the details are?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Chinese): Madam President,

- (a) The following are the major public works projects that may affect wetlands in the Northwest New Territories. Some of them are in progress while others are under planning:
 - (i) main drainage channels for Tin Shui Wai, Yuen Long, Kam Tin and Ngau Tam Mei;

- (ii) Flood protection works at Yuen Long, Kam Tin, Sha Po Tsuen, Ngau Tam Mei, San Tin Villages and Chau Tau Tsuen;
 - (iii) Yuen Long By Pass Floodway; and
 - (iv) the West Rail Project.
- (b) The Government policy on wetland conservation is to prevent the loss of wetland resources. For those wetlands of significant value but are lost due to essential development projects, on-site or off-site compensation will be provided as far as practicable.

The most important wetland in Hong Kong is Mai Po and Inner Deep Bay. The Hong Kong Special Administrative Region is committed under the Ramsar Convention to conserve this listed site and to promote, as far as possible, the wise use of wetlands in the territory. To this end, we have established buffer zones around this site, within which both private and public developments are strictly controlled. The buffer zones serve as a shield to provide added protection to the Ramsar site.

To remedy the cumulative loss of wetlands as a result of developments, we intend to commission a territory-wide consultancy study on wetlands compensation to better understand and more fully address the cumulative adverse impact of development projects on wetlands, and look into the methodology of off-site compensation. We will be seeking the Finance Committee's approval of the necessary funding very shortly.

- (c) All major public works which may affect wetlands are subject to the Environmental Impact Assessment process, which requires the project proponent to undertake, amongst other things, an ecological impact study at the planning stage of the project. Subject to the outcome of the study, the project proponent would be required to:

- (i) take action to avoid as far as possible any potential adverse impact on wetlands by, for example, selecting an alternative site for its development;
- (ii) if adverse impact is unavoidable, take mitigation measures to minimize the impact. These measures include transplanting important plant specimens, confining works in specific areas or seasons, restoration of disturbed areas, and so on; and
- (iii) if permanent loss of wetlands is caused, provided on-site or off-site compensation as far as practicable in the form of enhancement of existing wetlands, restoration of degraded wetlands or creation of new wetlands. The consultancy study mentioned in (b) above would further enhance the ability of project proponents to provide effective off-site compensation for lost wetlands.

Licensing Travel Agencies for Inbound Visitors

18. **MR HOWARD YOUNG:** *Under the Travel Agents Ordinance, travel agents providing outbound tours are required to obtain a licence whereas those providing tours to inbound visitors are not required to obtain such licence. In this connection, will the Government inform this Council:*

- (a) of the reasons for such differences; and*
- (b) whether it will consider requiring travel agents which provide tours to inbound visitors to be licensed; if so, when such a licensing system will be implemented?*

SECRETARY FOR ECONOMIC SERVICES: Madam President,

- (a) Before 1986, there was no licensing requirement on travel agents. Following a series of abscondment and failure of some outbound travel agents, there were calls for better protection to consumers.

As a result, the Travel Agents Ordinance was enacted in 1986 which provides for the licensing of outbound travel agents to protect the interests of consumers. Given that the problem then was on outbound travel agents only, the inclusion of inbound agents into the licensing scheme was not considered necessary.

- (b) In consultation with the travel industry and the Hong Kong Tourist Association, we are examining the need for regulating inbound travel agents. We shall review whether there are any problems in the operation of inbound travel agents and if yes, whether licensing is the best way to resolve those problems.

Measures to Control Financial Institutions Taking Part in the Speculation of Hong Kong Dollars

19. **MR KENNEDY WONG** (in Chinese): *It is reported that some banks in Hong Kong lent large sums of Hong Kong dollars to speculators to engage in speculative activities. In this connection, will the Government inform this Council whether it will take measures to step up the monitoring of financial institutions in Hong Kong in regard to their involvement in high-risk speculative activities, and whether it will conduct a comprehensive review of the existing monitoring mechanisms and legislation concerned; if so, what the details are?*

SECRETARY FOR FINANCIAL SERVICES (in Chinese): Madam President, within the existing prudential supervisory framework, the Hong Kong Monetary Authority (HKMA) has developed prudential guidelines on banks' foreign currency exposures. Through the regular returns submitted by banks, the HKMA can ascertain whether banks have incurred significant short Hong Kong dollar positions. For banks which are more active in foreign exchange activities, they are required to submit the returns on a weekly basis. Compliance with the guidelines is checked through regular and ad hoc on-site examinations. The HKMA will continue to monitor closely banks' foreign currency exposures.

Furthermore, the Real Time Gross Settlement interbank payment system introduced in December 1996 enables the HKMA to monitor interbank liquidity on a real time basis. The HKMA is therefore capable of ascertaining whether a bank has become significantly short in the Hong Kong dollar and, again, as

necessary, follow-up on-site inspections are conducted.

It should however be noted that Hong Kong is an international financial centre and a major foreign exchange market where buying and selling of Hong Kong dollar against foreign currencies is a normal part of banks' business. In the course of conducting foreign exchange transactions, it is not easy for banks to differentiate between trades for hedging purposes or for supporting normal commercial transactions and trades associated with speculation.

In the face of the recent Asian foreign exchange market turmoil, the HKMA has reminded banks which are major suppliers of Hong Kong dollar funding that they should adequately take all relevant risks into account in their funding activities and when pricing their swap and forward transactions, particularly in times when the Hong Kong dollar is under pressure.

More recently, in response to the recent speculative attacks on the Hong Kong dollar, the HKMA issued a circular on 23 October 1997 to remind banks that they should organize their Hong Kong dollar funding prudently and not be overly dependent upon the HKMA's Liquidity Adjustment Facility (LAF) for last resort liquidity support. The circular also gives a warning that repeated borrowers may be charged penal LAF Offer Rates. In the interest of maintaining exchange rate stability, it is clearly inappropriate for the HKMA to provide Hong Kong dollar funding to banks to fund a speculative short Hong Kong dollar position through LAF. Since the issue of the reminder, no bank has been assessed any penal rate for their LAF borrowings.

The present monetary management and prudential supervisory framework has enabled us to fend off speculative pressure against the Hong Kong dollar promptly and effectively. As explained by the Financial Secretary, we will review our monetary armoury for delivering exchange rate stability and introduce, where appropriate, measures to strengthen further their robustness and effectiveness.

Action Against Unlicensed Companies which Provide *de facto* Services of Outbound Travel Agencies

20. **MR HOWARD YOUNG:** *Will the Government inform this Council whether there are companies operating as outbound travel agencies without*

licence, if so:

- (a) what the estimated number is; and*
- (b) whether the authority has taken actions against them; if so, what the actions are; if not, why not?*

SECRETARY FOR TRADE AND INDUSTRY: Madam President, the Government does not have details on the number of businesses which conduct outbound travel business without a licence. However, the Registrar of Travel Agents (RTA), which is the licensing authority for outbound travel agents, and the Travel Industry Council of Hong Kong (TIC), a self-regulatory organization of the travel industry, have been closely monitoring the situation. The TIC employs a private company to conduct regular covert checks on travel agents. We also receive reports or complaints of alleged operation of outbound travel business without a licence from the public from time to time.

On receiving reports or complaints relating to alleged unlicensed activities, the practice has been for the RTA to remind the suspected bodies of requirements under the Travel Agents Ordinance and advise them in writing of the procedures for licence application. The RTA will refer cases to the police for further investigation if there is *prima facie* evidence that the suspected bodies continue to operate in contravention of the Travel Agents Ordinance despite the advice given.

In response to queries raised by many local, non-profit making organizations on what constitutes a business activity that requires licensing under the Travel Agents Ordinance, the RTA has also attended District Board meetings in recent years and issued guidelines in June 1997 to clarify the legislative intent under the said Ordinance.

For the first 10 months of 1997, the RTA received 24 reports and complaints relating to suspected unlicensed activities under the Travel Agents Ordinance, involving 37 suspected travel agents. The corresponding figures for 1996 were 44 reports and complaints involving 64 suspected travel agents. There were two successful convictions in 1996 and the first 10 months of 1997.

BILL

Second Reading of Bill

Resumption of Second Reading Debate on Bill

SEX DISCRIMINATION (AMENDMENT) BILL 1997

Resumption of debate on Second Reading which was moved on 29 October 1997

PRESIDENT (in Cantonese): Bill: Second Reading. We will now resume the Second Reading debate on the Sex Discrimination (Amendment) Bill 1997. Does any Member wish to speak?

(No Member indicated to speak)

PRESIDENT (in Cantonese): I now put the question to you and that is: That the Sex Discrimination (Amendment) Bill 1997 be read the Second time. Will those in favour please say "aye"?

(Member 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.

CLERK (in Cantonese): Sex Discrimination (Amendment) Bill 1997.

Committee Stage

CHAIRMAN (in Cantonese): Bill: Committee Stage. Council is now in Committee.

SEX DISCRIMINATION (AMENDMENT) BILL 1997

CHAIRMAN (in Cantonese): I now propose the question to you and that is: That the following clauses stand part of the Bill.

CLERK (in Cantonese): Clauses 1 to 5.

CHAIRMAN (in Cantonese): Will those in favour please say "aye"?

(Members responded)

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

(No Member responded)

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

Council then resumed.

Third Reading of Bill

PRESIDENT (in Cantonese): Council will now resume. Bill: Third Reading. Secretary for Financial Services.

SECRETARY FOR FINANCIAL SERVICES (in Cantonese): Madam President, the

SEX DISCRIMINATION (AMENDMENT) BILL 1997

has passed through Committee without amendment. I move that this Bill be read the Third time and do pass.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Sex Discrimination (Amendment) Bill 1997 be read the Third time and do pass.

PRESIDENT (in Cantonese): I now put the question to you as stated. 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.

MEMBERS' MOTIONS

PRESIDENT (in Cantonese): Members' Motions. Two motions with no legal effect. I have accepted the recommendations of the House Committee as to the time limits on speeches for the motion debates. The movers of the motions will each have 15 minutes for their speeches including their replies, and another five minutes to speak on the amendments. The movers of the amendments and other Members will each have seven minutes for their speeches. Under 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: Recruiting native English-speaking teachers of English for Hong Kong secondary schools. Mrs Elsie TU.

RECRUITING NATIVE ENGLISH-SPEAKING TEACHERS OF ENGLISH FOR HONG KONG SECONDARY SCHOOLS

MRS ELSIE TU: Madam President, I am happy that at last the Government has faced up to the fact, that the widespread use of English as the medium of teaching, has lowered the standard of mother-tongue language and culture, while at the same time failing to improve the English language skills of the vast majority of children. This question should have been tackled decades ago, but anyhow, one can only say that it is better late than never.

As one whose career has been in teaching English both in Britain and in Hong Kong, I have studied this issue for many years. Before universal free education was introduced at the secondary school level in 1978, it was the custom for private English-medium schools to begin using English as the medium of teaching at Primary 5 level, to give the children a solid background in English before entering secondary school. Those students were usually the cream of the young people, and with those two additional years of teaching in English in Primary 5 and 6, they were able to cope. However, after the introduction of universal free secondary education, the vast majority of children were transferred directly from mother-tongue primary schools to Form 1 in English-medium secondary schools.

It was clear from the start that most children could not cope, yet little or nothing was done to remedy the problem. Many children coming from Chinese primary schools could hardly distinguish the letters of the alphabet, yet they were expected to study all subjects in English.

Free education, which should have been a blessing, then became a curse, because those who could not cope either finished school only half literate at Form 3, or, even worse, they found comfort in gangs or in anti-social behaviour. I would estimate that well over half of Hong Kong's young people have suffered from language handicaps.

It is therefore not at all surprising that the universities complain of a drop in English language proficiency. The universities are getting many students who excel in Mathematics, Science and other subjects, but who are handicapped

in English, and often also in their own language. Some of them graduate and take up teaching in mathematics and science, then pass on their language handicaps to their students because they teach in faulty English.

The English language problem actually begins in primary school, so reforms should begin at the primary school level. The low pay and poor prospects in subsidized primary schools cannot attract good English-speaking teachers. Any graduate who is proficient in English can probably get a good job in the Civil Service, or in one of the high-paying private companies. Unless they feel dedicated to teaching, and I am afraid very few do, graduates will not take up primary school teaching as a career.

I once interviewed a teacher, trained in the teachers' training college to teach English in primary school. I asked her, "Where do you LIVE?" She replied, "I LEAVE school last year." After finding several teachers with equally poor English applying for teaching jobs in primary school, I phoned the principal of the training college to complain about the low standard of English teachers they were turning out. The principal replied, "I agree. But we can only turn OUT what we get IN." It was clear that teaching English in primary schools would not attract good English teachers, and that teachers in turn would not turn out students able to cope at the secondary school level, with English as the medium of teaching. The problem was shelved for many years, until finally the Government had to admit to the deteriorating standards of both studies and behaviour among secondary school students.

Resulting from my own experience over so many years in education, I am convinced that, with the exception of those students who live and study in an English-speaking environment, or those who are exceptionally gifted in language, the teaching given in schools should be in the mother tongue. At the same time, teaching of English as a second language must be radically improved throughout the whole school system, beginning at primary school. When students, or even adults, are submitted to the ordeal of listening to a foreign language all day, they shut off their minds. If the period of listening to English is reduced to one or two lessons at a time, they are likely to show more interest, and will learn much better.

I would now like to give my views on the proposal to recruit about 700 native English-speaking teachers from abroad, with the attraction of a rent allowance, and a gratuity higher than that of some local civil servants. You may be surprised, after all I have just said, that I do **not** accept the proposal as it

stands. I have my reasons, based on experience. First, what impact can 700 expatriate teachers have on hundreds of schools in Hong Kong, even if those teachers are all model teachers (which I doubt). Unless it is the Government's intention merely to have a few privileged schools, we would need at least 10 native English teachers in every secondary school. In addition, to give special conditions in rent and gratuity to expatriate teachers, and not to locals, would at once restore the old idea of unequal treatment. I believe it also contravenes Article 103 of the Basic Law. It would create ill feeling among teachers in the same school if expatriates received rent allowances while local teachers cannot earn enough to take out a mortgage on a flat. Another reason why I dislike the idea is that native English-speaking teachers are not necessarily good at teaching English to Chinese students. If they have no knowledge of the Chinese language, they are unable to explain the differences in language structure and idiom between the two languages. They are therefore rather handicapped in their teaching because of the gap in language and culture. I have experience in employing foreign teachers. Some have tried to absorb some Chinese culture and have done quite well, especially those who are long-term residents. Others, without any understanding of the local system of education, may themselves suffer from culture shock or find it difficult to adjust. Others come with the fixed idea that the education system of their own country is better than ours in Hong Kong, and they try to tell the school management what they should be doing, and interfering in matters that are not their business. Misunderstandings can occur and resentment grow.

From my own meagre knowledge of the Chinese language, I find it useful to point out how Chinese and English sentence differ in structure. To give a simple example, Chinese students will write, "Although I was sick, BUT I still came to school." That error will continue unless the teacher can point out that the sentence is Chinese in structure, having two conjunctions which the students have literally translated into English words. Because a teacher with some knowledge of Chinese is better able to teach English, I propose that we should seek bilingual teachers, first in Hong Kong, and if necessary, from Chinese communities abroad. The reason why we cannot attract bilingual teachers now is the lack of any incentive for local people to join the teaching profession. Bilingual Chinese can easily find well-paid jobs as interpreters, translators, civil servants or as private secretaries in well-paying companies.

Besides engaging bilingual persons, we may also attract honours English graduates, if we offer them good prospects. But we will attract none into primary or secondary schools at present salaries — and we get only what we pay for.

Instead of spending money on rent and *ex-gratia* payment for expatriates, we could set up an Academy for English-Teacher Training, for bilingual and high-grade local graduates, and give them a one-year, or two-year in-service course, or whatever, in teaching English as a second language. Because of the strict standard of entry into such an academy, that is, the requirement for excellent English before entry, those teachers could be given a special salary scale. This would achieve a final solution rather than a piecemeal plan. If, after trying out a recruitment programme such as I propose, we still cannot find enough teachers of English, we might consider recruitment from abroad, first among Chinese communities, and if absolutely necessary, expatriates. But expatriates would not be given rent allowances or gratuities. Instead they would be offered the special salary which is also offered to local teachers of English. Foreign residents of Hong Kong should also be included in the scheme, provided they accept equal pay and conditions.

Madam President, the plan to bring in about 700 native English-speaking teachers appears to be a panic measure, another piecemeal solution, likely to create expatriate advantages, illfeeling, and not necessarily producing any good results. We should now face the problem head-on, and not make another wrong move by paving the way for more imported workers, before we have done everything possible to find teaching talents locally.

My proposals are only preliminary ideas on how to improve English teaching standards. I am sure that other Members will have other proposals, and I hope that the Government will examine all possibilities before embarking on a move that may create more problems than it solves.

Madam President, with these words, I move the motion standing in my name.

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

Mrs Elsie TU moved the following motion:

"This Council requests the Government to take into consideration the views of Members of the Provisional Legislative Council on the proposal to provide more than 700 additional native English-speaking teachers of English for Hong Kong secondary schools."

DEPUTY PRESIDENT: I now propose the question to you and that is: That this Council requests the Government to take into consideration the views of Members of the Provisional Legislative Council on the proposal to provide more than 700 additional native English-speaking teachers of English for Hong Kong secondary schools.

MR YEUNG YIU-CHUNG (in Cantonese): Mr Deputy, ever since the new Native-speaking English Teachers Scheme was proposed by the Chief Executive in his policy address, it has become a hot topic for discussion in Hong Kong. It is quite necessary and timely for this Council to have a motion debate on this.

In discussing the Native-speaking English Teachers Scheme, we have to be clear about two things: first, whether we should recruit native-speaking English teachers; second, on what terms we should recruit these teachers. If one has not done any investigation, one has no right to speak. Therefore, I have done a questionnaire survey in all secondary schools in Hong Kong on the question of recruiting native-speaking English teachers. The results show that 54.8% of the schools agree to the import of native-speaking English teachers, 33.3% are against it and 11.9% of the schools have no view. The reason that the majority of the schools agree to the import of these teachers is the acute shortage of high-calibre local English teachers, while recruiting native-speaking English teachers does help improve students' English standards, especially in spoken

English.

The Democratic Alliance for Betterment of Hong Kong (DAB) thinks that it is acceptable to use the recruitment of native-speaking English teachers as a temporary measure to solve the present problem of the shortage of high-calibre English teachers. However, the recruitment terms must be open, fair and must conform to the principle of "equal work, equal pay". The additional monthly housing allowance of \$20,000 offered by the Government to native-speaking English teachers obviously contravenes the principle of "equal work, equal pay" and there is no convincing argument for it. The DAB strongly opposes it. Since local teachers also have to make mortgage payments and rent flats at high rents, the Government cannot give unequal treatment in terms of housing allowance.

Of course, we will not oppose for the sake of opposition and negative the whole scheme on account of technical details. We are willing to make constructive suggestions to the Native-speaking English Teachers Scheme. Of course, if we recruit native-speaking English teachers on local employment terms, there would be little controversy. This was tried before. Unfortunately, the result was the failure to recruit enough people. In 1996, the Government planned to recruit 100 expatriate English teachers, but only 12 were recruited. In 1997, it only succeeded in recruiting 25 people, which fell far short of plan. The chief reason for the difficulty of recruiting people was that the recruitment terms were unattractive. If we were unable to recruit 100 people, how are we able to recruit 700 native-speaking English teachers? In order to implement the scheme of recruiting 700 native-speaking English teachers, it seems that we will have to strike a balance between increasing the attractiveness of the scheme and upholding the principle of "equal work, equal pay".

Facts speak louder than words. "You cannot make the horse work without feeding it". This is impossible. After considering different methods, we have finally found a method that is both reasonable and imaginative, that is, offering a special allowance, a "settling-down allowance" of about \$200,000 to native-speaking English teachers. This is because these teachers have to move their whole families to Hong Kong and, being foreign here, will encounter a lot of adjustment problems. They have to spend a sum of money on settling down, such as buying air tickets, paying the deposit for a rental flat, buying the furniture

they need and daily necessities. The "settling-down allowance" will only be payable for their first contract and will not be offered again when the contract is renewed, since there is then no more question of "setting down". Actually, the "settling down allowance" should be a one-off payment. However, to prevent anybody "running away" with the money, we suggest that this allowance be paid in several installments. For instance, it can be paid in three installments - \$100,000 on their arrival in Hong Kong, another \$50,000 after one years' work, and the last \$50,000 after 18 months. We do not propose monthly payment, since it will not serve the purpose of helping them settle down. Instead, it will become the benefits of native-speaking English teachers. By replacing the housing allowance with a one-off "settling-down allowance", we can uphold the principle of "equal work, equal pay", as well as help native-speaking English teachers solve their practical problems upon arrival in Hong Kong, thus increasing the attractiveness of the recruitment scheme. This is a both fair and reasonable solution.

The DAB thinks that the entry requirements of the Native-speaking English Teachers Scheme should be relaxed, using proficiency in English as the criterion. Regardless of nationality, people from Hong Kong, the Mainland and overseas should be allowed to apply. There will be fair competition and the best people will be selected. Before recruiting native-speaking English teachers, the Government must come up with a set of related measures. The recruitment scheme must be flexible and allow qualified schools to make their own recruitment. Apart from qualifications, experience and English language proficiency, the character of the teachers should also be taken into consideration. The responsibilities of native-speaking English teachers must be clearly defined. Other duties should be suitably added so that they can fulfil their roles. The Government should provide these English teachers with induction to help them understand the characteristics of local education and the school culture.

The management of the 700 native-speaking English teachers is also a matter that merits some attention. Of course, management should be school-based. However, the Education Department must not simply leave them alone. It should do some follow-up study and help the schools manage these teachers. Can the schools terminate a contract with the teachers whose performance is unsatisfactory? The Education Department should give clear directives. The DAB also suggests that the Government should reduce the amount of the gratuity for native-speaking English teachers from 25% to 15%,

since the average contract staff of universities at present receive a 15% gratuity.

We think that there should be a full review of the scheme after two years of implementation rather than five years, in order to assess its effectiveness so that timely improvements can be made. The ultimate way to improve the students' English language skills is to improve the standards of local English teachers, to have English taught as a foreign language and to improve the methods of English teaching. The Government of the Hong Kong Special Administrative Region (SAR) should enhance the training of local English teachers and the research on English language teaching. The DAB suggests that the Government should take this two-prong approach, allocating resources to finance overseas training of local English teachers for half a year or even one year to improve their English ability, as well as abolishing the native-speaking English Teachers Scheme in five years.

In the long run, when considering ways to improve the promotion prospects of teachers, on top of the "entry language requirement", the SAR Government might consider creating a grade of "professional language teacher" for Chinese and English teachers in order to induce locals with excellent English language skills to join the English teaching profession with more attractive salaries.

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

DEPUTY PRESIDENT (in Cantonese): Dr LAW Cheung-kwok.

DR LAW CHEUNG-KWOK (in Cantonese): Mr Deputy, if Hong Kong is to continue to be an international commercial centre, it is very important that Hong Kong students receive the best training in the English language.

The Government of the Hong Kong Special Administrative Region (SAR) recently decided to recruit more than 700 English teachers who are native speakers. It will also give them generous housing benefits. This is indeed a bold attempt. The strong reaction from the education sector, however, tells us that the Scheme is one that is not made after careful consideration, that is one-sided and fails to heed the difficulties of local language teachers and their

reasonable interests. In this connection, let me quote part of the representation from the Hong Kong Professional Teachers' Union for our reference:

"The Government has not faced squarely the work pressure of language teachers, instead it blames the lack of quality local language teachers for the poor language standards of our society. So, it uses attractive terms to recruit expatriate English teachers. The light workload of these expatriate English teachers is in sharp contrast with the heavy workload of their local counterparts. The two kinds of teachers work under different pay, different conditions and different treatment. Local teachers continue to toil away under tremendous pressure. Is this reasonable, caring and understanding?

"The number of weekly teaching sessions of local language teachers remain unchanged. Then without any increase in the opportunities for training and further studies, local language teachers have to be tested for benchmark qualifications and bear the blame for the poor language abilities of our students. With the arrival of new expatriate English teachers, workload remains the same for these local language teachers but there is the added burden of helping the newly arrived teachers to adapt to the new teaching environment and of providing translation service. The Government has not provided any support to the local language teachers. Will good local language teachers tolerate these unfair and discriminatory treatments without putting up resistance to defend their own interests?"

If the Government launches the Native-Speaking English Teachers Scheme, it may do harm before it does any good in improving the English abilities of Hong Kong students. This is because: firstly, the overall morale of local language teachers will be affected, in terms of their drive to teach and their quality of teaching. Secondly, some good local language teachers may sadly leave their jobs in protest against the discriminatory policy, making the average quality of local language teachers drop quickly.

The Government's initiative to use "imported worker" to improve the English abilities of local students is both inadequate and inappropriate. I would urge the Government to temporarily suspend the Scheme and give serious thought to the representations of professional educational bodies and professional people. It should plan its move carefully in trying to improve the

English standards of our students.

With these remarks, I support the motion.

DEPUTY PRESIDENT (in Cantonese): Mr Andrew WONG.

MR ANDREW WONG (in Cantonese): Mr Deputy, the Chief Executive introduced a new scheme in his policy address to recruit 700 native-speaking English teachers for government and subsidized secondary schools. The scheme will only be reviewed after five years of implementation. I basically support this type of policy, but the details and measures still need to be discussed. Why do I support such a policy? In fact, this used to be the practice of all the English secondary schools in Hong Kong. These schools are what we call the Anglo-Chinese schools in which the Deputy President and I also studied in the past. At that time, the great majority or many of the schools had a lot of expatriate teachers whose mother-tongue was not necessarily English. Some possibly came from Belgium, Italy, Holland or other places with different languages. As they did not know any Cantonese, they created an environment in school that made the students talk to them in English. Therefore, it cannot be denied that it was a great help for oral English. Although many other subjects were also taught in English, and it could really be done at the time, the teachers of such other subjects, such as geography, mathematics or chemistry might be inadequate in English and the language skills of the students might even be affected by them. However, there were at least some teachers who we could not but talk to them in English. Though English was not exactly their mother-tongue, at least they could use English better than our other local teachers at the time. Therefore, there was a good environment for students to learn to speak more fluent English. Certainly, nowadays, whether English native-speakers or non English native-speakers, expatriate teachers with very fluent English are very few in schools. During class, the students can frequently ask teachers in Chinese and teachers start to answer them in Chinese too. Though the schools are Anglo-Chinese schools, Cantonese is fully used as the medium of instruction most of the time. Against this background, the Chief Executive and the Government wish to introduce this scheme. I think that the direction is basically correct, but there are quite some problems in the measures proposed.

I remember that the expatriate or native English-speaking teachers did not have better remunerations than other teachers at the time. We may of course say that they were probably missionaries or people with a mission; they might be non-Chinese who grew up in Hong Kong; or even people who settled down in Hong Kong. These people might be willing to accept the pay in Hong Kong at that time, but now, we have not only set the pay as that of the other English teachers, but we also have to pay them an additional housing allowance. Have we set the amount of the allowance too high? Here we ignore the question of discrimination for a moment. If we offer them a special pay that is higher than that of other teachers, will it attract these people to come for sure? It depends on what kind of people we hope to recruit, as a rather high standard is set now the applicants must be native English-speakers and at the same time they have studied English for teaching English as a second language, they must have a lot of teaching experience as well. Under these circumstances, it is natural that nobody will come. However, if we understand that the problem does not lie here, but in having these teachers in each school, then we shall attract qualified people to come possibly with the same pay and no housing allowance because the pay in Hong Kong is already fairly high. If this method does not work, we shall then consider to recruit these special teachers later with high salaries, but not with the allowances. This is my view. At present, it is suggested a monthly housing allowance of \$20,000 be granted to the expatriate teachers. Even it is called a special allowance as the Government recommends, or "settling-down allowance" as the Democratic Alliance for Betterment of Hong Kong (DAB) has so creatively proposed, I feel that it is just self-deception. If an expatriate teacher can receive this "settling-down allowance" only when he first comes to Hong Kong and signs the first contract, he will not sign any contract the second time. After he receives the "settling-down allowance" at the end of two years, he will leave. The DAB suggests payment by installments, then why not on a monthly basis? Why do we have to use all sorts of excuses to pay them by several installments? I find that if we basically agree to the Government's policies to recruit these native English-speaking teachers, who have received training in teaching English and have much teaching experience, it is natural that we must pay them more. If only high pay can attract qualified people, it would be better to offer high pay, and forget about the special allowance, housing allowance or "settling-down allowance".

What is the problem then? No matter which name it has, there is an element of discrimination. It is now said that we are not to recruit local people, but to create a special grade. If we use native-speaking as a criterion for

recruitment, then why do we not recruit local native English-speakers? If we are to recruit expatriates only, it will be more ridiculous because there is no reason why there posts should be reserved for expatriates. Why do we not give local people a chance first if they are the right people? Once the scheme is implemented, however, there will be difference in treatment, and possibly a difference in pay. Even when the pay is the same, but the special allowance and different conditions of service will constitute a violation of Article 103 of the Basic Law which states that privileged treatment for foreign nationals should be abolished, while other provisions must be maintained. When we read Article 103 carefully, it will be very clear and the Honourable Mrs Elsie TU mentioned this problem. Secondly, the teachers can certainly say that they are not civil servants, as they may be subsidized school teachers, but in fact those recruited for Government schools must be civil servants. Certainly the Government will have all sorts of pretexts and say they are not civil servants, but just temporary staff, or with special appointment for five years, so, they are not civil servants. I find that all these pretexts do not have much meaning. Moreover, even when they are not regarded as civil servants, the Government has recruited additional staff whose job it is to teach English. If some special teachers of subsidized schools can receive special pay, conditions and subsidies, and bearing in mind the principle that the pay and conditions of service for staff in the present subsidized institutions cannot be better than those of civil servants, I think we must give the matter further thoughts and discussion so that we can think of a better solution. I support and welcome Mrs Elsie TU's motion today, it gives me a chance to express my opinion. Thank you, Mr Deputy.

DEPUTY PRESIDENT (in Cantonese): Mr Paul CHENG.

MR PAUL CHENG: Mr Deputy, first of all, I would like to thank the Honourable Mrs Elsie TU for bringing this subject for debate today. We pride ourselves for having a very smooth transition. In fact, in the last few months, a lot of us travelled abroad. We tell all our friends around the world that there is very little change in Hong Kong.

Because of the nature of my work, I come across a lot of expatriate friends and colleagues. Many of them have actually lived in Hong Kong before and went back to their home country but are visiting Hong Kong very frequently because of business. And recently, at a dinner party, I asked one of my friends,

I said "Have you detected any change?" And this lady said, "Well, you know, actually, yes, because now more and more people don't seem to either speak English or want to speak English."

I would like to remind Members of this Council and the community at large that one of the successful factors in us, creating ourselves as the major international commercial and financial centre in this region, is not only because our people are very skilful in international trade, but because they use English as the business language.

We have a competitive edge compared to Japan, Taiwan, Indonesia and Thailand. The only place that can compete with us on English capability maybe is perhaps Singapore. So, we do, we did have a competitive edge, but if we lose that, then our status as an important international centre will start to erode and that is not good for our economy. That is not good for the people of Hong Kong at all. So, I think we need to establish the fact that this issue is one of the more important issues in maintaining ourselves as an important business centre.

Now, once we determine that, we say, what are we going to do about it? Rightly, the English standard is deteriorating, whether we like to admit it or not. And I totally agree with Mrs Elsie TU's basket of solutions, but that is long-term. It takes time to train more teachers. I am sure there are many, many very able and capable English teachers in Hong Kong, but we do not have enough of them, obviously.

So, therefore, what do we do in the short term? I mean there is really only one solution. We have to recruit people who are native English-speaking teachers to come and help us during this interim period. That is kind of like the provisional legislature, right? Interim period, to fill a gap. We need that. That is a quick fix. For the long-term, I totally agree with Elsie that we need to do all kinds of things and I am not going to waste time repeating them.

But one idea, I would like to urge everyone really to think on behalf of Hong Kong, cut out all the politicking and cut out all the bureaucratic bickering and address this issue on a practical basis. Perhaps, instead of debating about the \$20,000 housing allowances — is it fair or not fair, to whom, and so forth. Perhaps there must be still a lot of government apartments that were occupied by

expatriate officials before that they are trying to sell. Maybe some of them can be used to house these teachers and cut out this Government housing allowance argument, because it is, after all, an interim solution. Then, you know, the Government is doing something to help the community. It is just an idea, right. I do not know if it is workable. I do not know the numbers, or whether the Government has that many apartments or not.

But I think the key is not to debate this issue on a political basis. It is far too important for Hong Kong as an international centre. We must maintain our English language capability, otherwise foreign companies will stop coming to Hong Kong to invest and set up their regional offices as our gateway to China and the international headquarters for the Southeast Asian Region, or the Asian-Pacific Region for that matter.

So, I would like to urge Members to really look at the bigger picture. It is a very important issue and I fully support the Government's initiative. It is a short-term gap-filling scheme. It is not long-term. For long-term, I think there are a lot of things that Mrs Elsie TU has already suggested that we should do.

Thank you very much.

MR IP KWOK-HIM (in Cantonese): Mr Deputy, other than housing, education is the topic discussed in the Chief Executive's first policy address that has attracted the most attention. In respect of the initiatives on education, the most controversial one is the Native-speaking English Teachers Scheme. Over the years, under the education system in Hong Kong, students have been spoon-fed and this has long been denounced. Even the graduates of the tertiary institutes are always complained by their employers. Apart from their lack of creativity, their language standard is one major subject of complaint. The English skills of the Hong Kong students have been on the decline in recent years, this has caused much concern in the education field and the community at large. Besides the existing education system and the way of teaching which are to blame, another key cause of this problem is the lack of proficient teachers. To bring speedy improvements to the Hong Kong students' English proficiency, it is indeed acceptable to launch the Native-speaking English Teachers Scheme. From an education point of view, this is undoubtedly a right move and has the support of the Democratic Alliance for Betterment of Hong Kong (DAB).

As the chairman of the Panel on Public Service of the Provisional Legislative Council, I wish to examine the problems that may come with, especially the salary and benefits of the teachers so employed. The Education

Department intends to recruit 725 English teachers whose mother tongue is English. Under the Scheme, these teachers can receive a special monthly housing allowance on top of their basic salary. Someone now proposes to change this term to "other allowance", but whatever the name, this is still a special allowance.

Under the colonial rule in the past, expatriate civil servants in Hong Kong could enjoy many special benefits such as handsome allowances for housing, children's education, transportation and the like which counted together often totalled more than their basic salary, resulting in the unfair situation of "unequal pay for equal work". With the change of time, it is the consensus of the community at large that the terms of appointment for local and expatriate civil servants should be uniform with both receiving the same salary and benefits. To have a uniform set of terms of appointment and conditions of service for the Civil Service has been the programme highlights of the policy programmes of the Civil Service Bureau now and the policy commitments of the Civil Service Branch every year in the past. If the employment terms provided in this Scheme as drawn up by the Education Department are endorsed, there is no doubt that we are taking a retrograde step by bringing back the disparity in appointment terms of local and expatriate employers and restoring the "unequal pay for equal work" situation among civil servants. This is in breach of the underlying principle and unacceptable to people.

Moreover, whether their appointments are on agreement terms or on permanent and pensionable terms, teachers employed by government schools are all civil servants paid with the public money. Since they are all civil servants, it should not be allowed that among officers in the same rank, some receive different pay and benefits just because they are expatriates. The Education Department has kept on emphasising that the housing allowance, or the "special allowance" as it is now termed, is provided to attract qualified teachers from abroad to teach in Hong Kong. But I must ask, are there no qualified teachers in Hong Kong? Do local teachers not have to face the housing problem?

Mr Deputy, there is no conflict whatsoever between improving local students' English proficiency and striving for "equal pay for equal work" for all civil servants. The way to deal with this, other than what has been

recommended by the DAB's spokesman on education, the Honourable YEUNG Yiu-chung, is that the Government could take a compromising approach such as giving these teachers a one-off "settling-down allowance"; another feasible approach is to create a new teaching grade and incorporate the necessary allowances into the salary and open the recruitment to people of all nationalities, including local residents, and employ the ones with the right qualifications and calibre. Then the problem is readily solved. In this respect, I hope that the Education Department can consider my suggestion very seriously.

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

DEPUTY PRESIDENT (in Cantonese): Mrs Selina CHOW.

MRS SELINA CHOW (in Cantonese): Thank you, Mr Deputy. Actually, I already discussed the question of whether Hong Kong should recruit native English-speaking teachers in the debate on the policy address. Therefore, I will not repeat those views.

Today, I would like to focus on a few points. First, is it really true that recruiting "native English-speaking teachers" is better than recruiting "teachers with English as a foreign language"? Should we implement the proposed scheme? When evaluating the matter, we should have a clear idea of the whole thing, since there are many different views as to why we should not recruit local teachers who have been trained in English teaching and who, while their native tongue may not be English, can still teach English. Undeniably, from a parent's and a student's point of view, there is certainly a value in this scheme. Does it really have a value? In fact it does. Why do I say so? If I give Members some examples, they will see what I mean. If one uses English as a technical tool of communication, one might be able to talk about some knowledge one obtains from books and use some words or phrases. But one might not be able to bring out the emotive meaning or some value judgment. For instance, the sentence "she is repeating herself" has the same meaning as "she is rambling". But the latter implies that one repeats oneself to the point of being annoying. However, locals whose native tongue is not English will not use such a word.

They will only say "she is repeating herself". Take a function word like "yes". A native speaker of English will say "yes" in many ways, such as "definitely", "absolutely", "exactly". If you look it up in the dictionary, "absolutely" means "without conditions". Right? Actually, very often foreigners will say "absolutely" when they mean "yes".

Some westerners say "I like it, cause", while locals would say "I like it because", which is grammatically correct. If you go to England, you will hear them say "right, right, right" all the time, while people whose native tongue is not English will say "yes, yes, yes". The British use the word "right" to express agreement. You will hear the word "right" all the time. In America, you will hear the word "up". These things cannot be learned from books. They are used in daily life. Foreigners will say something like "there's no way we can get it done", which is very colloquial English. However, what we learn from books will be "I will not be able to finish it". You will not hear foreigners speak English like that.

In terms of pronunciation, there is a street in Hong Kong which used to be called "梳利士巴利道", which is a transliteration of Salisbury Road, Salisbury being pronounced as /'sa:lɪzbəri/, while foreigners will pronounce it as /'s :lɪzbəri/. Gloucester in Gloucester Road should be pronounced as /'gl :stə/, rather than /glou'sest /, while Leicester in Leicester Square should be pronounced as /'lest/ instead of /lai'sest/. With words like Salisbury, if you have not heard native English speakers pronounce them, you will certainly pronounce them wrongly. These examples show that this scheme does have a certain value. English is the language that the British or Americans have been learning, as it is used in an English-speaking environment.

This brings out another question, which is that of "cultural exchange". As a tool for cultural exchange, English is not just the technical things that you learn from books. In my opinion, what matters most is to broaden the vision of our students and our young people. I believe the answer to this is to give them a convenient tool for cultural exchange. I recall that when my children went to study in Britain, during the first three months, they did not understand what the teachers were saying in class, because the English of their new teachers was so different from the English spoken by their teachers back in Hong Kong. Why was that so? It was not just a matter of pronunciation. It was also because the words they used were so different. They were not more difficult words.

Rather, the usage was different.

We were discussing whether there is a value in this scheme. If we decide that it has a value and we want to implement it, I do not think it is an expedient measure. It is something that our education system needs and it is for the benefit of our next generation. If we know that it is beneficial but we cannot find suitable teachers, what should be done? We did have the policy of recruiting expatriate teachers. But such teachers have to leave their homes and even move their whole families to Hong Kong, where housing is a big problem. If they are unwilling to come, should we not try to solve their problems of accommodation? This does not mean that we have to give them extra benefit as compared to the benefits of our local teachers.

Therefore, I hope Members can support the Government's policy to offer suitable terms to expatriates so that they will come to Hong Kong to serve our students.

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

DR TSO WONG MAN-YIN (in Cantonese): Thank you, Mr Deputy. I very much welcome the motion proposed by the Honourable Mrs Elsie TU and I wholeheartedly agree to the long-term solution to the problem of English teachers suggested by Mrs TU. The Hong Kong Progressive Alliance (HKPA) thinks that in order to effectively raise the deteriorating English standards of students, importing native English-speaking teachers of English is an acceptable solution.

With regard to the question of whether the scheme to import native English-speaking teachers will help to improve the English standards of local students, many Members have put forward their views. We all agree that it will help to a certain extent. Some people might ask whether local English teachers are not as good as native English-speaking teachers. There might not be a big difference between them in terms of teaching. But I think we would agree that native-speaking English teachers will help improve to a certain extent local students' skills in oral English, which has always been their weaker area. This is because in the course of learning, students have the chance to communicate with English teachers who speak pure and idiomatic English over long periods of

time. This is by no means complimenting others and belittling our own. Nor does it mean that we cannot train locally good English teachers who can speak pure and idiomatic English. However, qualified people are really in short supply and cannot meet the ever-increasing demand. This scheme can make up the shortage of locally trained teachers. Actually, not only can these English teachers help local students, they can also exchange experience with local English teachers. They can encourage one another and complement one another in teaching and administrative work.

Another thing is, the new English teachers to be provided will not take up the original teaching posts of the schools. This means that the requirement under the old system that schools have to give up some local teachers' posts in order to employ expatriate teachers no longer applies. According to the study of the Education and Manpower Bureau, although many schools agree that expatriate teachers do help raise students' English standards, they have decided not to employ them since they will add to the administrative burden of the schools. The new scheme is no doubt an extra "present" to schools and an additional resource. I think the education sector will welcome this scheme greatly.

There are certainly still many parts in this scheme that are open to discussion. In particular, the housing allowance and gratuity payment to the new expatriate teachers have aroused the most concern. Many Members think that the new scheme seems to discriminate against local teachers and will seriously affect their morale. Perhaps the Government can think of other ways to make use of these additional resources in order to attract expatriate teachers to come and work in Hong Kong. At the same time, the same terms should be offered to recruit local qualified people. I believe everyone would agree with the Honourable Mrs Selina CHOW that anyone so attracted to become English teachers will be as good as expatriate teachers.

The HKPA thinks that arguing over the question of allowance will not help solve the problem of students' English standards. Since training good local English teachers is a long-term rather than short-term solution, the scheme is meant as a stop-gap measure. We have to understand that this scheme is merely experimental and temporary, and will only be implemented for an initial period of five years. The HKPA urges the Government to avoid discriminating local talents with the same qualifications in its measures and to step up its efforts to train local teachers. I hope that in these five short years, we will be able to train a group of good local English teachers to help educate our next generation and

improve their language skills, which will in turn enhance Hong Kong's competitiveness. Must we argue over the question of allowance or pay? In order to attract local qualified people and expatriates to come to Hong Kong, it is necessary to increase allowance and pay. In recruiting local and expatriate talents, is it not true that the private sector in Hong Kong also uses the method of offering better pay and increasing allowances? Why should we argue over this with regard to English teachers?

The HKPA urges the Government to offer the same pay to locals who should be given priority in recruitment, while importing English teachers at the same time. It should also try its best to train good local English teachers, while local English teachers should improve their own ability. Only then will we have a long-term and satisfactory solution.

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

DEPUTY PRESIDENT (in Cantonese): Prof NG Ching-fai.

PROF NG CHING-FAI (in Cantonese): Mr Deputy, I would first like to welcome this motion moved by the Honourable Mrs Elsie TU as other Honourable colleagues did. This is in fact an issue of great concern. First of all, I would like to say that, the English language proficiency has always been low in Hong Kong and there are many reasons behind it. The method proposed by the Government at present may be of some use, but I think that the public should not look at it as a panacea and think that 700 expatriate teachers will be able to solve the problem of poor English proficiency in Hong Kong. It is undeniable that there are certain advantages of teaching English by native English-speaking teachers, especially in oral English. However, as is known to all, English is a foreign language to the young people of Hong Kong and, other than learning oral English, learning English means also learning grammar. According to my experience, expatriate teachers are not too good at teaching grammar, although they do quite well indeed in teaching oral English. This is reason I think there are many angles to this issue. If we recruit some teachers with extra pay to mainly teach oral English, other teachers will query: "Is my teaching of grammar not good enough? Should I not get more pay too?" Numerous problems will arise then. Therefore, in any case, this is a relatively

complicated issue.

As far as I know, the Government launched a similar scheme earlier and it was welcome by certain schools. There were examples of success, whereas some schools failed. In short, I think two major factors account for the success: on one hand, the recruited teachers really know how to teach students whose mother tongue is not English, and they also have emotional attachment toward the students and schools of Hong Kong. If they believe they are superior to the others and are out of tune with their colleagues, no good result can ever be achieved. On the other hand, the schools have to welcome the teachers and provide them with an environment to which they can adapt, otherwise the scheme will not work either. Therefore, if these conditions do exist, I would feel that this scheme is acceptable as a transitional arrangement.

However I do not agree with the long-term implementation of this scheme as the Honourable Mrs Selina CHOW advocated just now. Why is it? I think, as I said earlier, if this is a long-term scheme, we have to consider that it is actually an introduction of another mechanism, a so-called market mechanism. You may say that teaching English needs to be paid more; I may also say: "If the Chinese proficiency drops, do the Chinese teachers have to be paid more too?" Should the level of chemistry falls in the future, do the chemistry teachers' salaries have to be increased? If we go on like this, we will be no end of it. So I always feel that the scheme can only serve as an expedient measure.

If we are really going to carry out the scheme, I think that the principle of equal pay for equal work as cherished by Members should be packaged in a different way. In this aspect, I do not quite agree with what the Honourable Andrew WONG said. He thinks that it is just an unnecessary move, but I do not share his feeling. I believe that I do not have to do the thinking for the Government, officials should know how to find solutions. I just want to remind the Government that if eventually it decides to go ahead with the scheme, thought has to be given to whether the local teachers will accept it. If not, their morale will be affected and we cannot just ask them to consider the greater good. In fact, just as what I said a moment ago, if the local teachers are good English teachers, what would they think? "The salary of a newly recruited teacher is so much higher than mine, but I myself am an equally teacher". What can be done then? They will of course have resentment. Therefore, I would like to remind the Government that this factor must be taken into account. I do not want to say too much because actually a lot of points have been discussed already.

With these remarks, Mr Deputy, I support Mrs Elsie TU's motion.

DEPUTY PRESIDENT (in Cantonese): Mr KAN Fook-yee.

MR KAN FOOK-YEE (in Cantonese): Thank you, Mr Deputy. I support Government's sincere effort to promote the students' English standard, but there are two points in the present proposal which I query. The first point is: it is proposed to recruit over 700 more native English-speaking teachers, and I think that the reaction of the public should be taken care of because many overseas graduates are now back in Hong Kong and have difficulty in finding jobs. Moreover, Hong Kong is facing a multitude of economic problems today, if the Government does not discriminate against local teachers, it should employ those with the same English standard, that is, those whose English proficiency is as good as native English-speakers. I do not think this would be very difficult and the Government should at least give it some consideration. Mrs Selina CHOW who spoke a moment ago is already a very good example. Perhaps English is not Mrs CHOW's mother tongue, but her proficiency in English is more than sufficient to be a teacher — it is a pity that she is not in the Chamber right now.

As Prof NG Ching-fai mentioned earlier, other than taking into account the teachers' ability, whether the serving teachers will be upset should also be noted. While they do the same work, they are paid differently, and some of them may even have better English standard than native English-speaking teachers. If they cannot get the pay they deserve, would you say that they will be balanced is how they think?

Besides, I query that the Education Department for not stating how these 700 teachers will be allocated once they are recruited. If they are allocated evenly to the 400 odd secondary schools in Hong Kong, each school will have less than two teachers. Should it be the case, how effective will it be to the mass of students? Therefore, I am in support of Mrs Elsie TU's appeal of urging the Government to adopt a more long-term plan to promote English education. Even though a short-term plan has to be put forward, I still think that it should be a more concrete one of which the benefits should be well assessed beforehand. Now we are just told that 700 teachers will be recruited, as to how these 700 teachers will be used or allocated in order to achieve the best

effect, the Government has not said anything. Thank you, Mr Deputy.

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

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr Deputy, may I begin by thanking the Honourable Mrs Elsie TU for moving the motion. I would like to take this occasion to elucidate the new Native-speaking English Teachers (NET) Scheme.

The Chief Executive announced in his policy address the Administration's intent to provide additional NETs for all government secondary schools. Undeniably there are some people, mostly teachers, who voiced their objection since its announcement. I have to point out that the Scheme, which seeks to enhance the standard of English teaching, in fact receives popular support from every stratum of society and the general public. Let me put forward a few examples to support my view.

- (i) The Standing Committee on Language Education and Research (SCOLAR), established on the recommendation in the *Education Commission Report No. 6* (ECR 6), affirmed the achievements of the Scheme in its meeting on 20 October. Members of the Committee comprise experts on language education; experienced school heads and teachers;
- (ii) The Hong Kong Federation of Education Workers conducted a questionnaire survey in mid October. The result shows that over half of the secondary school heads are in favour of recruiting NETs and are of the view that the Scheme can enhance students' English standard;
- (iii) the Aided Schools Council stated their support of the new NET Scheme in a letter to the Education and Manpower Bureau (EMB) on 29 October 1997;
- (iv) Quite a number of influential Chinese and English papers indicated their support for the Scheme in their editorials and commentaries and agreed to the proposal that expatriate teachers' terms of service could be different.

I also believe a great majority of parents and many Provisional Legislative Council Members supported this Scheme and agree that NETs can create a conducive environment for English learning, especially in the enhancement of students' confidence and competence in English conversation.

Having said that, I would like to take this chance to explain in detail the background of the Scheme and the reason for offering different terms of service to overseas English teachers. I hope that this can remove or alleviate some of the misunderstanding about the Scheme.

Background

The Government launched a pilot NET scheme in 1987. In 1990-91, the Education Department and the British Council assessed the effectiveness of the Scheme and concluded that the Scheme could raise the English standard of students, particularly on English conversation.

In 1996, the Education Commission published ECR 6 and recommended a comprehensive strategy of short-term and long-term measures to enhance students' language proficiency. While pointing out language learning required a conducive environment, the Report reaffirmed the effectiveness of the NET Scheme, but suggested the Education Department to recruit qualified NETs on local terms of service. Much to our dismay the result of the recruitment exercise was not satisfactory in that only 37 teachers were employed in two years. I have to repeat: only 37 Native-speaking English Teachers. The Education Department therefore conducted a questionnaire survey on the schools to collate the views of the schools and to identify the difficulties they encountered in the recruitment process. To conclude, the Scheme was unsatisfactory for two major reasons:

- (i) no vacancies for NETs in the schools' establishment;
- (ii) no extra allowance to enable these English teachers meet the expenses arising from relocating to Hong Kong, resulting in a shortfall of high quality teachers willing to take up teaching posts in Hong Kong.

The new Scheme that we propose to implement has been revised with the benefit of past experience. Our ultimate purpose is to create a conducive

environment in schools for the enhancement of students' English standard.

Proposed Arrangement of the New NET Scheme

(1) Providing Additional Teaching Posts

First of all, we suggest to provide one additional teaching post for every secondary school to recruit NET. This would enable the unique strengths of NETs to be given full play and would encourage more schools to participate in the Scheme. Besides, starting from next school year, many secondary schools will adopt Chinese as the medium of instruction and generally these schools will have two more English teachers. We hope that they will use one of these additional English teaching posts to recruit one more NET.

(2) Extra Support Service

We will provide induction training for new NETs to help them integrate into the local teaching environment and settle in Hong Kong. Suitable support service will also be provided to assist them to resolve problems in work or in their daily life.

(3) Improved Terms of Service

Strict entry requirements will be set for the new Scheme. Native-speaker English competence, a university degree, prior teacher's training, as well as qualification and experience in Teaching English as a Foreign Language or a Second Language (TEFL/TESL) are prerequisites for applying for the Scheme. For example, just now a Member praised the Honourable Mrs Selina CHOW's English. However, as Mrs CHOW has neither received any teacher's training nor has any qualification and experience in TEFL/TESL, I am afraid even she is not eligible for a teaching post under the new NET Scheme. When compared with many English-speaking countries, the rental expenses and daily expenditures in Hong Kong are on the high side. If we were to attract high quality English teachers to teach in Hong Kong for a short period, it would be reasonable and necessary for us to provide them with an additional allowance. The reason for this is to help them meet their extra expenses, mainly rental expenses and other like travelling expenses for home visits once a year and the education expenses of their children in Hong Kong.

We will shortly be recommending to the Finance Committee to grant a monthly special allowance of \$13,000 to those new NETs whose normal place of residence is outside Hong Kong. We believe this amount is fairly reasonable. Some suggested that a one-off accommodation or settlement grant can be offered to these teachers, but we are worried that problems may arise in monitoring the lump sum payment of over a hundred thousand dollars. As rental expenses account for most of extra expenses of the teachers, it is more appropriate for us to make payment of the special allowance on a monthly basis.

We will also recommended to the Finance Committee to fix the contract gratuity of the English teachers at 15% of their monthly salary. Though the present contract gratuity for Government contract staff is normally 25% of their salary, we decide to fix the contract gratuity of the new NETs at the 15% level, having considered the opinions of the education sector and Provisional Legislative Council Members. Besides special allowance, the terms of service of these teachers are the same as those of many local contract staff, like those in the universities.

Apart from the above special allowance and contract gratuity, the basic salary and other benefits of the English teachers, like vacation leave, are almost the same as those of the local teachers. I have to point out in particular that these new posts are not permanent posts and that the English teachers have no chance of promotion. Their contract term is two years and their performance will determine whether they can have their contract extended.

Establishing a Post of NET outside the Civil Service Establishment

We suggest to establish a post of Native-speaking English teacher outside the Civil Service Establishment. As these posts are established especially to cater for the present needs, the terms of service ought to be set in accordance with the situation. Many government departments (including the Education Department) have established such posts, and this does not contravene the Basic Law. As NETs are not civil servants, their salary and terms of service should not be compared with those of the civil servants.

Open Recruitment

We will recruit NETs in a fair and open manner. We welcome any

eligible person (including local people) to submit their application, especially those local teachers who possess the same qualification and experience and whose English proficiency reaches mother-tongue level. However, since a great majority of the eligible local English teachers are already enjoying much better benefits and promotion prospects, we believe that there will not be many local teachers interested in applying. This is exactly why we need to recruit these English teachers from overseas.

In order to recruit qualified teachers, we will commission suitable agencies to conduct recruitment exercises in quite a number of English-speaking countries (including Canada, England, the United States and Australia). Aided schools can recruit NETs themselves, but they have to adopt the same vetting criteria and recruitment standard.

Duties of the Additional English Teachers

In respect of duties, we encourage schools to utilize as much as possible the strong points of NETs. As they are additional teachers in the establishment, we suggest schools, in the spirit of school-based management, to let them concentrate on teaching English conversation and organizing various English extracurricular activities, so that they can create the most conducive environment for students to learn English in schools. These teachers also have to teach a number of sessions in order that they will not be out of line with formal teaching, and will help reduce the workload of other English teachers.

Training Local English Teachers

I have to emphasize that the NET Scheme is just a transitional measure. We will continue to implement a series of recommendations in ECR 6. The focus of our education policy is on local teachers. Providing one to two additional NETs to every school just aims at helping out but not taking over the work of local teachers. But we have to admit that at present Hong Kong does not have sufficient English teachers who have received language training. According to the result of the 1996 Teacher Survey, only 30% of English teachers in secondary schools have received teachers' training and obtained degrees in English.

We already have a long-term policy for enhancing the language standard of local teachers on a comprehensive basis. The Hong Kong Institute of Education, the Curriculum Development Institute and Inspectorate Division of the Education Department have organized many language courses. Besides, we will continue to provide more refresher courses to the English teachers, like overseas English training. We will request new teachers to reach the language benchmark by 2000, whilst the serving language teachers will need to reach the benchmark before 2005. We plan to deploy \$0.5 billion to step up training to assist local teachers to reach the benchmarks. Out of \$0.5 billion, \$0.2 billion will be spent on training serving English teachers. Also, we will work closely with the Hong Kong Institute of Education on establishing a language teaching centre which offers high quality language courses to new and serving teachers. The above plans indicate that the Administration puts much emphasis on the training and professional development of local teachers, and that a substantial amount of resources will be injected to raise their language standard.

Monitoring the Effectiveness of the Scheme

The Government will closely monitor the development and the effectiveness of the NET Scheme. We will review this Scheme annually and conduct a comprehensive review after five years to assess the need to continue the Scheme with reference to the status of teacher's training and the number of teachers attaining the language benchmark. SCOLAR has already established a special tasks group to assess the effectiveness of the Scheme in raising the English level of students.

Conclusion

I would like to thank Members for their valuable opinions and hope that the above explanation can deepen the understanding of Members on the Scheme and remove the misunderstanding of certain people on the Scheme.

In enhancing the English language standard of local students, the Administration and the education sector share the same target. To ensure that the Scheme will have good results, the Administration must provide the expatriate English teachers with reasonable and suitable salary and benefits. We have no intention of discriminating against the local teachers whatsoever. I sincerely hope that local teachers and teachers' unions will put aside their

prejudice and accept the expatriate teachers with the aim of enhancing the English standard of the students.

Thank you.

THE PRESIDENT resumed the Chair.

PRESIDENT: Mrs Elsie TU, you may now reply and you have two minutes and 48 seconds.

MRS ELSIE TU: Madam President, I would like to thank my colleagues who have spoken on the motion. I agree with Dr LAW and Mr Paul CHENG that knowledge of English is crucial for our future and I also agree with Dr Law about the discontent, and I object to calling it bad feeling. It is not. It is a fact that local teachers should be getting conditions which attract them to the job.

I must clarify first of all that I am not speaking as a teacher. I employ teachers. I do not teach now and therefore I want good teachers. I appreciate the efforts of the DAB to find a compromise, but I think they should take note of what Mr KAN said, that 700 teachers are going to do nothing to help 400 schools. You just work it out. 700 teachers, 400 schools. Well, every school, a standard school, requires at least 10 teachers. That means 4 000 teachers will be needed. If we have 700, we are going to have one, at the most two, in every school and I think we are going to be giving an advantage to only 10% to 20% of the students, and the rest will just be back in the old rut. It is going to do nothing that I can see.

I strongly advise the Government to think and think again and consult and consult again because it seems to me that you have already made up your minds what you are going to do and whatever we say you are not going to think about this. That is the impression I get. I may be wrong.

I agree with Mr Paul CHENG. He asks about how we can get more teachers in Hong Kong to teach English. I do not think Hong Kong has ever tried offering higher salaries. The Secretary for Education and Manpower is

talking now about giving better salaries and conditions, but why did you not do that before? You have not tried it before. Why did you not do so? And I would like to see that happen immediately.

I do not really have much time to say what I would like to say, but the Secretary for Education and Manpower, I am glad to hear, is going to do something in the future. It is a pity that it was not done in the past. But I can only say that if they had offered the salaries that his own department gets, the same salaries and conditions, they would have had plenty of teachers in all the schools in Hong Kong without having to bring in foreign teachers.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Mrs Elsie TU 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): The second motion: The Building Safety Inspection Scheme. Mr TSANG Yok-sing.

THE BUILDING SAFETY INSPECTION SCHEME

MR TSANG YOK-SING (in Cantonese): I move the motion on the Building Safety Inspection Scheme (BSIS) as set out on the Agenda.

According to the statistics provided by the Buildings Department, there are more than 22 000 private buildings over 20 years old in the urban areas. They represent 45% of all private buildings. Among these buildings, 6 000-odd are over 40 years old.

Many of the private buildings completed in the 1960s or before are now in a dilapidated state. Apart from the natural cause of ageing, there are a number of special attributing factors. Prior to the 1960s, there was no provision regarding the safety and hygiene standards in building designs. Hence the facilities of these old buildings cannot meet the need of modern society. A huge number of buildings completed within 20 years after the end of the war were constructed without stringent quality control. There has not been a sound management system over the past few decades as well. In these buildings, illegal structures are very common. These illegal structures not only pose obstacle to the maintenance and repairs but also structural danger to the building concerned. Over the past ten years, complaints against dangerous structures have been increasing at a rate of 20% a year. That is an indication of the serious problem in the repairs and maintenance of old buildings.

In recent years, the spate of accidents caused by dangerous building structures have aroused public concern as to the safety of old buildings in the urban areas. In last July, the Buildings Department proposed the mandatory Building Safety Inspection Scheme (BSIS) under which legislation will be enacted to require owners of private buildings over 20 years old to engage authorised persons to carry out inspection on their buildings every seven years. When problems are identified, the owners are required to arrange detailed investigation and to carry out necessary repairs.

Potential dangers can be identified in a timely manner by regular inspections on old buildings as required by legislation. This is necessary in order to prevent accidents. However, the Democratic Alliance for Betterment of Hong Kong (DAB) is of the opinion that the preliminary inspection should be done by the Government in order to maximize the efficiency of building inspection and to minimize the nuisance to the people. This can also win the greatest support and co-operation of owners of old buildings.

Indeed, that is exactly the existing policy of the Government: when the Buildings Department has identified any safety problem in a building and repair work is necessary, it will issue a repairs order to the owners or the Owners' Corporation (OC) of the building concerned. If the owners fail to comply with the repairs order, the Government will carry out the work on their half and recover the costs from the owners. However, the Buildings Department's scope of inspection is quite narrow. The Department only acts on complaints or

buildings which it has found serious safety problems. Under this system, potential dangers cannot be found promptly to prevent accidents.

The objective of the BSIS as proposed by the Government is to ensure that all buildings are subject to regular inspections and maintenance. But only a very small number of buildings will have to be repaired under the Scheme. According to the information provided by the Buildings Department, only 4% of the buildings over 40 years old will have potential dangers. As there are over 6 000 such buildings, 4% of them is already quite a large number. But the percentage is very small. To require all owners to undertake building inspections just because of this small proportion of buildings will cause a lot of unnecessary nuisance to the people. A lot of resources are required for the owners of buildings to organize themselves and hire qualified persons such as structural engineers or surveyors to check the buildings and then submit the report to the Government for vetting. If all these initial steps can be undertaken by the Government and the owners are only required to conduct detailed investigation and subsequent repair works after problems have been identified during the preliminary check, the majority of owners will not be affected by the Scheme. Furthermore, it will reduce the extent of nuisance to the public, increase efficiency and save a lot of public resources.

Some may say that to ensure the safety of private buildings is the responsibility of the owners. Is it unreasonable for the Government to undertake the responsibility of building inspection?

Yes, it is true that the owners have the responsibility. If buildings fall into disrepair resulting in accidents or casualties, owners will have to bear the legal responsibility. But this does not constitute a valid reason to require all building owners to undertake inspection in accordance with the Government's timeframe. For the majority of buildings which do not pose any danger, the owners should not be penalized just because they have not taken action to prove that their buildings are safe.

If the preliminary inspection is carried out by the Government, what will the cost be? The Government's plan is to inspect 3 000 buildings a year. Assuming the average cost is \$100,000 to \$200,000 per building, then the additional cost to the Government is only about \$300 million to \$600 million a year. Compared with the public money spent on public housing management and maintenance cost, it is a very small amount.

For buildings with identified problem areas during the preliminary check, the owners should naturally be responsible for detailed investigation and repair works. This could involve a huge sum of money. We all know that owners of the most dilapidated buildings and those most in need of repairs are often the worse-off people who might not be able to afford the cost of repairs. So we suggest that for buildings requiring major repair works, if the owners have any financial difficulty to carry out the works, the Government should provide support and assistance.

The Government has already decided to set up the Urban Rehabilitation Fund to provide low interest loans to low-income owners to help them pay the repair cost. On the other hand, for buildings which have not formed the OC, the Government should take active steps to help them organize themselves into OC, or at least set up an ad hoc committee to take charge of repair works.

Apart from the cost of inspection and maintenance, owners of private buildings are very concerned about the cycle of inspection and repair and the priority whereby different buildings are included into the Scheme.

According to the technical information provided by the Buildings Department, a building's safety can be ensured for about seven years after repairs. That is why an inspection cycle is seven years. But during our consultation forums, the DAB found that quite a number of flat owners are very concerned that a seven-year cycle is too short. They maintained that it would take some time to complete the inspection procedure. Then, it might take few years to complete the repair works. A new cycle will start soon after the repair work has just been completed. As a result, the owners will not have much time between cycles.

However, if the Administration accepts the DAB's proposal that the preliminary check be undertaken by the Buildings Department, then the owners will not be involved unless repair work is necessary. In that case, even if building inspection is carried out every seven years, most building owners will not be affected by the seven-year cycle because not every inspection is followed by repairs. So the cycle may be 14 years, 21 years or even longer. On the other hand, if problems are identified in the preliminary check, precautionary and remedial measure can be taken earlier. If we rigidly extend the inspection cycle, this may turn out to be disadvantageous to the flat owners.

In fact, the pace of inspection is restricted by the authorized persons available. The target of inspecting 3 000 buildings a year may already be the ceiling. In view of this, we have to set priority in the inspection of buildings according to the practical needs. Since the objective of the Scheme is to prevent accidents, the Scheme should start with buildings that are in the worst conditions. The Building Department knows which buildings are the most problematic and should be dealt with first. For the others, the oldest buildings should be given priority. The Government should set out a long-term inspection programme for private buildings according to priority as soon as possible and notify the owners concerned. The programme should be revised according to the progress of urban renewal when necessary.

Madam President, the DAB believes that the above suggestion can improve the BSIS.

With these remarks, I beg to move.

Mr TSANG Yok-sing moved the following:

"That, in view of the fact that a large number of private property owners will be affected by the mandatory Building Safety Inspection Scheme to be implemented by the Buildings Department, this Council urges the Government to undertake the responsibility for the inspection of buildings, and to establish a building maintenance fund to provide assistance to building owners having difficulty meeting the repair costs; furthermore, the implementation of the Scheme should first be targeted at the oldest or the most dangerous buildings."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That, in view of the fact that a large number of private property owners will be affected by the mandatory Building Safety Inspection Scheme to be implemented by the Buildings Department, this Council urges the Government to undertake the responsibility for the inspection of buildings, and to establish a building maintenance fund to provide assistance to building owners having difficulty meeting the repair costs; furthermore, the implementation of the Scheme should first be targeted at the oldest or the most dangerous buildings.

Members have been informed by circular on 7 November that Mr Edward HO and Mr Frederick FUNG have separately given notice to move amendments to this motion. I propose to have the motion and the two amendments debated together in a joint debate.

PRESIDENT (in Cantonese): Council shall now proceed to a joint debate. I will call upon Mr Edward HO to speak first, to be followed by Mr Frederick FUNG; but no amendments are to be moved at this stage. Members may then express their views on the motion as well as on the amendments to the motion. Mr Edward HO.

MR EDWARD HO (in Cantonese): Madam President, when the Government introduces the Building Safety Inspection Scheme, its target is the large number of old buildings. As many of these buildings lack regular maintenance and repairs, they may have safety problems that make inspections necessary. In principle, the scheme is worth our support, but we have to study now whether the scheme is effective? Is it fair to the general public? And will it cause any problem to society? If yes, what we should do to solve the problem?

To launch the inspection scheme more effectively, we must first plan in details. The Government plans to implement a Mandatory Building Safety Inspection Scheme for all buildings 20 or more years old, and around 25 000 private buildings are involved. If we carry out inspection or repairs for such a large number of buildings at one go, it will not only bring about great impacts to society, but may strain the insufficient resources or cause other problems as well. In view of this, the Liberal Party thinks that it is not necessary to draw a line at 20 years. We find that the buildings erected in the 1970s or after should have met the requirements, as the Buildings Department has been effectively supervising the design and construction process of buildings in recent years. Professionals and construction companies have borne considerable legal responsibilities to guarantee that the buildings comply with the construction requirements and all related ordinances and guidelines. We should have sufficient confidence in the safety of newer buildings. I think a better approach is to draw the line at 30 years, then we shall explained the scheme step by step according to our manpower, the technological development and the actual conditions at the time.

The Honourable TSANG Yok-sing has not defined oldest building, so the

question is not clear enough. I do not support the Honourable Frederick FUNG's amendment to set the age of buildings at 40 years or above because when the coverage is narrow, the scheme may lose its meaning. In fact, buildings 40 years old or above possibly need inspection and repairs due to the lack of maintenance for a long time or problems created during construction. Therefore, it is a more practical and feasible method for us to reduce the coverage of mandatory building inspection scheme to buildings of 30 years or above.

The Liberal Party disagrees with Mr TSANG Yok-sing's suggestion that the Government must take up the responsibility for building inspection. Though the safety problem of buildings may affect the general public, and the Government certainly has the responsibility to deal with it, we cannot shift the citizens' responsibilities to the Government, and hold it responsible for the matter on a long-term basis. During the construction period, the Government has a duty to ensure that the buildings are up to the safety standards. However, after the owners live in their flats, they are responsible for regular maintenance and repair of their buildings. We should not take the Government as a babysitter. For example, a person, especially an old person, should be responsible for his personal health. He should take regular check-ups on his own initiatives and should not wait until there is mandatory requirement by the Government. When the person has health problems but he does not have the financial means, the Government is responsible for the medical costs. Therefore, the Liberal Party thinks that if the owners have financial difficulties when the buildings must be repaired, the Government has the duty to give financial support. We support the Government's establishment of a \$500-million "Urban Rehabilitation Fund" to assist this type of owners.

The next question is whether it is fair to ask taxpayers or the owners who have maintained their buildings well to subsidize this type of owners. We find that it is unfair for taxpayers who may not even be flat owners to subsidize these owners; or for those tax-paying owners whose buildings are well-maintained without any problem to subsidize these irresponsible owners. Mr TSANG Yok-sing has just said that if inspection is done by the Government, it will save social resources. However, I think that goal is very difficult to achieve and I hope it will be explained later. In fact, no matter who is going to do the inspection, either the private owners or the Government, it requires resources.

Many owners are not willing to inspect their buildings only because they lack the knowledge or experience in engaging professionals or construction companies. Therefore, I suggest the Buildings Department form a unit to provide owners with the services. The Buildings Department may contact qualified engineers, surveyors and architects in the industry, and make a list of them. They will provide professional services on the basis of recovering only the cost involved. The Buildings Department will just be offering the service as a choice for the owners. Certainly, the citizens have the right to hire professionals on their own to inspect the buildings.

To improve the maintenance of buildings in the long run, I suggest that the Government can do something in four aspects: firstly, the Government should add provisions in land sale agreements and state clearly the owner's responsibility for buildings inspection, regular maintenance and repair of their properties, the way the owners' responsibility in respect of the slopes within the limits of their properties is stipulated in the present land sale agreement.

Secondly, the Government should speed up demolition and renewal of old areas.

Thirdly, the Government should assist buildings to form the owners' corporation to organize repair and maintenance of buildings more effectively.

Fourthly, the Government should enhance civic education to let owners or citizens who plan to purchase flats understand their responsibilities on maintenance and repair of their buildings.

Madam President, I ask the Honourable Members to support my amendment which is fair and feasible. I so submit.

PRESIDENT(in Cantonese): Mr Frederick FUNG

MR FREDERICK FUNG (in Cantonese): Madam President, I think the

Honourable Edward HO has not read my amendments carefully. My amendment to the motion is "the Scheme should first be targeted at buildings over 40 years old". It does not mean that only buildings over 40 years old have to be inspected and those under need not be inspected.

Madam President, at present there are about 50 000 buildings in the built-up areas of Hong Kong, half of which have an age of 20 years or more. The Buildings Department has all along only been responsible for inspecting buildings which are subjects of complaint, or targeted buildings listed in the regional inspection plan. Repairs orders will be issued to owners or owners' corporations if repairs are found necessary. If the owners do not carry out the repair works, the Buildings Department would do so on their behalf, and then recover the repair and supervision costs from the owners.

At present, there are around 500 to 800 buildings which join the ranks of 40-years-old or above each year. With the number of old buildings increasing every year, the existing policy shall not be effective in preventing tragedies which occur as a result of collapsed or ageing buildings. The Hong Kong Association for Democracy and People's Livelihood (ADPL) is of the opinion that the "Building Safety Inspection Scheme" (BSIS) should be implemented, so as to ensure structural safety for old buildings, and thereby safeguarding the lives and properties of the public. While the objective of this Scheme is correct, we are against the Government's policy of shifting all responsibilities and costs of building inspections onto the owners.

It is proposed in the Administration's consultation paper that a mandatory BSIS be implemented, and that building owners should engage building professionals to carry out inspections on their buildings. In fact, the individual owners of buildings which are over 40 years old, are mainly middle-aged or elderly people who do not have the expertise in employing professionals to carry out building inspections works. What is worse is that, the Buildings Department has failed to specify items to be included in the inspection. And since the owners do not have the expertise, they may be easily be deceived and have to pay more than what is actually required for the job.

The Government has all along been responsible for inspecting the targeted buildings, and it also has the expertise and resources to monitor the work of the professionals. Madam President, we are of the opinion that the responsibility of

building inspections should continue to be undertaken by the Buildings Department. And since it is stipulated in the newly proposed mandatory BSIS that after the buildings are inspected by professional building inspectors, inspection reports have to be submitted to the Buildings Department, and officers of the Buildings Department will then carry out another round of inspection before ascertaining the extent of repairs required, I think this is a very redundant procedure. Since the Buildings Department has to reinspect the building, it will be better if the Buildings Department can carry out the inspection works in the first place, inform the owners of the items which need repair, and let the owners employ their own contractors to do the work.

According to the building professionals, a building usually has a life span of 50 to 80 years. Therefore, we are of the opinion that buildings under an age of 30 need not be inspected regularly. We propose that the scheme should first be targeted at buildings over 40 years old and be implemented by phases according to the age of the buildings, and repairs orders should be issued to the owners after the buildings are inspected.

We have moved amendments to the Honourable TSANG Yok-sing's motion because he had stated in his original motion that "the implementation of the Scheme should first be targeted at the oldest buildings", but failed to clarify what he meant by "oldest". Does it mean that if we can find a building that is 61 years old, then the building which has an age of 60 need not be inspected, and if we find a building that is 62 years old, then the building which has an age of 61 need not be inspected and so on? I think this is rather inconvenient and it is necessary for the Buildings Department to specify the age of the buildings which have to be inspected.

Furthermore, I think that the example given by the Buildings Department may not truly reflect the huge inspection or repair costs that would have to be borne by the public. According to the Buildings Department, for a 25-storeyed building with 200 flats, in a seven-year period, each household has to pay \$11,000 for building inspection works. In fact, for buildings which are over 40 years old, many of them are tenement buildings with around 20 to 40 households. So, with a small number of households, the inspection costs which have to be borne by each household will be higher. Instead of the \$11,000 as estimated by

the Buildings Department, each household may actually have to pay \$20,000 to \$30,000. As the repair costs for old tenement buildings may be very high, individual owners may have to bear a total repair cost of as much as \$80,000 to \$100,000.

I wish to provide Members with some information from the 1996 By-Census: 15% of the owner occupiers, that is 119 186 households, have a households income lower than the mid-point household income, that is \$8, 750; and of these owner-occupiers, the elderly owners are in the most difficult situation. Furthermore, the monthly income for 23 000 out of the 50 000 singleton or doubleton elderly owner-occupiers are below \$2,000. Under such circumstances, how would they be able to afford the \$80, 000 to \$100, 000 inspection and repair costs? Since individual property owners shall not be able to afford the costs, I think the Government should undertake the responsibility for building inspections; and even if the owners are able to do so, they will eventually pass the costs onto their low-income tenants who will then have to pay a higher rent.

In view of the above reasons, I think the Government should continue to undertake the responsibility for building inspections. As for the cost of repair, I think that the Government should set up a private building management fund, to provide interest-free loans for private property owners, particularly those in financial difficulties. Criteria for eligibility of loans from the fund should be laid down in accordance to the results of a general survey on the financial conditions of the property owners and owners corporations. Those who are eligible can apply for interest-free loans from the fund to carry out the necessary repair works.

The Buildings Department pointed out in its consultation paper that the inspection cycle should be set at once every 7 years. Since the buildings are considered to be in good repair condition during the 7-year period, we think that the Government should guarantee that if further problems occur during that period, it would undertake the responsibility of offering immediate help to the owners, or carry out further repair works. Though the Government has proposed an inspection cycle of once every 7 years, we had consulted the views of building surveyors and members of the building profession on this subject. We were told that an inspection cycle of 10 years will be acceptable. We had also met with officers from the Buildings Department and were told that, at present there are about 25 000 buildings which have an age of over 20. They will have to inspect 3 500 buildings per year if the inspection cycle is set at once every 7 year, and

they shall be able to cope with this workload under their existing capacity. If the inspection cycle is too short, then they shall not have sufficient manpower to do the work; but on the other hand, if the inspection cycle is too long, it shall also be undesirable. Since the basis for setting an inspection cycle of 7 years is not really very scientific, we are of the opinion that an inspection cycle of 10 years should be more desirable. The reason being if the cycle is set at 10 years, then the Buildings Department will only have to inspect 25 000 buildings per year. In contrast to the original target of inspecting 35 000 buildings per year, this should have less pressure on the market price for building inspections and repairs, and prevent the prices from increasing sharply. Disturbances to the public could also be kept at a minimum. Therefore, we propose that the inspection cycle should be set at once every 10 years.

I so submit.

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

MR CHOY KAN-PUI (in Cantonese); Madam President, the density of the old buildings in Hong Kong is very high. Buildings over 20 years old have actually accounted for over half of all buildings in Hong Kong. For a prolonged period of time, these old buildings are in lack of proper management and in a dilapidated condition. What is even worse is that some residents have seriously affected the structure of the buildings by carrying out self alteration works to the layout of the units or added illegal structures to the buildings. The potential dangers of these illegal construction works pose serious threats to the lives of the owners, residents as well as the public at large. In recent years, a lot of accidents have occurred as a result of the structural defects and illegal structures of the buildings. Lives were taken and a lot of people have been injured as a result, and this is a situation which should not be taken lightly. As a solution to these problems, legislations were passed by the Government to implement a mandatory Building Safety Inspection Scheme (BSIS) for private buildings over 20 years old. This legislation warrants our support in principle. Since property owners have the right of ownership to the building, they shall also have the responsibility to ensure the safety of the buildings and safeguard the public. Therefore, the property owners should support this legislation in carrying out proper maintenance works on their buildings, for not only will the property prices and rental of the buildings will be increased correspondingly, but the safety of the public can also be safeguarded. However, there are different views in the

community in regard to how this plan should be carried out. We hope that the Government would take such views into consideration to ensure its smooth implementation.

First of all, it is estimated that, there are 25 000 buildings over 20 years old in Hong Kong at present, and it is anticipated that the number of such buildings will increase by 600 each year. In accordance to the Government's plan, it only inspect 1 000 buildings in the first year, and the number will be gradually increased to 3 000 buildings per year. As it is impossible to inspect all the old buildings within a short period of time, I am in support of the Honourable TSANG Yok-sing's motion that "the implementation of the Scheme should first be targeted at the oldest or the most dangerous buildings".

Secondly, the proposed duration of inspection cycles of the Government is set at five, seven and 10 years respectively, depending on the usage of the building. The duration of inspection cycle for residential units is 7 years. However, the number of existing qualified building inspectors is only 1000-odd people, and most of them are employed by the Government. Moreover, it would also be impossible for the Government to train a large number of qualified building inspectors within a short period of time. In view of the shortage of manpower and the large of old buildings which has to be inspected, it shall be very difficult to meet the demands of this duration of inspection cycles. We propose that the duration of the inspection cycles, in particular the duration for the inspection cycle for residential buildings, should be suitably extended. This could relieve the burden of the property owners accordingly.

Thirdly, it is necessary for the Government to adopt certain measures to assist the property owners in co-ordinating the work of building inspections, and also to assist them in solving their financial problems. Most of the buildings in Hong Kong are rented or sold by units, therefore there is a very diversified ownership and a large number of owners and tenants. This situation is even more common for the old buildings. Most of these buildings do not have any management committee like mutual aid committees or owners' corporation. Therefore, it would be very difficult for these buildings to co-ordinate the work of building inspections from the Government. And even the buildings which do

have a management committee, they shall still encounter a lot difficulties, for example, for setting a reasonable price for building inspection, call for tenders, the selection of contractors, collect funds, and deal with legal disputes, in the course of organizing the building inspection works. Although the Home Affairs Department is currently rendering property owners assistance in dealing with these problems, it will be very difficult for it to cope with the heavy workload in view of staff shortage and lack of expertise. Therefore, I propose that the Administration should set up a professional central supporting unit in respect of the BSIS, and to deploy additional front-line staff to the Home Affairs Department, so as to provide the owners with more detailed information, professional consultation service, and assistance in taking follow-up actions. This supporting unit and the staff of the Home Affairs Department should also help those buildings without management organizations to organize owners' corporations or temporary owners organizations, and to appoint someone to undertake specific co-ordination duties if necessary. By doing so, the owners will be able to have the inspection or repair works completed within a reasonable period of time and at a reasonable price with the assistance of the Government.

Since owners of these ageing buildings are usually those in weaker financial positions, the costs of inspection and repairs will be a substantial financial burden to them. Therefore, we suggest that the Administration should offer low interest loans under the "Urban Rehabilitation Fund" to assist them in solving their financial problem. Owners who can not afford to repay the loan should be allowed to repay the principal and interest in one lump sum after their property has been sold or redeveloped.

Madam President, the building inspection scheme only focuses on structural aspects of the building, external walls and fire safety, but not illegal structures. In the past, illegal structures were the cause of many fatal accidents, therefore, I hope that the Government will take parallel actions to clear illegal structures when implementing the building inspection scheme. This will increase the efficiency of the scheme and ensure that the public can live safely in an improved urban environment.

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

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

MR WONG SIU-YEE (in Cantonese): Madam President, inside the concrete jungle of high-rises in Hong Kong, old buildings long out of repairs and the millions of illegal structures therein are threatening public safety like a time bomb. From the earlier collapse of a balcony on Marble Road, North Point, to the recent mosaic tiles falling off from old building canopies, all these accidents arouse public concern about the safety and maintenance of buildings. Therefore, the Government has drafted laws to stipulate that all the residential buildings over 20 years old have to undergo inspection every seven years, and the landlords have to hire professionals of their own accord to inspect the buildings and effect repairs if necessary.

The aging problem of the buildings in Hong Kong is getting more serious each day. According to the data of the Buildings Department, buildings reaching 20 years old are increasing by 600 every year; in 10 years, buildings over 30 years old will even account for 40% of all the buildings, that is, approximately 260 000 units. For the sake of the residents' safety, the Hong Kong Progressive Alliance (HKPA) highly approves of the spirit of building safety inspection, and is glad to see that the Hong Kong Special Administrative Region Government is beginning to face squarely the issue of building safety and to formulate a longer-term policy. However, the HKPA hopes that, when the Government implements the mandatory Building Safety Inspection Scheme, it will carefully consider the following points so as to really improve the structural quality of the buildings in Hong Kong and to protect the lives of the people, rather than just shifting the responsibility of building inspection onto the property owners.

First of all, most of the old buildings over 20 years old do not have an Owners' Corporation; or even though there is one, it is very likely that members are voluntary whereas the organization is relatively loose and hard to co-ordinate. So practical problems exist in carrying out the mandatory building safety inspection. Another reason is that the ownership of old buildings is fragmented, scattered and complicated, some property owners may even have died or are not in Hong Kong, it would be very difficult to trace all of them. Besides, for the majority of the tenement buildings, a Deed of Mutual Covenant simply does not exist. As a result, actual problems will arise when dealing with the repaying of loans to the Government. Moreover, the number of relevant professionals including authorized architects, structural engineers and surveyors practising in Hong Kong at present is less than 2 000. While this number cannot cope with the huge amount of building inspection work, some of the professionals are

already employed by the Government, so the remaining ones who will eventually be able to participate in the scheme will be even less. Therefore, even though the law is passed, for the old buildings, the waiting time for inspection will be very long and the hazards will still be there. Furthermore, if the occupants are to hire professionals to do the inspection, with no standard charge, and the mis-matched supply and demand arising from having insufficient inspection professionals trying to satisfy a big demand, the fees of building inspection will definitely be very high and the pressure on the property owners will naturally be very great. For example, just the fee for inspecting a 25-storey residential building with 200 units will be as high as \$2.2 million, that means each household will have to pay about \$11,000, the repairs cost is still extra. With the lack of manpower, we can imagine how the time and urgency of inspection and maintenance will be affected.

Besides, the problem of illegal structures exists in a lot of old buildings and such illegal structures cause most of the accidents. According to the present policy, the illegal structures which threaten the structural safety of buildings will be demolished immediately, but to those which do not constitute immediate threats, the departments concerned usually turn a blind eye. When we try to ensure the safety of buildings and implement mandatory building inspection, do we have to deal with all the illegal structures at the same time in order to really eliminate potential dangers?

In the light of the above reasons, the HKPA feels that the Government should take up the responsibility of building inspection and should not put extra burdens on the residents. The Buildings Department should increase its manpower to regularly undertake inspection of buildings according to their degree of hazards. Only when a building is found to be unable to meet the safety requirements can a repairs order be issued to the property owners concerned, the maintenance expenses will then be shared by these property owners. In the meantime, I also urge the authorities to set up a building maintenance loan fund to assist the property owners who have financial problems through low-interest loans, so that they can pay the maintenance costs. Finally, the HKPA is of the view that although the Government is urged to undertake the responsibility of building inspection is important, expediting the redevelopment of old districts and old buildings is actually the only way to effect a permanent

cure in the long run.

With these remarks, the HKPA will support the motion moved by the Honourable TSANG Yok-sing.

PRESIDENT (in Cantonese): Miss CHOY So-yuk.

MISS CHOY SO-YUK (in Cantonese): Madam President, the Government intends to implement the mandatory Building Safety Inspection Scheme (BSIS) in order to improve the safety of buildings in Hong Kong and enhance the protection of the public. The spirit of the Scheme is commendable and has our approval. Unfortunately, in this Scheme, the Government arbitrarily shifts the responsibility of building inspection and maintenance onto property owners while it only plays the part of monitoring and prosecuting violators. We can hardly find this reasonable because both property owners and the Government have responsibility in ensuring the safety of buildings and the protection of people. Furthermore, with its many flaws, the mandatory BSIS, instead of benefiting the people, will only harass them.

Just now the Honourable CHOY Kan-pui and the Honourable WONG Siu-yee, my colleagues from the Hong Kong Progressive Alliance, have already expressed our views on the flaws. In short, firstly, most of the old buildings do not have Owners' Corporations and thus pose problems to the actual implementation; secondly, as there are insufficient professionals, in view of the market principle of supply and demand, property owners may eventually be at their mercy, and the quality of building inspection may also vary; thirdly, the burden on citizens will increase, it is particularly likely that the cost of building safety inspection will be passed onto tenants and many of them may not be able to afford it.

Among the original motion and the two amendments, we will support the original motion moved by the Honourable TSANG Yok-sing. The Honourable Edward HO's amendment does nothing to change the essence of the Government's proposal from which the only people benefited will be certain qualified architects, engineers and surveyors. It will not at all help solve the problems we mentioned earlier. The public still have to pay the costs, their burden may even be heavier because the Government may charge them

administrative fees when it recovers the various costs. As for the amendment of the Honourable Frederick FUNG, we subscribe in principle to the spirit and general direction of his proposals, but we feel that his proposals are too rigid. For example, although we agree with him that the Scheme should first be targeted at buildings over 40 years old, it should not mean that we can disregard the condemned buildings which are already dangerous even though they are only 20 years old. So we think that the Scheme should not be restricted to buildings over the age of 40. Basically, if we start from the oldest or the most dangerous buildings, those over 40 years old are already included. With regard to the inspection cycle, extending it from seven to 10 years is originally a reasonable demand. But if the Government undertakes the responsibility for the inspection of buildings, it will not have enough manpower to finish inspecting all existing buildings within seven years and the cycle will naturally be lengthened, so there is no need to specify the duration of a cycle. On the other hand, we welcome the inspection of buildings by the Government. If the Government can complete a cycle within nine years or less, the second cycle may begin immediately and it does not have to wait for the tenth year to commence the second cycle.

Madam President, in view of the above-mentioned reasons, we support Mr TSANG Yok-sing's original motion.

PRESIDENT (in Cantonese): Dr LAW Cheung-kwok.

DR LAW CHEUNG-KWOK (in Cantonese): Madam President, the Hong Kong Association for Democracy and People's Livelihood (ADPL) wishes to make a few more concrete proposals on the Building Safety Inspection Scheme (BSIS).

First of all, the proposed inspection scheme of the Buildings Department only covers three areas, namely, structural safety, exterior walls and fire exits. The ADPL is of the opinion that the scope of the scheme is too narrow and will not be sufficient to ensure the safety of occupants and pedestrians. The ADPL proposes to add the following to the three areas laid down by the Buildings Department:

1. identify and remove all illegal structures, and

2. inspect the slopes within the limits of the property.

Illegal structures like cages, roof-top and poduim squatter huts add to the structural load on buildings and are, in reality, potential threats to the community, and the maintenance costs for these buildings are also very high. Therefore, while the Government is implementing the building inspection scheme, it should also take actions to clear illegal structures. Rehousing problems resulted in the course of the clearance should be dealt with in a suitable manner. Another potential threat to the safety of the buildings is posed by slopes in the vicinity of private buildings. In order to ensure safety, it is equally important to inspect and repair these slopes.

Secondly, if during the repairs work found to be necessary after inspection, there are problems caused by dishonest contractors failing to adhere to tender conditions, or suspending work, which the owners may have difficulties in handling, the Government should formulate a suitable plan to help owners deal with them in order to facilitate the implementation of the Scheme. A private buildings resource centre should be set up to assist owners' corporations in co-ordinating the repair works. This resource centre should employ professionals like structural engineers and lawyers to offer professional advice, and to assist individual property owners to deal with problems which may come up in the course of repair works.

Thirdly, in accordance with the Buildings Management Ordinance, such big projects and collection of funds must be approved in a general meeting of the owners. However, owners' corporations are not established, nor management companies engaged, in a lot of tenement buildings. It may, therefore, be impossible to collect the necessary funds for the repair works. Moreover, the ownership of these old buildings is rather fragmented and scattered, and information kept by the Lands Registry on the titles of these buildings may not be well up-to-date. It would be impossible to carry out repair works, even if a small number of property owners in a building cannot be traced. The ADPL proposes that, for buildings which do not have a owners' corporation, in case absentee landlords cannot be contacted, the Buildings Department should step in and go ahead with the repair works if approval from 70% of the owners is obtained.

Fourthly, at present the public may not be aware of the importance of building maintenance. And since each household may have to pay as much as

\$80,000 to \$100,000 on regular maintenance works under the Scheme, they may not be willing to do so. The Buildings Department should come up with some incentives for private property owners to carry out regular maintenance works on their buildings. The Government may also consider to introduce a special tax concession for property owners who maintain their buildings regularly.

Fifthly, there was a recent accident involving a 33 years-old primary school in Shum Shi Po, in which students were injured by concrete falling off the school building. At present the BSIS is only directed at private buildings. There are no statutory provisions on regular inspections and repairs for government buildings, this may result in tragedies. The ADPL proposes that the Buildings Department should widen the scope of this scheme to cover also government buildings with an age of 20 or above, so as to ensure the safety of all buildings in Hong Kong.

Madam President, I so submit.

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

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

MR CHENG KAI-NAM (in Cantonese): Thank you, Mr Deputy. Just now the issue of priority was mentioned. The Honourable Frederick FUNG commented that the Honourable Edward HO had not read his amendment carefully because Mr FUNG actually said that the Scheme should first be targeted at buildings over 40 years old. In fact, when Mr FUNG spoke earlier, he had not carefully read the Honourable TSANG Yok-sing's motion either. Mr TSANG said, "the Scheme should first be targeted at the oldest or the most dangerous buildings". In principle, their views are the same. If Mr Frederick FUNG's amendment is negated later, I call on Members of the Hong Kong Association for Democracy and People's Livelihood to support Mr TSANG Yok-sing's motion. Unfortunately, reality is a teaser. When we are talking about buildings over 20, 40 years old or even older, news reports are saying that we should first inspect the Home Ownership Scheme flats which are just built and occupied.

Besides, I would like to talk about "mandatory", that is, the so-called issue of responsibility. The thinking behind Mr TSANG Yok-sing's motion is "the

Government inspects, the property owners maintain", which I find perfectly justified. During our numerous discussions with the Owners' Corporations and private property owners, never once did the owners unreasonably demand that the Government repair their buildings for them. They think since they own the buildings, they have the responsibility to do the repairs. However, if the buildings are to be inspected, especially now that the inspection is mandatory, the fee for the preliminary inspection should be borne by the Government.

Just now an Honourable member used physical examination as an example which is very interesting. Suppose now the Government requires mandatorily that the citizens undergo physical examinations to see if they have cancer. While the citizens will be grateful to the Government for its goodwill, the fee for cancer examination may be too high for them. However, since the Government makes the physical examination mandatory, what should the citizens do? Should they break the law and not undergo an examination, or should the Government

DEPUTY PRESIDENT (in Cantonese): Mr Edward HO, do you have a point of order or do you wish to elucidate?

MR EDWARD HO (in Cantonese): Mr Deputy, Mr CHENG Kai-nam has misunderstood what I said. Do I have an opportunity to elucidate?

DEPUTY PRESIDENT (in Cantonese): Mr HO, you may later ask to elucidate the part of your speech which has been misunderstood.

MR CHENG KAI-NAM (in Cantonese): I would like to elucidate Mr Edward HO's elucidation. I am not directing against the content of Mr HO's speech, I just want to cite an example and our interpretations of physical examination are actually different. My example illustrates that problems may arise if the government requires mandatory examinations. I am not quoting what Mr HO said about physical examination, I have another interpretation for that. I said we would be grateful if the Government stipulates that the citizens must undergo

cancer examination because it is for the sake of their health, but the citizens may query why the examination has to be mandatory. However, since the Government so requires, they cannot but comply. If the outcome of the examination shows that the a person has cancer, it is perfectly justified that he has to pay for his own medicine, injection and medical consultation. When we discussed with the Owners' Corporations, most of the property owners subscribed to this attitude, that is, if I am ill, I have to pay for my own medication. However, the present situation is that I do not feel ill but the Government arbitrarily forces me to take an examination. I will take it, but why do I have to pay for it? Since the Building Safety Inspection Scheme is mandatory, it would be difficult for the Government not to bear the cost of inspection, at least for the preliminary inspection. I would like to stop here. To reiterate, I use physical examination as an example not to criticize Mr Edward HO's idea, I just use it to bring out another analogy.

DEPUTY PRESIDENT (in Cantonese): Dr Raymond HO.

DR RAYMOND HO (in Cantonese): Mr Deputy, buildings over 30 years old account for 20% of all private buildings in Hong Kong. Ten years later, the number of such buildings will be increased by 15%. In recent years, a number of accidents were caused by inadequate repairs and maintenance of old buildings and it clearly shows that the potential dangers posed by the ageing and poorly or rarely maintained buildings should not be overlooked. Therefore, there is a genuine need for the Buildings Department to implement the mandatory Building Safety Inspection Scheme (BSIS).

In buildings over 20 years old in Hong Kong at present, there are about 300 000 units. Among them, 6 500 buildings are 40 years old or above. In the coming years, about 500 to 800 buildings will reach the age of 40 each year. These buildings usually lack of sufficient repairs and maintenance and will very likely become potentially the most dangerous buildings. Therefore, in implementation the Building Safety Inspection Scheme, the Government should target at the most dilapidated and potentially dangerous building first. In order to allocate the resources, at the beginning of the implementation, the age of

building for inspection should be changed from 20 to 30 years old.

As the number of these buildings is very large, it is hard to estimate the number of owners affected. Therefore, as regards the building inspection arrangements, having taken into account the problem of manpower in the Government at present and to minimize the impact on the public, I consider that less important objectives of the inspection should be eliminated as much as possible and the target should be restricted to the buildings of 30 years old or above which are relatively dilapidated, and those targeted buildings which have been listed for poor management. The timeframe for the building inspection should be specified flexibly in accordance with the age of the building and the actual situation. The best way is to change the timing so that the inspection is carried out in phase with other statutory inspections, such as inspections on electricity installation, lifts, fire installations and so on. Moreover, a comprehensive building safety inspection scheme should be implemented in co-operation with other government departments so as to minimize the extent of disturbance to the public.

In case any problems are found in the inspection, the owner should be responsible for making repairs expeditiously. However, a lot of people and matters are involved in this Scheme. The owners may not be able to afford the expenses of inspection or repairs. Perhaps they are not willing to undertake this kind of work, particularly those who are old and have financial difficulties. According to the consultation papers of the Building Department, in case the owners fail to comply with the law to carry out the inspection or the repair works concerned, the Government would do the works and then recover the costs from them. Such similar method is also applied in the clearance of illegal structures. However, it is questionable if the result is effective.

Moreover, a lot of the owners of the old buildings have emigrated overseas and most of such buildings do not have any building management organizations or owners' corporations. As it is not easy to contact them and obtain a consensus of their opinions, the sharing of the building repair costs will become even more difficult. In fact, a lot of the old building do not have any types of building management and the ownership is fragmented and scattered. There are certain difficulties in organizing all owners to carry out the repair works of the building. Therefore, it is really essential to push the owners to set up owners' corporation and employ property managers to take up the responsibility of

arranging the regular maintenance work.

In fact, those living in the old districts are mostly the owners who are relatively old and even have financial difficulties for basic livelihood. How can they afford to pay the costs? Therefore, the Government should offer another alternative to the owners by providing building inspection and certificate services at cost, so that they can conduct the building inspection at the most reasonable price. Moreover, the Government should also set up a building maintenance fund. In case the buildings should be inspected but the owners have financial difficulties, financial assistance and consultation services can be provided so as to facilitate smoother implementation of the Scheme.

For the time being, there is no better alternative to the mandatory BSIS. This is obviously a passive remedial policy and is absolutely a result of the lack of a long-term policy on repairs and maintenance of buildings in the past. At present, the Government should take this opportunity to work out a set of standards for building maintenance and management which will suit future needs. However, most importantly, the Government should speed up the redevelopment of the buildings which are too dilapidated and have potential safety problems so as to greatly reduce the crisis that inadequate maintenance in old buildings may bring.

With these remarks, Mr Deputy, I support the amendment moved by Mr Edward HO.

Thank you.

DEPUTY PRESIDENT (in Cantonese): Mr TAM Yiu-chung.

MR TAM YIU-CHUNG (in Cantonese): Mr Deputy, since the release of the consultation paper, I have received some opinions on the Building Safety Inspection Scheme (BSIS) from a number of residents of old buildings in Kwun Tong district. They generally considered that the Government was shirking its responsibility by requiring the owners to employ qualified engineers to conduct regular building inspections and that the Government passed its responsibility of checking the buildings to the owners. The owners found that they, though willing, could not afford the heavy costs.

According to the example given in the consultation paper, for a 25-storey building with about 200 units, the costs for a general assessment and an in-depth inspection are \$200,000 and \$2,000,000 respectively, with each household having to pay \$11,000 on average. However, they considered this obviously not an example of a typical old building because they said that a lot of buildings over 20, 30 or even 40 years old were six-to eight-storeyed with about 50 units in total. So, even the inspection costs are halved, each household, by sharing, may need to pay more than that quoted in the consultation paper, and even as high as \$20,000 odd.

They also pointed out that those buildings with owners' corporations and professional management companies could allocate part of the monthly management fee as the building inspection and maintenance fund. The problem could then be solved in an easier way. However, for those buildings with neither owners' corporations nor professional management companies, what could the residents do then? They also mentioned that the residents in these old buildings, in particular, were usually the low-income group or the retired people. If they were required to pay an inspection fee of \$10,000 odd to \$20,000 odd suddenly, they would have great troubles. In case they are not able to pay the costs, the situation will become very complicated, and even unnecessary disputes among the residents might result.

Mr Deputy, a lot of the Members just spoken mentioned that the owners were elderly people. The following is a real story which I came across personally. I remember that some time ago, I had interviewed a couple in my office who lived in the old district in Kwun Tong. Both of them were over 70 years old. They can be regarded as "sandwich elderly" because they own an old flat and if someone is willing to buy their property, it may worth several hundred odd thousand dollars. However, as they own property, they are not entitled to public rental housing. How can their meagre savings on which their livelihood depends be sufficient to pay for the building inspection? Therefore, they came to me for assistance. However, the existing housing policy can hardly help them. And troubles come one after another.

Mr Deputy, I agree that the owners should undertake the responsibility to repair their own residential flats. However, I consider that it is a fairer practice for the Government to set up a building maintenance fund to assist the owners having financial difficulties in inspecting and repairing their properties and give

priority to the more dangerous buildings.

To solve the problem of the old buildings completely, the Government should speed up the redevelopment programme of the old districts in the long-run. In implementing the mandatory BSIS, I suggest once the Government has announced that a district is about to be redeveloped, the inspection of the old buildings in that district should be exempted temporarily or alternative arrangements be made, so as to avoid any disturbance to the public and waste of resources.

These are my remarks.

DEPUTY PRESIDENT (in Cantonese): Mr KAN Fook-ye.

MR KAN FOOK-YEE (in Cantonese): Mr Deputy, I am not required to declare interests in this matter, but as some Members have just mentioned that surveyors or architects might be benefited, I might as well say that although I am a surveyor, I am not a building surveyor and my company does not do building surveying. Thus, even this Scheme is approved, there is nothing to do with my interests.

After I queried the authorities concerned and learned about the background for implementing the mandatory Building Safety Inspection Scheme (BSIS), I have found no sufficient grounds to implement the Scheme. My reason is as follows: as I understand it, the Government is eager to implement this Scheme solely because some complaints about the threats old buildings pose to public safety were received from the public. However, the scope of the mandatory BSIS proposed at present is very wide, involving the integrity of the external walls, the structural safety of the buildings and fire safety. These requirements do not simply involve the public safety problem of the buildings. In fact, the Government believes that by implementing this Scheme, the safety of the residents and their visitors in the buildings can also be improved. Although the Government has the right to be concerned about this, it has not provided any evidence to prove that buildings over 20 years old will affect the safety of residents and visitors. The figures I got only show that buildings over 20 years old may pose threats to public safety outside the buildings.

Therefore, if I have to use a metaphor to describe the situation, I would say

that the Government is now something like a good doctor who upon learning his patient has a headache, not only "treats the head when it aches", but also give him a body check-up in which the conditions of all internal organs are examined, troubles found are treated immediately as well. Therefore, it is not surprising that the general public regard the Scheme proposed by the Government a nuisance. I very much hope that if the Government considers that the buildings over 20 years old may threaten public safety, it should narrow down the scope of this mandatory BSIS. If the Government is bent on launching the Scheme, I wholeheartedly agree with the proposal of the Democratic Alliance for Betterment of Hong Kong that the costs concerned should be borne by the Government. Thank you, Mr Deputy.

THE PRESIDENT resumed the Chair.

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

MR NGAN KAM-CHUEN (in Cantonese): Madam President, to have a secure home and a happy job is everyone's aspiration in Hong Kong. No one wishes to live in a run-down building. It is with this spirit that the Government proposes to launch the Building Safety Inspection Scheme (BSIS). However, although the Democratic Alliance for Betterment of Hong Kong (DAB) agrees in principle to the spirit of the Scheme, we find that there is room for improvement.

As the convenor of the Planning and Lands Committee of the DAB, I have paid close attention to building safety all along. In May last year, I moved a motion debate in the former Legislative Council on the promotion of building safety in which I urged the Government to formulate proper measures as soon as possible to tie with the phased implementation of the BSIS and render concrete support to those owners of private residential premises who are in need of assistance, and to complete the inspection all cantilevered canopies in Hong Kong in the near future and step up its efforts in demolishing unauthorized structures, with a view to raising the standard of building safety in Hong Kong and safeguarding the lives and property of the public. The motion was passed

unanimously by the Council then.

The consultation conducted by the Buildings Department on the mandatory BSIS earlier found that most of the submissions were supportive of the Scheme but the public were not without worries, their major concern being the financial burden it might bring. Many owners of old buildings, especially the elderly ones, are worried that they may not be able to afford it. Even with the Government's establishment of a loan fund, they are worried that they may not be able to pay the money back.

Although the Government pledges to set up a \$500-million "Urban Rehabilitation Fund" to provide loans to owners of old buildings in targeted areas for repairs, this fund is not solely set up for the mandatory BSIS as the Government only plans to allocate part of it to help these owners out. With the large number of old buildings, the amount of government loans is far from sufficient to address the flat owners' financial difficulties.

To ensure the smooth implementation of the mandatory BSIS, the DAB urges the Government to take up the responsibility of building inspection. The Government should undertake the first phase of the building inspection to minimize the number of building owners affected and only when problems are identified in the preliminary inspection should the owners be informed to follow up. This way, the disruption caused by building inspection to the people can be reduced while the owners can save a considerable sum of building inspection expenses.

Another problem that besets these owners is the fragmented title of the old buildings. As far as I understand, out of the 50 000-odd private buildings in the territory, only more than 6 000-odd have owners' corporations set up. Many old buildings have yet to set up an owners corporation, and as a result, problems would arise when owners want to pool money to engage professionals. When some owners are unco-operative regarding the building inspection, other owners are helpless. In respect of that, the DAB suggests the Government render more substantial assistance to building owners in the organization of owners' corporations.

The recent case that the owners' corporation of the Sun Hing Building in

Mong Kok was ordered by court to pay an injured worker damages of over \$25 million may make building owners hesitant about forming an owners' corporation, which in turn affects the setting up of owners' corporations. We have already met with officers of the Home Affairs Department on account of this. The DAB urges the Home Affairs Department to do their best to restore the building owners' confidence in setting up owners' corporations.

With these remarks, Madam President, I support Mr TSANG Yok-sing's motion.

PRESIDENT (in Cantonese): In the course of Mr CHENG Kai-nam's speech, Mr Edward HO indicated that he wished to clarify the part of his speech that Mr CHENG Kai-nam had misunderstood. Mr HO, do you wish to clarify it now?

MR EDWARD HO (in Cantonese): Madam President, do you want me to clarify until other Members have spoken? That is fine.

PRESIDENT (in Cantonese): Mrs Selina CHOW.

MRS SELINA CHOW (in Cantonese): Madam President, one important principle being debated today is who should be responsible for ensuring the safety of a building. If we agree that it should be the responsibility of property owners, then we should also agree that inspection of buildings and repair works are two important aspects of this responsibility. Without building safety inspections, we shall not be able to know whether repairs are required. Therefore, in order to ensure the safety of a building, both must be undertaken.

The Honourable CHENG Kai-nam said the Government should be responsible for inspection of buildings while owners should be responsible for repairs. I find the logic of this statement rather strange! Take for instance, if someone's vehicle emitted black smoke, and an inspection was ordered for which he was charged \$170, naturally the Government will not pay the inspection fees. But, if we go by Mr CHENG's logic, then when private properties pose any threat to the public, the Government need to have the buildings inspected before owners will take up the responsibility for repairs. I think this is not correct in principle.

The Honourable TSANG Yok-sing also said in his speech that preliminary inspections should be undertaken by the Government, and if problems were identified, detailed inspections should be carried out. I am not an engineer, nor is Mr TSANG. Therefore, I am not sure whether this is an appropriate practice of that profession. I hope Mr TSANG could clarify what does he mean by "preliminary inspection" later on. Does it mean that if a crack is seen with the naked eye in the course of the preliminary inspection, then a more detailed inspection is called for? If that is the case, then the job of inspection will have to be divided into two parts, and that means an additional step is required. And yet, Mr TSANG told us that this method would be cheaper. Later on, I wish he could give us an explanation. Generally speaking, for the same thing done, it is very uncommon that the Government is more cost-effective than private professionals. If inspection works are undertaken by the Government in accordance to Mr TSANG's proposal, then the Government will have to apply to the Finance Committee for funds in order to increase staff and expand the department. I do not know what taxpayers are going to think about this.

Of course, those poor elderly people whom the Honourable TAM Yiu-chung mentioned just now have my sympathy. These elderly people, especially those who are retired and live in old buildings, may be very worried about this Scheme. Their flats may not worth much, maybe just several hundred thousands to a million dollars, and they may not have any means to earn a living. However, I am aware that the Government has already established a "Urban Rehabilitation Fund" to assist property owners who have financial difficulties. I hope that the Government can concentrate its efforts in helping the people whom Mr TAM Yiu-chung mentioned, especially poor elderly owners who are over 65 years old. Then it will not be necessary to establish another "maintenance fund", for this will only be a duplication.

The Honourable Miss CHOY So-yuk of Hong Kong Progressive Alliance asked why the public had to bear the costs. I have already explained this point just now. It seems that Miss CHOY is even more generous than the Democratic Alliance For Betterment of Hong Kong (DAB). She thinks that the Government should take up all the responsibilities, while the DAB thinks that the Government should only step in when individual owners have difficulties in making payments. If she is really of such a view, then I think that she is even more generous than the DAB, but it is a pity that she is only "being generous at the expense of

taxpayers ",

MISS CHOY SO-SUK (in Cantonese): Madam President, may I clarify?

PRESIDENT (in Cantonese): If you wish to clarify, please wait till Mrs Selina CHOW finishes her speech and I will give you the chance to clarify; only on account of a point of order are you allowed to disrupt Mrs Selina CHOW's speech. Mrs CHOW, please continue.

MRS SELINA CHOW (in Cantonese): As regards the age of the buildings, if you agree with the early part of the speech by Mr TSANG Yok-sing, you should support Mr Edward HO. Mr TSANG mentioned that those buildings built in the 1960's, that is within 20 years after the Second World War, had potential threats. Thus, it is appropriate to draw the line at 30 years but is improper to draw it at 20. The controversial part of this matter is where the line should be drawn and not which age group of buildings should be inspected first. In considering the priority of the building inspection, undoubtedly, the older ones and those more likely to pose threats to safety should be inspected first. However, the existing argument does not lie in this point but in where the line is drawn. The owners' concern is only whether their properties will be covered by the new ordinance. This is the most important point. If we want to let the owners understand this point clearly, we should support Mr Edward HO. It is because many owners as well as some Members have just mentioned that 20-year-old buildings are not very old and need not be repaired immediately, but those reaching 30 years should be. Mr TSANG also said that much. Therefore, it is very appropriate to support Mr Edward HO.

President, I consider that there is a very important message today which should be conveyed to the owners. We, being a legislative council, should inform the Government of what their concern is. If we are able to adopt the proposal of Mr Edward HO and the Liberal Party, we will on one hand draw the line at 30 years, and on the other, point out that the established "Urban Rehabilitation Fund" is already able to take care of the people having financial difficulties. I consider this is sufficient to ease the public mind. Therefore, I hope the Members can support the amendment moved by Mr Edward HO and object to the other two motions.

PRESIDENT (in Cantonese): Mr CHENG Kai-nam, do you want to clarify the content of your speech? You may only clarify the content of your own speech. If Mrs Selina CHOW has misunderstood the content of your speech, you may clarify.

MR CHENG KAI-NAM (in Cantonese) : She has not misunderstood.

PRESIDENT (in Cantonese): Miss CHOY So-yuk, do you want to clarify the content of your own speech?

MISS CHOY SO-YUK (in Cantonese): Madam President, I wish to make a clarification. What I just said was very clear. We, the Hong Kong Progressive Alliance, support that the inspection costs be paid by the Government whilst the repairs costs be borne by the owners. I said very clearly that in order to ensure the safety of the buildings and protect the public, both the owners and the Government should undertake the responsibility. My point is very clear.

MRS SELINA CHOW (in Cantonese): Miss CHOY clarified that she was not talking about all the citizens. In fact, what she said just now is that the building inspection costs incurred by the public should all be borne by the Government. I think I have not misunderstood her meaning on this point.

PRESIDENT (in Cantonese): Mr David CHU.

MR DAVID CHU: Madam President, I support the Building Safety Inspection Scheme in principle, but like many district boards and their constituents, I do not support that the responsibility for the Scheme should be shifted entirely to the owners, irrespective of their financial circumstances. I also think the Scheme has some inherent flaws.

I have eight specific points to raise regarding the Scheme.

Point 1: We cannot take at face value the Scheme's underlying assumption that only older buildings are categorically not up to scratch. We have in Hong Kong some older buildings that are in sound shape and newer blocks that are falling apart. Take, for example, the problems with the relatively new On Ning Garden in Tseung Kwan O. The Scheme would be fair only if it is applied not according to the chronological age of a building but its actual condition.

Point 2: We must accept that many owners cannot afford to pay for the recommended inspection and renovations in cash. By definition, people who own dilapidated housing are not very rich. These people should receive government assistance, perhaps in the form of low interest or no interest loans repayable over a reasonable timeframe. The Government should also set up an Urban Rehabilitation Fund prior to the Scheme to let owners draw on that money as loan.

Point 3: The Government should inspect the buildings itself rather than compel owners to do so. There is no reason for the Government to charge owners inspection fees for discharging a public duty.

Point 4: We believe neither the owners corporation nor the mutual aid committees have the expertise to manage the Scheme. The job should rest with the Buildings Department with help from the Home Affairs Department. The owners corporations and mutual aid committees are also in no position to enforce the Scheme and collect the outstanding fees. If the Government still insisted on the owners corporations and mutual aid committees doing its work, then it must provide all necessary assistances.

Point 5: While urban renewal through individual initiative is a good idea, the Scheme to make this happen is not feasible as it is laid down. The fact is that some of the older buildings are so decrepit that they should just be razed to make way for new projects.

Point 6: Instead of the Government decreeing mandatory inspection, it might do better to issue advisory letters or repair orders to owners before taking such a large scale action.

Point 7: We would like the Government to combine this Scheme with its existing code against illegal structures. The safety of these buildings is

compromised by hazardous illegal structures. A scheme that targets the owners without noting the impact of illegal structures makes no sense.

Point 8: The Scheme should not be hasty. A rushed scheme that does not work would only discredit the whole concept of safety repairs and maintenance. People may also be discouraged from volunteering for owners corporations and mutual aid committees if the Scheme is badly conceived and difficult to implement.

I would like the Government to take all these points into consideration as it refines the proposed scheme. Since the original motion by the Honourable TSANG Yok-sing embodies the points raised by the district board members, I will vote for this. Thank you, Madam President.

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

MR IP KWOK-HIM (in Cantonese): Madam President, the Honourable TSANG Yok-sing has already spoken on behalf of the Democratic Alliance for Betterment of Hong Kong (DAB) on the Building Safety Inspection Scheme (BSIS). Now, I attempt to address the issue from the perspective of property management.

Whether a building is properly maintained is directly related to property management, willingness of individual owners to assume their responsibilities and assistance from the Government. So far, property owners have only got a very vague idea of their own responsibilities, and they also choose to ignore the consequences of failing to take up this responsibility. The old saying that "let everyone mind one's own business" can best describe the mentality of some individual property owners. They have all along think that they should not be responsible for the common areas and overall structure of the buildings. This mentality precisely brings about the dilapidated state of the buildings. To assist individual property owners to improve the management of their buildings, and enhance their sense of responsibility has always been the job of the Home Affairs

Department. However, it is laughable that most of the individual property owners who came to my office for help were not aware of the fact that the Home Affairs Department could offer them such assistance. It is ironical that when problems actually occur in regard to management, safety or maintenance of the buildings, many members of owners' corporations said that they did not see any initiative on the part of the Home Affairs Department to offer them any assistance. On the contrary, they were "kicked around" by the Home Affairs Department. I would like to ask, how could the quality of property management be improved and the safety of the buildings be enhanced if the Home Affairs Department shirked its responsibility in this way after helping owners to set up the owners' corporations? I think the Home Affairs Department should really be blamed in this respect.

Apart from that, the Buildings Department has all along been inefficient in clearing the illegal structures of the buildings. Very often, in reply to complaints, the Buildings Department would gloss over the matter by saying that the illegal structures do not pose any imminent danger. When I worked in the districts, I had come across a lot of typical futile complaint cases. Take for example, the Western Court at Shek Tong Tsui which is surrounded by slopes and buildings. It is only connected with the outside by three accesses. But over the past decade or so, all these three accesses have been blocked by illegal structures, and in the end only one narrow passage is left. This poses a great danger to occupants of the building in the event of a fire. The owners' corporation of the building wrote to the Buildings Department many times to complain about the situation. But every time the Buildings Department replied that since those illegal structures were not new ones and did not pose any imminent danger, they did not warrant immediate action. When the owners' corporation complained to the Fire Services Department, the reply was similar, saying that since these were outdoor access and one access was still left open, it did not warrant any follow-up actions either. Madam President, does this situation adequately support the declared determination of the Government to clear the illegal structures?

Furthermore, I wish to quote the example of the Smithfield Gardens in Kennedy Town. The owners' corporation of that building tried to stop a commercial unit from erecting a big signboard in the common area of that building. However, the Building Management Ordinance does not empower the owners' corporations to block the erection. The owners' corporation then lodged a complaint with the Buildings Department but was not granted any

assistance either. So, in the end the signboard was erected and the owners' corporation had to spend money to take legal actions against the owner of that unit. Notwithstanding the outcome of the law suit, it is obvious that the owners' corporation has already lost time and money. Madam President, let us look at the background of these cases. It tells us that many owners' corporations and owners do have the enthusiasm to enhance the safety of the buildings, but unfortunately they are not empowered by the existing legislation to take any actions against illegal structures, while the rich and powerful Government does not give them adequate assistance. In the end, the structural soundness of the building will become a problem and the public may get hurt.

Madam President, the BSIS undoubtedly deserves our support. However, it has also conveyed a very important message. And that is, in recent years, it is the policy of the Government to actively pass the responsibility of private building maintenance back to individual property owners, and it has enacted legislation to enforce this responsibility. All these measures, we can see, from slopes maintenance, electrical wiring inspections, to the present mandatory BSIS made members of the owners' corporations feel that the Government is trying to shirk its responsibilities. This is especially the case in the issue of building inspections. Many members of the owners' corporation have complained that while the Government has not been taking an active role in clearing illegal structures, it has been trying very hard to force the responsibilities regarding building safety onto individual property owners. Some members of the owners' corporations have angrily commented that: "How could a building full of illegal structures pass the building inspection"? I hope that the Government will really listen to the views of the public and play a leading role in the implementation of the BSIS, instead of acting merely as a bystander. The Government should also give individual property owners more assistance through the Home Affairs Department and the Buildings Department, and undertake the responsibility of building inspections and ensure the safety of the public. It should also carry out a thorough review on the powers conferred by the Buildings Management Ordinance to owners' corporation.

Madam President, with these remark, I support the original motion

PRESIDENT (in Cantonese): Mr Edward HO, you may elucidate on the part of your speech which has been misunderstood.

MR EDWARD HO (in Cantonese): Madam President, thank you for giving me the chance.

I think the major divergence of opinions in today's discussion is on the responsibility issue. I just said that an old person, like me, should take body check-ups on his own initiatives. From what I said, the Honourable CHENG Kai-nam raised other questions such as: if there is mandatory body check-up, and if the Government requires the citizens to take mandatory check-ups for cancer, will it be too costly?

Firstly, I never made such a suggestion. If a person does not take body check-ups, at most he only dies himself if he gets ill. However, if a building is not inspected, it may jeopardize other people's lives. Moreover, Mr CHENG was using my example to say that when we do not have any illness, why do we need body check-ups as we know about ourselves. I have some doubts about this argument. The Honourable Dr LEONG Che-hung is not here now, so I cannot ask his opinion. However, I find that if we do not have body check-ups, how can we know if we have any illness? Thank you Madam President.

PRESIDENT (in Cantonese): Mr CHENG Kai-nam, I believe that you wish to clarify what you just said, is that right?

MR CHENG KAI-NAM (in Cantonese): I thought I could speak again.

PRESIDENT (in Cantonese): I am afraid that in the motion debate, Members can only speak once. If you want to speak again, your remarks must only be restricted to rulings or elucidation of any parts of your speech which have been misunderstood.

PRESIDENT (in Cantonese): I now invite Mr TSANG Yok-sing to speak on the amendments to his motion. Mr TSANG Yok-sing, you have five minutes to speak.

MR TSANG YOK-SING (in Cantonese): Madam President, when the Honourable Frederick FUNG and the Honourable Edward HO were talking about

my motion, both of them indicated that they found the part of my motion on "that the Scheme should first be targeted at the oldest or the most dangerous buildings" ambiguous. I do not understand why they found it so ambiguous. Is it really necessary to specify that the Scheme should first be targeted at buildings that are 30 or 40 years old? For example, the Administration is concerned about the health of our Members and plans to give us free medical check-ups starting from tomorrow, but since only Dr LEONG Che-hung is available and he can just check three colleagues per day, so he has arranged to start with the oldest Members. Then, what is so ambiguous about this arrangement? Everyone would know when it will be their turn. Will it be like what Mr Frederick FUNG said, if medical check-ups are to start from oldest Member, from the 81 year-old colleague, someone will say that the 80 year-old colleague will not have his check-up? Furthermore, the health condition of the oldest Member may not necessarily be the poorest. Actually, the oldest Member may enjoy the best health. Therefore, at present, the Government may not necessarily be most concerned about the health condition of the oldest Member but rather the Member who is the oddest or with the highest risk in his health condition, or has a record of illness. If the Administration arranges to check the health of those Members first, I do not think the oldest Member will raise any objections. Therefore, we say that the Scheme should be targeted at the oldest "or the most dangerous buildings". I think this is the most flexible and practical approach. If my two colleagues feel that they must move amendments to the original motion because of this phrase, I think it is totally unwarranted.

The main idea of Mr Frederick FUNG's motion is to increase the duration of the inspection cycle from seven to 10 years, but I am worried that this amendment will have the opposite effect. The objective of extending the inspection cycle is to relieve the burden of property owners. But then, Mr Frederick FUNG also support the idea of my motion that the Government should undertake the responsibility for the preliminary inspection of buildings. Therefore, if the Government is responsible for carrying out inspections to the buildings once every seven years and find that most buildings do not have any problem, why is it necessary to increase the duration of the inspection cycle? But, if problems are identified after preliminary inspections, why do we have to wait 10 years to carry out repairs? Therefore, in regard to the issue of increasing the duration of the inspection cycle, we only have to insist that the Government should undertake the responsibility for preliminary inspections, then the duration of the inspection cycle will be virtually extended.

On the other hand, the amendment of Mr Edward HO has a more substantial meaning for it is not just confined to some minor details, the reason being, Mr Edward HO is basically opposed to the idea of the original motion that the Government should be responsible for preliminary inspections. In fact, I am not the one who put forward the idea of "preliminary inspections". The Buildings Department has published a pamphlet in which it mentions the "three steps to take in building inspections". The first step is to conduct a general appraisal, and if it is found that buildings are in sound conditions, then the first step is completed. Only buildings which have problems will call for detailed inspections. I hope that the Director of Buildings will not be too disappointed that the Honourable Mrs Selina CHOW has not read his pamphlet.

Is it unfair to ask the Government to undertake the first step? Mr Edward HO asked me to clarify why overall social resources could be saved if the first step was undertaken by the Government. It is true that no matter who undertakes the job, the Government or owners, social resources will be used, and this does not involve the question of amount of costs. No matter which party is responsible for preliminary inspections, the technical part of the job must be done by surveyors or structural engineers. However, it will be more efficient if such work is co-ordinated by the Government. Anyone who has ever been in touch with owners' corporations of old buildings will understand that it is very difficult to ask owners of the old buildings to organize themselves and appoint engineers or surveyors to carry out the inspection and repair works. Therefore, what we are seeking to save is not technical resources, but administrative resources. If the work is to be undertaken by owners, more administrative resources will be required.

Mr Edward HO said that we should take the initiative to have medical check-ups when we reach a certain age. I hope he would not propose that the Government should set up a mandatory medical check-up scheme to ask us to take a physical examination every seven months at our own expense.

It is untrue to say that having inspections undertaken by the Government will mean that owners of better maintained buildings have to subsidize other owners. On the contrary, it is unfair to ask all owners to undertake the responsibility to have their buildings, no matter how well they are maintained, inspected once every seven years in accordance with this Scheme. Therefore, I hope that Members would support the original motion instead of the two amendments to the motion. Thank you, Madam President.

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

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS (in Cantonese): Madam President, building safety is an issue of increasing concern to the citizens as well as to the Government. The Chief Executive mentioned in the policy address that the Government was working to introduce a mandatory Building Safety Inspection Scheme (BSIS). Today, I wish to express my thanks to the Honourable Members who have given their views during the motion debate.

In fact, we have consulted the public on the mandatory BSIS. The consultation period concluded at the end of last month. Apart from collecting opinions from the Provisional District Boards and district forums, we also received 172 written representations. The majority of the Honourable Members' comments were sent to the Buildings Department. Generally speaking, the citizens agree that it is necessary for buildings to have regular maintenance and the BSIS merits their support.

We are now sorting out and analyzing these comments. Our initial findings show that these comments, as well as the concerns and suggestions the Members raised today, can be summarized into the following two areas:

- (1) the matter of principle as to who should be responsible for the building inspection; and
- (2) the practical matter of carrying out the building inspection scheme.

Regarding the matter of responsibility for building inspection, some people think that the Government should share the responsibility with the owners by inspecting the buildings or even paying the costs. If the building inspection find that a building need to be repaired, the owners will then be responsible for the repairs. Other people think that the responsibility of building safety inspection lies totally in the Government which should not evade its responsibilities. The Government's current view is that private buildings are the property and responsibilities of individuals, the owners should take good care of their property by carrying out maintenance and repairs to ensure safety of buildings and an increase in property value. This principle may be applied to all other personal properties. If they fail to do so to maintain their buildings, when

problems arise later that pose a threat to the safety of third parties or the general public, the Government sees no reasons to spend public money to help private building owners who should take up the responsibilities themselves.

On the other hand, the Government has done the preliminary work. Several Members just mentioned that how come the Government did so little work. In fact, the Government conducted preliminary inspections of the old buildings in the past few years. We engaged consultant firms twice to inspect the external structure of older buildings. In 1995, we checked in detail the buildings completed from 1945 to 1958. Currently, the Buildings Department is examining the buildings completed from 1959 to 1980. The examination will be completed in 1998. The two surveys will provide the Government very good data about what the aging trend is in these old buildings. During the inspection, whenever the Buildings Department detected any places with immediate danger, repair orders were served on related owners. These surveys concern only the external walls of the buildings and public safety. Now we are moving on to the inspection of internal structural safety.

Some Members said that under the existing policy the Buildings Department is responsible for building safety inspection and for issuing a repairs order to property owners if a certain building is found to have safety problems which require repairs. I have just explained to the Members about the work of the Buildings Department in this respect. The Member who made such comments might have misunderstood the work of the Buildings Department. All along, the Buildings Department plays a supervisory role to ensure the safety of newly completed buildings. Only when the owners fail to taken up their responsibilities, does the Buildings Department make specific inspections and ask the owners to make repairs in public interest. It is only an expedient measure and should be taken as an across-the-board policy to solve a growing problem. In our plan, we stress preventative measures of property maintenance and regular repairs. We must not wait until potential dangers emerge before taking remedial actions. Apart from ensuring safety, regular inspections and repairs will certainly have a positive effect on the value of the buildings. This will increase the value of the buildings and the owners will have greater gain when the property is sold, so we cannot see why the Government should use public money to do the inspection work.

Regarding the implementation of the building inspection scheme, opinions

we collected concentrate on the following aspects:

- (1) The individual owners of old buildings do not have the financial ability to pay the costs of building inspection and repairs;
- (2) Private property owners are unable to organize themselves and they lack building maintenance knowledge;
- (3) We have insufficient number of professionals to cope with the mammoth building inspection work;
- (4) The Government has no or little supervision over the fees and quality of building inspection services provided by the Authorized Persons;
- (5) The age of buildings that needs mandatory inspection and the building inspection cycle; and
- (6) Whether illegal structures will be included in the building inspection scheme.

I now wish to reply to the above points one by one. Firstly, regarding the costs of building inspection and repairs, majority of the Members and the opinions collected expressed that the Government should set up a fund to help those owners in real need. In this respect, the Members' opinions are identical to the Government's plan. The Chief Executive mentioned in the policy address delivered last October that the Government would set up a \$500 million Urban Rehabilitation Fund to offer loans to owners in need of financial assistance for building inspection and repairs. We are working on the details to establish and manage this fund, which will give priority to elderly owners seeking loan, to tie in with the implementation of the mandatory BSIS.

The Government will also provide non financial assistance to owners. When the Owners' Corporation meet any problem in their work, they may seek help from the Home Affairs Department. The Department also plans to set up a "Building Management Resources Centre" in next April. The Law Society of Hong Kong, the Hong Kong Society of Accountants, the Hong Kong Institute of

Surveyors and the Hong Kong Property Management Companies Association all promise to provide free professional services to owners. The Home Affairs Department, the Fire Services Department, the Buildings Department and the Housing Department also assign staff to man the "Building Management Resources Centre".

Moreover, the Home Affairs Bureau plans to submit the Building Management (Amendment) Bill to the Provisional Legislative Council early next year which explicitly provides that after the general meeting of owners has passed a resolution for renovation, improvement and decoration projects in public areas of a building, the owners' corporation will have the authority to start the work. Moreover, it will amend related provisions to reduce the chance of the formation of a owners' corporation being hindered by a small number of dissenting owners.

Regarding the manpower for building inspection, we do not intend to require all old buildings to have inspections once the mandatory BSIS is implemented; instead, we will make a timetable and do it step by step. We do not think that there will be any problem with the professional manpower. Members just mentioned the number of professionals, but there were some misunderstandings about it. At present, we have around 1 400 authorized persons and registered structural engineers in Hong Kong, and only 86 of them work in the Government, therefore, the majority of them are in private practice. According to our original suggestion regarding building inspection work, we have estimated that the workload of or demand for the professionals in the first three years just increases by around 5%. Therefore, manpower is not a problem. We have also received opinions from many professionals who not only support the building inspection scheme, but also express that they have sufficient capability and manpower in their industry to handle the increase in workload in the future. The Buildings Department itself has estimated its workload involved in implementing the building inspection scheme and has planned to increase manpower for the next year.

Regarding the amendment proposed by Mr Edward HO, we have in fact considered it when we worked out the Scheme. We will take actions to allow property owners to get a list of authorized persons from the District Offices. In addition, the Buildings Department will set out to the professionals detailed guidelines as to the areas to be covered in building inspections. To protect the interests of the citizens, the Department will also review the building inspection

reports submitted by the professionals by sampling to ensure the inspection work conforms with the guidelines. These arrangements will make it more effective for the Government monitor building safety, while allowing the professionals to provide services to owners in an economical way.

Regarding the specifying of the age of buildings and the cycle of building inspections, Mr Edward HO and Mr Frederick FUNG, proposed to change the age of buildings to be inspected to 30 years old or even 40 years old. I must point out that the scheme stresses preventative measures rather than remedial actions to buildings which must be repaired. The Scheme will be implemented by stages, first to the older buildings and buildings to which the consultants have suggested to pay attention. We have considered specifically that there are obviously more accidents and complaints about buildings 20 years old or above than those below. Moreover, a very important point is that the Buildings Ordinance was amended in the 1970s. In the first cycle of building inspections, we wish to include those buildings completed with the technical and supervision standards before the amendment, that is, buildings between 20 to 30 years old are to be included in the building inspection scheme. However, we will consider in detail the pros and cons of setting an older building age for building inspection when the scheme is first implemented. We will then make our decisions to balance matters like market resources and cost-effectiveness.

Mr Frederick FUNG's amendment is to propose the building inspection cycle be extended from seven years to 10 years. The Government has much reservation about this suggestion. We all know that materials will wear out more quickly with the increase in the age of buildings. With our present level of technology, especially for the buildings 40 years old or above, to extend the building inspection cycle is in fact increasing the risk of still having accidents even after the inspections. In Mr FUNG's amendment, on one hand it is considered that the buildings 40 years old or above must have more problems, but on the other hand, it suggests to extend the building inspection cycle. I think that these two contradictory suggestions cannot help us achieve the objective of eliminating potential dangers in old buildings.

Some Members also pointed out that we can deal with illegal structures when implementing this building inspection scheme. During the consultation period, we received positive and negative opinions on this issue. There are some opinions that if the safety of illegal structures in a building are confirmed by experts, the Government should issue a safety certificate to the building concerned. This is not to give legal status to illegal structures and to tolerate their existence, but is to reduce the trouble of owners when the building

inspection scheme is first implemented. On the other hand, others want the Government to clear all existing illegal structures. At this stage, we should mainly consider the safety problem of the buildings. During the building inspection, the professionals will pay special attention to the safety of these illegal structures. Certainly, the owners' corporation and owners should exercise their power under the Deed of Mutual Covenant to clear the illegal structures in common areas. The Buildings Department will also continue to carry out clearance of illegal structures.

Madam President, for reasons I mentioned earlier, insofar as the original motion and the two amendments propose the setting up of a building repairs fund by the Government, and giving priority to the older buildings or those more dangerous one, the Government will support them in principle. Whether the Government should start the building inspection scheme with buildings 30 or 40 years old or above, and whether the building inspection cycle be extended, we have to consider in detail if such measures meet the objectives of protecting the safety of buildings. As to the suggestion for the Government to bear the responsibility of building inspections and provide direct building inspection services for a fee, we have strong reservations.

Thank you Madam President.

PRESIDENT (in Cantonese): I now call upon Mr Edward HO to move his amendment to the motion. Mr Edward HO.

MR EDWARD HO (in Cantonese): Madam President, I move that Mr TSANG Yok-sing's motion be amended as set out on the Agenda.

Mr Edward HO moved the following amendment:

To delete "undertake the responsibility for the inspection of buildings" and substitute with "offer an alternative to property owners by providing an inspection and certification service to be charged at cost"; to delete ";" from "meeting the repair costs;" and substitute with "."; to delete "furthermore" and substitute with "Furthermore"; to delete "first" and "targeted at" from "the Scheme should first be targeted at"; and to add "for buildings over 30 years old and priority should be given to" before "the oldest or the most dangerous buildings".

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment moved by Mr Edward HO be made to Mr TSANG Yok-sing's motion.

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 Edward HO rose to claim a division.

PRESIDENT (in Cantonese): Mr Edward HO has claimed a division. The division 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 James TIEN, Mr HO Sai-chu, Mr Edward HO, Dr Raymond HO, Mrs Selina CHOW, Mrs Sophie LEUNG, Mr Howard YOUNG and Mrs Miriam LAU voted for the amendment.

Mr WONG Siu-yee, Mr David CHU, Mr LEE Kai-ming, Mr Henry WU, Mr

YUEN Mo, Mr MA Fung-kwok, Mr CHEUNG Hon-chung, Mr MOK Ying-fan, Mr CHAN Wing-chan, Mr CHAN Kam-lam, Mr TSANG Yok-sing, Mr CHENG Kai-nam, Mr Frederick FUNG, Mr YEUNG Yiu-chung, Mr IP Kwok-him, Mr Bruce LIU, Mr LAU Kong-wah, Mr Ambrose LAU, Mr CHOY Kan-pui, Mr NGAN Kam-chuen, Dr LAW Cheung-kwok and Miss CHOY So-yuk voted against the amendment.

Mr NG Leung-sing, Prof NG Ching-fai, Mrs Peggy LAM, Mr KAN Fook-ye and Mr LO Suk-ching abstained.

THE PRESIDENT announced that there were eight Members in favour of the amendment, 22 against and five abstaining. She therefore declared that the amendment was negatived.

PRESIDENT (in Cantonese): I now call upon Mr Frederick FUNG to move his amendment. Mr Frederick FUNG.

MR FREDERICK FUNG (in Cantonese): Madam President, I move that Mr TSANG Yok-sing's motion be amended as set out on the Agenda.

Mr Frederick FUNG moved the following amendment:

To delete "the implementation of the Scheme should first be targeted at the oldest or the most dangerous buildings" and substitute with "the Scheme should first be targeted at buildings over 40 years old and be implemented by phases according to the age of the buildings, and the duration of inspection cycles should be increased from seven to 10 years, so as to achieve the aim of systematically eliminating the potential dangers posed by aged buildings"

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment moved by Mr Frederick FUNG be made to Mr TSANG Yok-sing's motion.

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 Frederick FUNG rose to claim a division.

PRESIDENT (in Cantonese): Mr Frederick FUNG has claimed a division. The division 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 MOK Ying-fan, Mr Frederick FUNG, Mr Bruce LIU and Dr LAW Cheung-kwok voted for the amendment.

Mr James TIEN, Mr HO Sai-chu, Mr Edward HO, Dr Raymond HO, Mr LEE Kai-ming, Mrs Selina CHOW, Mrs Peggy LAM, Mr YUEN Mo, Mr MA Fung-kwok, Mr CHEUNG Hon-chung, Mrs Sophie LEUNG, Mr CHAN Wing-chan, Mr CHAN Kam-lam, Mr TSANG Yok-sing, Mr Howard YOUNG, Mr YEUNG Yiu-chung, Mr IP Kwok-him, Mr LAU Kong-wah, Mrs Miriam LAU, Mr KAN Fook-yee, Mr NGAN Kam-chuen and Miss CHOY So-yuk voted against the amendment.

Mr WONG Siu-yee, Mr David CHU, Mr NG Leung-sing, Prof NG Ching-fai, Mr Henry WU, Mr Ambrose LAU, Mr CHOY Kan-pui and Mr LO Suk-ching abstained.

THE PRESIDENT announced that there were four Members in favour of the amendment, 22 against and eight abstaining. She therefore declared that the amendment was negatived.

PRESIDENT (in Cantonese): Mr TSANG Yok-sing, you may now reply and you have five minutes out of your original 15 minutes.

MR TSANG YOK-SING (in Cantonese): Madam President, the focal point of our debate is: who should take up the responsibility for engaging authorized persons to carry out building inspections in a cycle of seven years under the proposed mandatory Building Safety Inspection Scheme (BSIS). When the Secretary for Planning, Environment and Lands spoke just now, he seemed to be confused about this concept of responsibility. He asked who should take up the responsibility for building inspection and went on to say that individual property owners had to take good care of their properties and carry out maintenance work on a regular basis. He further asked: if problems occurred because owners failed to maintain their buildings properly, then should public money be used to repair the buildings? Of course, there should be no doubt that owners should take good care of their buildings and undertake regular maintenance. But, if this Scheme is implemented, however well the owners care for and maintain their buildings, they still have to appoint authorized persons to do building inspections within every seven years, and submit reports to the Government for vetting. Only when the Government finds that everything is in order will the owners not be required to take further actions. If buildings are well maintained, all they need is the preliminary inspection. However, in accordance with the Scheme, every individual property owner will be involved, irrespective of whether there are owners' corporations, or how difficult it is to organize themselves to appoint authorized persons the job. We are now talking about the job itself and not how owners should care for and maintain their buildings.

The Honourable Mrs Selina CHOW said if vehicles emitted black smoke, owners were required by the authorities to have their vehicles examined. It is true that according to the same logic, if there are problems in the buildings, owners should be responsible for the repairs. However, if there are no problems, the Government should not make it mandatory for owners to have their buildings inspected every seven years.

Therefore, it all boils down to the question of fairness. I believe it is only fair that each Member will be able to make his or her own choice. However, I hope that when fellow colleagues are making their choice, they will bear in mind that most taxpayers are also property owners. If the Hong Kong Special Administrative Region (SAR) Government is successful in achieving its target of 70% homeownership in several years' time, then 70% of Hong Kong people will be property owners and these property owners are also taxpayers. Those who are not property owners and not residing in private buildings will be residents of public housing. And since public housing is maintained and repaired by the Government, will this Scheme be fair to taxpayers who are also homeowners?

Under the BSIS, it is clearly laid down that a preliminary inspection of once every seven years should be made. If after the preliminary inspections are made, it is found that most buildings do not have any problems, I wish to ask Mrs CHOW why this preliminary step cannot be undertaken by the Government. With its resources and manpower, the Government, should be perfectly capable of doing the job, and it is also its responsibility to do so. If we really want the mandatory BSIS to work and would like to have the support of the public at large, the Government should accept the proposal of the Democratic Alliance For Betterment of Hong Kong. Thank you.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Mr TSANG Yok-sing, as set out on the Agenda, be approved. Will those in favour please say "aye"?

(Members responded)

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

(Members responded)

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

Mr TSANG Yok-sing rose to claim a division.

PRESIDENT (in Cantonese): Mr TSANG Yok-sing has claimed a division. The division bell will ring for three minutes.

PRESIDENT (in Cantonese): Council will now proceed to a division.

PRESIDENT (in Cantonese): If there are no queries, the result will now be displayed.

Mr WONG Siu-ye, Mr David CHU, Mr NG Leung-sing, Prof NG Ching-fai, Mr LEE Kai-ming, Mr Henry WU, Mr YUEN Mo, Mr MA Fung-kwok, Mr CHEUNG Hon-chung, Mr MOK Ying-fan, Mr CHAN Wing-chan, Mr CHAN Kam-lam, Mr TSANG Yok-sing, Mr Frederick FUNG, Mr YEUNG Yiu-chung, Mr IP Kwok-him, Mr Bruce LIU, Mr LAU Kong-wah, Mr Ambrose LAU, Mr CHOY Kan-pui, Mr KAN Fook-ye, Mr NGAN Kam-chuen, Mr LO Suk-ching, Dr LAW Cheung-kwok, and Miss CHOY So-yuk voted for the motion.

Mr James TIEN, Mr HO Sai-chu, Mr Edward HO, Dr Raymond HO, Mrs Selina CHOW, Mrs Sophie LEUNG, Mr Howard YOUNG and Mrs Miriam LAU voted against the motion.

Mrs Peggy LAM abstained.

THE PRESIDENT announced that there were 25 Members in favour of the motion, eight against and one abstaining. She therefore declared that the 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, 19 November 1997.

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

Annex I

WRITTEN ANSWER

Written answer by the Secretary for Housing to Mr Ambrose LAU's supplementary question to Question 2

As at 12 November 1997, 27 newly arrived families (58 persons) were residing in transit centres.

The computer system of the Housing Department has only been enhanced recently to include information on applicants' length of residence in Hong Kong upon their registration on the Waiting List for public rental housing. Between 1 April and 12 November 1997, 5 665 families, wholly or partly comprising new arrivals, registered on the Waiting List.

Annex II

WRITTEN ANSWER

Translation of written answer by the Secretary for Security to Mr IP Kwok-him's supplementary question to Question 3

From January 1994 up to the end of October 1996, the Psychological Services Group of the Force had interviewed a total of 113 police officers who had opened fire or had been shot. Among them, two still have to receive psychological counselling.

Annex III

WRITTEN ANSWER

Written answer by the Secretary for Trade and Industry to Mr NG Leung-sing's supplementary question to Question 5

Below are the different kinds of assistance most sought after:

- (a) market intelligence/information (local and countrywide), as well as general economic developments and local government trade policy updates;
- (b) local business contacts and trading partners (for example, lists of importers, retailers, department stores, manufacturers of a specific product, and so on);
- (c) recommendations on opportunities for trade and investment;
- (d) information on and introduction of local government contacts to help solve problems (for example, labour disputes, taxation, and so on);
- (e) briefings on procedures/regulations on setting up operations (branch offices, joint ventures, and so on);
- (f) information and lists of foreign/Hong Kong companies in their locality; and
- (g) Hong Kong Trade Development Council's promotional activities in their locality and around the country.